

June 5, 2017

A REGULAR MEETING of the Akron Village Board was held on this date at 7:38 p.m. Present: Mayor Carl E. Patterson; Trustees E. Peter Forrestel, Michael R. Middaugh, and Darrin L. Folger; Clerk Jayne DeTine, Treasurer Tammy Kelley and Public Works Manager Jon Cummings.

The Mayor led us in the pledge to the flag. He asked for a moment of silence for resident, Business Owner, former Mayor and Trustee Thomas Perry; resident Walter "Bunk" Babiarez and former resident Eva Bassanello wife of deceased Al "The Barber" Bassanello. He asked everyone to keep their families in our thoughts and prayers.

RESOLUTION duly moved by Middaugh and seconded by Folger that the Minutes of the regular meeting of May 15, 2017 be and hereby are approved by the Village Board.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
DARRIN L. FOLGER - AYE

RESOLUTION, duly moved by Forrestel seconded by Middaugh that the audit of the bills is approved, and the Treasurer authorized to pay same in accordance with the following abstract of audit vouchers:

General Fund	\$	23,256.63
Electric Fund	\$	51,419.86
Water Fund	\$	11,823.81
Sewer Fund	\$	10,146.91
Capital Sewer	\$	750.00
Trust & Agency	\$	2,532.40

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
DARRIN L. FOLGER - AYE

RESOLUTION duly moved by Middaugh and seconded by Folger that the following building permits be and hereby are approved with the applications and approval of the Code Enforcement Officer:

James Kratzer	185 East Avenue	Repairs/Hood	\$110.00
James Kratzer	185 East Avenue	Signs	\$50.00
James Kratzer	185 East Avenue	New Business	\$50.00

ADOPTED CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
DARRIN L. FOLGER - AYE

Trustee Forrestel abstained from voting

RESOLUTION duly moved by Middaugh and seconded by Folger that the following building permit be and hereby is approved with the applications and approval of the Code Enforcement Officer:

Perry's Ice Cream	22 Morgan Street	Demo House/Shed	\$75.00
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ADOPTED E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
DARRIN L. FOLGER - AYE

Mayor Patterson abstained from voting

RESOLUTION duly moved by Forrestel and seconded by Folger that the following building permits be and hereby are approved with the applications and approval of the Code Enforcement Officer:

Al Thomas	45 Cedar Street	Roof	\$50.00
Mark Wilson	70 Cedar Street	Roof/Window/Siding	\$150.00
Roberta Lobur	40 Clinton Street	Driveway	\$50.00
Daniel Wood	6415 Hake Road	Pool	\$100.00
Walter Edwards	34 Lewis Road	Porch Railing	\$50.00
Patricia Babiarz	65 Cedar Street	Fence	\$50.00
Margaret Francis	42 Brooklyn Street	Roof	\$50.00

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
DARRIN L. FOLGER - AYE

PUBLIC HEARING – none

APPEARANCE – none

PUBLIC COMMENT – Village Resident Laverne Wickham came before the Board with concerns regarding the recent tax increase. Mayor Patterson commented that several factors played into the increase such as: the 2% Tax Cap, New York State Audit requirements, and much needed improvements to our infrastructure.

PROJECT REPORTS – none

MONTHLY REPORTS –

Departments –

VILLAGE ATTORNEY – absent/vacation

CLERK – Reported: 2017-2018 Village Taxes were mailed out May 31, 2017; the Bank of Akron will now be collecting Village Taxes at all their locations.

CHIEF OF POLICE – absent/vacation

PUBLIC WORKS MANAGER – reported: distributed some examples of what the “Pub Works” software program’s capabilities are for managing the DPW man hours and equipment use; recommended the purchase of a Dump Truck (Cab and Chassis) from the State Mini-Bid for \$30,378.51 from the General Fund Reserve fund through Joe Basil Chevrolet; recommended the purchase of two Pick-up trucks also from the State Mini-Bid for \$31,145.45 each through Van Bortel Ford, lastly recommended to accept the bid by Solomon Corporation to rebuild the Regulator for the Sub-Station for \$69,135.00.

