

April 21, 2014

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 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 Middaugh seconded by Capan, that the Minutes of the Regular Meeting of March 3, 2014 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  
KEITH A. HATSWELL - AYE

RESOLUTION, duly moved by Forrestel seconded by Hatswell 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	\$ 38,640.38
Electric Fund	\$ 310,420.92
Water Fund	\$ 12,604.23
Sewer Fund	\$ 22,835.07
Trust & Agency	\$ 1,550.51

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

Dennis Smith	12 Clinton Street	Demo/garage	\$25.00
RPW Corp	15 Main Street	sprinkler break	\$25.00

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

PUBLIC HEARING –was held at this time to hear any and all persons for the purpose of addressing the SEQRA for the re-zoning project at 42 Jackson Street. Clerk-Treasurer Borchert read the notice and asked if anyone wished to speak. Mr. Schie's Attorney, Marc Romanowski, updated the Board on the project. Mayor Patterson stated that the Village Board has the responsibility to make sure the proposed re-zone is appropriate for the area, the residents, the new subdivision and the future uses of that property. Mr. Schie stated that he did speak to the neighbors, including Charlie Kelkenberg, owner of Cornerstone Subdivision. Village Attorney Shonn stated that there were three issues on the EAF that needed comments which were: Conflict of the Comprehensive Plan, noise, and the bike path. Mr. Romanowski stated that the Comprehensive Plan was changed to R-3 back in 2005, but the property is not suitable for

residential use due to the past uses, noise will only be an issue during completion of the new pole barn and the addition to the existing metal building there, and lastly the bike path in this area is lined with natural forest growth. Several residents such as Mr. & Mrs. Raymond Fisher at 35 Jackson Street, Sandy Cory at 75 Jackson Street and Doug Ceisner from 100 East Avenue all were in support of this re-zone and project.

RESOLUTION duly moved by Middaugh and seconded by Capan to close the Public Hearing in regards to the SEQRA for the re-zoning project at 42 Jackson Street at 8:00 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 Middaugh and seconded by Hatswell to determine that the proposal by Kurt Schie (the “Applicant”) to rezone the balance of the currently split-zoned parcel at 42 Jackson Street (SBL No. 47.14-1-3.1) (the “Site”) from R-3 to I-1, and subsequently to add one new building, expand an existing building and widen the driveway at the Site (the “Project”) will not have any significant adverse impact on the environment; that a Negative Declaration pursuant to SEQRA should be issued; and that no Environmental Impact Statement need be prepared.

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 Capan and seconded by Forrestel to hold a Public Hearing for Local Law #1 of 2014 –re-zoning 42 Jackson Street as well as the site plan at a Special Meeting scheduled for March 31, 2014 at 6:30 pm for the purpose of the 2014-2105 Budget, 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

APPEARANCE – none

PUBLIC COMMENT – resident Doug Ceisner asked if there is any kind of program where customers could pay partial payments without penalties. Clerk-Treasurer explained that if an electric bill is not paid in full a penalty is applied to the balance of the unpaid portion. Mr. Ceisner asked why the Akron Police were parked up by Route 93 and Route 5 on March 14<sup>th</sup>. He also wanted to know if the police car sustained any damage when it slid off Crittenden Road back in February 2014. Chief Lauricella reported that no damage had been done. Also stated he is concerned with the deer population on East Avenue and worried someone will get killed. Trustee Forrestel discussed the possibility of a nuisance permit for that area.

PROJECT REPORTS –

Joint Facility –

Review Inter-Municipal Agreement with Town of Newstead – Attorney Shonn met with Town of Newstead Attorney Neil as well as Jon Cummings for discussion

MONTHLY REPORTS –

Departments –

CAMDEN GROUP – Ken Scherrieble reported: the relentless cold weather has contributed to the cracking of cement in the drying bed area; need to address the problem of ground water infiltrating into the sludge pits – Manager Jon Cummings will be checking on the issue tomorrow; everything else is going well. Trustee Forrestel asked if they received pricing on the replacement plexiglass for the drying beds. Mr. Scherrieble reported that pricing from one supplier has been received and awaiting pricing from one other source.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – nothing to report

Trustee Middaugh – congratulated DPW employee Robbie Lucia on passing his exam for a wastewater certification

Mayor Patterson –congratulated Robbie Lucia and also wanted to congratulate Michael Capan on passing his CDLB test, he can now drive the larger trucks. Congratulated the Akron Fire Company on their 91<sup>st</sup> Installation Dinner, congratulated all the new Officers and thanked them for all they do for our community. Received a “thank you” card from the Village of Castile appreciating the help the Village DPW electrical crew gave them with an electric project. Mayor Patterson had several newspaper articles relating to the tax freeze and is expecting a Resolution on behalf of all the Villages in direct response to the tax freeze. Mayor Patterson wanted to thank everyone for the good budget meeting held on March 10, 2014. The next meeting is scheduled for March 24, 2014 at 6:30 pm. Lastly, in reference to the tax freeze and the mind set of Albany in regards to Villages in New York, the Mayor wanted to remind all that our Village has done several things to save money for the tax payers such as: the joint facility, joint refuse, recycling, court, and mitigation projects with the Town of Newstead and also the many projects the DPW has been able to complete with their varied skill sets eliminating the need to pay outside sources for the work.

Trustee Forrestel – will be attending a Symposium on Sewer Plant Operations with DPW Manager Jon Cummings on March 24, 2014. Also, Trustee Forrestel will be attending the Tree Forum which was postponed due to the severe weather of March 12<sup>th</sup> and rescheduled for March 26, 2014. The Forum will have a power point presentation

Trustee Hatswell – realizes that the budget will be tricky this year but wanted to commend Public Works Manager Jon Cummings for trying to approach the budget process with the idea “to do as much as possible with what we have” mentality.

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

Village Annexation/Sewer District – nothing new

Rezoning of 42 Jackson Street – Special Meeting scheduled with a Public Notice for Local Law #1 of 2014 on March 31, 2014 at 6:30 pm.

NEW BUSINESS

RESOLUTION duly moved by Middaugh and seconded by Capan to hold the 2014-2015 Budget Public Hearing on Monday April 7, 2014 at 7:30 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

Recommendation to hold a Public Hearing regarding the New York State Property Tax Cap on Monday April 7, 2014 at 7:30 pm. After Board discussion the resolution will be on hold.

RESOLUTION duly moved by Capan and seconded by Forrestel to authorize the Village Mayor to sign the licensing agreement for the property located at 26 Jackson Street regarding the encroachment on the bike path 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

CORRESPONDENCE

Erie County Department of Planning regarding the SEQR Lead Agency review of 42 Jackson Street

Erie County Board of Elections 2014 election dates

Town of Amherst Central Fire Alarm February 2014 Operations report

PUBLIC COMMENT: Resident Doug Ceisner recommended to the Board to look into covering the drying beds with a plastic dome like used at local greenhouses instead of the plexiglass sections that are dangerous to install and maintain.

On motion of Capan and seconded by Hatswell, at 8:38 p.m. this meeting was ADJOURNED

---

MAYOR

---

CLERK-TREASURER