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MINUTES OF REGULAR BOARD MEETING JANUARY 7, 1991

ROLL CALL

Present - Mayor Pagliaccio, Trustees Suttell, Meade, Marshall, Green, Dayer and Dickson  
Absent - None  
Also Present - Village Administrator Hiller, Village Attorney Andruschat, Supt. of Public Works Urban, Village Clerk Decker

APPROVAL OF MINUTES

Approval of the minutes of the regular Board meeting held December 17, 1990 was moved by Trustee Suttell, seconded by Trustee Meade and duly carried.

AUDIT OF BILLS

Trustee Dayer moved that the bills as audited by the Mayor and Trustees and detailed on Voucher Report dated January 7, 1991, covering vouchers no. 7628 to 7782, be approved for payment. Motion carried following a second by Trustee Dickson.

PUBLIC HEARINGS

None scheduled.

SPEAKERS AND COMMUNICATIONS

New York State DOT Letter Re: 15 Minute Parking Zone



STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
125 MAIN STREET  
BUFFALO, N.Y. 14203

ROBERT J. RUSSELL  
REGIONAL DIRECTOR

FRANKLIN E. WHITE  
COMMISSIONER

December 19, 1990

Mr. Jerry C. Hiller, Village Administrator  
Village of East Aurora  
571 Main Street  
East Aurora, N.Y. 14052

Dear Mr. Hiller:

This is in response to your December 4, 1990 letter concerning a request for a fifteen (15) minute parking zone on Main Street east of Olean Street.

As a result of your discussion with Mr. John O'Hare about this matter and a review of this area, we concur with this request. We understand that the businesses in the immediate area have been contacted and also concur with this proposal. We also understand that this restriction will be enforced by the East Aurora Police Department.

Please send two (2) certified copies of an approved resolution to our office indicating the necessary changes in the village parking ordinances. If you have any other questions regarding this matter, please contact Mr. O'Hare at 847-3268.

Very truly yours,

ROBERT J. RUSSELL  
Regional Director

by: *R.J. Russell*

E. J. Nowicki, P.E.  
Regional Traffic Engineer

It was moved by Trustee Dayer that a public hearing be set for February 4, 1991 on the matter of establishing a 15 minute parking zone on Main Street east of Olean Street. Motion seconded by Trustee Marshall and carried.

#### Declaration of Impasse by PBA

It was noted for the record that Thomas Burton, Attorney for the East Aurora Quaker Club PBA, had formally notified the Village that a Declaration of Impasse had been issued regarding contract negotiations between the PBA and the Village.

#### STAFF, COMMITTEE AND BOARD REPORTS

Trustee Marshall reported that in December the Building Department had issued 5 building permits with an estimated value of \$188,500.00.

Trustee Dickson advised that the League of Women Voters has scheduled a meeting on recycling at the Town Hall on January 23, 1991.

Trustee Meade requested that the public be reminded to remove plastic from Christmas trees when they are put out for collection.

#### RESOLUTIONS AND MOTIONS

None.

#### UNFINISHED BUSINESS

##### Request to Rezone 40-42 Buffalo Road

At request of the petitioner the matter is still in abeyance.

#### NEW BUSINESS

##### Request to Amend Bed and Breakfast Permit at 866 Main Street

Based on the request of Arlene Sassoon, Trustee Dickson moved to set a public hearing for February 4, 1991 on the matter of amending the Bed and Breakfast Permit for 866 Main Street. Motion seconded by Trustee Suttell and duly carried.

##### New York State Electric & Gas Street Lighting Proposal

Trustee Dayer moved to accept the proposal of NY State Electric & Gas Corp. to remove eleven (11) 7000 lumen mercury vapor PT lamps and install eleven (11) 8500 lumen high pressure sodium PT lamps in Hamlin Park, at an annual increase to the Village street lighting cost of \$17.16. This will ensure better and more efficient lighting at a minimal increase in cost. Motion was seconded by Trustee Marshall and upon being put to vote the motion carried with all affirmative votes.

**NYSEG**

December 21, 1990

#### STREET LIGHTING PROPOSAL

#### VILLAGE OF EAST AURORA

#### HAMLIN PARK

(Remove 11 - 7000 lumen MV PT lamp(s) @ \$123.82 ea. == \$1362.02

(Standards) L - SU 558 STDS 1,2,3,4,5,6,7,7-1,8,9,10

#### HAMLIN PARK

(Install) 11 - 8500 lumen HPS PT lamp(s) @ \$125.38 ea. = \$1379.18

(Poles) L - SU 558 STDS 1,2,3,4,5,6,7,7-1,8,9,10

TOTAL ANNUAL INCREASE

\$17.16

Approval to Use Hamlin Park For Annual Garden Mart

It was moved by Trustee Marshall to approve the request of the East Aurora Garden Club to use Hamlin Park, and provide requested services, for the purpose of holding their annual plant sale from May 23 through May 25, 1991. Motion carried following a second by Trustee Dickson.

## Report on Bid Opening For Roll-Off Recycling Container Truck

DID SHIETS - 1991 ROLL-OFF TRUCK						
12/28/90 - 12:00 NOON						
BIDDER	BOND	CHECK	ITEM 1	ITEM 2	ANTICIPATED DELV	GUARANTEED DELV
HACKER'S PACKERS INC P.O. Box 128, Elba Hamburgville, N.Y. (667-693-2044)	✓			(4) 76,165.00 (Subject to prior sale)		
Buffalo Mack 121 Jefferson Ave B'f'lo, N.Y. 14210	✓		59,446.45	15,000 (3) 74,446.45	120	4/30/91
(5302) Ford Trucks 2270 Welch Ave B'f'lo 14225	✓		62,728.00	17,655.00 (1) 80,383.00	150	exception to policy
Peterbilt n. B'f'lo 2370 Wm Den Ave B'f'lo 14225	-	-	61,712.00	17,655.00 (1) 79,772.00	150	150 days from award
Bl. White GMC 271 Tioga St B'f'lo, N.Y. 14206	✓		59,401.00	13,777.00 (1) 73,178.00	120	120 days from A.R.O.
HANSON IND. TRUCKS 7425 Wm Den Ave B'f'lo, N.Y. 14225	✓	-	-	(1) 64,975.00	15	1/30/91 Post marked

6 1268.48

To: Village Board of Trustees  
From: R. Urban  
Ref: Roll-Off Truck Bids  
Date: 1-2-91

Bids were received for the above referenced on December 28, 1990. A copy of the bid results is attached for your disposition.

After careful review of all bids received, I recommend award of bid be made to Buffalo Mack, 175 Jefferson Ave., Buffalo, N.Y. 14210 in the amount of \$74,446.45.

An overview analysis of specification deviations of the three (3) lowest bidders (with **bold** specification representing what I consider to be a **major deviation**) follows:-

Vendor	Hanson International	Bflo-White GMC	Buffalo Mack	
Bid Amount	\$64,975.00	\$73,178.00	\$74,446.45	
Model	1989 International	1991 WhiteGMC	1991 Mack RD690S	<b>1991 Model</b>
Chassis	64,000* GVW	Yes	Yes	<b>66,000* GVW</b>
Engine Torque	1200'/*@1300rpm	1350'/*@?	Yes	<b>1425'/*@1020rpm</b>
Filters	4 ea	4 ea	Yes	5 ea w/one oil filter spinner type
Doghouse	"small doghouse"	"small doghouse"	Yes	<b>none allowed</b>
Transmission	yes	1470'/* (\$646 value)	yes	<b>1700'/*</b>
Front axle	18,000*	Yes	Yes	<b>20,000*</b>
Rear axle	Yes	Yes	Yes	<b>46,000*</b>
	single reduction	single reduction (\$1,500 value)	double reduction	<b>double reduction</b>
Brakes	12.5 cu.ft.	Yes	Yes	15.5 cu.ft. air comp.
	Rockwell	Yes	Yes	HalDEX slack adjusters
Wheelbase	238"	239"	Yes	<b>255"</b>
	(shorter wheelbase means front axle is "setback" reducing carry capacity by approx 1,000*'s/foot)			

Cab	vinyl covered	yes	Yes	Cloth covered Driver's seat
	None	Yes	Yes	2-way roof vent
	Spring	Spring (\$270 value)	Yes	Air suspended cab
Clutch	1480 '/*	Yes	Yes	1650'/* Torque
Cooling system	cross-flow 56 qt.	Yes	Yes	Vertical finned tube 45 qt. capacity No cross flow

Electrical	3-12 volt 1875 CCA 85 amp Delco 40ML type (smaller starter)	12 volt 105 amp Yes	yes Yes Yes	4-6volt 2500 CCA 100 Amp alternator Delco 42MT type 400 starter
Front springs	18,000*	Yes	Yes	20,000*
Steering	Yes	Ross-single (\$270 value)	Yes	Sheppard dual
Wheels/rims	12.25X22.5	Yes	Yes	13.0X22.5
Equipment	None	Yes	Yes	Manifold press. guage
	None	Yes	Yes	Adj. steer column
	All but mirrors	Yes	Yes	Gasket all attachments
	Air cleaner mounted	Yes	Yes	Dash Mounted
Hoist	Yes 6"X8"(2 yrs old)	50 degrees 7"X8"	Yes	52 degrees 61/4"X8" reeving and lifting cyl.
	Yes	Packings only	Yes	Interchangable cyls

## Reasons for aforementioned recommendation:-

1. Approximate price differential between what White should supply and Mack will supply on specification deviations is \$2,040. The base bid differential is \$1,268.45.
2. The double reduction rearend is one in which the drive power is supplied over two (2) gears instead of one (1) gear. This is the type of rearend found in most all construction equipment and is a stronger rearend. The price differential between single and double reduction is approximately \$1,500. As of this writing, in service Mack rearends have been trouble free.
3. Mack supplies a 1700/\* torque transmission with a triple countershaft. White supplies a 1470/\* torque transmission with a dual countershaft. The price differential is approximately \$650.
4. Mack supplies dual steering boxes which is a stronger steering system requiring less maintenance than the single steering system supplied by White. The approximate price differential is \$270.
5. The White vehicle has a "setback" axle which reduces carrying capacity approximately 1,000/\*/ft. This effects carrying capacity as related to legal bridge limits. Bridge load limits are based upon a combination of weight and axle spacing.
6. The Rudco hoist, which will be supplied by Mack, has identical cylinders thereby making all cylinders completely interchangeable. However, bidders considered have interchangeable cyl. packings.
7. The Village of East Aurora's heavy truck fleet presently consists of either Ford or Mack. The Department of Public Works has two(2) vehicles in service and the Fire Department has three (3) vehicles in service. We maintain a repair part inventory for Macks (filter kits, belts, hose fittings, etc.)
8. A cab "doghouse" requires additional maintenance time because some engine components can only be accessed via the cab "doghouse".
9. White originally indicated to us that they would be bidding an "Autocar". They have in fact bid a WhiteGMC WG64. Autocar is a more substantial truck.
10. I would anticipate at least an \$8,000 trade-in differential between White/Mack and International due to the fact that the International is a two (2) year older model and is a lighter vehicle.
11. The chassis price differential between White and Mack is \$45.45. The major price differential is for the hoist and is \$1,223.

Based on the recommendation of Supt. of PW Urban, it was moved by Trustee Meade and seconded by Trustee Sutell that the Village accept the bid of Buffalo Mack, 175 Jefferson Avenue, Buffalo, NY to supply one (1) 1991 Mack Truck per Village specifications at a cost of \$74,446.45. During a period of Board discussion, Mayor Pagliaccio recognized a resident in the audience. Richard Depke, 453 Girard Avenue, stated his objection to the Village expending over \$10,000. more than he felt was necessary in accepting the bid of Buffalo Mack rather than the low bid submitted by Hanson International. Mr. Depke advised that he was employed by International, but was speaking as a resident of the Village who was interested in the Village getting the best value for dollars expended. Further discussion followed which ended with Mayor Pagliaccio putting forth a motion to table the matter for further Board review. The motion was seconded by Trustee Green, and being put to vote, carried with 5 affirmative and 2 negative votes cast. Voting naye was Trustee Dayer and Trustee Dickson.

Motion to Add Item to Agenda

It was moved by Trustee Sutell, seconded by Trustee Dayer and duly carried that the request of the East Aurora Ministerium be added to the agenda as Item 7E.

Authorization for East Aurora Ministerium to Conduct Peace Walk

Trustee Sutell moved approval of the request of the East Aurora Ministerium to hold a "Pray for Peace" walk from Immanuel Lutheran Church to Immaculate Conception Church on January 13, 1991 from 1:00 to 2:00 PM. Motion carried following a second by Trustee Dayer.

EXECUTIVE SESSION

None scheduled.

ADJOURNMENT

Prior to closing the meeting Mayor Pagliaccio expressed some sentiments regarding operation Desert Shield. He noted that many prayers are being said for a peaceful solution to the current conflict. Commenting on the number of young people from the community who are now in Saudi Arabia he stated that not only do we seek a peaceful solution but also recognize the need to show support to the people over there. A Desert Shield flag flies over the circle and states "gone but not forgotten", and is a symbol of our community support for our people involved in Desert Shield.

The regular Board meeting held January 7, 1991 was adjourned at 8:40 PM following a motion by Trustee Dayer and second by Trustee Dickson.

Roy W. Decker  
Village Clerk/Treasurer

## MINUTES OF REGULAR BOARD MEETING JANUARY 21, 1991

ROLL CALL

Present - Mayor Pagliaccio, Trustees Suttell, Meade, Green Dayer and Dickson  
Absent - Trustee Marshall  
Also Present - Village Administrator Hiller, Village Attorney Andruschat, Village Clerk Decker

APPROVAL OF MINUTES

It was moved by Trustee Suttell, seconded by Trustee Dickson and duly carried that the minutes of the regular Board meeting held January 7, 1991 be approved as presented.

PUBLIC HEARINGS

None scheduled.

SPEAKERS AND COMMUNICATIONSComplaints Re: Change in Services -Cable TV

Mayor Pagliaccio reported resident complaints concerning the deletion of 3 channels from the system. It was felt that the 3 channels that were substituted actually downgraded the service because they were inferior to the deleted channels. It was also noted that Adelphia has never explained the loss of Channel 51 (Sports Network). The staff was requested to investigate.

American Legion Request Re: Games of Chance

East Aurora American Legion Post #362 has provided information to the board regarding Bell Jar Games. A group of Legionnaires were present in the audience and Colin Setlock, past Commander, requested the Board to legalize "games of chance" in the Village of East Aurora. Mr. Setlock advised that the Bell Jar Games would be available only to their members, and 2% of the Gross Profit would go to the Local Government, 33% to Non-Profit Community Organizations, and the balance of 65% used according to State mandated guidelines. (Payment of utilities, improvement to building and grounds, maintaining supply of Bell Jar tickets).

Village Attorney Andruschat advised that in order to comply with the request, the Board must first pass a Local Law legalizing games of chance. A mandatory referendum must be presented to the voters no sooner than 60 days after the passage of the Local Law. Time would not allow the matter to be presented to the voters at the March election, so a special election would have to be called. The license is issued by the Village Clerk and enforcement is the responsibility of the Police Chief.

The Board requested that the matter be added to the next work session agenda, and that the Village Attorney provide an informational memo.

Nancy Underhill, 186 Elmwood Ave., presented the Board with a bill for \$3,364.00, which she advised was the cost of repairs to her basement. She stated that the repairs were necessary because of the flooding that she had previously reported to the Board. She restated her opinion that the flooding was not the fault of the Village but rather was precipitated by the construction of Victoria Heights Subdivision. She said she did not care who paid it, either the Village or the Town, but she felt the expense should not be borne by Mrs. Lowell who is the property owner. She added that insurance would not cover the repair.

Mayor Pagliaccio commented that 1990 was the second wettest season on record. He noted that he had visited the area and met with residents. The drainage system in the woods was installed many years ago and in December the system had plugged twice, and the town and Village had cleaned the area. The Victoria Heights drainage system appears to be working, and the Village drainage system is being checked.

Mrs. Underhill stated that she believes Town water is crossing Village land and it is not really a Village problem. She also thanked the Police and Water Foreman Bob Bove for notifying her son when flooding had occurred while she was vacationing.

The Board members engaged in a lengthy discussion of the problem.

STAFF, COMMITTEE AND BOARD REPORTS

Trustee Green reported that a feasibility study was being done regarding the expansion of the Boys' and Girls' Club.

Trustee Dickson announced that the Aurora Adult Day Care Center was holding an open house on Friday, February 1, 1991 from 2:00 to 6:00 PM.

The Recreation Department was commended and thanked for the many programs they are offering such as baby sitting, swimming, CPR, etc. Recreation Director Sue Peacock and the American Red Cross were specifically mentioned.

Mayor Pagliaccio reporting on Public Safety expressed concern over the war in the Persian Gulf. He noted the FBI recommends use of good common sense, and awareness of what is going on in the community.

RESOLUTIONS AND MOTIONS

**RESOLUTION RE BENEFITS TO ROBERT CUNNINGHAM,  
POLICE OFFICER, WHILE ON ACTIVE MILITARY DUTY**

RESOLUTION NO. 91.01.21.01

DATED: January 21, 1991

WHEREAS, ROBERT CUNNINGHAM has long been an employee of the Village of East Aurora Police Department; and

WHEREAS, ROBERT CUNNINGHAM has recently been called to active military duty, in his capacity as a reservist in the U. S. Armed Forces; and

WHEREAS, the Military Law of the State of New York requires that the Village pay certain benefits to reservists while on active duty; and

WHEREAS, such benefits, as required by law, would terminate as of January 17th, 1991; and

WHEREAS, the Village Board recognizes the duty that ROBERT CUNNINGHAM is performing in defense of his country.

**NOW, THEREFORE, BE IT RESOLVED:**

That for a period of thirty (30) days commencing January 17th, 1991 and ending thirty (30) days thereafter, the Village of East Aurora shall pay to ROBERT CUNNINGHAM the difference between the wages he would receive as a police officer and the wages he receives from the United States of America while on active duty.

**AND BE IT FURTHER RESOLVED:**

That the Village Board shall review this matter at the end of the thirty (30) day period heretofore referred to herein.

Moved by Trustee Dickson, seconded  
by Trustee Meade,

AYES 5  
NAES 0

RESOLUTION AMENDING BUDGET DUE TO LOSS OF STATE AID

Resolution No. 91.01.21.02 Dated: January 21, 1991

WHEREAS, due to a State fiscal crisis, New York State did legislate a reduction of \$31,961 in State Per Capita Aid for the Village fiscal year of 1990-91, and

WHEREAS, such revenue short fall will seriously impact the Village's finances, unless a reduction in appropriations is effected, and

WHEREAS, the State Comptroller has issued accounting instructions to account for this loss in State Aid which requires the Village to create an account entitled "Contribution to New York State" (A1946.4),

RESOLVED, that the following funds be transferred from:

A1010.490	Village Handbook	\$ 1,424.00
A3410.210	Ambulance Repair	12,825.00
A9010.800	Retirement	17,712.00

to:

A1946.4	Contributions to NYS	\$31,961.00
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Offered by Trustee Dayer Second by Trustee Suttell  
Motion carried.

RESOLUTION TRANSFERRING FUNDS FOR CODE ENFORCEMENT

Resolution No. 91.01.21.03 Dated: January 21, 1991

WHEREAS, the Village did change the method of service delivery of Code Enforcement services from part-time private consultant to full-time Code Enforcement services,

RESOLVED, the following account be transferred from:

A3620.130	CEO Part-time services	\$ 1,122.00
A3620.490	Consultant Contract Expenses	21,285.00
A8020.490	Planning Comm. Consultant Exp.	1,500.00

to:

A3620.110	Code Enforcement	\$23,907.00
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Offered by Trustee Dayer Second by Trustee Dickson  
Motion carried.

TRANSFER OF FUNDS FOR WORKER'S COMPENSATION

Resolution No. 91.01.21.04 Dated: January 21, 1991

WHEREAS, the New York State Workers' Compensation Rating Board did increase Workers' Compensation benefits and insurance rates resulting in a rate increase (19.8%) to employers, and

WHEREAS, the Village's experience modification factor also went up the past year (.74 to .94) representing unfortunate losses due to workplace injury claims and awards, and

WHEREAS, the Village did budget \$68,394 and the actual expense to the Village is \$90,296, resulting in a \$21,902 budgetary shortfall, and

WHEREAS, the Village's general liability and other insurances did renew for less than the amount budgeted, resulting in a \$21,902 surplus in the insurance budget line item,

RESOLVED that \$21,902.00 be transferred from account A1910.400 Insurance to account A9040.802 Worker's Compensation.

Offered by Trustee Dayer  
Motion carried.

Second by Trustee Suttell

TRANSFER OF FUNDS FOR AMBULANCE SERVICE

Resolution No. 91.01.21.05

Dated: January 21, 1991

WHEREAS, the Village did enter into agreement with LaSalle Ambulance Inc. for providing emergency medical services to the Village and by contract to the Town of Aurora Fire District #1, and

WHEREAS, when the Village budget was adopted, such agreement and expenditure was not contemplated, thereby requiring an amendment to the Village budget,

RESOLVED, the following budget amendments and transfers be made:

A Budgetary Appropriation of \$117,929 to Expense Account A4540.490 Ambulance Service and Revenue Account A2286 Ambulance Service to Other Governments, \$61,984.00,

FURTHER RESOLVED, that the balance of the Budgetary Appropriation of \$55,845.00 be transferred from A9010.080 Retirement.

Offered by Trustee Dayer  
Motion carried.

Second by Trustee Dickson

RESOLUTION APPROPRIATING FUNDS

Resolution No. 91.01.21.06

Dated: January 21, 1991

WHEREAS, the Village did expend funds to repave Savage Place under the Federal Community Development Program, and

WHEREAS, the Village has also received reimbursement from an insurance company for damages sustained to a Village police vehicle,

RESOLVED, that \$8,042.16 be appropriated to Revenue Acct. A2801 Interfund Revenues and to Expense account A5110.420 Street Maintenance from the Community Development Fund,

FURTHER RESOLVED, that \$494.00 be appropriated to Revenue account A2680 Insurance Recoveries and the Expense account A3120.460 Police Vehicle Maintenance.

Offered by Trustee Dayer  
Motion carried.

Second by Trustee Green

RESOLUTION AMENDING THE FUND BALANCE OF THE GENERAL FUND

Resolution No. 91.01.21.07

Dated: January 21, 1991

WHEREAS, at the close of the Village's last fiscal year, May 31, 1990, expenses incurred in FY 1989-90, yet not paid by May 31, 1990 were to be encumbered, and

WHEREAS, due to an error, certain bills were not encumbered, thereby resulting in the Village's fund balance being overstated,

RESOLVED, the fund balance of the General Fund (A911) be reduced \$39,316.04, and that the Reserve for Encumbrance (A700) be increased from \$50,743 to \$90,059.04 for the following expenditures:

A3120:210	Police Cars	\$33,286.00
A3120.230	Breathalizer, Sound Proofer	3,419.24
A3120.470	Carpeting in Booking Room	1,595.81
A3120.480	Uniforms	140.99
A7450.470	Scheidemantel Museum	1,000.00
<b>Total</b>		<b>\$39,442.04</b>

RESOLUTION : TRANSFER OF FUNDS

Resolution No. 91.01.21.08

Dated: January 21, 1991

WHEREAS, various budgetary line item appropriations have exceeded their allocations and now require a transfer of funds;

NOW, THEREFORE BE IT RESOLVED, that the following transfers be made within the General Fund:

From:

Amount : To :

A1640.420	Garage Maint. & Rep.	\$ 2,500.	A1640.460	Garage Veh.Parts & Rep.
A8160.460	Refuse Veh. Prt.&Rep.	1,028.	A1640.460	Garage Veh.Parts & Rep.
A5110.120	Streets Wages	8,000.	A8160.140	Refuse OT
A5110.130	Streets PT Wages	228.	A5110.420	Street Main. & Rep.
A8140.120	San. Sewer Wages	800.	A8140.140	San.Sewer OT
A7550.120	Celebrations Wages	150.	A7550.140	Celebrations OT
A8560.141	Shade Trees-Leaf P/U	1,749.	A8560.121	Shade Trees - Leaf Disp.
A8560.123	Shade Trees-Brush	1,972.	A8560.121	Shade Trees - Leaf Disp.
A1620.120	Building Wages	5,500.	A1620.420	Bldg. Main. & Rep.
A1620.120	Building Wages	400.	A1620.470	Bldg. Supplies
A3420.130	Dispatch Part-Time	500.	A3420.140	Dispatch OT
A8560.122	Shade Trees - Leaf Box	491.	A8560.121	Shade Trees - Leaf Disp.
TOTAL		\$23,318		

Offered by: Trustee Dayer  
Motion carried

Second by: Trustees Made

## UNFINISHED BUSINESS

Request to REzone 40-42 Buffalo Road

Matter in abeyance at request of petitioner.

### Recycling Container Truck Award

Matter tabled at January 7, 1991 Board meeting.

It was moved by Trustee Dayer, seconded by Trustee Suttell and duly carried that the matter of bids for Roll-Off Recycling Container Truck be removed from table.

James O'Brien, 82 Elmwood Ave., owner of Buffalo Mack commented that he also is a resident of the Village as was the person who objected to the Board making an award at the last meeting. Mr. O'Brien also stated that bidding is a good process that offers protection to the community.

It was moved by Trustee Meade and seconded by Trustee Suttell that the Village accept the bid of Buffalo Mack, 175 Jefferson Avenue, Buffalo, NY to supply one (1) 1991 Mack Truck per Village specifications at a cost of \$74,446.45.

Mayor Pagliaccio discussed the Capital Budget, and that at the time the budget was created, it indicated the purchase of a used vehicle. He noted that with the State facing "hard times", we have no assurance that State reimbursement for the truck will be available.

Following a period of Board discussion the matter was put to vote. The motion carried with 5 affirmative votes, Mayor Pagliaccio abstained.

Request to Amend Bed and Breakfast Permit at 866 Main St.

Public hearing set for February 4, 1991.

15 Minute Parking Zone on East Main Street

Public hearing set for February 4, 1991.

NEW BUSINESS

Request to Amend Development Plan at 94 Olean Street

Trustee Dayer moved that a public hearing be set for February 18, 1991 on the matter of the request of the East Aurora Medical Center developer to amend their development plan. Motion carried after being seconded by Trustee Green.

Delete Section 41 of Village Code (Bicycles)

It was moved by Trustee Dickson, seconded by Trustee Sutell and duly carried that a public hearing on the matter of deleting the bicycle ordinance from the Village Code, be set for February 18, 1991.

EXECUTIVE SESSION

None scheduled.

ADJOURNMENT

At 9:25 PM the regular Board meeting held January 21, 1991 was declared adjourned following a motion by Trustee Dayer and second by Trustee Sutell.

Roy W. Decker  
Village Clerk

ROLL CALL

Present - Mayor Pagliaccio, Trustees Dickson, Dayer, Green, Meade and Suttell  
Absent - Trustee Marshall  
Also Present - Village Administrator Hiller, Village Attorney Andruschat, Code Enforcement Officer Harbison, Village Clerk Decker

APPROVAL OF MINUTES

Approval of the minutes of the regular Board meeting held January 21, 1991 was moved by Trustee Suttell and seconded by Trustee Meade. Mayor Pagliaccio requested that a comment he made regarding the Capital Budget pertaining to the recycling truck be elaborated. Upon being put to vote, the minutes were approved as amended.

AUDIT OF BILLS

Trustee Dayer moved to authorize payment of the bills as audited by the Mayor and Trustees and detailed on Voucher report dated 2/1/91 covering vouchers 7800 to 7951. Motion carried following second by Trustee Dickson.

PUBLIC HEARINGS

Request to Amend Bed and Breakfast Permit at 866 Main St.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing at the Board Room at the Village Hall, located at the corner of Main and Paine Streets, East Aurora, New York, on Monday evening, February 4th, 1991, at 8:00 o'clock P.M., (prevailing time), upon the Petition of DAVID CORBETT and ARLENE SASSOON for the amendment of a certain Special Use Permit permitting a bed and breakfast at premises commonly known as 866 E. Main St., East Aurora, New York.

PLEASE TAKE FURTHER NOTICE that this hearing is pursuant to Section 93-15 of the Code of the Village of East Aurora, New York, which sets forth the requirement for a special use permit for the operation of a bed and breakfast establishment.

A copy of the Development Plan showing the details of the proposed amendments submitted by the petitioners in connection with this matter is available for inspection at the office of the Village Clerk of the Village of East Aurora, New York, Village Hall, 571 Main Street, East Aurora, New York, during normal business hours.

DATED: East Aurora, N.Y.  
January 15, 1991.

BY ORDER OF THE VILLAGE BOARD OF TRUSTEES  
OF THE VILLAGE OF EAST AURORA, NEW  
YORK.

ROY W. DECKER, VILLAGE CLERK

It was noted that 54 notices were sent to neighboring property owners. Eleven (11) replies were received but only two (2) were received from people on the list.

David Corbett, one of the petitioners, stated that the request involved authorization to establish an unloading/turn around area in front of the residence, and new lighting.

Tom Harris, 553 Crescent Ave., spoke as a representative of the Chamber of Commerce and presented the following letter.



## THE GREATER EAST AURORA CHAMBER of COMMERCE Inc.

574 Main Street  
East Aurora, New York 14052  
Telephone 716/652-8444

February 4, 1991

Honorable Village of East Aurora Mayor &  
Board of Trustees  
571 Main Street  
East Aurora, NY 14052

Dear Honorable John Pagliaccio and Village Trustees:

The Greater East Aurora Chamber of Commerce Board of Directors requests that The East Aurora Inn business guests be granted temporary parking status in front of the garage for purposes of loading and unloading their parcels.

The Chamber Board also requests that The East Aurora Inn be allowed exterior lighting on the front side of the Inn.

The above requests will allow for improved customer service to guests and provide a well lit walkway to the front door.

Sincerely,

Lois V. Thurnherr  
President

Karl Roehm, 889 East Fillmore Ave., presented some pictures to the Board showing a rundown condition in the rear of the property at 866 Main St. The Mayor thanked Mr. Roehm but advised that his observations were not pertinent to the subject of the public hearing.

Robert Olivieri, 852 Main St., advised that he had checked on the lights and could find no problem with them. He stated that he had no problem or objection to the requests.

John Stopa, 861 Main St., stated no objection to the lights but opposed to parking in front.

Ann Pitegoff, 824 Main St., urged the Board to keep the area residential. No objection to lighting but opposed to parking.

Richard Nowak, 871 Main St., noted his opposition to the parking. At the time permit was issued it was agreed that there would be no parking except in rear. He stated that he felt the lighting should be up to the neighbors and not made part of the permit. Mr. Nowak also requested the area be kept residential.

Karen Montgomery, 853 Main St., questioned why parking in the rear is such a problem. She stated she has observed as many as three (3) cars parked in front for a long period of time.

Walter Korth, 362 Main St., stated that friends had stayed at the Bed & Breakfast and one of the people was handicapped. He questioned why parking had be in the rear.

Roland Smith, 893 Main St., advised that he lives across the street and has observed marriages, meetings and more than four (4) guests. The permit was issued with restrictions - why change? Keep residential.

A Center Street resident commented that the Bed and Breakfast is good for the community and noted that the lighting request appears OK, and parking should not distract from the area.

Ed Collins, 898 Main Street, stated that in the community interest, the original conditions of the permit should be adhered to.

Martha Collins, 898 Main Street, voiced opposition to amending the permit.

David Corbett noted that although they operate a Bed and Breakfast it is still their home where they have friends visit, they have parties and they did have a wedding reception for a friend.

After determining that no one else wished to comment, Mayor Pagliaccio closed the public portion of the hearing at 8:35 PM and referred the matter to the Board.

Trustee Suttell commented that he found no problem with the lighting but objected to the parking.

Trustee Dayer noted agreement with Trustee Suttell seeing no problem with lights but in regard to parking, the matter had been thoroughly covered at time the permit was issued.

Trustee Dickson agreed that at the time the permit was issued, the petitioners agreed to the terms, however things change. Cars are parked in driveways all over the Village, no objection to unloading zone and use as turn around.

Trustee Green indicated he felt it was not a big issue, and the request was reasonable based on the fact that they are dealing with the public.

Trustee Meade noted that coming into the hearing he had no objection to the request for lights and an unloading zone.

Mayor Pagliaccio noted that many interesting comments had been made, and he observed that it is not an enforcement problem but rather a problem with mutual trust and confidence. The Mayor then presented the following prepared statement:

"In regard to the request for an amendment to a special use permit for the operation of a bed and breakfast in an "R" zoned, single family residential property located at 866 Main Street, some historical perspective, I feel, is in order.

Particularly in light of the approximately 11 or 12 letters received by the Village Board of Trustees. It is apparent to me in reading the letters that a number of them reflect what appears to be misinformation or perhaps disinformation concerning our zoning code as it relates to the operation, location and enforcement control of bed and breakfast establishments.

It was in 1988 when the Village Board was approached with the request to allow for bed and breakfast establishments in our Village. At the time, the matter was referred to the staff and planning commission, as well as study by the Village Board, to gather information related to such establishments. Following appropriate study and deliberation, the Village Board, after holding a public hearing, whereby public input

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was also received, amended our zoning code, specifically, Section 93-15, allowing for bed and breakfast establishments to be first permitted in an "R" single family district subject to a public hearing and special use permit. What this does, is allow for the possibility of a bed and breakfast establishment to exist in any area of the Village except an M-P (Manufacturing/Processing District) or CM (Commercial/Manufacturing) district.

The criteria, likewise, is flexible and broad. They are:

- 1) The living quarters to be used by the guests shall be in the principal building and shall not be in any accessory structure.
- 2) The principal building where the bed and breakfast is located shall be occupied by the owner of the principal residence.
- 3) The use of such establishment by guests shall be temporary only.
- 4) The serving of meals is limited to breakfast.
- 5) One off-street parking space shall be provided for each room used by guests.

The hearing and the permit process provides for, to the extent necessary, establishing conditions commensurate with the immediate surrounding area and the established zone in which the property is located. Certainly it would seem that a Bed and Breakfast establishment in a residential zoned area may require different conditions from one located in a commercial zoned area.

Additionally, the permit process allows for the revocation of the permit should it be warranted.

Now, after due process of a hearing and the issuance of a permit, the conditions of which are agreed upon, constitute a legal binding agreement on the part of the petitioner and the Village.

Now, when one decides to establish a Bed & Breakfast business in their home (basically an accessory use as a business) based on the conditions agreed upon, they are pre-empted from doing things which they may otherwise have been able to do had they not opted to run a business from their home in a residential zoned area.

Now, in the permit issued for 866 Main Street, which was agreed upon by the petitioner during a public hearing, it specified 9 conditions. Of the 9 there are 4 of them I would like to state:

There shall be no changes with respect to the exterior lighting of the premises

There shall be no more than four (4) guests at the premises at any one time.

No guests shall be permitted to park their vehicles except behind the main building on the premises.

The front area of the premises shall be made into lawn area with the exception of a driveway not exceeding 12 ft. in width.

Now, the permit was issued on May 2nd, 1989.

A letter was sent to the petitioner on May 26, reminding them of the new lawn requirement which the petitioner agreed to. I would like to read the letter.

May 26, 1989

Ms. Arlene Sassoon  
866 Main Street  
East Aurora, New York 14052

RE: Bed and Breakfast Special Permit

Dear Ms. Sassoon:

As a reminder, we want to let you know that your Permit to operate as a bed and breakfast at 866 Main Street is contingent upon all the conditions outlined on the Permit. One such condition was the removal of driveway stone from directly in front of the home (formerly garage portion) and replacing it with grass, thereby eliminating the possibility of prohibited front yard parking.

Understandably, the wet spring weather has made such landscaping difficult. However, as drier weather approaches, we anticipate your prompt cooperation on this matter.

Please call our office if you have any questions.

Yours truly,



W. ROSS HARBISON  
Code Enforcement Officer

WRH/bas

CC: Village Staff

In early September we received complaints concerning front yard parking. On September 14, a letter was sent to the petitioner advising them of the permit conditions which they agreed to. Here again I would like to read the letter.

September 14, 1990

Ms. Arlene Sassoon  
866 Main Street  
East Aurora, NY 14052

Dear Ms. Sassoon:

Recently a number of complaints have reached our office regarding vehicles parked directly in front of your residence/bed and breakfast establishment.

The Special Permit, issued by the Village Board for operation of the bed and breakfast, stipulates that parking is permitted in the rear yard only.

Please see that this condition is remedied. You may call our office if you have any questions. Thank you for your cooperation.

Yours truly,



W. Ross Harbison  
Code Enforcement Officer

WRH/lfg

cc: Village Staff  
Village Attorney

The tone of the letter was in no way demanding or threatening, but most professional in attempting to achieve compliance to the agreed upon permit.

The Code Enforcement officer received a letter from the petitioner on September 24, 1990 that stated any parking has been temporary and will continue to be temporary, in front of the facade of the house.

On September 26 a letter was sent by the Code Enforcement Officer, in response to the 9/24/90 letter from the petitioner, reminding them as to the conditions of the permit.

On November 7, 1990 the Village Board received an update memo concerning 866 Main St.

#### MEMORANDUM

DATE: November 7, 1990  
 TO: Village Board of Trustees  
 FROM: Ross Harbison, Code Enforcement Officer *URH*  
 RE: 866 East Main Street - Bed and Breakfast

Over the past several months I have had conversations and correspondence with Mr. David Corbett relative to vehicles parking in the front yard area of his Bed and Breakfast establishment. The Special Permit issued by the Village Board specifically restricts parking to the rear of the dwelling, and required the former driveway area in front of the dwelling to be restored to a lawn.

Mr. Corbett stated that the front yard parking was for temporary use only while guests registered and unloaded luggage. I informed him that if he wanted to maintain this use, he should petition the Village Board to amend his Special Permit. He originally agreed to do this but most recently informed me that after speaking with four Village Board members he was told not to bother with this procedure and simply continue to allow parking in front of the dwelling.

I once again reminded him that his current situation constituted a violation, that he should either correct the problem or petition for amendment.

On December 6, 1990 the Village Board received a letter from the petitioner asking explanation of how to proceed. They were so advised and here we are today, almost 2 years later, discussing the request for an amendment to a special use permit some of the conditions of which have not been complied with.

One might expect we should be considering revoking the special use permit rather than giving consideration for amending it."

In conclusion the Mayor stated that he would not object to the lighting but not the parking and he again commended the staff for their professional approach in dealing with the petitioner.

It was moved by Trustee Green, seconded by Trustee Dickson that the matter be tabled to allow further Board review. Upon being put to vote the motion carried with one (1) negative vote cast by Trustee Dayer.

Local Law to Amend Chapter 86 of Village Code Entitled "Vehicles and Traffic"

LEGAL NOTICE  
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing at the Board Room at the Village Hall, located at the corner of Main and Paine Streets, East Aurora, New York, on Monday evening, February 4th, 1991, at 8:00 o'clock P>M>, (prevailing time), upon the question of:

A Local Law to amend Chapter 86 of the Code of the Village of East Aurora, New York, entitled "VEHICLES AND TRAFFIC" to set no parking zones and limited parking zones on Main Street, East Aurora, New York, and to provide that King Street at its intersection with Persons Street is no longer a through street.

Dated: East Aurora, NY  
January 16, 1991

BY ORDER OF THE VILLAGE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF EAST AURORA  
Roy W. Decker, Village Clerk

Following the reading of the above notice by the Clerk, Mayor Pagliaccio opened the public portion of the hearing at 9:10 PM.

Tom Harris, 553 Crescent, representing the Chamber of Commerce indicated Chamber support for the 15 minute parking on East Main Street and submitted the following letter.



THE GREATER EAST AURORA CHAMBER of COMMERCE Inc.

574 Main Street  
East Aurora, New York 14052  
Telephone 716 / 652-8444

February 4, 1991

Honorable Village of East Aurora Mayor &  
Board of Trustees  
571 Main Street  
East Aurora, NY 14052

Dear Honorable John Pagliaccio and Village Trustees:

The Greater East Aurora Chamber of Commerce Board of Directors supports a change in the Village parking ordinances to reflect 15 minute parking spaces on the South and North sides of East Main Street just off the corner of East Main and Olean Road.

Specifically, the two (2) hour parking area adjacent to Logan and Youngers is requested to be changed to a fifteen (15) minute parking zone. The two (2) hour parking area adjacent and East of Don's Spaghetti House is requested to be changed to include one (1) fifteen (15) minute parking zone.

These changes will allow the above stated businesses' customers to have accessible parking for limited times, thus, a higher turnover of parking space usage is expected. This should result in an increased volume of customer usage for both businesses.

Sincerely,

*Lois V. Thurnherr*

Lois V. Thurnherr  
President

Paul Oubre, 738 Main Street, commended the Board for providing parking spaces for the businesses on East Main Street.

At 9:15 PM the Mayor closed the public portion of the hearing and referred the matter to the Board.

A motion to approve the following local law was moved by Trustee Dayer, seconded by Trustee Green and unanimously carried.

County  
City of ...East Aurora, New York  
Town  
Village  
Local Law No. .... 1 ..... of the year 19 91.....

A local law ...TO AMEND CHAPTER 86 OF THE CODE OF THE VILLAGE OF EAST AURORA, NEW YORK,  
(insert title)  
ENTITLED "VEHICLES AND TRAFFIC"

Be it enacted by the ..... Board of Trustees ..... of the  
(Name of Legislative Body)

County  
City of ..... East Aurora, New York ..... as follows:  
Town  
Village

1. Chapter 86 of the Code of the Village of East Aurora, New York, entitled "VEHICLES AND TRAFFIC" is amended to read as follows:

CHAPTER 86 - VEHICLES AND TRAFFIC

Section 86-6 Through Highways  
A. (13) (a) RESERVED

Section 86-18 Parking Time Limited in Designated Locations

F. On the north side of Main Street between North Grove Street on the west and a point four hundred four (404) feet east of Pine Street on the east; provided, however, that no person shall park in a vehicle under his control or permit the same to stand for a period longer than ten (10) minutes in the area commencing two hundred forty-eight (248) feet east of the intersection of Main Street and Whaley Avenue and running thence easterly sixty-three (63) feet, and further provided that no person shall park a vehicle under his control, or permit the same to stand, in the areas designated in Sections 86-23A (39), 86-23 A (61), 86-23 A (63), 86-23 A (7) and 86-23 A (80), except that parking shall be permitted for no longer than fifteen (15) minutes at a point commencing two hundred (200) feet east of the east curbline of Pine Street and terminating two hundred thirty (230) feet east of the east curbline of Pine Street.

G. On the south side of Main Street between Paine Street on the west and a point one hundred twenty (120) feet east of the east line of Olean Street on the east, provided, however, that no person shall permit any vehicle under his control to be parked or standing in any of the locations set forth in Sections 86-23 A (60), 86-23 A (64), or 86-23 A (65) of this Code, and further provided that parking shall be permitted for no longer than fifteen (15) minutes from a point commencing thirty-five (35) feet east of the east curbline of Olean Street and terminating one hundred twenty (120) feet east of the east curbline of Olean Street.

~~RE~~ (If additional space is needed, please attach sheets of the same size as this and number each)

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H. On the north side of Main Street at a point commencing one hundred forty (140) feet east of the east curbline of Maple Street to a point in the west line of lands now occupied by the Union Free School District No 1, a distance of two hundred ten (210) feet.

Section 86-23 No Parking In Certain Places

A. (62) RESERVED

A. (81) On either side of Blake Hill Road from its intersection with Elmwood Avenue to a point two hundred eighty eight (288) feet west therefrom.

SPEAKERS AND COMMUNICATIONS

Mayor Pagliaccio read the following list of new Fire Department officers.

EAST AURORA FIRE DEPARTMENT  
OFFICERS FOR 1991

CHIEF OF DEPARTMENT	MARK F. HARTLEY 812 WARREN DR. EAST AURORA N.Y. phone: 655-0578 mobile 866-2279
ASSISTANT CHIEF 9-1	WILLIAM A. BLOOD 1863 HUBBARD RD. EAST AURORA N.Y. phone: 652-4839
ASSISTANT CHIEF 9-2	DAVID H. MEYER 788 WARREN DR. EAST AURORA N.Y. phone: 655-0418
ASSISTANT CHIEF 9-3	ROBERT G. MATTHEWSON 944 OLEAN RD. EAST AURORA N.Y. phone: 652-9713
ASSISTANT CHIEF 9-4	MARK E. FRAUNFELDER 230 GREENWOOD DR. EAST AURORA N.Y. phone: 655-0404 mobile 863-5131
PRESIDENT	DONALD J. SPEARS 139 N. WILLOW ST. EAST AURORA N.Y. phone: 655-1953
VICE PRESIDENT	THOMAS A. BENDER 205 WALNUT AVE. EAST AURORA N.Y. phone:
SECRETARY	DALE A. PARRISH 554 OAKWOOD AVE. EAST AURORA N.Y. phone: 655-0093
TREASURER	CHARLES L. GLEED 422 PROSPECT AVE. EAST AURORA N.Y. phone: 655-4448

Census Results

Mayor Pagliaccio advised that the latest census figures indicate that the Village lost 156 residents. If any corrections are made they will be finalized by July 15, 1991.

STAFF, COMMITTEE AND BOARD REPORTSState Aid Cuts

Village Administrator Hiller advised that the Governor's proposed budget would cut State aid to the Village by \$143,550 which converts to an 8% or \$.77/1000 increase in the tax rate. It was suggested that the Village not adopt the 1991/92 budget until the State budget is in place.

PERB Mediation With PBA

Village Administrator Hiller stated that a PERB mediation meeting has been scheduled for February 12, 1991. PERB mediation is the result of the declaration of impasse by the Quaker Club PBA regarding contract negotiations with the Village.

1991/92 Budget Schedule

Mr. Hiller again suggested that budget adoption be delayed as long as legally permissible. He noted that in addition to the elimination of State aid, it is expected that CHIPS allocation will be cut by 60%.

Trustee Dayer reported that the Capital Expenditures Committee will be meeting later this month at which time they will generate a prioritized list of tentative projects.

Trustee Meade reported that he and Supt. of Public Works had met with Wendel Engineering regarding North Street reconstruction. Wendel has been scheduled to meet with the Board at the next work session.

Reporting for Trustee Marshall, Mayor Pagliaccio advised that four (4) building permits had been issued in January with an estimated cost of \$164,600.

Trustee Sutell reported that the Recreation Committee met regarding Racing Day which will be July 27 & 28.

Mayor Pagliaccio referenced the following memo:

MEMORANDUM

TO: John Pagliaccio, Mayor  
Village Board of Trustees  
FROM: W. Ross Harbison, Code Enforcement Officer  
RE: Petroleum Spill Monitoring  
DATE: January 25, 1991

On January 24, 1991 I spoke with Robert Leary of the New York State Department of Environmental Conservation regarding the current status of petroleum spill monitoring at Cumberland Farms, Agway and Knox Road.

At the Cumberland Farms site, no off-site migration of petroleum has been detected or is anticipated. It appears that the remaining petroleum is confined to the soil in the immediate vicinity of the spill. In late summer 1990, a soil venting system was installed to enhance the existing apparatus. All aspects of the recovery and venting systems are functioning according to design.

At the Agway site the petroleum recovery system is working but not at peak efficiency. They have been directed by DEC to install a more sophisticated system within the next 1 to 2 months. Mr. Leary indicated that Agway has been very cooperative in the past and expects compliance to continue.

The recovery and venting system at Knox Road has been closed out. The fumes have dissipated and the source of the petroleum spill was never identified.

WRH:dd  
cc: Village Staff

He also noted that the Route 20A Contract (East Aurora to Orchard Park) had been awarded to Amadori Construction Co.

RESOLUTIONS AND MOTIONS

RESOLUTION RE: ANNUAL APPOINTMENT OF INSPECTORS OF ELECTION

Resolution No. 91.02.04.01

Dated: February 4, 1991

WHEREAS, Section 15-116 Sub. 1 of the Election Law requires a Village Board to appoint Inspectors of Election, and

WHEREAS, the Annual Village Election is scheduled for March 19, 1991.

NOW THEREFORE, BE IT RESOLVED, that the following persons be appointed Inspectors of Election in the capacities so indicated:

Inspectors: Nancy Czerminski, Chairperson  
Justina Semenza  
Catherine O'Brien  
Irene Armlovich

Poll Clerks: Nancy Underhill  
Marcella Bowen

Alternates: Linda MacIver  
Diane Dodge  
LaVerna Stoddart

AND BE IT FURTHER RESOLVED, that the daily rate of compensation for Registration Day (March 9, 1991) and Election Day (March 19, 1991) be set at \$35.00 per day.

Offered by Trustee Dayer  
Motion carried.

Second by Trustee Suttell

Bond Resolution

Trustee Meade offered the following resolution and moved its adoption.

BOND RESOLUTION OF THE VILLAGE OF EAST AURORA,  
NEW YORK, ADOPTED FEBRUARY 4, 1991, AUTHORIZING  
THE PURCHASE OF A 1991 ROLL-OFF CONTAINER  
TRUCK, STATING THE ESTIMATED MAXIMUM COST  
THEREOF IS \$75,000.00, APPROPRIATING SAID  
AMOUNT THEREFOR, INCLUDING THE APPROPRIATION  
OF \$3,750.00 CURRENT FUNDS TO PROVIDE THE  
REQUIRED DOWN PAYMENT, AND AUTHORIZING THE  
ISSUANCE OF \$71,250.00 SERIAL BONDS OF SAID  
VILLAGE TO FINANCE THE BALANCE OF SAID APPROPRI-  
ATION.

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA,  
IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable  
vote of not less than two-thirds of all the members of said Board  
of Trustees) AS FOLLOWS:

Section 1. The Village of East Aurora, in the County of Erie, New York (herein called "Village"), is hereby authorized to purchase a 1991 Roll-off Container Truck. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$75,000.00 and said amount is hereby appropriated therefor, including the appropriation of \$3,750.00 current funds to provide

the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$71,250.00 serial bonds of the Village to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of \$71,250.00 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$71,250.00 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 29 of the Law, is five (5) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$3,750.00 will be provided from moneys now available therefor in the current budget of the

Village under the heading "General Fund". The Village Treasurer is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village

are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing their terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
  - (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is not subject to permissive referendum.

\* \* \*

The adoption of the foregoing resolution was seconded by Trustee Green and duly put to a vote on roll call, which resulted as follows:

AYES: Mayor Pagliaccio, Trustees Suttell, Meade, Green, Dayer and Dickson

NAES: None

The resolution was declared adopted.

Trustee Meade offered the following resolution and moved its adoption:

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA,  
IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Village Clerk of said Village of East Aurora, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "EAST AURORA ADVERTISER", a newspaper published in East Aurora, New York, having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication and posted in at least six (6) public places in the Village, a Notice in substantially the following form:

VILLAGE OF EAST AURORA, NEW YORK

PLEASE TAKE NOTICE that on February 4, 1991, the Board of Trustees of the Village of East Aurora, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Village of East Aurora, New York, adopted February 4, 1991, authorizing the purchase of a 1991 Roll-off Container Truck, stating the estimated maximum cost thereof is \$75,000.00, appropriating said amount therefor, including the appropriation of \$3,750.00 current funds to provide the required down payment, and authorizing the issuance of \$71,250.00 serial bonds of said Village to finance the balance of said appropriation",

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Village to purchase a 1991 Roll-off Container Truck; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$75,000.00, APPROPRIATING said amount therefor, including the appropriation of \$3,750.00 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing including the expenditure of said current funds, the issuance of \$71,250.00 serial bonds of the Village to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$71,250.00 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING that the period of probable usefulness of the specific object or purpose for which said \$71,250.00 serial bonds are to be issued is five (5) years;

current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$3,750.00 in the current budget of the Village; and DIRECTING the Village Treasurer to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$71,250.00 serial bonds will not exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said notes shall be general obligations of the Village and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is not subject to a permissive referendum.

DATED: February 4, 1991

ROY W. DECKER  
Village Clerk

Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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The adoption of the foregoing resolution was seconded by Trustee Green and duly put to a vote on roll call, which resulted as follows:

AYES: Mayor Pagliaccio, Trustees Sutell, Meade, Dickson, Green and Dayer

NAES: None

The resolution was declared adopted.

#### UNFINISHED BUSINESS

##### Games of Chance

Requested by American Legion and East Aurora Fire Department. Still under study.

Request to Rezone 40-42 Buffalo Road

Based on receipt of new request from petitioner it was moved by Trustee Suttell that a public hearing be set for February 18, 1991 on the matter of the request of Roy Zgoda to rezone the property at 40-42 Buffalo Road from "R" to "RC". Motion seconded by Trustee Dayer and duly carried.

Request to Amend Development Plan for 94 Olean St.

Public Hearing has been set for February 18, 1991.

Delete Section 41 of Village Code: "Bicycles"

Public Hearing has been set for February 18, 1991.

NEW BUSINESS

NYSEG STREET LIGHTING PROPOSAL FOR PINES II

**NYSEG**

January 14, 1991

STREET LIGHTING PROPOSAL  
Village of East Aurora  
Pines II Subdivision

Warren Dr. - 5  
Godfrey Ter. - 4  
Stone Ridge Ct. - 4

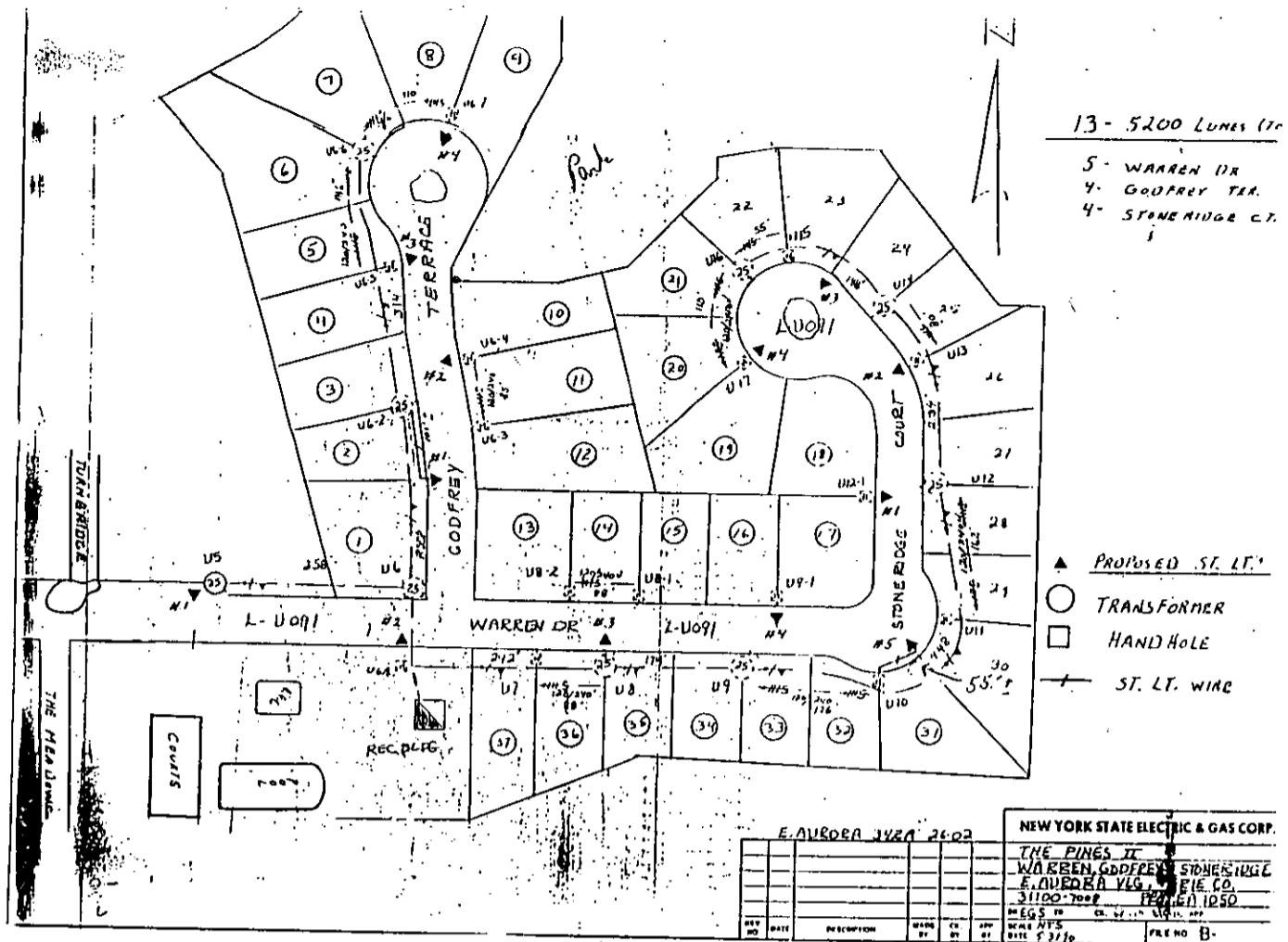
Install 13-500 lumen PT, HPS luminaires \$102.80 ea.....\$1336.40  
(See attached sketch)

Conductors and 16 ft. posts (12-ft. mounting height) to be supplied and installed by the developer; owned and maintained by the Village of East Aurora.

Luminaires, lamps and controls to be supplied, owned and maintained by New York State Electric & Gas Corporation.

Total annual increase.....\$1336.40

(This proposal is made contingent upon the terms and conditions covered in NYSEG's street lighting filed tariff agreement with the Village of East Aurora).



Trustee Dayer moved to accept the proposal of New York State Electric and Gas Corporation to install lighting for the Pines II Subdivision as detailed in the above proposal and drawing. Installation of the thirteen (13) 500 lumen PT, high pressure sodium luminaires would increase the annual street lighting contract by \$1,336.40. Motion seconded by Trustee Green and duly carried.

Recreation Department Request to Use Hamlin Park July 4th

It was moved by Trustee Sutell, seconded by Trustee Meade and duly carried that permission be granted to the Town of Aurora Recreation Department to use Hamlin Park for a July 4th Celebration. Events will include Square Dancing, Liberty Run, Kids Parade on Wheels, Barbeque, Pet Show, Hayrides, Novelty Games, etc.

EXECUTIVE SESSION

None scheduled.

## ADJOURNMENT

The regular Board meeting held February 4, 1991 was declared adjourned at 9:38 PM upon motion of Trustee Dayer and second by Trustee Dickson.

Roy W. Decker  
Village Clerk

ROLL CALL

Present - Mayor Pagliaccio, Trustees Sutell, Meade, Marshall, Green, Dayer and Dickson  
Absent - None  
Also Present - Village Administrator Hiller, Village Attorney Andruschat, Police Chief Hartman, Village Clerk Decker

APPROVAL OF MINUTES

It was moved by Trustee Sutell, seconded by Trustee Dickson and duly carried that the minutes of the regular Board meeting held February 4, 1991 be approved as presented.

PUBLIC HEARINGSAmendment of Development Plan for 94 Olean StreetNOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing at the Board Room at the Village Hall, located at the corner of Main and Paine Streets, East Aurora, New York, on Monday evening, February 18th, 1991, at 8:00 o'clock P.M., (prevailing time), upon the request of Mercy Hospital of Buffalo for the amendment of a certain Development Plan relative to premises commonly known as 94 Olean Street, East Aurora, New York.

