

November 19, 2012

A REGULAR MEETING of the Akron Village Board was held on this date at 7:30 p.m. Present: Mayor Carl E. Patterson; Trustees, E. Peter Forrestel, Michael R. Middaugh, Kathryn A. Capan and Brian D. Wittlinger; Village Attorney Daniel D. Shonn, Clerk Treasurer Daniel P. Borchert and Public Works Manager Jon Cummings

Mayor Carl E. Patterson led us in the pledge to the flag. Mayor Patterson also wanted to remind the Board that this evening is the scheduled joint meeting with the Town of Newstead and to request an executive session regarding contract issues. Also, the Mayor requested a moment of silence in honor of all our past and present Veterans who have served our country. Lastly, a Happy Thanksgiving on behalf of the Board to all employees, residents, family and friends.

RESOLUTION duly moved by Middaugh seconded by Capan, that the Minutes of the Regular Meeting of November 5, 2012 be and hereby are approved by the Village Board.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

RESOLUTION, duly moved by Wittlinger seconded by Forrestel 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	\$ 35,026.21
Electric Fund	\$ 82,455.97
Water Fund	\$ 10,887.24
Sewer Fund	\$ 21,311.63
Capital Streets	\$ 8,521.04
Trust & Agency	\$ 33.00

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

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

Richard Taylor	3 Lewis Road	Replace Porch	\$25.00
Joseph Wagner	109 Main Street	Roof	\$25.00

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

PUBLIC HEARING – was continued at this time to hear any and all persons for the purpose of addressing the demolition of the garage at 50 Bloomingdale Avenue. Attorney Shonn explained that the Local Law allows the Village to tear down the unsafe

garage located at 50 Bloomingdale after the Village provides notice to the property owner, holds a public hearing and allows 30 days from the hearing for the property owner to reply.

RESOLUTION duly moved by Wittlinger and seconded by Capan that the Public Hearing with regard to the demolition of the garage at 50 Bloomingdale Avenue be and hereby is closed at 7:37 pm

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

RESOLUTION duly moved by Forrestel and seconded by Middaugh based upon the findings and recommendations of the Village Code Enforcement Officer, the Board finds that the garage at 50 Bloomingdale owned by Toni Whiting shall be demolished with work to commence with 30 days of November 19, 2012. In the event that Toni Whiting refuses or neglects to comply with any order issued by the Village Board following said hearing, the Village Board may provide for the demolition and removal of such building either by Village employees or by contract and the expenses of such demolition and removal shall be assessed against the owner on the owner's Village tax bill. The residence will be secured with plywood at all doors. The Board authorizes the Village Attorney to file a notice of repair or demolition with the Erie County Clerk's Office be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

Chief of Police Richard Lauricella entered the meeting at 7:41 pm

APPEARANCES: Bill Peronne, Northern Erie Sno-Seekers came before the Board to ask permission to once again use the bike path in the Village

RESOLUTION duly moved by Wittlinger and seconded by Middaugh to accept agreement with the Northern Erie Sno-Seekers for the 2012-2013 winter season.

WHEREAS, the Village of Akron has received a request from the Northern Erie Sno-Seekers, Inc., to use a portion of the Bike Path in the Village of Akron for snowmobile use;

WHEREAS, the Northern Erie Sno-Seekers, Inc., contacted the Village Board on November 19, 2012 to renew their permission to use a portion of the Bike Path in the Village of Akron for snowmobile use;

NOW, THEREFORE, A RESOLUTION, duly moved by Capan, seconded by Middaugh, based on information submitted by the Northern Erie Sno-Seekers, Inc., and upon the Village's review, the Village Board authorizes the Northern Erie Sno-Seekers, Inc., to use the Bike Path within the Village of Akron from December 19, 2012 through April 1, 2013, subject to random enforcement of speed, unreasonable noise and DWI, be and hereby is approved by the Village Board, subject to the following:

1. That the Village Board does hereby authorize the Northern Erie Sno-Seekers, Inc., to use the Bike Path beginning at Cedar Street and running southwest to Clarence Center Road, along a route that shall be specifically marked out by the Northern Erie Sno-Seekers, Inc., and approved by the Village of Akron Superintendent of Public Works,

