

January 7, 2008

A REGULAR MEETING of the Akron Village Board was held on this date at 7:32 p.m. Present: Mayor Carl E. Patterson; Trustees Michael R. Middaugh, E. Peter Forrestel, William P. Kaufman and Kathryn A. Capan; Attorney Daniel D. Shonn, Clerk –Treasurer Daniel P. Borchert, Superintendent Robert Kowalik, Chief of Police Richard Lauricella and Building Inspector Donnal Folger.

Mayor Carl E. Patterson asked Trustee Kathryn A. Capan to lead us in the pledge to the flag.

RESOLUTION, duly moved by Kaufman, seconded by Forrestel, that the Minutes of the Regular Meeting of December 3, 2007 and Special Meetings December 7, and December 10, 2007 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 Kaufman, seconded by Capan 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	\$ 30,907.07
Electric Fund	\$ 9,749.62
Water Fund	\$ 9,872.93
Sewer Fund	\$ 22,544.54
Capital Water	\$ 3,185.58

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 Middaugh, seconded by Kaufman, that the following building permits be and hereby are approved with the applications and approval of the Building Inspector:

Millard Young	237 East Ave	Windows/Roof	\$25.00
Debbie Leising	11 Indianola Ave	Siding	\$25.00
Debbie Leising	11 Indianola Ave	Front Porch	\$25.00
Keith Hochreiter	28 Parkview Dr	Windows	\$25.00

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 Middaugh, seconded by Capan, that the following building permit be and hereby is approved with the applications and approval of the Building Inspector:

Thomas Trainor	35 John Street	Wood Stove	\$25.00
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ADOPTED CARL E. PATTERSON - AYE
 E. PETER FORRESTEL - NAY
 MICHAEL R. MIDDAUGH - AYE
 WILLIAM P. KAUFMAN - AYE
 KATHRYN A. CAPAN - AYE

RESOLUTION, duly moved by Forrestel, seconded by Middaugh, that the following Plumber's License for the year 2008, be and hereby are renewed in accordance with the applications filed and payment of the annual license fee of \$40.00:

Charles D. Lett	5580 Broadway	Lancaster, NY	\$40.00
Kenneth M. Price	PO Box 365	Corfu, NY	\$40.00
Bradley Rehwaldt	9520 Fisk Road	Akron, NY	\$40.00
Marvin Deahn	9590 Keller Road	Clarence Center, NY	\$40.00
Timothy Harnois	124 Harvey Avenue	Lockport, NY	\$40.00
Timothy Johnson	230 Heim Road	Williamsville, NY	\$40.00
Ronald Kimmel	5800 Seneca Street	Elma, NY	\$40.00
Richard Petschke	PO Box 234	Alden, NY	\$40.00
Arlan Wittlinger	4550 Gunnville Rd	Clarence, NY	\$40.00
Timothy Harris	10040 Martin Rd	Clarence Center, NY	\$40.00
Richard Greene	6326 Transit Rd	Depew, NY	\$40.00
Michael O'Neil	6700 Lincoln Ave	Lockport, NY	\$40.00
Salvatore Musso	8574 Sheridan Dr	Williamsville, NY	\$40.00
Henry Cook	3508 Rose Road	Batavia, NY	\$40.00
Rick Hale	28 Swan Street	Batavia, NY	\$40.00
Leonard Schie	11066 Keller Rd	Clarence, NY	\$40.00
Dan Loudenslager	6065 Strickler Rd	Clarence, NY	\$40.00
David Twardowski	3 Hemlock Lane	Lancaster, NY	\$40.00
Gerald Raduns	1439 Roberts Rd	Basom, NY	\$40.00
Mark Carfley	125 Arthur Street	Buffalo, NY	\$40.00
Stanley Kandefer	2247 Union Rd	West Seneca, NY	\$40.00
Sean Towlson	5991 Riddle Rd	Lockport, 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 Kaufman, and seconded by Capan that the following Mobile Home Park License for the year 2008, 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
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ADOPTED CARL E. PATTERSON - AYE
 E. PETER FORRESTEL - AYE
 MICHAEL R. MIDDAUGH - AYE
 WILLIAM P. KAUFMAN - AYE
 KATHRYN A. CAPAN - AYE

RESOLUTION, duly moved Middaugh, seconded by Kaufman that the following Amusement Device License for the Year 2008, be and hereby is renewed in accordance with the applications approved by Chief of Police Richard C. Lauricella:

