

Village of East Aurora
 Regular Meeting of the Board of
 Trustees

January 5, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 p.m.

Roll Call - Present: Mayor Eyres, Trustees Pagliaccio, Marshall,
 Hamilton, Sleeper, Thompson and Smith

Absent: None

Staff Present: Village Clerk-Treasurer Zittel
 Village Attorney Howitt
 Police Chief Smallback
 Building Inspector Colby
 Village Engineer Latona

- I. March 17, 1981 Election - Resolution Amending November 3, 1981
 Resolution Designating Vacant Office and
 Terms of these Offices:

MEMORANDUM

TO: Village Board of Trustees, Village of East Aurora

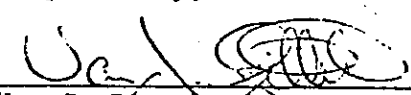
RE: Adoption of Resolution amending the Resolution adopted November 3,
 1980, designating the offices to be filled at the March 17, 1981
 General Village Election and designating the terms thereof, in view
 of the repeal of Local Law No. 14-1980 on December 15, 1980.

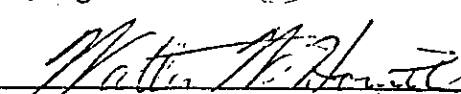
FROM: Village Attorney - Walter W. Howitt & Village Clerk-Treasurer - Van J. Zittel

DATE: December 29, 1980

1. Your Board of Trustees adopted the Resolution required by paragraph 3(a) of Section 15-104 of the Election Law, designating the offices to be filled at the next Village Election to be held on March 17, 1981, and designating the terms thereof after Local Law No. 14-1980 had been adopted. The said Resolution specified that the terms of office of three (3) Village Trustees to be elected would be three (3) years and the term of office of the Village Justice would also be three (3) years, all in accordance with paragraph 7(b) of Section 3-302 of the Village Law. Upon repeal of Local Law No. 14-1980 by your Board of Trustees on December 15, 1980 after reconsideration, pursuant to Section 9-906 of the Village Law, the term of office of the Mayor and all Trustees reverted to two (2) year terms and the term of office of Village Justice again becomes four (4) years, pursuant to paragraph 3 of Section 3-302 of the Village Law.
2. Accordingly, it would be appropriate for your Village Board of Trustees to adopt a Resolution amending the designation of offices to be filled and designating the terms thereof, to reflect the repeal of Local Law No. 14-1980.
3. A draft of a proposed Resolution to so amend the designation of offices and terms is attached to this Memorandum.

Respectfully,


 Van J. Zittel
 Village Clerk-Treasurer


 Walter W. Howitt
 Village Attorney

Upon explanation of the above memorandum by Mayor Eyres, Trustee Smith moved, Trustee Hamilton seconded, and a unanimous vote carried the following resolution:

R E S O L U T I O N

RESOLUTION AMENDING DESIGNATION OF OFFICES TO BE FILLED AT GENERAL VILLAGE ELECTION TO BE HELD ON MARCH 17, 1981 AND THE TERMS OF SUCH OFFICES

WHEREAS, a Local Law extending to four (4) years the terms of office of Mayor and all Trustees of the Village of East Aurora, New York, and providing that all General Village Elections be held biennially in even numbered years by adding such Local Law as Chapter 19 to the Code of the Village of East Aurora, New York was adopted by the Board of Trustees of the Village of East Aurora on November 3, 1980, subject to a permissive referendum; and

WHEREAS, based upon such Local Law being Chapter 19 of the Code of the Village of East Aurora, the Village Board of Trustees on the same day (November 3, 1980) adopted a Resolution designating the following offices as vacant at the end of the current official year, to be filled at the General Village Election to be held on March 17, 1981, for terms as listed:

- One (1) Trustee for a term of one (1) year;
- Three (3) Trustees for three (3) year terms each;
- One (1) Village Justice for a term of three (3) years; and

WHEREAS, pursuant to the provisions of Section 9-906 of the Village Law, the question of the adoption of the said Local Law extending to four (4) years the terms of office of Mayor and all Trustees of the Village of East Aurora, New York, and providing that all General Village Elections be held biennially in even numbered years by adding such Local Law as Chapter 19 to the Code of the Village of East Aurora, New York, was reconsidered and upon reconsideration was repealed on December 15, 1980; and

WHEREAS, pursuant to Section 3-302 of the Village Law of the State of New York, the terms of office of Mayor and each Trustee shall be two (2) official years and the term of office of Village Justice shall be four (4) official years, in the absence of a Local Law providing for a different term, it is necessary that the Resolution designating the office or offices to be filled at the General Village Election to be held on March 17, 1981 and designating the term or terms thereof, to be amended accordingly.

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, 1981, for terms as listed:

- One (1) Trustee for a term of one (1) year;
- Three (3) Trustees for two (2) year terms each;
- One (1) Village Justice for a term of four (4) years;

2. The Village Clerk is hereby directed to publish this Resolution in full in the East Aurora Advertiser, the official Village newspaper.

3. This Resolution shall take effect immediately.

II. Capital Expenditures Committee - Appointment of Members:

Mayor Eyres prefaced the appointments by stating that this committee would make recommendations to the Board for inclusion in the June 1, 1981 to May 31, 1982 budget. However, as only two Board Members would be on the committee, and the full Board would be required to act on the committee recommendations, Mayor Eyres suggested that all Board Members sit in on as many of the meetings as they can.

Thusly, Mayor Eyres appointed Deputy Mayor Hamilton and Trustee Marshall to represent the Board on the committee and asked for a motion from the Board to confirm the appointments.

Upon a motion by Trustee Smith, a second by Trustee Pagliaccio, the above appointments were confirmed by unanimous vote.

III. CLERK-TREASURER - Permission to Attend Special Workshop:

In preparation for the March 17, 1981 Village Election, Mayor Eyres entertained for a motion that Clerk-Treasurer Zittel and one other be authorized to attend the Conference of Mayors Village Elections Workshop being held in Utica, New York on January 30, 1981.

Trustee Hamilton moved to grant permission and reimburse for all expenses. With a second by Trustee Marshall, the motion carried unanimously.

IV. Minutes of Prior Meetings:

Trustee Hamilton moved, Trustee Marshall seconded, and the vote was unanimous to approve the Minutes of the December 15, 1980 Board Meeting as submitted and corrected.

V. Audit of Bills:

Deputy Mayor Hamilton moved that the bills as audited this date by the Mayor and Trustees be approved and ordered paid. With a second by Trustee Marshall, the motion carried by unanimous vote.

V. A. Easement - Bronson Property on South Street:

Upon a motion by Trustee Pagliaccio, a second by Trustee Marshall, and a unanimous vote in favor; this item was added to this agenda.

Mayor Eyres noted that today's receipt of the following letter required the above addition to this agenda.

RONNE R. KOBIS

FREDERICK J. MARSHALL
ASSOCIATE

ATTORNEYS AND COUNSELORS AT LAW

ROYCROFT PROFESSIONAL CENTER
39 SOUTH GROVE STREET
EAST AURORA, NEW YORK 14052
716 652-3311

BRANCH OFFICE
766 FRENCH ROAD
CHEEKTOWAOA, NEW YORK 14227
716 668-6670

January 5, 1981

Hon. Lawrence E. Eyres
Mayor, Village of East Aurora
571 Main Street
East Aurora, New York 14052

Re: Easement granted South Street
Bronson property

Dear Mr. Eyres:

You will recall that some time ago Mrs. Bronson granted the Village an easement across her property located south of South Street.

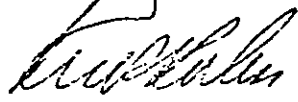
The easement was provided to the Village to enable the Village to pursue a drainage relief program for the southeast quadrant of the Village.

The prospective purchaser of this property, New York State Electric & Gas, has requested written confirmation that any drainage ditch or pipe be covered to a point sixty (60) feet south of the south line of the prospective New York State Electric & Gas property, a distance of 525 feet in all.

My client would appreciate such confirmation so the real estate transaction may be closed as soon as possible.

Thank you for your cooperation in this matter.

Yours truly,



Ronne R. Kobis

After discussion by various Board and Staff members, and Mr. Harold Foss, an involved property owner, Trustee Hamilton moved to table this item until the January 19, 1981 meeting to facilitate the updating of pertinent information. Upon a second by Trustee Pagliaccio, the motion carried unanimously.

Mayor Eyres referred this to the Village Staff for a current report. Trustee Hamilton suggested that perhaps an intended use plan could be obtained from the developer through Attorney Kobis.

VI. Comments from the Floor:

Call for and hearing none, Mayor Eyres moved on to . . .

VII. Reports from the Staff:

Supt. of Public Works Lang requested and was granted permission be absent.

Building Inspector Colby referenced his January 2, 1981 memorandum to the Board, regarding the subject of demolition permits, and noted he was pursuing more information on this matter.

Village Engineer Latona noted he was working with Village Attorney Howitt on an official Village map and that field crews from his office would soon be addressing the Sycamore Street drainage situation.

Clerk-Treasurer Zittel reported that he expected to hear from the East Aurora School system about their approval of a new contract for sewer service. That a renewal of the Marine Midland parking lot lease should be addressed at the next meeting. And that financing on the Elm/Persons water line was renewed on January 2, 1981.

Village Attorney Howitt reported that he had a memorandum coming to the Board regarding his opinion that the Village is no longer under restriction as to sewer taps.

VIII. Items from Board Members:

Trustee Smith commented that Tannery Brook may present a flooding problem this spring. Mayor Eyres responded that monitoring was being done to divert any potential problem.

Trustee Pagliaccio inquired as to the status of the storm drainage study. Village Engineer Latona responded that the third study area funding was being pursued by himself and Mayor Eyres. Trustee Pagliaccio also suggested the need for scheduling and publicizing regular work-session meetings. Village Attorney Howitt ruled that this would be acceptable.

Trustee Marshall agreed as to the need for regularly scheduled and publicized work-sessions. He also suggested and the Board concurred in scheduling a work-session for January 12, 1981 to handle current items.

Mayor Eyres noted a Village Official's meeting regarding Disaster Preparedness, in Hamburg, New York. He informed the Board that he had obtained an eligibility list from Civil Service for new policemen. He reminded the Board of the January 28, 1981 meeting at Fisher-Price Toys. He notified the Board of Supt. Lang's upcoming vacation and his provisions for having members of his crew fill in in his absence. He asked that the following report be included in these minutes.

VILLAGE OF EAST AURORA, NEW YORK
BUILDING PERMIT REPORT FOR YEAR 1980

MONTH	RESIDENTIAL DWELLINGS		ACCESSORY BUILDINGS		ALTERATIONS		DEMOLITIONS		NON-RESIDENTIAL NEW		ALTERATIONS	
	Count	Value	Count	Value	Count	Value	Count	Value	Count	Value	Count	Value
January	1	60,000	0	-0-	2	3,500	0	-0-	0	-0-	2	1,800
February	2	115,000	0	-0-	0	-0-	0	-0-	0	-0-	1	73,000
March	1	65,000	0	-0-	1	5,200	0	-0-	0	-0-	1	15,000
April	0	-0-	3	19,455	0	-0-	0	-0-	1	200,000	1	30,000
May	2	120,000	1	1,800	2	6,000	2	1,000	0	-0-	1	69,000
June	1	65,000	3	13,200	3	17,700	0	-0-	0	-0-	1	5,250
July	0	-0-	3	12,000	2	12,000	2	4,300	0	-0-	1	750
August	2	120,000	1	2,500	1	13,000	2	10,100	0	-0-	1	500
September	4	247,000	0	-0-	4	12,800	2	500	1	150,000	0	-0-
October	1	125,000	1	8,500	2	17,000	1	500	0	-0-	1	7,800
November	2	114,000	0	-0-	1	1,500	1	500	0	-0-	1	40,000
December	0	-0-	0	-0-	1	8,000	1	500	0	-0-	1	40,000
TOTAL	16	1,031,000	12	57,455	19	96,700	10	16,900	2	350,000	12	243,100

COMPARISON:	1977		1978		1979		1980	
	Count	Value	Count	Value	Count	Value	Count	Value
Residential Permits	47	774,565	47	735,294	63	804,985	47	1,185,155
Non-Residential Permits	11	151,575	8	55,825	8	130,400	14	593,100
Includes (10-1976 permit renewals)	6	5,475	2	1,920	5	3,200	10	16,900
Demolition Permits	6	5,475	2	1,920	5	3,200	10	16,900
TOTAL ALL PERMITS	74	\$ 931,615	57	\$ 793,039	76	\$ 938,585	71	\$ 1,795,155

Note: Estimated Cost of construction, or demolition, as provided by applicant. Renewals not listed per month.

Respectfully submitted,

Carlton C. Coffey
Carlton C. Coffey
Village Building Inspector

CCC:dd

cc: Village Board

Mayor Eyres also noted the recent communication he received from the Conference of Mayors concerning the identification toxic substances and the alerting of employees who handle same. This item is currently being researched.

IX. Motion to Adjourn:

At 9:15 p.m., Trustee Hamilton moved to adjourn. On a second by Trustee Sleeper the motion carried unanimously.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

VJZ/jm

Village of East Aurora
 Regular Meeting of the Board of
 Trustees

January 19, 1981

At 8:00 p.m. Mayor Eyres called the meeting to order with a pause for a moment of silence on behalf of our hostages in Iran, and observed the Pledge of Allegiance to the Flag.

Roll Call: Present - Mayor Eyres, Trustee Pagliaccio, Marshall, Hamilton, Thompson and Smith

Absent - Trustee Sleeper

Staff Present - Clerk-Treasurer Zittel
 Village Attorney Howitt
 Police Chief Smallback
 Supt. of Public Works Lang
 Building Inspector Colby
 Village Engineer Latona

I. Train Station Restaurant - Request for Special Use Permit:

Upon the reading aloud of the following letter:

G. EDWARD FUSIA
 70 Church Street
 East Aurora, New York 14052
 (716) 655-1990

January 14, 1981

The Honorable Lawrence E. Eyres
 & East Aurora Board of Trustees
 571 Main Street
 East Aurora, New York 14052

Gentlemen:

Please consider this letter application for a Special Use permit under Section 93-42 of the Village Code for the premises located on Riley Street, commonly known as the Pennsylvania Railroad Station.

The undersigned intends to renovate the structure for use as a full service restaurant, seating approximately 96 patrons. It is our intention to retain the architecture of the exterior and utilize much of the existing interior in the conversion to the restaurant.

Please consider the following points in your review of this request:

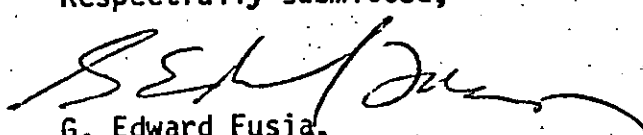
- 1) This site is zoned Industrial and the proposed use is first permitted in a Commercial zone; therefore, no rezoning is required and the proposed use will compliment neighboring Commercial uses.
- 2) There are no residential structures or uses in the vicinity of the property.
- 3) Riley Street is a wide, curbed street designed for commercial and industrial traffic. The intended use of the property, and its location, will not create traffic or safety concerns and there is sufficient space on the site for off-street parking.

- 4) The vacant structure, under previous ownership, created public safety concern and threatened the continued existence of the building which is considered by many to be a local "landmark". Granting the permit will allow renovation of the structure and the permanent elimination of the public safety problem created by the abandonment of the building. The general clean-up and renovation will eliminate existing visual pollution and sanitation problems.
- 5) The Village Board of Trustees has previously approved a special use permit for this site for a food service use.
- 6) The petitioner understands that all other applicable provisions of the Village Code must be met or legal variances therefrom obtained.
- 7) The petitioner intends to begin work promptly, and would agree to a reasonable expiration date of this permit in the event that this special use is not undertaken.

In summary, we believe this project is in the best interest of the community and that it will preserve a currently endangered historic site, while providing a needed service.

We request you schedule the required Public Hearing, at your earliest convenience, and we trust that you will act favorably on this petition.

Respectfully submitted,


G. Edward Fusia,
Contract Vendee

Mayor Eyres recognized Mr. G. Edward Fusia who presented tentative plans for the development of the restaurant.

Mr. Fusia pointed out that he was handling the real estate end of the restaurant and that Mr. Dean Gavin, an area resident, will be operating the restaurant.

Pursuant to this informal presentation, Mayor Eyres instructed Mr. Fusia to provide the Village Staff with the finalized development plans, as quickly as possible, to enable proper considerations required in Section 93-42 of the Village Code.

Trustee Hamilton then moved to set the required public hearing for 8:00 p.m. February 2, 1981 and instruct the clerk to advertise and mail the proper public notices. Upon a second by Trustee Marshall the motion carried by unanimous vote.

II. Bronson Property Easement - Clarification:

Pursuant to the receipt of the following letter,

RONNE R. KOBIS

FREDERICK J. MARSHALL
ASSOCIATE

ATTORNEYS AND COUNSELORS AT LAW

ROYCROFT PROFESSIONAL CENTER
39 SOUTH GROVE STREET
EAST AURORA, NEW YORK 14052
716 652-3311

BRANCH OFFICE
766 FRENCH ROAD
CHEEKTOWAGA, NEW YORK 14227
716 668-6670

January 5, 1981

Hon. Lawrence E. Eyres
Mayor, Village of East Aurora
571 Main Street
East Aurora, New York 14052

Re: Easement granted South Street
Bronson property

Dear Mr. Eyres:

You will recall that some time ago Mrs. Bronson granted the Village an easement across her property located south of South Street.

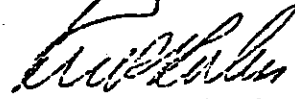
The easement was provided to the Village to enable the Village to pursue a drainage relief program for the southeast quadrant of the Village.

The prospective purchaser of this property, New York State Electric & Gas, has requested written confirmation that any drainage ditch or pipe be covered to a point sixty (60) feet south of the south line of the prospective New York State Electric & Gas property, a distance of 525 feet in all.

My client would appreciate such confirmation so the real estate transaction may be closed as soon as possible.

Thank you for your cooperation in this matter.

Yours truly,



Ronne R. Kobis

and the tabling of this item at the January 5, 1981 meeting, the following Village Staff report was read aloud.

M E M O R A N D U M

TO: Mayor Lawrence E. Eyres and Village Board of Trustees
FROM: The Village Staff
RE: Request of Marion Bronson by her Attorney for agreement of the Village Board of Trustees to cover 525 feet of prospective drainage ditch in easement granted to the Village south of South Street extending to Cazenovia Creek
DATE: January 14, 1981

1. By easement recorded in Liber 8752 of Page 301 on February 9, 1979, Marion Bronson granted a 50 foot wide temporary easement and 15 foot wide permanent easement for a storm water channel (system) across the premises owned by her lying south of South Street and extending to Cazenovia Creek. This easement contained provisions for the installation of a covered pipe in a portion of the storm water easement channel (system).

2. This easement was obtained in connection with the comprehensive plan for storm water drainage from the southeast quadrant of the Village in connection with which Krehbiel Associates had prepared plans and specifications dated June of 1979, No. 78K160S. It must be presumed that Mrs. Bronson and/or her representatives were familiar with the said plans at the time the easement was executed.

3. Sheet 1 of the said plans shows that the northerly 295 feet of the drainage easement would have installed in it a 66-inch pipe extending southerly from the northerly bounds of the easement to a dry rip rap headwall constructed across the permanent portion of the drainage easement. Sheets 1 and 4 show that the balance of the drainage easement would be a 15 foot wide ditch.

January 19, 1981

Page 4

and the proposed contours of the said 15 foot wide ditch are a part of the said plan. The location and extent of the proposed covered pipe not shown on the plan is attached to this memorandum.

4. Accordingly, the southerly portion of the easement channel (175+ feet) and the rest of the easement extending across a 60 foot wide right-of-way southerly to Cazenovia Creek was to be an open 15 foot wide ditch.

5. The specifications in re of the proposed drainage project required at least a minimum of 2 1/2 foot dirt cover on top of the 66-inch pipe.

6. It appears that there is nothing in the plans and specifications or in the written easement to indicate any commitment on the part of the Village of East Aurora to install pipe and cover any more than the northerly 295 foot portion of the storm water drainage easement obtained from Marion Bronson in January of 1979 for a consideration of \$3,000.00.

7. The estimated cost of furnishing and installing a 66-inch covered drainage pipe at the time the said plans and specifications were prepared in July of 1979 was \$100.00 per lineal foot.

Also attached is a copy of a letter from Mrs. Bronson's Attorney, Ronne R. Kobis, dated January 5, 1981.

Respectfully submitted,

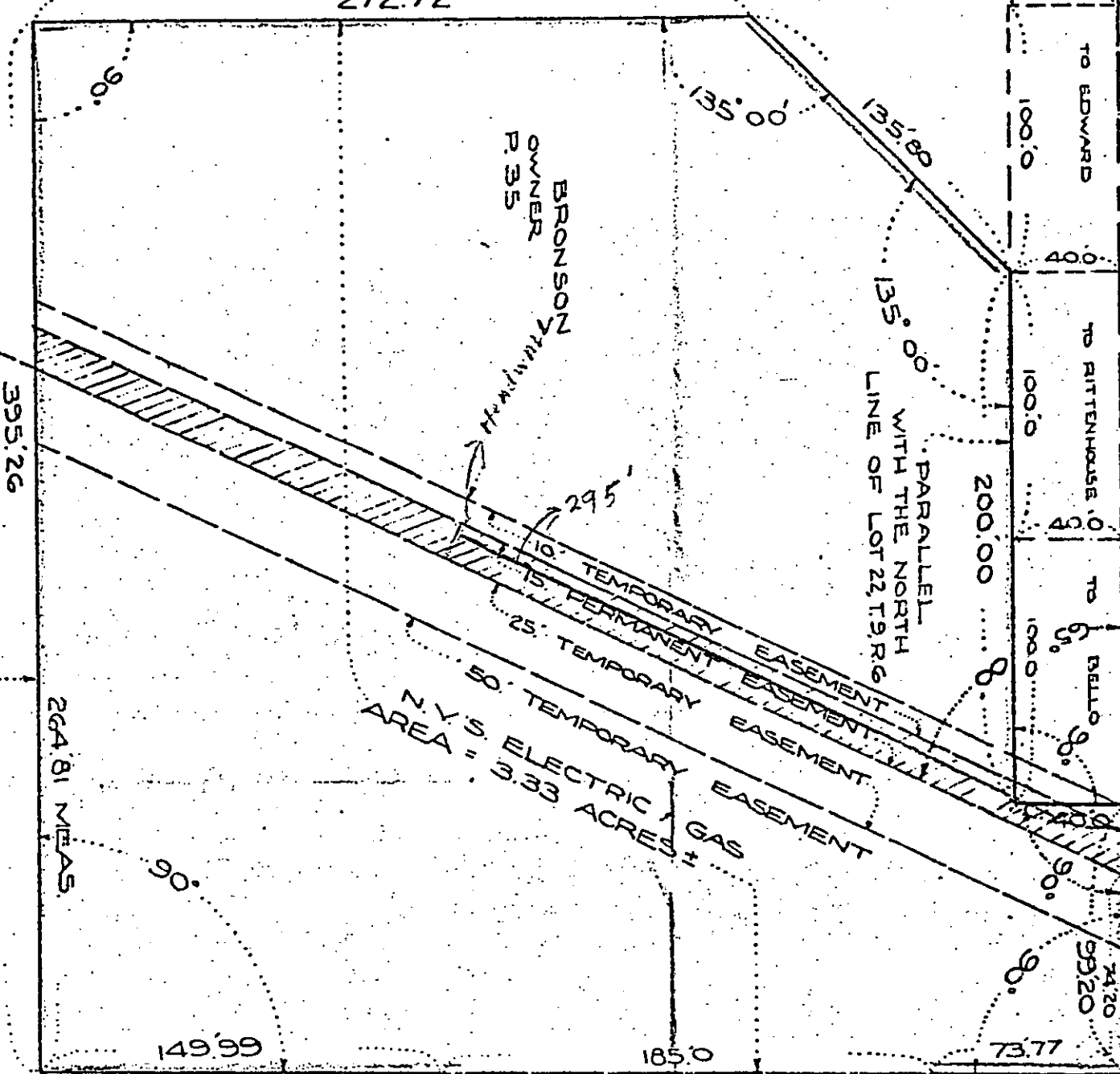
The Village Staff

LANDS OF
N.Y. ELECTRIC

MARION
REPUTED
L. 8510

BRONSON
OWNER
P. 35

272.72



395.26

264.81 MEAS.

PARALLEL WITH THE
NORTH LINE OF
LOT 22, T. 9, R. 6

BRONSON TO
C.B. HARRINGTON
L. 7460 P. 317

GREEN TO
C.B. HARRINGTON
L. 6545 P. 331

M. BRONSON TO
C.B. HARRINGTON
L. 7460 P. 317

WILLIAM FOSB
JOHN GREEN
L. 5334 P. 569

267.85

217.83

VILLAGE OF EAST

HAROLD FOSB &
JUNE TANNER
TO
HAROLD FOSB
L. 7318 P. 411

N.Y.S. ELECTRIC & GAS
AREA = 0.913 ACRES
EXCLUDING HIGHWAY

262.30 MEAS.

212.30

AURORA

FOSB TO
CHEVROLET, INC.
L. 5058 P. 425

UTILITY POLE
2 TRANSFORMERS
EAST

EAST

LINE - LOT

Mayor Eyres clarified through Village Engineer Latona that Mrs. Bronson, through her representative Harold Foss, was indeed aware of the full scope of the drainage project plans prior to the negotiation of the easement.

Clarification of various points by Attorney Kobis, representing Mrs. Bronson, Mr. Marks, Manager of N.Y.S. Electric and Gas Corp., and Mr. Harold Foss resulted in the following resolution in an effort to bring the 2 year old facts up-to-date.

RESOLUTION STATING METHOD BY WHICH THE TEMPORARY AND PERMANENT STORM WATER CHANNEL EASEMENT GRANTED TO THE VILLAGE OF EAST AURORA BY MARION BRONSON AND RECORDED IN LIBER 8752 OF DEEDS AT PAGE 301 ON FEBRUARY 9, 1979, WILL BE DEVELOPED BY THE INSTALLATION OF A COVERED DRAIN PIPE AND CONSTRUCTION OF AN OPEN DITCH AT SUCH TIME AS A COMPREHENSIVE STORM WATER DRAINAGE SYSTEM FOR THE SOUTHEAST QUADRANT OF THE VILLAGE OF EAST AURORA IS IMPLEMENTED.

WHEREAS, the Village of East Aurora obtained a storm water drainage easement from Marion Bronson on February 9, 1979 in connection with the comprehensive plan for storm water drainage from the southeast quadrant of the Village of East Aurora in connection with which Krehbiel Associates, Inc. have prepared plans and specifications, which easement was recorded in Liber 8752 of Deeds at page 301 in the Erie County Clerk's Office, and which easement granted to the Village a fifty (50) foot wide temporary easement and a fifteen (15) foot wide permanent easement for a storm water channel across premises owned by the said Marion Bronson, lying south of South Street and extended to Cazenovia Creek; and

WHEREAS, the Village of East Aurora has not to date implemented the said comprehensive plan for storm water drainage; and

WHEREAS, the said Marion Bronson, owner-contract vendor, and New York State Electric and Gas Company, contract vendee, have requested written confirmation as to the portion of the said easement in which a covered pipe will be installed, if and when a storm water drainage system is installed in the said easement area; and

WHEREAS, the Village of East Aurora has caused plans and specifications to be prepared by Krehbiel Associates, Inc., covering the comprehensive drainage plan for the southeast quadrant of the Village of East Aurora, which plans (No. 78 K-160S) provide for the installation of a sixty-six (66) inch drainage pipe in the northerly two hundred ninety-five (295) feet of the permanent easement area and for the construction of a fifteen (15) foot wide drainage ditch in the remaining southerly portion of the said easement area; and

WHEREAS, it would be the intention of the Village Board of Trustees to construct a storm water drainage system in the said easement in accordance with the plans and specifications prepared by Krehbiel Associates, Inc., if and when a comprehensive plan for the storm water drainage from the southeast quadrant of the Village of East Aurora is implemented.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

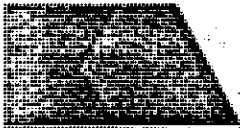
1. If and when the Village of East Aurora undertakes to construct a storm water drainage system in the easement area covered by the easement from Marion Bronson recorded in Liber 8752 of Deeds at page 301, it will install a covered pipe in the northerly two hundred ninety-five (295) foot portion of the said easement in accordance with plans and specifications prepared by Krehbiel Associates, Inc.

2. If and when the Village of East Aurora undertakes to construct a storm water drainage system in the said easement area, it will permit the owner of the lands subject to the said easement, or the said owner's agents, to install a covered pipe in the open ditch portion of the said easement, provided such continuation of the covered drainage pipe is installed in accordance with plans and specifications prepared by the Village Engineer of the Village of East Aurora and at no expense to the Village of East Aurora.

3. If and when the Village of East Aurora undertakes to construct a storm water drainage system in the said easement area, the owner of the said lands subject to the said easement, or the owner's agents, can make tap-in connections to the storm water drainage pipe and system installed by the Village of East Aurora, as approved by the Village Board of Trustees and the Village Engineer, and at no expense to the Village of East Aurora, to accommodate surface water drainage from premises now owned by Marion Bronson.

The foregoing resolution was moved by Trustee Hamilton, seconded by Trustee Marshall and carried with six (6) affirmative and no negative votes.

III. Elm/Persons Paving and Drainage Project - Change Order #2:



**KREHBIEL
ASSOCIATES, INC.**

1868 NIAGARA FALLS BLVD. • TONAWANDA, N.Y. 14150 • 716-693-9300

January 5, 1981

Honorable Village Board
Village of East Aurora
East Aurora, New York 14052

Re: Estimate #2
Change Order #2
Elm-Persons Streets

Dear Board Members

Enclosed is the following:

1. Estimate #2 in favor of Joseph J. Kelly Blacktop Incorporated in the amount of \$2,353.72.
2. Change Order #2 in the amount of \$3,831.40 for additional work performed, due to necessary field adjustments.

We have reviewed the above items, find them satisfactory,
and recommend payment.

Very truly yours

KREHBIEL ASSOCIATES, INC.

John G. Niblock
John G. Niblock

JGN/dc/80K79
Enclosures

KREHBIEL ASSOCIATES, INC.
1868 Niagara Falls Blvd.
Tonawanda, New York 14150

CHANGE ORDER NO. 2

DATE: December 19, 1980

CONTRACT NO.

KAI JOB NO. 80K79

TO: Joseph J. Kelly Blacktop Inc.
1426 Borden Road
Depew, New York 14043

PROJECT NO.

ADDITION: \$3,831.40

DEDUCTION: \$

UNDER YOUR CONTRACT DATED September 11, 1980 with Village of East Aurora
Owner for Elm-Persons Pavement, Curb and Storm Drainage

You are hereby requested to comply with the following contract
modifications: Under Stipulated Prices Add The Following Items:

X-7	4" Concrete Walk - Remove and replace 506 S.F. at \$1.80 per S.F.	\$ 910.80
X-8	6" Concrete Walk - Remove and replace 94 S.F. at \$2.40 per S.F.	225.60
	TOTAL	\$1,136.40

Increase the following items:

Item 3	154 L.F. of curb with 24" underdrain at \$17.50 per L.F.	\$2,695.00
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The sum of \$ 3,831.40 is hereby added to the contract.
The current completion date of _____ is hereby extended
_____ days to _____ for the completion of work under this
contract.

Original Contract	C.O. No.	Addition	Deduction	Contract to date
\$95,905.25	1	\$5,821.25	--	\$101,726.50
\$95,905.25	2	\$3,831.40		\$105,557.90

ACCEPTED BY *Joseph J. Kelly* DATE 1-6-81
(Contractor)

RECOMMENDED BY *John G. Niblock* DATE 12-29-80

APPROVED BY _____ DATE _____

ELM-PERSONS STREETS
PAVING AND DRAINAGE
VILLAGE OF EAST AURORA

Estimate No. 2 (Work completed as of Dec. 18, 1980)

Date December 29, 1980

Joseph J. Kelly Blacktop, Inc.
1426 Borden Road
Depew, New York 14043

KREHBIEL ASSOCIATES, INC.
Job No. 80K79

No. Bid Item	Description	Amount	Unit	Price	Item Cost	Completed to Date		Completed for Previous Est.		Amount In Estimate
						No. Unit	%	Amount	%	
1.	Lump Sum Bid for preparation of subgrade for 21" AC Pavement	L.S.			15,964.00	L.S.	100	15,964.00		15,964.00
2.	Furnish all labor, material and equipment necessary to construct 30" wide poured-in-place gutter type concrete curb with 6" PPC Pipe	2,400 L.F.		9.90	23,760.00	1866	100	18,473.40		18,473.40
3.	Furnish all labor, material and equipment necessary to construct 30" wide poured-in-place gutter type concrete curb with 15" RCP	140 LF		17.50	2,450.00	141.5	100	2,476.25		2,476.25
4.	Construct 21" asphaltic concrete pavement - 25' wide.	3,550 SY		12.95	45,972.50	3238	100	41,932.10		41,763.75
5.	Construct Standard Masonry Receivers	6 Ea.		650.00	3,900.00	7	100	4,550.00		4,550.00

Estimate No. 2 (Work for this estimate completed as of) Date December 1980
 Joseph J. Kelly Blacktop, Inc.

KREHBIEL ASSOCIATES, INC.
 Job No. 80K79

NO. Bid Item	Description	Amount	Unit Price	Item Cost	Completed to Date		Completed for Previous Est.		Amount Th. Estimate	
					No. Unit	%	Amount	%		Amount
6.	Construct masonry or pre-cast manholes including frames, cover, steps, stubs, etc.	2 Ea.	750.00	1,500.00	1	100	750.00		750.00	
7.	F & D along trench site RCP, ASTM Class IV-C-76	80 LF	5.00	400.00	118.5	100	592.50		385.00	207.50
	18" R.C.P.	20 LF	11.00	220.00						
	24" R.C.P.	185 LF	11.00	2,035.00	74.5	100	819.50		2,513.50	-1,694.00
	15" R.C.P.	175 LF	11.00	1,925.00	24.5		269.50			269.50
8.	T, L, & B including sheeting, shoring, handling water, etc. pipe with Class "C" Bedding	20 LF	9.00	180.00						
	12" R.C.P.	10 LF	10.00	100.00						
	24" R.C.P.									
9.	T, L, & B with select material, including sheeting, shoring, handling water, etc. pipe with Class "C" Bedding	LF	9.00							
	18" R.C.P.	20 LF	7.00	140.00	74.5	100	521.50		521.50	
	24" R.C.P.	175 LF	7.00	1,225.00						
	12" R.C.P.	60 LF	7.00	420.00	118.5	100	829.50			829.50
	15" R.C.P.	35 LF	9.00	315.00	24.5	100	220.50			220.50

Estimate No. 2 (work for this estimate completed as of _____) Date December 1980
 Joseph J. Kelly Blacktop, Inc. KREHBIEL ASSOCIATES, INC.
 Job No. 80 K 79

No. Bid Item	Description	Amount	Unit Price	Item Cost	Completed to Date		Completed for Previous Est.		Amount This Estimate	
					No. Unit	%	Amount	%		Amount
10.	F, D, * I 6'-4" R.C. guard posts		8 Ea.	65.00	520.00					
11.	Lump Sum Bid for F,D, & I wooden barricade as shown on plans	L.S.			700.00					
TOTAL					101,726.50		87,398.75		84,921.15	2,477.60

Estimate No. 2

Joseph J. Kelly Blacktop, Inc.

KREHBIEL ASSOCIATES, INC.
Job No. 80K79

December 1980

Date of Starting Contract _____

Date of Completion of Contract _____

Total Estimate No. <u>2</u>	\$ <u>87,398.75</u>
Less 5% Retained	\$ <u>4,369.94</u>
Less Previous Payments	\$ <u>80,675.09</u>
Amount due Contractor	\$ <u>2,353.72</u>
Estimate No. _____	\$ _____

APPROVED:

KREHBIEL ASSOCIATES, INC.

By [Signature]

Date 12-29-80

Upon explanation of the necessity of the above, and the approval of same by Village Supt. of Public Works Lang and Village Engineer Latona, Trustee Pagliaccio moved for approval and payment of the change order. After a second by Trustee Smith, a unanimous vote carried the motion.

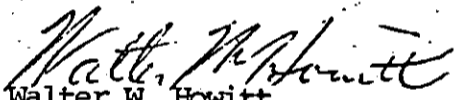
IV. Village Parking Lot - Millard Fillmore Place - Renewal of Lease with Marine Midland Bank:

MEMORANDUM

TO: Mayor and Village Board of Trustees, Village of East Aurora
RE: Renewal parking lot lease in re parking lot on south side of Millard Fillmore Avenue across from rear of Marine Midland Bank
FROM: Village Attorney Walter W. Howitt
DATE: January 15, 1981

1. As stated in memorandum dated November 25, 1980, the 10-year lease of the parking lot situated at the south side of Millard Fillmore Avenue across from the rear of the Marine Midland Bank as a Village parking lot expires on February 1, 1981. The Village constructed the paved surface and provided lighting for the said lot 10 years ago.
2. Per conversations with Marine Midland bank officers, the bank desires to continue the lease arrangement for another 10 year period provided there is an arrangement in the lease under which either the Village, as lessee, or the bank, as lessor can terminate the lease upon written notice.
3. Attached hereto is a copy of a proposed lease which extends the current lease for a further period of 10 years, which lease differs from the earlier lease in that it (a) does not require the Village to construct any further hard pavement or lighting and (b) provides for the right of either party to terminate upon thirty (30) days written notice.

Respectfully,


Walter W. Howitt
Village Attorney

Upon the reading aloud of the above memorandum, Trustee Smith moved to approve the terms of the new lease and authorize Mayor Eyres to finalize same with Marine Midland Bank. Trustee Pagliaccio seconded and six (6) affirmative and zero (0) negative votes carried the motion to approve the following lease.

LEASE AGREEMENT

THIS AGREEMENT, made this 20 day of January, 1981 by and between MARINE MIDLAND BANK, N.A., a national banking association with an office at One Marine Midland Center, Buffalo, New York 14203 (formerly MARINE MIDLAND - WESTERN, a New York domestic corporation organized and existing under the laws of the State of New York, having its principal office at 237 Main Street, Buffalo, New York) hereinafter referred to as the Party of the First Part, and THE VILLAGE OF EAST AURORA, a municipal corporation having its principal office at 571 Main Street, East Aurora, New York 14052, hereinafter referred to as The Party of the Second Part.

WITNESSETH :

WHEREAS, the Parties hereto have heretofore entered into a Lease Agreement dated February 15, 1971 under which the premises hereinafter described were leased by the Party of the First Part to the Party of the Second Part as a public parking lot, subject to terms and conditions contained in said Lease; and

WHEREAS, the Party of the Second Part has heretofore constructed a hard surface on the said parking lot and has provided adequate illumination for the said parking lot; and

WHEREAS, the said Lease Agreement so dated February 15, 1971 covered a period ending February 1, 1981; and

WHEREAS, the Parties hereto desire to continue and extend the said Lease Agreement for a further period of time.

NOW, THEREFORE, in consideration of the payment of One Dollar (\$1.00) by the Party of the Second Part to the Party of the First Part, receipt of which is hereby acknowledged, the Party of the First Part does hereby grant, demise and lease unto the Party of the Second Part, its successors and assigns, and the Party of the Second Part does hereby agree to take and hereby does take all that certain tract and premises situate in the Village of East Aurora, County of Erie and State of New York shown within the lines drawn in red on a certain plan and survey made by David S. Freeman, P.L.S. and dated September 24, 1970, which said plan and survey is annexed hereto as "Annex A" and made a part of this Lease Agreement and as hereinafter described, which tract and premises are hereinafter referred to as the parking lot, to occupy, maintain and use the same for a public parking lot until the 1st day of February, 1991:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Aurora, Village of East Aurora, County of Erie and State of New York, being part of Lot 23, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the south line of Millard Fillmore Avenue (16 feet wide) as released by H. H. Persons to the Village of East Aurora, at a distance of One hundred fifty-one and nine-tenths (151.9) feet easterly from the intersection of said south line of Millard Fillmore Avenue and the easterly line of Elm Street (49.5) feet wide; thence easterly along the south line of Millard Fillmore Avenue a distance of Ninety-three and three-tenths (93.3) feet to a point; thence southerly at right angles a distance of Ninety-seven (97) feet to lands owned by Daisy Butlin and formerly owned by J. Vogt; thence westerly along the north line of lands of Butlin a distance of Ninety-two (92) feet to a point which is distant ninety-seven and five-tenths (97.5) feet southerly from the place of beginning; thence northerly a distance of Ninety-seven and five-tenths (97.5) feet to a place of beginning.

EXCEPTING from the above described premises, the northerly five (5) feet by ninety-three and three-tenths (93.3) feet which were conveyed to the Village of East Aurora, described as follows: Town of Aurora, Village of East Aurora, County of Erie, State of New York, being part of Lot 23, Township 9, Range 6 of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at the northwest corner of lands conveyed to Leslie G. Dinsbier by Gerald P. Youngers by deed dated March 22, 1946 and recorded in Erie County Clerk's Office on the same day in liber 3854 of Deeds at page 580; thence easterly and along the north line of lands conveyed to Leslie G. Dinsbier as aforesaid, being the south line of Millard-Fillmore Place, so called (16 feet wide) a distance of ninety-three and three-tenths (93.3) feet more or less to the northeast corner of lands conveyed to Leslie G. Dinsbier as aforesaid; thence southerly along the east line of lands conveyed to Leslie G. Dinsbier as aforesaid a distance of five (5) feet; thence westerly parallel with the north line of lands conveyed to Leslie G. Dinsbier as aforesaid, a distance of ninety-three and three-tenths (93.3) feet more or less to the west line of lands conveyed to Leslie G. Dinsbier as aforesaid; thence northerly along said west line a distance of five (5) feet to the point of beginning.

PROVIDED, ALWAYS, however, that the Party of the Second Part hereby agrees as follows:

1. That it will maintain a hard surface on the above described parking lot in a manner approved by the Village Engineer of the Village of East Aurora and will keep the said parking lot free and clear from ice and snow.
2. That there shall be no "all night parking" permitted on the said parking lot.
3. That it will maintain such light standards and lights in and on the said parking lot as shall, in the opinion of the Village Engineer of the Village of East Aurora, adequately illuminate the said parking lot for public parking purposes.
4. That it will obtain and maintain in effect, public liability insurance on the said parking lot during the term of this agreement and does hereby indemnify and hold harmless the Party of the First Part and its successors and assigns from any and all claims, demands, suits, actions and judgments for or on account of damage or injuries caused by or due to the fault or negligence of the Party of the Second Part in connection with its occupancy, maintenance or use of the said parking lot.

IT IS FURTHER AGREED between the Parties hereto:

That either Party hereto may at any time terminate this Lease as to all or any portion of the leased premises (parking lot) by giving written notice to the other Party of its intention to so terminate this Lease as of a date not earlier than thirty (30) days from the date of notice.

That this lease shall be binding upon and inure to the benefit of the successors and assigns of the respective Parties hereto.

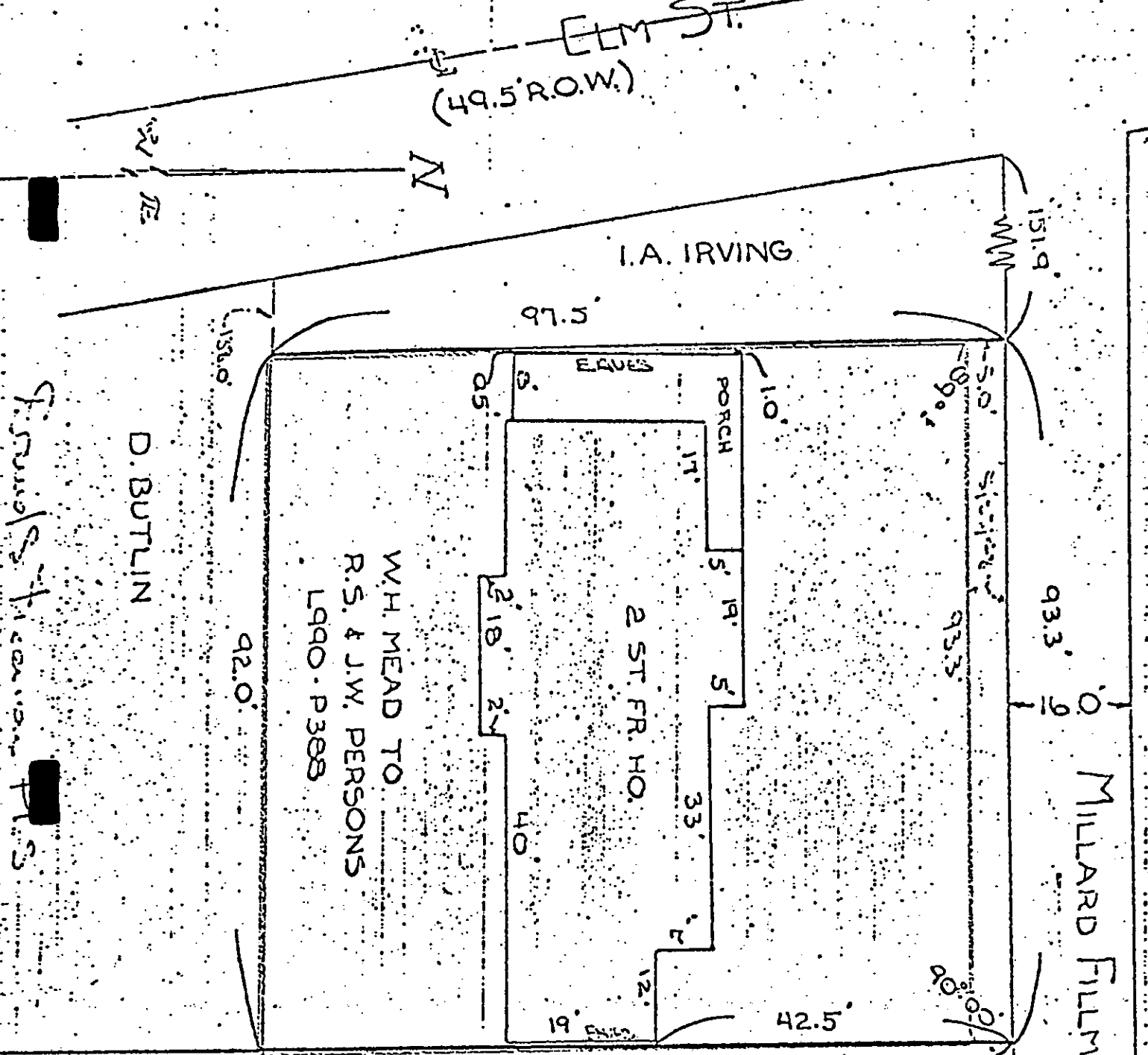
IN WITNESS WHEREOF, the Parties hereto have executed this agreement the day and year first above written.

MARINE MIDLAND BANK, N.A.

By Francis M. O'Brien
Operations Manager

THE VILLAGE OF EAST AURORA

By Lawrence E. Eyres
Mayor



F. Swails of Mead & P.S.

D. BUTLIN

W.H. MEAD TO
R.S. & J.W. PERSONS
L990. P388

A SURVEY OF PART OF
LOT 23, T9, R6,
HOLLAND LAND CO.
SURVEY, VILLAGE OF
EAST AURORA, TOWN
OF AURORA, ERIE CO.,
N.Y.S. SEPT 24, 1970
SCALE: 1" = 20'

"Annex A"

V. Capital Expenditures Committee - Appointment to:

Mayor Eyres recommended to the Board that Mr. William Meyers, P.E. of 160 Blake Hill Road, who is a Village resident, a long time area resident, and an East Aurora fireman be appointed to the Capital Expenditures Committee for a term ending in April 1983.

Mayor Eyres then moved the approval of Mr. Meyers appointment, Trustee Hamilton seconded and the motion carried with six (6) affirmative and zero (0) negative votes.

VI. Planning Commission - Appointment to:

Mayor Eyres recommended to the Board that Mrs. Alice Askew of 416 Oakwood Avenue, who is a former East Aurora Advertiser editor, a freelance writer, and a concerned East Auroran be appointed to the Planning Commission for a term ending in April 1983.

Upon noting the approval of the chairman of the Planning Commission, Mayor Eyres himself moved for the approval of the above recommendation. With a second by Trustee Smith, the motion carried with six (6) affirmative and zero (0) negative votes.

VII. Zoning Board of Appeals - Appointment to:

Mayor Eyres recommended the appointment of Mr. John P. Spooner of 395 Girard Avenue to fill the vacancy on the Zoning Board of Appeals resulting from the resignation of Mrs. Peg Schuller.

Mr. Spooner, an East Aurora native and a former newspaperman familiar with East Aurora would serve a term ending in April 1981.

Thus, Mayor Eyres moved for the approval of the above recommendation. On a second by Trustee Hamilton, a vote of six (6) affirmative and zero (0) negative votes carried the motion.

VIII. Pines II Subdivision - Receipt of Clerk of Final Plat:

The Board heard the reading aloud of the following memorandum and noted the completion of the preliminary stages of the anxiously awaited new development.

M E M O R A N D U M

TO: Village Board of Trustees, Village Planning Commission
FROM: Village Clerk-Treasurer Van J. Zittel
RE: Pines II Subdivision Plat - Murco Development, Inc.
(Developer), Erie County Clerk Map Cover #2431 dated
12-12-80
DATE: January 13, 1981

In accordance with the provisions of East Aurora Village Code Chapter 81 entitled, "Subdivision of Land", specifically subchapter 6, A, 8, please be advised that on January 13, 1981 I did receive, and subsequently file in the Village Building Inspector's Office, a part of the Village Clerk's Office, a Final Subdivision Plat for "The Pines II Subdivision."

This plat appears to be properly endorsed by the Village Engineer, the Village Planning Commission, the Village Board, the Erie County Clerk, and the Erie County Health Department.

Also, with concurrence of Building Inspector Colby, the plat so filed above, appears to be that plat so approved by the Village departments prior to the submission to the Erie County authorities.

IX. O.S.H.A. Workshop - Authorization to Attend:

Executive Committee

MAYOR G. LAURENCE WHITE
PRESIDENT
MAYOR HERBERT D. BREWER
1ST VICE PRESIDENT
MAYOR IDA FRANKEL
2ND VICE PRESIDENT
MAYOR ERASTUS CORNING 2ND
TREASURER
MAYOR ROBERT J. PEACOCK
1ST PRESIDENT
MAYOR RONALD J. CANESTRARI
MAYOR STEVEN B. CARLSON

MASSENA
ONEIDA
LIBERTY
ALBANY
LAKE PLACID
COHOES
JAMESTOWN



CONFERENCE OF MAYORS
and Municipal Officials

119 WASHINGTON AVE. • ALBANY, N.Y. 12210 • TELEPHONE: (518) 463-1185

DONALD A. WALSH
GENERAL COUNSEL
DONALD F. LARSON
COUNSEL

GORDON C. PERRY, Ph.D.
EXECUTIVE DIRECTOR

Executive Committee

MAYOR KENNETH J. HERMAN
MAYOR DANIEL F. LEARY
MAYOR JAMES F. LETTIS
MAYOR ELEANOR A. SIMPSON
MAYOR ROBERT G. GARDNER
MAYOR PAUL W. LATTIMORE
MAYOR ALFRED J. LIQUORI
MAYOR DALTON R. MILLER

ANGOLA
WAVERLY
ONEONTA
OLD WESTBURY
WELLSVILLE
AUBURN
BINGHAMTON
HEMPSTEAD

JOHN H. GALLIGAN
MUNICIPAL PROGRAM SPECIALIST
CECILIA M. TYMANN
INFORMATION COORDINATOR
ROSS E. MUTH
MUNICIPAL PROGRAM SPECIALIST

Re: NY/OSHA Workshop
Friday, January 30, 1981
Rochester, New York

Dear Municipal Official:

In conjunction with the New York State Association of Counties and the New York State Public Employers Labor Relations Association, your Conference of Mayors will cosponsor a day-long workshop on the New York Occupational Safety and Health Law (NY/OSHA). A tentative program is enclosed. The meeting is scheduled for January 30th in Rochester.

Any municipal official with responsibility for administering NY/OSHA is welcome to attend. Please advise your department heads of this opportunity. Should questions arise about this program, please contact me.

Sincerely, yours,

John H. Galligan
JOHN H. GALLIGAN
Municipal Program Specialist

Trustee Hamilton moved to authorize Supt. of Public Works Lang and Trustee Marshall to attend the above described workshop and to reimburse the attendees for expenses incurred under Section 77b of the General Municipal Law. With a second by Trustee Pagliaccio, the motion was approved by unanimous vote.

X. Erie County Sales Tax on Home Heating Energy - Repeal of:

Mayor Eyres opened the discussion by referencing reports from the City of Buffalo, Town of Lancaster, Erie County Legislature, and information gained at the recent Village Officials Association meeting.

Lengthy discussion evolved with Trustee Pagliaccio pointing out that the loss of this revenue should be countered with a reduction in expenses rather than an increase in another tax; with Trustee Marshall suggesting that a plan for helping citizens to insulate to reduce their energy usage would be more effective; with Trustees Thompson and Smith noting that any repeal would be most effective if immediate rather than phased; and with Trustee Hamilton pointing out that necessities of life should not be taxed and that in taxing these necessities inflation is being promoted.

R E S O L U T I O N

WHEREAS, the Village Board of East Aurora has considered the impact of repealing the Erie County Sales Tax on Home Energy, and

WHEREAS, home heating fuel is a necessity and no other necessity is subject to sales tax, and

WHEREAS, the rapid increase of heating fuel costs is a major factor in an inflationary period,

NOW, THEREFORE, BE IT RESOLVED that the Village of East Aurora hereby requests the Erie County legislature to repeal the home energy sales tax over a three (3) year period at a rate of 1% per year, and be it further resolved that this reduction be treated as a reduction in revenue and not a shift in taxation from sales tax to property tax.

The above resolution, being moved by Trustee Pagliaccio, seconded by Trustee Hamilton was adopted by the following roll call vote:

Trustee Pagliaccio - Aye	Trustee Smith - No *
Trustee Marshall - Aye	Trustee Thompson - No *
Trustee Hamilton - Aye	
Mayor Eyres - Aye	

*Note: Although the Board was unanimously in agreement to repeal the tax, the No votes resulted because of the feeling that the impact to the people would be more beneficial if the tax was dropped all at once rather than phased out over a period of time.

XI. Minutes of Prior Meetings:

Trustee Marshall moved, Trustee Hamilton seconded, and the Board voted unanimously in favor of approving the Minutes of the January 5, 1981 meeting as submitted.

XII. Audit of Bills:

Deputy Mayor Hamilton moved to approve the bills as audited by the Mayor and Trustees this evening and to order them paid. Upon a second by Trustee Marshall the motion was carried by a unanimous vote.

XIII. A. Variety Club Telethon - Request for Activities:

10 January 1981

To: Village Board
East Aurora, N.Y.
14052

Re: Variety Club Telethon - Childrens Rehab & Hospital

Members:

The East Aurora satellite of this telethon again requests permission for some of our activities. Specifically the Annual Winter Kick-Off parade and the 3rd Annual Rehab Run.

The Telethon is Feb 28th and March 1st this year and both of the above activities would be held on Saturday the 28th. The parade at approx 10:30 and the run beginning at 12 noon.

As in the past all activities will be fully coordinated with the proper village authorities.
The satellite itself will again be at the Middle school, the cafe area near N Grove street.

Hoping for your favorable consideration we are:

Floyd Silliman - Sweden, NY
Bev Strong



TOWN OF AURORA

5 South Grove Street, East Aurora, New York 14052

RECREATION DEPARTMENT - 652-8866

January 14, 1981

Honorable Lawrence E. Eyres, Mayor
Village of East Aurora
571 Main Street
East Aurora, New York 14052

Dear Mayor Eyres:

The Town of Aurora Recreation Department and the Aurora Athletic Club will again sponsor a 4-mile Rehab Run as part of the Variety Club Telethon to benefit Children's Hospital. The run is scheduled for 12:00 Noon on February 28, 1981. We are again requesting the cooperation of the Police Department in providing assistance for this run.

The race will start at the Middle School Parking lot, travel east on Fillmore to Whaley, to Girard, to North Willow, to Prospect, to Walnut, to Linden, to Syracuse, to Oakwood, to Elm, to Riley, to Girard, to Whaley and back to finish on Fillmore.

Bob O'Connor of Oakwood Avenue will be in charge of the race. Further information will be available at a later date, and Bob will be in touch with Chief Smallback a week or so prior to the race.

Thank you for your cooperation. If there are any questions, please contact me.

Sincerely,

Calvin W. Potwin
Calvin W. Potwin
Director of Recreation

Mayor Eyres noted this item that was received too late to be included on this agenda.

However, because this is a successful annual event Trustee Hamilton moved to add this to tonight's agenda. With a second from Trustee Pagliaccio, a unanimous vote carried the motion.

After brief explanation from Floyd Silliman, Trustee Smith moved to approve the Telethon and its related activities. Trustee

Thompson seconded and a unanimous vote carried the motion.

XIII. Comments from the Floor:

Mrs. John Smyth of 290 North Street asked if the Village intended to pursue the drainage project for the southeast quadrant involving the Bronson property discussed earlier in item #II of this meeting. Mayor Eyres responded that the original project had been discarded and that the Village had no present plans for renewing the project beyond the continuing necessity studies.

Mr. James W. Ford of 243 Cazenovia Street offered encouragement to the Board to continue deliberations regarding a sewer service decision. Mayor Eyres responded by outlining the exhaustive research that is being done to uncover the pertinent facts necessary to make a responsible lifetime decision.

Mrs. Hameister of the League of Woman Voters also encouraged the Board to speed deliberations in the light of efforts necessary to relieve the impending pollution concerns of her organization.

XIV. Reports from Staff:

Village Attorney Howitt offered the following report for the Trustees information.

MEMORANDUM

TO: Village Board of Trustees, Village Engineer, Village Building Inspector, Village Planning Commission and Village Superintendent of Public Works

RE: Current status of limitations upon new sanitary sewer tap-ins in the Village of East Aurora

FROM: Village Attorney Walter W. Howitt

DATE: January 5, 1981

1. Reference is made a memorandum upon this same subject dated February 22, 1980, a copy of which is attached herewith, complete with attachments:
2. Also attached hereto is a copy of Schedule A, which was a part of the attached August 10, 1978 New York State Department of Environmental Conservation Order on Consent. Paragraph 3B of Schedule A states that after the drop inlet was installed as required by paragraph 2C thereof by October 15, 1978, the Village of East Aurora may issue 20 (sewer) tap-ins for the calendar years of 1978, 1979 and 1980, which tap-ins shall be cumulative if the entire 20 are not issued in any one calendar year.
3. The said Order on Consent binds the Village of East Aurora to the terms and conditions set forth in the said Schedule A attached to the Order but is silent as to any limitations upon sewer tap-ins which would pertain after calendar year 1980.
4. Accordingly, it further appears from the ^{second} last sentence in the February 1980 letter from Department of Environment and Planning Commissioner Joan E. Lori that there is no present Erie County Order limiting sewer tap-ins in the Village of East Aurora and it further appears from the language of the August 10, 1978 NYS DEC Order on Consent that the 20 sewer tap-ins per year limitation limited to the area tributary to the overflow point at Girard and Whaley Avenues does not pertain after December 31, 1980.
5. From the foregoing, it appears that effective January 1, 1981, there are no limitations upon new sanitary sewer tap-ins in the Village of East Aurora by reason of Orders from the NYS DEC or the County of Erie.

Respectfully,

Walter W. Howitt
Walter W. Howitt
Village Attorney

XV. Items from Board Members:

Mayor Eyres noted a communication extending the IRS ruling regarding municipal temporary investments from an effective date of 1-2-81 to 5-31-81.

Mayor Eyres reminded the Board of a meeting of the Association of Erie County Villages on 1-22-81 and with the Middle Management Group of Fisher-Price on 1-28-81.

XVI. Motion to Adjourn - In Memory of Milton Cederquist:

Mayor Eyres entertained for a motion to adjourn in memory of Milton Cederquist who recently passed away. Mr. Cederquist served the Village diligently on many community committees, including the Town Needs Committee, and as Village Trustee.

Being so moved by Trustee Smith and seconded by Trustee Hamilton the meeting was adjourned at 10:30 p.m. by unanimous vote.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

VJZ/jm



Village of East Aurora

Regular Meeting of the Board of
Trustees

February 2, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 p.m.

Roll Call: Present - Mayor Eyres, Trustees Pagliaccio, Marshall,
Hamilton, Sleeper, Thompson, and Smith

Absent - None

Staff Present - Van J. Zittel, Clerk-Treasurer
Walter W. Howitt, Village Attorney
M. Raymond Smallback, Police Chief
Carlton C. Colby, Building Inspector
Joseph Latona, Village Engineer
Richard A. Bamberg, Jr., Fire Chief
Michael Gleed, Assistant Fire Chief
Roy W. Lang, Supt. of Public WorksI. Fire Truck - Report of Bid Opening:

Upon the reading aloud of the following memorandum:

M E M O R A N D U M

TO: Mayor Lawrence E. Eyres and Board of Trustees
 FROM: Village Clerk-Treasurer Van J. Zittel
 RE: Bid Opening - Fire Truck - January 28, 1981
 DATE: February 2, 1981

Please be advised that pursuant to Board authorization on December 1, 1981 and the advertisement for same in the official Village newspaper, the following bids were received and publically opened at 12:30 p.m. January 28, 1981 in the Village Clerk's Office.

Bid received from Buffalo Mack, Inc., 175 Jefferson Avenue, Buffalo, New York 14210 for:

Quantity:	One (1)
Product:	Custom Built Diesel Powered Fire Truck (Mack Model #CF686F15) automatic transmission
Price:	\$133,761.00 Complete, Net, F.O.B. East Aurora
Optional Bid:	\$6,012.00 Deduct with standard transmission

It appears that bidding procedures have been followed, however it is suggested that prior to acceptance or rejection of the bids that opinions from the Village Attorney, Village Superintendent of Public Works and the Village Fire Chief be solicited.

If accepted, a funding resolution shall be presented to adhere to the 75 day bid price guarantee.

VILLAGE OF EAST AURORA

VENDOR'S BID SHEET

VENDOR Buffalo Mack Inc.
 Name
175 Jefferson Avenue
Buffalo, New York 14210
 Address

Items to be Furnished	Manufacturer's Name and Product Identification No.	Quantity to be Furnished	Complete Price Net FOB East Aurora
Custom Build	Mack Model	-	
Diesel Powered	CF686F15	1	133,761.00
Fire Engine			

NOTE: Bid Bond shall be furnished in accordance with requirements as described in "Instructions to Bidders".

Amount of Bid Bond or Certified Check \$ 14,000.00

SUBMITTED BY Buffalo Mack Inc.
James P. O'Brien Pres.
 James P. O'Brien, Pres.

***** OPTIONAL BID *****

STANDARD TRANSMISSION:

The transmission shall be of the heavy duty type, constant mesh, five speeds forward and one reverse. Manufacturer must certify it is compatible with engine torque and horsepower as well as the vehicle gross load.

Clutch to be dual plate dry type, self adjusting clutch of sufficient size to handle the apparatus under any condition of load and grade. There shall be a minimum of four hundred fifteen square inches of contact area.

Deduct \$ 6012.00
Transmission and clutch to be same as East Aurora Mack

Mayor Eyres called upon Fire Chief Bamberg for a report from his truck committee.

Chief Bamberg reported that he was satisfied with the bid in that the specifications had been met. He elaborated that due to the private use of automatic transmissions, he and the truck committee would prefer the truck to be equipped with the automatic transmission. Chief Bamberg also commented that this truck complies with the vehicle standardization effort as it is very similar to the last truck purchased (E.A.F.D. #1).

As the bid opening was only 5 days previous, Trustee Smith moved to table the acceptance of the bid to facilitate better study of the bid received. Upon a second by Trustee Pagliaccio, the motion carried by unanimous vote.

Bond Resolution:

Upon explanation that financing of the purchase, should the bid be accepted, must be accomplished within the 75 day bid price guarantee period. Village Attorney Howitt confirmed that should the Board decide not to purchase the fire truck the bond resolution would become void.

Thus, Trustee Hamilton moved the following bond resolution:

BOND RESOLUTION OF THE VILLAGE OF EAST AURORA, NEW YORK,
ADOPTED FEBRUARY 2, 1981, AUTHORIZING THE PURCHASE OF A
1,500 G.P.M. PUMPER FIRE TRUCK, INCLUDING EQUIPMENT
AND APPARATUS USED IN CONNECTION THEREWITH, FOR THE FIRE
DEPARTMENT OF SAID VILLAGE, STATING THE ESTIMATED MAXIMUM
COST THEREOF, IS \$140,000, APPROPRIATING SAID AMOUNT
THEREFOR, INCLUDING THE APPROPRIATION OF \$7,000 CURRENT
FUNDS TO PROVIDE THE DOWN PAYMENT, AND AUTHORIZING THE
ISSUANCE OF \$133,000 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)
AS FOLLOWS:

Section 1. The Village of East Aurora ("Village"), in
the County of Erie, is hereby authorized to purchase a 1,500 G.P.M. pumper
fire truck, including equipment and apparatus used in connection
therewith, for the use of the Fire Department of the Village. The
estimated maximum cost of said specific object or purpose, including
preliminary costs and costs incidental thereto and the financing
thereof, is \$140,000 and said amount is hereby appropriated therefor,
including the appropriation of \$7,000 current funds of the Village to

provide the down payment required by law. The plan of financing includes the use of said current funds, the issuance of serial bonds to finance the balance of said appropriation and the levy of a tax upon all the taxable real property in the Village to pay the interest on said bonds and the principal thereof as the same shall become due and payable.

Section 2. Serial bonds in the principal amount of \$133,000 of the Village 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 specific object or purpose for which the bond authorized by this resolution are to be issued is the purchase of a motor vehicle used for fighting fires, including equipment and apparatus used in connection therewith, the estimated cost of which is in excess of \$5,000 and, in consequence, the period of probable usefulness of said specific object or purpose pursuant to the limitations of Section 11.00 a. 27 of the Law, is ten (10) years.

(b) Current funds are required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation of the sale thereof pursuant to Section 107.00 are now available in the current budget of the Village under the heading "9550.9 Down Payment for Capital Projects." The Village Treasurer is hereby authorized and directed to set aside said funds and to apply the same solely to the said specific object or purpose.

(c) The proposed maturity of the bonds authorized pursuant to the resolution will exceed five (5) years.

Section 4. Each of the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by §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 a general tax upon all the taxable real property within the Village without limitation as to rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal and interest on 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 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, pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of §50.00 and §§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 the 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 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 the 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 resolution shall be subject to a permissive referendum.

With a second by Trustee Sleeper the motion carried by roll call vote as follows:

Trustee Pagliaccio - Aye	Trustee Smith - Aye
Trustee Marshall - Aye	Trustee Thompson - Aye
Trustee Hamilton - Aye	Trustee Sleeper - Aye
Mayor Eyres - Aye	

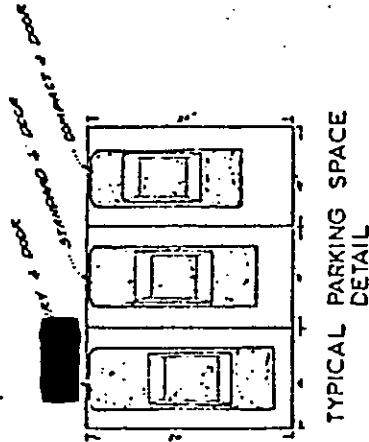
Trustee Hamilton moved for the Village Clerk to publish the above Bond Resolution in the official Village newspaper. With a second by Trustee Pagliaccio the motion was carried by a unanimous roll call vote of 7 ayes and no nays.

II. Train Station Restaurant - Public Hearing - Special Use Permit:

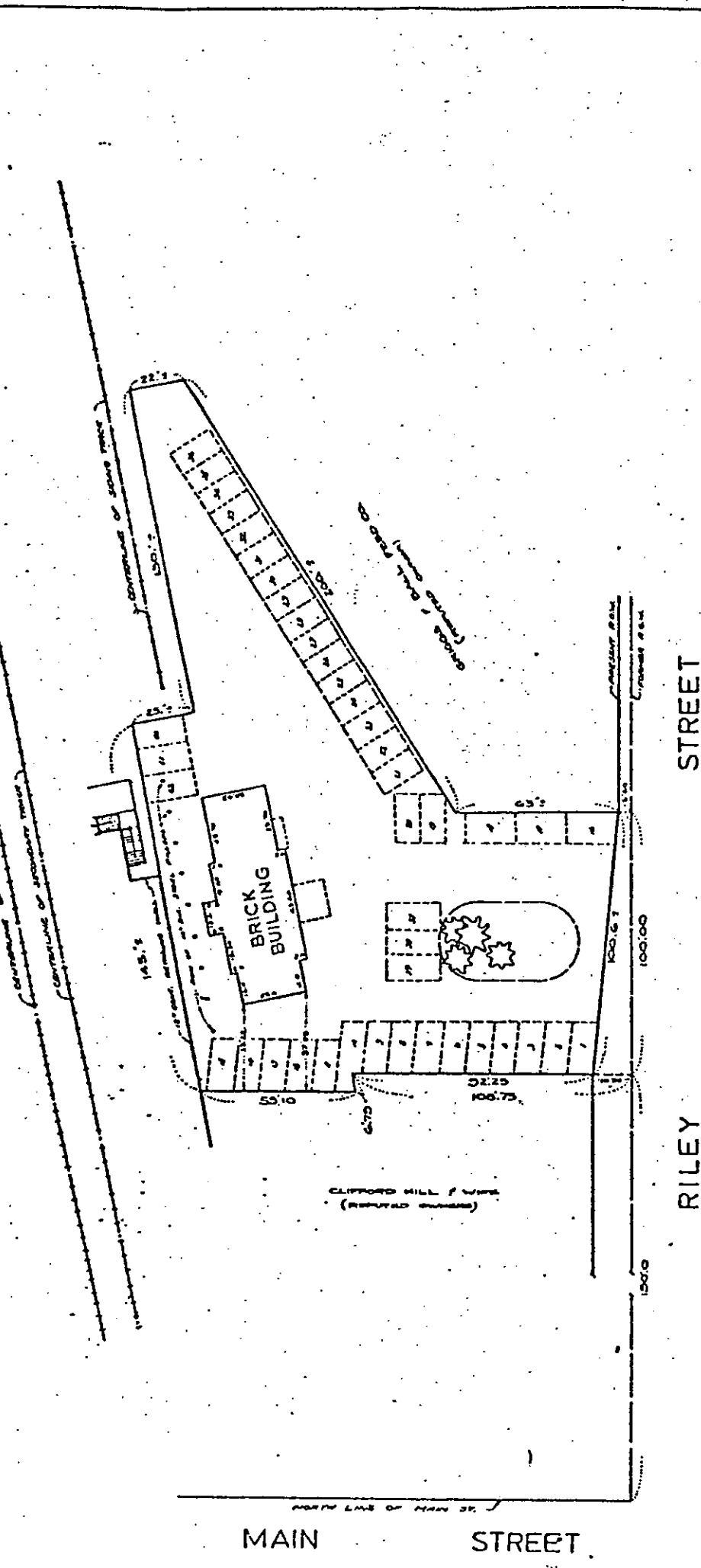
With the receipt of a letter of request and the scheduling of this Public Hearing at the 1-19-81 Board Meeting, Mayor Eyres opened the public portion of the hearing at 8:11 p.m. and called for comment from the floor.

Attorney Jay W. Ricketts, 654 Main Street representing G. Edward Fusia, 70 Church Street, contract vendee of the property at 27 Riley Street and Dean Gavin, 49 Shearer Avenue, restaurant operator, made a presentation elaborating upon the original permit request as submitted at the 1-19-81 meeting.

Attorney Ricketts displayed a sketch developed by surveyor Bill Newton, which because of the nature of the purchase contract between Mr. Fusia and Conrail, showed the tentative area to be used for the restaurant operation.



TYPICAL PARKING SPACE
DETAIL

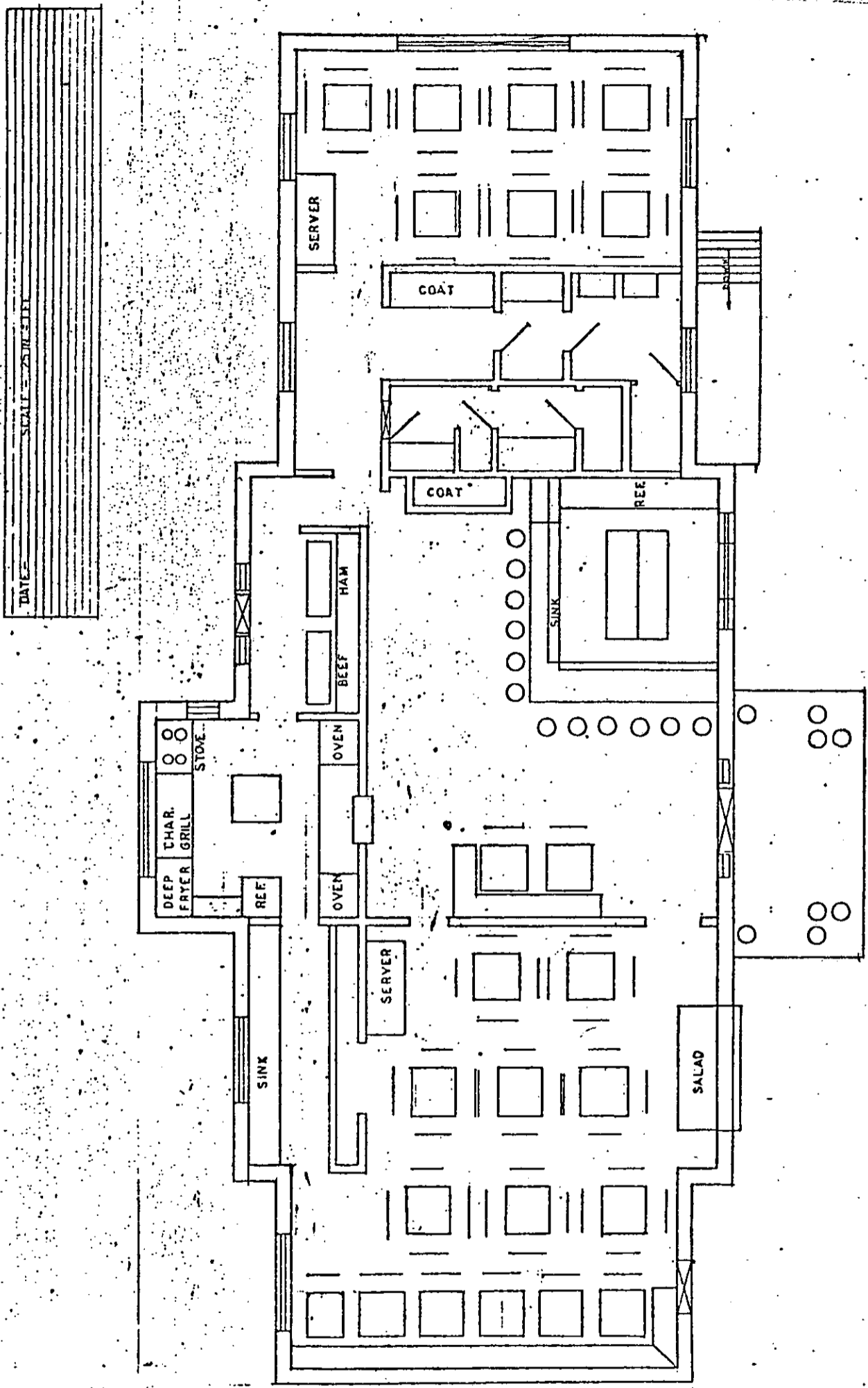


NOTE: NOT A SURVEY
TITLE INFORMATION FROM MARSHS DEEDS
& MAPS
MINIMUM AREA OF PARKING SPACE -
500 SQ. FT.

PROPOSED PARKING LAYOUT
PART OF LOT 24.T.9.R.6
VILLAGE OF EAST AURORA
TOWN OF AURORA

	WITNESSED BY	DATE	SCALE	TRV
	WILLIAM J. NEWTON	JAN 12, 1981	1" = 30'	TRV
	LAND SURVEYOR			
	27 HAMBURG ST., EAST AURORA, NY 14052			
PHONE: 716-942-7441				

Attorney Ricketts also presented the tentative interior plan as below:



Attorney Ricketts then called the Board's attention to the findings developed during the May 1979 granting of a permit to Caboose LTD to operate a restaurant at approximately the same location. In doing so he suggested that findings (see inclusion to Building Inspector's memo following) numbers 1-5, 7-11, 13-15, 18-19, and 21 still hold true for today's considerations.

At the close of the presentation, Mayor Eyres called for public comment and heard Michael Carini, 196 King Street, Bob Grey, Aurora Action Sports, Edward Vidler, Vidler's Department Store, Jim Berg, East Aurora Chamber of Commerce, Janice Wearman, Prospect Avenue, Jim O'Brien, 442 Fillmore Avenue, Virginia Vidler, Town and Village Historian, and Martha Bergman speak in favor of the proposed restaurant.

At 8:30 p.m., upon the completion of all those wishing to speak, Mayor Eyres closed the public portion of the hearing and referred the matter to the Board.

Trustee Hamilton asked that the final plans pay respect to necessary emergency control areas, provisions for refuse disposal and snow removal.

Police Chief Smallback concurred that there was no apparent problem with traffic from the Village parking lot directly across the street emptying into Riley Street.

Thus, the following memorandum from Village Building Inspector Colby was considered.

MEMORANDUM

TO: Mayor Lawrence E. Eyres &
Village Board of Trustees
FROM: Carlton C. Colby, Building Inspector
RE: Special Use Permit, Restaurant, Railroad Station, Riley Street
DATE: January 28, 1981

The application for the special use permit referred to above, together with attachments per communication dated January 22, 1981, submitted by G. Edward Fusia, has been examined and the following comments are submitted:

1. Pertinent information as required by the Code will need to be provided at the Public Hearing, i.e. Fire Control, Snow Removal, and Sanitation.
2. The restaurant floor plan indicates 88 person capacity, which would require, as per § 93:23, 2 off-street parking spaces per each 5 seats or standing spaces, which calculate the 35 space at 300 square feet or a total of 10,200 square feet of paved parking and maneuvering area.
3. It appears that there is area enough to provide the required off-street parking although the proposed parking configuration appears questionable as a functional design.
4. Parking design appears to restrict emergency vehicle access to the west side of the building.
5. The petitioner is correct in that the premises is presently in a MI Industrial Zone as shown on the present Village Zoning Map.
6. That a full service restaurant is a permitted use as that use first appears in the "C" Business Zoning District.
7. It would appear that a full service restaurant would not create a noise of a level which would adversely affect the general health and welfare of the Village residents when compared to the normal Railroad noise that has been associated with the premises.
8. The use of the premises was previously approved for a restaurant type use. A copy of the special permit is attached herto.

It is hoped that the above may be useful during your deliberation. A list of area restaurant facilities is also attached hereto for your information. Also for your information, street number 27 Riley has been assigned and may be referred to as such in the future.

MEMORANDUM

TO: Mayor Lawrence E. Eyres & Village Board of Trustees
FROM: Carlton C. Colby, Building Inspector
RE: Restaurants
DATE: January 28, 1981

<u>ADDRESS</u>	<u>BUSINESS NAME</u>	<u>TYPE CLASSIFICATION</u>
185 Main Street	The Bar-Bill Tavern	Bar
212 Main Street	McNeil's Harrington House	Bar & Full Service (also banquet facilities)
408 Main Street	Ronny's Pizz & Subs Inc.	Quick Service
510 Main Street	Charlie's Central Diner	Full Service
706 Main Street	Wayside Family Restaurant	Full Service
711 Main Street	Globe Hotel (presently closed)	Bar & Full Service
716 Main Street	Hubbard's Ice Cream & Sweats	Specialty Restaurant (Ice Cream Parlor)
726 Main Street	Fontana's	Full Service with Take Out Service
29 Elm Street	The Original Ice House	Bar & Full Service
11 Ernst Place	McDonalds	Quick Service
123 Grey Street	Your Host Restaurant	Full Service
128 Grey Street	Bellevia Restaurant (presently closed-fire damage)	Bar & Full Service
140 Grey Street	Dutch Haus Restaurant	Full Service
40 South Grove Street	Roycroft Inn	Bar & Full Service (also banquet facilities)
40 South Grove Street	Ali Babas Bar	Bar
34 Hamburg Street	Red Barn Restaurant	Quick Service
10 Hamlin Avenue	Hamlin Lanes	Bar
641 Oakwood Avenue	Wallenwein's Hotel & Bowling Alleys	Bar & Full Service
40 Riley Street	Village Kitchen Restaurant	Full Service
30 Whaley Avenue	Jackson Bowling Lanes	Bar
Legion Drive	American Legion Post 362	Bar (Members & Guests)
168 Quaker Road	Pizza Hut (under construction)	Full Service

Establishments outside the Village limits:

Main Street	Moose Club	Bar & Restaurant (Members & Guests)
Girdle Road	E.A. Country Club	Bar & Restaurant (Members & Guests)
Olean Road	Chet's Dog House	Quick Service
Olean Road	Iron Kettle Restaurant	Full Service
Blakely Road	Old Orchard Inn	Full Service
Buffalo Road	Oasis Restaurant	Bar
Buffalo Road	Bourbon Street Cafe	Full Service
Buffalo Road	North Star Inn	Bar & Full Service
Buffalo Road	Jobo Hut	Full Service

SPECIAL PERMIT

ISSUED TO: CABOOSE LTD. and its successors in interest
BY: VILLAGE BOARD OF TRUSTEES, VILLAGE OF EAST AURORA

Permitting the establishment of a yogurt and health and natural food restaurant in a railway caboose on premises in front of (east) of the Conrail railway passenger station on the west side of Riley Street in the Village of East Aurora as a permitted use pursuant to Section 93-42 of the Code of the Village of East Aurora

THIS SPECIAL PERMIT is hereby issued by the Village Board of Trustees of the Village of East Aurora following a public hearing held in the Village Board Room of the Village Hall, East Aurora, New York, before this Board on May 21 and May 23, 1979 after due publication of notice of hearing and mailing of re-

quired notices, to CABOOSE LTD., a New York corporation, based upon certain findings made by this Board of Trustees on May 23, 1979, which findings are of record and a copy of which is attached to this Special Permit.

THIS SPECIAL PERMIT removes the permit restriction placed on full-service restaurants as a permitted use in the C-Business District of the Village of East Aurora per Section 93-19A(4) of the Code of the Village of East Aurora and removes the permit restriction placed on quick-service restaurants as a permitted use in the C-M General Commercial District of the Village of East Aurora per Section 93-20A(12) of the Code of the Village of East Aurora to permit the establishment of a yogurt and health and natural food restaurant in a railway caboose structure in front of (east) of the Conrail passenger railway station on the west side of Riley Street in the Village of East Aurora in accordance with plans and diagrams filed in connection with the application of CABOOSE LTD. for this Special Permit, subject to the following conditions:

1. CABOOSE LTD. shall provide to the Village of East Aurora a written guarantee that upon the termination of the use of the proposed yogurt and health and natural food restaurant for the permitted purpose, the said caboose will be removed from the site at the expense of the said CABOOSE LTD. or its successors in interest.
2. Before the subject caboose is placed in the proposed location and before any permit may be issued authorizing the placement of the caboose in the proposed location, CABOOSE LTD. shall file with the Village of East Aurora an undertaking in form and amount satisfactory to the Village Board of Trustees guaranteeing the foregoing condition No. 1.

DATED: East Aurora, New York
May 25, 1979

FOR THE VILLAGE BOARD OF TRUSTEES
OF THE VILLAGE OF EAST AURORA

Loy W. Decker
Village Administrator
Clerk-Treasurer

Deputy

Matter of Application of Caboose Ltd. (Dorothy Streiwing, Margory Brauhn and Kathy Ramsey) for a special permit per Section 93-42 of the Village Code to establish a yogurt and health and natural food restaurant in a railway caboose in front of the Conrail station on the west side of Riley Street

Findings of the Village Board of Trustees following hearing held on May 21, 1979 and May 23, 1979

1. The proposed location of the caboose restaurant in front of the presently unused Conrail Railroad station building on the west side of Riley Street is in a paved off-street area with no "drive-through" traffic capability.
2. The proposed layout of the caboose restaurant and the existing paved area lend themselves to an adequate flow of traffic on premises.
3. The location of the restaurant as proposed would create no additional paved area in the neighborhood.
4. The location of the proposed restaurant is on Riley Street which is adequate to handle any additional traffic the business may generate.
5. Police Department records indicate no unusual problems with cars entering Riley Street from the large shopping center across the street.

6. The limited seating capacity of the proposed restaurant and the absence of drive-through traffic at the proposed restaurant site will create a minimum and limited increase in vehicular traffic in the area.
7. The location of the proposed restaurant is in the industrial zoning district and in an area devoted to commercial uses, is on a wide street on which vehicular traffic is controlled by traffic signals and with nearby public parking.
8. The location of a small restaurant in the proposed location should not create a "new" hazard for pedestrians since the Riley Street area currently produces a normally large volume of vehicular and pedestrian traffic.
9. There are no residences situated in the immediate neighborhood of the proposed restaurant and there is no pattern of school or other children pedestrian traffic in the area.
10. The proposed restaurant structure will be connected to no other building, is near an existing fire hydrant, is in a relatively uncongested area in a wide street and will create no unusual fire hazard.
11. There is adequate room for snow storage in the area of the proposed restaurant location.
12. The caboose restaurant as proposed provides seating places for eleven (11) or twelve (12) persons inside the restaurant, has no provision for passing prepared food through any window or opening to the outside of the restaurant and has no provision for outdoor eating.
13. The current businesses in the area adjacent to the proposed restaurant site include television sales and service, gasoline service stations, agricultural feed store, department store, supermarket, flower and garden shop, restaurant and ready-mix concrete.
14. The hours of operation of the proposed restaurant will have no or little conflict with the operation of the other businesses in the area.
15. A small restaurant in the proposed location should cause no noise pollution since it is separated from the nearest residences by a railroad embankment.
16. There is no over-concentration of yogurt and health and natural food restaurants in the Village of East Aurora.
17. The location of a railroad red caboose in front of the long-standing railroad passenger station building, together with the rehabilitation of the planting island and the addition of railroad memorabilia to the restaurant building will not adversely affect the appearance of the area.
18. The plans for the proposed restaurant include adequate provision for disposal of garbage and waste materials out of the public view.
19. The proposed restaurant facility does not structurally alter the Conrail passenger station which is a historically significant structure.
20. The location of the proposed restaurant in the vicinity of the currently unused Conrail passenger station with adequate provision for off-season (winter) enclosure will have no adverse effect upon the security of other structures in its vicinity.

21. No objection has been received to the issuance of the special permit requested from any of the owners of properties in the immediate neighborhood of the proposed restaurant after receipt of notice of hearing.
22. The general welfare, health and safety of the residents of the Village of East Aurora will not be adversely affected by the establishment of a yogurt and health and natural food restaurant in a railway caboose in front of the Conrail station on the west side of Riley Street.

Trustee Hamilton moved the following findings, Trustee Thompson seconded and a unanimous vote of seven in favor carried the motion.

FINDINGS

1. The railroad station property is located on a wide curbed street which has been recently rebuilt to accommodate commercial and industrial traffic with adequate safety provisions for pedestrian traffic in the area.
2. The site plan for the development of the railroad station building as a restaurant indicates availability of sufficient off-street parking and additional public off-street parking areas are available near by.
3. There appears to be provision for reasonable access to the premises for emergency vehicles.
4. There are no residential structures or uses in the vicinity of the railroad property; and accordingly, any traffic, lighting, noise, etc. produced by a restaurant operation will have no adverse effect upon residential areas.
5. The property in question is in the industrial zoning district and the proposed restaurant use being first permitted in the business zoning district is appropriate in relation to neighboring commercial uses.
6. The railroad building is currently vacant and in disrepair. The granting of a permit for the use of the structure as a full-service restaurant will result in the restoration of the structure and the elimination of a potential public safety problem.
7. There are adequate on-site provisions for snow storage, snow removal, and garbage disposal.
8. Notice of hearing was given to all owners of property within 500 feet of the railroad station premises and published as required by statute. No objections to the granting of a restaurant permit for the premises was received and upwards of nine comments in favor of the granting of such a permit have been received.
9. The general welfare, health and safety of the residents of the Village of East Aurora will not be adversely affected by the establishment of a restaurant at 27 Riley Street in this Village.
10. The restoration of the railroad station structure to its original design will have a positive and beneficial visual result and reverse a trend toward visual pollution in the area.
11. It is in the best interest of the Village of East Aurora that any permit for the use of the Pennsylvania Railroad Station premises at 27 Riley Street for a full-service restaurant be limited and conditioned upon a Certificate of Occupancy for such a full-service restaurant being issued within one (1) year from the issuance of any approving special permit for such use per Section 93-42 of the Code of the Village of East Aurora.

Based upon the above findings, Trustee Hamilton moved for the approval of a Special Use Permit as requested. With a second by Trustee Pagliaccio the motion carried by seven votes in favor of granting the following Special Use Permit.

SPECIAL USE PERMIT

ISSUED TO: G. EDWARD FUSIA, Contract-Vendee, and his successors
in interest

BY: VILLAGE BOARD OF TRUSTEES, VILLAGE OF EAST AURORA

Permitting the establishment of a full service restaurant in the railroad station premises at 27 Riley Street in the Village of East Aurora, as a permitted use pursuant to Section 93-42 of the Code of the Village of East Aurora

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 in the Village Board Room of the Village Hall, East Aurora, New York, before this Board on February 2, 1981, after due publication of notice of hearing and mailing of required notices, to G. EDWARD FUSIA, Contract-Vendee, and his successors in interest, based upon certain findings made by this Board of Trustees on February 2, 1981, which findings are of record and a copy of which is attached to this Special Use Permit.

THIS SPECIAL USE PERMIT removes the permit restrictions placed on full-service restaurants as a permitted use in the C - Business District and the M-I Industrial District of the Village of East Aurora, pursuant to Section 93-19 A (4) and Section 93-21 A.(1) of the Code of the Village of East Aurora to permit the establishment of a full-service restaurant facility in the railroad station premises known as 27 Riley Street in the Village of East Aurora in accordance with plans and diagrams filed with the application of G. EDWARD FUSIA, Contract-Vendee, and is issued subject to the following condition:

1. This Special Use Permit will terminate and be of no effect unless a Certificate of Occupancy for the use of said premises at 27 Riley Street, East Aurora, New York, as a full-service restaurant is issued by the Building Inspector of the Village of East Aurora within one (1) year from the date of issuance of this Special Use Permit.

Dated: East Aurora, New York
February 2, 1981

FOR THE VILLAGE BOARD OF TRUSTEES
OF THE VILLAGE OF EAST AURORA


Van J. Zittel, Village Clerk-
Treasurer

III. Election Inspectors - Board Appointment Of:

Upon reference to the following memorandum,

M E M O R A N D U M

TO: Village of East Aurora Board of Trustees.
FROM: Village Clerk-Treasurer Van J. Zittel
RE: Appointment of Election Inspectors - March 17, 1981
Village Election
DATE: January 23, 1981

Section 15-116 of the Election Law provides in Subdivision 1 that inspectors of election shall preside at all Village elections. On January 7, 1980 the following persons were appointed:

Inspectors: Florence Burnett, Chairman
Nancy Czerminski, Marjorie Crocoll,
Justina Semenza
Poll Clerks: Laura Howes, Catherine Smallback,
Alternate (Clerical) Linda MacIver

I have contacted all of the above, and except for Florence Burnett, all persons have agreed to continue in service or be reappointed as has been done in past years.

As statute provides February 5, 1981 as the last day to appoint the above, I would suggest addressing the appointments and chairmanship designation at the February 2nd meeting.

Compensation for the personnel was budged at \$30.00 per day.

Mayor Eyres noted that Florence Burnett had declined service for various personal reasons and recommended that Nancy Czerminski be designated as Chairperson, that Dolores Nicholson of 765 Oakwood Avenue be appointed an election inspector, that Diane Dodge of 344 Olean Road be designated as alternate and that all other persons be continued in office.

Trustee Marshall moved to approve the appointments, designations, and continuances. With a second by Trustee Smith, the motion carried by unanimous vote.

IV. Registration Day - 1981 Village Election:

On a motion by Trustee Hamilton, seconded by Trustee Pagliaccio and carried by a unanimous vote, the following resolution was adopted establishing Registration Day for the 1981 Village Election as February 28, 1981.

R E S O L U T I O N

WHEREAS, the next general election for officers in the Village of East Aurora will be held on March 17, 1981, 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, Sub. 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, February 28, 1981 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, 1981, 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, 1981 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 shall publish a copy of this Resolution in the official newspaper of the Village of East Aurora, and shall also post a copy of this Resolution in the Village Hall of the Village of East Aurora.

DATED: East Aurora, New York
February 3, 1981


Van J. Zittel
Village Clerk-Treasurer

V. Unpaid Taxes and Return of Warrent - 1980-1981 Board Verification:

The Board received the following report and listing from Clerk-Treasurer Zittel:

M E M O R A N D U M

TO: Honorable Mayor Lawrence E. Eyres and Board of Trustees
FROM: Clerk-Treasurer Van J. Zittel
RE: Tax Roll and Warrant for the year 1980-81
DATE: February 1, 1981

Pursuant to the provisions of Section 1436 (2) of the Real Property Tax Law, as Village Treasurer and Collector of Taxes, I am returning to you herewith the Tax Roll and Warrant for the year 1980-81 and am informing you that the taxes on the attached list remain unpaid as of January 31, 1981 in the amount of \$30,463.61.

