

September 6, 2016

**VILLAGE OF EAST AURORA
VILLAGE BOARD MEETING
TUESDAY, SEPTEMBER 6, 2016 at 7:00 PM**

Present: Deputy Mayor Ernie Scheer

Trustees: Peter Mercurio, Raymond Byrnes, Patrick Shea, Alfred McCabe
Deborah Carr-Hoagland

Absent: Mayor Allan Kasprzak

Robert Pierce, Village Attorney

Also Present:

Bryan Gazda, Village Administrator

Joyce M. Jezewski, Village Clerk Treasurer

Matthew Hoeh, Superintendent of Public Works

Shane Krieger, Chief of Police

East Aurora Advertiser, East Aurora Bee

Mary Beavers, Student – East Aurora Schools

22 Members of the public

Deputy Mayor Scheer opened the meeting at 7:00 pm followed by the Pledge of Allegiance and a moment of silence in memory of Frank Wilton. Mr. Wilton was an East Aurora resident and long time member of the Zoning Board of Appeals and he also donated historic maps to the village that are currently displayed in the village hall entryway.

Motion by Trustee Byrnes to approve the minutes of August 15, 2016 as submitted. Seconded by Trustee Shea and unanimously carried.

Motion by Trustee Carr-Hoagland to approve the amended minutes of July 5, 2016 (page 17, paragraph 4). Seconded by Trustee Byrnes and unanimously carried. Clerk Treasurer Jezewski noted that Attorney Pierce's resolution for the East Aurora Rotary Temporary Permit Application was misinterpreted.

Trustee Byrnes moved to approve the payment of vouchers:

2017: #54554 - 54618 in the amount of \$262,202.77

Seconded by Trustee McCabe and unanimously carried.

PUBLIC HEARING(S)

- Motion by Trustee Mercurio to open the public hearing at 7:07 pm on the development plan submitted by Benderson for a Pet Smart at 123 Grey Street. Seconded by Trustee Carr-Hoagland and unanimously carried.

Matt Oates, Benderson Development reviewed the plan outline with the village board and audience, noting that the Planning Commission had approved the plan but advised that the village board address the architectural façade in that Pet Smart does not have windows in the front of the store. Mr. Oates also noted that the Pet Smart signage is not part of the development plan and will be addressed at a later date. Of note:

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- It will be approximately 15,000 square feet and as part of the site improvements, they will install a recessed loading dock and a dumpster enclosure in the rear of the building.
- Façade improvements will include painting the trim bands match the existing TJMaxx green trim. Additionally there is existing storefront glass that will be replaced with brick. The Planning Commission (PC) asked if there wasn't a way to break up the plain brick facade in the two sections where glass would normally have been. The PC suggested having little more architectural interest. Benderson passed out an 11 x 17 drawing wherein they are proposing to do some inlaid brick to add depth to the façade. The Planning Commission did not see this rendering as it came after the PC's meeting suggestions.
- There will not be a pet walking area, but trash receptacles will be available outside for pet debris.
- There was no public comment.

Motion by Trustee Mercurio to close the public hearing at 7:15 pm. Seconded by Trustee Shea and unanimously carried.

- Motion by Trustee Carr-Hoagland to open the public hearing at 7:16 pm on the special permit application submitted by Jamie Dinero to open a café and juice bar at 33 Elm Street known as Kornerstone Café & Juice Bar. Seconded by Trustee Mercurio and unanimously carried.

Ms. Dinero reviewed her restaurant plans with the village board and audience. Board members expressed a concern with the close proximity of the outdoor dining to the street/swale and asked that Ms. Dinero provided a more detailed map, showing the distance between the dining area and the street. Board members expressed support for the overall plan, indicating it is a good use of the space on Elm Street.

Motion by Trustee Shea to close the public hearing at 7:25 pm. Seconded by Trustee Mercurio and unanimously carried.

- Motion by Trustee Mercurio to open the hearing at 7:26 pm on the application to keep chickens as submitted by Colleen O'Connor, 50 Elmwood Avenue. Seconded by Trustee Shea and unanimously carried.

Ms. O'Connor said it is her intent to raise no more than six (6) chickens for eggs and to expose the neighborhood children to such. She provided a map indicating where the coop and run will be housed, at the rear of her property, behind the garage. Clerk Treasurer Joyce Jezewski stated there was one letter against indicating they do not favor the smell of chickens. There was also a phone call and office visit asking why we are even allowing chickens in the village. The number of chickens that a resident can have is determined on a case by case basis by the Village Board. Village board members noted that if concerns arise, neighbors should notify the village board; board members can revisit any permit that is granted as per the village code.

Motion by Trustee Shea to closed the hearing at 7:32 pm. Seconded by Trustee McCabe and unanimously carried.

