

May 17, 2010

A REGULAR MEETING of the Akron Village Board was held on this date at 7:32 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, Deputy Clerk Treasurer Tammy L. Kelley, Chief of Police Richard Lauricella, Superintendent Robert Kowalik, Village Engineer Paul Bowers and Code Enforcement Officer Donnal Folger.

Mayor Carl E. Patterson led us in the pledge to the flag.

RESOLUTION duly moved by Forrestel seconded by Capan, that the Minutes of the Special Meeting of April 27, 2010 be and hereby are approved by the Village Board.

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

RESOLUTION duly moved by Middaugh seconded by Wittlinger, that the Minutes of the Special Meeting of April 29, 2010 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 Capan seconded by Middaugh, that the Minutes of the Regular Meeting of May 3, 2010 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 Capan 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	\$ 35,591.18
Electric Fund	\$ 76,939.78
Water Fund	\$ 11,432.60
Sewer Fund	\$ 18,694.02
Capital Sewer	\$ 130.44
Capital Street	\$ 128.03

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

Charles Martina	7 Shepard Avenue	Shed	\$25.00
John Garrison	103 East Avenue	Roof	\$25.00
Gary Fogal	29 Front Street	Fence	\$18.00
Robert Kowalik	82 Eckerson Ave	Shed	\$25.00
Gina Grieco	162 Main Street	Roof	\$25.00

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 Wittlinger that the following Sidewalk Café Permits for the Year 2010, be and hereby are granted in accordance with the Code Enforcement Officer and payment of the permit fee of \$50.00:

Chubby's Park Deli	83 Main Street	Akron, NY	\$50.00
Diane's Akron House	15 Main Street	Akron, NY	\$50.00

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

PUBLIC HEARING – none scheduled

APPEARANCES – none

PUBLIC COMMENT – Residents Janet and Robert Lewis from Buell Street, Karen and Art Scheitheir from Buell Street and Ron and Donna Hatcher representing Wilbur Brackett from Chestnut Street came before the Board to discuss the sidewalk notices they received from the Village Code Enforcement Officer. Mr. Lewis stated that they received Violation Notices regarding the absence of sidewalks on their properties where there used to be one. Mr. Lewis reported that the sidewalk on his property had been mostly missing for a very long time. He has recently removed several of the concrete pieces that were still there but were a hazard to his mower since most of the area where the sidewalks were has been covered with grass for many years. Mr. Lewis urged the Board to authorize Chestnut Street as a “sidewalk on only one side” street. Mr. Lewis presented the Board a graphic report showing the many other streets in the Village that have “no sidewalk” or “one side of the street sidewalks”.

Mayor Patterson stated that the Board will discuss the situation and send recommendations to the Streets Committee for a ruling.

Resident Doug Ceisner stated that he felt the Village Employees should not receive a 3% Cost of Living Increase due to the fact that he did not receive an increase in his Social Security Check. Mayor Patterson stated that the Village has an employee contract in place this year but will be re-negotiating a new contract next year. Mr. Ceisner also wanted to know why the Water Quality Report from 2009 was not on the website yet and requested that the Village Board agenda be on the website as well. Lastly, Mr. Ceisner would like Erie County to contemplate repairing the very busy East Avenue before they repair the seldom used Brooklyn Street Bridge.

PROJECT REPORTS –

State Street Bridge – At this point the information is posted on the GBNTR (Greater Buffalo & Niagara Transportation Region) website for a 20 day comment period after which the DOT will initiate a project proposal.

Joint Facility – Bid Openings for the project will be opened next week at the Town of Newstead.

Trustee Forrestel visited the site and wanted to commend the Public Works employees on the site preparation.

Trustee Capan wanted to remind everyone that the Compost Site is still located at the Clarence Center Road site every Saturday from 9:00 am – 12:00 pm through November 13, 2010.

MONTHLY REPORTS –

Departments –

VRI Environmental Services – Ken Scherrieble reported that the sludge pumps are working well and the flow is good. Mr. Scherrieble stated that the drive systems went down and the old plunger pumps were taken out and the Village should check into selling them. Painting, glass replacement and mowing have been on-going projects.

Code Enforcement Officer – Discussion was held regarding the Violation Notice procedure and the importance of having a paper trail for the records. Mr. Folger also discussed the need to revise the Village Fence Code. Maintenance of fence, property line rules, height variations as well as “good side/bad side” are some of the issues needing to be updated or added.

