

**MAY 14, 2007
VILLAGE OF EAST AURORA
BOARD OF TRUSTEES**

PRESENT: Mayor David J. DiPietro

Trustees: Ernie Scheer, Kevin Biggs, Libby Weberg,
Patrick McDonnell, Peter Mercurio, Keith Bender

ALSO PRESENT:

Robert J. Pierce, Village Attorney
William Kramer, Building Inspector
Matthew Hoeh, Director Public Works
Media: EA Advertiser, EA Bee, Buffalo News
32 Members of the public

Meeting called to order at 7:10 p.m. by Mayor DiPietro, followed by the Pledge of Allegiance.

Mayor DiPietro took this time to recognize some folks for their positive efforts in the community.

Lucille Koeller was recognized for her volunteerism and dedication at the Aurora Adult Day Care Center.

Cheryl Gicewicz, Flowers by Nature, was recognized with the Mayor's Beautification Award. Cheryl accepted the award with her 2 ½ year old son George and said she was thankful for the help from her husband Jeff and father-in-law Mike. They did a lot of the heavy work.

Officer Rick Daminski was commended for efforts in thwarting a bank robbery at Bank of America and presented with a key to the village pin.

Trustee Weberg moved to approve the Village Board minutes of April 16th and May 7th, 2007. Seconded by **Trustee Scheer**. **Motion passed**, with all Trustees voting in favor.

Trustee McDonnell moved to approve payment of Abstract of vouchers #40414 -40515. Seconded by **Trustee Biggs**. **Motion passed**, with all Trustees voting in favor.

PUBLIC HEARING:

- Special Use Permit – Josephine's, 650 Main Street

Mayor DiPietro opened the public hearing at 7:15 p.m. The applicant, Linda Pezzimenti, was present. John Pagliaccio, 409 Girard, wants an interpretation of the village code as it relates to the parking requirements in the Commercial District.

There being no further public comment, Mayor DiPietro closed the public hearing at 7:20 p.m.

Trustee McDonnell moved to approve the application for a special permit for indoor dining at Josephine's, 650 Main Street. Seconded by **Trustee Mercurio**. **Motion passed**, with all Trustees voting in favor.

SPEAKERS AND COMMUNICATIONS:

Mike Marino, CRA Infrastructure & Engineering - provided the village with the annual Storm Water Report, as part of the MS4 stormwater program, phase II regulations. The village is going into its 5th year of participation. Presently, 42 communities participate in the western New York coalition. There were 55 outfalls in the Village of East Aurora that were mapped and can be viewed on the western New York website map. This report updates NYS DEC on status to address points that need to be looked at. The Village of East Aurora meets the conditions of our permit with NYS DEC. Public education materials will soon be made available to the general public. There is one more report to be done for year five, at which

time we will be under a new permit that will require the adoption of a Stormwater Local Law and Village Stormwater Management Plan. A draft copy of the report was left with the Village Administrator and is available for inspection and comment by the general public.

- *Betsy Graves, Olean Street* – questioned whether the village has a local law that prohibits the discharge of firearms in the village. Recently, gunshots were fired in the vicinity of Chestnut Hill, behind her home.
- Doesn't feel the village should give the Town of Aurora an extension on the police contract.
- Noted that her property is dry. Indicated that her neighbor, Fred Wolff, would move the pipe on his property and would like the village to send him a letter in that regard. Further, she would grant an easement to the village to come onto her property and repair the drainage problem, since, she feels, the village can do it cheaper.
- *Sally Gacek* - questioned the event times for Movies in the Park; i.e. 7 p.m. – 12 midnight. Movies start at 9 p.m. and last until 11 p.m. The time before and after is to allow for setup and cleanup.
- *Sue Becker, Hamlin Ave* - her complaint does not center around the activities, but rather the volume of the activities.
- *Peg Potter, Park Place* – not opposed to events in the park, however, Village Board is obligated to consider all sides, both the applicant and the residents.

OFFICIAL CONSIDERATIONS:

- *Mayor DiPietro* commended the “Walk the Villages” committee on their work. The community is really embracing it and getting involved.

STAFF REPORTS:

- *Village Administrator LaMarche* reported that the village is approaching the end of its fiscal year on May 31st and the next few months will be spent closing the books and preparing the annual report to the NYS Comptroller. The auditor will also be here in June/July.

