

March 16, 2009

A REGULAR MEETING of the Akron Village Board was held on this date at 7:30 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, Code Enforcement Officer Donnal Folger and Superintendent Robert Kowalik.

Mayor Carl E. Patterson led us in the pledge to the flag. Mayor Patterson wanted to take a moment to thank Trustee William Kaufman for his services for the past 4 years. This will be Trustee Kaufman's last meeting as a Village Board Member for his position with the Department of Homeland Security prohibits his running for any election. The Board all wished him well. Also, Mayor Patterson asked for a moment of silence for Nelson Becker a former Akron Police Officer who passed away recently.

RESOLUTION, duly moved by Capan, seconded by Kaufman, that the Minutes of the Regular Meeting of March 2, 2009 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 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	\$ 38,304.61
Electric Fund	\$176,091.54
Water Fund	\$ 9,726.07
Sewer Fund	\$ 20,615.39

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 Middaugh that the following building permits be and hereby are approved with the applications and approval of the Code Enforcement Officer:

Walter Greiner	7 Colony Place	Fence	\$18.00
Kevin Ward	56 Main Street	Windows	\$25.00

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 #3 for 2009 – Rental Regulations. Village Clerk-Treasurer Daniel P. Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. Resident Doug Ceisner asked if it was for residential units. Village Attorney Shonn explained it was for residential units for rent. Attorney Shonn clarified that the laws purpose is to create a data base of Landlords in the Village to assist the Code Enforcement Officer to protect the health, safety and welfare of our residents, and to protect the housing stock from deterioration. In section six of the drafted law there is a fee for registry which Trustee Middaugh recommended to amend the law to read a fee will be charged only if landlord fails to register.

RESOLUTION, duly moved by Forrestel, and seconded by Capan that the Public Hearing with regard to the Local Law #3 for 2009 – Rental Regulations be and hereby is closed at 7:49 p.m.

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

APPEARANCES – Dawn and Lawrence Izydorczak postponed their appearance before the Board with their son Eagle Scout Joseph Izydorczak to a future meeting.

PUBLIC COMMENT – none

PROJECT REPORTS –

State Street Bridge – Superintendent Kowalik reported that he has not heard anything from Keiner/Jansen regarding State Street Bridge. Mayor Patterson suggested that the Village look at other options for the repair of the bridge. Trustee Forrestel recommended having Paul Bowers of Wm. Schutt & Associates, P.C. Engineering Firm share his opinion of repair options.

MONTHLY REPORTS –

Departments –

VRI Environmental Services – Ken Scherrieble appeared before the Board with the February 2009 report. With the February thaw Mr. Scherrieble reported that the flows were significant but still under the permit limits. The sewer grouting project is still in progress and the new bobcat is on order with regards to the Bobcat Trade-in Program. Lastly, a sewer line was found crushed while using the camera monitoring system, which he reported as an important reason to continue monitoring the system because last year at this time the crushed line was fine.

Code Enforcement Officer – Don Folger reported receiving the drainage prints associated with the Akron Central School project and noted that there is a drainage problem now and with the new addition the problem will just increase. The project is on the agenda for the Planning Board Meeting scheduled March 23, 2009. Mr. Folger also reported sending prints to Paul Bowers from Wm. Schutt & Associates P.C. Engineering Firm and suggested inviting him to the next Village Board Meeting to discuss corrective drainage options. Mr. Folger also reported receiving several complaints of unlicensed vehicles in the Village but the State Code allows one unlicensed vehicle per property. To change our Code regarding unlicensed vehicles the Village would have to request it through the State which could be a long and costly process with no guarantee the State would allow the change. Mr. Folger stated that the court case regarding the wood stove at 81 Eckerson Avenue has been concluded with the Judge ordering the stove to be shut off. Also, the court case concerning John Street/Mechanic Street has begun and looks like it will be a long process. Lastly, the electric was ordered to be shut off at 103 John Street after Commonwealth Electrical Inspectors completed an electrical inspection and found the service unsafe.

Elected Officials

TRUSTEES – COORDINATORS

Trustee Capan – informed the Board of the opening of the compost site on April 4, 2009 and the curb side brush pickup on April 6, 2009 both depending on weather conditions. Also the Refuse/Recycling Informational pamphlet will be updated and made available at the Village Hall office.

Trustee Middaugh – Reported to the Board that the Joint Facility Sub-committee recommended 4 firms for the Joint Facility project and will forward them to the Joint Facility Committee. Informed the Board that the annual tree replanting program will be planting 31 trees with a diameter of 2-4” as soon as weather permits.

Mayor Patterson – Received correspondence that he will turn over to Clerk-Treasurer

Daniel Borchert. Also mentioned he will be attending the Village Officials Meeting scheduled for March 19, 2009, Association of Erie County Governments Regular Meeting scheduled for March 26, 2009 and the Erie County Quarterly meeting with Chris Collins scheduled for March 31, 2009.

Trustee Forrestel – Distributed the WWWC Minutes from the meeting held March 2, 2009.