The following is a record of the collection of 1980-81 taxes:

Tax Warrant	\$ 1,164,704.16
Plus: Exemptions not allowed	+ 467.17
Less: Water Bill omitted by Erie County (#202-399)	- 33.83
Total Taxes To Be Collected	\$ 1,165,137.50


Less Collections:

June 1980	\$ 588,235.12
July 1980	104,566.28
August 1980	7,302.54
September 1980	5,292.83
October 1980	4,178.88
November 1980	6,511.25
December 1980	287,061.21
January 1981	<u>131,525.78</u>

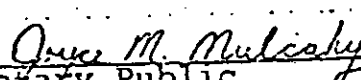
\$ 1,134,673.89

Uncollected 1980-81
Village Taxes as of
January 31, 1981

\$ 30,463.61



Van J. Zittel
Village Clerk-Treasurer



Notary Public

JOYCE M. MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires March 30, 1982

February 2, 1981

Page 17

Village of East Aurora
 Outstanding 1980-81 Real Property Taxes Receivable
 January 31, 1980

Parcel Number	Location	Owner	First Installment	Second Installment	Total
201-092	25 Ernst Place	Newton, William J.	\$ 118.02	\$ 118.01	\$ 236.03
201-103	89 Hamburg St.	Paris, Salvatore & W	.00	206.53	206.53
201-130	300 North St.	Edwards, Geoffrey C. & W	.00	191.77	191.77
201-153	North St.	Conroy, James T. & W	14.75	14.75	29.50
201-154	451 North St.	Meeks, Morris F. & W	261.02	188.09	449.11
201-164	331 North St.	Plewik, Robert C.	.00	184.40	184.40
201-214	446 Girard Ave.	Kollich, Robert & Barbara	.00	180.71	180.71
201-223	421 Girard Ave.	Rogers, Paul A. Sr. & W	.00	162.27	162.27
201-234	331 Girard Ave.	Cutting, Doreen M.	354.88	236.03	590.91
201-237	305 Girard Ave.	Kelly, Michael G.	382.88	221.28	604.16
201-328	198 to 200 Main St.	Schmeissner, Edgar P.	.00	217.59	217.59
201-335	242 to 244 Main St.	Gelger Enterprises, Inc.	818.42	638.02	1,456.44
201-379	259 Main St.	Hausbeck, Paul J. & W	.00	283.97	283.97
201-382	227 Main St.	Gelger Enterprises, Inc.	323.75	295.04	618.79
201-382-100	227 Main St.	Gelger Enterprises, Inc.	29.51	29.50	59.01
201-499	190 Hamlin Ave.	Leffler, Albert J. & W	.00	221.28	221.28
201-622	58 Center St.	Stock, Vernon V. & W	125.39	125.39	250.78
201-696	37 So. Grove St.	Dylewski, Chester P. & W	193.13	162.27	355.40
201-698-100	So. Grove St.	Dylewski, Chester P. & W	40.57	40.57	81.14
202-030	179 Pratt St.	Conroy, James T. & W	201.71	162.27	363.98
202-054	515 Girard Ave.	Mills, Henry L., Jr. & W	.00	280.29	280.29
202-055	Girard Ave.	Pachmayr, Raymond & W	226.99	206.53	433.52
202-059	489 Girard Ave.	Engle, Delbert L. & W	.00	165.96	165.96
202-060	479 Girard Ave.	Webb, Harry C. & W	.00	280.29	280.29
202-111	523 Fillmore Ave.	Waters, Carrie E.	136.46	136.45	272.91
202-135	578 to 580 Main St.	Marcus, W.F. & Fusia, G.E.	217.59	217.59	435.18
202-136	584 Main St.	Marcus, W.F. & Fusia, G.E.	81.14	81.13	162.27
202-137	586 Main St.	Marcus, W.F. & Fusia, G.E.	512.63	512.63	1,025.26
202-157	716 to 718 Main St.	Bucclerl, Elizabeth C.	.00	180.71	180.71
202-166	794 Main St.	Vlger, Peter J. & W	.00	149.36	149.36
202-197	709 Main St.	709-711 Main St., Inc.	1,191.68	394.61	1,586.29
202-223	527 to 535 Main St.	Delta, Frank A.	.00	1,253.92	1,253.92
202-224	523 Main St.	Delta, Frank A.	154.90	154.89	309.79
202-225	519 Main St.	Delta, Frank A.	239.72	239.72	479.44
202-226	Main St.	Delta, Frank A.	59.01	59.01	118.02

February 2, 1981
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Parcel Number	Location	Owner	First Installment	Second Installment	Total
202-242-100	26 to 28 So. Grove St.	Roycroft Handweavers	\$ 244.61	\$ 236.03	\$ 480.64
202-311	42 Park Pl.	Schaffer, David H. & W	110.64	110.64	221.28
202-314	Whaley Ave.	Karan, John A.	.92	.92	1.84
202-340	28 Paine St.	Graziano, Louis C. & Four	114.33	114.33	228.66
202-382	91 Church St.	Parsons, Albion E. & W	398.01	162.27	560.28
202-477	Olean St.	Allen, Paul J.	29.51	29.50	59.01
202-478	62 Olean St.	Allen, Paul J.	207.79	129.08	336.87
202-484	24 Olean St.	Delta, Frank A.	121.71	121.70	243.41
202-543-513	796 Warren Dr.	Jastrzab, J.A. & W	.00	217.59	217.59
202-576-003	1220 Warren Dr.	Murco Devel. Corp.	47.95	47.94	95.89
202-576-012	3 Tunbridge Walke	Murco Devel. Corp.	228.66	228.65	457.31
202-576-033	6 Tunbridge Walke	Murco Devel. Corp.	228.66	228.65	457.31
202-576-042	4 Tolland Bore	Murco Devel. Corp.	228.66	228.65	457.31
202-576-052	49 Tunbridge Walke	Murco Devel. Corp.	118.02	118.01	236.03
202-576-055	43 Tunbridge Walke	Murco Devel. Corp.	125.39	125.39	250.78
202-576-063	17 Tolland Bore	Newton, William J.	261.85	261.85	523.70
202-576-065	21 Tolland Bore	Murco Devel. Corp.	236.03	236.03	472.06
202-576-510	138 The Meadow	Marcus, W.F. & Fusia, G.E.	439.11	317.17	756.28
202-628	1249 Carriage Dr.	Gallick, John & Veronica	.00	331.92	331.92
203-006	168 Hamburg St.	Pizza Hut of N. Haven, Inc.	185.18	129.08	314.26
203-007	174 Hamburg St.	Pizza Hut of N. Haven, Inc.	122.19	110.64	232.83
203-020	80 Hamburg St.	Hoth, Donald E. & W Stacey	.00	73.76	73.76
203-032-200	20 Fairlawn Ct.	Bosse, W.F. & Schaff, R.E.	.00	14.75	14.75
203-032-540	28 Fairlawn Dr.	Fischer, William B. & W	.00	324.54	324.54
203-032-550	24 Fairlawn Dr.	Fischer, William B. & W	.00	11.06	11.06
203-039	359 Mill Rd.	Singer, James F. & Suzanne	1,094.63	276.60	1,371.23
203-051	323 Oakwood Ave.	Gee, Erin & Janice	.00	154.89	154.89
203-074	300 Prospect Ave.	Green, David B. & W	277.04	195.46	472.50
203-077	352 Prospect Ave.	Wehrmann, Rock & Janis	.00	180.71	180.71
203-078	358 Prospect Ave.	Kaufman, L.J. & W	180.71	180.71	361.42
203-080	370 Prospect Ave.	Long, Rodney A. & W	132.77	132.77	265.54
203-096	401 Prospect Ave.	Jaworski, Edward T. & W	.00	132.77	132.77
203-101	345 Prospect Ave.	McDonald, Joanne & Deperno, R.	.00	114.33	114.33
203-199	Center St.	Peacock, William R. & W	18.44	18.44	36.88
203-225	221 Walnut St.	Brazill, James & Susan	.00	217.59	217.59
203-238	274 Walnut St.	Lester, Arthur I.	310.59	202.84	513.43
203-276	237 So. Grove St.	Fisher, Robert C.	.00	64.54	64.54

<u>Parcel Number</u>	<u>Location</u>	<u>Owner</u>	<u>First Instalment</u>	<u>Second Instalment</u>	<u>Total</u>
203-301	414 Linden Ave.	Rozanski, James L. & W	\$.00	\$ 199.15	\$ 199.15
203-323	416 South St.	Beck, Theodore D., Jr.	.00	188.09	188.09
204-029-100	115 Blake Hill Rd.	Pomerhm, Paul & Kathy	.00	177.02	177.02
204-029-400	105 Blake Hill Rd.	Hodder, Richard T. & W	.00	261.85	261.85
204-030-500	843 Oakwood Ave.	Miller, Bruce G. & W	.00	306.10	306.10
204-082	589 Crescent Ave.	Hudson, Janette M.	.00	213.90	213.90
204-096	486 Griggs Pl.	Fasenmyer, J. Michael & W	258.16	258.16	516.32
204-185	120 So. Grove St.	Lexo, Donald H. & W	346.51	191.77	538.28
204-223	108 Park Pl.	Grandlts, Donald A. & W	.00	191.77	191.77
204-243	233 Sycamore St.	Millard, Barbara A.	280.29	280.29	560.58
204-304	139 King St.	Barrett, Lester & W	114.33	114.33	228.66
204-344	Pennsylvania Ave.	Schmidt, Russell & Theresa	.00	14.75	14.75
204-345	191 Pennsylvania Ave.	Bautz, Michelle P.	.00	121.70	121.70
204-370	199 Olean St.	Kelm, Donald & W	22.13	22.13	44.26
204-383-930	363 Elmwood Ave.	Racho, Anthony & W	329.63	291.35	620.98
204-383-940	355 Elmwood Ave.	Westphal, Arnold & W	.00	394.61	394.61
204-409	116 Olean St.	Fleaman, Arthur & W	.00	158.58	158.58
204-432	142 Elmwood Ave.	Powell, Franklin & W	302.42	302.41	604.83
TOTALS			<u>\$ 12,801.02</u>	<u>\$ 17,662.59</u>	<u>\$ 30,463.61</u>

and Trustee Smith moved to receive, verify, and include in the minutes the above report and listing of unpaid 1980-81 taxes at January 31, 1981. Upon a second by Trustee Hamilton, the motion carried unanimously.

VI. Unpaid Taxes - 1980-81 Board Certificate:

Pursuant to the facts set forth in the immediately preceding Agenda Item No. V, the Board resolved that the following certificate be signed and included in the minutes of this meeting.

C E R T I F I C A T E

The Board of Trustees of the Village of East Aurora does hereby certify that on the 1st day of February 1981, it received the tax roll and warrant for the Village of East Aurora fiscal year 1980 to 1981 from the Village Clerk-Treasurer, together with an account of the unpaid taxes thereon, which account described each parcel of real property upon which taxes were unpaid, showed the person or persons in whose name the said parcel was assessed and the amount of unpaid tax; and

The Board of Trustees of the Village of East Aurora does further certify that on the said 1st day of February 1981, the said account of unpaid taxes was compared with the original tax roll and found to be a true transcript of the said unpaid taxes and states that the total amount of such unpaid taxes is \$ 30,463.61.

DATED: February 2, 1981

VILLAGE BOARD OF TRUSTEES
VILLAGE OF EAST AURORA

Laurence S. Eyer

Mayor

Raymond J. Smith

Trustee

William P. [unclear]

Trustee

George E. [unclear]

Trustee

Grant M. Hamilton

Trustee

Robert [unclear]

Trustee

John V. Pagliaccio

Trustee

Being so moved by Trustee Pagliaccio, seconded by Trustee Thompson, the resolution carried by unanimous vote.

VII. Unpaid Taxes - 1980-81 - Collection by Tax Sale March 12, 1981:

Upon a motion by Trustee Hamilton, seconded by Trustee Thompson, and unanimous vote in favor, the following resolution was adopted providing for the collection of unpaid taxes by Tax Sale.

R E S O L U T I O N

WHEREAS, it appears from the account of unpaid taxes heretofore returned by the Treasurer of the Village of East Aurora for the year 1980-81 that the following taxes in the total amount of \$30,463.61 still remain due and unpaid to wit: (See exhibit filed in Tax Roll); and

WHEREAS, no action has been commenced to recover said unpaid taxes pursuant to Section 1440 of the Real Property Tax Law of the State of New York and no sale on account of said unpaid taxes has heretofore been held pursuant to law.

NOW, THEREFORE, BE IT RESOLVED, that the unpaid taxes heretofore described shall be collected by a tax sale as provided in Title 3 of Article 14 of the Real Property Tax Law of the State of New York.

AND IT IS FURTHER RESOLVED, that a copy of this resolution, duly certified by the Clerk of the Village shall be transmitted forthwith to the Treasurer of the Village with the account of such unpaid taxes and that the said Treasurer of the Village upon receiving such account and a certified copy of this resolution be and hereby is authorized and directed to publish in the official newspaper of the Village once each week for three successive weeks, the last publication to be on or before the 10th day of March, a notice of tax sale listing the real property upon which taxes are unpaid with the amount of tax, interest and charges thereon and stating the last day for publication of the notice of sale, be sold at public auction at a designated place in the Village to discharge the tax, interest and other charges which may be due thereon at the time of the sale and that the Treasurer continue the sale from day to day until so much of each parcel is sold as will be sufficient to pay the tax, interest and charges.

VIII. Assessment Roll - 1981-82 - Receipt Of:

Mayor Eyres and the Board of Trustees administratively received the following two communications and instructed the Village Clerk to enter same in these minutes.

M E M O R A N D U M

TO: Mayor Lawrence E. Eyres and Board of Trustees
FROM: Van J. Zittel, Village Assessor
RE: 1981 Assessment Roll
DATE: February 1, 1981

This is to officially inform you that I, as Village Assessor, have caused the preparation of the 1981 Assessment Roll and have submitted same to the Village Clerk.

Notice of same will be duly published in the East Aurora Advertiser.

Respectfully submitted,


Van J. Zittel
Village Assessor

M E M O R A N D U M

TO: Mayor Lawrence E. Eyres and Board of Trustees
FROM: Village Clerk Van J. Zittel
RE: 1981 Assessment Roll
DATE: February 1, 1981

This is to officially inform you that I, as Village Clerk, have received from the Village Assessor, the 1981 Assessment Roll.

This 1981 Assessment Roll, having been duly prepared, has been filed in my office at the Village Hall.

Notice of same will be duly published in the East Aurora Advertiser.

Respectfully submitted,


Van J. Zittel
Village Clerk

IX. Assessment Roll - 1981 - Notice of Availability:

With the reading aloud of the following memorandum the Board administratively received, noted, and ordered the information be included in these minutes.

M E M O R A N D U M

TO: Mayor Lawrence E. Eyres and Board of Trustees
FROM: Van J. Zittel, Village Clerk
RE: Inspection Availability of 1981 Assessment Roll
DATE: February 1, 1981

This is to officially inform you that the 1981 Assessment Roll, having been duly prepared by the Village Assessor and filed by the Village Clerk, is available to the public for inspection in the Village Clerk's Office at the Village Hall, 571 Main Street, East Aurora, New York.

Public inspections may be made Monday through Friday between 8:00 a.m. and 4:00 p.m., except for legal holidays, from February 1 through February 17, 1981.

Notice of same will be duly published in the East Aurora Advertiser.

Respectfully submitted,


Van J. Zittel
Village Clerk

X. Assessment Roll - 1981 Grievance Day:

The Board administratively received the following communication and ordered its inclusion in these minutes.

M E M O R A N D U M

TO: Mayor Lawrence E. Eyres and Board of Trustees
FROM: Van J. Zittel, Village Clerk
RE: 1981 Assessment - Grievance Day
DATE: February 1, 1981

This is to officially notify you that pursuant to the Village Assessor's preparation of, the Village Clerk's filing of, and the inspection availability of the 1981 Assessment Roll, the Board of Review will meet on February 17, 1981 in the office of the Village Clerk in the Village Hall from 1:00 p.m. until 5:00 p.m. and from 8:00 p.m. until 9:00 p.m. for the purpose of completing said Assessment Roll and hearing and determining complaints in relation thereto.

Village Board members are requested to be available as described above to accomplish the necessary duties of Board of Review.

Notice of same will be duly published in the East Aurora Advertiser.

Respectfully submitted,


Van J. Zittel
Village Clerk

VJZ/jm

NOTE: A resolution setting forth this and previous agenda items Nos. 8 and 9, which will also form the public notice is hereby included.

XI. Water Bill - Request for Adjustment:

Upon receipt of a letter from Clifford Meidenbauer of 93 The Meadow, requesting an adjustment of an unusually high water bill, Trustee Pagliaccio moved, Trustee Thompson seconded, and a unanimous vote tabled the matter to allow for an explanation of the exact reason for the unusual consumption.

XII. Sewer District No. 3 - Board Statement:

Mayor Eyres prefaced the reading of the following statement by noting that the Board had spent many hours developing the facts contained within and that future deliberations would result in subsequent statements in an effort to inform the people of the progress of the Board toward a decision.

Due to the very strict requirements of and direct orders from the New York State Department of Environmental Conservation and Federal Environmental Protection Agency the effluent being discharged from the Village of East Aurora Sewage Treatment Plant must have zero pollution (be drinkable) by July of 1983.

Our present plant was designed to meet and exceed standards existing at the time of construction in 1951, but will require substantial and expensive renovation and/or complete replacement if the Village is to meet the new standards of the State and Federal Government and also be able to handle peak loads which occur during the spring thaw and unusually heavy rain storms.

It is interesting to note in the January 1980 edition of Pollution Engineering that there are 10,000 municipalities with publicly owned sewage treatment plants nationwide who also do not meet the very strict Federal standards.

The following Options are available to the Village:

1. Renovate our existing plant.
2. Build a new plant.
3. Join the Erie County Sewer District No. 3 Extension and pipe our

Village Sewage to the Southtowns Sewage Treatment Plant on Lake Erie.

4. Contract with Erie County Southtowns Sewage Treatment Agency and pipe our Village Sewage to the Southtowns Sewage Treatment Plant on Lake Erie.

The following are major areas of concern to the Board in arriving at solutions to this problem:

1. The cost of each option including construction and future costs of operation and maintenance.
2. The questionable availability of 75% Federal Aid and 12 1/2% State Aid for construction purposes and the strings attached to such aid.
3. Whether or not the implementation of any of the options would require expensive remedial work on the Village's present sewage collection system at Village expense.
4. Whether or not the implementation of any of the options will provide for planned growth in areas in the Town of Aurora which is vital for the economic health of both the Village and the Town.
5. Whether or not the selection of an option will result in the surrender of local control, over another vital service and the potential effect of such surrender upon the unique identity and character of this community.

During the past nine (9) months, this Village Board has spent many hours reviewing this serious problem. We have requested and received input from four (4) different engineering firms, had lengthy discussions with other municipal officials with a similar sewage treatment problem, including some who are presently members of the Erie County Sewer District No. 3, and have also met with representatives of Erie County, the New York State Department of Environmental Conservation and the Federal Environmental Protection Agency, seeking answers to our many questions.

The final decision on this matter will be irrevocable and will have a profound and lasting impact on the cost of living, the way of life and the future of this entire area. For this reason, the Village Board is diligently evaluating every option before making a final decision.

XIII. Water Fund - Transfer of Funds:

M E M O R A N D U M

TO: Van Zittel, Clerk/Treasurer
FROM: Roy W. Lang, Superintendent of Public Works
DATE: January 5, 1981
RE: Transferring of Funds

Pursuant to our discussion last week regarding transferring of funds from the money received selling the surplus materials at the Water Plant I am forwarding copies of 3 cash receipts for a total dollar value of \$2753.90.

The Funds should go into the F8330.429 Account to cover the costs of Gates Electric to change all the Electric System at a cost of \$900.75, and Tenney Lumber for the purchase of Plywood to enclose the sides of the Reservoir for which we do not have a total bill yet.

Should you have any questions on the above, please do not hesitate to contact me.

Mayor Eyres explained that with the inception of the Erie County Water supply the Board had declared certain materials of the Village water supply plant as surplus. Also, this request is to charge the funds derived from the sale of some of this surplus material against some of the expenses incurred in abandoning the unnecessary facility.

Thus, Trustee Hamilton moved to amend the 1980-81 budget by increasing account #F510 Estimated Revenues (F2650 Sale of Scrap) and F960 Appropriations (F8330.429) by \$2,753.90. With a second by Trustee Smith the motion carried by unanimous vote.

XIV. Minutes of Prior Meetings - Approval Of:

Upon noting two corrections, Page #6 and #13, Trustee Smith moved to approve the Minutes of the 1-19-81 meeting as submitted and corrected. Seconded by Trustee Hamilton, the motion carried by unanimous vote.

XV. Audit of Bills:

Trustee Hamilton moved that the bills as audited by the Mayor and Trustees this date be approved and ordered paid. Seconded by Trustee Marshall, the motion carried by unanimous vote.

XV. A. Community Development Agreement - Erie County:

Mayor Eyres noted the following communication and agreement and explained that the negotiating of this "First Amendatory Agreement" was within the scope of the approved 10-31-80 agreement and would secure \$50,000 of Erie County funds to offset expenses incurred in the Elm/Persons Streets Paving and Drainage Project completed this summer.



County of Erie

EDWARD J. RUTKOWSKI
COUNTY EXECUTIVE

DEPARTMENT OF ENVIRONMENT AND PLANNING

JOAN E. LORING
COMMISSIONER

GEORGE W. SCHANZENBACHER
DEPUTY COMMISSIONER
Planning

January 27, 1981

Mayor Lawrence E. Eyres
Village of East Aurora
571 Main Street
East Aurora, New York 14052

Dear Mayor Eyres:

Enclosed are four copies of an amendatory agreement between the Village of East Aurora and the County of Erie pertaining to the award of economic development funds for your community.

Please execute and return all four copies to our office. Do not fill in the date on the first page. However, please note the notary requirement on the last page.

Your prompt attention to the execution of this agreement will expedite the availability of funds for your economic development project.

Sincerely,

John S. Mowatt
JOHN S. MOWATT, Director
Community Development Program

FIRST AMENDATORY AGREEMENT

THIS FIRST AMENDATORY AGREEMENT, entered into this
day of _____ by and between the COUNTY OF ERIE,
a municipal corporation of the State of New York, with principal
offices located at 95 Franklin Street, Buffalo, New York 14202
(hereinafter referred to as the "County") and the VILLAGE OF
EAST AURORA, a municipal corporation of the State of New York,
with principal offices located at 517 Main Street, East Aurora,
New York 14052 (hereinafter referred to as the "Municipality"),

COUNTY OF ERIE -- DEPARTMENT OF

W I T N E S S E T H :

WHEREAS, the County and the Municipality have entered into an agreement dated October 31, 1980, (hereinafter referred to as the "Agreement") for the purpose of undertaking eligible activities under the Housing and Community Development Act of 1974 (hereinafter referred to as the "Act"); and

WHEREAS, at the time the Agreement was entered into the County had applied for and received a grant for the 1980 Program Year Community Development Program from the Department of Housing and Urban Development (hereinafter referred to as "H.U.D.") for the purposes of the Act; and

WHEREAS, one of the purposes of the Act is economic development and the use of grant funds as "matching shares or leverage funds" for industrial/commercial projects is an eligible activity under the Act; and

WHEREAS, pursuant to the abovesaid application the County has been awarded grant funds for the abovesaid purpose and eligible activity in addition to the project(s) designated in The Agreement; and

WHEREAS, the County has solicited requests from all municipalities participating in the 1977 Community Development Program for economic development project proposals to be funded with the abovesaid unanticipated grant funds; and

WHEREAS, the Municipality's proposal was accepted by a committee made up of County Community Development Program staff, Erie County Industrial Development Agency staff, Erie County Development Coordination Board members and representatives of municipalities participating in the 1977 Program year Community Development Program; and

WHEREAS, the County and the Municipality desire the abovesaid Agreement to be amended to reflect the funds needed by the Municipality to carry out the abovesaid project; and

WHEREAS, the abovesaid Agreement provides for amendment only by written instruments executed by the parties,

COUNTY OF ERIE -- DEPARTMENT OF LAW

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES HERETO, AS FOLLOWS:

1. The Agreement dated October 31, 1980 (specifically incorporated herein) is specifically amended as follows:

- To Exhibit "B" (Project Costs) of the Agreement is increased to \$97,643 (from \$47,643.)

2. Except as provided by paragraph's one (1) and three (3) of this First Amendatory Agreement all other terms of the Agreement dated October 31, 1980 shall continue in full force and affect.

3. In the event of any inconsistencies between the terms of this First Amendatory Agreement and the terms of the Agreement dated October 31, 1980 and the exhibits thereto, the terms of this First Amendatory Agreement shall govern and be deemed an amendment to said Agreement dated October 31, 1980 and the exhibits thereto.

4. This First Amendatory Agreement shall be effective as of August 25, 1980.

IN WITNESS THEREOF, the parties hereto have executed this First Amendatory Agreement on the day and year first written above.

APPROVED AS TO CONTENT:

COUNTY OF ERIE

BY

Erie County Executive

APPROVED AS TO FORM

BY

Mayor

Assistant County Attorney

Trustee Hamilton moved to add this item to tonight's agenda. On a second by Trustee Pagliaccio, the unanimous vote carried the motion.

Trustee Hamilton then moved to approve the agreement and authorize the Mayor to sign the agreement. With a second by Trustee Thompson, the motion carried by unanimous vote.

COUNTY OF ERIE -- DEPARTMENT OF LAW

XVI. Comments from the Floor:

Larry Goller, President of the East Aurora Junior Chamber of Commerce applauded the Board for it's diligence in promoting the interests of the residents in the administration of the Village government.

XVII. Reports from the Staff:

Building Inspector Colby notified the Board of the following communication.

Mr. George Kelter
771 Main Street
East Aurora, New York 14052

Re: Zoning Classification, 771 Main Street

Dear Mr. Kelter:

As you are aware the Village Board of Trustees, on November 5, 1979 at your petition, changed the Zoning Classification of your property from "R Single Family Residence District" to classification of "RC Residence Restricted Business."

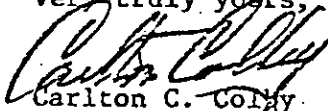
This Zoning Classification change was accomplished as provided for in Article XII of the Village Code, and specifically on a development plan. Said approved development plan being the basis for the use of the premises under the new classification, providing Section 93:61(B) is complied with.

Section 93:61(B) states, "Unless application for a building permit for such special development is made within a period of one (1) year after the Village Board's approval, said approval shall be void and the zoning classification shall be as it was when the petition for amendment was filed."

The one (1) year time specified has expired as of November 5, 1980. The records of the Building Inspector's office do not indicate that any such application was filed. Therefore, you are hereby notified that the Zoning Classification of your property commonly known as 771 Main Street, as described in the afore described reclassification action of November 5, 1979 is as it was, R Single Family Residence District.

Please feel free to contact the undersigned or Village Attorney, Walter W. Howitt, if there are any questions regarding this matter.

Very truly yours,


Carlton C. Colby
Building Inspector

Although this expiration was not opposed by the new owner of the Kelter property, Trustee Pagliaccio suggested that with the concept that the government is to serve the people, perhaps we should endeavor to make notification to concerned citizens prior to such a happening.

Clerk-Treasurer Zittel reported that verbal communication with the East Aurora School System indicated that the Board of Education had approved the new sewer service contract and that it would be negotiated and returned to the Village soon.

XVIII. Items from Board Members:

Trustee Marshall noted his and Supt. of Public Works Lang's attendance at a workshop on the application of the O.S.H.A. laws to governmental units. He suggested that this topic be included in a Board work session.

Trustee Hamilton noted that requests for inclusions in the 1981-82 capital budget would be distributed within the immediate future.

Mayor Eyres noted a communication from Virginia Vidler, Town and Village Historian, regarding the inventory, being worked up, of significant historical sites. He asked that all concerned become familiar with this project to facilitate future discussions.

XIX. Motion to Adjourn:

At 10:00 p.m., Trustee Hamilton moved to adjourn, Trustee Thompson seconded and the motion carried by unanimous vote.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

VJZ/jm

Village of East Aurora

Regular Meeting of the Board of
Trustees

February 16, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 p.m.

Roll Call: Present - Mayor Eyres, Trustees Pagliaccio, Marshall,
Hamilton, Thompson, and Smith

Absent - Trustee Sleeper

Staff Present - Village Clerk-Treasurer Van J. Zittel
Village Attorney Walter Howitt
Building Inspector Carlton Colby
Village Engineer Joseph LatonaDedication: Seth B. Thompson:

Mayor Eyres proclaims that the feeling of the Board was that as past practice had been to adjourn meetings in memory of the passing of those who had given of themselves to our Village, that dedication at the opening of tonight's meeting to the recently born son, Seth B. Thompson, of Trustee and Mrs. Jerrold Thompson, would indicate our wishes that as young Master Thompson grows and prospers alike go our wishes for the growth and prosperity of our Village.

I. C. Meidenbauer of 93 The Meadow - Request for Adjustment of Water Bill:

Upon the tabling of this request at the February 2, 1981 meeting, for further information, the Board reviewed the water account card and noted the following letter of explanation from Mr. Meidenbauer.

2/4/81

Mr Van Zittel, Village Clerk
C/O Village of East Aurora
East Aurora, N Y

Dear Van:

In reference to your phone call of this afternoon please be advised that the J G Fisher Plumbing Co checked all the plumbing at my home immediately after receiving the larger than normal water bill from the village. They either repaired where they could or replaced completely all defective parts in the toilet that had been leaking for some period of time before we discovered it. They also checked all the other plumbing in the house and said that to their best knowledge everything was in good condition when they prepared to leave. I believe under the circumstance all that can be done to prevent waste in the water system has been done.

Sincerely yours.



Clifford Meidenbauer
93 The Meadow, East Aurora, N Y

Upon determination that the cause of the unusually high water consumption was due to malfunction of the inhouse plumbing, Trustee Smith moved to deny the request. With a second by Trustee Thompson the motion carried by unanimous vote.

II. Annual Building Inspector's School - Permission to Attend:

MEMORANDUM

TO: Mayor Lawrence E. Eyres &
Village Board of Trustees

FROM: Carlton C. Colby, Building Inspector

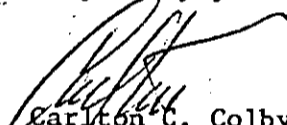
RE: Building Official's School

DATE: February 6, 1981

I hereby request the permission of the Village Board to attend the Annual Building Official's School, to be presented by the Finger Lakes Building Officials Association, at the Trenholm East Inn, Victor, New York on April 27, 28, and 29, 1981.

Attached is a copy of the Program. There appears to be many sessions on topics of current interest. There are sufficient funds budgeted to cover the anticipated expenses connected with this school.

Very truly yours,


Carlton C. Colby
Building Inspector

Upon the reading aloud of the above memorandum and noting the subjects of current interest on the agenda at the school, Trustee Hamilton moved to grant permission for Building Inspector Colby to attend and be reimbursed for necessary expenses under Section 77B of the General Municipal Law. With a second by Trustee Marshall the motion carried unanimously.

III. Girl Scouts - Request for Permission to use Village Leased Parking Lot:



GIRL SCOUTS

GIRL SCOUT COUNCIL OF BUFFALO AND ERIE COUNTY, INC.
70 Jewett Parkway • Buffalo, N.Y. 14214 • 716-837-6400

February 3, 1981

VILLAGE OF EAST AURORA

RECEIVED

FEB - 6 1981

ADMINISTRATOR'S OFFICE

Ms. Linda MacIver
Village of East Aurora
571 Main Street
East Aurora, New York 14052

Dear Ms. MacIver:

PER _____

Last summer the Erie County Girl Scouts were fortunate to have your cooperation in permitting us to use the Village parking lot near the church and behind Vidler's as a pick-up/drop-off point for children being bussed to our day camp program.

We would greatly appreciate your cooperation again this year for the one week (Monday through Friday) period of August 3-7, 1981. The girls would gather to be picked up by the bus at 8:30 a.m. and would be returned to the same spot again at about 4:00 p.m.

Your written or verbal reply by February 7, 1981 would be most appreciated so that we might properly inform the girls we serve.

Thank you for your continued support of and friendship toward Girl Scouting.

Sincerely,

Barb Smith

Barb Smith
Outdoor Program Specialist

With the reading of the above letter, Clerk-Treasurer Zittel added that as the suggested parking lot was that adjoining the south side of the Immanuel Lutheran Church on Pine Street, he had contacted Reverend Shippert who welcomed the idea and stated that this would not interfere with the church's activities.

Upon brief discussion, Trustee Pagliaccio moved that permission be granted recognizing that the Girl Scouts would provide competent supervision during the period of their use. When seconded by Trustee Smith, the motion carried by unanimous vote.

IV. 450 Oakwood Avenue - Application to Convert a Single Family Residence to a Multiple Residence:

ROBERT S. LESHER

ATTORNEY AND COUNSELOR AT LAW

2202 ERIE SAVINGS BANK BLDG.
BUFFALO, NEW YORK 14202
TELEPHONE (716) 856-7070

20 PINE STREET
EAST AURORA, NEW YORK 14052
TELEPHONE (716) 632-7025

February 10, 1981

Hon. Lawrence E. Eyres, Mayor, and
Trustees of the Village of East Aurora
Village Hall
Main at Paine Streets
East Aurora, New York 14052

Re: Application under Article III, §93-8.
of the Zoning Code of the Village of
East Aurora for approval to convert
premises at 450 Oakwood Avenue (north-
west corner of Oakwood Avenue and
South Grove Street) to three apartments

Gentlemen:

This office represents Edward E. Godfrey who resides at 405 Oakwood Avenue, East Aurora, New York. He is the record owner of premises now known as 450 Oakwood Avenue located at the northwest corner of Oakwood Avenue and South Grove Street in the Village of East Aurora. The property is presently in the R-G General Residence District under the Zoning Code of the Village. Under §93.17.A.(3) of that ordinance, conversion of an existing dwelling to two or more dwelling units is provided if the approval of the Village Board is granted after a public hearing thereon.

This letter is an application on behalf of our client under that section for such approval to permit the conversion of the subject property to three apartments in accordance with the attached sketch drawing of the proposed floor plan (Exhibit 1) and attached site plan which shows the location of buildings, other structures and off-street parking facilities on the lot and in relation to principal buildings on adjoining properties (Exhibit 2).

The area of the lot is 17,920 square feet which exceeds the 5,000 square feet per dwelling unit required under §93.17.C.(3)(a) of the Zoning Code.

The Off-Street Parking provisions under Article VI, §93.23 of the Code requires one and one-half parking spaces for each dwelling unit. On the statutory basis of 300 square feet per space, the parking requirement is 1,350 square feet in this case. Compliance with this is shown on the enclosed site plan (Exhibit 2).

It is respectfully requested that your Honorable Board (1) set a date for a public hearing on this application as required by the Zoning Code, (2) refer the matter to the Village Planning Board for its study and report and (3), in due course, take favorable action on this Application.

Very truly yours,



ROBERT S. LESHER

It is respectfully requested that the above letter be accepted as my Petition for favorable action by the Village Board as stated above.

Dated: February 10, 1981
East Aurora, N. Y.


EDWARD E. GODFREY

Note: The above-mentioned Exhibits are filed in the Village Clerk's Office with Building Department related matters.

Upon the reading of the above application, and with Mayor Eyres noting the following executive referral,

February 11, 1981

Mr. Jack Keller, Chairman
East Aurora Planning Commission
Village Hall
571 Main Street
East Aurora, NY 14052

Re: Application for approval to convert premises at 450
Oakwood Avenue to a multiple residence

Dear Jack,

Upon yesterday's receipt of the above referenced application, in light of your meeting this evening, and on the advice of Village Attorney Howitt that formal referral could be Mayoral or by Board action, Mayor Eyres directed this immediate referral for your consideration.

As the setting of the required public hearing is a matter on the February 16, 1981 Board Meeting agenda, any comments resulting from your deliberations this evening will be greatly appreciated.

Sincerely,



Van J. Zittel
Village Clerk-Treasurer

Trustee Hamilton moved to set the required public hearing for March 2, 1981. With a second by Trustee Pagliaccio, the motion carried unanimously.

V. Community Development Program - Erie County:

Mayor Eyres explained that Nancy Ware had been invited to give the Board a summary of the present Erie County Community Development Fund Neighborhood Preservation Program. It was noted that the Village was eligible, during the 9/81 to 8/82 entitlement period, for approximately \$40,000 of funds. As the Village had proposed a Main Street sidewalk rehabilitation program for the funds, Ms. Ware was here to explain that their Neighborhood Preservation Program, dealing with rehabilitation of houses on an owner income eligibility level, was more in line with the Erie County Community Development Fund program guidelines than was a sidewalk rehabilitation program.

Ms. Ware presented her program as outlined in the attached summary and fielded many questions from Trustees.

JULY 1980

ERIE COUNTY NEIGHBORHOOD PRESERVATION PROGRAM
REHABILITATION GRANT FUND

The "NPP Grant Fund" assists low and moderate income homeowners to significantly reduce their home repair costs by providing outright grants and loan subsidy grants. These grants are made available through the Erie County Community Development Program.

Some important facts concerning the "Neighborhood Preservation Program Grant":

1. The maximum grant amount is \$3,500.00 per household.
2. The property to be rehabilitated must be in a locally designated Neighborhood Preservation Program area.
3. The property must be an owner-occupied one-to-four family dwelling.
4. Property taxes must be paid in full.
5. All of the rehabilitation work must be done in accordance with a work and specifications write-up prepared by the Erie County Division of Planning's Housing Inspector in cooperation with the local Building Inspector.
6. A standard contract will be required for all work performed under this program. The contract will be provided by the Erie County Division of Planning.
7. A lien will be placed against the applicant's property rehabilitated under the Neighborhood Preservation Program. The liens will be for all applicants participating in the NPP except applicants receiving a grant to subsidize a bank loan. The lien shall be for a period of three (3) years and for the full amount of the grant.
8. Outright Grant An outright grant (no repayment) is available to low income homeowners whose adjusted family income does not exceed 50% of the Erie County median income. (See item #12)
9. Loan Subsidy Grant A loan subsidy grant is available to homeowners whose adjusted family income does not exceed 100% of the Erie County median income. (See item #12) This grant subsidizes a conventional home improvement loan, so that the monthly payment equals the amount which would be required for a 3% interest rate loan.
10. Combination Grant Depending upon current financial obligations, a homeowner whose adjusted family income does not exceed 80% of the Erie County median income may be eligible for a combination grant (See item #12) This grant reduces the monthly payment amount even further than a loan subsidy grant. In extreme hardship situations an outright grant may be available.

11. The main objective of the NPP Grant Fund is to bring dwellings up to rehabilitation standards. Therefore:
- (a) Outright grants must be used ONLY for essential repairs and the correction of basic deficiencies. (See item #13)
 - (b) Loan subsidy grants must be used PRIMARILY for essential repairs and the correction of basic deficiencies. Up to 40% of the total cost of the work (loan plus grant amount) may be used for general improvements which may not be essential but are desired by the homeowner. (See item #13)

NOTE: Materials, fixtures or equipment may not exceed the type or quality customarily used in the locality for properties of the same general type as the property to be rehabilitated.

12. Income Eligibility Schedule Income level, family size and financial obligations determine which kind of grant is appropriate for the individual homeowner. The following income schedule uses median income by family size as established by the United States Department of Housing and Urban Development. (Example: median income for a family of four would be \$19,600.)

INCOME ELIGIBILITY SCHEDULE FOR
NEIGHBORHOOD PRESERVATION PROGRAM

<u>No. of Persons</u>	<u>50%</u>	<u>80%</u>	<u>100%</u>
1	\$ 6,850	\$11,800	\$13,700
2	7,850	13,500	15,700
3	8,800	15,200	17,600
4	9,800	16,900	19,600
5	10,600	17,950	21,200
6	11,350	19,000	22,700
7	12,150	20,050	24,300
8 or more	12,950	21,100	25,900

Data Source: Buffalo Area HUD Office - July 1, 1980.
Erie County Division of Planning

13. Priority Repairs and Improvements. (a partial list)
- (a) Structural repairs - foundations, support walls, joists, roofs, chimneys, porches, steps and stairwells.
 - (b) Modernization repairs - plumbing and fixtures, furnace, water heater, electrical work, essential appliances.
 - (c) General renewal - painting, siding, plastering, drywall, flooring.
 - (d) Energy conservation - insulation, window and door repairs, storm windows and doors.

One of the most prominent feelings of the Board in considering initiating a program such as this in the Village was that perhaps our own personnel could administer the program to eliminate the public's dealing directly with bureaucratic red tape evident in larger governmental units such as County government. The Board agreed to take this information under advisement.

VI. Audit of Bills:

Upon Trustee Hamilton's motion, Trustee Marshall's second, and a unanimous vote, bills as audited by the Mayor and Trustees were approved and ordered paid.

VII. Comments from the Floor:

Upon calling for comments from those in the attendance, Mayor Eyres recognized Mr. Alfred R. Davison of Girdle Road.

Mr. Davison overwhelmed the Board by offering a three acre lot bordering on Girdle Road on the east side and the Village line on the west, to the Village. Upon Mr. Davison's presentation of the deed and a search of the property to the Board, the Trustee's each expressed their sincerest thank you's to Mr. Davison and asked the Village Attorney to prepare the necessary papers for formal acceptance at the 3-2-81 meeting.

Neil Jacobus of 107 Center Street called the Board's attention to the rehabilitation of sidewalks as evidenced in other communities especially in the Allen Street area of Buffalo.

VIII. Reports from Staff:

Mayor Eyres noted that he, Police Chief Smallback, and Acting Superintendent of Public Works Ripstein have been monitoring Tannery Brook for a week. Mayor Eyres thanked the Town of Aurora for their loan of equipment and noted that their efforts of assistance were invaluable and extremely cooperative.

Village Engineer Latona offered that he would have suggestions for improving the drainage in the Sycamore Street/Oakwood Avenue area for the 3-2-81 meeting.

Clerk-Treasurer Zittel noted that the Tax Sale notice had been delivered for publication in the East Aurora Advertiser. Also that 2-17-81 is Village Grievance Day and that all Trustees who are available are encouraged to be present.

IX. Items from Board Members:


Mayor Eyres officially announced that effective this date he has appointed Mr. David S. Libroek as a police patrolman. Personal interviews, civil service exam scores, education, and previous guard experience were some of the determining factors which led to the choice of this most promising individual.

Trustee Pagliaccio noted his attendance at the recently held Elbert Hubbard Library and Museum Annual Meeting reinforced his feeling that this is a very beneficial organization for our community.

X. Motion to Adjourn:

Upon a motion to adjourn by Trustee Jerrold Thompson, Father of Seth B. Thompson, a second by Trustee Hamilton and a unanimous vote the meeting was adjourned at 9:30 p.m.

Respectfully submitted,


Van J. Zittel, Village Clerk-Treasurer

draw is as follows:

Grant M. Hamilton	Norman K. Suttell	Raymond A. Smith	John V. Pagliaccio
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I. 450 Oakwood Avenue - PUBLIC HEARING - Application for Conversion to Multiple Family Dwelling:

Mayor Eyres opened the Public Hearing at 8:11 p.m. With the reading of the published hearing notice, Mayor Eyres asked for public comment, first recognizing Attorney Robert Lesher, spokesman for the applicant, Mr. Edward E. Godfrey.

Mr. Lesher asked that the original application letter with attachments of 1st and 2nd floor plans and a plot plan survey be entered into the record. Also, Mr. Lesher offered the following pictures to be entered into the record to illustrate the owners intention to restore the building to its original condition as much as possible.

ROBERT S. LESHER
ATTORNEY AND COUNSELOR AT LAW

2202 ERIC SAVINGS BANK BLDG.
BUFFALO, NEW YORK 14202
TELEPHONE (716) 678-7070

February 10, 1981

20 PINE STREET
EAST AURORA, NEW YORK 14052
TELEPHONE (716) 452-7125

Hon. Lawrence E. Eyres, Mayor, and
Trustees of the Village of East Aurora
Village Hall
Main at Paine Streets
East Aurora, New York 14052

Re: Application under Article III, §93-8.
of the Zoning Code of the Village of
East Aurora for approval to convert
premises at 450 Oakwood Avenue (north-
west corner of Oakwood Avenue and
South Grove Street) to three apartments

Gentlemen:

This office represents Edward E. Godfrey who resides at 405 Oakwood Avenue, East Aurora, New York. He is the record owner of premises now known as 450 Oakwood Avenue located at the northwest corner of Oakwood Avenue and South Grove Street in the Village of East Aurora. The property is presently in the R-G General Residence District under the Zoning Code of the Village. Under §93.17.A.(3) of that ordinance, conversion of an existing dwelling to two or more dwelling units is provided if the approval of the Village Board is granted after a public hearing thereon.

This letter is an application on behalf of our client under that section for such approval to permit the conversion of the subject property to three apartments in accordance with the attached sketch drawing of the proposed floor plan (Exhibit 1) and attached site plan which shows the location of buildings, other structures and off-street parking facilities on the lot and in relation to principal buildings on adjoining properties (Exhibit 2).

The area of the lot is 17,920 square feet which exceeds the 5,000 square feet per dwelling unit required under §93.17.C.(3)(a) of the Zoning Code.

The Off-Street Parking provisions under Article VI, §93.23 of the Code requires one and one-half parking spaces for each dwelling unit. On the statutory basis of 300 square

feet per space, the parking requirement is 1,350 square feet in this case. Compliance with this is shown on the enclosed site plan (Exhibit 2).

It is respectfully requested that your Honorable Board (1) set a date for a public hearing on this application as required by the Zoning Code, (2) refer the matter to the Village Planning Board for its study and report and (3), in due course, take favorable action on this Application.

Very truly yours,

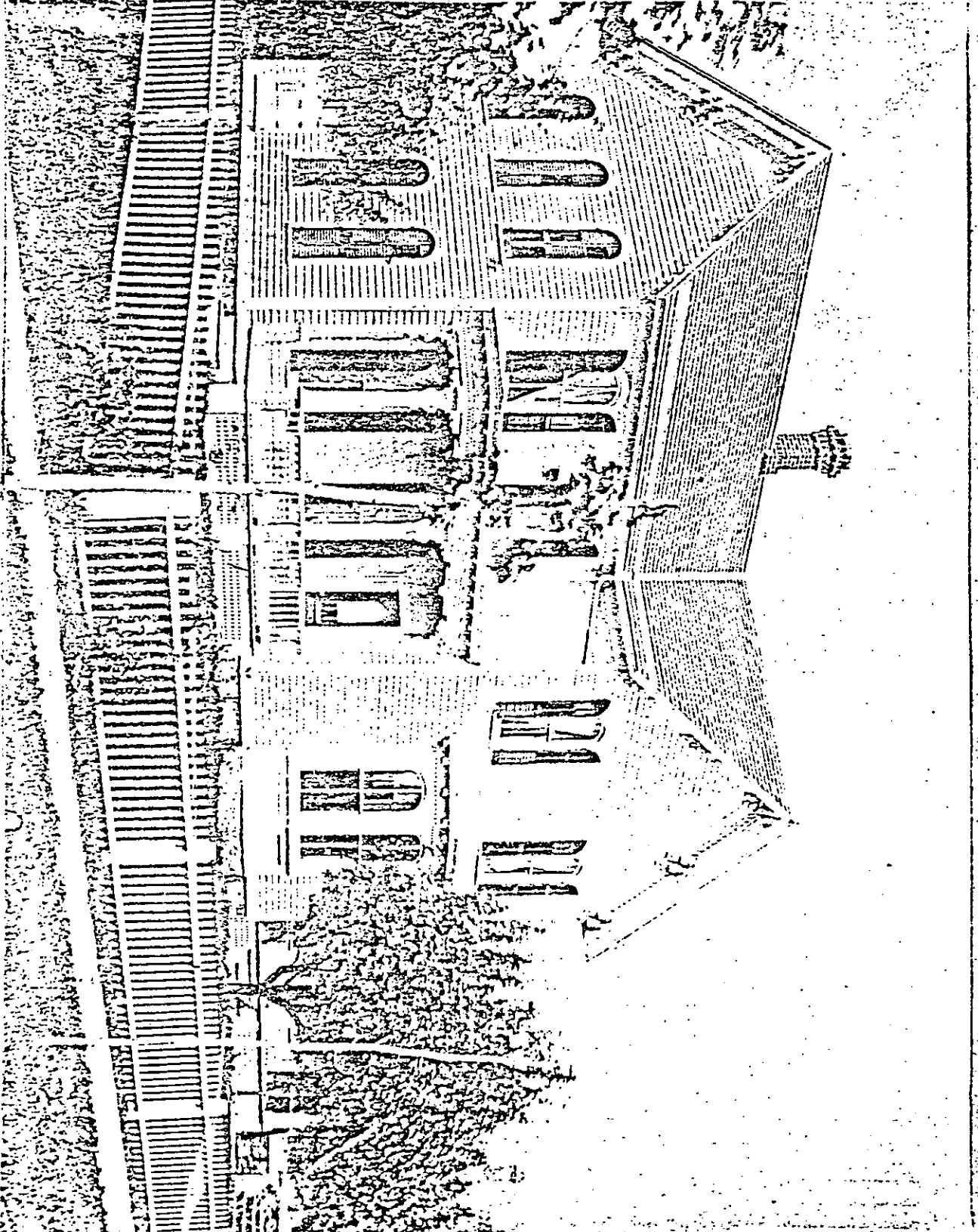
R. Lesher

ROBERT S. LESHER

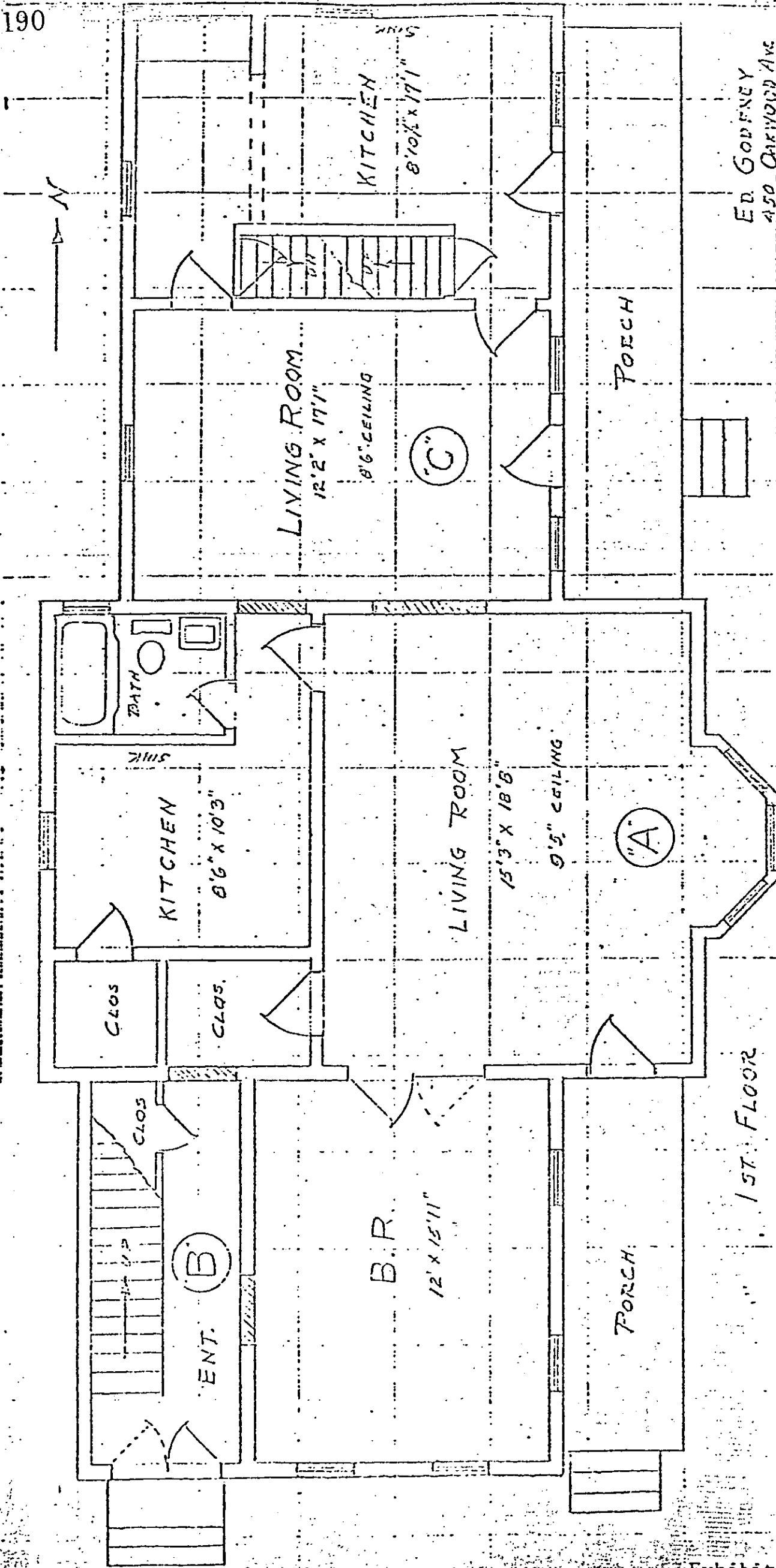
It is respectfully requested that the above letter be accepted as my Petition for favorable action by the Village Board as stated above.

Dated: February 10, 1981
East Aurora, N. Y.

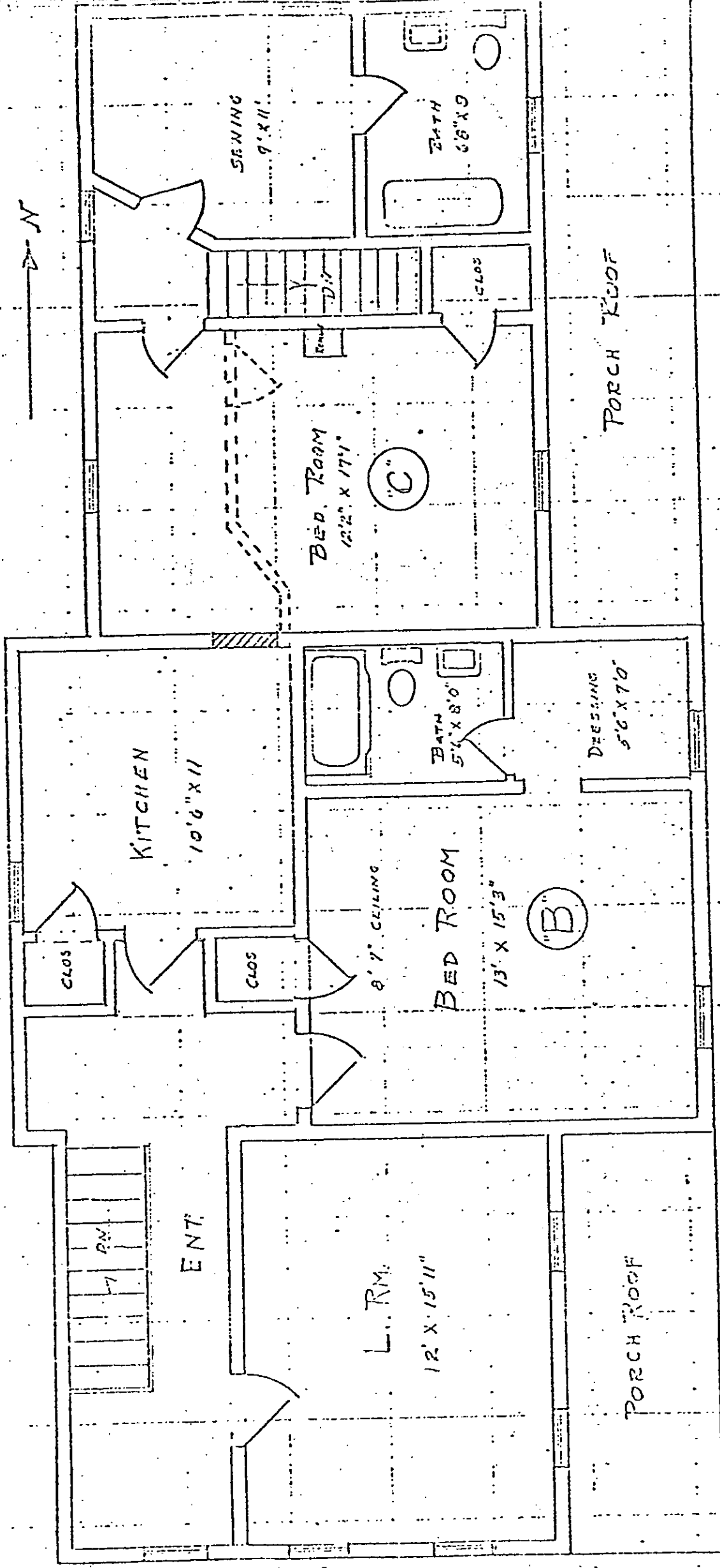
Edward E. Godfrey
EDWARD E. GODFREY



1-2 OAKWOOD AVE, EAST AURORA, NY ABOUT 15555



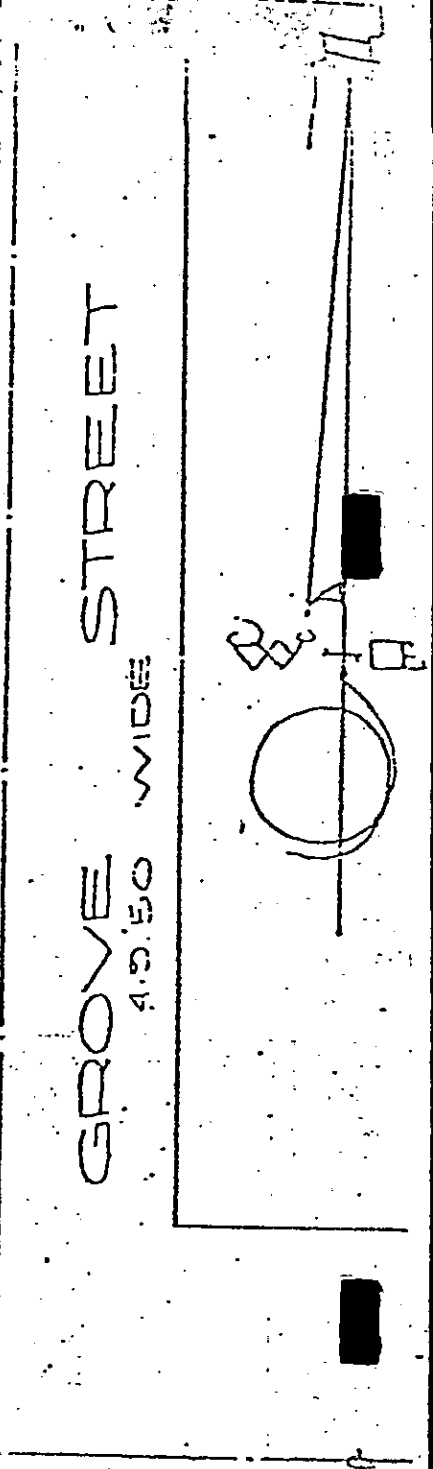
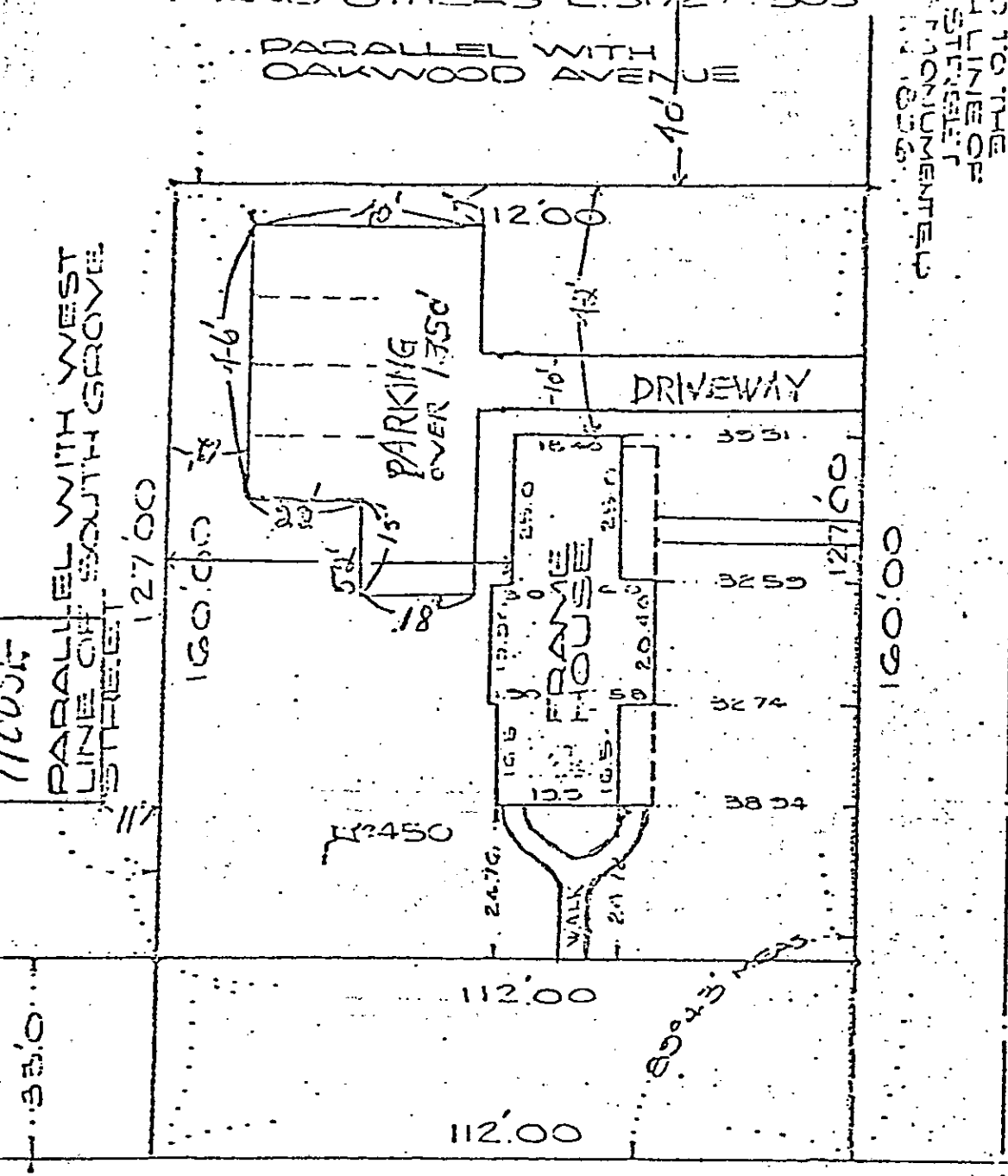
ED. GODFREY
 450 OAKWOOD AVE
 SCARLETT, GA.
 FEBRUARY 10, 1961



ED. GODFREY
 459 CARVER AVE
 SUITE 101 FT
 FEBRUARY 10, 1981

2ND FLOOR

WYEN SAMUEL R. GUY
H. MARKER, HOWARD BORDS
AND OTHERS L. 3172 P. 303



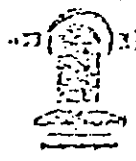
OAKWOOD AVENUE
66.0 WIDE

SOUTH STREET
42.50 WIDE

PROPERTY OWNED BY
EDWARD E. GODFREY

PART OF LOT 23, T. 9, R. 6
VILLAGE OF EAST AURORA
TOWN OF AURORA

* = SURVEY MARKER
Δ = MONUMENT

 WILLIAM J. NEWTON
LAND SURVEYOR
NEW YORK STATE LICENSE NO. 4078
1278 DAVIS ROAD, WEST FALLS, N.Y. 14176
PHONE 716-652-1441

SURVEY NO. 74-135
DATE OCTOBER 25, 1974
SCALE 1 in = 30 ft.
SEE BYEN IN SURVEY
REV.

EXHIBIT 2

Upon conclusion of Mr. Lesher's elaboration on the original application, he offered to field questions for clarification.

Mayor Eyres recognized John J. Keller, Chairman of the Village Planning Commission who offered the following memorandum.

M E M O R A N D U M

TO: The Honorable Mayor Lawrence Eyres and the Village Board of Trustees

FROM: Mr. John Keller, Chairman, East Aurora Planning Commission

RE: Petition to convert the premises at 450 Oakwood Avenue to three apartment units

DATE: February 17, 1981

The Village of East Aurora Planning Commission reviewed the petition and exhibits named above at their regular meeting on February 11, 1981. Mr. Godfrey and Mr. Lesher attended the meeting to explain the plan and to answer questions from the members.

After extensive review, the Planning Commission, by a vote of five (5) in favor, none opposed, recommends approval of the petition subject to the following two conditions.

1. That the proposed conversion will be in compliance with local ordinances and all applicable building codes.
2. That an area of shrubs and plantings be added to exhibit 2 and that they be made a part of the petition, to provide a pleasing, visual screen between the proposed parking area and the west property line.

Respectfully submitted,

John J. Keller
John J. Keller, Chairman
East Aurora Planning Commission

In addition to the recommendations contained in the above memo, Chairman Keller also indicated that the Planning Commission would also recommend that there be a time limit added to the conversion permit should one be issued.

Martin J. Holmes, 440 Oakwood Avenue, whose residence abutts the conversion property on the westerly side, indicated approval for the intended conversion but expressed much concern over the proposed parking accommodations. Mr. Holmes suggested that the parking could be established at the northerly part of the lot to eliminate the lights, noise, and confusion close to the back yard of his property.

Mayor Eyres entered the following memorandum from Village Building Inspector Colby into the record.

March 2, 1981

Page 8

MEMORANDUM

TO: Mayor Lawrence E. Eyres &
Village Board of Trustees

FROM: Carlton C. Colby, Building Inspector

RE: Request to convert existing dwelling to 3 family - 450 Oakwood Avenue

DATE: February 19, 1981

The letter request, dated February 10, 1981, together with the survey of the premise at 450 Oakwood Avenue, prepared by William J. Newton, Land Surveyor, Survey #74-185, dated October 29, 1974 and the two pages of sketch drawings, 1st floor, exhibit 1 (p. 1 of 2), 2nd floor, exhibit 1 (p. 2 of 2) submitted regarding the proposed conversion have been examined.

It appears that the requirement of §93:39 regarding information to be provided, has been complied with. However, there is insufficient information contained therein to establish compliance with other applicable code or laws, i.e., State Building Construction Code applicable to multiple dwellings, State Energy Code, State Building Construction Code applicable to plumbing, the New York State Multiple Residence Law applicable to new non-fireproof multiple dwellings, and Chapter 57 of the Village Code, Electrical.

The above listed codes need to be fully considered as part of and in conjunction with the application for and issuance of the permit as provided for in §93:52 of the Village Code as well as the State Education Law regarding preparing and acceptance of building plans and specifications. The applicant, Mr. Godfrey and his attorney, Mr. Lescher have been advised of the above regulations, so that they may proceed with their planning.

As you are aware, the premise was part of the area which Zoning Classification was changed from R to RG. Therefore, the proposed use is permitted, if approved by the Village Board, Re: §93:39. Other zoning matters appear to comply, i.e., yards, set back, and off-street parking.

With regards to off-street parking, it appears to be of concern of some citizens that an area of 1,350 square feet, because of its nearly 5 car capacity should be regulated by, as the Code prescribes for, screening from abutting R district properties. The Board may wish to consider this as a condition of approval.

It is also evident that a time limit for the utilization of an approval is missing from the Code. The Board may wish to invoke such a condition and/or limit said approval to the particular petitioner.

Please feel free to contact me if additional information or assistance is needed regarding this matter.

Mr. Lescher responded to Mr. Holmes' comments by explaining to the Board Members that although he and Mr. Godfrey had tried to propose the best parking accommodations that should a superior plan be devised it would certainly be considered.

Upon calling for further public comment and hearing none, Mayor Eyres closed the public portion of the hearing at 8:37 p.m. and referred the matter to the Board.

Trustee Hamilton asked Mr. Holmes to explain further his reservations with the proposed parking accommodations. At this time a lengthy discussion among all concerned evolved resulting in a consensus of opinion for approval of the conversion but to delay the decision to allow for the concerned parties to develop an acceptable parking plan.

Thus, with this in mind Mayor Eyres entertained for a motion to and Trustee Marshall moved to table the final decision until the March 16, 1981 Board Meeting. With a second by Trustee Pagliaccio, the motion to table carried by unanimous vote.

II. Election Resolution - Candidates, etc.:

R E S O L U T I O N

WHEREAS, there will be a Village Election held in the Village of East Aurora, New York, on Tuesday, March 17, 1981; and

WHEREAS, Section 15-104, Sub. 3(b), of the Election Law requires the Board of Trustees to adopt a resolution stating the polling place, the hours during which the polls will be open and the names and addresses of candidates nominated for offices, the terms of each office, and also an abstract of any proposition to be voted upon;

NOW, THEREFORE, BE IT RESOLVED:

1. A General Village Election will be held March 17, 1981 to elect three (3) Village Trustees for terms of two (2) years each, to elect one Village Trustee for a term of one (1) year, and to elect one (1) Village Justice for a term of four (4) years.
2. The polling place for the Village Election to be held March 17, 1981 will be the 1st floor lobby of the Village Hall, corner of Main and Paine Streets, East Aurora, New York.
3. The polls will be open from 12:00 noon until 9:00 p.m.
4. The following individuals have been nominated for the Village offices; and terms of office following their names:

<u>Name</u>	<u>Address</u>	<u>Office</u>	<u>Term of Office</u>
Grant M. Hamilton	631 Crescent Ave.	Village Trustee	Two (2) Years
John V. Pagliaccio	409 Girard Ave.	Village Trustee	Two (2) Years
Raymond A. Smith	356 Sycamore St.	Village Trustee	Two (2) Years
Norman K. Suttell	442 Prospect Ave.	Village Trustee	Two (2) Years
George B. Sleeper	134 Brooklea Dr.	Village Trustee	One (1) Year
Edward M. Zimmerman	358 North St.	Village Justice	Four (4) Years

5. There are no propositions to be voted upon in the March 17, 1981 Village Election.

March 2, 1981

Page 10

AND BE IT FURTHER RESOLVED, that the Village/Clerk shall publish a copy of this Resolution in the official newspaper of the Village of East Aurora at least ten (10) days before the Village Election and also shall post a copy of this Resolution in six (6) conspicuous places within the Village at least one day before the election and one copy at the polling place.

Upon a motion by Trustee Smith, a second by Trustee Thompson, and a unanimous vote, the preceding resolution was adopted.

III. 779 Main Street - Application for Development:

Mayor Eyres noted receipt of the following request.

Thomas E. Pastore, M.D., F.A.A.O.S.

ORTHOPAEDIC SURGERY

779 Main Street, East Aurora, New York 14052

February 13, 1981

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

Dear Sirs:

I would like to, at this time, request an amendment to the development plan for 779 East Main Street, East Aurora, New York. Basically, the present front house was rezoned as a Single Family occupancy at a Village board meeting on November 5, 1979.

In my attempt to renovate the above-described property we have found it impractical and an undue hardship to completely renovate this property and rent it as a single family dwelling since the front house is quite large, containing seven large bedrooms and many other rooms, all of which require complete renovation.

I am, therefore, at this time requesting a change in the rezoning plan to provide for a Multiple Family Dwelling. I have attempted to maintain the present property and to restore it to its previous graceful state, and I am sure you are aware of the cost encountered in such a project. In the future, to maintain this property to its utmost so that it will be an asset to the Village of East Aurora, I am proposing renovations to the front house, copies of which are enclosed. As you will see, this involves the formation of a two-family dwelling.

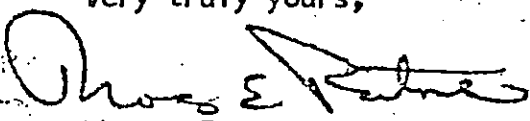
I would be happy to have anyone from the Village Board examine the property at any convenient time. I feel that they will agree that the proposed plans would certainly not involve any increase in the amount of traffic on Main Street. This would involve no on-street parking. I really feel that the ideas we have in mind will be to the best interest of the neighbors as well as the Village itself.

I hope you will look kindly on this present request and schedule the hearing required under Section 93-39 of the Village Code.

Very truly yours,

VILLAGE OF EAST AURORA

RECEIVED


Thomas E. Pastore, M. D.

As this request is two-fold, A) Amendment to the development plan, and B) Request to convert the premises to a multiple dwelling, Mayor Eyres noted that only Board action was required for item A and referral to the Planning Commission and a public hearing were necessary for item B.

Thus, Trustee Hamilton moved to refer both item A & B to the Planning Commission and set a public hearing on item B for March 16, 1981. With a second by Trustee Sleeper, the motion carried by a unanimous vote.

IV. Hamlin Park - Request for use by Jaycees for Annual Easter Egg Hunt:

With the reading of the following letter,



East Aurora Jaycees

P.O. Box 61

East Aurora, New York 14052

February 19, 1981

Village of East Aurora
Main Street
East Aurora, New York 14052

Gentleman,

The East Aurora Jaycee's, for the 13th time in as many years, would like to hold a Easter Egg Hunt for the children of East Aurora. Once again we would like to use Hamlin Park for the site.

Enclosed please find request form along with the Certificate of Insurance from our agent.

The date this year is April 18, at 11A.M. If there is anything in error or missing please advise at your earliest convenience.

Very truly yours

David Meyer; sec.
East Aurora Jaycee's

and the receipt of a Request for Use of Village Parks and a certificate of insurance, Trustee Smith moved for approval of the request. A second by Trustee Thompson brought a unanimous vote in favor of the request.

V. American Cancer Society - Request to Canvas Village:


AMERICAN CANCER SOCIETY

ERIE COUNTY UNIT
101 John James Audubon Parkway
West Amherst, New York 14228
(716) 689-6931

NEW YORK STATE DIVISION, INC

February 1981

Village of East Aurora,
Village Hall
571 Main Street
East Aurora, N.Y. 14052

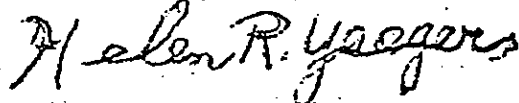
The Twelfth Annual "Daffodil Days" of the Erie County Unit of the American Cancer Society will be held April 3, 4, & 5, 1981.

Last year, with the cooperation and support of the community, we realized approximately \$35,000 from contributions received for the daffodils. The daffodil serves as a symbol of HOPE for the cancer patients. Our goal this year is to raise \$50,000, in order to provide more hope for men, women and CHILDREN who must fight the battle with this dread disease.

We are writing to ask permission to conduct Daffodil Days in the Village of East Aurora on the above weekend. American Cancer Society Volunteers will distribute the daffodils.

Would you kindly indicate your approval on this letter, returning it to us in the enclosed envelope? Thank you again for your help and interest.

Sincerely,



Mrs. Helen R. Yaeger
General Chairman
1981 "Daffodil Days"

With the receipt of the above request, Mayor Eyres moved to grant the requested permission. With a second by Trustee Hamilton, the request was granted by unanimous vote.

VI. Minutes of Prior Meetings - Approval:

Trustee Hamilton moved, Trustee Thompson seconded, and a unanimous vote approved the minutes of the 2-2-81 meeting as submitted and corrected.

Trustee Pagliaccio moved, Trustee Hamilton seconded, and a unanimous vote approved the minutes of the 2-16-81 meeting as submitted.

VII. Audit of Bills:

Deputy Mayor Hamilton moved that the bills as audited by the Mayor and Trustees this date be approved and paid. Seconded by Trustee Marshall the motion carried by unanimous vote.

VIII. Comments from the Floor:

Jim Berg, Executive Director of the Greater East Aurora Chamber of Commerce complimented the Board on their progress toward resolving the sewer deliberations as expressed in two community meetings this week.

Neal Jacobus, 107 Center Street, encouraged the Board to continue their deliberations on the sewer matter as the importance to the community is great.

IX. Reports from the Staff:

Police Chief Smallback commented that he was currently continuing efforts to eliminate the accumulation of illegally stored vehicles throughout the Village.

Clerk-Treasurer Zittel reported that 3,921 voters were registered on 2-28-81. Also, that 3-3-81 was the last day to receive absentee ballot applications.

Village Attorney Howitt reported that the City of Buffalo Small Claims Court had dismissed a litigation against the Village resolving a question of water damage to a residence in favor of the Village.

X. Items from Board Members:

Trustee Hamilton, as Capital Expenditures Committee Chairman noted a tentatively scheduled meeting of the Committee for 9:00 a.m., Saturday, 3-7-81. He invited all Trustees to attend, hoped that preliminary requests would be received, and suggested the possible request for attendance to various department heads.

Mayor Eyres noted the receipt of the listing of Village properties that Erie County intends to foreclose upon for non-payment of County taxes.

He also noted his request for a meeting with the principals of the Farmers Market to review the posture of its continuance in sight of changing conditions.

XI. Motion to Adjourn:

A motion to adjourn by Trustee Hamilton, seconded by Trustee Pagliaccio carried by unanimous vote at 9:40 p.m.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

VJZ/jm

Village of East Aurora

Regular Meeting of the Board of
Trustees

March 2, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 p.m.

Roll Call: Present - Mayor Eyres, Trustees Pagliaccio, Marshall,
Hamilton, Sleeper, Thompson, and
Smith

Absent - None

Staff Present - Van J. Zittel, Village Clerk-Treasurer
Walter W. Howitt, Village Attorney
M. Raymond Smallback, Police Chief
Carlton C. Colby, Building InspectorPrior to Agenda Action Items - Draw for Horizontal Position on Ballot
for 3-17-81 Election:

M E M O R A N D U M

TO: Mayor Lawrence E. Eyres and Village Trustees

FROM: Village Clerk-Treasurer Van J. Zittel

RE: Position on Ballot for Village Election

DATE: February 25, 1981

Reference: State of New York Election Law
Title I - Form of Ballots
Section 7-116 - Ballots; order of names on
Paragraph #2

Upon addressing the subject of the order of the names on a Village election ballot, dealing only with independent nominations, and only one candidate being nominated by each independent body, the following shall be my concurrence of the interpretation of the above referenced law which is shared by both Donald McCarthy, Council for the New York State Board of Elections, and Walter W. Howitt, Village Attorney. Their interpretation is that the determination of the position of the names on the ballot shall be at the sole discretion of the Village Clerk as Village Election Officer, designated by Statute, Section 15-124 of the Election Law.

Thus, in administering this interpretation this year, as Election Officer, I have elected that, in view of understanding of procedures of the immediate past, it is equitable to have an impartial draw, immediately preceding the agenda items of the March 2, 1981 Board of Trustees meeting. This drawing shall determine the horizontal order of the candidates for election to the two (2) year term of Trustee.

It should be understood that past procedures and the use of a draw here does not in any way indicate the method to be used, by the Village Election Officer, to make this determination in future instances.

With the distribution of the above memorandum, Village Election Officer Van J. Zittel asked Village Attorney Howitt to draw candidates names from a hat; the order of the names drawn to be the left to right horizontal order of the ballot. The result of the

Village of East Aurora

Regular Meeting of the Board of
Trustees

March 16, 1981

Call to Order and Pledge of Allegiance of the Flag at 8:00 p.m.

Recess: Meeting of the Assessment Board of Review

At 8:02 p.m. Mayor Eyres declared a recess to facilitate the convening of the Village Assessment Board of Review.

With all Village Trustees, Village Mayor, and Village Assessor present, Grant M. Hamilton moved for the adoption of the Minutes of the March 2, 1981 Assessment Board of Review meeting concerning the denial of the request to reduce the 1981-82 assessment on 233 Sycamore Street. Upon a second by Jerrold Thompson the motion carried by a unanimous vote.

Upon Village Assessor Zittel stating that there was no further business to be brought before the Board, Grant M. Hamilton moved for adjournment. With a second by Raymond A. Smith and a unanimous vote, the meeting was adjourned at 8:05 p.m.

Return: Meeting of Board of Trustees

Mayor Eyres then returned to the Board of Trustees Meeting agenda with the. . .

ROLL CALL: Present - Mayor Eyres, Trustees Pagliaccio, Marshall, Hamilton, Sleeper, Thompson, and Smith

Absent - None

Staff Present - Van J. Zittel, Village Clerk-Treasurer
Walter Howitt, Village Attorney
Carlton Colby, Building Inspector
M. Raymond Smallback, Police Chief
Richard Bamberg, Fire Chief
Jean Anderson, Deputy Chairwoman, Planning
Commission

I. Village Attorney - Resignation of:

March 3, 1981

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

Dear Trustees:

Pursuant to the requirements of a resolution adopted by an earlier Village Board of Trustees some twenty-four years ago, I am tendering to your Board and to the Village Clerk at this time my resignation as Village Attorney effective at the end of the current official Village year. Accordingly, my resignation as Village Attorney will become effective on April 6, 1981.

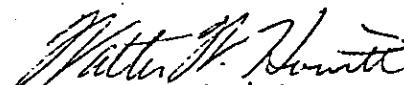
I have had the pleasure of a considerable continuity of service as Village Attorney for the Village of East Aurora and have had the satisfaction of participating in the development of the Village government and in the solution of a succession of Village problems during the past several years. It appears that the local government front will continue to be the front line of

action and increasingly important as communities adjust to changing economic and social developments.

As you know, the Village of East Aurora and its citizens are currently engaged in action as regards the problems of sewage disposal, surface water drainage, business and industrial growth, street improvement and so forth.

I have had the satisfaction of assisting your Board in the resolution of past problems and in the battle with continuing problems. I have enjoyed my association with the members of your Board during the past year and have a continuing interest in the government of the Village of East Aurora. If it is the pleasure of your Board, I would be pleased to serve as Village Attorney for the ensuing official year and continue my association in such capacity with this Village and its government.

Very truly yours,


Walter W. Howitt
Village Attorney

Upon the reading aloud of the above letter, Trustee Smith moved to accept Village Attorney Howitt's resignation, effective April 6, 1981. Seconded by Trustee Thompson, the motion carried by unanimous vote.

- II. 779 Main Street - PUBLIC HEARING - Conversion of Premises:
III. 779 Main Street - Request to Amend Adopted Development Plan:

Thomas E. Pastore, M.D., F.A.A.O.S.

ORTHOPAEDIC SURGERY

779 Main Street, East Aurora, New York 14052

February 13, 1981

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

Dear Sirs:

I would like to, at this time, request an amendment to the development plan for 779 East Main Street, East Aurora, New York. Basically, the present front house was rezoned as a Single Family occupancy at a Village board meeting on November 5, 1979.

In my attempt to renovate the above-described property we have found it impractical and an undue hardship to completely renovate this property and rent it as a single family dwelling since the front house is quite large, containing seven large bedrooms and many other rooms, all of which require complete renovation.

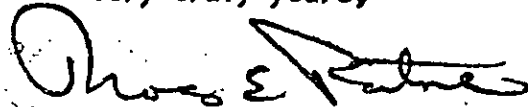
I am, therefore, at this time requesting a change in the rezoning plan to provide for a Multiple Family Dwelling. I have attempted to maintain the present property and to restore it to its previous graceful state, and I am sure you are aware of the cost encountered in such a project. In the future, to maintain this property to its utmost so that it will be an asset to the Village of East Aurora, I am proposing renovations to the front house, copies of which are enclosed. As you will see, this involves the formation of a two-family dwelling.

I would be happy to have anyone from the Village Board examine the property at any convenient time. I feel that they will agree that the proposed plans would certainly not involve any increase in the amount of traffic on Main Street. This would involve no on-street

parking. I really feel that the ideas we have in mind will be to the best interest of the neighbors as well as the Village itself.

I hope you will look kindly on this present request and schedule the hearing required under Section 93-39 of the Village Code.

Very truly yours,



Thomas E. Pastore, M. D.

At 8:10 p.m. Mayor Eyres opened the public portion of the hearing with the reading aloud of the published public notice and recognized Jean Anderson, Deputy Chairwoman of the Planning Commission who read the following recommendation into the record.

MEMORANDUM

TO: The Honorable Mayor Lawrence Eyres and the Village Board of Trustees

FROM: Mr. John J. Keller, Chairman, East Aurora Planning Commission

RE: Petition to amend the development plan and to convert the premises at 779 Main Street to a two-family dwelling

DATE: March 12, 1981

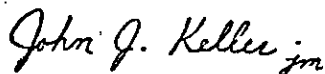
The Village of East Aurora Planning Commission reviewed the petition and floor plan submitted at their regular meeting on Wednesday, March 11, 1981. No representative of the petitioner attended the meeting.

The Commission reviewed the original development plan and discussed the probable economic need and justification for the requested change in use.

After extensive discussion, the Planning Commission, by a vote of four (4) in favor, none opposed, recommends approval of the petition.

For the record, the Planning Commission would like it noted that the petitioner, in fact, commenced this conversion without proper, prior notice and approval of the required Village agencies. In our opinion, the contractor and petitioner should be publicly censured for this disregard of Village building and zoning laws.

Respectfully submitted,



John J. Keller, Chairman
East Aurora Planning Commission

Calling for and hearing no further public comment, Mayor Eyres closed the public portion of the hearing at 8:16 p.m. and referred the matter to the Board.

Following the closing of the public hearing, upon a motion by Trustee Smith, seconded by Trustee Thompson and unanimously carried, the following finding and resolution were adopted:

FINDING

The conversion of the large single family frame residence situated at the front of premises at 779 Main Street, East Aurora, New York, into two dwelling units (apartments) as

per plans submitted with Dr. Thomas E. Pastore's letter dated February 13, 1981, will not result in any modification of the residential appearance of the said frame residence at 779 Main Street.

RESOLUTION

The request of Dr. Thomas E. Pastore to amend the development plan approved by the Board of Trustees on November 5, 1979 and previously amended by resolution adopted May 5, 1980, to permit the conversion of the large single family frame residence situated at the front of premises at 779 Main Street into two (2) dwelling units (apartments) is hereby approved.

It was also moved by Trustee Smith, seconded by Trustee Thompson and carried by unanimous affirmative vote that the request of Dr. Thomas E. Pastore to convert the single family frame residence at the front of premises known as 779 Main Street, East Aurora, into two dwelling units (apartments) pursuant to Section 93-39 of the Code of the Village of East Aurora in accordance with plans submitted to this Board by letter dated February 13, 1981, is hereby approved and a building permit for such conversion to a multiple dwelling may issue.

IV. East Aurora Fire Department - Accept Fire Truck Bids:

Pursuant to the tabling of this item, see the 2-2-81 meeting, to allow for the expiration of the 30 day permissive referendum period concerning the bond resolution, the Board again addressed the question of accepting the bid received for a replacement of Fire Truck No. 3.

Considerations here, as the necessity to and intent to purchase a fire truck had been established already, were as to whether the vehicle should be equipped with an automatic or standard transmission.

With consideration of the following memorandum,

M E M O R A N D U M

TO: Mayor Eyres and Board of Trustees
FROM: Van J. Zittel, Village Clerk-Treasurer
RE: Analysis of Fire Truck Bid Price
DATE: February 11, 1981

Pursuant to the receipt of a single bid in anticipation of a Fire Truck purchase, it was felt equitable to poll surrounding municipalities, with regard to their similar purchases, to determine the acceptability of the \$133,000 price.

It must be noted that all of these vehicles were recently purchased from Buffalo Mack, Inc., using the Mack Truck cab and chassis as the basis for tailoring, i.e.: custom building the final apparatus to the needs of each fire protection area. However, on some of the vehicles even the Mack Truck chassis frames were lengthened and modified to accommodate the fire fighting equipment.

The results of the poll are as follows:

<u>Municipality</u>	<u>Cost</u>	<u>Pump</u>	<u>Tank</u>	<u>Transmission</u>
Niagara Falls	\$ 150,000	2000 GPM	1000 Gal.	Automatic
East Aurora	133,000	1500 GPM	1000 Gal.	Automatic
Eggertsville	130,000*	1500 GPM	750 Gal.	Automatic
Brighton	110,000	1000 GPM	750 Gal.	Automatic
Buffalo	100,000	1250 GPM	500 Gal.	Automatic

* Adjusted to include \$5000 8/80 price increase after their purchase date of 5/80.

This information is submitted for your information and consideration. Many other comments were heard, too lengthy to list. I am available should you need further clarification.

Mayor Eyres recognized Fire Chief Bamberg who offered elaboration on his request that the vehicle be equipped with an automatic transmission.

Chief Bamberg stated that the company that will receive the new truck is currently using a vehicle with automatic transmission; that because of popular use of automobile automatic transmissions young people are becoming less and less familiar with the standard shifting process; and that the automatic truck transmission technology has advanced to the point of extended dependability and moderately simple maintenance requirements.

Superintendent of Public Works Lang recommended a standard transmission stating that maintenance was less costly and past experience with 18 year old truck No. 2 showed frequent breakdown problems.

Upon clarification questions of these two differing opinions, Trustee Thompson moved to accept the bid received including the automatic transmission option. With a second by Trustee Smith, the motion carried with five (5) votes in favor and Trustee Marshall voting against.

V. 450 Oakwood Avenue - Request for Conversion:

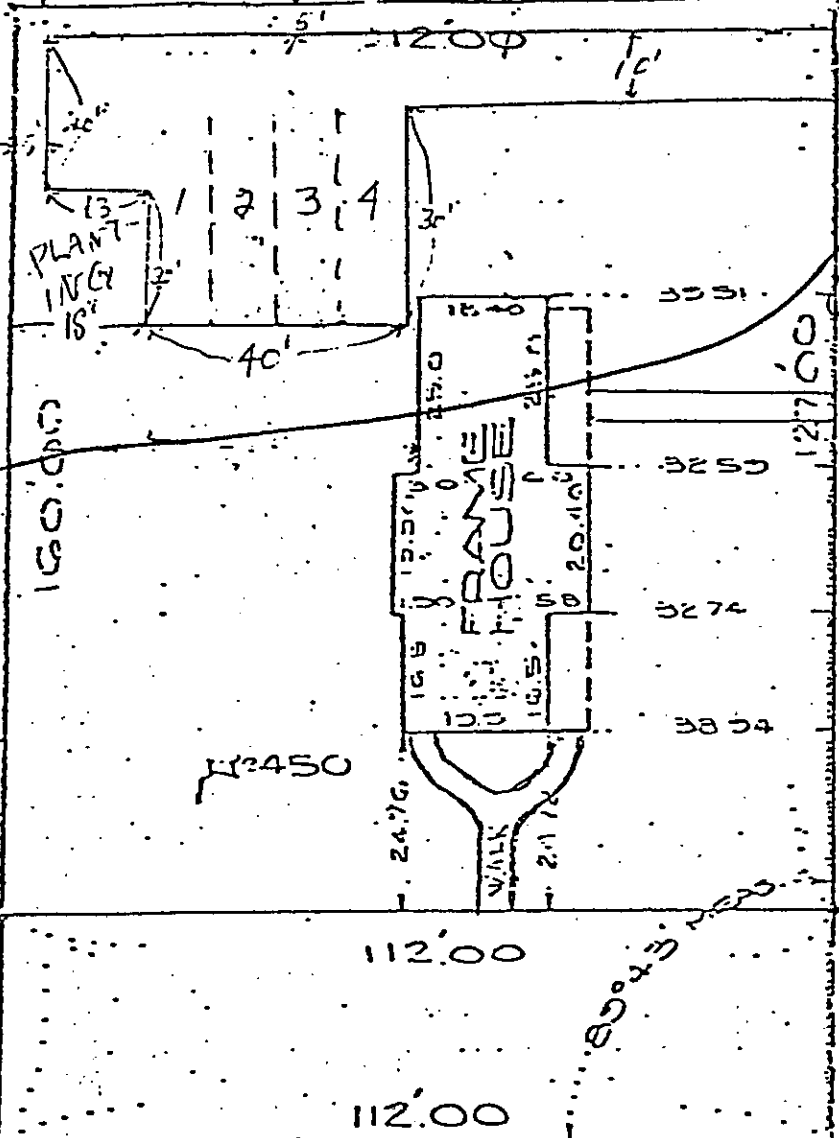
Mayor Eyres explained that since this item was tabled at the 3-2-81 public hearing, Mr. Godfrey and Mr. Martin Holmes of 440 Oakwood Avenue had met and agreed to a parking plan that was acceptable to both parties. Both Mr. Holmes and Mr. Godfrey being present indicated that this was true.

The following amended survey was then submitted as evidence of the proposed parking plan.

HETMAKER, HOWARD ADAMS
AND OTHERS L. 3172 P. 303

PARALLEL WITH
OAKWOOD AVENUE

Re: GODFREY



CONFORMS TO
STREETS
IN 1936

Mr. James
Dear Van
Mr. Holmes
has
approved
this
lay-out
of parking
area
3/15/81

PARALLEL WITH
LINE OF SOUTH GROVE

GROVE

#450 OAKWOOD AVE

OAKWOOD AVENUE
66.0 WIDE

PROPERTY OWNED BY
EDWARD E. GODFREY

DART OF LOT 23 T. 9. R. 6
VILLAGE OF EAST AURORA
TOWN OF AURORA

Thus, Trustee Hamilton moved the approval of the conversion request. With a second by Trustee Marshall, the motion carried by unanimous vote.

VI. Gift of Land to the Village - Alfred R. Davison:

Upon the reading aloud of the following memorandum,

101-DEED-Warranty with lien covenant (Individual)

Sanders Legal Publishers
Prudential Bldg, Buffalo, N.Y. 14202

This Indenture,

Made the 3rd day of

Between March Nineteen Hundred and Eighty-one

ALFRED R. DAVISON, individually and as surviving spouse of
Eunice E. Davison, residing at 126 Girdle Road, East Aurora, New York 14052

part y of the first part, and
VILLAGE OF EAST AURORA, NEW YORK, a municipal corporation, having
its offices at 571 Main Street, East Aurora, New York 14052

Witnesseth, that the part y of the first part, in consideration of part y of the second part,

ONE AND NO MORE----- Dollar (\$1 & no more)
lawful money of the United States,
paid by the part y of the second part, do es hereby grant and release unto the part y of the
second part, its successors and assigns forever,

All that Tract or Parcel of Land, situate in the Town of Aurora, County
of Erie and State of New York, being part of Lot No. 16, 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 Girdle Road at the northeast
corner of lands heretofore conveyed to William L. Clarke and Rhea H. Clarke, his
wife, by deed recorded in the Erie County Clerk's Office in Liber 4831 of Deeds
at page 414; said point of beginning being 710 feet north as measured along the
center line of Girdle Road from the northeast corner of lands formerly of Aaron
Riley and formerly of Ephrian Collins (see deed recorded in Liber 6 of Deeds at
page 414); thence northerly along the center line of Girdle Road 25.6 feet to an
angle point in said road; thence northwesterly and continuing along the center line
of said road 306 feet to a point in the north line of said Lot No. 16, 294.4 feet
east of the northwest corner of lands conveyed to Alfred R. Davison and wife by
deed recorded in the Erie County Clerk's Office in Liber 4076 of Deeds at page 464,
as measured along the north line of said lot; thence westerly along the north line
of said lot, 294.4 feet to the northwest corner of lands so conveyed to Alfred R.
Davison and wife; thence southerly along the westerly line of said lands so con-
veyed to Alfred R. Davison and wife to the northwest corner of lands so conveyed
to William L. Clarke and Rhea H. Clarke, his wife; thence easterly along the north
line of said lands so conveyed to William L. Clarke and Rhea H. Clarke, his wife,
440 feet to the place of beginning.

Together with the appurtenances and all the estate and rights of the part y of the first part
in and to said premises,

To have and to hold, the above granted premises unto the said part y of the second
part, its successors and assigns forever.

And said party of the first part covenants as follows:

First, that the part y of the second part shall quietly enjoy the said premises;

Second, that said party of the first part will forever Warrant the title to said premises.

Third, that this conveyance is subject to the trust fund provisions of section thirteen of the lien
law.

In Witness Whereof, the party of the first part has hereunto set his hand(s) and seal(x) the day and year first above written.

In Presence of

Alfred R. Davison ls

_____ ls

State of New York }
County of Erie ss.

On this 3rd day of March Nineteen Hundred and Eighty-one before me, the subscriber, personally appeared ALFRED R. DAVISON, individually and as surviving spouse of Eunice E. Davison,

to me personally known and known to me to be the same person(x) described in and who executed the within Instrument, and he (she)(they) acknowledged to me that he (she)(they) executed the same.

Walter W. Howitt

WALTER W. HOWITT
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 23, 1984

State of New York }
County of ss.

On this day of Nineteen Hundred and before me, the subscriber, personally appeared

to me personally known and known to me to be the same person(s) described in and who executed the within Instrument, and he (she) (they) acknowledged to me that he (she) (they) executed the same.

PLEASE RETURN TO:
ATTORNEY AT LAW
670 MAIN STREET
EAST AURORA, N. Y. 11052

ALFRED

Warranty with Lien Covenant
(Individual)

ALFRED R. DAVISON,
individually and as surviving spouse
of Eunice E. Davison

VILLAGE OF EAST AURORA

Dated March 3, 1981

THIS SPACE FOR CLERK'S TIME STAMP
(Do not write in this space.)

Trustee Hamilton moved the following resolution,

March 16, 1981

Page 9

RESOLUTION

Accepting the gift of approximately three (3) acres of land in the Town of Aurora, Erie County, New York, having a frontage on the west side of Girdle Road of 331.6 feet and adjacent to the east boundary line of the Village of East Aurora, from Alfred R. Davison

WHEREAS, Alfred R. Davison, residing at 126 Girdle Road, East Aurora, New York, had made an informal, oral tender of a deed conveying approximately three (3) acres of land adjacent to the east Village line and west of Girdle Road as a gift to the Village of East Aurora, which oral, informal tender was made to this Village Board of Trustees on February 16, 1981; and

WHEREAS, Alfred R. Davison has made a formal tender of a duly executed deed conveying the said lands to the Village of East Aurora for One and No More (\$1 & no more) Dollars by letter of transmittal dated March 3, 1981, which letter states that the gift of the said lands is for the general municipal purposes of the Village of East Aurora; and

WHEREAS, it is the desire of this Village Board of Trustees to accept the gift of such lands from Alfred R. Davison (former Mayor of the Village of East Aurora) and to express the appreciation of the said Village of East Aurora and its residents for such gift.

NOW, THEREFORE, BE IT RESOLVED that the gift of approximately three (3) acres of land in the Town of Aurora, having a frontage on the west side of Girdle Road of 331.6 feet, a depth on the north bounds thereof of 294.4 feet along the north line of Lot No. 16, Township 9, Range 6 of the Holland Land Company's survey, and a depth on the south bounds thereof of 440 feet, as measured from the center line of Girdle Road, described in a deed executed by the said Alfred R. Davison on March 3, 1981, is hereby accepted by the Village of East Aurora as a gift from the said Alfred R. Davison for the general municipal purposes of the Village of East Aurora; and

BE IT FURTHER RESOLVED that a copy of said deed of gift and of the letter transmitting the said deed from Alfred R. Davison, dated March 3, 1981, be made a part of the official minutes of this Board of Trustees; and

BE IT FURTHER RESOLVED that this Village Board of Trustees expresses its thanks and appreciation and the thanks and appreciation of the residents of the Village of East Aurora for the generous gift of lands by Alfred R. Davison; and

BE IT FURTHER RESOLVED that the said deed of gift be recorded in the Erie County Clerk's Office at the earliest opportunity.

Upon a second by Trustee Pagliaccio, the motion carried by unanimous vote.

Discussion followed with delegation of the recording of the deed with the Erie County Clerk to Village Attorney Howitt. It was also noted that this land does not automatically become a part of the Village but annexation would be investigated.