PLEASE TAKE FURTHER NOTICE, that this hearing is pursuant to Article VIII (Section 93-61) of the Code of the Village of East Aurora, New York, which sets forth special provisions for the amendment of a previously approved Development Plan.

A copy of the Development Plan showing the details of the proposed amendment submitted by the petitioner in connection with this matter is available for inspection at the office of the Village Clerk of the Village of East Aurora, at the Village Hall, 571 Main St., East Aurora, N.Y., during normal business hours.

DATED: East Aurora, N.Y.  
January 25, 1991

BY ORDER OF THE VILLAGE BOARD OF TRUSTEES  
OF THE VILLAGE OF EAST AURORA, NEW  
YORK.

*Roy W. Decker*  
\_\_\_\_\_  
ROY W. DECKER, VILLAGE CLERK

After the Clerk read the above notice, it was noted that 79 notices were mailed to neighboring property owners.

At 8:01 PM Mayor Pagliaccio opened the public portion of the hearing.

Ron Beach, representing the petitioner stated that they are seeking approval to utilize the second floor of the building.

Don Aubrecht, the architect on the project, presented an artist rendering of the building and the floor plan diagrams.

David Giglio, 738 Oakwood Ave., stated that this had dragged on for five (5) years, and at a prior public hearing it was declared that there would be no expansion, but as he sees it the floor space would expand from approximately 500 square feet to 1,000 square feet. He noted he was against approval of the amended development plan.

There being no one else wishing to comment, at 8:07 PM Mayor Pagliaccio closed the public portion of the hearing and referred the matter to the Board.

Trustee Green questioned whether this request was actually returning the development plan to where it was originally.

Sister Sheila Marie answered that originally the request did not include the second floor, but on a later change, use of the second floor was added.

**RESOLUTION APPROVING A MODIFICATION TO THE DEVELOPMENT PLAN RE PREMISES 94 OLEAN STREET, EAST AURORA, NEW YORK**

RESOLUTION NO: 91.02.18.01

DATED: February 18th, 1991

WHEREAS, this Board, by Local Law previously adopted on April 18, 1988, did change the zoning classification of premises located at 94 Olean Street, East Aurora, New York, from "R" Single Family Residence District Zoning Classification to "R-C" Residence-Restricted Business District Zoning Classification; and

WHEREAS, such re-zoning was pursuant to Section 93-61 of the Code of the Village of East Aurora, New York; and

WHEREAS, said re-zoning, pursuant to Section 93-61 of the Code of the Village of East Aurora, New York, was a provisional re-zoning; and

WHEREAS, such re-zoning was on the condition that a special endorsement be attached to the Development Plan to require that further additions to such Development Plan be re-submitted to this Board of Trustees; and

WHEREAS, this Board of Trustees did, by Resolution passed August 15th, 1988, approve an amendment of the Development Plan to permit the construction of a second floor in the building to be constructed on a foundation previously installed, for certain specific uses; and

WHEREAS, this Board did thereafter, by Resolution passed December 18th, 1989, did approve a further amendment of the Development Plan; and

WHEREAS, the owner of said premises has requested that this Board consider a further modification to the Development Plan; and

WHEREAS, this Board has considered such application for the modification of such Development Plan; and

WHEREAS, this Board has found that the Development Plan, as further amended, will be substantially in agreement with the intent of the original re-zoning and the originally approved Development Plan.

NOW, THEREFORE, BE IT RESOLVED:

That the proposed modification to the Development Plan, relative to 94 Olean Street, East Aurora, New York, to permit private care spaces within private physician offices on the second floor of such premises, be and the same hereby is approved; and

BE IT FURTHER RESOLVED:

That a dumpster can be located on the premises, provided that the same is located in an area which will not adversely affect the aesthetics of the premises; and

BE IT FURTHER RESOLVED:

That this amendment is conditioned upon all the terms and conditions set forth in a Resolution of this Board dated April 18th, 1988, including, but not limited to, the terms and conditions relative to hours of operation, no ambulance service, location of lighting, drainage requirements and the green area, which said conditions shall remain in full force and effect.

Moved by Trustee Dayer, seconded by Trustee Dickson,

AYES 7

NAES 0

Local Law Amending Chapter 93 of Village Code "Zoning", Re: Rezoning 40-42 Buffalo Road from "R" to "R-C"

The Clerk read the following notice and advised that 22 notices were mailed to neighboring property owners.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing in the Board Room at the Village Hall, located at the corner of Main and Paine Streets, East Aurora, New York, on Monday evening, February 18th, 1991, at 8:00 o'clock P.M. (prevailing time) upon the questions of:

1. A Local Law to amend Chapter 93 of the Code of the Village of East Aurora, New York, entitled "ZONING", and to amend the Zoning Map of the Village of East Aurora, to change the zoning classification for premises located on the east side of Buffalo Road, and commonly known as 40-42 Buffalo Road, East Aurora, New York, from "R" single family residential district zoning classification to "R-C" residential-commercial district zoning classification.
2. The issuance of a Special Use Permit permitting an administrative, professional or executive office at said premises.

PLEASE TAKE FURTHER NOTICE that this hearing is held pursuant to Sections 93-60 and 93-18 A (13) of the Code of the Village of East Aurora, New York, and is held on the petition of ROY F. ZGODA.

A copy of such petition, development plan, an application for a special use permit and supporting documentation therefor is on file at the office of the Village Clerk, and can be examined at 571 Main Street, East Aurora, New York, on any normal business day between the hours of 8:00 A.M. and 4:00 P.M.

DATED: East Aurora, N.Y.  
February 1st, 1991.

BY ORDER OF THE VILLAGE BOARD OF TRUSTEES  
OF THE VILLAGE OF EAST AURORA, NEW  
YORK.

ROY W. DECKER,  
VILLAGE CLERK

Prior to opening the public portion of the hearing at 8:20 PM, Mayor Pagliaccio read the following memorandum from the Planning Commission.

TO: Village Board of Trustees  
FROM: Planning Commission  
RE: Rezoning of 40-42 Buffalo Road  
DATE: February 14, 1991

Although a quorum of members was not present for the February 13, 1991 meeting, the Planning Commission unofficially recommends the rezoning of 40-42 Buffalo Road from R to RC. This recommendation is based on the conditions of the development plan and Special Use Permit application as submitted by Mr. Roy Zgoda, owner of the property.

This particular parcel is situated in a transitional area adjoining both commercial and residential use areas. Therefore, the introduction of a limited commercial activity is not inconsistent with adjoining commercial properties. Also, by maintaining the residential use and appearance of the building, there will be minimal impact on the existing residential character of the neighborhood.

Roy Zgoda, the petitioner, said he had no comments, noting that his prior request was unchanged except for a proposed change in the location of the driveway.

Andy Bausch, 50 Buffalo Road, stated that he was in favor of Mr. Zgoda's request, and that he will be seeking a similar change for his property.

At 8:24 PM Mayor Pagliaccio closed the public portion of the hearing and referred the matter to the Board.

Trustee Suttell advised having been contacted by a resident who was concerned over the green space in back.

Mr. Zgoda stated that he had no plans beyond constructing a garage behind his house.

Trustee Dayer questioned the usage of the first floor.

Mr. Zgoda advised that the downstairs will be residential, comprised of two (2) dwelling units.

Mayor Pagliaccio indicated that due to legal requirements, action could not be taken this evening. He suggested that the Staff be directed to prepare findings, that the Clearinghouse Committee prepare an Environmental Impact Statement, and that findings be generated for the Special Use Permit.

It was moved by Trustee Dickson and seconded by Trustee Green that the Staff be directed to do all the things suggested by the Mayor, and noted that findings should be of a positive nature.

After some brief discussion Trustee Dickson moved to include tabling the matter to her prior motion. Seconded by Trustee Marshall the motion was carried. Trustee Suttell abstained from voting.

Mr. Zgoda thanked the Board for their consideration.

Local Law to Repeal Chapter 41 of the Village Code "Bicycles"

LEGAL NOTICE  
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing at the Board Room at the Village Hall, located at the corner of Main and Paine Streets, East Aurora, New York, on Monday evening, February 18th, 1991, at 8:00 o'clock P.M. (prevailing time), upon the question of:

A Local Law to repeal Chapter 41 of the Code of the Village of East Aurora, New York, entitled "BICYCLES" to provide for the repeal of such Chapter.

Dated: East Aurora, NY  
January 25, 1991

BY ORDER OF THE VILLAGE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF EAST AURORA, NY

Roy W. Decker, Village Clerk

The above notice was read by the Clerk, following which the Mayor opened the public portion of the hearing at 8:36 PM.

As a bike rider, Martha Collins asked what she could or couldn't do.

Mayor Pagliaccio advised that per the New York State law you should follow the same rules as you would driving a car.

Chief Hartman stated that there will be a learning process involved. There will be programs at the schools and information in the Newspapers. He noted that at the time the Village passed the local law, the State did not have a law in place, however the State law now in effect is more complete than the local law.

In answer to 2 questions from the audience, the Chief advised that baby seats on the back of bikes are legal but subject to restrictions and also helmets are not mandated for bike drivers, but are for children passengers.

When no further comments were forthcoming, Mayor Pagliaccio closed the public portion of the hearing at 8:41 PM and referred the matter to the Board.

Adoption of the following Local Law was moved by Trustee Marshall, seconded by Trustee Dayer and duly carried.

LOCAL LAW NO. 1991

A LOCAL LAW TO AMEND CHAPTER 41 OF THE CODE OF THE  
VILLAGE OF EAST AURORA, NEW YORK, ENTITLED "BICYCLES".

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BE IT ENACTED by the Board of Trustees of the Village of East Aurora, New York, as follows:

1. Chapter 41 of the Code of the Village of East Aurora, New York, entitled "BICYCLES" is hereby repealed.

BY ORDER OF THE VILLAGE BOARD OF TRUSTEES  
OF THE VILLAGE OF EAST AURORA, NEW YORK.

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ROY W. DECKER, VILLAGE CLERK

SPEAKERS AND COMMUNICATIONS

Mayor Pagliaccio acknowledged receipt of a communication from New York State Electric & Gas that advised that they had replaced 2 defective lighting fixtures, one on Hamburg St. and one on Oakwood Ave. which resulted in an annual saving to the Village of \$40.62.

STAFF, COMMITTEE AND BOARD REPORTS

Resignation From Planning Commission of Robert Spengler and David Newman

Robert C. Spengler  
P.O. Box 316  
Silver Creek, NY 14136

Carol Smith - Chairman  
Village of East Aurora Planning Commission  
530 Ridge Ave.  
East Aurora, NY 14052

Dear Carol,

I am sorry, but, at this time I must resign my position on the Planning Commission due to personal reasons. At this time I am no longer a resident of the Village of East Aurora.

I will return my code book as soon as I can. It has been a pleasure to be associated with the Planning Commission this past year. I wish my tenure could have been longer.

Good luck.

Very Truly Yours,

Robert Spengler

VILLAGE OF EAST AURORA  
RECEIVED

FEB 13 1991

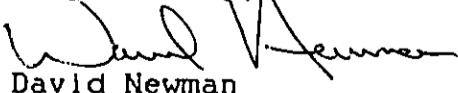
February 12, 1991

Mr. John Pagliaccio  
Mayor Village of East Aurora  
571 Main Street  
East Aurora, NY 14052

Dear Mayor Pagliaccio,

Due to the increased demands on my time from both business and family obligations, I find it necessary to resign from the Village Planning Commission effective immediately.

Respectfully,

  
David Newman

cc:Carol Smith

Trustee Sutell moved that the resignation of Mr. Spengler and Mr. Newman be accepted with appreciation for the service they have rendered. Motion seconded by Trustee Marshall and duly carried.

Report on Bid Opening For Pump Station at Industrial Park

It was noted that 7 bids were received and opened on February 14, 1991, however, the results of the Engineer's evaluation is not available this evening.

NOREC Schedule

Village Administrator Hiller reported that bids for building renovations, recycling equipment, private sector contract operation, sale of recyclables, and waste disposal will be opened on May 7, 1991. The deadline for communities to opt in or out of NOREC will be June 28, 1991.

Trustee Dayer reported that the final report of the Capital Expenditures Committee is ready for the next Board work session.

Trustee Green, on behalf of the Boys' and Girls' Club, thanked Frank Delia for the use of his facilities for a very successful fund raising dance.

Mayor Pagliaccio acknowledged receipt of the 1990 activities report for the Hubbard Library/Museum. The Mayor noted that the volunteers are doing a fine job, and offered sincere thanks for their contribution to the community.

RESOLUTIONS AND MOTIONS

None

UNFINISHED BUSINESSAmendment of Bed and Breakfast Permit for 866 Main St.

Since the matter was tabled at the February 4, 1991 Board meeting, removal from the table was moved by Trustee Suttell, seconded by Trustee Dickson and duly carried.

Trustee Marshall noted that while parking was not as sensitive at time of the permit, it was still an issue. The present parking arrangement is not a hardship.

Trustee Dayer moved approval of an amended Bed and Breakfast permit for 866 Main Street. Motion seconded by Trustee Marshall.

Mayor Pagliaccio noted that all provisions of the amended permit are the same as the original permit except for the lighting.

Upon being put to vote the motion duly carried.

AMENDED SPECIAL USE PERMITTO OPERATE BED AND BREAKFAST ESTABLISHMENT  
AT 866 E. MAIN ST., EAST AURORA, N.Y.

ISSUED TO: **ARLENE SASSOON AND DAVID CORBETT**

BY: **VILLAGE BOARD OF TRUSTEES, VILLAGE OF EAST AURORA,  
N.Y.**

Pursuant to Section 93-15 of the Village Code, the Village Board of Trustees of the Village of East Aurora, New York, does hereby issue this Amended Special Use Permit to ARLENE SASSOON and DAVID CORBETT, permitting the use of premises at 866 E. Main St., East Aurora, N.Y., for a bed and breakfast establishment.

This Amended Special Use Permit is hereby issued by the Village Board of Trustees of the Village of East Aurora, New York, following a public hearing held thereon, pursuant to statute, in the Village Hall, 571 Main Street, East Aurora, New York.

This Amended Special Use is issued subject to the following conditions:

1. This Amended Special Use Permit is issued to ARLENE SASSOON and DAVID CORBETT for such period of time as they are the owners and are occupying the premises as their principal residence. If they shall cease to be the owners and/or cease to occupy the premises as their principal residence, this Amended Special Use Permit shall be deemed null and void.
2. That the permittees comply with any and all provisions of Section 93-15 of the Code of the Village of East Aurora, New York, including, but not limited to, the following:

The living quarters to be utilized by the guests shall be in the principal building and shall not be in any accessory building, the serving of meals to guests shall be limited to breakfast only, and off-street parking shall be as provided for under local law.

3. The premises shall be in compliance with any and all statutes and/or local laws relative to such premises.
4. There shall be no exterior structural changes to the premises.
5. The following outdoor lighting fixtures shall be permitted:
  - a) One (1) two bulb flood light fixture attached to the south west corner of the garage immediately below the roof eave line. This shall be a motion detector activated light with a five minute shut off delay. Each bulb may be rated at a maximum of 150 watts.
  - b) Ten (10) garden type walkway lights evenly spaced along the walkway leading from the drive to the front entry steps. Each light may have a maximum height of 30" and a maximum bulb rating of 60 watts.

In conjunction with Section 69-10 B of the Village Code, all permitted lighting shall be positioned in such a way as to prevent glare beyond the property lines.

6. There shall be no more than four (4) guests at the premises at any one time.
7. No guests shall be permitted to park their vehicles except behind the main building on the premises.
8. The front area of the premises shall be made into lawn area with the exception of a driveway not exceeding 12 ft. in width.

9. In the event that any of the terms and conditions of this Special Use Permit are violated, the Village Board of Trustees reserves the right to revoke the Permit issued herein.

DATED: East Aurora, New York  
February 18, 1991

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

---

ROY W. DECKER  
Village Clerk

Games of Chance

Based on the request of the American Legion and the East Aurora Fire Dept., Trustee Dayer moved that a public hearing be set for March 18, 1991 on the matter of a Local Law to authorize "Games of Chance" in the Village of East Aurora. Motion carried after being seconded by Trustee Marshall.

NEW BUSINESS

Request to Hold Annual Rehab Run

ROBERT J. O'CONNOR  
192 Oakwood Avenue  
East Aurora, NY 14052

AGENDA ITEM #7A 2/18/91

VILLAGE OF EAST AURORA  
RECEIVED

Feb 12 1991

February 11, 1991

Mayor John Pagliaccio  
571 Main Street  
East Aurora, NY 14052

Dear John:

It's that time of year again. As Director of our annual "Rehab Run," the team of East Aurora citizens would like to conduct the 13th run on Saturday, March 2, 1991.

This is an East Aurora community effort in conjunction with the annual Variety Club Telethon to raise money for Children's Hospital.

This memo, per copies to Ronald Hartman, the Recreation Department, and Jerry Hiller, is intended to authorize us to conduct the run on the date specified above. I will meet with Ron to set up the necessary traffic control and ask the Recreation Department to provide the excellent support that they have each year for the past twelve years.

Thank you, and if you have any questions, please feel free to contact me at your convenience.

Sincerely yours,

*Robert J. O'Connor*  
Robert J. O'Connor  
Rehab Run Director

RJO:MRS

cc: Ronald Hartman  
Jerry Hiller  
Recreation Department

P.S. Please find attached a copy of the registration form given out to runners. Much of the pertinent information is provided on the form. Also attached is a map of the route.

Approval to hold the Annual Rehab Run on Saturday March 2, 1991 contingent on Staff approval was moved by Trustee Sutell, seconded by Trustee Dickson and duly carried.

EXECUTIVE SESSION

A motion to move into executive session for the purpose of discussing Dispatcher Negotiations was offered by Trustee Dayer at 9:38 PM. Motion carried following second by Trustee Dickson.

At 9:50 PM it was moved by Trustee Dayer, seconded by Trustee Sutell and duly carried that the Board move out of executive session.

ADJOURNMENT

At 9:51 PM, adjournment of the regular Board Meeting held February 18, 1991 was moved by Trustee Dayer and carried after second by Trustee Marshall.

Roy W. Decker  
Village Clerk

## MINUTES OF REGULAR BOARD MEETING MARCH 4, 1991

Mayor Pagliaccio opened the meeting with the following dedication: "in recognition of the brave men and women of our country who have served in Saudi Arabia, and certainly with great hope for the end of the hostilities. Particularly tonight we should have a moment of silent and personal prayer, remembering the families and loved ones of those who have made the supreme sacrifice during this conflict. Also at the same time, praying for the safe and quick return of all of those who are serving, and particularly those from our community." A moment of silent prayer was observed at this time.

ROLL CALL

Present	- Mayor Pagliaccio, Trustees Dickson, Green, Marshall, Meade and Sutell
Absent	- Trustee Dayer
Also Present	- Village Administrator Hiller, Village Attorney Andruschat, Village Clerk Decker

APPROVAL OF MINUTES

Approval of the minutes of the regular Board meeting held February 18, 1991 was moved by Trustee Dickson, seconded by Trustee Marshall and duly carried.

AUDIT OF BILLS

Trustee Sutell moved to authorize payment of the bills as audited by the Mayor and Trustees and detailed on Voucher Report dated March 1, 1991, covering vouchers 7669 to 8138. Motion carried following second by Trustee Marshall.

PUBLIC HEARINGS

None scheduled.

SPEAKERS AND COMMUNICATIONSNYPIRG Canvas of Village

February 21, 1991

Mr. Roy Decker  
Village Clerk  
Village of East Aurora  
571 Main St.  
East Aurora, Ny 14052

Dear Mr. Decker:

I write to request permission to conduct our door-to-door outreach in your community from ~~March~~ until May, 1991. Our outreach entails circulating support statements, soliciting small contributions, distributing information, and recruiting support for a variety of legislative and administrative actions.

We will provide your village hall with a list of the names, identification numbers, addresses, and birth dates of all our crew members before beginning work in your community.

In recent years NYPIRG has cooperated with many municipalities, working to address issues related to environmental preservation. If NYPIRG can be of any assistance to the Village of East Aurora, please do not hesitate to contact me at (716) 885-2315.

Thank you for your anticipated cooperation with our request.

Sincerely,  
Julia W. Wenant  
Administrative Asst

The New York Public Interest Research Group, Inc. (NYPIRG) is a not-for-profit, nonpartisan research and advocacy organization established, directed and supported by New York State college and university students. NYPIRG's staff of lawyers, researchers, scientists and organizers works with students and other citizens, developing citizenship skills and shaping public policy. Consumer protection, energy, environmental preservation, fiscal responsibility, political reform and social justice are NYPIRG's principal areas of concern.

 printed on recycled paper

The Clerk advised that a listing of all canvassers had been provided to the Police Department.

Neal Jacobus, a Center Street resident, discussed the upcoming reconstruction of Center Street and noted that the street is lined with telephone and power poles that are ready to be installed on both the East and West side of the street. He voiced objection to the fact that the services couldn't be limited to only one side of the street and stated it will be an "eyesore forevermore". He also cited Section 72-1 of the Village Code which requires Board approval to erect or construct poles within Village limits. He urged the Board to use their influence to clear things up and noted that the elimination of even one (1) pole would be a step in the right direction.

Village Administrator Hiller advised that he is trying to set up a meeting with NYSEG, NY Tel and Erie County to determine whether a change can be made.

Allen Paul, 1231 Surrey Run, complained about the sidewalk snow plow slicing lawns in the neighborhood. Mr. Paul stated that he represented most of the residents and requested that use of the sidewalk plow be discontinued in that area.

Village Administrator Hiller, who is a resident of that area, stated his feelings that since it is a bus route the children do not have to walk, and it is also a rural mail delivery area so the plow is not needed.

Mr. Paul pointed out that he and many other residents had snow blowers and they helped each other keep the walks clear.

During a period of Board discussion, Mr. Paul offered to present a petition at the next Board meeting. After further discussion the Board, by consensus, decided a petition would not be necessary and plowing would be discontinued, and the Staff would be alert to any complaints about the discontinued service.

#### STAFF, COMMITTEE AND BOARD REPORTS

##### Report on Bid Opening For New Police Vehicle



## POLICE DEPARTMENT

## EAST AURORA - TOWN OF AURORA

571 MAIN STREET  
EAST AURORA, NEW YORK 14052AREA CODE 716  
TEL. 652-1111

TO: Mayor John Pagliaccio, Village Board of Trustees,  
Jerry Hiller, Village Administrator

FROM: Ronald L. Hartman, Acting Chief of Police (P.L.)

SUBJECT: Police Vehicle

DATE: February 28, 1991

On February 28, 1991 the Village of East Aurora opened the Police Department's vehicle(s) bids. Specifications on the vehicle were delivered or picked up by four (4) local ford dealerships. West-Herr Ford was the low bid with the unit price of \$13,749.00.

I recommend that the Village Board accept the bid offer (see attached) of West-Herr Ford.

## VILLAGE OF EAST AURORA

## VENDOR BID SHEET

VENDOR (NAME) West-Herr Ford, Inc. PHONE: 649-5640  
 ADDRESS 5-5025 Camp Rd. CONTACT PERSON: D. Whittington  
Hamburg, New York 14075

ITEM TO BE FURNISHED INCLUDE MANUFACTURERS NAME & PRODUCT ID	UNIT PRICE	QUANTITY	GROSS PRICE	LESS TOTAL TRADE-IN LIST SEPARATELY BELOW	COMPLETE PRICE NET: FOB EAST AURORA
1991 Ford Police Cruiser <i>for \$13,749</i>	13749	1		NA	\$13749.
* Bid subject to availability					

TRADE-IN INFORMATION	
ITEM ID:	ALLOWANCE
TOTAL ALLOWANCE	

AMOUNT OF BID BOND: \$ 687.45

OR CERTIFIED CHECK: \$ \_\_\_\_\_

NOTE: BID BOND SHALL BE FURNISHED IN ACCORDANCE WITH  
REQUIREMENTS AS DESCRIBED IN "INSTRUCTIONS TO BIDDERS"SUBMITTED BY: *Ronald L. Hartman*  
TITLE: *Acting Chief of Police*

COMMENTS MAY BE MADE ON BACK

SEAL

## VILLAGE OF EAST AURORA

## VENDOR BID SHEET

VENDOR (NAME) Emer/ing East Aurora Ford PHONE: 652-2500  
 ADDRESS 135 Hamburg ST. CONTACT PERSON: Jim Mann  
East Aurora New York

ITEM TO BE FURNISHED INCLUDE MANUFACTURER'S NAME & PRODUCT ID	UNIT PRICE	QUANTITY	GROSS PRICE	LESS TOTAL TRADE-IN LIST SEPARATELY BELOW	COMPLETE PRICE NET: FOB EAST AURORA
<u>1991 Crown Victoria S Police Sedan</u>	<u>\$14,530.00</u>	<u>1</u>	<u>\$14,530.00</u>	<u>-</u>	<u>\$14,530.00</u>

TRADE-IN INFORMATION		AMOUNT OF BID BOND: \$
ITEM ID:	ALLOWANCE	<u>726.50</u>
TOTAL ALLOWANCE		

NOTE: BID BOND SHALL BE FURNISHED IN ACCORDANCE WITH  
REQUIREMENTS AS DESCRIBED IN "INSTRUCTIONS TO BIDDERS".

SUBMITTED BY: B. Pagliaccio  
TITLE: Gen. Mngt.

COMMENTS MAY BE MADE ON BACK

SEAL

It was moved by Trustee Meade and seconded by Trustee Dickson that the Board accept the low bid of West-Herr Ford, Inc., S-5025 Camp Road, Hamburg, NY 14075, to supply a 1991 Ford Police vehicle as per specifications, at a net price of \$13,749.00. Motion duly carried.

Report on Winter Legislative Meeting in Albany

Mayor Pagliaccio gave a lengthy and informative presentation on what transpired at the Winter Legislative meeting he attended in Albany, February 24-27, 1991. He noted that the picture is bleak for local governments.

Resolution Re: Returning State Revenue Sharing to 1990-91 Level

Resolution No. 91.03.04.01

Dated: March 4, 1991

WHEREAS, Governor Cuomo has recommended drastic cuts in state aid, and

WHEREAS, these cuts amount to nothing more than a shift of the state deficit to local property taxes, and

WHEREAS, local governments must provide essential public services and cannot abandon the health and safety of their residents, and

WHEREAS, the magnitude of such reductions can cause significant reductions in services plus potential large tax increases.

NOW, THEREFORE BE IT RESOLVED, that we call upon Senator Dale Volker and Assemblyman Thomas Reynolds to stand up for our taxpayers by rejecting the Governor's proposal, and return state revenue sharing to its 1990-91 level.

Offered by Mayor Pagliaccio  
Motion carried.

Seconded by Trustee Suttell

Trustee Marshall reported that the Code Enforcement Office had issued three (3) Building Permits in February with an estimated cost of \$106,700.

Trustee Dickson reported that she will be attending a recycling workshop in Rochester on April 9, 1991.

RESOLUTIONS AND MOTIONS

None

UNFINISHED BUSINESSRequest to Rezone 40-42 Buffalo RoadNOTICE OF FINDING OF NO SIGNIFICANT EFFECT ON THE ENVIRONMENT

DATED: March 4th, 1991

TO: ROY W. DECKER, Village Clerk  
Village of East Aurora, New York

FROM: VILLAGE OF EAST AURORA SEQRA CLEARINGHOUSE COMMITTEE

RE: Determination relative to the following action, to wit:  
Approval of the re-zoning of 40-42 Buffalo Road, East Aurora, New York, from "R" to "R-C" and the approval of the Development Plan relative thereto.

The Village of East Aurora and the Clearinghouse Committee having been given review power of all Village actions and actions of other under the Village of East Aurora procedure to implement the State Environmental Quality Review Act of 1975, does hereby make the following determination:

In accordance with the review procedures previously adopted by the Village Board of Trustees of the Village of East Aurora, New York, the proposed action as submitted has been determined to have no significant effect on the environment.

That the reason for this declaration is as follows:

The project will not cause substantial adverse changes in existing air quality, water quality, or noise levels, or cause a substantial increase in solid waste production, or a substantial increase for potential erosion, flooding or drainage problems. Said project will not have an adverse effect on any threatened or endangered animals or plant life. Said project does not conflict with the community's existing plans. Said project does not impair the character or quality of historical, architectural or aesthetic resources. Said project will not create a hazard to human health and/or safety.

All facts and findings of this review are on file at the Village Hall of the Village of East Aurora, 571 Main Street, East Aurora, New York. These files may be examined by the public between the hours of 8:00 A.M. and 4:00 P.M. on any normal business day.

Respectfully submitted,

VILLAGE OF EAST AURORA SEQRA CLEARING-  
HOUSE COMMITTEE

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

THOMAS E. ANDRUSCHAT

RESOLUTION RE SEQRA PROCEEDINGS RE RE-ZONING OF

40-42 BUFFALO ROAD, EAST AURORA, NEW YORK.

RESOLUTION NO. 91.03.04.02

DATED: March 4th, 1991.

WHEREAS, the matter of the possible application of the State Environmental Quality Review Act (SEQRA) upon the re-zoning of premises located at 40-42 Buffalo Road, East Aurora, New York, and the approval of a certain Development Plan relative thereto, previously filed with this Board, has been considered by this Board; and

WHEREAS, the Clearinghouse Committee of the Village of East Aurora has made a finding of no significant effect on the environment of the project in question.

NOW, THEREFORE, BE IT RESOLVED:

That it is the determination of the Village Board of Trustees of the Village of East Aurora, New York, that the re-zoning of premises commonly known as 40-42 Buffalo Road, East Aurora, New York, from "R" to "R-C" and the approval of a certain Development Plan with respect to said premises, shall have no significant effect on the environment, and that an environmental impact statement in connection therewith is not required.

Moved by Trustee Dickson, seconded by Trustee Marshall,

AYES 6

NAES 0

Acceptance of the following Findings of Fact was moved by Trustee Marshall, seconded by Trustee Meade and duly carried.

**FINDINGS OF FACT OF RE-ZONING OF PROPERTY  
40-42 BUFFALO ROAD, EAST AURORA, NEW YORK.**

1. That pursuant to statute, a public hearing was had on this matter, and further pursuant to statute, notice of such hearing was given as required by law.
2. That the use set forth in the Development Plan is a permitted use in a "R-C" zone, subject to the Village Board issuing a Special Use Permit.
3. That the provisions of the State Environmental Quality Review Act have been complied with and a negative declaration has been issued by the Village of East Aurora.
4. That the re-zoning Petition has been referred to the Planning Commission of the Village of East Aurora, New York, and the Planning Commission recommended approval of such re-zoning.
5. That the immediately surrounding area, although partially residential in nature, contains "C" Districts across the street from the subject premises, and lots to the southeast of the subject premises.

6. That the use of the property as described in the Development Plan will not change the residential nature of the premises.
7. That there will be sufficient off-street parking with respect to the use of the premises as set forth in the Development Plan.
8. That the re-zoning and use of the premises as proposed will not have a significant adverse effect on traffic flow in the area.
9. That the re-zoning and the proposed use of the premises will not have a significant effect on pedestrian and vehicular safety.
10. That the re-zoning and proposed use of the premises will cause no problem in the area of snow removal.
11. That the re-zoning and proposed use of the premises, as set forth in the Development Plan, will not produce any increase in noise levels.
12. That the re-zoning and proposed use of the premises will not change the exterior of the premises in question, and will cause no visual pollution.
13. That the re-zoning and the proposed use of the premises will have no detrimental effect on sanitation.
14. That the re-zoning and proposed use of the premises, as set forth in the Development Plan, will have no adverse effect on the local area or the community at large.
15. That since the re-zoning and the approval of the Development Plan herein is conditional, this Board maintains control over the present and future uses of the premises in question.

**RESOLUTION RE RE-ZONING OF PREMISES**  
**40-42 BUFFALO ROAD, EAST AURORA, NEW YORK**  
**AND APPROVAL OF DEVELOPMENT PLAN IN CONNECTION THEREWITH.**

RESOLUTION NO. 91.03.04.03

DATED: March 4th, 1991

WHEREAS, this Board of Trustees has received a Petition requesting the provisional amendment of the ZONING LAW of the Village of East Aurora, New York, and the amendment of the Zoning Map of the Village of East Aurora, to change the zoning classification for premises commonly known as 40-42 Buffalo Road, East Aurora, New York, situate on the east side of Buffalo Road, from its present "R" Single Family Residence District Zoning Classification to "R-C" Residential-Commercial District Zoning Classification; and

WHEREAS, a proposed Development Plan was submitted with the Petition for a change of zoning classification; and

WHEREAS, this Board has adopted Findings upon the question of the proposed change in zoning classification of said premises.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Development Plan, as shown on the Petition herein, dated July 16, 1990, as amended with respect to the location of driveways by drawing dated January 23, 1991, be and hereby is approved by this Board, subject to the following:

- 1) That the only use to be made of the first floor of the premises is for residential purposes.
- 2) That the second floor of the premises may be used for consulting program engineering with the use and display of equipment.
- 3) That a special endorsement be attached to the said approved Development Plan to require that any further additions thereto are to be re-submitted to this Village Board of Trustees.
- 4) That a Local Law amending Chapter 93 of the Code of the Village of East Aurora, New York, entitled "ZONING" and amending the zoning map of the Village of East Aurora to change the zoning classification of the premises commonly known as 40-42 Buffalo Road, East Aurora, New York, from "R" Single Family Residence District Zoning Classification to "R-C" Residential-Commercial District Zoning Classification, pursuant to Section 93-61 of the Code of the Village of East Aurora, New York, be adopted.

Moved by Trustee Dickson, and seconded by Trustee Marshall,

AYES 6

NAES 0

Adoption of the following Local Law and issuance of a Special Use Permit was moved by Trustee Marshall, seconded by Trustee Dickson and duly carried.

**Local Law Filing**

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City of

EAST AURORA, NEW YORK

Town of

Village

Local Law No. 3 of the year 1991

TO AMEND CHAPTER 93 OF THE CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, ENTITLED "ZONING"

A local law AND TO AMEND THE ZONING MAP OF THE VILLAGE OF EAST AURORA, NEW YORK, TO CHANGE THE ZONING CLASSIFICATION OF PREMISES COMMONLY KNOWN AS 40-42 BUFFALO ROAD, EAST AURORA, NEW YORK, FROM "R" SINGLE FAMILY RESIDENCE DISTRICT ZONING CLASSIFICATION TO "R-C" RESIDENTIAL-COMMERCIAL DISTRICT ZONING CLASSIFICATION PURSUANT TO SECTION 93-61 OF THE CODE OF THE VILLAGE OF EAST AURORA, NEW YORK.

Be it enacted by the VILLAGE BOARD OF TRUSTEES of the

County

City of

EAST AURORA, NEW YORK

Town

Village

as follows:

1. Chapter 93 of the Code of the Village of East Aurora, New York, entitled "ZONING" is hereby amended to include the following described premises as part of the "R-C" Residential-Commercial District Zoning Classification, of the Village of East Aurora, New York, to wit:

ALL THAT PLOT OF LAND, situated in the Village of East Aurora, Town of Aurora, County of Erie and State of New York, being part of Lot No. 32, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of Buffalo Street at a distance of 339.50 feet northwesterly from the intersection of the center line of Buffalo Street and Main Street; thence northeasterly at right angles to the center line of Buffalo Street and along the northerly line of property conveyed to Ernest C. Holmes by deed recorded in Erie County Clerk's Office in Liber 1650 of Deeds at Page 580, a distance of 258 feet to a point in the northeast corner of said Holmes' lands; thence southeasterly along the easterly line of said Holmes' lands, a distance of 60 feet to a point where the southeast corner of said Holmes' lands intersects the northerly line of property conveyed to Edward F. Dusel and Norman Dusel by deed recorded in Erie County Clerk's Office in Liber 6989 of Deeds at Page 600; thence northeasterly along the northerly line of said Dusel's property, a distance of 58.04 feet to a point in the east line of lands conveyed to Lyman Chandler by deed recorded in Erie County Clerk's Office in Liber 144 of Deeds at page 401; thence northerly along the east line of said Chandler's property, a distance of 128.88 feet to the southeast corner of lands conveyed to Oliver E. Reed by deed recorded in Erie County Clerk's Office in Liber 5971 of Deeds at Page 474; thence westerly along the southerly line of said Reed's property and continuing along the southerly line of property conveyed to Oliver E. Reed by deed recorded in Erie County Clerk's Office in Liber 6169 of Deeds at Page 357, a distance of 164.30 feet to the southwest corner of Reed's property described in deed recorded in Erie County Clerk's Office in Liber 6169 of Deeds at Page 357; thence northerly along the westerly line of Reed's property last mentioned, a distance of 92.94 feet to a point; thence southwesterly at an interior angle of 44 32', a distance of 90.53 feet to a point in the northeast corner of property conveyed to Harold Codd by deed recorded in Erie County Clerk's Office in Liber 6139 of Deeds at Page 188; thence southeasterly along Codd's easterly line 60 feet to Codd's southeast corner; thence southwesterly along Codd's southerly line, a distance of 258 feet to a point in the center line of Buffalo Street; thence southeasterly along the center line of Buffalo Street a distance of 141.03 feet to the point or place of beginning.

2. The zoning classification of the premises described above in this Local Law, is hereby changed from "R" single family residence district zoning classification to "R-C" residential-commercial district zoning classification of the Village of East Aurora.

3. The "ZONING MAP" of the Village of East Aurora, New York, which is part of Chapter 93 of the Code of the Village of East Aurora is hereby amended to include the premises described above in this Local Law, in the "R-C" residential-commercial district zoning classification of the Village of East Aurora, New York.

4. This Local Law is a conditional amendment of the ZONING MAP of the Village of East Aurora and is limited to the use shown on a Development Plan filed with the Village of East Aurora and approved by the Village Board of Trustees of the Village of East Aurora, pursuant to Section 93-61 of the Code of the Village of East Aurora.

5. This Local Law shall take effect immediately.

SPECIAL USE PERMIT

TO OPERATE AN ADMINISTRATIVE, PROFESSIONAL AND EXECUTIVE OFFICE  
AT PREMISES LOCATED AT 40-42 BUFFALO ROAD, EAST AURORA, N.Y.

ISSUED TO: ROY F. ZGODA

BY: VILLAGE BOARD OF TRUSTEES, VILLAGE OF EAST AURORA, N.Y.

Pursuant to Section 93-18 A 13 (C) of the Village Code, the Village Board of Trustees of the Village of East Aurora, New York, does hereby issue this Special Use Permit to ROY F. ZGODA, permitting the use of premises at 40-42 Buffalo Road, East Aurora, New York, for an administrative, professional and executive office.

This Special Use Permit is hereby issued by the Village Board of Trustees of the Village of East Aurora, New York, following a public hearing held thereon, pursuant to statute, in the Village Hall, 571 Main Street, East Aurora, New York.

This Special Use Permit is further issued upon the finding of the Board of Trustees that the issuance of same shall not adversely affect the general welfare, health and safety of the residents of the Village of East Aurora, having considered all factors, including, but not limited to, pedestrian, vehicular traffic, square footage of the building, fire control for the size of the business, snow removal, noise level, aesthetics of the premises, visual pollution, sanitation and the general character of the immediate neighborhood.

This Special Use Permit is issued subject to the following conditions:

1. The first floor of the premises shall be used for residential purposes only.
2. The second floor of the premises shall not be used for any purpose other than those set forth in the Development Plan approved by this Board on March 4th, 1991.
3. That loading and unloading of deliveries at the premises shall be only from 8:00 A.M. to 5:00 P.M. Monday through Friday.
4. The green space behind the present structures on the premises shall remain as green space.
5. There shall be no lighting of the premises other than lighting customary to residential premises.
6. The premises shall be in compliance with any and all statutes and/or local laws relative to such premises.
7. There shall be no exterior structural changes to the premises.
8. In the event that any of the terms and condition of this Special Use Permit are violated, the Village Board of Trustees reserves the right to revoke the permit issued herein.

DATED: East Aurora, N.Y.  
March 4th, 1991

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

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ROY W. DECKER  
VILLAGE CLERK

Games of Chance

Trustee Sutell moved that a public hearing be set for March 18, 1991 on the question of a local law to provide legislation to authorize games of chance within the Village of East Aurora. Motion carried following a second by Trustee Marshall.

Bids for Pump Station at Industrial Park

Administrator Hiller reported that the engineers are waiting to determine whether the low bidder can provide a performance bond.

NEW BUSINESSAppointment to Planning Commission

Mayor Pagliaccio moved the appointment of William J. Crissy, 114 Park Place, to the Planning Commission to fill the unexpired term of David Newman (expires April 1, 1991). Seconded by Trustee Sutell, the motion duly carried.

Change Order and Closeout For SE Drainage Culvert

Trustee Marshall moved to authorize Change Order No. 1 in the amount of \$73,156.61 and final payment of \$76,020.98 to Marin Concrete Co., Inc. for construction of the Southeast Trunk Storm Sewer. Motion was seconded by Trustee Meade and carried.

Griggs and Ball Rearrangement of Businesses: Hearing Set

A motion to set a public hearing for March 18, 1991, on the request of Griggs & Ball Co. to permit outdoor display and sale of nursery products at 634 Main Street, was offered by Trustee Marshall, seconded by Trustee Green and was duly carried.

St. Patrick's Day Parade Approval

Trustee Sutell moved approval of the request of Brigid N. Moran to permit Immaculate Conception School to have their Annual St. Patrick's Day Parade on Friday March 15, 1991 at 10:00 AM. Parade route to start on Park Place to Main Street to Paine Street to Oakwood Avenue and ending back at Park Place. Motion carried following second by Trustee Dickson.

Proclamation: Girl Scout Week  
PROCLAMATION

WHEREAS, the GIRL SCOUTS OF AMERICA have served our nation's youth since 1912; and

WHEREAS, youth and adults have benefitted from being members of this highly regarded youth movement; and

WHEREAS, Scouting is available for all youth regardless of race, religion, or socio-economic level who are taught character, citizenship, and fitness.

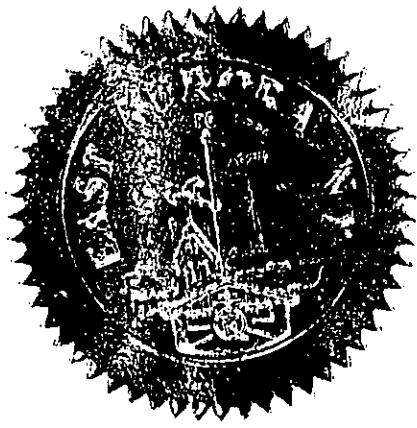
THEREFORE BE IT RESOLVED, that during 1991, on the 79th anniversary of the founding of this organization of high purpose, the GIRL SCOUTS OF AMERICA celebrates its chartered membership in the national organization along with the members and units within Western New York, and

BE IT FURTHER RESOLVED, that all residents of the Village of East Aurora, New York, join me, John V. Pagliaccio, Mayor, in extending congratulations to the GIRL SCOUTS OF AMERICA on their 79 years of service to the United States of America and commend those community groups and institutions that provide volunteer adult leaders and unit support that make it possible for Scouting programs to bring its proven benefits to our young people.

NOW, THEREFORE, I John V. Pagliaccio, Mayor of the Village of East Aurora, do hereby proclaim March 10-16, 1991 as

GIRL SCOUT WEEK

in the Village of East Aurora, New York in recognition of the GIRL SCOUTS OF AMERICA local unit members, their leaders and friends and all who have contributed their time and talents to prepare the youth of our community for a better future.



IN WITNESS WHEREOF, I have caused the seal of the Village of East Aurora to be affixed this 4th day of March, 1991.

John V. Pagliaccio, Mayor

EXECUTIVE SESSION

None scheduled.

ADJOURNMENT

At 9:32 PM the regular Board meeting held March 4, 1991 was declared adjourned upon motion of Trustee Dickson and second by Trustee Marshall.

Roy W. Decker  
Village Clerk

ROLL CALL

Present - Mayor Pagliaccio, Trustees Suttell, Meade,  
Marshall, Dayer and Dickson  
Absent - Trustee Green  
Also Present - Village Administrator Hiller, Village Attorney  
Andruschat, Village Clerk Decker

APPROVAL OF MINUTES

Trustee Suttell moved to approve the minutes of the Regular Board Meeting held March 4, 1991. Approval seconded by Trustee Dickson. No additions or changes were noted and being put to vote the motion carried.

PUBLIC HEARINGS

Local Law to Authorize Conducting Games of Chance Within the Village of East Aurora

The Clerk read the following notice:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing at the Board Room at the Village Hall, located at the corner of Main and Paine Streets, East Aurora, New York, on Monday evening, March 18th, 1991 at 8:00 o'clock PM, (prevailing time), upon the question of:

A Local Law to amend Chapter 69 of the Code of the Village of East Aurora, New York, entitled "PEACE AND GOOD ORDER" to provide legislation to authorize the conducting of games of chance within the Village of East Aurora, pursuant to the provisions of Article 9-A of the General Municipal Law of the State of New York.

Mayor Pagliaccio opened the public portion of the hearing at 8:03 PM and, for the benefit of the people in the audience, reviewed the provisions in the State law governing games of chance.

Ray Kron, 1287 Center Street, read the following prepared statement.

March 18, 1991

TO: Village of East Aurora Mayor John V. Pagliaccio  
Village of East Aurora Board Members Donald H. Dayer;  
Jay F. Marshall Jr; Norman K Sutell; Diana Dickson; Donald  
G. Meade and William J. Green

If any of you on the Village Board or in the audience have ever been associated with amateur sports as I have, you know that it is very hard to raise funds to support a team. Sugar Daddy's are few and far between. Our Economy is failing and we have lost monies in our community due to the closing down of most of Fisher Price and some layoffs at Delevan Electronics. We are facing a school tax increase because the state is cutting its school aid back \$1,017,000, in round figures and we also have to cover part of a new salary

increase our teachers just got under their new contracts. Our Village, Town and County taxes are sure to go up.

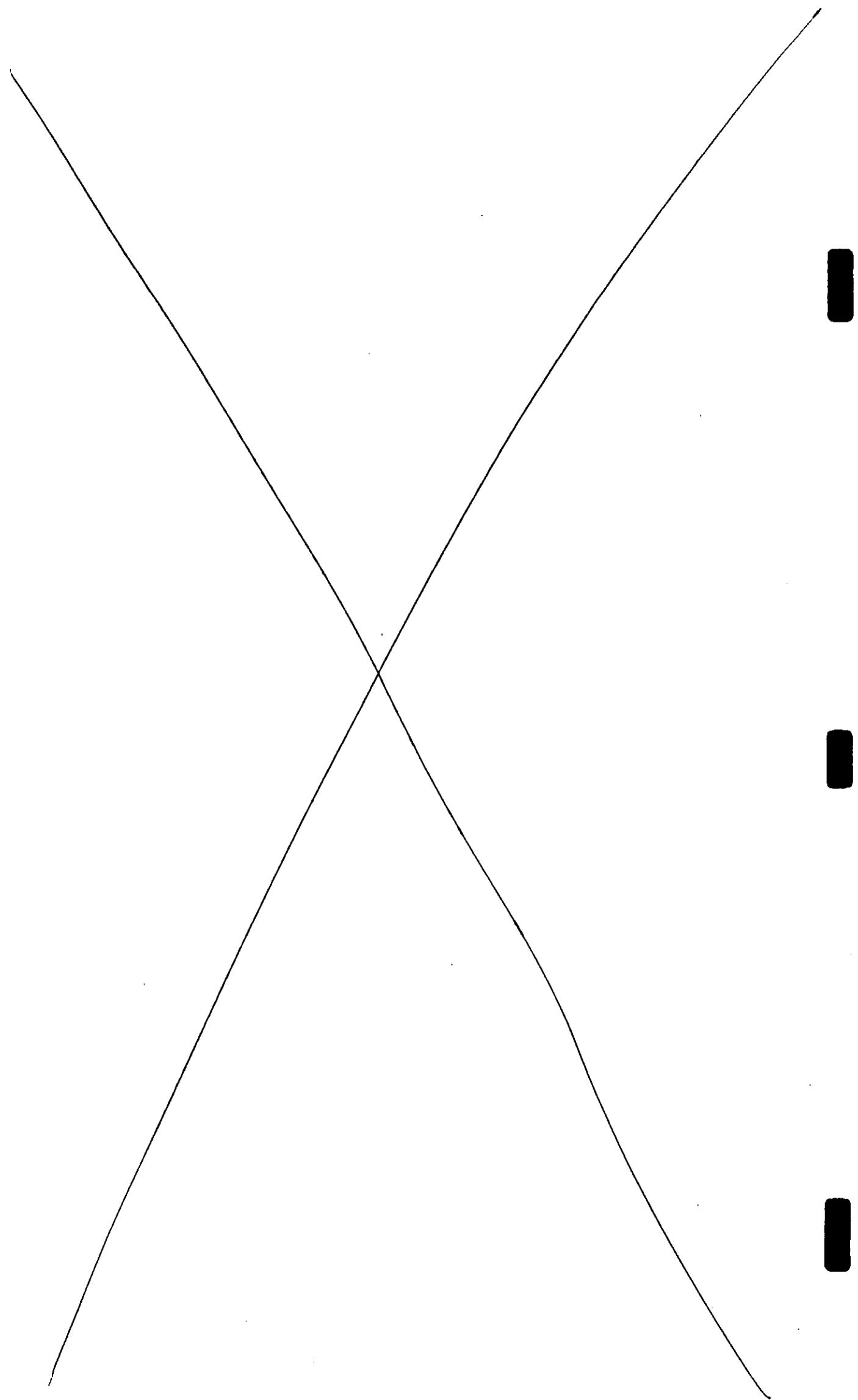
So, along comes an organization, our American Legion Post, that wants to use a game of chance, bell jar tickets, to help support themselves and to give some money to the community, the same as other area Legions do. What happens?, they get stonewalled and put through a long waiting period of time. All they want to be able to do is to sell the bell jar tickets at their Post.

It is not like they are asking you to approve gambling or games of chance, as the State of New York has all ready approved them. All they want to do is to be able to sell them at the Legion Post. I do not now hear you nor have I ever heard any of you complain about the lottery tickets being sold at our local super markets or other businesses. The Bell Jar Tickets are similar to the rub off lottery tickets you can purchase in these businesses. I Find it very hard to find any reason of any kind why our American Legion Post should not be able to do the same thing. They need the money to help pay their bills. 35% of the income has to be distributed in the community. 2% goes to the Village of East Aurora and the other 33% has to be given to local non-profit organizations.

Our community, Village of East Aurora and Town of Aurora, has a negative reputation in western New York, when it comes to matters such as this. I am sorry to say that I have found this to be mostly true over the past 25 years when I and others have tried to initiate different ways to raise money for our teams.

I called the area Racing and Wagering office of the State of new York in Rochester and talked with Mr Douglas Stack. As I stated earlier, the Legion must give 2% to the Village and 33% to community organizations on a yearly basis. They must submit a quarterly report to the State. The State watches over their activities. It is that simple.

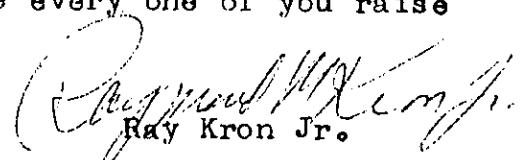
We need a referendum on a ballot so the Village residence can vote on it. Let us get with it and get one properly drawn up so the residence of the Village can vote on this matter. This is not something that will corrupt the morals of our young people. They can go to a store and see lottery tickets on sale. It will not



promote evil doings. It will help our American Legion Post Keep its head above water, give the Village 2% of the gross income, give the community 33% of its gross income and harm no one.

Why is a non legion member standing here and speaking in favor of their cause? I have an interest in our young people and would like to be able to go to the Legion if we need hats or bats or a dozen baseballs, etc. This does not place a burden on our local businesses, but is money that has to be distributed. But greater yet is my respect for the men sitting here tonight and in our community that one took part in a greater game of chance, that put their lives up as the prize so we could live in a free nation. I lost two of my favorite uncles as a result of World War II injuries. It is not fair for us to tell them NO! or play games with them when they were willing to risk their lives, which are far greater things than a quarter or a dollar for a ticket.

You people sitting as members of the East Aurora Village Board should act now. Do not let these men walk out of here tonight without the assurance that they will be getting the referendum as soon as possible and that they have your full support in this matter. Let us hear a motion and a second and see every one of you raise your hand in favor tonight.



Ray Kron Jr.

Richard Bamberg, representing the East Aurora Fire Dept., stated that the Fire Department finds itself in the same situation as the Legion and they also had requested the Board adopt a Games of Chance Local Law. He noted that with a depressed economy, donations to the Fire Dept. have gone down. In the past 15 years they have tried to help the taxpayers by spending approximately \$350,000. of their funds, purchasing 2 ambulances, a minipumper, 2 Chiefs vehicles plus other miscellaneous items. He restated that the Fire Dept. is 100% with the Legion and allowing games of chance would provide more funding to non-profit organizations.

Colin Setlock, 1555 Boise Road, representing the Legion, again stated that 2% of the profits from the Bell Jar Games would go to the Village and 33% to organizations such as the Boys' Club and Girl Scouts, with the balance of the money being used to pay for utilities or upkeep of the Legion property.

At 8:20 PM Mayor Pagliaccio closed the public portion of the hearing and referred the matter to the Board.

Trustee Sutell stated that he wanted to go on record in support of approval.

Trustee Dickson questioned the age limit of persons permitted to participate. When informed the players had to be 18 or older she indicated she was in favor.

Trustee Marshall noting that the local law would follow the State Law, he stated it would be proper to direct the Village Attorney to prepare a local law the same as the State Law.

Trustee Meade noting that the Board had been criticized for moving slowly on the matter stated that the Board has moved as quickly as practical.

Mayor Pagliaccio added that as a voting member of the Board, he would be derelict in his duty to vote on a matter that he was not totally familiar with. Getting all the required information before the Board has taken some time. Government at times moves slow.

It was moved by Trustee Meade, seconded by Trustee Dickson and duly carried that the matter be tabled and the Staff be directed to prepare a local law that would follow the State law.

Permit Outdoor Display and Sale of Nursery Products at 634 Main Street

LEGAL NOTICE  
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing at the Board Room at the Village Hall, located at the corner of Main and Paine Streets, EAst Aurora, New York, on Monday evening, March 18th, 1991, at 8:00 o'clock PM (prevailing time), upon the questions of :

Permitting the outdoor display and sale of nursery products by the Griggs & Ball Co., at premises commonly known as 634 Main Street, EAst Aurora, New York, said premises being located at the northeast corner of Main and Riley Streets, in the Village of East Aurora, New York.

This hearing is held pursuant to Section 93-20(A) 12 of the Code of the Village of East Aurora, New York, which requires approval of the Village Board of Trustees of outdoor types of businesses or services.

Dated: East Aurora, NY  
March 5, 1991

BY ORDER OF THE VILLAGE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF EAST AURORA,  
NEW YORK  
Roy W. Decker, Village Clerk

Following the reading of the above notice by the Clerk, Mayor Pagliaccio opened the public portion of the hearing at 8:35 PM.

Tom Hitchings of Griggs and Ball advised that since they had discontinued manufacture of animal feeds, it was felt that their facilities would be better utilized by moving the business around. Mr. Hitchings volunteered to answer any questions.

Lois Thurnherr, President of the Greater East Aurora Chamber of Commerce, read the following:

## THE GREATER EAST AURORA CHAMBER of COMMERCE Inc.



574 Main Street  
East Aurora, New York 14052  
Telephone 716 / 652-8444

March 18, 1991

Mayor John V. Pagliaccio:  
571 Main Street  
East Aurora, NY 14052

Dear Mayor Pagliaccio:

The Greater East Aurora Chamber of Commerce Executive Board requests that the Village Board of East Aurora grant permission to Griggs and Ball Co. for <sup>outdoor</sup> sale and distribution of Nursery and Garden Center products to be located at 634 Main Street, East Aurora, NY.

The improvements to the property will be aesthetically pleasing to East Aurora's Main Street and the Village in general. The relocation of the Nursery and Garden Center, and the masonry building supply retail areas provides efficient use of separate locations for distinct retail markets.

Griggs and Ball Co. has been in business since 1917 in East Aurora and has been supportive of the East Aurora Community during those 74 years. We ask that the Village Board grant Griggs and Ball their request.

Sincerely,

*Lois V. Thurnherr*

Lois V. Thurnherr  
President

Since no further comments were offered, Mayor Pagliaccio closed the public portion of the hearing at 8:40 PM and referred the matter to the Board.

A short discussion period followed during which parking problems was a topic.

Trustee Sutell requested Staff prepare documentation to approve the request.

A motion to table the matter to the next Board meeting was offered by Trustee Dayer, seconded by Trustee Meade and duly carried.

#### SPEAKERS AND COMMUNICATIONS

Mayor Pagliaccio acknowledged receipt of the information regarding the opening of the "Farmers Market" in May. The market will be open 7 AM to 1 PM on Saturdays and 9 AM to 2 PM on Wednesdays at the Aurora Village Shopping Center. The market is scheduled to close in November.

#### STAFF, COMMITTEE AND BOARD REPORTS

Date Set for 1992 Village Election

As per a revision to the New York State Election Law, when a Village Election falls on March 17 (St. Patrick's Day), the Village Board may by resolution, reschedule the Election to the following day, March 18. In 1992, the Village Election falls on March 17. By consensus, the Board decided to leave the Election at the regular scheduled date of March 17, 1992.

Report of Bid Opening for DPW 4x4 Pickup Truck

To: Village Board

From: Robert W. Urban *rwu*

Ref: Pick Up Truck Bids (4 X 4)

Date: March 14, 1991

- 1) A notice requesting sealed bids for the sale of vehicle #520 was sent to prospective bidders, was published in the Bee and Advertiser and one (1) response was received. The bid was rejected as being non-understandable.
- 2) Sealed bids were received for the purchase of a new 1991 vehicle from three (3) Ford dealers. (Bid sheet attached.) The low bidder is Emerling Ford, 135 Hamburg Street, East Aurora, N. Y. for the "Net Bid with Trade" amount of \$9,117.00 and I recommend award of bid to same.
- 3) A comparison of State bid (1991 Dodge W250 available) and a Ford F250 (Village bid) follows:

	<u>DODGE</u>	<u>FORD</u>
Base Price	\$12,120.00	
Auto Trans.	809.00	
No spen diff (rear)	244.00	
Build up for plow (heavy springs, etc)	912.00	
Rear step bumper	<u>47.00</u>	
Sub total	14,132.00	\$14,417.00
Parts to install plow (see State bid)	<u>673.00</u>	<u>572.00</u>
	<u>\$14,805.00</u>	<u>\$14,989.00</u>
Trade	<u>- 0 -</u>	<u>5,300.00</u>
Net cost	\$14,805.00	\$ 9,689.00 (with trade)
Difference		\$ 5,116.00

The difference of \$5,116.00 reflects what the Village would have to sell vehicle #520 for to break even between Ford and Dodge and I doubt we could attain that level. (Blue book sale price is listed at \$5,200.) Major specification differences between Dodge and Ford are:

	<u>DODGE</u>	<u>FORD</u>
Front axle	3,500#	4,600#
Rear axle	5,500#	6,250#
GVW	8,510#	8,600#
Warranty	1 year	2 years

Based on the recommendation of Supt. of Public Works Urban, Trustee Dayer moved to accept the low bid of Emerling Ford, 135 Hamburg Street, East Aurora, NY, to supply a 1991 4x4 Pickup Truck per specifications at a net price of \$9,117.00 (Base bid \$14,417.00 less trade in allowance \$5,300.00). Motion carried following a second by Trustee Meade.

