

**EAST AURORA VILLAGE BOARD
MEETING
September 27, 2010**

Present: Mayor Allan Kasprzak
Trustees Randolph West, Libby Weberg, Ernest Scheer, Kevin Biggs & Peter Mercurio
Excused: Trustee Patrick Shea

Also Present:

Kimberly Reichert, Village Administrator
Robert Pierce, Village Attorney
Ronald Krowka, Police Chief
Matt Hoeh, Supt. of Public Works
William Kramer, Building Inspector
EA Advertiser, EA Bee, Buffalo News
Roger LeBlanc, Fire Chief
9 Volunteer Firemen
12 members of the public

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

Trustee Weberg moved to approve the Village Board minutes of August 23, 2010. Seconded by **Trustee West** and carried. **Trustee Weberg** moved to approve the minutes from September 7, 2010. Seconded by **Trustee Scheer** and carried.

Trustee West moved to approve the payment of Abstract of Vouchers #45746-45848. Seconded by **Trustee Weberg** and carried.

SPEAKERS & COMMUNICATIONS:

Erie County Legislator, John Mills reported to the Board on a scenic byway trip he took County Executive Collins on: that sales tax receipts are up 11% over the previous year along with other items regarding the county budget.

Robert Warhus, Hamlin Ave.: stated that he supports the plans to build a new central fire station, and that the community can not afford to refurbish the current facility; public safety must always be a priority.

Betsy Graves, Olean Road: Stated that she is pleased that plans are moving forward to build a new fire station, but hopes that the village board is keeping the town board informed, because our plans financially impact town tax payers as well.

OFFICIAL CONSIDERATIONS:

Mayor Kasprzak reported that he contacted Kate Foster at the UB Regional Institute to see if they would be available to serve as consultant on the LGE Planning/Dissolution Grant.

Mayor Kasprzak referenced a written request received from **Police Chief Krowka** requesting permission to attend the International Association of Chiefs of Police (IACP) Conference in Florida from October 22

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through 26, 2010. **Trustee Mercurio** moved to approve the Chief Krowka's attendance at this out-of-state conference, with all expenses covered as outlined in the Employee Policy regarding travel and attendance at training events. Seconded by **Trustee Biggs**, and carried.

Trustee Weberg reported that she was in Hamlin Park and listened to the new Little Loop sound system and they did a very good job containing the sound to the football area.

Trustee Weberg read and submitted the following statement in regards to the SMSI grant:

Termination of the Joint Facility Process

Libby Weberg, East Aurora Village Trustee and Joint Facility Committee member

Two years ago the Aurora Town Board voted unanimously to move the Town Hall from its current central and highly visible Main Street site to a virtually invisible site at Gleed Avenue. They voted to finance the purchase of the Gleed Avenue building through a 5-year bond to avoid a referendum.

Now the town board again chooses to avoid a referendum, this time by terminating the SMSI joint facility process.

The question before the community is: do we invest in what has been coined the "100% location"—the site of our current library—where a town/village/library facility would act as an anchor for our Main Street, offer residents central one-stop convenience, realign Whaley Avenue with Paine Street, utilize a brown-field in the middle of the village, and would provide economic spin-off benefits to the downtown business district?

The community will not have a chance to weigh in on this question because the Town Board voted to terminate the process before it reached its logical conclusion: letting the voters decide in a town-wide referendum.

A committee comprised of town, library, and village board members unanimously recommended using the current library for town and village offices and adding an addition to the east for a new library. The proposal was modest in size and economical. The \$8.9 million bond that is held up by the town board as excessive would be lowered substantially by selling the Gleed Ave. building, and through grants and private donations.

Where are the savings? The current SMSI study followed an earlier study that systematically estimated labor and other direct savings from co-location of town and village governments at \$2 million over 5 years. Every day we are in separate buildings with all the associated duplication of costs, we are wasting taxpayer dollars.

The Town Board appeared surprised that the project will require an investment, and yet the grant application from October 2006 specifically states that the current library is undersized, has not been renovated since 1995, and requires approximately \$5.0 million in necessary renovations. Just as the Boys and Girls Club, the current library, and the town pool required investments, our library needs an investment. To incrementally piece together improvements for the library is just kicking the costs down the road, and will likely end up costing taxpayers more for an inferior product. How can we continue to enlist the time, talents, and enthusiasm of volunteers if we thank them politely and then banish their recommendations to a back shelf?

The US economy is still not out of the woods, which presents us with a unique opportunity: interest rates for borrowing are low, as are the costs of building materials.

We've been hearing that the Gleed Ave. building will be a "money-maker" after it is paid off, but our New York State Constitution prohibits a town from incurring debt for other than a town purpose. Operating as a landlord does not serve a town purpose, and we cannot use 135,000 sq. ft. for municipal functions. Given this reality, why does the town board continue to invest in this building?