DJ's Rental Video	4-6 Clinton Street	Akron, NY	\$20.00
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ADOPTED CARL E. PATTERSON - AYE
 E. PETER FORRESTEL - AYE
 MICHAEL R. MIDDAUGH - AYE
 WILLIAM P. KAUFMAN - 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 #1 for 2008 – a local law amending Section 146-21 of the Code of the Village of Akron with regard to increasing the amount of the Senior Citizens Exemptions under Section 467 of the Real Property Tax Law. Village Clerk-Treasurer Daniel P. Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. Donald Snell from 3 Shepard Avenue stated he was definitely in favor of the increase and appreciated the efforts of the Board to raise the limits.

RESOLUTION, duly moved by Middaugh, and seconded by Capan that the Public Hearing with regard to the Local Law #1 for 2008 – Senior Citizens Exemptions be and hereby is closed at 7:48 p.m.

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 to adopt Local Law #1 for 2008 – Increasing the amount of the Senior Citizens exemptions under Section 467 of the Real Property Tax Law.

Be it enacted by the Board to Trustees of the Village of Akron as follows:

Section 1. Legislative Findings. The Village Board finds that in order to assist Senior Citizens who have low to moderate incomes the exemption amount should be increased.

Section 2. Paragraph A of section 146-21 of the Code of the Village of Akron is amended as follows:

- A. Pursuant to Sec. 467 of the Real Property Tax Law, real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by a husband and wife or by siblings, one of whom is 65 years of age or over, shall, upon application filed by the owners of such real property with the Assessor’s office by June 1 of each year, be exempt from Village taxes for the tax year commencing one year from such June 1 application deadline and to the extent indicated as follows:

Annual Income as Defined By Sec. 467 of Real Property Taxation Tax Law	Percentage Assessed Valuation Exempt from
Less than or equal to \$21,500	50%
More than \$21,500, but less than \$22,500	45%
More than \$22,500, but less than \$23,500	40%
More than \$23,500, but less than \$24,500	35%
More than \$24,500, but less than \$25,400	30%
More than \$25,400, but less than \$26,300	25%

More than \$26,300, but less than \$27,200	20%
More than \$27,200	0%

Section 3. Section 146-21 paragraph A as it appeared in the amendment under Local Law No. 1- 2002 is hereby repealed.

Section 4. This local law will take effect upon filing with the Secretary of State of the State of New York.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
WILLIAM P. KAUFMAN - 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 – amending Section 137-2 Removal of Snow and Ice under the code of the Village of Akron. This law will amend the snow removal provisions so that snow and ice must be removed by 7:30 a.m. following deposit. Village Clerk-Treasurer Daniel P. Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. David Parzych of 92 East Avenue, Mary Bassanello of 18 Buffalo Street and Dale Cheavacci from 113 John Street shared similar concerns regarding enforcement of the Law. All stated that the original law was not enforced resulting in the same properties in violation year after year. Changing the time to an earlier hour would only make it more difficult to enforce, if enforced at all. Millard Young of 7 Cedar Street expressed concern for the elderly who do not have the ability financially or physically to follow the law. Karen Scheitheir from 12 Buell Street stated that in order to clear her sidewalks by 7:30 a.m. she would be violating the noise ordinance. Further discussion revealed the penalty of violation is \$250.00 per day but at this point the Village has been clearing the sidewalks of violators and charging them for their services. Mayor Carl Patterson affirmed that the Board has and will continue to strive for the answer to this difficult issue. He also suggested that we look to other communities to see if their policies can help us find the answers for our Village.

RESOLUTION, duly moved by Kaufman, and seconded by Forrestel that the Public Hearing with regard to the Amending Local Law of Sidewalk Maintenance – be and hereby is closed at 8:05 p.m.

APPEARANCES – No one was scheduled to speak

PUBLIC COMMENT – No one appeared to speak

PROJECT REPORTS –

State Street Bridge – Superintendent Robert Kowalik is still waiting on the NYSDOT’s response sent out 10-24-07 for yellow flag removal on bridge. Mr. Kowalik informed the Board that Jansen/Kiener learned that potential funding for the State Street Bridge replacement is available. Grant money could potentially cover 95% of the replacement cost leaving the Village with only 5% to cover.

MONTHLY REPORTS –

Departments –

Attorney – Confirming with Building Inspector Donnal Folger the court dates for Ceisner and Brady cases.

