

May 18, 2009

A REGULAR MEETING of the Akron Village Board was held on this date at 7:30 PM Present: Mayor Carl E. Patterson; Trustees E. Peter Forrestel, Michael R. Middaugh, Kathryn A. Capan and Brian D. Wittlinger; Attorney Daniel D. Shonn, Clerk–Treasurer Daniel P. Borchert, Chief Richard Lauricella, Code Enforcement Officer Donnal Folger and Superintendent Robert Kowalik.

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

RESOLUTION duly moved by Capan seconded by Wittlinger, that the Minutes of the Regular Meeting of May 4, 2009 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 Middaugh, seconded by Capan 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	\$ 31,049.12
Electric Fund	\$166,771.79
Water Fund	\$ 6,278.10
Sewer Fund	\$ 21,437.39
Capital Sewer	\$ 49,059.00

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 Forrestel and seconded by Middaugh that the following building permits be and hereby are approved with the applications and approval of the Building Inspector:

John Nicander	28 Eckerson Avenue	Roof	\$25.00
Mary Kay Roberts	4 Wesley Drive	Shed	\$25.00
John Von Ohlen	36 East Avenue	Sheds	\$25.00
Daniel Borchert	60 East Avenue	Wind./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 Capan that the following building permit be and hereby is approved with the applications and approval of the Building Inspector:

Brian & Jayne Perry	12 Stoneridge Lane	Siding	\$25.00
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ADOPTED CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

Trustee Forrestel abstained from voting on the above resolution.

PUBLIC HEARING – None Scheduled

APPEARANCES – None Scheduled

PUBLIC COMMENT – Resident Doug Ceisner questioned the Board if Perry’s Ice Cream’s Plumber paid their \$40.00 Plumbers License fee. Code Enforcement Officer, Don Folger, responded that the work at Perry’s was for their refrigeration units. The Village Code requires a Plumbers License for only water or sewer work at this time. Mr. Ceisner and Chief Lauricella discussed the monthly Akron Police Reports. Lastly, Mr. Ceisner would highly recommend that the Village of Akron consolidate into the Town of Newstead and have only one government.

Resident Walter Nelson was concerned that the crosswalks throughout the Village have not been repainted. Superintendent Kowalik stated that the Public Works Department has painted the Main Street Business District crosswalks and will be completing the remaining crosswalks very soon.

PROJECT REPORTS –

State Street Bridge – nothing new to report

MONTHLY REPORTS –

Departments –

VRI – Environmental Services – Ken Scherrieble discussed the following items regarding the Sewer Plant: Will be posting Notice for the Jetting and Camera work on East Avenue. On May 29th repairs will begin on the manhole at Buffalo and John Streets. Sludge pumps have arrived and will be installed soon. Lastly, asked the Board to join a Program with OSHA at no cost, which would be beneficial at this time due to the upcoming OSHA inspection.

Code Enforcement Officer – Don Folger reported several Notices went out to residents to mow lawns, one of them has had a Notice sent for the last three years. Membership for the NYS Code Enforcement Officers at a cost of \$100.00 is due. No updates from the Akron Central School project yet. Mr. Folger has several court cases still on-going. The Annual FEMA Report regarding flood zones was completed and mailed. Finally last Wednesday Mr. Folger attended a Code Enforcement Luncheon. The topic of discussion was the role the Code Enforcement Officer had in the Flight 3407 tragedy.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – Attended the Celebration Committee meeting and noted that everything is right on track for the July 4th Celebration. Also, there is a link for information about the July 4th Celebration on the Village of Akron web-site.

Trustee Middaugh – Reported that the sidewalk at Clinton Street and Eckerson Avenue has been repaired and extended. Ditch clean-up along Skyline Drive has also been completed. Lastly, he reported that the Lions Club is responsible for 2 new park benches positioned in Russell Park and for 38 ton of pea gravel spread throughout the playground.

Mayor Patterson – Attended a meeting in the Town of Amherst where discussion was made regarding the consolidation of school districts. Also, Mayor Patterson wanted

to remind everyone that the Memorial Day Parade will begin at 9:00 a.m. Monday, May 25, 2009. Mayor Patterson questioned Akron Fire Hall Past President Don Folger if an official notice has been sent out of the announcement of the new Chief.

Trustee Forrestel – Attended a Water Wastewater Committee meeting where discussion was held regarding the timber management program. Also, Trustee Forrestel met with VRI Environmental Services Representative Ken Scherrieble to discuss the EPA grant and future projects or updates for the Sewer Plant.

Trustee Wittlinger – would like to thank the Akron Police Department for their help regarding the numerous door bell incidences in his neighborhood.

OLD BUSINESS

Inter-municipal DPW Facility – Attorney Shonn stated that the Village is very close to closing and recommended that the Village have their finances ready.

Rental Regulations – Attorney Shonn circulated the new draft and after discussion a motion was made.

RESOLUTION duly moved by Middaugh and seconded by Capan to adopt Local Law #3 for 2009 – Rental Regulations

Be it enacted by the Board to Trustees of the Village of Akron as follows:

SECTION 1: Legislative intent : The purpose of this addition to the Code of the Village of Akron is to protect the health, safety and welfare of our residents, and to protect the housing stock from deterioration.