RESOLUTION duly moved by Forrestel and seconded by Middaugh to approve the large purchase request for a Dump Truck (Cab and Chassis) from the State Mini-Bid for \$30,378.81 using the General Fund Reserve fund through Joe Basil Chevrolet on the recommendation of Public Works Manager Jon Cummings be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
DARRIN L. FOLGER - AYE

RESOLUTION duly moved by Folger and seconded by Middaugh to approve the large purchase request for two Pick-up Trucks from the State Mini-Bid for \$31,145.45 each through Van Bortel Ford on the recommendation of Public Works Manager Jon Cummings be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
DARRIN L. FOLGER - AYE

The large purchase request to rebuild the Regulator at the Sub-Station was tabled.

CODE ENFORCEMENT OFFICER – attended Village Work Session then left to attend Town of Newstead meeting

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Folger – nothing new to report

Trustee Forrestel – reported: Clark Patterson Lee will share their presentation regarding the Sewer Plant Upgrade for the Town of Newstead on July 17, 2017.

Mayor Patterson – reported: requested an Executive Session regarding personnel.

Trustee Middaugh – reported: met with the Joint Comprehensive Plan Committee today to review the Open House, they also recommended inserting a notice of the next scheduled Open House (tentatively set for August 8, 2017) for the Joint Comprehensive Plan in the next Utility Bill mailing; met with Clark Patterson Lee, along with Trustee Perry and Public Works Manager Jon Cummings, regarding State Street Bridge to review the different options that they will present to the Board.

Trustee Perry – absent

OLD BUSINESS

Clinton Street/Eckerson Avenue Village Land –nothing

Public Works Facility at 43 East Avenue – nothing

Cable Contract – nothing

Corrective Action Plan – Finance Committee will be updating quarterly

Food Trucks – discussed during work session, recommended to draft standard rules and regulations to be attached to each Peddlers Permit.

Handicapped Parking – discussed during work session, Board agreed with the recommended placement of handicap spots throughout the Central Business District. Public Works Manager Cummings will have them marked.

Sewer Maintenance Agreement - nothing

Knox Box Law – discussed during work session and on hold until June 19, 2017 Village Board meeting.

NEW BUSINESS

RESOLUTION duly moved by Folger and seconded by Middaugh to authorize the Mayor to sign the 2017-2018 CDBG project Agreement for Marshall Avenue, Morgan Street, and Cedar Street waterline loop be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
DARRIN L. FOLGER - AYE

Authorize the payment to Northeast Mechanical for Village Hall Replacement of Boiler parts (water source heat pump) in the amount of \$5,350.00 – tabled

RESOLUTION duly moved by Middaugh and seconded by Folger to approve the Village portion of the payment to Environmental Service Group for \$6,351.26 for the Recycling Hazardous Waste Event held April 22, 2017 be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
DARRIN L. FOLGER - AYE

RESOLUTION duly moved by Middaugh and seconded by Folger to approve the payment to Clark Patterson Lee for \$13,850.00 for evaluation of the State Street Bridge be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
DARRIN L. FOLGER - AYE

RESOLUTION duly moved by Folger and seconded by Forrestel to authorize Municipal Solutions to prepare applications for funding through the NYS Water Infrastructure Improvement Act be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
DARRIN L. FOLGER - AYE

RESOLUTION duly moved by Middaugh and seconded by Forrestel to authorize the following bond for the Sewer Plant Upgrades be and hereby is approved:

BOND RESOLUTION OF THE VILLAGE OF AKRON, NEW YORK, ADOPTED JUNE 5, 2017, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,950,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$5,950,000 TO FINANCE SAID APPROPRIATION

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

Section 1. The Village of Akron, in the County of Erie, New York (herein called the “Village”), is hereby authorized to construct improvements to the wastewater treatment plant. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,950,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in a principal of not to exceed \$5,950,000 to finance said appropriation, and the collection of water rates to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is anticipated that grant funds made available through New York State Water Infrastructure Improvement Act (WIIA) and/or other sources may be available to pay all or a part of the cost of the project. Any such grant funds are hereby authorized to be applied toward the cost of said project or redemption of the Village’s bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Bonds of the Village in the principal amount of not to exceed \$5,950,000 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 the “Law”), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, and, unless paid from other sources, including water rates, said bonds or notes shall be payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of

said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 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 bond anticipation notes, and as to executing agreements for credit enhancement, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

