

February 6, 2012

A REGULAR MEETING of the Akron Village Board was held on this date at 7:31 p.m. Present: Mayor Carl E. Patterson, Trustees, E. Peter Forrestel, Michael R. Middaugh, Kathryn A. Capan and Brian D. Wittlinger; Village Attorney Daniel D. Shonn, Clerk Treasurer Daniel P. Borchert and Public Works Super Chief Jon Cummings

Mayor Carl E. Patterson asked resident Doug Ceisner to lead us in the pledge to the flag. The Mayor led us in a moment of silence for Chief of Police Richard Lauricella's Father who passed away last Thursday. He asked that we keep their family in our thoughts and prayers.

RESOLUTION duly moved by Capan seconded by Middaugh, that the Minutes of the Regular Meeting of January 23, 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
BRIAN D. WITTLINGER - AYE

RESOLUTION, duly moved by Wittlinger 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	\$ 15,847.26
Electric Fund	\$ 56,630.44
Water Fund	\$ 11,223.22
Sewer Fund	\$ 17,217.82
Capital Streets	\$ 27,212.82

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

RESOLUTION duly moved by Middaugh and seconded by Forrestel 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:

Stanley Kandefer	2247 Union Rd	West Seneca, NY 14224	\$40.00
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ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

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

John Capan	4 Mechanic Street	30 Day	\$20.00
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ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE

Trustee Kathryn Capan abstained from voting

PUBLIC HEARING – none scheduled

APPEARANCES – none scheduled

PUBLIC COMMENT – Resident Doug Ceisner mentioned that he was glad that at the December 15, 2011 meeting the Village Board approved the plowing of the Fire Company parking lot as a service provided by the DPW. However, he does not agree with the Village DPW removing snow piles along Main Street's Business District and not for others. He noted that he had a news article regarding the Town of Amherst billing the business owners within their business district for removal of the snow. Mr. Ceisner wants to know if it is legal for the Village of Akron to remove the snow without charging for it and how much it has costs the tax payers to perform this service for the past several years. He also suggested to heavily salt East Avenue near the Akron Airport during any kind of an ice event. Lastly, Mr. Ceisner still highly recommends that the Village should change over to Erie County Water due to the elevated liability of contamination of the Village of Akron water reservoir.

PROJECT REPORTS –

Joint Facility – on the agenda for this evening's joint meeting with the Town of Newstead

MONTHLY REPORTS –

Departments –

Attorney – reported working on the Town Dog Law to use to update the Village Code. Also, Attorney Shonn is looking into the issue of cell phone towers or any towers installed within the Village. At this point there are no Village Code rules or regulations and Attorney Shonn recommended that the Village should have some authority on towers.

Clerk-Treasurer – The Board received the Clerk's report for January 2012, together with the February 2012 office schedule. Clerk-Treasurer Borchert reported that the Village can now take utility payments via credit cards through the Village website. He also took a group of first grade Cub Scouts on a tour of the Village Hall. Lastly, the Village Office will be holding a training session on February 28th, 2012 for the new upgraded Cyber Query report writing program.

Chief of Police – Chief Lauricella was absent tonight but did submit to the Board the report for January 2012 and the schedule for February 2012.

Public Works – Board received a copy of Super Chief Cummings report. Super Chief Cummings reported that work is continuing on cleaning out and organizing the shop in preparation for the move to the new facility. Luckily the weather has cooperated enough to lend plenty of time for the preparation for the move and for the replacement of street signs and street sign posts. Also, after significant research by Super Chief Cummings, restoration work has begun on the cannon and carriage from Russell Park which is a very rare piece.

Trustee Middaugh questioned the outcome of the bid for the 1996 Ford Leaf truck. Clerk-Treasurer Borchert stated that the bids were open on Friday afternoon and recommended to accept the bid from William Blackburn for \$6025.00.

RESOLUTION duly moved by Middaugh and seconded by Forrestel to accept the bid from William Blackburn for \$6025.00 for the 1996 Ford leaf truck be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE

MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

Code Enforcement Officer – spoke with the Board regarding his report during the Work Session.

Elected Officials –

JUSTICE COURT REPORT – Board received the monthly report from January 2012.

TRUSTEES – COORDINATORS

Trustee Capan – nothing to report

Trustee Middaugh –nothing to report

Mayor Patterson – Received and will forward correspondence from the Erie County Government Association regarding a few resolutions that the Board can discuss and move on at a later meeting. Also, Mayor Patterson received an invitation from the Clarence/Newstead Fire and Police Association Banquet on February 28, 2012. The Winter NYCOM meeting is coming up and the agenda will be centered on the property tax cap if anyone is interested in going. The Village Officials Association meeting is scheduled for February 16, 2012 and the Association of Erie County Governments meeting is scheduled for February 23, 2012.