Trustee Suttell reported receiving complaints regarding skunk activity.

UNFINISHED BUSINESS

Bids for Pump Station at Industrial Park



Tallamy  
Van Kuren  
Gertis &  
Associates

70 LINWOOD AVENUE P.O. BOX 718 ORCHARD PARK, NY 14217-0718 OFFICE (716) 662-9366  
FAX (716) 662-7689

880465  
March 13, 1991

Village of East Aurora  
571 Main Street  
East Aurora, NY 14052

Attn: Mr. Jerry Hiller  
Village Administrator

Re: Aurora Commerce Center  
Pump Station Installation Project

Dear Mr. Hiller:

We have reviewed and checked the bid documents for the above referenced project which were opened at the Village Clerk's Office on February 14, 1991 at 12:00 noon. As shown on the attached Bid Tabulation Sheet, the low bidder for this project is as follows:

W.S.I. Mechanical Contractors  
1878 Grover Road  
East Aurora, NY 14052

In accordance with W.S.I. Mechanical Contractor's correspondence of March 15, 1991 (attached), it appears the Contractor will be unable to complete this project in accordance with the contract documents for their bid price of \$55,839.00.

We, therefore, recommend the Village of East Aurora reject all proposals and subsequently rebid this project.

If you have any questions, please call Ken Stroll or myself of this office.

Very truly yours,

TALLAMY, VAN KUREN, GERTIS & ASSOCIATES

*Douglas A. Bennett/KJS*

Douglas A. Bennett, P.E.  
Project Manager

m2/dab/east-aur.1

VILLAGE OF EAST AURORA  
EAST AURORA COMMERCE CENTER  
PUMP STATION AND DRAINAGE SWALE

BID OPENING: FEBRUARY 14, 1991  
12:00 NOON

PLACE: EAST AURORA VILLAGE CLERK'S OFFICE

1. WSI Mechanical Contractors	Item 1 -	\$50,439.00
	Item 2 -	\$ 5,400.00
	Total -	\$55,839.00
2. Kandey Company, Inc.	Item 1 -	\$62,411.00
	Item 2 -	\$ 4,200.00
	Total -	\$66,611.00
3. Milherst Construction, Inc.	Item 1 -	\$62,845.00
	Item 2 -	\$ 5,405.00
	Total -	\$68,250.00
4. J.D. Northrup Const., Inc.	Item 1 -	\$58,420.00
	Item 2 -	\$11,000.00
	Total -	\$69,420.00
5. Klarberg, Inc.	Item 1 -	\$66,000.00
	Item 2 -	\$11,900.00
	Total -	\$77,900.00
6. Butler Construction	Item 1 -	\$67,522.00
	Item 2 -	\$11,598.00
	Total -	\$79,120.00
7. John R. Schuler, Inc.	Item 1 -	\$71,509.61
	Item 2 -	\$ 9,366.62
	Total -	\$80,876.23

**W.S.I.**  
**Welding Specialties Inc.**  
1878 Grover Road  
East Aurora, New York 14052  
(716) 652-7093

3/15/91

Mr. J. Hiller Village Administrator  
Village of East Aurora  
571 Main St.  
East Aurora, N.Y. 14052

Dear Mr. Hiller:

This is a formal request for the withdrawal of our bid of (\$55,839.00) for the East Aurora Commerce Center Pump Station. My proposal to use uniflange pipe connections, are not acceptable as per contract documents. Therefore we would not be able to complete the contract for the amount bid. We would greatly appreciate the return of our bid check, and a notification of the new bid date.

Sincerely,

*Ruth A. Szworen President*

Ruth A. Szworen President

Following the recommendation of the Engineer, a motion to reject all bids and re-bid the project with revised specifications was offered by Trustee Dayer, seconded by Trustee Marshall and duly carried.

NEW BUSINESS

Roycrofters at Large Summer Festival

Trustee Sutell moved to approve the request of Roycrofters at Large Association to hold their Annual Summer Festival on June 29, 30, 1991. Event includes craft and antique show with vendors and entertainment, and requests the closing of South Grove Street between Main and Oakwood from 9:00 AM to 5:00 PM as well as traffic control in front of Middle School. Motion seconded by Trustee Dickson and duly carried.

EXECUTIVE SESSION

None scheduled.

ADJOURNMENT

At 9:08 PM the regular Board meeting held on March 18, 1991 was declared adjourned upon motion of Trustee Dayer and second by Trustee Dickson.

Roy W. Decker  
Village Clerk

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MINUTES OF ORGANIZATIONAL MEETING APRIL 1, 1991

RESULTS OF MARCH 19, 1991 GENERAL VILLAGE ELECTION

The Clerk read the following:

**VILLAGE OF EAST AURORA**

VILLAGE HALL • 571 MAIN STREET  
EAST AURORA, NEW YORK 14052  
(716) 652-6000



March 19, 1991

To: Roy W. Decker, Village Clerk-Treasurer, Village of East Aurora, New York  
Re: Village Election, March 19, 1991

We the following Inspectors of election do hereby certify to the following:

1. On March 19, 1991 there was a Village Election held in the Village of East Aurora for the Election of three (3) Village Trustees for a term of two (2) years.
2. The polls were open from 12:00 o'clock noon until 9:00 o'clock P.M.
3. The total number of votes cast in the election were 189.
4. Each of the following candidates for the Office of Village Trustee (2 year term) received the total number of votes listed after their names:

Donald G. Meade  
Norman K. Suttell  
Diana Dickson

60  
68  
161

*Nancy Czerwinski*  
Nancy Czerwinski, Chairperson

Inspector of Election

Catherine T. O'Brien  
Inspector of Election

*Justina M. Semenza*  
Justina M. Semenza  
Inspector of Election

*Marcella Bowen*

Marcella Bowen  
Inspector of Election

*Nancy Underhill*  
Nancy Underhill  
Inspector of Election

*I. Irene Armovich*  
I. Irene Armovich  
Inspector of Election

Trustees elect Diana Dickson and Norman K. Suttell came forward and the Clerk administered the Oath of Office.

Mayor Pagliaccio called upon Reverend Michael Hartney who offered a prayer.

ROLL CALL

Present - Mayor Pagliaccio, Trustees Dickson, Dayer, Green, Marshall and Suttell  
Absent - Trustee Meade  
Also Present - Village Administrator Hiller, Village Attorney Andruschat, Code Enforcement Officer Harbison, Village Clerk Decker

Mayor Pagliaccio also recognized the Town officials, members of various committees and commissions who were present in the audience.

#### APPOINTMENT OF DEPUTY MAYOR

Mayor Pagliaccio announced the appointment of Trustee Donald H. Dayer to serve as Deputy Mayor for the coming official year. Trustee Dayer was then sworn in by the Village Clerk.

#### STAFF APPOINTMENTS

Mayor Pagliaccio moved the following Staff Appointments:

Jerry C. Hiller be appointed Deputy Clerk-Treasurer for a one (1) year term to end April 6, 1992;

Jerry C. Hiller be appointed Village Administrator for a one (1) year term to end April 6, 1992;

Thomas E. Andruschat be appointed Village Attorney for a one (1) year term to end April 6, 1992;

Thomas E. Andruschat be appointed Prosecuting Attorney for a one (1) year term to end April 6, 1992;

Edward Zimmerman be appointed Acting Village Justice for a one (1) year term to end April 6, 1992;

Jerry C. Hiller be appointed Budget Officer for a one (1) year term to end April 6, 1992.

Daniel S. Dike be appointed Disaster Coordinator.

Motion seconded by Trustee Suttell

Vote: Carried

#### TRUSTEE COMMITTEE APPOINTMENTS

Mayor Pagliaccio made the following Trustee Committee Appointments:

A. Public Safety

Trustee Jay Marshall  
Mayor Pagliaccio - Chairperson

Town member to be appointed by Town Supervisor

B. Code Enforcement

Trustee Diana Dickson  
Trustee Jay Marshall - Chairperson

C. Public Works Committee

Trustee William Green  
Trustee Donald Meade - Chairperson

D. Administrative, Finance and Planning

Trustee Donald Dayer - Chairperson  
Trustee Norman Suttell

E. Boys' Club Representative

Trustee William Green

Alternate Boys' Club Representative

Trustee Norman Suttell

F. Town Recreation Representative

Trustee Norman Suttell

G. Recycling Committee (Ad Hoc)Trustee Diana Dickson  
Trustee Donald MeadeRULES OF PROCEDURE FOR BOARD MEETINGS AND WORK SESSIONS

Resolution No. 91.04.01.01 Dated: April 1, 1991

RESOLVED, that Rules of Procedure for 1991/92 are as follows:

Rules of Procedure for Regular Board Meetings:

Rules shall remain as set forth in Resolution No. 84.04.2.1 adopted April 2, 1984.

Rules of Procedure for Board Work Sessions:

Rules shall remain as set forth in Resolution No. 87.04.06.01 adopted April 6, 1987.

Motion by Trustee Marshall

Second by Trustee Dickson

Vote: Carried.

SCHEDULE OF BOARD OF TRUSTEES MEETINGS

Resolution No. 91.04.01.02

Dated: April 1, 1991

RESOLVED, that the meetings of the Village Board of Trustees shall be held in the Village Board Room in the Village Hall, 571 Main Street, East Aurora, New York, on the first and third Monday of each month of the official Village 1991/1992 year at 8:00 P.M. (prevailing time) except that there will be only one (1) meeting in June 1991 (June 17th), one (1) meeting in July 1991 (July 15th), and one (1) meeting in August 1991 (August 19th). September meetings will be on the second and fourth Monday.

BE IT FURTHER RESOLVED, that the regular work sessions of the Village Board of Trustees will be held in the Conference Room (Red Room) in the basement of the Village Hall, 571 Main Street, East Aurora, New York, at 7:00 P.M. (prevailing time) on the Monday preceding each regular meeting of the Village Board of Trustees, (Except as noted on attached Calendar) established by the foregoing paragraph of this Resolution; and

BE IT FURTHER RESOLVED, that the public notice of the time and place of the regular meetings of the Village Board of Trustees of the Village of East Aurora and of the public work session of the said Village Board of Trustees as established by this Resolution, be given to the news media as required by Section 99 of the Public Officers Law of the State of New York and that a copy of this Resolution and such public notice shall be forthwith posted conspicuously on the bulletin board in the lobby of the Village Hall at 571 Main Street, East Aurora, New York, and remain conspicuously posted on said designated bulletin board during the Village official year 1991/92.

Offered by: Trustee Green Second by: Trustee Marshall  
Vote: Carried.

CALENDAR OF HOLIDAYS, BOARD MEETINGS AND WORK SESSIONS 1991-1992

\*INDICATES HOLIDAY - VILLAGE OFFICE CLOSED

JUNE	2-5 Sunday thru Wednesday Conf. of Mayors Annual Mtg. 10 Monday - Work Session 17 Monday - Board Meeting	DECEMBER	2 Monday - Board Meeting 9 Monday - Work Session 16 Monday - Board Meeting *25 Wednesday - Christmas Holiday 30 Monday - Work Session
JULY	*4 Thursday - Independence Day Holiday 8 Monday - Work Session 15 Monday - Board Meeting	JANUARY	*1 Wednesday - New Year's Holiday 6 Monday - Board Meeting 13 Monday - Work Session 20 Monday - Board Meeting 27 Monday - Work Session
AUGUST	12 Monday - Work Session 19 Monday - Board Meeting 26 Monday - Work Session	FEBRUARY	3 Monday - Board Meeting 10 Monday - Work Session *17 Monday - Presidents Day Holiday 17 Monday - Board Meeting 24 Monday - Work Session
SEPTEMBER	*2 Monday - Labor Day 9 Monday - Board Meeting 16 Monday - Work Session 23 Monday - Board Meeting 30 Monday - Work Session	MARCH	2 Monday - Board Meeting 9 Monday - Work Session 16 Monday - Board Meeting 30 Monday - Work Session
OCTOBER	7 Monday - Board Meeting *14 Monday - Columbus Day 14 Monday - Work Session 21 Monday - Board Meeting 28 Monday - Work Session	APRIL	6 Monday - Board Meeting 13 Monday - Work Session *17 Friday - Good Friday Holiday 20 Monday - Board Meeting 27 Monday - Work Session
NOVEMBER	4 Monday - Board Meeting *11 Monday - Veterans Day Hol. 11 Monday - Work Session 18 Monday - Board Meeting 25 Monday - Work Session *28-29 Thursday, Friday Thanksgiving Holiday	MAY	4 Monday - Board Meeting 11 Monday - Work Session 18 Monday - Board Meeting *25 Monday - Memorial Day Holiday

NOTE: One (1) Board Meeting in June, July, August

DESIGNATION OF DATE FOR 1992 ORGANIZATIONAL MEETING

Resolution No. 91.04.01.03

DATED: April 1, 1991

WHEREAS, the Village Law states that the official year of a village begins at noon on the first Monday of the month following the month of the village election; and

WHEREAS, the Village of East Aurora annually holds the Village Election in the month of March, and has traditionally held the Village Organizational Meeting to coincide with the Village official year.

NOW, THEREFORE, BE IT RESOLVED: That the Village Organizational Meeting for the year 1992 will be held on Monday, April 6, 1992.

Offered by: Trustee Marshall Suttell  
Vote: Carried.

Second by: Trustee

AUTHORIZE ATTENDANCE AT CONFERENCES AND MEETINGS

Resolution No. 91.04.01.04

Dated: April 1, 1991

RESOLVED that authorization be given for attendance at conferences and meetings to the Mayor, Trustees, Village Clerk-Treasurer, Village Administrator, Attorney, Village Police Justice, and Village Prosecuting Attorney at Annual Meetings and training sessions of the New York State Conference of Mayors and other Municipal Officials organizations; and in addition to the aforesaid officials, Police Chief, Fire Chief, Deputy Clerk-Treasurer, Superintendent of Public Works and Code Enforcement Officer at scheduled meetings of the Erie County Village Officials Association and Association of Erie County Governments; and also authorization for attendance by the Mayor at such conferences and meetings as he deems necessary for the good of the Village; attendance by the Village Clerk-Treasurer and/or Administrator at monthly meetings of Erie County Village Administrative Officers Association and at the New York Conference of Mayors and New York State Municipal Management Association and International City Management Association training sessions and workshops; attendance by Superintendent of Public Works at New York State Conference of Mayors training sessions and workshops and meetings of Western New York Section of American Water Works Association; Attendance by the Police Chief at meetings of the Erie County Police Chief's Association and Buffalo/Niagara Frontier Traffic Safety Council and the annual conference of New York State Police Chiefs; and attendance by the Fire Chief and Assistant Fire Chiefs at the annual conference of New York State Fire Chiefs; and attendance by the Code Enforcement Officer at scheduled meetings of Niagara Frontier Building Officials Conference and annual meetings of New York State Building Officials Conference and University of Wisconsin Planning, Zoning and Code Enforcement Seminar; and

BE IT FURTHER RESOLVED that attendees be reimbursed by the Village for regular expenses incurred by their attendance at the above functions under Section 77-b of the General Municipal Law of the State of New York.

Offered by: Trustee Dickson  
Vote: Carried.

Second by: Trustee Green

MILEAGE ALLOWANCEResolution No. 91.04.01.05  
1991

DATED: April 1,

WHEREAS, the Board of Trustees of the Village of East Aurora has determined to pay a fixed rate for mileage as reimbursement to officers and employees of the Village who use their personal automobiles while performing their official duties on behalf of the Village.

NOW, THEREFORE, BE IT RESOLVED: That the Board of Trustees shall approve reimbursement to such officers and employees at the rate of \$.26 per mile.

Offered by: Trustee Marshall  
Vote: Carried.

Second by: Trustee Green

ADVANCE APPROVAL OF CLAIMS

Resolution No. 91.04.01.06

DATED: April 1, 1991

WHEREAS, Section 5-524(6) of the Village Law provides that the Board of Trustees may, by Resolution, authorize payment in advance of audit of claims for certain recurring charges.

NOW, THEREFORE, BE IT RESOLVED: That the Village Board of Trustees does authorize payment in advance of a regular scheduled audit; utility bills, insurance premiums, postage, authorized travel advance and fees for registration

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and attendance at pre-approved meetings, seminars and conferences.

DESIGNATION OF OFFICIAL NEWSPAPER, VILLAGE DEPOSITORIES  
AND AUTHORIZATION TO INVEST IDLE FUNDS

Resolution No. 91.04.01.07

Dated: April 1, 1991

RESOLVED, that the East Aurora Advertiser be designated the official newspaper of the Village of East Aurora, and

BE IT FURTHER RESOLVED, that the following banks be designated as official depositories for the funds of the Village of East Aurora for the year 1991/92:

Marine Midland Bank, N.A.  
M & T Bank  
Norstar Bank  
Key Bank of Western New York, N.A.

AND BE IT FURTHER RESOLVED, that the Village Administrator and the Village Clerk-Treasurer be authorized to invest idle Village funds under the provisions of Section 11 of the General Municipal Law of the State of New York, and in accordance with the Village of East Aurora investment policy.

RESOLUTION AUTHORIZING USE OF VILLAGE GASOLINE BY APPROVED  
MEMBERS OF THE EAST AURORA FIRE DEPARTMENT

Resolution No. 91.04.01.08

Dated: April 1, 1991

WHEREAS, the East Aurora Fire Department performs invaluable services to the residents of the Village of East Aurora; and

WHEREAS, the East Aurora Fire Department is a volunteer organization receiving no monetary recompense for their services; and

WHEREAS, in the course of their duties, the Assistant Fire Chiefs do incur various unreimbursed expenses, one such expense being created by the use of their personal vehicles during the performance of their duties:

NOW THEREFORE BE IT RESOLVED, that the duly elected Assistant Fire Chiefs of the East Aurora Fire Department be authorized to use Village purchased gasoline in their personal vehicles in an amount not to exceed twenty (20) gallons per month per Assistant Chief.

Offered by: Trustee Dayer  
Vote: Carried

Second by : Trustee Meade

RESOLUTION DESIGNATING VILLAGE ELECTION FOR 1992

Resolution No. 91.04.01.09

DATED: April 1, 1991

WHEREAS, the next General Election for officers in the Village of East Aurora, New York, will be held on March 17, 1992; and

WHEREAS, the Board of Trustees must designate, by Resolution, and publish the offices which are to be filled in such election and terms thereof, pursuant to Section 15-104 of the Election Law of the State of New York.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Board of Trustees designates the following offices as vacant at the end of the current official year, to be filled at the Village Election to be held on March 17, 1992, for terms as listed:

Mayor for two (2) official Village years.  
Three (3) Village Trustees for two (2) official Village years.

2. The Village Clerk is hereby directed to publish this Resolution in full in the East Aurora Advertiser, the official Village newspaper at least four (4) months prior to the General Village Election.

3. This Resolution shall take effect immediately.

Offered by: Trustee Dickson  
Vote: Carried.

Second by: Trustee Marshall

RESOLUTION DESIGNATING POLLING PLACE AND HOURS POLLS ARE OPEN

Resolution No. 91.04.01.10

Dated: April 1, 1991

WHEREAS, the next General Election for officers in the Village of East Aurora, New York, will be held on March 17, 1992, and

WHEREAS, Section 15-104 (3)(b) of the Election Law of the State of New York states that the Village Board of Trustees must designate by Resolution the polling place in each election district, and the hours during which polls are open.

NOW, THEREFORE, BE IT RESOLVED:

(1) That the one (1) polling place in the Village of East Aurora will be in the lobby of the Village Hall, corner of Main and Paine Streets, East Aurora, New York; and

(2) Polls will be open for the General Village Election to be held on March 17, 1992 between the hours of 12:00 o'clock noon and 9:00 o'clock P.M.

AND BE IT FURTHER RESOLVED, that the Village Clerk is authorized to publish a Notice stating the polling place and the hours polls will be open at least sixty (60) days prior to the General Village Election.

Offered by: Trustee Marshall  
Vote: Carried.

Second by: Trustee Green

RESOLUTION DESIGNATING REGISTRATION DAY FOR 1992 VILLAGE ELECTION

Resolution No. 91.04.01.11

DATED: April 1, 1991

WHEREAS, the next General Election for officers in the Village of East Aurora will be held on March 17, 1992, and

WHEREAS, it is required in the Election Law that a person must be duly registered in order to be eligible to vote in the General Village Election.

NOW, THEREFORE, BE IT RESOLVED: that in accordance with Section 15-118 (3) (a, b and c) of the Election Law, the duly appointed Inspectors of Election shall meet in the Village Clerk's Office in the Village of East Aurora, on Saturday, March 7, 1992 between the hours of 12:00 o'clock noon and 9:00 o'clock P.M. to prepare the register for the General Election to be held March 17, 1992;

AND BE IT FURTHER RESOLVED, that the General Village Election will be held in the lobby of the Village Hall, corner of Main and Paine Streets, East Aurora, New York, on Tuesday, March 17, 1992 between the hours of 12:00 Noon and 9:00 P.M.

AND BE IT FURTHER RESOLVED, that the Village Clerk is authorized to publish a Notice setting forth Registration Day information at least ten (10) days prior to said Registration Day, and such notice be posted in the lobby of the Village Hall.

Offered by: Trustee Marshall  
Vote: Carried.

Second by: Trustee Dickson

RESOLUTION DESIGNATING POLLING PLACE, HOURS POLLS OPEN, NAMES OF CANDIDATES, PROPOSITIONS FOR MARCH 17, 1992 VILLAGE ELECTION

Resolution No. 91.04.01.12

DATED: April 1, 1991

WHEREAS, the Board of Trustees of the Village of East Aurora is required to post a Notice setting forth certain information regarding the March 17, 1992 General Village Election.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Village Clerk is authorized to publish a Notice at least ten (10) days prior to the election which shall include, 1) the polling place, which shall be the lobby of the Village Hall; 2) the hours which said polls shall be open, which shall be from 12:00 o'clock noon to 9:00 P.M.; 3) the names and addresses of all candidates who have been duly nominated; and 4) an abstract of any proposition to be voted upon.
2. That the Village Clerk is hereby further directed to post a copy of such Notice in at least six (6) conspicuous public places in the Village at least one (1) day before the Village Election, and further to post a copy of such Notice at the polling place.
3. That this Resolution is to take effect immediately.

Offered by: Trustee Green  
Vote: Carried.

Second by: Trustee Marshall

CODE OF ETHICS

Mayor Pagliaccio noted that it was the responsibility of the Mayor as outlined in the Village Code, to advise all employees, elected officials, Committee, Commission and Board members of the Code of Ethics. He therefore directed the Village Clerk to send letter with a copy of the Code of Ethics attached, to all newly elected and appointed persons as noted.

COMMISSION AND COMMITTEE APPOINTMENTS

Mayor Pagliaccio moved the following:

THAT Morris Anderson be appointed a member of the Zoning Board of Appeals for a five (5) year term to end April 1, 1996; and

THAT Warren Moffett and Frederick Swan be appointed a member of the Hubbard Memorial Library and Museum Commission for a three (3) year term to end April 4, 1994; and

THAT Carol Smith, William Crissy, Kaaren Montgomery be appointed members of the Planning Commission for three (3) year terms to end April 4, 1994, and that Carol Sturdevant be appointed to fill the unexpired term of Robert Spengler which expires April 5, 1993. The Commission members are requested to select a Chairperson and notify the Board of their selection; and

THAT Larry Blackman, Richard Depke, Dean Fredericks, Albert Salter, be appointed members of the Safety Committee for a one (1) year term to end April 6, 1992. The appointed members are requested to select a Chairperson and notify the Board of their selection; and

THAT Trustee Dayer and Trustee Marshall be appointed to the Capital Expenditures Committee for a one (1) year term to end April 6, 1992; and that Trustee Dayer be named Chairperson and that Frank Zagabelny be appointed a resident member for a three (3) year term to end April 5, 1993; and that the Planning Commission select one of their members to serve for a one (1) year term to end April 6, 1992. The Planning Commission is to notify the Board of their selection; and

THAT Warren Moffett, Ronne Kobis, be appointed a member of the Historic Preservation Commission for a four (4) year term to end April 3, 1995. The Commission members shall elect a Chairman and Vice Chairman from among their members, and notify the Board of their selection.

Seconded by Trustee Dayer  
Vote: Carried.

ESTABLISHING SEWER RATES FOR USERS OUTSIDE THE VILLAGE

Resolution No. 91.04.01.13 Dated: April 1, 1992

WHEREAS, Village Code Section 75-34 requires rates for the use of sewer by residents outside the Village be adopted at its Annual Meeting,

NOW, THEREFORE, BE IT RESOLVED that sewer users outside the Village, who are not in a sewer district, will be charged on the Village User Fee Schedule as established by the Village, times 1.5.

Offered by Trustee Green  
Vote: Carried.

Second by Trustee Dayer

RESOLUTION ESTABLISHING FEES TO BE CHARGED TO AND COLLECTED FROM CONSUMERS AND CUSTOMERS OF VILLAGE WATER FOR SERVICES PROVIDED BY THE VILLAGE OF EAST AURORA - APRIL 1991 - PURSUANT TO SECTION 88-3 OF THE CODE OF THE VILLAGE OF EAST AURORA

Resolution No. 91.04.01.14

Dated: April 1, 1991

WHEREAS, the Village Board of Trustees of the Village of East Aurora are charged by Section 88-3 of the Code of the Village of East Aurora, which is part of Chapter 88 of the said Code entitled "WATER", with the responsibility of establishing fees to be charged and collected from all consumers and customers for water services provided for a 12 month period commencing with April of each year; and

WHEREAS, the Village Board of Trustees of the Village of East Aurora has made its best estimate of the cost of providing water taps, water testing, meter repairs, special meter readings, master meter maintenance and bulk water sales for the 12 month period commencing April 1991.

NOW, THEREFORE, the Village Board of Trustees of the Village of East Aurora does hereby establish the following fees to be charged to and collected from all consumers and customers of Village water for the following services provided during the 12 month period commencing April 1991:

FEES FOR WATER SERVICE ITEMS:

A. Water Taps

1. Three-fourths inch line: Four Hundred Fifty Dollars (\$450.00)
2. One inch line: Five Hundred Dollars (\$500.00)
3. Line over one (1) inch: value of time plus forty percent (40%) and materials.
4. Water tap discontinuance: Four Hundred Dollars (\$400.00)

B. Meter Testing

1. One (1) inch meter and smaller: Thirty Dollars (\$30.00)
2. One and one-half (1-1/2) inch and two (2) inch meters: Thirty-five (\$35) Dollars
3. Four (4) inch meter or larger: at cost

C. Meter Repairs

1. When a 5/8" x 3/4" meter is damaged due to the willful act or negligence of the customer, a charge of Thirty Five Dollars (\$35.00) will be charged for repairing the meter. If meter replacement is required, the cost will be Eighty Five Dollars (\$85.00). If meter replacement is required for a size other than 5/8" x 3/4" the cost will be actual meter cost plus labor.

D. Special Services

1. Meter Readings:

If a customer requests that a meter reading be made at a time other than the scheduled working hours of the Department of Public Works of the Village of East Aurora, Monday through Friday (excluding Holidays), a service charge of Fifty Dollars (\$50.00) will be applied against his water account.

2. After Hours Water Reconnection:

If a customer requests reconnection of Water Service that has been terminated for non-payment of water/sewer bill at a time other than the scheduled working hours of the Department of Public Works of the Village of East Aurora, Monday through Friday (excluding Holidays) a service charge of Fifty Dollars (\$50.00) will be levied.

E. Bulk Water

1. Bulk water will be furnished during regular working hours of the Department of Public Works of the Village of East Aurora, Monday through Friday (excluding Holidays) at prevailing water rates. If bulk water is needed at other times, a Fifty Dollar (\$50.00) service charge will be added to the charge for the amount of water purchased.
2. Bulk water requested for use in demolition purposes, will be paid on a fee basis, due and payable in the amount of Thirty Dollars (\$30.00) at the time the Demolition Permit is issued.

Moved by Trustee Dayer  
Vote: Carried.

Second by Trustee Marshall

NOTIFICATION TO VILLAGE JUSTICE AND ACTING JUSTICE OF DOCKET REVIEW

Resolution No. 91.04.01.15

Dated: April 1, 1991

RESOLVED, that the Village Justice and Acting Village Justice be notified to submit their Court Dockets for review by the Village Board of Trustees on May 6, 1991.

Offered by Trustee Marshall  
Vote: Carried.

Second by Trustee Dickson

APPROVAL OF MINUTES

Approval of the minutes of the regular Board meeting held March 18, 1991 was moved by Trustee Suttell, seconded by Trustee Marshall and duly carried.

AUDIT OF BILLS

Trustee Dayer moved that the bills as audited by the Mayor and Trustees, and detailed on Voucher Report dated March 28, 1991, covering Vouchers numbered 8151 to 8282 be approved for payment. Motion carried following second by Trustee Dickson.

PUBLIC HEARINGS

None scheduled.

SPEAKERS AND COMMUNICATIONS

None.

STAFF, COMMITTEE AND BOARD REPORTS

Trustee Dickson reported that she and the recycling coordinator will be attending a recycling seminar in Rochester next week.

Mayor Pagliaccio acknowledged receipt of the Dog Control Officer's quarterly report, and also that she will be visiting Parkdale School to hold educational meetings with the students.

RESOLUTIONS AND MOTIONSRESOLUTION APPROPRIATION FUNDS

Resolution No. 91.04.01.16

Dated: April 1, 1991

WHEREAS, Key Bank did donate \$1,000 to the Village of East Aurora for use in its Police Department DARE Program, and

WHEREAS, a Village police vehicle was damaged and subsequently sold, with the proceeds of the insurance claim and sale used to purchase a replacement vehicle,

RESOLVED, that \$1,000 be appropriated to Revenue Account A1589-DARE Contributions and A3120.495 DARE program,

FURTHER RESOLVED, that \$3,241.00 be appropriated to Revenue Account A2680 Insurance Recoveries and \$1579.00 to A2665 Sale of Surplus Equipment and \$4,820.00 to Appropriation Account A3120.210 Police Equipment-Vehicles.

Offered by Trustee Dayer  
Motion carried.

Second by Trustee Dickson

TRANSFER OF FUNDS

Resolution No. 91.04.01.17

Dated: April 1, 1991

WHEREAS various budgetary line item appropriations have exceeded their allocations, and now require a transfer of funds:

NOW THEREFORE BE IT RESOLVED that the following transfers be made within the indicated fund:

General Fund

<u>From:</u>	<u>Amount:</u>	<u>To:</u>
A3420.130 Dispatch Part Time	\$1,000	A3420.140 Dispatch OT
A1010.440 Trustees Train.Travel	\$ 500	A1210.440 Mayor Train.Travel
A1990.4 Contingent	\$2,100	A1989.490 Bond & Note Expense
A1990.4 Contingent	\$ 830	A1420.470 Atty. Misc. Legal
A1325.220 Admin. Equip.	\$ 105	A1325.420 Admin.Maint.& Repair
A1325.490 Admin. Misc.	\$ 242	A1325.470 Admin.Dept.Supplies
A1620.430 Bldg. Util.	\$1,500	A1620.470 Bldg., Supplies
A1620.420 Bldg. Maint.	\$2,000	A1620.470 Bldg. Supplies
A3640.220 Disast. Prep.Equip.	\$ 36	A3640.470 Disast. Prep. Misc.
TOTAL	\$8,313	

Balance in Contingent after this action is \$47,070.00.

Offered by Trustee Dayer  
Motion Carried

Second by Trustee Dickson

UNFINISHED BUSINESSLocal Law to Authorize Games of Chance

Since the matter was tabled following the public hearing on March 18, 1991, it was moved by Trustee Dayer, seconded by Trustee Marshall and duly carried that the matter be removed from table.

Approval of the following Local Law was moved by Trustee Suttell and seconded by Trustee Green.

LOCAL LAW NO. , 1991

A LOCAL LAW TO AMEND CHAPTER 69 OF THE CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, ENTITLED "PEACE AND GOOD ORDER".

BE IT ENACTED by the Board of Trustees of the Village of East Aurora, New York, as follows:

1. Chapter 69 of the Code of the Village of East Aurora, New York, entitled "PEACE AND GOOD ORDER" is amended to read as follows:

NOTE: Material within brackets is eliminated. The material underlined is added to and included in the Code of the Village of East Aurora, New York.

Section 69-11. Games of chance.

A. AUTHORITY.

This Local Law is enacted pursuant to the authority of Article 9-A of the General Municipal Law of the State of New York, and shall be known as the GAMES OF CHANCE LAW OF THE VILLAGE OF EAST AURORA.

B. DEFINITIONS.

The words and terms used in this Chapter shall have the same meanings as are ascribed to such words and terms in Article 9-A of the General Municipal Law of the State of New York, as the same shall have been or may, from time to time, be amended unless otherwise provided herein or unless the context hereof requires a different meaning.

C. GAMES OF CHANCE AUTHORIZATION.

Games of Chance may be conducted in the Village of East Aurora, New York, by an authorized organization, after obtaining a license therefor, in accordance with the provisions, requirements and limitations of Article 9-A of the General Municipal Law, the rules and regulations of the New York State Racing and Wagering Board and this Local Law.

D. GAMES ON SUNDAY.

Games of chance on the first day of the week, commonly known as "Sunday", may be conducted only as provided for in Article 9-A of the General Municipal Law.

E. ENFORCEMENT.

The powers and duties as set forth in Subdivision 1 of Section 194 of the General Municipal Law shall be exercised by the Chief Law Enforcement Officer of the Village of East Aurora, New York.

F. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State after approval thereof by the voters

of the Village of East Aurora, New York, voting thereon at an election to be held pursuant to the provisions of Section 188 of the General Municipal Law.

G. PARTIAL INVALIDITY.

If any part of this Local Law is found to be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remainder thereof.

Section 69-[11]12. NO CHANGE.

BY ORDER OF THE VILLAGE BOARD  
OF TRUSTEES OF THE VILLAGE OF  
EAST AURORA, NEW YORK.

---

ROY W. DECKER  
VILLAGE CLERK

Mayor Pagliaccio made the following comments:

"Before we vote on this new local law I would like to make some clarifying comments, particularly directed to the trustees.

After due process of a public hearing and as provided for under the General Municipal Law of the State of New York, we as a Village Board are empowered to enact or not enact a local law allowing not-for-profit organizations to become licensed to conduct games of chance. If the local law is voted in the affirmative, it must then be subjected to a mandatory vote by eligible voters of our Village. If affirmed it then becomes a local law. If at some time in the future the Village Board wishes to rescind the local law, the board must first act in the affirmative, followed again by mandatory vote of eligible voters.

If the law is not affirmed by a majority vote of the Village Board, the process ends.

From a political point of view one could take the affirmative position and let the people decide via the mandatory referendum and perhaps forgo public debate.

I feel that it is most important that we as elected officials and the public at large be well informed on this matter of allowing for games of chance.

We (as a society) have a great propensity to try and sanitize things or acts to make them sound acceptable or less offensive. In this case we have sanitized "gambling" by calling it "games of chance". To further sanitize it, the law allows only authorized not-for-profit organizations to conduct such games, and they in turn can espouse sainthood by sharing the gambling profits for youth, religious or educational advancements, and also share the profits with local government.

We cannot enact a law to allow games of chance for only the organization that requests it.

If this law is enacted it will allow any not-for-profit organization in the Village of East Aurora to conduct so called games of chance. This includes youth organizations as well.

This could result in a significant negative impact on our values and quality of life which we have in our Village.

The present methods used by the various not-for-profit organizations to raise funds for youth, religious, or educational advancement embody many, many redeeming values and a strong sense of community. To name a few fund raisers, the chicken barbecue, car washes, toyfest, ox roast, crop walk, East Aurora Squares, pig roast, jogging, swimming and bicycle marathons or races and many more. These activities involve planning, organizing, executing, working together, teaming, give and take, success and sometimes disappointment.

The choice rests with each one of us, your vote is not a vote for or against patriotism, it is not a vote for or against a particular organization, it is not a vote in support of or against not-for-profit organizations. Your vote is a vote for or against allowing gambling or games of chance to be conducted by any not-for-profit organization located in the Village of East Aurora."

Upon being put to vote, adoption of the local law carried with a four (4) to two (2) vote. Mayor Pagliaccio and Trustee Dayer cast the negative votes. It was also noted that the local law does not become effective until filed with the Secretary of State after being approved by the voters of the Village of East Aurora.

Date for Special Election Set

Trustee Dayer moved to set a special election on June 25, 1991, to present to the voters a local law to authorize games of chance in the Village of East Aurora. Motion seconded by Trustee Dickson and carried.

Approval to Display and Sell Nursery Products at 634 Main Street (Griggs & Ball)

Matter tabled following public hearing on March 18, 1991.

A motion to remove from table was offered by Trustee Marshall, seconded by Trustee Green and duly carried.

**RESOLUTION RE OUTDOOR SALES**

**PREMISES OWNED BY GRIGGS & BALL CO.**

**NORTHSIDE MAIN ST., EAST OF RILEY ST., EAST AURORA, N.Y.**

Resolution No. 91.04.01.18

DATED: April 1, 1991

WHEREAS, GRIGGS & BALL CO. is the owner of certain premises located generally at the northeast corner of Main and Riley Streets, in the Village of East Aurora, New York; and

WHEREAS, said GRIGGS & BALL CO. desires to conduct outdoor storage and sale of certain lawn and garden products from a portion of such premises; and

WHEREAS, the premises in question are located in a "C-M" Zone; and

WHEREAS, pursuant to Section 93-20 A (12) of the Village Code, such outdoor sales are a permitted use when approved by the Village Board of Trustees after a public hearing; and

WHEREAS, a public hearing was held in this matter on March 18, 1991.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That GRIGGS & BALL CO. be and hereby are permitted to have outdoor storage and sales of lawn and garden products in the area shown on EXHIBIT "A" attached hereto and made a part of this Resolution.

Moved by Trustee DAYER, seconded by Trustee

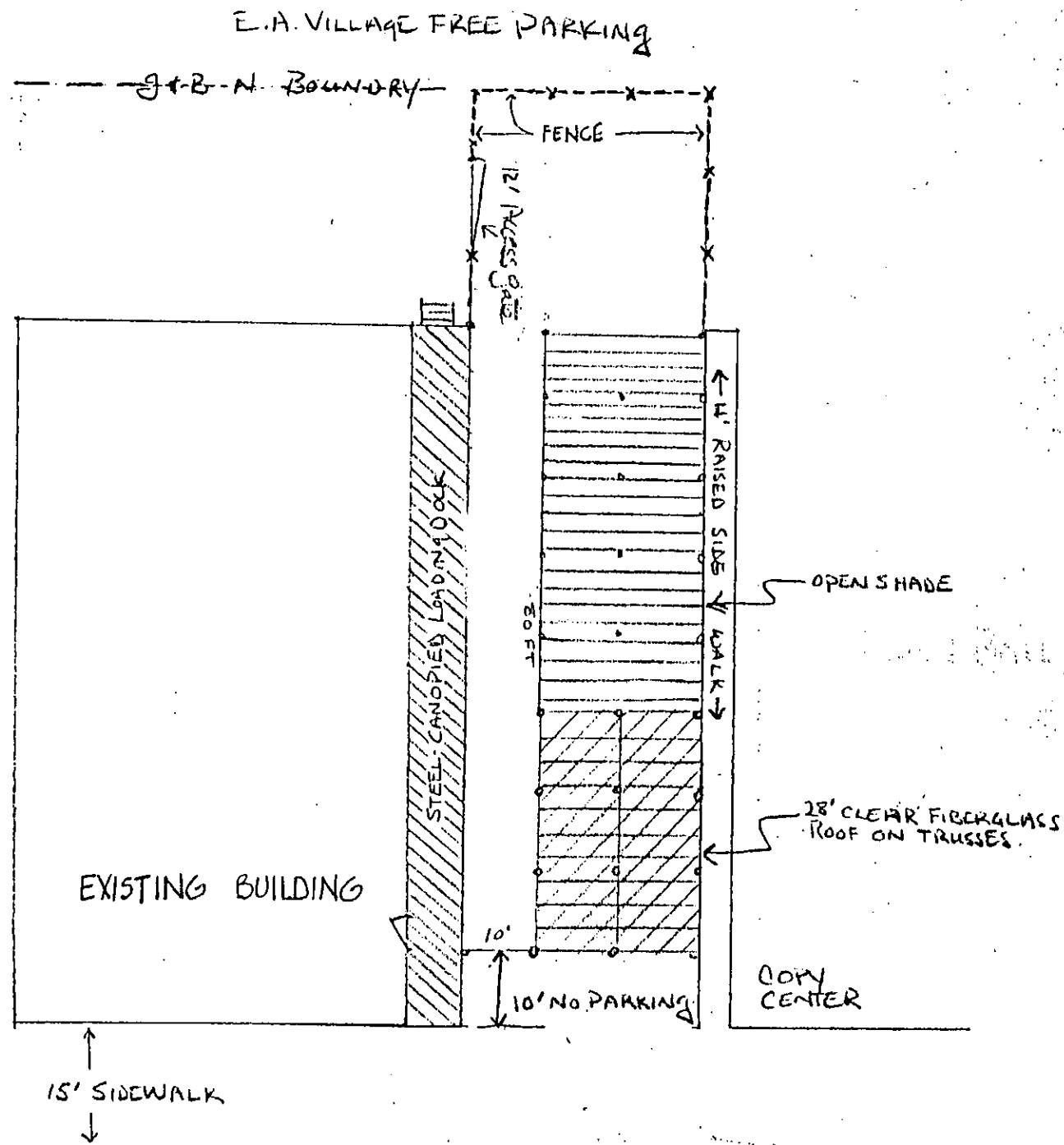
MARSHALL

AYES 6

NAES 0

EXHIBIT "A"

RILEY ST



## MAIN STREET

The Griggs & Ball Co.

NEW BUSINESS

Request to Hold Annual Memorial Day Parade

Trustee Sutell moved to approve the request of American Legion Post 362 to hold their Annual Memorial Day Parade at 10:00 AM on Monday May 27, 1991. Parade will assemble in Bells parking lot, proceed down Main St. to South Willow to cemetery. Seconded by Trustee Dickson. Motion carried.

Village Budget Hearing Set

It was moved by Trustee Dayer, seconded by Trustee Marshall and duly carried that a public hearing be set for April 15, 1991 to hear comments on General Fund, Water Fund, Sewer Fund and Capital Projects Budgets for the year 1991/92.

EXECUTIVE SESSION

None scheduled.

ADJOURNMENT

The Annual Organizational meeting held April 1, 1991 was adjourned at 8:32 PM upon motion of Trustee Dayer and second by Trustee Dickson.

A coffee hour immediately followed the meeting.

Roy W. Decker  
Village Clerk

## MINUTES OF REGULAR BOARD MEETING APRIL 15, 1991

ROLL CALL

Present - Mayor Pagliaccio, Trustees Sutell, Meade, Marshall, Green, Dayer and Dickson  
 Absent - None  
 Also Present - Village Administrator Hiller, Village Attorney Andruschat, Village Clerk Decker

APPROVAL OF MINUTES

It was moved by Trustee Sutell, seconded by Trustee Dickson and duly carried that the minutes of the Annual Organizational Meeting held April 1, 1991 be approved as submitted.

PUBLIC HEARINGSBudgets For 1991/92 General Fund; Water Fund; Sewer Fund; Capital Projects

## LEGAL NOTICE

## NOTICE OF PUBLIC HEARING

Please Take Notice that the Board of Trustees of the Village of East Aurora, New York, will hold a public hearing in the Board Room at the Village Hall, 571 Main Street, East Aurora, New York, corner of Main and Paine Streets, at 8:00 o'clock P.M. (prevailing time) on Monday, April 15, 1991 to hear comments relating to the following Village of East Aurora tentative budgets for the year 1991/92:

- A. General Fund
- B. Water Fund
- C. Sewer Fund
- D. Capital Projects

Roy W. Decker  
 Clerk-Treasurer

Following the opening of the hearing by Mayor Pagliaccio at 8:05 PM, Village Administrator Hiller gave a visual and audio presentation that covered the main points of the General, Water, Sewer Fund and Capital Projects budgets.

There were no questions from the audience, so Mayor Pagliaccio closed the hearing at 8:35 PM.

SPEAKERS AND COMMUNICATIONSLetter Re: Drainage Problems on Chestnut Hill Rd.

The Clerk read the following letter:

783 Chestnut Hill Road  
 East Aurora, New York 14052

VILLAGE OF EAST AURORA  
**RECEIVED**  
 APR 9 1991

April 6, 1991

The Village Of East Aurora  
 Board of Trustees  
 571 Main Street  
 East Aurora, NY 14052

Dear Board Members:

I am writing to report problems with water damage at my property at 783 Chestnut Hill Road. On two occasions within

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April 15, 1991

Page 2

the past several weeks we have experienced water problems related to precipitation in our ground floor family room. Ground water has entered the room and soaked the rug on both occasions. The rug has been virtually ruined. Our insurance company claims they will not cover damage from ground water. The latest incident occurred on the evening of March 22, 1991.

We believe that excessive runoff from the properties uphill from ours may be contributing to the problem. I have noticed on several occasions when there is a heavy rain or a rapid snow melt, that water from Elmwood Avenue flows rapidly down Chestnut Hill Road, onto the Wettlaufer property which is above ours, across their driveway and onto our front lawn. The amount of water and its flow rate are so large that gravel in the Wettlaufer driveway has, on occasion, been carried several feet downhill. Sometimes water flows down the road and enters our property directly, pouring into our driveway. We have also noticed that during heavy rains water often flows around rather than into storm drains in front of the James' property. That water continues across the Wettlaufer property and into our front yard.

I mention these problems to you with the hope that Village engineers or maintenance crews may be able to take action to improve the situation. In our previous four years at this residence we have not experienced such problems as these.

Any attention you could give to this problem will be appreciated.

Sincerely,

*James L. York*  
James L. York

It was noted that the Staff has investigated, and it may be necessary to hire an engineer to check out the drainage on Elmwood Avenue.

#### STAFF, COMMITTEE AND BOARD REPORTS

##### Changes in Community Development Dollar Distribution

Administrator Hiller briefly explained that CD funds will be pooled and community projects will be rated on a point system. Grants will be awarded based on the project rating with \$100,000. being the maximum grant.

##### Public Hearing Set Re: Community Development Funds

It was moved by Trustee Green that a public hearing be set for May 20, 1991 regarding Community Development. Motion carried following second by Trustee Marshall.

##### Status of Northern Recycling Council

Administrator Hiller advised that bids are scheduled to be opened on May 7, 1991. By the July Board meeting the evaluation should be made as to whether the Village should stay with NOREC or not.

Trustee Marshall reported that the Building Department issued 6 Building Permits in March with an estimated cost of \$30,380.

Trustee Dickson advised that she had attended a Recycling seminar the prior Tuesday and shared some information she had gotten. The average family disposes of 27 1/2 batteries a year. - 160 million tons of tires are disposed of each year. She also noted that a proposed tire burning facility in Lackawanna is in the permit stage. A facility such as that still ends up with 20-25% residue to dispose of.

Mayor Pagliaccio noted that a meeting regarding skunks in the village has been tentatively set for April 27.

RESOLUTIONS AND MOTIONS

TRANSFER OF FUNDS

Resolution No. 91.04.15.01

Dated: April 15, 1991

WHEREAS various budgetary line item appropriations have exceeded their allocations, and now require a transfer of funds:

NOW THEREFORE BE IT RESOLVED that the following transfers be made within the indicated fund:

General Fund

<u>From:</u>	<u>Amount:</u>	<u>To:</u>
A5142.14 Snow OT	\$3,500.00	A5142.12 Snow Wages
A5142.23 Snow Equipment Wages	4,974.00	A1640.12 Garage
A5142.47 Snow Supplies Wages	2,647.00	A1640.12 Garage
A1640.44 Garage T & T Wages	600.00	A1640.12 Garage
A8140.12 Storm Sewer Wages Wages	4,000.00	A1640.12 Garage
A8140.42 Storm Sewer Maint. Sewer Equip.	59.00	A8140.23 Storm
A5110.14 Streets OT Maint.	1,300.00	A5110.42 Streets
A5110.12 Streets Wages Maint.	3,000.00	A5110.42 Streets
A8160.49 Refuse Disposal Equip.	2,486.00	A8160.23 Refuse
A8560.124 Trees Plant	1.00	A8560.121 Trees Leaf
A8560.124 Trees Plant Disposal	212.00	A8560.141 Trees
A8140.42 Storm Sewer Maint. Wages	5,000.00	A1640.12 Garage

Water Fund

F8330.42 Trans. Maint.	\$3,000.00	F8330.14 Trans. OT
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Offered by Trustee Dayer  
Motion carried.

Second by Trustee Dickson

UNFINISHED BUSINESS

None.

NEW BUSINESS

Recreation Department Request Re: July 4th Parade

Trustee Suttell moved approval of the request of the Recreation Department to have a parade in conjunction with the intended July 4th celebration. The parade would begin near Bells and would proceed down Main Street to Grove Street then to Hamlin Park. Approximate starting time would be 1:00 PM on July 4, 1991. Motion seconded by Trustee Marshall and carried.

"Church in the Park"

It was moved by Trustee Dickson that permission be granted to Rev. Gary Beers to hold "Church in the Park" in Hamlin Park on August 4, 11, 18, 25 and September 1, 1991. Time would be from 8:00 AM to 1:00 PM on each day except August 18 which would be from 4:00 PM to 8:00 PM. Motion carried following second by Trustee Meade.

Public Hearing Set on Request to Rezone Property on Hamlin Avenue

It was moved by Trustee Dayer, seconded by Trustee Meade and duly carried that a public hearing be set for May 20, 1991 on the request of Donald and James Bach and Murphy Homes to rezone certain property on Hamlin Avenue from "R" to "R-G-N" zoning classification. Motion included referral of the matter to the appropriate committees and commissions.

Public Hearing Set on Request for Special Permit for Outdoor Dining at 27 Riley Street

Trustee Dayer moved to set a public hearing for May 20, 1991 on the matter of a request from Dean Gavin, owner and David Neff, proprietor of Life of Riley Restaurant, located at 27 Riley Street, for a Special Use Permit to allow outdoor dining. Motion duly carried following second by Trustee Suttell.

Approval of Dispatch Contract

Deferred to next Board meeting.

Add Request to Use Hamlin Park to Agenda

Trustee Dayer moved to add the request of Erie County Soil and Water Conservation District to use Hamlin Park to the agenda as Item 7F. Seconded by Trustee Dickson the motion carried.

Request to Use Hamlin Park Re: Pickup of Trees and Shrubs

It was moved by Trustee Dayer that permission be granted to Edwin Merriman to use Hamlin Park on April 20, 1991 from 8:00 AM to 5:00 PM for the purpose of having residents pick up trees and shrubs. (Annual event) Trustee Marshall seconded the motion which duly carried.

EXECUTIVE SESSION

None scheduled.

ADJOURNMENT (RECESS)

At 9:19 PM the regular Board meeting was recessed to 8:00 PM April 22, 1991 upon motion of Trustee Dayer and second by Trustee Dickson. Meeting recessed to permit vote on 1991/92 Budgets.

Roy W. Decker  
Village Clerk

MINUTES OF RECESSED MEETING APRIL 22, 1991 (Recessed from April 15, 1991)

ROLL CALL

Present - Mayor Pagliaccio, Trustees Dayer, Dickson, Marshall, Meade, Green and Sutell  
Absent - None  
Also Present - Village Administrator Hiller

Mayor Pagliaccio noted the absence of people in the audience and the absence of letter or vocal input since the Village's Public Hearing on the Budgets.

Trustee Dayer moved to approve the General, Water, Sewer and Capital Funds budgets. With a second from Trustee Sutell, the motion passed unanimously.

The Recessed Meeting held April 22, 1991 was adjourned at 8:14 PM upon motion of Trustee Dayer and second by Trustee Marshall.

Jerry C. Hiller  
Village Administrator  
Deputy Clerk

## MINUTES OF REGULAR BOARD MEETING MAY 6, 1991

ROLL CALL

Present - Mayor Pagliaccio, Trustees Dickson, Dayer, Green, Marshall, Meade and Suttell  
Also Present - Village Administrator Hiller, Village Attorney Andruschat, Village Clerk Decker

APPROVAL OF MINUTES

Trustee Suttell moved approval as presented, of the minutes of the regular Board meeting held April 15, 1991 and the recessed meeting held April 22, 1991. Seconded by Trustee Dickson the motion duly carried.

AUDIT OF BILLS

It was moved by Trustee Dayer, seconded by Trustee Marshall and duly carried that the bills as audited by the Mayor and Trustees as detailed on Voucher Report dated May 3, 1991, covering vouchers No. 8294 to 8498, be approved for payment.

PUBLIC HEARINGS

None scheduled.

SPEAKERS AND COMMUNICATIONS

Niels Anderson, 219 Center Street, spoke at length about the plight of the senior citizen living on a fixed income. He expressed concern over inflation, increased taxes and cost of operating the sewage treatment plant. In answer to Mr. Anderson's question about why the Village lost State Aid to the sewage treatment plant, Mayor Pagliaccio advised that the State had eliminated the program. In discussing the 11% increase in school taxes, he noted that the recent pay increase granted to the teachers compounded to 30%, and that the million dollar loss in school aid is directly attributable to the property revaluation program. Mr Anderson emphasized he felt it was time something should be done and noted he would like to see more protest against programs that increase costs to the taxpayers. He also suggested that a study be done regarding Route 400 and Route 20A, noting that if access to the 400 was provided going south, it would keep the truck traffic off the newly renovated Olean Street.

STAFF, COMMITTEE AND BOARD REPORTS

Village Administrator Hiller reviewed the following memorandum regarding Community Development Funds.

TO: VILLAGE BOARD  
FROM: JERRY C. HILLER, VILLAGE ADMINISTRATOR  
RE: COMMUNITY DEVELOPMENT FUNDS  
DATE: MAY 6, 1991

Based on the competitive project ranking criteria, the Village will probably only get a grant if it maximizes the full 20 points on National Objectives - that is at least 44.9% of all the people benefiting meet the low/moderate income criteria (see attached schedule) or be a member of a clientele that HUD presumes are low/moderate which are: elderly persons, handicapped persons, illiterate persons, abused children, battered spouses, and migrant farm workers.

Attached is a sample survey questionnaire form that the Village must conduct (we did this on Savage Place last year) in order to qualify a project that does not qualify as presumed clientele.

Hence, in order to assure a valid chance of getting a grant, we should either qualify the project with a survey or pick a presumed clientele project. (Note: other projects are eligible, but will not score high enough to get funded in my opinion).

Suggestions of projects, as per the above referenced category are as follows:

Low/moderate with survey

Paving, water line on Ellis St. (private drive and water line in need of repair)  
Paving of other streets in Village where survey may indicate at least 44.9% low moderate, i.e. Hilliker Pl. Temple Pl., Persons St, as well as selected areas of Village (parts of Prospect, Paine, etc). The projects do not have to be limited to paving could be sidewalks, water, sewer, housing rehab, etc.

Presumed clientele

Adult Day Care  
Curb Cuts  
Handicapped Access  
Seniors sidewalks  
Sr. Citizen Center  
Sr. Citizen Housing  
Sr. Citizen Van

Any project that is general in nature will either not qualify or score high enough. For example, putting in storm drainage must show that at least 44.9% the people in the drainage area meet the income criteria. Likewise for a park improvement (unless handicapped type of improvements).

For the Boys & Girls Club to qualify, it would be limited to handicapped access, unless they could show that their members are 44.9% low/moderate.

INCOME ELIGIBILITY SCHEDULE  
ERIE COUNTY REHABILITATION LOAN PROGRAM

<u>No. of Persons</u>	<u>50% of Erie County Median</u>	<u>60% of Erie County Median</u>	<u>80% of Erie County Median</u>
1	\$12,450	\$14,940	\$19,900
2	14,200	17,040	22,700
3	15,950	19,140	25,550
4	17,750	21,300	28,400
5	19,150	22,980	30,650
6	20,600	24,720	32,950
7	22,000	26,400	35,200
8 or more	23,450	28,140	37,500

Effective February 2, 1991

Trustee Marshall reported that he had met with the President of the Chamber of Commerce regarding signs and the sign ordinance.

Trustee Dickson questioned whether there was some way of enforcing the ordinance that prohibits placing junk for Village collection at the curb early. She advised that she had received several phone calls complaining, and she personally had observed very large quantities of trash put out as early as Wednesday before the next Monday pickup.

This subject sparked a lengthy Board discussion regarding how to correct the situation. It was decided that the matter be added to the next work session agenda.

Mayor Pagliaccio reported that he, the Police Chief and a representative from the DEC had met with some residents who live around Hamlin Park, to discuss skunks. The Police Chief will prepare a written report on the matter.

RESOLUTIONS AND MOTIONS

RESOLUTION APPROPRIATING FUNDS

Resolution No. 91.05.06.01

Dated: May 6, 1991

WHEREAS, The Pines II Subdivision did require the developer to reimburse the Village the costs of independent engineering inspection of the subdivision infrastructure construction, and

WHEREAS, the Village did receive \$24,037.42 from Marrano Marc Equity Corp. as a reimbursement of this service for engineering fees paid to R&D Engineering,

RESOLVED, that Revenue Account A2590 Building Permit Fees, be increased \$24,037.42 and that Expenditure Account A1440.490 Engineer be increased by \$24,037.42.

Offered by Trustee Dayer  
Motion carried.

Second by Trustee Meade

UNFINISHED BUSINESS

Approval of Dispatcher Contract

A motion to approve the contract between the Village of East Aurora and the Police/Fire Dispatchers was offered by Trustee Sutell. The motion included authorization for the Mayor to execute the agreement. Motion was carried following a second by Trustee Dayer.

Request to Rezone Property at Hamlin Avenue

Public hearing has been set for May 20, 1991.

Request For Special Permit For OUTdoor Dining at 27 Riley Street

Public hearing scheduled for May 20, 1991.

Use of Community Development Funds

Public hearing set for May 20, 1991.

NEW BUSINESS

Annual Review of Justice Court Dockets

It was noted for the record that the Village Board members had reviewed the dockets of the Village Justice and the Acting Village Justice.

Racing Day 1991

April 2, 1991

Board of Trustees  
Village of East Aurora  
571 Main Street  
East Aurora, New York 14052

Members of the Board:

The Racing Day Committee has scheduled the same type of activities as usual for 1991 and wishes to once again request the exclusive use of Hamlin Park on July 27 and 28, 1991.

In the past we have had tremendous assistance from all Village Departments and this has helped to create a great day for the entire community.

Attached please find:

1. A list of 1991 Racing Day Events
2. A Request for Use of Village Facilities. Attached to this permit request is a list of those activities that will be held at Hamlin Park and on Village Streets.

Thankyou for your consideration.

Sincerely.