VII. Kennel Permit - Application of Alverna E. Baumler of 104 Blake Hill:

Pursuant to receipt of the following application,

VILLAGE OF EAST AURORA, NEW YORK

APPLICATION FOR PERMIT TO KEEP OR MAINTAIN THREE (3) OR MORE DOGS IN ONE DWELLING UNIT (Pursuant to provisions of Section 51 of the Code of the Village of East Aurora)

APPLICANT: Alverna E. Baumler
(Name)

652-6558
(Telephone Number)

104 Blake Hill Road
(Street Address)

OWNER OF PROPERTY: Alvina + Dolores Baumler
(Name)
104 Blake Hill Road
(Street Address)
E. Aurora 14052
(City or Village) (Zip Code)

DOGS TO BE KEPT ON PREMISES: (Fill in all information for each dog)

BREED	SEX	AGE	NAME	CURRENT LICENSE NO.
<u>Beagle</u>	<u>Sp Female</u>	<u>12 yrs</u>	<u>Gay</u>	<u>0333365</u>
<u>Beagle</u>	<u>Sp Female</u>	<u>1 1/2 yrs</u>	<u>hady</u>	<u>0333362</u>
<u>Beagle</u>	<u>neut. male</u>	<u>8 yrs</u>	<u>Sunhy Jr.</u>	<u>0333363</u>
<u>Beagle</u>	<u>Female</u>	<u>6 wk puppy</u>		

DESCRIPTION OF FACILITIES FOR KEEPING THE DOGS:

Inside the dwelling: _____

Outside the dwelling: Fenced (stockade) in yard.

REASON FOR REQUESTING PERMIT:

In Oct of 1977 I was granted a permit to have four beagles. The
first Beagle - Sp Female 12 years old called Blaze - died 15 Feb 81.
would like to obtain a female beagle puppy and again have four beagles.

It is understood that if this permit is granted, it will only apply to the dogs listed above and will automatically expire when only two of them remain in the dwelling unit.

Applicant agrees to allow the duly appointed Dog Warden of the Village of East Aurora to inspect the facilities provided for these dogs as a part of processing this application.

Applicant hereby certifies that he or she is the head of the household where the dogs will be kept and that the information contained in this application is true and correct.

26 Feb 1981
(date)

Alvina E. Baumler
(Applicant's Signature)

NOTE: This application must be filed with the Village Administrator, Village Hall, 571 Main Street, East Aurora, New York 14052

Mayor Eyres explained that these permits were issued for the keeping of specific dogs. That the previous permit had expired due to the demise of one of the dogs listed on the original permit.

Upon noting that all of the surrounding property owners had been notified, Mayor Eyres yielded the floor to Richard Hodder of 105 Blake Hill Road. Mr. Hodder, a neighbor of Ms. Baumler, spoke in favor of her request saying that he has never experienced any related problems during his 10 year acquaintance.

Village Dog Warden Richard Glead stated that the dog keeping facilities were adequate and that he had not received any complaints concerning the applicant.

Upon noting that the two following negative communications were only

March 16, 1981

Page 11

received today, Trustee Pagliaccio moved to table this item to facilitate further investigation.

March 12, 1981

842 Oakwood Avenue

East Aurora, N.Y.

Village of East Aurora

East Aurora, N.Y.

Board of Trustees

Gentlemen:

Having received a copy of an application for permission to keep four beagle dogs at 104 Blake Hill Road by Alverna and Dolores Baumler, I would take this opportunity to express my opinion.

I am opposed to this permit because the dogs incessant barking is very annoying. I live approximately four properties distant from this address and we are bothered by this noise.

I do not object to animals, but these dogs have been a distraction to the neighborhood.

Very truly yours,



Patricia W. Fusia

772 Oakwood Avenue
East Aurora, New York 14052
March 12, 1981

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

Dear Sirs:

I am writing to express my unalterable opposition to the request of ALVERNA E. BAUMLER to keep four beagle dogs at 104 Blake Hill Road. Indeed, I am also writing to protest the status of dog ownership and care, as well as the very questionable enforcement of village dog ordinances per se in this well-taxed community.

For the record, I am not a dog hater; I have had several as pets throughout the years. Furthermore, I do not hold the dogs responsible for their anti-social and illegal behavior: I blame their owners.

I have too often observed the dog warden vainly and repeatedly attempt to enforce local dog laws in my neighborhood, only to have the various violators willfully

disdain his entreaties once he has left the area. I will cite the examples below.

First, the beagles. These dogs need air. When they are let out on mild, window-open mornings, their baying is sufficient to awaken my entire household. Three are enough; four are absurd.

Across the street, the resident with a permit to keep three dogs promised to keep them penned or leashed. He has never done this, despite the urging of the dog warden. My front lawn is testimony of that.

On one side of our home, the neighbor regularly allows his German shepherd to roam. I have seen this dog intimidate pedestrians on the sidewalk, especially children, and force them to walk in the street. I have also frequently chased this dog out of my garage where the garbage cans are. Whether these people are home or away, at any time of day or night, this dog is liable to howl incessantly. This is another visitor to my front lawn each day.

On the other side of us, the neighbor lets his dog out each morning about 6-6:30. This dog's regular route includes urinary stops on my front house door, my back house door, my garage door, and a concluding defecation on some part of my sidewalk.

The neighbors to the rear allow their own dog, plus any number of which they are at any time "sitting" for other owners, to run free. These dogs grace my backyard with daily piles.

The final indignity comes from the "law-abiding" dog owner who takes his pet for a walk on a leash and allows the animal to use my property. This, too, is illegal.

I do not believe that I should have to personally alienate these people in order to be fairly treated. That's what I pay taxes for. I've had enough. I want the dog warden to be turned loose in this sacrosanct area and violators prosecuted. I do not want to have to sign complaints in order for this to be accomplished: the ordinances are clearly written.

Let's not have any more of the "kennels" in the village. Either unleash the warden to do his job and then back him up with your full support, or stop this legal "folderol" and lip service to non-dog owners.

Yours sincerely,

Douglas B. Johnston

Douglas B. Johnston

With a second by Trustee Marshall, the motion to table carried by unanimous vote.

VIII. American Red Cross - Request to Display Banners:

GREATER BUFFALO REGIONAL CHAPTER
AMERICAN RED CROSS
AURORA-WALES-HOLLAND BRANCH
EAST AURORA, NEW YORK 14052

104 Maple Road
East Aurora, New York
January 30, 1981

Mayor Lawrence Eyres
Village Hall
East Aurora, New York

Dear Mayor Eyres;

This year, 1981, the American Red Cross will be celebrating its centennial with appropriate observances in chapters and branches throughout the country. The Aurora-Wales-Holland Branch has set up a committee to plan the celebration in our communities.

March 16, 1981
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In East Aurora we would like to use the Jennings brackets along Main Street for hanging Red Cross flags during the period of our celebration. We ask permission to do this, and any suggestions or help you or the Board of Trustees can give to make this possible will be most gratefully accepted.

Sincerely yours,
The Committee
Olive Bradigan
Janet Brower
Edward E. Godfrey
Hugh Laidman, Branch Chairman
Miriam Minsker, Chairperson Committee

GREATER BUFFALO REGIONAL CHAPTER
AMERICAN RED CROSS
AURORA-WALES-HOLLAND BRANCH
EAST AURORA, NEW YORK 14052

104 Maple Street
East Aurora, New York
March 6, 1981

Mr. Van J. Zittel, Village Clerk-Treasurer
571 Main Street
East Aurora, New York

Dear Mr. Zittel:

In response to your letter of March 3, 1981 regarding our request to display Red Cross flags along Main Street, the following information is in answer to your requirements:

- 1) The flags would be displayed from approximately May 7 to May 21, 1981;
- 2) The flags would be erected and removed by the Village personnel at their convenience;
- 3) Insurance certificate is on file in the Village office.

We would like to have sixty flags displayed in East Aurora including one on the flag pole at the West End circle, the rest on brackets.

The flags are made of white taffeta, 44" x 66" with a wooden brace at the top to facilitate attaching to the bracket and a grommet in the lower corner for wiring to the pole. The Red Cross will be centered on the taffeta.

We feel this will be a suitable way to remind the community of this centennial year of Red Cross.

If there are further questions please advise as we very much appreciate your cooperation in this effort.

Sincerely yours,
Miriam R. Minsker
Miriam R. Minsker, Ch.
Branch Celebration Committee

Upon reading the above letters aloud, Clerk-Treasurer Zittel explained that he had contacted the Buffalo Chapter of the Red Cross concerning their insurance and been told that the certificate would take at least a month to arrive from Washington, D.C.

Supt. of Public Works Lang added that the expense to the Village for installation and removal would be about \$500 dollars in man-power to install sixty pennants and that perhaps less banners would be more reasonable.

After various suggestions as to the number of banners allowed, Trustee Smith moved to approve the erection of 20 banners along Main Street and a flag on the pole at the circle; contingent upon a properly annotated insurance certificate being received before installation. With a second by Trustee Pagliaccio the motion carried unanimously.

Discussion followed that Trustee Thompson, Trustee Marshall, and Village Attorney Howitt would work out the necessary insurance requirements to "hold the Village and New York State Electric & Gas" harmless should an accident result from the Red Cross banners.

IX. Village Boundary - Official Metes and Bounds Description:

Trustee Marshall moved to adopt the following "Legal Description of Boundaries of Village of East Aurora" as the official description and that it be included in these minutes. With a second by Trustee Hamilton the motion carried unanimously.

LEGAL DESCRIPTION
of
BOUNDARIES OF VILLAGE OF EAST AURORA
1980

The Incorporated Village of East Aurora consists of Lots 31 and 23; plus parts of Lot 15, parts of Lot 16, parts of Lot 24, the northeasterly portions of Lot 22 and the southeasterly portion of Lot 32, in Township 9, Range 6 of the Holland Land Company's Survey and described as follows:

BEGINNING at a monument in the southwest corner of Lot 31; thence running north Seventeen Hundred Ninety-eight and four-tenths (1798.4) feet along the west line of Lot 31 to a monument at the intersection of said Lot with the south bounds of Big Tree Road; thence continuing north along the same lot line, Nineteen Hundred Fifty-one and twenty-two hundredths (1951.22) feet to a monument in the south bounds of Knox Road; thence still running north along the same Lot line, Thirty-three (33) feet, to a point in the center line of Knox Road, said point being the intersection of Lots No. 32 and 31 on the east and Lots No. 40 and 39 on the west; thence still running north along the west line of Lot 32, Twenty-one Hundred Forty-three (2143) feet to a monument, said monument being the northwest corner of the Village of East Aurora, the total length of the west line of the Village being Fifty-nine Hundred Twenty-five and sixty-two hundredths (5925.62) feet; thence easterly making a south-east angle of eighty-nine degrees and forty minutes (89°40') to a point in the northerly line of the Hamlin Subdivision as shown under Map Cover No. 969 as filed in the Erie County Clerk's Office, which point is One Hundred Fifty-six and fifty-six hundredths (156.56) feet west of the westerly line of Hamlin Avenue and which

point is in the westerly line of Subdivision Lot No. 150 under said Map Cover No. 969; running thence northerly along the westerly line of Subdivision Lot No. 150 under Map Cover No. 969, a distance of approximately Two and five-tenths (2.5) feet to the northwest corner of said Subdivision Lot No. 150; thence westerly and along a line, which extended easterly, makes a northwest and interior angle of eighty-eight degrees and fifty-two minutes ($88^{\circ}52'$) with the westerly line of Hamlin Avenue and along the northerly line of said Hamlin Subdivision to a point Five Hundred Nine (509) feet west of the westerly line of Hamlin Avenue and to the east line of lands now or formerly owned by one Knox; thence northerly along said Knox's land Three Hundred Seventy-seven (377) feet to the south line of lands conveyed to Samuel H. Addington by deed recorded in Erie County Clerk's Office in Liber 63 of Deeds at page 429; thence easterly along said Addington's south line Four Hundred Eighty-nine and three-tenths (489.3) feet to a point in the westerly line of Hamlin Avenue; thence southerly along the westerly line of Hamlin Avenue Three Hundred Seventy-four and three-tenths (374.3) feet to a monument in the west line of Hamlin Avenue; continuing thence easterly and along a line which, if extended westerly, makes a southeast angle of eighty-nine degrees and forty minutes ($89^{\circ}40'$) with the west line of the Village and through monuments in the east line of North Willow Street, the east line of Maple Road and the east line of Whaley Avenue to the westerly line of lands conveyed to Fisher-Price Toys, Inc. by Western New York and Pennsylvania Railway Company by deed recorded in Erie County Clerk's Office in Liber 5554 of Deeds at page 155 on June 30, 1954; running thence northerly along the westerly line of lands so conveyed to Fisher-Price Toys, Inc. by Western New York and Pennsylvania Railway Company and along the westerly line of lands conveyed to Fisher-Price Toys, Inc. by Pennel Company by deed recorded in Erie County Clerk's Office in Liber 7214 of Deeds at page 371 on March 24, 1966, approximately Five Hundred Seventy (570) feet; continuing thence northerly along the east line of lands formerly owned by the Pennsylvania Railroad Company, Eleven Hundred Thirty-five and six-tenths (1135.6) feet to a monument; thence easterly making a southeast angle of eighty-eight degrees and twenty-eight minutes ($88^{\circ}28'$), One Hundred Fifteen and five-tenths (115.5) feet to a monument; thence northerly making a northwest angle of eighty-eight degrees and fifty-two minutes ($88^{\circ}52'$), Six Hundred Thirty-one and thirty-seven hundredths (631.37) feet to a monument; thence easterly making a southeast angle of ninety-two degrees and twenty-eight minutes ($92^{\circ}28'$), Thirteen Hundred Twenty and six-tenths (1320.6) feet to a point in the division line of Lot 16 on the east and Lot 24 on the west; thence north along said division line making a southwest angle of eighty-eight degrees and thirteen minutes ($88^{\circ}13'$), Sixty-eight (68) feet to a pipe, said pipe being Five Hundred Forty-two and fifty-two hundredths (542.52) feet distant southerly from the division line between the Town of Elma on the north and the Town of Aurora on the south; thence running northeast Fifty-five and one-half degrees ($55-1/2^{\circ}$) along the center line of the old abandoned highway, also being the south bounds of the East Aurora Country Club property Three Hundred Twenty-seven and thirty-six hundredths (327.36) feet; thence northeast Forty-three and one-half degrees ($43-1/2^{\circ}$) along said last mentioned line Four Hundred Thirty-nine and fifty-six hundredths (439.56) feet to a pipe in the division line between the Town of Elma on the north and the Town of Aurora on the south, thence east along the said division line between the Town of Elma on the

north and the Town of Aurora on the south Two Hundred Fifty-six and four-tenths (256.4) feet more or less to the northeast corner of lands deeded to the Village of East Aurora by deed recorded in the Erie County Clerk's Office March 27, 1928, Liber 1975 of Deeds at page 138; thence south along the east line as conveyed by said deed, One Thousand and nine-tenths (1000.9) feet to a monument; thence west making a northwest angle of Eighty-nine degrees and forty minutes ($89^{\circ}40'$) One Hundred (100) feet along north line of land conveyed by the Village to the Riley Estate, as per deed recorded in Liber 1996 of Deeds at page 356, to a monument, thence south along the west line as per above deed, and making a southeast angle of Eighty-nine degrees and forty minutes ($89^{\circ}40'$), Eight Hundred Twenty-two (822) feet to a monument; thence west making a northwest angle of Eighty-nine degrees and forty minutes ($89^{\circ}40'$), Six Hundred Eighty-one and nineteen hundredths (681.19) feet, to a monument in the east line of Pine Street; thence still running west Thirty-three (33) feet to the center line of Pine Street, said center line also being the division line between Lot 16 on the east and Lot 24 on the west; thence south along said center line Twelve Hundred and seven (1207) feet to the old north line of the Village; thence westerly along the old north line of the Village one rod (16.5 feet); thence northerly and along a line drawn parallel with and distant one rod (16.5 feet) westerly from the centerline of Pine Street extended a distance of Fourteen Hundred and six (1406) feet to the northeast corner of lands of H. Merritt; thence westerly making a southwesterly angle of Eighty-eight degrees and thirteen minutes ($88^{\circ}13'$) with the last described line and along the north line of lands of H. Merritt a distance of Five Hundred Ninety-eight and five tenths (598.5) feet to the northwest corner of the lands of said H. Merritt; thence southerly and along a line parallel with Pine Street extended and along the westerly boundary of the lands of H. Merritt a distance of Five Hundred, more or less ($500 \pm$) feet to a point Two Hundred Eighty-three and fifty-one hundredths (283.51) feet north of the northeast corner of lands conveyed to Fisher-Price Toys, Inc. by Western New York and Pennsylvania Railway Company by deed recorded in Erie County Clerk's Office in Liber 4943 of Deeds at page 569, which point is also the southeast corner of lands conveyed to Fisher-Price Toys, Inc. by the Village of East Aurora by deed recorded in Liber 7544 of Deeds at page 237 in 1968; thence continuing southerly and along the west bounds of lands of H. Merritt and the east bounds of lands so conveyed by the Village of East Aurora to Fisher-Price Toys, Inc. a distance of Two Hundred Eighty-three and fifty-one hundredths (283.51) feet to the southeast corner of lands so conveyed to Fisher-Price Toys, Inc. by deed recorded in Liber 7544 of Deeds at page 237; running thence southerly along the easterly line of lands so conveyed to Fisher-Price Toys, Inc. by Western New York and Pennsylvania Railway Company Five Hundred Thirty-six and six-tenths (536.6) feet to its intersection with the northerly line of lands conveyed to Fisher-Price Toys, Inc. by Cutler Halstead and wife by deed recorded in Erie County Clerk's Office in Liber 6242 of Deeds at page 565 on November 19, 1957; running thence easterly along the northerly line of lands so conveyed to Fisher-Price Toys, Inc. by Cutler Halstead and wife in 1957 and along the northerly line of lands conveyed to Fisher-Price Toys, Inc. by Cutler Halstead and wife by deed recorded in Erie County Clerk's Office in Liber 6355 of Deeds at page 128 on October 29, 1958, and along the northerly line of lands conveyed to Fisher-Price

Toys, Inc. by Frederick W. Swan, Jr. and wife by deed recorded in Erie County Clerk's Office in Liber 6704 of Deeds at page 547 on September 28, 1961, approximately Six Hundred Seventy (670) feet to the westerly line of Pine Street; running thence southerly Fifty-five and one tenth (55.1) feet along the westerly line of Pine Street to its intersection with the old East Aurora Village line; running thence easterly and along the old East Aurora Village line a distance of Thirty-three (33) feet to the centerline of Pine Street; thence easterly through monuments in the west line of Dorchester Road and the east line of Lawrence Avenue, Sixteen Hundred Fifty-four and seventy hundredths (1654.70) feet to a point in the north boundary of the Village of East Aurora and the intersection of the southeasterly line of Subdivision Lot 16 of the Martin Subdivision as shown on map filed in the Erie County Clerk's Office under Cover 1567; thence northeasterly along the southeasterly boundary of Subdivision Lot 16 and 17, One Hundred Twenty and ninety-eight hundredths (120.98) feet; thence northwesterly along the northeasterly line of Subdivision Lot 17 One Hundred Sixty-four and forty-six hundredths (164.46) feet to the southeasterly boundary of Lawrence Avenue; thence easterly and along the curve in the south bounds of Lawrence Avenue, having a radius of Fifty-seven (57) feet and an angle of Twenty-two degrees and thirty-seven minutes ($22^{\circ}37'$), a distance of Twenty-two and five-tenths (22.5) feet to a point; thence northeasterly on a reverse curve, having a radius of One Hundred Fifty-seven and ninety-nine hundredths (157.99) feet and an angle of Forty-six degrees and thirty-eight minutes ($46^{\circ}38'$) a distance of One Hundred Twenty-eight and fifty-nine hundredths (128.59) feet to the north boundary line of property conveyed to Mary Ann Brown by deed recorded in Erie County Clerk's Office in Liber 3708 of Deeds at page 297; thence easterly along the north boundary of Brown's land Five Hundred Eight and forty-six hundredths (508.46) feet to the northeast corner of said lands; thence northerly Two Hundred Sixteen and fifty-five hundredths (216.55) feet to a point, said point being the northwesterly corner of the lands formerly owned by Ernest Pfifferling, said point also being distant Twenty-five Hundred Seventy-nine and twenty-eight hundredths (2579.28) feet northerly from the northerly bounds of Main Street measured along the easterly boundary of lands formerly owned by Mary Ann Brown and recorded by deed in the Erie County Clerk's Office in Liber 3708 of Deeds at page 297; thence easterly with an included southeasterly angle of Ninety-one degrees and thirty-nine minutes ($91^{\circ}39'$), a distance of Seventeen Hundred Fourteen and two hundredths (1714.02) feet to a point, said point being the northeasterly corner of lands formerly owned by Ernest Pfifferling; and thence southerly with a southwesterly included angle of Eighty-eight degrees (88°), a distance of Seventeen Hundred Sixty-six and twenty-nine hundredths (1766.29) feet, said course being the easterly bounds of the former Pfifferling Farm and the east line of Lot 16 (to a point) Eight Hundred Seventy-four and eighty-four hundredths (874.84) feet north of the north line of Big Tree Road; thence southwesterly with an included angle of One Hundred Fifty-seven degrees, two minutes and forty seconds ($157^{\circ}02'40''$) and along the northwesterly line of lands appropriated by the State of New York for the Aurora Expressway, Map Number 793, Parcel Number 830 by Notice of Appropriation recorded in Erie County Clerk's Office in Liber 7470 of Deeds at page 104, a distance of Two Hundred Seventy-one and forty-nine hundredths (271.49) feet to a point; thence westerly with an included angle of One Hundred Twelve degrees

and thirty minutes ($112^{\circ}30'$), a distance of Three Hundred Eighty-four and thirty-seven hundredths (384.37) feet to the southeasterly corner of Subdivision Lot Number 11 as shown on a map of Eastgate Subdivision filed in Erie County Clerk's Office under Cover Number 2312; thence continuing westerly and along the south line of said Subdivision Lot 11, a distance of Two Hundred Ninety and sixteen hundredths (290.16) feet to a point; thence southerly with a southeasterly included angle of ninety degrees (90°) a distance of One Hundred Sixty-three and fifteen hundredths (163.15) feet; thence westerly with a northwesterly included angle of ninety degrees (90°), a distance of Fifty-eight and five-tenths (58.5) feet; thence southerly with a southeasterly included angle of ninety degrees (90°), a distance of Four Hundred Fifty-two and sixty-seven (451.67) feet to a point, said point being located in the northerly bounds of East Main Street and being Twelve Hundred Ninety-six and ninety hundredths (1296.90) feet distant from a concrete monument located in the northerly bounds of East Main Street at the point of intersection with the former easterly Village boundary line; thence westerly Eight Hundred Forty and three-tenths (840.3) feet, said course being along the northerly boundary of East Main Street to a point; thence northerly with a northeasterly included angle of Eighty-eight degrees and fifty-three minutes ($88^{\circ}53'$), Ten Hundred Eighteen and forty-one hundredths (1018.41) feet, more or less, to a point, said point being the southeast corner of lands formerly owned by Mary Ann Brown and recorded by deed in Erie County Clerk's Office in Liber 3708 of Deeds at page 297; thence westerly making a northwesterly angle of Eighty-nine degrees and fifty-seven minutes ($89^{\circ}57'$), Four Hundred Fifty-five and seventeen-hundredths (455.17) feet to a point in the east boundary of the Village of East Aurora as presently established; thence southerly making a southeast angle of Ninety degrees (90°), Ten Hundred Eighteen and forty-one hundredths (1018.41) feet to a monument in the north bounds of Main Street or Big Tree Road; thence still running south Thirty-three (33) feet to the center line of said Main Street, also being the division line between Lot 16 on the north and Lot 15 on the south; thence still running south to a monument, said monument being One Hundred Forty-four and four-tenths (144.4) feet easterly measured along the center line of Chestnut Hill Road extended from a monument at the intersection of said center line and the east bounds of Elmwood Avenue; thence easterly along the said extended center line Sixty-six and six-tenths (66.6) feet to a monument; thence northerly and parallel to Elmwood Avenue Two Hundred Ninety-four and forty-seven hundredths (294.74) feet to a monument; thence easterly with a southeast angle of Eighty-nine degrees and four minutes ($89^{\circ}4'$) Five Hundred Six and seven-tenths (506.7) feet to a monument in the division line between the lands of Clara C. Borns on the west and the Hickory Crest Subdivision on the east; thence south along said division line with a southwest angle of Eighty-nine degrees and fifty-seven minutes ($89^{\circ}57'$), One Hundred Twenty-nine and seven-tenths (129.7) feet to a monument in the northwest corner of Lot 46 of said subdivision; thence east along the north line of said Lot 46, Two Hundred Fourteen (214) feet to a monument in the west line of Glenridge Avenue; thence south along said west line Sixty-six (66) feet to a monument; thence west

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and parallel to the north line of said Lot 46, Two Hundred Fourteen (214) feet to a monument; thence south along the division line of lands of the Village of East Aurora on the west and lands of the Hickory Crest Subdivision on the east, Six Hundred Sixty (660) feet to a monument; thence continuing on the same course Eight Hundred Thirty-seven and one-tenth (837.1) feet to a monument; thence west with a northwest angle of Ninety degrees and forty-two minutes ($90^{\circ}42'$) Three Hundred Ninety-seven (397) feet to a monument; thence north with a northwest angle of Eighty-nine degrees and fifty-four minutes ($89^{\circ}54'$) along the division line of lands of the Village of East Aurora on the east and lands formerly owned by (one) Parker, Mary R. Herman and Fred A. Mason on the west, Seven Hundred Forty-six and eighteen hundredths (746.18) feet to a point; thence along same division line bearing to the west One degree (1°), Six Hundred Thirty-nine and fifteen hundredths (639.15) feet to a monument, said monument being the northeast corner of lands of Rolf R. Schutz; thence westerly along the northerly line of lands of Rolf R. Schutz and parallel to and Twenty-five (25) feet distant southerly from the extended center line of Chestnut Hill Road, One Hundred Forty-four and seven-tenths (144.7) feet to a monument in former east bounds of the Village; thence southerly along the said bounds of the Village of East Aurora, Six Hundred Ninety-eight and ninety-three hundredths (698.93) feet to a point; thence easterly along the boundary line of lands owned on the north by one Jeffrey Letchworth and wife, and on the south by one Chapin Lowell and wife, a distance of One Hundred Sixty-five (165) feet, more or less, to a point, said point being located in the westerly bounds of the Village of East Aurora Reservoir property and said boundary being previously described as that distance Six Hundred Thirty-nine and fifteen hundredths (639.15) feet; thence southerly along said boundary line and coinciding therewith, a distance of Twenty-five and seventeen hundredths (25.17) feet to a monument; thence continuing southerly along said previously mentioned boundary which deflects to the west, One degree (1°), a distance of One Hundred Five and sixty-eight hundredths (105.68) feet to a point; thence westerly with a northwesterly included angle of Ninety degrees (90°), One Hundred Sixty-eight (168) feet to a point, said point being located in the said easterly corporation line of the Village of East Aurora and One Hundred Fifty-six (156) feet distant from the easterly bounds of Elmwood Avenue; thence southerly along said bounds of the Village to a monument, said monument being the former southeast corner of the Village, the total distance from the monument in the easterly boundary of the Village of East Aurora in the north bounds of Main Street and Big Tree Road to the last mentioned monument, being Thirty-eight Hundred Ninety-five and twenty hundredths (3895.20) feet; thence westerly with a northwest angle of Eighty-eight degrees and nineteen minutes ($88^{\circ}19'$), Seventeen Hundred Sixty and seventy-six hundredths (1760.76) feet, measured along the south bounds of Lot No. 15 to a monument, said monument being the east line of Olean Street; thence still running on the same course Thirty-three (33) feet to a point, said point being the intersection of Lots 15, 23, 14 and 22, also being the intersection of the center lines of Olean and South Streets; thence southerly along the east line of Lot 22 and the center line of Olean Street, a distance of Five Hundred Nine (509) feet; thence westerly at an interior angle with the last described line of Eighty-eight degrees and seventeen minutes ($88^{\circ}17'$), a distance of Two Hundred Sixty-seven and eighty-five hundredths (267.85) feet; thence northerly at right angles Two Hundred Fifty-eight and seventy-seven hundredths (258.77) feet; thence westerly at right angles Ninety-nine and two-tenths (99.2) feet; thence northerly at right angles Two Hundred Fifty (250) feet to the center line of South Street and the south bounds of Lot 23;

thence running westerly along the south bounds of Lot 23, Thirty-five Hundred Seventy-six and seventy-nine hundredths (3576.79) feet to a point; said point being the intersection of Lots 23, 31, 22 and 30 and also being the center line of Center Street; thence still running westerly along the south bounds of Lot 31, Thirty-three (33) feet to a monument, said monument being in the west line of Center Street; thence still running westerly along the said south line of Lot 31 through a monument on top of the west bank of Cazenovia Creek, also a monument at the intersection of the east line of Mill Street and the south line of Beech Street, also a monument on the east bank of Cazenovia Creek, Thirty-nine Hundred Forty-six and forty-seven hundredths (3946.47) feet to the point of beginning, making a northeast angle of Ninety-one degrees and thirty-four minutes (91°34') with the west bounds of the Village.

Village Attorney Howitt also noted that a copy of the above had been forwarded to the Bureau of the Census and Erie County's Tax Map Division.

X. 1981-82 Community Development Program:

Mayor Eyres noted that the previously adopted Village program (see 11-17-80 meeting) did not fit the strict application of the restructured federal guidelines. Thus, the Board has researched and elected to adopt the Erie County Neighborhood Preservation Loan/Grant Fund Program as outlined in the following fact sheet.

ERIE COUNTY NEIGHBORHOOD PRESERVATION PROGRAM
REHABILITATION GRANT FUND

The "NPP Grant Fund" assists low and moderate income homeowners to significantly reduce their home repair costs by providing outright grants and loan subsidy grants. These grants are made available through the Erie County Community Development Program.

Some important facts concerning the "Neighborhood Preservation Program Grant":

1. The maximum grant amount is \$3,500.00 per household.
2. The property to be rehabilitated must be in a locally designated Neighborhood Preservation Program area.
3. The property must be an owner-occupied one-to-four family dwelling.
4. Property taxes must be paid in full.
5. All of the rehabilitation work must be done in accordance with a work and specifications write-up prepared by the Erie County Division of Planning's Housing Inspector in cooperation with the local Building Inspector.
6. A standard contract will be required for all work performed under this program. The contract will be provided by the Erie County Division of Planning.
7. A lien will be placed against the applicant's property rehabilitated under the Neighborhood Preservation Program. The liens will be for all applicants participating in the NPP except applicants receiving a grant to subsidize a bank loan. The lien shall be for a period of three (3) years and for the full amount of the grant.

8. Outright Grant An outright grant (no repayment) is available to low income homeowners whose adjusted family income does not exceed 50% of the Erie County median income. (See item #12)
9. Loan Subsidy Grant A loan subsidy grant is available to homeowners whose adjusted family income does not exceed 100% of the Erie County median income. (See item #12) This grant subsidizes a conventional home improvement loan, so that the monthly payment equals the amount which would be required for a 3% interest rate loan.
10. Combination Grant Depending upon current financial obligations, a homeowner whose adjusted family income does not exceed 80% of the Erie County median income may be eligible for a combination grant (See item #12) This grant reduces the monthly payment amount even further than a loan subsidy grant. In extreme hardship situations an outright grant may be available.
11. The main objective of the NPP Grant Fund is to bring dwellings up to rehabilitation standards. Therefore:
- Outright grants must be used ONLY for essential repairs and the correction of basic deficiencies. (See item #13)
 - Loan subsidy grants must be used PRIMARILY for essential repairs and the correction of basic deficiencies. Up to 40% of the total cost of the work (loan plus grant amount) may be used for general improvements which may not be essential but are desired by the homeowner. (See item #13)

NOTE: Materials, fixtures or equipment may not exceed the type or quality customarily used in the locality for properties of the same general type as the property to be rehabilitated.

12. Income Eligibility Schedule Income level, family size and financial obligations determine which kind of grant is appropriate for the individual homeowner. The following income schedule uses median income by family size as established by the United States Department of Housing and Urban Development. (Example: median income for a family of four would be \$19,600.)

INCOME ELIGIBILITY SCHEDULE FOR
NEIGHBORHOOD PRESERVATION PROGRAM

<u>No. of Persons</u>	<u>50%</u>	<u>80%</u>	<u>100%</u>
1	\$ 6,850	\$11,800	\$13,700
2	7,850	13,500	15,700
3	8,800	15,200	17,600
4	9,800	16,900	19,600
5	10,600	17,950	21,200
6	11,350	19,000	22,700
7	12,150	20,050	24,300
8 or more	12,950	21,100	25,900

Data Source: Buffalo Area HUD Office - July 1, 1980
Erie County Division of Planning

13. Priority Repairs and Improvements. (a partial list)

- (a) Structural repairs - foundations, support walls, joists, roofs, chimneys, porches, steps and stairwells.
- (b) Modernization repairs - plumbing and fixtures, furnace, water heater, electrical work, essential appliances.
- (c) General renewal - painting, siding, plastering, drywall, flooring.
- (d) Energy conservation - insulation, window and door repairs, storm windows and doors.

ERIE COUNTY DIVISION OF PLANNING
 COUNTY OFFICE BUILDING
 95 FRANKLIN STREET - 18th FLOOR
 BUFFALO, NEW YORK 14202
 846 - 7490

It was noted that every effort would be made to have this program administered by local government people and that if all allocated funds were not used the balance could be applied to other future programs.

Thus, Trustee Marshall moved to supercede the action of the Board in this matter on 11-17-80 and adopt this program for the 1981-82 entitlement period. Upon a second from Trustee Thompson, the motion carried by unanimous vote.

XI Minutes of Prior Meeting -- 3-2-81

Trustee Pagliaccio moved, Trustee Marshall seconded and a unanimous vote approved the minutes of the 3-2-81 meeting as submitted including one correction on page #9.

XII Audit of Bills

Deputy Mayor Hamilton moved the approval of the bills as audited this date by the Mayor and Trustees. Seconded by Trustee Marshall. The motion carried by unanimous vote.

XIII Comments from the Floor

Jean Anderson of 77 Maple Street commended the Board for their choice of Community Development programs.

Jim Berg, Executive Director of the Chamber of Commerce noted his attendance at a meeting of the Community Resource Council where the Police Dept. was commended for their efforts in solving the problems of young people congregating in Hamlin Park.

XIV Reports from Staff

Supt. of Public Works Lang noted that it was time again to run an ad reminding residents of refuse pickup requirements.

Police Chief Smallback noted his success in eliminating junk cars parked around the Village. He also noted that he would be reminding residents of the bicycle safety rules.

XV Items from Board Members

Trustee Marshall noted that the Cable TV Committee was progressing and had scheduled an open meeting for 3-25-81 at the Town Hall.

Trustee Hamilton noted that the Capital Expenditures Committee had formulated budget items and would be meeting again to consider subsequent requests.

Trustee Hamilton also addressed the sewer question briefly, noting that part of the cause of the delay in resolving the sewer deliberations was that twice the Village government and Village residents had approved a sewer district and on both occasions the County has failed to establish one because of red tape between Federal, State and County agencies.

VI Motion to Adjourn

At 9:33 P.M. Trustee Hamilton moved, Trustee Marshall seconded and the meeting was adjourned by unanimous vote.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

VJZ/cz

Village of East Aurora
 Special Meeting of the Board of Trustees
 March 23, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 p.m.

ROLL CALL: Present - Mayor Eyres, Trustees Pagliaccio, Marshall,
 Hamilton, Sleeper Thompson, and Smith

Absent - None

Staff Present - Van J. Zittel, Village Clerk-Treasurer
 Walter Howitt, Village Attorney
 Carlton Colby, Building Inspector
 M. Raymond Smallback, Police Chief
 Roy W. Lang, Superintendent of Public Works

Mayor Eyres asked the clerk to read aloud the following Notice of Special Meeting and the two Delivery Records.

NOTICE OF SPECIAL MEETING

To: Members of the Board of Trustees
 Village Attorney
 Village Clerk-Treasurer

A special meeting of the Board of Trustees of the Village of East Aurora, New York, will be held in the Board Room of the Village Hall, 571 Main Street, East Aurora, New York on Monday, March 23, 1981, at 8:00 o'clock p.m. for the purpose of reviewing the tentative budgets for the fiscal year June 1, 1981 through May 31, 1982.

This special meeting is being held in accordance with Section 18-2 of the Code of the Village of East Aurora, New York.

Lawrence E. Eyres

Lawrence E. Eyres
 Mayor

Record of the delivery of notices of Special Meeting of the Board of Trustees to be held at 8 p.m. Monday, March 23, 1981, copy attached:

<u>Official's Name</u>	<u>Time and the Date Delivered</u>	<u>Person Accepting Notice</u>
Trustee Hamilton	1:14 PM 3/21/81	Trustee Hamilton
Trustee Marshall	1:38 PM 3/21/81	Mrs. Marshall
Trustee Pagliaccio	1:28 PM 3/21/81	Mrs. Pagliaccio
Trustee Sleeper	1:41 PM 3/21/81	Trustee Sleeper
Trustee Smith	1:17 PM 3/21/81	Trustee Smith
Trustee Thompson	1:25 PM 3/21/81	Mrs. Thompson
Attorney Howitt	2:15 PM 3/21/81	Walter H. Howitt

CERTIFICATION

I, Carl W. Wankhuta hereby certify that I delivered a copy of the notice of the special meeting of the Board of Trustees to be held at 8:00 o'clock p.m. Monday, March 23, 1981 to the above-listed Village Trustees and Village Attorney at the time and date so listed and to the person of suitable age and discretion so listed.

Carl W. Wankhuta

Record of the delivery of notices of Special Meeting of the Board of Trustees of the Village of East Aurora to be held at 8:00 o'clock p.m. Monday, March 23, 1981, copy attached, to the news media listed below, in accordance with the provisions of Section 18-3 of the Code of the Village of East Aurora.

<u>Individual</u>	<u>Date and Time of Delivery</u>	<u>Person Accepting Notice</u>
Alfred P. Spooner, Publisher East Aurora Advertiser 232 Dorchester Road East Aurora, N.Y.	1:34 PM 3/21/81	Alfred Spooner *
Ruth M. Gill, Editor East Aurora Advertiser 478 Linden Avenue East Aurora, N.Y.	2:30 PM 3/22/81	Ruth M. Gill **
Nancy L. Black, Reporter Buffalo Evening News 299 Center Street East Aurora, New York	1:22 PM 3/21/81	Nancy Black *

** Picked up at Village Hall 3-22-81

Jamison S. Egan
3-22-81

* Delivered by
Carl W. Wankhuta
3/21/81

Reference was also made to the posting of the Notice of Special Meeting on the bulletin board in the lobby of the Village Hall.

I Tentative Budget - 1981-1982 Fiscal Year

Mayor Eyres noted that this special meeting was called solely for the purpose of presenting the tentative '81-'82 budget to the Trustees and establish the date for the required public hearings.

Mayor Eyres then read aloud the following budget message:

March 20, 1981

To: Members of Board of Trustees
Village Clerk

I am presenting to you herewith, through the Village Clerk, tentative budgets for the Village of East Aurora for the fiscal year June 1, 1981 through May 31, 1982 for the GENERAL FUND, the WATER FUND and the FEDERAL REVENUE SHARING FUND.

I am also forwarding to you herewith a copy of the proposed 1981 to 1986 Capital Improvements Program as prepared by the Capital Expenditures Committee.

GENERAL FUND:

I am pleased to announce that the tentative General Fund Budget provides for NO TAX INCREASE for the fourth year in a row. A special effort has been made to hold the line this year, but at the same time funds have been provided to maintain the same level of excellent services our departments provide to our citizens.

The preparation and adoption of a budget is only the first step in the successful management of a business or a government. The most important factor, and in these difficult times the most vital, is strict budget control! This will require the diligence of every department head and the full cooperation of every Village employee.

This budget provides for the reduction of personnel, vehicle use and a portion of the overtime. Since there is no new source of outside funds foreseen at this time, future budgets may necessitate additional reductions. It is in this area that every employee can help the Village, and himself or herself, by working with his or her department head to operate our Village as efficiently and inexpensively as possible in the coming year.

WATER FUND:

The Water Fund Budget, for the first time, reflects the full impact of the hook-up with Erie County Water. A water rate increase will be necessary to cover the increased cost of Erie County Water plus the first year's amortization of our share of the construction costs. (The meter pit and the connection to our existing line)

A new rate schedule resolution will be prepared for our April 6, 1981 Board Meeting to cover this necessary water rate increase.

We regret the necessity of a water rate increase, but emphatically point out that this is due to a rate increase by Erie County Water Authority and construction costs involved in the hook-up, neither of which the Village could effectively control by local action.

FEDERAL REVENUE SHARING:

As in the past, we are recommending that the Village commit its Federal Revenue Sharing Funds to non-operating budget items so that there will be no serious impact if the program is ever discontinued.

We feel that the appropriations recommended are worthy and point out that most of them are the recommendation of the Capital Expenditures Committee.

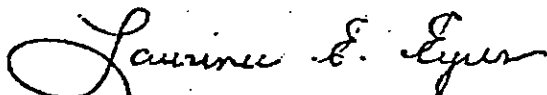
CAPITAL IMPROVEMENTS PROGRAM:

You will note that the Capital Improvements Program recommended is very limited. While I am sure that the Chairman of the Committee will have comments to make in this regard, I would point out that the limitation does not mean that the Village does not plan to keep up with the need for capital improvements in the Village...rather, the Village is at the crossroads on a few important major developments, including sewers, and does not feel it wise to make large capital commitments for future years until these matters, and their capital costs, are determined.

A lot of time and thought has gone into the preparation of these budgets. These are difficult times, and unfortunately, the end is not in sight. We must continue to study our operation for more efficient and less expensive ways to provide the vital services to the people of our Village. Since there is a generally drying up of outside funds, we must look to our taxpayers for any additional revenues we need, and most of them are feeling the pinch of our present economy. For that reason, a diligent effort was made this year to "hold the line" on taxes.

I shall be happy to discuss these tentative budgets with you and answer any questions you may have.

Most sincerely,



Lawrence E. Eyres
Mayor

At completion Mayor Eyres asked the clerk to distribute the tentative budget sheets. The Mayor, Board and Staff then commenced an item by item review of the following proposals.

Village of East Aurora

FEDERAL REVENUE SHAPING FUNDS

1981-82 BUDGET

Estimated Cash Balance, June 1, 1981		\$ 70,351.00
Less: Encumbrances (1980-81 Projects)		
Official Village Map	\$ 3,000.00	
Remodel For Handicapped	<u>10,000.00</u>	
		<u>13,000.00</u>
Unused Prior Years' Funds Available		57,351.00
Plus: 1981-82 Anticipated Receipts		<u>55,100.00</u>
Total Available Funds		\$112,451.00

APPROPRIATIONS (1981-1982)

Tractor-Backhoe (D.P.W.)	\$39,000.00	
Van Truck (Water & Sewer)	8,000.00	
Van Truck (Streets)	8,000.00	
Sidewalks, Curbs, Parking	36,000.00	
Elbert Hubbard Museum	1,000.00	
Fire Prevention System - Village Buildings	17,000.00	
Consulting Fees	<u>3,451.00</u>	
		\$112,451.00

Village of East Aurora

1981-82 WATER FUND BUDGET

BUDGET REVENUES:

Water Sales	\$514,688.00	
Penalties on Late Payments	9,600.00	
Service Charges	5,000.00	
From Erie Co. Water Auth,	<u>193,132.00</u>	
Total Revenues		<u>\$722,420.00</u>

BUDGET APPROPRIATIONS:

Insurance and Contingent	\$ 18,000.00	
Administration	26,596.00	
Source of Supply	250,000.00	
Transmission and Distribution	74,705.00	
Employee Benefits	23,424.00	
Interfund Transfers	35,145.00	
Debt Service	<u>294,550.00</u>	
Total Appropriations		<u>\$722,420.00</u>

VILLAGE OF EAST AURORA**1981-82 GENERAL FUND BUDGET**

Total Budget Appropriations		\$1,980,852.00
Less: Estimated Revenues Other Than Real Property Taxes	\$726,948.00	
Prior Year's Surplus Applied to Budget	<u>95,000.00</u>	
		<u>821,948.00</u>
Amount To Be Raised By Real Property Taxes		\$1,158,904.00
Divided By Taxable Assessed Valuation (\$15,711,830.00)		
Tax Rate Per \$1,000 Assessed Valuation		\$ 73.76

Mayor Eyres then called upon Trustee Hamilton, as Capital Expenditures Committee Chairman, to conduct the analysis of the following 1981-1986 Capital Improvements Program.

CAPITAL IMPROVEMENTS PROGRAM

1981 -- 1982

<u>PROJECT</u>	<u>ESTIMATED COST</u>	<u>PLAN OF FINANCING</u>	<u>GENERAL FUND DOWN PAYMENT</u>
Tractor-Backhoe (For D.P.W.)	\$ 39,000.00	Federal Revenue Sharing Funds \$39,000.00	-0-
Sidewalks, Curbs & Parking	90,000.00	Federal Revenue Sharing Funds 36,000.00 Serial Bonds 51,300.00	\$ 2,700.00
Sanitary Sewer (N. side Girard from Buffalo Rd. easterly to present sewer)	25,000.00	Serial Bonds 25,000.00	-0-
	<u>\$154,000.00</u>		<u>\$ 2,700.00</u>

CAPITAL IMPROVEMENTS PROGRAM

1982 - 1983

<u>PROJECT</u>	<u>ESTIMATED COST</u>	<u>PLAN OF FINANCING</u>	<u>GENERAL FUND DOWN PAYMENT</u>
Sanitary Sewer- Main St. and Tannery Brook (Pump Station)	\$51,000.00	General Bond \$51,000.00	-0-
New Hi-Lift Tractor (DPW)	<u>\$55,000.00</u>	General Bond \$52,250.00	<u>\$ 2,750.00</u>
	<u>\$106,000.00</u>		<u>\$ 2,750.00</u>

1983 - 1984

Replace Chassis Fire Truck #8	<u>\$ 20,000.00</u>	General Bond \$19,000.00	<u>\$ 1,000.00</u>
	<u>\$ 20,000.00</u>		<u>\$ 1,000.00</u>

1984-1985

Replace Equipment Truck (Fire Dept.)	<u>\$112,000.00</u>	General Bond \$106,400.00	<u>\$ 5,600.00</u>
	<u>\$112,000.00</u>		<u>\$ 5,600.00</u>

1985 - 1986

Repair or Replace Fire Truck #2	<u>\$100,000.00</u> (400,000.00)	General Bond \$95,000.00 (380,000.00)	<u>\$ 5,000.00</u> (20,000.00)
	<u>\$100,000.00</u> (400,000.00)		<u>\$ 5,000.00</u> (20,000.00)

Upon asking for and hearing no more questions for the department heads, Mayor Eyres declared "executive session" at 11:50 p.m. to discuss personnel matters. He excused all but Board members.

At 12:10 p.m. the Board returned from "executive session" and continued with the special meeting.

RESOLUTION

WHERE AS, the 1981-82 Proposed Operating Budgets for the General Fund, providing for appropriations of \$1,980,852.00, the Water Fund, providing for appropriations of \$722,420.00, the Capital Improvements Program providing for appropriations of \$154,000.00, and Federal Revenue Sharing Fund providing for appropriations of \$112,451.00 are heretofor delivered to the Board of Trustees on March 23, 1981,

Therefore, BE IT RESOLVED, that the 1981-82 Proposed Operating Budgets be formally received and that a public hearing on each be scheduled for 8:30 p.m. April 6, 1981 in the Board Room of the Village Hall, 571 Main Street, East Aurora, New York, and

BE IT FURTHER RESOLVED that the Village Clerk-Treasurer publish the required public notice of said public hearing in the office village newspaper.

The above resolution being so moved by Trustee Hamilton and seconded by Trustee Sleeper carried by unanimous vote.

At 12:15 p.m. a motion to adjourn by Trustee Smith, seconded by Trustee Marshall carried by unanimous vote.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

VJZ?cz

Village of East Aurora

Regular (Annual) Meeting of the Board of
Trustees

April 6, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 p.m.

Report of Results of March 17, 1981 General Village Election:The Clerk read aloud the following report from the Inspectors of
Election:

March 17, 1981

TO: Van J. Zittel, Village Clerk-Treasurer; Village of East Aurora, New York

RE: Village Election, March 17, 1981

We, the following Inspectors of Election do hereby certify to the following:

1. There was a Village Election held in the Village of East Aurora, New York for the election of three (3) Village Trustees for a term of two (2) years, one (1) Village Trustee for a term of one (1) year, and one (1) Village Justice for a term of four (4) years, on this date.
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 3,293.
4. Each of the following candidates for the Office of Village Trustee (2 year term) received the total number of votes listed after their name:

Grant M. Hamilton	<u>499</u>
Norman K. Suttell	<u>577</u>
Raymond A. Smith	<u>507</u>
John V. Pagliaccio	<u>519</u>

5. The following candidate for the Office of Village Trustee (1 year term) received the total number of votes listed after their name:

George B. Sleeper	<u>579</u>
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6. The following candidate for the Office of Village Justice (4 year term) received the total number of votes listed after their name:

Edward M. Zimmerman	<u>611</u>
---------------------	------------

*one write in Tim Buchanan for judge
116 N. Grove*

Nancy Czerminski
Nancy Czerminski
Inspector of Election (Chairman)

Dolores Nicholson
Dolores Nicholson
Inspector of Election

Marjorie A. Crocoll
Marjorie Crocoll
Inspector of Election

Justina M. Semenza
Justina Semenza
Inspector of Election

Catherine Smallback
Catherine Smallback
Inspector of Election

Laura Howes
Laura Howes
Inspector of Election

Administration of Oath's of Office - Elected Officials

OFFICE: Village Trustee
 ELECTED: Norman K. Suttell
 John V. Pagliaccio
 Raymond A. Smith
 TERM: Two Years - April 6, 1981 to April 4, 1983
 ELECTED George B. Sleeper
 TERM: One Year - April 6, 1981 to April 5, 1982
 OATH BY: Village Attorney Walter W. Howitt

Opening of Official Meeting and Roll Call:

PRESENT: Mayor Lawrence E. Eyres
 Trustees Norman K. Suttell, Jay F. Marshall, Jr.,
 John V. Pagliaccio, George B. Sleeper, Jerrold
 Thompson, Raymond A. Smith

STAFF PRESENT: Clerk-Treasurer Van J. Zittel
 Attorney Walter W. Howitt
 Superintendent of Public Works Roy W. Lang
 Chief of Police M. Raymond Smallback
 Engineer Joe Latona

I. APPOINTMENT OF DEPUTY MAYOR

APPOINTED: John V. Pagliaccio
 TERM: One Year - April 6, 1981 to April 5, 1982
 OATH BY: Village Attorney Walter W. Howitt

II. APPOINTMENTSA. VILLAGE ASSESSOR

APPOINTED: Van J. Zittel
 TERM: One Year - April 6, 1981 to April 5, 1982
 OATH BY: Village Attorney Walter W. Howitt
 MOTION: Trustee Smith, seconded by Trustee Sleeper,
 carried unanimously.

B. VILLAGE ATTORNEY

APPOINTED: Walter W. Howitt
 TERM: One Year - April 6, 1981 to April 5, 1982
 MOTION: Trustee Smith, seconded by Trustee Thompson,
 carried unanimously.

C. ACTING POLICE JUSTICE

APPOINTED: Timothy Burke
 TERM: One Year - April 6, 1981 to April 5, 1982
 MOTION: Trustee Pagliaccio, seconded by Trustee Suttell,
 carried unanimously.

D. VILLAGE PROSECUTING ATTORNEY

APPOINTED: Thomas E. Andruschat
 TERM: one Year - April 6, 1981 to April 5, 1981
 MOTION: Trustee Sleeper, seconded by Trustee Marshall,
 carried unanimously.

E. VILLAGE BUILDING INSPECTOR

APPOINTED: Carlton C. Colby
 TERM: One Year - April 6, 1981 to April 5, 1982
 MOTION: Trustee Smith, seconded by Trustee Thompson,
 carried unanimously.

April 6, 1981

Page 3

III. Fix Amounts of Surety Bonds for Officers and Employees:

It was moved by Trustee Marshall, seconded by Trustee Pagliaccio, and carried unanimously that the amounts of the surety bonds be set, consistently with last year as follows:

Clerk-Treasurer	\$100,000
Deputy Clerk-Treasurer	50,000
Village Justice	5,000
Acting Village Justice	1,500

IV. Appointments of Commission and Committee Members

A. PLANNING COMMISSION

APPOINTED: John (Jack) Keller
Daniel (Buck) Spaulding
TERM: Three Years - ending April 1984
MOTION: Trustee Smith, seconded by Trustee Thompson, carried unanimously.

B. ZONING BOARD OF APPEALS

APPOINTED: John Spooner
TERM: Four Years - ending April 1985
APPOINTED: Morris Anderson
TERM: Five Years - ending April 1986
DESIGNATION: Morris Anderson as Deputy Chairman for the term of three years which will end at the expiration of his membership term in April 1982
MOTION: Trustee Pagliaccio, seconded by Trustee Suttell, carried unanimously.

C. HUBBARD MEMORIAL LIBRARY COMMISSION

APPOINTED: Edward Godfrey
TERM: Three Years
MOTION: Trustee Suttell, seconded by Trustee Sleeper, carried unanimously.

D. BOARD OF ETHICS

APPOINTED: Walter W. Howitt
Lawrence W. Howe
Edward Godfrey
TERM: One Year - ending April 1982
MOTION: Trustee Smith, seconded by Trustee Pagliaccio, carried unanimously.

E. SAFETY COMMITTEE

APPOINTED: M. Raymond Smallback - Police Chief
Richard A. Bamberg - Fire Chief
Carlton C. Colby - Building Inspector
Roy W. Lang - Superintendent of Public Works
TERM: One year- ending April 1982
MOTION: Trustee Pagliaccio, seconded by Trustee Marshall carried unanimously.

V. Designation of Official Depository for Village Funds

It was moved by Trustee Marshall, seconded by Trustees Thompson, and unanimously carried that the following banks be designated as official depositories for the funds of the Village of East Aurora and that their respective banking resolutions be adopted.

0115 SF

Marine Midland Bank - Western

(SEE INSTRUCTIONS ON REVERSE SIDE)

CERTIFIED COPY OF CORPORATE BANKING RESOLUTIONS

(Name of corporation)

(Corporation address)

I hereby CERTIFY that the following is a true copy of resolutions duly adopted by the Board of Directors of _____, a corporation organized under the laws of the State of _____

at a meeting held on _____, 19____; that a quorum was present and acted throughout such meeting; that such resolutions have not been rescinded or modified and are still in full force and effect; that the Certificate of Incorporation of said corporation, and all amendments thereto, do not contain any provisions requiring any vote or consent of the shareholders of said corporation to authorize any mortgage or pledge of or creation of a security interest in all or any part of said corporation's property, or any interest therein, or to authorize any other action taken or to be taken pursuant to said resolutions; and that neither the said resolutions nor any action taken or to be taken pursuant thereto are or will be in contravention of any provision or provisions of the Certificate of Incorporation or the By-Laws of said corporation.

RESOLVED:

Designation as Depository

1. That Marine Midland Bank (herein called the "Bank") at such office or offices as may be designated by the President or Treasurer of this corporation be and hereby is designated a depository of this corporation and authorized to receive for deposit, at any such office or offices, to the credit of this corporation, or for collection for the account of this corporation, monies, checks, drafts, notes or other instruments for the payment of money, whether belonging to this corporation or otherwise, which may now be or hereafter come into its possession, (all of which shall be deemed, when received for deposit, to have been unqualifiedly indorsed by this corporation whether or not actually so indorsed).

2. That _____

(Indicate manner of signing, i.e. any one, any two, jointly, etc. Use titles where practicable; if persons without titles, insert names.)

Authorized Signature(s)

be and he (they) hereby is (are) authorized to make, sign, draw, accept, indorse, execute and deliver any and all checks, drafts, notes, acceptances, evidences of indebtedness, or orders for the payment of money of this corporation on deposit with the Bank; and the Bank be and hereby is authorized to make payments from funds of this corporation on deposit with it upon and according to the terms of any such instrument when signed as above provided over the official title of such signer or over the inscription "Authorized Signature", and to receive the same to the credit of or in payment from the payee or any other holder, when so signed, without inquiry as to the circumstances of their issue or the disposition of their proceeds, whether drawn to the individual order of or tendered in payment of the individual obligations of any persons signing the same or of any other officer, agent or signatory of this corporation or otherwise.

Facsimile Signature(s)

3. That any check herein authorized to be drawn in the name of this corporation may be signed with the facsimile signature or signatures of any of the duly designated signatories of this corporation and the Bank shall be entitled to charge any such check to this corporation's account regardless of by whom or by what means the actual or purported facsimile signature or signatures thereon may have been affixed thereto, if such signature or signatures resemble the facsimile specimens duly certified to or filed with the Bank by the Secretary or any Assistant Secretary of this corporation.

4. That _____

(Indicate manner of signing, i.e. any one, any two, jointly, etc. Use titles where practicable; if persons without titles, insert names.)

Other Authority

be and he (they) hereby is (are) authorized on behalf of this corporation:
To discount with and to sell to the Bank any and all notes, drafts, bills of exchange or other evidences of debt, or contracts or obligations for or rights to the payment of money, whether or not negotiable, which may be owned by this corporation, upon such terms as such person or persons may deem proper, and when this corporation is liable on any of the foregoing, the Bank is hereby authorized to charge the same to the account of this corporation at or after maturity.
To borrow money and to obtain credit or other accommodation from the Bank on any terms;
To apply for letters or other forms of credit on any terms;
To pledge, mortgage, or otherwise create a security interest in or any other lien upon all or any property of this corporation as security for any loan, credit or accommodation from the Bank;
To authorize and request the Bank to purchase, exchange, sell, receive, deliver or otherwise deal in or with bonds or other securities and foreign exchange for the account of this corporation;
To enter into any agreement relating to any general or specific transaction with the Bank;
and in connection with any of the foregoing, on behalf of this corporation to accept, receive, withdraw or waive notices or protests; to deliver and receive papers or property; to make, withdraw or waive any demand; and to make, execute and deliver notes, obligations, guaranties, indorsements, assignments, receipts, waivers, acquittances, indemnities, agreements and, without limitation, other instruments and property, as such officers, agents, or signatories, or any of them, acting pursuant to this authorization may in his or their discretion deem advisable.

Certification of Signatures

5. That the Secretary or any Assistant Secretary of this corporation be and hereby is authorized and directed to certify to the Bank the names of all officers of this corporation and other persons authorized to sign for it as herein provided and the offices respectively held by them, if any, together with specimens of their signatures, whether facsimile or otherwise, and from time to time thereafter to certify such changes as may be made; and the Bank shall be fully protected in relying on any such certification and shall be indemnified and held harmless from any loss, cost, damage or expense resulting from, or arising out of, the honoring of any signatures so certified or the refusal to honor any signature not so certified.

Reliance and Revocation

6. That all transactions heretofore had on behalf of this corporation with the Bank be and hereby are ratified, confirmed and approved and the Bank is hereby authorized to rely upon this resolution and the certificate of the secretary or assistant secretary of this corporation that the Certificate of Incorporation of this corporation and all amendments thereto do not contain any provisions requiring any vote or consent of the shareholders of this corporation to authorize any mortgage or pledge or creation of a security interest in all or any part of this corporation's property, or any interest therein, until written notice of the revocation of these resolutions or of the amendment of the Certificate of Incorporation has been received by the person in charge of any office at which an account of this corporation may be maintained.

I hereby CERTIFY that the names and signatures of the persons holding the titles, if any, referred to in the foregoing resolutions are as follows:

NAME

TITLE OF OFFICER

SIGNATURE

Table with 3 columns: NAME, TITLE OF OFFICER, SIGNATURE. Multiple rows for listing officers.

Witness my hand and the seal of the corporation this _____ day of _____, 19____

(SEAL)

Secretary

Manufacturers and Traders Trust Co.

CORPORATION

ACCOUNT TYPE ACCT. NO.

Manufacturers and Traders Trust Company OFFICE

I DO FURTHER CERTIFY that the resolutions on the reverse side hereof have not been modified, amended, annulled or revoked as of this date, that each of the persons listed below has been duly elected, has qualified and is now acting for said corporation in the capacity set opposite his name and that the signature appearing opposite his name is his signature.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said corporation this _____ day of _____ 19____

Secretary

Corporate Mailing Address

(Seal)

NAME	TITLE	SIGNATURE

EMPLOYER'S TAX IDENTIFICATION NO.

INITIAL DEPOSIT \$ EC8-8 (8/73) OPENED BY DATE

THIS IS TO CERTIFY that the following is a true and correct copy of certain resolutions duly adopted at a meeting of the Board of Directors of a corporation duly organized and validly existing under the laws of _____

approved and held in accordance with all applicable laws and the by-laws of said corporation on _____ 19____ at which a quorum was present and acting throughout; and that said resolutions are not contrary to or in violation of any provision of the charter or by-laws of said corporation.

RESOLVED, that Manufacturers and Traders Trust Company (herein called "Bank") be and hereby is designated a depository of this corporation's funds, and that this corporation (herein called "Depositor") open an account with Bank which shall be governed by the following:

- Bank is authorized to honor or pay from funds on deposit in said account, without inquiry of any kind, any and all checks, notes, acceptances, and other instruments and orders for the payment of money signed, drawn, accepted or ordered by the following (if others, give titles only; state how to sign):

Such items are to be signed by such officers or persons under their official titles or under the inscription "Authorized Signatory".

- Bank shall not be responsible for the proper application of the proceeds of any such item, including such items as are drawn or payable to cash or bearer or to the individual name of the person signing, drawing, accepting or endorsing the same, whether payable to or tendered for deposit to the credit of, or in payment of an obligation of, such person or any other officer or employee of Depositor or otherwise.
- Any of the officers or persons aforesaid may issue stop payment instructions with respect to any item drawn on said account and may accredit and deliver such agreement with respect thereto as shall be required by Bank.
- Bank shall periodically send or otherwise make available to Depositor a statement of account accompanied by paid items in support of debit entries thereon. Depositor shall have the duty to examine such statement and items and to notify Bank of any alteration of any such item or the appearance thereon of an unauthorized signature or an unauthorized endorsement. Failure to notify Bank of any such alteration or unauthorized signature within ten days after such statement of account and items are sent or otherwise made available to Depositor shall preclude Depositor from asserting such alteration or unauthorized signature against Bank. Failure to notify Bank of any unauthorized endorsement within thirty days after such statement of account and items are sent or otherwise made available to Depositor shall preclude Depositor from asserting such unauthorized endorsement against Bank.
- Said account shall be governed by this agreement and by all the rules and regulations of Bank applicable to such accounts, including those contained in the pass book issued for said account and those otherwise published or posted by Bank, and shall be subject to such maintenance and service charges as Bank shall from time to time establish. Bank shall have the right to alter, amend or rescind such rules and regulations, to make new rules and regulations applicable to said account, to amend such charges and to establish such additional charges as it shall deem appropriate. Notice of such such action shall be given to Depositor by posting one or more notices thereof in the lobby of each office of Bank for a period of thirty days or by mailing notice thereof to Depositor. Each such alteration, amendment, rescind and new rule or regulation and each such amended or new charge shall become effective as the end of such thirty day period or ten days after such mailing; and be it further

RESOLVED, that the following (if others give title only; state how to sign):

are hereby authorized and empowered to transact with and through Bank, on behalf of Depositor, any and all such business as he (they) may deem advisable, including without limitation, to borrow money, to discount, sell, assign, deliver or otherwise negotiate any of Depositor's bills, notes, drafts or other commercial paper, to guarantee obligations of others, to apply for letters of credit, to pledge, hypothecate, mortgage or otherwise grant security interests in any bills, notes, checks, bonds, other securities and instruments, accounts receivable, bills of lading, warehouse receipts, other documents of title and any other property of Depositor, real or personal, tangible or intangible, and the products and proceeds thereof, as security for loans and, in connection with the foregoing, to sign, endorse, enter into, create and deliver such negotiable and non-negotiable instruments and other obligations of Depositor, indorsing agreements, judgments, endorsements, hypothecations, pledges, receipts, powers of attorney, security agreements, mortgages, guarantees and other documents and agreements as he (they) may deem proper; and to it further

RESOLVED, that such and every lease and discount heretofore obtained by Depositor and presently outstanding with Bank, each and every action heretofore taken by Bank with respect to Depositor's account or accounts with Bank and items drawn thereon or deposited thereon and each and every transaction and agreement heretofore entered into between Depositor and Bank be and they each hereby are ratified, approved and confirmed in all respects; and be it further

RESOLVED, that the Secretary certify to Bank the address and continued address of the Depositor, and the identity and signature of the officers and authorized agents of Depositor, and that Bank shall be entitled to rely thereon until it shall receive a further certificate of the Secretary evidencing the revocation or modification of said resolutions or a change in the identity or authority of such officers or authorized agents.

Liberty National Bank and Trust Co.

Village of East Aurora-Water Fund 2278-928

CORPORATION

LIBERTY NATIONAL BANK AND TRUST COMPANY Office (City or Town)

LIBERTY NATIONAL BANK AND TRUST COMPANY (hereinafter referred to as "BANK") is hereby authorized to recognize the signature(s) as written below in the payment of funds or for the transmission of other business with the BANK, and this Corporation (hereinafter referred to herein as "Depositor") hereby consents and agrees to the provisions set forth herein and to the rules and regulations applicable to this account and the charges and additions thereto which the BANK may from time to time establish.

The Depositor further agrees: 1. All items credited are subject to final payment. The BANK shall not be liable for loss in transit or for misconduct, negligence or any other default of any of its agents, all of whom shall be deemed only as depositories' agents. The BANK may charge thereon any delinquency on the part of the collecting agent, the amount of any item and any expenses connected therewith may be charged back to this account. 2. If Depositor fails to fulfill any obligation in any agreement with the BANK, if any judgment is entered against the Depositor, if any insolvency proceedings are commenced by or against the Depositor, or if the Depositor becomes financially embarrassed, all direct and/or indirect obligations of the Depositor to the BANK shall as the option of the BANK become due immediately notwithstanding the date of payment as fixed by the obligations here held, and any credit balance of the Depositor may be applied by the BANK toward the satisfaction of any such obligations. 3. Charges for expenses connected with the return of checks of depository because of insufficient funds caused by any such charges. 4. Depositor will pay a monthly maintenance or service charge, if balances are insufficient to offset operating costs as computed by the BANK, may be deducted from this account. The BANK shall not be liable for dishonoring any items because of insufficient funds caused by any such charges. 5. Depositor will hold the BANK harmless from all expenses and costs, including reasonable attorney's fees, incurred by the BANK on account of refusing payment pursuant to any stop payment order given by Depositor to the BANK, and the BANK shall not be liable for payment of any item within 24 hours of the receipt by the BANK of any stop payment order or when payment was not caused by its negligence. 6. Statements accompanied by paid items may be mailed to Depositor at the last address of the depository appearing on the records of the BANK at such intervals as the BANK shall, from time to time, determine. The statements and paid items shall be deemed to be correct unless Depositor shall otherwise notify the BANK within 15 days after the mailing thereof. The Depositor assumes any responsibility for loss or misarrange in the mails, and, in such event, will accept as correct the statement of the amounts of items paid and charged to this account as taken from the records of the BANK. 7. This agreement shall be binding upon Depositor's successors and assigns, and the BANK is authorized to rely on the secretary's certificate on the reverse hereof until a secretary's certificate, made under seal, of the revocation of the resolutions or change has been received by the person in charge of any office at which the account is maintained. Signatures below acknowledge acceptance of the above terms on behalf of the Depositor.

PRESIDENT		ID #		P	M
VICE PRESIDENT				A	S/C
TREASURER				C	E
SECRETARY					
BUSINESS		ADDRESS		ZIP	
DATE	INITIAL DEPOSIT	ACCT ACCEPTED BY	INTRODUCED BY	IDENTIFICATION	
P-040-03300-R-12-73					

I, Secretary of
 DO HEREBY CERTIFY that such corporation is incorporated under the laws of _____; that the following is a true and correct copy of resolutions duly adopted at a meeting of the Board of Directors thereof duly called and regularly held in accordance with law and the by-laws of the said corporation, on the _____ day of _____, 19____, at which a quorum was present and participated throughout, and that such resolutions conform to the provisions of the Certificate of Incorporation and by-laws of said corporation and are in full force and effect.
 "RESOLVED, that an account be opened in the name of this corporation with Liberty National Bank and Trust Company (hereinafter referred to as "BANK") and that the funds of this corporation may be deposited therein, and that all checks, notes and other instruments for the payment of money made, or drawn by, or upon, or payable to the corporation, shall be signed or accepted or endorsed (other than for deposit) by the following officer or officers of the corporation and in the manner stated:
 (State how items are to be signed. Give titles and names)

FURTHER RESOLVED, that such officer or officers in/are also hereby authorized to borrow money from the BANK and to make any notes or other instruments as evidence thereof and to pledge as collateral for loans any securities or other property belonging to the corporation, and to discount or sell, assign and deliver to the BANK any of its bills, notes or accounts receivable from time to time, for and on behalf of and in the name of this corporation, and to sign, endorse, execute and deliver notes and other obligations of this corporation or any obligation held by this corporation, in such amounts, for such length of time, at such rate of interest and on such terms and conditions as he or they shall deem proper and to make such endorsements, assignments, powers of attorney, and other agreements in connection with any of such transactions as he or they may deem proper.

FURTHER RESOLVED, that any one of such officers is also hereby authorized to receive and receipt for any securities or other property belonging to this corporation and on behalf of and as the agent of this corporation to give to the BANK orders and acquittances therefor and that the BANK be and it hereby is authorized to deliver the same to any one of such officers or on his written order without further responsibility.

FURTHER RESOLVED, that the BANK is hereby authorized to pay such checks, notes and other instruments for the payment of money, and also to receive the same for deposit to the credit of, or in payment from, any holder (including checks drawn to cash or bearer or to the individual order of the officer signing the same) when so signed, or accepted, or endorsed, without inquiry of any kind, whether payable to, or tendered (for deposit) to the credit of, or in payment of the obligation of any officer or officers of the corporation or otherwise.

FURTHER RESOLVED, that such instruments may bear, in lieu of the corporate title or titles of the officer or officers so signing, the inscription "Authorized Signature" and that specimens of the signatures of the officers above named shall be placed on file with the BANK.

FURTHER RESOLVED, that in case this corporation shall request the BANK to stop payment on any item, any officer of the corporation may execute and deliver such agreement in respect thereto as shall be required by the BANK.

FURTHER RESOLVED, that any checks drawn on, and other withdrawals made from the account of this corporation heretofore, and any transactions heretofore had in or with the BANK and any loans and discounts heretofore effected and at present outstanding with the BANK, and any endorsements, powers of attorney, assignments and pledges heretofore made to the BANK, be, and the same hereby are ratified, approved and confirmed.

FURTHER RESOLVED, that a copy of these resolutions certified by the Secretary or any other officer of this corporation, together with a certificate of the Secretary or other officer of this corporation, authenticating the signatures of the officers of this corporation, be filed with the BANK with the definite understanding and agreement that the BANK will be promptly notified in writing from time to time of any change in said resolutions or in the personnel of the officers authorized to act for this corporation as aforesaid, and that the Secretary or any other officer of this corporation be and he hereby is authorized to assent to and sign and deliver to the BANK a memorandum of the terms under which the account is accepted and continued."

I DO FURTHER CERTIFY that the persons whose signatures appear on the reverse side of this card have been duly elected, have qualified and are now acting as officers of said corporation in the capacity set opposite their respective names and that their respective signatures are authentic, and I do further, on behalf of said corporation, assent to the terms set forth on the reverse side of this card.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said corporation, this _____ day of _____, 19____.
 (Corporate Seal)

Secretary

VI. Designation of Official Newspaper

It was moved by Trustee Smith, seconded by Trustee Sleeper, and carried unanimously that the East Aurora Advertiser be designated as the Official Newspaper of the Village of East Aurora.

VII. Schedule Board of Trustees Meetings

The following resolution was moved by Trustee Thompson, seconded by Trustee Pagliaccio and carried with six (6) affirmative vote:

RESOLVED that the regular 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 Mondays of each month of the official Village 1981-82 year at 8:00 P.M. (current time) except that the said regular meetings for the month of September 1981 shall be held on the second and fourth Mondays of that month, and the second said regular meeting for the month of June shall be held on the fourth Monday of that month; and

BE IT FURTHER RESOLVED that regular work sessions of the Village Board of Trustees will be held in the Village Board Room in the Village Hall, 571 Main Street, East Aurora, New York, at 8:00 P.M. (current time) on the Thursday, preceding each regular meeting of the Village Board of Trustees, established by the foregoing paragraph of this resolution; and

April 6, 1981
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BE IT FURTHER RESOLVED that 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 sessions 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 1981-82.

VIII. Adopt Rules of Procedure for Board Meetings

The following were moved by Trustee Pagliaccio, seconded by Trustee Marshall and carried by unanimous vote.

"RULES OF PROCEDURE FOR MEETINGS OF BOARD OF TRUSTEES"

1. Opening of bids shall have priority on the agenda of business.
2. Public Hearings shall have priority on the agenda except for the public opening of bids.
3. Items of business initiated from the floor and requests for action from the floor which are not on the written agenda shall be received and noted by the Board and referred to the Village Clerk for inclusion on the agenda of a future meeting; except that by the favorable vote of a majority of the full membership of the Board of Trustees, in a proper case, the Board may consider such items and requests and take action.
4. Members of the public present at the meetings may be invited to comment upon items of business as the same are introduced by the Mayor or Deputy Mayor.
5. All discussion on a motion made and seconded shall be limited to members of the Board of Trustees as recognized by the Mayor or Deputy Mayor.
6. Except in the instance of public hearings and except in instances where action is required by law, discussion of any separate item on the agenda for any meeting of the Board of Trustees or considered by the Board of Trustees pursuant to Rule 3, shall be limited to thirty (30) minutes. If final action on any item so discussed is not taken at the end of such thirty (30) minutes, the discussion of the item may be terminated by the Mayor or Deputy Mayor presiding, or at the request of a majority of the members present, and the item placed on the written agenda for the next meeting of the Board of Trustees.
7. Voting upon any question shall be as prescribed by the Mayor or other presiding officer. At the completion of such vote, the Mayor or other presiding officer shall announce the result of such vote. Any member challenging the announced result of the vote upon any question shall request a roll call vote thereon immediately after such announcement. In the absence of any such challenge, the announced result of a vote shall be determinative.

(Adopted April 6, 1970 - Amended January 19, 1976 and April 17, 1978)
and April 7, 1980

April 6, 1981

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IX. Authorize Attendance at Conferences and Meetings

The following resolution was moved by Trustee Marshall, seconded by Trustee Pagliaccio and carried with six (6) affirmative votes:

RESOLVED that authorization be given for attendance at conferences and meetings to the Mayor, Trustees, Village Clerk-Treasurer, Village Attorney and Village Police Justice at Annual Meetings of the New York State Conference of Mayors and Other Municipal Officials; and in addition to the aforesaid officials, Police Chief, Fire Chief, Deputy Clerk-Treasurer, Superintendent of Public Works and Building Inspector 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 at monthly meetings of Erie County Village Administrator's Association, and at New York Conference of Mayors 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 Building Inspector at scheduled meetings of Niagara Frontier Building Officials Conference and annual meetings of New York State Building Officials Conference and Eastern States Building Officials Federation, 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.

X. Notify Justices of Docket Review

The following resolution was moved by Trustee Smith, seconded by Trustee Marshall and carried with six (6) affirmative votes:

RESOLVED that the Police Justice and Acting Police Justice be notified to submit their court dockets for review by the Board of Trustees on May 4, 1981.

XI. Authorization to Invest Idle Funds

It was moved by Trustee Pagliaccio, seconded by Trustee Thompson, and carried unanimously that the 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.

April 6, 1981

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XII. Boys' Club Representative

It was moved by Trustee Pagliaccio seconded by Trustee Marshall, and carried unanimously that Trustee Raymond A. Smith be designated to represent the Village Board of Trustees at meetings of the Boys' Club Board of Directors, and that Trustee Jay F. Marshall, Jr. be designated as alternate.

XIII. Charges for Sewer Use Outside of Village

The following resolution was moved by Trustee Smith, seconded by Trustee Sleeper and carried with six (6) affirmative votes:

RESOLVED that sewer users outside the corporate limits of the Village of East Aurora be charged for the service at a rate of one and one-half times the rate charged the Village residents for sewer service, or \$7.50 per \$1,000.00 assessed valuation, whichever is greater, and that the tap-in fee for such service be set at \$400.00.

XIV. Filing of 1981 Assessment Roll

It was moved by Trustee Marshall, seconded by Trustee Suttell and carried unanimously that the verification and filing of the 1981 Assessment Roll be acknowledged.

Village of East Aurora

TAXABLE ASSESSED VALUATION OF REAL PROPERTY 1981-82


<u>Section</u>	<u>Assessed Valuation</u>	<u>Aged Exemption</u>	<u>Fire Exemption</u>	<u>Business Exemption</u>	<u>Minister Exemption</u>	<u>Paraplegic Exemption</u>	<u>Veterans Exemption</u>	<u>Taxable Valuation</u>
201	\$4,589,100	\$59,700	\$6,500	\$ 950	\$ 1,500	\$ -0-	\$175,050	\$4,345,400
202	5,842,600	34,850	6,500	426,910	3,000	-0-	127,000	5,244,340
203	2,480,150	28,150	6,500	-0-	1,500	-0-	80,100	2,363,900
204	2,637,350	57,650	7,000	-0-	3,000	-0-	72,350	2,497,350
300	633,694	-0-	-0-	-0-	-0-	-0-	-0-	633,694
400	627,146	-0-	-0-	-0-	-0-	-0-	-0-	627,146
TOTALS	<u>\$16,810,040</u>	<u>\$180,350</u>	<u>\$26,500</u>	<u>\$427,860</u>	<u>\$9,000</u>	<u>\$ -0-</u>	<u>\$454,500</u>	<u>\$15,711,830</u>

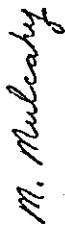
I, the undersigned, do hereby depose and swear that, to the best of my knowledge and belief, I have set forth in the above assessment roll all the real property situated in the assessing unit in which I am the Assessor and, with the exception of changes made by a board of review and special franchises assessed by the State Board, I have estimated the value of such real property at the sums which I have decided to be the full value thereof.

STATE OF NEW YORK
COUNTY OF ERIE

March 16, 1981

On this day, Van J. Zittel, personally known by me to be the Assessor of the Village of East Aurora, did appear before me and sign his name above.


Van J. Zittel, Assessor
Village of East Aurora


JOYCE H. MULCAHY

NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY

XV. Public Hearings - 1981-1982 Proposed Budgets

Mayor Eyres noted the March 23, 1981 Special Meeting called to facilitate the timely presentation of the proposed Village Budgets and the required published public notices.

A. Capital Improvements Program 1981-1986

Mayor Eyres opened the public portion of the hearing at 8:32 p.m.
1981 - 1982

<u>PROJECT</u>	<u>ESTIMATED COST</u>	<u>PLAN OF FINANCING</u>	<u>GENERAL FUND DOWN PAYMENT</u>
Tractor-Backhoe (For D.P.W.)	\$ 39,000.00	Federal Revenue Sharing Funds \$39,000.00	-0-
Sidewalks, Curbs & Parking	90,000.00	Federal Revenue Sharing Funds 36,000.00 Serial Bonds 51,300.00	\$ 2,700.00
Sanitary Sewer (N. side Girard from Buffalo Rd. easterly to present sewer)	25,000.00	Serial Bonds 25,000.00	-0-
	<u>\$154,000.00</u>		<u>\$ 2,700.00</u>

1982 - 1983

<u>PROJECT</u>	<u>ESTIMATED COST</u>	<u>PLAN OF FINANCING</u>	<u>GENERAL FUND DOWN PAYMENT</u>
Sanitary Sewer- Main St. and Tannery Brook (Pump Station)	\$51,000.00	General Bond \$51,000.00	-0-
New Hi-Lift Tractor (DPW)	<u>\$55,000.00</u>	General Bond \$52,250.00	<u>\$ 2,750.00</u>
	<u>\$106,000.00</u>		<u>\$ 2,750.00</u>

1983 - 1984

Replace Chassis Fire Truck #8	<u>\$ 20,000.00</u>	General Bond \$19,000.00	<u>\$ 1,000.00</u>
	<u>\$ 20,000.00</u>		<u>\$ 1,000.00</u>

1984 1985

Replace Equipment Truck (Fire Dept.)	<u>\$112,000.00</u>	General Bond \$106,400.00	<u>\$ 5,600.00</u>
	<u>\$112,000.00</u>		<u>\$ 5,600.00</u>

1985 - 1986

Repair or Replace Fire Truck #2	\$100,000.00 (400,000.00)	General Bond \$95,000.00 (380,000.00)	\$ 5,000.00 (20,000.00)
	\$100,000.00 (400,000.00)		\$ 5,000.00 (20,000.00)

Comment from the floor was received from Robert Kelley, 244 Perry Street whose questions yeilded that whether special assessments would be used to finance the sidewalk project had not been determined as yet and that expenditures for fire fighting apparatus should be thoroughly evaluated due to the high cost.

At 8:40 p.m., calling for and receiving no further public comment, Mayor Eyres closed the public portion of the hearing and referred the matter to the Board.

Trustee Pagliaccio highlighted the proposed Capital Improvements Program noting that the main impact on the taxpayers would be the \$2700 down payment for the sidewalk project.

At the close of Board comments Trustee Smith moved that the Capital Improvement Program be approved as proposed, with a second by Trustee Thompson the motion carried unanimously.

B. General Fund Budget 1981-1982

At 8:44 p.m. Mayor Eyres referred the public to the hand-outs provided on all proposed budgets, and opened this public hearing by calling for comments from the floor.

1981-82 GENERAL FUND BUDGET

Total Budget Appropriations		\$1,980,852.00
Less: Estimated Revenues Other Than Real Property Taxes	\$726,948.00	
Prior Year's Surplus Applied to Budget	95,000.00	
		<u>821,948.00</u>
Amount To Be Raised By Real Property Taxes		\$1,158,904.00
Divided By Taxable Assessed Valuation (\$15,711,830.00)		
Tax Rate Per \$1,000 Assessed Valuation		\$ 73.76

XV. Public Hearings - 1981-1982 Proposed Budgets

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Tractor-Backhoe (For D.P.W.)	\$ 39,000.00	Federal Revenue Sharing Funds \$39,000.00	-0-
Sidewalks, Curbs & Parking	90,000.00	Federal Revenue Sharing Funds 36,000.00 Serial Bonds 51,300.00	\$ 2,700.00
Sanitary Sewer (N. side Girard from Buffalo Rd. easterly to present sewer)	25,000.00	Serial Bonds 25,000.00	-0-
	<u>\$154,000.00</u>		<u>\$ 2,700.00</u>

1982 - 1983

<u>PROJECT</u>	<u>ESTIMATED COST</u>	<u>PLAN OF FINANCING</u>	<u>GENERAL FUND DOWN PAYMENT</u>
Sanitary Sewer- Main St. and Tannery Brook (Pump Station)	\$51,000.00	General Bond \$51,000.00	-0-
New Hi-Lift Tractor (DPW)	<u>\$55,000.00</u>	General Bond \$52,250.00	<u>\$ 2,750.00</u>
	\$106,000.00		\$ 2,750.00

1983 - 1984

Replace Chassis Fire Truck #8	<u>\$ 20,000.00</u>	General Bond \$19,000.00	<u>\$ 1,000.00</u>
	\$ 20,000.00		\$ 1,000.00

1984 1985

Replace Equipment Truck (Fire Dept.)	<u>\$112,000.00</u>	General Bond \$106,400.00	<u>\$ 5,600.00</u>
	\$112,000.00		\$ 5,600.00

REVENUES OTHER THAN REAL PROPERTY TAXES

OTHER TAX ITEMS

A1050.	Unneeded Reserve for Uncollected Taxes	-0-
A1082.	Penn Central Taxes	-0-
A1090.	Interest & Penalties on Real Property Taxes	4,000.00
	TOTAL	<u>\$4,000.00</u>

NON-PROPERTY TAX ITEMS

A1120.	Non-Property Tax Distribution by County - Sales Tax	\$230,000.00
A1330.	Utilities Gross Receipts Tax	
.1	Electric	24,000.00
.2	Gas	24,000.00
.3	Telephone	<u>4,675.00</u>
	TOTAL	<u>\$282,675.00</u>

DEPARTMENTAL INCOME

A1230.	Treasurer Fees	\$200.00
A1235.	Charges for Tax Advertising	100.00
A1520.	Police Accident Reports	<u>1,100.00</u>
	TOTAL	<u>\$1,400.00</u>

A1601.	Health Fees	\$ 900.00
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HOME AND COMMUNITY SERVICES

A2110.	Zoning Fees	200.00
A2122.	Sewer Charges	<u>6,000.00</u>
	TOTAL	<u>\$6,200.00</u>

INTERGOVERNMENTAL CHARGES

A2262.	Fire Protection Services for Other Governments	\$60,000.00
.1	Fire Alarm Service to Other Governments	40,000.00
.3	Police Protection to Other Governments	105,000.00
.4	County Arson Investigation Unit	-0-
	TOTAL	<u>\$205,000.00</u>

USE OF MONEY AND PROPERTY

A2401.	Interest Earnings	12,000.00
A2412.	Rental of Real Property, Other Governments	5,140.00
		<u>17,140.00</u>

LICENSES AND PERMITS

A2501.	Business and Occupational Licenses	100.00
A2590.1	Building & Alteration Permits	2,500.00
	TOTAL	<u>2,600.00</u>

FINES AND FORFEITURES

A2610.	Fines and Forfeited Bail	16,000.00
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SALES OF PROPERTY AND COMPENSATION FOR LOSSES

A2655.	Minor Sales, Other	500.00
A2680.	Insurance Recoveries	3,000.00
	TOTAL	<u>3,500.00</u>

MISCELLANEOUS

A2701.	Refunds of Appropriations Expense of Prior Years	100.00
A2770.1	Other Unclassified Revenues	2,500.00
A2770.2	Dog Warden Fees and Charges	850.00
	TOTAL	<u>\$3,450.00</u>

INTERFUND REVENUES

REIMBURSEMENT OF EXPENSES

A2816.1	Transfer from Water Fund Share of Overhead & Management	\$35,145.00
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TRANSFERS FROM DEBT SERVICE

A2950.	Unused Balance in Completed Projects	\$50,000.00
A3001.	State Aid, Per Capita	68,938.00
A3005.	State Aid, Mortgage Tax	12,000.00
A3501.	State Aid for Highway, Traffic & Transportation	-0-
A3901.	State Aid for Operation and Maintenance of Sewage Treatment Works	18,000.00
		<u>\$148,938.00</u>

TOTAL ESTIMATED REVENUES OTHER THAN REAL PROPERTY TAXES		<u>\$726,948.00</u>
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GENERAL FUND BUDGET APPROPRIATIONS

FISCAL YEAR 1981-82

ACCOUNT NUMBER	DEPARTMENT	100 PERSONAL SERVICES	200 EQUIPMENT PURCHASES	400 OTHER	TOTAL APPROPRIATIONS
1010.	Board of Trustees	\$ 15,000.00		\$ 2,100.00	\$ 17,100.00
1110.	Village Justice	16,310.00		1,710.00	18,020.00
1210.	Mayor	4,500.00	\$ 750.00	2,300.00	7,550.00
1325.	Clerk-Treasurer	37,294.00	1,500.00	6,750.00	45,544.00
1362	Tax Advertising			100.00	100.00
1420	Law	20,400.00		3,900.00	24,300.00
1440	Public Works	24,700.00		4,050.00	28,750.00
1490	Engineer			6,500.00	6,500.00
1450	Elections	360.00		200.00	560.00
1620	Building	14,414.00	700.00	15,950.00	31,064.00
1640	Garage	34,742.00	800.00	74,850.00	110,392.00
1940.4	Insurance			44,000.00	44,000.00
1940	Other Expenses			19,500.00	19,500.00
1980	Provision for Uncollected Taxes			12,000.00	12,000.00
1990	Contingency			15,000.00	15,000.00
21120	Police Dept	321,174.00	22,550.00	60,550.00	404,274.00
2410	Fire Dept.		20,000.00	47,025.00	67,025.00
2420	Fire Control and Police Radio	74,104.00	2,350.00	4,150.00	80,604.00
2510	Control of Animals	10,476.00		2,175.00	12,651.00
2620	Code Enforcement	21,610.00	200.00	2,735.00	24,545.00
3010	Street Administration	\$30,301.00			\$ 30,301.00
35110	Street Maintenance	98,985.00	\$2,000.00	\$28,500.00	129,485.00
35142	Snow Removal		3,000.00	13,500.00	16,500.00
35182	Street Lighting			48,000.00	48,000.00
36650	Off Street Parking		500.00		500.00
36410	Publicity			500.00	500.00
37140	Playgrounds & Rec.		400.00	11,700.00	12,100.00
37310	Youth Programs			11,000.00	11,000.00
37450	Museum			500.00	500.00
37550	Celebrations			1,500.00	1,500.00
38010	Zoning			200.00	200.00

A8020	Planning Board			3,250.00	3,250.00
A8120	Sanitary Sewer	25,920.00	1,200.00	6,500.00	33,620.00
A8130	Sewage Treatment	47,712.00	900.00	24,050.00	72,662.00
A8140	Storm Sewers			5,000.00	5,000.00
A8150	Refuse Collection	60,486.00		45,350.00	105,836.00
A8170	Street Cleaning	16,600.00		3,450.00	20,050.00
A8560	Shade Trees		400.00	3,100.00	3,500.00
A9010.8	State Retirement			151,024.00	151,024.00
A9030.8	Social Security			60,675.00	60,675.00
A9040.8	Worker's Comp. Insurance			42,000.00	42,000.00
A9045.8	Life Insurance			\$ 5,500.00	\$ 5,500.00
A9060.8	Hospital Insurance			68,000.00	68,000.00
A9070.8	Unemployment Ins.			3,500.00	3,500.00
A9080.8	NYS Disability Ins.			1,200.00	1,200.00
A9550.9	Down Payments on Capital Projects			2,700.00	2,700.00
A9700.6	Serial Bonds - Principal			99,031.00	99,031.00
A9710.7	Serial Bonds - Interest			38,172.00	38,172.00
A9730.6	Bond Anticipation Notes - Principal			29,753.00	29,753.00
A9730.7	Bond Anticipation Notes - Interest			15,314.00	15,314.00
TOTAL		\$875,088.00	\$57,250.00	\$1,048,514.00	\$1,980,852.00

Robert Kelley, 244 Perry Street began the comment from the public. Mr. Kelley established his opposition to the two proposed cuts in clerk's positions and remarked that the police clerk position was initiated under his administration as Mayor to promote efficiency in the handling of paperwork.

Others who spoke against the job cuts and questioned various other facets of the General Fund Budget were Jesse Fodero, 1206 Carriage Drive, Dan Snyder, 203 Center Street, Martha Collins 472 Griggs Place, Katherine Smallback, Linden Avenue, Debbie Suttell, 69 Hamlin Avenue, and James Ford, 243 Cazenovia Street.

Those speaking in support of the proposed budget and observing that no loss of services has been experienced while holding down the tax rate were Alverna Balmer, 104 Blake Hill, Mary Jackson Robinson, 107 Center Street, and James Berg, 208 Porterville Road.

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At 9:39 p.m., upon calling for and receiving no further public comment, Mayor Eyres closed the public portion of the hearing and referred the matter to the Board.

Trustees Pagliaccio, Marshall, Smith, and Thompson spoke in support of the proposed budget because the department heads had supported the position elimination for the purpose of consolidation of clerk services to promote efficiency and reduce expenses.

Trustee Suttell opposed the elimination of jobs, on the grounds of the comments from the public, and requested that the Board's decision on adopting this budget be deferred for further consideration.

Trustee Suttell moved to table the matter of the decision on the proposed General Fund Budget. However the motion died for the lack of a second when it was explained that this motion would cut off discussion on the matter and a consensus had been reached among the Trustees that it was not necessary to act upon the adoption of the budgets immediately.

C. Water Fund Budget 1981-1982

At 9:55 p.m. Mayor Eyres opened the public portion of the hearing and called for comment from the floor.

Village of East Aurora

1981-82 WATER FUND BUDGET

BUDGET REVENUES:

Water Sales	\$514,688.00	
Penalties on Late Payments	9,600.00	
Service Charges	5,000.00	
From Erie Co. Water Auth.	<u>193,132.00</u>	
Total Revenues		<u>\$722,420.00</u>

BUDGET APPROPRIATIONS:

Insurance and Contingent	\$ 18,000.00	
Administration	26,596.00	
Source of Supply	250,000.00	
Transmission and Distribution	74,705.00	
Employee Benefits	23,424.00	
Interfund Transfers	35,145.00	
Debt Service	<u>294,550.00</u>	
Total Appropriations		<u>\$722,420.00</u>

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VILLAGE OF EAST AURORA
WATER FUND BUDGET APPROPRIATIONS
FISCAL YEAR 1981-82

ACCOUNT NUMBER	DEPARTMENT	100 PERSONAL SERVICES	200 EQUIPMENT PURCHASES	400 OTHER	TOTAL APPROPRIATIONS
F1910.	Special Items			\$18,000.00	\$18,000.00
F8310.	Water Adm.	\$18,646.00	\$2,500.00	5,450.00	26,596.00
F8320.	Source of Supply, Power & Plumbing			250,000.00	250,000.00
F8330.	Transmission	53,205.00	8,000.00	13,500.00	74,705.00
F9010.8	State Retirement			10,765.00	10,765.00
F9030.8	Social Sec.			4,325.00	4,325.00
F9040.8	Workmens' Comp.			2,944.00	2,944.00
F9045.8	Life Ins.			400.00	400.00
F9060.8	Hospital & Medical Ins.			4,857.00	4,857.00
F9080.8	N.Y.S. Disability			133.00	133.00
F9510.0	Transfer to General Fund			35,145.00	35,145.00
F9710.6	Serial Bonds- Principal			50,200.00	50,200.00
F9710.7	Serial Bonds- Interest			38,172.00	38,172.00
F9730.6	Bond Antici- pation Notes- Principal			139,000.00	139,000.00
F9730.7	Bond Antici- pation Notes- Interest			67,178.00	67,178.00
	TOTAL	\$71,851.00	\$10,500.00	\$640,069.00	\$722,420.00

James Ford, 243 Cazenovia Street asked as to the \$30,000 funds transfer, for administrative services, to the General Fund from the Water Fund. He also was informed that the deficit Water Fund balance would be eventually transferred to the General Fund surplus fund balance.

Calling for and hearing no further comment, Mayor Eyres closed the public portion of the hearing at 10:08 p.m. and referred the matter to the Board.

Trustee Pagliaccio mentioned that further along in this agenda the item of raising the water rates approximately 15% to cover past

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increased charges to the Village from the Erie County Water Authority would be discussed.

D. Federal Revenue Sharing Fund Budget 1981-1982

Mayor Eyres opened the public portion of this hearing at 10:10 p.m. and called for comment from the floor.

FEDERAL REVENUE SHARING FUNDS

1981-82 BUDGET

Estimated Cash Balance, June 1, 1981		\$ 70,351.00
Less: Encumbrances (1980-81 Projects)		
Official Village Map	\$ 3,000.00	
Remodel For Handicapped	<u>10,000.00</u>	<u>13,000.00</u>
Unused Prior Years' Funds Available		57,351.00
Plus: 1981-82 Anticipated Receipts		<u>55,100.00</u>
Total Available Funds		\$112,451.00
 <u>APPROPRIATIONS (1981-1982)</u>		
Tractor-Backhoe (D.P.W.)	\$39,000.00	
Van Truck (Water & Sewer)	8,000.00	
Van Truck (Streets)	8,000.00	
Sidewalks, Curbs, Parking	36,000.00	
Elbert Hubbard Museum	1,000.00	
Fire Prevention Systems For Village Bldgs.	17,000.00	
Consulting Fees	<u>3,451.00</u>	
		\$112,451.00

Mayor Eyres noted that these funds were budgeted for none operational expenses to eliminate the possibility of the discontinuance of these funds causing an impact on providing necessary basic services to the residents.

Hearing no public comment, Mayor Eyres closed the public portion of this hearing at 10:11 p.m. and referred the matter to the Board.

Trustee Pagliaccio noted that funds were provided here for exchanging the Board Room and the Hubbard Museum Room to allow the handicapped better access to the Board Room on the first floor.

XVI. Water Rates and Service Charges - Village

A. Water Rates

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Resolution Establishing the Rate Schedule for Water Consumption:

RESOLUTION ESTABLISHING RATES AS WATER RENTS FOR WATER CONSUMPTION TO BE CHARGED TO AND COLLECTED FROM ALL CONSUMERS OF VILLAGE WATER PURSUANT TO SECTION 88-2 OF THE CODE OF THE VILLAGE OF EAST AURORA.

WHEREAS, the Village Board of Trustees of the Village of East Aurora is charged by Section 88-2 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 rates as water rents for water consumption to be charged to and collected from all consumers of Village water for the 12 month period commencing with April of each year; and

WHEREAS, the Village Board of Trustees of the Village of East Aurora had made its best estimate of the costs of obtaining and distributing water to consumers, both within and without the boundaries of the Village of East Aurora, for the 12 month period commencing April 1981 and had made its best estimate of the costs to be incurred in administering the acquisition and distribution of such water.

