

September 10, 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, Michael R. Middaugh, Kathryn A. Capan and Brian D. Wittlinger; Village Attorney Daniel D. Shonn, Deputy Clerk Treasurer Tammy Kelley, Chief Richard Lauricella and Public Works Manager Jon Cummings.

Mayor Patterson led us in the pledge to the flag.

RESOLUTION duly moved by Capan seconded by Middaugh, that the Minutes of the Regular Meeting of August 6, 2012 be and hereby are approved by the Village Board.

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

RESOLUTION, duly moved by Wittlinger 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 | \$ 46,653.79 |
| Electric Fund | \$ 24,977.92 |
| Water Fund | \$ 91,108.85 |
| Sewer Fund | \$ 28,203.47 |
| Capital Streets | \$ 42,990.91 |
| Capital Water | \$ 3,800.00 |
| Trust & Agency | \$ 1,203.20 |

ADOPTED CARL E. PATTERSON - 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 building permits be and hereby are approved with the applications and approval of the Code Enforcement Officer:

| | | | |
|------------------------|----------------------|-----------------|----------|
| Andrew Borden | 156 Main Street | Fence | \$25.00 |
| Emprise Group | 64 John Street | Windows | \$25.00 |
| Mike Schaller | 14 Lewis Road | Roof | \$25.00 |
| Mina Zimmerman | 63 Marshall Avenue | Addition | \$172.80 |
| Delores Bower | 6126 Crittenden Road | Shed | \$25.00 |
| First United Methodist | 11 Church Street | Patio/Restrooms | \$245.40 |

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

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

| | | | |
|----------------|--------------------|---------|---------|
| Mike Schaller | 14 Lewis Road | 30 Days | \$20.00 |
| Mina Zimmerman | 63 Marshall Avenue | 30 Days | \$20.00 |

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

RESOLUTION duly moved by Middaugh and seconded by Wittlinger that the following Application for a Plumbers License for the year 2012 be and hereby is approved in accordance with the application filed and payment of the annual license fee of \$40.00:

Mark Gfroerer 61 Fillmore Avenue Tonawanda, NY 14150 \$40.00

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

PUBLIC HEARING – Deputy Clerk-Treasurer Kelley asked for a motion to open the Public Hearing for 50 Bloomingdale Ave.

RESOLUTION duly moved by Wittlinger and seconded by Capan to open the Public Hearing regarding Public Maintenance issues at 50 Bloomingdale Avenue be and hereby is approved.

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

Village Attorney Shonn requested an Adjournment of the Public Hearing until September 17, 2012 at 7:30 pm due to new information from the Village Code Enforcement Officer Ralph Migliaccio regarding the safety of the garage. After inspecting the property today, Mr. Migliaccio reported that the yard and garage area were still filled with junk, but he felt the garage structure was unsafe and in need of an emergency demolition. Attorney Shonn stated that he would draw up the paperwork needed for a resolution to demo the garage and present it at the next meeting scheduled September 17, 21012.

RESOLUTION duly moved by Capan and seconded by Middaugh to close the Public Hearing at 7:50 pm and adjourned it to September 17, 2012 at 7:30 pm be and hereby is approved.

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

APPEARANCES – none scheduled

PUBLIC COMMENT – Resident Doug Ceisner came before the Board to report another burglary at his property on Cedar Street and noted that he heard that gas cans were stolen on Crescent Drive recently as well. No one has been held responsible for any of the multiple break-ins occurring within the last few months even for the Library damage that happened awhile ago. He mentioned that his insurance policy is being cancelled due to the frequency of break-ins at his property on Cedar Street with no arrests made. Mr. Ceisner also questioned the Village Attorney regarding the need for a Plumber to have a license to install sewer lines.

Shannon Garwol from 48 John Street came before the Board to speak about the extremely heavy traffic and safety issues due to parking on John Street during events held in Russell Park. She stated that she has a hard time backing out of her driveway during such times. She asked the Board if they could possible entertain the idea “no parking” on the side of the street across from the park. Chief Lauricella agreed that it is very tight in that area during events. Mayor Patterson said the Board would consider the idea of “no

parking” maybe during events, but at this time will send the issue to the Police and Fire Committee for review.