SPEAKERS & COMUNICATIONS (I) - None

OFFICIAL CONSIDERATIONS

- **APPOINT PART TIME CLERK – LINDA SHEPARD**

Trustee Shea moved to appoint Linda Shepard, 47 Michaels Walk, Lancaster, NY 14086 as Part Time Clerk Typist for the Department of Public Works, effective September 21, 2016. The rate of pay will be \$16.50 per hour; probationary period and benefits in accordance with the Employee Policy.

Seconded by Trustee McCabe and unanimously carried.

Department of Public Works Superintendent noted that Ms. Shepard's intended work hours are 11am – 3pm daily.

- **APPOINT FULL TIME POLICE DISPATCHER - AARON DENZ**

Motion by Trustee Mercurio to appoint Aaron Denz, 340 Willardshire Road, East Aurora, NY to the position of provisional full time police dispatcher for the Village of East Aurora, effective on or after September 6, 2016. The starting base pay rate is the training step rate of \$18.59 per hour and pursuant to the current bargaining agreement; probationary period in accordance with CBA and Erie County Civil Service Rules and Regulations.

Seconded by Trustee Shea and unanimously carried.

Police Chief Krieger noted that Mr. Denz is a lifelong resident of East Aurora and member of the East Aurora Fire Department.

- **APPOINT PART TIME POLICE DISPATCHER KYLE TACKENTIEN**

Motion by Trustee Mercurio to appoint Kyle Tackentien, 319 Genessee Road, Arcade, NY to the position of part time police dispatcher for the Village of East Aurora, effective on or after September 6, 2016. The starting base pay rate is \$16.10 per hour and pursuant to the current bargaining agreement; probationary period in accordance with CBA and Erie County Civil Service Rules and Regulations.

Seconded by Trustee Shea and unanimously carried.

Police Chief Krieger noted that Mr. Tackentien previously worked for Springville Fire Control.

UNFINISHED BUSINESS

- Motion by Trustee Mercurio to approve the Special Permit for Kornerstone Coffee, 33 Elm Street without the outdoor seating at this time. Seconded by Trustee by Trustee Shea and unanimously carried as follows:

**VILLAGE OF EAST AURORA
SPECIAL PERMIT**

THIS PERMIT MUST BE DISPLAYED AT 33 ELM STREET

Special Permit issued pursuant to §285-51 of the Village Code of the Village of East Aurora
Issued To: Jamie Dinero dba Kornerstone Café and Juice Bar

Valid only for days & hours of:

Indoor: Sunday – Saturday 6 am – 9 pm

Outdoor: none at this time

For the purpose of:

Restaurant

Indoor Seating: 32 Outdoor Seating: 0

As per Village Board Approval:

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Special Conditions:

Acoustic/Jazz – 1 - 3 piece, no amplification - Saturday – Sunday 12 noon – 9 pm

The maximum capacity for the indoor dining shall be in accordance with Village Code and NYS Fire Prevention Code.

The permit herein is issued to the applicant and cannot be transferred by such permittee without the written consent of the Village Board of Trustees. Exception is pursuant to §285-51 G (1).

No activities other than the activities specifically set forth in this Special Permit shall be carried on.

No activities shall be deemed incidental to the activities permitted by this Special Permit unless and until such activities shall be approved as incidental activities by resolution of the Village Board of Trustees.

The Village Board of Trustees hereby reserves the right to revoke approval of this Special Permit in the event the owner of the premises in which the use is permitted is found to be in violation of any of the above stated conditions.

- Motion by Trustee Byrnes to approve the Permit to keep six (6) chickens, in accordance with the application submitted by Colleen O'Connor, 50 Elmwood Avenue. Seconded by Trustee Shea and unanimously carried.
- Motion by Trustee Shea to schedule a public hearing for Monday, September 19, 2016 at 7:00 pm on the Proposed Local Law #3 of 2016 to amend Chapter 113 Buildings, Unsafe and Chapter 192, Property Maintenance (with regard to penalties and fees) and Chapter 104 Animals (fees). Seconded by Trustee Mercurio and unanimously carried.
- Trustee Carr-Hoagland reported that she attended the Roycroft Campus tour, along with the Historic Preservation Commission, Trustee Ray, Scheer and Shea. They are still working on fund raising efforts and it was very informative.
- Trustee McCabe stated there was a report from the AAA this morning that indicated that if you are distracted from driving for 2 seconds, you double your chances of getting in an accident...i.e. referencing the sign in front of the high school.
- Trustee Mercurio thanked Clerk Treasurer Joyce Jezewski and DPW Superintendent Matt Hoeh for their assistance at the holiday decorations committee meeting at 6 pm this evening. They shed a lot of light on some issues we've been trying to work through. It will be a banner year for decorations and both have been great to work with throughout the process. Thanks also to Chief Shane Krieger. It's been a busy summer and he was working with a lean crew. At the next Hamlin

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Park Master Plan Committee meeting, we are scheduled to meet with the engineering firm. A specific date has not been set yet.