SECTION 2: Definitions:

a. Agent: Any person who has charge, care or control of a building or part of such building in which rental dwelling units or rooming units are leased.

b. Rental Dwelling Unit: Any room or contiguous groups of rooms located within the building and forming a habitable living space which is leased.

c. Rooming Unit: Any furnished room for rent located within a building and forming a single sleeping space and is leased.

SECTION 3: Registration:

a. All owners shall register a rental dwelling having four or less rental units with the Village of Akron.

b. Such rental units existing as of the effective date of this local law shall be registered on or before June 1, 2009.

c. The owner of a new rental dwelling or dwelling newly converted to rental dwelling shall register their rental dwelling prior to allowing occupancy of any new rental unit.

SECTION 4: The owner of any dwelling unit already registered with the Village shall register within thirty (30) days after any change occurs in the registration information. A new owner of a registered dwelling shall register the dwelling within sixty (60) days of assuming ownership.

SECTION 5: Registration of rental dwellings: The Village shall maintain a registry of all rental dwellings and rental units containing the following information which shall be provided by the owner on forms available from the Code Enforcement Officer. Such information required on the forms shall be as follows:

a. Name, legal residence, address, telephone number of the owner and any agent in control of the rental dwelling. In the event that the owner or agent is not a natural person, then the owner information shall include the president, general manager, or other chief executive officer of the owner entity. Where more than one natural person has an ownership interest, the required information shall be included for each owner. The information required shall also include the address, phone number and e-mail address for the owner, agents or responsible persons who may be reached.

b. The number and type of rental units in the dwelling.

c. The address of the rental dwelling.

d. The date of birth of the owner or owners of a rental dwelling or those who seek an exemption of the filing fee required as provided under this code.

e. The employer identification number in the event that the rental dwelling is owned by a corporation.

f. If neither the address of the owner or the address of the agent in control of the premises as provided in Section "a", above, are within Erie County, the name, legal residence or other business address within Erie County of a natural person who is agent for the service of notices and orders issued under the Code of the Village of Akron and for service of process in connection of the prosecution of violations under the Code of the Village of Akron is required.

SECTION 6: Failure to Register:

a. Inaccurate or Incomplete Information: It shall be a violation of this local law for an owner or a responsible person to provide inaccurate information for the registry of rental dwellings or to failure to provide the information required herein for the registry, or fail to re-register after the expiration of the original permit. A violation of the law will be assessed on each day that the property is not registered after notice to the owner to comply, up to two hundred days. The penalty shall be assessed in the amounts of the General Penalty (Code Chapter 1, 1-14).

SECTION 7: This law shall take effect upon filing with the Secretary of State of the State of New York.

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

Mitigation of Murder Creek – nothing new to report

Main Street Speed Limit – will continue to set the speed sign out on Main Street as well as on other Village streets.

Village Court – Trustee Wittlinger will be meeting with Town Board Member Cheryl Esposito and the Village and Town Court Clerks to discuss the consolidation of the courts.

East Avenue Property – Adjacent property has been sold so at this point the East Avenue property will remain in the Village's possession.

NEW BUSINESS –

RESOLUTION duly moved by Forrestel and seconded by Wittlinger authorizing Mayor Carl Patterson to sign the Penflex, Inc. Sponsor Authorization Form for the 2008 Akron Fire Company LOSAP program 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 Capan and seconded by Middaugh to authorize Clerk-Treasurer Daniel P. Borchert to attend the 2009 NYMPA Annual Meeting on Thursday May 21, 2009 in Syracuse, NY at a cost of \$45.00 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 Forrestel and seconded by Capan authorizing Mayor Carl Patterson to sign the Tax Warrant for the tax year 2009-2010 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

Discussion was held regarding the Akron Falls Park and its unpleasant condition. A letter will be sent to Erie County Executive Chris Collins asking for support in helping to bring the Park back to its original beauty.

CORRESPONDENCE –

Thank you note from Jayne and Brian Perry regarding the cul-de-sac on Stoneridge Lane and the new street signs throughout the Village.

PUBLIC COMMENT –

Trustee Forrestel wanted to thank the DPW Department for installing the Historical sign and painting the Grant Club Pole at Buell Street and Clarence Center Road. Also a thank you goes to the Lions Club for the nice job in Russell Park with the addition of park benches and the pea gravel in the playground.

Attorney Shonn wanted to comment on resident Doug Ceisner's comments about consolidation of the Village Board and Town Board, sighting that sometimes the loss of services and personal attention does not equal the economical savings.

RESOLUTION duly moved by Forrestel and seconded by Capan authorizing the Board to go into executive session at 8:28 PM to discuss legal issues, 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 Middaugh authorizing the Board to come out of executive session at 8:52 pm, 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

On motion of Capan, seconded by Middaugh, at 8:54 PM, this meeting was
ADJOURNED.

MAYOR

CLERK-TREASURER