

June 20, 2011

**EAST AURORA VILLAGE BOARD MEETING**  
**June 20, 2011 – 7pm**

**Present:** Mayor Allan Kasprzak

Trustees Elizabeth "Libby" Weberg, Patrick Shea, Randolph West, Kevin Biggs, Ernest Scheer

Absent: Trustee Peter Mercurio

**Also Present:**

Bryan Gazda, Village Administrator

Joyce M. Jezewski, Village Clerk Treasurer

Robert Pierce, Village Attorney

Ronald Krowka, Police Chief (Absent/Vacation)

Matthew Hoeh, Superintendent of Public Works

William Kramer, Building Inspector

East Aurora Advertiser, East Aurora Bee

9 members of the public

Mayor Kasprzak opened the meeting at 7:00 pm followed by the Pledge of Allegiance.

Trustee West moved to approve the Village Board minutes of May 16, 2011. Seconded by Trustee Biggs and carried.

Trustee Biggs moved to approve the minutes of June 6, 2011. Seconded by Trustee Shea and carried.

Trustee Biggs moved to approve the payment of Abstract of Vouchers as follows:

- 05.31.11 #46770 – #46771 (5C) in the amount of \$485.62
- 06.03.11 #46773 – #46776 in the amount of \$5047.77 PR
- 06.03.11 #46777 in the amount of \$41,908.77 PR
- 06.06.11 #46779 – #46802 (5C) in the amount of \$40,109.37
- 06.06.11 #46803 – #46816 (6N) in the amount of \$315136.96
- 06.08.11 #46817 – #46818 (6N) in the amount of \$5,716.00
- 05.31.11 #46819 (5C) in the amount of \$1039.97
- 06.17.11 #46852 - #46855 in the amount of \$4,738.02 PR
- 06.20.11 #46820 - #46861 (5C) in the amount of \$95,993.36
- 06.16.11 #46862 – #46887 (6N) in the amount of \$46463.13

Seconded by Trustee Shea and carried.

**PUBLIC HEARING:**

Trustee Biggs moved to open the public hearing at 7:05 pm on the application to raise chickens at 288 Center Street East Aurora. Seconded by Trustee West and carried. Applicant Matthew Bindig was present

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with his 2 boys, and indicated he would like to teach his boys life lessons on where their food comes from. He expects to raise 3-5 chickens and will no roosters. There were no comments from the public.

Trustee Shea moved to close the public hearing at 7:06 pm. Seconded by Trustee Biggs and carried.

Trustee Shea moved to approve the application of Matthew Bindig, 288 Center Street, to raise 3-5 chickens, roosters excluded, pursuant to §104 of the Village Code. Seconded by Trustee Biggs and carried.

#### **SPEAKERS & COMMUNICATIONS:**

Michael Pettys, owner of Brother's Restaurant & Pub at 728 Main Street addressed the Village Board with regard to his waiver of the 30 day waiting period for a new liquor license application with the NYS Liquor Authority. He indicated that he has 20 years experience in the restaurant business, having opened many franchise (Garfield's) restaurants throughout the US. Trustees Shea and Biggs expressed concerns with regard to a former restaurant at the same location and were assured that the restaurant will be closed by 11 pm and there will be no bands. His restaurant will feature classic Americana food; employees will be hired locally and patio seating will be limited to 24 seats. Trustee Scheer stated he would like to see a successful restaurant business on that corner (Main/Pine). Mr. Pettys anticipates opening the first week of July 2011. Building Inspector Bill Kramer indicated that with regard to the special use permit, the applicant will be required to file a new application; however, no public hearing will be required in that the use of the premises will be the same.

Trustee Biggs moved to waive the 30 day waiting period for the new liquor license application for Brother's Restaurant and Pub. Seconded by Trustee Weberg and unanimously carried.

