

May 21, 2007

A WORK SESSION of the Akron Village Board was held on this date at 6:30 p.m. to discuss agenda items. Present: Mayor Carl E. Patterson, Trustees, E. Peter Forrestel, Michael R. Middaugh, and Kathryn A. Capan.

A REGULAR MEETING of the Akron Village Board was held on this date at 7:32 P.M. Present: Mayor Carl E. Patterson; Trustees Michael R. Middaugh, E. Peter Forrestel, and Kathryn A. Capan; Village Attorney Daniel D. Shonn, Esq. and VRI Representative Ken Scherrieble.

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

RESOLUTION, duly moved by Middaugh, seconded by Capan, that the Minutes of the Regular Meeting of May 7, 2007 and Special Meetings of April 18th, 19th, 23rd, 24th and May 1st, 2007 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

RESOLUTION, duly moved by Forrestel, 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:

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| General Fund | \$76,147.05 |
| Electric Fund | \$182,578.44 |
| Water Fund | \$ 5,171.97 |
| Sewer Fund | \$11,295.81 |
| Capital Sewer | \$ 2,721.40 |

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

RESOLUTION, duly moved by Middaugh, seconded by Patterson, that the following building permits be and hereby are approved with the applications and approval of the Building Inspector:

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|-----------------|-------------------|------|---------|
| Glen Pafk | 7 Danita Drive | Roof | \$25.00 |
| Rick Bridger | 48 Hoag Avenue | Roof | \$25.00 |
| Richard C. Long | 33 Clinton Street | Shed | \$25.00 |
| James Rossi | 15 Morgan Street | Roof | \$25.00 |
| Mr. & Mrs. Bell | 211 East Avenue | Roof | \$25.00 |

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

Superintendent Robert Kowalik entered the meeting at 7:35 p.m.

PUBLIC HEARING – was held at this time to hear any and all persons for the purpose of Amending Local Law #4 of 2006 of the Code of the Village of Akron (Moratorium on permits) which will increase the equivalent number of residential units which can be added to the inflow of the Village waste water system from 35 to 50 and to allow the Village board to make further changes to the number of equivalent units by resolution so long as the waste water treatment plant meets certain criteria under its NYS DEC SPEDES permit. Village Clerk-Treasurer Daniel P. Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. Trustee Peter E. Forrestel wanted to reflect the fact that the Sewer Plant is operating within its limits, therefore, DEC approved an increase to the allowable units. Doug Ceisner from 100 East Avenue appeared before the Board to ask why sewer service is offered to Businesses outside the Village and not to tax payers in the Village. Pam Overfield appeared before the Board to ask how many units are left for sewer hook-up for she is currently finalizing her plans for a new build in the Village. Resident Patricia Fiorella questioned the Board as to whether she could hook-up to the Village sewer system. The Board responded that the tax payers do not pay for the Sewer System, the users pay for it. There are 33 units left for hook-ups and will increase to 50 when the resolution passes and lastly the Residents are responsible financially for any hook-up to the sewer line.

RESOLUTION, duly moved by Forrestel, seconded by Capan that the Public Hearing with regard to the amendment of Local Law #4 for 2006, be and hereby is closed at 7:54 p.m.

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

RESOLUTION, duly moved by Forrestel, seconded by Middaugh to adopt the Local Law #4 for 2007 amending Local Law #4 for 2006 of the Code of the Village of Akron (Moratorium on permits) which will increase the equivalent number of residential units which can be added to the inflow of the Village waste water system from 35 to 50 and to allow the Village board to make further changes to the number of equivalent units by resolution so long as the waste water treatment plants meets certain criteria under its NYS DEC permit.

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

RESOLUTION, duly moved by Forrestel, seconded by Capan to extend the moratorium on building permits to December 31, 2007.

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

PUBLIC HEARING – was held at this time to hear any and all persons for the purpose of addressing Local Law #5 for 2007 to amend Section 117 of the Code of the Village of Akron to add an exception which would allow the outdoor storage of operable motor vehicles under certain conditions in I-1 and I-2 zones. Village Clerk-Treasurer Daniel P. Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. Resident Doug Ceisner asked the Board the reason for this law. Village Attorney Daniel D. Shonn explained that the Village had established the law for the Residential zone and needed to amend the law to address the Industrial zones of the Village. It has been noted that there are certain industrial zoned properties that use unlicensed vehicles as “yard trucks” to move equipment around their facilities and the current law as it states does not take these into consideration.

