

July 8, 2013

A REGULAR MEETING of the Akron Village Board was held on this date at 7:43 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, Police Chief Richard Lauricella and Public Works Manager Jon Cummings.

Mayor Patterson led us in the pledge to the flag. He also asked everyone to keep the families of Helen Capan and Harold Johnson in their thoughts and prayers.

RESOLUTION duly moved by Middaugh seconded by Capan, that the Minutes of the Regular Meeting of June 17, 2013 be and hereby are approved by the Village Board.

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

RESOLUTION, duly moved by Patterson 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	\$ 60,897.20
Electric Fund	\$ 48,484.79
Water Fund	\$ 11,744.44
Sewer Fund	\$ 20,923.07
Trust & Agency	\$ 4,060.08
Capital Streets	\$ 7,375.12

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

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

Gary Begin	35 Mechanic St	Roof	\$25.00
Mark Conschafter	154 Main Street	Fence	\$25.00
Bill Tomporowski	2 Skyline Drive	Deck	\$25.00
Walter Babiarz	166 East Avenue	Repair Garage/roof	\$50.00
Sandy Lippert	15 Lewis Road	Roof	\$25.00

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

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

Anthony Brandi            29 Brooklyn Street            Pool            \$25.00

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

Trustee Forrestel abstained from voting

RESOLUTION duly moved by Forrestel and seconded by Capan that the following Application for a Dumpster Permit for the year 2013 be and hereby is approved in accordance with the application filed and payment of the annual permit fee:

Michael Best            2 State Street            30 day            \$20.00

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 twelve months. Village Clerk-Treasurer Borchert read the proof of publication and asked if anyone wished to speak. No one wished to speak and the Board agreed to extend the twelve month extension.

RESOLUTION duly moved by Middaugh and seconded by Capan to close the Public Hearing regarding the extension of the Akron Fire Company Contract by twelve months at 7:55 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 Hatswell and seconded by Forrestel to approve the extension of the Akron Fire Company contract that expires May 31, 2014 for a twelve month period paying 140,989.00 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

PUBLIC HEARING – was held at this time to hear any and all persons for the purpose of addressing the determination of certain conditions alleged by the Village of Akron to be in violation of Local Law Property maintenance Section 117-2A & B, 177-4A, 117-6, 117-6C of the Code of the Village of Akron are a public nuisance for the property located at 50 Bloomingdale. Village Clerk-Treasurer Borchert read the proof of publication and asked if anyone wished to speak. Village Attorney Shonn reported receiving a report from Code Enforcer Charles Reid regarding 50 Bloomingdale. The report read that the property has a large quantity of trash and scrap, along with a concrete foundation that has a very bad degree of deterioration, both leading to unsafe conditions especially due to the close proximity of the Akron Central School.

RESOLUTION duly moved by Middaugh and seconded by Forrestel to close the Public Hearing regarding the Property Maintenance issues at 50 Bloomingdale Avenue 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 Forrestel to declare the property at 50 Bloomingdale a Public Nuisance and to authorize the Village of Akron Public Works Department to clean up the trash and scrap from said premises and to assess any 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

RESOLUTION duly moved by Middaugh and seconded by Hatswell to issue an emergency order under Village Code 74-12 to stabilize the unsafe retaining wall and foundation on the property located at 50 Bloomingdale Avenue as per the recommendation of the Code Enforcement Officer 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 – Resident Doug Ceisner questioned the Board why they do not want to use grant money jointly with the Town of Newstead to have a study done to see if consolidation of the Village and Town is a practical idea. Also, Mr. Ceisner feels that the Board should address Erie County regarding the vacant and foreclosed properties in the Village to speed up the process of selling them or demolishing them. He is concerned with the article in the Akron Bugle about the quality of the Village water. He also questioned the cost of the building permit for 12 Clinton Street, relative to the large amount of work that had been done under one permit.

PROJECT REPORTS –

Joint Facility –

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

Sidewalk on Skyline Drive/Clarence Center Road – discussion was held regarding the implementation of the Clarence Center sidewalk and crosswalk and a decision was made to forgo the remaining CDBG grant monies to install a sidewalk and a crosswalk due to safety issues.

RESOLUTION duly moved by Middaugh and seconded by Capan to official close out Clarence Center Road portion of the project and to notify CDBG of this decision due to public safety concerning the crosswalk and site lines 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

MONTHLY REPORTS –

Departments –

Attorney – reported working on the following: revising the Subdivision Law, looking into small airport noise control, food trucks, amendment of local bidding Law, and Employee Evaluations and Hand Book materials.