NOW, THEREFORE, the Village Board of Trustees of the Village of East Aurora does hereby establish the following rates as water rents for water consumption to be charged to and collected from all customers of the Village water for the 12 month period commencing April 1981, to be charged on water bills issued on or after July 1, 1981.

RATES FOR USE INSIDE VILLAGE:

- A. The following rates shall be charged to and collected from each consumer of water within the Village of East Aurora:

<u>Consumption (cubic feet)</u>	<u>Rate per 100 cubic feet</u>
0 - 600	\$2.00
601 - 4,000	1.95
4,001 - 10,000	1.80
over - 10,000	.95

Note: The minimum quarterly bill will be twelve dollars (\$12.00)

RATES FOR USE OUTSIDE VILLAGE

- A. Water will be furnished to Town of Aurora Water Districts No. 1A, 6 and 7 in accordance with an Agreement between the Village of East Aurora and Town of Aurora dated September 1, 1979 and the Town of Aurora will be billed for such water in accordance with the terms of said Agreement.
- B. All other water consumers having water service located outside the Village limits, or where master meters are located within the Village limits but consumption through such meter takes place outside the Village limits, shall be billed at a rate one and one-half (1½) times the prevailing rates established for Village customers.
- C. Exceptions: Notwithstanding the rate established for water services located outside the Village limits, the Board of Trustees may contract to sell in excess of ten thousand (10,000) cubic feet of water per quarter to a duly constituted water district or to Union Free School District No. 1, Town of Aurora, at a rate other than a rate established by any part of this resolution.

Mayor Eyres explained that the bulk of the Village water users would be paying approximately \$1.00-\$1.50 more each 3 month period should these rates be adopted.

He explained that in May 1980, after the Village had adopted its rate in April 1980, the Erie County Water Authority increased their rates to the Village with no prior notice. Also, money is needed to defray the expense of the Village portion of the water service line bringing the water to the Village line.

Thus Trustee Smith moved the adoption of the above resolution. With a second by Trustee Pagliaccio the motion carried by unanimous vote.

B. Water Service Fees

FEE SCHEDULE FOR WATER SERVICES

RESOLUTION ESTABLISHING FEES TO BE CHARGED TO AND COLLECTED FROM ALL CONSUMERS AND CUSTOMERS OF VILLAGE WATER FOR SERVICES PROVIDED BY THE VILLAGE OF EAST AURORA - APRIL 1981 - PURSUANT TO SECTION 88-3 OF THE CODE OF THE VILLAGE OF EAST AURORA

WHEREAS, the Village Board of Trustees of the Village of East Aurora is 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 to and collected from all consumers and customers for water services provided for the 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, meter testing, meter repairs, special meter readings, master meter maintenance and bulk water sales for the 12 month period commencing April 1981.

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 1981.

FEES FOR WATER SERVICE ITEMS:

A. Water Taps:

- 1. Three-fourths-inch line: Four hundred dollars (\$400.00)
- 2. One-inch line: Four hundred fifty dollars (\$450.00)
- 3. Line over one (1) inch: Value of time and materials plus forty percent (40%)

B. Meter Testing:

- 1. One (1) inch meter and smaller: Fifteen dollars (\$15.00)
- 2. One and one-half (1½) inch and two (2) inch meter: Twenty dollars (\$20.00)
- 3. Four (4) inch meter or larger: Fifty dollars (\$50.00)

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C. Meter Repairs

1. When a meter is damaged due to the willful act or negligence of the customer, a charge of Fifteen dollars (\$15.00) will be charged for replacing or repairing the meter.

D. Special Meter Readings:

1. 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 Twenty dollars (\$20.00) will be made. If a customer makes arrangements for such a special reading and fails to keep the appointment, the Twenty dollar (\$20.00) service charge will be applied against his water account.

E. Master Meter Maintenance:

1. Customers will be billed based on the value of time and materials, plus forty percent (40%)

F. 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 Twenty dollar (\$20.00) service charge will be added to the charge for the amount of water purchased.
2. When demolition or construction firms or individuals request bulk water, they will be billed for the amount of water recorded on the meter at prevailing water rates, plus a charge for any damage to the meter as outlined in (C) above.

Mayor Eyres noted the requirement for yearly adoption of the above fee schedule while pointing out that there has been no change from last year's rates.

Trustee Pagliaccio moved the adoption of the above fee schedule. With a second by Trustee Sleeper the motion carried by unanimous vote.

XVII. Sign Law - Local Law to Extend Grandfather Clause

MEMORANDUM

TO: Village Board of Trustees, Village of East Aurora
 RE: Local Law to amend Section 77-9 of the Code of the Village of East Aurora, New York, entitled "Nonconforming Signs", which is part of Chapter 77 of the said Code entitled "Signs", as to the date by which certain nonconforming signs shall be taken down and removed
 FROM: Village Attorney Walter W. Howitt
 DATE: April 1, 1981

-
1. As directed by your Board of Trustees, there has been prepared and transmitted to you herewith a proposed Local Law to amend Section 77-9 of the Code of the Village of East Aurora, New York, entitled "Nonconforming Signs", which is part of Chapter 77 of the said Code entitled "Signs". This proposed Local Law, if adopted, will extend the so-called "Grandfather clause" provisions contained in sub-paragraphs (3) and (4) of paragraph B. of Section 77-9 of the Code of the Village of East Aurora by (a) six (6) months; (b) one (1) year; or (c) such other

April 6, 1981
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period of time as determined by your Board so that any nonconforming projecting sign over any public way and any nonconforming freestanding sign in the Village of East Aurora will not be required to be taken down and removed until the expiration of an extended period of time beyond the present date prescribed for such taking down and removal, to wit: April 17, 1981.

2. Also herewith is a draft of a proposed Notice of Public Hearing which should be published in the April 9, 1981 edition of the East Aurora Advertiser to provide for a public hearing on April 20, 1981, upon the version of the attached proposed Local Law selected by your Board.

Respectfully,

Walter W. Howitt

Walter W. Howitt
Village Attorney

WWH/lmr
Attachments

Mayor Eyres commented that the proposal of the referenced local law was to allow time for an action committee, headed by Trustee Thompson, to review the circumstances and bring definite avenues for action back to the Board within three months.

Mayor Eyres noted that he has suggested that Trustee Thompson select the committee, suggestions for members have been solicited from the Chamber of Commerce, and announce his selections at the April 20 Board meeting.

Thus, Trustee Thompson moved to set the extension at six months from April 17, 1981 and to set a public hearing on extending the "Grandfather Clause" for April 20, 1981. With a second by Trustee Smith the motion carried unanimously.

XVIII. Kennel Permit - A. Baumler (tabled March 16, 1981)

Upon noting the proceedings at the March 16, 1981 meeting concerning this item, and noting the two letters in opposition and one testimony in support received then, and further referencing the following two letters of support subsequently received, Trustee Marshall indicated that he believed a past precedent had been set not to allow this type of permit if a complaint were received. Thus he would be opposed because a negative response had been received even though response was primarily in favor.

Mar. 19th

*Mayor Eyres & Village Board,
I am an adjacent neighbor of
Alvina Baumler, 104 Blakely Hill Road,
but was not advised that she was
requesting permission to house four
dogs. Had I been, I would have
attended the meeting and spoken
in favor of her request being granted.
Her dogs in no way have ever*

April 24, 1981
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bothered us - and she and they
have proved to be responsible
and good neighbors.

I hope that you will see your
way clear to grant her permission.

Sincerely,

Ann Penfield Starke

859 Oakwood Ave.
East Aurora, N.Y.

March 17, 1981

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

To the Board:

This letter is to express that we are in favor of granting Alverna and Dolores Baumler a permit to maintain three or more dogs at their residence at 104 Blake Hill Road. Our residence is next door at 114 Blake Hill Road which makes us their closest neighbor. Their dogs are always confined in a fenced in yard and have always been well behaved. There are at least 11 dogs living within 80 yards or less of Baumlers. All the dogs bark once in a while, naturally, but all seem well behaved and appear to have responsible owners.

It would be inconsistent with the usual co-operative spirit of the neighborhood to deny them the permit.

Sincerely,

Betsy Hicks

Betsy and Ron Hicks
114 Blake Hill Road
East Aurora, NY 14052

Trustee Thompson moved for the approval of the permit. Upon a second by Trustee Pagliaccio the motion carried with five affirmative votes and Trustee Marshall voting in the negative.

XIX. Request for Jaycees' Sidewalk Sale on July 11, 1981

April 6, 1981

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Cosgrove & Snyder

ATTORNEYS AND COUNSELORS AT LAW

3976 SENECA STREET

WEST SENECA, NEW YORK 14224

(716) 675-1066

EDWARD J. SNYDER
NELSON H. COSGROVE~~JANUARY 1981~~

March 19, 1981

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

Dear Board Members:

The purpose of this letter is to inform you that the East Aurora Jaycees Annual Sidewalk Sale in cooperation with the Village merchants will be held on Saturday, July 11, 1981. The event will take place between the hours of 10:00 a.m. and 4:00 p.m.

For the past three years we have been given permission to close off the Main Street section between Pine and Olean and Riley and Elm Streets. This has enabled the merchants to provide kiddie rides in the street and it has also made it possible for the Jaycees to move their food booth into the street. This has provided additional space for people to eat and rest without interrupting the flow of commerce which takes place along the sidewalks in front of the various establishments. Discussions with the merchants and Jaycees involved in the project have demonstrated that everyone has been extremely pleased with this method of conducting a sidewalk sale and therefore we are asking that permission be granted once more to close off the same section of Main Street for this year's event.

Although the sale will be taking place between 10:00 a.m. and 4:00 p.m. on July 11th, we would ask that the area be closed off not later than 9:15 a.m. on the day of the sale. This will permit ourselves and the merchants to set up the booths as well as place the kiddie rides, exhibits, etc., in the street prior to the arrival of the crowds and without being in danger of being struck by a passing vehicle.

I would like to take this opportunity to point out that this project is designed to benefit the community and the merchants of East Aurora. The Jaycees make a nominal profit from the sale of hot dogs, etc., but other than that do not receive any significant monetary benefits from this project. However, over the period of years this project has been in existence, we have noticed a significant increase in the interest of our own and surrounding communities in the project and subsequent positive exposure for our merchants. This project is one of the many events that help East Aurora to be a viable and interesting place to live.

If you have any questions with regard to this matter, please feel free to contact me or, in the alternative, inform me of the date of the meeting at which this matter will be discussed. If it is necessary, I will be happy to attend that meeting.

Very truly yours,



EDWARD J. SNYDER for
THE EAST AURORA JAYCEES

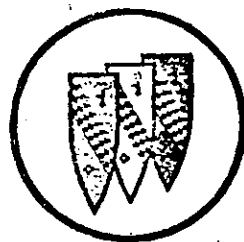
EJS:cdm

cc: Mr. Larry Goller, President
East Aurora Jaycees
P.O. Box 61
East Aurora, New York 14052

Village Attorney Walter W. Howitt noted that the zoning variance granted to allow this event to take place was currently applicable at this time.

With the recommendations for approval from Police Chief Smallback, Trustee Suttell moved to grant approval for the closing of Main Street to facilitate the holding of this event. The second to the motion by Trustee Smith resulted in a unanimous vote to carry.

XX. Loading Zone - Delia Buick-Cadillac



BUICK

FRANK DELIA BUICK CADILLAC Inc.

535 Main Street Telephone (716) 652-2600
EAST AURORA, NEW YORK 14052



Cadillac

March 16, 1981

The Honorable Mayor
Mr. Lawrence E. Eyres
Town Hall
East Aurora, New York 14052

Dear Mayor,

As you know we are entering into our selling season and will be handling a large inventory, with trucks coming in daily.

The church has requested that we do not use their driveway for unloading because of the blacktop driveway, Thus you are probably aware of the fact that we have been faced with a serious problem of the unloading of these cars due to the parking of cars (for patrons of the resturant accross the street) directly in front of the dealership.

We will be starting construction shortly with a new showroom that takes in about 150 feet frontage at an estimated cost of approximatly \$600,000. This problem could create a severe detrement to our business and also would be very dangerous for traffic on main street. Therefore, I am requesting if at all possible, that the area in front of our dealership be changed to a LOADING AND UNLOADING ZONE ONLY.

I would greatly appreciate anything you could do for me regarding this matter and am looking forward to hearing from you as soon as possible.

Yours truly,

Frank A. Delia
President,
FRANK DELIA BUICK CADILLAC INC.

FAD/dmg



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MEMORANDUM

TO: Village Board of Trustees, Village of East Aurora
 RE: Proposed amendment of Chapter 86 of the Code of the Village of East Aurora entitled "Vehicles and Traffic" by adding a new Section 86-23.1 entitled "Loading and Unloading Zone" to Article VIII thereof to establish a loading and unloading zone only on the south side of Main Street between a point 270 feet west of the west curblineline of Paine Street and a point 430 feet west of the west curblineline of Paine Street (in front of Frank Delia Buick Cadillac, Inc. premises)
 FROM: Village Attorney Walter W. Howitt
 DATE: April 1, 1981

1. Frank A. Delia, President of Frank Delia Buick Cadillac, Inc., has requested that the area in front of his dealership on the south side of Main Street, west of Paine Street, be designated a loading and unloading zone only, as per letter dated March 16, 1981, a copy of which is attached to this memo.

Police Chief Smallback approves the establishment of such a loading and unloading zone only in the place requested by Mr. Delia.

2. Herewith is a draft of a proposed Local Law which would establish such a loading and unloading zone in the place requested, for your consideration.

Respectfully,

Walter W. Howitt
 Walter W. Howitt
 Village Attorney

WWH/lmr
 Attachment

Pursuant to the reading aloud of the above communications Trustee Marshall moved to set a public hearing on the matter for April 20, 1981. With a second by Trustee Thompson the motion carried unanimously.

XXI. Bridge Inspections

NEW YORK STATE
 DEPARTMENT OF TRANSPORTATION

William C. Hennessy, Commissioner

Region 5 Office: 125 Main Street, Buffalo, New York 14203



March 4, 1981

Mr. Roy W. Lang
 Superintendent of Public Works
 Village of East Aurora
 571 Main Street
 East Aurora, New York 14052

Re: Local Political Subdivision
 Cost Share of 1981
 Local Bridge Inspections

April 6, 1981

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Dear Sir:

As outlined in Mr. M. D. Graham's letter to County Highway Superintendents dated October 29, 1980, it will be necessary for local political subdivisions to pay 5% of the cost of the work for their bridges. We asked that the County Highway Superintendent share this information with the towns, cities and villages within his county.

We are attaching the following material:

1. A copy of Mr. M. D. Graham's letter to County Highway Superintendents.
2. An original and two copies of the Bridge Inventory and/or Inspection Resolution.
3. An original and one copy of revised form FIN 288, Request for Resolution and Check for Bridge Inspection for the Village of East Aurora.

The procedure after you receive this material is as follows:

1. Pass the Bridge Inventory and/or Inspection Resolution and prepare the check for the local share.
2. Send the original of revised FIN 288, Request for Resolution and Check for Bridge Inspection, the original of the approved resolution and the check directly to the Department of Audit and Control. The copy of revised FIN 288 is for your files.
3. Send two copies of the approved resolution and one copy of the check to the Regional Office at 125 Main Street, Buffalo, New York 14203.

If there are any questions, please contact Edwin Menth, Regional Coordinator of Bridge Inventory and Inspection System at 842-4515 in Buffalo.

Very truly yours,

J. GIARDINA
Regional Design Engineer

By H. R. Falk
H. R. Falk
Associate Design Engineer

HRF:EGM:MM
Attach.

cc: R. N. Kamp (Att: D. Clements), Struct. Subdiv., 6th Fl., Bldg. 5

April 6, 1981

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MEMORANDUM

TO: Mayor and Village Board of Trustees, Village of East Aurora

RE: Resolution pledging Village Board of Trustees to pay 5% (\$80.00) of the engineering and support services necessary to accomplish the bridge inventory and inspection of bridges in the Village of East Aurora pursuant to the provisions of the Federal Surface Transportation Act of 1978 and the State Municipal Streets and Highways legislation per request of the New York State Department of Transportation

FROM: Village Attorney Walter W. Howitt

DATE: April 1, 1981

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1. H. R. Falk, Associate Design Engineer of the New York State Department of Transportation, Buffalo Regional Office, by letter dated March 4, 1981 (Rev. FIN 288) advised the Village Superintendent of Public Works that the Structures Subdivision of the New York State Department of Transportation had estimated that the share of the Village of East Aurora (5%) of the estimated cost of inspecting Village owned bridges was \$80.00. By the same letter, the Village Board of Trustees was requested to adopt a resolution agreeing to pay the said \$80.00 as the Village portion of the costs for such inspection assignable to the bridge owners and agreeing to deposit \$80.00 with the NYS Department of Audit & Control. Copies of the said letter of March 4, 1981 (Rev. FIN 288) and of the proposed resolution are attached to this memorandum.
 2. It appears that pursuant to the Federal Surface Transportation Act of 1978, that the NYS DOT has completed an inventory of all bridges in Erie County, that each such bridge has been assigned a bridge identification number (BIN) and that the State DOT is prepared to inspect all bridges at such time as the municipal portion of the cost of such inspection (5%) is paid to the State by bridge owner municipalities pursuant to the resolutions adopted by such municipalities. The basis for the 5% assessment against municipal bridge owners is set forth in a letter from the NYS DOT dated October 29, 1980, a copy of which is also attached to this memorandum. It appears that the 15% - 5% formula allocating 20% of the inspection cost between the State and local governments has been established by the so-called "Marchiselli Legislation".
 3. Section 6-604 of the Village Law provides that if a Board of Trustees of a Village has the supervision and control of a bridge therein, it shall continue to exercise such control under the provisions of the Village Law and provides further that in any other case, every public bridge within a Village shall be under the control of the Superintendent of Highways of the town in which the bridge is wholly

Mayor and Board of Trustees

-2-


April 1, 1981

or partly situated and the expense of constructing and repairing such bridge and the approaches thereto is a town charge unless the Village assures the whole or part of such expense.

Section 6-606 of the Village Law sets forth the method by which a Village may assume the control, care and maintenance of a bridge, wholly within its boundaries. The procedure for such assumption is by resolution of the Board of Trustees subject to permissive referendum. These sections (6-604 and 6-606) of the Village Law deal with the construction, control and repair of bridges and do not specifically deal with the question of "ownership" of bridges within the boundaries of a Village. In the absence of any record of Village assumption of control, care and maintenance of bridges within the Village of East Aurora, subject to permissive referendum as provided by Section 6-606 of the Village Law, it would appear that the Superintendent of Public Highways of the Town of Aurora has continuing responsibility for the supervision and control of bridges within the Village of East Aurora. Whether such responsibility is the equivalent of ownership of the bridges in question is not clear. Research upon this point with the assistance of the counsel of the NYS Mayors Conference is continuing.

4. Since it is not clear that the Village of East Aurora has ownership of the bridges on Village streets in view of Sections 6-604 and 6-606 of the Village Law, the resolution which your Board of Trustees has been asked to adopt by the NYS DOT has been edited so that the recitation of ownership of the bridges by the Village of East Aurora is replaced with the recitation that the bridges in question are located within the boundaries of the Village of East Aurora. Accordingly, it would appear proper for the amended resolution to be adopted and the deposit of \$80.00 with the NYS Department of Audit & Control authorized as provided in the amended resolution, a copy of which is attached to this memorandum.

Respectfully,


Walter W. Howitt
Village Attorney

WWH/lmr
Attachments

Upon Mayor Eyres noting that all the bridges in the U.S. have been inventoried, he suggested that this nominal fee required to determine the condition of all the bridges in the Village seemed well worth the money.

RESOLUTION

WHEREAS, the New York State Department of Transportation proposes to inventory and/or inspect bridges located in the county, town, city, and in the Village of East Aurora, in conformance with Section 231, Subdivision 1 of the New York State Highway Law,

WHEREAS, the New York State Department of Transportation will provide all engineering and support services necessary to accomplish the bridge inventory and/or inspection in said Village of East Aurora,

WHEREAS, the cost of the work will be shared by the Federal Government, the State of New York, and the municipality in which the said bridges are situated, or its agent,

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees of the Village of East Aurora agrees to pay the portion of the costs assignable to the municipality in which the said bridges are located or its agent and to that end authorizes the deposit of \$80.00 with the New York State Department of Audit and Control. The following political subdivisions are included in this resolution:

County of

Town of

City of

Village of East Aurora

BE IT FURTHER RESOLVED that the Clerk of this Board of Trustees is hereby directed to transmit three (3) certified copies of this resolution as follows:

1. Original with check to the New York State Department of Audit and Control.
2. Two (2) copies to the local Regional Office of the New York State Department of Transportation at 125 Main Street, Buffalo, New York 14203

April 6, 1981
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The above resolution being moved by Trustee Smith and seconded by Trustee Pagliaccio was carried by a unanimous vote.

XXII. Annual Financial Report 1979-1980

Upon a motion by Trustee Thompson, seconded by Trustee Smith the following resolution was adopted by unanimous vote.

R E S O L U T I O N

WHEREAS, the Annual Financial Report required by Section 30 of the General Municipal Law of the State of New York for the Village of East Aurora for fiscal year 1979-1980 has heretofore been filed with the Comptroller of the State of New York;

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Section 4-408(e) of the Village Law, the Village Clerk-Treasurer, in his capacity as Village Treasurer file a copy of the said Annual Financial Report required by Section 30 of the General Municipal Law of the State of New York with the Village Clerk-Treasurer, in his capacity as Village Clerk, for the purpose of complying with the requirements of the said Section 4-408(e) of the Village Law; and

BE IT FURTHER RESOLVED that a notice that the said Annual Financial Report for fiscal year 1979-1980 of the Village of East Aurora has been filed and is available for inspection in the office of the Village Clerk-Treasurer of the Village of East Aurora, be published in the East Aurora Advertiser, the official newspaper of the Village of East Aurora, in accordance with the provisions of Section 4-408(e) of the Village Law.

A. Minutes of Prior Meetings

Due to an error, the approval of the minutes was inadvertently excluded from this written agenda. Thus, Trustee Smith moved to add the items of approval of the minutes of the March 16, and 23 meetings to this agenda. With a second by Trustee Pagliaccio the motion to add this item carried by unanimous vote.

Trustee Smith then moved the approval of the minutes of the March 16, 1981 and the March 23, 1981 Board of Trustees meeting as submitted. Upon a second by Trustee Thompson a unanimous vote carried the motion.

XXIII. Audit of Bills

Deputy Mayor Pagliaccio moved that the bills as audited this date by the Mayor and Trustees be approved and ordered paid. With a second by Trustee Marshall the motion carried by unanimous vote.

A. Sewer Connection Fee - Village

Mayor Eyres referenced the memorandum from Village Attorney Howitt and the draft of the proposed local law that the Trustees had received, and entertained for a motion to add this item to this agenda.

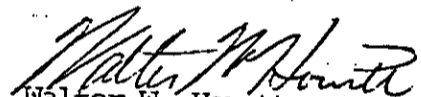
April 6, 1981
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MEMORANDUM

TO: Mayor and Village Board of Trustees, Village of East Aurora
 RE: Proposed Local Law amending Chapter 75 of the Village Code (Sewers) to increase the permit and inspection (tap-in) fee for in-Village sewer connections (permits)
 FROM: Village Attorney Walter W. Howitt
 DATE: April 2, 1981

1. Superintendent of Public Works, Roy W. Lang, advises that the average expense incurred by the Village in connection with new sewer connections has increased to approximately \$400.00 per Class A (residential service) sewer connection. Section 75-7 of the Village Code specifies the fees for the issuance of both Class A and Class B sewer connection permits. These fees are currently \$275.00 for Class A (residential) permit and inspection fee and \$300.00 for a Class B (industrial) permit and inspection fee.
2. Herewith is a proposed Local Law which if adopted by your Board, following the required public hearing, would increase the said sewer permit and inspection fees from \$275.00 to \$400.00 for Class A (residential) connection (tap-in) fees and from \$300.00 to \$450.00 for Class B (industrial) connection (tap-in) fees.

Respectfully,


 Walter W. Howitt
 Village Attorney

WWH/lmr
 Enc.

Upon a motion by Trustee Pagliaccio, a second by Trustee Suttell and a unanimous vote this item was added to this agenda.

Mayor Eyres explained that this was intended to raise the sewer connection fee to a level where, according to Superintendent of Public Works Lang's figures, the Village would not incur public expense in making the connections.

Trustee Smith then moved that the public hearing on this local law be set for April 20, 1981. With a second by Trustee Sleeper the motion carried by unanimous vote.

XXIV. Comments from the Floor

James Berg, Executive Director of the Greater East Aurora Chamber of Commerce congratulated the Board for their cooperation with the Jaycee's on their upcoming sidewalk sale and for the proposed action initiated regarding the "Sign Law."

XXV. Reports from Staff

Clerk-Treasurer called attention to and explained the following chronological report of the activities of the 1980-1981 tax levy.

April 6, 1981

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VILLAGE OF EAST AURORA

DEPARTMENTAL REPORT

1980-81 Property Tax Levy & Collection

The 1980-81 Real Property Tax Levy, payable in two installments due June and December 1980, was accomplished following the completion of the assessment, taxable status date of January 1st, and adoption of the budgets, April 1980, and reaching completion with a sale of Tax Lien Certificates, for unpaid taxes, on March 12, 1981.

Chronological Recap of Activities

Assessed Valuation of Real Property at Taxable Status Date		<u>\$16,549,044.00</u>
Less: Exemptions		
Aged	\$ 170,300.00	
Fire	26,500.00	
Business	427,745.00	
Clergy	7,500.00	
Paraplegic	8,800.00	
Veterans	452,350.00	
Total Allowed	<u>\$ 1,093,195.00</u>	<u>\$ 1,093,195.00</u>
Total Taxable Assessed Valuation		\$15,455,849.00
Tax Rate 1980-1981 (per Budget)		x \$ 73.76
Total General Fund Revenue from Tax Levy		<u>\$ 1,140,023.00</u>
1979-1980 Unpaid Water Rents Relieved (added) to Tax		\$ 17,751.17
1981-1981 Special Assessments:		
Girard Avenue Curb, Gutter, Sidewalks	\$ 3,818.29	
Hamburg Street Sidewalks	15.10	
Center Street Sidewalks	272.52	
North Willow Street Sidewalks	2,380.01	
Olean Street Sidewalks	444.07	
Total	<u>\$ 6,929.99</u>	<u>\$ 6,929.99</u>
Total 1980-1981 Tax Levy - Warrent		<u>\$ 1,164,704.16</u>
Adjustments to Levy (Warrent):		
Exemptions Found Not Valid	\$ 467.17	
Relieved Water Omitted Erie County	- 33.83	
	<u>\$ 433.34</u>	<u>+ \$ 433.34</u>
Total Taxes to be Collected (Bills Mailed June 1, 1980)		<u>\$ 1,165,137.50</u>
Monthly Collections:		
June 1980	\$ 588,235.12	
July	104,566.28	
August	7,302.54	
September	5,292.83	
October	4,178.88	
November	6,511.25	
December	287,061.21	
January 1981	130,666.49	
February	16,875.67	
March	2,234.24	
	<u>\$ 1,152,924.51</u>	<u>\$ 1,152,924.51</u>
Net Tax Sale Certificates Purchased March 12, 1981		<u>\$ 12,212.99</u>
Interest to March 12, 1981	\$ 881.05	
Tax Advt. Added	56.42	
	<u>\$ 937.47</u>	<u>\$ 937.47</u>
Gross Tax Sale Certificates Purchased 80-81		<u>\$ 13,150.46</u>
Less: One Redeemed March 26, 1981		- \$ 466.33
		<u>\$ 12,684.13</u>
Previous Certificates Held:		
1968-1969	1 - \$ 163.33	
69- 70	1 - 33.06	
74- 75	2 - 30.70	
75- 76	3 - 715.91	
76- 77	3 - 971.32	
77- 78	3 - 592.78	
78- 79	9 - 2,968.09	
79- 80	11 - 6,680.93	
	<u>\$ 12,156.12</u>	<u>\$ 12,156.12</u>
Gross Unpaid Taxes (Tax Sale Certs.) Due Village		<u>\$ 24,840.25</u>

Tax Sale Certificates Sent to Erie County for Inclusion in and Collection by Their
"Foreclosure of Tax Liens by In Rem Action #137":

1977-1978	1 -	\$	164.31
	2 -		13.22
	1 -		4.49
	8 -		2,615.81
	Total	\$	2,797.83

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

VJZ:dmd

XXVII. Items from Board Members

Trustee Marshall informed the Board that the Village and the Chamber of Commerce are initiating a cooperative effort towards establishing an entrance sign at the easterly entrance (Rt. 20A) to the Village.

Mayor Eyres noted that he was negotiating with the principals of the Farmers Market to iron out minor problems which have arisen due to circumstances which have changed around their area of operation since they began years ago.

Clerk-Treasurer Zittel, Village Election Officer, read and accepted the following letter.

March 30, 1981

Van J. Zittle
Village Clerk Treasurer
571 Main Street
East Aurora, New York 14052


Dear Sir:

Due to situations which may occur at next years village election, I hereby submit this request that I not be considered for re-appointment as Village Election Inspector.

Having served in this position faithfully for 13 years, you must know that there are many reasons for such a request.

I request that this letter of resignation be read at the next public board meeting and made a part of the minutes.

Respectfully submitted,



Catherine L. Smallback

cc. Mayor Lawrence E. Eyres

XXVII. Motion to Adjourn

At 12:30 p.m. Trustee Marshall moved to adjourn, with a second by Trustee Smith the motion carried by unanimous vote.

VILLAGE OF EAST AURORA

Regular Meeting of the Board of Trustees

April 20, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 P.M.

ROLL CALL: Present - Mayor Eyres, Trustees Suttell, Marshall, Thompson, and Smith

Absent - Trustees Pagliaccio, Sleeper

Staff Present - Van J. Zittel, Village Clerk-Treasurer
Walter W. Howitt, Village Attorney
Roy W. Lang, Supt. of Public Works
M. Raymond Smallback, Chief of Police
Richard A. Bamberg, Fire Chief

Proclamation :

WHEREAS, the League of Woman Voters, a national public service and educational service organization, established for the purpose of voter education, is celebrating its 60th year of service, and

WHEREAS, the local chapter, one of the first chapters to incorporate under the national organization, has served the voters of this area by providing voter machine use demonstrations and sponsoring "Meet The Candidates" programs, and

WHEREAS, the in-depth research done by the League of Woman Voters on a non-partisan basis, to enlighten the voters on critical issues has been beneficial to our citizens,

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of East Aurora, as representatives of the citizens of the Village of East Aurora, congratulates the League of Woman Voters on their 60th Anniversary and hopes that they will continue to provide their voter education programs on a non-partisan basis for the benefit of the voters for many years to come.

The above proclamation and resolution, upon being read aloud by the Clerk, was so moved by Trustee Smith, seconded by Trustee Thompson and approved by unanimous vote.

Extention of Sign Law "Grandfather Clause" - Public Hearing

Upon the reading of the published public hearing notice, Mayor Eyres asked Village Attorney Howitt to critique the proposed local law.

April 20, 1981
Page 2

TO: Village Board of Trustees, Village of East Aurora
 RE: Local Law to amend Section 77-9 of the Code of the Village of East Aurora, New York, entitled "Nonconforming Signs", which is part of Chapter 77 of the said Code entitled "Signs", as to the date by which certain nonconforming signs shall be taken down and removed
 FROM: Village Attorney Walter W. Howitt
 DATE: April 1, 1981

1. As directed by your Board of Trustees, there has been prepared and transmitted to you herewith a proposed Local Law to amend Section 77-9 of the Code of the Village of East Aurora, New York, entitled "Nonconforming Signs", which is part of Chapter 77 of the said Code entitled "Signs". This proposed Local Law, if adopted, will extend the so-called "Grandfather clause" provisions contained in sub-paragraphs (3) and (4) of paragraph B. of Section 77-9 of the Code of the Village of East Aurora by (a) six (6) months; (b) one (1) year; or (c) such other period of time as determined by your Board so that any nonconforming projecting sign over any public way and any nonconforming freestanding sign in the Village of East Aurora will not be required to be taken down and removed until the expiration of an extended period of time beyond the present date prescribed for such taking down and removal, to wit: April 17, 1981.

2. Also herewith is a draft of a proposed Notice of Public Hearing which should be published in the April 9, 1981 edition of the East Aurora Advertiser to provide for a public hearing on April 20, 1981, upon the version of the attached proposed Local Law selected by your Board.

Respectfully,

Walter W. Howitt
 Walter W. Howitt
 Village Attorney

WWH/lmr
 Attachments

At 8:06 p.m. Mayor Eyres opened the public portion of the hearing and called for comment from the floor.

Neil Jacobus, 107 Center Street spoke in support of the sign ordinance in that if it needed smoothing out to become viable this approach seemed appropriate.

Jim Berg, Executive Director of the Greater East Aurora Chamber of Commerce spoke in support of this effort to develop a solid and viable ordinance that will promote both the interests of the business and residential community.

Upon calling for and hearing no further comment, Mayor Eyres closed the public portion of the hearing at 8:16 p.m. and referred the matter to the Board.

LOCAL LAW NO. 1 -1981

TO AMEND SECTION 77-9 OF THE CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, ENTITLED "NONCONFORMING SIGNS", WHICH IS PART OF CHAPTER 77 OF THE SAID CODE ENTITLED "SIGNS".

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

1. Section 77-9 of the Code of the Village of East Aurora, New York, entitled "Nonconforming Signs" is hereby amended by amending Paragraph B thereof as follows:

NOTE: Material within brackets is eliminated and material underlined is added to and included in Section 77-9 of the Code of the Village of East Aurora.

§ 77-9. Nonconforming signs.

A. Inspection. Immediately following the effective date of this local law the Building Inspector shall make or cause to be made an inspection and evaluation of all existing signs covered by this local law. All business establishments with signs which do not conform to these regulations shall be notified by certified mail stating how the existing sign violates the law. The Building Inspector shall keep a copy of all such letters and record of date notified.

B. Nonconforming signs. All nonconforming signs designated under §77-9 which are in use prior to the effective date of this local law may continue in use as legal nonconforming signs except as listed below.

- (1) Any nonconforming sign which does not directly relate to the sale of goods or services rendered on the property, or a sign advertising a previous business on the premises which has not been purchased, leased or assumed by the present occupant, shall be taken down and removed within sixty (60) days following the effective date of this local law.
- (2) Fluttering banners, miscellaneous signs denoting premiums or bonuses for buying gasoline, movable and nonattached signs and all other advertising not directly related to permitted uses listed in the Zoning Ordinance for the operation of a gasoline service station shall be removed within thirty (30) days after notification by the Building Inspector that such uses are nonconforming.
- (3) Any projecting sign over any public way, except a conforming sign hung from the underside or ceiling of a covered walkway related to the exterior of an individual business establishment, prohibited by §77-4B of this local law, shall be taken down and removed within [nine (9)] nine and one-half (9-1/2) years following the effective date of this local law, that is, by on or before [April 17, 1981] October 17, 1981
- (4) Any nonconforming freestanding sign shall be taken down and removed within [nine (9)] nine and one-half (9-1/2) years following the effective date of this local law, that is, by on or before [April 17, 1981] October 17, 1981

C. Discontinuance. Any nonconforming sign which is removed from the position it occupied at the effective date of this local law and not restored to such original position within thirty (30) days shall be presumed to be abandoned and discontinued and may not be restored or reerected except in compliance with this local law.

D. Repair or alteration. Nothing herein shall be deemed to prevent keeping a nonconforming sign in good repair and in a safe condition.

2. This amendment of Section 77-9 of the Code of the Village of East Aurora shall take effect immediately.

Dated: East Aurora, New York
April 20 , 1981

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

Van J. Zittel
Village Clerk-Treasurer

Trustee Smith moved the above local law. Upon a second by Trustee Suttell the motion carried by unanimous vote.

Appointment of Committee for Sign Law Revision

Mayor Eyres, having asked Trustee Thompson to chair the Committee and recommend appointees at the last Board meeting, referred to the following communication and asked Trustee Thompson to explain the intentions of the committee

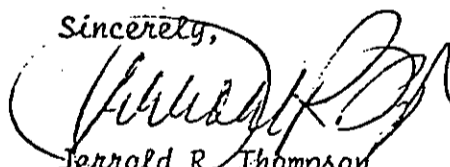
April 20, 1981

Mayor Lawrence E. Eyres
Village Hall
Main Street
East Aurora, New York

Dear Mayor Eyres:

I have selected the following village and town residents as members of a committee to review the sign ordinance for the village of East Aurora as it presently exists, paying particular attention to the so called "grandfather clause", the parallel and perpendicular sign installation requirements, and temporary signs.

John Dickson	48 Fairlawn	East Aurora
Ed Mehl	138 Glenridge	East Aurora
Fred Gardner	848 Center St.	East Aurora
Dave Reardon	143 The Meadow	East Aurora

Sincerely,

Jerrald R. Thompson
Village Trustee

JRT/mm

Trustee Thompson clarified that the Committee would research workable refinements of the sign law and present their findings to the Board for their consideration on or about the 17th of July this year.

Mayor Eyres then entertained for a motion to appoint the committee members as outlined in Trustee Thompson's letter. Being so moved by Trustee Marshall and seconded by Trustee Suttell, the motion carried by unanimous vote.

April 20, 1981

Page 5

"Loading and Unloading Zone" - Public Hearing

Upon the reading of the published public notice, Mayor Eyres referred the following communication as explanation and opened the public portion of the hearing at 8:20 p.m. by calling for comment from the floor.

TO: Village Board of Trustees, Village of East Aurora

RE: Proposed amendment of Chapter 86 of the Code of the Village of East Aurora entitled "Vehicles and Traffic" by adding a new Section 86-23.1 entitled "Loading and Unloading Zone" to Article VIII thereof to establish a loading and unloading zone only on the south side of Main Street between a point 270 feet west of the west curblin of Paine Street and a point 430 feet west of the west curblin of Paine Street (in front of Frank Delia Buick Cadillac, Inc. premises)

FROM: Village Attorney Walter W. Howitt


DATE: April 1, 1981

1. Frank A. Delia, President of Frank Delia Buick Cadillac, Inc., has requested that the area in front of his dealership on the south side of Main Street, west of Paine Street, be designated a loading and unloading zone only, as per letter dated March 16, 1981, a copy of which is attached to this memo.

Police Chief Smallback approves the establishment of such a loading and unloading zone only in the place requested by Mr. Delia.

2. Herewith is a draft of a proposed Local Law which would establish such a loading and unloading zone in the place requested, for your consideration.

Respectfully,


Walter W. Howitt
Village Attorney

WWH/lmr
Attachment

Robert Kelley, 244 Perry Street opened the comments by asking for a definition of the area of the proposed zone and indicating his opposition to the proposal should the zone be located in the adjoining R-C district.

Neil Jacobus, 107 Center Street expressed opposition on the grounds that it did not seem reasonable that this restriction should apply during non-business hours and Sundays.

Mayor Eyres then, calling for additional comment and hearing none, closed the public portion of the hearing at 8:26 p.m. and referred the matter to the Board.

Trustee Thompson suggested that rather than further restrict the already minimal parking spaces along Main Street, that perhaps Mr. Delia could add off street provisions for unloading the cars, in his current remodeling plans.

Trustee Marshall suggested a provisional plan to allow the zone while the new facility is in construction. This would include the idea that the new facility would include a provision for this unloading.

Trustee Smith suggested that if the canopy was altered to allow the car transport to enter and unload in Delias' driveway that the Church may not be opposed to the unloaded truck exiting on their driveway.

Thus, Trustee Suttell moved to table this matter until April 27, 1981 and invite Mr. Delia to attend to answer questions regarding alternatives to the present proposal. With a second by Trustee Thompson the motion carried by unanimous vote.

Set Sewer Tap-In Fees - Public Hearing

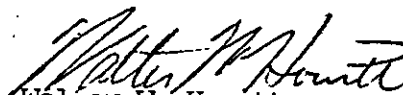
Upon the reading of the published public hearing notice and clarification that this raise in fee was necessary, as determined by Superintendent of Public Works Lang, to offset the expense of doing the work, Mayor Eyres opened the public portion of the hearing at 8:32 p.m. and called for public comment.

TO: Mayor and Village Board of Trustees, Village of East Aurora
RE: Proposed Local Law amending Chapter 75 of the Village Code (Sewers) to increase the permit and inspection (tap-in) fee for in-Village sewer connections (permits)
FROM: Village Attorney Walter W. Howitt
DATE: April 2, 1981

1. Superintendent of Public Works, Roy W. Lang, advises that the average expense incurred by the Village in connection with new sewer connections has increased to approximately \$400.00 per Class A (residential service) sewer connection. Section 75-7 of the Village Code specifies the fees for the issuance of both Class A and Class B sewer connection permits. These fees are currently \$275.00 for Class A (residential) permit and inspection fee and \$300.00 for a Class B (industrial) permit and inspection fee.

2. Herewith is a proposed Local Law which if adopted by your Board, following the required public hearing, would increase the said sewer permit and inspection fees from \$275.00 to \$400.00 for Class A (residential) connection (tap-in) fees and from \$300.00 to \$450.00 for Class B (industrial) connection (tap-in) fees.

Respectfully,


Walter W. Howitt
Village Attorney

WWH/lmr
Enc.

After answering brief clarification questions from Jim Berg, Porterville Road, Mayor Eyres called for further public comment. Upon hearing none he closed the public portion of the hearing at 8:34 p.m. and referred the matter to the Board.

April 20, 1981
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LOCAL LAW NO. 2 -1981

A LOCAL LAW AMENDING CHAPTER 75 OF THE CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, ENTITLED "SEWERS" BY AMENDING SECTION 75-7 THEREOF ENTITLED "BUILDING SEWER PERMITS: CLASSES" TO INCREASE PERMIT AND INSPECTION FEES.

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

1. Section 75-7 of Chapter 75 of the Code of the Village of East Aurora, New York, entitled "Building sewer permits: classes" is hereby amended to read as follows:

NOTE: Material within brackets is eliminated and material underlined is added to and included in Section 75-7 of the Code of the Village of East Aurora, New York.

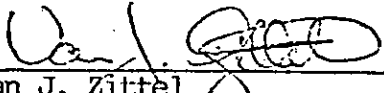
§75-7. Building sewer permits: classes

There will be two (2) classes of building sewer permits: Class A for residential services and Class B for commercial services. In either case the owner or his agent shall make application on a special form furnished by the village. The permit application shall be supplemented by any plans, specifications and other information considered pertinent in the judgment of the Superintendent of Public Works. A permit and inspection fee of [two hundred seventy-five dollars (\$275)] four hundred dollars (\$400) for a Class A permit and [three hundred dollars (\$300)] four hundred fifty dollars (\$450) for a Class B permit shall be paid to the Village Clerk at the time the application is filed; provided, however, that if the Superintendent of Public Works finds that no industrial wastes will be produced in connection with the commercial services, the permit fee for a Class A permit shall be paid by the applicant to the Village Clerk.

2. This amendment of Section 75-7 of Chapter 75 of the Code of the Village of East Aurora, New York, shall take effect immediately.

Dated: East Aurora, New York
April 20, 1981

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



Van J. Zittel
Village Clerk-Treasurer

Trustee Smith moved for the approval of the proposed local law. Seconded by Trustee Thompson the motion carried by unanimous vote.

April 20, 1981
Page 8

Action on 1981-1982 General, Water, and Federal Revenue Sharing Budgets

Mayor Eyres offered that as Trustees Pagliaccio and Sleeper could not attend this meeting that they had suggested that this action be postponed. However, as there was a quorum present it would be correct to act now if this Board chose to.

Trustee Thompson stated that he felt that all Trustees should participate in a decision of this importance and thusly moved to table these three items until April 27, 1981. With a second by Trustee Smith the motion carried by unanimous vote.

Hamlin Park Use - Annual Kiwanis Club Chicken Barbeque

KIWANIS CLUB  EAST AURORA

INCORPORATED
CHARTERED 1925

EAST AURORA, NEW YORK 14052

280 Main Street
East Aurora, New York 14052
March 11, 1981

The Honorable Lawrence E. Eyres, Mayor
& The Board of Trustees
Village of East Aurora
571 Main Street
East Aurora, New York 14052

Dear Mayor Eyres & Honorable Board Members:

The East Aurora Kiwanis Club, for its 26th consecutive year, plans to hold its Annual Chicken Barbeque on Wednesday, June 3, 1981.

As in the past, we would appreciate your permission to use the facilities at Hamlin Park for that day.

Your cooperation and favorable reply, as in the past, would be greatly appreciated.

Thank you.

Sincerely yours,

Terence L. Lunser

Terence L. Lunser,
Chairman

APPROVED BY BOARD OF TRUSTEES

DATE 4-20-81

CONTINGENT UPON RECEIPT OF INSURANCE CERTIFICATE

[Signature]
Village Clerk. TREASURER

April 20, 1981
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Pursuant to the reading of the above letter, Trustee Marshall moved for the approval of the request, contingent upon the receipt of a proper certificate of insurance. With a second by Trustee Thompson the motion carried by unanimous vote.

Memorial Day Parade - V.F.W. Request to Close Main Street

Trustee Smith moved the approval of the above request to close Main Street to accomodate the holding of the Parade. A second by Trustee Thompson brought a unanimous vote to carry the motion.

April 9th, 1981

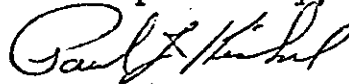
Village Board
Village of East Aurora
East Aurora, New York 14050

Dear Members:

The Veterans of Foreign Wars, Aurora Cazenovia Post 205, requests permission to hold its annual Memorial Day Parade. This is to be Monday, May 25th, leaving from Bells parking lot at 10:30 a. m., the usual route down Main around circle and up Oakwood to the cemetary.

Awaiting your reply, I am

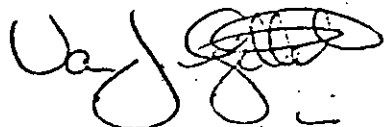
Respectfully,



Paul J. Kishel, 1110 Olean Rd. E. A.
Commander

APPROVED BY BOARD OF TRUSTEES

DATE 4-20-81



Village Clerk-Treasurer

Farmers Market - Permit to Operate

April 16, 1981

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

Subject: Permit for Operation of Outdoor Business Pursuant to Section 93-20A (12) of the Code of East Aurora

Gentlemen:

We are writing to you to request a Permit for the continuation of the East Aurora Farmer's Market. As we begin our 4th season, it is amazing to look back at our first meetings of planning our organization to our now blossoming

April 20, 1981
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and successful market. We certainly realize the traffic and pedestrian congestion that has surfaced and the legallity we must attain to remain a successful organization.

We are wholeheartedly interested in the protection of the East Aurora Trades as well as the control of our own organization that we need as we grow larger.

Our market runs from May 9th until November 21st on Saturdays only, and from 7:30 a.m. until 1:00 p.m. We are situated in the parking lot at the corner of Riley Street and Main Street; with boundaries as such: North: curb sidewalk, East: Riley Street, South: T.V. Store and Main Street sidewalk, West: Railroad tracks.

Again, we are looking forward to our 4th season in the East Aurora Community, only now as a legal organization. Thank you for your interest and consideration in this matter.

As owner of the above described premises, I join in the request for a Permit for Operation of an Outdoor Business.....

Clifford C. Hall

Respectfully yours,

E. Aurora Farmer's Mkt. Assoc.

Kathleen M. Clark

Kathleen M. Clark
Secretary

Pursuant to the receipt of the above letter, Trustee Smith moved to schedule the required public hearing on this item for April 27, 1981. With a second by Trustee Suttell the motion carried by unanimous vote.

Public Works Supplies - Request to Advertise for Bids

M E M O R A N D U M

TO: Honorable Mayor and Board of Trustees
FROM: Roy W. Lang, Superintendent of Public Works
DATE: April 16, 1981

I hereby request permission to Bid Public Works Supplies for the 1981-82 Fiscal Year.

This is done every year for the purchase of all Public Works Supplies to have recommendations to your Board for our new Fiscal Year starting June 1, 1981.

April 20, 1981

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Mayor Eyres entertained for a motion to add this item to this agenda explaining that due to the complexity of this annual item Superintendent of Public Works Lang has requested the Board's consideration as soon as possible.

Thus, Trustee Thompson moved to add this item to this agenda. On a second by Trustee Smith the motion carried by unanimous vote.

Upon Village Attorney Howitts advice that the authorization to advertise for bids presupposes that the funds to pay for these items will be provided in the not yet adopted 1981-1982 General Fund Budget, Trustee Suttell moved to table the item until the April 27, 1981 meeting. A second by Trustee Thompson brought a unanimous vote to carry the motion.

Audit of Bills

Trustee Marshall moved that the bills as audited this date by the Mayor and Trustees be approved and ordered paid. With a second by Trustee Smith the motion carried by unanimous vote.

Comments from the Floor

Neil Jacobus of 107 Center Street suggested that the rules of the conduct of public hearings be adjusted to allow the public to add informational input after hearing the ideas of the Trustees.

Reports from Staff

Police Chief Smallback reported that Patrollman Librock will graduate from the training school on May 22, 1981.

Items from Board Members

Trustee Suttell noted the Police Departments efforts to register bicycles to stem the public's concern about current thefts of bicycles and asked that the public participate and endeavor to report any suspicious occurances that would help stem the problem.

Trustee Marshall invited all to attend the meeting of the joint Village and Town Cable TV Committee scheduled for May 6, 1981 at 8:00 p.m. at the Town Hall.

Mayor Eyres proclaimed the week of May 11, 1981 through May 16, 1981 as the United States Small Business Week.

Motion to Adjourn (Recess)

At 8:59 p.m. Trustee Thompson moved to recess tonight's meeting until 8:00 p.m. Monday April 27, 1981. Upon a second by Trustee Suttell the motion carried by unanimous vote.

Village of East Aurora

Recessed (From April 20, 1981) Meeting of
The Board of Trustees

April 27, 1981

Call to order and Pledge of Allegiance to the Flag at 8:00 p.m.

Roll Call: Present - Mayor Eyres, Trustees Suttell, Marshall,
Pagliaccio, Sleeper, Thompson, Smith

Staff Present - Van J. Zittel, Village Clerk-Treasurer
Walter W. Howitt, Village Attorney
Roy W. Lang, Superintendent of Public Works

I. Farmers Market - Public Hearing - Approval to Operate

Pursuant to the request letter from the Farmers Market and the scheduling of this public hearing, see April 20, 1981 minutes, Mayor Eyres opened the public portion of the hearing at 8:01 p.m. and called for comments from the public.

Robert Grey of 456 Girard Avenue, Helen Smyth of 290 North Street, and Wes DiAddario of 510 Main Street all spoke in favor of continuing the benefits to the Village residents from the operation of the Farmers Market.

Calling for and hearing no further comment, Mayor Eyres closed the public portion of the hearing at 8:03 p.m. and referred the matter to the Board.

The Board began discussion by noting the following memorandum.

MEMORANDUM

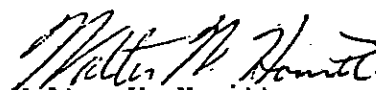
TO: Village Board of Trustees, Village of East Aurora
RE: Permit required for operation of outdoor business
(Farmer's Market) in C-M General Commercial Zoning District
FROM: Village Attorney Walter W. Howitt
DATE: April 16, 1981

1. Section 93-20A(12) of the Code of the Village of East Aurora lists outdoor types of business as permitted uses in the C-M Zoning District of the Village when listed as a permitted use in Chapter 93 of the Code and when approved by the Village Board of Trustees after a public hearing thereon.

2. The area in which the Farmer's Market has been operating is in the C-M Zoning District of the Village and its operation may be continued under proper authority provided your Board grants a permit for such continued use after a public hearing upon an application for such permit.

3. The East Aurora Farmer's Market has submitted such an application to your Board, which application is joined in by the owner of the premises involved. This application may be acted upon by your Board after a public hearing is scheduled and held by your Board.

Respectfully,


Walter W. Howitt
Village Attorney

April 27, 1981

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During the discussion the Board found the following facts to be true.

1. A meeting had been held with Village staff, the officers of the Farmers Market, the owners of the adjacent Railroad Station Restaurant, and the Chamber of Commerce, collectively.
2. That adjoining property owners supported the continued operation wholeheartedly.
3. That parking and traffic during operations needed control but was not a prohibitive consideration.
4. That the Farmers Market has responsible officers, board of directors, market manager, and rules of conduct for vendors.
5. That at this time, through the public comments gained during the public hearing and informally through private contacts, the continued operation of this Farmers Market is of benefit to and desired by the community.
6. The said outdoor Farmers Market use shall be for the sale of products grown, baked and otherwise produced by vendors.
7. The said use shall be limited to Saturdays only, commencing May 9, 1981 and ending on November 21, 1981.
8. The said use shall be conducted on said Saturdays between 7:30 A.M. and 1:00 P.M. (current time)

Thus, Trustee Thompson moved to approve the request and issue the following approval.

A P P R O V A L

of

Outdoor type of business

(Farmer's Market)

At northwest corner of Main and Riley Street
in Village of East Aurora, New York, between
May 9, 1981 and November 21, 1981 pursuant to
Section 93-20A(12) of the Code of the Village
of East Aurora, New York

ISSUED TO: E. AURORA FARMER'S MARKET ASSOCIATION, Operator, and
CLIFFORD C. HILL, Owner

BY: VILLAGE BOARD OF TRUSTEES, VILLAGE OF EAST AURORA

Approving the use of open space in the C-M General Commercial District of the Village of East Aurora, bounded on the east by Riley Street, on the north by the curbed sidewalk of the Pennel Railroad property, on the west by the Conrail Railroad tracks and on the south by Main Street and Blemel's TV Store, as an outdoor type business (Farmer's Market) for period commencing May 9, 1981 and ending November 21, 1981, upon the following conditions:

1. The said outdoor Farmer's Market use shall be for the sale of products grown, baked and otherwise produced by vendors.
2. The said use shall be limited to Saturdays only, commencing May 9, 1981 and ending on November 21, 1981.
3. The said use shall be conducted on said Saturdays between 7:30 A.M. and 1:00 P.M. (current time).
4. Vehicular and pedestrian traffic control on streets adjacent to the market area shall be provided by the E. Aurora Farmer's Market Association during hours of market operation by Special Police Officer or Officers approved by the Village of East Aurora Chief of Police.

April 27, 1981

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THIS APPROVAL IS HEREBY GRANTED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA following a public hearing held in the Village Board Room, East Aurora, New York, before this Board on April 27, 1981, after due publication of Notice of Hearing pursuant to Section 93-20A(12) of the Code of the Village of East Aurora.

DATED: East Aurora, New York

April , 1981

FOR THE VILLAGE BOARD OF TRUSTEES
OF THE VILLAGE OF EAST AURORA

Village Clerk-Treasurer

Upon a second by Trustee Pagliaccio the motion carried by a unanimous vote.

II. Local Law - Action on, to establish "Loading & Unloading Zone"

Pursuant to the tabeling of this item, after the public hearing held April 20, 1981, the Board again began considerations by asking Mr. Frank Delia for clarification of his request.

Mr. Delia noted that the Presbyterian Church had requested that the loaded vehicle carriers not use their adjacent driveway because of damages to the driveway by the heavy carriers, that double parked unloading in Main Street was a hazard to traffic, that to add provisions for unloading into the remodeling plan would be inconvenient, and that trucks arrive anytime every day of the week, uncontrollable by Mr. Delia.

Concerns of the Board were that other business on Main Street may request a similar thing limiting the minimal parking on Main Street now, that facilities for this could be worked into the remodeling plan, and that perhaps a third party could help work out a new agreement with the Church.

Thus, Trustee Thompson moved to table this matter until May 4, 1981. With a second by Trustee Sleeper the motion carried by unanimous vote.

III. 1981-1982 General Fund Budget - Action on

Upon noting the prior presentation of this budget on March 23, 1981 and the holding of the required public hearing on April 6, 1981, Trustee Smith moved the approval of the proposed budget containing appropriations of \$1,980,852 and a tax rate of \$73.76 per \$1000 of taxable assessed valuation and the salary schedule. With a second by Trustee Marshall the motion carried by six (6) affirmative votes and one (1) negative vote from Trustee Suttell.

IV. 1981-1982 Water Fund Budget - Action on

Upon noting the prior presentation of this budget on March 23, 1981 and the holding of the required public hearing on April 6, 1981, Trustee Marshall moved the approval of the proposed budget containing appropriations of \$722,420. With a second by Trustee Sleeper the motion carried by unanimous vote.

V. 1981-1982 Federal Revenue Sharing Budget - Action on

Upon noting the prior presentation of this budget on March 23, 1981 and the holding of the required public hearing on April 6, 1981, Trustee Sleeper moved the approval of the proposed budget containing Appropriations of \$112,451. With a second by Trustee Thompson the motion carried by unanimous vote.

April 27, 1981

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VI. Bids for Department of Public Works Supplies - Authorization

Pursuant to the following memorandum, Trustee Pagliaccio moved that the requested authorization be granted.

M E M O R A N D U M

TO: Honorable Mayor and Board of Trustees
 FROM: Roy W. Lang, Superintendent of Public Works
 DATE: April 16, 1981

I hereby request permission to Bid Public Works Supplies for the 1981-82 Fiscal Year.

This is done every year for the purchase of all Public Works Supplies to have recommendations to your Board for our new Fiscal Year starting June 1, 1981.

With a second by Trustee Sleeper the motion carried by unanimous vote.

VI.A. Bids for Van Trucks - Authorization

In consideration of the following memorandum, Trustee Suttell moved to add this item to this agenda.

M E M O R A N D U M

TO: Honorable Mayor and Board of Trustees
 FROM: Roy W. Lang, Superintendent of Public Works
 DATE: April 16, 1981

I hereby request permission to Bid two (2) 3/4 Van Type Trucks; one (1) to be used for Water and Sewer and one (1) to be used for the Streets.

These two (2) Trucks are to be paid for from the 1981-82 Federal Revenue Sharing Budget.

With a second by Trustee Marshall the motion carried by unanimous vote.

Trustee Thompson initiated discussion as to the possibility of realizing a better return on the old vans if the Village disposed of them other than as trades when purchasing the new vans. Input from other trustees and Superintendent of Public Works Lang resulted in Trustee Thompson moving to authorize the letting of bids asking bidders to bid the new vehicles with and without trade-ins. With a second by Trustee Suttell the motion carried by unanimous vote.

VI.B. Comments from the Floor

The following communication was delivered to the clerk during the meeting and was read aloud, accepted, and thusly included here.

In these days of inflation and rising costs, we, the taxpayers of the Village of East Aurora, want to commend the Mayor and Board of Trustees of the Village of East Aurora for their efforts in keeping our Village taxes at the present rate.

(15)

4-27-81

Allen M. Ess	192 So. Grove St. E.A.	
Harold C. Coleman	200 So. Grove St. E.A.	
Marie Coleman	200 So. Grove St. E.A.	
Mary Jones	211 So. Grove St. E.A.	
Harold Milka	193 So. Grove St.	
Josephine D. Kernig	175 So. Grove St.	
Dore E. Hubbs	163 So. Grove St.	
Raymond M. Hubbs	163 So. Grove St. E.A.	
Ailene Milka	193 S. Grove St. E.A.	
Mary E. Sweet	83 Knox Rd. EA	
Betty Paulson	120 Walnut St. EA	
Jerry Cooper	83 Knox Rd. EA	
R.H. Heineman	325 Mill Rd. E.A.	
Mary B. Ess	325 Mill Rd. E.A.	
Dawn L. Ess	325 Mill Rd. E.A.	
Eleanor H. May	345 Center St. E.A.	4/27/81
Mr & Mrs C. Hummel	341 Sault St. E.A.	4/27/81
Mr & Mrs H. Hagen	305 Main E.A.	4/27/81
Mildred E. MacMahon	357 South Ea.	4/27/81

Mr & Mrs Bert Warner	325 Center St	4/27/81
Mrs. Lynn C. Dabbage	333 Center St.	4/27/81
Mrs Carl Walz	51 Woodside Ave	4/27/81
Betty K. Butlin	363 Prospect Ave.	4/27/81
Thomas & Bertha	243 S Grove St	4-28-81
Mr & Mrs Richard Dabb	248 Walnut St	4/28/81
Mr & Mrs G. Stoll	249 Walnut St	4/27/81
Mr & Mrs Lefkowitz	282 Walnut St.	4/27/81
Mr & Mrs Richard Cowell	238 Walnut St	4/27/81
Mr & Mrs John W. Scott	356 Walnut St.	4/27/81
Mr & Mrs Tom Selague	262 Walnut St.	4/27/81
Mr & Mrs Ruth Kuter	274 Walnut St.	4/27/81
K. Werner	275 Walnut St.	4/27/81
Cathy R. Metzger	144 Center Street	
Karole P. Reed	152 Center St.	
(Lally Cotton) ^{not in residence}	314 Perry St.	
William Bermingham	308 Perry St	
Mr & Mrs Cletus Lugerham	293 Perry St.	
Mr & Mrs Timothy J. Connell	305 Perry St.	
Mr & Mrs John F. Lamb	331 North St.	
Mr & Mrs Michael Gleason	330 North St	
Mr Stanley J. Lepak	312 NORTH ST	EAST AURORA
John J. Burns	297 North St	East Aurora, NY
Milton F. Baist	344 North St.	East Aurora, NY
Margaret R. Zagrebinsky	342 North St.	East Aurora, N.Y.

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Donald S. Anspach	197 Maple Rd East Aurora, N.Y.
Roberta L. Zimmerman	358 North St. East Aurora, N.Y.
Mr. & Mrs. Donald Black	151 North St. East Aurora, N.Y.
John Team DDS	371 Linden Ave. EAST AURORA New York 14052
Beth Dracopis	363 Linden Ave
Marquet Rodorich	280 Center St.
Margaret Joyce	274 Center St.
Jacqueline J. Pasacki	267 Center St.
John H. Nichols	259 Center St.
David K. Schwartz	260 Center St.
Helene E. Kader	266 Center St.
Katherine Arnett	288 Center St.
Almond Burnett	165 Center St. E. Aurora
Blanche E. Burnett	165 Center St. E. Aurora
Robert H. Willoughby	168 Center St. E. Aurora, N.Y.
Earl W. Wolff	161 Center St. E. Aurora, N.Y.
Daniel K. Gaudin	144 Center St.
Richard [unclear]	306 Prospect St.
Arthur [unclear]	49 Swaney Pl. E.A.
Audrey S. Livingston	132 Park Pl.
Mr. & Mrs. Ronald Rose	350 Linden Ave. E.A.
Mr & Mrs Erwin S. Towne	575 Linden Ave. E.A.

VI.C. Items from Board Members

Trustee Pagliaccio brought the "Vial of Life" system to the attention of the Safety Committee. It is a home system of providing medical information on the occupants of a dwelling should an emergency arise.

April 27, 1981
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VII. Motion to Adjourn

At 9:27 p.m. Trustee Smith moved to adjourn. Upon a second by Trustee Suttell the motion carried by unanimous vote.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

Village of East Aurora
Regular Meeting of the Board of
Trustees

May 4, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 p.m.

Roll Call: Present - Mayor Eyres, Trustees Sleeper, Marshall,
Pagliaccio, Sleeper, Thompson, Smith

Staff Present - Van J. Zittel, Village Clerk-Treasurer
Walter W. Howitt, Village Attorney
Roy W. Lang, Superintendent of Public Works
Carlton C. Colby, Building Inspector
Richard Bamberg, Fire Chief
John J. Keller, Planning Commission

I. Meeting Change - May 18th to May 27th

Upon Mayor Eyres noting that holding the 2nd meeting of this month on the 27th was beneficial to both the procedures involved with the closing of the 1980-1981 Fiscal Year and the public hearing on the rezoning of the land that Fisher-Price Toys has proposed to expand to, entertained for a motion to change the regularly scheduled meeting date.

The above being so moved by Trustee Smith and seconded by Trustee Sleeper was carried by unanimous vote.

II. Fisher-Price Toys - Request for Rezoning

The following two communications were read aloud.

HODGSON, RUSS, ANDREWS, WOODS & GOODYEAR
ATTORNEYS AT LAW
1800 ONE M & T PLAZA
BUFFALO, N. Y. 14203
716-838-4000

2310 ONE FINANCIAL PLAZA
FT. LAUDERDALE, FLA 33394
305-764-2440

LAURENCE R. GOODYEAR
EDWIN O. TILTON
GROVER R. JAMES, JR.
RICHARD E. HEATH
GORDON A. MACLEOD
DOUGLAS W. KUHN
CLARENCE OBLETZ
STEPHEN H. KELLY
WILLIAM H. GARDNER
JOHN J. COONEY
ROBERT M. WALKER
JAMES M. WADSWORTH
DAVID A. GARDUS
RICHARD A. GOETZ
DAVID E. MANCH
ROBERT W. KELLER
JEROME D. SCHAD
PAUL R. COMEAU
KARL W. KRISTOFF
RICHARD F. CAMPBELL
WARD B. HINKLE
ALLEN H. BEROZA

JOHN E. DICKINSON
ARNOLD T. OLENA
VICTOR T. FUZAR
JAMES A. PORTER
RALPH W. LARSON
CHARLES J. HAHN
GEORGE W. MYERS, JR.
ROBERT H. MILTENBERGER, II
H. KENNETH SCHROEDER, JR.
JOHN C. BARBER, JR.
ANTHONY L. DUTTON
STEPHEN KELLOGG
DAVID E. HALL
STEPHEN M. NEWMAN
ROBERT B. CONKLIN
HARRY O. MEYER
LANCE J. MADDEN
CHRISTIAN G. KOELBL, III
DIANNE BENNETT
DANIEL R. SHARPE
PAMELA M. DARRAGH
PAMELA DAVIS HEILMAN

CLARENCE OBLETZ*
ROBERT H. MILTENBERGER, II*
RICHARD A. GOETZ*
DWIGHT D. HOPKINS*
RICHARD E. HEATH
JAMES A. PORTER
CHARLES J. HAHN
WILLIAM H. GARDNER
H. KENNETH SCHROEDER, JR.
ANTHONY L. DUTTON
JAMES M. WADSWORTH
DAVID A. GARDUS
STEPHEN KELLOGG
STEPHEN H. KELLY
DAVID E. MANCH
ROBERT B. CONKLIN
JEROME D. SCHAD
PAUL R. COMEAU
RICHARD F. CAMPBELL
PAMELA DAVIS HEILMAN
*RESIDENT IN FLORIDA

HOMER H. WOODS, COUNSEL

April 28, 1981

Mayor Lawrence E. Eyres
Village Hall
571 Main Street
East Aurora, New York 14052

Dear Mayor Eyers:

Our client, Fisher-Price Toys Division of The Quaker Oats Company, has purchased premises at the southeasterly corner of Bowen Road and Seneca Street, i.e. the former Ullman property, and has contracted to purchase premises now owned by Northrup R. Knox and Seymour H. Knox, III., adjoining the former Ullman parcel on the east and on the south, consisting of approximately 42 acres of vacant land, approximately six acres of which lie south of Girard Avenue.

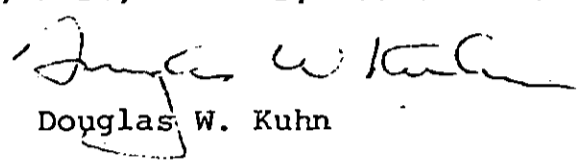
Part of the total property is located within the Village of East Aurora and part is located north of the Village line, in the Town of Aurora. Fisher-Price is planning to use the property for offices, engineering, and research and development facilities, and will be constructing new buildings and developing the land to accomodate such use. A change in the zoning classification from the present residential classification to M-P will be necessary, and a petition for rezoning will be filed with the Village.

We understand that the next Village Board meeting is on May 4th, and request that you place this matter on the agenda for that meeting.

Very truly yours,

HODGSON, RUSS, ANDREWS, WOODS & GOODYEAR

By



Douglas W. Kuhn

DWK/mkh

NORTHRUP R. KNOX
SEYMOUR H. KNOX, III

May 1, 1981

East Aurora Village Board
571 Main Street
East Aurora, New York

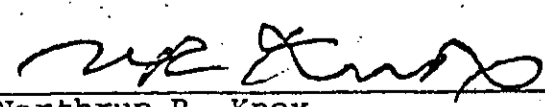
Dear Board Members:

The undersigned are owners of approximately 42 acres of unimproved land, more or less, at the corner of Girard Avenue and Seneca Street, including approximately 35.8 acres on the north side of Girard Avenue, all in the Town and partly in the Village of East Aurora, and approximately 6.2 acres on the south side of Girard Avenue in the Village of East Aurora.

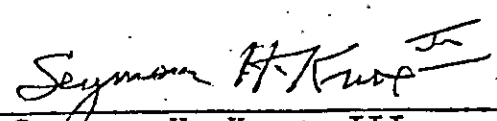
We have contracted to sell the entire 42 acres to Fisher-Price Toys Division, The Quaker Oats Company, contingent upon rezonings necessary to permit use of the premises by the purchaser for executive offices, engineering and research and development facilities. Accordingly, we hereby consent and join in the petition of rezoning of that portion of the sale premises in the Village of East Aurora to MP zoning classification, and of that portion of the sale premises in the Town of Aurora, but not the Village of Aurora, to B1 zoning classification, or to such other zoning classification or classifications as may be necessary and appropriate for the above-stated intended uses by the purchaser.

If you have any further questions regarding this matter, please contact our attorneys in this matter, Magavern, Magavern, Lowe, Beilewech, Dopkins & Fadale, attention: William J. Magavern II.

Very truly yours,



Northrup R. Knox



Seymour H. Knox, III

Motion by Village Board of Trustees to change the zoning classification of approximately 30 acres of land bounded on the west by Seneca Street (Buffalo Road), on the north by the north Village line, and on the south by the Parkdale School, from its 'R' Single Family Residence zoning classification to the 'M-P' Restricted Manufacturing district zoning classification.

The Village Board of Trustees having been advised that Fisher-Price Toys Division of the Quaker Oats Company would request the rezoning of approximately 30 acres of land bounded on the north by the north Village line, on the west by Buffalo Road (Seneca Street) and on the south generally by the lands of Parkdale Elementary School, to an 'M-P' Restricted Manufacturing District zoning classification by a formal request to be received by this Board on May 4, 1981; and

The formal request of Fisher-Price Toys Division of the Quaker Oats Company describing the subject lands by metes and bounds having been received by this Board on May 4, 1981; and

This Board having been advised that it has the option pursuant to Section 93-60 of the Code of the Village of East Aurora to amend the zoning classification of lands within the Village of East Aurora upon its own motion and having been advised that as a local legislature, it is under no obligation to hold a public hearing upon a petition seeking a rezoning; and

This Village Board of Trustees being desirous to rezone the approximately 30 acres of land lying east of Buffalo Road (Seneca Street), south of the north Village boundary line and north of the Parkdale School property, on its own motion, and after hearing Harvey W. Busch., Vice-President of Fisher-Price Toys Division of the Quaker Oats Company outline in general the proposed use of the said approximately 30 acres of land or more, the following motion was moved by Trustee Smith seconded by Trustee Thompson and carried with 7 affirmative and 0 negative votes:

It is hereby moved that the Village Board of Trustees of the Village of East Aurora take all actions and proceedings required by statute to change the zoning classification of the hereinafter described premises, being approximately 30 acres of land bounded on the west by Buffalo Road (Seneca Street), on the north by the north Village line and on the south by the lands of Parkdale School, from an 'R' Single Family Residence zoning classification to an 'M-P' Restricted Manufacturing District zoning classification;

That the said proposed rezoning matter be referred to the Planning Commission of the Village of East Aurora as required by Section 93-65 of the Code of the Village of East Aurora;

That the said matter be referred to the Erie County Department of Planning as required by statute;

That all required notices of hearing be served and given as required by statute; and

That the public hearing upon the matter of the said rezoning of the said approximately 30 acres of land upon the motion of this Board be scheduled to be held at 8:00 o'clock P.M. (EDST) on Wednesday, May 27, 1981.

The description of the premises for which the zoning classification is proposed is as follows:

PARCEL 1

ALL THAT TRACT OR PARCEL OF LAND, situate 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 Bowen Road at its intersection with the northerly line of the Village of East Aurora; running thence easterly along the northerly line of the Village of East Aurora to its intersection with the easterly line of lands conveyed to Northrup R. Knox and Seymour H. Knox, III, by deed recorded in Liber 8993 of Deeds at page 303 in the Erie County Clerk's Office on March 4, 1981; running thence southerly along said easterly line of lands so conveyed to Northrup R. Knox and Seymour H. Knox, III, 605 feet, more or less, to the center line of Girard Avenue; running thence westerly along the center line of Girard Avenue 1228 feet, more or less to its intersection with the center line of Seneca Street; thence northwest along the center line of Seneca Street 1146 feet, more or less, to its intersection with the center line of Bowen Road; running thence north-easterly along the center line of Bowen Road 225 feet, more or less, to its intersection with the north line of the Village of East Aurora at the place of beginning.

PARCEL 2

ALL THAT TRACT OR PARCEL OF LAND, situate 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 Seneca Street at its intersection with the center line of Girard Avenue; running thence northeasterly and easterly along the center line of Girard Avenue 1203 feet, more or less, to the northwesterly corner of lands conveyed to Union Free School District No. 1 by deed recorded in Liber 5559 of Deeds at page 498; running thence southerly along the westerly line of lands so conveyed to Union Free School District No. 1, 248 feet to a point; running thence westerly and southwesterly along the northerly line of lands conveyed to Union Free School District No. 1 by deed recorded in the Erie County Clerk's Office in Liber 5445 of Deeds at page 114, 760 feet, more or less, to the northwesterly corner of lands so conveyed to Union Free School District No. 1; thence continuing southwesterly a line running at right angles to the center line of Seneca Street 283 feet to the center line of Seneca Street; running thence northwesterly along the center line of Seneca Street 248 feet, more or less, to the place of beginning.

EXCEPTING that portion of premises lying within the bounds of Seneca Street, Bowen Road, and Girard Avenue.

III. East Aurora Fire Department - Request to declare 15 Plectron Home Receivers as surplus

April 29, 1981

The Honorable Lawrence Eyres
Village of East Aurora
East Aurora, NY 14052

Sir:

We would like to request permission to make fifteen (15) of our Pectron home receivers surplus equipment and would like to dispose of same.

Your consent to expedite this request will be greatly appreciated.

Sincerely,

Richard A. Bamberg, Jr.
Chief

May 4, 1981

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Pursuant to the reading of the above letter and Fire Chief Bamberg's explanation that these old style radios have been replaced with more efficient portable radios and do not operate on the new system alert tones, Trustee Marshall moved to declare the 15 home receivers surplus and provide for the sale of them according to the Law.

A second to the motion from Trustee Pagliaccio brought a unanimous vote to carry the motion.

IV. Local Law to Establish "Loading & Unloading Zone" (Tabled April 27, 1981)

Pursuant to information offered by Trustee Thompson that, as suggested at the April 27, 1981 meeting, the individual who was to work out an agreement between the Presbyterian Church and the petitioner Frank Delia Buick-Cadillac for use of the driveway belonging to the Church, for the trucks to use after unloading, was unable to execute a workable agreement, Mayor Eyres suggested that he be afforded time to meet with the two parties to accomplish an agreement.

Thus, Trustee Pagliaccio moved to table this matter to facilitate the Mayor's efforts. Seconded by Trustee Marshall the motion carried unanimously.

V. Water Bill Adjustment - Request of Barry Hoffman

424 Linden Avenue (account no. 9490)
East Aurora, N.Y. 14052

April 28, 1981

Board of Trustees, Village of East Aurora
Village Hall
East Aurora, N.Y. 14052

c/o Mr. Van J. Zittel, Clerk-Treasurer

Gentlemen:

Sometime during the first week of April, 1981, we received our third water bill in the amount of \$119.75. As our previous two water bills had been in the approximate amounts of \$17 and \$10, we presumed an error had been made, and called the Village Hall on April 6th, to so advise. The secretary to whom I spoke was unable to conclusively determine whether or not our bill was accurate and suggested an appointment be made for a Water Department employee to come to our house and read the meter. We were leaving the next day, April 7th, for a business trip - returning on Monday, April 13th, so I scheduled an appointment for the first possible opportunity - April 14th.

On April 14th, as scheduled, someone came from the Water Dept., examined the meter and amount of water consumed since the last reading, and came to the conclusion that our bill did appear to be accurate. We were surprised, but complied and wrote a check that evening for the total amount of \$119.75, mailing it the following day - April 15th.

Sometime later, perhaps Monday, April 20th, I received a phone call from the Village Hall advising that our payment due on April 15th had been received late and we were subject to a penalty payment of an additional \$11.98. Needless to say, I bristled a bit at this, believing under the circumstances that a penalty was undeserved, and attempted to so explain. I was told that, even though the circumstances were unusual, there was no provision in the Village law to provide any flexibility, but rather, should we not make the penalty payment, the \$119.75 check would not be cashed, but rather an amount (including penalty fee) of \$131.73 would be applied to our taxes. As our tax payments are covered in our mortgage - this would have caused undue further confusion and expense in long distance calls to an out-of-state bank. Accordingly, I went down to the Village Hall on April 22nd and paid the requested \$11.98.

VILLAGE OF EAST AURORA
RECEIVED

APR 28 1981

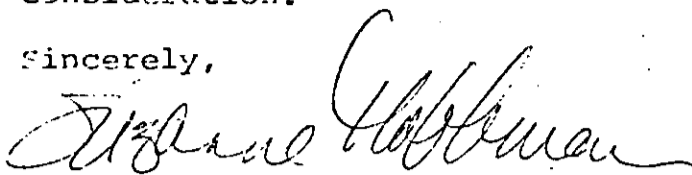
AD. 1000-1000-1000

PER

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The \$11.98 late fee is a small amount, but one we feel we have been charged unfairly and are, thus, filing this protest for your consideration.

Sincerely,



Mr. and Mrs. Barry Hoffman

Review of the above letter and the account card revealed that the first meter reading, the two previous bills were an estimate and a card sent in, done since the inception of water service to this residence, which resulted in the \$119.75 March water bill, could have included five months of water consumption.

Upon also noting that Village personnel had visited the residence and not found any malfunctions and that the penalty assessment was unfortunate but only after proper time for payment had been allowed, Trustee Smith moved to deny the request. With a second by Trustee Marshall the motion carried unanimously.

VI. Village Court Dockets - Review of, By Village Board

The several Trustees of the Village of East Aurora having examined the records and dockets of the Village Justices, it was upon motion duly made by Trustee Pagliaccio, seconded by Trustee Sleeper, and carried by unanimous vote, ordered that the fact that the said records and dockets of the Village Justices of the Village of East Aurora have been duly examined by the Village Board of Trustees on this date and that the fines therein collected appear to have been properly turned over to the proper officials as required by law, be entered in the Minutes of the proceedings of the Village Board of Trustees of the Village of East Aurora as required by Section 2019-a of the Uniform Justice Court Act.

Trustee Marshall suggested that it would be beneficial to meet with the justices to keep communications open as the administration of Village policy regarding the Code of the Village.

VII. Millard Fillmore Furniture - Transfer Ownership to Historical Society

Aurora Historical Society Inc.
East Aurora, New York 14052

281 Parkdale Avenue
March 24, 1981



Mr. Lawrence E. Eyres, Mayor
Village of East Aurora
Village Hall
Corner Main and Paine Streets
East Aurora, New York 14052

Dear Mr. Eyres,

Back when Mr. Irving Price was Mayor of the Village, several pieces of Millard Fillmore furniture, belonging to the Village were displayed in the Village Board Room, now the Hubbard Memorial Library Museum.

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At the time the Hubbard Memorial Library Museum came into being, these pieces were stored and later were loaned to our first Millard Fillmore Museum on Oakwood Avenue in the old Riley House, which Mr. Edward Godfrey had moved from Main Street.

When the Aurora Historical Society restored the little house at 24 Shearer Avenue, which the Price family had moved from Millard Fillmore Place for a studio for Mrs. Brice, the three pieces, namely a portrait of Fillmore, a bookcase and a sofa were moved to the museum on Shearer.

The Aurora Historical Society, Inc. would like to obtain legal ownership of these three pieces of furniture, so that there will be no future misunderstanding as to the ownership.

They will be preserved and cared for by the Society.

Sincerely,

Muriel J. Case
Muriel J. Case, Secretary

The Elbert Hubbard Library-Museum

East Aurora, New York 14052



April 6, 1981

The Honorable Lawrence E. Eyres
Mayor of East Aurora
Village Hall, Main at Paine Streets
East Aurora, NY 14052

My dear Mayor Eyres:

In reply to your request of March 25 concerning three pieces of Millard Fillmore furnishings, we do not have any active interest in the pieces as there seems to be no connection with Hubbard or the Roycrofters.

It is fitting and proper that they be displayed at the Fillmore House.

Sincerely,

Kenneth Whitney
Mr. and Mrs. Kenneth Whitney
Co-curators

cc: Mr. Edward Godfrey

Upon the reading of the above letters Trustee Pagliaccio moved the following resolution which was seconded by Trustee Marshall and carried by unanimous vote.

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RESOLUTION

WHEREAS, the Village of East Aurora for many years past has had possession of three (3) pieces of Millard Fillmore furniture, to wit: a bookcase, a sofa and a portrait of said Millard Fillmore, former President of the United States; and

WHEREAS, the said three (3) pieces of Millard Fillmore furniture have in the recent past been placed in the Millard Fillmore Museum on Shearer Avenue in the Village of East Aurora, which museum is owned and operated by the Aurora Historical Society, Inc.; and

WHEREAS, it is found that the said pieces of Millard Fillmore furniture are currently serving no municipal purposes for the Village of East Aurora; and

WHEREAS, it is deemed appropriate for the said three (3) pieces of Millard Fillmore furniture to be owned by the Aurora Historical Society, Inc. and permanently displayed in the said Millard Fillmore Museum.

NOW, THEREFORE, BE IT RESOLVED that all right, title and interest of the Village of East Aurora in and to the Millard Fillmore sofa, Millard Fillmore bookcase and portrait of Millard Fillmore, presently situated in the Millard Fillmore Museum on Shearer Avenue in the Village of East Aurora, be transferred to the Aurora Historical Society, Inc. of East Aurora, New York, and that Mayor Lawrence E. Eyres is authorized to execute and deliver a bill of sale conveying title to said three (3) pieces of Millard Fillmore furniture to the Aurora Historical Society, Inc.

VIII. Easterly Village Entrance Sign - Lease with Nativity Lutheran Church

TO: Village Board of Trustees, Village of East Aurora
 RE: Proposed Agreement with Nativity Evangelical Lutheran Church of East Aurora, New York, covering erection and maintenance of Village entrance sign at northeast corner of East Main Street and Brooklea Drive
 FROM: Village Attorney Walter W. Howitt
 DATE: May 1, 1981

1. Herewith is a copy of a proposed Agreement between the Village and the Nativity Evangelical Lutheran Church of East Aurora covering another brick and wood Village entrance sign to be erected and maintained at the east entrance to the Village at the northeast corner of East Main Street and Brooklea Drive. This Agreement was arranged with the Church by Trustee Marshall.

2. The attached Agreement requires the Village to maintain the lands upon which the sign is to be erected during the term of the Agreement.

3. The attached Agreement is similar to the agreements covering similar signs being maintained by the Village at three (3) other entrances to the Village with the addition of paragraph 2 under which the Village agrees to provide and keep in full force and effect a public liability insurance policy covering the said sign fence and naming the Church as an additional insured during the term of this Agreement. The annual premium for such coverage for each sign is \$16.00.

4. If your Board finds the attached Agreement acceptable, its execution by Mayor Eyres may be authorized by resolution.

Respectfully,

Walter W. Howitt
 Walter W. Howitt
 Village Attorney

Upon the establishment of the fact that this sign is placed so as not to obstruct the movement of any traffic in the area, by Trustee Marshall, Trustee Thompson moved the following resolution including the location attachment drawing.

A G R E E M E N T

THIS AGREEMENT made this 4th day of May, 1981, by and between the VILLAGE OF EAST AURORA, a municipal corporation of the County of Erie and State of New York, with its offices at 571 Main Street, East Aurora, New York, hereinafter referred to as the "Village", and NATIVITY EVANGELICAL LUTHERAN CHURCH OF EAST AURORA, NEW YORK, a religious corporation, with its offices at 1260 East Main Street, East Aurora, New York, hereinafter referred to as the "Owner".

W I T N E S S E T H:

WHEREAS, the Chamber of Commerce of East Aurora, the E.L. Products Company, the Village of East Aurora and the Nativity Evangelical Lutheran Church of East Aurora desire to cooperate in causing a certain brick and wood sign fence announcing the entrance to the Village of East Aurora, and announcing various service organizations operating in the Village of East Aurora to be erected at or near the intersection of the north line of Big Tree Road (Main Street) and the east line of Brooklea Drive; and

WHEREAS, the said brick and wood sign fence will be constructed on the lands of the "Owner" described herein as shown on a certain sketch map, a copy of which is attached hereto and made a part of this Agreement; and

WHEREAS, the "Village" recognizes and acknowledges that the said brick and wood sign fence will be constructed and located on the lands of the "Owner"; and

WHEREAS, the "Owner" desires to cooperate with the "Village" in permitting the said brick and wood sign fence to be constructed and remain in the said location, subject to the conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the facts hereinabove set forth, and other good and valuable consideration, the parties hereto do agree as follows:

1. The "Village" agrees to maintain the lands shown on the attached sketch map and to maintain the said brick and wood sign fence hereinabove referred to, in a good state of repair and to keep the same painted and arranged in an attractive fashion during the term of this Agreement.
2. The "Village" agrees to provide and keep in full force and effect a public liability insurance policy covering the brick and wood sign fence and naming the "Owner" as an additional insured during the term of this Agreement.

- 3. The "Owner" agrees that the said brick and wood sign fence may remain on its property, as shown on the sketch map attached hereto, during the term of this Agreement.
- 4. The parties hereto do agree that this Agreement may be terminated by either party upon ninety (90) days written notice to the other.
- 5. The "Village" agrees to remove the said brick and wood sign fence from the lands of the "Owner" without expense to the "Owner" upon the termination of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Instrument to be executed the day and year first above written.

WITNESS:

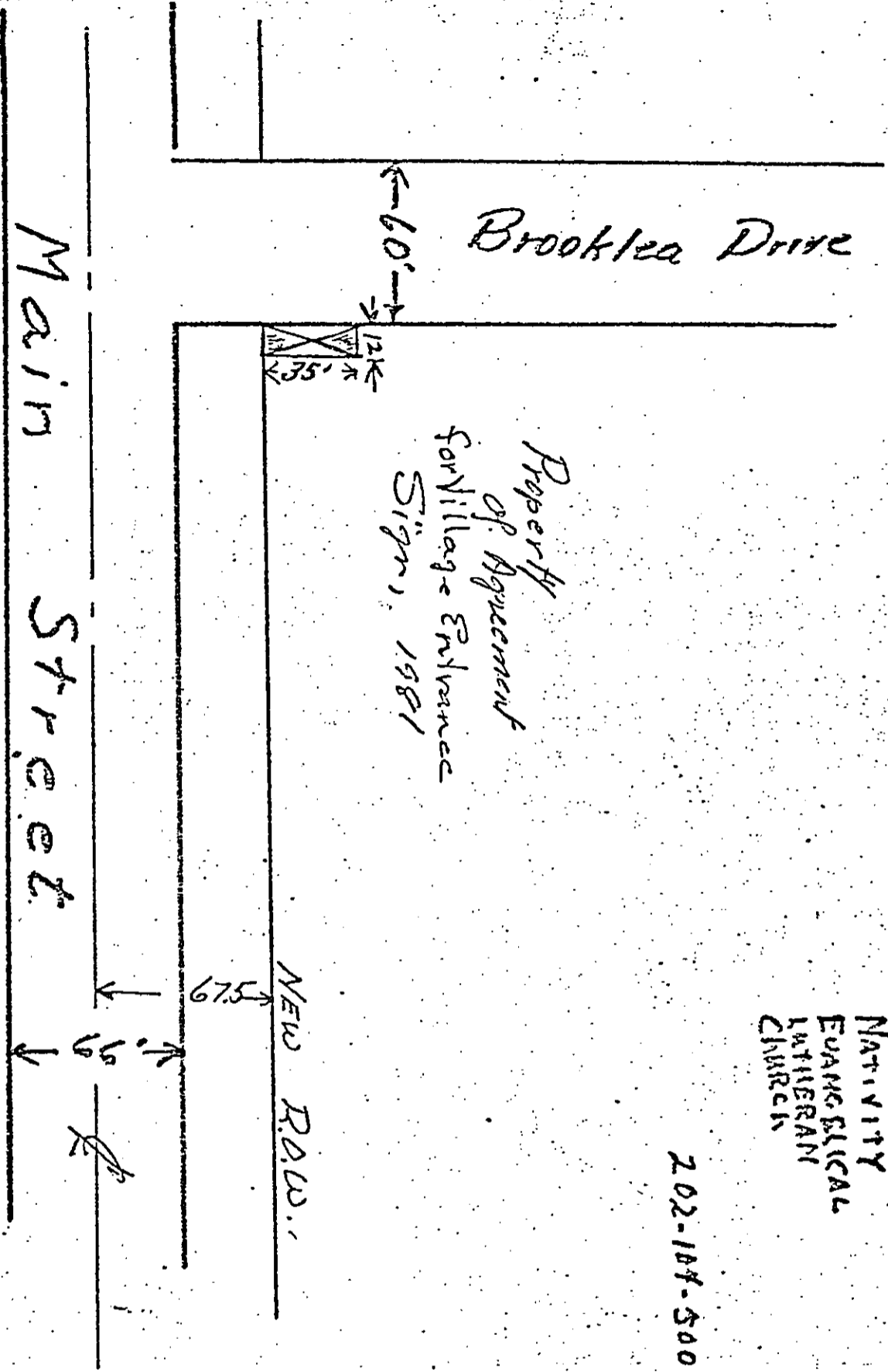
VILLAGE OF EAST AURORA

By _____
Mayor

NATIVITY EVANGELICAL LUTHERAN
CHURCH OF EAST AURORA, NEW YORK

WITNESS:

By _____
Pastor



202-104-500

Traced From Property Records Map
17 B
by R.C.B. 1/1580

IX. Audit of Bills

Deputy Mayor Pagliaccio moved that the bills as audited by the Mayor and Trustees this date be approved and ordered paid. Seconded by Trustee Marshall the motion carried by unanimous vote.

X. Minutes of Prior Meetings

April 6, 1981 - Trustee Smith moved that the Minutes be approved as corrected. With a second by Trustee Pagliaccio the motion carried by unanimous vote.

April 20, 1981 - Trustee Marshall moved that the Minutes be approved as submitted. With a second by Trustee Sleeper the motion carried by unanimous vote.

XA. East Aurora Garden Club - Annual Plant Sale - Hamlin Park

Pursuant to the following "Request for use of Village Parks" and an application for a sign permit advertising the sale, Trustee Smith moved, because of the timeliness of the event, to add this item to this agenda. With a second by Trustee Marshall the motion carried by unanimous vote.

REQUEST FOR USE OF VILLAGE PARKS

1. East Aurora Garden Club
(Name of Organization)

Mrs. Charles L. Hutchinson
(Name of President)

195 Blake Hill Road
(Address)

652-4915
(Telephone Number)

2. Mrs. Ruth S. Jackson
(Individual in Charge of Project)

127 Elmwood Avenue
(Address)

652-1834
(Telephone Number)

3. The following is a brief description of the project or event: Annual Plant Sale

APPROVED BY BOARD OF TRUSTEES
DATE 5-4-81
W. J. G. [Signature]
VILLAGE CLUB - TREASURER

This project or event includes approximately A) 80
(Number of people working)

B) 500
(Estimated number of people attending project or event)

C) May 20, 21, 22
Date and time of scheduled event, and area requested

4. The following is a list of labor and/or material which the Village is requested to make available: Water and Electricity

The organization shall attach to it's request a completed certificate of insurance stating the name of the insuring company, policy number, inception and expiration date, minimum limits of liability - 100/300 bodily injury, 50,000 property damage or in lieu of these limits, bodily injury and property damage limits combined as a single limit of \$300,000.

ATTACHING

If upon approval it is deemed necessary by the Board of Trustees, the requesting organization will be required to endorse its public liability policy to include the Village of East Aurora as an Additional Named Insured.

Thus, Trustee Smith moved to approve the use of Hamlin Park as indicated by the "Request". With a second by Trustee Sleeper the motion carried by unanimous vote.

And, upon the recommendation from Building Inspector Colby that the intended signs were in conformity with the requirements of the Village Code, Trustee Pagliaccio moved to approve the sign permit as requested. With a second by Trustee Marshall the motion carried by unanimous vote.

XB. Abolishment of Police Clerk and Clerk-Stenographer

Mayor Eyres explained that even though the adopted 1981-1982 General Fund Budget had eliminated these two positions by not providing funding, it was recommended by the Erie County Department of Personnel that the Village formalize their intentions by adopting the following resolutions.

Thus, Trustee Marshall moved to add these items to this agenda. With a second by Trustee Pagliaccio the motion carried by unanimous vote.

Trustee Pagliaccio, upon noting the extensive discussions regarding this action, moved the following resolution.

RESOLUTION

Discontinuing and abolishing the position of Clerk-Stenographer for the Village of East Aurora, New York

WHEREAS, the position of Clerk-Stenographer was heretofore created and established for the Village of East Aurora as a classified Civil Service position, which position has been registered with and approved by the Erie County Personnel Office; and

WHEREAS, Joyce Mulcahy, the most recent Clerk-Stenographer filling such position, has resigned from the said position and the position is currently unfilled; and

WHEREAS, because of economy and consolidation of functions, this Village Board of Trustees finds and determines that the said position of Clerk-Stenographer is not needed by the Village of East Aurora; and

WHEREAS, this Village Board of Trustees finds and determines that the functions of the said position of Clerk-Stenographer can be efficiently and economically performed by the Clerk-Typists and other employees of the Village of East Aurora.

NOW, THEREFORE, IT IS RESOLVED:

1. That there is no requirement for the position of Clerk-Stenographer in and for the Village of East Aurora and that such position of Clerk-Stenographer may be abolished and eliminated without diminishing the effectiveness of the Village of East Aurora.

2. That the position of Clerk-Stenographer in and for the Village of East Aurora is hereby abolished and eliminated, effective May 29, 1981.

3. That the abolishment and elimination of the position of Clerk-Stenographer in and for the Village of East Aurora be reported forthwith to the Erie County Commissioner of Personnel.

Upon a second by Trustee Marshall the resolution was adopted with six affirmative votes and Trustee Suttell abstaining.

Trustee Marshall then moved the following resolution.

RESOLUTION

Discontinuing and abolishing the position of Police-Clerk for the Village of East Aurora, New York

WHEREAS, the position of Police-Clerk was heretofore created and established for the Village of East Aurora as a classified Civil Service position, which position has been registered with and approved by the Erie County Personnel Office; and

WHEREAS, the said position of Police-Clerk is currently held by Nancy Shea; and

WHEREAS, because of economy and consolidation of functions, this Village Board of Trustees finds and determines that the said position of Police-Clerk is not needed by the Village of East Aurora; and

WHEREAS, this Village Board of Trustees finds and determines that the functions of the said position of Police-Clerk can be efficiently and economically performed by officers and other employees of the Village of East Aurora.

NOW, THEREFORE, IT IS RESOLVED:

1. That there is no requirement for the position of Police-Clerk in and for the Police Department in the Village of East Aurora and that such position of Police-Clerk may be abolished and eliminated without diminishing the effectiveness of the said Village Police Department.

2. That the position of Police-Clerk in and for the Village of East Aurora is hereby abolished and eliminated, effective May 29, 1981.

3. That the abolishment and elimination of the position of Police-Clerk in and for the Village of East Aurora/^{and its} Police Department be reported forthwith to the Erie County Commissioner of Personnel.

4. That a request be made to the Erie County Commissioner of Personnel that Nancy Shea be placed on a preferred list for appointment to the position of Police-Clerk in and for the Village of East Aurora if that position is re-established and re-created.

Upon a second from Trustee Smith, Trustee Suttell stated that he felt all along that this was not the way to proceed on this matter and would thusly be voting in the negative.

Thus, the resolution was adopted by six affirmative votes and Trustee Suttell voting no.

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XI. Comments from the Floor

Robert Kelley, 244 Perry Street, asked about if the car carrier in front of Delia-Chrysler-Plymouth all weekend was sanctioned by the Village. Building Inspector Colby answered that it was not.

Mr. Kelley also suggested that the Village review the set back requirement regarding Delia Buick-Cadillac's canopy.

XII. Reports from the Staff

Building Inspector Colby highlighted his attendance last week at the Finger Lakes Building Officials Conference by noting many of the subjects addressed.

XIII. Items from Board Members

Trustee Pagliaccio suggested that the law and code enforcement departments look into various profusions of refuse and junk vehicles around residences.

Mayor Eyres informed the Board that a notice of claim for damages resulting from the Spring flooding had been received from the estate of William J. Marciniak of West Seneca, New York.

