

February 2, 2015

A REGULAR MEETING of the Akron Village Board was held on this date at 7:34 p.m. Present: Mayor Carl Patterson, Trustees, E. Peter Forrestel, Michael R. Middaugh, Kathryn A. Capan and Keith A. Hatswell; Clerk Treasurer Daniel P. Borchert, Chief of Police Richard Lauricella, Public Works Manager Jon Cummings and Code Enforcement Officer Michael Borth.

The Mayor led us in the pledge to the flag.

RESOLUTION duly moved by Hatswell seconded by Capan, that the Minutes of the Regular Meeting of January 26, 2015 be and hereby is approved by the Village Board.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

RESOLUTION, duly moved by Middaugh 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	\$	5,885.30
Electric Fund	\$	61,061.35
Water Fund	\$	4,570.30
Sewer Fund	\$	3,392.19
Trust & Agency	\$	2,969.91

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

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

Dave Eckerson	88 East Avenue	Remodel Apt.	\$260.00
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ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

PUBLIC HEARING –

Solar Wind or Farm Waste Energy Exemption scheduled for February 23, 2015

APPEARANCE – none

PUBLIC COMMENT – Resident Doug Ceisner asked when a meeting between Board Members is considered an official meeting and if an Executive Session has to be publicized. Village Attorney Shonn explained that an official meeting has to have a quorum of at least three members out of the five members to be considered official. An Executive Session does not need to be publicized but it has to be announced during the meeting and the minutes need to state the reason for the Session.

PROJECT REPORTS –

Joint Facility – Review Inter-Municipal Agreement with Town of Newstead –on the agenda for the joint meeting with the Town of Newstead scheduled for February 23, 2015

MONTHLY REPORTS –

Departments –

VILLAGE ATTORNEY – Reviewed Dog License during the work session

CLERK-TREASURER – Submitted his monthly report for January 2015 and the office schedule for February 2015. Reported: Processed 35 credit card transactions in the month of January 2015 in the amount of \$2492.90; organized the new program and system for the 2014 Stray Voltage Report for Public Works Manager Jon Cummings; Met with Sarah Battaglia, from Environmental Services Group regarding the Household Hazardous Waste events for 2015 on January 26, 2015, tentative dates are May 30 and October 17, 2015; Filed form C-2 with NYS Municipal Workers’ Compensation Alliance for Fred Bedford; Selected the 2015 authorized Election Inspectors for the 2015 Elections; continuing to update Village website

CHIEF OF POLICE – Chief Lauricella presented the schedule for February 2015 and a report for January 2015. Chief Lauricella reported that Part-time Officer Michael Lute handed in his resignation due to a new job. Mayor Patterson stated that Officer Lute was an asset to the Village and wished him well.

RESOLUTION duly moved by Forrestel and seconded by Hatswell to accept the resignation of Part-time Officer Michael Lute due to a new job be and hereby is approved

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

Chief Lauricella reported that the HR Committee interviewed Stephen Smith, a retired Sheriff and School Resource Officer in Alden, NY, for a part-time Officer position to replace Officer Lute as the School Resource Officer for Akron Central School District. The committee recommended hiring him.

RESOLUTION duly moved by Forrestel and seconded by Hatswell to hire Stephen Smith as a part-time Officer on the recommendation of Chief Lauricella and the HR Committee effective immediately be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

Chief Lauricella also reported that the SRV broke down and was towed for free and will be fixed under the 100,000 mile warranty. He also mentioned that the department’s record management is all computerized now and stored with Erie County.

PUBLIC WORKS MANAGER – Mr. Cummings presented a monthly report for January. He reported: crews have been tree trimming when weather permits; would like to trim trees more frequently but do not have enough man power to do it; street crews have been doing a great job keeping the streets cleared during this excessive winter; new water meters are being installed by sections in the Village; two water main breaks were fixed in the Village, one on Crescent Drive and the other on Lewis Road; preparations are in process to recondition the water filters at the Water plant; new 2015 F250 truck has been delivered to replace the Sewer Plant truck; compiling information for new permits

for sewer services, water services, backflow, etc. with the help of Tammy Anderson; Lastly would like to recommend to switch titles for Robert J. Lucia from Working Crew Chief Skilled Laborer to Chief Wastewater Treatment Plant Operator and Robert C. Lucia from Skilled Laborer to Wastewater Treatment Plant Operator

RESOLUTION duly moved by Hatswell and seconded by Capan to change Robert J. Lucia's title from Working Crew Chief Skilled Laborer to Chief Wastewater Treatment Plant Operator 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
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

RESOLUTION duly moved by Middaugh and seconded by Capan to change Robert C. Lucia's title from Skilled Laborer to Wastewater Treatment Plant Operator 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
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

CODE ENFORCEMENT OFFICER – Mr. Borth reported: attended and completed NFBOA annual training which taught about many new codes and actual laws that will be going into effect this year; Planning Board met regarding several new businesses opening on Main Street. Mayor Patterson suggested having a Public meeting to inform the residents and Business Owners of the new codes and laws coming.