Preston Smith  
1991 Racing Day Chairperson

VILLAGE OF EAST AURORA  
REQUEST FOR USE OF VILLAGE FACILITIES

Date 4/18/91

1. Name of Organization Racing Day Committee
2. Individual Responsible for this request Preston Smith
3. Address where correspondence be sent 10628 Holland Glenwood, Holland, NY 14080  
Telephone No. 537-2114
4. Brief description of nature of the request  
(Name of the event, project, etc.) 1991 Racing Day - see attached list  
Request includes horses and one cow in Hamlin Park
5. Location: Hamlin Park / Village Streets
6. Dates and Times Requested July 27 & 28, 1991 - all day
7. Estimated No. of People Attending unable to estimate
8. Other Services Requested: (describe)
  - a) Police- we will meet with Ron Hartman to discuss details
  - b) DPW - same as past
  - c) Fire \_\_\_\_\_
  - d) Materials \_\_\_\_\_

NOTE: USE OF MOTORIZED VEHICLES IN VILLAGE PARKS IS STRICTLY PROHIBITED.

DEPARTMENTAL COMMENTS:

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ACTION BY VILLAGE BOARD

Date: \_\_\_\_\_

APPROVED  DISAPPROVED

Dept. Initials

CONDITIONS:

1. Police Dept. Approval - 652-1111 \_\_\_\_\_
2. DPW Approval - 652-6057 \_\_\_\_\_
3. Fire Dept. Approval - 652-6003 \_\_\_\_\_
4. Public Liability policy shall be endorsed to include Village of East Aurora as ADDITIONAL NAMED INSURED. \_\_\_\_\_
5. Requesting organization shall attach a completed CERTIFICATE OF INSURANCE with minimum limits of liability \_\_\_\_\_  
BODILY INJURY, \_\_\_\_\_ property damage or a combined single limit \_\_\_\_\_
6. Other \_\_\_\_\_

RACING DAY 1991

SUNDAY, JULY 28

Ham Radio Exhibition & Demonstration	Hamlin Park
Carriage Drive Marathon	Village & Town
Refreshments (Viet Nam Vets)	Hamlin Park
Trotting Races	Girard
Barnyard Bingo (EAST Swim Team)	Hamlin Park
Horseshoe Tournament	Hamlin Park
35+ Softball	Hamlin Park
Oldtimers Baseball	Hamlin Park
Tot Bike Races	Hamlin Park
Pony Rides (Lothlorian)	Hamlin Park
Tennis Tournament	Hamlin Park
Concert	Rotary Bandstand

Trustee Sutell moved to approve the request of the Racing Day Committee to use Hamlin Park and Village Streets to conduct Racing Day events. It was noted that other organizations have scheduled various events on Racing Day weekend and this approval does not cover those activities. Motion duly carried following second by Trustee Green. Racing Day is Sunday July 28, 1991.

Special Permit For Heritage Day Activities

It was moved by Trustee Dickson, seconded by Trustee Marshall and duly carried that the request submitted by Bonnie Wagner to hold Midtown Merchants Heritage Day events on Saturday, July 27, 1991 from 9:00 AM to 4:00 PM, be approved. Special Permit will be issued by Code Enforcement Officer.

Add Item to Agenda

Trustee Dickson moved to add the matter of appointing an MEO III to the DPW workforce, to the agenda as Item 7D. Seconded by Trustee Marshall the motion carried.

Appointment of MEO III to DPW

Appointment of Kevin Sunderlin, Prospect Avenue, to the position of MEO III in the Department of Public Works was moved by Trustee Marshall, seconded by Trustee Meade and duly carried. Appointment effective May 7, 1991.

PROCLAMATION

Nursing Home Week

WHEREAS, nursing facility providers are striving toward new innovations in long term care delivery through implementation of the nursing facility quality provisions contained in the 1987 Omnibus Budget Reconciliation Act;

WHEREAS, the goal of nursing facility providers is to provide high quality care and a high quality of life for elderly and disabled residents and to lead members of the health care community in the provision of quality care;

WHEREAS, the rights and dignity of nursing facility residents are at the heart of the care delivered;

WHEREAS, the members of the American Health Care Association and Network Association proudly sponsor 1991 National Nursing Home Week and invite home caregivers to visit nursing facilities and benefit from the knowledge and experience of their staff;

THEREFORE, I, Mayor John V. Pagliaccio, proclaim the week of May 12-18, 1991, as Nursing Home Week in the Village of East Aurora and urge all residents to be part of the quality of life nursing facility residents enjoy by visiting nursing facilities and offering support and congratulations to the residents, who are cherished members of this community, and to the staff, who truly are leaders in quality health care and vital resources to the Residents of the Village of East Aurora.

IN WITNESS WHEREOF, I have caused the seal of the Village of East Aurora to be affixed this 6th day of May, 1991.

John V. Pagliaccio, Mayor



EXECUTIVE SESSION

None scheduled.

ADJOURNMENT

The regular Board meeting held May 6, 1991 was declared adjourned at 9:37 PM upon motion of Trustee Dayer and second by Trustee Dickson.

Roy W. Decker  
Village Clerk/Treasurer

ROLL CALL

Present - Mayor Pagliaccio, Trustees Sutell, Marshall, Green, Dayer and Dickson  
Absent - Trustee Meade  
Also Present - Village Administrator Hiller, Village Attorney Andruschat, Village Clerk Decker

APPROVAL OF MINUTES

Trustee Sutell moved approval as presented, of the minutes of the regular Board meeting held May 6, 1991. Motion carried following second by Trustee Dickson.

AUDIT OF BILLS

It was moved by Trustee Dayer, seconded by Trustee Marshall and duly carried, that the bills as audited by the Mayor and Trustees and detailed on Voucher Report dated May 17, 1991 covering Voucher numbers 8512 to 8604, be approved for payment.

PUBLIC HEARINGS

Request For Special Permit: Outdoor Dining at 27 Riley Street

The Clerk read the following notice:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing in the Board Room at the Village Hall, located at the corner of Main and Paine Streets, East Aurora, New York, on Monday evening, May 20th, 1991, at 8:00 o'clock P.M. (prevailing time) upon the request of DEAN R. GAVIN (OWNER) and DAVID C. NEFF (PROPRIETOR) for the issuance of a Special Use Permit allowing the service of food and beverages outside of the existing premises at 27 Riley Street, East Aurora, New York.

PLEASE TAKE FURTHER NOTICE that this hearing is pursuant to Article VIII (Section 93-42) of the Code of the Village of East Aurora, New York, which sets forth special provisions for uses requiring special permits.

DATED: East Aurora, N.Y.

April 26, 1991

BY ORDER OF THE VILLAGE BOARD  
OF TRUSTEES OF THE VILLAGE  
OF EAST AURORA, NEW YORK.

ROY W. DECKER,  
VILLAGE CLERK

Mayor Pagliaccio opened the public portion of the hearing at 8:02 PM and after determining no one in the audience wish to comment, he closed the hearing at 8:03 PM and referred the matter to the Board.

Adoption of the following Findings of Fact were moved by Trustee Sutell, seconded by Trustee Dickson and duly carried.

FINDINGS OF FACT

1. That the premises in question are located within an "M-1" Zoning District.
2. That full-service restaurants are a permitted use in a "M-1" Zoning District provided that a Special Use Permit for such restaurant operation is granted by the Village Board of Trustees of the Village of East Aurora.
3. That previously hereto a Special Use Permit was granted for the premises in question, and also previously hereto a Special Use Permit was granted permitting the service of food and beverages outside of the existing building at the premises.
4. That the use made of the premises pursuant to such permits previously issued did not and has not:
  - (a) Adversely affected traffic flow in the area.
  - (b) Adversely affected pedestrian or vehicular traffic safety in the area.
  - (c) Adversely affected the fire control in the area.
  - (d) Produced any objectionable increase in noise levels in the area.
  - (e) Has not had any adverse effect on the local area or the community at large.
5. That no residences presently exist adjacent to the premises or nearby to the premises, but rather the premises are bound on all sides by commercially zoned premises.
6. That the use of the premises under the prior Special Use Permits has not resulted in any complaints from members of the immediate neighborhood.

After some discussion regarding the term of the permit, the Board approved the following permit with the terms and conditions as noted. The motion to approve was offered by Trustee Dayer and included authorization for the Mayor to sign. Seconded by Trustee Sutell, the motion was carried.

SPECIAL USE PERMIT

ISSUED TO: DEAN R. GAVIN (OWNER) AND DAVID C. NEFF (TENANT).

BY: VILLAGE BOARD OF TRUSTEES, VILLAGE OF EAST AURORA, NEW YORK.

Pursuant to Section 93-42, the Village Board of Trustees of the Village of East Aurora, New York, does hereby issue this Special Use Permit to DEAN R. GAVIN and DAVID C. NEFF, permitting the use of premises commonly known as 27 Riley Street, East Aurora, New York, for outdoor meals and dining.

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

This Special Use Permit is issued subject to the terms and conditions set forth in "EXHIBIT A" attached hereto and made a part hereof.

This Special Use Permit shall not become effective until it and the terms and conditions set forth in "EXHIBIT A" are agreed to in writing by DEAN R. GAVIN and DAVID C. NEFF.

DATED: East Aurora, N.Y.  
May 20th, 1991

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

BY:

JOHN V. PAGLIACCIO, MAYOR

We, the undersigned, being the applicants for this Special Use Permit, agree to accept this Special Use Permit subject to the terms and conditions set forth therein.

DEAN R. GAVIN

DAVID C. NEFF

**"EXHIBIT A"**

**TERMS AND CONDITIONS OF SPECIAL USE PERMIT.**

TERM -

This Special Use Permit shall terminate on October 31, 1992, unless the Village Board of Trustees of the Village of East Aurora, New York, shall, by resolution prior thereto, extend the term thereof.

INCIDENTAL ACTIVITIES -

The Special Use Permit herein shall be for the service of food and beverages outside of the existing premises at 27 Riley Street, East Aurora, New York, in the area shown on the diagram attached hereto and made a part hereof. The service to the public of food and beverages on the aforesaid mentioned premises shall be limited to 40 persons in said service area at any one time. Furthermore, when such outdoor premises are being used, the total number of people outside and inside the restaurant shall not exceed 90 people. No activities, other than the activities specifically set forth in the Special Use Permit shall be carried on. No activities shall be deemed incidental to the activities permitted by the Special Use Permit unless and until such activities shall be approved as incidental activities by resolution of the Village Board of Trustees.

COMPLIANCE WITH  
ALL LAWS -

The permittees herein shall obtain all necessary permits and maintain the same as is required by the Erie County Department of Health, the Erie County Alcoholic Beverage Control Board, and any other laws applicable thereto.

NOISE -

No sound amplification shall be permitted in the outdoor area. No music or other reproduced sounds shall be permitted in the outdoor area.

NON-ASSIGNMENT -

The Special Use Permit is personal to the permittees named in such Permit. This Special Use Permit can not be assigned by such permittees to any other individuals or entities without the express written consent of the Village Board of Trustees of the Village of East Aurora, New York.

TIME LIMITATIONS -

The service of food and beverages to the public at the premises for which this Special Use Permit is granted shall only be from 11:00 A.M. until 11:00 P.M., seven (7) days per week.

CHANGES -

No structural changes shall be made to the existing premises without compliance with all laws relative to building permits and other similar laws.

Use of Community Development Funds

LEGAL NOTICE  
NOTICE OF PUBLIC HEARING

Notice to the Residents of the  
Village of East Aurora

A public hearing will be held on May 20, 1991, at 8:00 P.M. regarding the use of Federal Community Development Funds in the Village of East Aurora.

The Village of East Aurora is eligible to apply for a Federal Community Development Grant under Title I of the Housing and Community Development Act of 1974.

The purpose of the hearing is to provide an opportunity for residents to express community development and housing needs and to discuss possible projects or programs to meet those needs, particularly projects which would benefit low and moderate income persons in the Village of East Aurora.

Residents are urged to attend this meeting to make known their views and/or written proposals on the Village of East Aurora's selection of projects to be funded by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities.

John V. Pagliaccio, Mayor  
Village of East Aurora

Following the reading of the above notice by the Clerk, Mayor Pagliaccio opened the public portion of the hearing at 8:17 PM.

Upon determining that no one wished to comment, the Mayor closed the public portion of the hearing at 8:18 PM and referred the matter to the Board.

The Board discussed several projects that had been suggested by the Village Administrator. The Board consensus was to submit an application to do remedial water line work and pave Ellis Place. Administrator Hiller advised that he felt that the residents would meet the low to moderate income criteria.

Request to Rezone Property on Hamlin Avenue

It was noted that the hearing was cancelled at the request of the petitioner.

SPEAKERS AND COMMUNICATIONS

Complaint From Pine Street Residents Re: Excessive Vehicular Speed on Pine Street

The following letter which contained an additional 31 signatures had been presented to the Board.

VILLAGE OF EAST AURORA

May 05, 1991

RECEIVED

MAY 10 1991

Village of East Aurora  
Mr. Jerry Hiller  
571 Main Street  
East Aurora, NY 14052

Dear Mr. Hiller,

The residents of Pine Street are writing in concern of the excessive speed of vehicles on our street. The residents on the street have contacted the Police department, but nothing seems to have been done about the violations.

The current speed limit is 30 mph. Unfortunately the speed is being violated consistently. The excessive speed is threatening our children's safety.

There are many children of young ages on our street. Warren Park is directly behind the houses on the East side of Pine street, where the children play, but must cross Pine Street to get there. The violations mainly occur during the time the children are home from school, and playing outside. Monday through Friday from 3pm - 8pm, Saturday from noon to 6pm. The problem includes 18 wheelers, and dump trucks, which use Pine Street as a through route.

We hope we don't have to wait for one of our children to be killed or seriously injured before something can be done.

We are requesting the following:

- 1.) Enforce speed limit with radar.
- 2.) Reduce speed limit.
- 3.) Post warning signs of "Children at Play".

We hope something can be done to protect our children. Thank you for your time and consideration. Looking forward to hearing from you soon.

Thank you,

*Dawn DeBois 652-9631*

Pine Street Residents attached.

cc: Chamber of Commerce  
Mayor's Office  
Police Department  
East Aurora Advertiser

Mayor Pagliaccio advised that the Police Chief had met with the writer and other residents. Radar checks were conducted with no significant findings to report.

The Mayor also noted receipt of a communication from Adelphia Cable advising of rate increase to take effect on June 1.

STAFF, COMMITTEE AND BOARD REPORTS

Village Administrator Hiller reported that the audit of Adelphia Cable, commissioned jointly by the Village and Town of Aurora, had been completed by Fox & Company. He noted that everything appeared to be in order, except that the subscriber listing showed some Town residents in the Village and vice versa.

Report on Bid Opening for Water Meters

To: Village Board

From: Robert W. Urban

Ref: Water Meter Bids

Date: May 16, 1991

Bids were received on Monday, May 13, 1991 for the purchase of sealed register magnetic meters. Bids were received from Blair Supply Corp., 785 Beacham Road, Rochester, N. Y. 14624. and Sensus Technologies, Inc., with the low bidder being Blair Supply Corp.

I hereby recommend award of bid to Blair Supply Corp.

Based on the recommendation of the Supt. of Public Works, Trustee Dayer moved to accept the low bid of Blair Supply Corp. to supply water meters to the Village of East Aurora. Motion carried following second by Trustee Dickson.

Status of North Street Refurbishment

Village Administrator Hiller reported that Wendell Engineering advised that construction and engineering costs for North Street from Maple to the dead end will be approximately \$600,000. and estimate a bid date of June 1.

Trustee Marshall reported that the Code Enforcement Office issued 9 building permits in April with an estimated cost of \$387,000.

Trustee Dickson reported a resident complaint of being unable to pick up wood chips after hours because the gate was locked. Trustee Dickson was advised that the DPW had been made aware of the problem, and are now leaving some chips outside the gate.

RESOLUTIONS AND MOTIONS

RESOLUTION RELEVYING WATER AND SEWER RENTS ON 1991/92 VILLAGE TAX BILLS

Resolution No. 91.05.02.01

Dated: May 20, 1991

WHEREAS, certain water and sewer customers have not paid water/sewer rents on a timely basis and all efforts to secure a payment have not been successful,

RESOLVED, that the attached list of water/sewer customers be forwarded to Erie County for inclusion of such outstanding balances on their 1991/92 Village Tax Bill.

Offered by Trustee Dayer.  
Motion carried.

Second by Trustee Green

SMUUB39/CS/V08/L006  
DATE OF REPORT 05/07/91

VILLAGE OF EAST AURORA  
DELINQUENT REPORT AS OF 05/07/91

PAGE 1  
TIME: 12:28:11

ACCOUNT	LOCATION	OWNER	MUNI	S-B-L	DELINQUENT AMT	LAST STATEMENT DATE
01-0100130-0 00834	LAWRENCE AVE	SCHUTRUM, MARGARET	164.13-2-20 KR	32.08	04/01/91	
01-0100400-1 00516	NORTH ST	REYNOLDS, DAVID	164.16-3-8 QR	63.76	04/01/91	
01-0101000-0 00167	NORTH ST	HANSEN, ELIZABETH	164.15-2-14 NK	82.76	04/01/91	
01-0201650-0 00489	GIRARD AVE	DELBERT ENGLE	164.20-5-4 MV	133.45	04/01/91	
01-0201790-0 00395	GIRARD AVE	JOHN P. SPOONER	164.20-4-4 MF	120.78	04/01/91	
201878-2 00331	GIRARD AVE	GINNICK, ROY	164.20-1-11 IH	122.55	04/01/91	
302125-0 00496	RIDGE AVE, UPPE MACCHIONI, ALEXANDRA		164.20-5-22 MT	32.08	04/01/91	
403350-1 00831	E FILLMORE AVE	BEECH, ROGER	165.17-5-6 RF	215.82	04/01/91	
403530-0 00541	FILLMORE AVE	LINDA H BRADY	164.20-7-13 OA	76.43	04/01/91	
01-0503730-1 00866	MAIN ST	SASSOON, ARLENE	165.17-5-34 RV	146.12	04/01/91	
01-0504530-2 00408	MAIN ST	STARLING, RANDOLPH	164.20-3-35 OK	95.44	04/01/91	
01-0504550-2 00404	MAIN ST	RATH, CHRISTOPHER	164.20-3-36 PD	38.41	04/01/91	
01-0504600-4 00400	MAIN ST, APT. 1	SCIOLINO, CARL	164.20-3-38 QP	32.08	04/01/91	
01-0504610-2 00400	MAIN STREET	BODEKOR, JASON	164.20-3-38 QP	44.75	04/01/91	
01-0604960-0 00765	MAIN ST	BONNIE PHILIPPS & CO	176.05-2-7.11QH	152.46	04/01/91	
01-0605140-1 00667	MAIN ST	WAREHOFF'S E.A. HARD	176.05-1-26 PO	108.11	04/01/91	
01-0605430-0 00461	MAIN ST	SOUTHTOWNS AGENCY	164.20-10-1 ID	32.08	04/01/91	
01-0605740-0 00199	MAIN ST	OCCUPANT	164.19-6-8 TU	127.12	04/01/91	
01-0706120-0 00606	OAKWOOD AVE	STRON, BEVERLY J	164.20-8-30 NV	108.11	04/01/91	
01-0706200-1 00558	OAKWOOD AVE	NIX, JOHN	164.20-9-16 RL	82.76	04/01/91	
01-0706560-0 00306	OAKWOOD AVE	JOSEPH HIGGINS	164.20-13-17 PB	190.48	04/01/91	
01-0706581-0 00294	OAKWOOD AVE	McDADE, JIM	164.20-13-19 QN	32.16	04/01/91	
01-0706810-0 00170	OAKWOOD AVE	KELLEY, JAMES L	164.19-6-33 SF	146.12	04/01/91	
01-0706890-2 00717	OAKWOOD AVE	KAVANAGH, DOREA	176.05-6-22 PS	32.08	04/01/91	
01-0707000-1 00695	HILLIKER CT	SUROWIECKI, MATTHEW	176.05-6-25 RX	120.78	04/01/91	
01-0707230-0 00465	OAKWOOD AVE	WAYNE GROVES	175.08-3-2 NK	220.24	04/01/91	
01-0707480-1 00257	OAKWOOD AVE	LAMBERT, APRIL	175.08-1-3 MX	86.83	04/01/91	
01-0807510-0 00757	ELLIS PLACE	DAVID ADMACZYK	176.05-2-53 QB	120.78	04/01/91	
01-0807530-2 00745	ELLIS PLACE	LEHSTON, ROBERT	176.05-2-51 OP	120.78	04/01/91	
01-0807680-0 00406	PROSPECT AVE	MRS ALICIA SCHNEIDER	175.08-2-32 OW	63.86	04/01/91	
808050-0 00349	PROSPECT AVE	ROXIE GILLESPIE	175.08-8-4 RY	165.13	04/01/91	
808100-1 00289	PROSPECT AVE	SWAN, RAYMOND	175.08-9-10 QI	165.13	04/01/91	
00808100-0 00245	PROSPECT AVE	WALTER R. SCHOENFELD	175.08-9-2 RC	101.77	04/01/91	
01-0908330-1 00623	PERSONS ST	VALLONE, DAVID & XEN	176.05-7-10 OE	89.10	04/01/91	
01-0908804-1 00255	CAZENOVIA ST	VOLK, TIMOTHY	175.12-1-2 KA	101.81	04/01/91	
01-0909260-0 00497	GRIGGS PLACE	DALY, KATHY	175.12-3-6 OE	184.14	04/01/91	
01-0909290-0 00473	GRIGGS PLACE	CAWLEY, THOMAS JP	175.12-3-2 LG	184.14	04/01/91	
01-1009480-1 00432	LINDEN AVE	ROHRBACH, ROBERT	175.12-3-18 PS	44.75	04/01/91	
01-1009575-0 00350	LINDEN AVE	RONALD A ROSE	175.08-8-29 WZ	127.12	04/01/91	
01-1009640-0 00537	LINDEN AVE	ROBERT ROLLER	175.12-5-11 ML	234.83	04/01/91	
01-1009730-0 00465	LINDEN AVE	BENCE, WILLIAM	175.12-5-2 MM	120.78	04/01/91	
01-1009840-0 00676	SOUTH ST	MICHAEL DEVINE	176.09-1-14 PC	177.80	04/01/91	
01-1010040-2 00428	SOUTH ST	DEPKE, KEN	175.12-2-26 QY	177.80	04/01/91	
01-1010110-0 00364	SOUTH ST	LEON RODECKI	175.12-2-35 QX	95.44	04/01/91	
01-1010130-0 00391	OLEAN ST	PRECISION ASPHALT MA	176.09-1-44 RE	358.58	04/01/91	
01-1010470-1 00341	SOUTH ST	KOCH, EVELYN	175.12-2-37 QJ	290.70	04/01/91	
01-1211240-0 00104	BROOKLEA DR	PAUL WATSON	165.18-2-41 QX	215.82	04/01/91	
01-1211250-0 00135	BROOKLEA DR	THOMAS H FAHRENHOLZ	165.18-2-2 MW	177.80	04/01/91	
01-1211300-0 00076	BYEBERRY CT	GARY HARIG	165.18-2-47 TH	202.58	04/01/91	
01-1311332-0 01249	CARRIAGE DR	BRUCE BRUMHITT	165.18-2-22 OG	139.79	04/01/91	
01-1311398-0 00182	PINE ST	JOSEPH DeGWECK	165.13-2-6 NR	278.36	04/01/91	

SMUUB39/CS/V08/L006  
DATE OF REPORT 05/07/91

VILLAGE OF EAST AURORA  
DELINQUENT REPORT AS OF 05/07/91

PAGE 2  
TIME: 12:28:11

ACCOUNT	LOCATION	OWNER	MUNI	S-B-L	DELINQUENT AMT	LAST STATEMENT DATE
01-1412310-3 00062	OLEAN ST	ALLEN, CAROLYN	176.05-2-44 QC	32.08	04/01/91	
01-1412311-2 00062	OLEAN, UPPER RE TURNBULL, KENT		176.05-2-44 QC	32.08	04/01/91	
01-1412312-4 00062	OLEAN ST	ALLEN, PAUL & CAROL	176.05-2-44 QC	32.08	04/01/91	
01-1412435-0 00180	OLEAN ST	JOAN COULE	176.05-5-31 PB	127.12	04/01/91	
01-1412740-3 00109	OLEAN ST	DECK, JOHN A	176.05-6-28 UC	89.10	04/01/91	
01-1412780-1 00195	OLEAN ST	SAM ARCARA	176.05-6-31 PR	29.16	04/01/91	
01-1413040-0 00032	TEMPLE PLACE	ROBERT SMITH	176.05-1-33 08	139.79	04/01/91	
01-1413090-1 00015	TEMPLE PLACE, U JEAN RACINOWSKI		176.05-1-30.2 NK	32.08	04/01/91	
01-1413130-0 00035	TEMPLE PLACE, S WALTER ZUROWSKI		176.05-1-18 QI	118.91	04/01/91	
01-1513595-0 00199	PENNSYLVANIA AVE	GRACE BURNS	176.05-7-33 RT	42.91	04/01/91	
01-1513730-1 00048	ELM ST	CLOSE, RHONDA	176.05-1-8 PQ	44.75	04/01/91	
01-1513740-3 00048	ELM ST	NELSON, LESLIE	176.05-1-8 PQ	32.08	04/01/91	
01-1513750-0 00072	ELM ST	JAMES MOORE	176.05-1-6 OE	32.08	04/01/91	
01-1514020-0 00113	KING ST	WALSH, MARIANNE	175.08-4-6 QY	219.48	04/01/91	

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01-1615000-2	00119	SYCAMORE ST	SIMON, ANNE	175.08-3-26	RS	57.42	04/01/91
01-1615090-8	00287	SYCAMORE ST	EDWARD G BENDER	175.08-6-14	RK	158.80	04/01/91
01-1615130-8	00233	SYCAMORE ST	PAUL J CHELUS	175.08-6-18	UI	247.50	04/01/91
01-1615370-8	00031	WHALEY AVE	DAVID SCHAFER	164.20-7-27	RQ	184.14	04/01/91
01-1615560-8	00362	SOUTH PARK PL	EUGENE CHOJNACKI	175.12-5-21	MD	38.41	04/01/91
01-1715830-8	00179	PRATT ST	JAMES CONROY	164.16-2-52	PD	120.78	04/01/91
01-1715954-2	00024	SOUTH GROVE ST	GARDNER, JUDY	164.20-10-23	KZ	73.76	04/01/91
01-1716020-3	00186	SOUTH GROVE ST	DAVIS, DAVE	175.08-6-47	VR	38.41	04/01/91
01-1716110-1	00246	SOUTH GROVE ST	DAVIDSON, T. DOUGLAS	175.08-6-41	RH	215.82	04/01/91
01-1716290-8	00077	NORTH GROVE ST	ALVIN D STRATTON	164.20-4-20	KR	76.43	04/01/91
01-1716340-8	00031	SOUTH GROVE ST	ROYCROFT CAMPUS GIFT	164.20-11-10	IS	32.08	04/01/91
01-1716350-8	00037	SOUTH GROVE ST	CHESTER DYLEWSKI	164.20-11-15	MJ	222.16	04/01/91
01-1716630-8	00251	SOUTH GROVE	CLEMENT J NUWER	175.08-7-42	SQ	57.42	04/01/91
01-1816920-8	00046	WALNUT STREET	EDYTHE S. TURGEON	164.20-11-30	KC	108.11	04/01/91
01-1816930-8	00054	WALNUT	BOB RUST	164.20-11-29	PZ	89.10	04/01/91
01-1817095-2	00238	WALNUT ST	ZICCAROI, TIMOTHY	175.08-7-9.2	WH	158.80	04/01/91
01-1817260-8	00059	WALNUT ST	BRIMO-WALLE, MARCELL	164.20-12-15	MZ	108.15	04/01/91
01-1918340-8	00312	CENTER ST	HENAUT, JAMES	175.12-2-3	LJ	139.79	04/01/91
01-1918590-8	00293	CENTER ST	CREARY, GEORGE T.	175.12-1-12	KS	146.12	04/01/91
01-2018790-1	00064	SOUTH WILLOW ST	O'BRIEN, KEVIN	164.20-13-27	PT	44.75	04/01/91
01-2019200-8	00088	NORTH WILLOW ST	KROW, WAYNE	164.20-2-45	OM	32.08	04/01/91
01-2019380-8	00181	NORTH WILLOW ST	CUBINS, ARNOLD	164.15-2-36	QG	130.61	04/01/91
01-2119670-8	00184	HAMLIN AVE	HALAVIN, DONALD	164.15-2-28	RA	198.48	04/01/91
01-2220470-8	00068	KNOX RD	EVANS, JACKIE	164.19-1-20	MG	139.79	04/01/91
01-2221070-8	00025	ERNST PLACE	NEWTON, WILLIAM	164.19-7-43	TH	32.08	04/01/91
01-2221310-2	00111	HAMBURG ST	STOSAL, MICHAEL J	175.07-1-6	OR	152.46	04/01/91
01-2221400-8	00350	QUAKER RD	ERICH NUERNBERGER	TOWN		598.96	04/01/91
01-2221570-1	00359	HILL RD	JAWORSKI, JANET	175.11-1-11	JO	31.02	04/01/91
01-2321755-8	00063	FAIRLAWN DR	NELSON, DAVID	175.11-2-49	SC	127.12	04/01/91
01-2321788-1	00014	FAIRLAWN CT	MORAN, MARY CAROL	175.11-2-50	MF	120.78	04/01/91
01-2321823-8	00112	BEECH RD	MARTIN, DEXTER A.	175.11-2-34	NT	136.95	04/01/91
01-2321915-1	00128	GREY ST	BATTER-UP	175.07-1-13.	/A YE	42.08	04/01/91
01-2321920-8	00136	GREY ST	ODDS 'N' ENDS	175.07-1-13	NE	38.41	04/01/91
01-2321990-1	00019	GREY ST	STROKA, SHARON	164.19-7-28	VU	146.12	04/01/91
01-2322350-8	00005	WOODBROOK DR	VON, NANCY R	175.07-2-6	PH	80.50	04/01/91

TOTAL DLQ ACCOUNTS 97 AMOUNT: \$ 11,364.69

VILLAGE DELINQUENT: VILLAGE OF EAST MID WATER/SEWER

SWIS	Section-Block-Lot	UNPAID AMOUNT	ADDRESS
14	11-11-16-1-24	240.10	321 North St.
14	11-11-20-1-24	12.71	503 Ridge Ave.
14	11-11-20-1-25	12.58	310 Parkdale Ave.
14	11-11-20-1-27	2.90	517 Willow Ave.
14	11-11-20-1-28	57.98	538 Main St.
14	11-11-20-2-25	2.92	404 Main St.
14	11-11-20-2-29	31.09	321 Main St.
14	176-05-2-17	6.21	861 Main St.
14	176-05-2-22	2.92	669 Main St.
14	176-05-2-27	2.92	55 Kelcey Ct.
14	176-05-2-28	7.52	491 Oakwood Ave.
14	176-08-3-55	2.92	465 Oakwood Ave.
14	176-08-3-57	3.19	422 Prospect Ave.
14	176-08-3-59	5.80	281 Perry St.
14	176-09-4-24	10.98	561 Crescent Ave.
14	176-09-5-16	11.56	524 Linden Ave.
14	176-12-3-14	18.47	445 Linden Ave.
14	176-12-5-2	2.92	184 Blake Hill Rd.
14	176-05-4-14	18.47	341 Ocean Rd.
14	176-05-2-18	234.37	265 Ocean Rd.
14	176-09-1-3	44.64	265 Ocean Rd.
14	176-17-1-2	2.92	445 Church St.
14	176-17-1-10	13.86	100 Riley St.
14	176-08-5-1	12.13	179 King St.
14	176-08-8-13	6.95	54 Pine St.
14	176-08-5-26	44.64	180 Sycamore
14	176-08-2-12	2.92	105 Park Place
14	176-08-3-10	19.62	131 Park Place
14	176-12-5-27	13.86	371 South Park Pl.
14	11-11-2-18	2.92	72 North Gore St.

VILLAGE OF EAST AURORA  
1991/92 TAX ROLLQUB 6/25/91  
879-37



UNFINISHED BUSINESSTrash Pickup Enforcement

On Board work session agenda.

NEW BUSINESSRequest to Hold Annual Art Show

It was moved by Trustee Dayer, seconded by Trustee Dickson and duly carried that permission be granted to the East Aurora Art Society to hold their Annual Art Show on June 29, 30, 1991 on the Middle School Lawn. Approval included the use of Crossing Guards for traffic control.

Hearing Set on Request to Amend Development Plan on Kelver Court

Trustee Marshall moved that a public hearing be set for June 17, 1991 on the request of Carl DiPietro to amend the development plan for his property on Kelver court. Motion carried following second by Trustee Green.

Approval of Street Lighting Proposal**NYSEG**

## STREET LIGHTING PROPOSAL

VILLAGE OF EAST AURORA

March 20, 1991

Quaker Rd.

Remove 2 - 7000 lumen MV lamps @ \$119.32 ea. = \$238.64  
Pole 213-1, 214-1, L-853

Annual decrease \$238.64

Quaker Rd.

Remove 2 - 5200 lumen HPS lamps @ \$97.99 ea. = \$195.98  
Poles 216-1, 217-1

Annual decrease \$195.98

Quaker Rd.

Install 1 - 20 Ft. Bracket @ \$22.97 ea. = \$22.97  
Poles 219-1

Annual increase = \$22.97

Quaker Rd./Corner Commerce Pkwy

Install 1 - 14400 lumen HPS lamp @ \$133.06 ea. = \$133.06  
Pole 210, L-853  
Install 1 20ft. bracket @ \$22.97 = \$22.97

Annual Increase = \$156.03

Total Annual Decrease = \$567.68

The New York State Dept. of Transportation is rebuilding a portion of Rt. 20A. NYSEG must relocate poles, wires, etc. in the construction area. Lights will be maintained until removal is requested by contractor. When work is completed, NYSEG will survey the area for new street light locations. Also any final adjustments in billing (unrecovered cost) will be analyzed at that time.

Approval of the above noted Street Lighting Proposal was moved by Trustee Dayer, seconded by Trustee Dickson and duly carried.

Appointment of Part Time Clerk for Code Enforcement Office

Trustee Dayer moved the appointment of Suzanne Wolff to fill the part time secretarial position open in the Code Enforcement Office. Motion seconded by Trustee Sutell was carried. Ms. Wolff will replace Lisa Glor whose resignation was effective May 17, 1991. Starting date will be May 22, 1991.

Hearing Set on Request to Approve Development Plan at Commerce Green

A motion to set a public hearing on June 17, 1991 on the matter of a request of Aurora Acres for approval of a development plan for property located on the west side of Commerce Way was offered by Trustee Dayer, seconded by Trustee Sutell and duly carried. The hearing was set contingent upon receipt of plans prior to legal publication.

Kiwanis Annual Chicken Barbecue at Hamlin Park

Trustee Green moved that approval be given to the Kiwanis Club of East Aurora to use Hamlin Park to hold their Annual Chicken Barbecue from 8:00 AM to 8:00 PM, on Wednesday June 5, 1991. Permission included use of a sound truck from 1:00 to 5:00 PM on June 4, 5, 1991, and other services as requested. Motion carried after being seconded by Trustee Dickson.

EXECUTIVE SESSION

At 9:22 PM Trustee Dayer moved the Board go into Executive Session to discuss non-union personnel salaries. Seconded by Trustee Marshall, the motion carried.

At 10:29 PM Trustee Dayer moved to come out of Executive Session. Seconded by Trustee Dickson, the motion carried.

ADJOURNMENT

Trustee Dayer moved to adjourn the regular meeting of the Board of Trustees at 10:30 PM. The motion carried after a second by Trustee Dickson.

Roy W. Decker  
Village Clerk/Treasurer



## MINUTES OF REGULAR BOARD MEETING JUNE 17, 1991

ROLL CALL

Present - Mayor Pagliaccio, Trustees Dickson, Dayer, Green, Marshall, Meade and Sutell  
Absent - None  
Also Present - Village Administrator Hiller, Village Attorney Andruschat, Village Clerk Decker

APPROVAL OF MINUTES

The minutes of the regular Board meeting held May 20, 1991 were approved as presented, upon motion of Trustee Sutell, second by Trustee Dickson and unanimous affirmative vote.

AUDIT OF BILLS

Trustee Dayer moved to approve payment of the bills as audited by the Mayor and Trustees and detailed on Voucher Reports dated 6/7/91 and 6/14/91 covering Vouchers Numbered 8605 to 8804. Motion seconded by Trustee Green and duly carried.

PUBLIC HEARINGSAurora Acres Request for Approval of Development Plan For Property at Commerce Green

The Clerk read the following notice.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing in the Board Room at the Village Hall, located at the corner of Main and Paine Streets, East Aurora, New York, on Monday evening, June 17th, 1991, at 8:00 o'clock P.M. (prevailing time) upon the request of AURORA ACRES, INC. for the approval of a certain Development Plan relative to premises located on the west side of Commerce Way, in the Village of East Aurora, New York.

PLEASE TAKE FURTHER NOTICE that this hearing is pursuant to Section 93-22 of the Code of the Village of East Aurora, New York, which requires approval of development plans for property located in a "M-P" - Manufacturing-Processing Zoning District.

A copy of the Development Plan showing the details of such development as submitted by the petitioner in connection with this matter is available for inspection at the office of the Village Clerk of the Village of East Aurora, New York, at the Village Hall, 571 Main St., East Aurora, N.Y., during normal business hours.

DATED: East Aurora, N.Y.  
May 30th, 1991

BY ORDER OF THE VILLAGE BOARD OF TRUSTEES  
OF THE VILLAGE OF EAST AURORA, NEW  
YORK.

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ROY W. DECKER,  
VILLAGE CLERK

Mayor Pagliaccio opened the public portion of the hearing at 8:04 PM. The Mayor briefly reviewed the drawings for the proposed project, for the benefit of the people in the audience.

Whereas no one wished to comment, at 8:07 PM Mayor Pagliaccio closed the public portion of the hearing and referred the matter to the Board.

The Mayor read the following memo from the Planning Commission.

MEMORANDUM



TO: Mayor & Village Board of Trustees  
FROM: Planning Commission  
RE: Aurora Acres Development Plan relative to premises located on west side of Commerce Way  
DATE: June 13, 1991

Present at the Regular Meeting of the Planning Commission on Wednesday, June 12, 1991, were Henry Naylor, one of the owners of Aurora Acres, and John Dale, architect.

Mr. Dale presented site plans for a small commercial building that will house three government agencies - Soil Conservation Service, Agricultural Soil Conservation & Stabilization, and Farm Home Administration. The simple 5,300 Sq. Ft. wood frame structure will be located on a 1.9 acre site south of the Post Office building.

After the presentation and discussion among the members, the Planning Commission informally recommends approval of the Development Plan based on the following findings (Ed Merriman having disqualified himself because of his association with one of the agencies):

- 1.) The proposed use is consistent with existing zoning and adjacent uses.
- 2.) The berm and plantings provided by the Post Office will provide separation between the two buildings.
- 3.) The west and south sides of the building have been left without plantings in the event of potential expansion to include future office buildings in a campus setting.
- 4.) Lighting will be provided near the entrances for security and in the parking lot. The lighting will be consistent with lighting standards in the area.
- 5.) The developer has addressed the drainage situation and is aware that a wet lands permit is needed.
- 6.) It is suggested that the Village Board approach the State to reduce this speed limit in the area and/or install a traffic light at the site if and when conditions warrant. A turning lane from 20A is also suggested.

CS:dd

The Clerk read a memo from the Code Enforcement Officer.

MEMORANDUM

June 13, 1991



To: VILLAGE BOARD OF TRUSTEES  
FROM: ROSS HARBISON, CODE ENFORCEMENT OFFICER  
RE: New Building at Industrial Park

I have reviewed the development plan submitted by Henry Naylon for the proposed office building at Commerce Green. The plan indicates compliance with zoning use, setbacks, lot coverage, and parking. Plantings and drainage are indicated schematically and appear to be adequate.

It was explained to me by Mr. Naylon that plantings were not provided on the north side of the site because of those already proposed by the Post Office. The south side is similarly left open for potential expansion of parking and for buildings to form a campus setting.

This area is in a designated wetlands, so the Board may consider a conditional approval based on securing a development permit from the Corps of Engineers.

cc: VILLAGE STAFF

**RESOLUTION APPROVING DEVELOPMENT PLAN FOR PREMISES  
LOCATED ON THE WEST SIDE OF COMMERCE WAY,  
EAST AURORA, NEW YORK.**

RESOLUTION NO. 91.06.17.01

DATED: June 17, 1991

WHEREAS, the premises in question are located in a "M-P" Manufacturing-Processing Zoning District; and

WHEREAS, Section 93.22 of the Code of the Village of East Aurora requires that when real property is located in a "M-P" Zone, the Village Board of Trustees must approve any development plan after a Public Hearing; and

WHEREAS, AURORA ACRES, INC. has petitioned this Board for the approval of a certain development plan; and

WHEREAS, a public hearing was held on this matter; and

WHEREAS, this matter was referred to the Planning Commission, and the Planning Commission informally recommended approval of the development plan; and

WHEREAS, this Board finds the proposed use to be consistent with existing zoning and adjacent uses; and

WHEREAS, this Board has considered all factors set forth in Section 93.22 F (3) of the Village Code.

**NOW, THEREFORE, BE IT RESOLVED:**

That the development plan as set forth in drawings made by Environmental Concepts, said drawings being dated May 30, 1991, be and the same hereby is approved; and

**BE IT FURTHER RESOLVED:**

That any future proposed amendment to such development plan shall be subject to approval by this Board of Trustees, and since this area is in a designated wetlands, this Board makes approval conditional based on securing a development permit from the Corps of Engineers.

Moved by Trustee Marshall, seconded by Trustee Meade.

AYES 6  
NAYS 0

Request of Carl DiPietro for Amendment to Development Plan for Kelver Court Property

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing in the Board Room at the Village Hall, located at the corner of Main and Paine Streets, East Aurora, New York, on Monday evening, June 17th, 1991, at 8:00 o'clock P.M., (prevailing time), upon the request of CARL DiPIETRO for the amendment of a certain Development Plan relative to premises located on the east and west side of Kelver Court, between Main St. and Oakwood Ave., East Aurora, New York.

PLEASE TAKE FURTHER NOTICE that this hearing is pursuant to Article VIII (Section 93-61) of the Code of the Village of East Aurora, New York, which sets forth special provisions for the amendment of a previously approved Development Plan.

A copy of the Development Plan showing the details of the proposed amendment as submitted by the petitioner in connection with this matter is available for inspection at the office of the Village Clerk of the Village of East Aurora, New York, at the Village Hall, 571 Main St., East Aurora, New York, during normal business hours.

DATED: East Aurora, N.Y.  
May 22, 1991.

BY ORDER OF THE VILLAGE BOARD OF TRUSTEES  
OF THE VILLAGE OF EAST AURORA, NEW  
YORK.

*Jerome Decker*  
ROY W. DECKER, Village Clerk

Following the reading of the above notice by the Clerk, Mayor Pagliaccio opened the public portion of the hearing at 8:15 PM.

Carl DiPietro, 33 Kelver Court, Apartment #1, the petitioner, stated that he wished to add a bedroom and living room to his apartment and also build garage units for the use of the tenants.

James Grubka, 151 Kandahar Drive, stated that he was representing his wife Bonnie Philipps and noted that Mr. DiPietro's plans were very acceptable except the location of the proposed garages will not allow the 5 parking spaces that MS. Philipps was entitled to under the terms of the deed. Mr. Grubka stated that he and Mr. DiPietro had discussed the matter and the garages will be relocated to allow the parking spaces.

No one else wished to comment, so at 8:18 PM Mayor Pagliaccio closed the public portion of the hearing and referred the matter to the Board.

After some brief discussion, Trustee Dickson moved to table the matter to the next Board meeting to allow the Staff to develop positive findings and also permit the petitioner to revise his drawings to indicate the proper location of the garages. Motion carried following a second by Trustee Suttell. The Code Enforcement Officer was requested to review the development plan regarding the new garage location.

SPEAKERS AND COMMUNICATIONS

Notification From Tops Market of Intent to Renew Beer/Wine Permit



**Tops Markets, Inc.**

60 DINGENS STREET  
P.O. BOX 1027  
BUFFALO, NEW YORK 14240-1027  
716/823-3712

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

June 4, 1991

Village Town Hall  
Clerk of the Village  
571 Main Street  
E. Aurora, NY 14052

Gentlemen:

Please be advised that Marcaro Corp.

hereby intends to renew its Off-Premises Beer/Wine Permit  
for the following premise(s) located within your  
jurisdiction:

186 Main Street, East Aurora, NY 14052

Nancy Wojcik  
Secretary/Law Dept.

/nw

Mayor Pagliaccio acknowledged receipt of the above communication and noted that the Police Chief had advised that there has been no problems associated with sales at Tops under their present permit.

#### Little Loop Football

Mayor Pagliaccio noted receipt of a communication from Frank A. Scibetta, President of East Aurora Little Loop regarding a new building proposed to be built in Hamlin Park. The Mayor announced that a committee is to be appointed to develop a master plan for Hamlin Park, and the matter will be on their agenda.

#### Retirement of Police Officer Wohlhueter

It was noted that Police Officer Carlton C. Wohlhueter had retired from the East Aurora/Town of Aurora Police Department after 34 years of service, effective June 15, 1991. The Board offered thanks to Officer Wohlhueter for his many years of service, and added that his presence had added respect to the department.

After asking for audience participation, the Mayor recognized Katherine Geer, 5 Woodbrook Drive, Apartment #2. Mrs. Geer spoke as representative of residents of the Woodbrook Apartments and presented a petition signed by 20 residents urging the Board to adopt a "Tenant-Always-Law", which would offer some protection to disabled persons and senior citizens against a landlord turning apartments into condominiums.

A period of discussion followed and questions were asked by the audience. Village Attorney Andruschat advised that he had not had adequate time to research the subject so he would not offer any legal opinions. It was noted that the Tenants Only legislation could be passed by a locality, and it would protect qualified persons from being forced to either buy or move, but it did not provide any rent control protection. Mr. Andruschat advised that he would thoroughly research the matter and the Board would be apprised of his findings.

The Mayor requested Staff review the original development plan for content.

Willard Geer, 5 Woodbrook Drive, Apartment #2, also advised the Board that the area where Woodbrook Drive comes into Mill Street, there is a tall growth of weeds that obscure vision and makes entrance on Mill dangerous.

#### STAFF, COMMITTEE AND BOARD REPORTS

Village Clerk DEcker advised that Citizens Campaign for the Environment, a New York State registered not-for-profit organization will be canvassing in the Village in the near future.

Trustee Dayer reminded the Board that the Special Election regarding Games of Chance will be held on Tuesday, June 25, 1991.

Trustee Marshall reported that in May the Code Enforcement Office issued 11 Building Permits with an estimated cost of \$138,200.

#### Report on Bid Opening For Tractor/Loader/Backhoe and Award to Monroe Tractor

AGENDA ITEM #4A 6/17/91

To: Village Board

From: Robert W. Urban *RWU*

Re: Tractor/Loader/Backhoe bids

Date: June 7, 1991

239

On May 31, 1991, three (3) bids were received for the above referenced, and one (1) bid was received for the sale of our 1981 Allis-Chalmers tractor/backhoe/loader. I have also compared bids received to New York State bids. Copies of bid sheets are attached.

I find the lowest responsible bidder meeting our specifications to be Monroe Tractor and I hereby recommend award of bid be made to:

Monroe Tractor  
5035 Genesee Street  
Buffalo, New York 14225

for a new and unused 1991 Case 580 Super K tractor/loader/backhoe for the amount of \$30,773 (net bid with trade).

Although the low bidder (by \$193.50) which would supply a John Deere Model 310 D, exceeds specifications in several areas, they are also deficient in areas that I consider to be major specification deviations, specifically:

1. John Deere does not have a 36" heavy duty bucket, only standard duty. The majority of our excavation utilizes a 36" bucket.
  2. Specifications called for a factory installed auxiliary hydraulic circuit for operating a pipe pusher and hand tools. There is no indication that John Deere's system would be factory installed. Additionally, John Deere has failed to supply adequate information allowing an evaluation of what they propose.
  3. We asked for loader pivots to be sealed pins with bushings. John Deere supplies only chrome cylinders without bushings.
  4. We asked for an extendable dipperstick of closed-box design. John Deere supplies an exposed dipper stick of a similar design to our presently owned Allis-Chalmers. We have experienced significant problems with this in the past.
  5. John Deere supplies hydraulic fittings with an "O ring" design that are available thru John Deere only. The Department of Public Works has a hydraulic hose making machine designed for flex fittings.

BID SHEET 1991 4X4 PICKUP TRACTOR, BACKHOE, LOADER

5/31/91 12<sup>th</sup> Year

BIDDER	BOND	CHECK	NET BID W/O TRADE	GUARANTEED TRADE	NET BID W TRADE	ANTICIPATED DELV
MONROE TRACTOR BFLU	✓		\$ 40,773	* 10,000	* 30,773	580.5K CASE
50.3% GEMMERS 14.325						
KURT BURKE ST SALES 101 GREAT ALBION BFLU 14.316	✓		\$ 46,190	* 6,000	* 40,190	JCB 5100R 4 wheel DC

1981 AC TRACTOR, BACKHOE, LOADER  
BID SHEET - SALE OF 1985 FORD F250 4X4 PICKUP5/31/91 12<sup>00</sup> NOON

BIDDER	BOND	CHECK	NET BID W/O TRADE	GUARANTEED TRADE	NET BID W/TRADE	ANTICIPATED DELV
NUWEC AUTO	NA	NA	\$7,396			

Trustee Meade stated that he has reviewed the bids and based on the recommendation of Supt. of Public Works Urban, moved to accept the bid of Monroe Tractor, 5035 Genesee Street, Buffalo, NY 14225 to supply a new and unused 1991 Case 580 Super K Tractor/Loader/Backhoe at a net amount (with trade allowance) of \$30,773. Motion carried after being seconded by Trustee Marshall.

Report on Bid Opening For Refurbishing Fire Truck #1 and Award to R.D. Murray

AGENDA ITEM #4B 6/17/91

CAZENOVIA FIRE CO.

CHEMICAL ENGINE CO.

EAST END ACTIVE HOSE CO.

PIONEER HOOK &amp; LADDER CO.



# EAST AURORA FIRE DEPARTMENT

EAST AURORA, NEW YORK 14052  
BUSINESS - PHONE: 716-652-8200



Village Board  
571 Main Street  
East Aurora N.Y.

June 1, 1991

Honorable Board;

Please be advised that at the bid opening for the refurbishment of EA FD #1 of May 22, 1991, only one bid from R.D. Murray was received. I am aware that the Village Board is concerned when only one bid is received on equipment either purchased or repaired. The Village Board may feel that the bids were too restrictive. In the present economic conditions, another prospective bidder, Young Fire Equipment went out of business.

As you are aware, there are not many fire apparatus remanufacturers in the area, and I would have given any others equal consideration. R.D. Murray is a very respectable fire apparatus remanufacturer, and has done previous refurbishment to our equipment. I am pleased to recommend that the Village Board approve the bid by R.D. Murray of Hamburg NY, for \$62,697.00.

This amount is approximately \$17,000 more than the original figure of \$45,000 for the repairs allotted, however the hall ventilation system was approved for \$18,000. The fire department has offered to purchase the materials for the ventilation system and volunteer to install it, freeing up the money for the needed repairs to EA FD #1.

Respectfully submitted,

Mark Hartley, Chief, E.A.F.D.

It was moved by Trustee Dayer, seconded by Trustee Dickson and duly carried that the bid of R.D. Murray, 425 Pleasant Avenue, Hamburg, NY 14075, be accepted to refurbish EAFD Fire Truck #1 (1977 Mack CF Pumper) as per specifications, at a cost of \$62,697.00.

RESOLUTIONS AND MOTIONS

RESOLUTION ADVOCATING COMPREHENSIVE REVIEW OF SUPERFUND

Resolution No. 91.06.17.02

Date: June 17, 1991

WHEREAS, in the closing hours of the 101st Congress, Superfund's taxing authority was extended through 1995 in the massive budget reconciliation bill. Although the funding extension will ensure the EPA's activities do not grind to a halt, major problems continue to plague Superfund. Superfund's potentially ruinous costs are spread across a broad spectrum of society and the wasteful delays in cleanup are unacceptable to all Americans. Comprehensive solutions are needed and the essential first step is to launch a thorough review of Superfund's liability system in the months ahead, and,

WHEREAS, it is time to take a hard look at the real costs of Superfund's liability system and its record in accomplishing cleanup. Since potentially responsible parties (PRP's) come from virtually every sector of the economy -- including businesses of all sizes, local governments, nonprofit organizations and even individuals -- indiscriminate imposition of excessive Superfund costs can have dire consequences for the economy and U.S. competitiveness. In an era of budget constraints and economic uncertainties, the nation simply cannot afford to misallocate such a large pool of public and private resources by leaving Superfund on auto-pilot, and

WHEREAS, some groups -- including the banks, the Resolution Trust Corporation and certain municipal governments -- are seeking exemptions from Superfund liability in this Congress. Their concerns are well-founded. Unfortunately, piecemeal solutions do nothing to address the basic problems and inequities created by the liability system.

RESOLVED, that Congress must devise a comprehensive public policy solution, beginning with a thorough review of the effects of Superfund's current liability system. Responding to our nation's hazardous waste problem demands a thorough assessment of the program. How have Superfund dollars been spent to date? How has the liability system worked as a fund-raising mechanism? What are the transaction costs? How have these costs been absorbed or passed on by the PRP's? How has the adversarial nature of the process affected the cleanup schedule, the adequacy of cleanup and the community's confidence in the process?

FURTHER RESOLVED, that a copy of this resolution be sent to Senator D'Amato, Moynihan and Congressman L. William Paxton.

Moved by Mayor Pagliaccio  
Motion duly carried.

Second By Trustee Marshall

Resolution Amending Capital Budget

Resolution No. 91.06.17.03

Dated: June 25, 1990

WHEREAS, the Village's Capital Budget contemplates the purchase of a backhoe in FY 91-92 and a wheeled loader high lift in FY 92-93, and

WHEREAS, the Village has been advised by the equipment manufacturer's service representatives that the present Village loader is in need of significant repairs, in excess of \$12,000 (which would also require replacement rental of \$5,000), and

WHEREAS, this equipment is close to it's planned replacement (1992),

RESOLVED, that the Capital Budget be amended to change the replacement time of the loader to FY 1990-91 and that the backhoe be deferred one year, to FY 92-93,

BE IT FURTHER RESOLVED, that a new loader be purchased from State Contract at a price not to exceed \$72,537 and the present Fiat-Allis, model #FR12, be declared surplus and sold by public bid or trade-in, proceeds of which shall be used as a down payment for the new loader.

Motion by Trustee Dayer  
Motion duly carried.

Second by Trustee Dickson

Bond Resolution : North Street Reconstruction

Trustee Dayer offered the following  
resolution and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF EAST AURORA,  
NEW YORK, ADOPTED JUNE 17, 1991, AUTHORIZING  
THE RE-CONSTRUCTION OF STREETS, SIDEWALKS,  
CURBS AND SEWER LINES ON NORTH STREET, IN  
THE VILLAGE OF EAST AURORA, NEW YORK, STATING  
THE ESTIMATED MAXIMUM COST THEREOF IS \$656,732.00,  
APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING  
THE APPROPRIATION OF \$32,836.00 CURRENT FUNDS  
TO PROVIDE THE REQUIRED DOWN PAYMENT, AND  
AUTHORIZING THE ISSUANCE OF \$623,896.00 SERIAL  
BONDS OF SAID VILLAGE TO FINANCE THE BALANCE  
OF SAID APPROPRIATION.

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA,  
IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable  
vote of not less than two-thirds of all the members of said Board  
of Trustees) AS FOLLOWS:

Section 1. The Village of East Aurora, in the County  
of Erie, New York (herein called "Village"), is hereby authorized  
to re-construct the streets, sidewalks, curbs and sewer lines  
on North Street, in the Village of East Aurora, New York. The  
estimated maximum cost of said specific object or purpose, including  
preliminary costs and costs incidental thereto and the financing  
thereof, is \$656,732.00 and said amount is hereby appropriated

therefor, including the appropriation of \$32,836.00 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$623,896.00 serial bonds of the Village to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of \$623,896.00 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$623,896.00 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20 of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$32,836.00 will be provided from moneys now available therefor in the current budget of the Village under the heading "General Fund". The Village Treasurer is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed fifteen (15) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without

limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing their terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
  - (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

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The adoption of the foregoing resolution was seconded by Trustee Marshall and duly put to a vote

on roll call, which resulted as follows:

AYES: Mayor John V. Pagliaccio, Trustees Donald H. Dayer,  
Jay F. Marshall, Jr., Norman K. Sutell, Diana Dickson,  
Donald G. Meade, William J. Green

NAES: None

The resolution was declared adopted.

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Trustee Diana Dickson offered

the following resolution and moved its adoption:

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA,  
IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Village Clerk of said Village of East Aurora, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "EAST AURORA ADVERTISER", a newspaper published in East Aurora, New York, having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication and posted in at least six (6) public places in the Village, a Notice in substantially the following form:

The Resolution published herewith has been adopted on the 17th day of June, 1991, and the validity of the obligations authorized by such Resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of East Aurora is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after date of publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

VILLAGE OF EAST AURORA, NEW YORK

PLEASE TAKE NOTICE that on June 17, 1991, the Board of Trustees of the Village of East Aurora, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Village of East Aurora, New York, adopted June 17, 1991, authorizing the re-construction of streets, sidewalks, curbs and sewer lines on North Street, in the Village of East Aurora, New York, stating the estimated maximum cost thereof, is \$656,732.00, appropriating said amount therefor, including the appropriation of \$32,836.00 current funds to provide the required down payment, and authorizing the issuance of \$623,896.00 serial bonds of said Village to finance the balance of said appropriation",

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Village to re-construct the streets, sidewalks, curbs and sewer lines on North Street, in the Village of East Aurora, New York; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$656,732.00, APPROPRIATING said amount therefor, including the appropriation of \$32,836.00 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing including the expenditure of said current funds, the issuance of \$623,896.00 serial bonds of the Village to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$623,896.00 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the specific object or purpose as stated herein for which said \$623,896.00 serial bonds are to be issued has a period of probable usefulness of fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$32,836.00 in the current budget of the Village; and DIRECTING the Village Treasurer to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$623,896.00 serial bonds will not exceed fifteen (15) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said notes shall be general obligations of the Village and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: June 17, 1991

ROY W. DECKER  
Village Clerk

Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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The adoption of the foregoing resolution was seconded by Trustee Dayer and duly put to a vote on roll call, which resulted as follows:

AYES: Mayor John V. Pagliaccio, Trustees Donald H. Dayer, Jay F. Marshall, Jr., Norman K. Sutell, Diana Dickson, Donald G. Meade, William J. Green

NAES: None

The resolution was declared adopted.

