

June 17, 2013

A REGULAR MEETING of the Akron Village Board was held on this date at 7:32 p.m. Present: Mayor Carl E. Patterson, Trustees, E. Peter Forrestel, Michael R. Middaugh, Kathryn A. Capan and Keith A. Hatswell; Village Attorney Daniel D. Shonn, Clerk Treasurer Daniel P. Borchert, Public Works Manager Jon Cummings and interim Code Enforcement Officer Charles Reid.

Mayor Patterson led us in the pledge to the flag.

RESOLUTION duly moved by Middaugh seconded by Hatswell, that the Minutes of the Regular Meeting of June 3, 2013 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 Capan 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	\$ 54,433.14
Electric Fund	\$ 122,384.41
Water Fund	\$ 8,802.81
Sewer Fund	\$ 17,520.03
Capital Streets	\$ 79,876.20
Trust & Agency	\$ 1,676.91

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

Mayor Patterson introduced interim Code Enforcement Officer Charles Reid to the Board and took the time to thank him for his help during the Village's search for a new Code Enforcement Officer.

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:

Michael Best	77 Main Street	Change of Use	\$25.00
Daric Brege	69 Main Street	Sign	\$25.00

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

Trustee Middaugh abstained from voting

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

Thomas Trainor	35 John Street	Demo Garage	\$50.00
Patricia Pearce	37 John Street	Demo Garage	\$50.00
Ashley Czarneck	12 Churchill Street	Fence	\$25.00
Jacob Barone	19 Railroad	Change of Use	\$25.00
Lisa Pelton	4 Parkview Drive	Roof	\$25.00
Judith Hutson	5 Madison Avenue	Fence	\$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 extending the Akron Fire Company Contract for six months. Village Clerk-Treasurer Borchert read the proof of publication and asked if anyone wished to speak. Trustee Hatswell stated the Akron Fire Company suggested an extension to try to get a head of the contract discussions by a year for easier budget planning for the Fire Company. Discussion was held regarding the payment for the six month contract and all Board Members agreed it would pay half of what the regular twelve month contract would be. Questions were raised as to whether a twelve month contract with full pay would work just as well providing that meetings would be scheduled to work on the next year’s contract. Trustee Hatswell stated that he will be attending a meeting tomorrow and will update the Fire Company on the Boards discussions. The Board chose to extend the six month extension for now.

RESOLUTION duly moved by Forrestel and seconded by Hatswell to close the Public Hearing regarding the extension of the Akron Fire Company Contract by six months at 8:29 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 Hatswell to extend the Akron Fire Company Contract for a six month period paying at one half of the rate 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 Hatswell and seconded by Forrestel to hold a Public Hearing to extend the Akron Fire Contract for 12 months on July 8, 2013 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

APPEARANCES – None

PUBLIC COMMENT – Girl Scout Troop #30620 came before the Board to request permission to hold a 5K run to help raise money for Akron Central School Gym Teacher Mrs. Kwasniak who has ALS or Lou Gehrig’s disease. The run would follow the similar course of the Emily Rose 5K run which would start on Main Street and go up

Buell Street and into the Akron Falls Park and ending on Main Street again. They would like to schedule the event on October 12, 2013 from 9:00 am – 12:00 pm.

RESOLUTION duly moved by Hatswell and seconded by Capan to allow Girl Scout Troop #30620 to hold a 5K run to help raise money for Akron Central School Gym Teacher Mrs. Kwasniak who has ALS or Lou Gehrig's Disease on October 12, 2013 from 9:00 am – 12:00 pm using the same course as the Emily Rose 5K 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

PROJECT REPORTS –

Joint Facility –

Review Inter-Municipal Agreement with the Town of Newstead – nothing new

Sidewalk on Skyline Drive/Clarence Center Road – discussion was held regarding the cross-walk over Buell Street. The Board will schedule a field trip to the area for a better understanding of the situation.

MONTHLY REPORTS –

Departments –

Camden Group – Representative Ken Scherrieble presented a copy of the May 2013 monthly report to the Board. Mr. Scherrieble stated that they did not achieve good drying this winter in the drying beds, but they were able to remove most of the sludge out. They did rototill the beds and are now getting better drying action. They also will be purchasing more fans to help aid in the drying of the beds. Mr. Scherrieble reported that the filters are back on line. CFA is offering planning grants for Municipalities.

Code Enforcement Officer – Charles Reid wanted to recommend to the Board to revamp the building department permits to have more information about the project included and maybe revamp the payment schedule for permits too.

Attorney Shonn stated that on the recommendation from the Code Enforcement Officer a Violation Notice for the accumulation of junk on the property at 50 Bloomingdale Avenue was sent to the Bank of Interest and the last address known of the Property Owner. The Bank or Property Owner has until the 29th of June 2013 to comply with the Violation Notice. If they do not comply the Village Board has the right to constitute the property a public nuisance, whereas, the Board can have the junk removed using an outside agent or in-house personnel and relevy any expenses to the property tax. The Village Attorney recommended having a Public Hearing on July 8, 2013 regarding the Public Maintenance of 50 Bloomingdale Avenue. Discussion was also held regarding the condition of the lawn. The Attorney recommended having the lawn cut by the Public Works Department and applying the cost to the property taxes.

