

January 5, 2009

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, William P. Kaufman and Kathryn A. Capan; Attorney Daniel D. Shonn, Clerk-Treasurer Daniel P. Borchert and Chief of Police Richard Lauricella.

Mayor Carl E. Patterson led us in the pledge to the flag.

Mayor Patterson wanted to extend his thanks to the Public Works Department, Police Department and the Fire Department for the outstanding work the crews did during the several snow storms, wind storms and flooding we have experienced in the last week or two. A Special thanks to Disaster Committee Members Dan Kowalik and Glenn Joachimiak for their efforts as well.

RESOLUTION, duly moved by Middaugh seconded by Capan, that the Minutes of the Special Meeting of November 25, 2008 and the Regular Meeting of December 1, 2008 be and hereby are approved by the Village Board.

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

RESOLUTION, duly moved by Forrestel, seconded by Kaufman that the audit of bills is approved, and the Treasurer authorized to pay same in accordance with the following abstract of audit vouchers:

General Fund	\$ 22,908.26
Electric Fund	\$ 53,117.36
Water Fund	\$ 20,886.58
Sewer Fund	\$ 20,565.99
Capital Water	\$ 2,922.68
Capital Sewer	\$ 46,440.00

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

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

John Feliciano	6 Washington St	Extend Garage	\$25.00
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ADOPTED CARL E. PATTERSON - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

Trustee Forrestel abstained from voting on the above resolution.

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

Pizza Bella & Pasta 42 Main St Addition \$64.00

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

Trustee Forrestel abstained from voting on the above resolution.

RESOLUTION, duly moved by Middaugh, seconded by Forrestel, that the following Plumber's License for the year 2009, be and hereby are renewed in accordance with the applications filed and payment of the annual license fee of \$40.00:

Bradley Rehwaldt	9520 Fisk Rd	Akron, NY	\$40.00
Charles Douglas	5580 Broadway	Lancaster, NY	\$40.00
Timothy Harris	10040 Martin Rd	Clarence Center, NY	\$40.00
Joseph Castle	10 Gooding St	Lockport, NY	\$40.00
Henry Cook	3508 Rose Rd	Batavia, NY	\$40.00
Kenneth M. Price	PO Box 365	Corfu, NY	\$40.00
Salvatore F. Musso	8574 Sheridan Dr	Williamsville, NY	\$40.00
Marvin Deahn	9590 Keller Rd	Clarence Center, NY	\$40.00
Richard Petschke	PO Box 234	Alden, NY	\$40.00
Roy C. Perry	416 Main Rd	Akron, NY	\$40.00
Timothy G. Johnson	230 Heim Rd	Williamsville, NY	\$40.00
Leonard G. Schie	11066 Keller Rd	Clarence, NY	\$40.00
Michael R. O'Neil	6700 Lincoln Ave	Lockport, NY	\$40.00
Ronald Kimmel	5800 Seneca St	Elma, NY	\$40.00
Charles R. Pero	27 Brooklyn Ave	Batavia, NY	\$40.00
David Twardowski	3 Hemlock Lane	Lancaster, NY	\$40.00
Gerald R. Raduns	1439 Roberts Rd	Basom, NY	\$40.00
Rick Hale	28 Swan St	Batavia, NY	\$40.00
Richard J. Greene	6326 Transit Rd	Depew, NY	\$40.00
Arlan Wittlinger	4550 Gunnville Rd	Clarence, NY	\$40.00
John Mulla	72 N. End Avenue	Kenmore, NY	\$40.00

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

RESOLUTION, duly moved by Capan, and seconded by Forrestel that the following Mobil Home Park License for the year 2009, be and hereby is renewed in accordance with the applications filed and payment of the annual license fee of \$125.50:

Dona M. Doll 2 Wesley Drive Akron, NY \$125.50

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

PUBLIC HEARING – None Scheduled

APPEARANCES – None Scheduled

PUBLIC COMMENT – Chief Patrick Flynn from the Erie County Sheriff's Office came before the Board with wishes for a Happy New Year. He also commented that 8 new officers are at Basic Academy which upon graduation will fill in positions of retirees.

PROJECT REPORTS –

State Street Bridge – The Board is seeking potential engineering firms to give other options to repair the bridge.

#### MONTHLY REPORTS –

##### Departments –

Attorney – Attorney Shonn discussed with the Board the Cold War Veterans tax exemption law which the Town of Newstead has passed. After the discussion the Board decided to hold a Public Hearing scheduled on January 26, 2009 at 7:30 p.m.

RESOLUTION, duly moved by Kaufman and seconded by Capan to hold a Public Hearing regarding the Cold War Veterans Law scheduled January 26, 2009 at 7:30 p.m. be and hereby is approved.