AKRON FIRE COMPANY –no report. Fireman Daniel Kowalik was present to invite the Board to take a tour of Amherst Fire Control. Discussion was also held regarding the Disaster Coordinator Position which will be vacant after Glen Joachimiak moves out of the area.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – nothing new

Trustee Middaugh – Reported that due to the weather he had to re-schedule the meeting with a Board of Election Representative to review the opportunity for grant monies

Mayor Patterson – reported: next Village Officials meeting is scheduled for February 19, 2015 in Hamburg NY and the next Association of Erie County Governments meeting is scheduled for February 26, 2015 in Blasdell, NY

Trustee Forrestel – reported: Human Resource Committee met to hold an interview for the part time School Resource Officer at Akron Central School to replace Officer Michael Lute; next Water Wastewater Committee meeting is scheduled for February 23, 2015

Trustee Hatswell – reported attending a Police, Fire and Emergency Services Committee meeting where Police “cop cams” were discussed at length, more to follow

OLD BUSINESS

Ron Berry Memorial Fields –nothing new

Clinton Street/Eckerson Avenue Village Land – nothing new

Public Works Facility at 43 East Avenue – nothing new

Cable Contract – Trustee Middaugh reported that he will be working with Village Attorney Don Shonn regarding the contract this week.

Solar, Wind or Farm Waste Energy Exemption – Public Hearing scheduled for February 23, 2015

NEW BUSINESS

RESOLUTION duly moved by Middaugh and seconded by Capan to support the Town/Village Participation in Countywide Government Efficiency Plan

WHEREAS, Governor Andrew Cuomo and the New York State Legislature enacted the Property Tax Freeze Credit to provide property tax refunds to homeowners as part of the 2014-2015 State Budget; and

WHEREAS, the new law encourages local governments to generate long-term tax-relief for taxpayers by sharing services, consolidating or merging, and demonstrating and implementing operational efficiencies; and

WHEREAS, in year one of the program, which is 2015 for local governments, homeowners will receive the Freeze Credit if their local government stays within the property tax cap; and

WHEREAS, in year two of the program, which is 2016 for local governments, homeowners will receive the Freeze Credit for property taxes from any taxing jurisdiction in which the homeowner resides that stays within the property tax cap and puts forward a State-approved Government Efficiency Plan demonstrating savings equivalent to one percent of their property tax levies in each of the following three years; and

WHEREAS, while local governments may take a variety of approaches to develop their Government Efficiency Plans, the State has strongly encouraged they convene and facilitate a process to develop and submit county-wide Government Efficiency Plans; and

WHEREAS, as exemplified in the recent establishment of the Buffalo Erie Niagara Land Improvement Corporation in 2012, this community has a history of receiving recognition by the State for demonstrating successful regional collaborations involving many municipalities; and

WHEREAS, Erie County has offered to coordinate the development of such government Efficiency Plans as the ‘lead agency’ on behalf of all other interested municipalities; and

WHEREAS, the Village of Akron is interested in intergovernmental cooperation with Erie County and other municipalities in submitting a county-wide Government Efficiency Plan and desire to memorialize its intention to participate in a coordinated Plan to allow its homeowners to receive the Freeze Credit.

NOW, THEREFORE, BE IT RESOLVED that the Village of Akron seeks to ensure that Village homeowners will receive the Freeze Credit as part of this new State law; and

BE IT FURTHER RESOLVED that the Village of Akron did not exceed its designated property tax cap for fiscal year 2015 and memorializes that it has no intention of exceeding the cap for fiscal year 2016, which if exceeded would disqualify the village from participation in the Property Tax Cap Freeze Credit Program; and

BE IT FURTHER RESOLVED that the Akron Village Board does hereby express its support for, and participation in an Erie County-wide Government Efficiency Plan; and

BE IT FURTHER RESOLVED that the Village Board urges the New York State Division of the Budget to approve Erie County's coordinated Government Efficiency Plan with local governments with the understanding that Akron has played an active role in the identification of preexisting and implementation of new shared services, consolidations or merges, and operational efficiencies within the Village of Akron for inclusion in the county-wide plan; and

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to the Erie County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; the Director of the Division of Budget and Management; and the Association of Erie County Governments.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL, II	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KATHRYN A. CAPAN	- AYE
	KEITH A. HATSWELL	- AYE

RESOLUTION duly moved by Middaugh and seconded by Capan

A Resolution Authorizing the issuance of \$350,000.00 Revenue Anticipation Note in anticipation of receipt of sewer revenue to become due and payable in fiscal year 2015-2016.