Mayor Eyres also mentioned that the Board should consider the fact that there are no meters nor charges being assessed for water usage in the Oakwood Cemetery or the Community Pool. This is now a consideration now that the Village must pay Erie County for the water consumed there.

XIV. Motion to Adjourn

At 9:35 p.m. Trustee Smith moved, Trustee Sleeper seconded and a unanimous vote carried the adjournment.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

Village of East Aurora
Minutes of the Regular Meeting of the
Board of Trustees

May 27, 1981
(changed from May 18, 1981)

Call to Order and Pledge of Allegiance to the Flag at 8:00 p.m.

Roll Call: Present - Mayor Eyres, Trustees Suttell, Marshall,
Pagliaccio, Sleeper, Thompson, Smith

Staff Present - Clerk-Treasurer Zittel
Village Attorney Howitt
Police Chief Smallback
Building Inspector Colby
Planning Commission Chairman Keller

I. Report of Bid Opening for Public Works Supplies

Upon Mayor Eyres noting the proper handling of the solicitation of bids and the adequate time allowed for review, Trustee Smith moved for acceptance of the following recommendations.

May 14, 1981

TO: Honorable Mayor and Board of Trustees

FROM: Roy W. Lang, Superintendent of Public Works

RE: Recommended Bids for Public Works
Maintenance Materials

Upon checking all Public Works Maintenance Materials and Supply Bids that were opened at noon May 13, 1981 in the Board Room of the Village Hall, I am recommending the following as Low Bidders:
All Bids are on file in the Village Clerk's Office.

1. Liquid Bituminous Materials:

Western Bituminous Products, Inc.
1655 Union Rd.
West Seneca, N.Y. 14224

2. Bituminous Materials (Plant Mixed) Limestone Aggregate:

Binder-Type 2A - Top-Type 1A - Extra Fine Top

County Line Stone Co., Inc.
County Line Road
Akron, N.Y. 14001

Binder-Type 4 (1A)-Top-Type 1AC - Cold Patch

The Buffalo Slag Co., Inc.
111 Great Arrow Ave.
Buffalo, N.Y. 14216

3. Crushed Stone and Crusher Run:

County Line Stone Co., Inc.
County Line Road
Akron, N.Y. 14001

4. Crushed Gravel

Gernatt Asphalt Products, Inc.
Taylor Hollow Road
Collins, N.Y. 14034

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5. Liquid Chlorine in 1 Ton Cylinders:

Commercial Chemicals, Inc.
211 Hertel Avenue
Buffalo, N.Y. 14207

6. Corrugated Metal Pipe Plain Galvanized:

Armco, Inc.
P.O. Box 166
Grand Island, N.Y. 14072

7. Corrugated Metal Pipe Bituminous Coated:

Armco, Inc.
P.O. Box 166
Grand Island, N.Y. 14072

8. Rockwell Water Meters:

Rockwell International
400 N. Lexington Ave.
Pittsburgh, PA 15208

9. Bulk Safety Salt (Treated Road Salt), Including Delivery:

International Salt Company
Abington Executive Park
Clarks Summit, Pennsylvania 18411

With a second from Trustee Pagliaccio the motion carried by unanimous vote.

II. Report of Bid Opening for Public Works Van Trucks

Upon Mayor Eyres noting the proper handling of the solicitation of bids and the adequate time allowed for review, Trustee Pagliaccio moved for acceptance of the following recommendation.

TO: Honorable Mayor and Board of Trustees
FROM: Roy W. Lang, Superintendent of Public Works
DATE: May 15, 1981
RE: Report of Bids for two (2) 3/4 Van Type Trucks

There were three (3) Bids for the furnishing of two (2) 3/4 Van Type Trucks to be used by the Department of Public Works which were opened Wednesday, May 13, 1981.

The bids were as follows:

BIDDER	Tot. Net Price	Trade-in Allow.	Net Price
Emerling Chevrolet, Inc.	\$15,100.00	\$1300.00	\$13,800.00
Gentile Ford, Inc.	\$15,904.00	\$2200.00	\$13,704.00
Jacobs-Amato Chevrolet, Inc.	\$14,810.00	\$1700.00	\$13,110.00

The low bid of Jacobs-Amato Chevrolet, Inc. for the two (2) Van Type Trucks meets Specifications, and also in comparing the three (3) bids seems to be fair trade-in value. Accordingly, it is recommended that the low bid of Jacobs-Amato Chevrolet, Inc. for the furnishing of the two (2) 3/4 ton rated van trucks be accepted by your Board and a contract awarded for the purchase of same.

Payment for the subject trucks has been provided for in the 1981-82 Federal Revenue Sharing Funds Budget, and accordingly, payment may be properly made after June 1, 1981.

With a second by Trustee Smith, and discussion concerning the equitability of accepting the low bid and trading the used vehicles in rather than attempting to sell them outright, the motion was carried by unanimous vote.

III. Report of Bids Received to Sell Fire Department Surplus Radios

Upon Mayor Eyres noting the proper handling of the solicitation of bids and the adequate time allowed for review, Trustee Sleeper moved for acceptance of the following recommendation.

REPORT OF BID OPENING

- DEPARTMENT: East Aurora Fire Department, Inc.
- DATE OF OPENING: May 11, 1981 - 12:00 noon - Village Office
- MATERIAL: 15 Plectron Home Receiver Radios
- AUTHORIZATION: Board of Trustees, May 4, 1981, as surplus
- ADVERTISEMENT: Official Village Newspaper, May 7, 1981

Please be advised that with all procedures being met as indicated above, the following is a listing of any and all bids received.

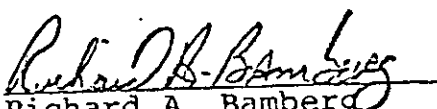
Holland Fire Department - \$10.00/unit for 15 units

Also note that it would appear that acceptance of the above would be equitable compensation on disposal of this surplus material.


Van J. Zittel
Village Clerk-Treasurer

To Mayor Eyres and the Board of Trustees

Please be advised that after due consideration it is my recommendation that the above bid be accepted and that the material be disposed of accordingly without delay.


Richard A. Bamberg
Fire Chief

With a second by Trustee Thompson the motion carried by unanimous vote.

IV. Fisher-Price Toys - Public Hearing - Rezoning (see May 4, 1981 minutes)

Mayor Eyres noted that a request for rezoning was originally made by Fisher-Price. The Mayor explained, however, that the Board has made the proposed zoning change to be considered at this hearing on its own motion.

With the reading of the published public notice, Mayor Eyres opened the public portion of the hearing at 8:09 p.m. and called for comment from the floor.

First to speak was Douglas Kuhn, 93 Elmwood Avenue, who represents Fisher-Price. Mr. Kuhn described the applicable area and read the following statement into this record.

Opening Statement for Public Hearings (May 26 & 27)
Regarding Petition for Rezoning.

Fisher-Price Toys respectfully requests the rezoning of (30) acres in the (village) as described in the petition from residential to research/engineering/office use. Such approval will permit future growth of certain managerial and technical functions at Fisher-Price which are of growing importance to its long-range development.

Founded over fifty years ago in the Village of East Aurora, Fisher-Price has prospered in this community environment. The company believes there is good evidence this community has benefited as well.

The present Girard Avenue location, which was occupied originally in 1951, now has been outgrown and can no longer support the anticipated future expansion of the company. The supplemental site which is the subject of this hearing will, we confidently believe, provide Fisher-Price the long-term means to continue its past success. The resources available from the community provide substantial assurance in this regard. Encouraged by past experiences, Fisher-Price has selected this site for its future growth as further testimony of its long-range dedication to the Town and Village and the prosperity of this community.

In considering this petition, be assured that any Fisher-Price plan will reflect the same quality and taste in building construction and concern for community interest as seen in the company's present facilities.

We sincerely encourage your favorable action on this petition and look forward to sharing the mutual success of Fisher-Price and the Aurora community in the years ahead.

In closing, Fisher-Price would like to reiterate that its request for a rezoning is part of a long-term development plan. Possible development of the site is in the preliminary planning stage and no timetable for the project has been established.

Thank you.

Mayor Eyres and Village Attorney Howitt explained and clarified that if this parcel was rezoned from R to M-P that before any development could be started that complete plans would have to be approved by the Village and displayed to the citizens at a public hearing.

Mr. Harvey Busch of Fisher-Price then briefly displayed photographs of the area and offered to field questions.

Thus citizen comment was initiated including approximately twenty people expressing their opinions. These included Paul and Unis Strabel, and Sue Koch, all of Buffalo Road, Keith Springer, Vern Verana, Doris Beamont, Bob Neischel, and Bob Grey of Girard Avenue, Barb Ailing of Parkdale Avenue, Bob Kelley of Perry Street, Jean Anderson of Maple Road, Alex Bittner of South Grove Street, Jim Ford of Cazenovia Street, Neil Jacobus of Center Street, Grant Hamilton of Crescent Avenue, and Sig Spooner of Dorchester Road.

Although it appeared that two or three of the above were opposed to the proposed use there was obvious support for the proposal cautioned only by concern that the development would be controlled in the interest of harmony with the Village as a whole.

Points brought out by Mr. Busch to alleviate these concerns were, among others, that Fisher-Price would be "bound to infinity not to manufacture in this area," that there probably would be no parking lot south of Girard Avenue, that it would be acceptable to increase the distance from a property line that a building could be placed to beyond fifty (50) feet, and that no commercial or truck traffic increase was intended.

Village Planning Commission Chairman John Keller read the following commission recommendation.

TO: The Honorable Mayor Lawrence Eyres and
the Village Board of Trustees

FROM: John J. Keller, Chairman, East Aurora Planning Commission

RE: Board of Trustees proposal to rezone certain parcels of land on
Girard Avenue and Buffalo Road from "R-1" to "M-P"

DATE: May 21, 1981

At its regular meeting held on Wednesday, May 13, 1981, the Planning Commission reviewed as required under Chapter 93:65 of the Village Code, the Board of Trustees' proposal to rezone certain parcels of land from "R-1" to "M-P".

Mr. Harvey Busch, Vice President of Fisher Price, attended the meeting. He advised the Commission that Fisher Price owns the property known as the Ullman estate and further, that the Corporation has an option to purchase the additional parcels under review, subject to rezoning to a classification suitable for research and development facilities.

Since the proposal was referred to the Planning Commission on motion of the Board and not by the petition of the respective owners, Mr. Busch's initial comments focused on survey boundary lines, topography of the land, drainage features and access drives. Mr. Busch then reviewed Fisher-Price's sales growth in world markets and their corporate commitment to develop additional product lines to expand and reinforce their market position. Present and future building needs were examined. It was noted that Fisher-Price presently owns a large parcel of land along Route 20A toward Orchard Park.

After additional review and discussion the Planning Commission concludes that the proposed rezoning from "R-1" to "M-P" is in the long range best interests of the Village and its residents. That it will offer positive encouragement and facilitate Fisher Price's future expansion close to its present executive headquarters. Further, that the proposed rezoning is in harmony with the comprehensive plan of land use for the Village.

Therefore, on motion made and seconded at its regular meeting, the Village of East Aurora Planning Commission, by a vote of five (5) in favor, one (1) opposed, recommends rezoning the parcels from "R-1" to "M-P" with the following suggested condition:

That the side yard requirements per Section 93:22, Paragraph D, Subdivision (2) be increased from fifty (50) feet to one hundred (100) feet along the east property line only, to serve as an additional green belt buffer zone between the present residential district and the proposed "M-P" area. Mr. Busch concurs with this proposal.

Respectfully submitted,

John J. Keller/dd
John J. Keller, Chairman
East Aurora Planning Commission

Receipt of the following letter was noted and read aloud.

May 26, 1981

Mayor & Board
Village Hall
East Aurora, N. Y. 14052

Re: Fisher Price Re-zoning request

Gentlemen:

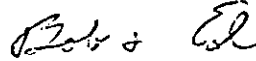
We would like to go on record as favoring this re-zoning request.

In a day and age when much of this area is in an economic slump, it is welcomed news to have our "home town industry" invest in our future right here in the village. The long-range effects can only benefit all segments of our community.

We, as business people, are wholeheartedly enthused about this expansion.

Sincerely,

VIDLER'S



Bob and Ed Vidler
Owners

Jim Berg, Executive Director of the Greater East Aurora Chamber of Commerce endorsed the proposed matter considering the positive impact upon the tax base and economy of the community.

After calling for and receiving additional comment from those who spoke previously, Mayor Eyres closed the public portion of this hearing at 9:13 p.m. and referred the matter to the Board.

Mayor Eyres noted that the local law # 3 - 1981, which would facilitate this zoning change, could not be legally acted upon until the next Board Meeting on June 1, 1981. Thus a concensus of the Board was that time was needed to responsibly digest the information gained here and to present findings to back up the Board's reasons for their action at the next meeting.

V. Tax Warrent for 1981-1982 Fiscal Year

To: Village Clerk-Treasurer
Receiver of Taxes and Assessments

YOU ARE HEREBY COMMANDED to receive and collect from the several persons named in the tax roll hereunto annexed, the several sums stated in the last column thereof opposite their respective names, being a total of \$1,191,855.41 for the following purposes:

For the Current Budget		\$1,158,904.00
For Releived Water Rents		26,375.74
For Special Assessments:		
Girard Avenue Curb, Gutter, and Sidewalks	\$3,768.34	
Center Street Sidewalks	57.61	
North Willow Street Sidewalks	2,237.97	
Olean Street Sidewalks	422.79	
	<hr/>	6,486.71
TOTAL SPECIAL ASSESSMENTS		
TOTAL LEVY		<u>\$1,191,766.45</u>

YOU ARE FURTHER COMMANDED TO RECEIVE AND COLLECT SUCH SUMS without additional charge between the first day of June and first day of July, 1981 both inclusive for the first one half of the property taxes and the total special assessments and releived water rents; and on or before the second day of January, 1982, for the last half of the property taxes; and thereafter to collect with such of the sums that have not theretofore been collected, an additional charge of five per centum for the first month or fraction thereof and one half per centum for each month or fraction thereafter until paid.

YOU ARE FURTHER COMMANDED TO FILE the tax roll and warrant in your office on or before the second day of February, 1982, and to deliver to the Board of Trustees at the same time an account of the taxes remaining due and unpaid, and showing the person or persons to whom the parcel is assessed and showing as to each parcel the amount of tax unpaid.

Dated: East Aurora, New York
May 5, 1981

Lawrence E. Eyres, Mayor

ATTEST:

On a motion by Trustee Paggiacchio, a second by Trustee Thompson and a unanimous vote which carried the motion, the Board commanded the Clerk-Treasurer to levy and collect the property taxes as above.

VI. Fiscal Year End Transfers within Budget Appropriation Accounts

A motion by Trustee Marshall, seconded by Trustee Smith and carried unanimously authorized the Clerk-Treasurer to perform this annual accounting function.

VII. Fiscal Year End Encumbrances and Accounts Payable

A motion by Trustee Smith, seconded by Trustee Thompson and carried unanimously authorized the Clerk-Treasurer to perform this annual accounting function.

VIII. Fiscal Year End Closing of the Books of Account

A motion by Trustee Sleeper, seconded by Trustee Thompson and carried unanimously authorized the Clerk-Treasurer to perform this annual accounting function.

IX. Authorization to Let Bids for a Tractor-Backhoe

TO: Honorable Mayor and Board of Trustees

FROM: Roy W. Lang, Superintendent of Public Works

DATE: April 16, 1981

I hereby request permission to Bid a new Tractor-Backhoe for use by the Department of Public Works.

The funds have been allocated in the 1981-82 Capital

Improvements Program with the payment being made from:

Federal Revenue Sharing Funds.

A motion by Trustee Thompson, a seconded by Trustee Sleeper and a unanimous vote granted the authorization as requested.

X. Hamlin Park Use - Community Summer Activities Program

TOWN OF AURORA

5 South Grove Street, East Aurora, New York 14052

RECREATION DEPARTMENT - 652-8866

May 13, 1981

East Aurora Village Board
Village Hall
Main & Paine Streets
East Aurora, New York 14052

Dear Sirs:

I would like to request permission for the use of the Hamlin Park gove on Thursday evening, June 11th from 6:00-8:30 p.m. The Recreation Department, Community Education, and the Community Resource Council will be promoting summer activities in the park on that evening.

Families will be encouraged to picnic in the park on that evening and groups who have summer activities to promote will be invited to set up informational booths. There may even be a mini-concert.

Please contact me if you need any further information.

Sincerely,

Calvin W. Potwin

Calvin W. Potwin
Director of Recreation

CWP:MRS

A motion for approval by Trustee Smith, a second by Trustee Pagliaccio, and a unanimous vote granted the requested use and welcomed the endeavor.

XI. Request to Sell Seafood Out of Doors at 170 Grey Street

May 27, 1981
Page 10



May 12, 1981

Mayor Lawrence E. Eyres
Village of East Aurora
Village Hall
571 Main Street
East Aurora, New York 14052

Dear Mayor Eyres:

Owls Head Lobster Company operates a high quality retail seafood business throughout central and western New York State. Our fresh seafood is sold to the public from our trucks on a regular schedule and at a specified location in each area. Our products include live Maine lobster, shrimp, scallops, swordfish, crabmeat, haddock, sole, scrod, ocean perch, clams and mussels and other items as available in season.

Additional facts about our business include:

- Owls Head Lobster Company has been established for over eleven years.
- All seafood is procured from Owls Head and Portland, Maine and brought directly to central and western New York.
- Our scales are tested and certified yearly by the various Divisions of Weights and Measures of the counties in which we operate.
- Owls Head Lobster Company is regularly inspected by the New York State Department of Agriculture and Markets.
- Each truck and driver/salesman carries complete vehicle and product liability insurance coverage.

At the present time, there are four trucks doing business as Owls Head Lobster Company, including the supplier from Maine. Each operator owns his own business and works at it on a full time basis. Locations include Syracuse, Watertown, Cortland, Binghamton, Ithaca, Elmira, Auburn, Geneva, Rochester, Hamburg, Fredonia, and Jamestown (Lakewood).

Because of the type of community and citizens living in East Aurora, we feel it is an excellent market for our products. Experience has proven that our being in a specific location draws attention and business to that area. Further, we are regarded highly in each selling location and

enjoy a favorable reputation because of the quality of our product and the personality of each operator.

We have obtained the permission of Mr. Sam Cosmano, owner of Aurora Car Wash on Grey Street, to locate our truck there each Friday afternoon from 2:00 P.M. to 7:00 P.M. We shall appreciate your consideration of our request to service East Aurora and will be happy to furnish any additional information that you may require. I may be reached by telephone at (315) 685-8439.

Sincerely,

Robert Alan Gustke

Robert Alan Gustke

Upon the establishment that this was the equivalent of a request for an outside sale activity as we have had previously, and noting that notice was required to the public at large only, and requesting that all resident vendors of like or similar commodities be notified directly, Trustee Thompson moved to present this matter to the citizens at a public hearing on June 22, 1981. Upon a second by Trustee Suttell the motion carried unanimously.

XII. Sound Truck Operation - Kiwani's Club Bar-B-Q

Town & Country
Kitchens



KITCHENS OF DISTINCTION

359 QUAKER ROAD
EAST AURORA, NEW YORK 14052
TELEPHONE (716) 652-5463

May 15, 1981

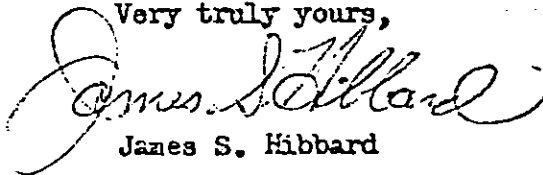
Mr. Van Zittel
Village Clerk's Office
571 Main Street
East Aurora, N. Y. 14052

Dear Mr. Zittel:

This is to request permission to operate a sound truck (black Chevy station wagon with speaker) in the village on Tuesday and Wednesday, June 2nd and 3rd, to advertise the annual Kiwanis chicken barbecue.

We would appreciate your acknowledgement of the request along with any required guidelines.

Very truly yours,


James S. Hibbard

jsh/aem

Trustee Smith moved for approval of the above request. A second from Trustee Sleeper and five votes in favor and an abstention from Trustee Marshall carried the motion.

XIII. SEQR Workshop - Attendance of Planning Commission

Trustee Smith moved to authorize the attendance and the expenses, as per the request from Jack Keller, Chairman of the Village Planning Commission, for Bud Babcock to attend the State Environmental Quality Review workshop in Buffalo on June 4, 1981.

A second by Trustee Thompson brought a unanimous vote to carry the motion.

May 27, 1981
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XIV. Petition to Rezone 784 Main Street

JENSEN, HALL, RICKETTS & MARKY

ATTORNEYS AND COUNSELORS AT LAW

654 MAIN STREET

EAST AURORA, N. Y. 14052

716-652-0828

KENNETH H. HALL
JAY W. RICKETTS*
DOUGLAS W. MARKY

FREDERICK C. JENSEN
COUNSEL

*ALSO ADMITTED IN FLORIDA

May 7, 1981

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

RE: Petition of Thomas E. Wood and Evelyn C. Wood
to amend the Zoning Map of the Village of East
Aurora

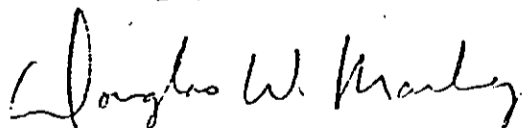
Gentlemen:

Please be advised that this office represents the above-noted petitioners who wish to have the Zoning Map of the Village of East Aurora amended to allow the subject premises at 784 Main Street to be used as described in the enclosed Petition, and including approval of the site plan and preliminary floor plans and elevations.

On behalf of the petitioners I request the Board to set a public hearing in regard to this Petition. Please find enclosed the Petition and developmental plan in triplicate along with our check No. 716, in the required amount of \$50.00, to be applied to the payment of a \$15.00 filing fee to the Village and the balance for publication costs and notices.

Thank you for your kind attention to this matter.

Sincerely yours,



DOUGLAS W. MARKY

DWM/kcl
Enclosures

cc/ Walter Howitt, Esq.
cc/ Carlton Colby

PAID

MAY 18 1981

VILLAGE OF EAST AURORA, N. Y.

Upon the establishment that the proper time period would be served by holding the required public hearing on June 1, 1981, Trustee Smith moved to set the public hearing for this date and to refer this matter to the Village Planning Commission for their recommendation.

A second by Trustee Suttell brought a unanimous vote to carry the motion.

May 27, 1981
Page 13

XV. Annual Roycrofters Convention

May 19, 1981

Hon. Lawrence E. Eyres and Trustees
of Village of East Aurora
Village Hall
Main Street at Paine Street
East Aurora, New York 14052

Re: Request of Roycrofters-At-Large Association to
close off part of South Grove Street on June 27,
1981 and June 28, 1981 from 10 AM to 6 PM each day

Gentlemen:

This letter is written on behalf of the Roycrofters-At-Large Association which is planning to hold its annual Roycrofters' Convention at the Roycroft Inn and surrounding area on June 27-28, 1981. As a part of that program, an outdoor ballet program is planned Saturday afternoon. Other events will take place earlier on Saturday and on Sunday morning and afternoon.

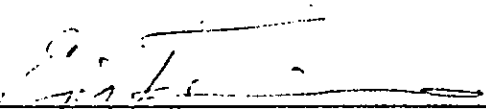
It is respectfully requested that arrangements be made by the Village Police Department to block off that portion of South Grove between the south bounds of Main Street and the north-erly extention of the driveway into the Kobis property located on the west side of South Grove Street also known as 39 South Grove Street. Permission has been received from the Town of Aurora and the Farm and Home Center to use their parking lots as part of our program on Saturday and Sunday. We also request that temporary barricades be placed on the public access to those parking lots by the police.

The hours for which we request this restriction would be between 10 AM and 6 PM on Saturday June 27 and Sunday, June 28, 1981.

Your approval of this request and the issuance of appropriate instructions to the Village police will be appreciated.

Very truly yours,

ROYCROFTERS-AT-LARGE ASSOCIATION

by 
President
28 South Grove Street
East Aurora, New York 14052

EGIL J. FINSTAD

Upon the clarification that the street would not be used other than for pedestrian traffic, indication that emergency vehicles could have access easily, Trustee Smith moved to grant permission as requested, and to also allow their verbal request for use of the portable bandstand.

A second by Trustee Thompson and a unanimous vote carried the motion.

XVI. Minutes of Prior Meetings

April 27, 1981 - Trustee Smith moved the approval of the minutes of the April 27, 1981 meeting as submitted. With a second by Trustee Pagliaccio the motion carried by unanimous vote.

May 4, 1981 - Trustee Smith moved the approval of the minutes of the May 4, 1981 meeting as submitted and corrected. With a second by Trustee Marshall the motion carried by unanimous vote.

XVII. Comments from the Floor

Jim Ford of Cazenovia Street called the Board's attention to the possible traffic congestion in the area of Tops Market and the Circle and asked that current efforts to resolve this possible problem be expedited.

XVIII. Reports from Staff

Building Inspector Colby reported that progress was being made on Trustee Pagliaccio's concern on Oakwood Avenue, and that the referral request for a recommendation on the Fisher-Price rezoning, to Erie County was in process.

Police Chief Smallback reported that he was preparing to hold an auction of the abandoned bicycles his department had accumulated.

Clerk-Treasurer Zittel reported that as per a request from the Fire Department he had determined from our workmans compensation insurance carrier that this insurance can not be provided for anyone except those firemen carried on the rolls as active firemen.

That, pursuant to an inquiry from the Town Recreation Department, should a liability occur from the Little Loop football organizations use of the bleachers at Hamlin Park, that the Village's interest is covered but no one else's interest.

That, the Board should give direction as to how the Hamlin Park rules should be posted.

That, the Town had been notified of the Board's feelings were that a meter pit should be established at the community swimming pool.

That the procedure for billing water to tenants rather than to the landlord should be reviewed because of the transient posture of some tenants.

Village Attorney Howitt reported that the establishment of the Village entrance sign at the easterly entrance will possibly be moved from the Nativity Lutheran Church property to the State Highway property.

XIX. Items from Board Members

Trustee Suttell suggested that efforts toward bicycle safety education be stepped up.

Mayor Eyres noted that discussions with Frank Delia and the Presbyterian Church over the automobile transport trucks was continuing. And that the Village had received a formal resignation from Daniel "Buck" Spaulding from the Planning Commission.

XIX.A. Audit of Bills

Deputy Mayor Pagliaccio moved that the bills as audited by the Mayor and Trustees this date be approved and ordered paid. Upon a second by Trustee Smith the motion carried by unanimous vote.

XX. Motion to Adjourn

At 10:30 p.m. Trustee Thompson moved, Trustee Smtih seconded and a unanimous vote adjourned the meeting.

Respectfully submitted

Van J. Zittel
Van J. Zittel
Village Clerk-Treasurer

Village of East Aurora
 Minutes of the Regular Meeting of the
 Board of Trustees
 June 1, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 p.m.

Roll Call: Present - Mayor Eyres, Trustees Suttell, Marshall,
 Pagliaccio, Sleeper, Thompson, Smith

Staff Present - Clerk-Treasurer Zittel
 Village Attorney Howitt

I. Decision on Rezoning of 30 Acres from "R" to "M-P" (Fisher-Price)

Pursuant to the public hearing held May 27, 1981, the Village staff prepared and read aloud the following findings for consideration by the Trustees.

FINDINGS

1. The premises for which the change of zoning classification is proposed consist of approximately 30 acres of land which is currently vacant except for one residence complex.
2. The uses permitted in the M-P Restricted Manufacturing Zoning District are subject to a limitation imposed by paragraph F. of Section 93-22 of the Code of the Village of East Aurora which provides that in each case where a structure or use is proposed in this district (M-P Restricted Manufacturing District) a development plan showing the extent, location and character of proposed structures and uses shall be submitted to the Village Board. After referring such development plan to the Planning Commission for recommendations and after holding a public hearing thereon, the Village Board shall approve, modify and approve or disapprove such development plan. No building permit or certificate of zoning compliance shall be issued for any property in this district except in accordance with a development plan as approved by the Village Board.
3. The limitation on uses imposed by Section 93-22F. requires that no structure may be constructed in a M-P Restricted Manufacturing District until the Village Board of Trustees has approved a development plan providing for the construction of such buildings, which limitation is not imposed in connection with construction of permitted buildings in the R-Single Family Residence zoning district of the Village of East Aurora.
4. A Village sanitary sewer line and a Village water line are both currently in place in Buffalo Road (Seneca Street) extending to the north Village boundary line.
5. A Village water line is currently in place in the portion of Girard Avenue which passes through the premises for which a change in zoning classification is proposed.
6. No part of the area proposed for change of zoning classification is in a flood hazard area.
7. The Planning Commission of the Village of East Aurora recommends the changing of the zoning classification of the subject 30 acres of land from the present R-Single Family Residence zoning district classification to the M-P Restricted Manufacturing District zoning classification.

June 1, 1981

Page 2

8. The changing of the zoning classification of the subject 30 acres of land to a M-P Restricted Manufacturing Zoning District classification will offer positive encouragement and facilitate future expansion of Fisher-Price Toys Division of The Quaker Oats Company (Fisher-Price) operations close to the company's present executive headquarters.
9. The Planning Commission of the Village of East Aurora finds that the changing of the zoning classification of the subject 30 acres to the M-P Restricted Manufacturing Zoning District classification is in harmony with the comprehensive plan of land use for the Village of East Aurora.
10. Fisher-Price, the owner and contract vendee of the subject 30 acres of land agrees with the recommendation of the Planning Commission of the Village of East Aurora that the said yard requirements of Section 93-22 of the Code of the Village of East Aurora be increased from 50 feet to 100 feet along the east property line of the said 30 acres to serve as an additional green belt buffer between the present residential district and the said subject 30 acres.
11. The 100 foot side yard requirement recommended by the Village Planning Commission and agreed to by the owner and contract vendee of the subject 30 acres of land shall be applicable at such time as a development plan proposing a nonresidential structure or use in the easterly portion of the said 30 acres is filed in accordance with paragraph F. of Section 93-22 of the Code of the Village of East Aurora.
12. An environmental assessment pertaining to the subject 30 acres of land has been filed with the Erie County Department of Planning.
13. The matter of the proposed change of zoning classification of the subject 30 acres of land from the present R- Single Family Residence zoning classification to the M-P Restricted Manufacturing district zoning classification has been referred to the Erie County Department of Planning, which department has replied to such reference with the statement that the said Department of Planning has no objection to the change of zoning classification to M-P Restricted Manufacturing District zoning classification from a zoning standpoint.
14. Fisher-Price has repeatedly demonstrated its faithful performance of all terms and conditions specified in connection with a succession of company projects based upon provisional rezoning changes involving lands owned by Fisher-Price in this Village.
15. Fisher-Price has continuously created and maintained an attractive appearance of the grounds and buildings on which it has conducted its operations in the Village of East Aurora.
16. It is felt that the further development of Fisher-Price in the Village of East Aurora will be extremely beneficial to the Village of East Aurora and its residents since such development will afford fiscal stability to the Village and profitable employment to a great number of its residents.

Trustee Smith moved for approval of the above findings. Upon a second by Trustee Thompson the motion carried with seven affirmative and no negative votes.

The following Local Law #3-1981, for accomplishing the proposed rezoning, having been on the desks of the legislators for at least the required eight days, came on for consideration.

June 1, 1981
Page 3

LOCAL LAW NO. 3 - 1981

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 OF APPROXIMATELY THIRTY (30) ACRES OF LAND BOUNDED ON THE WEST BY BUFFALO ROAD (SENECA STREET), ON THE NORTH BY THE NORTH VILLAGE LINE AND ON THE SOUTH BY THE LANDS OF PARKDALE SCHOOL, FROM THE PRESENT "R" SINGLE FAMILY RESIDENCE ZONING CLASSIFICATION TO THE "M-P" RESTRICTED MANUFACTURING ZONING CLASSIFICATION PURSUANT TO SECTION 93:60 OF THE CODE OF THE VILLAGE OF EAST AURORA.

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

- 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 M-P Restricted Manufacturing zoning district of the Village of East Aurora:

PARCEL 1

ALL THAT TRACT OR PARCEL OF LAND, situate 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 Bowen Road at its intersection with the northerly line of the Village of East Aurora; running thence easterly along the northerly line of the Village of East Aurora to its intersection with the easterly line of lands conveyed to Northrup R. Knox and Seymour H. Knox, III, by deed recorded in Liber 8993 of Deeds at page 308 in the Erie County Clerk's Office on March 4, 1981; running thence southerly along said easterly line of lands so conveyed to Northrup R. Knox and Seymour H. Knox, III 605 feet, more or less, to the center line of Girard Avenue; running thence westerly along the center line of Girard Avenue 1228 feet, more or less, to its intersection with the center line of Seneca Street; thence northwesterly along the center line of Seneca Street 1146 feet, more or less, to its intersection with the center line of Bowen Road; running thence north-easterly along the center line of Bowen Road 225 feet, more or less, to its intersection with the north line of the Village of East Aurora at the place of beginning.

PARCEL 2

ALL THAT TRACT OR PARCEL OF LAND, situate 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 Seneca Street at its intersection with the center line of Girard Avenue; running thence northeasterly and easterly along the center line of Girard Avenue 1203 feet, more or less, to the northwesterly corner of lands conveyed to Union Free School District No. 1 by deed recorded in Liber 5559 of Deeds at page 498; running thence southerly along the westerly line of lands so conveyed to Union Free School District No. 1, 248 feet to a point; running thence westerly and southwesterly along the northerly line of lands conveyed to Union Free School District No. 1 by deed recorded in the Erie County Clerk's Office in Liber 5445 of Deeds at page 114, 760 feet, more or less, to the northwesterly corner of lands so conveyed to Union Free School District No. 1; thence continuing southwesterly a line running at right angles to the center line of Seneca Street 283 feet to the center line of Seneca Street; running thence northwesterly along the center line of Seneca Street 248 feet, more or less, to the place of beginning.

EXCEPTING that portion of premises lying with the bounds of Seneca Street, Bowen Road, and Girard Avenue.

2. The zoning classification of the premises described in paragraph 1. of this Local Law is hereby changed from the R Single Family Residence District zoning classification to the M-P Restricted Manufacturing District zoning classification.

3. The "Zoning Map of the Village of East Aurora", which is part of Chapter 93 of the Code of the Village of East Aurora is hereby amended to include the premises described in paragraph 1. of this Local Law in the M-P Restricted Manufacturing District zoning classification of the Village of East Aurora.

4. This Local Law shall take effect immediately.

Trustee Smith moved the adoption of the above Local Law. Upon a second by Trustee Pagliaccio the motion was carried by unanimous vote.

II. Band Stand for Hamlin Park - Proposal from Rotary Club

Mayor Eyres recognized Mr. Edward Powderly, of Sycamore Street, President of the East Aurora Chapter of Rotary Clubs, International.

Mr. Powderly displayed an artist rendering and an architect's preliminary sketch and survey of the proposal. These diagrams depicted an open air concrete stage covered by a shingled roof supported by four corner pillars. He noted that this was proposed to be attached to the North side of the present theater building to facilitate using the rising slope of the hillside as audience area. He noted that the structure was acoustically transparent and would also serve as an outdoor and/or second performing stage in addition to a bandstand.

Mr. Powderly also noted that this was to be a gift to the Village, heartily sanctioned through study by the Aurora Players group, and could possibly be named the Rotary Amphitheater.

Upon the close of the presentation the Board requested a written proposal to facilitate the clearing away of the legal considerations of construction should the citizenry accept this proposal.

II.A. Motion to Add Items to this Agenda

Mayor Eyres noted receipt of requests for the two following items and entertained for a motion to add these two items to this agenda.

Trustee Pagliaccio moved to do so, Trustee Suttell seconded and a unanimous vote carried the motion.

II.A.1. Little Loop Football Mixed Doubles Tennis Tournament

Mr. Lawrence Eyres, Mayor
Board of Trustees
Village of East Aurora
Main Street
East Aurora, New York 14052

Sirs:

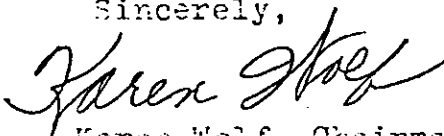
The Fifth Annual East Aurora Little Loop Mixed Doubles Tennis Tournament is scheduled for Saturday and Sunday, July 11 and 12. This is a request for permission to reserve the tennis courts at Hamlin Park and Foss Field for use these two days from 8am until 4pm. I have contacted Mr. Cal Potwin and find that these dates are clear with him.

This tennis tournament is open to any mixed doubles team and the proceeds from the tournament are turned over to East Aurora Little Loop. The football program involves over 125 area boys and girls and the proceeds are used to update equipment for the players and cheerleaders. For the past four years the area tennis players have supported the tourney and we hope to have a large response again this year.

Should you have any questions, please call me at 652-6170.

Thank you for your consideration.

Sincerely,


Karen Wolf, Chairman

Upon consideration, Trustee Smith moved to grant permission for the use of Hamlin Park as requested and referred the matter of the use of Foss Field, a Town owned property, to the Town for consideration. With a second by Trustee Sleeper the motion carried unanimously.

II.A.2. Racing Day 1981

The Honorable Mayor Lawrence Eyres
and Village Trustees
East Aurora Village Hall
571 Main St.
East Aurora, N.Y. 14052

As Chairman of The East Aurora Racing Day Committee 81 Scheduled for July 26, 1981, I request the exclusive use of Hamlin Park on that date and permission to set up a Band Platform in front of the Pavilion the week before.

We will of course make provisions for the usual group picnics such as Class Reunions in the Grove Area.

Also we request a permit for The American Legion Post #362 to sell beer and prepare and serve a Chicken Barbeque in the shelter area near the Tennis Courts.

We plan on using the same streets and roads for the various Racing Events and the Carriage Marathon that we have in the past and Chief Smallback has indicated that this is acceptable.

Once again, I would like to thank the Village for all the support we have had in the past and certainly preliminary indications are that this will continue.

Let's Hope For Good Weather.

Sincerely



Preston R. Smith
Chairman Racing Day 81

PRS-mg

Upon noting the community benefit of this annual event, Trustee Marshall moved to grant the requests as submitted with the contingency that the American Legion complete the necessary application and provide the required insurance. With a second by Trustee Thompson the motion carried unanimously.

III. Comments from the Floor

Jim Berg, Executive Director of the Greater East Aurora Chamber of Commerce applauded the Board for their efforts in the rezoning to accommodate the proposed and purchase by Fisher-Price, the Rotary Club for their bandstand proposal. He also inquired as to the status of the Village Sign Law Review Committee.

IV. Reports from the Staff

None

V. Items from Board Members

Mayor Eyres reported that Daniel "Buck" Spaulding has officially resigned from the Planning Commission.

V.A. Audit of Bills

Trustee Pagliaccio's moved that the bills as audited by the Mayor and Trustees this date be approved and ordered paid. A second by Trustee Marshall brought a unanimous vote to carry the motion.

VI. Motion to Adjourn

Trustee Marshall offered that the meeting be adjourned in the memory of

Ken Whitney

who served twenty five years as Executive Director of the East Aurora Boys Club and many years as curator of the Elbert Hubbard Museum.

A dedicated teacher from experience who through his possession of true honesty and sincere integrity freely gave of himself to all those who came to experience him; A friend for everyone.

In this memory Trustee Marshall moved to adjourn. Trustee Smith seconded and a quietly unanimous vote carried the motion and upheld the memory.

Respectfully submitted



Van J. Zittel
Village Clerk-Treasurer

Village of East Aurora
Minutes of the Regular Meeting of the
Board of Trustees

June 22, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 p.m.

Roll Call: Present: Mayor Eyres, Trustees Suttell, Marshall,
Pagliaccio, Sleeper, Thompson

Absent: Trustee Smith

Staff Present: Clerk-Treasurer Zittel
Village Attorney Howitt
Building Inspector Colby
Police Chief Smallback
Supt. of Public Works Lang
Dog Control Officer Glead
Planning Commission Chairman Keller

I. Bid Opening - D.P.W. - Tractor Backhoe

Mayor Eyres called for the reading of the following memorandum.

TO: Village Board of Trustees, Village of East Aurora
RE: Report of bid opening for tractor backhoe loader
FROM: Superintendent of Public Works Roy W. Lang and
Village Attorney Walter W. Howitt
DATE: June 19, 1981

1. Bids for the furnishing of one (1) new tractor backhoe loader were received and opened in the Mayor's Office on June 18, 1981 per Public Notice to Bidders, duly published. The bids and supplemental documents submitted by the several bidders have been examined by the Superintendent of Public Works and Attorney, who make the following report and recommendation thereon:

MECCA-KENDALL CORP.:

For new tractor backhoe loader	\$49,225.98	
Less trade-in	<u>19,727.98</u>	
Net		\$29,498.00
Alternate bid for 1980 used equipment	\$45,225.98	
Less trade-in	<u>19,727.98</u>	
Net		\$25,498.00

The alternate bid for the furnishing of a used tractor backhoe loader does not meet specifications. The required bid bond was not submitted with either the principal or alternate bid.

BUFFALO TRACTOR & IMPL. CO., INC.:

For new tractor backhoe loader	\$51,985.00	
Less trade-in	<u>26,300.00</u>	
Net		\$25,685.00

The equipment offered with this bid does not meet specifications in that a 3-cylinder engine is offered instead of the 4-cylinder engine required; 16.9 x 28 rear tires are offered, which are considerably narrower and higher than the 18.4 x 24 tires required; a single 27 gallon per minute hydraulic gear pump is offered instead of the two (2) hydraulic gear pumps producing 29 gallons per minute required.

CASE POWER & EQUIPMENT:

For new tractor backhoe loader	\$53,838.00	
Less trade-in	<u>26,140.00</u>	
Net		\$27,698.00

The equipment offered with this bid meets or exceeds specifications.

NUTTALL EQUIPMENT CO., INC.:

For new tractor backhoe loader	\$53,427.00	
Less trade-in	<u>27,150.00</u>	
Net		\$26,277.00

The equipment offered with this bid meets and satisfies specifications and was accompanied by the required bid bond.

DOW & COMPANY, INC.:

Submitted a "No-Bid", stating that in its opinion a British-built tractor backhoe loader which it could furnish, would be satisfactory to the Village of East Aurora although it did not meet the specification that the tractor backhoe loader must be manufactured in the United States of America.

Copies of the Bid Sheets and letter reported on herein are attached to this report.

It appears from the foregoing that the bid of Nuttall Equipment Co., Inc. for the furnishing of a new tractor backhoe loader for the net price of \$26,277.00 is the low qualified bid and it is recommended that the bid of Nuttall Equipment Co., Inc. be accepted by your Board.

Respectfully,

Roy W. Lang
Roy W. Lang, Superintendent
of Public Works

Walter W. Howitt
Walter W. Howitt
Village Attorney

WWH/RWL/lmr
Attachments

NOTE: Provision for payment for the new tractor backhoe loader from revenue sharing has been provided in the 1981-82 Capital Budget.

Thus Trustee Suttell moved the acceptance of the low qualifyin bid, from Nuttall Equipment Co., \$26,277.00. A second from Trustee Thompson brought a unanimous vote to carry the motion.

II. Public Hearing - Zoning Reclassification - 784 Main Street

Upon opening the public portion of the hearing at 8:10 p.m., Mayor Eyres called for the reading of the following letter.

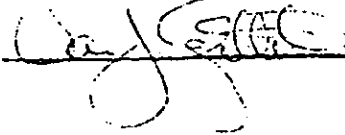
VILLAGE OF EAST AURORA

RECEIVED

JUN 18 1981

ADMINISTRATOR'S OFFICE

PER



784 Main Street
East Aurora, New York 14052
June 18, 1981

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

RE: Petition of Thomas E. Wood and Evelyn C. Wood
to amend the Zoning Map of the Village of East
Aurora

Gentlemen:

Please be advised that we hereby withdraw our Petition dated May 7, 1981 which we had previously submitted to the Village Board for a rezoning of our property at 784 Main Street. Although we have still not received notice of when the public hearing would have been held before the Village Board we believe that it had been scheduled for next Monday, June 22nd.

Please excuse any inconvenience that this action on our part might have caused to the Board.

It is our intention that we will submit a new or revised Petition to the Village Board within the near future.

Thank you.

Sincerely yours,

Evelyn C. Wood
EVELYN C. WOOD, Petitioner

Thomas E. Wood
THOMAS E. WOOD, Petitioner

cc/ Walter W. Howitt, Esq.
cc/ Mr. Carlton Colby

Thusly, Mayor Eyres directed that the above letter be entered here and closed this hearing at 8:12 p.m.

June 22, 1981

Page 4

III. Public Hearing - Outdoor Business - Owls Head Lobster Co.

Upon the reading of the published notice of this hearing, Mayor Eyres opened the public portion of the hearing at 8:15 and called for comment from the floor.

First to speak was Robert Alan Gustke of the Owls Head Lobster Co. who explained his organization and reiterated the facts contained in his previous letter. (see June 1, 1981 minutes).

Opposition to the proposal was expressed by the following Manager of Bells Markets, Bob Clement, President of East Aurora Super Duper, and Don Bach, Owner of Holly Farms Market.

Upon calling for and hearing no further comment, Mayor Eyres closed the public portion of the hearing at 8:28 p.m. and referred the matter to the Board.

Mayor Eyres noted that direct notification of affected area business had generated the personal comments heard and enlisted the following letter.

MARCARO INC.

186 MAIN ST.
EAST AURORA
NEW YORK 14052

June 8, 1981

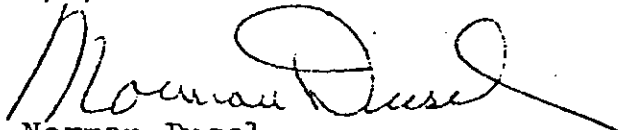
Village Clerk- treas.
Village Hall
571 Main Street
East Aurora, NY 14052

Dear Mr. Zittel,

As a taxpayer in the community I have no objections to the Owls Head Lobster Company doing business in East Aurora, but I feel they should open a market and pay their fair share of taxes.

Sincerely,

MARCARO, INC.
d/b/a TOPS MARKET



Norman Dusel
President

ND/je

Thus noting that the establishment of findings was in order, Trustee Pagliaccio moved to table the decision on this matter until the Board could meet to develop these findings. With a second by Trustee Suttell the motion carried by unanimous vote.

June 22, 1981

Page 5

IV. Request to do Business - Outdoor Clam Stand at 711 Main Street

DEAN R. GAVIN
711 Main Street
East Aurora, New York 14052
(716) 652-4221

June 16, 1981

The Honorable Lawrence E. Eyres
& East Aurora Board of Trustees
571 Main Street
East Aurora, New York 14052

Re: Seasonal Use Permit
"Globe Hotel"
711 Main Street
East Aurora, NY

Gentlemen:

Please consider this letter application for a "Seasonal Use" permit under Section 93-20 (12) of the Village Code for a clam business in front of the above referenced premises, as shown on the attached sketch.

The season would run June, July, August and September.

Since we are well into the season, we respectfully request you schedule the required public hearing as soon as possible. We trust that you will act favorably on this petition.

Sincerely,

Dean R. Gavin

Upon lengthy discussion and with consideration of the following memorandum,

TO: Village Board of Trustees
RE: Application by Dean R. Gavin for permission to conduct a "clam business" in front of the westerly portion of the Globe Hotel premises at 711 Main Street
FROM: Village Attorney Walter W. Howitt
DATE: June 17, 1981

-
1. Herewith is the letter application of Dean R. Gavin, the apparent owner of the Globe Hotel premises at 711 Main Street, for a "seasonal use" permit under Section 93-20A(12) of the Village Code with attached sketch and additional request for signs. It appears from the Village records that Dean R. Gavin is the record owner of the subject premises. It further appears that the seasonal use permit referred to in the letter application is the approval for an outdoor type business required by Section 93-20A(12) of the Village Code.

2. It further appears that the use outlined in the letter application with attached sketch can reasonably be construed to constitute a building used as a quick-service restaurant for which a special permit is required by Section 93-42 of the Village Code.
3. The subject premises are a part of the "C-M" General Commercial zoning district of the Village, in which zone quick-service restaurants are a permitted use subject to a special permit by the Village Board of Trustees.
4. Accordingly, it is the recommendation of the Village staff that the attached letter application be construed to be an application for both the approval required for an outdoor type of business and the special permit required for a quick-service restaurant, neither of which applications require an application fee by the applicant and both of which require the scheduling of a public hearing by your Board. Such public hearing requires the publication of a notice of hearing ten (10) days before the hearing date and may properly be scheduled for any date on or after July 6, 1981.
5. This memorandum is in the nature of a Village staff report.

Respectfully,

For the Village staff:

Walter W. Howitt
Walter W. Howitt
Village Attorney

WWH/lmr

Trustee Thompson moved to set the two required public hearings for July 6, 1981. With a second by Trustee Sleeper the motion carried with four yes votes and Trustee Pagliaccio voting in the negative.

Mayor Eyres then directed Clerk-Treasurer Zittel, Village Attorney Howitt, and Building Inspector Colby to determine the information necessary from Mr. Gavin, to allow the Board to properly consider the request. This information should be put into proper condition and made available to the Board by July 1, 1981.

V. Request of Ministerium - Include a March with the Community
Worship Service



BAKER MEMORIAL UNITED METHODIST CHURCH

Main Street at Center
EAST AURORA, NEW YORK 14052

NORMAN W. PARSONS, Pastor
JO ANNE BROCKLEHURST, Pastor

Church Office Telephone: 652-0500

June 2, 1981.

Mayor Lawrence Eyres
Village of East Aurora
571 Main Street
East Aurora, New York 14052

Dear Honorable Mayor & the Village Board:

The Aurora Ministerium is planning its Annual Community Ecumenical Worship Service to be held on the grounds of the Aurora Park Health Center, on July 5th, 1981 at 10:00 a.m.

We are requesting permission to have a march, beginning at 9:30 a.m. on Sunday, July 5th, starting at the Immanuel Lutheran Church on Pine Street, going

up to Main. The march would continue west on Main and the people would be joined by the congregations of the Presbyterian, Christian, Episcopal, Wesleyan, Christian Scientist and Baker Memorial United Methodist Churches to the Ecumenical Service at Aurora Park. Other churches not invited will be joining us at the Health Center.

I have talked to the Chief of Police, Ray Smallback, about the feasibility of such a march.

It would greatly be appreciated if this could be approved. However, in the event of rain, the service will be held at Baker Memorial Church.

With best regards, I remain -

Sincerely yours,

Norman W. Parsons
Norman W. Parsons
Chairman of the July 5th
Ecumenical Worship Service

IWP;hws

cc: Chief of Police, Ray Smallback

Upon the information from Police Chief Smallback that this had been done with little difficulty two years ago, and that it could be handled with the regular force, Trustee Pagliaccio moved for approval. With a second by Trustee Marshall the motion carried unanimously.

VI. Application for Poultry Permit - 184 North Street

APPLICATION FOR PERMIT TO KEEP AND MAINTAIN POULTRY ON PREMISES AT:

184 NORTH ST.

(Pursuant of provisions of Section 51 of the Code of the Village of East Aurora)

APPLICANT: ROBERT M. KOPCIEWSKI
(name)

652-5902
(telephone number)

184 NORTH ST.
(street address)

OWNER OF PROPERTY: ROBERT M. KOPCIEWSKI
(name)

184 NORTH ST.
(street address)

EAST AURORA 14052
(city or village) (zip code)

DESCRIPTION OF FACILITIES FOR KEEPING THE POULTRY:

Inside a building: 14' X 16' shed with 6' X 10' partition
ON CONCRETE FLOOR, COVERED OVER WITH WOOD BOARDING,
plus wood shavings

Outside a building: 8' X 14' PEH attached to shed, FENCING
4' high 1 3/4" X 2 1/2" WIRE MESH, WHITE, PLASTIC
COATED.

REASON FOR REQUESTING PERMIT: RAISE AND KEEP SIX
Laying Hens.

Applicant agrees to allow the duly appointed Animal Control Officer of the Village of East Aurora to inspect the facilities provided for the poultry as a part of processing this application.

Applicant hereby certifies that he or she is the head of the household where the poultry will be kept and that the information contained in this application is true and correct.

6/12 19 81
(date)

RHT m Zyndi
(applicant's signature)

NOTE: This application must be filed with the Village Administrator, Village Hall, 571 Main Street, East Aurora, New York 14052

Mayor Eyres explained that this situation, brought to the attention of the Dog Control Officer, was currently in Village Court as a possible violation of the Village Code.

The following communications were received following solicitation of comments from the surrounding property owners.

To whom it may concern:
The chickens that belong to Mr. Robert Kopciowski are kept in a neat and clean manner as is the rest of his property. I live next door and as far as I am concerned they are not a problem.

William V. Cantwell
W. V. CANTWELL
172 North Street

186 North Street
June 21, 1981
East Aurora, N. Y. 14052

Board of Trustees
Village of East Aurora
571 Main Street
East Aurora, N. Y.

Gentlemen:

Reference application for permission and permit for Mr. Kopciowski to keep and raise six (6) laying hens, is herewith submitted.

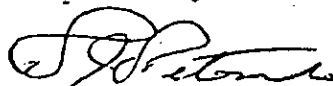
The undersigned presently owns house and lot on 186 North Street, East Aurora, N.Y., adjacent to Mr. Kopciowski's property--house and lot, since January, 1978. He has been my next door neighbor and a good one for the past few years and I most certainly value him and his family as my neighbors.

Prior to Mr. Kopciowski purchasing his house and lot, this property was in a very sorry state of deterioration—~~RUN DOWN~~—~~MAINTENANCE NEGLECTED~~ by the then owners as well as the Rental Tenants (owners not residing on this property). Mr. Kopciowski when and after he moved into this house immediately took steps to clean-up the entire lot --weeds--junk, etc., strewn all over the lot), plus he demolished some eye-sore lean to buildings--shacks. Mr. Kopciowski and his family spend many many man hours in the cleaning-up and the restoration of this property, whereby, today it is one of the best kept and maintained property on North Street. In addition, Mr. Kopciowski has without doubt spend thousands of dollars -- (at least 3 to \$5000.00 dollars or more) in the remodeling of his house, i.e., Put-up a New Garage--Had Installed a long Concrete Driveway--Had a New Roof put on the house--Had all buildings Painted, plus beautified the entire landscape. His efforts in this respect is most commendable. Mr. Kopciowski takes great pride in maintaining his property as can most certainly be attested to by other neighbors who are aware of what condition this property was in before Mr. Kopciowski moved in.

A few years ago, Mr. Kopciowski approached me (exact date unknown) and asked me if I had any objections to him having a few chickens in his back yard. I informed him that I had no objections, whatsoever. At that time neither Mr. Kopciowski or myself were aware of the fact that a "PERMIT" would be required to keep chickens. I am sure that Mr. Kopciowski had no intentions, whatsoever, of deliberately violating or defying any local laws pertaining to his keeping his chickens.

I therefore, submit the above on behalf of Mr. Kopciowski and again reiterate, that I definitely at this late date have no objections, whatsoever, of Mr. Kopciowski keeping chickens (about 6 of them, which could not possibly be used for any commercial purposes, but mostly as a hobby). That, further, his chickens have never been a nuisance to me, nor do I feel that they present any type of a Health Hazard to me. I therefore, earnestly request that Mr. Kopciowski be granted a permit to keep his chickens.

Respectfully submitted,


V. J. Petoniak

6/18/81

In regard to the attached application of our neighbor at 184 North Street we are in favor of granting permission to keep 6 chickens.

We see no harm in it and rather enjoy watching them.

Mrs. Edward J. Thuer
166 North Street

Mr Edward J. Shuen
166 North St.

Mr. Albert A. Reifsteck
154 North St.

Mrs. A. Reifsteck
154 North St.

Board of Trustees

Village of E. Aurora

571 Main St E. Aurora, N.Y. 14052

E. Aurora N.Y.
June 18, 81

Dear Sirs,

We feel the permit for
6 laying hens Mr Kopciowak
of 184 N. St. E. Aurora should
be opposed. It seems unkind
but they call rodents (we don't need)
others will want other animals
or hens & Village is no place
for them - We have put up with
howling dogs, mice & cats
that dig up our gardens but
chickens is too much.

Sincerely
Robert Lee
Viola Lee

Thus, based upon the overwhelming support of the immediate neighborhood, the size and location of the premises near open area, the fact that the permit is revokable immediately upon complaint, Trustee Marshall moved to approve the permit. A second by Trustee Pagliaccio brought six affirmative votes to carry the motion.

VII. Authorization for Mayor to Execute Water Line Bill of Sale

Upon discussion of the following memorandum,

TO: Mayor and Village Board of Trustees, Village of East Aurora
 RE: Resolution authorizing Mayor Eyres to execute Bill of Sale conveying westerly 1/10 portion of the Route 20A water transmission line and appurtenances therein to Erie County Water Authority
 FROM: Village Attorney Walter W. Howitt
 DATE: June 18, 1981

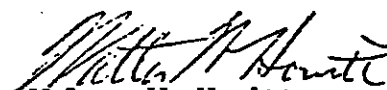
1. Payment by the Water Authority to the Village of 1/10 of the construction cost of the 20-inch water line in Route 20A (ECWA portion) plus interest and finance costs constituting the first installment payment under the January 16, 1978 Agreement as amended, became due and payable by the Authority on June 11, 1981.

Payment of the said first installment in the amount of \$249,041.98 to the Village will be authorized by the Commissioners of the Erie County Water Authority on June 18, 1981. On June 26, 1981, the current \$1,350,000.00 Bond Anticipation Note will be redeemed upon the application of the said first installment plus balances in the Village account pertaining to the said line and meter pit, etc. and the proceeds from a renewal Bond Anticipation Note in the amount of 9/10 of the construction costs of the line, to wit: \$1,064,000.00. The said renewal BAN in the amount of \$1,064,000.00 will be purchased by the Manufacturers and Traders Trust Company at an interest rate of 8.93%. The BAN is for a one-year period ending June 25, 1982.

2. The said Agreement dated January 16, 1978 provides that upon receipt of the first installment payment, the Village will execute and deliver to the Authority a Bill of Sale conveying title to the westerly 1/10 portion of the said 20-inch water transmission line together with hydrants and appurtenances directly attached thereto.

3. Attached to this memorandum is a proposed resolution which, if adopted, will authorize Mayor Eyres to execute such Bill of Sale.

Respectfully,


 Walter W. Howitt
 Village Attorney

and concurrence of Mayor Eyres, Clerk-Treasurer Zittel, and Attorney Howitt of the accuracy of the financial and contractual calculations involved, the following resolution came on for consideration.

WHEREAS, the Village of East Aurora and the Erie County Water Authority have heretofore entered into an Agreement dated January 16, 1978, under paragraph 10 of which Agreement it was provided that upon receipt of payment by the Authority to the Village of the first installment payment described in sub-paragraph b. of the said paragraph, the Village shall execute and deliver to the Authority a Bill of Sale conveying title to the westerly 1/10 portion of the 20-inch water transmission line constructed in Route 20A between Transit Road and the west Village boundary line pursuant to the said January 16, 1978 Agreement, together with hydrants and appurtenances directly attached to the said westerly 1/10 portion; and

WHEREAS, the said first installment payment by the Authority pursuant to sub-paragraph b. of paragraph 10 of the said January 16, 1978 Agreement as amended by instrument dated October 22, 1980, is due and payable by the Authority to the Village on June 11, 1981; and

WHEREAS, receipt of the said first installment payment by the Authority to the Village is anticipated on or before June 26, 1981.

NOW, THEREFORE, BE IT RESOLVED, that Mayor Lawrence E. Eyres is authorized to execute on behalf of the Village of East Aurora a Bill of Sale conveying title to the westerly 1/10 portion of the 20-inch water transmission line constructed in Route 20A in the Town of Aurora between Transit Road and the west Village boundary line, together with hydrants and appurtenances directly attached to said 1/10 portion.

The above resolution was moved by Trustee Pagliaccio, seconded by Trustee Sleeper, and upon being put to a vote was approved by 5 affirmative votes and 0 negative votes.

VIII. Minutes of Prior Meetings

May 27, 1981 - Upon noting three corrections, Trustee Marshall moved the adoption of these minutes. Seconded by Trustee Thompson the motion carried unanimously.

June 1, 1981 - Trustee Pagliaccio moved that these minutes be approved as submitted. Seconded by Trustee Marshall the motion carried unanimously.

IX. Audit of Bills

Deputy Mayor Pagliaccio moved that the bills as audited by the Mayor and Trustees this date be approved and ordered paid. A second by Trustee Marshall brought a unanimous vote to carry the motion.

X. Comments from the Floor

Jim Berg, representing the Chamber of Commerce, brought two questions to the Board from his organization.

First, he inquired as to the status of the sign law review committee. Mayor Eyres referred Mr. Berg to the chairman of the committee, Trustee Thompson.

Secondly, he inquired as to the status of the sidewalk improvement program. Mayor Eyres commented that as of June 1, 1981 money was available and that this project is a very high priority to be addressed in the near future.

Jim Ford, of Cazenovia Street, urged the Board to expedite their deliberations concerning upgrading the Village sewer services. Mayor Eyres responded that all past deliberations appeared to be fruitful and that the subject was continuously being addressed.

XI. Reports from the Staff

Superintendent of Public Works reported that he would be attending a meeting with Erie County regarding the acceptance of bids for renovation of the Mill Street bridge.

XII. Items from Board Members

Trustee Sleeper asked Police Chief Smallback to prod the State into disclosing their results of an alleged traffic study at the circle area.

Trustee Marshall reported that the permit from the State allowing the erection of a "Welcome" sign on their property at the easterly entrance to the Village.

He also mentioned a public information gathering meeting of the Cable TV Committee on June 25, 1981.

Trustees Thompson and Pagliaccio remarked that the trustees'

attendance at the Conference of Mayors seminars was very beneficial. Subjects discussed were budget, risk management, state aid, and water quality.

Mayor Eyres asked for suggestions of people to be nominated as members of the Federal Draft Board system.

XIII. Motion to Adjourn

At 10:56 P.M. a motion to adjourn was moved by Trustee Pagliaccio, seconded by Trustee Marshall and carried by unanimous vote.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

Village of East Aurora
 Minutes of the Regular Meeting of the
 Board of Trustees

July 6, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 p.m.

Roll Call: Present: Mayor Eyres, Trustees Suttell, Marshall,
 Pagliaccio, Sleeper, Thompson, Smith

Staff Present: Clerk-Treasurer Zittel
 Village Attorney Howitt
 Police Chief Smallback
 Village Engineer Latona
 Supt. of Public Works Lang
 Building Inspector Colby
 Planning Commission Chairman Keller

- I. Public Hearing - Clam Stand - Special Use Permit
- II. Public Hearing - Clam Stand - Outdoor Type Business Operation

DEAN R. GAVIN & ASSOCIATES

49 SHEARER AVENUE
 EAST AURORA, NEW YORK 14052

(716) 655-0367

Dean R. Gavin
 711 Main Street
 East Aurora, New York 14052

(716) 652 4221

June 22, 1981

The Honorable Lawrence E. Eyres
 & East Aurora Board of Trustees
 571 Main Street
 East Aurora, N.Y. 14052

Re: Seasonal Use Permit
 "Globe Hotel"
 711 Main St.
 East Aurora, N.Y.

Gentlemen;

The following information is submitted per your request of June 23, 1981 requesting data on factors outlined in Section 93:42 of the Village Code,

(#1) Traffic Flow) Based on the nature of the business, a Clam Stand should not be considered a high volume fast food operation, such as "McDonalds" or "Pizza Hut". Projection of volume in this stand should not generate more than a total of more than 6 cars per hour on the average. The length of time needed for a customer to consume the average portion of this product from time of ordering to time of consumption is ten minutes. Based on this study & number of patrons, the average impact on parking & traffic control is one car on a permanent basis, or a total of 6 cars per hour in one parking space. Walk up customers from immediate local businesses are not considered in traffic flow impact.

(#2) Pedestrian & Vehicular Safety) As outlined on attached plot plan, it is shown that the Clam Stand is set back from the street 18 feet, which is sufficient for customers to be well within the property line for pedestrian safety away from Main Street and driveways.

(#3) Fire Control) Construction of Stand & nature of business does not necessitate open flame cooking. A clam broth will be available which will be cooking in a portable coffee maker type appliance. The location of the Stand will also be of a nature that will leave an exit & entrance to the fire escapes of 709-711 Main Street; see attached plot plan.

VILLAGE OF EAST AURORA
 RECEIVED

JUN 29 1981

ADMINISTRATOR'S OFFICE

PER _____

(#4) Snow Removal) Does not apply.

(#5) Noise Levels) Other than the conversation of customers & the slurp of this product, no noise or noises should be generated.

(#6) Visual Pollution) Containers for spent product will be provided in rear of Stand. Customers will be requested to leave all shells & containers in easy reach of attendant for disposition in a closed container.

(#7) Sanitation) Attached sanitation procedures, published by New York Health Dept. will be followed & supervised by a member of the New York Health Dept.

(#8) Nature of the neighborhood) Main Street, downtown location, surrounded by a multitude of retail business establishments.

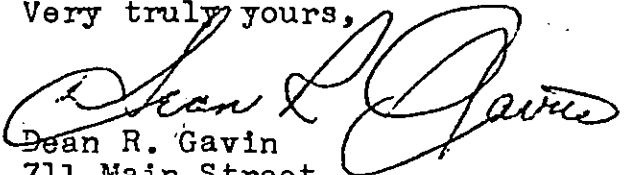
(#9) Parking & Maneuvering Spaces) At the expense of \$3,000.00, the Globe Hotel has now provided an additional parking area for 8 vehicles in the rear of 709-711 Main Street. This area has been neglected for a number of years. It was unusable until this construction was completed. I am requesting that one area of this parking area be considered for parking as outlined in question #1 Traffic Flow. The additional parking area of 7 cars be held in reserve for a future request of an outdoor sidewalk seasonal cafe with a seating capacity of 15 patrons. If at all possible I would like to include this 15 patron umbrella type table arrangement outdoor cafe included with the Clam Stand operation request, as shown on attached drawing.

(#10) Hours of Operation) The Clam Stand will be run in conjunction with normal business hours of the Globe Hotel Restaurant operation which at this writing are Monday thru Thursday 11:AM-1:AM, Friday 11:AM-2:AM, Saturday 8:AM-2:AM and Sunday 8:AM- Midnight.

(#11) Handling of Products that may cause problems) None.

This information is respectfully submitted for your review prior to Town Board Hearing on July 6th, 1981.

Very truly yours,


Dean R. Gavin
711 Main Street
East Aurora, New York 14052

Mayor Eyres explained that as these two agenda items were so closely related that upon the reading of the two separate published hearing notices, the two hearings would be held concurrently.

Thus at 8:08 p.m., Mayor Eyres opened the public portion of the hearings and called for comment from the floor.

Mr. Dean R. Gavin, the petitioner, elaborated on his petition and stated that the "clam stand" venture was an effort to provide unavailable service to enhance the Globe Hotel restaurant operation.

Jack Keller, Chairman of the Village Planning Commission, stated that although his commission had not reviewed the matter officially, that he would personally suggest that the requirements of the Erie County Health Department regarding the outdoor table and chair (cafe) facility be looked into.

Upon calling for and hearing no further comments Mayor Eyres closed the public portion of the hearings at 8:13 p.m. and referred the matter to the Board.

Trustee Pagliaccio clarified that 76 notices were sent to surrounding property owners with no replies being received.

July 6, 1981

Page 3

Upon solicitation by Mayor Eyres, Police Chief Smallback offered that the proposed operation did not appear to present a traffic problem except for the possible entrance of cars onto Main Street from the driveway of the proposed rear parking lot.

Trustee Marshall then suggested more staff research into the proposal.

Mayor Eyres and Deputy Mayor Pagliaccio then referred the petition to the Village Planning Commission for their review and report prior to the July 20, 1981 Trustees meeting.

Thus, Trustee Pagliaccio moved to table this matter until July 20, 1981 to facilitate the submission of the requested reports and suggested findings. Upon a second by Trustee Marshall, the motion carried by unanimous vote.

III. Decision - Outdoor Type Business- Owls Head Lobster Co.

Mayor Eyres noted the public hearing held June 22, 1981 on this proposal and opened further Board discussion at this time.

Trustee Suttell offered that his research into the vending of seafood in the East Aurora area indicated little advantage received from the Owls Head Lobster Co. over the present vendors regarding service, product, availability, or price.

Mayor Eyres indicated that he understood that the Owls Head Lobster Co. product was frozen and not a fresh product.

Trustee Marshall offered that there did not appear to be an advantage to the community from the proposed business operation like that obtained from a merchant opening a store and hiring employees to vend his product.

When Trustee Smith suggested that this proposed venture was very similar to the Farmers Market operation, Trustee Marshall countered that the by-laws of the Farmers Market required that the only products offered for sale be either home grown or home made.

Trustee Pagliaccio indicated that considerations in this matter should be also along the lines of compliance with adopted codes and statutes.

Trustee Thompson offered that the Board should not try to decide as to the type or possible success of any proposed business venture. That the codes should be upheld and the business man should be encouraged to open a store. And that the similarity to the Farmers Market is obvious.

Thus the following memorandum was brought up for consideration.

TO: Village Board of Trustees, Village of East Aurora
 RE: Proposed Findings following hearing upon the request of Owls Head Lobster Company for approval of the conducting of an outdoor type business (sale of seafood from a truck) at 170 Grey Street, East Aurora, New York
 FROM: Village Staff
 DATE: June 30, 1981

1. The hearing upon the request of Owls Head Lobster Company's approval of the sale of seafood from its truck on Friday afternoons between 2:00 P.M. and 4:00 P.M. at the Aurora Car Wash premises at 170 Grey Street was held by your Village Board of Trustees on Monday, June 22, 1981. There follows a list of proposed Findings in connection with the matter developed from the testimony, based upon the testimony produced at the said hearing:

1. Outdoor types of businesses are permitted in the C-M General Commercial zoning district of the Village of East Aurora when listed as a permitted use in Chapter 93 of the Code of the Village of East Aurora, when approved by the Village Board of Trustees after a public hearing thereon.
2. The Aurora Car Wash premises at 170 Grey Street are situated in the C-M General Commercial zoning district of the Village of East Aurora.
3. Retail sales are listed as permitted uses in Chapter 93 "Zoning" of the Code of the Village of East Aurora.
4. The products proposed to be sold from the truck at 170 Grey Street, East Aurora, New York, include: live Maine lobster, shrimp, scallops, swordfish, crabmeat, haddock, sole, scrod, ocean perch, clams and mussels and other items as available in season.
5. Owls Head Lobster Company has been established for over 11 years.
6. All seafood is procured from Owls Head and Portland, Maine and brought directly to central and western New York.
7. Owls Head scales are tested and certified yearly by the various Divisions of Weights and Measures of the counties in which it operates.
8. Owls Head Lobster Company is regularly inspected by the New York State Department of Agriculture and Markets.
9. Each Owls Head Lobster Company truck and driver/salesman carries complete vehicle and product liability insurance coverage.
10. The seafood products proposed to be sold out-of-doors are presently available for purchase in the Village of East Aurora at supermarkets, meat markets and delicatessen indoor retail stores.
11. The several supermarkets, meat markets and delicatessen-type indoor retail stores where seafood is for sale to the public are included on the real property tax assessment roll of the Village of East Aurora and ad valorem real property taxes are paid thereon to the State of New York, County of Erie, Town of Aurora, Village of East Aurora and East Aurora Public School District.
12. Seafood is a highly perishable food product.
13. Seafood sale departments in the supermarkets and meat markets are held to a high standard of sanitation by the Department of Agriculture and Markets in that personnel working in such departments must wear white coats and wear hairnets in an area screened from insects.
14. It appears that the trucks from which the applicant, Owls Head Lobster Company, proposes to sell seafood will not have the degree of temperature control and insect control of the sales area required of inside sales places and that the company will not be required to maintain high standards of personal hygiene for sales personnel.
15. No real property taxes would be paid by an outdoor type business operating from a truck in the C-M zoning district of the Village of East Aurora.
16. There is no evidence that provision could be made for customer parking without traffic congestion in the area where the truck sales are proposed.

Respectfully,

THE VILLAGE STAFF


By: Walter W. Howitt
Village Attorney

WWH/lmr

NOTE: The proposed operation for which approval is requested is similar to that conducted one day a week at the approved farmer's market at Main and Riley Streets, which location is also in the C-M commercial district.

Thus, after consideration as to which findings support the decision to be made, Trustee Thompson moved to adopt findings #1-9. Upon Trustee Smith's second and the calling of the question, a roll call vote defeated the motion as follows:

Trustee Suttell	- No	Trustee Smith	- yes
Trustee Marshall	- No	Trustee Thompson	- yes
Trustee Pagliaccio	- No		
Trustee Sleeper	- No		
Mayor Eyres	- No		

At this point Trustee Pagliaccio moved to adopt findings #10-16. Upon a second by Trustee Marshall, a roll call vote carried the motion as follows:

Trustee Suttell	- Yes	Trustee Smith	- No
Trustee Marshall	- Yes	Trustee Thompson	- No
Trustee Pagliaccio	- Yes		
Trustee Sleeper	- Yes		
Mayor Eyres	- Yes		

After brief discussion, Trustee Pagliaccio moved to deny the approval of the requested permit. Upon a second by Trustee Marshall a roll call vote carried the motion as follows:

Trustee Suttell	- Yes	Trustee Smith	- No
Trustee Marshall	- Yes	Trustee Thompson	- No
Trustee Pagliaccio	- Yes		
Trustee Sleeper	- Yes		
Mayor Eyres	- Yes		

IV. Authorization for Mayor to Execute Anderson Easement

TO: Village Board of Trustees, Village of East Aurora
 RE: Drainage Easement from Niels Y. Andersen, Jr. and Elizabeth M. Andersen, his wife, across portion of premises at 219 Center Street
 FROM: Village Attorney Walter W. Howitt
 DATE: June 25, 1981

1. Niels Y. Andersen, Jr. and Elizabeth M. Andersen, his wife, the record owners of premises at 219 Center Street, East Aurora, New York, have executed an Easement over a 25 foot wide portion of their premises, the centerline of which is the present drainage ditch carrying surface water in a southwesterly direction from the culvert in Center Street to the Archibald property.

2. Under the terms of this Easement, the Village agrees not to interfere with any finished landscaping or buildings on the premises in connection with the maintenance of the drainage ditch covered by the Easement. The said Easement is in form to be executed by Mayor Lawrence E. Eyres for the Village of East Aurora upon the adoption of the following resolution by your Board:

RESOLUTION

WHEREAS, Niels Y. Andersen, Jr. and Elizabeth M. Andersen, his wife, have agreed to convey to the Village of East Aurora a 25 foot wide drainage easement, the centerline of which is the present surface water drainage ditch across the southeasterly portion of their premises and have executed a written easement for such purpose; and

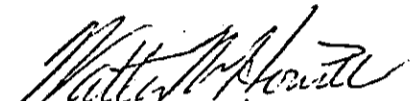
WHEREAS, under the terms of the said easement agreement, the Village of East Aurora agrees not to interfere with any finished landscaping or buildings on the Andersen premises in connection with the maintenance of the surface water drainage ditch in said easement; and

WHEREAS, it is the desire of the Village of East Aurora to enter into such agreement with Niels Y. Andersen, Jr. and Elizabeth M. Andersen, his wife.

NOW, THEREFORE, BE IT RESOLVED that Mayor Lawrence E. Eyres is hereby authorized to execute such easement on behalf of the Village of East Aurora and

IT IS FURTHER RESOLVED that the said easement be recorded in the Erie County Clerk's Office at the earliest convenient time.

Respectfully,


Walter W. Howitt
Village Attorney

WWH/lmr

Trustee Thompson moved the adoption of the resolution contained in the above memorandum. With a second by Trustee Smith the motion carried by unanimous vote.

V. Rescind Lease with Nativity Lutheran Church - Village Entrance Sign

TO: Village Board of Trustees, Village of East Aurora
RE: Termination of Agreement with Nativity Evangelical Lutheran Church of East Aurora, New York in re erection and maintenance of Village entrance sign in view of permission having been granted by the State of New York to erect said sign on State-owned lands
FROM: Village Attorney Walter W. Howitt
DATE: June 30, 1981

1. It appears that written permission for the erection of a proposed Village entrance sign fence on New York State highway property on the north side of East Main Street in the east Village line area has been obtained from New York State. Accordingly, the lease agreement dated May 4, 1981 with the Nativity Evangelical Lutheran Church of East Aurora, New York, under which the Village has the right to erect and maintain such a sign on church property, is no longer required and may be rescinded and terminated upon the adoption of the following resolution:

RESOLUTION

WHEREAS, the Village of East Aurora has heretofore and by Agreement dated May 4, 1981 with the Nativity Evangelical Lutheran Church of East Aurora, New York, obtained from the said Nativity Evangelical Lutheran Church of East Aurora, New York, the right to erect and maintain a brick and wood sign fence announcing the entrance to the Village of East Aurora and announcing various service organizations operating in the Village of East Aurora on premises owned by the said Church on the north side of Main Street at or near the east Village boundary; and

WHEREAS, the said Agreement contained a provision that it may be terminated by either party upon 90 days written notice to the other; and

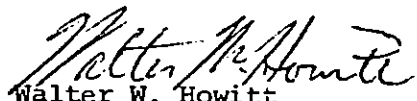
WHEREAS, the Village of East Aurora has subsequently obtained permission from the State of New York to erect and maintain the said entrance sign fence on premises owned by the State of New York; and

WHEREAS, the Village of East Aurora desires to erect the said entrance sign fence on the premises owned by the State of New York in place and stead of the lands of the Nativity Evangelical Lutheran Church of East Aurora, New York.

NOW, THEREFORE, BE IT RESOLVED that the said Agreement between the Village of East Aurora and the Nativity Evangelical Lutheran Church of East Aurora, New York be terminated on the 15th day of October 1981; and

BE IT FURTHER RESOLVED that the 90 days written notice of the termination of the said Agreement be delivered to the Nativity Evangelical Lutheran Church of East Aurora, New York, by on or before the 15th day of July, 1981.

Respectfully,


Walter W. Howitt
Village Attorney

After brief discussion, Trustee Thompson moved to adopt the resolution contained in the above memorandum. With a second by Trustee Pagliaccio the motion carried by unanimous vote.

VI. Parking Restriction - Grey Street

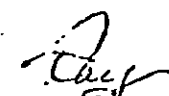
June 17, 1981

Mayor Lawrence E. Eyres & Board of Trustees
571 Main Street
East Aurora, New York 14052

Honorable Mayor & Board of Trustees,

With the opening of MacDonald's Restaurant, and citizens' use of Grey Street as an alternate to Hamburg Street, the parking on Grey Street between Knox Road and Douglas Lane has caused several traffic problems. For safer and better traffic flow and in the interest of Public Safety, I respectfully request the No Parking ban be extended from Douglas Lane to Knox Road on the west side of Grey Street.

Sincerely,


M. Raymond Smallback
Chief of Police

With the explanation from Police Chief Smallback that during the last few days the apparent situation that prompted this action has alleviated itself, the Board asked that police to keep an eye on the situation and deferred any action at this time.

VII. Request to Close North Street for a Block Party

June 19, 1981

Village Board
Village of East Aurora
Main St.
East Aurora, New York 14052

Dear Village Board Member,

We the residents of North St. request the granting of a Block Party Permit on Saturday, July 25th, to close North St. to traffic from Maple to Green, during the hours of 1 P.M. to 9 P.M. Thank you.

Regards,

Dan McCormick
Dan McCormick

Upon Mayor Eyres noting that this was an annual event with no apparent problems, Trustee Smith moved to approve the request. With a second from Trustee Thompson a unanimous vote carried the motion.

VIII. Control of Garage Sales

TO: Mayor Lawrence E. Eyres &
Village Board of Trustees
FROM: Carlton C. Colby, Building Inspector
RE: Garage Sale Control
DATE: June 17, 1981

Garage sale, yard sale, porch sale and activities of the sort, by whatever name, appear to becoming a problem within the Village.

The trend appears to be that a group of homeowners conduct a joint sale, the size of the activity creates traffic and parking problems. It is also evident that some residents operate a sale of sort regularly, weekly or monthly. This may be a business. Also merchandise being offered in some instances go beyond the normal personal residents private property, restored antiques for example.

Of course, the constant problem with signs placed throughout the Village, which normally are not removed by the citizen after the sale create an objectionable condition.

In 1978 it was proposed that draft legislation be prepared to permit such sale activities to be conducted within acceptable standards. Information is available on such Local Laws and can be prepared if you so desire.

Trustee Thompson suggested and the Board concurred that due to the complexity of controlling this endeavor, the Village Staff prepare a list of Do's & Don'ts for Board approval and presentation to the public.

IX. Audit of Bills

Deputy Mayor Pagliaccio moved that the bills as audited this date by the Mayor and Trustees be approved and ordered paid. With a second by Trustee Thompson the motion carried unanimously.

X. Comments from the Floor

Mr. Ralph Cohn asked the Board to please advise him of what is required of him to go ahead with the development of the "Nye Hill" area of the Village. This land lies between Elmwood Avenue, Chestnut Hill Road, Olean Road, and the railroad tracks.

Mayor Eyres asked the staff to supply Mr. Cohn with this information.

XI. Reports from the Staff

Building Inspector Colby reported that the Full Gospel Tabernacle has subrented the H. & R. Block office at 728 Main Street to provide summer activities to the youth of the area.

Superintendent of Public Works Lang requested permission for himself and Bob Bove to attend a seminar by Blair Supply Co. for training credit hours toward a water supply operators license. The seminar will be held in Rochester on July 14, 1981.

XIa. Trustee Smith moved to add the above request to this agenda. With a second by Trustee Marshall the motion carried by unanimous vote.

Trustee Pagliaccio then moved to grant the request for attendance at the seminar and to reimburse the attendees for regular expenses incurred via Article 77b of the General Municipal Law. A second by Trustee Suttell brought a unanimous vote to carry the motion.

Village Attorney Howitt reported that the refinancing of the bond anticipation notes of the water line was accomplished on June 26, 1981.

XII. Items from Board Members

Trustee Marshall reported that the Cable TV committee would be preparing proposals for franchise bids for approval by the Town and Village Boards on or about September 1, 1981.

He also suggested that the memorandums received by the Board from the staff concerning a weight limit for Brooklea Drive and the controll of adult products stores be on the agenda of the July 20, 1981 Board meeting.

Trustee Pagliaccio asked that the rezoning of the Oakwood Square area be considered at the next staff meeting.

He also suggested that the persomel policy and the disaster plan be items for discussion at the next Board worksession.

And Trustee Pagliaccio asked the staff to research the applicability of the Village Code regarding the use of blacktop as a cover on the sidewalk along Main Street.

Trustee Thompson offered that the sign committee will make an informal presentation of its findings to the Board at their next public work session.

XIII. Motion to Adjourn

At 9:52 p.m. Trustee Marshall moved for adjournment. With a second from Trustee Pagliaccio a unanimous vote carried the motion.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

Village of East Aurora

Minutes of the Regular Meeting of the
Board of Trustees

July 20, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 p.m.

Roll Call: Present: Mayor Eyres, Trustees Suttell, Marshall,
Pagliaccio, Smith, Thompson, Sleeper

Staff Present: Clerk-Treasurer Zittel
Village Attorney Howitt
Building Inspector Colby
Supt. of Public Works Lang
Planning Commission Chairman Keller
Village Engineer Latona

I. Clam Stand at 711 Main Street (Globe Hotel)

Mayor Eyres opened the comments by stating that this type of endeavor may add to the quaintness of our Village and possibly be welcomed by the people, but the fact of enforcing the code that had been developed and adopted against operating a business out of doors was a prime concern to the Trustees.

In an effort to re-examine this code, Mayor Eyres suggested enlisting the Chamber of Commerce to develop a committee to study the possibility that the merchants would desire a change. He also suggested a review by the Planning Commission.

Mayor Eyres also noted the desire of the Board to assist a local merchant in bettering his business and resurrecting a significant Village landmark.

Upon opening tonight's discussion Dean Gavin, owner of the Globe Hotel, stated that because of the time needed to develop a plan acceptable to the code and the limit of the current seasonability of this request, he would be satisfied to build a facade of a clam stand to serve only as an elaborate sign indicating the availability of clams to be served and consumed inside the hotel restaurant.

After lengthy discussion of the form and procedures this application should take, the requirements of the Village Code and other applicable regulating authorities, and the realization that Mr. Gavin's complete intentions were not fully developed, Mr. Gavin requested a recess to review the request.

Thus, Trustee Marshall moved to table this item. With a second by Trustee Smith the motion carried by unanimous vote.

At 8:50 p.m., with Mr. Gavin's concurrence, Trustee Marshall moved to return this item from table for further discussion. A second by Trustee Suttell and a unanimous vote carried the motion.

Mr. Gavin then stated that he would withdraw his original application for outdoor dining and ask for approval under Section 93:20A(12) of an outdoor type business, clam stand, in the five (5) foot area immediately adjacent to the west side of the Globe Hotel for a ninety (90) day period.

After consideration of the above by various Board members, Mayor Eyres called upon Jack Keller, Chairman of the Village Planning Commission for his comments. Mr. Keller referred to the following memorandum.

TO: The Honorable Mayor Lawrence E. Eyres & the Village Board of Trustees
FROM: John J. Keller, Chairman, East Aurora Planning Commission
RE: Petition to operate a sidewalk clam stand at 711 Main Street
DATE: July 13, 1981

At its regular meeting held on July 8, 1981, the Planning Commission reviewed the petition for a "seasonal permit" to operate a clam stand on the sidewalk adjacent to the Globe Hotel at 711 Main Street.

Mr. Dean Gavin, petitioner, was officially advised of the meeting and invited to attend. He advised the Chairman of the Commission that the "Grand Re-Opening" of the Globe Hotel restaurant was scheduled for Thursday, July 9 and he would therefore be unable to attend the meeting. He did not have a survey for the property and his attorney was out of the office on Wednesday, July 8th.

Our initial review focused on the technical questions associated with the petition:

1. No legal proof that Mr. Gavin is the owner of the property and that he is therefore, entitled to petition for the special use stated.
2. No survey to support claim that the stand in the alley will be on Globe Hotel property and that tables on front sidewalk will not be on Village property.
3. Sketch submitted is not dimensioned; unable to determine canopy size, height, nor materials to be used.
4. Erie County Health Department requires direct connection to trapped sewer for clam water drainage. Also requires fresh running water. Neither is shown on sketch nor is there any narration on how these will be provided.
5. Is routing of fire exit to rear of building legal since it appears to end in an enclosed yard.
6. Mr. Gavin indicates stand would operate same hours as the Hotel restaurant. Since stand is remote from the restaurant, the Commission questions how it will be manned and controlled. Will it have full time supervision or will customers ring for service? Will beer be served or allowed to be consumed at the tables in front of the hotel? Is it likely that summer crowds will congregate at this location? If yes, what provisions will be made for controlling the situation?

While no attempt was made to officially evaluate the environmental impact of this intended use, reference to the mandated New York State questionnaire raises at least two issues requiring additional study before a determination can be made. Specifically, question 15 relates to odors and noise. Question 17 asks if the "project will set an important precedent for future projects".

The Planning Commission questions whether a "Clam Stand" or other similar "seasonal sidewalk use" is appropriate to the busy, traffic congested, Main Street area.

Therefore, by a vote of five (5) in favor, none opposed, the Planning Commission recommends that the Village Board of Trustees not grant the special permit requested by the petitioner.

Respectfully submitted,

John J. Keller
John J. Keller, Chairman
Village of East Aurora Planning Commission

Upon understanding this and discussing all the other ramifications presented, Mr. Gavin stated again that he wishes to withdraw all applications and apply to the Village for a sign permit advertising the availability of clams at the existing restaurant.

Thus, upon the request of Mr. Gavin, Trustee Marshall moved to table the original applications being considered. A second by Trustee Sleeper and a unanimous vote carried the motion.

II. Nye Hill Development

Mayor Eyres noted that the information concerning the stagnant plans to develop the Nye Hill area of the Village be reprinted here pursuant to the intention of Ralph Cohn to resurrect the project as expressed at the last Board meeting.

MEMORANDUM

RE: Procedures required by Chapter 81 of the Code of the Village of East Aurora entitled "Subdivision of Land" (Subdivision Regulations)

FROM: Village Attorney Walter W. Howitt

DATE: February 15, 1978

1. Subdivision regulations pertaining to the Village of East Aurora are contained in Chapter 81 of the Code of the Village of East Aurora entitled "Subdivision of Land". The said subdivision regulations are available by purchase of the Code of the Village of East Aurora or by consultation of the said Code, a copy of which is in the Erie County Library, East Aurora branch, 550 Main Street, East Aurora, New York.

2. Section 81-3 of the said subdivision regulations prescribe a preapplication procedure. Under this section, a subdivider may submit to the Planning Commission of the Village of East Aurora general site information, a location map and a sketch plan of the proposed subdivision with a request for informal consideration and advice.

This preliminary conference between the subdivider and the Planning Commission is informal. Following such meeting, the Planning Commission will submit to the Village Board a memorandum of the meeting.

3. The next step provided in the subdivision regulations is covered by Section 81-4 of the Code entitled "Application Procedure", Section 81-5 of the said Code entitled "Preliminary Layout" and the last paragraph of Section 81-2 entitled "Definitions" which last paragraph is entitled "Subdivision Filing Fee".

Under this step, the subdivider is required to present to the Village Clerk at least five days prior to a regular meeting of the Village Board of Trustees, an application for approval of the proposed subdivision together with four (4) copies of the preliminary layout plans and data required by Section 81-5 of the said Code and the subdivision filing fee.

The subdivision filing fee is a minimum charge of \$20.00 plus \$2.00 for each lot over ten (10), which is to be paid to the Village Clerk by the subdivider at the time his application for the approval of his preliminary layout is filed with the Village Clerk.

Section 81-5 of the subdivision regulations specifies that the Village Board shall transmit three (3) copies of the preliminary layout to the Planning Commission for processing and keep the fourth copy in the Village office.

This section further provides that the Planning Commission shall review the preliminary layout and require additional information and plans as specified in subsection (B) of Section 81-5. This section further provides for a discussion between the subdivider and the Planning Commission relative to any deficiency in the preliminary layout and relative to any further improvements to the land which may be required by the Planning Commission pursuant to Section 81-9 of the subdivision regulations.

4. After the discussions between the subdivider and the Planning Commission relative to the preliminary layout are completed, the Planning Commission may set the time for an informal hearing on the preliminary layout. The Planning Commission conducts such informal hearing and if the Commission approves the preliminary layout after the informal hearing, the Commission expresses its approval as a "conditional approval", states the specific conditions of such approval, if any, and attaches such approval and conditions to the three (3) copies of the preliminary layout which it has and returns one (1) copy to the subdivider, sends one (1) copy to the Village Board of Trustees and retains one (1) copy.

5. Part B. of Section 81-5 of the subdivision regulations contains a list of the items which are required to be shown on the subdivision preliminary layout. These items are exhaustive and the subdivision regulations should be consulted in the preparation of the preliminary layout.

6. After the preliminary layout has been approved by the Planning Commission and the endorsed copies delivered to the subdivider and the Village Board, the subdivider may proceed to prepare a final subdivision plat. The procedure for the approval of such a final subdivision plat is set forth in Section 81-6 of the subdivision regulations. This final subdivision plat shall be printed on linen or canvas-backed paper or drawn with pen and india ink or tracing cloth to the scale required by Part B. of Section 81-6 and must have thereon all the required plans and data set forth in Part B. of Section 81-6.


The original and three (3) copies of the final subdivision plat and attached exhibits shall be submitted to the Planning Commission with a written request for approval within six (6) months after approval of the preliminary layout and at least five (5) days prior to the meeting of the Planning Commission at which it is to be considered. Before the Planning Commission acts on any final subdivision plat, it must hold a public hearing thereon as provided by Section 7-728 of the New York State Village Law. The Planning Commission shall approve or refuse to approve such final subdivision plat within forty-five (45) days after the meeting at which such plat is submitted and shall return one (1) copy to the subdivider, transmit one (1) copy to the Village Board of Trustees with a recommendation, and retain one (1) copy.

7. After final approval of a subdivision plat by the Planning Commission, the subdivider shall submit the final approved plat to the Village Board of Trustees at least five (5) days prior to a regularly scheduled meeting of the Village Board of Trustees and within ninety (90) days after the Planning Commission's approval.

The Village Board may approve, modify or disapprove the said subdivision plat. After the final subdivision plat has been endorsed with the approvals of the Planning Commission and the Village Board of Trustees, it must be approved by the County Health Department and filed in the Erie County Clerk's Office within ninety (90) days after approval by the Village Board of Trustees.

8. This memorandum is a summary only and the subdivision regulations of the Village of East Aurora set forth in Chapter 81 of the Code of the Village of East Aurora entitled "Subdivision of Land" should be consulted and followed in detail.

Respectfully submitted,


Walter W. Howitt
Village Attorney

MEMORANDUM

RE: Subdivision of land in the Village of East Aurora -
Filing of Subdivision Plat, etc.

FROM: Village Attorney Walter W. Howitt

DATE: March 2, 1978

1. Reference is made to a Memorandum from the Village Attorney of the Village of East Aurora dated February 15, 1978 entitled "Procedures required by Chapter 81 of the Code of the Village of East Aurora entitled "Subdivision of Land" (Subdivision Regulations)".

2. The attention of a subdividing owner who has made, or proposes to make, an application for the approval of a preliminary layout and Subdivision Plat pursuant to Chapter 81 of the Code of the Village of East Aurora entitled "Subdivision of Land" (Subdivision Regulations) is hereby directed to the following statutory requirements which must be complied with before the Erie County Clerk will accept a Subdivision Plat for filing:

- A. Section 333-a of the Real Property Law, which prescribes the size of such map.
- B. Section 334 of the Real Property Law, which provides further requirements as to printing of such maps or plats and requires that there shall be appended to such Subdivision Map the certificate of the County Treasurer or of an Abstract & Title Company stating that all taxes, etc. on the subject land have been paid.
- C. Section 17-1505 of the Environmental Conservation Law, which requires approval of the County Health Department of such Subdivision Map.
- D. The Education Law, which requires that the map bear the signature and seal of the surveyor who prepared it.

3. Compliance with the above statutory references is the responsibility of the subdividing owner. Such compliance is in addition to compliance with the Subdivision Regulations, etc. of the Village of East Aurora in connection with securing the approval of the Village Planning Commission and of the Village Board of Trustees, which approval is also a prerequisite to the filing of an approved Subdivision Plat in the Erie County Clerk's Office.

Respectfully,

Walter W. Howitt
Walter W. Howitt

MEMORANDUM

TO: Village Board of Trustees

SUBJECT: Status of so-called "Nye Hill Subdivision" as per resolution adopted by Village Board of Trustees on November 19, 1955, etc.

FROM: Village Attorney, Walter W. Howitt

DATED: May 24, 1976

1. The matter of the development of the so-called "Nye Hill Subdivision" which consists of approximately 16.70 acres of land lying between Elmwood Avenue on the east and Olean Road on the west and bounded on the south by the southerly Village line was before the Village Board of Trustees at various times between 1952 and 1957. During this period of time the initial owners and developers of the Nye Hill Subdivision were Brainard E. Prescott, Hazel M. Williamson, Donald E. Tenney, and Glenn C. Calene. At some period in 1956 title passed to Ralph D. Cohn.
2. The minutes of the Village Board meeting held on June 2, 1952 report the adoption of a resolution accepting the dedication of a portion of the Nye Hill Subdivision consisting of southerly extension of Elmwood Avenue to the south Village line and the easterly 175' of Nye Hill Road which extended westerly from the said extension of Elmwood Avenue, subject to certain conditions. A copy of this resolution is attached hereto.
3. The records of this Village show that on April 3, 1953 the following instruments were recorded in the Erie County Clerk's Office, as follows:

A. Release of Part of Mortgaged Premises running from Wells W. Parker, Mortgagee, to Brainard E. Prescott, Hugh C. Williamson, Donald Tenney, and Glenn C. Calane, dated September 16, 1952 and recorded in the Erie County Clerk's Office on April 3, 1953 in Liber 5298 of Deeds at page 548 releasing what appears to be the southerly extension of Elmwood Avenue, plus a 60-foot wide strip to be known as Nye Hill Road from the lien of a mortgage held by Wells W. Parker, plus a consent to the granting of a right of way for sewer purposes over a further portion of the Nye Hill Subdivision and to a covenant running with the land agreeing to the construction of certain residences on the easterly side of Elmwood Avenue.

B. Right of Way Agreement for Sewer Purposes dated September 10, 1952 from Brainard E. Prescott, Hazel M. Williamson, Donald E. Tenney, and Glenn C. Calane and recorded in the Erie County Clerk's Office on April 3, 1953 in Liber 5298 of Deeds at page 562 conveying to the Village of East Aurora a 10-foot wide easement running northwest and north from Nye Hill Road a distance of 495 feet to the north bounds of the Nye Hill Subdivision.

