

**EAST AURORA VILLAGE BOARD  
MEETING  
June 21, 2010**

**Present:** Mayor Allan Kasprzak  
Trustees West, Weberg, Biggs, Mercurio, Scheer, Shea

**Also Present:**

Kimberly Reichert, Village Administrator  
Robert Pierce, Village Attorney  
William Kramer, Building Inspector  
Ronald Krowka, Police Chief  
Absent: Matt Hoeh, DPW Superintendent  
EA Advertiser, EA Bee, EA.org  
3 members of the public

**Mayor Kasprzak** opened the meeting at 7:02 pm followed by the Pledge of Allegiance.

**Trustee Weberg** moved to approve the Village Board minutes of May 24, 2010. Seconded by **Trustee Shea** and carried.

**Trustee Shea** moved to approve the Village Board minutes of June 7, 2010. Seconded by **Trustee Weberg** and carried.

**Trustee Mercurio** moved to approve the payment of Abstract of Vouchers #45352-45454. Seconded by **Trustee West** and carried.

**PUBLIC HEARINGS** (Certification of Publication attached at end of this record)

- **Special Permit Application for Towne Bistro, 227 Main Street:** Mayor Kasprzak opened the public hearing at 7:03 pm. There were no questions from the public. **Trustee Mercurio** moved to close the public hearing at 7:04pm. Seconded by **Trustee Shea** and carried.

**Trustee Mercurio** moved to approve the Special Permit application for the Towne Bistro as follows:

**SPECIAL USE PERMIT**

ISSUED TO: Charles Guilmain  
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

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Owner, **Charles Guilmain**, permitting the use of premises located at 227 Main Street, East Aurora, New York, for a restaurant with out-door dining named "**The Towne Bistro**" and Konstantine Scouras will be the owner/manager.

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 at 227 Main Street is located in a "CM" Zoning District.
2. That a restaurant is permitted in a "CM" Zoning District provided that a Special Use Permit for such activity is granted by the Village Board of Trustees of the Village of East Aurora, New York.
3. That **The Towne Bistro** will have approximately 18 seats with patio seating of 16 and is located as shown on the Development Plan. Beer/wine will not be served.
4. The hours of operation shall be from Monday thru Sunday from 11AM – 9PM.
5. The Permit issued herein is issued to the permittee named above and cannot be transferred.

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

- **Proposed Local Law to amend Chapter 214 entitled "Solid Waste"**: **Mayor Kasprzak** opened the public hearing at 7:04pm. There were no questions from the public. **Administrator Reichert** stated that the amendments update the code from when garbage pickup was done by the Department of Public Works (DPW). The changes now reflect what is currently done and required. There were no questions from the public. **Trustee West** moved to close the public hearing at 7:05pm. Seconded by **Trustee Shea** and **carried**.

**Trustee Biggs** moved that the **Local Law to amend Chapter 214 Solid Waste** be adopted. Seconded by **Trustee West** and unanimously **carried**.

- **Proposed Local Law to amend Chapter 285 entitled "Zoning"**: specifically sections 285-51 (G) allowing Village Board to waive public hearing requirement when only the owner's name has changed, and 285-62 eliminating the section that exempted tax-exempt and not-for-profit organizations from paying zoning fees. **Mayor Kasprzak** opened the public hearing at 7:08 pm. There were no questions from the public. **Trustee Mercurio** moved to close the public hearing at 7:10pm. Seconded by **Trustee Scheer** and **carried**.

**Trustee Biggs** moved that the **Local Law to amend Chapter 285** be adopted. Seconded by **Trustee West** and unanimously **carried**.

**SPEAKERS & COMMUNICATIONS: None**

**OFFICIAL CONSIDERATIONS:**

**Mayor Kasprzak** reported on a meeting he had with representatives of the East Aurora Food Co-op, and said they are considering the old Thomas Drug store on Main Street as a possible location. He also

reported that changes to the FEMA map have caused property owners to see significant increases in their homeowners insurance. He has had conversations with the Bank of Holland, and hopefully this bank may be an option for those impacted when re-financing.