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

Clerk-Treasurer – The Board received the Clerk’s report for December 2008, together with the January 2009 office schedule. Clerk-Treasurer Borchert reported that the electric billing went out using the new rates. Also, the 50 Winter Home Heating Tune-Up Kits we received from New York Power Authority are almost gone. Lastly Clerk-Treasurer Borchert informed the Board that he will be on Vacation for two weeks from February 6th-22nd, 2009.

Chief of Police – The Board received the Police Report for December 2008, along with a schedule for January 2009. Chief Lauricella reported that; criminal activity for December was low, New Year’s Eve went well although attendance was small, and Officer Chris Heiderman will be off for 4-6 weeks due to a medical procedure. Chief Lauricella discussed the Amusement Devise permits and questioned if there should be a different permit for businesses with live music.

Supt. of Public Works – The Board received copies of Superintendent Kowalik’s December 2008 report. Superintendent Kowalik was absent this evening. Clerk-Treasurer Borchert stated that according to Superintendent Kowalik the ADESA and Whiting IPP’s were sent out. Also, received a preliminary cost estimate from Paul Bowers for water meter installation at the Akron Mobil Home Park.

##### Elected Officials –

JUSTICE COURT REPORT – Board received monthly report from December 2008.

#### TRUSTEES – COORDINATORS

Trustee Capan – The Celebration Committee reported that the New Year’s Eve Celebration went well although the attendance was low.

Trustee Middaugh – Nothing to report

Mayor Patterson – Nothing to report

Trustee Forrestel – Nothing to report

Trustee Kaufman – Nothing to report

#### OLD BUSINESS

Inter-municipal DPW Facility – Discussion was held regarding the Clarence Center Road Site for the joint facility. The Board decided to have Hazard Evaluations,

Inc. do the environmental work for \$2,000.00 and Butterbaugh Archeological Consulting, Inc. do the archeological work for \$6,500.00 conditional with the Town of Newstead.

RESOLUTION, duly moved by Kaufman and seconded by Middaugh to have Hazard Evaluations, Inc. conduct environmental work at a cost of \$2,000.00 and have Butterbaugh Archeological Consulting, Inc. conduct the archeological work at a cost of \$6,500 at the Clarence Center Road site which is considered for the joint facility conditional with the Town of Newstead be and hereby is approved.

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

Rental Regulations – Attorney Don Shonn will have draft done by next meeting.

Mitigation of Murder Creek – Nothing new to report.

2009-2010 CDBG Program – Nothing new to report.

Sewer Lateral Mechanical Plan – Nothing new to report.

NEW BUSINESS –

RESOLUTION, duly moved by Middaugh and seconded by Capan authorizing the Village of Akron to hold its Biennial Election on Wednesday, March 18, 2009 in the basement of the Village Hall with polls to be open from 12:00 noon until 9:00 p.m. be and hereby is approved.

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

Akron Celebration Team request for the Fourth of July Celebration from Thursday, July 2, 2009 to Saturday, July 4, 2009. After discussion the Board agreed to table this decision until the Board had more time to go over the list of requests from the Celebration Committee for this event.

Proposal for Phase 1 Archeological Investigations for the Property on Clarence Center Road – Resolution passed this evening to allow Butterbaugh Archeological Consulting, Inc. to perform the environmental work for \$2,000.00 and the archeological work for \$6,500.00.

Cold War Veteran’s Exemption – Public Hearing scheduled for January 26, 2009 at 7:30 p.m.

10932 Tinkham Road Water Tap Customer – Jon Cummings from the Water Department at the Public Works has spoken with this customer and informed them of the need to send a formal request to the Village Board. After discussion the Board decided to send the customer an agreement with prices and conditions which they must agree to.

CORRESPONDENCE –

Thank You note from Martha Kroemer (55 Brooklyn Street) regarding the recent high water concern in her neighborhood.

Time Warner Cable Notice of Rate Increase for service beginning February 1, 2009.

Correspondence from the Akron Chamber of Commerce regarding sidewalk snow removal and the Main Street speed limit. The Board did discuss changing the speed limit to 20 m.p.h. in the Business District of Main Street. Attorney Shonn stated the next step to change the speed limit would be to draft a traffic order.

Town of Amherst Central Fire Alarm Office November 2008 Operations Report.

Town of Amherst Central Fire Alarm Office December 2008 Operations Report.

PUBLIC COMMENT – none

RESOLUTION, duly moved by Capan, and seconded by Kaufman authorizing the Board to go into executive session at 8:17 p.m. to discuss Personnel issues and Engineering issues be and hereby is approved.

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

RESOLUTION, duly moved by Forrestel, and seconded by Middaugh authorizing the Board to come out of executive session at 8:35 p.m., be and hereby is approved.

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

On motion of Kaufman, seconded by Middaugh, at 8:50 p.m., this meeting was ADJOURNED.

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MAYOR

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CLERK-TREASURER