

November 5, 2012

A REGULAR MEETING of the Akron Village Board was held on this date at 7:33 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 Chief Richard Lauricella.

Mayor Patterson led us in the pledge to the flag. The Mayor requested a moment of silence in memory of Patricia Allen a long time resident of the Village of Akron.

RESOLUTION duly moved by Forrestel seconded by Middaugh, that the Minutes of the Special Meeting of October 22, 2012 and the Regular Meeting of October 15, 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 Capan 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	\$ 17,794.80
Electric Fund	\$ 95,008.82
Water Fund	\$ 5,003.11
Sewer Fund	\$ 7,572.99
Capital Streets	\$ 4,986.35
Trust & Agency	\$ 1,089.00

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

Ottney & Miller	25 Buffalo Street	Roof	\$25.00
KMB Properties LLC	74 Cedar Street	Roof	\$25.00
Charles Best	133 Skyline Drive	Roof	\$25.00
Noco	3 Railroad Street	Roof	\$25.00
Dennis Warren	96 East Avenue	Garage	\$212.40
Michelle White	17 Crescent Avenue	Roof	\$25.00
Susan Zeliff	51 Main Street	Siding	\$25.00

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 Middaugh and seconded by Capan that the following Dumpster Permits are approved in accordance with the permit filed and payment of the fee of \$20.00:

Charles Best	133 Skyline Drive	30 days	\$20.00
Michelle White	17 Crescent Avenue	30 days	\$20.00

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

PUBLIC HEARING – none scheduled

APPEARANCES – Andrew Grant from the Boy Scout Troop 559 came before the Board to present his completed Eagle Scout project. Andrew had sanded and painted the playground equipment, planted six bushes and built two picnic tables in Russell Park. Mayor Patterson thanked Andrew for a job well done and presented him with a Certificate of Recognition.

PUBLIC COMMENT – Joan and Gerry Summe owners of 97-99 Main Street came before the Board to question the building permit for “change of use” requested by the Village Code Enforcement Officer for their new tenant who opened up a Nail and Hair Salon. Discussion was also held regarding a memo sent out to all the Business Owners along Main Street with regards to change of use and handicap accessibility. Susan Zeliff and Jayne Little, also property owners on Main Street, spoke about the unprofessional behavior of the Code Enforcement Officer. Business Owner Greg Brown felt that the memo represented a hardship to small businesses as well as adding to layers of government doing the same thing. Mayor Patterson stated that the memo went out to the Village Business Owners without the Board’s knowledge. After further discussion Attorney Shonn will be meeting with Code Enforcement Officer Migliaccio to further review the Central Business District codes for the Village and State and to determine the necessary paperwork required for future “change of use” permits.

PROJECT REPORTS –

Joint Facility – floor has been finalized

Sidewalk on Skyline Drive – Clerk Treasurer Borchert reported that the sidewalk project on Skyline Drive is moving forward and should be completed before the winter season. The portion of sidewalk on Clarence Center Road will be completed in the spring.

MONTHLY REPORTS –

Departments –

Attorney – recommended to accept Nature’s Way proposal for a Phase II report for Ron Berry fields due to be completed this year.

RESOLUTION duly moved by Wittlinger and seconded by Capan to accept the proposal from Nature’s Way for a Phase II Report for Ron Berry fields 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

Clerk-Treasurer – The Board received the Clerk’s report for October 2012, together with the November 2012 office schedule. Clerk Treasurer Borchert reported that Deputy Clerk Tammy Kelley is still on 4 hours days, received 8 credit card transactions,

attended the Town of Newstead Board Meeting with regards to the Hazardous Waste Drop-off Day scheduled this Saturday November 10, 2012, Village IT Representative Ken Lombardo will be setting up Village Attorney Don Shonn's office computer in the old Court office room in the lower level of the Village Hall and received word from our CDBG contact Paul D'Orlando that the Village's first choice for a grant funded project may be covered under an Economic Development Grant and recommended the Village to modify our list and put the Washington Street/Liberty Street reconstruction as the No 1 project.

RESOLUTION duly moved by Middaugh and seconded by Forrestel to modify the motion from October 15, 2012 and make our No 1 request for the Community Development Funds for the year 2013 for the Village of Akron be and hereby is the street reconstruction and drainage of Washington Street and Liberty Street.

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

Chief of Police – Chief Lauricella did submit to the Board the report for October 2012 and the schedule for November 2012. He did report that there was a light turn out for Halloween this year, recommended to put an ad in the paper for the winter parking ban, discussed sidewalk snow removal at 50 Bloomingdale Avenue, reported no equipment problems and lastly discussed the new license plate readers which have been mounted on the police car.