Bond Resolution : Elm Street Reconstruction

Trustee Dayer offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF EAST AURORA, NEW YORK, ADOPTED JUNE 17, 1991, AUTHORIZING THE RE-CONSTRUCTION OF STREETS, SIDEWALKS AND CURBS ON ELM STREET, IN THE VILLAGE OF EAST AURORA, NEW YORK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$240,000.00, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$12,000.00 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$228,000.00 SERIAL BONDS OF SAID VILLAGE TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA,  
IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable  
vote of not less than two-thirds of all the members of said Board  
of Trustees) AS FOLLOWS:

Section 1. The Village of East Aurora, in the County  
of Erie, New York (herein called "Village"), is hereby authorized  
to re-construct the streets, sidewalks and curbs on Elm Street,  
in the Village of East Aurora, New York. The estimated maximum  
cost of said specific object or purpose, including preliminary  
costs and costs incidental thereto and the financing thereof,  
is \$240,000.00 and said amount is hereby appropriated therefor,  
including the appropriation of \$12,000.00 current funds to provide  
the down payment required by the Law, as hereinafter defined.  
The plan of financing includes the expenditure of said current  
funds and the issuance of \$228,000.00 serial bonds of the Village  
to finance the balance of said appropriation, and the levy and  
collection of taxes on all the taxable real property in the Village  
to pay the principal of said bonds and the interest thereon as  
the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal  
amount of \$228,000.00 are hereby authorized to be issued pursuant  
to the provisions of the Local Finance Law, constituting Chapter  
33-a of the Consolidated Laws of the State of New York (herein  
called "Law") to finance the balance of said appropriation not  
provided by said current funds.

Section 3. The following additional matters are hereby  
determined and declared:

(a) The period of probable usefulness of said specific  
object or purpose for which said \$228,000.00 serial bonds authorized  
pursuant to this resolution are to be issued, within the limitations  
of Section 11.00 a. 20 of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided  
prior to the issuance of the bonds authorized by this resolution  
or any bond anticipation notes issued in anticipation thereof  
and such current funds in the amount of \$12,000.00 will be provided  
from moneys now available therefor in the current budget of the  
Village under the heading "General Fund". The Village Treasurer

is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed fifteen (15) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing their terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6.. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

\* \* \*

The adoption of the foregoing resolution was seconded by Trustee Marshall and duly put to a vote on roll call, which resulted as follows:

AYES: Mayor John V. Pagliaccio, Trustees Donald H. Dayer, Jay F. Marshall, Jr., Norman K. Suttell, Diana Dickson, Donald G. Meade, William J. Green

NAES: None

The resolution was declared adopted.

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Trustee Diana Dickson offered the following resolution and moved its adoption:

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Village Clerk of said Village of East Aurora, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "EAST AURORA ADVERTISER", a newspaper published in East Aurora, New York, having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication and posted in at least six (6) public places in the Village, a Notice in substantially the following form:

The Resolution published herewith has been adopted on the 17th day of June, 1991, and the validity of the obligations authorized by such Resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of East Aurora is not authorized to expend

money, or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after date of publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

VILLAGE OF EAST AURORA, NEW YORK

PLEASE TAKE NOTICE that on June 17, 1991, the Board of Trustees of the Village of East Aurora, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Village of East Aurora, New York, adopted June 17, 1991, authorizing the re-construction of streets, sidewalks and curbs on Elm Street, in the Village of East Aurora, New York, stating the estimated maximum cost thereof, is \$240,000.00, appropriating said amount therefor, including the appropriation of \$12,000.00 current funds to provide the required down payment, and authorizing the issuance of \$228,000.00 serial bonds of said Village to finance the balance of said appropriation",

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Village to re-construct the streets, sidewalks and curbs on Elm Street, in the Village of East Aurora, New York; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$240,000.00, APPROPRIATING said amount therefor, including the appropriation of \$12,000.00 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing including the expenditure of said current funds, the issuance of \$228,000.00 serial bonds of the Village to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$228,000.00 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the specific object or purpose as stated herein for which said \$228,000.00 serial bonds are to be issued has a period of probable usefulness of fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$12,000.00 in the current budget of the Village; and DIRECTING the Village Treasurer to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$228,000.00 serial bonds will not exceed fifteen (15) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said notes shall be general obligations of the Village and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: June 17, 1991

ROY W. DECKER  
Village Clerk

Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

\* \* \*

Bond Resolution : Purchase Heavy Duty Truck

The adoption of the foregoing resolution was seconded by Trustee Dayer and duly put to a vote on roll call, which resulted as follows:

AYES: Mayor John V. Pagliaccio, Trustees Donald H. Dayer, Jay F. Marshall, Jr., Norman K. Sutell, Diana Dickson, Donald G. Meade and William J. Green

NAES: None

The resolution was declared adopted.

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Trustee Dayer offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF EAST AURORA,  
NEW YORK, ADOPTED JUNE 17, 1991, AUTHORIZING  
THE PURCHASE OF A HEAVY DUTY TRUCK WITH ROLL-OFF  
HOIST, (RECYCLING EQUIPMENT) STATING THE

ESTIMATED MAXIMUM COST THEREOF IS \$78,000.00,  
APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING  
THE APPROPRIATION OF \$39,000.00 CURRENT FUNDS  
TO PROVIDE THE REQUIRED DOWN PAYMENT, AND  
AUTHORIZING THE ISSUANCE OF \$39,000.00 SERIAL  
BONDS OF SAID VILLAGE TO FINANCE THE BALANCE  
OF SAID APPROPRIATION.

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA,  
IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable  
vote of not less than two-thirds of all the members of said Board  
of Trustees) AS FOLLOWS:

Section 1. The Village of East Aurora, in the County  
of Erie, New York (herein called "Village"), is hereby authorized  
to purchase a Heavy duty truck with roll-off hoist (recycling  
equipment.) The estimated maximum cost of said specific object  
or purpose, including preliminary costs and costs incidental  
thereto and the financing thereof, is \$78,000.00 and said amount  
is hereby appropriated therefor, including the appropriation  
of \$39,000.00 current funds to provide the down payment required  
by the Law, as hereinafter defined. The plan of financing includes  
the expenditure of said current funds and the issuance of \$39,000.00  
serial bonds of the Village to finance the balance of said appro-  
priation, and the levy and collection of taxes on all the taxable  
real property in the Village to pay the principal of said bonds  
and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal  
amount of \$39,000.00 are hereby authorized to be issued pursuant  
to the provisions of the Local Finance Law, constituting Chapter  
33-a of the Consolidated Laws of the State of New York (herein  
called "Law") to finance the balance of said appropriation not  
provided by said current funds.

Section 3. The following additional matters are hereby  
determined and declared:

(a) The period of probable usefulness of said specific  
object or purpose for which said \$39,000.00 serial bonds authorized  
pursuant to this resolution are to be issued, within the limitations  
of Section 11.00 a. 29 of the Law, is five (5) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$39,000.00 will be provided from moneys now available therefor in the current budget of the Village under the heading "General Fund". The Village Treasurer is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing their terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is not subject to permissive referendum.

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The adoption of the foregoing resolution was seconded by Trustee Marshall and duly put to a vote on roll call, which resulted as follows:

AYES: Mayor John V. Pagliaccio, Trustees Donald H. Dayer, Jay F. Marshall, Jr., Norman K. Suttell, Diana Dickson, Donald G. Meade, William J. Green

NAES: None

The resolution was declared adopted.

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Trustee Diana Dickson offered the following resolution and moved its adoption:

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Village Clerk of said Village of East Aurora, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "EAST AURORA ADVERTISER", a newspaper published in East Aurora, New York, having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication and posted in at least six (6) public places in the Village, a Notice in substantially the following form:

The Resolution published herewith has been adopted on the 17th day of June, 1991, and the validity of the obligations authorized by such Resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of East Aurora is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after date of publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

VILLAGE OF EAST AURORA, NEW YORK

PLEASE TAKE NOTICE that on June 17, 1991, the Board of Trustees of the Village of East Aurora, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Village of East Aurora, New York, adopted June 17, 1991, authorizing the purchase of a heavy duty truck with roll-off hoist (recycling equipment), stating the estimated maximum cost thereof is \$78,000.00, appropriating said amount therefor, including the appropriation of \$39,000.00 current funds to provide the required down payment, and authorizing the issuance of \$39,000.00 serial bonds of said Village to finance the balance of said appropriation",

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Village to purchase a heavy duty truck with roll-off hoist (recycling equipment); and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$78,000.00, APPROPRIATING said amount therefor, including the appropriation of \$39,000.00 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing including the expenditure of said current funds, the issuance of \$39,000.00 serial bonds of the Village to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$39,000.00 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING that the period of probable usefulness of the specific object or purpose for which said \$39,000.00 serial bonds are to be issued is five (5) years;

current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$39,000.00 in the current budget of the Village; and DIRECTING the Village Treasurer to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$39,000.00 serial bonds will not exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said notes shall be general obligations of the Village and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is not subject to a permissive referendum.

DATED: June 17, 1991

ROY W. DECKER  
Village Clerk

Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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The adoption of the foregoing resolution was seconded by Trustee Dayer and duly put to a vote on roll call, which resulted as follows:

AYES: Mayor John V. Pagliaccio, Trustees Donald H. Dayer, Jay F. Marshall, Jr., Norman K. Sutell, Diana Dickson, Donald G. Meade and William J. Green

NAES: None

The resolution was declared adopted.

Trustee Dayer offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF EAST AURORA, NEW YORK, ADOPTED JUNE 17, 1991, AUTHORIZING THE CONSTRUCTION OF A WATER TANK BY THE VILLAGE OF EAST AURORA, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$570,000.00, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPLICATION OF \$28,500.00 CURRENT FUNDS, TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$541,500.00 SERIAL BONDS OF SAID VILLAGE TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of East Aurora, in the County of Erie, New York (herein called "Village"), is hereby authorized to construct a water tank. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$570,000.00 and said amount is hereby appropriated therefor, including the appropriation of \$28,500.00 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$541,500.00 serial bonds of the Village to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of \$541,500.00 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$541,500.00 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$28,500.00 will be provided from moneys now available therefor in the current budget of the Village under the heading "Water Fund". The Village Treasurer is hereby authorized and directed to set aside said current funds and to apply the same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed twenty (20) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00

relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing their terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
  - (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

\* \* \*

The adoption of the foregoing resolution was seconded by Trustee Marshall and duly put to a vote on roll call, which resulted as follows:

AYES: Mayor John V. Pagliaccio, Trustees Donald H. Dayer, Jay F. Marshall, Jr., Norman K. Suttell, Diana Dickson, Donald G. Meade, William J. Green

NAES: None

The resolution was declared adopted.

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Trustee Diana Dickson offered

the following resolution and moved its adoption:

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA,  
IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Village Clerk of said Village of East Aurora, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "EAST AURORA ADVERTISER", a newspaper published in East Aurora, New York, having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication and posted in at least six (6) public places in the Village, a Notice in substantially the following form:

The Resolution published herewith has been adopted on the 17th day of June, 1991, and the validity of the obligations authorized by such Resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of East Aurora is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after date of publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

VILLAGE OF EAST AURORA, NEW YORK

PLEASE TAKE NOTICE that on June 17, 1991, the Board of Trustees of the Village of East Aurora, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Village of East Aurora, New York, adopted June 17, 1991, authorizing the construction of a water tank by the Village of East Aurora, stating the estimated maximum cost thereof, is \$570,000.00, appropriating said amount therefor, including the appropriation of \$28,500.00 current funds to provide the required down payment, and authorizing the issuance of \$541,500.00 serial bonds of said Village to finance the balance of said appropriation",

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Village to construct a water tank; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental

thereto and the financing thereof, is \$570,000.00, APPROPRIATING said amount therefor, including the appropriation of \$28,500.00 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing including the expenditure of said current funds, the issuance of \$541,500.00 serial bonds of the Village to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$541,500.00 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the specific object or purpose as stated herein for which said \$541,500.00 serial bonds are to be issued has a period of probable usefulness of forty (40) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$28,500.00 in the current budget of the Village; and DIRECTING the Village Treasurer to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$541,500.00 serial bonds will not exceed twenty (20) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said notes shall be general obligations of the Village and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: June 17, 1991

ROY W. DECKER  
Village Clerk

Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

\* \* \*

The adoption of the foregoing resolution was seconded by Trustee Dayer and duly put to a vote on roll call, which resulted as follows:

AYES: Mayor John V. Pagliaccio, Trustees Donald H. Dayer,  
Jay F. Marshall, Jr., Norman K. Sutell, Diana Dickson,  
Donald G. Meade and William J. Green

NAES: None

The resolution was declared adopted.

Bond Resolution : Reconstruction of 1977 Mack Fire Truck

Trustee Dayer offered the following  
resolution and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF EAST AURORA,  
NEW YORK, ADOPTED JUNE 17, 1991, AUTHORIZING  
THE RE-CONSTRUCTION OF A 1977 MACK FIRE TRUCK  
WITH PUMPER/TANKER, STATING THE ESTIMATED  
MAXIMUM COST THEREOF IS \$63,000.00, APPROPRIATING  
SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION  
OF \$3,150.00 CURRENT FUNDS TO PROVIDE THE  
REQUIRED DOWN PAYMENT, AND AUTHORIZING THE  
ISSUANCE OF \$59,850.00 SERIAL BONDS OF SAID  
VILLAGE TO FINANCE THE BALANCE OF SAID APPROPRI-  
ATION.

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA,  
IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable  
vote of not less than two-thirds of all the members of said Board  
of Trustees) AS FOLLOWS:

Section 1. The Village of East Aurora, in the County  
of Erie, New York (herein called "Village"), is hereby authorized  
to re-construct a 1977 Mack Fire Truck with pumper/tanker. The  
estimated maximum cost of said specific object or purpose, including  
preliminary costs and costs incidental thereto and the financing  
thereof, is \$63,000.00 and said amount is hereby appropriated  
therefor, including the appropriation of \$3,150.00 current funds  
to provide the down payment required by the Law, as hereinafter  
defined. The plan of financing includes the expenditure of said  
current funds and the issuance of \$59,850.00 serial bonds of  
the Village to finance the balance of said appropriation, and

the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of \$59,850.00 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$59,850.00 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 27 of the Law, is ten (10) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$3,150.00 will be provided from moneys now available therefor in the current budget of the Village under the heading "General Fund". The Village Treasurer is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Village by appropriation

for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing their terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication,  
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or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is not subject to permissive referendum.

\* \* \*

The adoption of the foregoing resolution was seconded by Trustee Marshall and duly put to a vote on roll call, which resulted as follows:

AYES: Mayor John V. Pagliaccio, Trustees Donald H. Dayer, Jay F. Marshall, Jr., Norman K. Sutell, Diana Dickson, Donald G. Meade, William J. Green

NAES: None

The resolution was declared adopted.

Trustee Diana Dickson offered

the following resolution and moved its adoption:

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA,  
IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Village Clerk of said Village of East Aurora, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "EAST AURORA ADVERTISER", a newspaper published in East Aurora, New York, having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication and posted in at least six (6) public places in the Village, a Notice in substantially the following form:

The Resolution published herewith has been adopted on the 17th day of June, 1991, and the validity of the obligations authorized by such Resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of East Aurora is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after date of publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

VILLAGE OF EAST AURORA, NEW YORK

PLEASE TAKE NOTICE that on June 17, 1991, the Board of Trustees of the Village of East Aurora, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Village of East Aurora, New York, adopted June 17, 1991, authorizing the re-construction of a 1977 Mack Fire Truck with pumper/tanker, stating the estimated maximum cost thereof is \$63,000.00, appropriating said amount therefor, including the appropriation of \$3,150.00 current funds to provide the required down payment, and authorizing the issuance of \$59,850.00 serial bonds of said Village to finance the balance of said appropriation",

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Village to re-construct a 1977 Mack Fire Truck with pumper/tanker; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$63,000.00, APPROPRIATING said amount therefor, including the appropriation of \$3,150.00 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing including the expenditure of said current funds, the issuance of \$59,850.00 serial bonds of the Village to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$59,850.00 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING that the period of probable usefulness of the specific object or purpose for which said \$59,850.00 serial bonds are to be issued is five (5) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$3,150.00 in the current budget of the Village; and DIRECTING the Village Treasurer to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$59,850.00 serial bonds will not exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said notes shall be general obligations of the Village and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is not subject to a permissive referendum.

DATED: June 17, 1991

ROY W. DECKER  
Village Clerk

Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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The adoption of the foregoing resolution was seconded by Trustee Dayer and duly put to a vote on roll call, which resulted as follows:

AYES: Mayor John V. Pagliaccio, Trustees Donald H. Dayer, Jay F. Marshall, Jr., Norman K. Suttell, Diana Dickson, Donald G. Meade and William J. Green

NAES: None

The resolution was declared adopted.

Bond Resolution : Purchase & Install Grit Removal Facility

Trustee Dayer offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF EAST AURORA, NEW YORK, ADOPTED JUNE 17, 1991, AUTHORIZING THE PURCHASE AND INSTALLATION OF A GRIT REMOVAL-COLLECTION FACILITY AT THE SEWER TREATMENT PLANT BY THE VILLAGE OF EAST AURORA, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$30,000.00, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPLICATION OF \$1,500.00 CURRENT FUNDS, TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$28,500.00 SERIAL BONDS OF SAID VILLAGE TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of East Aurora, in the County of Erie, New York (herein called "Village"), is hereby authorized to purchase and install a grit removal-collection facility at the Sewer Treatment Plant. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$30,000.00 and

said amount is hereby appropriated therefor, including the appropriation of \$1,500.00 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$28,500.00 serial bonds of the Village to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of \$28,500.00 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$28,500.00 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 4 of the Law, is thirty (30) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$1,500.00 will be provided from moneys now available therefor in the current budget of the Village under the heading "Sewer Fund". The Village Treasurer is hereby authorized and directed to set aside said current funds and to apply the same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and

interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing their terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
  - (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is not subject to permissive referendum.

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The adoption of the foregoing resolution was seconded by Trustee Marshall and duly put to a vote on roll call, which resulted as follows:

AYES: Mayor John V. Pagliaccio, Trustees Donald H. Dayer, Jay F. Marshall, Jr., Norman K. Suttel, Diana Dickson, Donald G. Meade, William J. Green

NAES: None

The resolution was declared adopted.

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Trustee Diana Dickson offered the following resolution and moved its adoption:

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Village Clerk of said Village of East Aurora, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "EAST AURORA ADVERTISER", a newspaper published in East Aurora, New York, having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication and posted in at least six (6) public places in the Village, a Notice in substantially the following form:

The Resolution published herewith has been adopted on the 17th day of June, 1991, and the validity of the obligations authorized by such Resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of East Aurora is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after date of publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

VILLAGE OF EAST AURORA, NEW YORK

PLEASE TAKE NOTICE that on June 17, 1991, the Board of Trustees of the Village of East Aurora, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Village of East Aurora, New York, adopted June 17, 1991, authorizing the purchase and installation of a grit removal-collection facility at the Sewer Treatment Plant by the Village of East Aurora, stating the estimated maximum cost thereof, is \$30,000.00, appropriating said amount therefor, including the appropriation of \$1,500.00 current funds to provide the required down payment, and authorizing the issuance of \$28,500.00 serial bonds of said Village to finance the balance of said appropriation",

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Village to purchase and install a grit removal-collection facility at the Sewer Treatment Plant; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$30,000.00, APPROPRIATING said amount therefor, including the appropriation of \$1,500.00 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing including the expenditure of said current funds, the issuance of \$28,500.00 serial bonds of the Village to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$28,500.00 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the specific object or purpose as stated herein for which said \$28,500.00 serial bonds are to be issued has a period of probable usefulness of thirty (30) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$1,500.00 in the current budget of the Village; and DIRECTING the Village Treasurer to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$28,500.00 serial bonds will not exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said notes shall be general obligations of the Village and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is not subject to a permissive referendum.

DATED: June 17, 1991

ROY W. DECKER  
Village Clerk

Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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The adoption of the foregoing resolution was seconded by Trustee Dayer and duly put to a vote on roll call, which resulted as follows:

AYES: Mayor John V. Pagliaccio, Trustees Donald H. Dayer, Jay F. Marshall, Jr., Norman K. Sutell, Diana Dickson, Donald G. Meade and William J. Green

NAES: None

The resolution was declared adopted.

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Bond Resolution : Village Share of NOREC

Since changes are forthcoming in the NOREC project a motion to table the matter to the next Board meeting was offered by Trustee Dayer, seconded by Trustee Marshall and duly carried.

Authorization for Mayor to Sign Agreement with CID

Trustee Dickson moved to authorize the Mayor to sign disposal agreement (formerly with Eastern Waste-Southtowns, Inc.) now assigned to C.I.D. Landfill, Inc. Motion carried following second by Trustee Meade.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Special Permit Approved for Sidewalk Sale at Aurora Village Shopping Center

Approval of the request for a special permit to hold a sidewalk sale at the Aurora Village Shopping Center from 7:00 AM to 10:00 PM on July 12 & 13, 1991 was moved by Trustee Sutell, seconded by Trustee Marshall and duly carried.

Approval of NOREC Agreement and Authorization for Mayor to Sign  
Commitment & Other Documents

NOREC matters were tabled as noted above (NOREC Bond Resolution)

EXECUTIVE SESSION

Trustee Dayer moved that the Board to into Executive Session to discuss potential litigation against the Village. Motion carried following second by Trustee Marshall at 9:14 PM.

At 9:55 PM Trustee Dayer moved the Board out of Executive Session. Seconded by Trustee Dickson, motion duly carried.

ADJOURNMENT

The Regular Board Meeting held June 17, 1991 was declared adjourned at 9:56 PM upon motion of Trustee Dayer and second by Trustee Dickson.

Roy W. Decker  
Clerk/Treasurer

## MINUTES - SPECIAL BOARD MEETING - 7/8/91

Mayor Pagliaccio opened the meeting at 8:00 P.M. Trustees Meade, Marshall, Dickson, Dayer, Sutell and Green were in attendance. Also Village Attorney Tom Andruschat, Village Administrator Jerry Hiller, Superintendent of Public Works Bob Urban, and Consulting Engineer Rick Hanavan from Wendel Engineers.

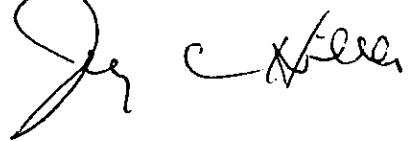
North Street Reconstruction Bids - Mayor Pagliaccio noted the Village received 14 bids (attached). The low bidder, Anastasi Trucking, Inc. had an apparent discrepancy in their quote for ductile or cast iron water pipe. The bid form indicated a quote of "\$1.20/lb." but when written out, was "one hundred twenty dollars" per pound. The engineer expressed concern that if the amount of iron water pipe replacement exceeded the engineer's estimate of 290 lbs., Anastasi could exceed the apparent low bid amount. Anastasi indicated their quote of \$120.00/lb. included their overhead, profit, etc. and was not intended to be changed to \$1.20 /lb. However, they were willing, by agreement (sample attached) to limit the unit price to \$1.20/lb. for iron water pipe should the job require more than 290 lbs. of such pipe.

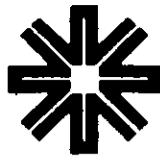
Motion by Donald Meade, that in accordance to recommendation by the consulting engineer and Village Attorney, the bid be awarded to Anastasi Trucking and Paving Contractors, Inc. Seconded by Donald Dayer. Passed unanimously.

A motion was offered by Donald Dayer and seconded by Donald Meade that Mayor Pagliaccio be authorized to execute an agreement with Anastasi Trucking and Paving Contractors, Inc. Passed unanimously.

Donald Dayer moved to adjourn, seconded by Diana Dickson at 8:20 P.M. Passed unanimously.

Respectfully Submitted,





**WENDEL**

**DESIGN • SURVEY • CONSTRUCTION**

11 PINCHOT CT. • BUFFALO, NY 14228 • 716/688-0766 or 625-6867

FAX: 716/625-6825

July 8, 1991

Honorable John Pagliaccio, Mayor  
and Members of the Village Board  
Village Hall  
571 Main Street  
East Aurora, NY 14052

**SUBJECT: VILLAGE OF EAST AURORA  
NORTH STREET RECONSTRUCTION  
CONTRACT NO. 91NS-1**

Gentlemen:

Bids on the above referenced project were received and opened on June 20, 1991 in accordance with the Notice to Bidders previously authorized.

The low bid submitted by Anastasi Trucking, Inc. was tabulated as follows:

Total Amount Bid	\$399,337.98
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We have had a discussion with a representative of Anastasi Trucking, Inc. to ascertain and confirm their understanding of the requirements of this project. All responses were satisfactory.

Additionally, a discussion was held regarding the amount bid for Item No. 05660.74, Ductile or Cast Iron Water Pipe Specials. The amount bid for that item was one hundred twenty dollars (\$120.00) per pound. Representatives of Anastasi Trucking, Inc. explained that the amount bid for Item No. 05660.74 was intended to cause their total bid to sum \$399,377.98; it was not intended as a method for realizing undue profit from the Village for work related to waterline replacement. Anastasi Trucking, Inc. has provided the enclosed document and agreed to provide any extra work, if required, related to Item 05660.74, at a unit price of \$1.20 per pound.

Wendel Engineers, P.C. recommends that the low bidder, Anastasi Trucking, Inc. be awarded the contract for this work on the basis of their low bid of \$399,377.98, subject to their successful delivery of the required insurance coverages and Performance and Payment Bonds in accordance with the Contract Documents.

Very truly yours,

WENDEL DESIGN

*Timothy R. Woodbury*

Timothy R. Woodbury, P.E., L.S.

/mas

Enclosures

c: Jerry Hiller, Village Administrator  
Robert Urban, Supt. of Public Works  
Thomas E. Andruschat, Attorney  
Anastasi Trucking, Inc., Contractor

LOCKPORT OFFICE: 7405 CANAL RD. • BOX 501 • LOCKPORT, NY 14095 • 716/433-5993 or 625-8228

A G R E E M E N T

THIS AGREEMENT made this \_\_\_\_\_ day of July, 1991, by and between the VILLAGE OF EAST AURORA, a municipal corporation, having its principal place of business at 571 Main St., East Aurora, New York, and ANASTASI TRUCKING & PAVING CONTRACTORS, INC., having its principal place of business at 5495 Transit Road, Bowmansville, N.Y., 14026.

**WITNESSETH:**

WHEREAS, the Village of East Aurora did previously hereto advertise for bids relative to the reconstruction of North Street, in the Village of East Aurora, New York; and

WHEREAS, ANASTASI TRUCKING & PAVING CONTRACTORS, INC., was the lowest responsible bidder; and

WHEREAS, the bid of such contractor did contain an ambiguity relative to Item No. 05660.74 (Ductile or Cast Iron Water Pipe Specials); and

WHEREAS, a pre-award conference was held with ANASTASI TRUCKING & PAVING CONTRACTORS, INC., relative to various items in their bid, including but not limited to, the aforesaid ambiguity; and

WHEREAS, the parties hereto have come to an agreement relative to such ambiguity.

NOW, THEREFORE, in consideration of One and More Dollars, and other good and valuable considerations, the parties agree as follows:

1. That ANASTASI TRUCKING & PAVING CONTRACTORS, INC. will be paid the sum of \$120.00 per pound for the first 290 lbs. of Ductile or Cast Iron Water Pipe Specials used in the re-construction of North Street.

2. That in the event in excess of 290 lbs. of Ductile or Cast Iron Water Pipe Specials is required for the re-construction of North Street, the Village of East Aurora shall pay for such excess poundage (the poundage in excess of 290 lbs.), to ANASTASI TRUCKING & PAVING CONTRACTORS, INC., the sum of \$1.20 per pound.

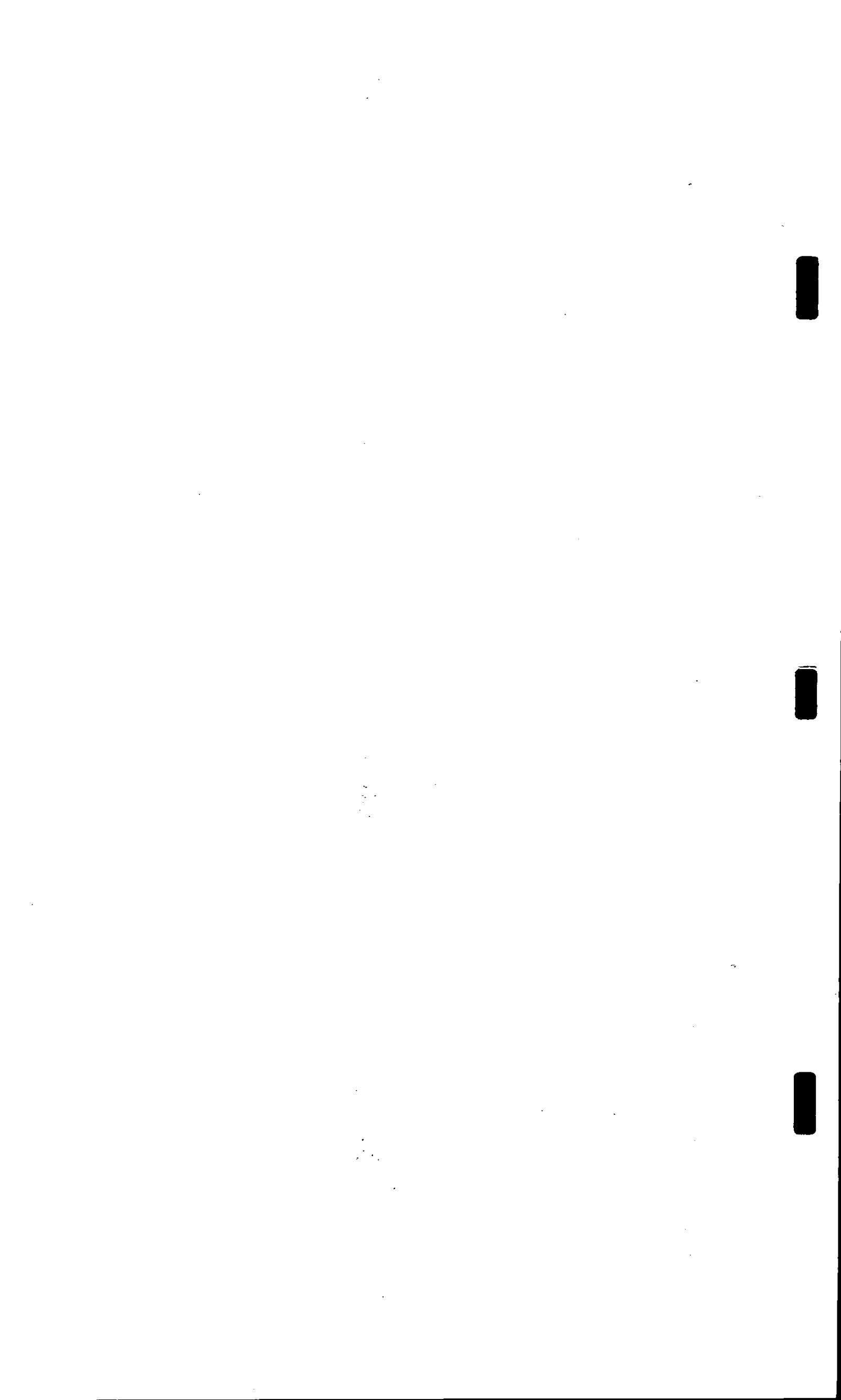
IN WITNESS WHEREOF, the parties have set their hands and seals the date and year first above mentioned.

ANASTASI TRUCKING & PAVING CONTRACTORS,  
INC.

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

VILLAGE OF EAST AURORA

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





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PAUL: I am still  
CONTACT: JES-1

## MINUTES OF REGULAR BOARD MEETING JULY 15, 1991

ROLL CALL

Present - Mayor Pagliaccio, Trustees Dickson, Dayer, Green, Marshall, Meade and Sutell  
Absent - None  
Also Present - Village Administrator Hiller, Village Attorney Andruschat, Village Clerk Decker

APPROVAL OF MINUTES

Trustee Sutell moved approval of the minutes of the regular Board meeting held June 17, 1991, and the Special Board meeting held July 8, 1991. Motion carried following a second by Trustee Dickson.

AUDIT OF BILLS

It was moved by Trustee Dayer, seconded by Trustee Marshall and duly carried that the bills as audited by the Mayor and Trustees, and detailed on Voucher Report dated 7/12/91, covering vouchers 8841 to 9028, be approved for payment.

PUBLIC HEARINGS

None scheduled.

SPEAKERS AND COMMUNICATIONSLetter from Jim Oubre Re: Center Street

The Clerk read the following communication:

July 1, 1991

Mayor John Pagliaccio  
Village of East Aurora  
Main Street  
East Aurora, New York 14052

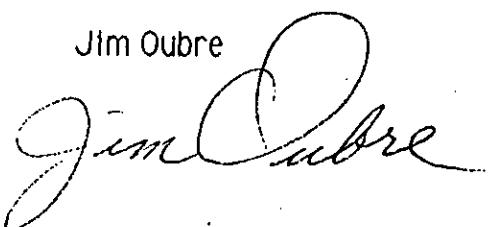
Dear Mayor Pagliaccio,

The Center Street project appears to be completed. It is now, much nicer to travel down the street. I have to bring to your attention two things that I find disturbing. There exists an unacceptable slope toward the street on the majority of the east side. In icy conditions this sidewalk will be impossible. This hazard is not found on the west side of the street even when there are severe grades that exist between the street and the houses. The slanting sidewalks also make it difficult for people in wheelchairs or other other wheeled means to transport themselves. There are enough sidewalks that are at an angle due to tree roots in town that we should not have to accept new sidewalks that are not near level.

The other concern is that there is no curb cut on the east side of Center Street at Perry Street. The nearest driveway is not convenient to get to. This limits the accessibility to those who live in the area. This I perceive to have been an oversight because there are two curb cuts at every other intersection which is terrific!

Thank you for your attention in this matter.

Jim Oubre



Mayor Pagliaccio advised that since Center Street reconstruction was a project of Erie County we had forwarded a copy of Mr. Oubre's letter to the County.

Joseph Kriedemann, 365 Center Street presented the Board with a petition carrying signatures of 89 Center Street residents. The petition carried the following heading:

"TO THE BOARD OF THE VILLAGE OF EAST AURORA:

Traffic on Center Street (north commencing at Beach Road and south from the stop at Center and Linden) seems to have no regard for the 30 mph Village speed limit. The problem seems to be more serious from 5 A.M. to 8 A.M. and after 4 P.M. all through the evening. The disregard for the posted speed limit creates a very real safety hazard for Center Street residents. We feel that Center Street residents are as entitled to speed-prevention measures as those residents on Girard and Oakwood. We the undersigned petition the Village Board to enforce the 30 mph speed limit and install all-way stop signs at Center and South Streets and Prospect and Center."

Mr. Kriedemann commented on the large number of cars that speed, and noted several near accidents at Legion Drive. He expressed concern and desire that action be taken against the speeders.

Niels Anderson, 219 Center Street, also spoke on the problem of speeders and noted that the problem has existed for as long as he has been a resident of Center Street, 40 years. He stated that the condition existed before, during and after the reconstruction. He referenced a 1988 survey conducted by Acres America that indicated that 3,480 vehicles per day travelled Center Street, (210 per hour going 1 way, and 360 per hour going in both directions.) He indicated that by his count the number has substantially increased since that survey was taken. He has clocked vehicles travelling as fast as 50 mph, and estimates that 1/3 to 1/2 of the vehicles using Center Street exceed the speed limit to some extent (this includes school buses). Noting many children and bicyclists use Center Street, he expressed concern for their safety. As a deterrent, Mr. Anderson suggested parking an empty Police Car in a strategic spot, and also erecting signs "Speed Radar Controlled."

Howard Berger, 203 Center Street, indicated agreement with Mr. Anderson. He stated that in his house and the house next door there was a total of 7 children who faced hazardous conditions in regard to speeders. He strongly urged the Board to do something to correct the problem.

Steven Day, representing the owners of Woodbrook Apartments, read the following:

June 17, 1991

Amherst Town Board  
5583 Main Street  
Williamsville, New York 14221

Ladies and Gentlemen,

The Greater Buffalo Association of Realtors has established a Government Affairs Committee for the purpose of promoting and protecting the private property rights of everyone who owns, buys, or sells property. Our activities include lending input into shaping laws, and supporting candidates who share our views on these vital issues, ensuring fiscally responsible public policy as it relates to private property rights.

In this regard, please be advised that the Greater Buffalo Association of Realtors is in opposition to the Town Board's adoption of Section 352 (2A) of the General Business Law as it pertains to present tenants who are 62 years or older being able to continue to reside as renters indefinitely, should the owner of the complex decide to convert the property to a condominium "For Sale" venture. We believe this law was not properly researched and examined prior to passage, and will actually not only act to the detriment of existing property owners, but to the group of elderly that it was intended to protect. In essence, this new law will discourage future condominium conversions, which are so vital to the interests of all parties involved. Also, as a side problem, it may also discourage present landlords from renting to the elderly, on the basis that they have "favored status", in the event the building is converted, or, if they extend this law to provide other protection to those 62 years old and older. (1) Lengthy process 4-6 mo. Equity & exclusive right

(2) 65 or older termination of lease state law

By way of background, condominium conversions started in Western New York approximately fifteen years ago, and have definitely proven to be a very important and valuable form of home ownership. Converted units usually are offered for sale at reasonable prices, usually below that for comparable housing. The two main buyer groups which generally purchase converted units are as follows:

1. FIRST TIME HOMEBUYERS FOR STARTER HOMES -

Condominium conversions have appealed to this group of buyers who are usually newlyweds or singles desiring economical starter homes. This group desires the benefits of home ownership, and the ability to build equity. Low price, security, a maintenance-free lifestyle

-2-

are some of the primary considerations, the latter two are especially important to single women who have comprised a large and growing number in this group. In each instance, it was proven that over a period of years, the economics of home ownership, including tax deductions, appreciation, equity build-up, far outweigh renting. This is especially true in Amherst, where converted units have appreciated at a faster rate over single family housing, often affording first timers the ability to "move up" more quickly to single-family home ownership.

Amherst has had some wonderful conversions, to accommodate this important segment of buyers in our community. The Courtyard Tradewinds, selling units as low as \$20,000, The Park Lane Court Condominium, where units started at \$35,000, and more recently, the Pomeroy Lane Condominium on the corner of Main and Eggert, where units were sold in the mid \$40,000 range - many of which are re-selling in the \$50-60,000 range. Quaker Meadows OP  
Brookview L. Seneca

In each instance, many of our young residents were able to take advantage of home ownership, and were able to become attached to the Amherst and Western New York Community.

It is the responsibility of all of us to help keep our young people in Western New York.

2. EMPTY NESTERS, RETIREES, AND OLDER SINGLES -

Many in this group have sold their larger home and are scaling down their housing requirements. Many spend part of their time in Florida or other areas. They continue to want to be in a location where there are friends and activities, but still desire a maintenance-free lifestyle, security, and the social aspects of condominium living - swimming pool, clubhouse, etc. Again, conversions provide this opportunity, by being available in good locations and selling for very affordable prices. Some good examples in Amherst are Oakbrook, Charter Oaks, Lamplighter, and Pomeroy Lane. In each instance, people in this group were able to afford secure housing and still remain in and support their community.

The above two buyer groups have been the driving force behind condominium conversions in Amherst. The benefits to everyone is obvious:

WWY

1. Affordable Starter Homes - The ability to take advantage of home ownership and the ability to quickly build equity through appreciation gains.
2. Affordable for empty nesters who want to remain in their community.

✓ 10/80  
~ -3-

3. In each instance of a conversion, the property has been improved, and pride of home ownership has been fostered. In addition, in the absence of some of the conversions, if the properties would have remained as rentals, there would have been deterioration and loss of value for the Town. Pomeroy Lane, for example, received new roofs, windows, kitchens, hallways, and garage doors - an expense that most property owners couldn't have afforded just from rental income.

In conclusion, condominium conversions in Western New York, and specifically, Amherst, have been very successful. They have benefitted the residents within each community. They have been professionally managed and we are not aware of any complaints or abuses which would be to the detriment of anyone, including the tenants that are 62 years or older. Instead, this elderly group of citizens, when confronted with conversion can either purchase, which happens many times, or will remain as tenants, with an investor being instructed to purchase the elderly's units. Older residents often find themselves in a "win-win" situation - either owning or continuing to rent in a vastly improved property. Most seniors are thus able to continue in residence during a conversion. 13 of 26 have decided to move since we started.

Prior to the adoption of this resolution, we think that it would be prudent for the Town Board to determine if there is an actual housing emergency in the Town of Amherst. In its "Recommendations of the New York State Commission on Rental Housing - Study of Conversion of Residential Properties to Cooperative or Condominium Status (1979)", the Commission urged that "...senior citizen protection should be limited to those communities that have adopted rent regulation to combat a severe housing shortage". No such housing shortage can be demonstrated in the Amherst area. Also, it would be prudent if the Board would investigate the extent of any complaints by the elderly against rental property owners with the State Department of Law, which oversees and regulates the conversion process in New York.

Lastly, I think it would be very interesting to take a poll of the hundreds of people who have bought converted units, including the elderly group, to determine their satisfaction with this most affordable and pleasant form of housing in Amherst.

Very truly yours,

David C. Eckel  
Greater Buffalo Association of  
Realtors  
Co-Chairman  
Government Affairs Committee

DCE:kds

Mayor Pagliaccio advised Mr. Day that the matter he addressed was on the agenda a little later in the meeting.

STAFF, COMMITTEE AND BOARD REPORTS

Notification of Receipt of Records Management Grant

Village Clerk Decker reported that the Town of Aurora and the Village of East Aurora had jointly applied for a Records Management Grant. Notification has been received that the grant was approved in the amount of \$20,300, contingent upon the granting of a waiver from current expenditure restrictions by the NYS Division of Budget.

Report on Bid Opening and Acceptance of Low Bid for Water Tank

**MALCOLM  
PIRNIE**

MALCOLM PIRNIE, INC.  
ENVIRONMENTAL ENGINEERS, SCIENTISTS & PLANNERS

July 8, 1991

Village of East Aurora  
Village Hall  
571 Main Street  
East Aurora, New York 14052

Attention: Mr. Jerry Hiller  
Village Administrator

Re: Village of East Aurora  
Water Distribution Facility Improvements  
1 MG Ground Storage Tank

Gentlemen:

On June 28, 1991, the Village of East Aurora received six (6) bids for the above-referenced project. The bids are as follows:

Bidder	Total Base Bid Items 1 and 2	Total Including Item 3, Alternate 1 Chain Link Fence
Pitt-Des Moines, Inc.	\$404,651	\$412,751
Fisher Tank Company	445,800	454,700
LPG General Corporation	482,250	490,475
Advance Tank & Construction Co.	591,510	601,010
Nichter Construction Co., Inc.	709,200	719,200
MED Constructors, Inc.	740,000	749,000

We have prepared the attached bid summary sheet for your use and information. An analysis of the bids received follows.

Having made a review of the bids received and having reviewed the qualifications and experience of the low bidder, and contingent upon review by your legal counsel, we recommend award to Pitt-Des Moines, Inc. in the amount of \$412,751.00 which includes Item 3, Alternate 1 for fencing.

Based on the recommendation of the Engineer, Trustee Meade moved to accept the low bid of Pitt-Des Moines, Inc., 3400 Grand Avenue, Neville Island, Pittsburgh, PA 15225, in the amount of \$404,651., to provide and erect 1 MG Ground Storage Tank per specifications. Trustee Meade noted that the Village did not wish to accept Alternate 1 (Chain Link Fence). Motion duly carried following a second by Trustee Green.

Mayor Pagliaccio advised of the tentative schedule for the Water Tank. Drawings prepared and approved by Aug. 30; Mobilization complete Sept. 6; Foundation construction complete Oct. 4; Tank erection complete Nov. 29. Tank painting, pipe tie-in and miscellaneous will be complete in Spring 1992.

Retirement Incentive Program

Village Administrator Hiller reported that 5 employees are eligible to participate in the early retirement plan. He advised that he is in the process of analyzing the financial impact of the program and will advise Board members when the analysis is complete. He noted that the next Board meeting (August 19) is too late to approve the program; it may be necessary to call a Special Board meeting in conjunction with the August 12 Work Session.

Mayor Pagliaccio reported on the results of the Special Election held June 25, 1991 to allow games of chance within the Village.

June 25, 1991

To: Roy W. Decker, Village Clerk-Treasurer, Village of East Aurora, New York  
 Re: Special Village Election, June 25, 1991 (Games of Chance)

We the following Inspectors of election do hereby certify to the following:

1. On June 25, 1991 there was a Special Village Election held in the Village of East Aurora for submission to electors of the Village of East Aurora a proposition to amend Chapter 69 of the Code of the Village of East Aurora to allow games of chance within the Village of East Aurora, New York.
2. The polls were open from 12:00 o'clock noon until 9:00 o'clock P.M.
3. The total number of votes cast in the election were 317.
4. The Proposition received the following votes.

Yes 220  
 No 97

5. The Proposition was:

Approved ✓  
 Defeated   

Nancy Czerniak  
 Nancy Czerniak, Chairperson  
 Inspector of Election

Catherine T. O'Brien  
 Catherine T. O'Brien  
 Inspector of Election

I. Irene Armovich  
 I. Irene Armovich  
 Inspector of Election

Justina M. Semenza  
 Justina M. Semenza  
 Inspector of Election

Village Clerk Decker advised that Greenpeace Action will be canvassing the Village August 1 to August 9, 1991.

Administrator Hiller reported that the Village will be dye testing sewers in an effort to locate the source of Inflow and Infiltration of rain water into the sanitary sewer system. Hydrants will be opened which could result in the residents experiencing some riled water in their homes.

Mayor Pagliaccio noted that residents should not have any downspouts or sump pumps tied into the sanitary sewer.

The Mayor also advised that a 500 gallon propane tank is located at the high school during a re-roofing operation. The Police Chief and Fire Chief are aware of the situation which they will be monitoring.

Mayor Pagliaccio acknowledged receipt of the quarterly Dog Control report and complimented Linda Zee, the Dog Control Officer, on an excellent report.

**RESOLUTIONS AND MOTIONS**

**RESOLUTION RE CONVERSION OF APARTMENTS**

RESOLUTION NO.

DATED: July 15, 1991

WHEREAS, there are several apartments in the Village of East Aurora which house individuals over the age of 62 and/or disabled persons; and

WHEREAS, the New York State Legislature in enacting Section 352-e of the General Business Law did seek to protect the interests of such individuals in the event of conversions of apartments to condominiums or co-ops; and

WHEREAS, this Board does find that it is in the best interests of its residents to adopt provisions of Section 352-e of the General Business Law.

NOW, THEREFORE, BE IT RESOLVED that the Village of East Aurora hereby elects to be covered by Section 352-e of the General Business Law for both eligible senior citizens and eligible disabled persons as defined in Section 352-e of the General Business Law; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Attorney General of the State of New York.

Moved by Trustee Dickson , seconded by Trustee Suttell.

AYES \_\_\_\_\_

NOES \_\_\_\_\_

MNBB305

8  
Trustee Dickson commented that Lewiston has had a similar resolution in place since 1987 and has not experienced any problems. Similar legislation has been adopted in other communities as well. She noted that this legislation will not prevent the building of condos, but rather offer some protection to Senior Citizens. In favor of resolution.

Trustee Marshall stated that such legislation sends a negative message to everyone about the Village of East Aurora. It usurps the rights of an individual to do what he wants with his property.

In answer to a question posed by Trustee Dayer, Steven Day advised that about 14 senior citizen residents of Woodbrook would be affected by the proposed conversion to condos. Trustee Dayer stated concern, that if the resolution is approved, it could restrict the building of any new apartment units.

Trustee Meade stated that he did not support the resolution.

Trustee Green expressed concern for people approaching age 60 to rent an apartment. He noted favoring the resolution.

Trustee Sutell noted agreement with Trustee Green. The motion was put to vote.

AYES 3 (Trustees Dickson, Green & Sutell)  
NOES 4 (Mayor Pagliaccio, Trustees Meade, Marshall, & Dayer)

Resolution defeated.

Bond Resolution: Village Share NOREC

By Board consensus, item moved to Unfinished Business, Agenda Item 6B.

UNFINISHED BUSINESS

Amendment to Development Plan on Kelver Court

Matter was subject of Public Hearing held June 17, 1991 and was tabled at conclusion of hearing.

It was moved by Trustee Dickson, seconded by Trustee Marshall and duly carried that the matter be removed from table.

RESOLUTION RE AMENDMENT OF DEVELOPMENT PLAN RELATIVE  
TO PREMISES LOCATED ON EAST AND WEST SIDE OF KELVER  
COURT BETWEEN MAIN STREET AND OAKWOOD AVENUE

RESOLUTION NO. 91.07.15.01

DATED: July 15, 1991

WHEREAS, this Board, by Local Law adopted on March 20th, 1989, did change the zoning classification of premises located on the east and west side of Kelver Court between Main Street and Oakwood Avenue from "R" Single Family Residence District zoning classification to "R-G-N" Town House District Classification; and

WHEREAS, such re-zoning was pursuant to Section 93-61 of the Code of the Village of East Aurora; and

WHEREAS, said re-zoning, pursuant to Section 93-61 of the Code of the Village of East Aurora, New York, was a provisional re-zoning; and

WHEREAS, such re-zoning was on the condition that a special endorsement be attached to the Development Plan to require that further additions to such Development Plan be re-submitted to this Board of Trustees; and

WHEREAS, the owner of the property, CARL DiPIETRO, petitioned this Board for an amendment of the Development Plan to provide for garages and an addition to an apartment on such premises; and

WHEREAS, this Board finds that the general health, welfare and safety of the residents of the Village of East Aurora will not be adversely affected by such amendment and that the proposed amendment is substantially in agreement with the original provisional re-zoning.

NOW, THEREFORE, BE IT RESOLVED:

That the proposed amendment to the premises located on the east and west side of Kelver Court between Main Street and Oakwood Avenue submitted by CARL DiPIETRO and dated the 10th day of July, 1991 is approved, and that the Development Plan heretofore submitted in connection with the provisional re-zoning of the premises is amended accordingly.

Moved by Trustee Dayer, seconded by Trustee Marshall.

AYES 6

NAES 0

Approval of NOREC Agreement and Authorization for Mayor to Sign Commitment and Other Documents

Village Administrator Hiller reviewed and explained recent changes. Trustee Sutell indicated NOREC offers recycling for brown, green glass and cardboard.

Mayor Pagliaccio noted Governor's Local Government Consolidation Services Panel Commission recommends economics by inter-municipal cooperation. Notes the Village has long history of such, vis Police, Fire, DCO, etc. Noted NOREC is controlled by local government, not an autonomous board or authority or county district. While it is hard to predict future, he feels seeking joint inter-municipal cooperation is better than each municipality going it alone.

Trustee Dickson commented that while the Village has markets for its recyclables now, there are no long term commitments for future, whereas NOREC is in better position to command market position.

Trustee Dayer moved the following resolution:

MNB305

7/15/91

## NEGATIVE DECLARATION RESOLUTION

WHEREAS, the VILLAGE BOARD ~~XXXXXX~~ of Trustees, ~~XXXXXX~~ ("the Governing Body") of the VILLAGE ~~XXXXXX~~ of EAST AURORA, New York ("the Municipality") has before it proposed resolutions authorizing the execution of a certain statement of Commitment to be bound as a participating municipality of the Northern Recycling Council ("NOREC"); for a Revised Joint Recycling Agreement, dated as of June 17, 1991, governing the rights and obligations of NOREC members in the development and operation of NOREC's materials recovery facility located in the Village of Depew ("the Facility"); and providing for the financing of the Municipality's share of the capital and operating costs of NOREC; and

WHEREAS, such action is an unlisted action subject to uncoordinated environmental review under the State Environmental Quality Review Act ("SEQRA"), and pursuant to SEQRA the Governing Body is the lead agency for conducting such review; and

WHEREAS, SEQRA proceedings were conducted by the Village of Depew as lead agency in connection with the designation of a warehouse at 3327 Walden Avenue in the Village of Depew as a site for the Facility and decisions to lease the warehouse premises and develop and operate the Facility, resulting in a Negative Declaration dated February 21, 1990; and

WHEREAS, the Governing Body, as an involved agency [or, in the case of the Village of Depew, the lead agency], in the Village of Depew SEQRA proceeding [or, if the municipality joined NOREC after June 20, 1990, for the underlined words substitute the words "in connection with its own SEQRA review of its decision to join NOREC"], reviewed and considered the February 21, 1990 Negative Declaration by the Village of Depew and the Full Environmental Assessment Form and its attachments on which that Negative Declaration was based;\* and

WHEREAS, the Governing Body recognizes the Board of Trustees of the Village of Depew as lead agency in that SEQRA review, and accepts that Board's findings and Negative Declaration; and

WHEREAS, the Governing Body has and reviewed and considered the Environmental Assessment Form submitted in connection with this SEQRA proceeding, and made a part hereof;

\* Copies of the Village of Depew SEQRA documents will be supplied to municipalities not members of NOREC as of May 28, 1991.

NOW, THEREFORE, the Governing Body, as lead agency in the present SEQRA review finds and declares that, for the reasons set forth in the Notice of Negative Declaration annexed hereto and made a part hereof, the above described action of the Governing Body will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

## CERTIFICATION

I, ROY W. DECKER, Village Clerk of the Village of East Aurora, hereby CERTIFY that the above resolution was duly passed at a Special Meeting of the Board of Trustees of the Village of New York, on July 15th, 1991.

ROY W. DECKER  
Village Clerk

The motion was duly carried after a second by Trustee Dickson.

Upon motion by Trustee Dayer and second by Trustee Dickson, the following resolution was passed unanimously.

7/15/91

COMMITMENT TO BE BOUND BY THE REVISED  
AGREEMENT FOR A JOINT MATERIALS RECOVERY FACILITY  
(NORTHERN RECYCLING COUNCIL)

e

By execution of this instrument, the undersigned municipal corporation ("the Municipality") commits itself to be bound as a Participating Municipality of the Northern Recycling Council ("the Council") as provided by a Revised Agreement for a Joint Materials Recovery Facility, dated June 17, 1991 ("the Agreement"). Upon the effective date of acceptance of this Commitment by the Council or an authorized committee thereof (if the Council shall receive acceptable Commitments on the part of the Village of Depew and other municipalities representing an aggregate population (other than the Village of Depew) of at least 332,327 according to the 1990 census figures as shown on Appendix A to the Agreement), or upon such subsequent date as the Municipality shall be admitted as a Participating Municipality under Paragraph 39 of the Agreement, the Municipality shall become a party to the Agreement and the Agreement shall become effective as to the Municipality.

Annexed hereto are the following supporting documents, all (except item 2(b)) in the form transmitted to the Municipality with a document entitled Instructions to Municipalities Considering Participation in Northern Recycling Council, dated June 17, 1991; or in such other form as has been approved by Counsel to the Council:

1. An Environmental Assessment Form, a resolution duly adopted by the governing body of the Municipality adopting a Negative Declaration, and a Notice of Negative Declaration, pursuant to the State Environmental Quality Review Act.

2. (a) Bond resolution or bond and capital note resolution adopted by the affirmative vote of at least two-thirds of the voting strength of the governing body of the Municipality authorizing the Municipality to enter into the Agreement and authorizing the issuance of serial bonds and/or capital notes by the Municipality for its proportionate share of the capital costs of the Project as provided by the Agreement; or

MNB305

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(b) Resolution duly adopted by the governing body of the Municipality authorizing the Municipality to enter into the Agreement and appropriating current funds for its proportionate share of the capital costs of the Project as provided by the Agreement.

3. If on May 28, 1991, the Municipality was not a participating municipality of the Council under the Agreement Organizing the Northern Recycling Council, dated as of June 20, 1990, or a Supplemental Agreement, a resolution duly adopted by the governing body of the Municipality authorizing the Municipality to pay to the Council an assessment of \$1.73 per capita, based on the 1980 federal census.

4. An opinion of the Municipality's counsel that the Municipality has full authority and power and has been fully authorized to execute this Commitment and to enter into and perform the Agreement, and that each of the resolutions mentioned

- 3 -

above has been duly adopted by the governing body of the Municipality.

DATED: July 15 , 1991

VILLAGE Town, Village or City	of	EAST AURORA Name of Municipality
----------------------------------	----	--

\* By: \_\_\_\_\_  
Chief Executive Officer  
JOHN V. PAGLIACCIO, MAYOR

\* By: \_\_\_\_\_  
Chief Fiscal Officer  
ROY W. DECKER, VILLAGE TREASURER

\* NOTE: This document should be signed by the Supervisor or Mayor. If the Supervisor or Mayor is not the Chief Fiscal Officer of the Municipality, it should also be signed by the Chief Fiscal Officer.

Trustee Dayer moved the following resolution:

BOND AND CAPITAL NOTE RESOLUTION OF THE VILLAGE OF EAST AURORA, IN THE COUNTY OF ERIE, NEW YORK, ADOPTED JULY 15, 1991, (A) AUTHORIZING THE JOINT CONSTRUCTION AND ACQUISITION OF A MATERIALS RECOVERY FACILITY TO BE LOCATED IN THE VILLAGE OF DEPEW, AT AN ESTIMATED TOTAL CAPITAL COST OF \$8,000,000 AND THE EXECUTION OF AN AGREEMENT WITH THE OTHER PARTICIPATING MUNICIPALITIES WITH RESPECT TO THE ACQUISITION, CONSTRUCTION, AND OPERATION OF A MATERIALS RECOVERY JOINT FACILITY AND SALE OF RECYCLED MATERIALS THEREFROM, (B) APPROPRIATING \$160,012, EQUAL TO ITS ALLOCATED SHARE OF THE COST THEREOF BASED ON CENSUS POPULATION, AND (C) AUTHORIZING THE ISSUANCE OF \$8,001 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$152,011 SERIAL BONDS (AS EVIDENCE OF ITS SEVERAL INDEBTEDNESS IN RELATION TO SUCH JOINT PROJECT), TO FINANCE THE BALANCE OF SAID APPROPRIATION.

