

September 17, 2012

A REGULAR MEETING of the Akron Village Board was held on this date at 7:36 p.m. Present: Mayor Carl E. Patterson; Trustees, E. Peter Forrestel, Michael R. Middaugh and Kathryn A. Capan; Village Attorney Daniel D. Shonn, Clerk Treasurer Daniel P. Borchert, Chief Richard Lauricella and Public Works Manager Jon Cummings.

Mayor Patterson led us in the pledge to the flag.

RESOLUTION duly moved by Middaugh seconded by Capan, that the Minutes of the Regular Meeting of September 10, 2012 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

RESOLUTION, duly moved by Forrestel seconded by Capan 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	\$ 19,869.05
Electric Fund	\$ 4,990.88
Water Fund	\$ 1,984.04
Sewer Fund	\$ 587.58
Capital Streets	\$ 1,136.97

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

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

Robert Litfin	176 Main Street	Roof	\$25.00
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ADOPTED CARL E. PATTERSON - AYE  
E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
KATHRYN A. CAPAN - AYE

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

Robert Litfin	176 Main Street	30 Days	\$20.00
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ADOPTED CARL E. PATTERSON - AYE  
E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
KATHRYN A. CAPAN - AYE

PUBLIC HEARING – was held at this time to hear any and all persons for the purpose of addressing the Local Law #3 for the year 2012-Littering. Clerk-Treasurer Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. Village Attorney Don Shonn explained that a Litter Law was needed in the Village to

allow the Akron Police Department the ability to enforce the littering of public areas from pedestrians or vehicles or the placement of signs on Village owned or co-owned utility poles or public right-of-ways. Resident Karen Scheitheir from Buell Street asked how the Village would be able to enforce the law when blown garbage enters your yard. Attorney Shonn stated that the Law was not designed for private property litter but for public areas.

RESOLUTION duly moved by Forrestel and seconded by Capan to close the Public Hearing regarding Local Law #3 for the year 2012 – Littering at 7:45 pm be and hereby is approved.

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

RESOLUTION duly moved by Forrestel and seconded by Middaugh to adopt the Local law #3 for the year 2012 – Littering be and hereby is approved.

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

PUBLIC HEARING – was held at this time to hear any and all persons for the purpose of addressing the Local Law #4 for the year 2012-Amendment of Chapter 69- Animals which will be known as The Village of Akron Dog Licensing and Dog Control Law. Village Clerk-Treasurer Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. Village Attorney Shonn explained that in response to the NYS Department of Agriculture and Markets delegation of licensing duties to local municipalities, the Village of Akron shall adopt, with specific exceptions the Town of Newstead Dog Licensing Law. The exceptions for the Village are: only 3 dogs over the age of (4) months allowed on any parcel of land. Any property owner with 4 or more dogs at the time of adoption of this law will be allowed to maintain said dogs, however, upon the death of the dog, said persons may not replace if the total number of dogs on said parcel will be more than 3; no Kennels shall be authorized. Resident Karen Scheitheir questioned the Board as to whether leashing and clean-up are part of the law. Attorney Shonn stated it is part of the Town of Newstead law that the Village will be adopting.

RESOLUTION duly moved by Capan and seconded by Middaugh to close the Public Hearing with regard to the Local Law #4 – Amendment of Chapter 69- Animals at 7:51 pm be and hereby is approved.

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

RESOLUTION duly moved by Middaugh and seconded by Forrestel to adopt the Local Law #4 Amendment of Chapter 69-Animals now known as The Village of Akron Dog Licensing and Dog Control Law for the year of 2012 be and hereby is adopted

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

APPEARANCES – none scheduled

PUBLIC COMMENT – Resident Richmond Smith stated that part of the Littering problem is that people are not always sure which day is garbage day. He suggested a reminder in the paper. Mayor Patterson stated that the Village has reminded the residents of proper garbage protocol several times but can certainly do it again.

Resident Doug Ceisner questioned the Board if the Fire Company was made aware of the bridge that was dismantled in the Akron Falls Park. Mayor Patterson stated that neither the Village Board nor the Akron Fire Company were notified of the timing of the demo. The Village Board was made aware that the Bridge would have to be replaced but no notification of when. Mr. Ceisner was concerned how help, if needed, would be able to reach anyone in the lower level of the Park.

#### PROJECT REPORTS –

Joint Facility – nothing new

Marshall Avenue – Clerk-Treasurer had presented the Board with the Project Summary Report at the last meeting. He stated that the project was funded thru the CBDG Program and the CHIPS Program so no out of pockets funds from the Village was needed. He also reported that the project cost came in \$18,000 under proposed budget. Great project completed by the Village team.

Sidewalk on Skyline Drive – Public Works Manager Cummings reported that the project would start after the Route 93 Water Project was completed.

#### MONTHLY REPORTS –

##### Departments –

Camden Group – Representative Ken Scherrieble reported several colors down at the Wastewater Treatment Plant and found and fixed the issue, now investigating a black color that has cropped up and will report back with more on that next month. Also, reported that after the fire in the electrical panel, Ferguson Electric came and repaired it. Ferguson Electric is checking out the other electrical panels as well to look for “hot spots” and other potential defects. Another big project that needs to be done is replace the valves for the digesters which is a lengthy ordeal.

