

January 22, 2007

A REGULAR MEETING of the Akron Village Board was held on this date at 7:30 P.M. Present: Deputy Mayor Michael R. Middaugh; Trustees Carl E. Patterson, E. Peter Forrestel and William P. Kaufman; Superintendent of Public Works Robert W. Kowalik; Building Inspector Donnal D. Folger; and Chief of Police Richard Lauricella.

Deputy Mayor Michael Middaugh led the pledge to the flag.

RESOLUTION, duly moved by Forrestel, seconded by Patterson, that the Minutes of the Regular Meeting of January 8, 2006, 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

RESOLUTION, duly moved by Kaufman, seconded by Middaugh, 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	\$19,399.26
Electric Fund	\$189,342.57
Water Fund	\$31,273.58
Sewer Fund	\$11,351.47

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

Village Attorney Daniel D. Shonn, Esq. entered the meeting at 7:33 p.m.

RESOLUTION, duly moved by Patterson, seconded by Forrestel, that the following Amusement Device Licenses for the Year 2007, be and hereby are renewed in accordance with the applications approved by Chief of Police Richard C. Lauricella:

Filling Station	40 Main Street	Rowe Phono	\$20.00
Filling Station	40 Main Street	Galaxy Dart	\$20.00
Filling Station	40 Main Street	Pool Table	\$35.00
Filling Station	40 Main Street	Golf Game	\$35.00
Filling Station	40 Main Street	Mega Touch Video	\$35.00

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

RESOLUTION, duly moved by Middaugh, seconded by Forrestel, that the following Plumbers Licenses for the year 2007, be and hereby are renewed in accordance with the applications filed and payment of the annual license fee of \$40.00:

Charles R. Pero	27 Brooklyn Ave	Batavia, NY	\$40.00
Henry H. Cook	3508 Rose Rd	Batavia, NY	\$40.00
Joseph M. Castle	10 Gooding St	Lockport, NY	\$40.00
Leonard G. Schie	11066 Keller Rd.	Clarence, NY	\$40.00

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

PUBLIC HEARING was held at this time to hear any and all persons for the purpose of addressing the Unlicensed Vehicles located at the following properties: 35 John Street, 45 Brooklyn Street, 97 John Street, 5 Washington Street, 237 East Avenue and 8 Marshall Avenue. The Clerk read the proof of Publication and asked if anyone wished to speak. Building Inspector Donnal D. Folger reported that, upon inspection of the premises this morning, all vehicles except at 8 Marshall Avenue still remain on said premises. Gary Goodwin, owner of vehicle on 237 East Avenue, appeared and stated the vehicle has been sold and will be removed from premises by end of this week. Village Attorney Daniel D. Shonn noted that 237 East Avenue will be evaluated at the February 5, 2006 Board Meeting. Trustee Forrestel inquired of the next step in the process. Building Inspector Folger said vehicles are considered a public nuisance, impounded and stored at local towing company at the expense of the Village of Akron. Fees from towing and storage would then be added as a lien on said properties. Trustee Middaugh and Trustee Patterson wanted to make sure the proper notice was given and Building Inspector Folger stated that proper protocol was followed.

RESOLUTION, duly moved by Forrestel, seconded by Middaugh that the Public Hearing with regard to Unlicensed Vehicles, be and hereby is closed at 7:40 P.M.

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

Chief of Police Lauricella stated a written notice should be left on the vehicle before the vehicle is towed. Building Inspector Folger will contact Renn's Auto Parts & Service to see if they would remove the vehicles for the Village.

RESOLUTION, duly moved by Patterson, seconded by Kaufman that the following Unlicensed Vehicles at: 35 John Street, 45 Brooklyn Street, 97 John Street, and 5 Washington Street be declared a Public Nuisance and with the escort of the Village Police be towed and stored at a local Tow Company at the expense of the Village of Akron and added as a lien on said properties.

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

Village Attorney Daniel Shonn requested a public hearing scheduled for February 5, 2007 for draft site plan review Local Law.

RESOLUTION, duly moved by Patterson, seconded by Middaugh that a Public hearing be held on February 5, 2007 at 7:30 p.m. for Local Law No.1 for the year 2007 regarding review of site plans on single parcels of land other than single or two family dwellings and their accessory buildings..

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

Village Attorney Daniel Shonn requested a public hearing scheduled for February 5, 2007 for draft permits for grading and filling Local Law

RESOLUTION, duly moved by Forrestel, seconded by Patterson that a Public hearing be held on February 5, 2007 at 7:30 p.m. for Local Law No. 2 for the year 2007 regarding regulation of development activities related to grading, trees, fill and natural features of the land.