UNFINISHED BUSINESS:

A. Development Plan Applications:

- **Trustee McDonnell** moved to approve the application from Consuelo Neff, owner of Riley's, to put an addition onto the cooler/shed facility as per plans submitted and recommendation by Planning Commission. Seconded by **Trustee Scheer**. **Motion passed** with all Trustees voting in favor.
- **Trustee Mercurio** moved to approve the application from the Boys and Girls Club for an 2nd story addition at the rear of the building at 16 Paine Street as per plans submitted and recommendation by Planning Commission. Seconded by **Trustee Biggs**. **Motion passed** with all Trustees voting in favor.

B. Temporary Use Application:

- **Trustee McDonnell** moved to approve the Temporary Use Application for the East Aurora Sidewalk Sale to be held on July 28, 2007. Seconded by **Trustee Scheer**. **Motion passed** with all Trustees voting in favor.

C. Use of Hamlin Park Applications:

- **Trustee Biggs** moved to approve the application for Church in the Park to be held August 5, 12, 19, 16 from 9 a.m. to 10 a.m. Seconded by **Trustee Scheer**. **Motion passed** with all Trustees voting in favor.
- ❖ **Trustee Bender** asked that speakers be pointed and moved away from street; **Trustee Weberg** asked that volume be turned down.
- **Trustee McDonnell** moved to approve the application for Movies in the Park to be held July 6, 13, 20, 27 and August 3, 10, 17, 24, 31 from 7 p.m. to Midnight. **Motion passed** with all Trustees voting in favor.

- ❖ Pastor Rich will provide phone #'s in the advertisement and will also adjust the times on two nights where there is a conflict.
- D. *Status of Police Contract with Town of Aurora for period beginning June 1, 2007:*
 - **Trustee McDonnell** feels the Town of Aurora should be given a longer extension than 90 days.
 - **Mayor DiPietro** had an issue with the questions submitted by Councilman Krieger. The requested information had already been provided to the Town.
 - **Trustee Biggs** stated the contract language is there to protect village taxpayers.
 - **Trustee Scheer** is concerned that police department officer's jobs are being threatened.
 - **Mayor DiPietro** offered to extend the contract by 120 days to September 28th, 2007, giving the Town ample time to resolve their contract questions/issues.
 - **Detective Hassett** asked if the Village had a contingency plan, should the town decide not to sign the contract. **Mayor DiPietro** indicated the Village Board is looking at other options, but cannot say at this time.
 - **Trustee Mercurio** does not want the officers to have to wait any longer to found out if they have jobs.
 - **Trustee Mercurio** moved to grant a 90 day contract extension to the Town of Aurora as they requested. Seconded by **Trustee Weberg**. **Motion failed** with Mercurio, Biggs and Weberg voting AYE and DiPietro, Bender, McDonnell and Scheer voting NAY.
 - **Trustee Bender** indicated that the Village Board should enter into executive session to discuss the terms of the contract.
 - **Trustee McDonnell** moved to grant a 120 day contract extension to the Town of Aurora, provided that the Village Board enter into executive session to further discuss the provisions of the agreement. Seconded by **Trustee Bender**. **Motion passed** with DiPietro, Bender, McDonnell and Scheer voting AYE and Mercurio, Biggs, Weberg voting NAY.

NEW BUSINESS:

- A. **Trustee McDonnell** moved to authorize Mayor DiPietro to sign the contract with Ken Casey to plant and water flowers for the 2007 season. Seconded by **Trustee Mercurio**. **Motion passed** with all Trustees voting in favor.
- B. **Trustee Bender** moved to accept the bid submitted by Basil Chevrolet for a 4 door pick up at a cost of \$32,395.00. Seconded by **Trustee Biggs**. **Motion passed** with all Trustees voting in favor.
- C. **Trustee Mercurio** moved to authorize Mayor DiPietro to sign the Tax Warrant for fiscal year 2007-08. Seconded by **Trustee Scheer**. **Motion passed** with all Trustees voting in favor.

Trustee Bender moved to enter into executive session at 8:20 p.m. Seconded by **Trustee Weberg**.

Trustee McDonnell moved to authorize Mayor DiPietro to sign the Agreement for Police Services Contract Extension. Seconded by **Trustee Bender**. **Motion passed** with all Trustees voting in favor.

Trustee McDonnell moved to adjourn the meeting at 8:57 pm. Seconded by **Trustee Biggs**. **Motion passed** with all Trustees voting in favor.

Respectfully submitted,

Kimberly D. LaMarche, RMC
Village Administrator/Clerk-Treasurer