

May 19, 2008

A REGULAR MEETING of the Akron Village Board was held on this date at 7:39 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, and Building Inspector Donnal D. 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 Regular Meeting of May 5, 2008 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 Middaugh, seconded by Kaufman 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	\$ 35,291.32
Electric Fund	\$110,166.48
Water Fund	\$ 8,809.75
Sewer Fund	\$ 16,564.26
Capital Water	\$ 4,283.56

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

Walter Hetrick	57 Jackson Street	Roof	\$25.00
Joe Palizay	34 John Street	Fence & Deck	\$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 – None Scheduled

APPEARANCES –

PUBLIC COMMENT – Kristen Cummings from 240 East Avenue addressed the Board in regards to the convicted sex offender located on Skyline Drive. She cannot believe that the court allowed this person back in his home. Village Attorney Daniel D. Shonn addressed her concerns on the legal process for such a case. He also noted that Trustee Kaufman brought this

up to the Board and the Village of Akron is trying to formulate a Local Law in regards to this situation.

PROJECT REPORTS –

State Street Bridge – Nothing New

John Street Waterline Project – At the WWWC meeting this evening, Jon Cummings reported that we are still awaiting parts and valves from the supplier since they were ordered on April 21, 2008. These items are coming directly from the plant as companies are not carrying as much inventory as they used to. He hopes that the remaining supplies will be available within a week or two so they may begin the project. During the time that we have been waiting to begin the waterline project the Village was able to complete repairs to a storm drainage problem on Colony Place. That project has been completed and all parties involved happy with the results.

MONTHLY REPORTS –

Departments –

VRI Environmental Services – Ken Scherrieble from VRI reported that they are preparing the area for the capital project to construct the heated garage and covered drying beds. The sand filters will be put back on line soon for the summer. They have continued the I&I efforts with camera work, planning to do smoke testing starting in June and addressed tree root problems.

Building Inspector – Don Folger noted that he attended a seminar on pre-cast foundations. He has a court appearance on May 28th regarding the Brady, Hyder & Whitbeck cases. Trustee Middaugh inquired about lawn mowing problems around the Village.

Elected Officials

TRUSTEES – COORDINATORS

Trustee Capan – Nothing New

Trustee Middaugh – Nothing New

Mayor Patterson – Noted that he received a letter from the Newstead Library regarding the addition of a cross walk on Main Street by the Newstead Library. He also received a letter from Norma & Claire Bluhm regarding the proposed Joint Public Works Facility. He also noted that he and the Clerk-Treasurer attended the NYCOM Main Street Meeting held in Buffalo on May 15th.

Trustee Forrestel – Noted that they had a WWWC meeting earlier and he received updates on the water distribution system, water transmission plant, sewer collection system and VRI Environmental Services. It was also noted that the current moratorium is set to expire on June 30, 2008 and it is the recommendation of the committee to extend the moratorium to December 31, 2008 and round the equivalent units back up to 50. There may be a possible new industrial sewer user and discussions regarding the sewer ‘A’ Clamp.

Trustee Kaufman – Noted that the Akron Central School students in Mr. Linder’s class have completed the re-painting of the Russell Park animals and the animals were on display at this evening’s meeting.

OLD BUSINESS

Inter-municipal DPW Facility – We might see something this week.

Rental Regulations – nothing new to report

Celebration Committee – Next meeting is scheduled for May 28th.

Mitigation of Murder Creek – nothing new to report

Sex Offender Law – Village Attorney Daniel D. Shonn is working on a draft

NEW BUSINESS

RESOLUTION, duly moved by Kaufman, and seconded by Forrestel authorizing Mayor Carl E. Patterson to sign the Tax Warrant for the Village of Akron in the amount of \$809,936.71 for the Year 2008-2009 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 change the June 2, 2008 meeting starting time to 6:00 p.m. instead of 7:30 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

Discussion took place regarding Russell Park/Main Street Use Permits

RESOLUTION, duly moved by Forrestel, and seconded by Middaugh a RESOLUTION AUTHORIZING JOHN STREET WATERLINE PROJECT, VILLAGE OF AKRON, ERIE COUNTY, NEW YORK, AT AN ESTIMATED MAXIMUM COST OF \$250,000.00, AND AUTHORIZING THE ISSUANCE OF \$250,000.00 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

WHEREAS, pursuant to the proceedings hereto had and taken in accordance with the provisions of Article 4 of the Village Law, the Village Board of Trustees of the Village of Akron, Erie County, New York, has determined it to be in the public interest to construct a waterline on John Street in said Village; and

WHEREAS, it is now desired to authorize John Street Waterline Project in the Village of Akron, Erie County, New York, at an estimated cost of \$250,000.00 and authorizing the issuance of \$250,000.00 serial bonds, and to provide for the financing thereof in accordance with the aforesaid order;

NOW, THEREFORE, BE IT

RESOLVED, by the Village Board of Trustees of the Village of Akron, Erie County, New York, as follows:

Section 1. The construction of John Street Waterline Project, in the Village of Akron, Erie County, New York, at an estimated cost of \$250,000.00, and authorizing the issuance of \$250,000.00 serial bonds, in and for the Village of Akron, Erie County, New York, as more fully described in the aforesaid proceedings, is hereby authorized.

Section 2. The maximum estimated cost of such specific object or purpose is \$250,000.00 and the plan for financing thereof is \$250,000.00 by the issuance of the serial bonds of said Village hereby authorized to be issued pursuant to the provisions of the Local Finance Law. Further details pertaining to the said bonds will be prescribed in a further resolution or resolutions of this Village Board of Trustees.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and said of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Clerk-Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents and shall be sold in such manner, as may be prescribed by said Village Clerk-Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Akron, Erie County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. All the taxable real property in said Village shall be subject to the levy of ad valorem taxes without limitation as to the rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provision of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are not authorized in violation of the provisions of the Constitution.

Section 10. Upon this resolution taking effect, the same shall be published in full in the Akron Bugle, the official newspaper, together with a notice of the Village Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

CARL E. PATTERSON voting AYE

E. PETER FORRESTEL voting AYE

MICHAEL R. MIDDAUGH voting AYE

WILLIAM P. KAUFMAN voting AYE

KATHRYN A. CAPAN voting AYE

The Resolution was thereupon declared duly adopted.

CORRESPONDENCE –

Letter from the Newstead Public Library regarding placing a cross walk across Main Street at the corner of Buffalo Street

Erie County Water Authority Annual Meeting to be held on May 29, 2008.

Erie County Department of Environment & Planning Housing Program Brochures

New York Power Authority Firm Hydro Energy for June 1-30, 2008

PUBLIC COMMENT – No one wanted to speak

RESOLUTION, duly moved by Middaugh, and seconded by Kaufman authorizing the Board to go into executive session at 8:30 p.m. to discuss a subpoena, litigation and a notice of claim, be and hereby is approved.

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

RESOLUTION, duly moved by Kaufman, and seconded by Capan authorizing the Board to come out of executive session at 9:15 p.m., be and hereby is approved.

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

On motion of Kaufman, seconded by Capan, at 9:16 p.m., this meeting was ADJOURNED.

MAYOR

CLERK-TREASURER