Clerk-Treasurer – The Board received the Clerk’s report for June 2013 along with the June budget report together with the July 2013 office schedule. Clerk-Treasurer Borchert reported: Village tax collection as of July 1 was 94.6%; hosted meeting with Legislator Ed Rath and Erie County Public Works regarding area roadways; Michael Capan, the newly hired apprentice lineman, started his first day today; submitted an ad for the Code Enforcement Officer position in the Akron Bugle.

Police Chief – Chief Lauricella submitted to the Board the schedule for July 2013 and his report for June 2013. He reported: assisting the Sherriff in making a drug arrest of an East Avenue man; called out to the Akron Falls Park where a women fell down the falls but later turned the case over to the Sheriff’s office; the new patrol car is expected sometime in August; and recommended step increases for two Crossing Guards, Cheryl Wittlinger and Dawn Borchert

RESOLUTION duly moved by Middaugh and seconded by Forrestel to move Crossing Guard Cheryl Wittlinger from Grade 2 Hire Rate to Grade 2 Step 2 effective September 1, 2013 on the recommendation of the Chief of Police 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 move Crossing Guard Dawn Borchert from Grade 2 Hire Rate to Grade 2 Step 1 effective September 1, 2013 on the recommendation of the Chief of Police 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 requested more foot patrols in the Business District and Russell Park area.

Public Works – Manager Cummings submitted his report of June 2013. He reported: the Public Works spent time cleaning up Main Street and mowing grass for the July 4<sup>th</sup> Celebration; the asbestos removal at 43 East Avenue has been completed and demolition will start as soon as possible; fire siren is up and operating; had discussion with Ken Lombardo regarding an asset management system for the Public Works which could be used jointly with the Town of Newstead; still waiting on a Board decision as to whether to pursue uniforms for staff or stay with standard clothing allowance; still working on changing permits for sewer, water, road cut etc.; recommended having someone take a look at the rodent control at some of these abandoned homes in the Village such as 50 Bloomingdale Avenue.

Akron Fire Company – recommended approving the new membership application for Maxwell Falkowski.

RESOLUTION duly moved Forrestel and Hatswell to approve the Membership Application of Maxwell Falkowski to the Akron Fire Company 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

Camden Group – Representative Ken Scherrieble presented a copy of the June 2013 monthly report to the Board. Mr. Scherrieble stated that 8” of rain fell in June, which he noted the Sewer Plant handled quite well. He reported that 74 tons of the winter sludge was hauled out and the drying beds have been rototilled to try and get the beds drying faster. On Friday the primary clarifier went down and the employees are working to get that back up and running. Mr. Scherrieble reported that there are planning grants available for water/wastewater plants. Lastly smoke testing will begin in August/September.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – nothing new to report

Trustee Middaugh – stated that the Public Works did a nice job getting Main Street and Russell Park cleaned up for the 4<sup>th</sup> of July celebration. The Lions Club donated 10 new flags to the Village for Main Street Business District. Lastly, held the bocce courts dedication and finals on July 4th

Mayor Patterson – reported: again recognized the nice job that the Public Works crew did on cleaning up Main Street and Russell Park for the July 4<sup>th</sup> celebration. Also, he wanted to thank everyone who attended and contributed to the public informational meeting with Legislator Ed Rath and Erie County Public Works Representative Charles Sickler and Wayne Scibor on June 26, 2013 concerning area roadways. Mayor Patterson stated that another topic at the meeting was regarding the Akron Fire Hall Volunteers and their assistance within the Akron Falls Park during emergency issues.

Trustee Forrestel – reported that the Water Wastewater Committee will be meeting on August 5, 2013.

Trustee Hatswell – wanted to thank Chief Lauricella and his force for the help they extended during the Lion’s Club 5K run.

OLD BUSINESS

Ron Berry Memorial Fields – waiting for information from Nature’s Way

Clinton Street/Eckerson Avenue Village Land – dedication held on July 4, 2013

Public Works Facility at 43 East Avenue – asbestos abatement has been completed and demo will begin within the next few weeks.

Collective Bargaining Agreement – Clerk-Treasurer Borchert reported receiving a copy of the draft agreement by the Collective Bargaining Unit and forwarded all changes to the Board. After discussion the Board agreed to accept the Collective Bargaining Agreement from Local 264.

RESOLUTION duly moved by Forrestel and seconded by Capan to approve the Collective Bargaining Agreement from Local 264 as presented 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

Akron Fire Company Contract – Public Hearing and Resolution to extend the contract for 12 months.