WHEREAS, the Northern Recycling Council ("Council"), a joint board, was provided for pursuant to an intermunicipal agreement, dated as of June 20, 1990, to administer the development, acquisition, construction, financing, operation and maintenance of a joint materials recovery facility (the "Joint Facility") including the sale of recovered materials therefrom;

WHEREAS, certain of the municipalities listed in Appendix A hereto have been invited by the Council to enter into the Revised Agreement for a Joint Materials Recovery Facility (Northern Recycling Council), dated as of June 17, 1991, as amended, (hereinafter called "Joint Recycling Agreement"), by execution, delivery and acceptance of a Commitment to be Bound thereto (the "Commitment") pursuant to 120-w and 120-aa of the General Municipal Law, constituting Chapter 24 of the Consolidated Laws of the State of New York, and other applicable laws to become effective upon the acceptance by the Council of the Village of Depew and of a sufficient number of other municipalities with an aggregate population (other than the Village of Depew) as set forth in Appendix A of not less than 332,327 (such accepted municipalities other than the Village of Depew to be hereinafter referred to as the "Participating Municipalities"), for the joint construction, acquisition, operation, maintenance and financing of the Joint Facility hereinafter described in Section 1 hereof, to service the Participating Municipalities and such Participating Municipalities expect to duly authorize the joint construction, acquisition, operation, maintenance and financing of the Joint Facility;

WHEREAS, the Commitment and the Joint Recycling Agreement have been presented, reviewed and placed on file in the records of this municipality as part of the minutes of the meeting at which this resolution is adopted;

WHEREAS, each Participating Municipality expects to adopt on or before JULY 17, 1991, resolutions either appropriating current funds or authorizing the contracting of several indebtedness in its allocated share of an aggregate amount not to exceed \$8,000,000 to finance the estimated total capital cost of the Joint Facility by the issuance of bonds, for which the faith and credit of the Participating Municipality would be pledged, as evidence of its allocated share of such capital cost;

WHEREAS, the Council has applied for and expects to receive a grant of State funds pursuant to the Environmental Quality Bond Act, Article 51, Title 9 of the Environmental Conservation Law and which upon receipt will be applied to reduce debt service on the secured indebtedness or to repay appropriations of current funds on an allocated share basis; now, therefore, be it

RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA, IN THE COUNTY OF ERIE, NEW YORK (BY THE FAVORABLE VOTE OF NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS OF THE BOARD) AS FOLLOWS:

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Section 1. The Village (the "Municipality") is hereby authorized to enter into the Joint Recycling Agreement to jointly construct, operate and maintain the Joint Facility to be located in the Village of Depew, including buildings, land or rights in land and the necessary furnishings, equipment, machinery and apparatus to service the Participating Municipalities. The Chief Fiscal Officer of the Municipality and the Chief Executive Officer of the Municipality are hereby authorized to execute the Commitment.

Section 2. (a) The estimated capital cost to the Participating Municipalities of (i) the construction, design, operation, or maintenance of the Joint Facility, including buildings, original furnishings, equipment, machinery or apparatus and including preliminary costs and costs incidental thereto and the financing thereof is \$7,200,000.00 and (ii) vehicles and other moveable equipment and including preliminary costs and costs incidental thereto and the financing thereof is \$800,000.00. The estimated total capital cost to the Participating Municipalities of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$8,000,000.

(b) The estimated maximum cost to the Municipality of (i) the construction, design, operation, or maintenance of the Joint Facility, including buildings, original furnishings, equipment, machinery or apparatus and including preliminary costs and costs incidental thereto and the financing thereof is \$144,010 and (ii) vehicles and other moveable equipment including preliminary costs and costs incidental thereto and the financing thereof is \$16,002. The estimated total capital cost to the Municipality of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is the amount \$160,012 which is the amount that results from the following formula:

Municipality's Maximum Cost	=	Municipality's Population*	X	Total Estimated Maximum Cost (\$8,000,000)
		----- Total Committed Population*		

But Not Less Than 332,327

\* Based on 1990 Preliminary Census Figures

The Municipality hereby appropriates said total amount therefor. The plan of financing includes (a) the issuance of serial bonds and/or capital notes, or appropriations of current funds by each Participating Municipality, including the issuance by the Municipality of \$8,001 aggregate amount of capital notes to provide the down payments required by the law, as herein after defined, including \$7,201 amount of capital notes to provide the down payment for the specific object or purpose authorized pursuant to Section 2(b)(i) of this resolution and \$800 amount of capital notes to provide the down payment for the specific object or purpose authorized pursuant to Section 2(b)(ii) of this resolution, and the issuance by the Municipality of \$152,011 aggregate amount of serial bonds, including \$136,810 amount of serial bonds to finance the balance of said appropriation for the specific object or purpose authorized pursuant to Section 2(b)(i) of this resolution and \$15,201 amount of serial bonds to finance the balance of said appropriation for the specific object or purpose authorized pursuant to Section 2(b)(ii) of this resolution; (b) the application upon receipt of any State grant to reduce on an allocable share basis the cost of said object or purpose or redemption of said bonds issued therefor or to be budgeted as an offset to the taxes for the payment of the principal and interest on said bonds by each Participating Municipality; (c) the imposition of charges by the Council to the Participating Municipalities pursuant to the Joint Recycling Agreement to pay for the operation and maintenance of the Joint Facility; (d) the marketing or other disposition of the materials therefrom and thereafter for application of revenues therefrom as an offset on an allocable basis to reduce the amount of principal and interest due on the notes and bonds of each Participating

Municipality, or to repay the appropriations of current funds, respectively; and (e) the levy and collection of taxes by each Participating Municipality on all the taxable real property in the Participating Municipality to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. Capital Notes of the Municipality in the aggregate principal amount of \$8,001 to pay the required down payments including \$7,201 amount of capital notes to provide the down payment for the specific object or purpose authorized pursuant to Section 2(b)(i) of this resolution and \$800 amount of capital notes to provide the down payment for the specific object or purpose authorized pursuant to Section 2(b)(ii) of this resolution, and serial bonds of the Municipality in the aggregate principal amount of \$152,011 including \$136,810 amount of serial bonds to finance the balance of said appropriation for the specific object or purpose authorized pursuant to Section 2(b)(i) of this resolution and \$15,201 amount of serial bonds to finance the balance of said appropriation for the specific object or purpose authorized pursuant to Section 2(b)(ii) of this resolution are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), (as evidence of the Municipality's several indebtedness in relation to the Joint Facility pursuant to Title 1-A of the Law) to finance the balance of said appropriation not provided by said capital notes.

Section 4. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of said specific object or purpose authorized pursuant to Section 2(b)(i) of this resolution and for which \$136,810 of said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 6 of the Law, is twenty-five (25) years.

(b) The period of probable usefulness of said specific object or purpose authorized pursuant to Section 2(b)(ii) of this resolution and for which \$15,201 of said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 6 of the Law, is ten (10) years.

(c) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Chief Fiscal Officer is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said specific objects or purposes herein described.

(d) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 5. Each of the capital notes and each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds or the renewals of said notes shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Municipality payable as to both principal and interest by general tax upon all the taxable real property within the Municipality without limitation of rate or amount. The faith and credit of the Municipality are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of said bonds or the renewals of said notes, and provisions shall be made annually in the budget of the Municipality by appropriation for (a) the amortization and redemption of the capital notes and bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Sections 50.00 and 56.00 to 60.00 of the Law, the powers and duties of the Finance Board relative to authorizing the issuance of any notes in anticipation of the sale of serial bonds herein authorized or the renewals of said notes and relative to prescribing the terms, form and contents and as to the sale and issuance of the capital notes and serial bonds herein authorized and of any notes in anticipation of the sale of said bonds or the renewals of said notes, are hereby delegated to the Chief Fiscal Officer of the Municipality. Subject to the sale provisions of the Law, the Chief Fiscal Officer of the Municipality may offer and sell such capital notes and bonds and any notes issued in anticipation thereof at the same time and in the same manner as the other Participating Municipalities offer and sell their capital notes and bonds or notes issued in anticipation thereof in relation to the Joint Facility.

Section 7. The validity of the capital notes and bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) Such obligations are authorized for an object or purpose for which the Municipality is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commended within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This bond and capital note resolution is subject to permissive referendum.

\* \* \*

The adoption of the foregoing resolution was seconded by Dickson and duly put to a vote on roll call, which resulted as follows:

AYES: 7 (Mayor Pagliaccio, Trustees Dickson, Dayer, Green, Marshall, Meade, and Sutell)

NOES: 0 The resolution was declared adopted.

Appendix A

A	B	C	D	E
Eligible Municipalities	Population 1990 Census	Total Estimated Cost to Municipality	Cost of Project Excluding Moveable Equipment	Cost of Moveable Equipment
1 . Akron, Village	2,906	69,955.19	62,959.68	6,995.52
2 . Alden, Town	7,915	190,535.23	171,481.70	19,053.52
3 . Alden, Village	2,457	59,146.56	53,231.91	5,914.66
4 . Amherst, Town	106,128	2,554,784.90	2,299,306.41	255,478.49
5 . Aurora, Town	6,786	163,357.18	147,021.46	16,335.72
6 . Blasdell, Village	2,900	69,810.76	62,829.68	6,981.08
7 . Boston, Town	7,445	179,221.07	161,298.96	17,922.11
8 . Cambria, Town	4,779	115,043.32	103,538.98	11,504.33
9 . Cheektowaga, Town	84,387	2,031,420.86	1,828,278.77	203,142.09
10 . Clarence, Town	20,041	482,440.49	434,196.44	48,244.05
11 . Colden, Town	2,899	69,786.69	62,808.02	6,978.67
12 . Collins, Town	5,135	123,613.19	111,251.87	12,361.32
13 . Concord, Town	4,077	98,144.30	88,329.87	9,814.43
14 . East Aurora, Village	6,647	160,011.07	144,009.97	16,001.11
15 . Eden, Town	7,416	178,522.96	160,670.66	17,852.30
16 . Elma, Town	10,355	249,272.55	224,345.30	24,927.26
17 . Evans, Town	15,247	367,036.08	330,332.47	36,703.61
18 . Genesee, County	60,060	1,445,804.88	1,301,224.40	144,580.49
19 . Grand Island, Town	17,561	422,740.25	380,466.23	42,274.03
20 . Hamburg, Village	10,442	251,366.88	226,230.19	25,136.69
21 . Hamburg, Town	40,393	972,367.58	875,130.82	97,236.76
22 . Hartland, Town	3,758	90,465.11	81,418.60	9,046.51
23 . Holland, Town	3,572	85,987.60	77,388.84	8,598.76
24 . Kenmore, Village	17,180	413,568.56	372,211.71	41,356.86
25 . Lancaster, Town & Villa	25,576	615,682.75	554,114.47	61,560.27
26 . Lockport, Town	16,596	399,510.12	359,559.11	39,951.01
27 . Marilla, Town	5,250	126,381.55	113,743.39	12,638.15
28 . Middleport, Village	1,876	45,160.34	40,644.31	4,516.03
29 . Newfane, Town	8,996	216,557.79	194,902.01	21,655.78
30 . Newstead, Town	4,534	109,145.51	98,230.96	10,914.55
31 . North Collins, Village	1,335	32,137.02	28,923.32	3,213.70
32 . Orchard Park, Town	21,352	513,999.77	462,599.79	51,399.98
33 . Pendleton, Town	5,010	120,604.10	108,543.69	12,060.41
34 . Porter, Town	7,110	171,156.72	154,041.05	17,115.67
35 . Royalton, Town	5,730	137,936.43	124,142.79	13,793.64
36 . Sardinia, Town	2,667	64,201.83	57,781.64	6,420.18
37 . Sloan, Village	3,830	92,198.35	82,978.51	9,219.83
38 . Somerset, Town	2,655	63,912.95	57,521.66	6,391.30
39 . Springville, Village	4,310	103,753.23	93,377.91	10,375.32
40 . Tonawanda, City	17,284	416,072.12	374,464.91	41,607.21
41 . Tonawanda, Town	65,284	1,571,560.54	1,414,404.49	157,156.05
42 . West Seneca, Town	47,830	1,151,396.06	1,036,256.46	115,139.61
43 . Williamsville, Village	5,583	134,397.75	120,957.97	13,439.77
44 . Wilson, Town	5,771	138,923.41	125,031.07	13,892.34

Appendix A

F	G	H	I	J	K
Amount of Serial Bonds for Project Excluding Moveable Equipment	Amount of Serial Bonds for Moveable Equipment	Total Amount of Serial Bonds	Amount of Capital Notes for Project Excluding Moveable Equip.	Amount of Capital Notes for Moveable Equipment	Total Amount of Capital Notes
59,811.69	6,645.74	66,457.43	3,147.98	349.78	3,497.76
162,907.62	18,100.85	181,008.46	8,574.09	952.68	9,526.76
50,570.31	5,618.92	56,189.24	2,661.60	295.73	2,957.33
2,184,341.09	242,704.57	2,427,045.65	114,965.32	12,773.92	127,739.24
139,670.38	15,518.93	155,189.32	7,351.07	816.79	8,167.86
59,688.20	6,632.02	66,320.22	3,141.48	349.05	3,490.54
153,234.01	17,026.00	170,260.01	8,064.95	896.11	8,961.05
90,362.03	10,929.11	109,291.15	5,176.95	575.22	5,752.17
1,736,864.83	192,984.98	1,929,849.82	91,413.94	10,157.10	101,571.04
412,486.62	45,831.85	458,318.46	21,709.82	2,412.20	24,122.02
59,667.62	6,629.74	66,297.35	3,140.40	348.93	3,489.33
105,689.28	11,743.25	117,432.53	5,562.59	618.07	6,180.66
83,913.37	9,323.71	93,237.08	4,416.49	490.72	4,907.21
136,809.47	15,201.05	152,010.52	7,200.50	800.06	8,000.55
152,637.13	16,959.68	169,596.81	8,033.53	892.61	8,926.15
213,128.03	23,680.89	236,808.93	11,217.26	1,246.36	12,463.63
313,815.85	34,868.43	348,686.28	16,516.62	1,835.18	18,351.80
1,236,163.18	137,351.66	1,373,514.64	65,061.22	7,229.02	72,290.24
361,442.92	40,160.32	401,603.24	19,023.31	2,113.70	21,137.01
214,918.68	23,879.85	238,798.53	11,311.51	1,256.83	12,568.34
831,374.28	92,374.92	923,749.20	43,756.54	4,861.84	48,618.38
77,347.67	8,594.19	85,941.86	4,070.93	452.33	4,523.26
73,519.40	8,168.82	81,688.22	3,869.44	429.94	4,299.38
353,601.12	39,289.01	392,890.14	18,610.59	2,067.84	20,678.43
526,408.75	58,489.86	584,898.61	27,705.72	3,078.41	30,784.14
341,581.15	37,953.46	379,534.62	17,977.96	1,997.55	19,975.51
108,056.22	12,006.25	120,062.47	5,687.17	631.91	6,319.08
38,612.09	4,290.23	42,902.32	2,032.22	225.80	2,258.02
185,156.91	20,572.99	205,729.90	9,745.10	1,082.79	10,827.89
93,319.41	10,368.82	103,688.23	4,911.55	545.73	5,457.28
27,477.15	3,053.02	30,530.17	1,446.17	160.69	1,606.85
439,469.80	48,829.98	488,299.78	23,129.99	2,570.00	25,699.99
103,116.51	11,457.39	114,573.90	5,427.18	603.02	6,030.21
146,339.00	16,259.89	162,598.89	7,702.05	855.78	8,557.84
117,935.65	13,103.96	131,039.61	6,207.14	689.68	6,896.82
54,892.56	6,099.17	60,991.73	2,889.08	321.01	3,210.09
78,829.59	8,758.84	87,588.43	4,148.93	460.99	4,609.92
54,645.57	6,071.73	60,717.31	2,876.08	319.56	3,195.65
88,709.01	9,856.56	98,565.57	4,668.90	518.77	5,187.66
355,741.66	39,426.85	395,266.52	18,723.25	2,080.36	20,803.61
1,343,684.26	149,298.25	1,492,982.51	70,720.22	7,857.80	78,578.03
984,443.64	109,382.63	1,093,826.26	51,812.82	5,756.98	57,569.80
114,910.07	12,767.79	127,677.86	6,047.90	671.99	6,719.89
118,779.52	13,197.72	131,977.24	6,251.55	694.62	6,946.17

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Dayer offered the following resolution and moved its adoption:

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Clerk of said Village of East Aurora (the "Municipality"), shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "East Aurora Advertiser," a newspaper published in the Municipality, having a general circulation within said Municipality and hereby designated the official newspaper of the Municipality for such publication and posted in at least six (6) public places in the Village pursuant to the Village Law, a Notice in substantially the following form:

VILLAGE OF EAST AURORA

PLEASE TAKE NOTICE that on JULY 15, 1991, the Board of Trustees of the Village of East Aurora, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"BOND AND CAPITAL NOTE RESOLUTION OF THE VILLAGE OF EAST AURORA, IN THE COUNTY OF ERIE, NEW YORK,  
ADOPTED JULY 15, 1991, (A) AUTHORIZING THE JOINT CONSTRUCTION AND ACQUISITION OF A MATERIALS RECOVERY FACILITY TO BE LOCATED IN THE VILLAGE OF DEPEW, AT AN ESTIMATED TOTAL CAPITAL COST OF \$8,000,000 AND THE EXECUTION OF AN AGREEMENT WITH THE OTHER PARTICIPATING MUNICIPALITIES WITH RESPECT TO THE ACQUISITION, CONSTRUCTION, AND OPERATION OF A MATERIALS RECOVERY JOINT FACILITY AND SALE OF RECYCLED MATERIALS THEREFROM, (B) APPROPRIATING \$160,012, EQUAL TO ITS ALLOCATED SHARE OF THE COST THEREOF BASED ON CENSUS POPULATION, AND (C) AUTHORIZING THE ISSUANCE OF \$8,001 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$152,011 SERIAL BONDS (AS EVIDENCE OF ITS SEVERAL INDEBTEDNESS IN RELATION TO SUCH JOINT PROJECT), TO FINANCE THE BALANCE OF SAID APPROPRIATION,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: RECITING THAT the Northern Recycling Council ("Council"), a joint board, was provided for pursuant to an intermunicipal agreement, dated as of June 20, 1990, to administer the development, acquisition, construction, financing, operation and maintenance of a joint materials recovery facility (the "Joint Facility") including the sale of recovered materials therefrom;

FURTHER RECITING that certain of the municipalities listed in Appendix A thereto have been invited by the Council to enter into the Revised Agreement for a Joint Materials Recovery Facility (Northern Recycling Council), dated as of June 17, 1991, as amended, (hereinafter called "Joint Recycling Agreement"), by the execution, delivery and acceptance of a Commitment to be Bound thereto (the "Commitment") pursuant to 120-w and 120-aa of the General Municipal Law, constituting Chapter 24 of the Consolidated Laws of the State of New York, and other applicable laws to become effective upon the acceptance by the Council of the Village of Depew and of a sufficient number of other municipalities with an aggregate population (other than the Village of Depew) as set forth in Appendix A of not less than 332,327 (such accepted municipalities to be hereinafter referred to as the "Participating Municipalities"), for the joint construction, acquisition, operation, maintenance and financing of the Joint Facility hereinafter described in Section 1 hereof, to service the Participating Municipalities and such Participating Municipalities expect to duly authorize the joint construction, acquisition, operation, maintenance and financing of the Joint Facility;

FURTHER RECITING that the Commitment and the Joint Recycling Agreement have been presented, reviewed and placed on file in the records of this municipality as part of the minutes of the meeting at which this resolution is adopted;

FURTHER RECITING that each Participating Municipality expects to adopt on or before JULY 17, 1991, resolutions either appropriating current funds or authorizing the contracting of several indebtedness in its allocated share of an aggregate amount not to exceed \$8,000,000 to finance the estimated total capital cost of the Joint Facility by the issuance of bonds, for which the faith and credit of the Participating Municipality would be pledged, as evidence of its allocated share of such capital cost;

FURTHER RECITING that the Council has applied for and expects to receive a grant of State funds pursuant to the Environmental Quality Bond Act, Article 51, Title 9 of the Environmental Conservation Law and which upon receipt will be applied to reduce debt service on the secured indebtedness or to repay appropriations of current funds on an allocated share basis;

SECOND: AUTHORIZING the Village (the "Municipality") to enter into the Joint Recycling Agreement to jointly construct, operate and maintain the Joint Facility to be located in the Village of Depew, including buildings, land or rights in land and the necessary furnishings, equipment, machinery and apparatus to service the Participating Municipalities and AUTHORIZING the Chief Fiscal Officer of the Municipality and the Chief Executive Officer of the Municipality to execute the Commitment.

THIRD: STATING the estimated capital cost to the Participating Municipalities of (i) the construction, design, operation, or maintenance of the Joint Facility, including buildings, original furnishings, equipment, machinery or apparatus and including preliminary costs and costs incidental thereto and the financing thereof to be \$7,200,000.00 and (ii) vehicles and other moveable equipment including preliminary costs and costs incidental thereto and the financing thereof to be \$800,000.00; STATING the estimated total capital cost to the Participating Municipalities of said specific objects or

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purposes, including preliminary costs and costs incidental thereto and the financing thereof, to be \$8,000,000; STATING the estimated maximum cost to the Municipality of (i) the construction, design, operation, or maintenance of the Joint Facility, including buildings, original furnishings, equipment, machinery or apparatus and including preliminary costs and costs incidental thereto and the financing thereof to be \$144,010 and (ii) vehicles and other moveable equipment including preliminary costs and costs incidental thereto and the financing thereof to be \$16,002; STATING the estimated total capital cost to the Municipality of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof to be \$160,012 which is the amount that results from the following formula:

Municipality's Maximum Cost	Municipality's Population*	Total Estimated Maximum Cost (\$8,000,000)
	----- Total Committed Population* But Not Less Than 332,327	

\* Based on 1990 Preliminary Census Figures

APPROPRIATING said total amount therefor; STATING the plan of financing includes (a) the issuance of serial bonds and/or capital notes, or appropriations of current funds by each Participating Municipality, including the issuance by the Municipality of \$8,001 aggregate amount of capital notes to provide the down payments required by the law, as hereinafter defined, including \$7,201 amount of capital notes to provide the down payment for the specific object or purpose authorized pursuant to Section 2(b)(i) of the resolution and \$800 amount of capital notes to provide the down payment for the specific object or purpose authorized pursuant to Section 2(b)(ii) of the resolution, and the issuance by the Municipality of \$152,011 aggregate amount of serial bonds, including \$136,810 amount of serial bonds to finance the balance of said appropriation for the specific object or purpose authorized pursuant to Section 2(b)(i) of the resolution and \$15,201 amount of serial bonds to finance the balance of said appropriation for the specific objects or purposes authorized pursuant to Section 2(b)(ii) of the resolution; (b) the application upon receipt of any State grant to reduce on an allocable share basis the cost of said objects or purposes or redemption of said bonds issued therefor or to be budgeted as an offset to the taxes for the payment of the principal and interest on said bonds by each Participating Municipality; (c) the imposition of charges by the Council to the Participating Municipalities pursuant to the Joint Recycling Agreement to pay for the operation and maintenance of the Joint Facility; (d) the marketing or other disposition of the materials therefrom and thereafter for application of revenues therefrom as an offset on an allocable basis to reduce the amount of principal and interest due on the notes and bonds of each Participating Municipality, or to repay the appropriations of current funds, respectively.

FOURTH: AUTHORIZING the issuance of Capital Notes of the Municipality in the aggregate principal amount of \$8,001 to pay the required down payments including \$7,201 amount of capital notes to provide the down payment for the specific object or purpose authorized pursuant to Section 2(b)(i) of the resolution and \$800 amount of capital notes to provide the down payment for the specific object or purpose authorized pursuant to Section 2(b)(ii) of the resolution, and serial bonds of the Municipality in the aggregate principal amount of \$152,011, including \$136,810 amount of serial bonds to finance the balance of said appropriation for the specific object or purpose authorized pursuant to Section 2(b)(i) of the resolution and \$15,201 amount of serial bonds to finance the balance of said appropriation for the specific object or purpose authorized pursuant to Section 2(b)(ii) of the resolution pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), (as evidence of the Municipality's several indebtedness in relation to the Joint Facility pursuant to Title 1-A of the Law) to finance the balance of said appropriation not provided by said capital notes.

FIFTH: DETERMINING and STATING the period of probable usefulness of said specific object or purpose authorized pursuant to Section 2(b)(i) of the resolution and for which \$136,810 of said serial bonds are to be issued, within the limitations of Section 11.00 a. 6 of the Law, is twenty-five (25) years; DETERMINING and STATING the period of probable usefulness of said specific object or purpose authorized pursuant to Section 2(b)(ii) of the resolution and for which \$15,201 of said serial bonds are to be issued, within the limitations of Section 11.00 a. 6 of the Law, is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the proceeds of the capital notes; and DIRECTING the Chief Fiscal Officer to set aside the proceeds of sale of said capital notes and to apply same solely to said specific objects or purposes herein described; and the proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

SIXTH: DETERMINING that each of the capital notes and each of the serial bonds authorized by the resolution and any bond anticipation notes issued in anticipation of the sale of said bonds or the renewals of said notes shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Municipality payable as to both principal and interest by general tax upon all the taxable real property within the Municipality without limitation of rate or amount; and PLEDGING the faith and credit of the Municipality to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of said bonds or the renewals of said notes, and provisions shall be made annually in the budget of the Municipality by appropriation for (a) the amortization and redemption of the capital notes and bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

SEVENTH: DELEGATING, subject to the provisions of the resolution and of the Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Sections 50.00 and 56.00 to 60.00 of the Law, the powers and duties of the Finance Board relative to authorizing the issuance of any notes in anticipation of the sale of serial bonds or the renewals of said notes and relative to prescribing the terms, form and contents and as to the sale and issuance of the capital notes and serial bonds and of any notes in anticipation of the sale of said bonds or the renewals of said notes to the Chief Fiscal Officer of the Municipality and AUTHORIZING, subject to the sale provisions of the Law, the Chief Fiscal Officer of the Municipality to offer and sell such capital notes and bonds and any notes issued in anticipation thereof at the same time and in the same manner as the other Participating Municipalities offer and sell their capital notes and bonds or notes issued in anticipation thereof in relation to the Joint Facility.

EIGHTH: STATING that the validity of the capital notes and bonds, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations were authorized for an object or purpose for which the Municipality was not authorized to expend money, or
  - (b) the provisions of law which should be complied with at the date of the publication of the resolution were not substantially complied with,
- and an action, suit or proceeding contesting such validity is commended within twenty days after the date of such publication, or
- (c) such obligations are in violation of the provisions of the constitution.

NINTH: DETERMINING that the bond and capital note resolution is subject to permissive referendum.

DATED: \_\_\_\_\_, 1991

Village Clerk

Section 2. After said bond and capital note resolution shall take effect, the Municipality is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

\* \* \*

The adoption of the foregoing resolution was seconded by Dickson and duly put to a vote on roll call, which resulted as follows:

AYES: 7 (Mayor Pagliaccio, Trustees Dickson, Dayer, Green, Marshall, Meade, and Suttell  
NOES: 0

The resolution was declared adopted.

\*\*\*\*\*

NEW BUSINESS

Special Permit: Annual Sidewalk Sale

Agenda Item #7A 7/15/91

VILLAGE OF EAST AURORA  
SPECIAL PERMIT APPLICATION

FOR OFFICE USE ONLY

Date Application Filed 6/26 1991  
Date Referred to Village Board \_\_\_\_\_ 19 \_\_\_\_\_  
Date of V.B. Action \_\_\_\_\_ 19 \_\_\_\_\_ Approved/Disapproved  
Conditions of V.B. Action \_\_\_\_\_

Comments: \_\_\_\_\_

Date Permit Issued \_\_\_\_\_ 19 \_\_\_\_\_ Date Permit Expires \_\_\_\_\_ 19 \_\_\_\_\_

Application Fee of \$5.00 Received by SL Receipt # 9488  
Permit Fee of \$5.00 Received by \_\_\_\_\_ Receipt # \_\_\_\_\_

Application is hereby made for a SPECIAL PERMIT pursuant to the Code of the Village of East Aurora.

Application must be submitted 30 days before date of activity. Written approvals and other special permits as may be required by law shall accompany this application.

Check One

- Part A** Section 93-42.1. Individual Establishment conducting business outside a completely enclosed building on private property of the establishment.
- Part B** Section 93-42.1. Group of Business Establishments conducting business as an area activity outside completely enclosed buildings.
- Part C** Section 93-19A (11)a. On premises outdoor retail sale of materials or goods produced from farming or agriculture, excluding meat, meat products or poultry.

Application Date: 7/17/91 of Commerce  
 Applicant's Name: Forest Park Avocado Chamber Phone No. 652-8444  
 Applicant's Address: 574 Main Street  
 Owner of Premises Name: \_\_\_\_\_ Phone No. \_\_\_\_\_

Owner of Premises Address: \_\_\_\_\_

Signature of Owner/Applicant Louis V. Thurnherr, President  
 Person or Persons Designated Responsibility of Overseeing the Activity, Including Clean Up and Maintenance of the Area.  
 Name: Louis V. Thurnherr Address: 574 Main St. Phone No. 652-8444  
 Chamber of Commerce, F. Thurnherr, 19052  
 Worker E. Aurora  
 Describe Activities: Annual SIDEWALK SALES

Date of Activity: 7/27/91 No. of Days: 1

Time: Starting 9:00 AM Closing 5:00 PM  
 Location: Whaley & Main to Pine & Main, Village Plaza  
 Name and Address of Participants (List may be on attachment):

Main Street Merchants  
Oakwood Plaza Merchants

Special Activities: Parade, Fireworks, Entertainment, Amusements, Vendors or Exhibitors

Services Requested from Village: Describe need.

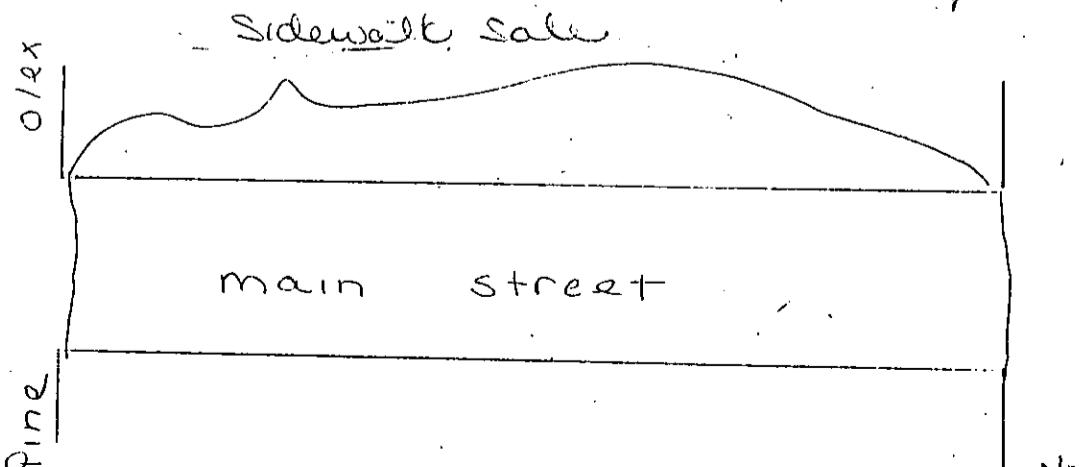
Police \_\_\_\_\_  
 Fire \_\_\_\_\_  
 Dept. of Public Works \_\_\_\_\_  
 Other \_\_\_\_\_

What public lands, streets, sidewalks, etc. to be used:  
Main Street from Pine to Whaley  
With use of the sidewalks of the above streets, will also  
use the side walk in front of the  
for the 10th Annual Village  
Are food and/or beverages to be furnished for public consumption?  
 Yes  No

If yes - attach applicable temporary Health Department licenses or permits, or advise if permanent licensing or permits are held by vendors

Licenses are held by vendors.

Please provide schematic drawings, indicating areas to be occupied for above described activity.



Note: We will have <sup>food</sup> vendors & covered stands under a tent that will be set up in the middle of the street. Also chairs & tables & some entertainment.

It was moved by Trustee Sutell, seconded by Trustee Green and duly carried that a Special Permit be granted to the Greater East Aurora Chamber of Commerce to hold the Annual Sidewalk Sale on July 27, 1991 from 9:00 AM to 5:00 PM on Main Street, from Pine St. to Whaley Ave., and at the Oakwood Plaza.

Special Permit: Toyfest '91

It was moved by Trustee Sutell, seconded by Trustee Green and duly carried that a Special Permit be granted to Toytown USA to hold Toyfest '91 on August 23 through August 25 as per the following application.

VILLAGE OF EAST AURORA  
SPECIAL PERMIT APPLICATION

FOR OFFICE USE ONLY

Date Application Filed 6/25 19 91  
Date Referred to Village Board 6-26 19 91  
Date of V.B. Action 19 Approved/Disapproved  
Conditions of V.B. Action \_\_\_\_\_

Comments: \_\_\_\_\_

Date Permit Issued 19 Date Permit Expires 19  
Application Fee of \$5.00 Received by AC Receipt # 2449  
Permit Fee of \$5.00 Received by \_\_\_\_\_ Receipt # \_\_\_\_\_

Application is hereby made for a SPECIAL PERMIT pursuant to the Code of the Village of East Aurora.

Application must be submitted 30 days before date of activity. Written approvals and other special permits as may be required by law shall accompany this application.

Check One

- Part A Section 93-42.1. Individual Establishment conducting business outside a completely enclosed building on private property of the establishment.
- Part B Section 93-42.1. Group of Business Establishments conducting business as an area activity outside completely enclosed buildings.
- Part C Section 93-19A(11)a. On premises outdoor retail sale of materials or goods produced from farming or agriculture, excluding meat, meat products or poultry.

Application Date: 6/19/91  
Applicant's Name: Toytown USA Phone No. 655-3888  
Applicant's Address: 150 Main Street  
Owner of Premises Name: \_\_\_\_\_ Phone No. \_\_\_\_\_

Owner of Premises Address: \_\_\_\_\_

Signature of Owner/Applicant

Person or Persons Designated Responsibility of Overseeing the Activity, Including Clean Up and Maintenance of the Area.  
Name: Toytown USA Address: 150 Main Phone No. 655-3888

Describe Activities: ToyFest '91 3 Day Event

Date of Activity: 8/23-24-25/91 No. of Days: 3

Time: Starting 8/23/91 - 5<sup>00</sup>pm Closing 8/25/91 - 5<sup>00</sup>pm  
Location: In Main Hall, Municipal Building, 1501 Pine Street, Medina, Ohio  
Name and Address of Participants (List may be on attachment): Local V.W.I.P. Residents  
Trustee Marshall, Committee  
Typical Entertainment Board, if applicable

Special Activities: Parade, Fireworks, Entertainment, Amusements  
Vendors or Exhibitors:

Services Requested from Village: Describe need.

Police no Direct Traffic

Fire

Dept. of Public Works Pick up trash, clean up village

Other possibly the public area

What public lands, streets, sidewalks, etc. to be used:

Are food and/or beverages to be furnished for public consumption?

Yes  No

If yes - attach applicable temporary Health Department licenses or permits, or advise if permanent licensing or permits are held by vendors.

Licensing & permits held by vendors

Please provide schematic drawings, indicating areas to be occupied for above described activity.

#### Quaker Club PBA Contract

Trustee Marshall moved approval of the Quaker Club PBA Contract and the authorization for the Mayor to sign said contract pending Village Attorney and Village Administrator approval. Motion was passed unanimously following a second by Trustee Dickson.

#### Crossing Guard Contract

It was moved by Trustee Marshall, seconded by Trustee Green and duly carried that the Crossing Guard Contract be approved.

#### Authorizing Amendment to Southtowns' Solid Waste Management Board

#### AMENDMENT TO THE JOINT AGREEMENT CREATING THE SOUTHTOWNS SOLID WASTE MANAGEMENT BOARD

THIS AMENDMENT made and entered into as of the day of , 1991 by all parties as an attachment to the Agreement of the 14th day of March, 1988 by and between the following municipalities: the Village of Angola, the Town of Boston, the Town of Brant, the Town of Colden, the Town of Collins, the Town of Concord, the Town of Eden, the Town of Evans, the Village of Farnham, the Village of Gowanda, the Town of Holland, the Town of North Collins, the Town of Sardinia, the Village of Springville, the Town of Wales, the Village of East Aurora, the Town of Aurora, the Town of Orchard Park, the Village of Orchard Park, the Village of Hamburg, the Town of Hamburg, and the Village of Blasdell in Erie County, hereinafter sometimes referred to as the "Municipalities".

#### W I T N E S S E T H:

WHEREAS, in the interest of facilitating the decision-making process by the Southtowns Solid Waste Management Board; and

WHEREAS, in the interest of equitably distributing the costs incurred by the Southtown Solid Waste Management Board.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENT HEREIN CONTAINED, THE MUNICIPALITIES HEREBY AGREE AS FOLLOWS:

MINB305

TO AMEND THE FOLLOWING:

Section One: Southtowns Solid Waste Management Board to include the following statement: In the absence of the designated representatives of any member municipality, that municipality's Mayor or Supervisor is automatically a voting member of the Southtowns Solid Waste Management Board; and.

Section One: Southtowns Solid Waste Management Board to include the following change: The sentence "In order to take any formal action, the Board must have a quorum of at least 50% of its members." should be amended to read "In order to take any formal action, the Board must have a quorum of at least one third (1/3) of its members plus one (1) additional member."

Section Three: Financing of the Southtowns Solid Waste Management Board as follows: The sentence "Should it be necessary; each Municipality agrees to contribute the sum of up to \$500. to cover expenses annually." should be amended to read "Should it be necessary, each Municipality agrees to contribute the sum of up to three and one half (3-1/2) cents per capita based upon the 1990 Census to cover expenses annually."

IN WITNESS WHEREOF, the chief municipal officer of each Municipality and the corporate seal of each Municipality has been affixed; the date appearing after the name of each Municipality.

Trustee Dickson moved authorization of the amendment to the Southtowns' Solid Waste Management Board. Motion carried following a second by Trustee Green.

EXECUTIVE SESSION

It was moved by Trustee Dayer, seconded by Trustee Marshall and carried that the Board move into Executive Session to discuss possible litigation.

ADJOURNMENT

At 9:30 PM Trustee Dayer moved to come out of Executive Session and adjourn the regular meeting of the Board of Trustees. With a second by Trustee Marshall, motion carried.

Roy W. Decker, Village Clerk  
Jerry C. Hiller, Village Administrator

ROLL CALL

Present - Deputy Mayor Dayer, Trustees Suttell, Meade, Marshall, Green and Dickson  
Absent - Mayor Pagliaccio  
Also Present - Village Administrator Hiller, Village Attorney Andruschat, Village Clerk Decker

APPROVAL OF MINUTES

Trustee Suttell moved approval, as submitted, of the minutes of the regular Board meeting held July 15, 1991. Seconded by Trustee Meade and carried.

AUDIT OF BILLS

It was moved by Trustee Suttell, seconded by Trustee Dickson and duly carried that the bills as audited by the Board, and detailed on Voucher Reports dated 8/16/91 and 8/19/91 covering vouchers no. 9034 to 9266, be approved for payment.

PUBLIC HEARINGS

None scheduled.

SPEAKERS AND COMMUNICATIONS

Erie County Legislator Fred Marshall advised that he had spoken to John Gugino, Erie County Deputy Highway Commissioner, regarding passing lanes and other problems on Center Street. Mr. Gugino will visit East Aurora and inspect Center Street and possibly make some changes. While he is in the Village, Mr. Marshall said he will also have him check Mill Street and the controversial passing zone on that street.

STAFF COMMITTEE AND BOARD REPORTSCITIZEN ACTION OF NEW YORK CANVASS

Village Clerk Decker reported that the Citizen Action group will be conducting a canvass of the Village sometime between September 1, and November 1, 1991. After some Board discussion the Clerk was requested to ask the group for a financial report.

Trustee Meade referred to Staff the matter of a storm sewer running through the basement of 142 Sycamore Street.

Deputy Mayor Dayer acknowledged receipt of the notification of Aurora Liquor, 123 Grey Street, of their intention to renew their liquor license. He noted that the Police Chief had advised that there had been no problems with this establishment.

RESOLUTIONS & MOTIONSRESOLUTION OPPOSING THE "FREE TV SURCHARGE"

Resolution No. 91.08.19.01

Dated: August 19, 1991

WHEREAS, from the inception of commercial television, the three major networks (ABC, NBC and CBS) have broadcast their signal on the open airways available to be picked up by any television receiver, and with the cost of such broadcast programming paid by the commercial sponsors and,

WHEREAS, these same networks have requested Congress to pass legislation that could add a 20% surcharge to cable customers viewing the "free" broadcasts: thereby penalizing those persons who use cable TV for enhanced reception and other reasons, leaving the CATV customer, with payment for heretofore free programming and still have to view the commercials,

REGULAR BOARD MEETING  
August 19, 1991

PAGE 2

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of East Aurora goes on record as being opposed to the proposed surcharge on "Free TV", also known as "Retransmission Consent", and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Senator Daniel P. Moynihan, Senator Alfonse M. D'Amato, Representative L. William Paxon,

Offered by: Trustee Marshall      Second by: Trustee Dickson  
Motion duly carried.

RESOLUTION PROTESTING CUTS IN THE OFFICE OF FIRE PREVENTION AND CONTROL

Resolution No. 91.08.19.02      Date: August 19, 1991

WHEREAS New York State budget cuts to the State Office of Fire Prevention and Control will result in

1. Elimination of the entire OFPC Arson Bureau and its functions.
2. Elimination of ALL New York State Fire/Arson Investigation assistance to fire departments and police departments.
3. Elimination of New York State K-9 Arson Dogs Program used in the identification of flammable liquids at arson scenes.
4. Elimination of ALL fire and arson investigation training to firefighters, police and investigators.
5. Elimination of ALL Arson Training at the New York State Fire Academy.
6. Elimination of 4 full-time positions and approximately 120 part-time positions, and,

WHEREAS, in addition, budget cuts will also result in a 40% cut in all training provided to volunteer and paid firefighters across New York State. It is anticipated that approximately 120 part-time State fire instructors will be eliminated with 12 in Erie County alone, and,

WHEREAS since 1986 alone, the Arson Bureau has investigated 350 fire incidents resulting in 213 fatalities and over 217 million dollars in direct fire loss. Of these arson cases investigated by the Arson Bureau, over 52 percent have resulted in arrests. In 1988 the NYS Arson Bureau received the President's Award from the IAAI for service above and beyond the call of duty in the field of fire/arson investigation. In 1989 the Arson Bureau K-9 Program received the Governor's Management and Productivity award.

RESOLVED the Village Board of the Village of East Aurora does hereby go on record opposing these cutbacks which are occurring at a time when the ranks of the volunteer firefighters are diminishing, ever increasing mandates on training and more toxic and dangerous fire fighting environment exists necessitating for the safety of the volunteer extra training.

FURTHER RESOLVED that the Village Board of the Village of East Aurora request these funds be returned to the State budget and that a copy of this resolution be sent to:

The Honorable Governor Mario M. Cuomo  
New York State Capitol  
Albany, New York 12224

The Honorable Ralph Marino  
President Pro Tem and Majority Leader  
Townsend Square  
Oyster Bay, New York 11771

The Honorable Mel Miller  
Speaker of the Assembly  
270 Broadway, Room 1800  
New York, New York 10007

The Honorable Thomas M. Reynolds  
147th Erie District  
New York State Legislature  
Legislative Office Building Room 543  
Albany, New York 12248

The Honorable Dale M. Volker  
59th District  
Legislative Office Building Room 609  
Albany, New York 12247

Moved by: Trustee Marshall                    Second by: Trustee Green  
Motion duly carried.

#### UNFINISHED BUSINESS

##### NOREC STATUS

Village Administrator Hiller reported that Amherst is looking favorably toward joining the revised, scaled down, plan. Cheektowaga has the matter under study and West Seneca, Grand Island and Tonawanda are out. A meeting is set for September 10, to present newly constituted NOREC costs and also a formula for dues for communities that have opted out. Mr. Hiller noted that the NOREC Bond Resolution recently approved by the Board is now null and void. Aware that the proposed NOREC, had fallen short of the required community participation, Mr. Hiller and Mr. Andruschat decided not to publish the Bond Resolution thus making it invalid.

##### NEW BUSINESS

###### RENEWAL OF FIREMEN'S FIELD LEASE

After a brief discussion, Trustee Suttell moved approval of the lease between the Village of East Aurora and the East Aurora Fire Department regarding the use of Firemen's Field. The motion included authorization for the Mayor to sign the lease. Motion carried following a second by Trustee Dickson.

###### APPROVAL OF TOPS MARKET OCTOBERFEST

Approval of a special permit for Tops Market to hold an Octoberfest celebration from September 12-14, 1991 was moved by Trustee Dickson, seconded by Trustee Meade and duly carried.

###### PUBLIC HEARING SET RE: EXPANSION OF PARKING LOT AT MEDICAL BUILDING, 94 OLEAN STREET

Trustee Marshall moved to set a public hearing for September 9, 1991 on the matter of a request from the East Aurora Medical Center to expand the parking facilities at 94 Olean Street. Motion seconded by Trustee Suttell and Carried.

##### EXECUTIVE SESSION

None scheduled

##### ADJOURNMENT

At 8:26 PM Deputy Mayor Dayer declared the regular Board meeting held August 19, 1991 adjourned upon motion of Trustee Dickson and seconded by Trustee Green.

## MINUTES OF SPECIAL MEETING SEPTEMBER 4, 1991

ROLL CALL

Present - Mayor Pagliaccio, Trustees Marshall, Dickson, and Dayer  
 Absent - Trustees Green, Meade, and Suttell  
 Also Present - Village Administrator Hiller

Mayor opened meeting at 4:45 P.M., noted that this was a special meeting called in accordance with Section 18-2 of the Village Code, to discuss the receipt and award of bids for a sewer pump station at the industrial park.

Administrator Hiller presented the Board with the bid tabulation of the 5 bidders and the consulting engineers recommendation of award.

## \*\*\*\* TABULATION OF BIDS \*\*\*\*

ENGINEER'S ESTIMATE \$50,000.00

KANDEY COMPANY, INC. \$34,764.00  
 19 RANSIER DRIVE  
 WEST SENECA, NY 14224

MILHERST CONSTRUCTION, INC. \$42,888.00  
 2601 MILLERSPORT HIGHWAY  
 GETZVILLE, NEW YORK 14068

AURORA PLUMBING CO., INC. \$45,420.00  
 5763 SENECA STREET  
 ELMA, NEW YORK 14059

DAN MARZEC PLUMBING & HEAT INC. \$45,802.00  
 5029 BROADWAY  
 DEPEW, NEW YORK 14043

DOLOMITE CONSTRUCTION CO., INC. \$48,000.00  
 8600 ROLL ROAD  
 CLARENCE CENTER, NY 14032



70 LINWOOD AVENUE P.O. BOX 718 ORCHARD PARK, NY 14127-0718 OFFICE (716) 662-9366  
 FAX (716) 662-7689

880465-01  
 August 30, 1991

Village of East Aurora  
 571 Main Street  
 East Aurora, NY 14052

Attn: Jerry Hiller

Re: Contract Award  
 Aurora Commerce Center  
 Pump Station Installation Project

Dear Mr. Hiller:

We have reviewed and checked the Bid Documents for the above referenced project which were opened at the East Aurora Village Hall on August 29, 1991 at 12:00 noon. As shown on the enclosed bid tabulation sheet, the low bidder is as follows:

Kandey Company, Incorporated  
19 Ransier Drive  
West Seneca, NY 14224

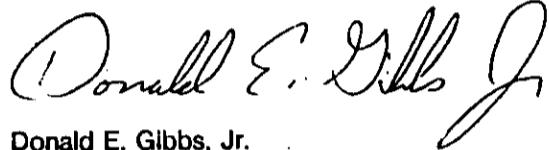
We have checked Kandey Company's previous work experience and we believe they are capable of performing the work satisfactorily.

We, therefore, recommend that the Village of East Aurora award the above referenced project to Kandey Company Incorporated at their lump sum bid amount of \$34,764.00.

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

TALLAMY, VAN KUREN, GERTIS & ASSOCIATES



Donald E. Gibbs, Jr.  
Project Engineer

Enc.  
n2/deg/e-aurora

It was moved by Trustee Dayer and seconded by Trustee Marshall that an award and bid for the installation of a sewer pump station be made to Kandey Company, Inc. 19 Ransier Drive, West Seneca N.Y. 14224 for \$34,764.00. Passed unanimously.

ADJOURNMENT

Motion by Trustee Dayer. Seconded by Trustee Dickson to adjourn at 5:10 P.M. Passed unanimously.

Jerry C. Hiller  
Village Administrator/  
Deputy Clerk

MNB305

ROLL CALL

Present - Mayor Pagliaccio, Trustees Dickson, Dayer, Green, Meade and Suttell  
Absent - Trustee Marshall  
Also Present - Village Administrator Hiller, Village Attorney Andruschat, Village Clerk Decker

APPROVAL OF MINUTES

Trustee Suttell moved approval, as presented, of the minutes of the regular Board meeting held August 19, 1991 and the special Board meeting held September 4, 1991. Motion carried following second by Trustee Dickson.

AUDIT OF BILLS

It was moved by Trustee Dayer, seconded by Trustee Meade, and duly carried that the bills as audited by the Mayor and Trustees, and detailed on Voucher Report dated 9/6/91 and covering vouchers no. 9267 to 9401 be approved for payment.

PUBLIC HEARINGSEast Aurora Medical Center Request to Amend Development Plan at 94 Olean Street

The Clerk read the following notice:

## NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing in the Board Room at the Village Hall, located at the corner of Main and Paine Streets, East Aurora, New York, on Monday evening, September 9th, 1991, at 8:00 o'clock P.M. (prevailing time) upon the Petition of the EAST AURORA MEDICAL CENTER, for the amendment of a certain Development Plan relative to premises commonly known as 94 Olean Street, East Aurora, New York.

PLEASE TAKE FURTHER NOTICE that this hearing is pursuant to Article VIII (Section 93-61) of the Code of the Village of East Aurora, New York, which sets forth special provisions for the amendment of a previously approved Development Plan.

A copy of the Development Plan showing the details of the proposed amendment submitted by the petitioner in connection with this matter is available for inspection at the office of the Village Clerk of the Village of East Aurora, New York, Village Hall, 571 Main Street, East Aurora, New York, during normal business hours.

DATED: East Aurora, N.Y.  
August 23, 1991.

BY ORDER OF THE VILLAGE BOARD OF TRUSTEES  
OF THE VILLAGE OF EAST AURORA, NEW YORK.

---

ROY W. DECKER  
VILLAGE CLERK.

Mayor Pagliaccio opened the public portion of the hearing at 8:03 PM and asked the petitioner for comments.

Ronald Beach, Assistant Vice President, advised that with the group that took over Dr. Norton's practice, and Dr. Clayton's practice moving to the facility, there will be a need to expand the parking lot.

Don Aubrecht, Architect for the Medical Center exhibited a site plan and indicated the existing 36 space parking area. Under the expansion plan 34 additional spaces would be provided and handicapped spaces would be doubled to 4. A buffer zone would be established and drainage would be expanded.

Rosemary Trautman, 760 Chestnut Hill Rd, commented on the many requests for changes made by the Medical Center. She questioned whether when the permit was issued the parking should have been adequate, what has changed? The second floor was initially to be for storage, is it now office space? Is this an erosion of the Code?

Mrs. Crone, 125 Blake Hill Road, stated that the woods have been a real buffer. Half the woods have already been lost, and with the expansion more will be lost. She urged that as many trees as possible be preserved.

Sister Sheila Marie advised that what has happened to create the need for additional parking is the fact that Dr. Norton's practice added 2 new partners and that Dr. Clayton's group is also moving to the facility. The increased number of patients will overtax the existing parking and it would be undesirable to have people parking on the street. She noted that she is sensitive to the tree issue, and the woods will still be there and the neighbors will be protected with greenery.

Janet Boyer, 227 Olean Street, stated that she goes to a Buffalo Pediatrics group with 5 doctors and they have only 15 parking spaces. Since there is already parking lots in the area (Olean and Main), she expressed concern over adding more parking area.

Paul Brown, Oakwood Avenue, asked what will be done about lighting and drainage. He noted that the lights in the parking lot attracts teenagers who congregate in the area.

Don Aubrecht stated that 4 lights will be put on the sides and 1 light in the Center of the new parking area, and the drainage will be directed to an enlarged detention area.

The matter was referred to the Board at 8:32 PM after Mayor Pagliaccio closed the public portion of the hearing.

Trustee Dickson commented that she was unaware of any complaints about the lights.

Trustee Dayer said it may be worth a try to turn off the lights in the parking lot, and he also discussed the possibility of erecting a retaining wall to preserve more trees.

Sister Sheila Marie and Mr. Beach both noted that the lights could be put on a timer and be turned off after business hours.

Trustee Green questioned whether if the original design provided adequate parking, does the increase in business require double the parking?

Don Aubrecht stated that they were working in advance of a problem and trying to avoid parking on the street.

Sister Sheila Marie noted that the two new groups not only have a large number of patients but also bring with them staffs that require parking spaces. The Staff members would park in the new upper lot leaving the more convenient parking for the patients.

Trustee Dayer moved that the matter be tabled to permit further review by the Board and also by the architect. Motion carried after being seconded by Trustee Suttell.

MNB305

SPEAKERS AND COMMUNICATIONS

For the record Mayor Pagliaccio advised that Oakwood Liquor Store and Jackson Bowling, Inc. had both provided notification of their intent to renew their liquor licenses. The Mayor noted that the Police Chief advised that there have been no problems with either facility.

North Street Residents Letter Re: Proposed Development in Town of Aurora

The Mayor read the following letter:

VILLAGE OF EAST AURORA  
**RECEIVED**

August 19, 1991      AUG 21 1991

Mayor J.V. Pagliaccio, Mr. H. Dayer & Board Members:

We, the taxpaying residents of North Street in the Village of East Aurora, respectfully request your response to our concerns regarding 4 acres of land that are in the town, bordering the village, with the right of way to the 4 acres in the village between 516 and 526 North Street.

Mr. Keith Codett, who bought this property from Mr. and Mrs. D. Reynolds, plans to construct 1-3 houses on this acreage. Learning of this, we voiced our concerns to Mr. Mergenhagen, Mr. Harbison and Mr. Bove who suggested that we additionally write this letter.

Our concerns follow:

- 1) Residents on North Street between Pratt and Whaley live in a Ponding Area with NO PRESENT channeling system; ditches, storm drainage or efficient sewers. How does the Village Authority intend to protect present taxpayers from more than possible flooding, resulting from 1-3 new homes?
- 2) The construction of these 1-3 new homes will require the installation of Lift Stations that supposedly will push sewage from Mr. Codett's property to North Street. How will the Village Authority be accountable to present taxpayers if there is sewage backup resulting from being connected to an already inadequate system?
- 3) Would it not be responsible and beneficial to all involved; Village Authority, Town Authority, Mr. Codett and present taxpayers to first and foremost correct and improve the North Street

3) continued...

area, east of Pratt/Ruskin to Whaley, BEFORE permitting the construction of 1-3 new homes, which will only strain an already inadequate system and possibly become unnecessarily burdensome to everyone involved?

Respectfully,

Residents of North Street

cc: Mr. Dayer  
Mr. Mergenhagen  
Mr. Harbison  
Mr. Bove

Christine J. Parker, 516 North St. E.A.  
Susan Biller, 516 NORTH ST. EA  
George J. Gillon 500 NORTH ST. E.A.  
Edith R. Hann 486 North E.A.  
Chris Ozlusto 515 North St. E.A.  
B.S. Wilson 533 North St. E.A.  
Margerie M. Kingston 510 North St., E.A.  
Donald W. Kingston 510 North St. E.A.  
Shirley McCadden 527 North St. E.A.  
Harry W. Lewis 545 North St.  
Charles McCadden 527 North St.  
Annabelle Roth 539 North St.

Mayor Pagliaccio stated that the Board will take the matter under advisement until definite plans are received.

Parkdale Avenue Residents Request Re: No Parking Signs

Mayor Pagliaccio acknowledged receipt of the following communication.

SEPT 3, 1991

TO: VILLAGE BOARD OF EAST AURORA  
RE: STREET SIGN POSTING

Some fifteen years ago the residents of Parkdale Av. between Hamlin Av. and the Parkdale school petitioned the Village

Board for no parking one side of the street. It was granted and the South side was posted with three "No Standing This Side" signs. On Aug 20th they were removed due to paper work not completed.\*

We the undersigned residents petition the Village Board to replace the signs on the south side of the street between Hamlin av and the Parkdale school due to many vehicles at Parkdale School, people driving children to school and 12 or more school buses twice daily.

\* the Village Code was never changed to reflect such; need to set Public Hearing to amend code. —JCH

NAME	ADDRESS
Charles J. Blood	158 Parkdale Av. E.A.
Ronald Beyer	150 Parkdale Av. E.A.
Thelma H. Ley	165 Parkdale Ave. E.A.
John F. Gould	120 Parkdale Ave. E.A.
Richard Marso	155 Parkdale Ave. E.A.
Peggy D. Simsek	104 Parkdale Ave. E.A.
Myla LeBlanc	159 Parkdale Ave. E.A.
John M. Barber	169 Parkdale Ave. E.A.
W. Carrick	107 Hamlin Ave. E.A.
Johns Bennett	115 Hamlin Ave. E.A.
Donald Ward	148 Parkdale Ave. E.A.
Margaret Lawrence	144 Parkdale Ave.

It was moved by Trustee Sutell, seconded by Trustee Green and duly carried that a public hearing be set for October 7, 1991 on the matter of amending the village Code to provide no parking signs on Parkdale Avenue.

NYS DOT Construction on Route 20A in the Village



VILLAGE OF EAST AURORA  
RECEIVED

AUG 22 1991

STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
125 MAIN STREET  
BUFFALO, N.Y. 14203

ROBERT J. RUSSELL  
REGIONAL DIRECTOR

FRANKLIN E. WHITE  
COMMISSIONER

D253518 - CPIN 5010.15.321.302  
RECONSTRUCTION ON ROUTE 20A,  
SH 1066, TOWNS OF ORCHARD PARK  
AND AURORA

August 21, 1991

John V. Pagliaccio, Mayor  
Village of East Aurora  
Village Hall  
571 Main Street  
East Aurora, NY 14052

Dear Mayor Pagliaccio:

Your letter of 7-25-91 requested the complete restoration of the sidewalks in the Village during the reconstruction of the above-noted contract.

The original scope of work within the Village of East Aurora was limited to improvements to the pavement and shoulder areas. This ultimately involved new drainage facilities, curb and driveway aprons. Sidewalk replacement was limited to isolated sections where concrete had been replaced with asphalt and at the intersections where handicap ramps were required. In addition, any sidewalks disturbed during construction would be expected to be replaced. It was not the intent to reconstruct sidewalks throughout the project area.

We feel that the current drainage problems along the existing sidewalk will not be any worse as a result of this project. In fact, with the addition of a continuous curb and drainage system, runoff within the pavement area will

Mayor John V. Pagliaccio  
Page - 2 -  
August 21, 1991  
RE: D253518 - Route 20A Reconstruction

now be contained where it previously drained down the driveways and ponded along the sidewalk. To effectively eliminate all the drainage problems along Hamburg Street would require a full reconstruction project which was clearly beyond the project scope and funds available.

Very truly yours,

W. R. CASSEDAY  
REGIONAL CONSTRUCTION ENGINEER

*B. T. Borruso*

BY: B. T. BORRUSO  
ASSOCIATE CONSTRUCTION ENGINEER

WRC:BTB:slg

cc: J. M. Walsh, ETC  
A. Taylor, South Erie Resident Engineer

Mayor Pagliaccio briefly discussed the above letter and stated that he felt the State has made a bad condition worse. He noted his intent to send a letter advising that their answer was not acceptable.

Complaint of Burning in the Village

Rosemary Trautman, 760 Chestnut Hill Road, complained that she and her husband have been awakened throughout the Summer with a strong smell of burning in the air and entering the house. It occurred most of the time between 10:30 and 11:00 PM. On one night there was a strong smell of lighter fluid in the air and after calling the Police the response brought 2 Police cars, an ambulance and a Fire Truck. They were unable to locate the source. Mrs. Trautman advised that someone on Olean Street is burning construction material, but that is not the burning odor that has prevailed during the summer.