#### **OFFICIAL CONSIDERATIONS:**

Trustee Biggs moved to accept with regret the resignation of Robert Warhus from the Tree Board, Communications Committee and Planning Committee. Seconded by Trustee Shea and carried. Mayor Kasprzak presented Mr. Warhus with a proclamation and thanked him for his many years of volunteer service. The Mayor stated that Mr. Warhus was a valuable and astute volunteer and an avid researcher for any project he undertook. Mr. Warhus thanked the board and commented he did what all citizens should do for their community.

Mayor Kasprzak presented retired Village Administrator Kimberly LaMarche Reichert with a framed and embossed village seal for her years of service with the Village of East Aurora. Mrs. Reichert began her career with the village in May 2002. Mayor Kasprzak spoke to the quality of her work and how she eased his transition from citizen to Village Trustee to Mayor of the Village. She was helpful to employees and citizens of the community. Mrs. Reichert thanked the Mayor and Village Board and stated that her family was born, raised and attended East Aurora schools and it was an honor for her to serve the village.

Trustee Biggs moved to approve the historic landmark designation for the property located at 73 Center Street, currently owned by Rosalie Brumbaugh. Seconded by Trustee Shea and carried.

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It was noted that a public hearing was held by the Historic Preservation Commission on February 9, 2011 at 6 pm at the Village Hall pursuant to §156-3 of the Village Code. Trustees raised several questions with regard to the designation and requested the Historic Preservation Chair, Mark Warren, to attend the next session of the Village Board. Clerk Treasurer Joyce Jezewski noted that tax breaks for a historic designated landmark property are covered under §235-26, Article V of the Village Code.

Trustee Weberg reported that Pedestrian Bicycle Board (PBB) representative Peggy Cooke installed the pedestrian flags on Flag Day, June 14, 2011 at the (3) crosswalks in the Village, namely Whaley at Main; Willow at Main and Girard at Buffalo Road. An article appeared in the Buffalo News on June 15<sup>th</sup> showing a young boy utilizing the flag to cross the street.

Trustee Weberg also noted that Vidlers celebrated a very successful 81<sup>st</sup> Anniversary on June 18, 2011.

Trustee Shea, liaison to the Historic Preservation Commission noted that HPC met on June 8, 2011 and approved two applications submitted by the Roycroft; one for the rebuilding of the stone wall on South Grove and the other for roof renovation on the Copper Shop.

Trustee Shea also noted that the Police Advisory Committee will be meeting next week.

Mayor Kasprzak read a letter (e-mail) of appreciation from Chris Hartmann, East Aurora Beautification Committee. She extended her thanks to the Department of Public Works for their assistance in placing the baskets and planters in the village.

Mayor Kasprzak received a letter of thanks from the Gow School, and on behalf of the Raynard Family, expressing their appreciation to the East Aurora Police Department, most notably to Detective Richard Daminski, and Officers Shane Krieger, Joseph Ferrara and Darren Longboat for their heroic service and professionalism during the loss of Gow's 12<sup>th</sup> grade student William M. Raynard.

#### **STAFF REPORTS:**

**Police Department:** Written report filed for May 2011.

**Building and Zoning:**

**Treasurer's Budget Report** – Clerk Treasurer Joyce Jezewski filed with the Village Board for period ended June 20, 2011 (fiscal year ended May 31, 2011). Also presented was a list of Budget Transfers. CT Jezewski also informed the Village Board of a shortfall in tax receivables for the 2011-2012 fiscal year due to an untimely court order for an assessment reduction (Wendt Foundation, 26 & 40 South Grove). Although the court order was granted November 12, 2010, the Village was not notified by the Town (nor listed as a respondent on the order) until after the 2011-2012 budget was adopted April 18, 2011. The assessment reduction of 987,000 equates to a tax revenue loss of \$17,014.51. Administrator Bryan Gazda noted that he spoke with Town Supervisor Jolene Jeffe who is aware of our concerns with regard to timely notifications and processes are being put in place to ensure better communications for entities involved.