RESOLUTION, duly moved Middaugh, and seconded by Capan that the Public Hearing with regard to the Local Law #5 for 2007, be and hereby is closed at 8:01 p.m.

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

RESOLUTION, duly moved by Forrestel, seconded by Capan to adopt Local Law #5 for 2007 amending Section 117 outdoor storage of operable motor vehicles under certain conditions in I-1 and I-2 zones.

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

APPEARANCES – Mark Rouse, Staff Pastor, at the Akron Free Methodist Church came to ask permission of the Village Board to hold a Family Day in Russell Park. The day would begin with a Church service from 10 – 11 a.m. in the gazebo followed by a free lunch with dessert along with activities such as a couple of bounce houses, face painting, etc from 11 – 2 p.m. Mayor Carl E. Patterson asked Mr. Rouse to complete an outline of Family Day and send to the Board for their review. Village Clerk-Treasurer Daniel P. Borchert also suggested that Mr. Rouse, upon approval of Family Day in the Park, should contact Dig Safely New York before staking the bounce houses.

Keith Hawes and Gary Baehr from the Akron Fire Company appeared before the Board to follow up with the Annual Year End Report. Mr. Hawes gave an overview of the report which included 604 calls this year and ideas for future fund raisers. Mr. Hawes stated that the Akron Fire Company would like to continue working closely with the Village to keep a steady flow of communication. Mayor Carl Patterson suggested that quarterly meetings be arranged between the Akron Fire Company and the Village Board. Both Trustees Middaugh and Forrestel agreed and would like the Fire Company to make a list of areas to cover.

PUBLIC COMMENT – No one appeared to speak.

PROJECT REPORTS –

Washington/Liberty Streets Waterline Replacement Project – Superintendent Robert Kowalik advised the Board that the project is almost finished with a few sidewalk blocks to complete.

MONTHLY REPORTS –

Departments

VRI – Ken Scherrieble reviewed the April 2007 sewer operations. He stated that smoke testing will be conducted in June. The testing will be done in sections and Residents will be notified with a letter before the procedure begins.

Building Inspector – Reminded the Board that he will be attending the 2007 Final Action Hearings with the ICC in Rochester for Building Inspectors on May 22, 2007.

Mr. Folger attended the Planning Board Meeting on May 15, 2007 where he received updated plans for the Akron Village Commons (Patio Home Project). The plans include 119 homes, but still need decisions made about sidewalks, curbs, etc.

After investigation of the complaint from a Village Resident regarding a neighbor with debris from the October Storm still piled in their yard, Mr. Folger stated that the debris is wood and brush which does not break any Village codes.

Mr. Folger received a complaint for grass height from a resident and sent a Notice of Violation to the offender. The Resident has 5 days to comply with the Violation, after 5 days the Building Inspector will notify the Public Works Department who will mow the lawn and bill the Resident.

Mr. Folger updated the Board regarding the Bowling Pin Factory clean-up. The DEC has completed their clean-up of the property, which included removal of 25-30 drums of contaminates.

Trustee Middaugh asked Mr. Folger for an update on the Hyder property on John Street. Mr. Folger stated that it is up to the Judge to bring Mr. Hyder back to court.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – Nothing to report

Trustee Middaugh – Nothing to report

Mayor Patterson – Human Resource Committee and the Police Department will be looking at convenient dates for a joint meeting. Also the Drainage Committee will be meeting soon. Mayor Patterson spoke about the closing of the Crittenden Bridge and the effect it will have on the traffic in the Village. He asked Superintendent Robert Kowalik to keep him informed of any problems with the extra traffic in the Village.

Trustee Forrestel – Updated the Board about the meeting with Erie County regarding streets in the Village. He mentioned that the hole on Bloomingdale had finally been repaired. Pavement conditions on East Avenue, John Street and the Crittenden Road Bridge were other areas that were discussed at the meeting.

OLD BUSINESS

Crittenden Road Well Spill Claim – Village Attorney Daniel D. Shonn stated the research had been completed and he will have a recommendation by the end of this week.

Village Map – Nothing new to report

Inter-municipal DPW Facility – Joint Meeting with Newstead Town Board to discuss Facility is scheduled May 31, 2007 at 7:30 p.m. in the Village Hall.

Town of Pembroke Water District – Nothing new to report.

VRI Agreement – Village Attorney Daniel D. Shonn will continue to work with Ken Scherrieble to work out the details of the contract.