Trustee Forrestel – nothing to report

Trustee Wittlinger – nothing to report

OLD BUSINESS

Village Court – on the agenda for this evening’s joint meeting with the Town of Newstead

Ron Berry Memorial Fields – waiting on report

John Street Reconstruction – nothing new until spring 2012

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

Public Works Facility at 43 East Avenue – nothing new to report

NEW BUSINESS

RESOLUTION duly moved by Forrestel and seconded by Wittlinger to authorize the “Tanya’s Trot for Epilepsy” 5K Run/Walk in honor of Tanya Johannes in the Village of Akron on Sunday, September 30, 2012 using the Certified 5K Emily Rose Course be and hereby is approved.

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

CORRESPONDENCE

Time Warner Cable notification of soon to be expiring agreements with programmers and broadcasters

NYSDEC revisions to New York’s Dam Safety Regulations

Erie County Soil & Water Conservation District Tree and Shrub Seedling Program

Erie County Community Development Block Grant Program Approval of the Rural Transit Van Service in the 2012 Annual Action Plan

William Schutt & Associates January 2012 Monthly Project Summary

PUBLIC COMMENT: none

The Village Board took a short recess at 8:04 PM and waited for the Newstead Town Board to arrive for the joint meeting of the Village of Akron Board of Trustees and the Newstead Town Board at the Akron Village Hall

The Village Board reconvened at 8:15 PM for a joint meeting of the Village of Akron Board of Trustees and the Newstead Town Board at the Akron Village Hall.

Dog Control – Village Attorney Shonn noted that the Town of Newstead has already adopted its new dog law. The Village of Akron will use the Town Law and modify it slightly to fit into the Village ordinance. The Village will need to hold a public hearing and adopt a local law.

Court Consolidation – The Village is still interested in moving forward with the consolidation of the Village Court.

Resolution: duly moved by Wittlinger and seconded by Capan regarding the Abolition of the Position of Village Justice- Village of Akron

Background:

Based on the review of the operations of the Village Court has since the formation of the Village provided effective local civil and criminal justice services to the Village. The Board also finds that the needs of the Village for the prosecution of violations under the Village code can be handled effectively by the Town Court. The Town Court is physically located within the Village limits and will not produce an inconvenience to the residents of the Village or Village officials. This resolution would further the efforts to consolidate functions in the Town and Village where such mergers are appropriate. The Village Board has held two informal public hearings on the matter of the elimination of the position of Village Justice and concludes that there is support from the Village residents for such action.

1. The office of the Village Justice is hereby abolished.
2. The currently elected Village Justice will continue to have all the duties and powers granted to him under the laws of the State of New York until his term expires.
3. The Village Clerk is directed to post and publish this resolution in the manner as if for a general election within 10 days. Such notice shall contain the date of the adoption of the resolution, describe the action taken, and indicate that such action is subject to a permissive referendum and petition filed within 30 days of the date of the resolution.
4. This resolution will be effective upon the date of the expiration of the period for referendum, or upon a referendum vote supporting the abolition of the office of the Village Justice.

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

Joint Facility – There will be a committee meeting on Friday February 10, 2012 at 7:30 AM at the Joint Facility. There is a tentative move in date of February 17, 2012 with the office staff.

Consolidation – CEO & Archives – The Village and the Town have started the initial step with consolidating the Code Enforcement Position. The next is that there is space available in the new records room for the Village to use if necessary. The Village Clerk and the Town Clerk will discuss the next steps.

Planning – Master Plan Update – There will be a meeting soon to kick off the committee. Mayor Patterson and Trustee Capan will be the Village representative, while Supervisor Cummings and Councilman Mayrose will represent the Town.

Electronic Recycling – On January 1, 2012 the Town refuse carrier, Allied Waste, no longer will pick up electronics at the curb side. Councilman Rooney will get in touch with Village Clerk Borchert to discuss how the Village and Town can continue to work together in this effort. Both Boards agree that there should just be one recycling program and not a separate one for the Village and a separate one for the Town.

Akron Airport – The Town Zoning Board of Appeals denied the Zoning Variance. The Akron Airport filed an Article 78 Action. The Town has hired outside council to review the next steps moving forward.

Village Subdivisions – The Village Commons (Clarence Center Road) is still not ready and the Planning Board keeps adjourning until they are ready. Cornerstone is moving ahead as scheduled and Jon had a meeting with Guy from American Paving and William Schutt & Associates regarding the progress of the PIP's.

Joint Emergency Services Committee – There will be a meeting soon to kick off the committee. Mayor Patterson and Trustee Wittlinger will be the Village representative, while Councilman Rooney and Councilman Baran will represent the Town.

Annexation – Clarence Center Road – Other than the Cowan property, were there any other properties that that were interested in annexation. To-date, there have been no other properties that have petitioned to annex.

Murder Creek – The second grant is open and will run from behind the Village Hall and go to the Mechanic Street Bridge.

Village Wastewater Treatment Plant – The Town is interested in partnering with the Village to do a study on the expansion of the Wastewater Treatment Plant and serving parts of the Town of Newstead.

The next joint meeting date was set for Monday May 7, 2012 at the Newstead Town Hall.

On motion of Middaugh and seconded by Wittlinger, at 9:07 p.m., this meeting was ADJOURNED

MAYOR

CLERK-TREASURER