Administrator Gazda also noted:

- he met with two (2) property owners on Whaley Avenue with regard to the sale of their property in conjunction with the proposed new central fire hall location on Whaley.
- updated the Village Board on Hilliker Court concerns and indicated a new survey was recently completed for which it appears that the Village owns only a portion of the "quasi" road/driveway leading from Oakwood Avenue to Hilliker Court; Attorney Pierce indicated that chaining off the area will hinder safety of the area if emergency vehicles are unable to get through.

Trustee Biggs move to authorize the following budgetary adjustments:

Budgetary Adjustments/Transfers and Amendments – as of June 20, 2011 (fiscal year ended May 31, 2011)

Amount	To Account	Department Line Item	From Account	Department Line Item
.36	1010.110	Trustee Wages	1325.420	Administrative Maintenance Contract/Repairs
5186.00	1325.110	Administrative Wages	1990.400	Contingency
195.00	1325.125	Administrative Longevity	1325.420	Administrative Maintenance Contract/Repairs
119.00	1325.403	Administrative Office Supplies	1325.440	Administrative Training and Travel
358.00	1420.411	Other Legal Counsel	1990.400	Contingency
.02	1480.110	Public Info Wages	1480.411	Special Project Coordinator Wages
2753.00	1490.110	Public Works Administration Wages	1990.400	Contingency
2190.00	1640.110	Central Garage Wages	1990.400	Contingency
477.00	1640.432	Central Garage Gas Heat	1640.431	Central Garage Electric
52.00	1640.432	Central Garage Water	1640.431	Central Garage Electric
4994.00	1640.450	Central Garage Gasoline	1990.400	Contingency
2227.00	1640.460	Central Garage Vehicle Maintenance/Parts	1640.140/1689.00 1640.420/538.00	Central Garage Overtime
19648.00	3120.120	Wages – Patrolmen	3120.110/14288.00 3120.140/5360.00	Police Administrative Wages
			3120.140/5360.00	Police Overtime
3015.00	3120.126	Police Deferred Comp	3120.140/2369.00 3120.230/646.00	Police Overtime
298.00	3120.420	Police Maintenance Contracts	3120.434	Police Telephone
.12	3410.130	Fire Department Custodian	3410.110	Fire Department DPW Mechanic
1596.00	3410.420	Fire Department Supplies	3410.431	Fire Department Electric
737.00	3410.432	Fire Department Gas heat	3410.431	Fire Department Electric

80.00	3410.460	Fire Department Vehicle Maintenance/Parts	3410.470	Fire Department Janitorial Supplies
1695.00	3420.126	Dispatch Deferred Comp	3420.140	Dispatch Overtime
866.00	5110.126	Streets Deferred Comp	5110.140	Streets Overtime
928.00	5110.431	Streets Operations/Maintenance	5110.140	Streets Overtime
6055.00	7140.420	Playgrounds & Recreation	1990.400	Contingency
147.00	8310.110	Water Administration Wages	8310.126	Water Administration Deferred Comp
513.00	8310.403	Water Postage/Bills/Notices	8310.410	Water Office Supplies
6205.00	8320.470	Bulk Purchase Water	1990.400	Contingency
250.00	8340.125	Water Department Longevity	8340.126	Water Department Deferred Comp

Budget Amendments:

Apply Insurance Recoveries to police car repairs

DR A510 Estimated Revenues/A2680 \$16,813.00

CR A960 Appropriations/A3120.465 \$16,813.00

Budget Encumbrance:

Purchase of Two (2) Segways for Police Department

DR A910 Fund Balance \$9,900.00 (A3120.231)

CR A821 Encumbrance \$9,900.00

Budget Encumbrance:

Roof Replacement Senior Center/Oakwood Storage

DR A910 Fund Balance \$28,500.00 (A1620.420)

CR A821 Encumbrance \$28,500.00

Seconded by Trustee Weberg and carried.