STAFF REPORTS:

- **DPW** –Supt. Hoeh reported that the Solar Panel (NYSERDA) grant is moving forward and the department is currently working on updating the cross-control program.
- **Building Department** – Mr. Kramer explained the Memorandum of Understanding that the Village Board is being asked to consider to renew the Erie County Storm Water Coalition for another 5 year period. He also stated that he reviewed the demolition code and copied the Board on what he believes is a simple solution that addresses issues they have previously discussed. This will be discussed at the next work-session.
- **Police – Chief Krowka** reported on STEP Program award of \$3675, and the success of the recently held “controlled substance” drug turn in held at the DPW garage on September 25, 2010.

NEW BUSINESS:

- **CDBG Public Hearing: Trustee Biggs** moved to schedule a public hearing on October 18, 2010 at 7pm to provide an opportunity for the community to present possible eligible projects to submit for Community Development Block Grant funding. Seconded by **Trustee Weberg** and carried.
- **Amend wording of existing “Retirement Contribution Reserve” to reflect recent changes to General Municipal Law (GML): Trustee Biggs** moved to amend the retirement Contribution Reserve as follows:

RETIREMENT CONTRIBUTION RESERVE FUND

RESOLVED, that pursuant to GML Section 6-r, a Retirement Contribution Reserve Fund is hereby established for payment of “retirement contributions” which are defined as all or any portion of the amount payable to either the New York State and Local Employees Retirement System or the New York State and Local Police and Fire Retirement System, pursuant to Sections 17 Or 317 of the Retirement and Social Security Law.

A referendum is not required either to create or expend moneys from the reserve. Expenditures from this reserve must be authorized by a resolution of the Village Board.

This Reserve Fund may be funded by:

- Budgetary appropriations or taxes raised for the reserve,
- Revenues that are not required by law to be paid into any other fund or account,
- Amounts from reserve funds established pursuant to Sections 6-c, 6-d, 6-e, 6-f, or 6-g of the General Municipal Law (GML) subject to public hearing requirement,
- Other funds that may be legally appropriated.

The Chief Fiscal Officer is authorized to invest the money's of this Reserve Fund in the manner provided by section 11 of the General Municipal Law and consistent with the investment policy of the Village of East Aurora.

Seconded by **Trustee Scheer** and unanimously carried.

- **New Central Fire Station: Mayor Kasprzak** reported on the Central Fire Station (CFS) Committee meetings held to date, funding opportunities (Rural development, Build America Bond Act). **Craig**

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Thrasher, Information Officer for the East Aurora Fire Department reported that preliminary ideas regarding the Whaley Avenue site (Agway, Jackson Bowling building) have been informally discussed with the Planning Board Chairman, Dan Castle said the site appears to be a viable location. **Trustee Biggs** said that a new fire hall is needed and would be a real “shot in the arm” for volunteerism. **Trustee West** stated that he is not convinced that Whaley is the best location. **Fire Chief Roger LeBlanc** commented that the department has spent the last 10 years considering and investigating alternate sites, and this site is the best location. Planning Board Chairman, **Dan Castle** stated that he supports moving forward with this project; get a consultant on board and get applications submitted to Rural Development for funding. **Tom Bender**, a volunteer fireman and Disaster Coordinator for the Town of Aurora stated that the Whaley location is considered to be the best location for a new facility and it will clean up an area that has needed to be cleaned up for many years.

Trustee Biggs moved to approve the following “Capital Reserve for the Construction of a New Central Fire Station”:

Resolution to Establish Capital Reserve Fund For the Construction of a New Central Fire Station

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the “New Central Fire Station Reserve Fund” (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to accumulate money's to finance the cost of a new Central Fire Station. The New Central Fire Station to be financed from the Reserve Fund is the construction of a new fire station. The estimated cost of such capital improvement is \$4,000,000.00.

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Chief Fiscal Officer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Village of East Aurora. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and state of each withdrawal from the fund and the total assets of the fund, showing cash balance and schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceeding as may be required by Section 6-c of the General Municipal Law and any other law.

This resolution is subject to permissive referendum pursuant to subdivision 4 of Section 6-c of the General Municipal Law.

Seconded by **Trustee Mercurio** and unanimously adopted.

- **Bergmann Associates Contract:** **Trustee Biggs** moved to authorize Mayor Kasprzak to sign the contract with Bergmann Associates for \$67,420.00 for preliminary design work for a new central fire station. Seconded by **Trustee Mercurio** and carried.

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- **Appropriation of Undesignated Fund balance: Trustee Biggs** moved appropriate \$600,000 of undesignated (General Fund) fund balance as follows:
 - \$400,000 to the Capital Reserve for the Construction of a New Central Fire Station (A236)
 - \$100,000 to A1440.410 Engineering
 - \$ 25,000 to A8140.200 Storm Sewers
 - \$ 75,000 to the Retirement Contributions Reserve Fund (A235)

Seconded by **Trustee Scheer** and unanimously carried.

Trustee Weberg moved to go into executive session at 8:24pm to discuss a matter involving a pending contract. Seconded by **Trustee West** and carried.

Trustee Weberg moved to adjourn the executive session and meeting at 8:50pm. Seconded by **Trustee West** and carried.

Respectfully submitted,

Kimberly D. Reichert
Village Administrator
Clerk-Treasurer