Whereas, the Village of Akron has constructed, installed and operates a village sewer collection system and wastewater treatment plant (hereinafter referred to as the "Sewer System"); and

Whereas, the Village of Akron pays for the Sewer System through quarterly sewer collection charges; and

Whereas, due to the timing of certain construction and operational expenses of the Sewer System in 2015 (hereinafter referred to as the "Expense"), it is necessary to issue a revenue anticipation note in anticipation of the collection of sewer fees and charges due and payable in the fiscal year 2015-2016, and

Whereas, no other Revenue Anticipation Notes have been issued by the Obligor based upon this, and

Whereas, there have been no other funds allocated by the Village to offset this expense, and

Whereas, the amount of uncollected revenues against which such notes are authorized to be is \$535,000.00

Whereas, the proceeds of this note shall be used for purposes stated herein,

Whereas, the Revenue Anticipation note will mature within one (1) year of the date of the Note and may be renewed from time to time however shall not extend beyond the close of the second fiscal year succeeding the present year.

Now, Therefore, Be It

Resolved, by the Village Board of Trustees of the Village of Akron, Erie County, New York, as follows:

Section 1. For the purpose of paying the Expense, there is hereby authorized \$350,000.00 Revenue Anticipation Note of said village, pursuant to the provisions of the Local Finance Law.

Section 2. At a meeting of the Village Board, Village of Akron, Erie County, New York held at the Village Hall, 21 Main Street, Akron, New York 14001-0180 on February 2, 2015, the following resolution was duly adopted.

Section 3. It is hereby determined the maximum maturity of the Revenue Anticipation Note herein authorized will not exceed one (2) years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and said of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Clerk-Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents and shall be sold in such manner, as may be prescribed by said Mayor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Akron, Erie County, New York, are hereby irrevocably pledge to the payment of the principal of and interest on such obligations as the same respectively become due and payable.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL, II	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KATHRYN A. CAPAN	- AYE
	KEITH A. HATSWELL	- AYE

RESOLUTION duly moved by Capan and seconded by Hatswell to appoint Gerard Pascua, Hylene Shearman, Donald Stock, Rita Whalen and Linda Wiltberger as election inspectors for the Village of Akron Election on Wednesday March 18, 2015 from 12:00 pm - 9:00 pm be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KATHRYN A. CAPAN	- AYE
	KEITH A. HATSWELL	- AYE

RESOLUTION duly moved by Forrestel and seconded by Capan to issue an unlisted action under SEQR

NOW, THEREFORE, BE IT: RESOLVED that the Village of Akron hereby determines that the proposed project will not have a significant adverse effect on the environment for the reasons that (1) the study is in the nature of information gathering; (2) the Village of Akron is not committed to fund or take any Type 1 or unlisted action regarding the plans or recommendations which will result from the study.

RESOLVED that the Clerk Treasurer is authorized to take all actions reasonable and necessary to file the Negative Declaration and discharge the Village of Akron's responsibility as lead agency for this action.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KATHRYN A. CAPAN	- AYE
	KEITH A. HATSWELL	- AYE

RESOLUTION duly moved by Forrestel and seconded by Capan to designate the Village of Akron Clerk-Treasurer, Daniel Borchert, as the authorized representative for the Engineering Planning Grant Agreement

NOW, THEREFORE, BE IT: RESOLVED that the Village of Akron Clerk Treasurer, Daniel Borchert, is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Village of Akron's obligations under the Engineering Planning Grant Agreement.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KATHRYN A. CAPAN	- AYE
	KEITH A. HATSWELL	- AYE

RESOLUTION duly moved by Forrestel and seconded by Capan to authorize and appropriate a 25% local of \$7,500.00 for the Engineering Planning Grant Agreement

NOW, THEREFORE, BE IT: RESOLVED that the Village of Akron authorizes and appropriates a 25% local match (\$7,500.00) as required by the Engineering Planning Grant Program for the Village of Akron Wastewater Treatment Plant Engineering Study Project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by the Clerk Treasurer shall not exceed \$7,500.00 – based upon 25% of total project cost of \$37,500. The Clerk-Treasurer may increase this local match through the use of in kind services without further approval from the Village of Akron.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KATHRYN A. CAPAN	- AYE
	KEITH A. HATSWELL	- AYE

CORRESPONDENCE

Wm. Schutt & Associates January 2015 Monthly Summary Report

Erie County Soil & Water Conservation District Tree & Shrub Seedling Program

PUBLIC COMMENT: None

RESOLUTION duly moved by Forrestel and seconded by Middaugh to go into executive session regarding contractual issues at 8:18 pm be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KATHRYN A. CAPAN	- AYE
	KEITH A. HATSWELL	- AYE

RESOLUTION duly moved by Middaugh and seconded by Capan to come out of executive session regarding contractual issues at 8:40 pm be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KATHRYN A. CAPAN	- AYE
	KEITH A. HATSWELL	- AYE

On motion of Hatswell and seconded by Capan at 8:41 p.m. this meeting was ADJOURNED

MAYOR

CLERK-TREASURER