RESOLUTION duly moved by Capan and seconded by Hatswell to hold a Public Hearing on July 8, 2013 at 7:30 pm in regards to the Public Maintenance of property located at 50 Bloomingdale Avenue 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 Hatswell authorizing the Public Works Department to mow the lawn at 50 Bloomingdale Avenue and to apply the cost to the property taxes 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

Attorney Shonn also brought to the Boards attention the lack of a specific Village Code for land separation. This would be utilized when adjacent properties are added to or subtracted from each other which is different from a subdivision where new lots are created from one piece of property. Two such instances recently happened in the Village. Attorney Shonn stated that the land separation should go before the Planning Board so they can determine if the lot will become ‘non-conforming’ for the lot size in any particular zone. Many times the land separation squares off odd shaped lots, but in doing so makes them ‘non-conforming’. Attorney Shonn stated that he would like to meet with Interim Code Enforcement Officer Reid and prepare a draft of a land separation code for the Village. Residents from the corner of Indianola Avenue and Bloomingdale Avenue have just completed the land separation of their two properties which resulted in a non-conforming lot size for one of the properties. Attorney Shonn suggested that the owners of the non-conforming property go before the Planning Board for their recommendation to the Zoning Board of Appeals for a variance of the lot size. As per the request of Attorney Shonn the fee of \$125.00 for a Zoning Application would be waived.

RESOLUTION duly moved by Middaugh and seconded by Hatswell to waive the \$125.00 Zoning Board of Appeals Application fee on the recommendation of the Village Attorney 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

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – nothing new to report

Trustee Middaugh – stated that the Streets and Parks Committee recommended adopting the Erie County Smoke-free Zones for all Village owned property.

RESOLUTION duly moved by Middaugh and seconded by Capan to adopt the Erie County Smoke-free campaign for all Village owned property 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

Trustee Middaugh also wanted to report that the Village DPW did a nice job on repaving portions of Main Street.

Mayor Patterson – reported that the Village DPW did do a nice job on Main Street and also appreciates the flexibility which they use to complete several projects along with daily chores at the same time.

Lastly, Mayor Patterson wanted to remind the Board that the Ford Gum 100th Anniversary is quickly approaching and the Board needs to discuss the renaming of a street on behalf of this extraordinary accomplishment. After discussion the Board agreed to post an honorary name plaque with a name agreeable to both Ford Gum and the

Village Board on a portion of Newton Avenue which would save the need to change mailing addresses for several residents on Newton Avenue.

Trustee Forrestel – reported that the Human Resources Committee met to interview Michael Capan for the Electrical Lineman Apprentice Position and would further like to recommend to the Board to hire Mr. Capan for the position.

RESOLUTION duly moved by Forrestel and seconded by Middaugh to hire Michael Capan to the Electrical Lineman Apprentice Position on the recommendation of the Human Resource Committee effective as per Mr. Capan's earliest availability 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

Trustee Hatswell – will attend a meeting with the Akron Fire Company tomorrow evening to discuss the contract extensions.

OLD BUSINESS

Ron Berry Memorial Fields – another set of samples were taken due to certain metals found in the first round of samples. Waiting for results

Clinton Street/Eckerson Avenue Village Land – looking into handicap accessibility to the Bocce courts.

Public Works Facility at 43 East Avenue –waiting for Empire Diagnostics to begin asbestos removal

Collective Bargaining Agreement – waiting to hear from the Union Representative

Akron Fire Company Contract – Board approved six month extension with one half the payment but also scheduled a Public Hearing on July 8, 2013 for a possible twelve month extension with full payment

Niagara Label Annexation – working on establishing a Sewer District

NEW BUSINESS

RESOLUTION duly moved by Capan and seconded by Forrestel to offer the Town of Newstead Residents the opportunity to obtain wood chips and compost in their own containers for free as the supply lasts at the Joint Facility. Truckloads of wood chips or compost would cost Town of Newstead Residents \$5.00 per load 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

Trustee Capan left the meeting at 9:20 pm

Erie County Legislature Edward Rath, III holding an Informational Meeting June 26, 2013 at 7:00 pm. regarding local County roadways.

RESOLUTION duly moved by Middaugh and seconded by Hatswell to adopt the New York State and Local Retirement System Standard Work Day and Reporting Resolution for Trustee E. Peter Forrestel, II and Village Attorney Daniel D. Shonn be and hereby is approved.

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

RESOLUTION duly moved by Forrestel and seconded by Middaugh to allow Akron Celebration Committee to use Russell park for the annual Fourth of July Celebration on Wednesday July 3rd and Thursday July 4th, 2013 be and hereby is approved

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

RESOLUTION duly moved by Middaugh and seconded by Hatswell to allow the “Tanya’s Trot for Epilepsy” to be held in the Village of Akron on the 5K course on September 22, 2013. The “Trot” will begin and end at Cummings Lodge on Skyline Drive be and hereby is approved.

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

CORRESPONDENCE

Planning Board Minutes from meeting held April 29, 2013

Complaint from Joseph Parzych regarding 50 Bloomingdale Avenue

Complaint from Paul Lawrinowica regarding 50 Bloomingdale Avenue

Complaint from Paul & Patty Szlapak regarding 50 Bloomingdale Avenue

Complaint from Duane & Cindy Totten regarding 50 Bloomindale Avenue

Erie County Department of Environment & Planning Draft 2012 Consolidated Annual Performance Report

NYCOM Planning and Zoning Summer Schools 2013

Erie County Household Hazardous Waste Drop-off Day Saturday June 15, 2013 at Erie Community College South Campus from 9:00 am – 2:00 pm

Town of Amherst Central Fire Alarm Office May 2013 Operations Report

Email from Resident Debbie Darling regarding Airport noise

PUBLIC COMMENT: Mayor Patterson wanted to thank Bedford’s Greenhouse for removing the hanging plants on Main Street and repairing the damage that the heavy rains had caused.

On motion of Middaugh and seconded by Forrestel, at 9:38 p.m. this meeting was ADJOURNED

MAYOR

CLERK-TREASURER