C. Right of Way Agreement for Sewer Purposes acknowledged September 30, 1952 from Henry D. Norton and Kathryn L. Norton, his wife, to the Village of East Aurora and recorded in the Erie County Clerk's Office on April 3, 1953 in Liber 5298 of Deeds at page 550 conveying a 10-foot wide easement 125 feet long across the rear of premises owned by the Nortons and 145 feet west of and parallel with the westerly line of Elmwood Avenue.

D. An Agreement dated September 10, 1952 executed by Brainard E. Prescott, Glenn C. Calane, Donald E. Tenney and Hazel M. Williamson, recorded on April 3, 1953 in the Erie County Clerk's Office in Liber 5298 of Deeds at page 555 by which the owners of the Nye Hill Subdivision agree that all houses constructed upon the land east of Elmwood Avenue shall be constructed within the Village limits and making this agreement run with the land.

These recorded instruments carry into effect the resolution adopted by the Village Board of Trustees on June 2, 1952.

4. The Village records contain a copy of a scale drawing entitled, "Nye Hill Sub-Division, Village of East Aurora, County of Erie, N.Y., Sketch of SubLots, Ralph D. Cohn 9/5/56". This sketch is consistent with a plat of "Nye Hill Subdivision" consisting of 32 lots with an area of 16.70 plus or minus acres, Ralph D. Cohn, owner, made by Cherry, Cushing and Preble, dated November 1956 and identified by BS-139 on file in the Village office.

5. In the Village records is the written offer of Ralph D. Cohn dated October 15, 1956 offering to dedicate proposed streets as shown on a map filed therewith being the easterly extension of Nye Hill Road to a point approximately 400 feet east of the westerly line of Olean Street together with a street and court projecting southerly therefrom with the proposed name of Gain Court and a street and court at the westerly terminus thereof with the proposed name of Parker Court, together with a written offer to do other and further things in connection therewith. A copy of this offer is attached hereto. The Village records further show that on November 19, 1956 the Village Board of Trustees adopted a resolution accepting the said offer of Ralph D. Cohn so dated October 15, 1956, subject to certain provisions, which resolution was published by order of the Board of Trustees in the East Aurora Advertiser, subject to a permissive referendum. A copy of the said notice of adoption as so published is attached hereto.

6. The minutes of the April 15, 1957 meeting of the Board of Trustees report the adoption of a resolution by the Village Board of Trustees approving the use of a temporary road into the Nye Hill Subdivision from Olean Road during construction. A copy of this resolution is attached hereto.

7. The Village records also contain a copy of a map or plat of the said Nye Hill Subdivision revised March 1957 by Cherry, Cushing and Preble, engineers, showing an amended location of Nye Hill Road, Parker Court, and Cain Court and a copy of an agreement between Nye Hill Development Corporation and R & L Hauling and Coal Corp., dated April 24, 1957, under which R & L Hauling and Coal Corp. undertook to pave the said Nye Hill Road, Cain Road and Parker Court to a width of 20 feet and to construct drainage ditches and culverts along said streets in accordance with specifications of the Village of East Aurora so as to be accepted by the engineer of the Village of East Aurora.

8. It appears that upon the adoption of the resolution by the Village Board of Trustees on November 19, 1956 accepting the offer of Ralph D. Cohn, dated October 15, 1956, a bilateral contract came into existence. It further appears that under the terms of the said bilateral contract the developer agreed to do certain enumerated things and that the Village of East Aurora agreed that upon the completion of those certain things the Village would extend its water and sewer mains to serve said lots on the said new street and pay the cost out of taxes to be levied for the year in which the expenditure is to be made. It is the opinion of the undersigned Village Attorney that the contract, being bilateral in nature, remains executory and that upon the accomplishment of the conditions specified in the published resolution and contract the Village of East Aurora is bound to extend its water and sewer mains to serve the lots on the said streets shown on the map or plan dated September 5, 1956, and filed with the Village of East Aurora.

9. It appears that the contract hereinabove referred to and consisting of the offer dated October 15, 1956 and the resolution of acceptance adopted November 19, 1956 pertains to the dedication of certain streets and the extension of water and sewer mains and does not constitute the approval of any particular subdivision plot. It appears from the record that no subdivision plot of the Nye Hill Subdivision has been approved by the Village Board and Planning Board and the Erie County Health Department and accordingly, per Sections 7-703 2(a) and (b) and 7-728 (6) of the

Village Law any prior approvals of any such proposed plot are of no current effect. Accordingly, it is the opinion of the undersigned Village Attorney that the effect of the said contract of 1956 is limited to the matters referred to therein and does not commit the Village of East Aurora to extend water and sewer lines until the specific conditions are completed. It is the further opinion of the undersigned Village Attorney that except as to the extension of water and sewer mains by the Village of East Aurora to serve lots on the said new street when it is accepted and dedicated, all proceeding in connection with the approval and filing of a subdivision plot must necessarily proceed in accordance with the Subdivision Regulations of this Village (Chapter 81 of the Village Code).

10. This memorandum is for the information of the Village Board of Trustees so that your Board is advised as to the continuing legal effect of the resolution adopted by a predecessor Board of Trustees on November 19, 1956 as to a commitment to extend water and sewer mains to a new street or streets, and as to the procedure which will apply to any proposed subdivision map offered for approval and filing pertaining to the lands serviced by said streets.

11. The action of the Village Board of Trustees taken at its November 19, 1956 meeting was proper and appears to be in accordance with the policy followed by the said Board of Trustees in re the dedication of new streets in residential districts at that time. The recognition of the said resolution so adopted on November 19, 1956 and published in the official newspaper by notice of adoption dated November 20, 1956, is proper.

Respectfully, etc.

Walter W. Howitt
Walter W. Howitt, Village Attorney

East Aurora, New York

June 2, 1952

Mr. Elmer Miller moved the following resolution, seconded by Mr. Wood, carried. Mr. Youngers requested to be recorded as not voting.

RESOLVED that the Village of East Aurora accept the offer of Brainard E Prescott, Glenn C Calene, Hazel Williamson, and Donald E Tenney, hereinafter referred to as Petitioners, to convey Elmwood Avenue and so much of Nye Hill Road as extends 175 feet west of the west side of Elmwood Avenue as measured along the center line of said road, as is shown on a map entitled "Nye Hill Subdivision", dated April 21, 1952, and which is on file in the office of the Village Clerk, and names said streets, Elmwood Avenue and Nye Hill Road, provided the Petitioners:

a) Establish on the ground markers or monuments sufficient to locate the property to be conveyed and to furnish to the Village of East Aurora an accurate map showing the location of the property to be conveyed and the location of the monuments set to establish the bounds of said property.

b) Establish a grade line for the streets conveyed, said grade line to be approved by the Village Engineer and to grade a usable width of roadway 20 feet wide and to grade a depth of at least eight (8) inches below the established grade and fill the same with "run of bank" gravel, compacted by a ten ton roller, sufficient to bring the said twenty (20) foot strip up to the established grade, and to provide necessary grader ditches.

c) Install one twenty-four (24) inch concrete pipe culvert across Elmwood Avenue at approximately 275 feet from the south Village line.

d) Provide plans showing required water and sewer lines, and have same prepared to meet the requirements of the State Health Authority.

e) Execute and deliver to the Village, a proper conveyance of the title in fee, to said streets.

f) Deliver to the Village an agreement properly acknowledged for recording, containing a covenant that residence built on subdivision lots 1, 2, 3 and 4 shall be built only on that part of said lots lying within the village, said covenant to run with the land.

g) Deliver to the Village all necessary easements over adjoining land as may be necessary to extend water lines and sewer to property within Nye Hill Subdivision, and to give the Village easements for water lines and sewer over lands within said Subdivision.

h) Confirm the acceptance of the terms of this resolution within 10 days.

RESOLVED that upon completion of the conditions referred to above, the Village extend its water and sewer lines to said subdivision to serve subdivision lots 1, 2, 3, 4, 6, 7, and 8 fronting on Elmwood Avenue at an estimated maximum cost of \$10,000.00, and pay the cost out of taxes levied for the year in which the expenditure is to be made, and the Village Clerk on or before the expiration of 10 days shall post and publish a notice as required by Article 5a of the Village Law.

Dated: East Aurora, New York
June 2, 1952

George M Houlston
Village Clerk

Mr. Miller moved that the portion of Elmwood Avenue not now graded, over which the village has a right of way, be graded by the village, seconded by Mr. Shed, carried.

**NOTICE OF ADOPTION OF
VILLAGE RESOLUTION**

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of East Aurora, at a regular meeting thereof held on the 19th day of November, 1955, duly adopted a resolution, subject to a permissive referendum, as follows:

East Aurora, New York
November 19, 1955

RESOLVED that the Village of East Aurora accept the offer of Ralph D. Cohn, dated October 15, 1955 to dedicate proposed streets as shown on a map or plan filed with the said offer and being the westerly extension of Nye Hill Road to a point approximately 400 feet easterly from the easterly line of Olean Street, together with a street and Court projecting southerly therefrom with the proposed name of Cain Court and a street and Court at the westerly terminus thereof with the proposed name of Parker Court, provided he:

(a) Furnishes the Village with a final plan of the aforesaid streets and the property through which they run, showing street lines, street grades, location of paved or surfaced streets, lot lines, storm and sanitary sewer lines, and water lines which meet the approval of the Village Engineer, the Erie County Health Department and the New York State Health Department.

(b) Executes and delivers to the Village a proper conveyance of title in fee to said streets together with a title report of the Abstract & Title Insurance Corporation of Buffalo, New York certifying that he has good title in fee to the said streets and further provided that he monument said streets.

(c) Executes and delivers to the Village a proper easement or easements for sewer and water lines for all drainage ditches as shall be indicated on the final plan of the said streets and the property through which they run.

(d) Enters into a separate agreement with the Village restricting dwellings on lots abutting on said streets to single family residences and further restricting the said lots to the erection thereon of houses of at least 1100 square feet floor area if a single story house, and at least 1400 square feet of floor area if higher than a single story house, excluding porches, patios, breezeways, garages and other areas outside the main portion of the house. All houses are to be located at least 20% of the lot depth but not less than 25 feet from the street line and 8 feet from side lot lines, it being understood that no two principal buildings shall be con-

(e) Enters into an agreement with the Village whereby he agrees to install the storm sewers as shown on the final plan of the aforesaid streets and pave the said streets to a width of twenty feet in accordance with the specifications of the Village Engineer.

(f) Agrees to file such drainage ditches as may be indicated on the final plan of said streets and the property through which they run in accordance with the specifications of the Village Engineer.

(g) Posts a deposit or bond with the Village in the amount of \$25,000.00 or the amount of the contract price if greater for the completion of the agreements set forth in paragraphs (e) and (f) above by him to be performed, to guarantee his performance of the said agreements.

(h) Agrees by separate agreement in a form enabling it to be recorded in the Erie County Clerk's Office to incorporate in every deed conveying any of the lots in said subdivision a covenant running with the land requiring each grantee to commence and place under roof a dwelling on the said lot so conveyed to him within one year or the title to the lot is to revert to the grantor.

(i) Notifies the Village within 10 days of acceptance of the terms of this resolution.

That upon the completion of the conditions referred to above, the Village extend its water and sewer mains to serve lots on said new street at an estimated cost of \$15,000 and pay the cost out of taxes to be levied for the year in which the expenditure is to be made. Said mains to be put in to serve the said lots on the said new street prior to August 15, 1957.

The Board hereby approves the plans submitted by Ralph D. Cohn for the construction of the streets described above.

Dated: November 20, 1955.

By Order of the Board of
Trustees of the Village of
East Aurora, New York:
George W. Buttin,
Village Clerk

25-1

Mr. Ralph Cohn reported on the matter of an alternate road, into and out of the Nye Hill Project and Olean Road, to be used only at such times as conditions were too hazardous for the safe negotiation of the existing grade. This alternate road would be put through on a temporary easement.

Mr. Shed moved that the amendment to the street plat of the Nye Hill Development, as submitted and referred to the Planning Commission, be approved as incorporating therein the recommendations of the Planning Commission that

(1) Access to Olean Street be provided on a temporary basis. The easement so provided to Olean Street be granted the Village and satisfactory roadway constructed in which case the easement will be discon-

tinued at a time when Parker Court can be extended and a satisfactory outlet to the North be provided with no greater than a 5% gradient.
(2) A satisfactory turn-around must be provided at the North End of Cain Court. This turn-around to be paved to a width of eighty feet.

and further provided that the road on temporary easement be built to minimum village specifications - - - seconded by Mr Booth - - - carried.

TO:

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA:

The undersigned, RALPH D. COHN, hereby offers to dedicate the proposed Streets of Nye Hill Road, Cain Court and Parker Court as shown on a sketch of Nye Hill Subdivision, prepared by Ralph D. Cohn, on September, 5, 1956, to the VILLAGE of EAST AURORA for the purpose of the Village extending its sanitary sewer and water mains to service the lots shown on the attached subdivision map, and Ralph D. Cohn furthermore agrees as follows:

1. Furnish the Village with a final plan of aforesaid streets showing the sanitary sewer, storm sewer, water mains, and location of the paved streets, which meets with the approval of the New York State Health Department, Erie County Health Department and the Village Engineer.

2. Dedicate said streets to the Village by executing and delivering to the Village Attorney a proper conveyance of Title in fee to said streets, together with a title report of the Abstract and Title Insurance Corporation showing grantor to be the record owner.

3. Execute and deliver to the Village a proper easement for sewer and water mains and for all drainage ditches which shall be indicated on the final plan of said streets and the property thru which it runs.

4. Enter into a separate agreement with the Village restricting dwellings to single family residences and further restricting the residences to houses of at least 1100 square feet floor area if a single story House, and at least 1440 square feet if more than a single story house, excluding porches,

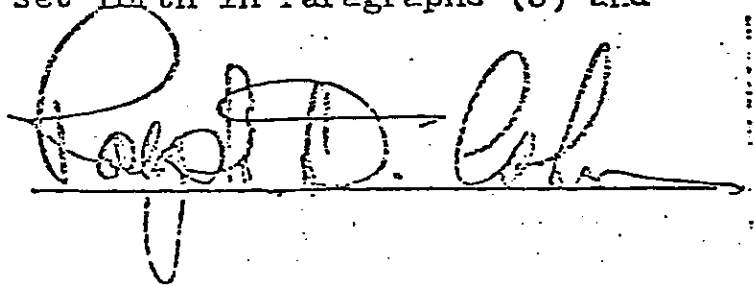
patios, breezeways, garages, and other areas outside the area of the house.

All houses are to be located a distance of at least 20% of lot depth but not less than 25 feet from the street line and 8 feet from the side lot lines, it being understood that no two principal buildings shall be constructed within 20 feet of one another.

5. Enter into an agreement with the Village whereby the petitioner agrees to install the storm sewer and pave the street to a width of 20 feet, in accordance with the specifications of the Village Engineer.

6. Enter into an agreement with the Village to tile such drainage ditches as may be indicated on the final plan of said Subdivision Map in accordance with the specifications of the Village Engineer.

7. Post a bond with the Village in the amount of \$25,000.00 or the contract price to complete all the improvements necessary as shown on the final plan, to guarantee performance of the agreements set forth in Paragraphs (5) and (6) above.



Dated: October 15, 1956.

The Village Board of Trustees received an information memorandum from the Village Attorney outlining the legal effect of a resolution adopted by the Village Board of Trustees of the Village of East Aurora on November 19, 1956 accepting the offer of Ralph D. Cohn, developer, dated October 15, 1956, which resolution was published in the official Village newspaper by notice of adoption dated November 20, 1956. The Village Board of Trustees had formerly received a report from the Village Attorney as to the legal effect of a contract dated September 14, 1959 between Ralph D. Cohn, developer, and the Village of East Aurora as per resolution adopted by the Village Board of Trustees on September 14, 1959. The 1956 contract pertained to the so-called Nye Hill Development and the 1959 contract pertained to a portion of Martin Drive in the so-called Willowdale Development. Upon motion of Trustee Raymond A. Smith, seconded by Trustee Phyllis W. McLeod and duly unanimously adopted, the said information memorandum of the Village Attorney was received and filed and the Board recognized the continuing legal effect of the contracts of November 19, 1956 and September 14, 1959 respectively.

July 20, 1981
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III. Sidewalk Regulations

Mayor Eyres directed that the following excerpt from the 1968 Board Minutes be included here in an effort to clarify the Village's position regarding sidewalks.

East Aurora, New York

March 18, 1968

WHEREAS, it now seems prudent to formulate a more complete and amended policy relating to the construction of sidewalks and to the method or methods of allocating charges for such construction to supersede the policy contained in a resolution of this Board heretofore enacted on May 3, 1954.

NOW, THEREFORE, BE IT RESOLVED:

1. That where sidewalks do not exist, and where, in the opinion of the Village Board, it is desirable that they be constructed, the costs of their installation shall be levied wholly against the abutting properties.
2. That where sidewalks are associated with a street that is properly paved, curbed and drained, and where the sidewalks are in such physical condition that their replacement is deemed necessary, then their installations cost shall be levied in part against the abutting property and in part against the general tax base, in proportions to be recommended by the Board, with corresponding property assessments to be levied following a public hearing thereon.
3. That when, in the rebuilding of a street it becomes necessary for reasons of engineering practicality and to achieve proper grades and drainage, it is deemed advisable to reconstruct sidewalks in whole or in part, the following shall prevail:
 - (a) When the sidewalks in question shall have been found to be in such physical condition that their replacement has been deemed necessary, then the allocation of costs shall be as in (2) above.
 - (b) When the sidewalks in question shall have been found to be in such physical condition that they would not have required replacement except to satisfy the engineering requirements of the rebuilt street, then the cost of their installation shall be borne wholly by the general tax base.
 - (c) The principles of (3-b) above shall apply to existing curbing as well.
4. Sidewalks shall be 4 feet wide, and shall be of concrete and shall be laid to a thickness of 4 inches, except that the required thickness shall be 6 inches across driveways. The sidewalks shall be set level from side to side and shall be set to a grade line to be established by the Village Engineer. All sidewalks shall be constructed in a good workmanlike manner and shall be of standard quality and free from defects. The concrete shall be 28 day test, 3000 lbs. per square inch of concrete.
5. Under any circumstances, when sidewalks are required to be constructed under paragraphs (1), (2), (3a), or (3b) above, in front of and along the side of properties located on a corner, the Village will construct at general Village expense sixty (60) lineal feet of sidewalk adjoining such corner property, and will construct extensions of such sidewalks from the street right-of-way line to the street curb or gutter line at general Village expense.
6. Whenever all or any part of the expense of the construction or repair of sidewalks is allocated to the owner or occupant of adjoining land, due notice of the requirements to construct or repair sidewalks and due notice of all assessment proceedings shall be given and served upon the owners or occupants of adjoining lands as required by the Village Law. (Section 161 & 168, etc.)
7. Assessments to be made in accordance with the provisions of the preceding paragraph shall be made, levied and collected as provided in Article 6 of the Village Law.

IV. Garage Sales

Mayor Eyres noted that this item was discussed at the last Board meeting in the vain that there was some abuses of garage sales being perpetrated by commercially minded people in and about the Village.

Thus, in the attempt not to bind garage sales in a maze of restrictive legislation the Board asked the staff to prepare the following guidelines for citizens and asked the Building Inspector to continue to informally monitor this activity.

MEMORANDUM:

TO: Mayor Lawrence E. Eyres &
Village Board of Trustees

FROM: Building Inspector Carlton C. Colby

RE: Garage Sales - Do's & Don'ts

DATE: July 15, 1981

The present Village Code regulation, Chapter 48, Business Control and Licenses, could be interpreted to apply to garage sale, lawn sale, etc. type disposal of goods.

Section 48:2 excludes from license requirements a person who sells the contents of his residence at public auction or merchants who after being in business six (6) months may liquidate his business.

Section 48:4; All persons engaged in bartering, selling, wares and merchandise or other personal property shall procure a license to do so from the Mayor.

NOTE: Section 48:4 appears the most directly related. However, to my knowledge, it has not been enforced for "garage sale" activities.

Section 95:15(7)(e); provides as accessory use, that such use does not include any activity commonly conducted for gain.

Second hand business, retail, first appears as a permitted use in the CM Zoning District, Re: Section 93:20.

To date, the above have been used to control weekly or monthly sales at the same location.

Section 77; Signs

Section 77:2; Permit required.

Section 77:5; Sign in R District, 2 square feet area with no lettering except the name of the resident and to identify a permitted use, located at one-half ($\frac{1}{2}$) the required set back.

Section 77:7(A); no notice shall be posted on public property within the Village of East Aurora.

The following items are taken from legislation of other municipalities.

DO'S

Sale to be resident's personal property owned for at least six (6) months.

Sign placed on sale site only, sign up to three (3) square feet.

Notification of authorities as to date, time and place, especially if above normal traffic expected.

Have adult management of sale, "Responsible Person"

Sale for three (3) consecutive days, one rain date allowed if bad weather.

One such sale per year.

Permit or license for sale required, permit fee charged per day from \$2.00 to \$10.00.

DON'TS

Signs on telephone poles or public property prohibited.

No merchandise to be sold on consignment.

No refreshments to be provided or sold.

No more than one sale per twelve (12) months.

Do not have sale on Sundays, Holidays, evenings or nights.

No sound system or public address system to be used.

Do not have anything that would impede the passage of vehicular or pedestrian traffic.

It is suggested that if regulations are perfected that they apply to all Village properties equally. Zoning classification should not be a factor, thereby eliminating discrimination. Also an enforcement authority should be designated.

Thus the Board agreed not to formally adopt these suggestions but to allow the people to monitor themselves using these suggestions strictly as guidelines.

V. Rezoning - Set Public Hearing to Rezone Industrial Lands South of Oakwood Avenue, West of Railroad

MEMORANDUM

TO: Village Board of Trustees

RE: Proposed change of zoning classification of Oakwood Square area

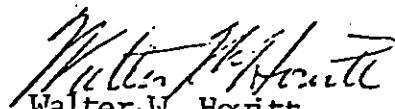
FROM: Village Attorney Walter W. Howitt and Village Building Inspector Carlton C. Colby

DATE: July 16, 1981

1. Per request of your Board, the following have been prepared:

- A. Proposed 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 of Oakwood Square, the telephone building and the Fire Department building area located south of Oakwood Avenue and east of the Consolidated Rail Corp. from the present M-I Industrial District zoning classification and R - Single Family Residence District zoning classification to the C - Business District zoning classification pursuant to Section 93-60 of the Code of the Village of East Aurora.

- B. Proposed 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 of seven (7) lots situated on the east side of King Street and the north side of Persons Street, known as Tax Parcels 204-318-100 through 204-318-700, from the present M-I Industrial District zoning classification to the R-G General Residence District zoning classification pursuant to Section 93-60 of the Code of the Village of East Aurora.
- C. Map of the Oakwood Square area south of Oakwood Avenue, and north of Persons Street, together with overlays showing the present zoning classification and proposed new classifications of the area.


Walter W. Howitt
Village Attorney

Respectfully,


Carlton C. Colby
Village Building Inspector

Trustee Smith moved to hold the required public hearing on the consideration of the referenced local law on August 17, 1981 and to refer this matter to the Village Planning Commission for their recommendations.

With a second by Trustee Thompson a unanimous vote carried the motion.

VI. Zoning - Set Public Hearing to Amend Zoning Law Regarding Adult Uses.

TO: Village Board of Trustees

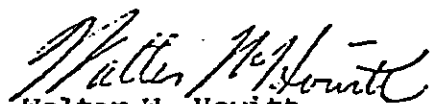
RE: Proposed Local Law to amend Chapter 93 of the Code of the Village of East Aurora, entitled "Zoning" by adding a new Article V-A thereto entitled "Adult Uses"

FROM: Village Attorney Walter W. Howitt

DATE: July 16, 1981

1. Per request of your Board of Trustees, there is attached hereto a draft of a proposed Local Law to amend Chapter 93 of the Code of the Village of East Aurora, entitled "Zoning" by adding a new Article V-A thereto entitled "Adult Uses".
2. A draft of the proposed Local Law attached hereto was distributed to your Board earlier and on or about June 16, 1981.

Respectfully,


Walter W. Howitt
Village Attorney

Trustee Pagliaccio moved to hold the required public hearing on the consideration of the referenced local law on August 17, 1981 and to refer this matter to the Village Planning Commission for their recommendation.

July 20, 1981
Page 16

With a second by Trustee Suttell, a unanimous vote carried the motion.

VII. Fire Department - Request for Sign Permit - Ox Roast

TO: Mayor Lawrence E. Eyres and Village Board of Trustees
FROM: Carlton C. Colby, Building Inspector
RE: Request for Sign Permit
DATE: July 15, 1981

Mr. Lawrence T. Howe, General Chairman of the Ox Roast to be held by the East Aurora Volunteer Firemen, Labor Day, 1981, has submitted application for permits to allow the placement of signs advertising this event.

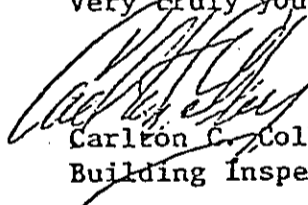
The applicant requests permission to place Post Supported Signs within the rights of way at all Main Roads, entrances to the Village.

The applicant also requests permission to place directional advertisement signboards at key intersections in the Village the day of the event so as to direct the public to Firemen's Field where the activity will be conducted.

This matter is referred to the Village Board of Trustees for action as required by Chapter 77, Section 77-7A & C of the Village Code. Copies of the application are on file in the Building Inspector's Office for your inspection if you so desire, and will be available at the Board Meeting when action is taken.

Please feel free to contact the undersigned, if there are any questions regarding this matter.

Very truly yours,


Carlton C. Colby
Building Inspector

Trustee Smith moved the approval of the above referenced request. A second by Trustee Sleeper brought a unanimous vote to carry the motion.

VIII. 784 Main Street - Petition to Rezone

JENSEN, HALL, RICKETTS & MARKY

ATTORNEYS AND COUNSELORS AT LAW

634 MAIN STREET

EAST AURORA, N. Y. 14032

716-852-0829

KENNETH H. HALL
JAY W. RICKETTS*
DOUGLAS W. MARKY

FREDERICK C. JENSEN
COUNSEL

*ALSO ADMITTED IN FLORIDA

July 14, 1981

VILLAGE OF EAST AURORA
RECEIVED

JUL 16 1981

ADMINISTRATOR'S OFFICE

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

PER _____

RE: Petition of Thomas E. Wood and Evelyn C. Wood
to amend the Zoning Map of the Village of East
Aurora

Gentlemen:

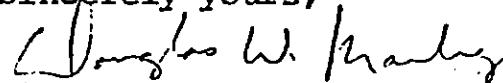
Please be advised that this office represents the above-noted petitioners who wish to have the Zoning Map of the Village of East Aurora amended to allow the subject premises at 784 Main Street to be used as described in the enclosed Petition, and including approval of the site plan and preliminary floor plans and elevations.

On behalf of the petitioners, I request that the Board set a public hearing in regard to this Petition. Please find enclosed the Petition and a portion of the Developmental Plan in triplicate, as indicated below, along with our check No. 1033, in the required amount of \$50.00 to be applied to the payment of a \$15.00 filing fee to the Village and the balance for publication costs and notices.

You are already in receipt of various items which we originally forwarded to you with our original Petition dated May 19, 1981. Those items included photographs of the buildings at 784 Main Street, and a sketch of the existing floor plans of the main building at 784 Main Street. We request that those items also be considered as part of the Developmental Plan in regard to this Petition.

Thank you for your kind attention to this matter.

Sincerely yours,


DOUGLAS W. MARKY

DWM/kcl
Enclosures

cc/ Walter W. Howitt, Esq.
cc/ Mr. Carlton Colby

Trustee Marshall moved to set the required public hearing on this matter for August 17, 1981 and refer it to the Village Planning Commission for their recommendations.

A second from Trustee Suttell brought a unanimous vote to carry the motion.

IX. Minutes of Prior Meetings

Trustee Smith moved the approval of the Minutes of the June 22, 1981 meeting as submitted. A second by Trustee Pagliacci brought a unanimous vote to carry the motion.

X. Audit of Bills

Deputy Mayor Pagliaccio moved that the bills as audited by the Mayor and Trustees this date be approved and ordered paid. A second by Trustee Marshall and a unanimous vote carried the motion.

XI. Comments from the Floor

John Dickson of 48 Fairlawn Drive asked if the Planning Commission did an environmental impact study, as they referred to concerning the clam stand, on the last six new businesses that came to the Village.

Mr. Keller, Planning Commission Chairman, replied that this was done on all referrals of this nature that come to the Commission.

XII. Reports from Staff

Superintendent of Public Works Lang reported that the new tractor-backhoe had been received.

Mayor Eyres asked Clerk-Treasurer Zittel to be sure to file the application for the State Grant for the operation and maintenance of the sewer treatment plant before the deadline of July 31, 1981.

XIII. Items from Board Members

Trustee Smith asked that the expiration date on the permit to open a restaurant at the railroad station checked.

Mayor Eyres appointed Deputy Mayor Pagliaccio, as Chairman, Trustees Sleeper and Smith to a committee to negotiate the various services contracts between the Village and the Town of Aurora.

XIV. Motion to Adjourn

At 9:55 p.m. Trustee Smith moved for adjournment. A second by Trustee Thompson and a unanimous vote carried the motion.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

Village of East Aurora
 Minutes of the Regular Meeting of the
 Board of Trustees
 August 3, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 p.m.

Roll Call: Present: Mayor Eyres, Trustees Suttell, Marshall, Smith,
 Pagliaccio, Sleeper, Thompson

Staff Present: Clerk-Treasurer Zittel
 Village Attorney Howitt
 Police Chief Smallback
 Building Inspector Colby
 Superintendent of Public Works Lang

I. Conditional Gift - 1939 Fire Vehicle

128 Olean Road
 East Aurora, New York 14052

August 3, 1981

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

Re: Conditional gift of 1939 American La France Fire Truck,
 I.D. L470, for use by East Aurora Fire Department from
 August 3, 1981 through September 15, 1981

Dear Sirs:

As owner of the 1939 American La France Fire Truck, I.D. L470,
 formerly owned by the Village of East Aurora, I hereby make the following
 conditional gift of the said fire truck to the Village of East Aurora:

1. The gift is title to and use of the said 1939 American La France Fire Truck, I.D. L470;
2. The term of the gift is from August 3, 1981 through September 15, 1981;
3. A condition of the gift is that the said fire truck be fully covered by insurance by the Village of East Aurora during the term of the gift;
4. A further condition of the gift is that the said fire truck be used by the Village of East Aurora Fire Department for parade and demonstration purposes during the term of the gift;
5. A further condition of the said gift is that the said fire truck be garaged and maintained by the Village of East Aurora during the term of the gift; and
6. A further condition of this gift is that title to the said fire truck be delivered back to me by appropriate Bill of Sale on or about September 15, 1981, at the end of the term of this conditional gift.

If this conditional gift is accepted by your Board of Trustees, I would be pleased to execute and deliver to you a proper Bill of Sale conveying title to the same in accordance with the terms of this conditional gift offer.

Very truly yours,

Glenn Griveas

Glenn Griveas

August 3, 1981
Page 2

TO: Mayor Lawrence E. Eyres and East Aurora Fire Chief Richard Bamberg
RE: Transfer of (insurable) title of firefighting vehicle (non-functioning)
to Village of East Aurora by gift
FROM: Village Attorney Walter W. Howitt
DATE: July 23, 1981

1. A Village has general power pursuant to Section 1-102 of the Village Law to take by gift and hold personal property, absolutely or in trust for any purposes of the corporation or for any public use upon terms or conditions as may be prescribed by the donor and accepted by the Village and to provide for the proper administration of the same. (Paragraph 2 of Section 1-102)

The State Comptroller in 30 Op. State Compt. 45, 1974 has held that a Village Board of Trustees is authorized to accept donations from private persons to be used upon the terms and conditions prescribed by the donor.

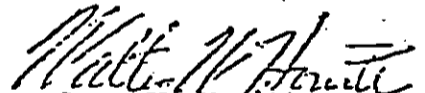
2. Accordingly, the owner of the retired firefighting vehicle may donate the vehicle to the Village of East Aurora as a gift for a prescribed period of time upon terms and conditions which could provide that:

- (a) The vehicle be used by the Village Fire Department for parade and demonstration purposes;
- (b) Be insured by the Village of East Aurora; and
- (c) Be garaged at a place designated by the donor when not in use by the Village and/or Village Fire Department.

The conditional gift should be tendered by the owner in writing.

3. By acceptance of the conditional gift by the Village Board of Trustees with the agreement of the Village Fire Department to use the gift in accordance with the terms and conditions of the gift, title to the vehicle may be transferred to the Village of East Aurora for the period prescribed in the conditional offer. Upon transfer of title, the vehicle may be covered by the Village automobile insurance policy.

Respectfully,


Walter W. Howitt
Village Attorney

Upon brief discussion and the advice of the above memorandum from the Village Attorney, Trustee Smith moved to accept the conditional gift and to provide the necessary insurance to allow the Fire Department to use the vehicle. With a second by Trustee Suttell the motion carried by unanimous vote.

II. Elm/Persons Paving and Drainage Project - Change Order #3

July 17, 1981

Mr. Roy Lang
Superintendent of Public Works
571 Main Street
East Aurora, New York 14052

Re: Paving and Drainage
Elm-Persons Streets

Dear Roy

Enclosed is the following:

1. Estimate No. 3 and Final in favor of Joseph J. Kelly Blacktop, Inc. in the amount of \$8,201.34.

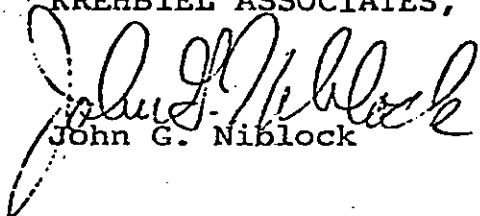
2. Change Order No. 3 which brings the bid quantities in conformance with the installed quantities.

We have reviewed the Estimate No. 3 and Change Order No. 3, find them satisfactory and recommend payment to the contractor. We also recommend acceptance of the contract contingent on review of the project before the maintenance bond expires.

Kindly contact this office if there are any questions regarding the above.

Very truly yours

KREHBIEL ASSOCIATES, INC.


John G. Niblock

JGN/ef/80K79

Enclosures

cc: Village of East Aurora

Mayor Eyres explained that this item was the final step in the completion of this project. He also mentioned that this change order and approval of the completed project is recommended by both the Superintendent of Public Works and the Village Engineer.

Thus, Trustee Pagliaccio moved to approve the change order and the completion of the project as recommended. With Trustee Marshall providing a second the motion carried by unanimous vote.

III. Minutes of Prior Meetings

Trustee Pagliaccio moved to approve the minutes of the July 6, 1981 meeting as submitted. On a second by Trustee Marshall the motion carried by unanimous vote.

IV. Audit of Bills

Deputy Mayor Pagliaccio moved that the bills as audited this date by the Mayor and Trustees be approved and ordered paid. Upon a second by Trustee Smith a unanimous vote carried the motion.

V. Comments from the Floor

Jim Berg of the Chamber of Commerce asked for a status report on the sign ordinance review and the sidewalk renovation questions.

Trustee Thompson reported that the sign ordinance review committee was ready to offer their findings and recommendations at the next Board work session.

Mayor Eyres offered that he would address the sidewalk question later in this meeting.

August 3, 1981
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VI. Reports from Staff

Police Chief Smallback reported that the annual Racing Day celebration was successful again this year.

Superintendent of Public Works Lang reported that he has taken delivery of two new van trucks previously authorized and bid for his department.

Clerk-Treasurer Zittel reported that the application for a State grant for the operation and maintenance of the Sewage Treatment Plant was completed and received by the State prior to the July 31 deadline. Also that he had completed the RS-8 Federal Revenue Sharing application and anticipated receiving the funds as indicated in the budget.

Village Attorney Howitt reported that he had received information of a State Law being adopted to indemnify public personnel from personal liability for their actions while serving in their official capacities.

As this very item is currently being researched by the Board, Mayor Eyres suggested that this item be added to this agenda.

VI.A. Public Officials and Employees Liability

Upon a motion by Trustee Sleeper, a second by Trustee Marshall, and a unanimous vote in favor this item was added to this agenda.

Village Attorney Howitt then read an excerpt of Governor Carey's message explaining this consideration. In part this excerpt stated that, "The purpose of this bill is to...confer solely at local option uniform defense and indemnification protection upon all public employees...as to claims arising out of their public employment or duties."

Upon further discussion and the fact that the following resolution would augment the Public Officials and Employees Liability Insurance which the Village is currently pursuing, Trustee Smith moved the adoption of the following resolution:

RESOLUTION

"Pursuant to the provisions of section 18 of the Public Officers Law, the governing body of the city (village) of _____ hereby agrees to be held liable for costs incurred under the provisions of such section, by conferring upon the officers and employees of such city (village) the benefits of section 18 of such law."

With a second by Trustee Sleeper the motion carried by unanimous vote including Mayor Eyres.

VII. Items from Board Members

Trustee Marshall mentioned that pursuant to the request from the Fire Department for a sprinkler system for the Fire Hall that he would like the firemen to research the various fire suppression systems available and to report back.

Trustee Marshall also reported that the proposals from the Cable TV Committee were completed and would be submitted to the legislators in the near future.

Deputy Mayor Pagliaccio offered that his committee would be opening negotiations with the Town over the intergovernmental services contracts this week.

Mayor Eyres noted the mapping, cost estimating, and financing plan that he, the superintendent of public works and the engineer have produced for renovation of the Main Street business district

August 3, 1981
Page 5

sidewalks. He then offered that this meeting be recessed to next Monday, August 10 to facilitate the formal presentation of this action plan to the public. The timing of this plan, if accepted, is to complete the project next month (September 1981).

Mayor Eyres also asked the Board to consider the following items as to whether they wish to take action on them or continue the research. These items include laws on arcades, topsoil stripping truck weight limits on various streets, water services, subdivision regulation changes, and demolition permits.

VIII. Motion to Adjourn

Pursuant to Mayor Eyres comments on the sidewalk plan, he entertained for a motion to recess.

Trustee Thompson moved to recess tonight's meeting to August 10th. Upon a second by Trustee Smith the motion carried by unanimous vote.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

Village of East Aurora

Minutes of the Recessed (from August 3, 1981) Meeting of the
Board of Trustees

August 10, 1981

- Call to Order and Pledge of Allegiance to the Flag at 8:00 p.m.

Roll Call: Present - Mayor Eyres, Trustees Thompson, Sleeper,
Marshall, Pagliaccio

Absent - Trustees Smith and Suttell

Staff Present - Clerk-Treasurer Zittel
Village Attorney Howitt
Police Chief Smallback
Supt. of Public Works Lang
Building Inspector Colby
Village Engineer LatonaSidewalk Renovation - Easterly Main Street Business District

Mayor Eyres brought this item onto this agenda by noting that the renovation of the "uptown" business district sidewalks had been an item of concern for approximately ten years. Now, with the current allocation of funds to this project, he wished to present a plan to accomplish the much discussed renovation.

Thus with seventeen of the concerned and effected property owners present, Mayor Eyres presented and elaborated on the following plan.

MEMO FROM MAYOR LARRY EYRESPROPOSED EAST MAIN STREET SIDEWALK PROGRAM

AREA: MAIN STREET (SOUTH SIDE) FROM ELM STREET TO OLEAN STREET
MAIN STREET (NORTH SIDE) FROM RILEY STREET TO PINE STREET

VILLAGE PORTION OF COSTS:

SIDEWALKS IN RIGHT-OF-WAY AND INTERSECTIONS	\$ 37,209.00
CURBS - (GRANITE)	44,956.00
	<u>\$ 82,159.00</u>

OR

SIDEWALKS IN RIGHT-OF-WAY AND INTERSECTIONS	\$ 37,209.00
CURBS - (CONCRETE)	26,970.00
	<u>\$ 64,179.00</u>

PROPERTY OWNERS PORTION OF COSTS:

SIDEWALKS BETWEEN RIGHT-OF-WAY AND BUILDINGS	\$ 61,161.00
--	--------------

NOTE THESE ARE ESTIMATES - NOT FIRM FIGURES (ABOVE)

VILLAGE HAS FOLLOWING FUNDS AVAILABLE NOW:

FEDERAL REVENUE SHARING FUNDS BUDGETED	\$ 36,000.00
UNUSED FED. REV. SHARING FUNDS - BACKLOG	12,000.00
BALANCE IN SIDEWALKS CAPITAL PROJECTS FUND	8,000.00
TOTAL	<u>\$ 56,000.00</u>

PROPOSED SCHEDULE

1. RECESS THIS MTG. (AUG. 3, 1981) RECONVENE AUG. 10, 1981
2. INVITE ALL PROPERTY OWNERS AND BUSINESS PEOPLE FROM EAST MAIN STREET TO AUGUST 10, 1981 MEETING.
3. IF IT IS THE WILL OF THE MAJORITY OF THE BOARD, AFTER THE MATTER IS DISCUSSED ON AUGUST 10, 1981:
 - (a) TAKE NECESSARY LEGAL STEPS REGARDING SPECIAL ASSESSMENT AND FINANCING
 - (b) AUTHORIZE ADVERTISING FOR BIDS TO BE OPENED AUGUST 20, 1981
 - (c) AWARD CONTRACT ON AUGUST 24TH, RECESS PORTION OF AUGUST 17TH MTG.
4. CONTRACT DOCUMENT TO STIPULATE ALL WORK COMPLETED BY SEPTEMBER 30, 1981

Larry Egan

8-3-81

Mayor Eyres proposed that to protect the aesthetics of and to efficiently run the project, the project must be done completely rather than in a spotty fashion. He also added that the Village could legally pay for the work from the curb face to approximately seven (7) feet toward the store fronts. The balance would be a special assessment cost to the property owners and work could only proceed in the privately owned areas after temporary easements were granted.

Upon noting the optional five or ten year financing plans available, and inviting the property owners present to communicate the benefits of the project to those not in attendance, Mayor Eyres opened the discussion to the public.

The ensuing discussion covered such items as follows:

1. timing the construction after the pre-Labor Day shopping rush.
2. safety during construction would warrant some store close-down time; this would be minimized
3. there would be provisions for undersidewalk drainage
4. the trees would be provided openings
5. the surface treatment was undetermined at this time
6. both sides of the street would be done concurrently
7. the concrete would be steel reinforced
8. all present sidewalk would be replaced
9. the project would be done complete or the Village would not participate
10. the Spring of '82 would be the best time
11. the commitment to do the project must be "locked in" immediately
12. alternative materials to concrete will be investigated
13. it appeared that more people preferred the ten(10) year financing.

August 10, 1981

Mr. James Berg, Executive Director
Greater East Aurora Chamber of Commerce
70 Church Street
East Aurora, New York 14052

Dear Jim:

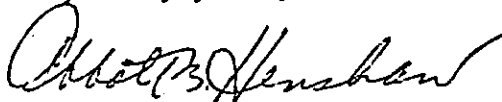
In accordance with our phone conversation the other day, I am sending you these notes as to my feeling on the sidewalk proposal:

- a. I concur completely with the idea of fixing up or renovating the sidewalks and curbs on both sides of Main Street between Elm/Riley and Olean/Pine. This certainly is in line with the other improvements that the individual shop owners/property owners are involved in and adds to the renewal spirit prevalent.
- b. Financing - offer three options for payment: lump sum; five-year payment; ten-year payment. Additionally, I would hope that privilege of prepayment be provided for those that choose either the five-year or ten-year plan.
- c. 1. Delay start until Spring. New concrete or masonry ought to have a fair chance to cure completely. With impending winter weather, fewer people will be walking or biking and walks will be snowed over, plowed, chemicals added for ice removal, etc. It would be Spring before the pedestrians would derive any real benefit through use or esthetics.

Majority
would
delay
until Spring

2. Added time would permit investigation of alternatives to the very common and drab concrete slab. Perhaps some research into other materials or patterns could be done, including cost comparisons. At least it would permit consideration of some alternatives. Why not something esthetically pleasing and different from the usual - also in keeping with the renewal spirit.
- d. I do not accept any premise that if not done now it can't be done next Spring. Funds can be encumbered and other methods used to commit and set aside the funds. I am well aware that delay implies higher costs but this can be somewhat offset by early Spring bidding and the benefits of a more carefully considered plan can compensate for a hastily put together plan.

Very truly yours,


Abbott B. Henshaw, President
East Aurora Hardware Store

lr

Thus, Deputy Mayor Pagliaccio thanked the attendees for the above valuable input.

Other considerations were that the efficiency of the present street lighting should be reviewed. Mayor Eyres suggested that the businessmen attend Board meetings to keep the Board informed of needs and concerns.

At 9:02 p.m. Mayor Eyres asked the Board to go into executive session. At 9:10 p.m. the Board returned from executive session.

Request of Police Chief to Attend Association Meeting

Upon request from Mayor Eyres, Trustee Thompson moved to add this item to the agenda. A second by Trustee Pagliaccio and a unanimous vote carried the motion.

Trustee Pagliaccio moved to authorize the attendance of Police Chief Smallback at the International Association of Chiefs of Police meeting to be held September 26 - October 1, 1981 in New Orleans, Louisiana and that expenses for attendance and travel, limited to the furthest point in New York State, and means of travel covered by Village insurance, be reimbursed under Section 77b of the General Municipal Law. A second by Trustee Thompson and a unanimous vote carried the motion.

Motion to Adjourn

At 9:15 p.m. Trustee Pagliaccio moved, Trustee Marshall seconded and a unanimous vote adjourned the meeting.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

VILLAGE OF EAST AURORA

Minutes of the Regular Meeting of the
Board of Trustees

August 17, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 p.m.

Roll Call: Present - Mayor Eyres, Trustees Smith, Thompson, Sleeper,
Marshall, Pagliaccio

Absent - Trustee Suttell

Staff Present - Village Clerk-Treasurer Zittel
Village Attorney Howitt
Building Inspector Colby
Supt. of Public Works Lang
Planning Commission Chairman Keller

- I. Rezoning of 7 Lots on King and Persons Streets from M-I to R-G.
(Local Law #4-1981) Public Hearing

LOCAL LAW NO. 4 1981

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 OF SEVEN (7) LOTS SITUATED ON THE EAST SIDE OF KING STREET AND THE NORTH SIDE OF PERSONS STREET, KNOWN AS TAX PARCELS 204-318-100 THROUGH 204-318-700, FROM THE PRESENT M-I INDUSTRIAL DISTRICT ZONING CLASSIFICATION TO THE R - G GENERAL RESIDENCE DISTRICT ZONING CLASSIFICATION PURSUANT TO SECTION 93-60 OF THE CODE OF THE VILLAGE OF EAST AURORA.

BE IT ENACTED by the Village Board of Trustees of the Village of East Aurora, New York, 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-G General Residence District zoning classification of the Village of East Aurora.

The area bounded on the west by the center line of King Street between the north line of Tax Parcel 204-318-700 extended westerly and the center line of Persons Street; bounded on the south by the center line of Persons Street between the center line of King Street and the east line of Tax Parcel 204-318-500 extended southerly; bounded on the east by the east bounds of Tax Parcel 204-318-500 extended southerly and the east bounds of Tax Parcels 204-318-200, 204-318-600 and 204-318-700; and bounded on the north by the north bounds of Tax Parcels 204-318-500, 204-318-400, the easterly portion of the north bounds of Tax Parcel 204-318-300 and the north bounds of Tax Parcel 204-318-700 extended westerly to the center line of King Street.

2. The zoning classification of the premises described in paragraph 1. of this Local Law is hereby changed from the M-I Industrial District zoning classification to the R - G General Residence District zoning classification.

3. The "Zoning Map of the Village of East Aurora", which is part of Chapter 93 of the Code of the Village of East Aurora is hereby amended to include the premises described in paragraph 1. of this Local Law in the R-G General Residence District zoning classification of the Village of East Aurora.
4. This Local Law shall take effect immediately.

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



Van J. Zittel
Village Clerk-Treasurer

At 8:02 p.m. Mayor Eyres opened the public portion of the hearing with the reading of the published public notice by the Clerk.

Upon calling for comment from the public present, and hearing none, Mayor Eyres recognized Jack Keller, Chairman of the Village Planning Commission to read the following memorandum.

TO: The Honorable Mayor Lawrence E. Eyres &
The Village Board of Trustees

FROM: John J. Keller, Chairman, East Aurora Planning Commission

RE: Proposed zoning classification changes for selected Oakwood Avenue properties and seven parcels along King Street and Persons Street

DATE: August 11, 1981

At a special meeting held on Wednesday, August 5, 1981 the Planning Commission reviewed the Board of Trustees proposal to rezone selected properties on Oakwood Avenue from "M-I" (Industrial) to "C" (Business), pursuant to Section 93:60 of the Village Code.

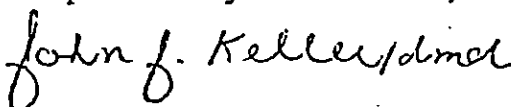
The Planning Commission also reviewed the Board of Trustees proposal to rezone seven (7) lots situated on the east side of King Street and the north side of Persons Street from the present "M-I" classification to "R-G".

After discussions and careful review, the Planning Commission concludes that the proposed zoning classification changes will:

- 1) more accurately reflect the present uses of the parcels;
- 2) be in harmony with the general plan for the Village of East Aurora;
- 3) create no adverse environmental conditions as a result of the rezoning.

Therefore, by a vote of four in favor, none opposed, the Village of East Aurora Planning Commission recommends approval of the proposed zoning changes.

Respectfully submitted,



John J. Keller, Chairman
East Aurora Planning Commission

August 17, 1981

Page 3

Calling for and receiving no public comment, Mayor Eyres closed the public portion of this hearing at 8:05 p.m. and referred the matter to the Board.

Trustee Smith moved the approval of the above Local Law based on findings of items #1, 2, & 3 in the above memorandum from the Planning Commission and adding finding #4 as the fact that the Planning Commission has unanimously recommended the approval of this action.

A second by Trustee Pagliaccio and brief discussion indicating that no communications of opinion had been received by the clerk and that Erie County indicated no objection to the proposal, brought 6 affirmative votes to unanimously carry the motion.

II. Rezoning of Oakwood Square, Telephone Building, and Fire Hall on Oakwood Avenue from M-I to C - Public Hearing

LOCAL LAW NO. 5 1981

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 OF OAKWOOD SQUARE, THE TELEPHONE BUILDING, AND THE FIRE DEPARTMENT BUILDING AREA LOCATED SOUTH OF OAKWOOD AVENUE AND EAST OF THE CONSOLIDATED RAIL CORP. FROM THE PRESENT M-I INDUSTRIAL DISTRICT ZONING CLASSIFICATION AND R-SINGLE FAMILY RESIDENCE DISTRICT ZONING CLASSIFICATION TO THE C - BUSINESS DISTRICT ZONING CLASSIFICATION PURSUANT TO SECTION 93-60 OF THE CODE OF THE VILLAGE OF EAST AURORA.

BE IT ENACTED by the Village Board of Trustees of the Village of East Aurora, New York, 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 C - Business District zoning classification of the Village of East Aurora:

The area bounded on the north by the center line of Oakwood Avenue between the lands of the Consolidated Rail Corp. on the east and the west line of lands owned by the Village of East Aurora and used for Fire Department purposes on the west; bounded on the east by the lands of the Consolidated Rail Corp. between the center line of Oakwood Avenue and the south boundary line of Tax Parcel 204-14 extended easterly; bounded on the south by the south bounds of said Tax Parcel 204-14 as thus extended easterly between the lands of the Consolidated Rail Corp. and the center line of King Street, and the south bounds of Tax Parcels 204-13 and 204-12 between the center line of King Street and the southeast corner of Tax Parcel 204-12; and bounded on the west by the west bounds of Tax Parcel 204-12 between the southwest corner of Tax Parcel 204-12 and the center line of Oakwood Avenue.

2. The zoning classification of the premises described in paragraph 1. of this Local Law is hereby changed from the M-I Industrial District zoning classification and R - Single Family Residence District zoning classification to the C - Business District zoning classification.

3. The "Zoning Map of the Village of East Aurora", which is part of Chapter 93 of the Code of the Village of East Aurora is hereby amended to include the premises described in paragraph 1. of this Local Law in the C - Business District zoning classification of the Village of East Aurora.
4. This Local Law shall take effect immediately.

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



Van J. Zittel
Village Clerk-Treasurer

At 8:08 p.m. Mayor Eyres opened the public portion of the hearing with the reading of the published public notice by the clerk.

Upon calling for comment from the public present and hearing none, Mayor Eyres directed that the following memorandum from the Village Planning Commission be entered into this record.

TO: The Honorable Mayor Lawrence E. Eyres &
The Village Board of Trustees

FROM: John J. Keller, Chairman, East Aurora Planning Commission

RE: Proposed zoning classification changes for selected Oakwood Avenue properties and seven parcels along King Street and Persons Street

DATE: August 11, 1981

At a special meeting held on Wednesday, August 5, 1981 the Planning Commission reviewed the Board of Trustees proposal to rezone selected properties on Oakwood Avenue from "M-I" (Industrial) to "C" (Business), pursuant to Section 93:60 of the Village Code.

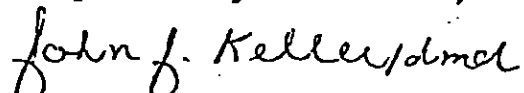
The Planning Commission also reviewed the Board of Trustees proposal to rezone seven (7) lots situated on the east side of King Street and the north side of Persons Street from the present "M-I" classification to "R-G".

After discussions and careful review, the Planning Commission concludes that the proposed zoning classification changes will:

- 1) more accurately reflect the present uses of the parcels;
- 2) be in harmony with the general plan for the Village of East Aurora;
- 3) create no adverse environmental conditions as a result of the rezoning.

Therefore, by a vote of four in favor, none opposed, the Village of East Aurora Planning Commission recommends approval of the proposed zoning changes.

Respectfully submitted,



John J. Keller, Chairman

East Aurora Planning Commission

Calling again for public comment and hearing none, Mayor Eyres closed the public portion of the hearing at 8:10 p.m. and referred this matter to the Board.

Noting that no communications of public opinion have been received by the clerk and that Erie County indicated no objection to the proposal, and citing as findings items #1, 2, & 3 of the above Planning Commission memorandum and adding the fact that the Planning Commission has unanimously recommended the approval of this proposed as finding #4, Trustee Smith moved the approval of this proposed Local Law.

A second by Trustee Pagliaccio and a unanimous vote including Mayor Eyres carried the motion.

III. Amend Zoning to Provide for "Adult Uses" - Public Hearing

A local law TO AMEND CHAPTER 93 OF THE CODE OF THE VILLAGE OF EAST AURORA, NEW YORK,
(Insert title)

ENTITLED "ZONING" BY ADDING A NEW ARTICLE V-A THERETO ENTITLED "ADULT USES", WHICH ARTICLE SHALL PROVIDE THAT NO ADULT USES SHALL BE LOCATED IN ANY ZONING DISTRICT EXCEPT THE M-I INDUSTRIAL DISTRICT AND THAT NO SUCH ADULT USE SHALL BE ESTABLISHED UNTIL A SPECIAL USE PERMIT THEREFORE HAS BEEN ISSUED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST AURORA.

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

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

1. Section 93 of the Code of the Village of East Aurora entitled "Zoning" is hereby amended by adding a new Article V-A thereto entitled "Adult Uses".

ARTICLE V-A
ADULT USES

§1. Purposes.

Buildings and establishments operated as adult uses are determined to be detrimental and harmful to the health, safety, morals and general welfare of a community. In order to promote the health, safety, morals and general welfare of the residents of the Village of East Aurora, this Article is intended to restrict adult uses to non-residential, non-business and non-commercial areas of the Village, and otherwise regulate their operation. Moreover, in that the operational characteristics of adult uses increase the deleterious impact on a community when such uses are concentrated, this Article is intended to promote the health, safety, morals and general welfare, and good order of the residents of the Village of East Aurora by regulating the concentration of such uses.

§2. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

(a) Adult Bookstore - an establishment having as a substantial or significant portion of its stock-in-trade books, magazines, films for sale or viewing on premises, by use of motion picture devices or any other coin-operated means and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

(b) Adult Entertainment Cabaret - a public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dances, strippers, male or female impersonators or similar entertainers.

(c) Adult Mini-Motion Picture Theatre - an enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

(d) Adult Motion Picture Theatre - an enclosed building with a capacity of fifty (50) or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

(e) Person - any person, firm, partnership, corporation, association, or legal representative, acting individually or jointly.

(f) Specified Anatomical Areas -

1. Less than completely and opaquely covered human genitals, pubic region or female breast below a point immediately above the top of the areola.

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(g) Specified Sexual Activities -

1. Human genitals in a state of sexual stimulation or arousal.

2. Acts of human masturbation, sexual intercourse or sodomy.

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

§3. Restrictions Affecting Adult Uses

Adult uses, including but not limited to adult bookstore, adult motion-picture theatre, adult mini-motion-picture theatre, and adult entertainment cabaret shall be permitted subject to the following restrictions:

(a) No such adult uses shall be allowed within fifteen hundred (1500) feet of another existing adult use.

(b) No such adult use shall be located within two hundred (200) feet of the boundaries of any "R", "R-G-N", "R-G", "C" OR "C-M" zoning district.

(c) No such adult use shall be located within five hundred (500) feet of a pre-existing school, church or other similar place of worship.

(d) No such adult use shall be located in any zoning district except the "M-I" industrial district.

§4. Prohibition regarding Public Observation.

No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property other than that for which a special use permit for an adult use has been issued pursuant to Section 5 of this Article. This provision shall apply to any display, decoration, sign, show window or other opening.

§5. Special Use Permit.

(a) No use as described in this Article shall be established until the issuance of a special use permit by the Board of Trustees of the Village of East Aurora. Application for such a special use permit shall be made in writing to the Board of Trustees and shall consist of a description of the premises for which the permit is sought, a plain and concise statement of the use which is proposed and such additional information as shall be required by the Board of Trustees. The Board of Trustees shall call a public hearing for the purpose of considering the request for a special use permit. At least ten (10) days notice of the time and place of public hearing shall be given by the publication of a notice in the official Village newspaper.

(b) A special use permit issued under the provisions of this section shall not be transferable.

2. This Local Law shall take effect immediately.

At 8:11 p.m. Mayor Eyres opened the public portion of this hearing with the reading of the published public notice by the clerk.

On the invitation from Mayor Eyres, Village Attorney Howitt clarified the action proposed here by stating that this proposal is an effort to provide for and thusly control "Adult Uses" is done with other itmes such as gas stations and restaurants.

Upon calling for and hearing no comment from the public present, Mayor Eyres recognized Jack Keller, Chairman of the Village Planning Commission who read the following recommendation into this record.

TO: The Honorable Mayor Lawrence E. Eyres &
The Village Board of Trustees

FROM: John J. Keller, Chairman, East Aurora Planning Commission

RE: Proposed amendment to Section 93 of the Village Code to
add a new Article V-A entitled "Adult Uses"

DATE: August 11, 1981

At a special meeting held on Wednesday, August 5, 1981 the Planning Commission reviewed the Board of Trustees Draft B proposal to amend Section 93 of the Village Code to define and provide for the regulation of "Adult Uses" in the Village.

After extensive review and discussion the Planning Commission, by a vote of four in favor, none opposed, concurs that legislation should be enacted to define, regulate, and control activities to be designated "Adult Uses."

Specific questions and observations relating to various sections of the draft proposal have been forwarded to Village Attorney Walter Howitt for his consideration.

Respectfully submitted,

John J. Keller, Chairman
East Aurora Planning Commission

At 8:19 p.m. Mayor Eyres closed the public portion of the hearing and referred the matter to the Board.

Trustee Pagliaccio, upon recognizing that the statement of Purposes included in the proposed local law is drafted in such a way as to constitute findings upon which the proposed local law is based, moved the approval of the above proposed local law. A second by Trustee Marshall, brief discussion and comment, and a unanimous vote including Mayor Eyres carried the motion.

IV. Rezoning of 784 Main Street from R to R-G-N - Public Hearing

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 OF THE PREMISES AT 784 MAIN STREET, EAST AURORA, NEW YORK, FROM ITS PRESENT "R" SINGLE FAMILY RESIDENCE DISTRICT ZONING CLASSIFICATION TO THE "R-G-N" NEW APARTMENT OR TOWNHOUSE DISTRICT ZONING CLASSIFICATION PURSUANT TO SECTION 93-61 OF THE CODE OF THE VILLAGE OF EAST AURORA.

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

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

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-G-N New Apartment or Townhouse District of the Village of East Aurora:

All that tract or parcel of land situate in the Town of Aurora, County of Erie and State of New York and in the Village of East Aurora, being part of Lot No. 16, Township 9, Range 6 of the Holland Land Company's Survey bounded and described as follows:

Beginning at a point in the north line of Big Tree or Middle Road indicated by an existing iron pipe 682.5 feet east from the center line of Pine Street as now monumented; thence northerly upon an included angle of 89° 10' with the north line of said Big Tree Road a distance of two hundred sixty (260) feet to an iron pipe; thence westerly parallel with the north line of the Big Tree Road one hundred seventeen and five tenths (117.5) feet to the east line of land now owned by one Marks, formerly by one Griffin; thence southerly parallel to the east line hereof and along the line of lands so now owned by said Marks two hundred sixty (260) feet to an existing iron pipe and to the north bounds of Big Tree or Middle Road and 117.5 feet west of the place of beginning; thence easterly along the north bounds of said Big Tree or Middle Road a measured distance of one hundred seventeen five tenths feet to the place of beginning.

The easterly line of the above described premises being located upon and being the boundary line agreement as made between the grantor herein and William S. Mullen, owner of the premises on the east and adjacent to the premises above described and as recorded in Erie County Clerk's Office on the 8th day of June 1951, in Liber 4933 of Deeds at page 301.

2. The zoning classification of the premises described in paragraph 1. of this Local Law is hereby changed from the R Single Family Residence District zoning classification to the R-G-N New Apartment or Townhouse District zoning classification.

3. The "Zoning Map of the Village of East Aurora", which is part of Chapter 93 of the Code of the Village of East Aurora is hereby amended to include the premises described in paragraph 1. of this Local Law in the R-G-N New Apartment or Townhouse District zoning classification of the Village of East Aurora.

4. This Local Law is a provisional amendment of the Zoning Law and of the Zoning Map of the Village of East Aurora and is limited to the uses shown on the development plan filed with the Village of East Aurora and approved by 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.

At 8:24 p.m. Mayor Eyres opened the public portion of this hearing with the reading of the published public notice by the clerk.

Public comment was initiated by Peter Viger, 794 Main Street who stated he was in favor of the proposal.

Jack Keller, Chairman of the Village Planning Commission then read the following recommendation into this record.

TO: The Honorable Mayor Lawrence E. Eyres & the Village Board of Trustees

FROM: John J. Keller, Chairman, East Aurora Planning Commission

RE: Petition to rezone 784 Main Street from "R" to "R-G-N" to permit remodeling of an accessory building to a dwelling unit

DATE: August 11, 1981

August 17, 1981
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At a special meeting held on Wednesday, July 29, 1981, the Planning Commission reviewed the revised petition submitted by Mr. & Mrs. Wood to rezone 784 Main Street and remodel a frame garage to a single family apartment on the second floor and a loft and storage area on the third floor.

The petition, dated July 14, 1981 includes photographs of the various buildings, a legal description of the property, a floor plan of the front premises, a William J. Newton survey, dated May 5, 1981, to which has been added dimensions indicating the frame building height as 27'4"±, the frame garage as 26' in height and that the existing structures are 20 feet apart. The development plan also includes drawings #1 through #9, prepared by Wayne A. Foltz, architect.

Walter Howitt, Village Attorney, attended the Planning Commission meeting to answer legal questions raised by the members.

Carlton Colby's memo of July 29, 1981 reviewing the petition data was distributed to the members and discussed in detail. Mr. Howitt reviewed the petitioner's legal dilemma in attempting to decide which zoning classification to request and assisted the Commission in clarifying other legal questions.

By a vote of five in favor, none opposed, the Planning Commission recommends the Board of Trustees approve the petition to rezone 784 Main Street to "R-G-N" with the following conditions:

That the Zoning Board of Appeals conduct a hearing on, and provide variances as necessary for

- (1) lot width
- (2) building separation as required under §93:40
- (3) continuation of non-conforming use, i.e. funeral home
- (4) determine required parking areas
- (5) required parking lot lighting or screening

Respectfully submitted,

Jack Keller, Chairman
Village of East Aurora
Planning Commission

Mayor Eyres directed that the following memorandum be entered into this record.

TO: Honorable Mayor Lawrence E. Eyres &
Village Board of Trustees

FROM: Carlton C. Colby, Building Inspector

RE: 784 Main Street - Petition to amend Zoning Map, "R" to "R-G-N"

DATE: July 29, 1981

I have reviewed the information submitted by Attorney Douglas Marky, on behalf of Thomas E. Wood and Evelyn C. Wood, consisting of petition dated July 14, 1981 together with drawings #1 thru #9, prepared by Wayne A. Foltz, architect, and survey (plot plan) dated May 5, 1981, No. 81-78 by William Newton, Land Surveyor.

August 17, 1981

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The following comments are submitted regarding this petition:

Item 2 of petition; incorrect with regards to distance direction, should be N 260' x E 117.5' x S 260' x W 117.5'.

Item 5; proposed use should be better defined so as to eliminate misinterpretation, dwelling group, consisting of two (2) unattached dwelling units of single family occupancy.

Item 7; regarding presently existing uses in the neighborhood, the attached drawing undindicating occupancy may be of assistance to you.

The following comments are related to the drawing and plot plan as to compliance with "R-G-N" regulation:

Section 93:16(2) new dwelling group subject to Section 93:40

Section 93:40 B; no building shall be nearer to any other building on the lot than a distance equal to the average height of such building.

Therefore, the minimum distance required, based on the height of the barn, is twenty four (24) feet four (4) inches. The existing distance is twenty (20) feet and would be reduced to twelve (12) feet with the erection of the proposed addition, creating a further nonconformity.

It appears that basic information has been provided in the drawing to indicate intent of compliance with building code requirements. Structural, electrical, and mechanical details to establish compliance with other applicable laws and building codes are required as part of an application for a Building Permit.

It is observed that the parking area has been modified in area and improved by blacktop surfacing. It appears that paved area now exists in required front yard for which no approval was given, in that the development plan has not been acted upon. It is my understanding that surface water disposal is satisfactory to the Village Engineer. However, consideration of the other provisions of Section 93:23-93:24 regarding off-street parking have not been addressed, i.e. screening, lighting, and required spaces.

In conclusion, it appears that if the Zoning Classification is changed to "R-G-N" the Zoning Board would be required to hear an appeal regarding, but may not be limited to, the following items:

Lot width

Distance separation

Nonconforming use continuation (R-G-N restrict accessory use to required off-street parking)

Parking regulations, i.e. determination of required number of spaces.

Thus Mayor Eyres closed the public portion of the hearing at 8:13 p.m. and referred the matter to the Board.

After discussion of the requirements of the Village Code regarding this proposal and the variances mentioned in the Planning Commission's memorandum, Trustee Pagliaccio moved approval of the above proposed local law subject to the condition that the Village Zoning Board of Appeals conduct a hearing and provide, as necessary, the 5 variances indicated in the above Planning Commission memorandum in accordance with the development plan submitted which is hereby approved.

A second by Trustee Smith and a unanimous vote including Mayor Eyres carried the motion.

August 17, 1981
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V. Brooklea Drive and Main Street Property - Set Public Hearing
on Request to Rezone from R to R-C

LESLIE A. SPRAGGON
31 DARWIN DRIVE
SNYDER, NEW YORK 14226

August 12, 1981

Village Of East Aurora
Village Hall
571 Main Street
East Aurora, New York 14052

ATTENTION: HONORABLE MAYOR LAWRENCE E. EYRES.

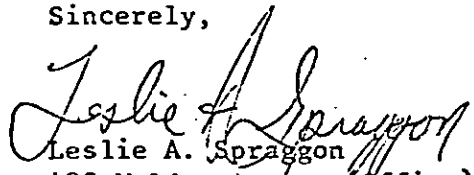
SUBJECT: REQUEST FOR CHANGE OF ZONING.

TAX PARCEL NUMBER: 202 104-520, 202 576-100
NORTHWEST CORNER EAST MAIN ST. AND BROOKLEA DR.

Honorable Mayor Lawrence Eyres:

The undersigned has an option to purchase the above captioned property. This letter is to formally request a change in zoning from "R" to R. C. for the purpose of constructing a professional office building. The attached site plan and schematic sets out in detail, I believe, the necessary information required by the Village Zoning Ordinance. I thank you for your courtesy and attention to this petition.

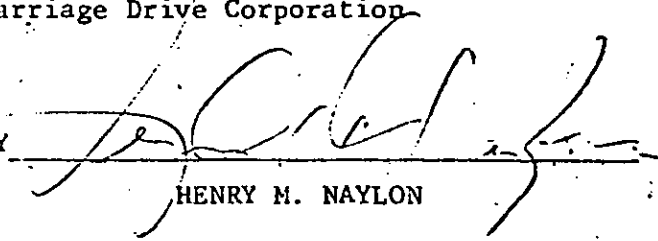
Sincerely,


Leslie A. Spraggon
489 Walden Avenue (Office)
Buffalo, NY 14211

The undersigned being the owner of record of subject property, acknowledges the fact of the option to purchase and the request for rezoning, and so joins in this petition.

Carriage Drive Corporation

BY


HENRY M. NAYLON

Trustee Thompson moved to set a public hearing on the above request for September 28, 1981 and refer this matter to the Village Planning Commission for their recommendation.

A second from Trustee Smith and a unanimous vote including Mayor Eyres carried the motion.

VI. Appoint "Uptown" Main Street Sidewalk Project Steering Committee

Mayor Eyres indicated he would prefer to defer this item to a future date.

VII. Hamlin Park Use - Request of Fisher-Price Toys

REQUEST FOR USE OF VILLAGE PARKS

1. FISHER-PRICE TOYS - TENNIS LADDER
(Name of Organization)

(Name of President)

636 GIRARD AV.
(Address)

687-3000
(Telephone Number)

2. PAULA A. SALITH
(Individual in Charge of Project)

(Address)

687-3485
(Telephone Number)

APPROVED BY BOARD OF TRUSTEES
DATE 8-17-81
contingent upon insurance
W. J. [Signature] Clerk

3. The following is a brief description of the project or event: THE FP
TENNIS LADDER REQUESTS THE USE OF HAMLIN
Pk. TENNIS COURTS FOR OUR 1ST ANNUAL "PICNIC + GAMES"

This project or event includes approximately A) 53
(Number of people working)

B) 100
(Estimated number of people attending project or event)

C) 11 AM - 5 PM AUGUST 29, SATURDAY - HAMLIN PARK
Date and time of scheduled event, and area requested COURTS + GAZEBO

4. The following is a list of labor and/or material which the Village is requested to make available: _____

The organization shall attach to it's request a completed certificate of insurance stating the name of the insuring company, policy number, inception and expiration date, minimum limits of liability - 100/300 bodily injury, 50,000 property damage or in lieu of these limits, bodily injury and property damage limits combined as a single limit of \$300,000.

If upon approval it is deemed necessary by the Board of Trustees, the requesting organization will be required to endorse its public liability policy to include the Village of East Aurora as an Additional Named Insured.

Upon noting that Fisher-Price was in the process of securing the proper insurance certificate and that the Town Recreation Department had no objection, Trustee Sleeper moved to approve the request contingent upon receipt of a proper certificate of insurance.

A second by Trustee Thompson and a unanimous vote carried the motion.

VIII. Police Patrol Vehicles - Request to Bid for New



RAYMOND SMALLBACK
CHIEF OF POLICE

POLICE DEPARTMENT
EAST AURORA TOWN OF AURORA
571 MAIN STREET
EAST AURORA NEW YORK 14052



AREA CODE 716
TEL. 852-1111

August 13, 1981

Honorable Mayor and Board of Trustees

Gentlemen,

I respectfully request permission to advertise for bids to purchase three (3) 1982 Police Patrol vehicles. Funds to cover this purchase are in the 1981-82 Police budget.

Respectfully,

M. Raymond Smallback

A concensus of the Board being that they wished to review the bid specifications prior to letting the bids lead, Trustee Pagliaccio moved to table this item. A second by Trustee Thompson and a unanimous vote carried the motion.

IX. Minutes of Prior Meetings

July 20, 1981 - Trustee Smith moved the approval of the Minutes of the July 20, 1981 meeting. A second by Trustee Thompson and a unanimous vote carried the motion.

August 3, 1981 - Trustee Smith moved the approval of the Minutes of the August 3, 1981 meeting. A second by Trustee Thompson and a unanimous vote carried the motion.

August 10, 1981 (Recessed from August 3, 1981) - Trustee Pagliaccio moved the approval of the Minutes of the August 10, 1981 meeting. A second by Trustee Thompson and a unanimous vote carried the motion.

X. Audit of Bills

Deputy Mayor Pagliaccio moved that the bills as audited by the Mayor and Trustees this date be approved and ordered paid. A second by Trustee Marshall and a unanimous vote carried the motion.

XI. Comments from the Floor

Jim Berg, 208 Porterville Road, asked if any formal action was taken at the August 10, 1981 Board meeting regarding the proposed sidewalk renovation project.

Mayor Eyres replied that there was not, in that this was a fact finding presentation only.

XII. Reports from Staff

Building Inspector Colby offered the desirability of obtaining a current, updated zoning map to the Board.

Village Clerk-Treasurer Zittel asked the Board for thier thoughts and/or directions regarding the following communication.

TO: Mayor Eyres and Board of Trustees
FROM: Village Clerk-Treasurer Zittel
RE: Public Officials Liability Insurance
DATE: August 13, 1981

Through direction by you as a Board, and indications of the necessity by recommendation of the Conference of Mayors, I have investigated obtaining Public Officials and Employees Liability (malpractice) Insurance from two sources.

AGENT:	DiFilippo-Aungst	Clauss & Co.(Conf. of Mayors)
COMPANY:	International Insurance Co.	Republic Insurance Co.
LIMIT:	\$1,000,000	\$1,000,000
DEDUCTABLE:	\$10,000/Entity - \$1,500/Official	\$7,500/Entity - \$2,500/Official
COST:	\$9,472 Annually	\$1,359.67 Annually
COVERAGE:	+/-	+/-

It was felt, throughout the comparison, that while the companies represented the deductible amounts, and the large variation in annual premiums are certainly factors of consideration, that the tailoring of the scope of coverage to the exposures anticipated should be the key objective.

For an experienced comparison of the scope of coverage I sought, received, and would refer you to, in an effort not to make a book out of this memo, the opinion of Trustee Marshall.

In the effort of analyzing the applicability of the scope of coverage to the exposure needing coverage I referred and would refer you to Village Attorney Howitt.

Thus, after obtaining this advice and myself reviewing the cost effectiveness, the duplication of coverage with the present Village insurance portfolio, and the plan that provides an umbrella for as many of our officials and employees as possible, I recommend the immediate purchase of the policy and riders as offered by Clauss and Co. of Buffalo through the Republic Insurance Co. of Dallas, Texas. It is this offering that appears most comprehensive.

I am sure you will find that Trustee Marshall and Village Attorney Howitt concurred with this recommendation.

Upon discussion among the Board, Trustee Thompson moved to add this item to this agenda. A second by Trustee Sleeper and a unanimous vote carried the motion.

XII.A. Public Officials Liability Insurance

Discussion of the above memorandum ensued highlighting that appearances were that no available policy did not carry some deductible amount and that all sworn public officials, except for the assistant fire chiefs, and all employees were covered.

Upon these and other considerations, Trustee Thompson moved to approve the purchase of this insurance as recommended by the memorandum. A second by Trustee Sleeper and a unanimous vote carried the motion.

August 17, 1981
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XIII. Items from Board Members

After reading the following communication, Mayor Eyres asked for a motion to add this item to this agenda for action.



August 12, 1981

Mr. Lawrence Eyers
Mayor
Village of East Aurora
571 Main Street
East Aurora, New York 14052

Dear Mayor;

The Rotary Club of East Aurora is very excited with the Village Board's positive reply to our donation of the "Rotary Amphitheater" in Hamlin Park. As we discussed, the following outline details the donation:

- A. The Rotary Club of East Aurora has donated to the Village of East Aurora the "Rotary Amphitheater" to be constructed on the north side of the Aurora Players Building in Hamlin Park.
- B. The Amphitheater is a covered stage situated next to the sloping hill in Hamlin Park to be used by those parties designated by the Village.
- C. The specifications including size, materials etc. will be provided by Alvin Fontanese, Architect, to the Village in the next few weeks.
- D. The facility will be constructed in two phases:
 1. Concrete base to be built by a licensed contractor.
 2. Upper structure to be constructed by B.O.C.E.S.

In order to maintain our scheduled completion date of mid-October, we would like to seek bids for the concrete work in early September. In order to achieve a start, we need the help of the Village in:

- A. Removing two (2) trees.
- B. Relocating the light post on the north side of the Players facility.

We would like the approval of the Village Board on the project and your designation of a party or parties to work with us, and the Aurora Players, to iron out more detailed specifics to facilitate construction soon. Your collective efforts in this matter are very much appreciated by all Rotarians.

If I can be of assistance in clarification of any details, you can reach me at my office (687-3251) or home (655-1174).

Sincerely

Edward P. Powderly
Director, Past President
Rotary Club of East Aurora

Thus, Trustee Thompson moved to add this to this agenda. A second by Trustee Pagliaccio and a unanimous vote carried the motion.

XIII.A. "Rotary Amphitheater" - Approval of Donation

Mayor Eyres moved that the Board accept, with sincere gratitude, the donation of the "Rotary Amphitheater" in Hamlin Park, to be located on the north side of the Aurora Players building as outlined by the Rotary Club at the June 1, 1981 Board meeting; said amphitheater to be constructed under the leadership and financial backing of the Rotary Club. A second by Trustee Smith and a unanimous vote carried the motion.

Mayor Eyres designated Superintendent of Public Works Lang to serve as liason to the Rotary Club on this project.

Mayor Eyres then noted a communication from Morten Benstead, Chief of the Memorial Volunteer Fire Department of Chaffee-Sardinia, requesting that our fire dispatch office alert their firemen of emergency calls.

Mayor Eyres requested that the matter of engaging a Certified Public Accounting firm to assist in performing necessary fiscal year end accounting functions be added to this agenda.

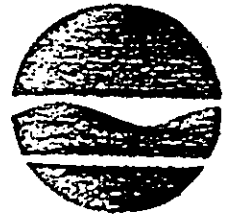
Trustee Pagliaccio moved to add this item to this agenda. A second by Trustee Sleeper and a unanimous vote carried the motion.

XIII.B. C.P.A. Firm to Assist with Fiscal Year End Accounting

Trustee Pagliaccio moved to authorize the Mayor to engage a certified public accounting firm for the purpose of completing the accounting records for the fiscal year 1980-81, completing the annual report, and preparing a certified audit. And to authorize the expenditure of up to \$7,500 for this purpose. A second by Trustee Marshall and a unanimous vote carried the motion.

Upon noting receipt of the following communication Mayor Eyres asked that the Board add this item to this agenda.

New York State Department of Environmental Conservation
600 Delaware Avenue (2d floor), Buffalo, NY 14202
(716) 842-5828



Robert F. Flacke
Commissioner

August 10, 1981

Hon. Lawrence E. Eyres
Mayor, Village of East Aurora
571 Main Street
East Aurora, NY 14052

Dear Mayor Eyres:

Re: Order on Consent
Our File No. 81-63

The enclosed Order comes as a result of over two years of indecisiveness on the part of the Village as to how to remedy the violations at the Village Sewer Treatment Plant.

This Department has been very patient in this regard in that as late as March 12, 1981, we were promised a decision on upgrading vs. regional connection and to date, some five months later, no decision has been received.

We, therefore, request you sign the enclosed Order and return it with the appropriate penalty or attend a conference on August 20, 1981 at 1:00 p.m. in our Buffalo offices at which time the Order would be discussed.

Please let me know on or before August 18 which of the alternatives you choose. If you have any questions feel free to contact me at 842-5828.

Yours truly,



Peter J. Burke
Regional Attorney

STATE OF NEW YORK : DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Alleged Violations of Article 17 of the
Environmental Conservation Law by

VILLAGE OF EAST AURORA
571 Main Street
East Aurora, New York 14052

(Erie County)

Respondent

ORDER
ON
CONSENT

FILE
NO. 81-63

9-0447

WHEREAS:

1. Pursuant to Part 837.4 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (hereinafter referred to only by Part number), and Conservation Law Section 17-0301 of Article 17, water quality and purity standards were adopted and the waters of the state classified.
2. Part 837.4, Item 146, effective as of October 1966 establishes such classification of an unnamed tributary East Branch of Cazenovia Creek as "D."
3. Respondent owns, operates and/or maintains control of facilities in the State of New York subject to ECL Article 17 and SPDES Permit No. NY0028436 treatment plant on Mill Road in the Village of East Aurora, Erie County, New York.
4. Respondent has violated the Environmental Conservation Law Sections 17-0509 and 17-0809 in that Respondent's SPDES Permit No. NY0028436, which was renewed on November 1, 1979, contained secondary limits for their discharge into a tributary of the East Branch of Cazenovia Creek which secondary limits have been violated approximately 42 times since its renewal. A partial list of dates for the various parameters for flow, BOD₅ Total Suspended Solids and present removal of Total Suspended solids are noted in Table 1 attached.
5. Respondent has affirmatively waived its rights to a hearing on these matters as provided by law and has consented to the issuing and entering of this Order pursuant to the provisions of ECL Article 17 and has agreed to be bound by

the provisions, terms and conditions contained herein.

NOW having considered this matter and being duly advised, it is ORDERED:

I. THAT immediately upon service of a conformed copy of this Order upon Respondent, Respondent shall be bound as hereinafter provided.

II. THAT for violating permit standards, Respondent is hereby assessed a penalty in the amount of One Hundred Thousand Dollars (\$100,000.00) which shall be paid to the Commissioner of the Department of Environmental Conservation by certified check or money order with submission of the within Order, duly executed to the Department's Region 9 office.

Further, Respondent shall be liable for the penal sum of Three Hundred Thousand Dollars (\$300,000.00), which amount shall be suspended conditioned upon Respondent's compliance with, and performance of, the conditions and obligations required on the part of the Respondent to be performed under this Order; and their SPDES Permit No. NY0028436 provided that upon ten (10) days written notice to Respondent (at the address shown in the caption hereof or such other address as the Respondent shall designate in writing) the suspended penalty shall be forfeited in whole or in part if the Respondent fails to comply with any and all of the provisions of this Order; and/or their SPDES Permit No. NY0028436 provided that forfeiture of such amount shall in no way prejudice the rights of the Commissioner to institute such other and further actions including the imposition of other penalties, as he may deem necessary, in order to insure full compliance with the terms of this Order, SPDES Permit No. NY0028436, the Environmental Conservation Law of the State of New York, and the rules and regulations promulgated thereunder.

III. THAT Respondent shall immediately be bound by the terms and conditions as set forth in "Schedule A" attached to this Order.

IV. THAT all further non-permitted discharges by Respondent in contravention of the aforementioned standards shall constitute continuing violations of the ECL and an action for further penalties for future violations will be instituted by the Department if the Respondent fails to adhere to and fully comply with its permit conditions and Schedule A.

V. THAT should there be any unusual or extraordinary occurrence or deviation from normal operating procedures which does or may contribute to a potentially hazardous condition, or which violates any condition or provision of any permit heretofore or hereafter issued to the Respondent by the Department or the Department of Health, or which violates any of the terms and conditions of "Schedule A,"

the Respondent shall immediately notify the Department at 600 Delaware Avenue, Buffalo, New York 14202, (716) 842-5041, and within ten (10) days after such occurrence submit to the Department, as provided in VII below, a report detailing the circumstances and causes of the occurrence, remedial actions and steps taken to prevent recurrence.

VI. THAT for the purpose of insuring compliance with this Order, duly authorized representatives of the State of New York shall be permitted access to inspect the facilities being constructed, owned, operated, maintained and/or controlled by the Respondent for the purpose of inspecting the discharge therefrom of any liquid, refuse, or other waste to take samples of any discharge, liquid, refuse, or other waste and for the purpose of determining the status of compliance with the terms of this Order and "Schedule A" and with State law and regulation.

VII. THAT all reports and submissions herein required shall be made to the Principal Water Quality Engineer of the Region 9 office of the Department at 600 Delaware Avenue, Buffalo, New York 14202.

VIII. THAT any change in this Order or "Schedule A" shall not be made or become effective except as specifically set forth by written order of the Commissioner, such written order being made either upon written application of the Respondent or upon the Commissioner's own findings after an opportunity to be heard has been given to Respondent or pursuant to the summary abatement provisions of the Environmental Conservation Law.

IX. THAT the provisions, terms and conditions of this Order and "Schedule A" shall be deemed to bind Respondent, its officers, directors, agents, servants, employees, successors and assigns and all persons, firms and corporations acting under or for it, including but not limited to those who may carry on any or all of the operations now being conducted by Respondent.

DATED: Buffalo, New York
, 1981

ROBERT F. FLACKE, Commissioner
New York State Department of
Environmental Conservation

S C H E D U L E A

Respondent shall, on or before the dates:

1. Institute a complete moratorium on new sanitary sewer tap-ins over the entire Village collection system including services to any properties in the Town of Aurora. Immediately.

2. Monitor and report all sewage overflows (dates of events, durations and estimated volumes) on a continuing basis. Reporting shall be monthly to the DEC Region 9 office. Immediately.

3. Attain compliance with SPDES Permit effluent limitations in accordance with the discharge requirements mandated under the Clean Water Act and the New York State Environmental Conservation Law utilizing one of the following options:

Option 1 - (with the Erie County Southtowns Sewage Treatment Agency as grantee for DEC/EPA funding)

- A. The Village shall enter into a contract with the Southtowns Agency to include all necessary provisions for the conveyance, treatment, and disposal of Village sewage at the Southtowns Sewage Treatment Plant. September 15, 1981.
- B. A letter of intent to enter such contract may be substituted for final contract documents above, provided a copy of such letter to the Southtowns Agency Board of Managers is received by the DEC Region 9 office by September 15, 1981.

Option 2 - (with the Village as grantee for DEC/EPA funding)

- A. The Village shall accept the report of the Erie County Southtowns Wastewater Facilities Plan as approved by EPA and DEC by resolution of the Village Board of Trustees. A certified copy of said resolution shall be submitted to the Region 9 office. September 15, 1981.
- B. The Village shall submit a Step II Construction Grant application to the DEC Division of Construction Management. September 15, 1981.
- C. The Village shall continue in the Construction Grants Program to completion of the project and final abatement of water pollution.

Option 3 - with no funding request:

- A. The Village shall submit a Wastewater Facility Report incorporating a cost-effective analysis of alternatives accompanied by an Environmental Information Document (EID) in compliance with the requirements of SEQR. December 1, 1981.
- B. Submit final plans and specifications. April 1, 1982.
- C. Start construction. June 1, 1982.

- D. Complete construction. June 1, 1983.
- E. Attain operational levels in compliance with SPDES effluent limitations. July 1, 1983.

If Option 3 is selected as the course of action by the Village, a certified copy of a resolution to this effect by the Village Board of Trustees shall be submitted to the DEC Region 9 office by September 15, 1981.

4. With Construction Grants funding already appropriated to the Erie County Southtowns Sewage Treatment Agency:

- A. Initiate Sewer System Evaluation Survey (SSES) Immediately.
- B. Submit completed SSES. June 1, 1982.

This schedule does not preclude the initiation of separate enforcement action by the Environmental Protection Agency.

Table I

East Aurora (V)
Effluent Violations
November 1, 1979 - June 30, 1981

<u>Date</u>	<u>Parameter</u>	<u>WGSNOL</u>	<u>Reported Value</u> <u>Hewitt</u>	<u>Permit Limit</u>
12/79	30 day average flow Mgd.	1.6	2.73 s/o 2.3	2.0
12/6/79	TSS, lb/day, 7 day avg.		871	750
1/80	BOD ₅ , mg/l, 30 day avg.		34.8	30
1/17/80	TSS, lb/day, 7 day avg.		1214	750
1/17/80	BOD ₅ , lb/day, 7 day avg.		902	750
1/24/80	BOD ₅ , mg/l, 7 day avg.		54	45
3/80	Percent Removal TSS		61.5	85 (MINIM)
7/80	TSS, mg/l, 30 day avg.		40.2	30
1/81	Percent Removal TSS		62.8	85 (MINIM)
2/81	30 day avg flow Mgd.		2.46	2.0
2/81	BOD, lb/day, 30 day avg.		677	500
2/26/81	BOD, lb/day, 7 day avg.		912.7	750
5/81	BOD, mg/l, 30 day avg.		38.5	30
5/81	Percent Removal TSS		50.0	85 (MINIM)
6/81	TSS, lb/day, 30 day avg.		622	500

Consent by Respondent

Respondent hereby consents to the issuing and entering of the foregoing Order, waives its right to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained therein.

Respondent _____

By _____

Title _____

(Seal)

Date _____

Corporate

State of
County of

}ss.:

On this _____ day of _____, 19____, before me personally came _____ to me known, who being by me duly sworn did depose and say that he resides at _____ that he is the _____ of _____ the corporation described in and which executed the foregoing instrument; and that he signed his name as authorized by said corporation.

NOTARY PUBLIC

Individual

State of
County of

}ss.:

On this _____ day of _____, 19____, before me came _____, to me known and known to me to be the individual described in and who executed the foregoing consent and he duly acknowledged to me that he executed the same.

NOTARY PUBLIC

Trustee Thompson moved to add this item to this agenda. A second by Trustee Pagliaccio and a unanimous vote, including Mayor Eyres, carried the motion.

XIII. C. Sewers - Order on Consent from N.Y.S.D.E.C.

Village Attorney Howitt advised that upon direction from the Board he had contacted Mr. Burke, regional attorney for N.Y.S.D.E.C., and requested and was granted an adjournment of the conference from August 20, 1981 to September 10, 1981.

Thus, because of the penal nature of this impending action, Trustee Thompson moved that in reference to the above letter of August 10, 1981 from the N.Y.S.D.E.C. giving this Board the alternative of attending a conference at the regional office on August 20, 1981 be noted; and that the Board accordingly elects the alternative of attending a conference on an adjourned date, agreed to by the regional attorney, on September 10, 1981 be confirmed, with the request that all other dates be moved accordingly.

A second by Trustee Sleeper and a unanimous vote including Mayor Eyres carried the motion.

Thus, Trustee Pagliaccio moved to go into executive session to discuss the matter of the letter received from the N.Y.S.D.E.C. concerning their Order on Consent, their file #81-63, which includes a proposed penalty.

A second by Trustee Thompson and a unanimous vote carried the motion.

At 9:37 p.m. the Board moved into executive session.

At 12:10 a.m. the Board returned from the executive session where they discussed the Order on Consent received from N.Y.S.D.E.C.

XIV. Motion to Adjourn

At 12:12 a.m. Trustee Smith moved to adjourn. A second by Trustee Thompson and a unanimous vote carried the motion.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

Minutes of the Special Meeting of the
Board of Trustees

August 31, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 P.M.

Roll Call: Present - Mayor Eyres, Trustees Marshall, Pagliaccio,
Smith, Thompson, and Sleeper

Absent - Trustee Suttell

Staff Present - Village Clerk-Treasurer Zittel
Village Attorney Howitt
Superintendent of Public Works Lang

I. Order on Consent from D.E.C. - Village Sewer Plant

Mayor Eyres opened this special meeting with the reading of the published public notice by the Clerk.

Village Attorney Howitt clarified that the publication, distribution, and posting of the notice of this special meeting was in compliance with the requirements of Section 18-2 of the Village Code which governs the calling of a special meeting.

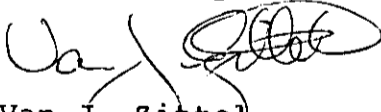
Upon explaining that the Board intended to go into Executive Session to discuss the Order on Consent from the D.E.C. which includes a pending penalty, Mayor Eyres asked for comment from the public present.

Scott Carnes of Fillmore Avenue encouraged the Board to plot the best course for only the users of the Village sewer facility, without considerations of the desires of the County, State, or Federal bureaucrats.

At 8:06 p.m. Trustee Smith moved to go into Executive Session. A second by Trustee Sleeper and a unanimous vote carried the motion.

At 11:00 p.m., at the conclusion of the deliberations concerning the Order on Consent from D.E.C., Trustee Pagliaccio moved to recess this Executive Session of the Board to 7:30 p.m. September 8, 1981 with the intention of continuing these deliberations. A second by Trustee Smith and a unanimous vote carried the motion.

Respectfully submitted,


Van J. Zittel
Village Clerk-Treasurer

Village of East Aurora
Minutes of the Recessed Executive Session of the Special Meeting
(held August 31, 1981) of the
Board of Trustees
September 8, 1981

I. Order on Consent from N.Y.S.D.E.C.

At 7:30 p.m. Mayor Eyres, Trustees Marshall, Pagliaccio, Sleeper, and Smith resumed the Executive Session concerning the Order on Consent from N.Y.S.D.E.C.

At 11:00 p.m. Trustee Pagliaccio moved to recess this Executive Session to a time to be determined by Mayor Eyres. A second by Trustee Sleeper and a unanimous vote carried the motion.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

Village of East Aurora
 Minutes of the Regular Meeting of the
 Board of Trustees
 September 14, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 P.M.

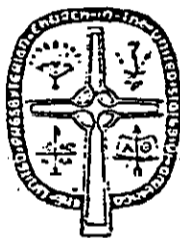
Roll Call: Present - Mayor Eyres, Trustees Suttell, Marshall, Sleepy,
 Thompson, Smith
 Absent - Trustee Pagliaccio

Staff Present - Clerk-Treasurer Zittel
 Village Attorney Howitt
 Supt. of Public Works Lang
 Chief of Police Smallback
 Building Inspector Colby
 Village Engineer Latona

**** P R O C L A M A T I O N ****

Be It Known, that Sunday, September 27, 1981 is hereby PROCLAIMED
 as "Crop Walk for Hunger Day" for the Village of East Aurora.

Mayor Lawrence E. Eyres



FIRST PRESBYTERIAN CHURCH

EAST AURORA, NEW YORK 14032
 652-0160

VILLAGE OF EAST AURORA
RECEIVED

SEP 10 1981

September 10, 1981

ADMINISTRATOR'S OFFICE

MINISTERS:

PAUL R. WATSON, JR.
 THOMAS E. ROBINSON

Mayor Lawrence Eyres
 and East Aurora Village Board

PER _____

Dear Friends,

As co-chairpersons of the 1981 CROP/Church World Service Walk for Hunger, we would like to request of you that you declare Sunday, September 27, 1981 as "CROP Walk for Hunger Day" for the Village of East Aurora.

This is the fifth annual Walk for CROP in East Aurora, a strong indication of the willingness of the residents of East Aurora to become involved in the problems and struggles of the world's needy persons. As always, the majority of the funds collected through personal sponsorships will go to aid a self-development project in which indigenous organizations will pay "food-for-work" on a project designed to help make the local people self-sufficient for their food needs. The project chosen for this year is a water project in Honduras, a country which suffers a severe refugee problem due to the strife in neighboring El Salvador, as well as having to contend with its own poverty situation.

Locally, 20% of the funds will go to the City Mission ministry in Buffalo, a ministry which provides food baskets to the needy during severe times, as well as sustaining meals and shelter to the street residents of Buffalo (the alternative being that the police shelter them at huge cost to the tax-payers).

Thank you for your consideration and endorsement. The Walk will begin at 1 PM on Sunday, September 27th, 1981 at the Hamlin Park pavilion. Please participate as you feel enabled.

yours sincerely in God's ministry,
 Tom And Susan Robinson

Tom Robinson
Susan Robinson

I. Aurora Historical Society - Sign Permit

MEMORANDUM

TO: Mayor Lawrence E. Eyres &
Village Board of Trustees

FROM: Building Inspector Carlton C. Colby

RE: Request for Sign Permit

DATE: August 20, 1981

The Aurora Historical Society has made application for a Sign Permit to locate temporary signs at Village entrances to advertize the Annual Antique Show and sale to be held October 10th and 11th at the East Aurora High School.

Proposed locations are as follows:

Village entrance - Olean Street
 - Porterville Road
 - 20A East
 - 20A West
 - Seneca Street
 At Main and Center (Mercer Park)

This is as approved last year with the exception of Main at Center. Village Board action is required by Section 77:7A of the Sign Law regarding signs placed in the public right-of-way.

cc: Village Staff

With Police Chief Smallback's observation that the sign requested at Mercer Park should not pose a traffic problem, Trustee Smith moved the approval of the sign permit as requested. A second by Trustee Thompson and a unanimous vote carried the motion.

II. Training School Attendance - Authorization

To: Mayor Eyres and Trustees

Re: Employer Sponsored Job Training - Extension of

From: Village Clerk-Treasurer Zittel

Date: September 3, 1981

Within the scope of the "Authorization to Attend Meetings and Conferences" resolution adopted at the Annual Meeting of the Board, such resolution pertaining primarily to department heads, and Article X of the Agreement between the Village and the Policemen, which provides for job related training for policemen, I would request that this beneficial policy of upgrading job related skills be extended to the personnel of the Village Clerk-Treasurer's Office.