Niagara Label Annexation – nothing new

NEW BUSINESS

Updated the Refuse, Recycling & Composting Brochure and presented to the Board. The Board requested a few changes and then to be re-submitted.

RESOLUTION duly moved by Middaugh and seconded by Forrestel to authorize the following budget transfers be and hereby is approved.

**GENERAL FUND**

**RAISE REVENUES**

A1081	OTHER PAYMENTS IN LIEU OF TAXES	\$1,271.04
A1090	INTEREST ON PROPERTY TAXES	\$3,572.81
A2262	FIRE PROTECTION SERVICE	\$4,183.00
A2376.05	REFUSE & GARBAGE SERVICE	\$379.03
A2377	INTEREST ON REFUSE COLLECTION	\$102.09
A2530	GAMES OF CHANCE	\$25.00
A2590	MISC PERMITS	\$40.00
A3005	MORTGAGE TAX	\$4,619.32

**RAISE APPROPRIATIONS**

A9060.08	HEALTH INSURANCE	\$12,114.61
A8160.04	REFUSE COLLECTION	\$2,077.68

**RAISE & (REDUCE) APPROPRIATIONS**

A1010.04	BOARD OF TRUSTEES	\$204.92
A1420.04	VILLAGE ATTORNEY	(\$2,231.78)
A1325.04	CLERK TREASURER	\$5,568.33
A1620.04	VILLAGE HALL	(\$4,420.74)
A3120.04	POLICE DEPARTMENT	\$8,103.35
A3410.04	FIRE DEPARTMENT	\$15,141.72
A5010.04	STREETS ADMINISTRATION	\$1,627.33
A5110.04	STREETS MAINTENANCE	(\$9,810.53)
A5142.04	SNOW REMOVAL	(\$17,540.08)
A8160.04	REFUSE COLLECTION	\$1,800.31
A9030.08	FICA CONTRIBUTION	\$1,487.17
A9785.07	INSTALLMENT PURCHASE INTEREST	\$70.00

**WATER FUND**

**RAISE REVENUES**

F2140.06	RESIDENTIAL EASEMENT	\$93.11
F2401	INTEREST & EARNINGS	\$31.15
F2650	SALE OF SCRAP METAL	\$1,100.00

**RAISE & (REDUCE) APPROPRIATIONS**

F1950.04	PROPERTY TAXES	(\$2,629.15)
F8310.04	ADMINISTRATION	(\$10,715.25)
F8320.04	PUMPING STATION	(\$4,716.88)
F8330.04	PURIFICATION & FILTRATION	(\$32,863.50)
F8340.04	TRANSMISSION & DISTRIBUTION	(\$8,929.05)
F9010.08	NYS RETIREMENT	\$124.67
F9060.08	HEALTH INSURANCE	\$35,643.87
F9730.06	PRINCIPAL	\$17,500.00
F9730.07	INTEREST	\$6,585.29

**SEWER FUND**

**RAISE REVENUES**

G2401 INTEREST & EARNINGS	\$2.53
G2770 MISC REVENUES	\$281.52
G511 RESERVES	\$108,667.18

**RAISE & (REDUCE) APPROPRIATIONS**

G8110.04	SEWER ADMINISTRATIVE	(\$6,390.64)
G8120.04	SANITARY SEWER COLLECTION	(\$16,021.67)
G8130.04	SEWER TREATMENT PLANT	\$107,278.27
G9710.06	PRINCIPAL	\$17,500.00
G9710.07	INTEREST	\$6,585.27

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 Middaugh to allow the Akron Central school to hold its Homecoming parade on Friday September 27, 2013 at 5:00 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

**CORRESPONDENCE**

William Schutt & Associates June 2013 Monthly Project Report

Town of Amherst Central Fire Alarm June 2013 Operations Report

State of New York Department of State Amended GML Section 53

Time Warner Cable soon to be expiring agreements with Programmers & Broadcasters

Robert Scheib letter to Legislator Edward Rath, III

National Grid's 10,000 Trees and Growing Program

Town of Newstead regarding the Village of Akron Code Enforcement Position

**PUBLIC COMMENT:** Resident Doug Ceisner asked if all the Budget Transfers are listed in minutes. Clerk-Treasurer Borchert stated that they are listed in the minutes.

On motion of Middaugh and seconded by Hatswell, at 9:05 p.m. this meeting was ADJOURNED

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MAYOR

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CLERK-TREASURER