Public Works – Manager Jon Cummings submitted a report to the Board for the month of October 2012 but was unable to attend this evenings meeting. Mayor Patterson wanted to report that the John Street Project is done now that the curbs, seeding and DI work has been completed. The water project along Route 93 that was completed jointly with the Town of Newstead is done. And the Village has received their waste hauler permits from the DEC.

Code Enforcement Officer – Mr. Migliaccio submitted a report to the Board and attended the work session this evening.

Elected Officials –

JUSTICE COURT REPORT – October 2012 Report

TRUSTEES – COORDINATORS

Trustee Capan – nothing new to report

Trustee Middaugh – He congratulated Village employee Donald Kreher for completing his electrical lineman schooling. He also reported that Erie County is completing the mill work on the Village portion of Route 93.

Mayor Patterson – reported:

- Will attend the joint Village Officials Meeting and Association of Erie county Government meeting scheduled for November 19, 2012.
- Thanked Clerk-Treasurer Borchert for his efforts in regards to the Hazardous Waste Drop-off scheduled for this Saturday November 12, 2012.
- Scheduling lineman interviews for next week
- Need to finalize the process of reaching out to other communities as to their ideas for funding municipal fire companies
- Request an executive session for contractual issues

Trustee Forrestel – Reported that a Water Wastewater Committee meeting is scheduled for December 3, 2012. He also reported that he visited the Water Plant to see

the timber management in progress. Trustee Forrestel reported that the Management Company had completed establishing the borders of the property and that the less desirable timber was currently being harvested. He also inspected the spillway repairs and reported that the reservoir rose approximately 5 feet during the last rain storm resulting from Hurricane Sandy.

Trustee Wittlinger – Committee continuing work on the Fire Company Contract and Trustee Wittlinger will also attend the Clarence/Newstead Fire Chiefs Association meeting scheduled for November 15, 2012.

OLD BUSINESS

Village Court – nothing new

Ron Berry Memorial Fields – Resolution passed this evening to accept proposal from Nature’s Way for a Phase II report.

Clinton Street/Eckerson Avenue Village Land – nothing new

Public Works Facility at 43 East Avenue – nothing new

Collective Bargaining Agreement – executive session

50 Bloomingdale Avenue – Public Hearing scheduled for November 19th.

Hazardous Waste Recycling – Drop-off day scheduled for November 10, 2012.

NEW BUSINESS

RESOLUTION duly moved by Forrestel and seconded by Capan to authorize Clerk-Treasurer to make a budget adjustment to raise revenue A3501 and appropriation A1990.04 both in the amount of \$41,282.00 due to the CHIPS funding for Marshall Avenue reconstruction 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 Middaugh to move Donald Kreher from Grade 12 Step 4 to Grade 13 Step 1 due to his completion of lineman school and on the recommendation of Public Works Manager Cummings 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 Wittlinger and seconded by Middaugh to delegate the NYMPA Executive Committee as the voting delegate for the Village of Akron at the New York Municipal Power Agency Semi-Annual Meeting scheduled for November 8, 2012 in Syracuse, NY 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

Minutes from the village Planning board meeting held October 2, 2012

Minutes from the Village Zoning Board of Appeals meeting held on October 24, 2012

Time Warner Cable soon to be Expiring Agreements with Programmers and Broadcasters

MEUA October 2012 News & Views

NYS Local Retirement System Fall 2012 Employer Forum Newsletter

November 2012 League of Women Voters Newsletter

PUBLIC COMMENT: Resident Dale Cheavacci came before the Board to ask the Board to please show more interest in the Akron Airport Project by attending more of the meetings concerning this major issue which considerably affects the Village of Akron.

Resident Doug Ceisner questioned where the water run-off came from for the Water Plant reservoir to raise approximately five feet. He was concerned if it came from fertilized farmlands. Attorney Shonn stated that it is run-off from the area, but the Law prohibits a lot of uses for lands that surround the reservoir.

RESOLUTION duly moved by Capan and seconded by Middaugh to go into executive session regarding contract issues at 8:55 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 Wittlinger to come out of executive session regarding contract issues at 10:20 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 have all non-structural permits submitted and ones previously submitted to the Code Enforcement Officer will be reviewed by the Village Attorney with the Code Enforcement Officer before being issued by 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

On motion of Forrestel and seconded by Capan, at 10:23 p.m. this meeting was ADJOURNED

MAYOR

CLERK-TREASURER