My attendance last year at the workshops presented by the Conference of Mayors revealed an all inclusive program dealing in the operational mechanics as well as the theoretical necessities. The benefit of first hand experience of these training sessions would accrue to the Village residents directly through increased service because of a deeper understanding of the functions performed.

Specifically, I would respectfully request that this year attendance authorization be given for one other employee of this office to attend the 26th Annual New York State Conference of Mayors Training School.

Authorization should also include reimbursement for regular attendance and travel expenses under § 77b of the General Municipal Law.

Sept 15-19, 1981

Upon Mayor Eyres' concurrence that the attendance of Mrs. Linda MacIver at the training school sponsored by the New York State Conference of Mayors, to be held in Rochester, New York from September 15 through September 19, 1981 would be of benefit to the Village, Trustee Smith moved to authorize the attendance and the expense reimbursement. A second by Trustee Sleeper and a unanimous vote carried the motion.

III. Uptown Sidewalk Program - Authorize Engineer to Prepare Easement Map

Village Attorney Howitt explained that because easements are required to facilitate the renovation, by the Village, of the portion of the sidewalks which are on private property, that it is hoped that one comprehensive easement map and/or document can serve to accommodate the necessary approval of all property owners.

Thus, Trustee Sleeper moved to authorize the preparation of the easement documents and provide for the payment of an estimated expenditure of \$1000 from Revenue Sharing Funds. A second by Trustee Marshall and a unanimous vote carried the motion.

IV. Sign Law Review Committee - Report from

Mayor Eyres referred to Trustee Thompson, Chairman of the Sign Code Review Committee who offered the following report.

COMMITTEE REPORT

Report of Sign Law Revision Committee to the Village Board of Trustees of the Village of East Aurora, with recommendations for the revision of the Sign Law of the Village of East Aurora, which is Chapter 77 of the Village Code

TO: Village Board of Trustees, Village of East Aurora

DATED: August , 1981

The Committee, appointed by the Mayor and Board of Trustees of the Village of East Aurora, consisting of Jerrold R. Thompson, David R. Reardon, John J. Dickson and Frederick D. Gardner, assisted by Carlton C. Colby and Walter W. Howitt, makes the following report for the purpose of making recommendations to the Village Board of Trustees concerning the applicability of the Sign Law to non-conforming signs:

1. It is recommended that any and all non-conforming signs which were in use in the Village prior to April 17, 1972, the effective date of the Sign Law, be allowed to continue in use as legal non-conforming signs without any time limitation.

2. It is recommended that provision be made in the Sign Law permitting the temporary removal of any such non-conforming sign for a limited period of time for the purpose of repair and maintenance, with its status as a legal non-conforming sign to be continued provided it is restored to its original position, within the time limited. † Form

3. It is recommended that provision be made in the Sign Law to permit the changing of the text of a non-conforming sign provided the physical location and dimensions of the said non-conforming sign remain unchanged.

4. It is recommended that mobile, illuminated signs bearing advertising messages in flashing, electric light bulbs and similar signs of unusual attention-gathering characteristics be permitted by special permit only after a public hearing before the Village Board of Trustees and a finding by the said Board that such a sign will not be injurious to public health or safety.

5. It is recommended that the Sign Law be amended to reduce the time within which a sign found to be in violation of the Sign Law must be removed or brought into compliance with the provisions of the Sign Law be reduced from 30 days to 7 days.

6. It is recommended that provision be made in the Sign Law to enforce removal of abandoned signs.

7. It is recommended that the enforcement provisions in the present Sign Law be amended to provide for a survey to be made of alleged, unsafe signs by a panel of three (3) persons, one appointed by the Village; one appointed by the sign owner; and one appointed by the two (2) persons so first appointed, to provide a report upon which an application may be made at a Special Term of the Supreme Court upon proper notice for an order determining the sign complained of to be unsafe and directing its removal in a proper case. Such procedure as to due process of law may be similar to that provided in Chapter 45 of the Code pertaining to dangerous buildings and structures.

8. It is recommended that the enforcement procedures in the present Sign Law which involve actions by the Village Administrator be amended to place primary responsibility for enforcement in the Mayor or a person designated by the Mayor so as to avoid the necessity of amendment in the event of changes in the nomenclature and positions of Village officers and employees.

9. It is recommended that provision be made in the Sign Law permitting free-standing signs of prescribed dimension and location.

10. It is recommended that provision be made in the Sign Law for the issuance of permits and temporary signs pertaining to specific public activities and promotions for limited periods of time without the necessity of special action by the Village Board of Trustees.

11. It is recommended that the special provisions in the Sign Law pertaining to temporary signs of charitable and non-profitable organizations be extended to the signs of profit-making organizations.

The Committee makes no recommendation upon a request by a small number of businessmen that the Sign Law be amended to provide that pictorial devices be permitted to be attached to permitted signs in the business districts of the Village, provided such devices are securely fastened to the permitted sign, are limited to specific dimensions, pertain to the business conducted on the premises to which the permitted sign is affixed and is not dangerous to passers-by underneath the portion of such device which extends over a public way.

Respectfully submitted,

SIGN LAW REVISION COMMITTEE

Upon discussion of the report and with no apparent disagreement to items #1, #2, and #3 of the report, Mayor Eyres directed that two local laws, one to encompass items #1 and #2, and the second to include items #1, #2, and #3, be prepared and offered for consideration at a public hearing to be held early in October 1981.

V. Cable TV Committee - Report From

Mayor Eyres referred to Trustee Marshall, Chairman of the Village Cable TV Advisory Committee who offered the following report

TOWN OF AURORA/VILLAGE OF EAST AURORA
CABLE TELEVISION ADVISORY COMMITTEE
FINAL REPORT

The Cable Television Advisory Committee, pursuant to State of New York Commission on Cable Television Rules, was established July 21, 1980 by resolution of the Village Board and July 14, 1980 by the Aurora Town Board. In further accordance with State Commission Rules, the Advisory Committee was required to "analyze the potential services that can be provided by a cable television system, and to consider the economic feasibility of such services."

The Committee met with the following:

1. Consultant from the New York State Commission on Cable TV.
2. Representatives of interested operating Cable Television Companies and toured their facilities.
 - a) Global Cable TV
 - b) International Cable TV

We sought out input from the following sources:

1. East Aurora School
2. Town Library
3. Ministrium
4. Industry
5. Service Clubs
6. Community Resource Council

At further meeting the Committee considered various data on the subject matter such as:

- a. Cable Television Franchising Workbook, New York State Commission on Cable Television
- b. Various trade journals
- c. Numerous local and national newspaper articles

as well as information submitted by Cable Television operating companies. In addition, previously granted Franchises and Requests for Proposals from other areas were reviewed. Problems of adjacent communities were discussed in informal meetings with those respective Cable Committees and Public Officials. An informational meeting for the general public was held on 6/25/81 at the Town Hall. It was well attended by approximately 40

interested residents. The concern that monopolized the public information hearing was the issue of * "morality" vs. Cable TV. A group of citizens, apparently somewhat organized, indicated initially that they questioned whether Cable TV should be allowed into the Aurora Community. They then tempered that with a request to at least eliminate the option of an adult entertainment channel. The majority of these people indicated they would not subscribe to Cable. There were citizens (approximately 10) that expressed an interest in having cable for a number of reasons primarily Sports, Home Box Office and reception of Channel 17.

- * The consensus of the committee was that the community should be provided with access to a basic package. The options available for additional channels including Adult entertainment are in fact "optional".

The population of the Aurora Community (including the Village of East Aurora) is approximately 14,000 persons residing in approximately 4,800 residential units. The Aurora Community contains approximately 120 street miles within its geographical boundaries. The housing density of the Town is varied, from subdivision density to rural housing. On the basis of population we conclude that the Aurora Community should be able to support a system if desired by the residents.

While the economics of a cable television system have been considered, we are not prepared to quote such data, feeling that we could not devote enough time for detailed studies. Furthermore, any interested bidders should make their own surveys and cost analysis.

The general public seems most interested in the entertainment programs to be offered via added channels brought in from other areas but the committee focused on the application of cable relative to Educational and Municipal uses.

The list of possible services that a cable system could provide is almost endless - 50 to 100 could be listed at the present time, but it appears that the ultimate potential for future usage could be developed in the near future, i.e. 5-10 years. Of course the cost factor must be considered, the more services the higher the cost to the subscriber.

Federal Regulations were reviewed:

- a. Federal (FCC) regulations forbid a municipality from charging more than 5% of gross revenues as a franchise tax on cable television operations unless it can prove a higher amount is warranted for the cost of supervision by the local government. It is felt that in our situation that would be difficult to substantiate.
- b. Some regulations, previously mandated are no longer effective; these include access channels and minimum channel capacity.
- c. Changes appear to be taking place on a daily basis as the legal implications of case law become apparent.

We have requested two (2) education channels, One (1) channel for local government and community churches, and one (1) for public access. All over the air UHF and VHF stations presently received in this area must be carried and energized immediately if permitted by the Federal Communications Commission. These include:

Channel	2	NBC WGR-TV	Buffalo
	4	CBS WIVB-TV	Buffalo
	7	ABC WKBW-TV	Buffalo
	17	PBS WNED-TV	Buffalo
	29	Independent WUTV	Buffalo
	5	CBC CBLT-TV	Toronto, Canada
	9	CTV CFTO-TV	Toronto, Canada
	11	Independent CHCH-TV	Hamilton, Canada

In addition to these eight (8) station, the cable operator shall be asked to provide additional signals to include the following, WNEW-TV, WOR-TV and WPIX-TV, all originating from New York City, a sports programming network such as ESPN and the Reuters News Station. When and if CNN, the Turner News Station and Dow Jones Station become available the cable operator should include them.

If the operator were to undertake local programming, many features of interest the Town might be provided by the following sources:

1. Aurora Players
 2. Aurora Historical Society
 3. Community Resource Council
 4. Garden Club's
 5. Aurora Recreation Dept.
 6. Village and Town Boards
 7. Chamber of Commerce
 8. Roycrofter's
 9. Town Libraries
- A. It is customary to obtain free single drops at Town/Village Halls, Police Station, Fire Stations, Schools and Libraries. Perhaps church halls should also be considered for similar action. Consideration might also be given to free or discounted service for long term invalids (especially school or college age children), Boys Club/Girls Club and Senior Citizen Center.
 - B. Recent franchises have included equipped studios with readily available instructional help from the cable operator to initiate local programming. The extent to which this type of activity is unlimited but requires a genuine supported interest from the school and/or Community groups. Our Committee discussed the possibility of utilizing the revenue generated from Cable TV to the municipality toward the support of this type of endeavor.
 - C. Information obtained from various sources indicate that a converter and one broad band amplifier should be provided for each school building and it is recommended that the cable operator donate cable material (installed by school district) needed to wire the building in order that each classroom can receive programming.
 - D. It would be desirable for the educational channels to also have a return feed from the school district's origination point to the cable company's head end so that all schools in the district may receive any educational programs originated.

- E. The cable company should also provide for use by both the Town/Village governments and the school district, a teletype metro unit which would be located in the company's studio for use in sending visual messages and announcements over the system.

In summary of items A-E we would like to re-emphasize our concern that unless there is motivation from within the school/community the full utilization of these facilities may not be realized.

The use of a channel for access by local government has been requested. This could be a means for opening up communication to the public. In the future, development of new techniques may have a greater impact on that situation.

It is recommended that the Board provide a sample of the proposed franchise for interested bidders, said sample to be subject to negotiation of final provisions with the successful bidder before adoption of the franchise. A suggested draft of "Request for Proposals" is attached.

The committee will be glad to render further advice as required.

Respectfully submitted,

Town of Aurora/Village of
East Aurora Cable TV Advisory
Committee

Jay F. Marshall Jr. Chairman
Jay Nicely
Alex Bittner
William Crissy
Millard Irving
John Pagliaccio
Norman Suttell

Trustee Marshall also noted the "Request for Proposals" that have been prepared by the committee for submission to a joint meeting of the Town Council and Village Board. It was agreed that the Committee would coordinate a joint meeting on October 8 if acceptable.

VI. Minutes of Prior Meetings

Trustee Smith moved to approve the Minutes of August 17, 1981 as submitted and corrected. A second by Trustee Suttell and a unanimous vote carried the motion.

Trustee Marshall moved to approve the Minutes of August 31, 1981 as submitted. A second by Trustee Smith and a unanimous vote carried the motion.

Trustee Marshall moved to approve the Minutes of September 8, 1981 as submitted. A second by Trustee Sleeper and a unanimous vote carried the motion.

VII. Audit of Bills

Trustee Smith moved that the bills, as audited by the Mayor and Trustees this date, be approved and ordered paid. A second by Trustee Marshall and a unanimous vote carried the motion.

VII A. Planning and Zoning Institute Training School - Request for Attendance Authorization

To: Village of East Aurora Board of Trustees

Re: Attendance Authorization for the New York Planning Federations' 43rd Annual Planning and Zoning Institute Training School to be held October 25-27, 1981 at Ellenville, New York.

From: Village Clerk-Treasurer Zittel

Date: September 10, 1981

Requests have been received by my office, from Jack Keller, Chairman of the Village of East Aurora Planning Commission and John Minsker, Chairman of the Village of East Aurora Zoning Board of Appeals, and thusly relayed to you, for members of their respective committees to attend the above captioned training school.

Jack Keller has endorsed the attendance of Dave Elmer and Jean Anderson. John Minsker suggests that Morey Anderson represent the Zoning Board.

As the benefit of this training will accrue to the Village through increased awareness of duty, it is suggested that your authorization include reimbursement for regular attendance, travel, and lodging expenses under §77b of the General Municipal Law.

Motion to Add to Agenda - Trustee Marshall moved to add the above item to this agenda. A second by Trustee Suttell and a unanimous vote carried the motion.

After brief discussion, Trustee Suttell moved to authorize the attendance and the reimbursement of expenses as requested. A second by Trustee Marshall and a unanimous vote carried the motion.

VIII. B. General Revenue Sharing - Statement of Assurances

REVENUE SHARING

ENTITLEMENT PERIOD 13

(13)

OCTOBER 1, 1981 - SEPTEMBER 30, 1982

STATEMENT OF ASSURANCES

33 2 015 007

EAST AURORA VILLAGE
MAYOR
EAST AURORA N Y

14052

The recipient government assures that it will:

- (1) Establish a trust fund and deposit all revenue sharing funds received in that trust fund, according to regulations prescribed by the Office of Revenue Sharing.
- (2) Use revenue sharing funds within a reasonable time (two years from the end of each entitlement period) according to regulations prescribed by the Office of Revenue Sharing.
- (3) Not use entitlement funds for lobbying purposes.
- (4) Provide for the expenditure of revenue sharing funds in accordance with the laws and procedures applicable to the expenditure of its own revenues.
- (5) Use fiscal accounting and audit procedures as specified by the Office of Revenue Sharing; provide access to and the right to examine books, documents, papers or records for purposes of reviewing compliance with this Act; and make such reports as the Director may require.
- (6) Comply with the prevailing wage provisions of the Davis-Bacon Act on any construction project costing in excess of \$2,000 when 25 percent or more of the costs of such project are paid with revenue sharing funds.
- (7) Pay individuals employed in jobs financed in whole or in part with revenue sharing funds not less than the prevailing rates of pay for persons employed by it in similar public occupations. This provision does not apply to an employee or employees in any program category who are being paid in whole or in part with general revenue sharing funds unless 25 percent or more of the total wages paid to all employees in that category are paid from revenue sharing funds.

(8) Not exclude from participation in, deny the benefits of, or subject to discrimination under any program or activity, any person in the U.S. on the grounds of race, color, national origin, or sex. Not discriminate on the basis of age under the Age Discrimination Act of 1975, or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973, or religion except that any exemption from such prohibition against discrimination on the basis of religion as provided in the Civil Rights Act of 1964, or Title VII of the Act of April 11, 1968, shall also apply.

(9) In the event a Federal or State court or Federal administrative law judge makes a holding against the recipient government, as defined in Section 51.67 of the regulations, provide a copy of the holding to the Director of the Office of Revenue Sharing within 10 days of receipt of such a holding by the recipient government.

I assure the Director of the Office of Revenue Sharing that this government will comply with the mandatory requirements of the State and Local Fiscal Assistance Act of 1972 as amended and the regulations, with respect to payment received under the Act.

I further assure the Director of the Office of Revenue Sharing that this government will comply, when applicable, with the public hearing and public participation requirements and the accounting, auditing, and fiscal procedures requirements of the Act.

I understand that the acceptance of this form by the Director of the Office of Revenue Sharing does not prevent the Director from holding a recipient government responsible for noncompliance with the Act and the regulations.

SIGNATURE OF CHIEF EXECUTIVE OFFICER

() _____
AREA CODE TELEPHONE NUMBER

NAME AND TITLE (PLEASE PRINT)

DATE

This form must be mailed by September 30, 1981 to

Office of Revenue Sharing
2-01 E Street, N.W.
Washington, D.C. 20226

ORS-GS.3 July 1978

0022455

Motion to Add to Agenda - Trustee Thompson moved to add this item to this agenda. A second by Trustee Smith and a unanimous vote carried the motion.

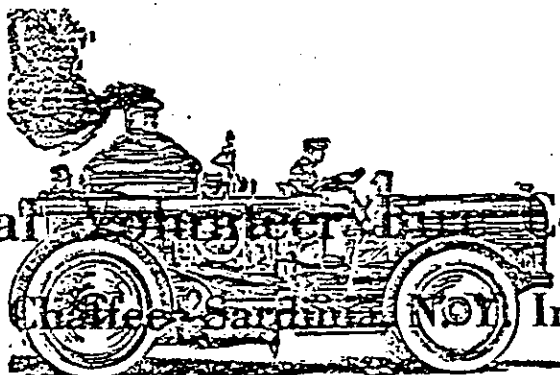
With Mayor Eyres clarification that this annual requirement of recipients of Revenue Sharing Funds was currently being complied with, Trustee Smith moved that the Mayor be authorized to sign and submit this Statement of Assurances. A second by Trustee Thompson and a unanimous vote carried the motion.

VII C. Fire Dispatch - Request for Service

TO REPORT FIRE OR EMERGENCY
592-7900

Memorial Fire Company

of ~~Union~~ Saratoga, NY Inc.



August 12, 1981

Village of East Aurora
ATTN: Mayor Eyres
Main Street
East Aurora, NY 14052

Dear Mayor;

At a special Board of Directors Meeting on August 11, 1981, the Board of the above named Fire Company unanously agreed and voted to request a change from Springville Fire Control to the East Aurora Fire Control as soon as possible.

Please consider this letter an official request to do so.

I have been in contact with Fire Commissioner Twist and Floyd Rosenberg on this matter and have sincerely offered our entire companies cooperation and help in making the change a smooth and effecient one.

I am sure that there will be many questions and much information needed to make the change a good one, please feel free to contact me at anytime day or night.

Thank you for your assistance in the past study and your consideration.

Sincerely

Morton L. Benstead
Morton L. Benstead

Home Phone
496-8993

Chief

Work Phone
687-3288

Mayor Eyres commented that, in the interest of humanity and public safety, his intention was to recommend that they be integrated into the system with the other five participating townships. However, the possible exposure to the Village, should litigation evolve from an error in a dispatch, dictated that he use caution in investigating this exposure increase.

Motion to Add to Agenda - Trustee Thompson moved to add this item to this Agenda. A second by Trustee Marshall and a unanimous vote carried the motion.

Considerable discussion was heard centering on the economics, the manpower and/or equipment, and the procedure necessary to accommodate this request. The apparent increased liability exposure to the Village seemed to be the major concern. However, all considerations lead to a concensus to investigate further.

Thus, Trustee Suttell moved to table this matter. A second from Trustee Marshall and a unanimous vote carried the motion.

VIII. Comments from the Floor

Receiving none, Mayor Eyres moved on to

IX. Reports from Staff

Receiving none, Mayor Eyres moved on to

X. Items from Board Members

Trustee Marshall suggested that the Village investigate the sc of the Police Department's false arrest insurance and the legality of attempting to provide this insurance to the police officer's personally.

Mayor Eyres read the following letter aloud, asked that it be recorded in these minutes, and commended the organization for their truly successful efforts.

Dear Larry, This letter was sent to Mrs. Phyllis McLeod and Mrs. Betty Richert of the Council of Overseers.

JHG

Aurora Historical Society Inc.
East Aurora, New York 14052

815 Center Street
September 14, 1981



Lawrence E. Eyers, Mayor, Village of East Aurora
571 Main Street
East Aurora, New York 14052

Dear Mr. Eyers,

The Board of Trustees of the Aurora Historical Society reviewed the development and operation of the Millard Fillmore House Museum at its September 10th meeting. It was unanimously agreed that the Museum is successfully established and operating smoothly.

Therefore the tasks assigned to the Council of Overseers has been completed and the operation of the Museum will be assigned to a committee of the Historical Society effective October 1, 1981.

On behalf of the Board of Trustees of the Historical Society, I would take this opportunity to personally thank you for your unselfish dedication to the task of establishing a Museum in which we all take a great pride.

Yours truly,

James H. Gallup
JAMES H. GALLUP
PRESIDENT

JHG:tt

Mayor Eyres also noted that the Board would meet with Mr. Cumar Nepal, of the New York State Department of Environmental Conservation, to discuss Village sewer considerations at 7:30 p.m. September 21, 1981 in the Village Hall.

XI. Motion to Adjourn

At 10:17 p.m. Trustee Marshall moved to adjourn. A second by Trustee Suttell and a unanimous vote carried the motion.

Respectfully submitted,

Van J. Zittel
Van J. Zittel
Village Clerk-Treasurer

Village of East Aurora
 Minutes of the Regular Meeting of the
 Board of Trustees
 September 28, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 P.M.

Roll Call: Present - Mayor Eyres, Trustees Suttell, Marshall,
 Sleeper, Thompson, Smith
 Absent - Trustee Pagliaccio

Staff Present - Clerk-Treasurer Zittel
 Village Attorney Howitt
 Supt. of Public Works Lang
 Building Inspector Colby

I. Public Hearing - Petition for Zoning Change of Northwest Corner of Brooklea Drive and Main Street from "R" to "R-C" (see August 17, 1981 minutes)

At 8:02 P.M., upon the reading of the published public notice, Mayor Eyres opened the public portion of this hearing.

The following written communications were read aloud into this record.

Nativity

1260 EAST MAIN STREET
 EAST AURORA, N.Y. 14052

Church 652-5880
 Parsonage 652-2422
 "Fish" 652-7272



REV. JOHN W. FEHRINGER, *Pastor*
 12143 Strykersville Road (Rt. 78)
 East Aurora, N.Y. 14052

*Wales Hollow
 Community*

EAST CREEK RD. (WALES HOLLOW)
 SOUTH WALES, N.Y. 14139

September 19, 1981

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

Gentlemen:

We received your notice of rezoning dated August 25, 1981 and discussed same at great length at the official board meeting of our church council on Monday, September 14, 1981 and announced our intention to the members of our congregation. We, with congregation's full consent, are taking the following ACTION, --

On behalf of the congregation, we oppose any rezoning of that area from the present residential classification which is what it was when this area was annexed to the Village by the Town.

Any rezoning would be contrary to the former action taken by the Board regarding this matter.

Very truly yours,

NATIVITY LUTHERAN CHURCH
NATIVITY LUTHERAN COUNCIL

Ruth Stoeckert
Ruth Stoeckert,
Secretary, Church Council

JWF/res

76 Brooklea Drive
East Aurora, New York 14052
September 28, 1981

Village of East Aurora
Village Hall
571 Main Street
East Aurora, New York 14052

Re: Public Hearing-Proposed
rezoning premises at the
northwest corner, Brooklea
Drive and Main Street from
"R" to "R-C".

Dear Village Board of Trustees,

Please include this letter in the comments received on the above noted subject for which a Public Hearing is scheduled for Monday evening, September 28, 1981 at 8:00P.M.

We are opposed to the requested rezoning for the following reasons:

-This is "Spot Rezoning" which should be avoided and discouraged. Zoning becomes meaningless if it can be changed by anyone who wants to make an investment in a type of property use not permitted by the existing zoning.

-There is no demonstrated need to rezone property in the village for this purpose. There is a sufficient number of locations with "R-C" or more commercial zoning to take care of the needs for some time to come.

-Zoning is for the protection of investment. If the subject property had been R-C or more commercial zoning at the time we bought our home, I would not have been as interested in it and perhaps would not have purchased it or would have offered less. The same will be true when we decide to sell - there will be less interest in the property or the property will be worth less because of a zoning that is other than "R";-Single Family Residence, nearby. I see no reason why we should support a change which benefits the owner of the subject property at our expense. The present owner was aware of the existing zoning when it was purchased and there should be no expectation of changing the zoning.

-Rezoning can have a "domino" effect. Once the first property is rezoned a request can be made to rezone the property next door or across the street by observing that the first property was previously rezoned.

AGE OF EAST AURORA
RECEIVED

SEP 23 1981

ADMINISTRATOR'S OFFICE

PER

-Once a property has been rezoned, a building constructed and the expected tenants fail to show or they leave, then the usual solution is to further rezone to a more commercial zone in an effort to use the building. We don't think the neighbors or the village should get into that kind of trap. The positive way to avoid it is to not rezone the first time.

Donald H. Ketchum
Donald H. Ketchum

Eleanor M. Ketchum
Eleanor M. Ketchum

cc:Village Clerk

To: The Board of Trustees
Village of East Aurora, New York

Leslie A. Spraggon, joined by Henry M. Naylon, has filed with your Board an application dated on or about August 12, 1981 requesting a change of map for the Village of East Aurora, New York and rezoning of certain premises or parcels therein situate on the north side of East Main Street, west of Brooklea Drive, so that said premises shall be designated and rezoned from "R" Single Family Residence District Zoning Classification to the "R-C" Residence - Restricted Business District Zoning Classification pursuant to Section 93-61 of the Code of the Village of East Aurora.

We, the undersigned, owners of more than twenty percent of the land immediately adjacent to the land included in such proposed change, protest against such change pursuant to Article 7, Section 7-708, of the Village Law of the State of New York.

Name [Signature] Witness Holly Carol Snyers
Location of Property 928 Main St. East Aurora N.Y.

Name Margery D. Snyers Witness Holly Carol Snyers
Location of Property 928 Main Street East Aurora, N.Y.

VILLAGE OF EAST AURORA
RECEIVED
SEP 23 1981
ADMINISTRATOR'S OFFICE

We the undersigned are opposed to the rezoning of E. Main St. at the corner of Brooklea Dr.

NAME	ADDRESS
1. Karen & Bill Waffner	1. 1248 Carriage Dr.
2. Katie & Peter Clinton	2. 65 Byberry Court
3. Gary Henning	3. 76 Byberry Ct.
4. Harold Romano	4. 101 Byberry Ct
5. John and Jane Snyder	5. 1243 Carriage Dr.
6. Carol Beck	6. 59 Byberry Ct.
7. Anne & David McAllister	7. 75 The Meadows
8. Gill Howell	8. 1223 Carriage
9. David & Louise Byron	9. 1237 Carriage
10. Donald and Joan Foster	10. 1231 Carriage
11. Louis Fediso	11. 1200 Carriage
12. BRUCE & MARY KAY UAWANO	12. 1212 CARRIAGE DRIVE, E. AURORA
13. Walt & Diane Hucker	13. 103 The Meadows, E. Aurora
14. MARY & JOHN EMPRIC	14. 111 MEADOW
15. Barbara + Tom McDonnell	15. 119 The Meadow
16. Mary Jo Hills	16. 125 Brooklea Dr.
17. Donald Hills	17. 125 Brooklea Dr.
18. Paul R. Watson	18. 104 Brooklea Dr.
19. Dawn Watson	19. 104 Brooklea Dr.
20. Barbara Smith	20. 94 Brooklea Drive
21. Bob and Mary Pat Donnelly	21. 95 Brooklea Drive
22. Gary & Carol Kelly	22. 82 The Meadow

VILLAGE OF EAST AURORA

RECEIVED

SEP 28 1981

ADMINISTRATOR'S OFFICE

We the undersigned are opposed to the rezoning of E Main St. at the corner of Brooklea Dr.

- 43 Mr & Mrs Anna Hays 75 Brooklea Dr. 760
- 44 Mr & Mrs Parker Price 1201 Carriage Drive
- 45 Mr & Mrs Dennis Resutak 1219 Carriage Dr.
- 46 Mr & Mrs Bruce Brummitt 1249 Carriage Dr.
- 47 Mr & Mrs Gerald Cing-mars 1255 Carriage Dr.
- 48 Mr & Mrs Theodor C. Smeal 1279 CARRIAGE DR.
- 49 Mr & Mrs Chester R. Sadowski 1253 Surrey Run
- 50 Mrs C. J. K. 1257 Surrey Run
- 51 Mrs Duane Dickel 1263 Surrey Run
- 52 Mr + Mrs Peter Santaw 1269 Surrey Run
- 53 Mr + Mrs Leslie Price 1274 Surrey Run
- 54 Mr + Mrs David Siniscalco 1278 Surrey Run
- 55 Barbara McPherson 1262 Surrey Run
- 56 Anita + Richard Haerig 1254 Surrey Run
- 57 Caroline + Dennis Allen 1250 Surrey Run
- 58 Leon C. Slleg & Therese Slleg 1246 Surrey Run
- 59 Mr + Mrs Jack + Jeanne Eckel 1234 Surrey Run
- 40 Mr and Mrs Augusto Argueta 127 The Meadows
- 41 Mr + Mrs Robert Schil 135 The Meadows & Co.
- 42 David W. Frank 110 The Meadows
- 43 Mr + Mrs Frank C. Jerski 65 The Meadows
- 44 John B. Galluch 76 The Meadows

September 28, 1981

Honorable Mayor [unclear] and [unclear]
Village Board of Trustees, [unclear]
 I and I are vehemently
 opposed to rezoning Mr. [unclear]'s
 corner at Brooklea and East
 Main Street. We reside at 104
 Brooklea Drive and feel new
 zoning would greatly increase
 traffic on our street and
 present danger to the many
 children on our street.

Tannery Brook Community Association

September 28, 1981
 EAST AURORA • NEW YORK 14052

Village of East Aurora
 Board of Trustees
 East Aurora Village Hall
 East Aurora, N.Y. 14052

RE: Petition for zoning change of northwest corner of Main St.
 and Brooklea Drive from "R" to "R-C"

Gentlemen:

Representing the Tannery Brook Board of Directors, we are un-
 conditionally opposed to any change in the area zoning laws.

We feel there is space in the Village for a Professional Building.
 The change would benefit no one.

Norma Stetler

Norma Stetler

President
 Tannery Brook Community Association

/ns
 1 Tunbridge Walke
 East Aurora, N.Y.

September 28, 1981

Page 7

TO: Village Board of Trustees, Village of East Aurora
 RE: Petition for the provisional rezoning of the northwest corner of Brooklea Drive and Main Street
 FROM: Village Attorney Walter W. Howitt
 DATE: September 23, 1981

1. Attached hereto is a copy of a letter addressed to your Board from the Nativity Lutheran Church Council of the Nativity Lutheran Church, 1260 East Main Street, East Aurora, New York.
2. It appears that this letter constitutes a protest against the proposed change in zoning, signed by the owner of twenty percent (20%) or more of the land directly opposite the premises for which the zoning change is requested, extending 100 feet from the street frontage of such opposite land, as stated in paragraph 1. of Section 7-708 of the Village Law and Section 93-64 of the Code of the Village of East Aurora.
3. Accordingly, it appears that ^{an} amendment changing the zoning classification of the subject premises can be accomplished only upon the favorable vote of three-fourths (3/4) of the members of your Village Board of Trustees.

Respectfully,

Walter W. Howitt
 Walter W. Howitt
 Village Attorney

WWH/lmr
 Enc.

TO: The Honorable Mayor Lawrence E. Eyres &
 The Village Board of Trustees

FROM: John J. Keller, Chairman Village of East Aurora Planning Commission

RE: Petition to rezone the northwest corner of Brooklea Drive and East Main Street from "R" to "R-C" to permit construction of a professional office building

DATE: September 21, 1981

At its regular meeting held Wednesday, September 9, 1981, the Planning Commission commenced review of the above named petition. Mr. Henry Naylor and Mr. Jerry Gertis of Tallamy, VanKuren, Gertis and Thielman attended the meeting. Exhibits submitted with the petition include: (1) development plan showing building size, placement, set backs and paved parking areas; (2) legal description of the parcel; (3) contour survey of the property including the 100 year flood datum line (940 feet) which runs approximately east to west through the rear half of the property; (4) Environmental Assessment Form; (5) copy of letter dated August 12, 1981 from Leslie Spraggon, developer, requesting the rezoning and the endorsement of the property owner, Carriage Drive Corporation; (6) copy of the Erie County Planning Department review of the proposed change, dated August 12, 1981 showing "no recommendation"; (7) copy of memo from Carlton Colby to the Board of Trustees dated August 18, 1981 and (8) a storm water run-off report prepared by Tallamy, VanKuren, Gertis and Thielman. Review of the petition was concluded at a special meeting held Thursday, September 17, 1981. The following recital is a summary of the Planning Commission's deliberations and recommendation to the Board of Trustees.

Because a portion of the proposed parking is in a designated Flood Hazard area as shown on the Village of East Aurora Flood Map, adopted May 19, 1980, the Commission first reviewed Chapter 57 of the Village Code. The Commission agreed unanimously that Section 57:12A applies to this development in addition to Section 93:24 which relates to storm water management plan approval by the Village Engineer.

The drainage report submitted with the petition was reviewed with Mr. Gertis. Apparent inconsistencies were noted and it was decided that a revised report would be submitted. Mr. Naylon agreed that, in any event, the final plan for the project would insure that the rate of storm water run-off would not exceed the rate of run-off for unimproved land.

The Environmental Assessment form was reviewed but no determination was made relative to whether the proposed action would have a "significant effect on the environment." Two members questioned the "no" answer to question 10 on Part II of the form which asks "will the project affect views, vistas or the visual character of the neighborhood or community?"

Mr. Naylon noted for the record that, in his opinion, the parcel is no longer a "prime residential lot" because it fronts on a four lane road. He indicates he has not been able to interest anyone in purchasing the lot for residential development.

The majority of the Planning Commission members present came to the following conclusions:

- (1) The parcel in question is entirely surrounded by "R" zoning, and a change to "R-C" would constitute spot zoning.
- (2) A professional office building would be an intrusion into what is a completely single family residential neighborhood on every side.
- (3) The Board of Trustees, with the assistance and advice of the Planning Commission, encouraged and oversaw the development of the adjoining development, The Pines, which is a section of new, high-standard, single family homes. The Village has a responsibility for the protection of this area.
- (4) The buildings on Main Street to the east and west of the parcel are with the exception of the church which is appropriate and allowed in an "R" zone, substantial, well kept, single family residences.
- (5) That Brooklea Drive is the primary access road to the residential areas known as Pines I, Pines II, Carriage Drive and the planned unit development of cluster homes.
- (6) To allow any type of commercial development here now would "leap-frog" commercialism into a wholly residential area and create a change in neighborhood.
- (7) The proposal is not consistent with the present general plan for the Village. In addition, it is not in harmony with the plan currently under consideration by the Town of Aurora, wherein East Main Street is shown as residential.

Therefore, by a vote of three in favor, one opposed, the Village of East Aurora Planning Commission recommends to the Board of Trustees that the petition to rezone the northwest corner of Brooklea Drive and East Main Street from "R" to "R-C" be denied.

Respectfully submitted,

Jack Keller
John J. Keller, Chairman
East Aurora Planning Commission

TO: Mayor Lawrence E. Eyres &
Village Board of Trustees

FROM: Village Building Inspector Carlton Colby

RE: Zoning Change from R to RC - Northwest corner Brooklea Drive & Main Street

DATE: August 18, 1981

The following comments are provided as a result of a review of the development plan submitted by Leslie A. Spraggon and Henry M. Naylon regarding the proposed zoning change of the northwest corner of Brooklea Drive and Main Street.

The proposed use as "Professional Offices" is a permitted use in the RC District, Re: 93:18(12). However, this section is limited in use to, "Administrative, professional or executive offices, but not including the handling, repairing, processing, keeping, displaying, selling, manufacturing, servicing, or storing of any good or merchandise on the premises."

It may be proper to request more specific use description, so as to eliminate possible further development plan amendments.

The setback and yard requirements appear to comply with code requirements as to that required for the proposed structure and use.

The off-street parking area is of adequate size and capacity to comply with the Code requirement of professional office as well as doctors, dentists, and real estate.

It is found that the northerly portion of the premises is situated in a flood hazard area as shown on the present flood map, copy attached. Chapter 57 applies thereto. It appears that there can be no fill or encroachment in that area unless certified by a professional that such encroachment shall not result in any increase in flood level during the occurrence of the base flood discharge.

Off-street parking is proposed to occupy part of this area which will also require engineer approval as to disposal of surface water, etc. §93:24

In conclusion, it appears that the petition and development plan as submitted are a basis for action by the Board in that the Code does stipulate specific requirements. However, a current survey and description of the property, together with basic building floor plans and elevations would provide more factual basis for administration should the request be approved.

CCC:dmd

cc: J. Keller, Planning Commission Chairman

Mayor Eyres then called for public comment, beginning with the petitioner, Mr. Henry Naylon.

Mr. Naylon proceeded to present various thoughts to support his petition for rezoning. He stated, among other items, that the present zoning is approximately 20 years old, that there have been many changes between Pine Street and Route 400 through these years, that this requested zoning change is on the perimeter of the residential area, that the last residence built in this area of East Main Street was built in 1965, that this property is not residentially marketable, that the intended use is a less dense use than residential use, that the creek is a natural demarkation point for a variance of zoning from the residential area, etc.

September 28, 1981
Page 10

The following people were present and spoke as opposed to the proposed zoning change: Don Hayes, Bob Donnelly, Diana Watson, all of Brooklea Drive, Robin George, Diane Roszak, Kenneth Wilkes, all of Castle Hill Road, Sue Oliver, Garritt Williams, George Oliver, Marjorie Geyer, all of Main Street, David Elmer of Elmwood Avenue, and Jayne Snyder of Carriage Drive. Reverend John Fehringer representing the Nativity Lutheran Church and Norma Stetler representing the Tannery Brook Association also spoke in opposition.

Opposing concerns expressed were, among others, concern for increased water flow to Tannery Brook, property values of residential properties being affected by a commercial building, increased area traffic flow, and a possible future change of use of the building.

At 8:55 P.M. Mayor Eyres, calling for and seeing no further requests to comment, closed the public portion of the hearing and referred the matter to the Board.

Thus the Board agreed to defer action upon this item to a later date.

II. Sign Law - Proposed Local Law to Amend

TO: Village Board of Trustees, Village of East Aurora
RE: Drafts of proposed Local Laws amending Section 77-9 of the Code of the Village of East Aurora, New York, entitled "Nonconforming Signs", which is part of Chapter 77 of the said Code entitled "Signs" to:

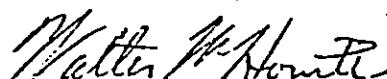
- | | | |
|---------|---|---|
| Draft A | { | (a) Permit currently existing legal nonconforming signs to continue in use without time limitation; |
| Draft B | | (b) Permit current legal nonconforming signs to be removed for repair and maintenance and restored to their original position within thirty (30) days without losing their legal nonconforming status; and |
| | { | (c) Provide that the lettering and pictorial matter composing the text of a legal nonconforming sign may be changed provided a permit is obtained therefore and provided the new text directly relates to the sale of goods or services rendered on the property. |

FROM: Village Attorney Walter W. Howitt

DATE: September 18, 1981

-
1. Per direction of your Board, there has been prepared and attached to this memorandum a draft of a proposed Local Law incorporating (a) and (b) above (Draft "A") and a draft of a proposed Local Law incorporating (a) (b) and (c) above (Draft "B").
 2. Said drafts have been prepared in accordance with the first three recommendations of the Committee Report of the Sign Law Revision Committee.

Respectfully,



Walter W. Howitt
Village Attorney

September 28, 1981
Page 11

TO: Village Board of Trustees, Village of East Aurora
 RE: Draft "C" and Draft "D" of proposed Local Laws amending Section 77-9 of the Code of the Village of East Aurora, New York, entitled "Nonconforming Signs", which is part of Chapter 77 of the said Code entitled "Signs"
 FROM: Village Attorney Walter W. Howitt
 DATE: September 24, 1981

-
1. Herewith are Drafts "C" and "D" of proposed Local Laws which include two additional manners of implementing recommendations concerning the change of text of legal nonconforming signs.
 2. Draft "C" would permit a change of text of a legal nonconforming sign provided the type of business activity to which it pertains remains unchanged; the changed text continues to pertain to the activity carried on on the premises; all without a permit.
 3. Draft "D" provides that there can be no change in the text of a legal nonconforming sign unless such sign be altered to become a conforming sign.

Respectfully,


 Walter W. Howitt
 Village Attorney

Upon explanation of the four local law drafts, by Village Attorney Howitt, and brief discussion, the Board agreed to present Draft "A" to a public hearing for action.

Trustee Marshall moved to set the required public hearing for Monday, October 5, 1981. A second by Trustee Thompson and a unanimous vote carried the motion.

Further discussion indicated a desire to further examine other aspects of the Sign Law before presenting the remaining local laws for action.

III. Fire Dispatch - Request from Memorial Volunteer Fire Co. for Inclusion in Service (see September 14, 1981 minutes)


TO: Mayor Lawrence E. Eyres, Village Board of Trustees, and Chief of Police M. Raymond Smallback, Village of East Aurora
 RE: Liability of Village of East Aurora for all cost and expense of liabilities incurred in the operation of the central fire alarm system known as "East Aurora Fire Control"
 FROM: Village Attorney Walter W. Howitt
 DATE: September 21, 1981

The Joint Service Agreement establishing the central fire alarm system known as "East Aurora Fire Control" entered into March 3, 1977 provides in paragraph 8 thereof as follows:

"8. Liability.

The Village of East Aurora assumes and agrees to hold the Participating Municipalities harmless of all cost and expense of liabilities incurred in the operation of the central fire alarm system. This provision shall not enure to the benefit of any third party and shall not be deemed to give rise to any liability which would not otherwise exist. "

Respectfully,


Walter W. Howitt
Village Attorney

TO: Mayor Lawrence E. Eyres, Village Board of Trustees, and Chief of Police M. Raymond Smallback, Village of East Aurora

RE: Procedure required for inclusion of a fire protection district in the Town of Sardinia, served by the Memorial Volunteer Fire Company of Chaffee - Sardinia, New York, Inc. in the central fire alarm system created by the Town Boards of the Towns of Aurora, Elma, Holland, Marilla and Wales and the Village Board of Trustees of the Village of East Aurora by Joint Service Agreement entered into March 3, 1977

FROM: Village Attorney Walter W. Howitt

DATE: September 21, 1981

1. By Joint Service Agreement entered into March 3, 1977, the Towns of Aurora, Elma, Holland, Marilla and Wales and the Village of East Aurora (participating municipalities by their respective Supervisors and Mayor), pursuant to resolutions adopted by the respective Town Boards and Village Board of Trustees, created a central fire alarm system now commonly known as "East Aurora Fire Control."

The said Town Supervisors and Village Mayor were authorized to enter into the said Joint Service Agreement by their respective Town Boards and Village Board of Trustees by resolutions adopted pursuant to Section 991-o. of the General Municipal Law.

2. Under the terms of the said March 3, 1977 Joint Service Agreement, it was provided that the Village of East Aurora shall operate the central fire alarm system on behalf of all participating municipalities. Accordingly, the operation of the said central fire alarm system was limited to the geographical boundaries of the participating municipalities.

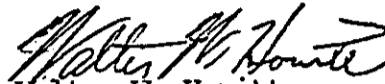
3. It appears that the fire protection district served by the Memorial Volunteer Fire Company of Chaffee-Sardinia, New York, Inc. is in the Town of Sardinia, which is not a participating municipality included in the March 3, 1977 Joint Service Agreement.

4. Paragraph 13 of the March 3, 1977 Joint Service Agreement provides for the automatic renewal of the said agreement for successive additional calendar years unless a participating municipality shall, within 30 days following receipt of an annual proposed budget, give written notice of intention to terminate.

Paragraph 14 of the said March 3, 1977 Joint Service Agreement is entitled "Modification" and provides that any participating municipality may at any time prior to the first day of July in any year give notice to the other participating municipalities of its intention to seek modification of the said agreement for the following calendar year. A copy of paragraph 14 is attached herewith to this memorandum.

5. The addition of the Town of Sardinia as a seventh participating municipality would be a substantial modification of the Joint Service Agreement and would require amendment and modification pursuant to paragraph 14 of the March 3, 1977 agreement, initiated by any one participating municipality prior to the first day of July in any year to be effective for the following calendar year. Such modification would require the formal approval of each participating municipality (including the Town of Sardinia) in the same manner as required by law for the original adoption of a Joint Service Agreement.

Respectfully,


Walter W. Howitt
Village Attorney

14. Modification.

Any Participating Municipality may at any time prior to the first day of July in any year give notice to the other Participating Municipalities of its intention to seek modification of this Agreement for the following calendar year. Such notice shall be accompanied by proposed modifications. Upon receipt of such notice and proposed modifications, the mayor of the Village of East Aurora shall cause to be called a joint meeting of the Governing Board and the Advisory Board not later than the first day of August for the purpose of discussing such proposed modifications. Such modifications, as amended or altered at such joint meeting, shall thereafter be submitted to the governing body of each Participating Municipality and, upon approval by such vote as shall then be required by law for the original adoption of a joint service agreement, shall become part of this Agreement.

TO: Mayor Lawrence E. Eyres, Village Board of Trustees, and
Chief of Police M. Raymond Smallback, Village of East Aurora

RE: Procedure required for inclusion of a fire protection district
in the Town of Sardinia, served by the Memorial Volunteer Fire
Company of Chaffee-Sardinia, New York, Inc. in the central fire
alarm system created by the Town Boards of the Towns of Aurora,
Elma, Holland, Marilla and Wales and the Village Board of Trustees
of the Village of East Aurora by Joint Service Agreement entered
into March 3, 1977

FROM: Village Attorney Walter W. Howitt

DATE: September 23, 1981

September 28, 1981
Page 14

Supplementing a memorandum of this subject dated September 21, 1981, it is advised that the Town Boards of the Towns of Aurora, Elma, Holland, Marilla, Wales and Sardinia and the Village Board of Trustees of the Village of East Aurora may enter into a new Joint Service Agreement in accordance with the provisions of Section 119-o. of the General Municipal Law covering the providing of fire alarm service to the said Towns of Aurora, Elma, Holland, Marilla, Wales and Sardinia.

Respectfully,

Walter W. Howitt
Walter W. Howitt
Village Attorney

Mayor Eyres commented that the contractual time limit for amending the present contract, for the 1982 calendar year, had been passed. However, the possibility did exist that an amendment could be effected through total agreement by all contracting parties.

However, considerations as to the possible increase in the liability exposure to the Village needed further investigation.

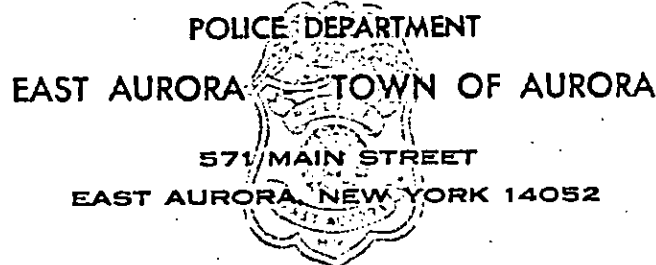
Upon consideration that this fire company is currently receiving this service from the Village of Springville, Mayor Eyres recommended that this item be returned to staff for further investigation.

Village Attorney Howitt offered that it would be necessary, should the dispatch service be extended to this fire company, to contract with the Town of Sardinia rather than the individual fire company.

IV. Police Department - Request for Authorization to Receive Bids for Three New Police Patrol Vehicles



M. RAYMOND SMALLBACK
CHIEF OF POLICE



AREA CODE 718
TEL. 652-1111

August 13, 1981

Honorable Mayor and Board of Trustees

Gentlemen,

I respectfully request permission to advertise for bids to purchase three (3) 1982 Police Patrol vehicles. Funds to cover this purchase are in the 1981-82 Police budget.

Respectfully,

M. Raymond Smallback

M. Raymond Smallback

Trustee Thompson offered that his and Trustee Pagliaccio's review of the bid specifications revealed no provision to recognize the auto industries efforts towards down-sized vehicles. This, and the desire toward economy of operation in the light of escalating oil prices, seemed to warrant the effort of experimenting with the feasibility of alternatives to the large, high powered vehicles.

Thus, the suggestion was to authorize the letting of bids for the three vehicles with Trustees Thompson and Pagliaccio and Supt. of Public Works Lang and Police Chief Smallback to meet to develop specifications for one of the three vehicles to be of the mid-sized category, in the interest of looking towards economy of operation.

Trustee Marshall moved to authorize the letting of bids for the three new police patrol vehicles. A second by Trustee Suttell and a unanimous vote carried the motion.

V. Public Works School - Request to Attend

To: Honorable Mayor and Board of Trustees
 From: Superintendent of Public Works Roy Lang
 Date: September 24, 1981
 Re: Public Works School

I have checked with both D.P.W. Foremen in reference to attending the 22nd Annual Public Works School being held in Rochester October 27 thru October 30, 1981 and they have both declined attending. Therefore, I am requesting permission for Trustee Jay Marshall to attend with me.

Thanking you in advance for your consideration in this matter.

Upon brief discussion, Trustee Smith moved to authorize the additional attendance and to approve the reimbursement of regular expenses under Section 77 B of the General Municipal Law. A second by Trustee Suttell and a unanimous vote carried the motion.

VI. Christ the King Seminary - Request for Directional Sign

Christ the King Seminary
 An Interdiocesan School of Theology

September 9, 1981

Lawrence E. Eyres
 Mayor, East Aurora, New York
 Village Hall
 571 Main Street
 East Aurora, New York 14052

Dear Mr. Eyres:

Christ the King Seminary is seeking permission to place a directional sign at the right-of-way at the intersection of Knox Road and Seneca Street on the northwest corner (see enclosed map). The proposed sign, which will be designed and installed according to your specifications, will be white on brown and read: Christ the King Seminary - followed by an arrow.

If there are further questions, please call me at 652-8900.
We hope to hear from you in the near future. Thank you.

MEMO from...
LAWRENCE E. EYRES
MAYOR

Sincerely,

Mollie McS. Fenger
Mrs. Mollie McS. Fenger
Director of Development

To Police Chief Smallback

Please check into this
and, if possible, be
ready to discuss in
staff mtg Sept 22, '81 for
Sept 26th agenda.

LE
9-15-81

• East Aurora, New York 14052 • (716) 652-8900

TO: Village Board of Trustees, Village of East Aurora, New York
RE: Request of Christ the King Seminary to place a directional sign
in the right-of-way of the County highway No. 16 at the inter-
section of Knox Road and Seneca Street in the Village of East
Aurora per letter request dated September 9, 1981
FROM: Village Attorney Walter W. Howitt
DATE: September 28, 1981

1. Reference is made to the letter request of Christ the King Seminary for permission to place a directional sign pointing to the Seminary in the right-of-way at the intersection of Knox Road and Seneca Street in the Village of East Aurora (Agenda Item No. 6 - 9/28/81).

It appears that the right-of-way involved has the designation of Routes 16 and 78 and is maintained by the County of Erie within the Village of East Aurora at the intersection involved.

2. Section 1652-a of the Vehicle & Traffic Law gives the County Superintendent of Highways, when authorized by the County governing board, the responsibility and authority to install, remove and maintain traffic signs on any highway within a Village, providing the governing body of the Village consents thereto by written agreement with the County governing board.

Accordingly, if the sign for which permission is sought is a "traffic sign", the Erie County Superintendent of Highways has the authority to authorize its installation provided the Village Board of Trustees of the Village of East Aurora and the Erie County Legislature consent to such installation in writing.

3. It appears, however, that the sign requested is a private sign and that a similar request has been made to the County of Erie for the erection of such private signs at the intersection of Seneca Street and Willardshire Road and at the intersection of Route 20A and Gypsy Lane and Jamison Road and Seneca Street.

Fred Osborne of the Permit Issuing Division of the Erie County Highway Department advises that Erie County has no authority to permit the erection of private signs in County or State rights-of-way and will so advise Christ the King Seminary. It also appears that a Village has no statutory authority to permit the erection of private signs in County and State rights-of-way.

Respectfully,

Walter W. Howitt
Walter W. Howitt
Village Attorney

September 28, 1981
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Mayor Eyres commented that as it has been revealed that the Board does not have the authority to act on this matter, per the above memorandum, he would so notify the Seminary.

VII. Minutes of Prior Meetings

Trustee Smith moved the approval of the Minutes of the September 14, 1981 meeting as submitted. A second by Trustee Thompson and a unanimous vote carried the motion.

VIII. Audit of Bills

Trustee Smith moved to approve the payment of the bills as audited by the Mayor and Trustees this date. A second by Trustee Sleeper and a unanimous vote carried the motion.

IX. Comments from the Floor

Calling for comment and hearing none, Mayor Eyres moved on to:

X. Reports from Staff

Building Inspector Colby briefly outlined the various topics of interest which he gained insight into through his recent attendance at the Building Officials Conference.

Clerk-Treasurer Zittel highlighted some of the beneficial topics discussed through his recent attendance at the clerk's training school run by the Conference of Mayors.

XI. Items from Board Members

Trustee Marshall reported that the joint meeting between the Town Council and Village Board, over the Cable TV specifications has been delayed by the work on the new Town budget.

XII. Motion to Adjourn

At 10:16 P.M. Trustee Marshall moved to adjourn. A second from Trustee Thompson and a unanimous vote carried the motion.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

Village of East Aurora

Minutes of the Regular Meeting of the
Board of Trustees

October 5, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 P.M.

Roll Call: Present - Mayor Eyres, Trustees Suttell, Marshall,
Pagliaccio, Sleeper, Thompson, and Smith

Staff Present - Clerk-Treasurer Zittel
Village Attorney Howitt
Supt. of Public Works Lang
Building Inspector Colby
Village Engineer Latona
Dog Control Officer Glead

I. Sign Law Revision - Public Hearing - Draft "A"

At 8:01 p.m., with the reading of the published public hearing notice, Mayor Eyres opened the public portion of the hearing by calling for comment from the floor.

TO: Village Board of Trustees, Village of East Aurora

RE: Drafts of proposed Local Laws amending Section 77-9 of the Code of the Village of East Aurora, New York, entitled "Nonconforming Signs", which is part of Chapter 77 of the said Code entitled "Signs" to:

- Draft A { (a) Permit currently existing legal nonconforming signs to continue in use without time limitation;
- Draft B { (b) Permit current legal nonconforming signs to be removed for repair and maintenance and restored to their original position within thirty (30) days without losing their legal nonconforming status; and
- (c) Provide that the lettering and pictorial matter composing the text of a legal nonconforming sign may be changed provided a permit is obtained therefor and provided the new text directly relates to the sale of goods or services rendered on the property.

FROM: Village Attorney Walter W. Howitt

DATE: September 18, 1981

1. Per direction of your Board, there has been prepared and attached to this memorandum a draft of a proposed Local Law incorporating (a) and (b) above (Draft "A") and a draft of a proposed Local Law incorporating (a) (b) and (c) above (Draft "B").

2. Said drafts have been prepared in accordance with the first three recommendations of the Committee Report of the Sign Law Revision Committee.

Respectfully,

Walter W. Howitt
Walter W. Howitt
Village Attorney

Comment in support of the proposed revision was heard from Scott Carnes of 779 East Fillmore, Neal Jacobus of 107 Center Street, Jean Anderson of 77 Maple Street, Alex Gabry, Manager of and resident at the Roycroft Inn, and Jim Berg, Executive Director of the Greater East Aurora Chamber of Commerce.

October 5, 1981

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Opposing comment was heard from Helen Smyth of North Street.

At 8:24 p.m. Mayor Eyres closed the public portion of this hearing and referred the matter to the Board.

Trustee Thompson, Chairman of the Sign Law Review Committee, pointed out that the adoption of this "Draft A" would allow the remaining non-conforming signs to become conforming through attrition as the others had.

Upon a motion by Trustee Thompson, a second by Trustee Smith and a unanimous vote, the following Local Law was adopted.

DRAFT "A"

LOCAL LAW NO. 1981

A LOCAL LAW TO AMEND SECTION 77-9 OF THE CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, ENTITLED "NONCONFORMING SIGNS", WHICH IS PART OF CHAPTER 77 OF THE SAID CODE ENTITLED "SIGNS".

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

1. Section 77-9 of the Code of the Village of East Aurora, New York, entitled "Nonconforming Signs" is hereby amended as follows:

NOTE: Material within brackets is eliminated and material underlined is added to and included in Section 77-9 of the Code of the Village of East Aurora.

§ 77-9. Nonconforming signs.

- A. Inspection. Immediately following the effective date of this local law, the Building Inspector shall make or cause to be made an inspection and evaluation of all existing signs covered by this local law. All business establishments with signs which do not conform to these regulations shall be notified by certified mail stating how the existing sign violates the law. The Building Inspector shall keep a copy of all such letters and record of date notified.
- B. Nonconforming signs. All nonconforming signs designated under §77-9A which are in use prior to the effective date of this local law may continue in use as legal nonconforming signs except as listed below.
 - (1) Any nonconforming sign which does not directly relate to the sale of goods or services rendered on the property, or a sign advertising a previous business on the premises which has not been purchased, leased or assumed by the present occupant, shall be taken down and removed within sixty (60) days following the [effective date of this local law.] date after which the said nonconforming sign no longer directly relates to the sale of goods or services rendered on the property.
 - (2) Fluttering banners, miscellaneous signs denoting premiums or bonuses for buying gasoline, movable and nonattached signs and all other advertising not directly related to permitted uses listed in the Zoning Ordinance for the operation of a gasoline service station shall be removed within thirty (30) days after notification by the Building Inspector that such uses are nonconforming.

[(3) Any projecting sign over any public way, except a conforming sign hung from the underside or ceiling of a covered walkway related to the exterior of an individual business establishment, prohibited by §77-4B of this local law, shall be taken down and removed within none and one-half (9-1/2) years following the effective date of this local law, that is, by on or before October 17, 1981.]

[(4) Any nonconforming freestanding sign shall be taken down and removed within nine and one-half (9-1/2) years following the effective date of this local law, that is, by on or before October 17, 1981.]

C. [D.] Repair [or alteration.] and maintenance. Nothing herein shall be deemed to prevent keeping a nonconforming sign in good repair and in a safe condition. Any legal nonconforming sign which is removed from the position it occupied at the effective date of this local law for the purpose of repair and maintenance and restored to such original position within thirty (30) days after such removal may continue in use as a legal nonconforming sign subject to the provisions of paragraph B. of this §77-9.

D. [C.] Discontinuance. Any legal nonconforming sign which is removed from the position it occupied at the effective date of this local law and not restored to such original position within thirty (30) days shall be presumed to be abandoned and discontinued and may not be restored or reerected except in compliance with this local law.

2. This amendment of Section 77-9 of the Code of the Village of East Aurora shall take effect immediately.

Dated: East Aurora, New York
September , 1981

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

Van J. Zittel
Village Clerk-Treasurer

Trustee Marshall noted that the balance of the items covered in the Sign Law Review Committee's report would be pursued at a future time.

II. Rezoning - Northwest Corner of Brooklea Drive and Main Street

Recognizing the Board's desire to establish findings and request a detailed artists rendering from the developer, showing the residential appearance of the proposed building, Mayor Eyres asked that Mr. Naylor be requested to attend the next Board meeting.

Thus, Trustee Thompson moved to table this item. A second by Trustee Marshall and a unanimous vote carried the motion.

III. Sewage Disposal - Decision On

At 8:35 p.m. the Board agreed, upon the advice of the Village Attorney that any subject involving possible litigation should not be discussed publicly, to defer this item to later in this agenda and hold a limited executive session before acting.

At 9:15 p.m. the Board moved into executive session to discuss the Order on Consent from N.Y.S.D.E.C. which included possible litigation.

At 9:57 p.m. the Board returned from executive session and continued as follows.

Mayor Eyres recognized Deputy Mayor Pagliaccio who presented and read aloud the following resolution.

RESOLUTION

WHEREAS, the Village of East Aurora has been studying various alternatives concerning upgrading or rebuilding its wastewater facilities vs a regional connection; and

WHEREAS, the residents of the Village of East Aurora have on two previous occasions, by referendum, voted in favor of a regional approach; and

WHEREAS, the Village of East Aurora has been advised of a method for a regional connection heretofore not previously available; and

WHEREAS, such newly available method may be the most cost effective for the Village of East Aurora; and

WHEREAS, such method will provide an opportunity for planned growth, which growth is vital to the economic health of our Village; and

WHEREAS, such method will provide for continued local control of our wastewater facilities;

NOW, THEREFORE, BE IT RESOLVED that the Village of East Aurora will submit a Step II Construction Grant Application to the DEC Division of Construction Management for the design of a wastewater system from the Village of East Aurora to the easterly terminous of the Southtowns Sewer Agency Northeast Interceptor in the Town of Orchard Park, or the closest connection point available, contingent upon the following:

- 1) The execution of an agreement satisfactory to the Village of East Aurora with the Southtowns Agency, including but not limited to, the acceptance and treatment of wastewater transmitted through the wastewater system and charges therefore.
- 2) The execution of a satisfactory agreement with the Town of Aurora, including but not limited to, the fixing of responsibility for the costs of adding to, enlarging or changing in any way the Village of East Aurora

sewer lines and appurtenances to accommodate the handling of wastewater from the areas of the Town of Aurora outside the Village, including operation and maintenance costs assignable to the Town of Aurora for the acceptance, transmission and handling of such wastewater.

- 3) The execution of a satisfactory agreement with the Town of Orchard Park, including but not limited to, permission for the construction of the wastewater connection system through sections of the Town of Orchard Park, New York, and covering costs, operation and maintenance in connection therewith.
- 4) The granting of Federal and State funding in an amount equal to 87-1/2% of all construction costs, for the connecting pipeline, pump station and retention basin to the Village of East Aurora.
- 5) The receipt of a Federal and/or State grant funding the costs of an SSSES.
- 6) The location of the retention basin, if one is required, in an area and manner that will not endanger the general health, safety or welfare of the community.
- 7) The providing of operation and maintenance funding for the wastewater connection system provided by the State of New York on the same basis as such O & M funding is provided for sewage treatment plants.

Trustee John Pagliacchio moved the adoption of the foregoing Resolution. Said motion was seconded by Trustee Jerrold Thompson and upon having been put to a vote, the motion was unanimously carried and the Resolution adopted.

IV. Municipal Equipment Exchange Agreement

TO: Mayor Lawrence E. Eyres and Village Board of Trustees
RE: Proposed agreement pertaining to cooperative interchange of equipment by Village of East Aurora, Village of Orchard Park, Town of Aurora, Town of Wales and Town of Elma
FROM: Village Attorney Walter W. Howitt
DATE: September 29, 1981

1. At the 21st Annual Public Works School held on October 16, 1980 and attended by the Superintendent of Public Works, Roy W. Lang, an address upon the above subject was given by Donald A. Walsh, General Counsel of the New York State Conference of Mayors, in which it was pointed out that the current informal exchange of equipment among municipal highway departments exposed municipalities to possible and probable claims in the event of accidents involving loaned equipment and operators of loaned equipment.

October 5, 1981

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NYCOM Attorney Walsh recommended that units of local governments desiring to exchange equipment on a mutually beneficial basis under a formal plan could minimize such exposure to liability, in particular, the potential liability of Superintendents of Public Works and Town Superintendents of Highways. A copy of Mr. Walsh's address is attached to this memorandum.

2. Through the efforts of the Highway and Public Works Departments of the Villages of East Aurora and Orchard Park, and the Towns of Aurora, Wales, and Elma, a proposed agreement pursuant to Article 5-G of the General Municipal Law has been prepared, under the terms of which the participating municipalities agree to make equipment available for use by each other, subject to the following provisions:

(1) Equipment shall be rented on a reciprocal basis at the rates established in the New York State Department of Transportation Handbook of Rental Rates, which rates shall not include the cost of fuel but shall include the services of the operator, where applicable.

(2) Each Party shall provide and keep in force liability insurance covering its own equipment, including the operator. Such insurance shall have limits of not less than _____ and shall protect both the owner of the equipment and the Party renting and using the equipment from any and all liability in the event of any claim arising during any exchange or rental pursuant to this Agreement.

(3) When equipment is rented, together with the services of the owner-employed operator, the operator shall at all times be deemed an employee of the Party which owns the equipment.

(4) The method of operation of the rented equipment shall be under the direction and control of the operator provided by the Party owning the rented equipment when such equipment is rented together with the services of the owner-employed operator. However, the selection of the type of work to be performed by the rented equipment and the overall supervision of the said work shall be provided by the municipality renting the said equipment.

(5) Payments for the rental of equipment, with or without the services of an operator, as the case may be, shall be in the form of reciprocal hours of such rental and service as determined by the Superintendents plus money payment for unreciprocated rental and service balances owed

by a receiving or renting Party to an owning and furnishing Party as of the 31st days of May and December during the term of this Agreement. Any such outstanding and unreciprocated rental hours remaining on the 31st days of May and December during the term of this Agreement shall be reimbursed to the owning and lending Party at the rates established in part 1 of this Agreement on vouchers submitted to the governing board of the Party owing such unreciprocated service balance on such date by their respective Superintendents. The vouchers so submitted shall be authenticated by the Superintendent of the Party owing such unreciprocated balance.

(6) The respective Superintendents of the Parties to this Agreement are authorized to contact their counterparts and to request the use of available equipment by signing a memorandum of reciprocal use stating the type of equipment, the estimated time of use and the place and purpose of such use, and the terms of this Agreement shall apply to each and every such request.

(7) The Party receiving or requesting service shall not be responsible for any loss or damage to any equipment or related apparatus exchanged pursuant to this Agreement. This section will be voided if it is proven that such loss or damage was caused by negligence on the part of the Party requesting the equipment.

(8) This Agreement shall be in effect from the signing hereof until the 31st day of December, 1982. It is understood that this Agreement will be automatically renewed for successive periods of one (1) year unless a Party to this Agreement shall advise the other Parties to this Agreement of its intent not to so renew in writing, not less than ninety (90) days nor more than one hundred eighty (180) days prior to the expiration of any one (1) year period.

3. This proposed agreement is currently being circulated among the attorneys for the participating municipalities and was also considered by the Town Board of the Town of Aurora on September 28, 1981.

4. Also herewith is a copy of a memorandum on this subject addressed to Mayor Lawrence E. Eyres, dated July 22, 1981, in which it is pointed out that under the proposed agreement each municipality shall provide and keep in force liability insurance covering its own equipment, including the operator, and suggesting that the proper place for the spelling out of any limitations upon the personal liability of the chief executive of a municipality in connection with the renting of municipal equipment would be in the resolution adopted by the Village Board of Trustees, authorizing the execution of the proposed agreement and authorizing the Superintendent of Public Works to act pursuant to such agreement.

Respectfully,

Walter W. Howitt
Walter W. Howitt
Village Attorney

Upon discussion of the above proposal, and referring the ambiguity of the methods used to supervise the use of the equipment, the personnel operating the equipment, and the handling of and insurability against any possible damages that may result from the exchange of equipment, Trustee Sleeper moved to table this item for further clarification. A second by Trustee Thompson and a unanimous vote carried the motion.

V. Fire Suppression and/or Alarm System - Village Buildings

At the Board meeting of August 3, 1981 a request from the East Aurora Fire Department, Inc. for the captioned item was heard. In reply to this request, and in the effort of retrieving substantial information on available systems Mayor Eyres asked Trustees Sleeper and Suttell to contact Fire Chief Bamberg, Village Engineer Latona, and Supt. of Public Works Lang with regard to investigating viable systems from all angles.

VI. Kennel Permit - 97 Maryann Drive

PERMIT APPLICATION

Chapter #51 - DOGS and OTHER ANIMALS - Village Code

I CHARLES SANBONE of 97 MARYANN DR do
Applicant Street Address

hereby apply to the Village of East Aurora Board of Trustees for a permit to keep or house 3 DOGS within the limits of the Village of number controlled animal(s) East Aurora.

REASON FOR KEEPING OR HOUSING ANIMAL (S):

We own 2 of the dogs but

the third is a temporary

arrangement for a family member who will be visiting with us.

DESCRIPTION OF CONTROLLED ANIMAL(S):

BREED	SEX	AGE	NAME	LICENSE NO.
<i>Poodle</i>	<i>Female</i>	<i>2</i>	<i>Lucy</i>	<i>0335421</i>
<i>Small white</i>	<i>Female</i>	<i>8</i>	<i>Tracy</i>	<i>0334718</i>
<i>Great Dane</i>	<i>Male</i>	<i>2</i>	<i>Steve</i>	<i>0460005</i>

October 5, 1981
Page 9

The Applicant understands that this permit shall only apply to the specific animals listed above and will automatically expire with any change thereof.

DESCRIPTION OF KEEPING OR HOUSING FACILITIES

Owner of Housing Premis: John & Charlene Sansone
Name

97 Maryanne
Address

Interior Facilities: Residential home - Bi-level

Exterior Facilities: Backyard - Fenced - but
Access to street in front of lot.
Only when necessary.

Applicant is familiar with and understands Chapter #51 "Dogs and Other Animals" of the Village Code and all of the applicable statutes.

Applicant agrees to allow the Duly Appointed Animal Control Officer or other Village Personnel to perform administrative functions, ie: facilities inspection, (both before and after permit issuance) etc. to insure compliance with applicable statutes.

Applicant hereby certifies as to being head of the household where the controlled animal(s) will be kept or housed and that the information contained herein is true and correct.

9-24 19 81

Charlene Sansone
Signature of Applicant

After reviewing the above application, hearing the following communications read aloud,

Mr. and Mrs. E.A. Pickert
808 Warren Dr.
East Aurora, N.Y.

The permit application for permission to keep three dogs on her property (as a temporary arrangement) has our approval, provided, of course, that the dogs are confined at all times on the owner's (Charlene Sansone) property at 97 Maryanne Dr.

Mr. and Mrs E.A. Pickert.

October 5, 1981
Page 10

Oct 1, 1981

Dear Sirs,

This letter is in regard to the application for a three dog permit by Charles Dandone of 97 Maryann Dr.

I request the permit NOT be approved. My reason is that the existing two dogs are allowed to run free at times. This already causes a neighborhood problem. While walking my dog on a leash the small collie has come into the street after my dog several times.

Thank you,
Daniel R. Kennedy

Daniel R. Kennedy
776 Warren Drive
East Aurora, N.Y. 14052

I have no objections to
the applicant housing 3 dogs.

Harriet Mc Litchson
769 Warren Drive
East Aurora, N.Y. 14052

September 28, 1981
781 Warren Dr.
East Aurora, NY

Board of Trustees
East Aurora N.Y.

Dear Sirs,

I regret to say I am
opposed to the granting of this
permit to Mr. & Mrs. Sansone
to keep 3 dogs at their address.

As their back yard adjoins
a portion of my yard and
I have a dog an annoying
problem can arise. I
have seen their dogs often
running unattended.

Sincerely yours

James F. Griffin


noting the notification to the following neighbors,

TO: Mayor and Board of Trustees

DATE: September 24, 1981

RE: List of addresses that received notices of Sansone Permit Application

<u>Warren</u>		<u>Mary Ann</u>	<u>Martin</u>
752	792	94	759
756	796	97	763
760	797	98	764
764	800		767
765	801	3	768
768	804		771
769	805		772
772	808		775
773	812		776
776			779
777	✓		780
780			783
781			784
784			787
785			791
788			801
789			

Thank you,

Richard C. Gleed, DCO
Village of East Aurora

and receiving negative oral comments from Dog Control Officer Glead, Joan Ehlers of 796 Warren Drive, and James Laven of 777 Warren Drive, Trustee Smith moved to deny the application citing the fact that the Board has not granted these permits when objections were apparent. A second by Trustee Pagliaccio and a unanimous vote carried the motion.

VII. Sign Permit - Request from American Field Service

APPLICATION FOR SIGN PERMIT

Do not write in this space

Examined _____ 19____
Approved _____ 19____
Disapproved _____ 19____
a/c _____

Permit No. _____

VILLAGE OF EAST AURORA
RECEIVED
SEP 28 1981
BUILDING DEPARTMENT

TO: Building Inspector
Village of East Aurora
Village Hall, 571 Main Street
East Aurora, New York 14052

DATE: 9/28/81

I. Applicant:
Name: NEAL JACOBUS / AMERICAN FIELD SERVICE
Address: 107 CENTER ST. EAST AURORA

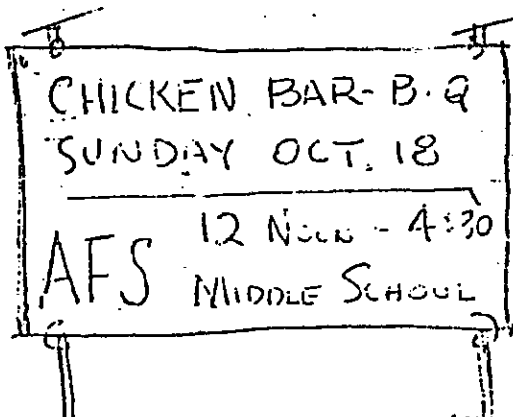
II. Owner of Premises:
Name: VILLAGE ENTRANCES ON STAKES
Address: _____

III. Location of Premises:
Zoning District: L

IV. Description of Proposed Sign:
(a) Type of Sign: Permanent: _____ Temporary:
Sign Board, attached to Building: _____
Painted Wall: _____
Post, Ground, Freestanding:
Marquee, Awning, Roof: _____
Other: _____
Type of Lighting: none Internal: _____ External: _____
(b) Dimensions: Height: 24" Length: 48" Total Sign Area: 8 Square Feet.

V. Drawing of Lettering and Pictorial Matter Composing Proposed Sign:

(a) Draw to Scale, Showing Dimensions: (use additional sheets if necessary)



6 signs - one at each main entrance to the Village for one week. To be removed before 8pm on Oct 18.

(b) Construction Details of Proposed Sign: (Show Structure Sign, Mounting Devices, etc.)

3/4" Fiber board
painted white with black letters

Location: _____
 Setback from Street Line: _____
 Height of "Face" of Building: _____
 Length of "Face" of Building: _____
 Area of "Face" of Building: _____ Sq. Ft.

VII. Location of Proposed Sign on Premises:

(Draw to Scale, Show Buildings, Property Lines & Streets)

To the Board - Village of East Aurora

The annual Chicken Bar-B-Q is the principle fund raising activity of the East Aurora AFS Club which sponsors 4 foreign students in our community and assists local students to go abroad.

Thank you,
Neil Jacobus

VIII. Existing Sign or Signs on Premises:

Type:	Size, in Sq. Ft.	Location:
None		
_____	_____	_____
_____	_____	_____
_____	_____	_____

Existing are to be: _____
(Remain, Removed, Reconstructed, etc.)

October 5, 1981
Page 14

The undersigned owner(s) of the subject premises at _____
hereby agree(s) to the erection of the sign applied for herein and hereby authorize
_____ to apply for the required permit for its erection.

Name(s) _____

Address (owners) _____

Telephone No. _____

The undersigned applicant hereby applies for a permit for the erection of the sign described above at the location described above.

Name D. L. Accobrie

A+S Committee

Address 107 Cantor St

East Aurora

Telephone No. 652-2189

In view of advice from Village Attorney Howitt that the Village does not have jurisdiction over state and/or county highways, Trustee Smith moved that the Board reply that the Village has no objection to this request. A second by Trustee Sleeper and a unanimous vote carried the motion.

VIII. Community Development Program - Contract for 1981-1982
Entitlement Period (7th Year)

Mayor Eyres explained that when he received this contract that he referred it to the Village Attorney for his review.

Thus, as the Village Attorney determined that the contract was essentially the same as last years, Mayor Eyres suggested a motion to authorize the Mayor to negotiate this contract.

Trustee Pagliaccio moved to authorize the Mayor to sign the 1981-1982 Community Development Program Contract. A second by Trustee Marshall and a unanimous vote carried the motion.

Community Development - 1982-1984 Cooperative Agreement


It was explained that the Village of East Aurora had entered into a Community Development Cooperative Agreement with the County of Erie for years 1979-1981 by agreement executed in November 1978, and had elected not to "opt-out" of the Urban County Program for the next three years, but rather had elected to continue in the said Urban County Program for years 1982 through 1984. Accordingly it was moved by Deputy Mayor Pagliaccio, seconded by Trustee Marshall and unanimously carried that the Village of East Aurora enter into a Cooperative Agreement with the County of Erie so as to continue to receive funds available by the application of the County of Erie under the Housing and Community Development Act of 1974, as amended, and that the Mayor is authorized to execute such agreement for the Village of East Aurora.

IX. Parking Lot Lease - John R. Hesse at Schumacher's Furniture Store

TO: Van J. Zittel, Village Clerk-Treasurer
RE: Parking Lot Lease from John R. Hesse
FROM: Village Attorney Walter W. Howitt
DATE: September 29, 1981

1. Enclosed herewith please find copies of the public parking lot lease from John R. Hesse to the Village of East Aurora. This agreement is the same in re terms and conditions as the earlier lease agreement between John R. Hesse and the Village of East Aurora commencing December 27, 1979 and ending April 30, 1980 and a further agreement commencing December 1, 1980 and ending April 30, 1981.
2. Also enclosed is a resolution approving the public parking lot lease, which resolution has been prepared for approval by the Village Board of Trustees at the October 5, 1981 meeting of the Board of Trustees, which resolution authorizes Mayor Lawrence E. Eyres to execute the said agreement on behalf of the Village of East Aurora.
3. Mr. Hesse has heretofore agreed to the terms of the enclosed lease.

Respectfully,


Walter W. Howitt
Village Attorney

Upon the explanation from Superintendent of Public Works Lang that this annual lease was necessary to allow the Village snow plows to remove the snow from this property to facilitate access to and snow removal from the adjacent Village parking lot,

RESOLUTION APPROVING PUBLIC PARKING LOT LEASE FROM JOHN R. HESSE

WHEREAS, John R. Hesse, the owner of certain premises situated on the north side of Main Street between Church Street and Riley Street in the Village of East Aurora, has joined with other owners in a public parking lot lease running to this Village, dated July 7, 1978, under which lease a small portion of the premises so owned by John R. Hesse have been leased to the Village of East Aurora for public parking lot purposes for a period ending July 7, 1988; and

WHEREAS, the said John R. Hesse desires to include a further portion of lands owned by him in the area to be so used by the Village of East Aurora for public parking lot purposes; and

WHEREAS, the said John R. Hesse and the Village of East Aurora have heretofore agreed upon the terms and conditions of a lease agreement for a period of approximately four (4) months commencing the 27th day of December, 1979 and ending April 30, 1980; and have agreed upon the terms and conditions of a further lease agreement of approximately five (5) months commencing the 1st day of December 1980 and ending April 30, 1981; and

October 5, 1981

Page 16

WHEREAS, the said John R. Hesse and the Village of East Aurora desire to renew such lease agreement upon the terms and conditions heretofore approved by lease agreement ending April 30, 1981, for a further period of approximately six (6) months commencing on or about the 1st day of November, 1981 and ending April 30, 1982.

NOW, THEREFORE, BE IT RESOLVED that the lease agreement between John R. Hesse, owner-lessor, and the Village of East Aurora, lessee, providing for the leasing of certain premises to the Village of East Aurora for public parking lot purposes for a period commencing on or about November 1, 1981 and ending April 30, 1982 is hereby approved and Mayor Lawrence E. Eyres is hereby authorized to execute the said lease agreement on behalf of the Village of East Aurora.

Trustee Pagliaccio moved the above resolution. A second by Trustee Suttell and a unanimous vote carried the motion.

X. Minutes of Previous Meeting

Trustee Smith moved to approve the Minutes of the September 28, 1981 meeting as corrected. A second by Trustee Thompson and a unanimous vote carried the motion.

XI. Audit of Bills

Trustee Pagliaccio moved to approve the bills audited by the Mayor and Trustees, this date, and order them paid. A second by Trustee Marshall and a unanimous vote carried the motion.

XII. Comments from the Floor

Jim Berg, of the Chamber of Commerce, applauded the Board's efforts regarding the Sign Law revision.

XIII. Reports from the Staff

Hearing none at this time, the Board moved along to...

XIII A. East Aurora High School - Request for "Homecoming" Activities

Trustee Smith moved to add this item to this agenda. A second by Trustee Pagliaccio and a unanimous vote carried the motion.

Oct. 4, 1981

To the Mayor and Town Board:

The Class of 1982 would like permission for the Homecoming parade. The parade will start at the Middle School parking lot on October 10, 1981, at 1:00. We are asking people to arrive

October 5, 1981
Page 17

at 12:30. The parade will end at the East Aurora High School. We would like an escort to the High School. The route of the parade will be determined after we talk to the police.

Thank you,
The Class of 1982

Trustee Smith moved to grant these requests upon supervision of the Police and Fire Departments as necessary. A second by Trustee Thompson and a unanimous vote carried the motion.

XIV. Items from Board Members

Trustee Thompson mentioned his desire to continue the work on the Sign Law revisions as soon as possible.

Trustee Suttell asked and Superintendent of Public Works responded that the necessary tree work throughout the Village is continuously in process.

Trustee Marshall mentioned that he is pursuing an agreeable date for a joint meeting of the Town and Village Governments to discuss the Cable TV matter.

Trustee Pagliaccio noted that he was awaiting a response from the Town regarding their acceptance of the joint service contracts as negotiated.

Mayor Eyres mentioned that Trustees Pagliaccio and Thompson met with Police Chief Smallback and Superintendent of Public Works Lang and determined that the letting of bids for the three new police patrol vehicles would include two gasoline and one diesel fueled vehicle.

XV. Motion to Adjourn

At 10:13 p.m. Trustee Suttell moved to adjourn. A second by Trustee Thompson and a unanimous vote carried the motion.

Respectfully submitted,



Van J. Zittel
Clerk-Treasurer

Village of East Aurora
 Minutes of the Regular Meeting of the
 Board of Trustees
 October 19, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 P.M.

Roll Call: Present - Mayor Eyres, Trustees Suttell, Marshall,
 Pagliaccio, Smith, Thompson, and Sleeper

Staff Present - Clerk-Treasurer Zittel
 Village Attorney Howitt
 Supt. of Public Works Lang
 Building Inspector Colby
 Police Chief Smallback
 Village Engineer Latona

I. Police Patrol Vehicles - Report of Bid Opening



M. RAYMOND SMALLBACK
 CHIEF OF POLICE

POLICE DEPARTMENT
 EAST AURORA TOWN OF AURORA
 571 MAIN STREET
 EAST AURORA, NEW YORK 14052



AREA CODE 716
 TEL. 852-1111

October 15, 1981

Honorable Mayor and Board of Trustees
 571 Main Street
 East Aurora, New York 14052

Dear Sirs:

Results of bid opening for three Police Vehicles on Thursday,
 October 15 at noon, in the Village office are attached.

The bids were let for two (2) gasoline power, and one diesel
 powered vehicle.

The low bid for two gasoline powered vehicles was submitted by
 Bob Johnson Motors of Springville, New York for two 1982 Plymouth
 Gran Fury police vehicles. I would recommend the acceptance of this
 bid as it meets our specs and is within the budget guidelines.

As for the diesel powered vehicle, I recommend we abandon this
 concept. We, the staff, the mechanics, and dealers do not recommend
 a diesel powered vehicle, for police work, at this time. See attached.
 I would recommend we accept the third gas powered vehicle bid from
 Johnson Motors as the alternative although this would entail adding
 approximately \$5,000.00 to the budget.

Respectively submitted,

Ray
 M. Raymond Smallback
 Chief of Police

October 19, 1981
Page 2SUMMARY OF BIDS FOR POLICE VEHICLES
BID OPENING OCTOBER 16, 1981 AT 12:00 NOON

BIDDER	VEHICLE	NET PRICE (TRADE IN 2 '79 CHEVROLETS)	THIRD VEHICLE	NET PRICE (TRADE IN '77 FORD)
FRANK DELIA CHRYSLER-PLYMOUTH	PLYMOUTH GRAN FURY BL 41	\$16,732.00	GAS ENGINE PLYMOUTH GRAN FURY BL 41	\$9,060.00
BOB JOHNSON MOTORS	PLYMOUTH GRAN FURY	\$13,718.10	GAS ENGINE PLYMOUTH GRAN FURY	\$8,704.05
FRANK DELIA BUICK CADILLAC			DIESEL ENGINE BUICK LESABRE	\$11,070.00
EMERLING CHEVROLET	CHEVROLET 4 DR. IMPALA 1 BL 69	\$17,344.00	DIESEL ENGINE (NOT POLICE PACKAGE) CHEVROLET 1 BL 69	\$9,633.00
			GAS ENGINE CHEVROLET 1 BL 69	\$9,732.00
GENTILE FORD	FORD	\$17,000.00		

October 19, 1981
Page 3

Mayor Eyres noted that during the worksession discussion of this item it was brought out that the diesel engines available today had not been adapted nor tested in this type of use. Thus, the Board intended to exercise the option expressed in the notice to bidders and in the bid specifications and reject these bids to investigate other sources of vehicles.

On a motion by Trustee Pagliaccio, a second by Trustee Thompson, and a unanimous vote the Board rejected the received bids and instructed Police Chief Smallback to bring information on acquiring the three vehicles through the state purchasing procedure to the next meeting.

II. Rezoning - Brooklea Drive and Main Street

Village Attorney Howitt reviewed the proceedings in this matter by stating that the required public hearing had been properly noticed, held, and closed within 45 days of receipt of the petition by the clerk; that the Code provided for a decision in this matter within 62 days or by November 30, 1981; that this item had been forwarded to and acted upon by the Village Planning Commission; and that further development information had been requested by the Board at the October 5, 1981 meeting and received only as recently as the October 15, 1981 worksession.

As this further development information was received verbally, thus being incomplete because of not being written, to facilitate analysis, and because the necessary decision backing Board findings are still in process, Mr. Howitt advised that this item might be deferred to facilitate further analysis.

With a motion to table from Trustee Pagliaccio, a second by Trustee Marshall and six yes and one no vote the Board deferred this item and received the following communications.

41 Castle Hill Road
East Aurora, N.Y. 14052
October 17, 1981

East Aurora Village Board

Gentlemen:

This is to inform you that we are opposed to the petition to rezone the property on the corner of Brooklea and East Main St.

Spot zoning is clearly a very short-sighted and inadequate solution to a much larger problem and that is the long-range planning of a municipality.

Clearly, it can be seen by driving in other communities that long-range planning was totally ignored and helter-skelter spot zoning was applied to appease the immediate needs. I cite for example Transit Rd. from Southwestern Blvd. north to Lockport.

I'm sure that the owners/developers of the two gas stations on Maple Rd. near Rt. 400 presented a very strong, sincere appeal to the Town and were certain that those stations would be an asset to the Town. They are anything but, and must be a burden to the community for the need of police surveillance, as they are potential fire and crime areas.

Mr. Naylor's appeal is just as sincere. But if his client, Dr. Westermeirer, decides in the future to move his practice, and if he can not sell the proposed building to another dentist, it too will either stand vacant or another petition will be presented to lower the zoning requirements to fit the needs of another type of business which may want to use those premises. Clearly, Mr. Naylor and Dr. Westermeirer can not assure us that this can not happen as in the case of the gas stations.

October 1981
Page 4

Spot zoning is not the answer and we truly hope you can see the domino theory happening on East Main St. if this petition is passed.

There must be other sites that are available and conform to the required zoning for Dr. Westermeirer's practice that do not require a zoning change and would still be an asset to the community.

Very truly yours,

Kenneth R. Wilkes
Kenneth R. Wilkes

Dorothy C. Wilkes
Dorothy C. Wilkes

311 Cazenovia St.
East Aurora, N.Y. 14052
Oct. 14, 1981

VILLAGE OF EAST AURORA
RECEIVED
OCT 15 1981
ADMINISTRATOR'S OFFICE

Village Board of Trustees
Village of East Aurora
571 Main St.
East Aurora, N.Y. 14052

PER _____

Gentlemen:

East Aurora has long enjoyed a feeling of being an attractive community. One of the main reasons for this atmosphere is the pleasing character of most of the roads that lead into the village. From the west on Route 16, visitors and residents find it refreshing to ride past the stone wall and the large trees of the Knox farm. From the north on Maple Road, people enter the village by passing well-kept homes, spacious lawns and large trees. From the east, on Route 20-A, people go past well-preserved homes, many of them old and grand. These entrances are an extremely important part of East Aurora's image. Since they are the first things that anyone sees when coming into East Aurora, they generate impressions that remain strong, even among those of us who live in the village. They create a sense of what it is like to be in East Aurora.

An entrance like East Main Street is too important to jeopardize by allowing a non-residential use to intrude. Through the years, East Main Street has remained largely residential; that is one of the major reasons that it looks so appealing. I urge the trustees to reject any application to rezone the northwest corner of Brooklea Drive and East Main Street from "R" to "R-C" to permit construction of a professional office building. There is no shortage of other property in the East Aurora area that could be developed for professional offices. Even if there were, this would be an inappropriate site for it. East Main Street has retained its pleasing character through the voluntary efforts of the people who live along it; those people should be encouraged to continue caring for their properties, since all of us in East Aurora benefit from the superb entrance to the village. The best way to encourage the continuation of such an appearance on East Main Street is to reject the proposed rezoning. This is probably as easy an issue as a village board can face. We should be happy that East Main Street looks as good as it does, and we should give its residents a sign that we want to keep it that way.

Sincerely,

Philip Langdon
Philip Langdon

VILLAGE OF EAST AURORA
RECEIVED

OCT 15 1981

ADMINISTRATOR'S OFFICE

October 14, 1981

Village Trustees
Village of East Aurora
East Aurora, N.Y. 14052

PER _____

Attention Van T. Zittel, Village Clerk

Re: Proposed Rezoning of Northwest Corner of Brooklea Drive
and East Main Street

Gentlemen:

We were very concerned to read about the petition of Henry Naylon for a rezoning of property located at the corner of Brooklea Drive and East Main Street. We wish to express our strong opposition to any such rezoning.

One of the most positive features of East Aurora is its attractive approaches. As time goes on, it seems as though the beauty of these approaches is gradually being whittled away, a little at a time. The proposed petition would be another perfect example of such a whittling program.

It is easy to understand why Mr. Naylon would want to locate his proposed new operation in such an attractive area. He would naturally feel that this would enhance the value of his property. Unfortunately, the converse is also true. At the same time that he is enhancing his own position, he will be substantially depreciating one of East Aurora's greatest attractions, and adversely affecting the surrounding properties as well.

We get the impression that your Board is slowly and gradually but continuously permitting these encroachments to occur. Each time you do so, it makes it a little easier for the next petitioner to point to your past practises and give them as a reason for allowing the next one.

Even though we are not residents of the immediate area, our concern is as great as that of the immediate residents.

We respectfully request that the adverse trend above referred to be stopped, and that this petition be denied on its merits.

Very truly yours,

Grover R. James *Isabel V. James*

Grover R. James

Isabel V. James

817 Chestnut Hill Road

East Aurora, N.Y. 14052

P.S. We respectfully request that this letter be read at your board meeting on Monday, October 19th.

1248 Carriage Dr.
E. Aurora, N.Y. 14052
Oct 16, 1981

Mr. Van Nittel
Clerk-Treasurer
Village of E. Aurora
E. Aurora, N.Y. 14052

VILLAGE OF EAST AURORA

RECEIVED

OCT 19 1981

ADMINISTRATOR'S OFFICE

PER _____

Dear Mr. Nittel

Please present this letter for consideration of the Village Board on Monday October 19, 1981.

We are opposed to the rezoning of the property at the corner of Brooklea Dr. and Main St in general and for the following specific reasons:

1. The presence of a commercial property with the landlord living off the premises creates a great potential for poorly maintained property in our neighborhood.
2. The spot rezoning of this property allows it to be used as a precedent for even more commercial development in this area. If anyone

doubts the potential of this action as a precedent, we would remind them of Mr. Henry Taylor's Sept. 28 citation of existing properties such as a doctor's in-residence office as justification for this rezoning action. Also,

the E. Aurora Advertiser in
the Oct. 15 editorial cited
the above mentioned doctor's
office as well as a church
as justification for rezoning.

We believe rezoning of the
Brooklea - Main properties to be
the precursor of undesirable
zoning of the east entrance
to our village.

Sincerely yours,
William H. and
Karen M. Wapner

Oct. 13/81

Dear Mr. Zittel,

I would like to express my support
for those Residents opposing the
rezoning of the property on the corner
of E. Main and Brooklea Dr.

I feel this end of Town has kept its
undisturbed beauty, many beautiful
Homes form the entrance to our Village
at this end and feel very strongly
that the 2 properties across from each

Other should remain "R" zoning. Once it is zoned R-C there is no guarantee that it will not be used for a business which would really disturb the character of this particular area.

VILLAGE OF EAST AURORA

RECEIVED

OCT 19 1981

ADMINISTRATOR'S OFFICE

PER _____

Thank you

Ann H. Hodder

Rec'd 10/19/81

(4)

65 Brooklea Drive
East Aurora, New York 14052
October 19, 1981

Mr. Van T. Zittel
Village Clerk
East Aurora Village Trustees

Dear Mr. Zittel:

Ref: Brooklea Drive - East Main Street Rezoning

I am adamantly opposed to the rezoning of the property at the corner of Brooklea Drive and East Main Street. My property joins this property at Tannery Brook. I was unable to attend the meeting on September 28, but I wish to formally protest the rezoning. The construction of a professional building or any other commercial building would destroy the beauty of this area. When I moved to New York from Texas I purchased this property precisely because it was far removed from all commercial buildings and had a very natural setting. I am willing to pay higher property taxes and commute over 40 miles a day because I enjoy this setting. If the adjacent property is rezoned, I might as well move to the city and save tax money and time and money used in commuting.

Please consider the wishes of the property owners in this area and do not rezone this property for commercial purposes.

Thank you.

Sincerely yours,

Patricia M. Bealmear
Patricia M. Bealmear, Ph.D.

October 19, 1981
page 9

DONALD E. PRESTON

Manufacturers Representative

1231 CARRIAGE DRIVE
EAST AURORA, NEW YORK 14052

TELEPHONE
AREA CODE 716
652-6588

REPRESENTING THE FINEST SERVICE EQUIPMENT

ARO CORPORATION

ROTARY LIFT CO.

CHAMPION MACHINE CO.

October 17, 1981

Mr. Van T. Zittel
Village Clerk
East Aurora, New York. 14052

VILLAGE OF EAST AURORA

RECEIVED

OCT 19 1981

ADMINISTRATOR'S OFFICE

PER _____

Dear Mr. Zittel

I would like you and the village trustees to know that my wife and I are opposed to the rezoning of Brooklea and Main St. to R-C from R.

We think the village should keep this area residential as it is more attractive to the village.

I request that this letter be read at the October 19th. 1981 meeting.

Sincerely,
Donald & Jean Preston
Donald & Jean Preston

DP/jp

VILLAGE OF EAST AURORA
RECEIVED

OCT 19 1981

ADMINISTRATOR'S OFFICE

COOLBAUGH & ASSOCIATES

116 Glenridge Road
East Aurora, New York 14052

PER _____

16 October 1981

VILLAGE TRUSTEES
East Aurora, N. Y.

Attention: Van T. Zittel, Village Clerk

Dear Mr. Zittel:

Kindly accept this letter as a statement of opposition to be read at the meeting of Oct . 19, 1981 re: the matter of Henry Naylor's petition to rezone property at the corner of Brooklea Drive and E. Main Street, from "R" to "R-C" to permit construction of a professional office building.

To the Trustees:

Gentlemen:

Why have a Planning Board if you deliberately ignore their recommendations?

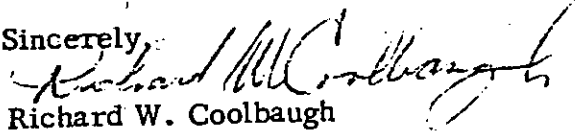
You, the Trustees, were elected to carry the trust for the future of our Village and Town of Aurora. In 1951 the Equitable Life Assurance Society of America, published a small pamphlet, its subject relative to this area, was titled: "Our Thirty-year Predictions for Western N. Y."

It said, in part: "As a mortgage and insurance holding institution, we always invest in the future. When you buy a new home, build, or restore an older one, you are investing in something that will be yours, mortgage free, in twenty or thirty years. Will it prove to be a sound investment? At the retirement age can you afford to have bought into a neighborhood that is on the decline? Going industrial? Of course not. Therefore, we urge some caution and thorough examination of the area and type of local government administrators who can make or break a community.