- a. The Northern Erie Sno-Seekers must provide the Village with proof of liability coverage naming the Village of Akron as additional insured in an amount satisfactory to the Village. If such coverage is part of a blanket coverage for all snowmobile clubs throughout the State of New York, the Village of Akron must be specifically named as an additional insured on such policy.
 - b. The Northern Erie Sno-Seekers must provide the Village with an updated copy of its certificate of incorporation and by-laws and of its rules and regulations for operation of snowmobiles on trails maintained by them.
 - c. The Northern Erie Sno-seekers will provide to the Village an indemnification agreement holding the Village harmless and defending the Village from all property damages and personal injuries occasioned by the activities of the Northern Erie Sno-Seekers, their members, agents, invitees or employees on any Village lands during the term of the agreement to use the Bike Path.
 - d. The use of the right-of-way shall begin on the last day of deer hunting season and shall terminate on April 1, 2013.
 - e. The Northern Erie Sno-Seekers, Inc. must cooperate with the Village to clearly mark the trail, which trail shall be located off the paved portions of the Bike Path and post speed limits and rules and regulations governing the use of the trails, satisfactory to the Village.
 - f. The Northern Erie Sno-Seekers, Inc., shall use the Bike Path in a manner that allows for the use of the same facilities by others including hikers and cross country skiers.
 - g. The Northern Erie Sno-Seekers, Inc. shall use their best efforts to avoid damage to Village Property, injury to individuals, or excessive noise.
 - h. Failure to abide by all these conditions may result in the Village Board's withdrawal or rescinding of the consent of the Village to use the Bike Path.
2. This resolution shall take effect immediately.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KATHRYN A. CAPAN	- AYE
	BRIAN D. WITTLINGER	- AYE

Chief Lauricella highly recommended to the Board to establish an ordinance prohibiting snowmobiles in the Village. Village Attorney Shonn agreed and recommended to hold a public hearing on December 3, 2012

RESOLUTION duly moved by Forrestel and seconded by Capan to hold a public hearing in regards to prohibiting snowmobiles from the Village of Akron be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KATHRYN A. CAPAN	- AYE
	BRIAN D. WITTLINGER	- AYE

PUBLIC COMMENT – none

PROJECT REPORTS –

Joint Facility – nothing new to report

Sidewalk on Skyline Drive & Clarence Center Road – Manager Cummings stated that the Skyline Drive portion is completed and the Clarence Center Road portion will be done in the spring. Manager Cummings will be discussing the crosswalks over Buell Street with New York State and Erie County.

MONTHLY REPORTS –

Departments –

Camden Group – Representative Ken Scherrieble presented the Board the monthly report for October 2012. Mr. Scherrieble reported that the Sewer Plant made it through Hurricane Sandy with a reported 10” rain and never went on by-pass. The sand filters have been off line since November 15, 2012. Also reported that around seven loads of sludge have been removed by Village employees now that the Village has waste hauler permits and will need a few more loads to complete the removal. The replacement valves located in the basement should be arriving shortly and the affluent meter is being repaired.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – nothing to report

Trustee Middaugh – nothing to report

Mayor Patterson – glad to report that Route 93 has been completed. Discussed the Chamber of Commerce letter regarding Christmas Lights and if the current lights will hold for one more year.

Trustee Forrestel – reported the Human Resources will be conducting interviews for the apprentice lineman job next week. He also reported that a Water Wastewater Committee meeting is scheduled for December 3, 2012.

Trustee Wittlinger – reported attending the Clarence/Newstead Fire Chiefs Association meeting on November 15, 2012. Discussion was held regarding replacement of pagers in the future and the Emergency Medical Contract with Twin City. More to follow.

OLD BUSINESS

Village Court – Nothing new to report

Ron Berry Memorial Fields – Attorney Shonn has contract for Mayor Patterson to sign

Clinton Street/Eckerson Avenue Village Land – Trustee Middaugh stated that he will be scheduling a meeting with Trustee Forrestel and Village Attorney Shonn in the near future.

Public Works Facility at 43 East Avenue – Village Attorney Shonn and Public Works Manager Jon Cummings will be setting up a meeting to discuss the scheduling of the Phase II Environmental report

Collective Bargaining Agreement – waiting for a response from the Union Representative

50 Bloomingdale Avenue – held Public Hearing this evening

Sewer Moratorium – will discuss at the December 3, 2012 Village Board meeting.

Akron Fire Company Contract – Clerk-Treasurer Borchert reported that Deputy Clerk Kelley finished making the calls to other communities regarding the financing of their Fire Companies. Clerk-Treasurer Borchert will forward the results to the Board by the end of the week.