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

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the "*Akron Bugle*," a newspaper having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF AKRON, NEW YORK

PLEASE TAKE NOTICE that on June 5, 2017, the Board of Trustees of the Village of Akron, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Village of Akron, New York, adopted June 5, 2017, authorizing the construction of improvements to the wastewater treatment plant, stating the estimated maximum cost thereof is \$5,950,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of not to exceed \$5,950,000 to finance said appropriation,"

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

FIRST: AUTHORIZING said Village to construct improvements to the wastewater treatment plant; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,950,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in a principal of not to exceed \$5,950,000 to finance said appropriation, and the collection of water rates to pay the principal of said bonds and interest thereon; and STATING that grant funds made available through New York State Water Infrastructure Improvement Act (WIIA) and/or other sources may be available to pay all or a part of the cost of the project. Any such grant funds are hereby authorized to be applied toward the cost of said project or redemption of the Village's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes;

SECOND: AUTHORIZING the issuance of bonds in a principal amount of not to exceed \$5,950,000 pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Village for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: June 5, 2017

Jayne Detine
Village Clerk

Section 8. The Village Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary or in full, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARRIN L. FOLGER	- AYE

RESOLUTION duly moved by Forrestel and seconded by Folger to authorize the Police Department to close Main Street for the Akron Celebration Committee's Power Wheels Race and Box Car Derby from Church Street to Clinton Street from approximately 10am – 11am and

for the regular parade route for the annual Kiddie Parade and Gala Parade on July 4, 2017 at 4:15 pm be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARRIN L. FOLGER	- AYE

RESOLUTION duly moved by Forrestel and seconded by Folger to allow Treasurer Tammy Kelley to attend the NYS Government Financial Officers Association meeting July 13, 2017 in Batavia, NY at a cost of \$75.00 plus mileage be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARRIN L. FOLGER	- AYE

RESOLUTION duly moved by Forrestel and seconded by Folger to authorize Treasurer Tammy Kelley to pay the balance of the refund from the February overbilling of water \$1125.75 and sewer \$835.75 to Ford Gum be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARRIN L. FOLGER	- AYE

RESOLUTION duly moved by Folger and seconded by Middaugh to authorize the Mayor to sign the 2017-2018 contract between the Akron Fire Company and the Village of Akron be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARRIN L. FOLGER	- AYE

CORRESPONDENCE

Town of Amherst Central Fire Alarm May 2017 Operations Report

PUBLIC COMMENT: Sandy Bassanello from Mary's Good and Plenty asked if anything was settled yet for the Food Trucks. Clerk DeTine explained that a draft list of Food Truck regulations will be reviewed upon completion and when finalized will be attached to the Peddlers Permit as per the recommendation of the Board and Code Enforcement Officer.

Marilyn Kasperek from the Akron Bugle mentioned that a live stream of the first Open House for the Joint Comprehensive Plan is on the Akron Bugle Facebook page. She also wanted to introduce Grandell Logan as her helper for the next month. Grandell just finished his Freshman year at Cayuga College and is exploring journalism.

Mayor Patterson wanted to Thank Kathy Capan for the wonderful volunteer work she does for the Akron Celebration Committee and asked everyone to keep Dottie Routledge, another Akron Celebration Committee member in our thoughts and prayers after her accident. Also, he gave a "shout out" to the Akron Central School Lacrosse Team for the win over Pen Yen.

RESOLUTION duly moved by Middaugh and seconded by Folger to go into an executive session to discuss personnel matters at 8:50 pm be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARRIN L. FOLGER	- AYE

RESOLUTION duly moved by Forrestel and seconded by Middaugh to come out of the executive session to discuss personnel matters at 9:10 pm be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARRIN L. FOLGER	- AYE

On motion of Folger and seconded by Forrestel at 9:21 p.m. this meeting was
ADJOURNED

MAYOR

CLERK