- Trustee Mercurio is still looking for a way to have the railroad trestle painted. We need to find a way to get this done, perhaps through private fundraising efforts. Maybe the LDC is the answer, given that the trestle is an unnecessary blight on our community. Administrator Bryan Gazda indicated that Mayor Kasprzak attended a Rails to Trails meeting last week. Trustee Mercurio thought they might have some ideas.
- Trustee Mercurio is also concerned about the graffiti in the village. Does the punishment for the perpetrator include cleaning up the graffiti? Chief Krieger indicated that the perpetrator is facing at least eight (8) misdemeanors and one (1) felony. The police department asked the victims to provide a monetary cost to repair the damage and noted we have to wait for the court decision.
- Trustee Mercurio asked that Administrator Bryan Gazda looking into the possibility of finding garbage totes at an affordable option.
- Trustee Shea queried Police Chief Shane Krieger regarding the status of a nuisance control officer. Chief Krieger noted that he is meeting with the Town of Aurora elected officials next week.
- Trustee Byrnes stated that he and Trustee McCabe assisted the fire department with the maintenance contract for their HVAC services. Three quotes were received and they went with Allied Mechanical for a one year term. It is within the purchasing policy guidelines and approval is not needed by the Village Board.

NEW BUSINESS

- Clark Patterson Lee engineer Steve Tanner recommended that the Village formally reject the bids for the Senior Citizen Window Replacement. Five bids were submitted and the low base bid was from Telco Construction in the amount of \$152,700.

Motion by Trustee Mercurio to reject the bids for Senior Center Bids for Window Replacement given that the building is now under contract for sale and the bids came in higher than expected (lowest bid was \$152,700.00) Seconded by Trustee McCabe and unanimously carried.

- Administrator Gazda reviewed with the Village Board, the Greco Trapp Attorney Services performed for Local Development Corp (LDC). Attorney Pierce hired Greco Trapp based on their expertise in setting up LDC's. Administrator Gazda stated that no action was necessary and the invoice was presented in Abstract for Payment. He also noted there is an LDC meeting tomorrow evening at 6 pm in the village hall red room. The LDC is its own not for profit corporation and the directors are automatically the seven (7) sitting village board members at the time the LDC was established, with the exception of those that recently resigned (Libby Weberg and David DiPietro). There are no adopted by-laws at this point in time, but when established, by-laws will determine the protocol for future sitting members. There needs to be a quorum of existing members to vote on the by-laws. The proposed by-laws reflect three (3) elected individuals from this village board and four (4) residents (or former board members). Trustee Mercurio stated that the LDC's take a lot of flak from the state government so how was the configuration determined for the members. Administrator Gazda indicated the recommendation came from Attorney Chris Trapp.

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- Trustee Carr-Hoagland asked how the funding works and Administrator Gazda indicated it initially comes from the Village.
- Trustee Shea confirmed that the Village Board is the pocketbook that controls the LDC and also asked if the LDC can take on debt and would they be solely responsible for paying the debt to which the Administrator responded yes. Attorney Chris Trapp will be at the LDC meeting tomorrow.
- Trustee Carr-Hoagland inquired if there were particular projects being considered at this time? If none, what would be the purpose of the LDC? Trustee Scheer indicated that the village board could dissolve the LDC if they so desire. The original intent of the LDC, the rink and the fire station are no longer pertinent. Trustee McCabe feels the LDC is a good idea and there are some things that can be accomplished with it. Administrator Gazda said the attorney fees are currently \$2600 and we are responsible for it until the LDC is up and running.
- Clark Patterson Lee engineer Steve Tanner submitted a letter addressing the masonry repair for the Department of Public Works building. Engineer Tanner noted that:
 - six (6) bids were received
 - the low base award was from FSR Contracting in the amount of \$37,625.00; and they are a responsible contractor
 - all bids included the required five (5) percent bid bond
 - he recommends the bid award to FSR Contracting

Motion by Trustee Shea to award the bid to FSR Contracting in the amount not to exceed \$37,625.00 for the masonry repair at the Department of Public Works building.

SPEAKERS & COMMUNICATIONS (II) - None

Motion by Trustee Shea to adjourn the meeting at 8:12 pm. Seconded by Trustee Byrnes and unanimously carried.

Respectfully submitted,

Joyce M. Jezewski, CMC
Village Clerk Treasurer