

March 21, 2011

A REGULAR MEETING of the Akron Village Board was held on this date at 7:00 p.m. Present: Mayor Carl E. Patterson, Trustees 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 led us in the pledge to the flag.

RESOLUTION duly moved by Middaugh seconded by Capan, that the Minutes of the Regular Meeting of March 7, 2011 and the Special Meeting of March 14, 2011 be and hereby are approved by the Village Board.

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

RESOLUTION, duly moved by Capan seconded by Wittlinger 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	\$ 20,674.78
Electric Fund	\$192,533.66
Water Fund	\$ 18,387.61
Sewer Fund	\$ 4,112.61
Capital Streets	\$ 2,104.98

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

RESOLUTION duly moved by Middaugh and seconded by Capan that the following building permits be and hereby are approved with the applications and approval of the Code Enforcement Officer:

Raymond Puff	54 Parkview Drive	Enclosed Porch	\$25.00
Michael Farley	68 John Street	Fence	\$18.00
Joan Schiener	6601 Hake Road	Shed	\$25.00

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

PUBLIC HEARING – none scheduled

APPEARANCES – none scheduled

PUBLIC COMMENT – Resident Frank Daddario from Pearl Place came before the Board to report an unsafe tree which stands in front of his house. He would like the Village to remove the tree before someone is hurt or major property damage occurs. Mr. Daddario did contact the Public Works Dept. regarding the tree so they are aware of the issue. Mayor Patterson said the Board would follow-up with the Public Works Dept. regarding the tree.

Resident Robert Scheib of Brooklyn Street came before the Board as an advocate of safety for the residents of the Village of Akron. Back in the year 2005, Mr. Scheib

presented a report regarding crosswalks on Buell Street and Westgate Avenue and on Buell Street for pedestrians crossing into the Pixley's Plaza. Mr. Scheib has many concerns for the handicapped, elderly, and the young families trying to access the Village using Village sidewalks. Mr. Scheib is also concerned with the traffic flow in the Pixley's Parking lot and would like to see better signage informing customers of the correct traffic pattern. Mayor Patterson also feels that these issues are a concern but acknowledges the fact that Buell Street is a State Road and the Village has no authority of crosswalks and signage for that road and that Pixley's parking lot is private property and the Village has no authority as well. Mayor Patterson assured Mr. Scheib that the Village would be glad to write letters to both parties requesting help with these issues and suggested Mr. Scheib also write letters to both.

Mr. Scheib also came before the Board to discuss the Akron Airport expansion. He presented the Board a petition of 280 signatures from residents of the Village and citizens from outlying areas against the project. He also stated that back in 1993 he presented a petition of over 500 signatures also against the project. He will be presenting the new petition to the Town of Newstead as well. Mayor Patterson stated that the Akron Airport will be on the agenda this evening at the joint meeting with the Town of Newstead.

Annette Adamczak came before the Board with the correspondence from Erie County Parks Dept. stating that they will not be responsible for the placement of the AED's (defibrulators) on the soccer fields from April to November and gladly authorizes the Akron Police Department to take over the placement of the AED's. Mayor Patterson will follow-up with Chief Lauricella to contact Mrs. Adamczak for further direction. Mrs. Adamczak introduced Wesley Rehwaldt who has been very involved in purchasing, promoting and training in the use of the AED's. Mr. Rehwaldt will also train any or all of the Police Officers for proper use of the AED's. Lastly, Mrs. Adamczak wanted to thank the Village for all their help with the Emily Rose 5K Run as well as the placement of the AED's during the soccer playing months. Mayor Patterson wanted to return the thank you to Mrs. Adamczak for all her hard work in making our community a safer place to work and play.

#### PROJECT REPORTS –

State Street Bridge – nothing new to report

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

#### MONTHLY REPORTS –

##### Departments –

VRI – Environmental Services – the Board received a copy of Ken Scherrieble's report which shows flows are higher than normal but should recede quickly. Mr. Scherrieble also reported that he attended the budget meeting and will have a follow-up report soon. Lastly the seminar Mr. Scherrieble shared with the Board back in October 2010 where on the recommendation of the NYSDEC the NY Chapter of Water & Environment Association asked the Village of Akron Sewer Department to give a presentation regarding the steady and successful decline of storm water infiltration at the Sewer Plant will be held March 22, 2011 at the Hearth Stone Manor in Cheektowaga.

Code Enforcement Officer – The Board received copies of Code Enforcement Officer Migliaccio's March 2011 Report. Discussion was held regarding the property located at 208 East Avenue. Code Enforcer Migliaccio inspected the property and found the building located on it to be unsafe. He distributed pictures of the condition of the building to the Board. Village Attorney Shonn recommended that the Board move forward with the steps to be taken to deem the property unsafe as in the Local Law #3 of 2010 of the Village Code.

RESOLUTION duly moved by Wittlinger and seconded by Capan to authorize the Village Code Enforcement Officer Ralph Migliaccio and Village Attorney Shonn to

take the proper steps and expense to deem 208 East Avenue as Unsafe under Local Law #3 of 2010 of the Village Code be and hereby is approved.

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

Code Enforcer Migliaccio would also like to recommend adding another Electrical Inspector Company authorized to work for the Village giving the residents another option. Clerk-Treasurer Borchert asked Code Enforcer Migliaccio to present the new company's application and credentials for review.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan –nothing new to report

Trustee Middaugh –nothing new to report

Mayor Patterson –attending the Association of Erie County Governments dinner scheduled for March 24, 2011

Trustee Forrestel – absent

Trustee Wittlinger –nothing new to report

OLD BUSINESS

Mitigation of Murder Creek – on this evening's agenda for the joint meeting with the Town of Newstead

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

Main Street Traffic & Safety – Village Attorney Shonn asked if a copy of Traffic Order #22 was sent to NYS DOT. Village Clerk-Treasurer Borchert stated he will check into the matter.