Clerk-Treasurer – The Board received the Clerk’s report for December 2007, together with the January 2008 office schedule.

Chief of Police – The Board received the Police Report for December 2007, along with a schedule for January 2008. Chief Lauricella stated that the number of parking tickets were high this past month. Also, stated that a Police Officer fell twice while on foot patrol on Main Street, luckily with no injuries. Lastly, Chief Lauricella reported that he needs to reorder parking tickets and inquired if the Board would like to raise the parking fines prior to reordering. Mayor Carl E. Patterson suggested a survey of other community's fines and fees and table the decision until further information is available.

Supt. Of Public Works – The Board received copies of Mr. Kowalik's December 2007 report. Superintendent Kowalik discussed the following: (1) Sander Truck is down with parts being shipped in, should be back in commission in 3-4 days. (2) Met with Village Engineer Paul Bowers to gather data for a proposal to convert the mobile home park to a master water & sewer metered complex. (3) Also met with Paul Bowers regarding the Akron Village Commons Subdivision. (4) Presented the WWWC a request for engineering proposals to build a garage and building over the outside drying beds at the sewer plant which would be covered by the EPA grant. (5) Obtained a price quote and specifications for a skid steer on State contract from Buffalo Bobcat and forwarded to John Mello for comments and qualifications for grant eligibility. (6) Bid package and specifications for a new electric bucket truck for approval.

RESOLUTION, duly moved by Forrestel, and seconded by Patterson to accept a bid for a Skid Steer under the EPA grant from Bobcat of Buffalo 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 Middaugh, and seconded by Kaufman to allow Village Clerk-Treasurer Daniel P. Borchert to begin bid process for a new electric bucket truck 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

Building Inspector – The Board received December 2007 report as well as a copy of the 2007 Annual Summary Report. Building Inspector, Donnal Folger discussed the following: (1) petitioning the NYS to toughen the Code for Wood Burning Stoves. (2) Informed Board of impending Building Inspector School dates: January 27 -31, 2007. (3) Issued Fireworks Display Permit and noted that all went well at the celebration New Years Eve night. (4) Knox Box – program has started with 3 Building in the Village. (5) Suggested the Board review the Village fees. (6) Stated that in new builds constructed with truss roofs signs indicating same are now required to be placed in plain view for Fire Companies use. (7) Lastly, discussed Niagara Specialty Metals decision to build an addition and requesting to be annexed into the Village.

Elected Officials –

JUSTICE COURT REPORT – Board received monthly report from December 2007.

TRUSTEES – COORDINATORS

Trustee Capan – Nothing to Report

Trustee Middaugh – Nothing to Report

Mayor Patterson – Village of Akron and the Town of Newstead submitted a grant application to FEMA Pre-Disaster Mitigation for the purpose of stabilizing the bank of Murder Creek within the Village of Akron.

Trustee Forrestel – Distributed copies of the WWWC minutes from the December 3, 2007 meeting.

Trustee Kaufman – Nothing to Report

OLD BUSINESS

Village Map – Casey Cowan distributed copies of maps to Attorney Daniel D. Shonn to hand out to the Village Superintendent, Building Inspector and the Village Office for review.

Inter-municipal DPW Facility – nothing new to report

Rental Regulations – nothing new to report

NEW BUSINESS

Erie County Consortium Community Development Block Grant Program announcement of selection of the John Street waterline replacement in the amount of \$100,000.00.

Erie County Consortium Community Development Block Grant Program denial of the Skyline Drive/Town Park sidewalk application.

RESOLUTION, duly moved by Forrestel and seconded by Capan to move Secretary to the Mayor, Jayne DeTine from Step 1 to Step 2 based on her anniversary date and satisfactory employee review of December 19, 2007 be and hereby be approved.

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

CORRESPONDENCE –

SEQR/ERP Coordinated Review Town of Newstead Joint Municipal Public Works Facility.

SEQR/SERP Coordinated Review Town of Newstead 5.896 square foot shipping addition at Niagara Specialty Metals.

Town of Amherst December 2007 Operations Report.

Erie County Computer, Textile and Christmas Tree Recycling Day January 12, 2008 from 9:00 a.m. - 1:00 p.m. at the Buffalo Zoo.

PUBLIC COMMENT – No one appeared

On motion of Middaugh, seconded by Capan, at 8:45 P.M., this meeting was ADJOURNED.

MAYOR

CLERK-TREASURER