Mr. Folger also distributed to the Board the Comparison Plumbing Fees report for their review.

Mr. Folger stated that he will be attending court for the Hyder Court Case this week.

Lastly, Mr. Folger discussed the new lead paint regulations and reported that the Village will not have to enforce them. Brochures with the legal requirements are available in the Village office.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – Nothing new to report

Trustee Middaugh – reported a last minute funding from the CDBG program for the Marshall Avenue waterline replacement, storm sewer rehab and street construction from John Street to Eckerson Avenue. Based on a proposal submitted by Village Engineer Paul Bowers, task order #8 under the Public Works Master Agreement will be prepared for execution.

Mayor Patterson – reported that he will be attending the Village Officials Association Meeting this Thursday and the Association of Erie County Governments meeting next Thursday at the Akron House.

Trustee Forrestel – reported that the Human Resource Committee will be holding a meeting to discuss the pending retirement of several Village employees.

Trustee Wittlinger – reported that the Fire and Police Committee will be holding a meeting to discuss the impending retirement of Officer Robert Farrington.

OLD BUSINESS

Mitigation of Murder Creek – A Public Meeting for the Homeowners and Businesses along the creek will be scheduled for a date in June 2010.

Village Court – The contract has been awarded for the Town Court addition project and the Town Court offices will move into the Village Hall during construction.

Code Enforcement Officer – The Human Resource Committee will be meeting with Code Enforcement Officer Donnal Folger this week.

Akron Mobile Home Park –Village Engineer Paul Bowers will draft a strategy for the project.

Akron Airport Drainage – nothing new to report

NEW BUSINESS –

RESOLUTION duly moved by Forrestel and seconded by Wittlinger authorizing Mayor Carl Patterson to sign the Tax Warrant for the tax year 2010-2011 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

RESOLUTION duly moved by Forrestel and seconded by Capan authorizing the June 12th Annual Sidewalk Sale Banner be allowed to hang across Main Street 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

RESOLUTION duly moved by Middaugh and seconded by Capan authorizing Clerk-Treasurer Daniel Borchert to attend the Cornell Municipal Clerks Institute at Cornell University from July 18, 2010 – July 22, 2010 at a cost of \$775.00 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

RESOLUTION duly moved by Wittlinger and seconded by Middaugh releasing to Daniel Miller and Keilka Salsbury, 4 Stoneridge Lane, Akron, NY 14001 all that right title and interest in an easement for a water line which crosses a portion of the following described lands:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of Akron, Town of Newstead, County of Erie, and state of New York being part of lot number 42, township 12, range 5 of the Holland Land Company's Survey and further distinguished as subdivision lot number 8 as shown on a map entitled "Stoneridge Subdivision" filed in the Erie County Clerks Office under cover number 2543.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD, the above granted premises unto the said parties of the second part, their heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written

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 Forrestel and seconded by Capan to allow Superintendent Robert Kowalik to attend the Annual NYMPA Meeting in Syracuse, NY from May 26, 2010 to May 27, 2010 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 –

Complaint from Mike and Mary Charles of 146 East Avenue regarding deer invading yard

Letter from Rattles to Reading child Care, Inc. regarding their concerns with air traffic at the Akron Airport

Letter from Time Warner Cable regarding soon to be expiring channel agreements

Rural Transit Service May 2010 Volunteer newsletter

New York State Department of State Training for local Planning and Zoning Boards Wednesday, June 16, 2010 from 5:00 pm – 9:30 pm at Niagara County Community College

Erie County Department of Health Lead Training for Code Enforcement Officers Tuesday June 8, 2010 from 1:00 pm – 4:00 pm at the Erie County Fire Training Center.

PUBLIC COMMENT – Resident Doug Ceisner recommended that East Avenue should be redone instead of Brooklyn Street Bridge and that the Mayor should discuss this at the upcoming Erie County Associates Meeting. Mr. Ceisner also wanted to know where the new storm drainage rehab would empty out to for the Marshall Avenue waterline replacement, storm sewer rehab and street reconstruction project. Superintendent Kowalik stated that he would tie into a source available in that area.

On motion of Forrestel, seconded by Capan, at 8:47 p.m., this meeting was ADJOURNED.

MAYOR

DEPUTY CLERK-TREASURER