Akron Airport – on this evening's agenda for the joint meeting with the Town of Newstead

Niagara Label Annexation – nothing new to report

NEW BUSINESS

RESOLUTION duly moved by Middaugh and seconded by Wittlinger to hold a Public Hearing on the Village Budget on April 4, 2011 at 7:30 pm be and hereby is approved.

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

RESOLUTION duly moved by Middaugh and seconded by Capan authorizing Kris Beyer to hold a BBQ and a 5K run for the Japanese disaster relief on April 10<sup>th</sup> using the same course as the 5K Emily Rose and the 5K Lions Club runs with the use of Russell Park including the shelter be and hereby is approved.

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

CORRESPONDENCE

Trident Insurance Claims Adjuster determination regarding 7 Townsend Street

Erie County Soil & Water Conservation District Murder Creek Status Report dated March 14, 2011

Apex Consulting Murder Creek Status Report dated March 14, 2011

Village of Corfu letter of Appreciation to Bob Lucia and the Village of Akron

Erie County Parks Permission to enter the County Park and drop off and pick up the portable AED's

Village Planning Board Minutes of the meeting held March 14, 2011

Letter from Akron Central School regarding the changing of the Budget Advisory Committee meeting dates

PUBLIC COMMENT – Resident Doug Ceisner questioned when he could receive a copy of the budget for the Village of Akron year 2011-2012. Clerk-Treasurer Borchert stated that by March 31, 2011 the budget would be available in the Village Office.

On motion of Capan, seconded by Wittlinger, at 8:18 p.m., this meeting was recessed so the Village Board members could travel to the Town of Newstead for the joint meeting this evening

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

After a brief recess, the Village Board reconvened at 8:40 p.m. at the Newstead Town Hall to have a joint meeting of the Village of Akron Board of Trustees and the Newstead Town Board.

Supervisor Cummings welcomed the Village of Akron.

Joint Facility – Tom George presented to the Board's an updated schedule and budget for the Joint facility. The office area is mostly complete as well as the under structure. The new materials should be on site by April 4<sup>th</sup> and a June 2011 occupancy date is expected.

Murder Creek – Carl Klingenschmitt presented the Village with one complete package of construction specifications and drawings for the Murder Creek Stabilization Project. The FEMA Report is due by April 30<sup>th</sup>, but they plan on having it delivered by April 1<sup>st</sup>. They hope to be able to go to bid on May 15<sup>th</sup>, award the project on June 30<sup>th</sup> and begin construction on July 15<sup>th</sup> and be able to complete for the fall planting season. He had a display showing all the plantings that will be used in this project. The total project area is roughly 1.3 acres.

Akron Airport – Supervisor Cummings noted that the Newstead Town Board will be making a SEQR determination in about a week. Then there will be an additional comment period before it is put before the Town of Newstead Zoning Board of Appeals.

Fire Companies Oversight Committee – Mayor Patterson discussed that he is interested in forming this committee to help facilitate the companies to start looking at shared resources, planning, equipment and preparing a long range master plan. He would like to have this committee comprised of two members from the Village Board of Trustees, two members of the Newstead Town Board, two representative of each fire department, the disaster coordinators and two community residents. Mayor Patterson and Supervisor Cummings would like to lay the ground work to this committee at its first meeting.

Court Consolidation – The committee will be meeting on Wednesday March 30, 2011 at the Newstead Town Hall. The new space and court details seem to be working smoothly. The consolidation will be complete before March 31, 2013 when Judge Freeman’s term expires.

Recycling Program Electronics and Hazardous Waste – Daniel Borchert reported that Regional Computer Recycling & Recovery will provide the municipalities with a recycling bin and will pick up each full bin at no cost to the municipalities. The Town of Newstead is willing to partner in this effort. Mr. Borchert will discuss this option further with the committee. It was noted that the Household Hazardous Waste collection would be too costly to hold in the near future, but would like to try and reach out to Erie County to see if they could hold one of their collections closer to the Village of Akron and Town of Newstead.

Town Water District Project – Supervisor Cummings noted that the Town is considering expanding their water district on the north part of the town. They are looking at constructing 20,000’ of waterlines and would like to partner with the Village to help with a portion of that project. The cost will be considerably less if they did not have to hire out a separate contractor.

Sidewalk Buell Street to Town Hall – Supervisor Cummings noted that he would like to see a 300’ sidewalk constructed from the Town Hall on Clarence Center Road to Buell Street. We have tried to get CDBG funding for this project in the past and have not been successful.

Joint Comprehensive Master Plan – There will be a grant submitted by August 2011 to see if there is any funding available to help update the current Master Plan. The current Master Plan was completed in 2003 and it was discussed that it should be re-visited every five years.

Joint Purchase of Vehicles – It was noted that we will continue to use the New York State OGS Contract to purchase vehicles.

Child Identification Program – Councilman Rooney introduced that he would like to start a child identification program within the Village of Akron and the Town of Newstead. Trustee Capan will work with Councilman Rooney together on this project.

Community Business Survey/Inventory – Councilman Rooney will be contacting the Chamber of Commerce and working with their new leadership. The Chamber meets on the first Wednesday of each month.

RESOLUTION duly moved by Wittlinger and seconded by Capan to go into executive session regarding a contractual personnel issue at 10:08 p.m. be and hereby is approved.

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

RESOLUTION duly moved by Middaugh and seconded by Capan to come out of executive session regarding the contractual personnel issue at 10:21 p.m. be and hereby is approved.

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

On motion of Middaugh, seconded by Capan, at 10:21 p.m., this meeting was  
ADJOURNED

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MAYOR

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CLERK-TREASURER