**UNFINISHED BUSINESS:**

Trustee Biggs moved to authorize the Mayor to Sign Agreement with Wendel for 2011-12 GIS Services in an amount not to exceed \$9,000 (GIS Website Maintenance \$3,000; Mapping Tool \$2,000; Training \$4,000). Seconded by Trustee Weberg and carried. Trustee West raised questions with regard to the mapping tool, indicating that the price was rather high.

Trustee Biggs moved the approval of the below listed Temporary Use Permit Applications:

- Little Loop Football – Use of Hamlin Park – August 1, 2011 – November 12, 2011, every Monday-Friday from 5 pm – 8 pm AND August 20, August 27, September 10, September 24, October 8, October 22, 2011 from 9 am – 6 pm (all Saturday's); condition that any signage be approved through the Town of Aurora Building Department.
- Aurora Races/Judd Mosser – July 30, 2011 – 7 am – 12 pm

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- East Aurora Art Society – June 25-26, 2011 – 10 am – 5 pm – East Aurora Middle School
- Baker Memorial Church Strawberry Festival, 357 Main Street – June 25, 2011 from 10 am – 6 pm

Seconded by Trustee Shea and carried.

Trustee Shea commented that the Little Loop group did a good job with the Public Address (PA) System last year.

**NEW BUSINESS:**

Trustee Sheer moved to approve the Application to Amend Special Use Permit for Elm Street Bakery, 72 Elm – Outdoor Dining Request- Pursuant to §285-51 of the Village Code. Seconded by Trustee Scheer and carried.

**SPECIAL USE PERMIT**  
**AMENDED 6/20/2011**

ISSUED TO: James DePerno

BY: Village Board of Trustees  
Village of East Aurora

Pursuant to Section 285-51 of the Code of the Village of East Aurora, New York, the Village Board of Trustees of the Village of East Aurora, New York, does hereby issue this Special Use Permit to Owner, **James DePerno (19 Hamlin Properties LLC)**, permitting the use of premises located at 72 Elm Street, East Aurora, New York, for a establishment offering locally-sourced prepared foods for take-out as well as dine in known as the **Elm Street Bakery**.

This Special Use Permit is based upon certain findings made by this Village Board, which findings are part of this record.

This Special Use Permit is subject to the permittee complying with any and all state, county and local laws, including, but not limited to, laws and regulations of the Erie County Department of Health, laws and regulations of the Village of East Aurora, and compliance with any and all provisions of the New York State Building and Fire Protection Code and the following conditions:

1. That the premise in question is located in a "M" Zoning District.
2. That restaurants are permitted in a "MI" Zoning District provided that a Special Use Permit for such activities is granted by the Village Board of Trustees of the Village of East Aurora, New York.
3. That the **Elm Street Bakery** will have approximately 50 seats inside, **(Amended 6/20/11 – 40 seats for outdoor dining)** with ample parking, as shown on the development.

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4. The hours of operation shall be Monday-Friday from 7AM-7PM, Saturday 8AM-7PM and Sunday 8AM-12PM (Amended 6/20/11 Monday – Sunday 7AM to 10PM).
5. The Permit issued herein is issued to the permittee named above and cannot be transferred.

DATED: East Aurora, New York

April 20, 2010

Amended June 20, 2011

VILLAGE BOARD OF TRUSTEES OF THE  
VILLAGE OF EAST AURORA, NEW YORK

BY: \_\_\_\_\_

Allan A. Kasprzak, Mayor

**OTHER:**

**Meeting recessed at 8:15 pm**

**EXECUTIVE SESSION:** Trustee Shea moved to enter executive session at 8:50 pm to discuss contractual obligations regarding the CSEA union. Seconded by Trustee Scheer and carried.

Motion by Trustee Scheer to exit executive session at 9:30 pm. Seconded by Trustee West and carried.

**ADJOURNMENT:**

Trustee Biggs moved to adjourn the meeting at 9:30 pm. Seconded by Trustee Shea and carried.

Respectfully submitted,

Joyce M. Jezewski, CMC  
Village Clerk Treasurer