**Trustee West** asked if the board could get the abstract earlier in the month at the work-session, so that they would have time to review before they were required to vote on it. **Administrator Reichert** responded that the village operates on a normal 30 day billing cycle which runs board meeting to board meeting. The abstract is worked on all month, up to and including the Friday prior to a board meeting. An abstract at the beginning of the month would not serve any purpose because it would be incomplete. The voucher detail report (abstract) can be scanned/emailed out to board members at the close of business on the Friday before the meeting, but the **Administrator** reminded the board that in order to review the detail, they would still have to come into the office to review the backup vouchers.

**Trustee Weberg** reported on meeting she had with Supervisor Jeffe and Library Board President, Deborah Carr-Hoagland to discuss the SMSI grant and the next step that would be scheduling of a referendum on a bond resolution to finance the construction of the committee's recommendation of Option 1 (new build on Main Street at the current library location). **Trustee Weberg** said that in order for the referendum to be held at the same time as the general election in November, the Board would have to adopt the bond resolution in August.

**Trustee Shea** commented that political signs are up, and village code prohibits signs being displayed earlier than 30 days prior to the election. **Mayor Kasprzak** stated that at the NYCOM conference there was a discussion in regard to several court cases where time limits on political signs are being challenged.

**Attorney Pierce** stated that he is aware of those cases, but the village should still enforce its codes, and if they should be challenged, then the challenge would be addressed at that time. **Building Inspector Kramer** said he would notify the candidates that have signs displayed.

#### **STAFF REPORTS:**

**Building Department:** Bill Kramer requested permission to engage CRA (the village's engineer handling the MS4 regulations and storm-water prevention reports) to review the Storm Water Treatment Plan submitted for the Roycroft drainage project. He also had displayed storm water prevention public outreach materials in various locations throughout the village.

**Police Department:** Monthly written report filed. Police Chief Krowka also reported that: the "no right turn on red" signage is in place at Main and South Grove; our new officer, Kathleen Schmidt has completed the academy and is working; and there has been vandalism in Hamlin Park.

**DPW -** no report.

**Main Street Reconstruction:** written report filed with Village Board.

#### **UNFINISHED BUSINESS:**

- **Bids received for Two (2) 2010 Crown Victoria Police Cars:** **Trustee Scheer** moved that the bid submitted by Warnock Automotive (Warnock has State bid) be accepted as the lowest responsible bid, net with trade, 2 year warranty and two (2) year financing at a total cost of **\$35,299.62**. Seconded by **Trustee Shea** and carried. **Trustee Biggs** voted **against**. (*Note: the other bid submitted by Delacy Ford net with trade, warranty and two (2) year financing at a total cost of \$39,859.24, was \$4,559.62 higher than Warnock*).

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- **TVGA Quote for Church/Fillmore Parking Lot drainage improvements:** TVGA, as requested submitted a quote to prepare specifications and bid documents, file all necessary permit applications, (DEC, Army Corp of Engineers) and project inspection for a cost of \$12,900.00. **Trustee West** commented that this is a small job and doesn't understand why the DPW can't do this project. He discussed this project with Town Highway Superintendent Gunner who stated that he could do this work. **Trustee Biggs** also discussed this with Mr. Gunner and had asked him to attend this evenings meeting. (He was not in attendance.) **Trustee West** moved to table to the next work-session. Seconded by **Trustee Mercurio** and passed.
  
- **Police Contract Advisory Committee report:** **Trustee West** reported that the committee worked well together (Trustees Shea & West, along with Supervisor Jeffe and Councilwoman Friess) and the proposal presented to the board this evening (amended section 2.8) is a good work product in that town and village want the same thing; to produce cost effective/efficient services. **Trustee Weberg** stated that she likes the amended section with the exception of the last paragraph referencing GML §121-a: she does not think that it needs to be included. **Trustee Mercurio** stated that he is impressed with the work done by the committee. **Trustee West** made a motion to approve the amended section 2.8 as submitted with the last paragraph deleted, (copy of document attached) and authorize the **Mayor** to sign necessary documents in this regard. Seconded by **Trustee Shea**, and carried unanimously.