Mrs. Trautman was assured that the matter will continue to be investigated.

Mayor Pagliaccio advised that a letter was going to the Secretary of State regarding the reduction of Code Enforcement grant money. He noted that the Legislature blames the Governor and the Governor blames the Legislature.

STAFF, COMMITTEE AND BOARD REPORTS

Since there were North Street residents in the audience, the Board by consensus moved agenda item 7D to agenda item 4A1.

Sidewalks on North Street

The following memo from Village Administrator Hiller was the basis for a Board discussion.

TO: VILLAGE BOARD  
FROM: JERRY C. HILLER, VILLAGE ADMINISTRATOR  
RE: SIDEWALKS ON NORTH STREET WEST OF HAMLIN AVE  
DATE: SEPTEMBER 9, 1991

*JCH*

The 1991-92 capital budget allocated \$30,000.00 for sidewalk construction; earlier this year the Village Board indicated its desire to use these funds in conjunction with the North Street reconstruction project.

Based on the engineer's and DPW review of sidewalk that needs to be replaced as a result of the construction activity, an allocation of \$21,500.00 of the \$30,000.00 will be needed. This is only to replace existing sidewalk.

To install new sidewalk where none exists (North Street west of Hamlin Avenue), an estimated \$10,600.00 will be needed. This would make the gross budget for sidewalks \$32,100.00 or \$2,100.00 over budget. The costs are split approximately 60% property owner and 40% Village, so our costs would be approximately \$12,840.00 (we budgeted \$12,000, so an additional \$840.00 or so would have to be transferred from contingent).

Concerning the west end of North Street, based upon the engineers contact with the residents, there appears to be a consensus of those residents living on the south side to want sidewalks and those on the North side to not want any.

According to Fisher-Price officials contacted today, within the week their property located west of North Street will be offered for sale through a local realtor.

The gross cost per property owner (to be financed over 10 years) is as follows:

North Side	South Side
154 North	\$1002
166 North	764
172 North	777
184 North	1081
186 North	972
151 North	\$ 674
157 North	786
167 North	561
171 North	561
181 North	1104

The engineer would like a quick decision so the contractor can progress accordingly. I would recommend we mail out the cost estimates to the 10 residences listed above and ask for a response within a week or so.

NOTE: All property owners will be charged 60% for driveway aprons which cost between \$200 - \$400 depending on width.

After a period of discussion, Trustee Dayer suggested that if resident response indicated that a majority on one side of the street was in favor of sidewalks then the entire side would be done or not done if the majority was against. The Board agreed in concept with Trustee Dayer's suggestion.

Jeff Edwards, 181 North Street, asked whether North Street would become a through street if Fisher Price property was sold.

The Mayor answered, that it would have to be determined with events as they happen.

#### Sever Pump Station at Industrial Park

Village Administrator Hiller reported that the contract had been awarded and work is starting.

#### NOREC Status

Administrator Hiller announced that a key meeting was scheduled for tomorrow (September 10) and all indications were that Amherst would be joining.

#### Water Tank Construction

For information purposes it was announced that construction on the new water tank had commenced.

Village Clerk Decker reported that a check in the amount of \$10,202 has been received as one half of the approved grant for Records Management. The grant is shared by the Village and Town of Aurora as co-applicants.

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Administrator Hiller reported that Erie County Water Authority had notified the Village that bulk water rates will be increased by 7%. Mr. Hiller suggested that at a future Board meeting a resolution should be presented to increase Village water rates as required to maintain the existing Water Fund Budget. Mayor Pagliaccio suggested that a strong letter be sent to the Erie County Legislature and the County Executive expressing serious concern over this increase.

Trustee Meade reported that the DPW had started resurfacing Blake Hill Road.

RESOLUTIONS AND MOTIONS

RESOLUTION RE PREMISES  
ON THE SOUTHSIDE OF MILL ROAD (261 MILL ROAD,  
EAST AURORA, N.Y.)

RESOLUTION NO. 91.09.09.01

DATED: September 9th, 1991

WHEREAS, this Board of Trustees, by Local Law adopted December 18th, 1989, did re-zone the above premises from "R" Single Family Residence District Zoning Classification to "C" Business District Zoning Classification; and

WHEREAS, such re-zoning was a provisional re-zoning and allows the premises to be used as a contractor's office and for inside storage, as set forth in the Development Plan; and

WHEREAS, the approval of the Development Plan in connection with such re-zoning was conditioned on there being no outside storage and further required that any additions or changes to such Development Plan be re-submitted to the Board; and

WHEREAS, the owner of said premises has petitioned this Board to amend the Development Plan to permit the use of a portion of the premises for a sculptor's studio; and

WHEREAS, this Board finds that such requested amendment is in substantial conformance with the original Development Plan, and will result in no changes to the Findings of Fact made in connection with the original re-zoning of such premises.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

This Board does approve of the amendment to the Development Plan to permit the use of a portion of the premises as a sculptor's studio provided that the premises are not used for retail sales, and further provided that any further additions or changes to the Development Plan as amended by this Resolution shall be re-submitted to this Board of Trustees.

Moved by Trustee Green, seconded  
by Trustee Meade,

AYES 6  
NAES 0

RESOLUTION TRANSFERRING FUNDS

Resolution No. 91.09.09.01 Dated: September 9, 1991

WHEREAS, the 1991-92 Capital budget was amended by resolution No. 91.06.17.03 on June 17, 1991 to delete an exhaust ventilation system in the fire hall and increase the authorization for the expenditure of funds for refurbishment of EAFD #1 to a maximum of \$63,000 and

WHEREAS, such authorization requires a 5% down payment of \$3150, of which \$3000 has been already appropriated.

RESOLVED, that \$150.00 be transferred from contingent account A1990 to account A9550.900 down payment on Capital Projects (EAFD #1)

Offered by: Trustee Dayer Seconded by: Trustee Sutell  
Motion carried.

RESOLUTION AUTHORIZING DISPOSAL OF RECORDS

Resolution No. 91.09.09.03 Dated: September 9, 1991

RESOLVED, by the Board of Trustees of the Village of East Aurora that Roy W. Decker, Clerk-Treasurer be and hereby is authorized to dispose of records as per attached, and per Schedule MU-1 as adopted by Board Resolution 89.04.17.01 dated 4/17/89 and entitled "Resolution Adopting Records Retention and Disposition Schedule.

Moved by Trustee Dayer Second by Trustee Dickson  
Motion carried.

FILES TO BE DESTROYED

BOX C1	1983	Water/Sewer Bill Receipts & Bill Register
BOX C2	1980-83	Meter Reading Book Pages for Water/Sewer Billing
BOX C3	1977-83	Water Billing Ledger Cards
BOX C4 & 4A	1984	Water Billing Ledger Cards
BOX C5	1984	Water/Sewer Bill Receipts & Bill Register
BOX E4	1977/78	Paid Tax Receipts
BOX E5	1978/79	Paid Tax Receipts
BOX E6	1979/80	Paid Tax Receipts
BOX E7	1980/81	Paid Tax Receipts
BOX F1	1978/79	Vouchers (All Funds)
BOX F2	" "	"
BOX F3	" "	"
BOX F4	1979/80	"
BOX F5	" "	"
BOX F6	" "	"
BOX F7	1980/81	"
BOX F8	" "	"

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BOX F9	1981/82	
BOX F10	" "	"
BOX F11	1982/83	"
BOX F12	" "	"
BOX F13	" "	"
BOX F14	1983/84	"
BOX F15	" "	"
BOX F16	1984/85	"
BOX F17	" "	"
BOX C20	1981/82	Cashier's Daily Receipts
BOX I1	1982/83	Cashier's Daily Receipts
BOX I2	1983/84	Cashier's Daily Receipts
BOX I3	1984/85	Cashier's Daily Receipts
BOX J1	1982-84	General Fund - Trial Balance Bank Statements. Checking & Savings Water Fund - Statement Savings  Payroll - Checking Statement  Trust & Agency - Bank Receipts Cash Disbursements Trial Balance Worksheet Checking Statements (#s 440-567)  Special Assessment - Checking (#s 23-30) Trial Balance Worksheet  Capital - Checking (#s 203-315) Capital Reserve Sewer Statement Capital Projects Trial Balance Capital Fund Vouchers (1982/83)  Federal Revenue Sharing - Checking (#s 116-129) Worksheets/Trial Balance  Community Development - 1983/84 Statements  Fiscal Record Information (1983/84) Budget Status Report (1983/84) Revenue Reports-Gross Receipts- Sales Tax (1983/84)
BOX J1-A	1983	General Fund - Check Copies #s 12334-13184
BOX J2	1983	Bank Statements & Cancelled Checks General Fund (1/83-11/83) Payroll Fund (1/83-5/83 & 11/83- 12/83)
BOX J2-A1	1983/84	General Fund - Check Copies #s 13034-13809
BOX J2-A2	1983/84	General Fund - Check Copies #s 13810-14313
BOX J2-A3	1983/84	Check Copies Water/Sewer Fund (#s 2481-2716) Trust & Agency (#s 505-572) Special Assessment (#s 27-30) Fed. Rev. Sharing (#s 126-129)
BOX J3	1984	Bank Statements & Cancelled Checks General Fund (#s 13823-14333) Payroll Fund (12/30/83-5/31/84) Water Fund (#s 2454-2713)

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BOX J4	1984/85	Bank Statements & Cancelled Checks All Funds
	1984/85	Check Copies General Fund (#s 14314-15007) Water Fund (#s 2717-2922) Trust & Agency (#s 573-668) Fed. Rev. Sharing (#s 130-135) Spec. Assmt. (#s 31-35) Capital (#s 272-364)
BOX K1	1977-79	Check Abstract - General, Payroll, Water, & Special Assessment Funds
BOX K2	1979-84	Check Abstract - General, Payroll, Water, Special Assessment Funds
BOX 19A	1976	Bank Statements & Cancelled Checks Payroll, General & Water Funds
BOX 21A	1973-80	Bank Statements & Cancelled Checks Fed. Rev. Shar. (#s 1-113 & 501-513) Special Assmt. (#s10-18)(1978-82) Trust & Agency (1976-80) Anti-Recessing (1977-81) Sewer Reserve (1980-82) General Fund (1978-81) Payroll Fund (1978-81) Capital Fund (1974-81) Water Fund Community Development
BOX X	1972	Applications for Employment (not hired) Youth Agency -Deposit book, Closed Checking Acct.
	1965	Special Assessment Check Book
	1973	Federal Rev. Sharing Check Book
		Duplicate Copies: 1967-71 Reports of Examination 5/81 Financial Statement 1977/78 Adopted Operating Budget 1969/70 Budget
		Report on 3.0 Acre Cohn Parcel Open Space Park Land (5)
	10/73	Specs for paving, drainage, demolition work, sanitary sewer & water lines- Riley, Girard & E. Fillmore
		Specs for water lines, sanitary sewers, drainage & paving - East Main St. & Brooklea Dr. (2)

NOREC Bond Resolution

Bond Resolution not received from Bonding Attorney.

UNFINISHED BUSINESS

Center Street Pavement Markings

Administrator Hiller reported that a meeting was held with Erie County and we were advised that the existing markings are in conformance with National and State standards. The broken line indicates that passing is permissible if necessary.

NEW BUSINESS

Approval to Keep (3) Dogs at 93 Elmwood Avenue

It was noted that letters were hand carried to the Elmwood Avenue neighbors and the Dog Control Officer received no negative comments regarding the request. One letter was received from Dr. Daniel Leary, 859 Oakwood Avenue, stating that he was strongly in favor of approval of the request.

It was moved by Trustee Meade, seconded by Trustee Dickson and duly carried that permission be granted to Joan Jacobs, 93 Elmwood Avenue, to keep 3 dogs on the premises. It was noted that this was not a permit to keep any 3 dogs but only the ones indicated on the application.

East Aurora Crop Walk

Mayor Pagliaccio moved that the East Aurora Ministerium be granted permission to hold their annual Crop Walk on Sunday, October 20, 1991 beginning at 1:00 PM. Motion carried after being seconded by Trustee Dickson. The route map has been reviewed by the Police Chief.

Approval of East Aurora High School Homecoming Events

Approval to hold a Homecoming Parade and Bonfire was moved by Trustee Sutell, seconded by Trustee Meade and duly carried. The Parade will be on Friday October 4, 1991 from 1:30 PM to 2:00 PM and will follow a route approved by the Police Chief. The Bonfire and Pep Rally will be held on Friday October 4, 1991 from 7:00 PM to 9:00 PM at Hamlin Park and the Fire Department will stand by on site for the duration of the fire.

Amendment to Water/Sewer Contracts with Town of Aurora

Since approval in 1988 of Town Water and Sewer Districts, the Town has enlarged, expanded and consolidated these Districts. To bring these agreements current the Town has made amendments to the original contracts.

Trustee Meade moved that the Mayor be authorized to execute the amended Water/Sewer District agreements with the Town of Aurora. Motion seconded by Trustee Sutell and carried. It was requested that the Town provide a map showing all the existing districts.

EXECUTIVE SESSION

None scheduled.

ADJOURNMENT (RECESS)

At 9:50 PM Trustee Dayer moved to recess the regular Board meeting held September 9, 1991 to September 16, 1991 at 7:00 PM. Agenda for the recessed meeting will be NOREC Bond Resolution. Motion seconded by Trustee Dickson and duly carried.

Roy W. Decker  
Village Clerk

MINUTES OF RECESSSED MEETING SEPTEMBER 16, 1991

ROLL CALL

Mayor Pagliaccio opened the recessed meeting at 7:00 PM. All trustees in attendance except Trustee Meade. Also present were Village Attorney Andruschat and Village Administrator Hiller.

Administrator Hiller reviewed the revised NOREC financing and the purpose of adopting a Bond Resolution which provides the Village the debt financing capability in the payment of the Village's share of NOREC's capital costs. It was noted that the project is eligible for State Aid and hence the amount needed may be significantly (45%) less than face amount of Bond Resolution.

It was moved by Trustee Dayer, seconded by Trustee Dickson to rescind a previous NOREC Bond Resolution, dated July 15, 1991. Passed unanimously.

TRUSTEE DAYER offered the following resolution

and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF EAST AURORA, IN THE COUNTY OF ERIE, NEW YORK, ADOPTED SEPTEMBER 16, 1991, (A) AUTHORIZING THE JOINT CONSTRUCTION AND ACQUISITION OF A MATERIALS RECOVERY FACILITY TO BE LOCATED IN THE VILLAGE OF DEPEW, AT AN ESTIMATED TOTAL CAPITAL COST OF \$3,500,000 AND THE EXECUTION OF AN AGREEMENT WITH THE OTHER PARTICIPATING MUNICIPALITIES WITH RESPECT TO THE ACQUISITION, CONSTRUCTION, AND OPERATION OF A MATERIALS RECOVERY JOINT FACILITY AND SALE OF RECYCLED MATERIALS THEREFROM, (B) APPROPRIATING \$116,500, EQUAL TO ITS ALLOCATED SHARE OF THE COST THEREOF BASED ON CENSUS POPULATION, AND (C) AUTHORIZING THE ISSUANCE OF \$116,500 SERIAL BONDS (AS EVIDENCE OF ITS SEVERAL INDEBTEDNESS IN RELATION TO SUCH JOINT PROJECT), TO FINANCE THE BALANCE OF SAID APPROPRIATION.

WHEREAS, the Northern Recycling Council ("Council"), a joint board, was provided for pursuant to an intermunicipal agreement, dated as of June 20, 1990, to administer the development, acquisition, construction, financing, operation and maintenance of a joint materials recovery facility (the "Joint Facility") including the sale of recovered materials therefrom;

WHEREAS, certain of the municipalities listed in Appendix A hereto have been invited by the Council to enter into the Agreement for Reconstitution of Northern Recycling Council, dated as of September 10, 1991 (hereinafter called "Reconstitution Agreement"), pursuant to Sections 120-w and 120-aa of the General Municipal Law, constituting Chapter 24 of the Consolidated Laws of the State of New York, and other applicable laws to become effective upon the execution of the Transition Agreement, dated as of September 10, 1991, (hereinafter called the "Transition Agreement") by each Member Municipality (as defined therein) and by the Council, and by the execution of the Reconstitution Agreement by the Village of Depew and of a sufficient number of other municipalities with an aggregate population (other than the Village of Depew) as set forth in Appendix A of not less than 182,327 (such accepted municipalities other than the Village of Depew to be hereinafter referred to as the "Participating Municipalities"), for the joint construction, acquisition, operation, maintenance and financing of the Joint Facility hereinafter described in Section 1 hereof, to service the Participating Municipalities and such Participating Municipalities expect to duly authorize the joint construction, acquisition, operation, maintenance and financing of the Joint Facility;

WHEREAS, the Transition Agreement and the Reconstitution Agreement have been presented, reviewed and placed on file in the records of this municipality as part of the minutes of the meeting at which this resolution is adopted;

46

WHEREAS, each Participating Municipality expects to adopt resolutions either appropriating current funds or authorizing the contracting of several indebtedness in its allocated share of an aggregate amount not to exceed \$3,500,000 to finance the estimated total capital cost of the Joint Facility by the issuance of bonds, for which the faith and credit of the Participating Municipality would be pledged, as evidence of its allocated share of such capital cost;

WHEREAS, the Council has applied for and expects to receive a grant of State funds pursuant to the Environmental Quality Bond Act, Article 51, Title 9 of the Environmental Conservation Law and which upon receipt will be applied to reduce debt service on the secured indebtedness or to repay appropriations of current funds on an allocated share basis; now, therefore, be it

RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA, IN THE COUNTY OF ERIE, NEW YORK (BY THE FAVORABLE VOTE OF NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS OF THE BOARD) AS FOLLOWS:

Section 1. The Village (the "Municipality") is hereby authorized to enter into the Transition Agreement and the Reconstitution Agreement to jointly construct, operate and maintain the Joint Facility to be located in the Village of Depew, including buildings, land or rights in land and the necessary furnishings, equipment, machinery and apparatus to service the Participating Municipalities. The Chief Fiscal Officer of the Municipality and the Chief Executive Officer of the Municipality are hereby authorized to execute the Transition Agreement and the Reconstitution Agreement.

Section 2. (a) The estimated capital cost to the Participating Municipalities of (i) the construction, design, operation, or maintenance of the Joint Facility, including buildings, original furnishings, equipment, machinery or apparatus and including preliminary costs and costs incidental thereto and the financing thereof is \$3,250,000.00 and (ii) vehicles and other moveable equipment and including preliminary costs and costs incidental thereto and the financing thereof is \$250,000.00. The estimated total capital cost to the Participating Municipalities of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,500,000.

(b) The estimated maximum cost to the Municipality of (i) the construction, design, operation, or maintenance of the Joint Facility, including buildings, original furnishings, equipment, machinery or apparatus and including preliminary costs and costs incidental thereto and the financing thereof is \$108,179 and (ii) vehicles and other moveable equipment including preliminary costs and costs incidental thereto and the financing thereof is \$8,321. The estimated total capital cost to the Municipality of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is the amount \$116,500 which is the amount that results from the following formula:

Municipality's Maximum Cost	=	Municipality's Population*	X	Total Estimated Maximum Cost
		----- Total Committed Population*		

\* Based on 1990 Preliminary Census Figures

The Municipality hereby appropriates said total amount therefor. The plan of financing includes (a) the issuance of serial bonds or appropriations of current funds by each Participating Municipality, including the issuance by the Municipality of \$116,500 aggregate amount of serial bonds, which includes the aggregate of \$108,179 serial bonds to finance the balance of said

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appropriation for the specific object or purpose authorized pursuant to Section 2(b)(i) of this resolution and \$8,321 serial bonds to finance the balance of said appropriation for the specific object or purpose authorized pursuant to Section 2(b)(ii) of this resolution; (b) the application upon receipt of any State grant to reduce on an allocable share basis the cost of said object or purpose or redemption of said bonds issued therefor or to be budgeted as an offset to the taxes for the payment of the principal and interest on said bonds by each Participating Municipality; (c) the imposition of charges by the Council to the Participating Municipalities pursuant to the Reconstitution Agreement to pay for the operation and maintenance of the Joint Facility; (d) the marketing or other disposition of the materials therefrom and thereafter for application of revenues therefrom as an offset on an allocable basis to reduce the amount of principal and interest due on the notes and bonds of each Participating Municipality, or to repay the appropriations of current funds, respectively; and (e) the levy and collection of taxes by each Participating Municipality on all the taxable real property in the Participating Municipality to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. Serial bonds of the Municipality in the aggregate principal amount of \$116,500 including \$108,179 amount of serial bonds to finance the balance of said appropriation for the specific object or purpose authorized pursuant to Section 2(b)(i) of this resolution and \$8,321 amount of serial bonds to finance the balance of said appropriation for the specific object or purpose authorized pursuant to Section 2(b)(ii) of this resolution are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), (as evidence of the Municipality's several indebtedness in relation to the Joint Facility pursuant to Title 1-A of the Law) to finance the balance of said appropriation not provided by said capital notes.

Section 4. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of said specific object or purpose authorized pursuant to Section 2(b)(i) of this resolution and for which \$108,179 of said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 6 of the Law, is twenty-five (25) years.

(b) The period of probable usefulness of said specific object or purpose authorized pursuant to Section 2(b)(ii) of this resolution and for which \$8,321 of said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 6 of the Law, is ten (10) years.

(c) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d.9 of the Law.

(d) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds or the renewals of said notes shall

contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Municipality payable as to both principal and interest by general tax upon all the taxable real property within the Municipality without limitation of rate or amount. The faith and credit of the Municipality are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of said bonds or the renewals of said notes, and provisions shall be made annually in the budget of the Municipality by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Sections 50.00 and 56.00 to 60.00 of the Law, the powers and duties of the Finance Board relative to authorizing the issuance of any notes in anticipation of the sale of serial bonds herein authorized or the renewals of said notes and relative to prescribing the terms, form and contents and as to the sale and issuance of the serial bonds herein authorized and of any notes in anticipation of the sale of said bonds or the renewals of said notes, are hereby delegated to the Chief Fiscal Officer of the Municipality. Subject to the sale provisions of the Law, the Chief Fiscal Officer of the Municipality may offer and sell such bonds and any notes issued in anticipation thereof at the same time and in the same manner as the other Participating Municipalities offer and sell their bonds or notes issued in anticipation thereof in relation to the Joint Facility.

Section 7. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) Such obligations are authorized for an object or purpose for which the Municipality is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This bond resolution is subject to permissive referendum.

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## Appendix A

## Population and Estimated Maximum Cost by Municipality

A Eligible Municipalities	B Population 1990 Census	C Total Estimated Cost to Municipality	D Cost of Project Excluding Moveable Equipment	E Cost of Moveable Equipment
1. Akron, Village	2,906	55,784.39	51,799.79	3,984.60
2. Alden, Town	7,915	151,938.55	141,085.80	10,852.75
3. Alden, Village	2,457	47,165.26	43,796.31	3,368.95
4. Amherst, Town	106,128	2,037,262.72	1,891,743.96	145,518.76
5. Aurora, Town	6,786	130,265.95	120,961.24	9,304.71
6. Blasdell, Village	2,900	55,669.21	51,692.84	3,976.37
7. Boston, Town	7,445	142,916.30	132,707.99	10,208.31
8. Cambria, Town	4,779	91,739.02	85,186.23	6,552.79
9. Cheektowaga, Town	84,387	1,619,916.41	1,504,208.10	115,708.31
10. Clarence, Town	20,041	384,712.63	357,233.16	27,479.47
11. Colden, Town	2,899	55,650.01	51,675.01	3,975.00
12. Collins, Town	5,135	98,572.89	91,531.97	7,040.92
13. Concord, Town	4,077	78,263.23	72,673.00	5,590.23
14. East Aurora, Village	6,647	127,597.67	118,483.55	9,114.12
15. Eden, Town	7,416	142,359.61	132,191.06	10,168.54
16. Elma, Town	10,355	198,777.47	184,579.08	14,198.39
17. Evans, Town	15,247	292,685.67	271,779.55	20,906.12
18. Genesee, County	60,060	1,152,928.53	1,070,576.49	82,352.04
19. Grand Island, Town	17,561	337,105.86	313,026.87	24,078.99
20. Hamburg, Village	10,442	200,447.55	186,129.87	14,317.68
21. Hamburg, Town	40,393	775,395.31	720,009.93	55,385.38
22. Hartland, Town	3,758	72,139.62	66,986.79	5,152.83
23. Holland, Town	3,572	68,569.11	63,671.32	4,897.79
24. Kenmore, Village	17,180	329,792.08	306,235.50	23,556.58
25. Lancaster, Town & Villa	25,576	490,964.04	455,895.18	35,068.86
26. Lockport, Town	16,596	318,581.45	295,825.63	22,755.82
27. Marilla, Town	5,250	100,780.47	93,581.86	7,198.60
28. Middleport, Village	1,876	36,012.22	33,439.92	2,572.30
29. Newfane, Town	8,996	172,689.73	160,354.75	12,334.98
30. Newstead, Town	4,534	87,035.93	80,819.08	6,216.85
31. North Collins, Village	1,335	25,627.03	23,796.53	1,830.50
32. Orchard Park, Town	21,352	409,878.95	380,601.89	29,277.07
33. Pendleton, Town	5,010	96,173.36	89,303.83	6,869.53
34. Porter, Town	7,110	136,485.55	126,736.58	9,748.97
35. Royalton, Town	5,730	109,994.68	102,137.92	7,056.76
36. Sardinia, Town	2,667	51,196.48	47,539.59	3,656.89
37. Sloan, Village	3,830	73,521.75	68,270.20	5,251.55
38. Somerset, Town	2,655	50,966.12	47,325.68	3,640.44
39. Springville, Village	4,310	82,735.96	76,826.25	5,909.71
40. Tonawanda, City	17,284	331,788.49	308,089.31	23,699.18
41. Tonawanda, Town	65,284	1,253,209.89	1,163,694.90	89,514.99
42. West Seneca, Town	47,830	918,158.03	852,575.32	65,582.72
43. Williamsville, Village	5,583	107,172.83	99,517.62	7,655.20
44. Wilson, Town	5,771	110,781.73	102,868.75	7,912.98

\* \* \*

The adoption of the foregoing resolution was seconded by Trustee Dickson and duly put to a vote on roll call, which resulted as follows:

AYES: 6 NOES: 0

The resolution was declared adopted.

\*\*\*\*\*

Trustee Dayer offered the following resolution and moved its adoption:

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Clerk of said Village of East Aurora (the "Municipality"), shall within ten (10) days after the adoption of this resolution cause to be published, in full, in

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the "East Aurora Advertiser," a newspaper published in the Municipality, having a general circulation within said Municipality and hereby designated the official newspaper of the Municipality for such publication and posted in at least six (6) public places in the Village pursuant to the Village Law, a Notice in substantially the following form:

VILLAGE OF EAST AURORA

PLEASE TAKE NOTICE that on September 16, 1991, the Board of Trustees of the Village of East Aurora, in the County of Erie, New York, adopted a bond resolution entitled:

"BOND RESOLUTION OF THE VILLAGE OF EAST AURORA, IN THE COUNTY OF ERIE, NEW YORK, ADOPTED SEPTEMBER 16, 1991, (A) AUTHORIZING THE JOINT CONSTRUCTION AND ACQUISITION OF A MATERIALS RECOVERY FACILITY TO BE LOCATED IN THE VILLAGE OF DEPEW, AT AN ESTIMATED TOTAL CAPITAL COST OF \$3,500,000 AND THE EXECUTION OF AN AGREEMENT WITH THE OTHER PARTICIPATING MUNICIPALITIES WITH RESPECT TO THE ACQUISITION, CONSTRUCTION, AND OPERATION OF A MATERIALS RECOVERY JOINT FACILITY AND SALE OF RECYCLED MATERIALS THEREFROM, (B) APPROPRIATING \$116,500, EQUAL TO ITS ALLOCATED SHARE OF THE COST THEREOF BASED ON CENSUS POPULATION, AND (C) AUTHORIZING THE ISSUANCE OF \$116,500 SERIAL BONDS (AS EVIDENCE OF ITS SEVERAL INDEBTEDNESS IN RELATION TO SUCH JOINT PROJECT), TO FINANCE THE BALANCE OF SAID APPROPRIATION,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: RECITING THAT the Northern Recycling Council ("Council"), a joint board, was provided for pursuant to an intermunicipal agreement, dated as of June 20, 1990, to administer the development, acquisition, construction, financing, operation and maintenance of a joint materials recovery facility (the "Joint Facility") including the sale of recovered materials therefrom;

FURTHER RECITING that certain of the municipalities listed in Appendix A thereto have been invited by the Council to enter into the Agreement for Reconstitution of Northern Recycling Council, dated as of September 10, 1991 (hereinafter called "Reconstitution Agreement"), pursuant to Sections 120-w and 120-aa of the General Municipal Law, constituting Chapter 24 of the Consolidated Laws of the State of New York, and other applicable laws to become effective upon the execution of the Transition Agreement, dated as of September 10, 1991 (hereinafter called the "Transition Agreement"), by each Member Municipality (as defined therein) and by the Council, and by the execution of the Reconstitution Agreement by the Village of Depew and of a sufficient number of other municipalities with an aggregate population (other than the Village of Depew) as set forth in Appendix A of not less than 182,327 (such accepted municipalities to be hereinafter referred to as the "Participating Municipalities"), for the joint construction, acquisition, operation, maintenance and financing of the Joint Facility hereinafter described in Section 1 hereof, to service the Participating Municipalities and such Participating Municipalities expect to duly authorize the joint construction, acquisition, operation, maintenance and financing of the Joint Facility;

FURTHER RECITING that the Transition Agreement and the Reconstitution Agreement have been presented, reviewed and placed on file in the records of this municipality as part of the minutes of the meeting at which this resolution is adopted;

FURTHER RECITING that each Participating Municipality expects to adopt resolutions either appropriating current funds or authorizing the contracting of several indebtedness in its allocated share of an aggregate amount not to exceed \$3,500,000 to finance the estimated total capital cost of the Joint Facility by the issuance of bonds, for which the faith and credit of the Participating Municipality would be pledged, as evidence of its allocated share of such capital cost;

FURTHER RECITING that the Council has applied for and expects to receive a grant of State funds pursuant to the Environmental Quality Bond Act, Article 51, Title 9 of the Environmental Conservation Law and which upon receipt will be applied to reduce debt service on the secured indebtedness or to repay appropriations of current funds on an allocated share basis;

SECOND: AUTHORIZING the Village (the "Municipality") to enter into the Transition Agreement and Reconstitution Agreement to jointly construct, operate and maintain the Joint Facility to be located in the Village of Depew, including buildings, land or rights in land and the necessary furnishings, equipment, machinery and apparatus to service the Participating Municipalities and AUTHORIZING the Chief Fiscal Officer of the Municipality and the Chief Executive Officer of the Municipality to execute the Commitment.

THIRD: STATING the estimated capital cost to the Participating Municipalities of (i) the construction, design, operation, or maintenance of the Joint Facility, including buildings, original furnishings, equipment, machinery or apparatus and including preliminary costs and costs incidental thereto and the financing thereof to be \$3,250,000.00 and (ii) vehicles and other moveable equipment including preliminary costs and costs incidental thereto and the financing thereof to be \$250,000.00; STATING the estimated total capital cost to the Participating Municipalities of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, to be \$3,500,000; STATING the estimated maximum cost to the Municipality of (i) the construction, design, operation, or maintenance of the Joint Facility, including buildings, original furnishings, equipment, machinery or apparatus and including preliminary costs and costs

incidental thereto and the financing thereof to be \$108,179 and (ii) vehicles and other moveable equipment including preliminary costs and costs incidental thereto and the financing thereof to be \$8,321; STATING the estimated total capital cost to the Municipality of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof to be \$116,500 which is the amount that results from the following formula:

Municipality's Maximum Cost	=	Municipality's Population*	X	Total Estimated Maximum Cost
		-----		
		Total Committed Population*		

\* Based on 1990 Preliminary Census Figures

APPROPRIATING said total amount therefor; STATING the plan of financing includes (a) the issuance of serial bonds or appropriations of current funds by each Participating Municipality, including the issuance by the Municipality of \$116,500 aggregate amount of serial bonds, which includes the aggregate of \$108,179 serial bonds to finance the balance of said appropriation for the specific object or purpose authorized pursuant to Section 2(b)(i) of the resolution and \$8,321 serial bonds to finance the balance of said appropriation for the specific objects or purposes authorized pursuant to Section 2(b)(ii) of the resolution; (b) the application upon receipt of any State grant to reduce on an allocable share basis the cost of said objects or purposes or redemption of said bonds issued therefor or to be budgeted as an offset to the taxes for the payment of the principal and interest on said bonds by each Participating Municipality; (c) the imposition of charges by the Council to the Participating Municipalities pursuant to the Reconstitution Agreement to pay for the operation and maintenance of the Joint Facility; (d) the marketing or other disposition of the materials therefrom and thereafter for application of revenues therefrom as an offset on an allocable basis to reduce the amount of principal and interest due on the notes and bonds of each Participating Municipality, or to repay the appropriations of current funds, respectively.

FOURTH: AUTHORIZING the issuance of serial bonds of the Municipality in the aggregate principal amount of \$116,500, including \$108,179 amount of serial bonds to finance the balance of said appropriation for the specific object or purpose authorized pursuant to Section 2(b)(i) of the resolution and \$8,321 amount of serial bonds to finance the balance of said appropriation for the specific object or purpose authorized pursuant to Section 2(b)(ii) of the resolution pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), (as evidence of the Municipality's several indebtedness in relation to the Joint Facility pursuant to Title 1-A of the Law) to finance the balance of said appropriation not provided by said capital notes.

FIFTH: DETERMINING and STATING the period of probable usefulness of said specific object or purpose authorized pursuant to Section 2(b)(i) of the resolution and for which \$108,179 of said serial bonds are to be issued, within the limitations of Section 11.00 a. 6 of the Law, is twenty-five (25) years; DETERMINING and STATING the period of probable usefulness of said specific object or purpose authorized pursuant to Section 2(b)(ii) of the resolution and for which \$8,321 of said serial bonds are to be issued, within the limitations of Section 11.00 a. 6 of the Law, is ten (10) years; current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d.9 of the Law.

SIXTH: DETERMINING that each of the serial bonds authorized by the resolution and any bond anticipation notes issued in anticipation of the sale of said bonds or the renewals of said notes shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Municipality payable as to both principal and interest by general tax upon all the taxable real property within the Municipality without limitation of rate or amount; and PLEDGING the faith and credit of the Municipality to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of said bonds or the renewals of said notes, and provisions shall be made annually in the budget of the Municipality by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

SEVENTH: DELEGATING, subject to the provisions of the resolution and of the Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Sections 50.00 and 56.00 to 60.00 of the Law, the powers and duties of the Finance Board relative to authorizing the issuance of any notes in anticipation of the sale of serial bonds or the renewals of said notes and relative to prescribing the terms, form and contents and as to the sale and issuance of the serial bonds and of any notes in anticipation of the sale of said bonds or the renewals of said notes to the Chief Fiscal Officer of the Municipality and AUTHORIZING, subject to the sale provisions of the Law, the Chief Fiscal Officer of the Municipality to offer and sell such bonds and any notes issued in anticipation thereof at the same time and in the same manner as the other Participating Municipalities offer and sell their bonds or notes issued in anticipation thereof in relation to the Joint Facility.

EIGHTH: STATING that the validity of the bonds, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations were authorized for an object or purpose for which the Municipality was not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of the resolution were not substantially complied with,

and an action, suit or proceeding contesting such validity is commended within twenty days after the date of such publication, or

- (c) such obligations are in violation of the provisions of the constitution.

NINTH: DETERMINING that the bond resolution is subject to permissive referendum.

DATED: September 16, 1991

*Jay C. X/leas*  
Deputy Village Clerk

## Appendix A

## Population and Estimated Maximum Cost by Municipality

A Eligible Municipalities	B Population 1990 Census	C Total Estimated Cost to Municipality	D Cost of Project Excluding Moveable Equipment	E Cost of Moveable Equipment
1. Akron, Village	2,906	50,855.00	47,222.50	3,632.50
2. Alden, Town	7,915	138,512.50	128,618.75	9,893.75
3. Alden, Village	2,457	42,997.50	39,926.25	3,071.25
4. Amherst, Town	106,128	1,857,240.00	1,724,579.98	132,660.02
5. Aurora, Town	6,786	118,755.00	110,272.50	8,482.50
6. Blasdell, Village	2,900	50,750.00	47,125.00	3,625.00
7. Boston, Town	7,445	130,207.50	120,981.25	9,306.25
8. Cambria, Town	4,779	83,632.50	77,658.75	5,973.75
9. Cheektowaga, Town	84,387	1,476,772.50	1,371,280.73	105,483.77
10. Clarence, Town	20,041	350,717.50	325,666.25	25,051.25
11. Colton, Town	2,899	50,732.50	47,108.75	3,623.75
12. Collins, Town	5,135	89,062.50	83,443.75	6,418.75
13. Concord, Town	4,077	71,347.50	66,251.25	5,096.25
14. East Aurora, Village	6,647	116,322.50	108,013.75	8,308.75
15. Eden, Town	7,416	129,780.00	120,510.00	9,270.00
16. Elma, Town	10,355	181,212.50	160,268.75	12,943.75
17. Evans, Town	15,247	266,022.50	247,763.75	19,058.75
18. Genesee, County	60,060	1,051,050.00	975,974.99	75,075.01
19. Grand Island, Town	17,561	307,317.50	285,366.25	21,951.25
20. Hamburg, Village	10,442	182,735.00	169,682.50	13,052.50
21. Hamburg, Town	40,393	706,877.50	656,386.24	50,491.26
22. Hartland, Town	3,758	65,765.00	61,067.50	4,697.50
23. Holland, Town	3,572	62,510.00	58,045.00	4,465.00
24. Kenmore, Village	17,180	300,650.00	279,175.00	21,475.00
25. Lancaster, Town & Villa	25,576	447,580.00	415,609.99	31,970.01
26. Lockport, Town	16,596	290,430.00	269,685.00	20,745.00
27. Morilla, Town	5,250	91,875.00	85,312.50	6,562.50
28. Middleport, Village	1,876	32,030.00	30,485.00	2,345.00
29. Newfane, Town	8,996	157,430.00	146,185.00	11,245.00
30. Newstead, Town	4,534	79,345.00	73,677.50	5,667.50
31. North Collins, Village	1,335	23,362.50	21,693.75	1,668.75
32. Orchard Park, Town	21,352	373,660.00	346,970.00	26,690.00
33. Pendleton, Town	5,010	87,675.00	81,412.50	6,262.50
34. Porter, Town	7,110	124,425.00	115,537.50	8,887.50
35. Roylton, Town	5,730	100,275.00	93,112.50	7,162.50
36. Sardinia, Town	2,667	46,672.50	43,338.75	3,333.75
37. Sloan, Village	3,830	67,025.00	62,237.50	4,707.50
38. Somerset, Town	2,655	46,462.50	43,143.75	3,318.75
39. Springville, Village	6,310	75,425.00	70,037.50	5,387.50
40. Tonawanda, City	17,284	302,470.00	280,065.00	21,605.00
41. Tonawanda, Town	65,284	1,142,470.00	1,060,864.99	81,605.01
42. West Seneca, Town	47,030	837,025.00	777,237.49	59,787.51
43. Williamsburg, Village	5,583	97,702.50	90,723.75	6,978.75
44. Wilson, Town	5,771	100,992.50	93,778.75	7,213.75

Section 2. After said bond resolution shall take effect, the Municipality is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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The adoption of the foregoing resolution was seconded by  
Trustee Dickson and duly put to a vote on roll call, which  
resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

\*\*\*\*\*

Motion to adjourn at 7:15 PM made by Trustee Dayer, second by  
Trustee Marshall. Passed unanimously.

Jerry C. Hiller  
Village Administrator/  
Deputy Clerk

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## MINUTES OF REGULAR BOARD MEETING SEPTEMBER 23 1991

ROLL CALL

Present - Mayor Pagliaccio, Trustees Sutell, Meade, Marshall and Dickson  
Absent - Trustees Green and Dayer  
Also Present - Village Attorney Andruschat, Village Clerk Decker

APPROVAL OF MINUTES

Trustee Sutell moved approval, as presented, of the minutes of the regular Board meeting held September 9, 1991 and the recessed Board meeting held September 16, 1991. Motion carried following a second by Trustee Dickson.

PUBLIC HEARINGS

None Scheduled.

SPEAKERS AND COMMUNICATIONS

None

STAFF, COMMITTEE AND BOARD REPORTS

Trustee Sutell reported having attended a Recreation meeting last week and all is going well. There were a record number of pool permits this Summer and baseball was very successful.

Trustee Dickson reported that there will be a general information meeting on NOREC to be held at the Town Hall on Wednesday September 25 at 7:30 P.M.

Mayor Pagliaccio noted receipt of a communication from State Assemblyman Joseph Pillittere, and State Senator John Sheffer regarding the State Canal System. He requested the matter be on the agenda of the next Board work session.

RESOLUTIONS AND MOTIONSRESOLUTION APPROPRIATING FUNDS

Resolution No. 91.09.23.01

Dated: September 23, 1991

WHEREAS, the Village did receive a \$312,581.00 one percent (1%) loan from NYS Urban Development Corporation for the installation of the Southeast Quadrant Drainage Culvert, and

WHEREAS, such loan requires a monthly principal and interest payment, effective in June, 1991, and

WHEREAS, when the Village Budget was prepared and adopted in the Spring of 1991, no monies were allocated for this loan repayment (it was expected to be a yearly loan payment, consistent with standard Village debt.)

RESOLVED, that \$14,172.00 be transferred from Contingent Account A 1990 to account A 9789,601 UDC Loan Principal Payment and that \$3079.00 be transferred from Contingent Account A 1990 to Account A 9789.700 UDC Loan Interest Payment.

Offered by Tr. Marshall      Second by Tr. Meade.  
Motion carried.

Balance in contingent after this action    \$22,599.00

APPROVAL OF NORTH STREET CONSTRUCTION CHANGE ORDER NO. 1

Approval of Change Order No. 1 in the amount of \$34,275.60 was moved by Tr. Meade, seconded by Tr. Marshall and duly carried.

CHANGE  
ORDER  
AIA DOCUMENT G701 (FACSIMILE)

OWNER 0  
ARCHITECT 0  
CONTRACTOR 0  
FIELD 0  
ENGINEER 0

PROJECT: VILLAGE OF EAST AURORA CHANGE ORDER NO: 1  
(name, address) NORTH ST. RECONSTRUCTION

TO: (Contractor)

ANASTASI TRUCKING & PAVING CO. ARCHITECT'S PROJECT NO: 2744-1  
6495 TRANSIT ROAD CONTRACT FOR: 91 NS-1  
BOWMANVILLE, NY 14026 NORTH STREET RECONSTRUCTION  
CONTRACT DATE: JULY 10, 1991

You are directed to make the following changes in this Contract:

INSTALL NEW WATERLINE FROM STATION ±18+50 TO STATION ±26+70.

WORK TO CONSIST OF:

- ±40 LF OF 4"Ø DI PIPE
- 800 LF OF 8"Ø PVC WATERLINE PIPE WITH DI FITTINGS
- NEW FIRE HYDRANT
- NEW 8" GATE VALVE AND BOX

ALL WORK TO BE PERFORMED IN ACCORDANCE WITH SPECIFICATION SECTION 02660 "WATER DISTRIBUTION SYSTEM" AND IN CONFORMANCE WITH ALL RELATED CONTRACT DOCUMENTS.

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TOTAL COST ADD \$34,275.60

REF. ATTACHMENT "A"

The original Contract Sum was . . . . .	\$399,337.98
Net change by previous Change Orders . . . . .	\$ 0.00
The Contract Sum prior to this Change Order was . . . . .	\$399,337.98
The Contract Sum will be increased by this Change Order . . . . .	\$ 34,275.60
The new Contract Sum including this Change Order will be . . . . .	\$433,613.58
The Contract Time will be unchanged by (-0-) Days	
The Date of completion as of the date of this Change Order therefore is in service by October 18, 1991.	

WENDEL ENGINEERS, P.C.	ANASTASI TRUCKING & PAVING CO	VILLAGE OF EAST AURORA
ARCHITECT	CONTRACTOR	OWNER
11 PINCHOT COURT	6495 TRANSIT ROAD	571 MAIN STREET
Address	Address	Address
BUFFALO, NY 14202	BOWMANVILLE, NY 14026	EAST AURORA, NY 14052
<i>Richard P. Denman</i>	<i>John J. Walsh</i>	
9/16/91	9-10-91	DATE

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AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., N.W., WASHINGTON, D.C. 20006

ONE PAGE

UNFINISHED BUSINESS

AMEND DEVELOPMENT PLAN: MEDICAL CENTER AT 94 OLEAN STREET

The matter was tabled following the public hearing held on September 9, 1991, therefore Tr. Dickson moved the matter be removed from table. Seconded by Tr. Suttell the motion carried.

Don Aubrecht, Architect for the petitioner exhibited new, revised drawings that indicated changes that were made in response to comments made at the public hearing. The buffer zone on the East end was widened resulting in a steeper grade with a ground cover that will protect the bank from erosion. There will be 5 Douglas Firs planted in appropriate locations. The changes will save approximately 20 feet of slope thus saving additional trees in this area.

RESOLUTION APPROVING A MODIFICATION TO THE  
DEVELOPMENT PLAN RE PREMISES 94 OLEAN STREET,  
EAST AURORA, NEW YORK

RESOLUTION NO. 91.09.23.02

DATED: September 23rd, 1991

WHEREAS, this Board, by Local Law previously adopted on April 18, 1988, did change the zoning classification of premises located at 94 Olean Street, East Aurora, New York, from "R" Single Family Residence District zoning classification to "R-C" Residence-Restricted Business District zoning classification; and

WHEREAS, such re-zoning was pursuant to Section 93-61 of the Code of the Village of East Aurora, New York; and

WHEREAS, said re-zoning, pursuant to Section 93-61 of the Code of the Village of East Aurora, New York, was a provisional re-zoning; and

WHEREAS, such re-zoning was on the condition that a special endorsement be attached to the Development Plan to require that further additions to such Development Plan be re-submitted to this Board; and

WHEREAS, this Board of Trustees did, by Resolution passed August 15, 1988, approve of the amendment of the Development Plan; and

WHEREAS, this Board did thereafter, by Resolution passed December 18, 1989 and February 18, 1991, did approve further amendments to the Development Plan; and

WHEREAS, the owner of the premises has requested that this Board consider further modification of the Development Plan; and

WHEREAS, this Board has considered such application for the modification of such Development Plan; and

WHEREAS, this Board has found that the Development Plan, as further amended, will be substantially in agreement with the intent of the original re-zoning and the originally approved Development Plan as previously amended.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the proposed modification to the Development Plan, relative to 94 Olean Street, East Aurora, New York, to permit additional parking spaces to be allowed east of the existing parking spaces, as set forth in the letter of Donald E. Aubrecht, Architect, dated September 16, 1991, and the drawing attached thereto, dated the same date, be and the same is approved; and

**BE IT FURTHER RESOLVED:**

That such approval is conditioned on their being no additional site lighting other than as set forth on the amended Development Plan, that the existing detention pond, east of the existing parking area, be enlarged to take care of any additional drainage, and that the new parking area remain buffered from adjacent properties with existing vegetation, and such new plantings as may be required; and

**BE IT FURTHER RESOLVED:**

That this amendment is conditioned upon all the terms and conditions set forth in the original Development Plan and in all of the previous amendments to such Development Plan, as referred to herein.

Moved by Trustee Marshall, seconded by Trustee Dickson,

AYES 5

NAES 0

The petitioners were commended for their response to the recommended changes.

AMEND CHAPTER 86 OF VILLAGE CODE (NO PARKING ON SOUTH SIDE OF PARKDALE AVENUE)

Public Hearing has been set for October 7, 1991.

NOREC

Still working toward smaller facility.

NEW BUSINESSPUBLIC HEARING SET RE: AMENDING CHAPTER 86 OF VILLAGE CODE (NO PARKING ON SOUTH SIDE OF PERSONS STREET)

It was moved by Tr. Marshall that a public hearing be set for October 7, 1991 on the matter of amending Chapter 86 of the Village Code to make no parking on the South side of Persons Street. Motion seconded by Tr. Meade and carried.

APPROVAL OF REQUEST TO KEEP 3 DOGS AT 173 NORTH WILLOW STREET

It was noted that approximately 15 letters were hand carried by the Dog Control Officer, to neighbors in the vicinity of 173 N. Willow St. There was only one (1) negative response received.

MNB305

It was moved by Tr. Suttell, seconded by Tr. Marshall and duly carried that permission be granted to James Hint of 173 North Willow Street, to keep 3 dogs on premises as per request. It was again noted that permission applies only to the 3 dogs named on the request and is not a blanket permission to keep any 3 dogs.

HEARING SET ON REVISING VILLAGE CODE RE: VEHICLE RENTALS

Tr. Marshall moved to set a public hearing for November 4, 1991 on the matter of revising the Village Code regarding rental of vehicles in the Village of East Aurora. Motion carried following second by Tr. Dickson.

SET PUBLIC HEARING RE: VILLAGE FEES

It was moved by Tr. Dickson that two (2) public hearing be set for November 4, 1991 on 1. Building Department Fees 2. Parking Ticket Fees. Seconded by Tr. Suttell the motion carried.

QUAKER ROAD DEVELOPMENT PLAN HEARING SET

It was moved by Tr. Suttell, seconded by Tr. Marshall and duly carried that a public hearing be set for October 7, 1991 upon the request of Robert Meisner to approve a development plan for construction of an office building on Quaker Road. The matter was also referred to the Planning Commission for their review and recommendation. It was noted that the Planning Commission will hold a special meeting on October 2, 1991 to review the matter.

REQUEST TO AMEND DEVELOPMENT PLAN AT 261 MILL ROAD



**NORCON GROUP, INC.**

261 MILL ROAD □ EAST AURORA, NEW YORK 14052

(716) 652-0896

**RECEIVED**

Village of East Aurora

Building Dept. By \_\_\_\_\_

Sept. 18, 1991

**SEP 18 1991**

Village of East Aurora,  
571 Main St.  
East Aurora, N.Y. 14052

Re: 261 Mill Rd

Dear Mr. Harbison:

I request permission to allow Mr. John Krouse of 1765 Davis Rd., West Falls, New York to jointly occupy space with Mark Carroll. John is a glass artist and clay mould maker interested in combining his talents with Mark Carroll's to enable them to co-venture some architectural and art restoration. They are also interested in mold making for sculpture reproduction of Mark Carroll's works. As agreed, this space would not be used for any retail purpose and would not cause parking or traffic problems.

If you have any questions, please call me.

Very truly yours,

Mary Lou Girard

It was moved by Tr. Suttell to table the request to the next Board meeting to allow gathering of more information including a canvass of the immediate neighbors to find their feelings on the matter. Motion carried following a second by Tr. Meade.

PUBLIC HEARING SET RE: AMENDING WATER RATE SCHEDULE

The Village was recently notified by the Erie County Water Authority, that water rates were being increased by 7%.

A motion to set a public hearing for November 18, 1991 on the matter of amending the Village of East Aurora Water Rate Schedule was offered by Tr. Meade, seconded by Tr. Marshall and duly carried.

EXECUTIVE SESSION

None scheduled.

ADJOURNMENT

The regular Board meeting held September 23, 1991 was declared adjourned at 8:27 P.M. upon motion by Tr. Dickson and second by Tr. Meade.

Roy W. Decker  
Clerk/Treasurer

MNB305

ROLL CALL

Present - Mayor Pagliaccio, Trustees Dayer, Dickson, Marshall, Meade, Green and Suttell  
 Absent - None  
 Also Present - Village Attorney Andrueschat & Village Administrator Hiller

APPROVAL OF MINUTES

Trustee Suttell moved approval of the Minutes of the September 23, 1991 Board Meeting as submitted. With a second from Trustee Dickson, motion passed.

AUDIT OF BILLS

It was moved by Trustee Dayer, seconded by Trustee Marshall, and duly carried that the bills as audited by the Mayor and Trustees, and detailed on Voucher Report dated 10/4/91 and covering vouchers no. 9428 to 9588 be approved for payment.

PUBLIC HEARINGSDevelopment Plan Quaker Road Office Building

Mayor Pagliaccio opened the public portion of the hearing at 8:07 PM. As no one from the audience wished to speak, the hearing was closed at 8:08 PM. It was noted for the record that the Planning Commission recommended approval of the Development Plan.

## MEMORANDUM

TO: Village Board of Trustees  
 FROM: Planning Commission  
 RE: Development Plan - Quaker Road  
 DATE: October 3, 1991

Dr. Robert J. Meisner, John Dale and Paul Brinkworth of Environmental Concepts were in attendance at a Special Meeting of the East Aurora Planning Commission on Wednesday, October 2, 1991 in connection with Dr. Meisner's Development Plan for the construction of a professional medical facility on a 3.15 acre site on Quaker Road, east of Delevan Electronics.

A site plan, utility drainage plan and elevations in re the proposed 6,500+ square foot brick building were shown to the Commission members and discussed.

The matters of outdoor lighting, parking, drainage and traffic were addressed by the petitioner's architects. Upon review and further discussion, the Commission recommends approval of the Development Plan as presented, based on the following findings:

1. The proposed development is compatible with the surrounding area and will be an attractive addition to the Village.
2. The petitioner realizes there will have to be a relocation (and possible updating) of the Village entrance sign presently on the site and has offered financial assistance in such relocation.

Trustee Marshall asked what the leased space would be used for, and was advised by the petitioners that the space would be for professional/medical office space, eg. orthodontist, oral surgeon, etc.

RESOLUTION RE SEQRA FINDINGS - RE APPROVAL  
OF DEVELOPMENT PLAN OF PREMISES ON SOUTHSIDE  
OF QUAKER ROAD, EAST AURORA, NEW YORK.

RESOLUTION NO. 91.10.07.01

DATED: October 7th, 1991.

WHEREAS, the owner of certain premises located on the southside of Quaker Road (Route 20-A), containing approximately 3.15 acres of land, has petitioned this Board for the approval of a certain Development Plan relative to the development of such premises; and

WHEREAS, this Board, after investigation, has found that such action constitutes an unlisted action under the State Environmental Quality Review Act; and

WHEREAS, an unlisted action does not require referral of the action to a "Lead Agency"; and

WHEREAS, this Board is familiar with the project in question and the property sought to be developed; and

WHEREAS, this Board has reviewed certain documents in connection with the project described herein.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the project as described above as an unlisted action will have no significant impact on the environment, and that an environmental impact statement in connection therewith is not required.

2. That pursuant to the applicable provisions of the State Environmental Quality Review Act a negative declaration be filed with the Clerk of the Village of East Aurora, New York.

Moved by Trustee Dickson, seconded by Trustee Meade,

AYES

6

NAES

0

NOTICE OF FINDING OF NO SIGNIFICANT EFFECT ON THE ENVIRONMENT

DATED: October 7th, 1991

TO: ROY W. DECKER, Village Clerk  
Village of East Aurora, New York

MNB305

FROM: VILLAGE BOARD

RE: Determination relative to the following proposed action,  
to wit:

The approval of a Development Plan relative to certain premises, located on the southside of Quaker Road (Route 20-A), containing approximately 3.15 acres of land, East Aurora, New York.

The Village Board of Trustees of the Village of East Aurora, New York having considered the application of the State Environmental Quality Review Act of 1975, to the above project, and having reviewed various documents in connection therewith.

Now in accordance with the review procedures previously adopted by the Village Board of the Village of East Aurora, New York, pursuant to the State Environmental Quality Review Act of 1975, has found that the proposed action as submitted has been determined to have no significant effect on the environment.

All facts and findings of this review are on file at the Village Hall of the Village of East Aurora, 571 Main Street, East Aurora, New York. These files may be examined by the public between the hours of 8:00 A.M. and 4:00 P.M. on any normal business day.

Respectfully submitted,

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

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

RESOLUTION APPROVING DEVELOPMENT PLAN FOR  
PREMISES LOCATED ON THE SOUTH SIDE OF QUAKER ROAD  
(ROUTE 20-A), EAST AURORA, NEW YORK.

RESOLUTION NO. 91.10.07.02

DATED: October 7th, 1991.

WHEREAS, the premises in question are located within a "M-P" - Manufacturing-Processing Zoning District; and

WHEREAS, Section 93-22 of the Code of the Village of East Aurora, New York, requires that when real property is located in a "M-P" zone, the Village Board of Trustees must approve any development plan after a public hearing; and

WHEREAS, ROBERT J. MEISNER, D.D.S., has petitioned this Board for the approval of a certain Development Plan; and

WHEREAS, a Public Hearing was held in this matter; and

WHEREAS, this matter was referred to the Planning Commission of the Village of East Aurora, New York; and the Planning Commission recommended its approval; and

WHEREAS, this Board finds the proposed use to be consistent with existing uses; and

WHEREAS, this Board has considered all of the factors set forth in Section 93-22 (F) (3) of the Village Code.

NOW, THEREFORE, BE IT RESOLVED:

That the Development Plan as set forth in a drawing made by Environmental Concepts and dated September 20, 1991, be and the same hereby is approved; and

BE IT FURTHER RESOLVED:

That any future proposed amendments to such Development Plan shall be subject to approval of this Board of Trustees.

Moved by Trustee Marshall, seconded by Trustee Meade,

AYES 6

NAES 0

#### No Parking South Side of Parkdale Avenue

Mayor Pagliaccio opened the public portion of the hearing at 8:16 PM. With no one in the audience wishing to comment, the hearing was closed at 8:17 PM, and a motion was made to move on to the next hearing.

#### No Parking South Side of Persons St.

The Mayor opened the hearing at 8:18 PM, and closed at 8:19 PM with no comments from the public. Trustee Dayer motioned to adopt the Local Law. With a second from Trustee Marshall, the motion carried.

#### SPEAKERS AND COMMUNICATIONS

None

#### STAFF, COMMITTEE AND BOARD REPORTS

Mayor Pagliaccio announced that Roy Decker, Village Clerk/Treasurer will be retiring on October 18, 1991 and due to a conflict could not attend tonight's meeting. The Mayor noted for the record the Village's appreciation of Roy's 20 years of service to the Village.

#### RESOLUTIONS AND MOTIONS

##### RESOLUTION OPPOSING TRASH FROM OUT-OF-COUNTRY

Resolution No. 91.10.07.03

Dated: October 7, 1991

WHEREAS, the federal government and state government have followed a policy that trash disposal is a local governmental problem and,

WHEREAS, due to various regulations adopted by different countries, states, and counties, the cost of disposal varies, resulting in trash generators willing to travel significant distances to dispose of same and,

WHEREAS, out-of-country waste may not be in compliance with NYS laws, will further exacerbate limited landfill space in WNY and generally increase fees.

MNB305

**RESOLVED**, the Village Board goes on record as being against the "importing" of out of country garbage until such time as national/international standards are agreed upon and the higher levels of government begin to act on the problem and not just pass it off as a local problem.

