

May 16, 2011

A REGULAR MEETING of the Akron Village Board was held on this date at 7:30 p.m. Present: Mayor Carl E. Patterson, Trustees E. Peter Forrestel, Michael R. Middaugh 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 Forrestel seconded by Middaugh, that the Minutes of the Regular Meeting of May 2, 2011 be and hereby are approved by the Village Board.

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

RESOLUTION, duly moved by Wittlinger 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	\$ 41,754.00
Electric Fund	\$ 89,685.43
Water Fund	\$ 7,962.10
Sewer Fund	\$ 13,480.15
Capital Streets	\$ 68.71

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

RESOLUTION duly moved by Middaugh and seconded by Forrestel that the following Building Permits be and hereby are approved with the applications and approval of the Code Enforcement Officer:

I Squared R Element	12600 Clarence Ctr R	Excavate/Fill	\$200.00
Henry Weiglein	46 John Street	Shed	\$ 25.00
Dennis Remington	4 Washington Street	New Build	\$317.00
Lance Piscitelli	161 Main Street	Addition	\$190.00
Chris Heiderman	58 Parkview Drive	Windows	\$ 25.00

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

PUBLIC HEARING – none scheduled

APPEARANCES – none scheduled

PUBLIC COMMENT – Resident Doug Ceisner asked the Board what caused the sink hole at the intersection of East Avenue and Front Street. Super Chief Jon Cummings stated that the Public Works did check on the water and sewer lines in that area and found no issues. He really can't say what caused the sink hole at this time.

PROJECT REPORTS –

State Street Bridge – The Board decided to hold off on the project until the grant monies the Village received is available which may not be until the year 2014.

Joint Facility –Mayor Patterson reported that the Board will take a tour from Jon Cummings before the next Village Board meeting.

The following resolutions were passed on the recommendation of the New York State Comptroller’s Office to correctly manage the Capital Funds Projects done in the Village of Akron.

As the Village Board has embarked in a joint project with the Town of Newstead regarding the Joint Facility located on Clarence Center Road

RESOLUTION duly moved by Wittlinger and seconded by Forrestel to authorize the maximum expenditures of the approved budget for the construction of such joint facility. By separate resolution the board has previously approved Bond Anticipation Notes be and hereby is approved.

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

RESOLUTION duly moved by Forrestel and seconded by Middaugh to close out certain capital fund projects which is required by the Village Board, the following projects are closed and have no balances and there is no debt associated with these projects be and hereby is approved.

General Fund:	Water Fund:
Main Street Rehabilitation	Liberty Street Water Line Rehabilitation
Murder Creek Storm Sewer	Water Plant Physical Plant Improvements
Shepard Avenue Rehabilitation	Dam Study Water Shed Planning
Knapp Road Rehabilitation	Brooklyn Water Line and Walk
	Dam Spillway Rehabilitation
	Parkview Water Line Rehabilitation

RESOLUTION duly moved by Wittlinger and seconded by Middaugh to adopt the following policies with regard to capital fund projects:

RESOLVED:

- A. The Board shall establish maximum authorized amounts and identify financing sources for each capital project.
- B. The Board shall monitor each capital project by requiring the Treasurer to submit periodic reports. For any capital projects in excess of \$50,000 as a maximum expenditure amount, such reports will be provided every 30 days during the project.
- C. The Treasurer is required to account for each capital project separately. In the event that a capital project has revenue or expenditures involving more than one enterprise fund and/or the general fund, the Treasurer will segregate expenditures in sub-accounts under that capital project.
- D. The Treasurer will identify the composition of the deficit in any capital project fund prior to closing that fund so that the Village Board can take appropriate actions with regard to the fund. The Treasurer will properly dispose of excess funds through a resolution of the Board in accordance with statute as each capital project is completed.
- E. The Treasurer will insure that bond proceeds or deposited, accounted for and expended in strict accordance with the statutory requirements. The

report of any capital fund project will include a Treasurer's comments and accounting with regard to bond proceeds.

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

#### MONTHLY REPORTS –

##### Departments –

Attorney – agenda items

VRI – Environmental Services – Representative Ken Scherrieble submitted his report. Mr. Scherrieble reported that the wild month we had resulting from the snow melt and rain caused the plant to go just over the limit, and may be high this month as well with all the rain fall during May.

PUBLIC WORKS – Super Chief Jon Cummings will have his report at the next scheduled meeting June 6, 2011.

##### Elected Officials –

#### TRUSTEES – COORDINATORS

Trustee Capan –on behalf of absent Trustee Capan and the Building, Composting and Solid Waste Committee, Clerk-Treasurer Borchert reported on the first recycling event of this year that took place on Saturday May 14, 2011. Five pallets of electronic waste were collected along with several large TVs. Clerk-Treasurer Borchert and his son Christopher along with Leader Joel Gregorio and his son Eric from Boy Scout Troop 559 were on hand to offer help with the collection of electronics. The pallets will be picked up on Thursday. Clerk-Treasurer Borchert reported a successful event and thanked everyone for their help. The next recycling event is scheduled for June 4, 2011 from 9:00 a.m. to 12 p.m.

Trustee Middaugh –nothing to report

Mayor Patterson – reported that he will be attending the Village Officials Meeting on Thursday May 19, 2011 in Hamburg, NY and the Association of Erie County Governments meeting scheduled May 26, 2011 in Clarence, NY. Also Mayor Patterson reminded the Board that the Akron Chamber of Commerce Dinner for the Business, Citizen, and Organization of the Year is also scheduled for Thursday May 19, 2011. Akron Central School has scheduled an Open House on June 3, 2011 for the Dedication and Naming Ceremony of the Dr. David W. Fish Theater and Multi-Purpose Room between 6:30 p.m. and 8:00 p.m.