#### **NEW BUSINESS:**

- **Temporary Use Permits:** **Trustee Mercurio** moved that the following applications for a Temporary Use permit be approved:
  - Block Party, Shutrum family, July 2, 2010 from 12pm to 11pm
  - Town Recreation Dept, "Best of Broadway", July 16 and Aug 6, 2010 from 4pm to 8pm
  - Bosom Buddies Walk for Roswell, Saturday, September 18, 2010 from 9am – 12noon
  - Town Recreation Dept, Independence Day Celebration, Hamlin Park, July 3, 2010 from 9am to 11pmSeconded by **Trustee Weberg** and carried unanimously.
  
- **Back Yard Bash 2010:** **Trustee Biggs** moved that the Village agree to be a sponsor for the **Back Yard Bash** concert series. Seconded by **Trustee Mercurio**, and carried. **Trustee West** voted against.

#### **Speakers & Communications II:**

**Paul Greatrix**, 245 Main Street - arrived at meeting late and stated that he was concerned about the Towne Bistro; specifically the kitchen ventilation; will he smell the food? Also concerned with garbage related issues for outside dining.

**Trustee Mercurio** moved to adjourn the meeting at 8:55pm. Seconded by **Trustee Biggs** and passed unanimously.

Respectfully submitted,

Kimberly Reichert  
Village Administrator/Clerk-Treasurer

Revise Section 2.8 Advisory Committee to read as follows:

The Town and Village Boards acknowledge that compliance with the terms of this Agreement requires the coordination of the Town and Village in the implementation of this Agreement. An Advisory Committee consisting of two (2) Village Trustees and two (2) Town Council members, will be designated by the Village and Town Boards and be required to meet, at a minimum, on a quarterly basis and upon the request of such representatives of the Town or Village. The Police Chief will be present at each meeting upon the request of the Committee.

#### 2.8.1 Negotiation and recommendation of budgets and expenditures

1. The Advisory Committee (AC) shall meet with the Police Chief and/or designee to review department budget estimates prior to the deadline for filing with the budget officer for the preparation of the annual Village Budget.
2. The AC shall review with the Chief of Police and/or designee the budget estimates for the Police Department. The AC shall represent the interests of the Village and the Town with the common goal of controlling and reducing costs that will also continue to support an efficient and effective level of service. The AC may offer suggestions which they believe could result in cost savings or service efficiencies that will benefit the needs of both the Police Department and the taxpayers of the Village and the Town.
3. At the completion of that negotiation, and no later than January 1<sup>st</sup> the AC shall vote to recommend that the budget proposed by the Chief of Police and /or designee, which may have been revised to incorporate any changes agreed to as a result of the above-referenced negotiation, be included in the tentative village budget. The recommendation shall be determined by a majority of the AC. The results of the vote shall be either the recommendation, or the failure to recommend, the proposed budget as submitted by the Chief of Police and/or designee.
4. The AC shall submit in writing the results of the negotiation and its vote, which will be filed with the proposed budget for the Police Department. Upon receipt of the proposed budget and the results of the vote of the AC (recommendation or non-recommendation to approve), the Budget Officer shall incorporate the proposed budget into the Village's tentative budget, which must be filed with the Village Board no later than February 15<sup>th</sup>. The Budget Officer shall provide copies of any findings of the AC, and the results of its vote, to the Village Board.
5. The process described above for negotiation of the annual Police Department budget shall be invoked prior to the approval by the Village Board of any Police Department expenditure of \$10,000 or greater that is not identified in the Police Department's current budget."

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6. The AC will be responsible for establishing and presenting a cost analysis of various options for police service, including Town-wide administration, to be presented to the Town Board, Village Board, and the public no later than **May 31, 2012**.