Offered by Trustee Dickson  
Motion carried.

Second by Trustee Meade

**RESOLUTION TO SUPPORT PROPOSAL #3-ERIE CANAL**

Resolution No. 91.10.07.04

Dated: October 7, 1991

**WHEREAS**, on the ballot in November will be Proposal #3 which is to amend the NYS Constitution with respect to the State Canal System. To wit: authorizing long term lease of state owned canal lands (for economic development and tourism); repealing the prohibition on tolls for navigation and dedicating any revenues received to the canal system and,

**WHEREAS**, such changes will encourage tourism, recreational activities, industrial and commercial use resulting in community revitalization and enhanced usage of this major state asset.

**RESOLVED**, the Village Board goes on record supporting Proposal #3 and encourages voters to pass same on Election Day November 5, 1991.

Offered by Trustee Dayer

Second by Trustee Dickson

Trustee Marshall questioned if it is appropriate for East Aurora, which is distant from the Canal, to take a position on this matter; such action of the proposal may end up costing all the taxpayers more.

Upon being put to vote, the motion passed with 4 votes in favor, 2 against.

**NOREC**

**NEGATIVE DECLARATION RESOLUTION**

**WHEREAS**, the ~~Village Board of Trustees, [REDACTED] ("the Governing Body") of the [REDACTED] Village of [REDACTED] of EAST AURORA, New York ("the Municipality") has before it proposed resolutions authorizing the execution on behalf of the Municipality of a Transition Agreement and Reconstitution Agreement, each dated September 10, 1991, by which the Municipality agrees with other municipalities electing to participate, as a member of a Reconstituted Northern Recycling Council ("NOREC"), in the development and operation of a modified materials recovery project, and to provide for the financing of the Municipality's share of the capital and operating costs of the modified project; and~~

**WHEREAS**, such action is an unlisted action subject to uncoordinated environmental review under the State Environmental Quality Review Act ("SEQRA"), and pursuant to SEQRA the Governing Body is the lead agency for conducting such review; and

**WHEREAS**, SEQRA proceedings were conducted by the Village of Depew as lead agency in connection with the designation of a warehouse at 3327 Walden Avenue in the Village of Depew as a site for the Facility and decisions to lease the warehouse premises and develop and operate the Facility pursuant to an unmodified project, resulting in a Negative Declaration dated February 21, 1990; and

**WHEREAS**, the Governing Body has reviewed and considered the Village of Depew Negative Declaration and the Full Environmental Assessment Form and its attachments on which that Negative Declaration was based;\* and

WHEREAS, the Governing Body recognizes the Board of Trustees of the Village of Depew as lead agency in that SEQRA review, and accepts that Board's findings and Negative Declaration; and

WHEREAS, the Governing Body has reviewed and considered the Environmental Assessment Form submitted in connection with this SEQRA proceeding relating to the modified project, and made a part hereof;

NOW, THEREFORE, the Governing Body, as lead agency in the present SEQRA review finds and declares that, for the reasons set forth in the Notice of Negative Declaration annexed hereto and

\* The Governing Body may have had before it and previously reviewed the Depew SEQRA proceeding documents (1) as an involved agency in that review, or when the Governing Body enacted a prior resolution or resolutions at the time the Municipality joined NOREC or thereafter approved the unmodified project. If it has not done so on any of those occasions, the Depew SEQRA proceeding documents will be supplied by the NOREC office for review and consideration at this time.

made a part hereof, the above described action of the Governing Body will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

MNB305

I, ROY W. DECKER, Village Clerk of the Village of East Aurora, New York, hereby CERTIFY that the above mentioned Resolution was adopted by the Village Board of Trustees of the Village of East Aurora, New York, at its regular meeting held on October 7th, 1991.

ROY W. DECKER  
VILLAGE CLERK

State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance

Date: Oct. 7th, 1991

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) ("SEQRA") of the Environmental Conservation Law.

The ~~COMMUNICATED~~ ~~BOARD~~, Village Board of Trustees, ~~COMMUNICATED~~ ("the Governing Body") of the Village of East Aurora, New York ("the Municipality"), as lead agency in uncoordinated review under SEQRA has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Modified Joint Materials Recovery Project (Northern Recycling Council) ("the Project")

SEQRA Status: Unlisted Action

Conditioned Negative Declaration: No.

Description of Action:

Under an Inter-municipal Agreement dated as of June 20, 1990, several municipalities of Erie County provided for a Northern Recycling Council ("NOREC") to administer a joint recycling project. NOREC plans to reconstruct as a Joint Recycling Facility ("the Facility") an existing warehouse at 3327 Walden Avenue in the Village of Depew. The Facility has been leased by the Village of Depew acting for members of NOREC. The Facility will be reconstructed for the purpose of receiving, processing, and marketing source separated recyclable materials such as newspapers, corrugated cardboard, metal containers, glass containers and plastic containers to be delivered to the Facility by, on behalf of, or under authority of participating municipalities.

The Governing Body has agreed to participate as a member of a Reconstituted Council in the Project, and for that purpose to authorize execution of an Agreement for Reconstitution of Northern Recycling Council and a Transition Agreement relating to the assignment to the Reconstituted Council of assets and liabilities of the Council as formerly constituted. Under the Reconstitution Agreement the Municipality will undertake to finance its share of the capital and operating costs of the Project by appropriate resolutions; to approve the lease of the Facility and the exercise through NOREC of the option in the lease to purchase the Facility; to approve contracts to be entered into by NOREC for the reconstruction of the Facility, the operation of the Facility, the purchase of equipment for the Facility, the marketing of recyclables, and the disposal of residue; to comply with rules and regulations of NOREC regarding the preparation and delivery of recyclables to the Facility; and to comply with other terms and conditions of the Reconstitution Agreement and Transition Agreement.

**Location:** The Facility is located at 3327 Walden Avenue in the Village of Depew. It is located on the south side of Walden Avenue, approximately 2,500 feet east of the intersection of Transit Road and Walden Avenue. The participation of the Municipality in the Project will require property owners or occupants throughout the Municipality to comply with regulations to be promulgated by NOREC relating to source separation of solid wastes, and may result in solid waste collection vehicles taking routes within and outside the Municipality that may differ from those previously taken.

**Reasons Supporting this Determination:**

Upon the selection of a site for the Facility and its planned reconstruction and operation, the Village of Depew acted as lead agency for several Erie County municipalities in a co-ordinated review of the proposal for itself and other municipalities as involved agencies, some of which subsequently participated in the NOREC unmodified project. That review resulted in a Negative Declaration dated February 21, 1990, based on a Full Environmental Assessment Form. The Governing Body has reviewed and considered that Negative Declaration and its underlying or related documents; has approved or hereby approves the designation of the Village of Depew Board of Trustees as lead agency for that review; and has accepted the specific findings resulting from that review.

The changes in required solid waste collection practices and routes used by vehicles in or outside the Municipality in collecting recyclables and delivering them to the Facility will not be significant and will not have a significant effect on the environment. Such changes will be required to meet the obligation of municipalities throughout the State in accordance with the provisions of the General Municipal Law mandating the enactment of local laws before September 1, 1992, requiring the source separation and segregation of recyclable or reusable materials from solid waste.

The Governing Body has determined that modifications effected by the Project relating to SEQRA concerns are not significant.

For further information:

Contact Person: JERRY HILLER, VILLAGE ADMTNISTRATOR

Address: 571 Main St., East Aurora, N.Y., 14052

Telephone Number: 652-6000

Offered by Trustee Dayer, seconded by Trustee Marshall and carried unanimously.

Trustee Dayer moved that the Mayor be authorized to execute the Transition Agreement. With a second by Trustee Dickson, the motion passed unanimously.

Trustee Dayer moved that the Mayor be authorized to execute the Reconstitution Agreement. Seconded by Trustee Marshall, the motion was passed unanimously. It was noted by joining NOREC, the Village expected to secure a long-term cost effective solution to the processing and marketing of its recyclables.

#### UNFINISHED BUSINESS

##### Amend Development Plan - 261 Mill Rd (2nd Artist)

Trustee Suttell moved to take the matter of development plan at 261 Mill Rd. off the table. Motion was seconded by Trustee Marshall. Administrator Hiller noted that there was an objection from neighbors to the second artist at the studio. A motion was made by Trustee Suttell, seconded by Trustee Dayer to amend the development plan at 261 Mill Rd to allow a second artist in the previously approved studio.

#### NEW BUSINESS

##### Amend MP Zone to Allow Day Care Centers

Trustee Dickson moved to set a public hearing for November 4, 1991. With a second from Trustee Meade, the motion carried.

##### Amend Sign Ordinance Re: Real Estate Signs

Upon a motion from Trustee Dickson and second from Trustee Suttell, a public hearing was scheduled for November 18, 1991 to hear the matter on amending the Sign Ordinance Re: Real Estate Signs.

Trustee Green noted that at the August meeting, the Village Board requested and we have now received, the financial disclosure from Citizen Action of New York. He stated, based upon the information sent to us, that their fund raising expenses were very high and questioned if we could do anything to limit or prevent such organizations from canvassing the Village. Village Attorney Andruschat advised that the Village can not prohibit not-for-profit solicitation that are not selling anything.

#### EXECUTIVE SESSION

None

#### ADJOURNMENT

At 8:45 PM Trustee Dayer moved for adjournment. Seconded by Trustee Dickson, motion passed unanimously.

Jerry C. Hiller  
Village Administrator  
Deputy Clerk

MNB305

## MINUTES OF REGULAR BOARD MEETING HELD OCTOBER 21, 1991

ROLL CALL

Present - Mayor Pagliaccio, Trustees Dayer, Dickson,  
Marshall, Meade, Green and Suttell  
Absent - None  
Also Present - Village Administrator Hiller

APPROVAL OF MINUTES

Trustee Suttell moved approval of the Minutes of the October 7, 1991 Board Meeting as submitted. With a second from Trustee Dickson, motion passed.

PUBLIC HEARINGS

None.

SPEAKERS AND COMMUNICATIONS

Mayor Pagliaccio noted receipt of notification of intent to renew liquor license from Harry & Debra Foster for premises at 726-728 Main Street.

**VILLAGE OF EAST AURORA  
RECEIVED**

OCT 17 1991

Village Clerk  
Village Hall  
571 Main Street  
E. Aurora, NY 14052

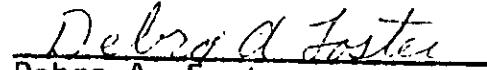
re. 726-728 Main St.

Dear Sir:

Please be advised that the undersigned is making application for an On Premises Liquor License at subject location.

Sincerely,

  
\_\_\_\_\_  
Harry B. Foster

  
\_\_\_\_\_  
Debra A. Foster

cc: State Liquor Authority

STAFF, COMMITTEE AND BOARD REPORTSReport on Erie County Water

Mayor Pagliaccio noted the following memo from Administrator Jerry Hiller regarding the bad taste/odor of the water.

Banking Resolutions

Trustee Dickson motioned to authorize the Mayor and Village Administrator to execute necessary documents to conduct banking business with Norstar Bank, Marine Midland and M&T Bank. Upon a second from Trustee Marshall, the motion carried.

Resolution for Appropriation of Funds

Resolution No. 91.10.21.02

October 25, 1991

WHEREAS, East Aurora Fire Department #3 (1982 Mack Pumper) was involved in an accident requiring \$7,926.25 in repairs which was paid for by insurance,

RESOLVED, that \$7,926.25 be appropriated to Revenue Account A2680, Insurance Recoveries and to Appropriation Account A3410.460, Fire Department Maintenance and Repairs.

Offered by Trustee Dayer

Second by Trustee Marshall

UNFINISHED BUSINESS

Mayor Pagliaccio briefly explained the reasons for each of the following hearings scheduled for November 4, 1991: Amend Code Re: Vehicle Rentals, Building Department Fees, Parking Fees, and Amending MP Zone to Allow Day Care Centers.

NEW BUSINESS

Appointments

Mayor Pagliaccio moved that Jerry C. Hiller fill the unexpired term of Roy Decker as Clerk/Treasurer, Registrar of Vital Statistics and Records Management Officer; and that Beverly A. Starling be appointed as Deputy Clerk. Upon a second from Trustee Dickson, motion carried.

Police Contract with Town of Aurora

Trustee Sutell motioned to authorize the Mayor to execute the Contract with the Town of Aurora for Police Services. Motion carried after a second from Trustee Dayer.

EXECUTIVE SESSION

None.

ADJOURNMENT

Trustee Dayer motioned to adjourn the regular meeting of the Board of Trustees at 8:35 PM. Seconded by Trustee Dickson, motion carried.

Jerry C. Hiller  
Village Administrator

MNB305

## MINUTES OF REGULAR BOARD MEETING HELD NOVEMBER 4, 1991

ROLL CALL

Present - Mayor Pagliaccio, Trustees Dayer, Dickson, Marshall, Meade, Green and Suttell  
 Absent - None  
 Also Present - Village Attorney Andruschat & Village Administrator Hiller

APPROVAL OF MINUTES

Trustee Suttell moved approval of the minutes of the October 21, 1991 Board Meeting as submitted. With a second from Trustee Dickson, motion passed.

AUDIT OF BILLS

It was moved by Trustee Dayer, seconded by Trustee Marshall, and duly carried that the bills as audited by the Mayor and Trustees, and detailed on Voucher Report dated 11/4/91 and covering vouchers no. 9594 to 9759 be approved for payment.

PUBLIC HEARINGSAmend MP Zone to Allow for Day Care Center

Mayor Pagliaccio opened the public portion of the hearing at 8:05 PM. Neil Jacobus, 107 Center Street spoke in favor, noted that day care centers have special needs for off-street parking and asked the Village Board to consider same when approving development plan. The public hearing was closed at 8:07 PM. Trustee Meade reviewed definition of what a day care center is (defined under section 390 of Social Services Law). Trustee Dayer moved to adopt the local law. With a second from Trustee Meade, the motion carried.

County

City of EAST AURORA

Town .....

Village

Local Law No. 6 of the year 1991

A local law ...TO AMEND CHAPTER 93 OF THE CODE OF THE VILLAGE OF EAST AURORA, NEW YORK,  
 (Insert Title) ENTITLED "ZONING".

Be it enacted by the ...BOARD OF TRUSTEES.....of the  
 (Name of Legislative Body)

County

City of East Aurora

as follows:

Town

Village

1. Chapter 93 of the Code of the Village of East

Aurora, New York, entitled "ZONING" is amended to read as follows:

Sect. 93-22. M-P Manufacturing-Processing District.

A. Permitted uses. (See Sect. 93-14)

(4) A child day care center as defined in Section 390 of the Social Services Law of the State of New York.

(5) Accessory uses.

(a) Dwellings for caretakers or watchmen.

(b) Signs, provided they pertain only to uses conducted on the premises, and provided that said sign or signs shall comply with Chapter 77 of this Code.

(c) Other customary uses and structures incidental to permitted uses.

Amend Code Enforcement Fees

Mayor Pagliaccio opened the public portion of the hearing at 8:16 PM. and closed at 8:17 PM with no comments from the public. Administrator Hiller explained select changes in the fee schedule recommended, based on staff review of costs to perform services and comparability with other municipalities. Trustee Marshall moved adoption of local law. With a second from Trustee Green, the motion carried.

County

City of East Aurora  
Town  
VillageLocal Law No. 7 of the year 19<sup>91</sup>A local law TO AMEND CHAPTER 11 OF THE CODE OF THE VILLAGE OF EAST AURORA, NEW YORK,  
(Insert Title) ENTITLED "FEES".Be it enacted by the Board of Trustees  
(Name of Legislative Body)

County

City of East Aurora  
Town  
Village as follows:

1. Chapter 11 of the Code of the Village of East Aurora, New York, entitled "FEES" is amended to read as follows:

## CHAPTER 11 - FEES

Section 11-4 B. Building permits and demolition permits. (Chapter 93 and Chapter 43). (Amended 5-5-86 by L.L. No. 13-1986 and 2-19-90 by L.L. No. 8-1990)

## (1) Buildings, nonresidential.

(a) For the erection and construction of non residential buildings. The volume shall be based upon outside dimensions and shall include a basement, cellar and subcellar, if any, but shall not include any space which has a height of less than five (5) feet.

(1) Up to ten thousand (10,000) cubic feet of volume: One hundred fifty dollars (\$150.00).

(2) For the next fifty thousand (50,000) cubic feet, for each one thousand (1,000) cubic feet: five dollars (\$5.00).

(3) For each one thousand (1,000) cubic feet or fraction thereof over fifty thousand (50,000) cubic feet: three dollars (\$3.00).

(b) For alterations and additions to nonresidential structures. The gross floor area shall be based on the outside dimensions of the additions to the structure.

(1) Up to one thousand (1,000) square feet of gross floor area: one hundred dollars (\$100.00).

(2) Each additional one thousand (1,000) square feet of gross floor area or fraction thereof: five dollars (\$5.00).

MNB305

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Page 3

(c) For the demolition of nonresidential structures.

(1) \*\*\*\*

(2) \*\*\*\*

(2) Buildings, residential. For the erection and construction of new residential buildings:

(a) For one- and two-family dwellings. The gross floor area shall be based on the outside dimensions of the building and shall not include nonhabitable basements, cellars, nonhabitable attics, carports or open unenclosed porches but shall include attached or built-in garages.

Square Feet of Gross Floor Area	Fee
------------------------------------	-----

Up to 1,000	\$125.00
1,000 to 2,000	\$150.00
Over 2,000	\$175.00

(b) For multiple dwellings, the fee shall be per dwelling unit. The gross floor area shall be based on the outside dimensions of each unit and shall include basements, cellars and subcellars and attached or built-in garages.

Square Feet of Gross Floor Area	Fee
------------------------------------	-----

Up to 1,000	\$125.00
1,000 to 2,000	\$150.00
Over 2,000	\$175.00

(3) Residential accessory buildings. The gross floor area shall be based on the outside dimensions.

(a) Up to one hundred (100) square feet of gross floor area: thirty-five dollars (\$35.00); and for each additional one hundred (100) square feet or fraction thereof: five dollars (\$5.00).

(b) For alterations, changes or additions to residential buildings.

(1) Up to one hundred (100) square feet of additional gross floor space: Fifty dollars (\$50.00).

(2) Each additional one hundred (100) square feet of gross floor space or fraction thereof based on outside dimensions: five dollars (\$5.00).

#### Amend Vehicle & Traffic Law as to Parking Fines

Mayor Pagliaccio noted hearing not necessary, as Village Code already allows fines for parking tickets to be between \$5-\$50 and hence declared hearing null and void. It was noted the Village will raise the fine for parking violations from \$5 to \$10.

Amend Code to Allow for Vehicle Retail/Leasing

Mayor Pagliaccio prefaced the opening of the hearing by explaining that a local businessman desires to lease motor vehicles and trailers in a CM zone, which is not permitted. Further research of the Village Code indicated the code prohibits all leasing in the Village, inconsistent with present business activity of new vehicle sales/leasing. The proposed code would address both these issues. The hearing was then opened at 8:22 PM. with no comments from the public. Hearing closed at 8:23 PM.

Trustee Marshall indicated he would like to help the individual business request, but to adopt that portion of the local law to allow same, as presently constituted would open up the whole Village to vehicle leasing and he does not feel that is what the community wants. Mayor Pagliaccio noted even if adopted present business locations would have a hard time meeting requirements. Trustee Sutell was in favor of allowing vehicles to be leased under the proposed new law, provided business can meet the stringent conditions established. Trustee Dayer felt the Village should only amend code to allow leasing of vehicles as accessory use to new vehicle sales. Trustee Dickson suggested we request staff to further study law to accommodate the business request yet provide control consistent with Village needs. Trustee Meade felt we should act on that portion of law allowing leasing or accessory use. Trustee Meade then moved for adoption that portion of the Local Law (New Section (C) to 93-20A (13)) to allow for leasing of motor vehicles as an accessory use to new motor vehicle sales and table the balance of local law for further study. With a second from Trustee Dayer, the motion carried.

County

City

Town of .....East Aurora.....

Village

Local Law No. .....8..... of the year 19 91...

A local law TO AMEND CHAPTER 93 OF THE CODE OF THE VILLAGE OF EAST AURORA, NEW YORK,  
(Insert Title) ENTITLED "ZONING".

Be it enacted by the Board of Trustees.....of the  
(Name of Legislative Body)

County

City

Town of .....East Aurora.....as follows:  
Village

1. Chapter 93 of the Code of the Village of East Aurora, New York, entitled "ZONING", is amended to read as follows:

Sect. 93-20. C-M Commercial-Manufacturing District.

A. Permitted uses.

(13) Accessory uses.

(c) Leasing of motor vehicles as an accessory use  
to new motor vehicle sales subject to Sections  
93-24 A (3) and (4).

SPEAKERS AND COMMUNICATIONS

Mayor Pagliaccio noted receipt of notification of intent to renew liquor licenses from Kwik Fill, Pizza Hut and Rite Aid, with no objections received from Police Department. Neil Jacobus, 107 Center Street requested the sign fee for churches be waved, also requested Village Board consider the regulation of political signs. Trustee Marshall indicated Village policy is to discourage temporary signs.

STAFF, COMMITTEE AND BOARD REPORTS

Trustee Dayer noted LaSalle Ambulance responded to 38 calls in October, 27 resulting in transports, three of which were mutual aid.

Mayor Pagliaccio noted China Palace, 677 Main Street has requested a special permit for a restaurant, referred same to Planning Commission. Also noted request of Griggs & Ball, 634 Main St. to effect an antenna ~~tower~~ on top of building and was referred to Planning Commission.

Mayor Pagliaccio presented to Buffalo News correspondent Nancy Black, who is retiring, a certificate of appreciation for her years of coverage of the Village Board meetings.

RESOLUTIONS AND MOTIONSRESOLUTION TRANSFER OF FUNDS - WATER FUND

Resolution No. 91.11.04.01

Dated: November 4, 1991

WHEREAS, the 1989-90 Water Fund Budget contemplated a 5% down payment of \$19,750 for the new water tank on Castle Hill Road, and

WHEREAS, bonding requirements, due to the increased cost estimate for the tank, will require a down payment of \$22,445.00,

RESOLVED, that \$2,695.00 be transferred from Contingent Account #F1990.4 to Down Payment on Capitol Projects Account #F9550.

Offered by Trustee Dayer  
Motion carried

Second by Trustee Dickson

Balance in Contingent after this action \$7,305.

MOTION TO RESCIND NOREC BOND RESOLUTIONS

Trustee Dickson moved to rescind the bond resolution for financing of the Village share of NOREC expenses passed at the October 7, 1991 meeting. Seconded by Trustee Meade, the motion passed unanimously.

UNFINISHED BUSINESS

Mayor Pagliaccio noted two upcoming hearings on amending the water rate schedule and amending the sign ordinance.

NEW BUSINESS

Trustee Marshall moved the appointment of W. Ross Harbison, 816 Center Rd. East Aurora, NY as Code Enforcement Officer/Planner, seconded by Trustee Sutell, passed unanimously.

Trustee Sutell moved to approve Recreation Departments request for Winterfest 1992 (Jan. 11, 1992) seconded by Trustee Marshall, passed unanimously.

EXECUTIVE SESSION

None

ADJOURNMENT

At 9:00 PM Trustee Dayer moved for adjournment. Seconded by Trustee Dickson, motion passed unanimously.

Jerry C. Hiller  
Village Administrator

## MINUTES OF REGULAR BOARD MEETING HELD NOVEMBER 18, 1991

ROLL CALL

Present - Mayor Pagliaccio, Trustees Suttell, Meade, Marshall, Dayer, and Dickson  
 Also Present - Village Administrator/Clerk Hiller, Recording Clerk Smith, Code Enforcement Officer Harbison

APPROVAL OF MINUTES

Trustee Suttell moved approval of the minutes of November 4, 1991 Board Meeting as submitted. They were seconded by Trustee Dickson and motion passed.

PUBLIC HEARINGSAmend Chapter 77 (Re: Real Estate Signs)

The Clerk read the following notice.

State of New York }  
 County of Erie } SS.

NOTICE OF PUBLIC  
HEARING

PLEASE TAKE NOTICE, that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing at the Board Room at the Village Hall, located at the corner of Main and Paine Streets, East Aurora, New York, on Monday evening, November 18th, 1991, at 8:00 o'clock P.M., (prevailing time), upon the question of:

A Local Law to amend Chapter 77 of the Code of the Village of East Aurora, New York, entitled "SIGNS" to provide for the regulation of "For Sale", "For Rent" and "Sold" signs.

Dated: East Aurora, N.Y.  
 October 24, 1991

By Order of the Village Board of Trustees of the Village of East Aurora, New York  
 Jerry C. Hiller  
 Village Clerk

18-1

Grant M. Hamilton, of the Village of East Aurora, New York, being duly sworn, deposes and says that he is the publisher of the East Aurora Advertiser, a public newspaper published weekly in said village; that the notice, of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein ..... one.....

..... weeks, commencing on the..... 31st..... day of October ..... and ending on the.... 31st .. day of ..... October, ..1991 ....., making..... one..... insertions.

*Grant M. Hamilton*

Sworn before me this ..... 1st ..... day of November, 1991

*Cynthia M. Valvo*

Notary Public in and for Erie County

CYNTHIA M. VALVO

Notary Public, State of New York

Qualified in Erie County

My Commission Expires Dec. 31, 1992

The Mayor opened the public portion of the hearing at 8:08 P.M.

Tim Loftis, 265 Gleed Ave. spoke against larger signs in commercial areas and stated that residential areas should retain their beauty.

MNBB305

78  
Jerry Thompson, 1025 Grover Rd. who owns property in the Village, spoke in favor of the ordinance.

Michael Hartney, 24 Maple Rd., questioned the legality of temporary open house signs. Also felt that if real estate signs to be given special consideration, why not temporary signs for not for profit organizations (i.e. church bazaar signs, etc).

Carol Sturdevant, 440 Girard Ave., asked the Board to address the uniformity of all signs.

Jerry Thompson noted that realtors did not request the change in the Ordinance.

Neal Jacobus, 107 Center St., objected to the change in the Ordinance noting the present Ordinance has served the community for many years.

Lois Thurnherr, representing the Chamber of Commerce, questioned the safety of parallel signs and felt that perpendicular signs would be safer for the public while drivers are looking for a sign.

Mayor Pagliaccio closed the public portion of the hearing at 8:23 P. M.

Trustee Marshall, who noted he would be abstaining from voting, suggested the present enforcement against the realtor be changed to the property owner, thereby perhaps improving compliance with the existing law.

Trustee Dickson stated the law should clearly state that the sign may be perpendicular.

Trustee Dayer agreed with Michael Hartney's opinion that not for profit organizations should be allowed to have perpendicular signs.

Mayor Pagliaccio stated the law was prepared to eliminate ambiguities and technical deficiencies in the present code.

Trustee Sutell noted the questions raised tonight were worthy of further study.

Trustee Meade sees the present ordinance almost unenforceable and suggested the need to reflect on items brought forth tonight, but ultimately sees need for a change in the law.

Trustee Marshall stated that perhaps real estate signs are not temporary but are a separate and distinct category.

Trustee Meade moved, seconded by Trustee Sutell and unanimously carried that the matter under discussion be tabled for further study.

#### AMEND WATER RATE SCHEDULE HEARING

The Clerk read the following notice.

State of New York }  
County of Erie } SS.

**NOTICE OF PUBLIC  
HEARING**

PLEASE TAKE NOTICE, that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing at the Board Room at the Village Hall, located at the corner of Main and Paine Streets, East Aurora, New York, on Monday evening, November 18th, 1991, at 8:00 o'clock P.M., (prevailing time).

At such hearing, the Board shall consider the adoption of a resolution establishing rates as water rents for water consumption to be charged to and collected from all consumers of village water.

This Public Hearing shall be had pursuant to Section 88-2 of the Code of the Village of East Aurora, New York.

Dated: East Aurora, NY  
October 10th, 1991

By Order of the Village Board of Trustees of the Village of East Aurora, New York

Jerry C. Hiller  
Deputy Village Clerk  
16-1

Grant M. Hamilton, of the Village of East Aurora, New York, being duly sworn, deposes and says that he is the publisher of the East Aurora Advertiser, a public newspaper published weekly in said village; that the notice, of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein ..... one .....

..... weeks, commencing on the ..... 17th ..... day of ..... October ..... and ending on the ..... 17th ..... day of ..... October, 1991 ..... making ..... one ..... insertions.

*Grant M. Hamilton*

Mayor Pagliaccio opened the public portion of the hearing at 8:23 P.M. and noted the rates will increase by 5%.

Jerry Thompson, 1025 Grover Rd. questioned the rate structure. Village Administrator Hiller explained the rates.

Neils Anderson, 219 Center St., inquired to the age of water meters and when they are replaced. He also discussed the equalization rate for the Village and presented the Mayor with a study he had done.

With no one else wishing to speak, the Mayor declared the hearing closed at 8:30 P.M.

**RESOLUTION CHANGING WATER RATES**

Resolution No. 91.11.18.01

Dated: 11/18/91

WHEREAS, the Village purchases its water from the Erie County Water Authority, who did effective September 1, 1991 raise its rates 7% to the Village and

WHEREAS, to assure the water fund stay in balance, the Village must also raise rates to its customers

WHEREAS, the Village Board did hold a hearing on the matter as prescribed by Village Code Section 88-2.

RESOLVED, The water rates for all Village and Town customers (including Town Water Districts) be increased 5% per the attached schedule.

Offered by Trustee Dayer  
Motion Carried Unanimously

Second by Trustee Marshall

November 18, 1991

Page 4.

## SIDE VILLAGE WATER RATE SCHEDULE

CUBIC FEET OF CONSUMPTION		RATE PER 100 CUBIC FEET		
0 - 600		1.63		
601-4000		2.68		
4000-10000		2.47		
OVER 10000		1.31		

MINIMUM BILL \$9.78

HUND CU. FT	NET CU. FT	PENALTY	GROSS	HUND CU. FT	NET	PENALTY	GROSS
6	9.78	0.98	10.76	57	142.68	14.27	156.95
7	12.46	1.25	13.71	58	145.15	14.52	159.67
8	15.14	1.51	16.65	59	147.62	14.76	162.38
9	17.82	1.78	19.60	60	150.09	15.01	165.10
10	20.50	2.05	22.55	61	152.56	15.26	167.82
11	23.18	2.32	25.50	62	155.03	15.50	170.53
12	25.86	2.59	28.45	63	157.50	15.75	173.25
13	28.54	2.85	31.39	64	159.97	16.00	175.97
14	31.22	3.12	34.34	65	162.44	16.24	178.68
15	33.90	3.39	37.29	66	164.91	16.49	181.40
16	36.58	3.66	40.24	67	167.38	16.74	184.12
17	39.26	3.93	43.19	68	169.85	16.99	186.84
18	41.94	4.19	46.13	69	172.32	17.23	189.55
19	44.62	4.46	49.08	70	174.79	17.48	192.27
20	47.30	4.73	52.03	71	177.26	17.73	194.99
21	49.98	5.00	54.98	72	179.73	17.97	197.70
22	52.66	5.27	57.93	73	182.20	18.22	200.42
23	55.34	5.53	60.87	74	184.67	18.47	203.14
24	58.02	5.80	63.82	75	187.14	18.71	205.85
25	60.70	6.07	66.77	76	189.61	18.96	208.57
26	63.38	6.34	69.72	77	192.08	19.21	211.29
27	66.06	6.61	72.67	78	194.55	19.46	214.01
28	68.74	6.87	75.61	79	197.02	19.70	216.72
29	71.42	7.14	78.56	80	199.49	19.95	219.44
30	74.10	7.41	81.51	81	201.96	20.20	222.16
31	76.78	7.68	84.46	82	204.43	20.44	224.87
32	79.46	7.95	87.41	83	206.90	20.69	227.59
33	82.14	8.21	90.35	84	209.37	20.94	230.31
34	84.82	8.48	93.30	85	211.84	21.18	233.02
35	87.50	8.75	96.25	86	214.31	21.43	235.74
36	90.18	9.02	99.20	87	216.78	21.68	238.46
37	92.86	9.29	102.15	88	219.25	21.93	241.18
38	95.54	9.55	105.09	89	221.72	22.17	243.89
39	98.22	9.82	108.04	90	224.19	22.42	246.61
40	100.90	10.09	110.99	91	226.66	22.67	249.33
41	103.16	10.32	113.48	92	229.13	22.91	252.04
42	105.63	10.56	116.19	93	231.60	23.16	254.76
43	108.10	10.81	118.91	94	234.07	23.41	257.48
44	110.57	11.06	121.63	95	236.54	23.65	260.19
45	113.04	11.30	124.34	96	239.01	23.90	262.91
46	115.51	11.55	127.06	97	241.48	24.15	265.63
47	117.98	11.80	129.78	98	243.95	24.40	268.35
48	120.45	12.05	132.50	99	246.42	24.64	271.06
49	122.92	12.29	135.21	100	248.89	24.89	273.78
50	125.39	12.54	137.93				
51	127.86	12.79	140.65				OVER 100 - ADD \$1.31 PER 100 CU. FT
52	130.33	13.03	143.36				
53	132.80	13.28	146.08				SEWER RATE - \$3.63 PER 100 CU. FT
54	135.27	13.53	148.80				MINIMUM SEWER BILL - \$21.78
55	137.74	13.77	151.51				
56	140.21	14.02	154.23				

Trustee Dayer moved, seconded by Trustee Marshall, the motion passed unanimously.

SPEAKERS AND COMMUNICATIONS

Mr. Anderson, Mr. Thompson and Ms. Sturdevant commented briefly on the sign ordinance that was reviewed earlier.

RESOLUTIONS AND MOTIONSRESOLUTION CONCERNING PROREC

Resolution No. 91.11.18.02

Dated: 11/18/91

WHEREAS, the Village did join NOREC in 1989 for the purpose of an inter-municipal effort by Erie County municipalities seeking to maximize economies of scale, secure state funding and retain local control over recycling activities and

WHEREAS, approximately three fourths (3/4) of the NOREC members have either decided not to continue membership in NOREC or have decided to have the private sector provide this service resulting in the pending dissolution of NOREC and its assets (at a profit or loss) and

WHEREAS, the remaining members of NOREC have considered the possibility of forming a successor organization, called Progressive Recycling Council (PROREC) requesting an initial assessment of \$.30/capita (\$1995) and commitment to expend up to \$.95/capita (\$6314) for consulting costs plus an undetermined amount for administrative expenses, and

WHEREAS, such cash flow would be provided by seeking interest free loans from the Erie County Consortium CDBG funds (\$150,000) and NE Solid Waste Management Board (\$30,000), such loans to be repaid at a later date and

WHEREAS, after the election, certain member municipalities who have expressed an interest in PROREC, may, due to a change in officeholders change this position, further reducing the member communities available to form PROREC

RESOLVED, that the Village Board does not at this time commit itself to additional funds for the pursuit of studying the existing NOREC facility on Walden Avenue for its suitability and financial feasibility for PROREC as submitted to the Village by the Executive Director of NOREC on November 2, 1991.

FURTHER RESOLVED, the Village of East Aurora desires further information before committing to PROREC to wit:

- A.) Status of NOREC (assume to be determined at Nov. 19 Norec meeting)
- B.) Status of State Aid availability to PROREC
- C.) Status of CDBG & NE Board loans to PROREC
- D.) Determination of administrative costs for PROREC

Offered by Trustee Dickson  
Motion Carried

Second by Trustee Trustee Dayer

Trustee Dayer moved, seconded by Trustee Marshall, to authorize M&T Bank the fiscal agent for the 1991 bonding issue. Motion carried unanimously.

Trustee Marshall moved, seconded by Trustee Meade, authorizing Mayor to grant easement to National Fuel Gas. Motion carried unanimously.

MNB305

UNFINISHED BUSINESS

A motion to remove from the table the proposed law to allow for Vehicle/Retail Leasing was moved by Trustee Dickson, seconded by Trustee Sutell. Motion passed unanimously. A motion to adopt the law was defeated with 1 aye by Trustee Dickson and 5 nayes.

NEW BUSINESS

The Mayor accepted the resignation of Trustee Green and wished him well in his new position as Town of Aurora Supervisor.

The Mayor accepted the resignation of Dan Dike, the Disaster Preparedness Co-ordinator.

**RESOLUTION APPROVING DEVELOPMENT PLAN FOR  
PREMISES LOCATED AT 636 GIRARD AVENUE, EAST AURORA, NEW YORK**

Resolution No. 91.11.18.03

Dated: November 18, 1991

WHEREAS, the premises in question are located within a "M-P" - Manufacturing-Processing Zoning District; and

WHEREAS, Section 93-22 of the Code of the Village of East Aurora, requires that when real property is located in a "M-P" Zone, the Village Board of Trustees must approve any development plan after a public hearing and must approve subsequent changes; and

WHEREAS, FISHER PRICE, INC. has petitioned this Board for the approval of an amendment to the Development Plan and to provide for a Day Care Facility; and

WHEREAS, this Board finds the proposed use to be consistent with existing uses; and

WHEREAS, this Board has considered all of the factors set forth in Section 93-22 (F)(3) of the Village Code.

**NOW, THEREFORE, BE IT RESOLVED:**

That the Development Plan as set forth in drawings made by Robert Gill, Architect, and dated October 25, 1991, be and the same hereby is approved; and

**BE IT FURTHER RESOLVED:**

That any future proposed amendments to such Development Plan shall be subject to the approval of this Board of Trustees.

Trustee Meade moved, seconded by Trustee Marshall and carried unanimously the approval of Amendment to Development Plan for 636 Girard Ave. (Fisher-Price Day Care)

ADJOURNMENT

At 9:24 P.M. Trustee Dayer moved for adjournment, seconded by Trustee Dickson, motion passed unanimously.

Respectfully submitted,

Elizabeth Smith

ROLL CALL

PRESENT - Mayor Pagliaccio, Trustees Sutell, Meade, Marshall, Dayer, Harris

Also Present - Village Administrator/Clerk Hiller, Village Attorney Andruschat & Recording Clerk Smith

APPROVAL OF MINUTES

Trustee Sutell moved approval of the minutes of November 18, 1991 Board Meeting as submitted. With a second by Trustee Meade, motion passed.

AUDIT OF BILLS

It was moved by Trustee Dayer, seconded by Trustee Marshall and duly carried that the bills, as audited by the Mayor and Trustees, and detailed on Voucher Report dated 12/12/91 and covering vouchers no. 9760 to 9937 be approved for payment.

APPOINTMENT OF TRUSTEE

Mayor Pagliaccio appointed Thomas A. Harris to the Village Board to fill the unexpired term of William Green who resigned after his election in November as Town of Aurora Supervisor. Mr. Harris, a 25 year resident of the Village & co-owner of the School-House Gallery on Olean Road has been serving on the Village Zoning Board of Appeals.

Mayor Pagliaccio moved, seconded by Trustee Dayer and unanimously carried that Ralph Chaney, 132 North Willow St., be appointed to fill Mr. Harris' unexpired term on the Village Zoning Board of Appeals.

PUBLIC HEARINGS

None

SPEAKERS AND COMMUNICATIONS

A request by Pasquales to renew their liquor license was noted with no objections by the Board.

STAFF, COMMITTEE, & BOARD REPORTS

Village Administrator Hiller reported on the results of the Bond Sale of \$2,304,400 @ 6.0% and indicated that we had maintained our Moody's "A" rating, resulting in our low interest rate.

RESOLUTIONS AND MOTIONS

After discussion by Mayor Pagliaccio, Trustee Dayer moved, seconded by Trustee Marshall, and the motion passed that the Budget be amended to appropriate State Aid for the Vehicle Hoist.

**RESOLUTION APPROPRIATING STATE AID  
FOR VEHICLE HOIST AND AMENDING BUDGET**

RESOLUTION NO. 91.12.02.01

DATED: DECEMBER 2, 1991

WHEREAS, the Village was awarded a grant of up to \$24,863.00 from the Occupational Safety and Hazard Abatement Board to defray 75% of the cost of an OSHA approved motor vehicle hoist and a building exhaust system for garaged vehicles -

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

THAT \$24,863.00 be appropriated to Revenue Account A 3089 State Aid, OSHA and Appropriation Account A1640.23.

Offered by Dayer

Seconded by Marshall

Carried unanimously

Trustee Meade moved, seconded by Trustee Harris and it was unanimously carried to approve the installation of two antennas on the Griggs & Ball building at 634 Main Street by NYNEX Mobile Communications.

**RESOLUTION RE RADIO ANTENNAE  
PREMISES 634 MAIN ST., EAST AURORA, NEW YORK**

RESOLUTION NO. 91.12.02.02

DATED: December 2nd, 1991

WHEREAS, JOHN B. HITCHINGS, the owner of the above premises, did apply for a building permit to permit the installation of radio transmitting towers at the above premises; and

WHEREAS, the premises are located in a "C" - Commercial District; and

WHEREAS, radio transmitting towers are a permitted use in a commercial district subject to approval by the Village Board of Trustees, after recommendation by the Village Planning Commission; and

WHEREAS, the Village Planning Commission, by Memorandum dated November 21, 1991, did recommend to this Board that this Board grant permission to erect the antennae.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

That this Board does permit the installation of radio transmitting towers or antennae at 634 Main St., East Aurora, New York, subject to the following limitations:

1. There shall only be two antennae.
2. One antenna shall be a broadcasting antenna which is a 12' high antenna. Such antenna shall be mounted on the east side of the building at the roof line.
3. The second antenna shall be a receiver antenna which a 6' dish to be mounted on the south wall of the premises near the roof line between two existing windows.
4. Both of such antennae shall be of a dull grey color and shall have no advertising or text of any kind on them.

Moved by Trustee Meade, seconded by Trustee Harris,

AYES \_\_\_\_\_

NAES \_\_\_\_\_

Carried unanimously

UNFINISHED BUSINESSAmend Chapter 77 - Real Estate Signs

Trustee Dayer moved to move this issue from the table, which was seconded by Trustee Meade.

Mayor Pagliaccio reviewed changes in the law. Trustee Suttell noted we downsized the allowable sign size. Trustee Marshall noted that the positioning of a parallel sign must be set back further from the road for better visibility. Trustee Meade noted that we needed to act on the real estate sign law to correct deficiencies.

Trustee Suttell moved, seconded by Trustee Meade, that Chapter 77 - Real Estate Signs be approved. The motion passed with 5 ayes and 1 abstention (by Trustee Marshall).

LOCAL LAW NO. 9 , 1991.

A LOCAL LAW TO AMEND CHAPTER 77 OF THE  
CODE OF THE VILLAGE OF EAST AURORA, NEW  
YORK, ENTITLED "SIGNS".

BE IT ENACTED by the Board of Trustees of the Village of East Aurora, New York, as follows:

1. Chapter 77 of the Code of the Village of East Aurora, entitled "SIGNS" is amended to read as follows:

NOTE: Material within brackets is eliminated. The material underlined is added to and included in the Code of the Village of East Aurora, New York.

CHAPTER 77 - SIGNS:

Section 77-1. Definitions.

TEMPORARY SIGN - The term "temporary sign" as used in this local law means any sign intended to be used or emplaced for a period of thirty (30) days or less, and shall include banners, promotional devices and other signs of similar nature [.] , but not including "FOR SALE", "FOR RENT" and "SOLD" signs as provided for in Section 77-7.1.

Section 77-2. Permit required.

After the effective date of this local law and except as otherwise herein provided, it shall be unlawful and a violation

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of this local law for any person to erect, construct, relocate, create or cause to be erected, constructed, relocated or created within the incorporated area of the Village of East Aurora any sign or signs without first having obtained a written permit from the Building Inspector for such sign or signs and without having complied with the provisions of this local law. Every such sign so permitted shall have the number of the permit marked upon the face of such sign in a permanent manner [.] provided, however, that no permit shall be required for a "FOR SALE", "FOR RENT" or "SOLD" sign as provided in Section 77-7.1.

Section 77-3 \*\*\*\*

Section 77-4 A. \*\*\*\*

B. \*\*\*\*

C. \*\*\*\*

D. \*\*\*\*

E. \*\*\*\*

F. \*\*\*\*

[G. "For sale", "for rent" and "sold" signs. One (1) nonilluminated real estate "for sale", "for rent", or "sold" sign not exceeding four (4) square feet in area shall be permitted on any premises to which it pertains. "Sold" signs on real estate are to be removed within seven (7) days after posting that the property has been sold.]

[H.] G. \*\*\*\*

Section 77-5 \*\*\*\*

Section 77-6 \*\*\*\*

Section 77-7 A. \*\*\*\*

B. \*\*\*\*

C. Temporary signs. Temporary signs may be permitted by the Building Inspector for a period not to exceed thirty (30) days. The application for a permit for such temporary sign must specify the size of the sign or signs, the number of signs to be erected and the proposed location of the sign and must guarantee the removal of

such signs at the end of the permit period. A public liability bond or policy in the sum of at least fifty thousand dollars (\$50,000.00) shall be furnished for each such temporary sign which extends across a sidewalk, street, highway or other public property [.] , provided, however, that no permit shall be required for a "FOR SALE", "FOR RENT" or "SOLD" sign. (See Section 77-7.1.) (Amended 12-6-76 by L.L. No. 12-1976; 1-4-82 by L.L. No. 1-1982)

D.

\*\*\*\*

Section 77-7.1 - "FOR SALE", "FOR RENT" and "SOLD" signs.

- A. One non-illuminated "For Sale", "For Rent" or "Sold" sign may be permitted on any premises to which such sign pertains. Such sign shall be parallel with the street line.
- B. Such sign shall not be revolving, moving, fluttering or flashing.
- C. No such sign shall be erected in such a manner as to obstruct free egress from a window, door or fire escape, or in such a manner as it can become a menace to life, health or property.
- D. "For Sale" and "For Rent" signs are permitted for the length of time the property is available for purchase or rental. "Sold" signs are permitted for seven (7) days from the date of transfer of the property.
- E. The square foot area of such sign shall not exceed the following: In any "R", "R-G", "R-G-N" or "R-C" zoning districts, the maximum allowable sign area is four (4) square feet. In any "C", "C-M", "M-I" or "M-P" zoning districts the maximum allowable sign area is twelve (12) square feet.

Section 77-8  
through Section 77-19

\*\*\*\*

BY ORDER OF THE VILLAGE BOARD OF TRUSTEES  
OF THE VILLAGE OF EAST AURORA, NEW YORK.

JERRY C. HILLER  
VILLAGE CLERK.

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December 2, 1991

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NOREC/PROREC

Mayor Pagliaccio noted that NOREC and the County originally planned to complete a Solid Waste Management Plan (SWMP), which includes a Comprehensive Recycling Analysis (CRA). With the apparent demise of NOREC for recycling purposes, NOREC may wish to continue, if only to complete the Comprehensive Recycling Analysis.

NEW BUSINESS

Trustee Dayer moved, seconded by Trustee Marshall and motion carried that a public hearing be set for 12/16/91 for the application of a restaurant at 677 Main St.

Trustee Sutell moved, seconded by Trustee Harris & motion carried approved the use of Village facilities for the Carolcade on 12/21/91 between 7 & 8 P.M. Trustee Marshall noted the Village takes risks for street closures and feels other sites for the Carolcade could be found.

Trustee Meade, seconded by Trustee Marshall & motion carried to award the bid for a vehicle hoist to Rassow Truck Equipment Specialists, 1875 Harlem Rd., Buffalo, N.Y. 14212-2403 for the amount of \$24,740.00.

EXECUTIVE SESSION

None

ADJOURNMENT

At 8:40 p.m., Trustee Dayer moved for adjournment, seconded by Trustee Marshall, motion passed unanimously.

Respectfully submitted,

Elizabeth Smith  
Recording Clerk

## MINUTES OF REGULAR BOARD MEETING HELD DECEMBER 16, 1991

ROLL CALL

PRESENT: Mayor Pagliaccio, Trustees Suttell, Meade, Marshall, Harris, Dickson and Dayer

ALSO PRESENT: Administrator Hiller, Attorney Andruschat

APPROVAL OF MINUTES

Trustee Suttell moved approval of the minutes of the December 2, 1991 board meeting as submitted. With a second by Trustee Dickson, motion passed.

Mayor Pagliaccio then stated that on behalf of the Village Board and Staff he would like the record to show that tonight's Village Board meeting be opened as a dedication in memory of and in celebration of the life of George Tinch. George was 83 years young at the time of his death. For 45 years George has been a faithful servant of the people of our community, 25 years as a DPW employee, 15 years as a crossing guard and 45 years in the fire department. It is people like George that contribute to the quality of life we enjoy in our Village. George made a difference by sharing his time and talents with his fellow people. We the people of East Aurora have been and will continue to be the benefactor of the life of George Tinch for which we are grateful and privileged to have shared.

PUBLIC HEARINGS - 677 Main Street, China Palace Special Permit

## State of New York

County of Erie

} SS.

## NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing at the Board Room at the Village Hall, located at the corner of Main and Paine Streets, East Aurora, New York, on Monday evening, December 16th, 1991, at 8:00 o'clock P.M. (prevailing time), upon the request of ROBERT KOWAL, Owner, and JIMMY LAM, Tenant, for a Special Use Permit permitting the operation of a quick-service restaurant on premises described in the Petition for such Special Use Permit and commonly known as 677 Main Street, East Aurora, New York.

PLEASE TAKE FURTHER NOTICE that this hearing is pursuant to Article VIII (Section 93-42) of the Code of the Village of East Aurora, New York, which sets forth special provisions for uses requiring special permits.

Drawings showing the extent, location and character of the proposed quick-service restaurant submitted by the petitioners in connection with this matter are available for inspection at the office of the Village Clerk, at the Village Hall, 571 Main St. East Aurora, New York, during normal business hours.

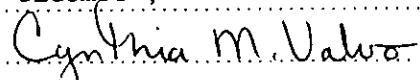
Dated: East Aurora, NY  
November 21, 1991  
By Order of the Village Board of Trustees of the Village of East Aurora, New York  
Jerry C. Hiller, Village Clerk

Grant M. Hamilton, of the Village of East Aurora, New York, being duly sworn, deposes and says that he is the publisher of the East Aurora Advertiser, a public newspaper published weekly in said village; that the notice, of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein ..... one .....

..... weeks, commencing on the ..... 5th ..... day of December ..... and ending on the ..... 5th ..... day of December, 1991.... making ..... one ..... insertions.



Sworn before me this ..... 6th ..... day of DEcember, 1991



Notary Public in and for Erie County

CYNTHIA M. VALVO

Notary Public, State of New York

Qualified in Erie County

My Commission Expires Dec. 31, 1992

December 10, 1991

Page 2.

Administrator Hiller read the public notice and noted that two correspondences were received concerning the petition. Mayor noted the Planning Commission recommended in favor of granting special permit and the Zoning Board of Appeals granted a variance for parking. The Public Hearing was opened at 8:08 PM. There appearing no one wishing to speak the hearing was closed at 8:09 PM. Trustee Marshall questioned the petitioners about the location of the exhaust fan and was advised the fan exhausts on the roof. Trustee Sutell noted he had received positive feedback from various persons he has talked to. The Finding of Fact were moved by Trustee Meade, second by Trustee Dickson, passed unanimously. A resolution granting a special permit was moved by Trustee Harris, seconded by Trustee Dayer, passed unanimously.

TELEPHONE (716) 434-8807  
FAX (716) 433-7867

VILLAGE OF EAST AURORA  
6404 ROBINSON ROAD, Inc.

RECEIVED

6404 ROBINSON ROAD  
LOCKPORT, NEW YORK 14094

DEC 16 1991

December 11, 1991

Village of East Aurora  
Village Hall  
571 Main Street  
East Aurora, NY 14052

Attn: Jerry C. Hiller  
Village Clerk

Dear Mr. Hiller:

In accordance with your notice of public hearing, scheduled for 8:00 p.m., Monday, December 16th upon the request of Robert Kowal and Jimmy Lam for the premises at 677 Main Street, East Aurora, we advise as follows.

As we are the owners of record of the premises at 695 Main Street (south side - Main, east side - Temple Place), we feel it is only right to air our concerns to the abuse of parking by customers of the surrounding businesses on Main Street. We have a private parking lot for approximately thirty cars which is to be used exclusively by our tenants. This lot is plowed, paved and cleaned solely at the joint expense of our tenants and ourselves. While we do not object to new businesses coming into the area, we do object to the ongoing requests for relief in the zoning ordinances with respect to parking. This is continuing to put greater load on our parking lot at our expense.

Please advise us of any solutions you may have to rectify this ongoing problem.

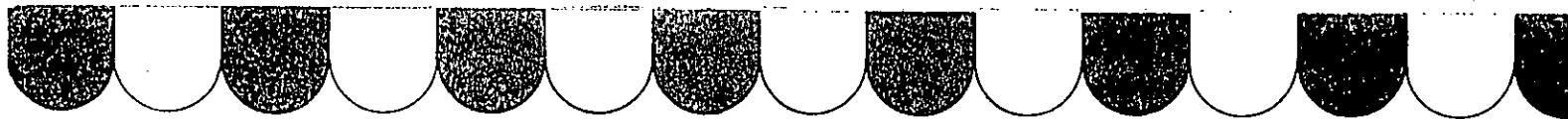
Respectively submitted,



CC: U Board  
SAC

Glen Hiller  
Vice President

GH:sir



# VIDLER'S 5 & 10

East Aurora's Original 5 & 10 — Located on Historic Main Street



EDWARD W. VIDLER, President  
ROBERT S. VIDLER, JR., Vice President

SINCE 1930

December 9, 1991

VILLAGE OF EAST AURORA  
RECEIVED

DEC 12 1991

Jerry C. Hiller  
Village Clerk  
Village of East Aurora  
571 Main Street  
East Aurora, NY 14052

Dear Mr. Hiller:

Anything that the Village Board of Trustees can do to encourage more business in the traditional, Historic Main Street business district would be greatly appreciated. The marketplace is becoming increasingly more competitive, and East Aurora needs as many draws as possible.

As you are aware, all available space has already been converted to village free parking - thanks to earlier planning by former village boards and businesses.

I believe Robert Kowal's application for a variance is reasonable and should be approved. Thank you for your consideration.

Sincerely,

Edward W. Vidler

## FINDINGS OF FACT RE PREMISES 677 MAIN ST., EAST AURORA, NEW YORK

1. That the premises in question are located in a "C" Zoning District.
2. That quick-service restaurants are a permitted use in a "C" 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.
3. That the granting of the Special Use Permit herein will not adversely affect traffic flow in the area, adversely affect pedestrian or vehicular traffic safety in the area, will not adversely affect the fire control in the area, will not produce any objectionable increase in noise levels in the area, and will not have an adverse effect on the local area or the community at large.
4. That no residences presently exist adjacent to the premises or nearby to the premises, but rather the premises are bounded on all sides by commercially zoned premises.

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December 16, 1991  
Page 4.

5. That the matter of the issuance of a Special Use Permit herein was referred to the Planning Commission of the Village of East Aurora, New York, and said Planning Commission recommended the granting of this Special Use Permit permitting the operation of the quick-service restaurant.

Moved by Trustee Meade, seconded by Trustee  
Dickson,

AYES 6  
NAES 0

**SPECIAL USE PERMIT**

ISSUED TO: ROBERT KOWAL, OWNER, AND JIMMY LAM (TENANT)

BY: VILLAGE BOARD OF TRUSTEES, VILLAGE OF EAST AURORA, NEW YORK.

Pursuant to Section 93-42 of the Code of the Village of East Aurora, New York, the Village Board of Trustees does hereby issue this Special Use Permit to ROBERT KOWAL, Owner, and JIMMY LAM, Tenant, permitting the use of premises commonly known as 677 Main Street, East Aurora, New York, for a quick-service restaurant.

This Special Use Permit shall allow on-premises dining accommodations for nineteen (19) people.

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 issued subject to the permittees complying with the off-street parking requirements of the Code of the Village of East Aurora, New York, or obtaining a variance therefrom from the Zoning Board of Appeals of the Village of East Aurora, New York.

This Special Use Permit shall not become effective until such off-street parking requirements are met or a variance granted by the Village of East Aurora Zoning Board of Appeals.

DATED: East Aurora, N.Y.  
December 16, 1991.

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

BY: John V. Pagliaccio

JOHN V. PAGLIACCIO, MAYOR.

**SPEAKERS AND COMMUNICATIONS**

Mayor noted that Barbill Tavern has notified Village Board of their intent to renew their liquor license.

STAFF, COMMITTEE & BOARD REPORTS

Trustee Marshall moved, with a second by Trustee Harris that the request of the CCA-13 Committee for video equipment as provided by Adelphia Cable TV under agreement be approved. Passed unanimously.

Trustee Dayer noted that the Capital Projects Committee has begun working on the 1992 - 1998 capital budget.

Mayor noted that the Police Chief has met with NYSDOT representatives concerning the curve on Rte 20A near Mill Road intersection where recent accident occurred.

RESOLUTIONS & MOTIONS

The following resolution was offered by Trustee Dayer, seconded by Trustee Marshall, passed unanimously.

**RESOLUTION FOR IMPROVING STREET LIGHTING**

RESOLUTION NO. 91.12.16.01

DATED: December 16, 1991

WHEREAS, the Village Board of the Village of East Aurora strives to minimize annual expenditures for highway lighting purposes, and

WHEREAS, a significant portion of utility owned highway lighting facilities, in service for many years, utilize mercury vapor light sources which are less efficient than available high pressure sodium light sources which provide an increased level of illumination at a lesser operating cost, and

WHEREAS, the Village Board desires to institute a multi-year conversion program whereby current utility owned mercury vapor luminaries are replaced with the more efficient high pressure sodium luminaries, providing a reduction in annual utility company billings while providing increased levels of illumination,

NOW, THEREFORE, BE IT RESOLVED, that the New York State Electric and Gas Corporation be and is hereby directed and authorized to proceed at no cost to the Village with a multi-year conversion program to the extent permitted under P.S.C. No. 118 replacing the Village of East Aurora's 7500 and 9400 watt mercury vapor facilities with high pressure sodium facilities with the aforesaid conversion to also apply to the replacement of defective equipment within the NYSEG service territory.

Offered by Trustee Dayer

Seconded by Trustee Marshall

NOTE: Estimated savings based on current rates: \$2,618/yr.

Passed unanimously

UNFINISHED BUSINESS

Mayor reported that NOREC will be dissolved, PROREC was never formed and all assets of NOREC are being sold. Mayor noted that perhaps a new organization arising from the small community members of NOREC, Northeast, Northwest and Southtowns Solid Waste Management Boards will form a new organization to pursue mutual goals. Trustee Marshall expressed dismay over the problem how the large communities "used" the small communities and causing the failure of NOREC.

December 16, 1991  
Page 6.

NEW BUSINESS

Trustee Dayer moved, seconded by Trustee Sutell that Dan Tirone, CPA be retained by the Village to conduct an audit of the LaSalle ambulance services contract for an estimated fee of \$1,650.00. Passed unanimously.

Mayor announced the cancellation of the December 30 1991 work session due to the holidays and light work load of the Village Board.

EXECUTIVE SESSION - None

ADJOURNMENT

At 8:30 PM Trustee Dayer moved for adjournment, seconded by Trustee Dickson, passed unanimously.

Respectfully submitted,

Jerry C. Hiller  
Village Clerk