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

APPEARANCES – No one appeared to speak.

PUBLIC COMMENT – Don Folger, Town Chair spoke about the banning of outdoor wood boiler furnaces in the Village. He noted that the Town is still working on their law. There is a problem with smoke and proper stack height for proper burn off of fumes. DEC has no regulations on residential furnaces. Greg Brown discussed the burning process and the fact that the burning techniques can be engineered to eliminate these problems. He also stated that the DEC can control the large scale furnaces, but not the small residential ones at this point. Trustee Middaugh would like to see the report on Outdoor Furnaces. Trustee Forrestel inquired how the Town of Newstead handles the outdoor furnaces and suggested we piggyback on the Town Resolution.

PROJECT REPORTS –

Washington/Liberty Streets Waterline Replacement Project – no more information until Spring of 2007

MONTHLY REPORTS –

Departments

Village Attorney –Lift station Sewer District #1. DEC has a program of fining people for being in violation.

VRI Environmental Services – The Board received the December 2006 Report from VRI. I & I Report due to DEC by January 31, 2007. IPP Program Report is due 2/28/07. DEC asked to sample the bypass for testing. Will be conducting more I & I inspections in the Crescent Drive area. Bypass pumps need to be repaired as they are failing. Filter media needs to be changed to reduce the need for backwash. December 2006 numbers look good for flow, but water was high due to rain.

Clerk-Treasurer – Reported receiving a call from the EPA regarding the Village's time frame for using the grant money available. Mr. Borchert mentioned the Village has had the grant for 3 years and should use the allocations allotted. Trustee Forrestel noted that the Water/Wastewater Committee is looking into capital projects at the Sewer Plant.

Building Inspector – will continue to search for Unlicensed Vehicles.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Patterson –no report -asked for a brief executive session.

Deputy Mayor Middaugh –Received application from DEC for planting and pruning of Village trees for \$4200.00 to replace and repair the tree damage during the October storm.

Trustee Forrestel – Met this evening with the Water/Wastewater Committee. They viewed the sewer camera tape from Crescent Drive witnessing excessive leaking of clear water in the line from manhole 311 through manhole 312. Trustee Forrestel explained a procedure where slip lining is run through leaking pipes and corrects any leaking problems. Superintendent of Public Works Bob Kowalik learned of a firm in the area that could replace 215 feet for \$11,500.00. In his estimate the purchase of new pipe alone to replace said area would well exceed the \$11,500.00. Mr. Kowalik recommended using the grant money for the Crescent Drive line as well as repairing other leaks throughout the Village.

RESOLUTION, duly moved by Forrestel, seconded by Kaufman, that the 215 feet of pipe running on Crescent Drive from Manhole 311-312 be repaired using the slip lining procedure for \$11,500.00.

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

Trustee Kaufman – Suggested to move Zoning and Planning Board Training to Old Business.

OLD BUSINESS

NYSDEC Collection – Nothing new.

Crittenden Road Well Spill Claim – Nothing new.

Comprehensive Plan – Village Attorney will contact the Town of Newstead Attorney for a possible public hearing to be held on 02/26/07 at 7:30 P.M.

Annexation – Nothing new.

Intermunicipal DPW Facility – Next meeting

Patricia Curto – Time expired on extension. Ms. Curto has motioned to renew extension, but court has not renewed to date.

NEW BUSINESS

Draft resolution relating to Local Law #6 of year 2006 was discussed and finalized at this evening's Board meeting.

RESOLUTION, duly moved by Forrestel, seconded by Middaugh, Resolution of the Board of Trustees related to Local Law Number 6 Administration of the Building Code of the Village of Akron

1. Sec 71-1.1 (b)

Building permits form. Building permit applications will be submitted to the Code Enforcement Officer on a form adopted by resolution of the Village Board of Trustees. Such form shall be as attached as Exhibit 1.

2. Sec 71-1.1 (c)

Construction Documents. Construction documents shall accompany the building permit application. Such application will not be accepted unless such application unless the documents meet the requirements adopted by resolution of the Village Board of Trustees. The requirements of the board are attached as Exhibit 2.

3. Sec 71-1.1 (d)

Fees. Fees for any permit or inspection under this local law shall be paid in accordance with the fee schedule as adopted by the Village Board of Trustees. The fee schedule in effect as of the adoption of the Local Law will be the fees until such fee schedule is next revised and adopted.