##### Elected Officials –

#### TRUSTEES – COORDINATORS

Trustee Capan – nothing new to report

Trustee Middaugh – nothing new to report

Mayor Patterson – will be attending the Village Official Association Meeting this Thursday in Springville and the Association of Erie County Governments meeting next Thursday in West Seneca. Also will be asking Trustee Wittlinger for a report of the progress of the Akron Fire Contract and to make sure the Board is copied on all agendas and minutes to keep informed of the progress. Mayor Patterson wanted to Thank the Electrical Department especially Tom Whitbeck for the efforts they have put into the load shedding program. He stated that we need to continue to build on it and get the community involved so they can understand the program and know how they can actually have an effect on it. Mayor Patterson also stated that the Village is looking for a new grant writer after the current grant writer informed the Village of their departure from Municipal Grant Writing. More to follow. Lastly Mayor Patterson would like to follow up with the visit from the Chamber of Commerce at the last meeting where they presented several items concerning the Village such as: Christmas Decorations, snow removal on sidewalks, restoration of Main Street, etc.

Trustee Forrestel – reported attending a Water Wastewater Committee meeting this evening where reports were shared on current operations, project lists, and potential

budget requests from the Water Plant, Water Transmission, Wastewater Collections and the Wastewater Treatment Plant. He reported that due to the unique climate conditions the Water Plant was presented with some challenging issues regarding the filters and excessive backwashing. As far as the Wastewater facility is concerned the employees have been jetting in preparation for the next round of videoing of the sewers lines. Next Water Wastewater meeting is scheduled for December 3, 2012. Mayor Patterson thanked Trustee Forrestel for keeping everyone informed.

Trustee Wittlinger – absent

#### OLD BUSINESS

Village Court – Attorney Shonn reported that when the Village Court is abolished the Village will be responsible for all of the Village records. He will be setting up a meeting with Trustee Wittlinger to discuss this responsibility and set up guidelines for organizing, storing, and form of retrieval for future requests.

Ron Berry Memorial Fields – Attorney Shonn reported that he and Public Works Manager Cummings spent time stomping around the property with an Environmental Engineer and are presently waiting for a cost effective proposal using Village Employees and equipment to perform the Phase II report. After the report is complete, Attorney Shonn will put together a cost report for Akron Central School.

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

Public Works Facility at 43 East Avenue – Public Works Manager Cummings reported that after the Water project on Route 93 is completed he will be able to begin work at 43 East Avenue.

208 East Avenue – asbestos has been removed. Department of Public Works will begin demolition in the next two weeks.

Collective Bargaining Agreement – Clerk-Treasurer Borchert reached out to the Union Representative with no response.

50 Bloomingdale Avenue - Attorney Shonn recommended to hold a Public Hearing on October 15, 2012 at 7:30 pm regarding the proposed demolition of the carport located at 50 Bloomingdale Avenue in response to the safety report from Code Enforcement Officer Migliaccio as presented to the Board at the last work session.

RESOLUTION duly moved by Middaugh and seconded by Capan to hold a Public Hearing on October 15, 2012 at 7:30 pm regarding the proposed demolition of the carport located at 50 Bloomingdale Avenue on 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

#### NEW BUSINESS

RESOLUTION duly moved by Forrestel and seconded by Capan to allow Village Public Works Manager Jon Cummings to attend the NYCOM's Annual Public Works Training School from October 22 – October 24, 2012 at a cost of \$955.00 plus travel be and hereby is approved.

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

RESOLUTION duly moved by Middaugh and seconded by Forrestel to approve Ashley Czarnecki for Active Membership as a Fireman for 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

CORRESPONDENCE

William Schutt & Associates August 2012 Monthly Project Report

Village Planning Board Minutes from meeting held July 23, 2012

Village Planning Board Minutes from meeting held August 20, 2012

Village Zoning Board of Appeals Minutes from meeting held August 20, 2012  
August 2012 Northern Erie Sno-Seekers Newsletter

The League of Women Voters of Buffalo/Niagara Newsletter

Erie County Community Development Block Grant Program Rural Transit Service Advisory Board Agenda for the meeting scheduled for September 27, 2012 at Ryan's Grayside Grill & Flappy's Pub in West Seneca

Memo from Erie County Department of Environment and Planning regarding the Substantial Second Amendment to the 2012 Action Plan for CDBG, HOME, and Emergency Solution Program

Letter from Erie County Department of Environment and Planning asking for CDBG project requests for the year 2013

Clerk-Treasurer Borchert requested to hold a Public Hearing for the CDBG Program on October 15, 2012.

RESOLUTION duly moved by Forrestel and seconded by Capan to hold a Public Hearing in regards to the 2013 Erie County Community Development Block Grant Program on Monday October 15, 2012 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

PUBLIC COMMENT: Resident Karen S stated that she is very happy with the recycling program in the Village, but would like to know of any Hazardous Waste drop-off sites in our area in the future. Clerk-Treasurer Borchert stated that he was looking into having a joint drop-off with the Town of Newstead and maybe the Town of Clarence as well.

On motion of Capan and seconded by Middaugh, at 8:33 p.m. this meeting was ADJOURNED

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MAYOR

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CLERK-TREASURER