NEW BUSINESS

RESOLUTION, duly moved by Middaugh, seconded by Capan to adopt a \$50.00 permit fee and a minimum \$150.00 fee for the Village Engineer Review for the excavation, fill, pond, or soil removal based on the recommendation of the Building Inspector associated with Local Law #2.

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| ADOPTED | CARL E. PATTERSON | - AYE |
| | E. PETER FORRESTEL | - AYE |
| | MICHAEL R. MIDDAGH | - AYE |
| | KATHRYN A. CAPAN | - AYE |

RESOLUTION, duly moved by Patterson, seconded by Forrestel to increase the current fee of providing a Tax Certificate from \$6.00 to \$10.00 per parcel effective May 22, 2007 based on the recommendation of the Clerk Treasurer after completing a survey of all other villages in Erie County.

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

RESOLUTION, duly moved by Middaugh, seconded by Patterson to allow Village Clerk-Treasurer Daniel P. Borchert to attend the Masters Program of the Cornell Municipal Clerks Institute from July 22 – 26, 2007 at a cost of \$625.00 plus travel cost.

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

RESOLUTION, duly moved by Forrestel, seconded by Capan authorizing Mayor Carl Patterson to sign the Tax Warrant for the Village of Akron for the year 2007- 2008.

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

RESOLUTION, duly moved by Middaugh, seconded by Forrestel on recommendation of Village Justice Dennis Freeman in support of the 300 year tradition of non-lawyer or lay Justices presiding in Village Courts.

WHEREAS, there has recently been negative press coverage by the New York Times and some local papers within Erie County suggesting that the Village court system is flawed and more specifically, alleging that the three hundred (300) year tradition of non-lawyer judges presiding over and within the local municipalities should be eliminated; and

WHEREAS, there has always been a Village Court within the Village of Akron, conveniently located and accessible to our citizens; and

WHEREAS, there is one (1) Village Judgeship established within the Village of Akron; and

WHEREAS, there is presently one (1) non-attorney Village Justice and zero (0) attorney Village Justices within the Village of Akron; and

WHEREAS, with their civil and criminal jurisdiction, the Village Justices in the Village of Akron handled many hundreds of cases in the past year; and

WHEREAS, the Village Court of Akron in the past year collected \$34,987.93 in statutory fines, fees and surcharges on behalf of the State of New York, the County of Erie and the Village of Akron, to help fund essential public services; and

WHEREAS, the Village Board of Akron recognizes and appreciates the professionalism, diligence, intelligence and integrity of the non-attorney or lay justices within our Village who bring a specialized experience to the bench particularly with issues unique to our community who elected them; and

Now, therefore, be it:

RESOLVED, that the members of the Village Board of Akron support the continuation of the three hundred year tradition of non-lawyer or lay justices presiding in Village Courts, and it is further;

RESOLVED, that the members of the Village Board of Akron hereby oppose any requirement that Village Justices be attorneys, and it is further;

RESOLVED, that the members of the Village Board of Akron opposes any efforts to eliminate local and convenient access to justice by our citizens; and find that the local presence of the Village Court of Akron provides a meaningful and necessary presence within our community for judicial resolution of conflicts, continued public safety of our citizens and the protection of constitutional guarantees for all of our citizens.

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

CORRESPONDENCE

Received cover letter and resume from Donald Goodwill applying for the alternate member of the Planning Board.

Received Certificate and notice from Erie County of highway restrictions regarding the Crittenden Road Bridge over Murder Creek.

Ronald Hake supplied a cover letter and resume applying for the alternate member of the Zoning Board of Appeals.

Letter from the Akron Celebration Committee regarding the "Rockin'-n-Rollin' Around the Park" 2007 July 4th Festival.

Received a letter from a resident and an employee of the Cornell Cooperative Extension regarding the Shade Tree Rebate Program. He is concerned with the selection of a few of the trees listed.

RESOLUTION, duly moved by Patterson, and seconded by Middaugh, authorizing the Board to go into executive session at 8:52 pm to discuss the Collective Bargaining Agreement, be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
WILLIAM P. KAUFMAN - AYE

RESOLUTION, duly moved by Patterson, and seconded by Middaugh, authorizing the Board to come out of executive session at 9:31 p.m., be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
WILLIAM P. KAUFMAN - AYE

On motion of Forrestel, seconded by Patterson, at 9:32 P.M., this meeting was ADJOURNED.

MAYOR

CLERK-TREASURER