"We recommend," they went on, "that you invest in the area south east of Buffalo, including the areas of Orchard Park, Elma and E. Aurora. Buffalo's expansion to the west is obviously blocked, and, to a lesser degree, so is the north, south and central. This is why the expressway from the main Interstate Highway through East Aurora to the south, will open up the entire area. It will pose new problems for the local planners, including zoning, electrical energy, adequate good water, and sewer system expansion. It will demand foresight and courage of those officials to hold the line to their master plans.....but, we have faith.....faith in the future." This was written in 1951.

Please, Trustees, think of the possible effect upon this entire neighborhood if you make a zoning change to profit a single individual. We invested here for the future. Help us keep it in trust. Do not approve that petition.

Sincerely,



Richard W. Coolbaugh
Resident since 1952

VILLAGE OF EAST AURORA
RECEIVED

OCT 19 1981

ADMINISTRATOR'S OFFICE

PER _____

1246 Surrey Run
East Aurora, N.Y.
October 17, 1981

The Mayor & Village Trustees
Village of East Aurora
East Aurora, N.Y. 14052

Your Honor The Mayor and
Village Trustees:

Please read this letter at the meeting of 10/19/81.

The purpose of this letter is to state my very strong opposition to the request for rezoning Mr. Naylon's property at the corner of Brooklea Drive and East Main Street from "R" to "RC".

My reasons for opposing this rezoning are:

1. As an owner of a home in this now "R" area, I feel it is unjust, unnecessary, and inequitable to the surrounding residents.
2. It will increase traffic in the area.
3. It will decrease the present residential appearance of the area.

October 19, 1981
Page 11

4. It is poor planning to spot zone any "R" area to "RC" when there are other "RC" areas available. (This unnecessary rezoning was illustrated very graphically by the recent McDonalds case - which started out as a request for spot rezoning, but after denial, was very adequately met by presently available property in the correct Zoning Class.)
5. Mr. Naylor has been trying for years to increase the value of his property at this location by having it rezoned, and it hasn't been fair to do so in the past and it isn't today!

Please consider the wishes of the vast majority of the property owners in my neighborhood, as well as the counsel of the Village Planning Commission and deny this unfair request.

Very Truly Yours,

Leon E. Illig
Leon E. Illig

VILLAGE OF EAST AURORA

RECEIVED

OCT 19 1981

MRS. DREXEL ANDREWS
530 FILLMORE AVENUE
EAST AURORA, NEW YORK 14052

ADMINISTRATOR'S OFFICE

PER _____

October 15, 1981

Village Board of Trustees
Village of East Aurora
571 Main St.
East Aurora, NY 14052

To Whom It May Concern:

I feel it necessary to voice my objections to the proposal to re-zone the Brooklea - E. Main area to allow for future commercial development.

The grounds for my objection is that this proposal appears to be an isolated development project as opposed to an integral part of an overall plan. I am among the first to promote the need for expanded commercial development in the Village of East Aurora, however, if an overall plan does exist, I do not understand why actions are not being taken to make the full development and upgrade of the west end of Main St. the initial priority.

Drexel S. Andrews

Nativity

1260 EAST MAIN STREET
EAST AURORA, N.Y. 14052

Church 652-5880
Parsonage 652-6273
"Fish" 652-7272



REV. JOHN W. FEHRINGER, Pastor
171 Sycamore Street
East Aurora, N.Y. 14052

Wales Hollow Community

EAST CREEK RD. (WALES HOLLOW)
VILLAGE OF EAST AURORA

RECEIVED

OCT 16 1981

ADMINISTRATOR'S OFFICE

To: The Village Board of E. Aurora

WE THE UNDERSIGNED AS MEMBERS OF THE CONGREGATION PROTEST
AND THUS REQUEST THE BOARD OF TRUSTEES OF THE VILLAGE TO REJECT
THE REZONING OF THE NORTHWEST CORNER OF BROOKLEA DRIVE TO ANY
CLASSIFICATION OTHER THAN WHAT IT PRESENTLY IS "R" RESIDENTIAL.

Pastor Fehring
 Allan W. Forest
 Nancy L. Forest
 Rev. Janis
 Ruth Staebert
 Telma Hill
 Carl Albright
 Marilyn A. Ball
 Robert C. Hesse
 Esther Voss
 Wm. Schultz
 Wayne Hattick
 Steve Dierwin
 David Linn
 Lynn L. Donnowski

Janis Fehring
 Janis Wilk
 Helene Meyer
 Emily Peter
 Mabel D. Tarbrake
 Jean T. Stings
 Judith A. Stoops
 Anne Walker
 Michelle Ward
 Welf W. Ward
 Laura A. Malock
 Johnson F. Lauer
 Susan H. Kaminski
 William J. Klaus
 Joanne Ripstein
 Virginia D. Stalia
 Jeff D. Stalia
 Richard Hodder

Charles Bartel
 Bonnie F. Bartel
 Larry D. Schickler
 Frank J. Schickler
 Marge Schickler
 Bernice Wright
 Dorothy Wiles
 Cheryl Bell
 Dexter G. Kelly
 Karen Barnes
 Alice Cross
 Carol M. Plisk
 Adrienne M. Donetto
 Norman B. B...
 Linda M. Young
 Jean L. Schultz

October 19, 1981
Page 1312 ← Village Home
East Aurora, N.Y. 14052

October 18, 1981

VILLAGE OF EAST AURORA

RECEIVED

OCT 19 1981

ADMINISTRATOR'S OFFICE

The Village Board
Village of East Aurora
571 Main Street
East Aurora, N.Y. 14052Attn: Mr. Van T. Zittel, ^{PER}Village ClerkSubj: Petition for the rezoning of the property at the
North West corner of Brooklea Drive and East Main Street.

Gentlemen,

We request that this letter be read at the Village Board meeting of October 19, 1981. As eight-year residents of the village of East Aurora we write to state our opposition to Mr. Naylor's petition for the subject rezoning.

We oppose the change because of the probability that a successful petition would be used as a precedent to support Mr. Naylor's petition to the Town of Aurora for the rezoning of his property on the south side of Main Street from Castle Hill to Glenridge. One "professional" building of carefully controlled architecture sounds not unreasonable; as part of a more extensive commercial development it clearly threatens the most attractive approach to the village. This petition pleads for a maximized profit against the evident loss of a village amenity.

This time of economic hardship understandably tempts all administrations to strive for tax base increases at all costs. However, if the board were to approve this petition it would be acting against the recommendation of the East Aurora Planning Commission and against the opinion and the wishes of the majority of the interested residents. We request that this petition be denied.

Yours respectfully

Gillian Flavel

David J. Flavel

GILLIAN & DAVID J. FLAVEL

III. Hamlin Park Use - Request from Gentile Ford/East Aurora Jaycees

OK w/Rec. Dept.

REQUEST FOR USE OF VILLAGE PARKS

<p>1. <u>GENTILE FORD, INC. / E.A. JAYCEES</u> (Name of Organization)</p> <p><u>Nicholas Gentile</u> (Name of President)</p> <p><u>135 Hamburg St. East Aurora, NY</u> (Address)</p> <p><u>716 - 652-2500</u> (Telephone Number)</p>	<p><u>Hamlin Park Football</u> <u>Park Requested for Use</u></p>
--	--

2. Nicholas Gentile, Jr. - Larry Schmitt of Jaycees
(Individual in Charge of Project)

same
(Address)

same
(Telephone Number)

3. The following is a brief description of the project or event: Local Competition Only.
For the Pass, Punt & Kick Constest - Open to kids ages 8-13 years old.
No entry fee - Same rules as last year.

This project or event includes approximately A) 10
(Number of people working)

B) 150
(Estimated number of people attending project or event)

C) October 24, 1981 10 am to noon - Football-Field & Shelter
Date and time of scheduled event, and area requested

4. The following is a list of labor and/or material which the Village is requested to make available: Power to run P.A. System which we will provide.

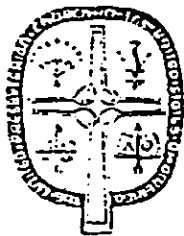
The organization shall attach to it's request a completed certificate of insurance stating the name of the insuring company, policy number, inception and expiration date, minimum limits of liability - 100/300 bodily injury, 50,000 property damage or in lieu of these limits, bodily injury and property damage limits combined as a single limit of \$300,000.

upon approval it is deemed necessary by the Board of Trustees, the requesting organization will be required to endorse its public liability policy to include the Village of East Aurora as an Additional Named Insured.

Upon noting receipt of an insurance form, and clearance for this time from the Town Recreation Commission, Trustee Smith moved to approve the use as requested. A second by Trustee Sleeper and a unanimous vote carried the motion.

October 19, 1981
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IV. Request to Close Main Street - Annual Ministerium Carolcade



FIRST PRESBYTERIAN CHURCH

EAST AURORA, NEW YORK 14052
652-0160

September 22, 1981

MINISTERS

PAUL R. WATSON, JR.
THOMAS E. ROBINSON

Mayor Larry Eyers
Village Hall
Main St.
East Aurora, NY 14052

Dear Mayor Eyers:

The East Aurora Ministerium would like to have permission from the Village Board to hold its annual Carolcade on Main Street as in previous years. This year's date will be December 19th and the time will be 7 PM.

We look forward to the board's approval for this event which is fast becoming a tradition in our community.

With warm regards,

Paul R. Watson, Jr.
Paul R. Watson, Jr.
East Aurora Ministerium

Trustee Smith moved to approve this annual community event as requested. A second by Trustee Pagliaccio and a unanimous vote carried the motion.

V. Municipal Equipment Exchange Agreement

Mayor Eyres noted that pursuant to this item first being discussed at the October 5, 1981 meeting, that it was still the feeling of the Board to further investigate the supervision of any loaned equipment and the possibility of modeling this agreement after the Fire Services' Mutual Aid Agreement.

Trustee Suttell moved to table this item. A second by Trustee Pagliaccio and a unanimous vote carried the motion.

October 19, 1981
Page 16

VI. Public Works Department Request to Attend Training School

To: Mayor Lawrence E. Eyres and Board of Trustees
From: Supt. of Public Works, Roy W. Lang
Date: October 13, 1981

The State of New York office of Fire Prevention and Control will be conducting a course of instructions in the maintenance and proper care of Fire pumps and accessories. The course will be held at The Academy of Fire Science in Montour Falls, New York on October 20-22, 1981.

I would like the Board's permission to send John Ehlers to this course because of all the different model fire pumps the Fire Department has, and have expenses covered pursuant to provisions of 77-b of the General Municipal Law.

Thanking you in advance for your consideration on this matter.

Upon the recognition of the benefit to the Village through the ability to maintain our own fire equipment, Trustee Pagliaccio moved to approve this request. A second by Trustee Thompson and a unanimous vote carried the motion.

VII. Audit of Bills

Deputy Mayor Pagliaccio moved to approve the bills as audited by the Mayor and Trustees this date and order them paid. A second by Trustee Marshall and a unanimous vote carried the motion.

VIII. Comments from the Floor

Jean Anderson, member of the Village Planning Commission, suggested the desirability of allowing increased review time between referral and report on items referred to the Planning Commission.

Helen Smyth asked Trustee Marshall what the mis-information was, that he referred to earlier, concerning the Brooklea/Main Street re-zoning.

Trustee Marshall responded that he had been told that some Village residents believed that an emergency medical facility, including emergency vehicle traffic and 24 hour service, was being planned. He continued that the only information available to the Village relating to the use of this facility was reference to dentistry.

James Scott, 33 Hamburg Street, asked about his rights, being a neighbor of McDonalds' Restaurant, concerning screening, for privacy reasons, between his back yard and the restaurant parking lot.

The Board responded that this was an administrative consideration under the Village Code and referred this to Building Inspector Colby.

Mr. Colby noted that he has been in contact with representatives of the restaurant and has informed them of the Code requirements and would see that these are met.

October 19, 1981
Page 17

IX. Reports from Staff

Village Clerk-Treasurer Zittel reported receipt of the following communication. He noted that this was facilitated because of Chairman Jack Keller's intentions of moving to the New England area.

October 15, 1981

Mr. Van J. Zittel, Village Clerk
Village of East Aurora
571 Main Street
East Aurora, New York 14052

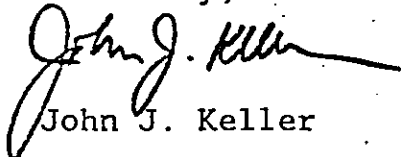
Dear Van:

At the regular meeting of the Planning Commission held Wednesday, October 14, 1981, Mr. Donald Wheelock was elected Chairman of the Commission. The vote was unanimous.

Please change any required records and advise the Board of Trustees. I am confident Don will do a good job for the Village.

I will continue as a member of the Commission until further notice. Thank you for your assistance in making the Chairman's task easier.

Sincerely,


John J. Keller

cc: Mayor Lawrence E. Eyres
Village Board of Trustees

X. Items from Board Members

Trustee Smith inquired as to the progress of the construction of the Hamlin Park Amphitheater by the Rotary Club.

Mayor Eyres responded that meetings had been held and that Supt. of Public Works Lang would be asked for a report for next meeting.

Mayor Eyres read the following communication aloud.

RONALD A. CHMIEL, D.D.S.

September 28, 1981

Mr. Lawrence E. Eyres
Mayor
Village of East Aurora
690 Girard Avenue
East Aurora, New York

Dear Mr. Eyres,

As a courtesy, I am informing you in advance that Seven Star Stereo, Inc. will be filing an application

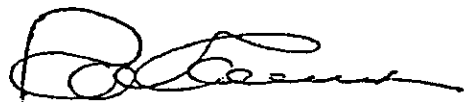
before the Federal Communications Commission in Washington D.C., to operate an FM radio station to be located in East Aurora, New York. I will be 60% owner of the corporation.

The station is presently located in Whethersfield Springs New York, with the call letters WBIV-FM and operated by the Christian Brothers of Virginia Beach, Virginia.

Mr. Albert E. Schall, Realtor, has assisted us in locating studio facilities on Main Street in East Aurora.

It will take approximately 60 days for the Commission to act on our application. During this time it is my hope that we may be able to meet and discuss how the radio station may become a respected member of the East Aurora community.

Very truly,



RONALD A. CHMIEL D.D.S.
RAC:tbn

XI. Motion to Adjourn

at 9:39 P.M. Trustee Marshall moved to adjourn this meeting. A second by Trustee Pagliaccio and a unanimous vote carried the motion.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

Village of East Aurora

Minutes of the Regular Meeting of the

Board of Trustees

November 2, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 P.M.

Roll Call: Present - Mayor Eyres, Trustees Suttell, Marshall,
Pagliaccio, Smith, Thompson, and SleeperStaff Present - Village Clerk-Treasurer Zittel
Village Attorney Howitt
Police Chief Smallback
Building Inspector Colby
Village Engineer Latona
Supt. of Public Works Lang
Planning Commission Chairman WheelockI. Rezoning - Brooklea Drive and Main Street

Mayor Eyres, upon receipt by the Clerk of the following modified development plan noted the opinion of the Village Attorney that all proceedings and documents were in order, to facilitate action, on this petition.

CARRIAGE DRIVE CORPORATION
AND LESLIE A. SPRAGGON

October 26, 1981

Village of East Aurora
Village Hall
571 Main Street
East Aurora, New York 14052

ATTENTION: HONORABLE MAYOR LAWRENCE E. EYRES.

SUBJECT: REQUEST FOR CHANGE OF ZONING.

TAX PARCEL NUMBER: 202 104-520, 202 576-100
NORTHWEST CORNER EAST MAIN ST. AND BROOK LEA DR.

Honorable Mayor Lawrence Eyres:

Under date of August 12, 1981 the petitioners named below filed application for a Zoning Change for subject property. The petition including a site plan dated August 13, 1981 and was described as a schematic study prepared by Guidone Architects. After the public hearing of September 28, 1981 on subject proposal, the Mayor and Trustees requested more specific detail in the areas of architecture to appear more residential, usage of building, location of building, parking area, and lighting.

With this letter I submit a revised Site Plan, which I believe covers the specifics of the revisions requested by The Board. The revised plan under date of October 23, 1981 repositions the building, changes the driveways and parking area and attaches an architectural rendering of the building. It further defines the specific use of the building as a suite of offices for one dentist and his staff. The Ordinance calls for 5 parking spaces and 7 have been provided. As for lighting the parking lot, it is so small that free standing lighting poles will not be necessary and all that will be necessary is a flood light of some type placed approximately on the northeast corner of the building. The one change in the artists rendering of the building is the front entrance, which will be positioned at the southeast corner of building. Also attached for the Board's use is a schematic drawing of the interior of the building.

VILLAGE OF EAST AURORA

RECEIVED

OCT 29 1981

ADMINISTRATOR'S OFFICE

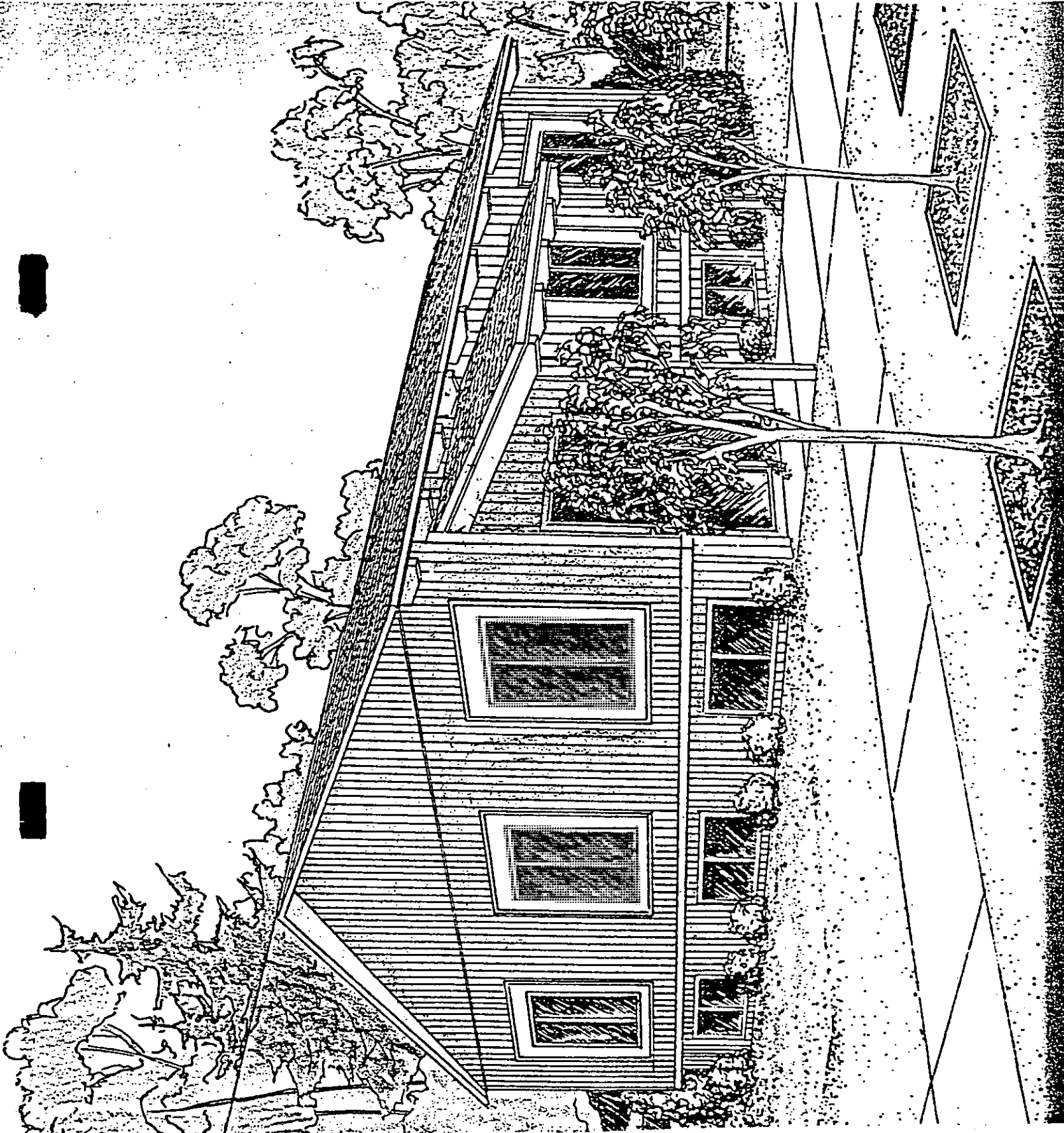
PER _____

The Board has in its possession all of the engineering data previously requested and which includes a letter from the engineers covering the matter of storm water run-off and control. This letter is under date of October 15, 1981. I trust the attached data plus that which has been previously submitted will be sufficient in all detail for your use.

Respectfully submitted,

[Handwritten Signature]
OWNER - CARRIAGE DRIVE CORPORATION

[Handwritten Signature]
DEVELOPER - LESLIE A. SPRAGGON



The topic of findings came on for discussion with Trustee Marshall offering the following:

PROPOSED REZONING OF PREMISES AT NORTHWEST
CORNER OF BROOKLEA DRIVE AND MAIN STREET

The matter of the proposed provisional rezoning of premises at the northwest corner of Brooklea Drive and Main Street upon the petition of Leslie A. Spraggon and Carriage Drive Corporation to change the zoning classification of the said premises from the "R" Single Family Residence zoning classification to an "R-C" Residence-Restricted Business zoning classification came on for consideration.

The Board members stated that they had reviewed all documents submitted with the petition for rezoning prior to the public hearing thereon held on September 28, 1981, including the Environmental Assessment Form filed therewith, constituting the proposed development plan for the development of the subject premises pursuant to the proposed provisional rezoning; all testimony and documents submitted at the said public hearing; the report and recommendation of the Village of East Aurora Planning Commission; the report and recommendation of the Erie County Department of Planning; the written objection to the proposed rezoning from the Nativity Evangelical Lutheran Church of East Aurora, and from Charles F. and Margery H. Geyer, the owners of premises directly across Brooklea Drive from the subject premises and premises adjoining the subject premises on the west; the various letters and petitions submitted to them in connection with the matter subsequent to the said public hearing; and the several site plans, interior layout plans and artist's renderings and documents constituting the modified development plan required by this Board of Trustees.

Following a discussion, it was moved by Trustee Marshall and seconded by Trustee Pagliaccio that the following findings be adopted as the findings of this Village Board of Trustees in connection with this proposed application for provisional rezoning:

1. That the premises for which a change in zoning classification is sought are located at the northwest corner of Brooklea Drive and Main Street in the Village of East Aurora and have a north and south dimension of approximately 365 feet and an east and west dimension of approximately 155 feet.
2. That a public hearing upon the matter of the provisional amendment of the Zoning Law and Zoning Map of the Village of East Aurora to change the zoning classification of the subject premises was held on September 28, 1981.
3. That written protests against the proposed change of zoning classification were filed by the Nativity Evangelical Lutheran Church of East Aurora, New York and Charles F. and Margery H. Geyer, the owners, respectively, of 20% or more of the land directly opposite to the subject premises extending 100 feet from the street frontage of such opposite land and owners of 20% or more of the land immediately adjacent to the subject premises extending 100 feet therefrom.
4. That by reason of the receipt of the protests recited in the preceding finding, the favorable vote of 3/4 (or 6) of the members of this Village Board of Trustees is required to make effective an amendment changing the zoning classification of the said premises.
5. That subsequent to the public hearing upon this matter held on September 28, 1981 and by action taken on October 5, 1981, this Board of Trustees required the modification of the proposed development plan submitted in connection herewith to, among other things, provided for a residential appearance and residential characteristics of the building proposed to be constructed on the subject premises.

6. That the following documents, plans and renderings constitute the development plan, as modified, in connection with this matter:
 - (a) Original Petition for Rezoning dated August 13, 1981
 - (b) Original Site Plan (Schematic study) prepared by Guidone, dated 8-13-81
 - (c) Environmental Assessment Review dated 8-31-81, amended as to paragraph B 1 (i) to show the proposed use as one not four professional office suites
 - (d) Letter from Tallamy, Van Kuren, Certis & Thielman, Engineers, dated 9/1/81 with attachment being a drainage report in re the proposed development
 - (e) Revised site plan - dental office - dated 10/23/81 (which this Board requires to be further modified to place the building outside the flood hazard area)
 - (f) Interior layout of one floor of dental office for Dr. R. Westemeier, dated 10/16/81
 - (g) Letter from petitioner dated 10/26/81 transmitting amended and modified site plan, floor plan and architect rendering
 - (h) Architectural rendering of character of proposed building at northwest corner of Brooklea Drive and Main Street, East Aurora submitted by Carriage Drive Corporation and L. A. Spraggon at request of Village Board of Trustees and showing building entrance at southeast corner to face east and showing roof ridge will run north to south, dated October 26, 1981.
7. That the amended site plan - dental office - dated 10/23/81 be further modified to place the location of the proposed dental office building south of and outside the flood hazard area established pursuant to Chapter 57 of the Code of the Village of East Aurora and to provide for controlled run-off of surface water from the subject premises as developed.
8. That the said documents, plans, layouts and renderings as previously listed and as thus modified, are hereby approved as so modified by this Board of Trustees.
9. That the Village Board of Trustees has assumed lead agency status under the State Environmental Quality Review Act (SEQR) in regard to the subject application for change of zoning classification.
10. That the Village Board of Trustees of the Village of East Aurora having reviewed the Environmental Assessment form filed by the petitioners herein hereby determines that the proposed development by the construction of a building outside the flood hazard area and above the elevation constituting the boundary of said flood hazard area shown on the current Flood Map will have no significant environmental impact.
11. That a provisional rezoning allows the Village to place greater restrictions on site development plans than can be placed on single family dwellings.
12. That provisional amendment (zoning classification change) of an area, pursuant to Section 93-61 of the Village Code, provides for the attachment of a special endorsement to an approved development plan to require that any further additions to the development plan area be re-submitted to the Village Board.
13. That this Board requires that such special endorsement be attached to the approved development plan in this matter.
14. That the extent of the proposed development will utilize less than approximately 10% of the land area, providing for ample buffers between the proposed development and existing development.
15. That the property is bordered on two sides by public roads and on one side by Tarnery Brook, providing natural separation from neighboring properties.

16. That the property is bordered by a four-lane road.
17. That there are several non^{single family}residential uses within the vicinity of the proposed development, including a church, a club house, and other professional offices. The development of this property as a dental office would appear to be compatible with these neighboring properties as to architecture, usage, vehicular and pedestrian traffic.
18. That there is ample access to public roads with no entrance or egress on Main Street, thus providing for public safety.
19. That the site is located on a state highway and the village Main Street, therefore, development will cause little additional traffic in off-Main Street residential areas.
20. That the proposed use of the building, a dentist's office, provides for a needed community service.
21. That the location of the site provides for needed services in a growing area of the Village.
22. That the proposed use as a dental facility will be owned and operated by Dr. Westermeier, who has practiced as a dentist in this community for many years and is a resident of the area.
23. That the dental office will provide for one dentist and approximately two other employees, on the premises.
24. That the proposed use will not place any significant additional burden on Village services and therefore will generate tax revenues in excess of the cost of services provided.
25. That the lands directly opposite to the east and south are vacant and unimproved.
26. That the area of the premises is adequate to provide for the construction of four single family dwellings thereon.
27. That the proposed architectural design of the building has a residential appearance comparable to other dwelling units in the area.
28. That the landscaping proposed provides adequate screening in excess of that controlling single family dwelling usage.
29. That the rezoning would not be necessary if Dr. Westermeier wanted to include his residence at that location, and limit his staff to one assistant.
30. That the rezoning will not adversely affect the health, safety or general welfare of the Village.
31. That the proposed change in zoning classification is not inconsistent with the general zoning plan of the Village of East Aurora.

Upon calling for a vote, the motion was carried by five yes and one no vote.

RESOLUTION

WHEREAS, this Board of Trustees has received a petition requesting the provisional amendment of the Zoning Law of the Village of East Aurora and of the Zoning Map of the Village of East Aurora to change the zoning classification of premises at the northwest corner of Brooklea Drive and Main Street from its present "R" Single Family Residence District zoning classification to the "R-C" Residence-Restricted Business District zoning classification; and

WHEREAS, a proposed development plan was submitted with the petition for change of zoning classification; and

WHEREAS, following a public hearing upon the matter, this Board has requested that the said development plan be modified; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the revised site plan dated 10/23/81, which is a part of the modified development plan submitted in connection with this matter, is required to be further modified to place the building location indicated thereon south of and outside the flood hazard area established pursuant to Chapter 57 of the Code of the Village of East Aurora and to provide for controlled run-off of surface water from the subject premises as developed.
2. That the said development plan described in finding #6 hereinbefore adopted by this Board in connection with this matter as further modified by the foregoing paragraph of this resolution is hereby approved as modified.

3. That a special endorsement be attached to the said approved development plan to require that any further additions thereto to be resubmitted to the Village Board.

4. That the following Local Law amending Chapter 57 of the Code of the Village of East Aurora, entitled "Zoning" and amending the Zoning Map of the Village of East Aurora to change the zoning classification of premises at the northwest corner of Brooklea Drive and Main Street from its present "R" Single Family Residence District zoning classification to the "R-C" Residence-Restricted Business District zoning classification pursuant to Section 93-61 of the Code of the Village of East Aurora be adopted.

LOCAL LAW NO. 9 - 1981

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 OF PREMISES AT THE NORTHWEST CORNER OF BROOKLEA DRIVE AND MAIN STREET FROM ITS PRESENT "R" SINGLE FAMILY RESIDENCE DISTRICT ZONING CLASSIFICATION TO THE "R-C" RESIDENCE-RESTRICTED BUSINESS DISTRICT ZONING CLASSIFICATION PURSUANT TO SECTION 93-61 OF THE CODE OF THE VILLAGE OF EAST AURORA.

BE IT ENACTED by the Village Board of Trustees of the Village of East Aurora, New York, 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" Residence-Restricted Business District zoning classification of the Village of East Aurora:

Being all that tract or parcel of land located on the west side of Brook Lea Drive in the Village of East Aurora, Town of Aurora, County of Erie, State of New York and being part of Lot 16, Township 9, Range 6 of the Holland Land Company's Survey and further bounded and described as follows:

Beginning at the intersection of the west right-of-way line of Brook Lea Drive and the centerline of Tannery Brook, said point being the southeast corner of subplot 1 of Map Cover 2167; thence south along the west right-of-way line of Brook Lea Drive Three Hundred Ninety-five and Two Hundreths Feet (395.2') more or less to the north highway boundary of East Main Street as appropriated by the State of New York for the reconstruction of S.H. No. 86 per Parcel 24; thence west along said north line of East Main Street One Hundred Fifty and Seventy Hundreths Feet (150.70') to the west line of lands conveyed by Liber 7670 of deeds at Page 665; thence north along the west line of Liber 7670 of deeds at Page 665 Three Hundred Sixty-four and Seven Hundreths Feet (364.7') more or less to the centerline of Tannery Brook; thence northeast along the centerline of Tannery Brook about One Hundred Fifty-Five Feet (155') to the point of beginning. Containing 1.3 acres more or less.

2. The zoning classification of the premises described in paragraph 1. of this Local Law is hereby changed from the "R" Single Family Residence District zoning classification to the "R-C" Residence-Restricted Business District zoning classification of the Village of East Aurora.

3. The "Zoning Map of the Village of East Aurora", which is part of Chapter 93 of the Code of the Village of East Aurora is hereby amended to include the premises described in paragraph 1. of this Local Law in the "R-C" Residence-Restricted Business District zoning classification of the Village of East Aurora.

4. This Local Law is a provisional amendment of the Zoning Law and of the Zoning Map of the Village of East Aurora and is limited to the uses shown on the 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.

Dated: East Aurora, New York

September , 1981

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

Van J. Zittel
Village Clerk-Treasurer

With brief discussion, it was moved by Trustee Pagliaccio, seconded by Trustee Thompson, and carried with the following roll call that the preceeding Local Law #9-1981 be adopted.

Trustee Pagliaccio	- Yes
Trustee Marshall	- Yes
Trustee Suttell	- No
Trustee Smith	- Yes
Trustee Thompson	- Yes
Trustee Sleeper	- Yes
Mayor Eyres	- Yes

II. Community Development Funds - Schedule Public Hearing

Mayor Eyres explained that this hearing is designed to enlist the views of the citizenry as to possible uses of the Village's portion of the 7th County Program Period Funds. These funds would be available starting in October 1982.

Thus, Trustee Smith moved to set the public hearing date for December 7, 1981 and to instruct the Clerk to publish the required legal ad and an additional display ad indicating eligible uses for the funds. A second by Trustee Thompson and a unanimous vote carried the motion.

III. Village Election 1982 - Designate Vacancies and Terms Thereof

Upon introducing this item, the following memorandum was read.

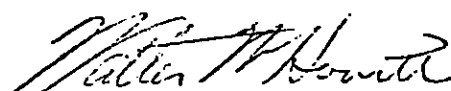
TO: Village Board of Trustees, Village of East Aurora
RE: General Village Election - Resolution designating offices to be filled and term thereof
FROM: Village Attorney Walter W. Howitt
DATE: October 27, 1981

1. Section 15-104 of the State Election Law requires a Board of Trustees, at least four (4) months prior to the general Village election, to adopt a resolution designating the office or offices to be filled and the term or terms thereof. As to the next general Village election which will be held in March 1982, such resolution should be adopted by no later than November 16, 1981.

2. The terms of incumbent Mayor Lawrence E. Eyres and incumbent Trustees Marshall, Thompson and Sleeper expire in April 1982. Accordingly, the office of Mayor for a term of two (2) years and three (3) offices of Village Trustee for terms of two (2) years each should be designated as offices to be filled at the next general Village election to be held on March 16, 1982.

3. A proposed resolution which will so designate the said terms to be filled is attached to this memorandum.

Respectfully,


Walter W. Howitt
Village Attorney

The following resolution was then moved by Trustee Smith, seconded by Trustee Suttell and carried by a unanimous vote.

November 2, 1981
Page 9

R E S O L U T I O N

WHEREAS, the next general election for officers in the Village of East Aurora, New York, will be held on March 16, 1982;

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 16, 1982, for terms as listed:

Mayor for a term of two (2) official Village years
Three (3) Trustees for two (2) official Village years each

2. The Village Clerk is hereby directed to publish this resolution in full in the East Aurora Advertiser, the official Village newspaper.

3. This resolution shall take effect immediately.

IV. Animal Trapping - Ammendment of Section 69:2 of the Village Code

October 24, 1981

Gentlemen,

This is a request for a permit to trap the Sinking Ponds area for muskrats. I have found there is an over abundance of muskrats and they should be thinned out to prevent disease and saturation. The season starts November 14, 1981 and runs through to February 28, 1982. I worked for the D.P.W. of East Aurora for 18 years and I know the grounds very well. I used to trap it every year before it was a sanctuary.

I feel this would be a good conservation measure.

Sincerely yours,

Gerald F. Ogilvie, Sr.
Gerald F. Ogilvie, Sr.

November 2, 1981
Page 10

Upon receipt of the above request, the following suggestion was made by the staff.

TO: Village Board of Trustees, Village of East Aurora
RE: Amendment of Section 69-2 of the Village Code in re setting of traps in the Village of East Aurora
FROM: Village Staff
DATE: October 23, 1981

1. Paragraph H. of Section 69-2 of the Code of the Village of East Aurora currently provides that:

"Any person guilty of the following acts and offenses shall be deemed disorderly persons and guilty of disorderly conduct:

* * * * *

H. All persons setting steel or other metal traps in the village, except in buildings, for the hunting or ensnaring of any animals whatsoever."

2. It has been found that it is often necessary and desirable for animals which are destroying property in the Village to be taken and removed by "have-a-heart" box traps. Other communities in Erie County are currently coping with an influx of damaging skunks.

3. It appears that an overpopulation of muskrats is crowding the Sinking Ponds area around the old Village water plant and wellfield.

4. It is proposed that paragraph H. of 69-2 of the Village Code be amended to provide that the setting of metal leg-hold traps within the Village outside of buildings without a permit from your Village Board of Trustees be deemed disorderly conduct.

Such amendment would authorize your Board of Trustees to permit the controlled taking of animals within the Village by the issuance of a permit therefore subject to the licensing and control provisions of State Law.

An amendment to provide for the changes outlined above could take the following form:

§69-2. Conduct.

Any person guilty of the following acts and offenses shall be deemed disorderly persons and guilty of disorderly conduct:

* * * * *

H. All persons setting steel or other metal leg-hold traps in the village, except in buildings, for the hunting or ensnaring of any animals whatsoever[.], without a permit from the Board of Trustees.

Respectfully,

VILLAGE STAFF

By: Walter W. Howitt
Village Attorney

November 2, 1981
Page 11

Discussion noted some dangers in allowing trapping in the Village. Items cited were that a determination as to whether an overpopulation of muskrats does exist is needed, whether trapping would endanger pets, and whether property damage would result from the efforts of the trappers.

Upon asking Supt. of Public Works Lang to ask the N.Y.S. Game Warden to assess the alleged muskrat problem, Trustee Marshall moved to deny the trapping request on the grounds of it being prohibited by the Village Code. A second by Trustee Thompson and a unanimous vote carried the motion.

V. Minutes of Prior Meetings

October 5, 1981, Trustee Pagliaccio moved to approve the Minutes as submitted. A second by Trustee Smith and a unanimous vote carried the motion.

October 19, 1981, Trustee Pagliaccio moved to approve the Minutes as submitted. A second by Trustee Suttell and a unanimous vote carried the motion.

VI. Audit of Bills

Deputy Mayor Pagliaccio moved to approve the bills as audited this date by the Mayor and Trustees and order them paid. A second by Trustee Marshall and a unanimous vote carried the motion.

VII. Sewer System - Step II Grant Funds for Evaluation of

With the reading of the following two communications into these minutes, Mayor Eyres opened this item for discussion.

October 20, 1981

Joan E. Loring, Commissioner
Erie County Department of Environmental and Planning
Erie County Office Building
95 Franklin Street
Buffalo, New York 14202

Re: Village of East Aurora - Wastewater System

Dear Commissioner Loring:

Attached hereto is a copy of a resolution adopted by the Board of Trustees of the Village of East Aurora on October 5, 1981.

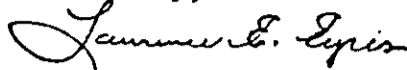
During a meeting held last night, Monday, October 19, 1981, with Attorney Peter J. Burke, Regional Attorney for the New York State Department of Environmental Conservation, it was agreed that our first step in this matter would be a series of meetings with towns, villages and sewer districts involved. Accordingly, contact has already been made, this date, with Town of Orchard Park Supervisor Eugene B. Woodard to schedule the first of these meetings.

It would be extremely helpful to us if you could assist us in securing any available data, including a map, on the proposed pipeline from the Village of East Aurora to the easterly terminus of the Southtowns Sewer Agency Northeast interceptor in the Town of Orchard Park. Thanks!

Secondly, we have been informed that funds have been allocated and are available through your office to finance a Sewer System Evaluation Study. We should appreciate information from you regarding the amount and availability of these funds and procedures to be followed to obtain them.

We will appreciate your cooperation in this matter, and want you to know that now that a decision has been made on this matter by our Village Board, we will take the actions that are necessary to implement the plan of action and resolve our wastewater situation.

Sincerely,



Lawrence E. Eyres
Mayor



County of Erie

EDWARD J. RUTKOWSKI
COUNTY EXECUTIVE

DEPARTMENT OF ENVIRONMENT AND PLANNING

JOAN E. LORING
COMMISSIONER

October 28, 1981

Hon. Lawrence E. Eyres
Mayor, Village of East Aurora
Village Hall - 571 Main Street
East Aurora, New York 14052

Dear Major Eyres:

This is in response to your letter of October 20 requesting assistance in preparation of your Step II Construction Grant Application for the design of a wastewater system to service the Village of East Aurora. We are certainly most happy to assist in any way possible.

The map you requested may be obtained from the County's consulting engineer, Mr. Joseph Latona of Krebhiel Associates, 1868 Niagara Falls Boulevard, Tonawanda, New York 14150. Mr. Latona has been advised to release the requested map to the Village. Deputy Commissioner Charles Alessi has already met with Mr. Latona concerning the provision of the other data the Village will need in order to prepare the Step II Grant.

Erie County currently has a grant to cover \$400,860 of eligible costs of which \$200,000 is provided for performing a Sewer System Evaluation Study. For a Village project, the Village would pay the engineer and send us copies of paid vouchers. The County as grantee would then seek reimbursement from the funding agencies.

We now have this arrangement with several other towns and villages, including West Seneca and Depew. The procedures are set forth in a contract between the municipality and the County. The contract is necessary for the Comptroller's Office to authorize reimbursement and also to fix responsibility for meeting EPA requirements.

If your attorney will prepare a draft agreement, we will expeditiously review it. Mr. Alessi can provide an agreement with one of the other municipalities if your attorney would like a model.

I hope the above proves helpful to you. I am looking forward to meeting with you and the other Board members to discuss final arrangements for the Village connection to the Southtowns system in Sewer District No. 3.

Very truly yours,



JOAN E. LORING
Commissioner

JEL:lt

cc: Charles J. Alessi
Southtowns Sewage Treatment Agency

Mayor Eyres, pursuant to the wishes of the Trustees, asked Village Attorney Howitt to obtain a model contract to facilitate preparation of a draft agreement between the Village and the County as referenced in the letter from Commissioner Loring.

The Board also asked Village Engineer Latona to prepare the maps of the proposed pipeline route for study, to investigate the size of the interceptor to be connected to, and to see if this interceptor pipe is in the ground already. The following communication, in response to earlier directions, is received from Engineer Latona.



KREHBIEL
ASSOCIATES, INC.

1868 NIAGARA FALLS BLVD. • TONAWANDA, N.Y. 14150 • 716-693-9300

October 26, 1981

Honorable Mayor and Board of Trustees
Village of East Aurora
Main Street
East Aurora, New York 14052

Dear Board Members

At the October 19, 1981 meeting with the representatives of the NYSDEC and the Village Board members, I was requested to gather information pertaining to the following:

1. The status of SSES Step I Grant.
2. The amount of funds allocated for the SSES.
3. The procedures necessary to obtain the funds and initiate the SSES.

As a result of my investigations, I have found that:

1. The funds for the SSES have been allocated in the Step I Grant presently administered by and in the name of Erie County as Grantee.
2. The amount of funds allocated is \$200,000.00.
3. The vehicle to obtain said funds will be in the form of a resolution by the Village of East Aurora Board and agreements between the Village of East Aurora and Erie County, and the Village of East Aurora and the Engineer to complete the SSES, hopefully Krehbiel Associates, Inc.

The Grantee (Erie County) will request an extension of the April 1981 completion date of the SSES, from the NYSDEC and extend the date to November 1982.

I will be pleased to answer any questions you may have on the above funding in addition to discussing other information we may have obtained.

Very truly yours

KREHBIEL ASSOCIATES, INC.

Joseph D. Latona, P.E.
Vice-President/Secretary

Mr. Latona also noted that easements for the mapped pipeline route were not secured as yet.

The Board expressed concern of an agreement with Orchard Park to ensure against the possibility of the volume of waste entering the pipeline from Orchard Park restricting the volume that East Aurora could induce into the system.

Mayor Eyres suggested initiating work on a bond resolution to provide preliminary funding for the S.S.E.S. costs. Village Engineer Latona was asked to investigate the available funds and the eligible reimbursable costs surrounding the S.S.E.S.

Mayor Eyres directed Deputy Mayor Pagliaccio to follow up his request to Orchard Park Supervisor Woodard for a meeting during the month of November.

Mayor Eyres expressed concern about regulations imposed upon grant recipients by the granting governmental units.

Village Attorney Howitt offered to investigate an alleged request of Attorney Burke, as expressed at the October 19, 1981 meeting with the Village, that the Village report its future sewer tap-in requirements by November 2, 1981.

VIII. Comments from the Floor

Helen Smyth of North Street asked if the Village had any assurances that governmental grant funds are currently available regarding these sewer deliberations.

Trustees responded no. However, the necessity of this project is likely to produce considerations toward appropriation of these funds. The Village's commitment to this project has been conditioned upon the availability of grant funding.

IX. Reports from Staff

Police Chief Smallback reported that his information regarding purchasing new patrol vehicles through the State bidding procedure was forthcoming.

Building Inspector Colby reported that his review of the signage throughout the Village, as per the 1981 Local Law amending the Code, was in process.

X. Items from Board Members

Trustee Marshall reported that his and Supt. of Public Works Lang's attendance at the annual public works school was very informative.

Information was gained regarding municipal equipment exchange agreements, risk management, increased public demand for services, and a five (5) year (CHIPS), Consolidated Highway Improvement Program Subsidy sponsored by the State.

Trustee Pagliaccio noted his following memorandum and expressed concern for the Village to continue their work on their comprehensive disaster plan.

TO: Mayor Lawrence E. Eyres & Village Board of Trustees
 FROM: Deputy Mayor John V. Pagliaccio
 RE: Town/Village Contracts
 DATE: October 26, 1981


Hereby be advised that the Town of Aurora has accepted our proposed cost for Police Services, Fire Protection Service, Dispatch and Building Rental.

It is requested that the Village Attorney prepare the appropriate contracts and coordinate with the Town Attorney.

XI. Motion to Adjourn

At 10:05 P.M. Trustee Pagliaccio moved to adjourn. A second by Trustee Sleeper and a unanimous vote carried the motion.

Respectfully submitted,


 Van J. Zittel
 Village Clerk-Treasurer

Village of East Aurora
 Minutes of the Regular Meeting of the
 Board of Trustees
 November 16, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 P.M.

Roll Call: Present - Deputy Mayor Pagliaccio, Trustees Smith,
 Sleeper, Thompson, Marshall, Suttell
 Absent - Mayor Eyres

Staff Present - Village Clerk-Treasurer Zittel
 Village Attorney Howitt
 Supt. of Public Works Lang
 Building Inspector Colby
 Village Engineer Latona

I. Treasurer's Report - Fiscal Year Ended May 31, 1981

TREASURER'S REPORT

Fiscal Year Ended May 31, 1981

*Village of East Aurora, New York
 November 2, 1981*

I, the undersigned, Van J. Zittel, Village Clerk-Treasurer of the Village of East Aurora, do acknowledge receipt, in my capacity as Village Clerk, of the Village Treasurer's Report for the Fiscal Year June 1, 1980 through May 31, 1981.

In my capacity as Village Treasurer, I do acknowledge delivery of said Treasurer's Report to the Village Clerk, for filing.

Said Treasurer's Report, which I have caused to be prepared by the firm of Anthony F. Cilano, C.P.A. is of proper form; that form specified by the Office of the New York State Comptroller, to be a statement showing in detail all revenues and expenditures and the outstanding indebtedness of the Village as per provisions of Article 3, Section 30 of the General Municipal Law; Section 4-408 (E) of the Village Law, and the resolution adopted by the Village of East Aurora Board of Trustees on December 5, 1977.


 Van J. Zittel
 Village Clerk-Treasurer

R E S O L U T I O N

WHEREAS, the Annual Financial Report required by Section 30 of the General Municipal Law of the State of New York for the Village of East Aurora for fiscal year 1980-1981 has heretofore been filed with the Comptroller of the State of New York;

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Section 4-408(e) of the Village Law, the Village Clerk-Treasurer, in his capacity as Village Treasurer file a copy of the said Annual Financial Report required by Section 30 of the General Municipal Law of the State of New York with the Village Clerk-Treasurer, in his capacity as Village Clerk, for the purpose of complying with the requirements of the said Section 4-408(e) of the Village Law; and

BE IT FURTHER RESOLVED that a notice that the said Annual Financial Report for fiscal year 1980-1981 of the Village of East Aurora has been filed and is available for inspection in the office of the Village Clerk-Treasurer of the Village of East Aurora, be published in the East Aurora Advertiser, the official newspaper of the Village of East Aurora, in accordance with the provisions of Section 4-408 (e) of the Village Law.

Upon noting receipt of this Treasurer's Report, Trustee Marshall moved the above resolution. A second by Trustee Thompson and a unanimous vote carried the motion.

II. Request for Parade - East Aurora Shopowners Association



October 29, 1981

Mayor Larry Eyres
Village of East Aurora
Village Hall, Main St.
East Aurora, N.Y. 14052

VILLAGE OF EAST AURORA
RECEIVED

OCT 29 1981

Dear Larry:

ADMINISTRATOR'S OFFICE

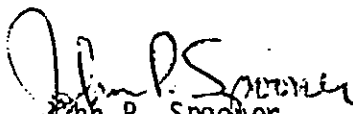
The East Aurora Shopowners ~~is~~ is planning its third annual Santa Claus parade to take place 11 a.m., Saturday, November 28, 1981.

This is a request for a parade permit for the above organization. The parade route will be from the Aurora Shopping Plaza, Grey St., to Douglas Lane, left on Hamburg St., and then east on Main Street, ending on Olean and Pine Streets.

The parade will consist of floats, marching units and, of course, Santa Claus. We do not expect the parade to last longer than 1 p.m.

If you have any questions concerning this matter, please contact Dave Reardon at 655-0485.

Sincerely,


John P. Spooner
for Dave Reardon

JPS:pl

cc: R. Smallback
D. Reardon



IT'S ALL HERE IN HISTORIC EAST AURORA

Upon noting the necessity of the Police Chief to supervise the use of a State Highway for this function, Trustee Smith moved to approve the request. A second by Trustee Sleeper and a unanimous vote carried the motion.

III. Minutes of Prior Meetings - November 2, 1981

Trustee Smith moved to approve the Minutes of the November 2, 1981 Board of Trustees meeting. A second by Trustee Sleeper and a unanimous vote carried the motion.

IV. Audit of Bills

Trustee Marshall moved that the bills as audited by the Trustees this date be approved and paid. A second by Trustee Suttell and a unanimous vote carried the motion.

V. Comments from the Floor

Former Trustee Jim Ford, upon noting his familiarity with personnel from Erie County, offered the Board his assistance in obtaining basic agreement form models regarding the proposed sewer system renovation.

Chamber of Commerce Director Berg questioned and received information that the easements required to facilitate the proposed uptown sidewalk renovation project were expected to be in order early in January 1982.

Mr. Berg also noted meeting with the people involved in establishing an FM Radio station in the Village (see Mayor's comments in minutes of October 19, 1981 meeting). Jim Ford noted possible problems of blockage of present radio transmission should a delivery antenna system be established near the Village.

November 16, 1981

Page 4

VI. Reports from Staff

Building Inspector Colby reported receipt of a building permit application for the renovation of the boarded up house at Oakwood and South Grove Streets from Edward Godfrey.

Village Clerk-Treasurer Zittel noted the display ad published in the Advertiser inviting citizen input for the upcoming Community Development Funds allotment.

VIII. Items from Board Members

Deputy Mayor Pagliaccio referred the following letter to the Staff for consideration.

Hugh F. McPherson
1262 Surrey Run
East Aurora, New York 14052

November 4, 1981

The Honorable Lawrence E. Eyres
Mayor Of East Aurora
Village Hall
571 Main St.
East Aurora NY 14052

Dear Mayor Eyres:

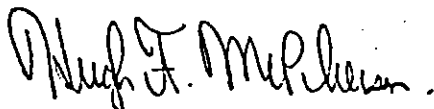
I would like to express my objection to your approval of the proposal before the Village Board to build a professional building at the corner of Brooklea Drive and East Main Street. I understand that the village planning board also has recommended that this proposal be disapproved.

Brooklea is the main entrance to our development, and I believe that building a professional building would create an unnecessary amount of traffic congestion. The traffic would present a safety hazard for the many children living in the development.

To prevent the above problems from developing, I suggest you ban parking on both sides of Brooklea Drive from East Main Street to Carriage Drive.

Please convey my feelings to the Board at your next meeting. Thank you.

Very truly yours,



Hugh F. McPherson

HFM/sc

Deputy Mayor Pagliaccio also noted receipt of a detailed report of pertinent information gained by the attendance of Jean Anderson, representing our Planning Commission, and Morris Anderson, representing our Zoning Board, at the New York State Planning Federation Annual Conference.

Trustee Thompson noted requests from concerned citizens for possible police foot patrols through the uptown business district to alleviate the weekend congregations of young people as evidenced by the leavings of bottles and papers around the stores.

VII.A. Executive Session - Labor Negotiations

At 8:57 P.M. Trustee Thompson moved to go into Executive Session to discuss a communication received from the Public Employees Relations Board regarding labor negotiation matters. A second by Trustee Marshall and a unanimous vote carried the motion.


At 9:24 P.M. the Board returned from the Executive Session to the regular session.

Deputy Mayor Pagliaccio informed the Village Attorney and Clerk-Treasurer that the concensus of the Board was that the Board, as employer, has no objection to the probationary patrolmen, patrolmen, and lieutenants comprising the negotiating unit to represent the policemen in the upcoming contract negotiations.

VIII. Motion to Adjourn

At 9:30 P.M. this meeting was adjourned upon a motion by Trustee Marshall, a second by Trustee Thompson and a unanimous vote in favor.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

Village of East Aurora
 Minutes of the Regular Meeting of the
 Board of Trustees
 December 7, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 P.M.

Roll Call: Present - Mayor Eyres, Trustees Suttell, Marshall,
 Pagliaccio, Sleeper, Thompson, Smith

Staff Present - Clerk-Treasurer Zittel
 Village Attorney Howitt
 Supt. of Public Works Lang
 Police Chief Smallback
 Building Inspector Colby
 Village Engineer Latona

I. Community Development Funds - Public Hearing for 1982-1983
 Program

TO: Village Board of Trustees
 FROM: Village Clerk-Treasurer
 RE: August 82 - August 83 Community Development Fund Program
 DATE: December 1, 1981

Attached please find a copy of the Minutes of the March 16, 1981 meeting explaining the adoption of the 1981-1982 Community Development project. This is provided for your reference.

Also, please find, as response to this project via County notification has been minimal, a letter to the Community Development director for expertise in expediting the project.

However, the public hearing scheduled for December 7, 1981 concerns the program for the August 82 - August 83 period. For development of this program, please find attached a partial listing of currently acceptable project guidelines and the following scheduling suggestion.

The Village of East Aurora is required to hold two (2) Public Hearings in connection with our 1982-83 Community Development Funds program as follows:

1. This first Public Hearing, December 7, 1981, is to provide our citizens the opportunity to comment on community development and housing needs in the Village and to make suggestions for use of our 1982-83 funds.

After this Public Hearing, the Village Board reviews all suggestions from the citizens, plus ideas from the staff and themselves, and informally agrees on a plan for the use of the 1982-83 Community Development Funds.

2. The second Public Hearing is to provide our citizens the opportunity to comment on the plan (informally agreed on by the Board of Trustees) for use of the 1982-83 Community Development Funds.

After the second Public Hearing has been held, the Board of Trustees has to officially approve a plan for use of the 1982-83 Community Development Funds and notify Erie County who will include our program in the Erie County Consortium application for Community Development Funds. They, too, have to hold Public Hearings on the total plan.

December 7, 1981
Page 2

These Public Hearings must be completed by the end of December. I am recommending that the second Public Hearing be held December 21, 1981.

The 1982-83 allocation amount is estimated at \$47,643,000, however, conversation with the County Community Development office has indicated a possible 12% cutback due to Federal cutbacks. Also, indications were that the acceptable program guidelines are changing, due to Federal regulations.

In view of these possible changes the current participation requirements are that we must continue as outlined with a possible revision becoming necessary.

Mayor Eyres explained that this hearing is to receive suggestions from the public as to ways to use the County administered federal grant money to benefit the low to moderate income groups or promote an increase in job opportunities in East Aurora. Also noting other possible program suggestions Mayor Eyres opened the public portion of this hearing at 8:06 p.m. and called for public comment.

The following program suggestion was read into the minutes.

December 4, 1971

To: The Hon. Lawrence Eyres and the Board of Trustees of the Village of East Aurora

From: The Planning Commission of the Village of East Aurora

The Planning Commission of the Village of East Aurora respectfully requests that Community Development grant money be assigned for the employment of a planning consultant to assist and advise in the up-dating of the zoning map and code of the Village of East Aurora.

For the past decade there have been piecemeal changes in our zoning. They may or may not reflect a change in the basic philosophy of how our Village should change and develop. In either case, such a philosophy, which is in reality subject to change with the passage of time, should be reflected in our zoning map.

It is important that our zoning "base" be up to date to reflect the best in modern practices. We need this not only as a guide for our own actions, but as a reference in avoiding possible legal actions against the Village.

Such a rethinking should reflect what our policies are on bolstering local business, improving our general economy, and a realistic look on moderate and low cost housing, both multiple and single family.

Respectfully,

Donald R. Wheelock

December 7, 1981

Page 3

Jean Anderson of the Planning Commission expanded on the need for execution of this suggestion and estimated that approximately \$15,000 of the available funds could be allocated for this item.

Calling for and hearing no further suggestions Mayor Eyres closed the public portion of this hearing at 8:10 P.M. and referred this matter to the Board.

The Board deferred comment as outlined in the following Agenda Item #2.

II. Community Development Funds - Set 2nd Hearing Date

Mayor Eyres noted that his conversation this date with Erie County Community Development Director Mowitt revealed the suggestion that this second required hearing, to present and hear comments on a program developed from suggestions heard during the first hearing, be deferred until after the first of the year.

Mr. Mowitt advised that due to possible changes in the overall federal program guidelines and funding level specific program eligibility could not be determined at this time.

Thus the Board agreed to defer this item to a future date.

III. Gerald F. "Bud" Ogilvie - Retirement of

RESOLUTION

A RESOLUTION OF THE VILLAGE BOARD OF TRUSTEES OF The Village Of East Aurora Expressing Their Congratulations To Gerald F. (Bud) Ogilvie On His Retirement As Equipment Operator And Citing Their Appreciation To Him For His Long Period Of Dedicated And Devoted Service To The Village.

WHEREAS Gerald F. Ogilvie has retired after seventeen plus years of faithful service to the Village of East Aurora, and

WHEREAS, during these many years, Gerald F. Ogilvie performed his duties in a responsible and capable manner which has brought credit to himself and to the Village of East Aurora.

NOW, THEREFORE, BE IT RESOLVED, that Gerald F. Ogilvie is hereby saluted with highest regards, and extended the special thanks and appreciation of the Board of Trustees and in behalf of all Village Officials, his fellow workers and the citizens of the Village of East Aurora, for seventeen years of faithful, capable and devoted service.

Trustee Smith moved to approve the preceeding resolution and forward a copy thereof to Mr. Ogilvie. A second by Trustee Pagliaccio and a unanimous vote carried the motion.

IV. Service Contracts with the Town of Aurora

The matter of service contracts with the Town of Aurora for the furnishing of fire protection for the Town of Aurora Fire Protection District No. 1 for calendar year 1982; for the furnishing of police protection to the Town of Aurora for calendar year 1982 and for the providing of courtroom, Justice's Office and jury room-conference room space to the Town of Aurora for calendar year 1982 came on for consideration.

A. Courtroom Rental

A memorandum from the Village Attorney approving the contracts as to form was received and filed and upon motion made by Trustee Pagliaccio, seconded by Trustee Smith and carried with 6 affirmative and 0 negative votes, it was moved that the agreement for the furnishing of courtroom, Justice's Office and jury room-conference room space to the Town of Aurora for calendar year 1982 at a rental of \$3,600.00 is approved and Mayor Lawrence E. Eyres is authorized to execute said agreement on behalf of the Village of East Aurora.

B. Fire Protection

Upon motion duly made by Trustee Pagliaccio, seconded by Trustee Suttell and carried with 6 affirmative and 0 negative votes, it was moved that the agreement for the furnishing of fire protection to Fire Protection No. 1 of the Town of Aurora for calendar year 1982 at an agreed amount of \$63,419.00, which agreement has been executed by the Fire Department of the Village of East Aurora, is approved and Mayor Lawrence E. Eyres is authorized to execute said agreement on behalf of the Village of East Aurora.

C. Police Protection

Upon motion duly made by Trustee Smith, seconded by Trustee Sleeper and carried with 6 affirmative and 0 negative votes, it was moved that the agreement for the furnishing of police protection to the Town of Aurora for calendar year 1982 at an agreed amount of \$104,716.00 is approved and Mayor Lawrence E. Eyres is authorized to execute said agreement on behalf of the Village of East Aurora.

V. Girl Scouts - Request to Use Village Owned Parking Lot (Pine St.)

GIRL SCOUTS

GIRL SCOUT COUNCIL OF BUFFALO AND ERIE COUNTY, INC.
70 Jewett Parkway • Buffalo, N.Y. 14214 • 716-837-6400

November 9, 1981

Ms. Linda MacIver
Village of East Aurora
571 Main Street
East Aurora, New York 14052

Dear Ms. MacIver:

Last summer the Erie County Girl Scouts were fortunate to have your cooperation in permitting us to use the Village parking lot near the church and behind Vidler's as a pick-up/drop-off point for children being bussed to our day camp program.

December 7, 1981
Page 5

We would greatly appreciate your cooperation again this year for the one week (Monday through Friday) period of August 2-6, 1982. The girls would gather to be picked up by the bus at 8:30 a.m. and would be returned to the same spot again at about 3:45 p.m.

Your written reply by January 1, 1982 would be most appreciated so that we might properly inform the girls we serve.

Thank you in advance for your time and consideration.

Sincerely,

Barb Smith

Barb Smith
Outdoor Program Specialist

BS:ds

APPROVED BY BOARD OF TRUSTEE
DATE 12-7-81

[Signature]
Clerk

Clerk-Treasurer Zittel noted that contact with Rev. Shippert of the Nativity Lutheran Church revealed that he had experienced no problems or conflicts with this annual request.

Thus, Trustee Pagliaccio moved that the Village, as lessee, has no objection to the plan as proposed. A second by Trustee Thompson and a unanimous vote carried the motion.

VI. American Legion - 4th of July Carnival



East Aurora Post No. 362 - American Legion, Inc.

LEGION DRIVE - BOX 122 / EAST AURORA, NEW YORK 14052 / (716)652-9862

November 13, 1981

Village Board
Village of East Aurora
East Aurora, N. Y. 14052

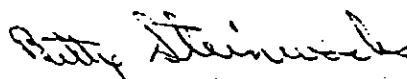
Dear Members:

The East Aurora Legion Post 362 requests the use of Hamlin Park for it's annual 4th of July Carnival. The carnival to be July 2, 3 and 4, with set up for rides to begin Monday, June 29th and clean up July 5th.

The conditions of use to be the same as those agreed to by both parties last year; namely the generators to shut down at mid-night, request the bar to be allowed to stay open until 2 AM if the crowd warrants, and agree to have the area closed and cleared by 2:30 AM.

As in the past there will be contact with the Fire Department and the Auxiliary Police. Arrangements have been made with Ken Roloff of Bleimeister Amusements to furnish rides and concessions. Our usual large fireworks display will be held at 10:00 PM on the 4th. Awaiting you reply, I am.

Respectfully


Betty Steinwachs
Commander

Discussion of this annual community event centered around the requested closing time. In view of past problems centering around the late evening operation of the "bar" and the recommendation of the Village Staff, the Board agreed to limit the operation of this "bar" to midnight with the park being cleared by 12:30 A.M.

Thus, Trustee Marshall moved to approve the request conditioned upon the closing of the "bar" at midnight, the clearing of the Park by 12:30 A.M., and the receipt of properly endorsed insurance certificates. A second by Trustee Sleeper and a unanimous vote carried the motion.

VII. Telephone Service - Opposition to 8 Mile Non-Toll Limitation

RESOLUTION

WHEREAS, the current New York Telephone local calling area for the Village of East Aurora residents includes all of Erie County and more; and

WHEREAS, the New York Telephone Company has proposed rate changes which would reduce local calling areas within Erie County to smaller areas with approximate radii of eight miles; and

WHEREAS, such proposed change would result in calls from the East Aurora restricted local calling areas to stations outside that area becoming toll calls; and

WHEREAS, such change could result in all calls to the City of Buffalo businesses and governmental offices being unjustifiably charged toll call rates; and

WHEREAS, such changes would result in the fracture of the integrated social, business and political Erie County area of which the Village of East Aurora is part.

NOW, THEREFORE, BE IT RESOLVED, that the VILLAGE OF EAST AURORA by its Village Board of Trustees, go on record in opposition to the New York Telephone Company's proposed change of local calling areas and rates; and

BE IT FURTHER RESOLVED that the substance of this resolution be transmitted to the New York State Public Service Commission, the New York Telephone Company, the Erie County Legislature and the political representatives of the Village of East Aurora community.

After brief discussion the above resolution being moved by Trustee Smith and seconded by Trustee Suttell was carried by 7 affirmative and 0 negative votes.

VIII. Municipal Equipment Exchange Agreement

Upon noting the research done with this matter over the last three months the following resolution came on for consideration.

WHEREAS, this Village of East Aurora, the Village of Orchard Park, the Town of Aurora, the Town of Wales and the Town of Elma, all own certain highway - non-highway and specialty equipment which is not always being used by the owning local government; and

WHEREAS, it is possible to make such equipment available for use by other than the owning local government; and

WHEREAS, such exchange of equipment may result in more effective work performance at minimal extra cost to all participating local governments; and

WHEREAS, the Village Board of Trustees of the Village of East Aurora desires to enter into an agreement for the exchange of equipment pursuant to the provisions of Article 5-G of the General Municipal Law of the State of New York entitled "Municipal Cooperation"; and

WHEREAS, this Village Board of Trustees has examined a proposed Agreement between the Villages of East Aurora and Orchard Park and the Towns of Aurora, Wales and Elma providing for such interchange and exchange of equipment,

WHEREAS, the said Agreement has been executed by the Town of Aurora and by the Town of Elma; and

NOW, THEREFORE, IT IS RESOLVED as follows:

- 1) The Agreement between the Village of East Aurora, the Village of Orchard Park, the Town of Aurora, the Town of Wales, and the Town of Elma providing for the exchange of equipment, including the services of operators of such equipment, providing for the payment of unreciprocated rental hours as of May 31 and December 31 each year, and providing for record keeping in regard to such equipment exchange is hereby approved and Mayor Lawrence E. Eyres is hereby authorized to execute the said Agreement

for the Village of East Aurora and this Village Board of Trustees.

- 2) The Superintendent of Public Works of the Village of East Aurora is hereby authorized to request the use of equipment and provide equipment for use by other local governments which are parties to the said Agreement and otherwise act for the Village of East Aurora pursuant to said Agreement.

The above resolution was moved by Trustee Marshall, seconded by Trustee Smith and carried with 7 affirmative and 0 negative votes.

AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 1981, by and between the following municipalities: THE VILLAGE OF EAST AURORA, with its principal office in the Village Hall, 571 Main Street, East Aurora, New York 14052; THE VILLAGE OF ORCHARD PARK, with its principal office in the Municipal Building, S-4295 South Buffalo Street, Orchard Park, New York 14127; THE TOWN OF AURORA, with its principal office in the Town Hall, 5 South Grove Street, East Aurora, New York 14052; THE TOWN OF WALES, with its principal office on Big Tree Road, Wales Center, New York 14169 and THE TOWN OF ELMA, with its principal office on Bowen Road, Elma, New York 14059, all municipal corporations of the State of New York, hereinafter referred to as the Parties:

WHEREAS, all Parties own certain highway, non-highway and specialty equipment which is not always being used by the owning party; and

WHEREAS, it is possible to make such equipment available for use by the other Parties; and

WHEREAS, such exchange of equipment may result in more effective work performance at minimal extra cost to the Parties; and

WHEREAS, all Parties will have authorized their respective highway and/or public works superintendents, as the case may be, hereinafter referred to as the Superintendents, to act pursuant to this Agreement and according to its terms; and

WHEREAS, all Parties are desirous of entering into an agreement for the exchange of equipment pursuant to the provisions of Article 5-G of the General Municipal Law; and

WHEREAS, all Parties have made provision for the payment of any balances which may accrue under this Agreement pursuant to Section 5-520 of the Village Law and Section 117 of the Town Law.

NOW, THEREFORE, the Parties agree to make equipment available for use by each other, subject to the following provisions:

- (1) Equipment shall be rented on a reciprocal basis at the rates established in the New York State Department of Transportation Handbook of Rental Rates, which rates shall not include the cost of fuel but shall include the services of the operator, where applicable.
- (2) Each Party shall provide and keep in force liability insurance covering its own equipment, including the operator. Such insurance shall have limits of not less than _____ and shall protect both the owner of the equipment and the Party renting and using the equipment from any and all liability in the event of any claim arising during any exchange or rental pursuant to this Agreement.
- (3) When equipment is rented, together with the services of the owner-employed operator, the operator shall at all times be deemed an employee of the Party which owns the equipment.
- (4) The method of operation of the rented equipment shall be under the direction and control of the operator provided by the Party owning the rented equipment when such equipment is rented together with the services of the owner-employed operator. However, the selection of the type of work to be performed by the rented equipment and the overall supervision of the said work shall be provided by the municipality renting the said equipment.
- (5) Payments for the rental of equipment, with or without the services of an operator, as the case may be, shall be in the form of reciprocal hours of such rental and service as determined by the Superintendents plus money payment for unreciprocated rental and service balances owed by a receiving or renting Party to an owning and furnishing Party as of the 31st days of May and December during the term of this Agreement. Any such outstanding and unreciprocated rental hours remaining on the 31st days of May and December during the term of this Agreement shall be reimbursed to the owning and lending Party at the rates established in part 1 of this Agreement on vouchers submitted to the governing board of the Party owing such unreciprocated service balance on such date by their respective Superintendents. The vouchers so submitted shall be authenticated by the Superintendent of the Party owing such unreciprocated balance.

(6) The respective Superintendents of the Parties to this Agreement are authorized to contact their counterparts and to request the use of available equipment by signing a memorandum of reciprocal use stating the type of equipment, the estimated time of use and the place and purpose of such use, and the terms of this Agreement shall apply to each and every such request.

(7) The Party receiving or requesting service shall not be responsible for any loss or damage to any equipment or related apparatus exchanged pursuant to this Agreement. This section will be voided if it is proven that such loss or damage was caused by negligence on the part of the Party requesting the equipment.

(8) The Party receiving a request for rental of equipment and service shall have complete discretion as to whether or not to comply with such request based on the said Party's own immediate needs.

(9) This Agreement shall be in effect from the signing hereof until the 31st day of December 1982. It is understood that this Agreement will be automatically renewed for successive periods of one (1) year unless a Party to this Agreement shall advise the other Parties to this Agreement of its intent not to so renew in writing, not less than ninety (90) days nor more than one hundred eighty (180) days prior to the expiration of any one (1) year period.

IN WITNESS WHEREOF, the Parties hereto have caused these presents to be executed pursuant to the confirmatory resolutions of their respective Boards.

THE VILLAGE OF EAST AURORA

By _____

THE VILLAGE OF ORCHARD PARK

By _____

THE TOWN OF AURORA

By _____

THE TOWN OF WALES

By _____

THE TOWN OF ELMA

By _____

IX. Minutes of Prior Meetings

Trustee Marshall moved to approve the Minutes of the November 16, 1981 meeting as submitted. A second by Trustee Thompson and a unanimous vote carried the motion.

X. Audit of Bills

Deputy Mayor Pagliaccio moved that the bills as audited by the Mayor and Trustees this date be approved and paid. A second by Trustee Marshall and a unanimous vote carried the motion.

XI. Comments from the Floor

Jim Berg of the Chamber of Commerce presented the Board with copies of a recently published booklet outlining the merchants and points of interest throughout the Village.

Jim Ford of Cazenovia Street noted that the statutory final date for 81-82 property tax payments was January 2, 1982. However, because this falls on Saturday, the law provides for the extension to Monday January 4, 1982.

XII. Reports from Staff

Police Chief Smallback reported that beginning Thursday, December 10, 1981 foot patrols would be apparent throughout the business districts during the extended Christmas shopping season.

XIII. Items from Board Members

Deputy Mayor Pagliaccio noted that the informational meetings held with the Town of Orchard Park and Aurora over sewer concerns were very enlightening. Also the meeting with the Town of Aurora over cable TV items was successful.

Mayor Eyres asked the Trustees to consider volunteering for either a committee regarding the sewer question or a committee on budgets and employee group negotiations.

Mayor Eyres asked that the following memorandum be included in these minutes to indicate response to a previous request for this consideration.

TO: Mayor Lawrence E. Eyres &
Village Board of Trustees

FROM: Village Safety Committee

RE: Parking Restriction - Brooklea Drive

DATE: December 3, 1981

Pursuant to direction of the Village Board the placement of parking restrictions on Brooklea Drive between Main Street and Carriage Drive has been discussed and the area observed by members of the Safety Committee.

It is recommended that there be no parking restriction placed on that area at this time. However, if and when the proposed dental office is completed in that area, the committee will again review the matter.

cc: Walter W. Howitt, Village Attorney
Safety Committee Members

December 7, 1981
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XIV. Motion to Adjourn

At 9:12 P.M. Trustee Pagliaccio moved, Trustee Thompson seconded and a unanimous vote adjourned this meeting.

Respectfully submitted,



Van J. Zittel
Village Clerk-Treasurer

Village of East Aurora
 Minutes of the Regular Meeting of the
 Board of Trustees
 December 21, 1981

Call to Order and Pledge of Allegiance to the Flag at 8:00 P.M.

Roll Call: Present - Mayor Eyres, Trustees Suttell, Marshall, Pagliaccio, Sleeper, Thompson and Smith

Staff Present - Village Clerk-Treasurer Zittel
 Village Attorney Howitt
 Police Chief Smallback
 Supt. of Public Works Lang
 Building Inspector Colby
 Village Engineer Latona

I. Sign Law - Local Law to Amend - Set Public Hearing

Reference is made to the prior meetings of September 14, 1981, September 28, 1981, and October 5, 1981 where the Board received a report from a sign ordinance review committee, held a public hearing, and adopted Local Law #8 which extended the "Grandfather" clause as it applied to currently existing legal non-conforming signs.

Beyond the immediate action indicated above, and after continuing to study further suggested changes, beyond the "Grandfather" clause, work is completed upon a comprehensive local law proposal addressing this matter.

Thus, upon transmittal of a local law draft, as described by the following memorandum, a public hearing was set for January 4, 1982, by a motion from Trustee Smith, a second by Trustee Pagliaccio and a unanimous vote to present the proposal to the public.

TO: Village Board of Trustees, Village of East Aurora


RE: A Local Law to amend Sections 77-1, 77-4, 77-5, 77-6, 77-9, 77-10, 77-12, 77-13 and 77-14 of the Code of the Village of East Aurora, which Sections are part of Chapter 77 of the said Code entitled "Signs"

FROM: Village Attorney Walter W. Howitt and Village Building Inspector Carlton C. Colby

DATE: December 16, 1981

1. Herewith per your direction is a draft of the above entitled Local Law which, if adopted, will amend the Sign Law of the Village of East Aurora (Chapter 77 of the Code of the Village of East Aurora) generally in response to the Report of the Sign Committee appointed by your Board.

Respectfully,


 Walter W. Howitt
 Village Attorney

Carlton C. Colby
 Village Building Inspector

December 21, 1981
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II. Amend Zoning Law

With receipt of the following letter it appears evident that this item, radio broadcast facility, should be provided for within the Village "Zoning" Code.

Frank Delia Buick, Cadillac Inc.



535 MAIN STREET
EAST AURORA, N.Y. 14052



Telephone 652-2600

VILLAGE OF EAST AURORA
RECEIVED

December 16, 1981

DEC 17 1981

ADMINISTRATOR'S OFFICE

Hon. Lawrence E. Eyres ^{and}
The Board of Trustees
Village Hall
571 Main Street
East Aurora, New York 14052

PER _____

RE: Premises commonly known as
519 Main Street, East Aurora,
New York

Gentlemen:

I am the owner of the building commonly known as 519 Main Street, East Aurora, New York and I have arranged to lease the same to Stereo Seven Associates to use the premises as a radio broadcasting station and in connection with the same to erect a small low power antenna (100 feet or smaller) at the rear of the building.

The premises are presently situate in a C zone under the Village of East Aurora Zoning Code and examination of Section 93-19 of the billage of East Aurora Zoning Code reveals that the same does not contain a designation as a permitted use of a radio broadcasting station and we would, therefore, respectfully request that the Village Board consider on their own motion amending the Section 93-19 of the Village of East Aurora Zoning Code to permit a radio broadcasting station.

Thank you very much for your consideration and I have asked Stereo Seven Associates to execute this letter and to join in this request by signing the same below.

Very truly yours,

FRANK A. DELIA

Frank A. Delia
FRANK A. DELIA

STEREO SEVEN ASSOCIATES
BY: *Robert Allen, Pres.*

To accomplish same a local law proposal was drafted as outlined in the following memorandum.

December 21, 1981
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TO: Village Board of Trustees, Village of East Aurora
 RE: Proposed amendments to Chapter 93 of the Code of the Village of East Aurora entitled "Zoning" to make provision for commercial radio facilities where a Federal license is required as a permitted use in the C Business District of the Village of East Aurora, specifying the required off-street parking spaces in connection therewith and delegating to the Village Board of Trustees the specification of the maximum height of structures other than dwellings in the said C Zoning District
 FROM: Village Attorney Walter W. Howitt
 DATE: December 17, 1981

Attached hereto is a draft of a proposed Local Law accomplishing the above purposes per direction of your Board of Trustees.

Respectfully,

Walter W. Howitt
 Walter W. Howitt
 Village Attorney

WWH/lmc
 Attachment

Thus, upon a motion by Trustee Thompson, a second by Trustee Pagliaccio and a unanimous vote, January 4, 1982 was set for a public hearing concerning this proposed change to the Code.

Also, with a motion by Trustee Suttell, a second by Trustee Sleeper and a unanimous vote, the Board referred this proposal to the Planning Commission for their input.

December 18, 1981

Donald Wheelock, Chairman
 Village of East Aurora Planning Commission
 571 Main Street
 East Aurora, New York 14052

Dear Don,

Attached please find a letter of intent from the principals and a Board of Trustees sponsored Local Law proposal to provide for commercial radio facilities within Chapter 93 of our Village Code entitled "Zoning".

Referral of these proposals, as provided in our Village Code, is thusly accomplished.

I believe the schedule surrounding this matter, accelerated by the fact that an FCC license has been granted which provides for the necessity of commencing operations within a thirty (30) day period from issue date, is that the Board of Trustees shall set a public hearing date for consider-

ation of the proposed Local Law at their meeting Monday, December 21, 1981. Further, I anticipate the hearing, and resulting action upon the proposed local law to be set for Monday, January 4, 1982.

For further specifics in this matter I would suggest contact with Walter and Carlton.

Sincerely,



Van J. Zittel
Village Clerk-Treasurer

III. Sewer Pipeline Progress Report

Upon noting the desire to keep the New York State Department of Environmental Conservation abreast of our progress toward a viable solution to the sewer question and to provide a record of activities in these minutes, the Board directed Village Attorney Howitt to forward the following communication.

December 21, 1981

Mr. Peter J. Burke
Regional Attorney
NYS Department of Environmental
Conservation
600 Delaware Avenue
Buffalo, New York 14202

Re: Order on Consent
Your File #81-63

Dear Mr. Burke:

Mayor Lawrence E. Eyres and the Village Board of Trustees of the Village of East Aurora have directed the preparation and transmittal of this report letter to you in connection with the above-referenced matter. This report letter will supplement an earlier report to you dated November 3, 1981.

The Village Board of Trustees met on November 12, 1981 for an up-to-date briefing of the Erie County Southtowns Wastewater Facilities Plan as approved by the EPA and DEC by engineer Joseph Latona. Mr. Latona explained the general concept of the pump station and sewage transmission pipeline through portions of the Towns of Aurora and Orchard Park and the attendant problems of easements and agreements to be obtained in connection therewith. This meeting evolved the following sequence of procedure:

- A. Establish contact with the Town of Orchard Park relative to agreement as to cost-sharing of portion of pipeline to be constructed through the Town of Orchard Park and obtaining required easements.
- B. Establish contact with Town of Aurora relative to agreement as to cost-sharing of portion of pipeline to be constructed through the Town of Aurora and obtaining required easements.
- C. Establish contact with Southtowns Sewer Agency relative to agreement concerning acceptance of sewage (meeting to be scheduled after January 1, 1982).

December 21, 1981
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Mayor Lawrence E. Eyres was in Florida on vacation between November 10, 1981 and December 3, 1981. On November 20, 1981, Deputy Mayor Pagliaccio, Trustee Marshall, Village Engineer Latona, Village Attorney Howitt and Superintendent of Public Works Lang met with Town of Orchard Park Superintendent Woodard and the Town of Orchard Park Engineer Merritt in the Orchard Park Town Hall for review of the proposed pipeline construction project, preliminary to contract agreements. --

On November 30, 1981, Deputy Mayor Pagliaccio, Village Trustees, and Village Engineer Latona met with the Town Board of the Town of Aurora at the Village of East Aurora Village Hall for review of the proposed pump station and sewer pipeline project.

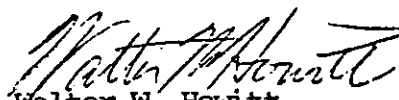
Copies of EPA and DEC Grants C360836-01-1 and 01-1 have been obtained from the County of Erie Department of Environment and Planning. As requested by County Commissioner, Joan E. Loring, a draft contract between the Village of East Aurora and the County of Erie, setting forth procedures by which the Village will be reimbursed for the preparation of a SSES (Sewage System Evaluation Survey) from funds provided in the said Grants has been prepared for review by the County Commissioner.

The Village Board of Trustees has agreed upon the engineer to be employed to prepare the Sewer System Evaluation Survey (SSES) upon determination of eligibility. The Village Board of Trustees has authorized preparation of a Revenue Anticipation Note resolution to provide the basis for obtaining funds required for the initial payment for the said SSES for adoption at an early meeting of the Board.

The NYSDEC has extended the date by which the SSES must be submitted to December 1, 1982.

A special committee consisting of Deputy Mayor Pagliaccio and Trustees Marshall and Sleeper has been appointed to expedite the implementation of the sewage pipeline project.

Very truly yours,


Walter W. Howitt
Village Attorney

WWH/lmr

cc: Mayor Lawrence E. Eyres
Members of the Village Board
of Trustees
Village Clerk-Treasurer Zittel
Village Engineer Latona

Committee Appointment

Mayor Eyres announced that he had appointed Deputy Mayor Pagliaccio and Trustees Marshall and Sleeper as a committee to expedite the sewer deliberations and keep the Board informed of all developments.

IV. Amend Village Non-Bargaining Unit Personnel Policy

Upon noting the need for a comprehensive document solidifying employment policies concerning non-bargaining unit personnel and the extensive period of time these policies have been reviewed and studied, the following was offered for formal consideration.

December 21, 1981

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RESOLUTION

"Village Personnel Benefits Regulations"

RESOLUTION AMENDING VILLAGE PERSONNEL POLICY PERTAINING TO ALL EMPLOYEES NOT COVERED BY SPECIFIC LABOR AGREEMENTS AS TO PROVISION FOR CONTINUING GROUP HEALTH INSURANCE, GROUP LIFE INSURANCE BENEFITS AND OTHER BENEFITS TO RETIRED FULL-TIME EMPLOYEES

WHEREAS, Section 92-a of the General Municipal Law of the State of New York authorizes a municipal corporation in its discretion to pay all or part of the premium for group medical and surgical and hospital insurance for retired officers and employees or group of retired officers or employees of such municipal corporation; and

WHEREAS, Section 93 of the General Municipal Law of the State of New York authorizes a municipality to contribute a share of the cost of group life, accident or health insurance for its officers and employees up to and including the total cost thereof; and

WHEREAS, on May 24, 1976 a resolution was adopted by this Board promulgating certain regulations establishing uniform provisions for employee benefits, applicable alike to all employees of the Village of East Aurora not covered by specific agreements between recognized negotiating units and the Village of East Aurora; and

WHEREAS, the said regulations so adopted on May 24, 1976 provide for paid holidays in Section 3 thereof, for vacations in Section 4 thereof, for sick leave and bereavement leave benefits in Section 5 thereof, for health insurance benefits in Section 6 thereof and for retirement benefits in Section 8 thereof; and

WHEREAS, it appears that certain retired employees of this Village are receiving health insurance and life insurance benefits at no cost to them; and

WHEREAS, no provision for such employer paid health insurance and life insurance benefits for retired employees has been made in the said regulations adopted May 24, 1976 or otherwise; and

WHEREAS, the health insurance benefits provided by this Village to its full time employees covered by employment contracts has been amended to replace Extended Benefit Coverage with Major Medical Coverage; and

WHEREAS, the Employment Agreement between the Village of East Aurora and the negotiating unit for the East Aurora Department of Public Works provides for eleven (11) paid holidays including the day after Thanksgiving in addition to the paid vacation days set forth in Section 3 of the current uniform provisions for employee benefits; and

WHEREAS, the said Employment Agreement provides for the accumulation of sick leave with full pay to a maximum of one hundred sixty-five (165) days instead of a maximum of one hundred twenty (120) days as provided by the

said uniform provisions for employee benefits; and

WHEREAS, on August 18, 1980 a resolution was adopted that New York State "disability benefits" insurance coverage be provided to all full-time Village employees; and

WHEREAS, the regulations establishing uniform provisions for employee benefits and retired employee benefits for all employees of the Village of East Aurora should be amended to establish uniform procedure for making health insurance benefits and life insurance benefits available to retired Village employees and to provide uniform provisions for paid holidays, sick leave and disability benefits for Village employees.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

A. The regulations first adopted May 24, 1976 to establish uniform provisions for employee benefits, applicable alike to all employees of the Village of East Aurora not covered by specific agreements between recognized negotiating units and the Village of East Aurora shall hereafter be known as "Village Personnel Benefits Regulations."

B. Section 3. of the said Village Personnel Benefits Regulations pertaining to "Holidays" is hereby amended to read as follows:

Section 3 - HOLIDAYS

All Village employees shall be entitled to the following eleven (11) paid holidays: New Year's Day, Patriot's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day.

If the actual holiday shall fall on a Saturday, the employee shall have the day before (Friday) as a holiday day. If the actual holiday shall fall on a Sunday, the employee shall have the day after (Monday) as a holiday. The employee must work the regular scheduled work day before and after a holiday to receive pay for the holiday. If a holiday falls within a vacation period, it shall be counted as a holiday, not a vacation day.

C. Section 4. of the said Village Personnel Benefits Regulations pertaining to "Vacations" is hereby amended to read as follows:

Section 4 - VACATIONS

(1) A Village employee shall be entitled to two (2) weeks ten (10 work days) vacation each fiscal year (June 1st to May 31st) after having been employed by the Village for one (1) year.

(2) After four (4) years of consecutive employment, such employee shall be entitled to annual fiscal year vacation days as follows:

December 21, 1981
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Years of consecutive service	Work days of vacation
4	11
5	12
6	13
7	15
8	16
9	17
10	18
11	19
12 and more	20

Up to ten (10) days of vacation not taken in a given year may be carried over into the next fiscal year upon written approval of the department head.

(3) The following Village employees shall be entitled to four (4) weeks, or twenty (20) work days of vacation each fiscal year:

Village Administrator
Police Chief
Superintendent of Public Works
Building Inspector
Village Clerk-Treasurer

Whenever practicable, these individuals shall notify the Board of Trustees when vacation time is used or to be used.

(4) All vacations shall be scheduled by the department head. Work load shall determine the number of employees on vacation at any one time.

(5) An employee who is separated from employment and who has acquired vacation to his or her credit at the time of separation shall be paid the salary equivalent of the said acquired unused vacation.

D. Section 5. of the said Village Personnel Benefits Regulations pertaining to "Sick Leave" is hereby amended to read as follows:

Section 5 - SICK LEAVE

Sick leave may be accumulated at the rate of fifteen (15) days per year, or one and one-quarter (1-1/4) days each month but not to exceed a maximum of one hundred sixty-five (165) days by an employee after the probationary period of ninety (90) days employment. It is understood that accumulated sick leave days are not to be considered as days of service for the purpose of computation of retirement eligibility or compensation. After accumulated sick leave is used up by an employee, he shall be entitled to an additional sixty (60) days of sick leave at half pay, which is not cumulative. A person on sick leave will be paid a full day's pay for any holiday occurring during this period of sick leave and this day will not be charged against his accumulated sick leave. If any employee finds it necessary to remain at home on a regular scheduled work day because of sickness or any other reason, he, or some responsible member of his immediate family, shall so notify his department head by no later than 9:00 o'clock A.M. of that day of such impending absence and the expected duration of such sickness. Absence from

work of more than two (2) days duration may require a certificate from a duly licensed physician before the employee shall return to work or be reimbursed for such days lost because of sickness. The department head shall be required to maintain a record of all absences and shall have the responsibility to determine whether or not such lost time shall be paid for.

E. The last four (4) sentences of Section 5 of the said Village Personnel Benefits Regulations pertaining to bereavement leave shall become a new Section 5-a of the said Village Personnel Benefits Regulations which shall be amended to read as follows:

Section 5-a BEREAVEMENT LEAVE

In case of death in the immediate family, an employee is entitled to four (4) working days off with pay. Any additional time taken off for this reason will be deducted from the employee's sick leave or his vacation at the discretion of the employee. Immediate family is: Wife, husband, child, mother, mother-in-law, father, father-in-law, brother, sister, ^{grandparent} or other relative, provided such other relative lives in the same household. Also, an employee shall be entitled to one (1) day off with pay in the event of the death of his brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt or uncle.

F. Section 6. of the said Village Personnel Benefits Regulations pertaining to "Health Insurance" is hereby amended to read as follows:

Section 6 - HEALTH INSURANCE

All regular full time employees shall be entitled to benefits under the Blue Cross Relative Value 50-51 Hospital Plan, Blue Shield Relative Value 50-51 Surgical Plan and Major Medical Coverage, and the Blue Cross Prescription Drug Program (\$1.00 co-pay per prescription plan). These plans will be fully paid for by the Village. The Village will submit employee's application for this coverage immediately after employment begins.

G. A new Section 6-a shall be added to the said Village Personnel Benefits Regulations pertaining to "Disability Benefits" insurance to read as follows:

Section 6-a - DISABILITY BENEFITS INSURANCE

The Village shall provide "disability benefits" insurance for all full time Village employees in accordance with the provisions of Article 9 of the New York State Worker's Compensation Law providing benefits to such employees eligible therefor by reason of disability resulting from injury or sickness not arising out of and in the course of employment by the Village, provided such employees contribute the employee's share of the cost of such disability benefits insurance in accordance with the provisions of Article 9 of the Worker's Compensation Law.

H. Section 8. of the said Village Personnel Benefits Regulations pertaining to "Retirement Benefits" is hereby amended to read as follows:

(1) All regular full time employees of the Village are eligible for membership in the New York State Retirement System. The career retirement plan providing retirement benefits for policemen, known as the 20-year, 1/50th career retirement plan pursuant to Section 375-i of the Retirement and Social Security Law will be provided for Village Police Officers and the career retirement plan providing retirement benefits for all members and known as the 25-year, 1/50th plan, pursuant to Section 75-g of the Retirement and Social Security Law, will be provided for all non-Police personnel, the full cost of which will be paid for by the Village, to the extent permitted by law.

(2) The Village agrees to provide and pay the full cost of medical and health insurance coverage for all full time employees who retire from Village employment at fifty-five (55) years of age or over, as members of the same medical and health insurance plan provided for active Village employees, until such retired employee reaches sixty-five (65) years of age.

(2) A. The Village agrees that any full-time employee, regardless of prior membership in a bargaining unit, who retires or has retired from Village employment at fifty-five (55) years of age or over and the spouse of such retired Village employee may continue as members of the same medical and health insurance plan provided for active Village employees after the said retired full-time Village employee reaches sixty-five (65) years of age, provided, however, that after such retired employee reaches the age of sixty-five (65) years, the premium for such continued medical and health insurance shall be paid to the Village Clerk-Treasurer by the said over sixty-five (65) retired employee and his or her spouse in advance of premium payment date.

(3) The Village agrees to provide that an employee who retires from Village employment at fifty-five (55) years of age or over shall continue to be covered under the Village Group Life Insurance Plan for life insurance coverage in the amount of Five Thousand Dollars (\$5,000), fully paid for by the Village for the rest of such retired employee's natural life.

I. Medical and Health Insurance coverage and Group Life Insurance coverage currently provided to the following named retired Village employees shall be continued*

*Health insurance (H)

Group life insurance (L)

Dorothy Rosen	(H)	(L)
Gladys Scheidemantel	(H)	
George Tinch	(H)	(L)
Carl Waltz	(H)	(L)
Charles Smith	(H)	
Philip McIntyre	(H)	(L)
Milton Baist	(H)	(L)
William Dugan	(H)	(L)
Lawrence Eyres	(H)	(L)
Harlon Ricketson	(H)	(L)
Carl Hahl	(H)	(L)
Gerald F. Ogilvie, Sr.		(L)
Thomas Nelson	(H)	

Trustee Pagliaccio moved to approve the above resolution. A second by Trustee Smith and a unanimous vote carried the motion.

V. Minutes of Prior Meeting

Trustee Smith moved to approve the Minutes of December 7, 1981 Board meeting as submitted. A second by Trustee Suttell and a unanimous vote carried the motion.

VI. Audit of Bills

Deputy Mayor Pagliaccio moved to approve the bills as audited this date, by the Mayor and Trustees. A second by Trustee Marshal and a unanimous vote carried the motion.

VII. Comments from the Floor

Upon hearing none the Board moved on to

VIII. Reports from the Staff

Police Chief Smallback reported that the Annual Carole Sing was held successfully again without incident.

Superintendent of Public Works Lang reported that the truck that was involved in an accident had been returned to service.

Village Clerk-Treasurer Zittel reported that he had received signed copies of the Village/Town Police, Fire, and Courtroom

December 21, 1981
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Service contracts back from the Town.

Also, that the Municipal Equipment Exchange Agreement had been signed by East Aurora, Wales, Elma and Aurora and was being forwarded to the Town of Orchard Park for the final endorsement.

And that pursuant to submission of the two required community development fund contracts, he was in receipt of a document confirming the Village's allocation of \$47,643 in Block Grant Funds for the period commencing August 24, 1981.

Village Attorney Howitt reported that the staff was investigating as to whether the "Sinking Ponds" area had ever been formally designated as sanctuary, preserve, or park prior to suggesting such a designation be accomplished.

And that the Puchalski and Bray lawsuits against the Village had been settled through our insurance company.

IX. Items from Board Members

Mayor Eyres read the following communication aloud and asked that it be included in these minutes.

Aurora Historical Society Inc.

East Aurora, New York 14052

815 Center Street
December 17, 1981

The East Aurora home of

**MILLARD
FILLMORE**



To Lawrence E. Eyres, Mayor
Village of East Aurora
571 Main Street
East Aurora, New York 14052

On behalf of the Trustees of the Aurora Historical Society I wish to acknowledge the receipt of your letter expressing concerns for the Millard Fillmore House. Please be assured that, as Trustees of the Society, we have the best interests of the house in mind in all of our deliberations.

The abolishment of the Council of Overseers should in no way be construed as a move to abandon the philosophy adopted for the establishment, development and subsequent operation of the house.

Sincerely,

James H. Gallup

James H. Gallup, President
Aurora Historical Society, Inc.

JHG:tt

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To Mr. Lawrence E. Eyres, Mayor

Attached is a copy of the reply from the Board of Trustees of the Aurora Historical Society, Inc. to the letters you received from Mrs. McLeod, Mrs. Ott and Mrs. Richert.

Please feel free to contact me if you have questions and/or concerns in this matter.

James H. Gallup
James H. Gallup,
President
Aurora Historical
Society, Inc.

IX.A. Request to Bid - East Aurora Fire Department

Trustee Marshall moved to add the above item to this agenda. A second by Trustee Sleeper and a unanimous vote carried the motion.



EAST AURORA FIRE DEPARTMENT

EAST AURORA, NEW YORK 14052

BUSINESS - PHONE: 715-652-6003

CAZENOVIA FIRE CO.
CHEMICAL ENGINE CO.
EAST END ACTIVE HOSE CO.
PIONEER HOOK & LADDER CO.



December 21, 1981

To: Honorable Mayor and Board of Trustees

The East Aurora Fire Department requests permission to advertise for sealed bids on the following equipment:

- (7) New and unused, self-contained breathing apparatus
- (12) Additional cylinders

Items are fully described and specifications set forth on the attached sheets.

Procurement of this equipment will enhance the ability of your Fire Department to perform their duties in a safe and expeditious fashion.

Your cooperation in granting the necessary permission will be greatly appreciated.

Chief Richard A. Bamberg

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Brief discussion, revealing the availability of funds within the current Fire Department budget to accomodate these purchases, led to a motion by Trustee Sleeper, a second by Trustee Suttell, and a unanimous vote to authorize the requested advertising for bids.

IX.B. Executive Session - Police Department Personnel Matters

At 8:34 P.M. Trustee Pagliaccio moved to executive session concerning Police Department personnel matters inviting the Village Attorney and Police Chief to attend. A second by Trustee Thompson and a unanimous vote carried the motion.

At 9:35 P.M. the Board returned from the executive session to the regular agenda.

X. Motion to Adjourn

At 9:35 P.M. Trustee Sleeper moved to adjourn this meeting. A second by Trustee Marshall and a unanimous vote carried the motion.

Respectfully,



Van J. Zittel
Clerk-Treasurer