PROJECT REPORTS –

Joint Facility – nothing new to report but Mayor Patterson did say that a Joint Facility Committee meeting will be held in the near future.

Marshall Avenue – Clerk-Treasurer Borchert presented the Board with a Cost Summary of the project which the Board will review and discuss at the September 17th meeting.

Sidewalk on Skyline Drive – Public Works Manager Cummings reported that the project will begin after September 12th and the work will be completed as a joint effort by the Village of Akron and the Town on Newstead forces.

MONTHLY REPORTS –

Departments –

Attorney – reported that he had been working on the refuse bids with Clerk-Treasurer Borchert as well as Town of Newstead Attorney Nathan Neill. The Village of Akron and the Town of Newstead would like to bid out the refuse for both communities to see the cost savings. The bids are ready to go out and will result in three quotes, one for the Village, one for the Town and a Joint between Village and Town. The Village contract with Modern Disposal is expiring on December 31, 2012. Attorney Shonn recommended to the Board to authorize the Joint bids.

RESOLUTION duly moved by Wittlinger and seconded by Middaugh to authorize the Joint bids with the Town of Newstead for a Refuse contract be and hereby is approved.

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

Village Attorney also reported that he is still working on the Village Court transition and will have more to follow.

Clerk-Treasurer – The Board received the Clerk’s report for August 2012, together with the September 2012 office schedule. Clerk-Treasurer Borchert was absent this evening as he is attending the NYCOM training in Lake Placid this week.

Chief of Police – Chief Lauricella did submit to the Board the report for August 2012 and the schedule for September 2012. Chief Lauricella report: last Cruise night is scheduled for Thursday night with the Super Cruise and Craft Show scheduled for Saturday September 15th, patrols have begun for the coverage of the Akron Central School Football games, will be attending a meeting with Akron Central School Superintendent and Principal Lucenti regarding the upcoming Homecoming night, no problems with equipment at this time.

Public Works – Public Works Manager Cummings submitted his August Report to the Board. He reported working on the water main with the Town of Newstead along Rt. 93. He also reported that the Storm water pipe project along the north side of Jackson Street has been completed and looks really nice. Other completed projects were: new concrete pad for the Substation, bench installed along bike path, removal of several older trees with replacements due to be planted near the end of the fall season. Discussion held regarding the demolition of 208 East Avenue. Mr. Cummings reported that at this point they are waiting for the asbestos company to come and remove the asbestos sections. After the removal the Village DPW can complete the demolition.

Elected Officials –

JUSTICE COURT REPORT – August 2012 Report

TRUSTEES – COORDINATORS

Trustee Capan – nothing new to report

Trustee Middaugh – nothing new to report

Mayor Patterson – Questioned if Boy Scout Andrew Grant had finished his Eagle Scout project in Russell park. Trustee Middaugh stated that Andrew had most of the prep work done and planned on finishing the project once the kids were back at school. Also Mayor Patterson stated that a Quarterly Budget review meeting will take place next week.

Trustee Forrestel – absent

Trustee Wittlinger – Recommended the Board to approve Seth Rusnell and Dustin Karl for Probationary membership as Active Fireman for the Akron Fire company. Resolution completed under New Business. He also attended the Clarence/Newstead Fire Chiefs Association meeting held August 16, 2012 where discussion was held regarding the Twin City Service Contract. A draft of the contract will be available soon.

OLD BUSINESS

Village Court – nothing new to report

Ron Berry Memorial Fields – Attorney Shonn has been in contact with a couple different Environmental agencies to get cost effective ways of testing with our own forces. Also spoke to Akron Central School and they are still on board with taking over the fields for school sports.