Trustee Kaufman – wanted to say Thank You to everyone and expressed his pleasure in serving the Board and highly recommended it to others.

OLD BUSINESS

Inter-municipal DPW Facility – listed on the agenda for the joint meeting between the Village of Akron and the Town of Newstead this evening.

Rental Regulations – Public Hearing held this evening

Mitigation of Murder Creek – listed on the agenda for the joint meeting between the Village of Akron and the Town of Newstead this evening.

Main Street Speed Limit – Speed signs will be posted as weather permits

Village Court – listed on the agenda for the joint meeting between the Village of Akron and the Town of Newstead this evening.

Village of Akron East Avenue Waterline Property – Clerk-Treasurer Borchert received correspondence regarding the interest of Marianne Rosenberg to purchase this property who owns the adjacent property.

NEW BUSINESS

RESOLUTION, duly moved by Forrestel and seconded by Kaufman to allow a Village Police Ride-A-Long Program in the Village providing there is appropriate Insurance coverage and approval of Chief of Police Richard Lauricella 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 Capan to move Charles Rebmann from Grade 13 Step 3 to Grade 13 Step 4 as of his anniversary date of March 18th 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 Kaufman and seconded by Forrestel to authorize Robert Kowalik to attend the Semi-Annual Meeting of the MEUA on April 29-30th in East Syracuse, NY at a cost of \$209.00 and that he be appointed the voting delegate for the Village of Akron 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 Capan to authorize the Mayor to sign the 2008 LOSAP Firefighter Records listing for the 2008 LOSAP Program 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 Capan and seconded by Kaufman to authorize Robert Lucia to attend the 2009 Spring Meeting of the Western New York Water Works Conference on April 8th at the Holiday Inn in Lockport, NY at a cost of \$65.00 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 Middaugh and seconded by Capan authorizing Ride for Roswell to come through the Village of Akron on Saturday, June 28, 2009 coming up Hake Road-Clarence Center Road-Parkview Drive-Skyline Drive-Crittenden Road-Scotland Road 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

CORRESPONDENCE –

Memo from Town of Newstead Assessor, Becky Baker, regarding the 2010 revaluation project postponed until 2011.

Letter to New York State Department of Labor

New York State Conference of Mayors 2009 Legislative Program

Greater Buffalo Niagara Regional Transportation Council regarding Erie County Senior Services

Letter from People, Inc. requesting support of the Village of Akron to obtain grant funding from the HOME & R.E.S.T.O.R.E program through NYS DHCR.

RESOLUTION, duly moved by Forrestel and seconded by Middaugh supporting the People, Inc. request for grant funding from the HOME & R.E.S.T.O.R.E. Program through NYS DHCR 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

PUBLIC COMMENT – Resident Doug Ceisner recommended the Board sell the Village Property on East Avenue to Marianne Rosenberg.

RESOLUTION, duly moved by Capan, and seconded by Kaufman authorizing the Board to go into executive session at 8:22 p.m. to discuss legal matters 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 8:39 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

The board took a brief recess and reconvened at the Newstead Town Hall at 8:45 p.m. to discuss items with the Newstead Town Board.

Joint Facility – The committee received 11 proposals for engineering services. The sub-committee has reviewed all the proposals and they will have short list of 4 firms to recommend to the committee. They will meet again on Monday March 23, 2009, at the Town Hall.

Code Enforcement Officer – The Town will put together a draft agreement for the services of Code Enforcement. The Village currently allocates 20 hours per month for this service.

Courts – The discussion surrounded the idea of working towards having the Village and Town Courts being operated out of one facility. A number of items that were discussed including current case load, prosecutor case load, district attorney office, court calendar, collection of fees, court clerks and judges. It was agreed that this is the correct way to proceed working towards merging the two courts. Both Judge Freeman and Judge Campbell were in attendance and agreed as well.

Police Garage – The Town shared with us the two proposals that they have received to construct a 40'x 48' building on the current Town Hall site located at 5 Clarence Center Road. They would like to keep the building to fit in with the current Town Hall Building design.

Mitigation of Murder Creek – There have been no new updates on the grant process.

Sewer Service – Trustee Forrestel updated the Board on the current operations at the Village Wastewater Treatment Plant. The Village would like to get some engineering help in looking at the plant to rebuild and expand the current facility. The Village is also looking for a partner for expansion of the plant and the Town might be an interested party to provide sewer service to part of the Town of Newstead.

Drainage – Discussion settled around the drainage issues on Skyline Drive, the proposed new developments along Clarence Center Road, Hake Road and Jackson Street, and the new Akron Central School Building Project. The Town has changed its drainage committee to include the current Town Board and the Highway Superintendent.

Police Jurisdictional Concerns – Village Attorney Shonn and Town Attorney Neill will bring back the police services agreement so these issues will be clearly defined. The concern was brought up regarding the request from the Akron Soccer League for a police presence during their Annual Kick-It First Soccer Tournament each May.

On motion of Forrestel, seconded by Middaugh, at 10:15 p.m., this meeting was ADJOURNED.

MAYOR

CLERK-TREASURER