4. Sec 71-5 (c)

Contents of certificates of occupancy. A certificate of occupancy shall contain the information as required by resolution of the Board of Trustees: Such information is attached in Exhibit 3

5. Sec 71-5 (d) 2

Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. Such application is attached as Exhibit 4.

6. Sec 71-5 (d) 1 e

Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Village Board of this Village. The Board takes no further action to name additional uses or classifications at this time.

7. Sec 71-5 (d) 7

Fee. The fee specified in or determined in accordance with the provisions set forth by resolution of the Board of Trustees. The fee to be added to the current fee schedule of the Village of Akron is \$60.00.

Exhibits -1 The Building permit application:

The application shall include or be accompanied by the following information and documentation:

- (1) a description of the proposed work;
- (2) the tax map number and the street address of the premises where the work is to be performed;
- (3) the occupancy classification of any affected building or structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 2 sets of construction documents

Exhibit 1 consists of:

- Exhibit 1-A Building and zoning permit for work under \$20,000.00
- Exhibit 1-B Building and zoning permit for work \$20,000.00 or more
- Exhibit 1-C Building permit for windows, siding, and or roof.

Exhibit 2- Construction document requirements.

Construction documents as required by the building permit will:

- (1) define the scope of the proposed work;
- (2) will be prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
- (3) indicate with sufficient clarity and detail the nature and extent of the work proposed;
- (4) substantiate that the proposed work will comply with the Uniform Code and the Energy Code;
- (5) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

Exhibit 3- Certificate of Occupancy

Certificate of Occupancy shall be obtained from the Village Code Enforcement Officer and shall contain the following information.

- (a) Building Permit number
- (b) Date of issuance of the Building Permit
- (c) Name of the owner, address of the property, and tax map number of the property;
- (d) If the certificate of occupancy is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy is issued;
- (e) Use and occupancy classification of the structure;
- (f) Type of construction of the structure
- (g) Assembly occupant load of the structure, if any;
- (h) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (i) Any special conditions imposed in connection with the issuance of the Building Permit; and
- (j) Signature of the Code Enforcement Officer issuing the certificate of occupancy and the date of issuance.

Exhibit 4 An Application for an Operating Permit shall be obtained from the Village Code Enforcement Officer and shall contain the following information:

(a) Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code.

(b) If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise

The Operating Permit will state the information as in Exhibit 3 (a)-(f) and the duration of the permit and any special conditions imposed in connection with the issuance of the Operating Permit. The Code Enforcement Officer will sign and state the date of issuance on the permit.

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

Complaint filed by Michelle White occurring during the October 2006 Storm. Ms. White claims damage occurred to her vehicle as a result of a Village plow hitting a branch which catapulted onto the hood of her vehicle. Village Attorney Daniel Shonn recommended that the Board adopt a resolution settling this matter not to exceed \$500.00.

RESOLUTION, duly moved by Patterson, and seconded by Middaugh, that the Village of Akron accept estimates not to exceed \$500.00 to repair the damage to Ms White's vehicle upon proof of ownership of the vehicle and satisfactory proof of the cost of repairing the damage.

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

Superintendent Bob Kowalik recommended that 2 electric lineman from the Village of Akron attend the MEUA Engineering Workshop on February 6 & 7, 2006 for \$142.00 per person in Liverpool, NY.

RESOLUTION, duly moved by Kaufman, seconded by Middaugh, that 2 Village of Akron electric lineman attend the MEUA Engineering Workshop on February 6 & 7, 2007 for \$142.00 per person in Liverpool, NY.

CORRESPONDENCE

Erie County Soil and Water Conservation District sent their 2007 Conservation Tree & Shrub Seedling Program.

Received a memo from Rebecca Baker regarding Senior Income Limits. Trustee Forrestel recommended that the Village of Akron piggyback the Town of Newstead's limits.

PUBLIC COMMENT – No one appeared.

RESOLUTION, duly moved by Middaugh, seconded by Patterson, that the Board go into Executive Session at 8:30 P.M. to discuss personnel issues.

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

RESOLUTION, duly moved by Middaugh, seconded by Patterson, that the Board come out of Executive Session at 9:15 P.M.

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

RESOLUTION, duly moved by Patterson, seconded by Middaugh, that Robert Lucia be hired as a laborer at Grade 6 Hire Rate of \$11.42 as of January 23, 2007.

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

On motion of Middaugh, seconded by Patterson, at 9:22 P.M., this meeting was
ADJOURNED.

DEPUTY MAYOR

CLERK-TREASURER