NEW BUSINESS

RESOLUTION duly moved by Wittlinger and seconded by Forrestel to authorize the Mayor to sign the 2012 STOP-DWI Memorandum of Understanding be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

RESOLUTION duly moved by Middaugh and seconded by Capan to authorize Clerk-Treasurer Borchert to credit the sewer portion of the bill for Mr. Thomas Lauridsen from 88 Bloomingdale Avenue for \$250.00 due to vandalism of his outside water spicket be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

RESOLUTION duly moved by Forrestel and seconded by Wittlinger to allow the joint effort of the Akron Music Parents, the ACS Elementary Chorus, the Akron Lioness Organization, the Akron Chamber of Commerce and the Akron Fire Company to use Russell Park for the annual Community Christmas Celebration on December 8, 2012 be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

CORRESPONDENCE

William Schutt & Associates October 2012 Monthly Project Report

October 2012 Northern Erie Sno-Seekers Newsletter

PUBLIC COMMENT: none

RESOLUTION duly moved by Wittlinger and seconded by Capan to go into executive session regarding personnel and contract matters at 8:25 p.m. be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

RESOLUTION duly moved by Forrestel and seconded by Capan to come out of executive session regarding personnel matters at 8:44 p.m. be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

The Village Board of Trustees reconvened at the Newstead Town Hall at 8:55 p.m. to hold a joint meeting with the Newstead Town Board. Supervisor Cummings welcomed the Village of Akron and began to go through the agenda.

Akron Airport – Supervisor Cummings stated that there will be an Article 78 Hearing on December 21, 2012 which is the result of the Town of Newstead Zoning Board of Appeals denial of the zoning variance for the crosswinds runway project.

Court Consolidation – The Village Court will be dissolved on April 1, 2013 and then all caseload will be heard by the Newstead Town Court. There will be a meeting in January to discuss the logistics of the new court and operations. Once the consolidation is complete, the Village of Akron will still be responsible for all the records of the Village Court prior to the consolidation date.

Joint Facility – The salt shed is now completed. There will be a meeting concerning items that need to be addressed now that both municipalities are now functioning under one roof. Colleen and Dan will work on looking at having one account for purchasing of consumable goods for the facility.

Archives – There is nothing new to report. The Village needs to get their records together as to what will be moved to the Newstead Town Hall Records Room. Dan will coordinate this with Dawn.

Joint Master Plan – The Village Committee is Mayor Patterson and Trustee Capan while the Town Committee is Supervisor Cummings and Councilman Mayrose. They will be planning a kick-off meeting in January.

Joint Emergency Services Committee – The Village Committee is Mayor Patterson and Trustee Wittlinger as they would like to include the officers of each fire company and have a kick-off meeting in January.

Household Hazardous Waste Recycling Update – The event was held on Saturday November 10, 2012 and there was a great turnout. We estimated that there would be 150 vehicles through the event, but when the final numbers were calculated there were 283 equivalent vehicles that came through. There were a lot of positive comments that were received by the residents.

Wastewater Treatment Plant Expansion – We are currently looking for a grant to finance a feasibility study on the future expansion capabilities at the plant.

Murder Creek – Carl Klingenschmitt commented that due to the hot and dry summer that there was about a 50% loss of life on the plantings along the bank of Main Street. The contractor will be back and replant in the spring. The plantings are covered by warrantee and will be replaced at no charge. There are still three grants that are filed that we are waiting to be notified about. Two of the grants applications are to the Federal Government while the other is with the State of New York.

Road Sign Visibility – The visibility of road signs may create an unsafe condition on the roadway. If you notice any situations, please contact either Jon or Mike.

Joint Purchasing Opportunities – Dan and Dawn will work together to see if there is any opportunities for cost savings for purchasing with the same vendors that the Town and Village both utilize.

Sidewalk Grant – The Skyline Drive portion of the installation is complete but Jon and Mike need to do some research with the NYSDOT regarding the curb cut at Buell Street to complete the Clarence Center Road portion of the project.

Grant Writer – Anne Sisk is no longer providing grant writing services for municipal clients. The Town of Newstead will be using the services of Rotella Grant Management.

Refuse Contract – Modern Disposal will be holding two open house events at the Joint Facility on Saturday December 1st and Saturday December 15th from 9:00 AM – Noon to answer any questions regarding the new service and the distribution of the recycling carts.

Union Contract – The Village and Town would like to see if they can try to mirror the contracts since both the Village and Town are represented by the same collective bargaining unit.

RESOLUTION duly moved by Middaugh and seconded by Capan to go into executive session regarding a contractual matter at 10:12 p.m. be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

RESOLUTION duly moved by Forrestel and seconded by Capan to come out of executive session regarding contractual matters at 10:40 p.m. be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

On motion of Forrestel and seconded by Wittlinger, at 10:41 p.m. this meeting was ADJOURNED

MAYOR

CLERK-TREASURER