Clinton Street/Eckerson Avenue Village Land – nothing new to report

Public Works Facility at 43 East Avenue – Attorney Shonn spoke to Mark Hannah last week and would like to have a meeting with Public Works Manager Jon Cummings to discuss different ideas and also the possibility of doing some testing using our forces until outside services were needed.

208 East Avenue – discussed during Public Works Manager Jon Cummings report

Collective Bargaining Agreement – Mayor Patterson stated that the Agreement is at a standstill due to health care issues. The Village has offered the Union different options but has to be firm for a change in health care to establish a much needed savings in health care costs.

Litter Law –a public hearing is scheduled for September 17, 2012 at 7:30 pm

Dog Control Law - a public hearing is scheduled for September 17, 2012 at 7:30 pm

NEW BUSINESS

RESOLUTION duly moved by Capan and seconded by Middaugh to allow Village Attorney Shonn to write a letter authorizing Dr. David Fish from 28 Bloomingdale to install a hand rail from the sidewalk to the street on the Eckerson Avenue side of his property for health reasons be and hereby is approved.

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

RESOLUTION duly moved by Middaugh and seconded by Capan to authorize the Village Police Department to patrol Akron Central School Football games for the 2012 Season per request from athletic Director Joseph Caprio be and hereby is approved.

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

RESOLUTION duly moved by Middaugh and seconded by Capan to support the Association of Erie County Governments Resolution against the Proposed Library memorandum of understanding be and hereby is approved.

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

Request from Leisurewood Campground, Inc. to allow Akron police to patrol their park during their busy Summer Season - Discussion was held regarding the patrol of the Park and Village Attorney Shonn stated that the patrolling of the park which resides in Newstead is not part of the Inter-municipal Agreement. Village Attorney Shonn will draw up a letter with that response. The Akron Police may only go into the Leisurewood Campground on an on-call basis.

RESOLUTION duly moved by Wittlinger and seconded by Middaugh to approve Seth Rusnell and Dustin Karl for Probationary membership as active Fireman for the Akron Fire Company be and hereby is approved.

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

RESOLUTION duly moved by Wittlinger and seconded by Capan to allow the Akron Central School to hold its Annual Homecoming Parade on Friday October 5, 2012 at 5:00 pm from Cold Spring Construction to Akron Central School be and hereby is approved.

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

RESOLUTION duly moved by Middaugh and seconded by Wittlinger to allow Clerk-Treasurer Daniel Borchert to attend the IEEP Annual meeting on Thursday September 27, 2012 in East Syracuse, NY for only travel cost be and hereby is approved.

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

RESOLUTION duly moved by Capan and seconded by Middaugh to approve request from Akron Central School for a Crossing Guard for the 2012-2013 School year be and hereby is approved.

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

Trustee Brian D. Wittlinger abstained from voting.

CORRESPONDENCE

Time Warner Cable Notification of New Channel/Format changes Effective 10/10/12

Time Warner Cable Notification of Soon to be Expiring Agreements with Programmers and broadcasters

Erie County Water Authority's Annual Town Meeting scheduled for Thursday, September 20, 2012 at Salvatore's Italian Gardens.

Erie County CDBG State Environmental Quality Review for the Skyline Drive/Town Hall Sidewalk Installation

Time Warner Cable Notification of new Account Numbers as a result of a change in their Billing System

Notification from Erie County Board of Elections that the Primary election will be held on Thursday, September 13, 2012 from 6:00 am – 9:00 pm

PUBLIC COMMENT: Resident Doug Ceisner questioned the fee for the First Methodist Church building permit. He thought that the fee had been waived at the last meeting. The Zoning Board of Appeals fee of \$125.00 for a front yard variance was waived, but the actual building permit fee was not waived.

Trustee Middaugh reported that the Village of Akron received a nice plug from Channel 2 when they came out to report on the "Hippies" a Relay for Life Team made up of young ladies ranging from 5- 9 years old who raised approximately \$3500.00 dollars for the charity.

On motion of Capan and seconded by Wittlinger, at 8:50 p.m. this meeting was ADJOURNED

MAYOR

DEPUTY CLERK-TREASURER