Lastly he wanted to congratulate and thank Cold Spring Construction and the Forrestel Family on the 100<sup>th</sup> year Anniversary of the construction company.

Trustee Forrestel – reported that Human Resources will be holding an interview with a candidate for the electrical foreman position

Trustee Wittlinger –reported that the Police and Fire Committee met this evening to discuss the contract between the Akron Fire Company and the Village of Akron. After their discussion the committee recommended to the Board to extend the current contract for a six month period to give the Committee time to write a draft proposal for the next contract.

RESOLUTION duly moved by Wittlinger and seconded by Forrestel to approve a six month extension to the contract between the Akron Fire Company and the Village of Akron and to pay the standard contract payment as per last year's payment be and hereby is approved.

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

Also, Trustee Wittlinger recommended for the Village Board Members and employees to take advantage of some free training for emergency management. The Committee will have more information on the training in the near future.

Lastly, Trustee Wittlinger reported that the Committee discussed the contract between the Akron Fire Company, Village of Akron and Twin City and will have more to follow in the near future.

### OLD BUSINESS

Mitigation of Murder Creek – Town of Newstead hosting a meeting regarding this project on Thursday May 19, 2011.

Village Court – Trustee Wittlinger reported that the Committee held discussions regarding the need for a Committee after the successful move of both courts during the addition to the Town of Newstead Court Building. Trustee Wittlinger recommended to the Board to abolish the committee and leave the remaining decisions and issues for the Village of Akron Board and the Town of Newstead Board.

Main Street Traffic & Safety –Village is still waiting for the DOT to change speed limit on Buell Street. Clerk-Treasurer Borchert and Trustee Wittlinger will try calling DOT to see if they can speed up the process.

Akron Airport –nothing new to report

Niagara Label Annexation –nothing new to report

Ron Berry Memorial Fields –Village Attorney Shonn reported that a meeting was held at the Village Hall on Friday May 6, 2011 and summarized the discussion as: the fields were first established by the Jaycee's. The fields are fenced and well lit with a well and a complete softball and volleyball field. The Akron Central School is interested in the fields but the school would have to go thru the State of New York Education Dept. with Environmental reports which would be extremely expensive. Attorney Shonn recommended to the Board to acquire the property for free from the Jaycee's and then lease it to the School; that way the School could use it as well as the whole community. Akron Central School stated that they would maintain the property. Attorney Shonn mentioned that the property had a clean phase I environmental report done back in the 1980's so the Village would have to update that report.

RESOLUTION duly moved by Middaugh and seconded by Wittlinger to go forward with the updated Phase I Environmental Report and physical work required to acquire the property be and hereby is approved.

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

Bloomington Avenue and John Street Reconstruction – the proposed round-about for the intersection at Bloomington Avenue and John Street has been discussed and after investigation the prospect of the round-about has been dismissed due to the general lack of space.

### NEW BUSINESS –

Akron Chamber of Commerce's request to allow the Farmers Market to start on May 26<sup>th</sup> and to have reserved parking spots along Clinton Street for the Vendors. After discussion the Board decided to grant the request if the Farmers Market is located in the

North/West area of the Park and that there will be no reserved parking for the Vendors. Clerk-Treasurer Borchert will discuss the changes with the Akron Chamber of Commerce tomorrow.

RESOLUTION duly moved by Forrestel and seconded by Wittlinger to appoint the NYMPA Board of Directors to be the Designated Delegate for the Village of Akron at the new York Municipal Power Agency Annual meeting on May 19, 2011 be and hereby is approved.

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

RESOLUTION duly moved by Middaugh and seconded by Forrestel to appoint Robbie Lucia to the position of Skilled Laborer Grade 10 Step Hire Rate effective as of May 17, 2011 be and hereby is approved.

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

RESOLUTION duly moved by Wittlinger and seconded by Middaugh to authorize the Mayor to sign the Tax Warrant for the Tax Year 2011-2012 be and hereby is approved.

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

#### CORRESPONDENCE

Town of Newstead SEQR/SERP Coordinated Review for Niagara Specialty Metals, Inc. 7,700 sq. ft. Maintenance Building

Reconstruction of John Street and Bloomingdale Avenue Meeting Minutes from April 26, 2011 meeting

Letters of Record Concerning I Squared R Element & Niagara Specialty Metals

I Squared R Element Drainage Plan

Memo from Erie County Department of Environment and Planning regarding the 2011 Federal Funding Cuts to CDBG/HOME Programs and other items

PUBLIC COMMENT –none

RESOLUTION duly moved by Forrestel and seconded by Wittlinger to go into executive session regarding a personnel issue at 8:50 p.m. be and hereby is approved.

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

RESOLUTION duly moved by Middaugh and seconded by Wittlinger to come out of executive session regarding the personnel issue at 9:29 p.m. be and hereby is approved.

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

RESOLUTION duly moved by Wittlinger and seconded by Forrestel to modify the resolution regarding the six month extension of the contract between the Village of Akron and the Akron Fire Company whereas the Akron Fire Company would receive 50% of the annual amount of funding from 2010 and receive the remainder if any due upon the signing of the new contract be and hereby is approved.

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

On motion of Forrestel, seconded by Middaugh, at 9:31 p.m., this meeting was  
ADJOURNED

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MAYOR

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CLERK-TREASURER