

June 21, 2010

A REGULAR MEETING of the Akron Village Board was held on this date at 7:34 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, Superintendent Robert Kowalik and Code Enforcement Officer Donnal Folger.

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

RESOLUTION duly moved by Capan seconded by Middaugh, that the Minutes of the Regular Meeting of June 7, 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 Forrestel 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	\$ 89,392.46
Electric Fund	\$113,895.69
Water Fund	\$ 22,007.82
Sewer Fund	\$ 15,550.54
Capital Street	\$ 38,753.60

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

Eleanor Musial	93 Buell Street	Roof	\$25.00
Kelkenberg Homes	60 Jackson Street	New Home	\$1205.00
Roger Brewer	77 John Street	Roof	\$25.00
Kelly Stenshorn	9 John Street	Fence	\$18.00
Roger Brewer	77 John Street	Pool	\$18.00
Whiting Door Mfg.	113 Cedar Street	Rear Addition	\$82.00
Michael Bassanello	73 Main Street	Rear Deck	\$50.00

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 building permit be and hereby is approved with the applications and approval of the Code Enforcement Officer and the permit fee waived due to community service:

Akron Fire Company 1 Main Street

Sign

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 scheduled

PUBLIC COMMENT –

PROJECT REPORTS – Resident Doug Ceisner thanked the girls in the Village Office for putting the agenda and minutes on the Website. Mr. Ceisner asked if the property on 73 Main Street was in the flood plain and if putting the deck on the back of the building located there would disturb the dirt in that area. Code Enforcement Officer Folger stated the area where the deck will be placed is not in the flood plain and holes were dug for the support beams for the deck which did not disturb the dirt significantly. Lastly, Mr. Ceisner asked the Board about the truck parking on the grass in front of 2 Buell Street. Attorney Shonn stated the truck may be parked in the State of New York’s right of way. Attorney Shonn stated that the Village needs a resolution about parking in the Village because 2 Buell Street is not the only trouble area in the Village. He will forward recommendations to the Streets, Parks and Community Relations Committee as soon as possible.

Resident Walter Nelson wanted to give a “tip of the hat” to the Open House at the Water Plant and to the idea of the Farmers Market in Russell Park. Mr. Nelson also questioned the Board about the reason several customers such as The Town of Darien and Darien Lake terminated their water service with the Village. Attorney Shonn stated that several customers such as Town of Darien went with Genesee County because they have the exclusive rights to supply water just as Erie County has exclusive rights to the Town of Newstead customers. The Village had no choice in the matter.

State Street Bridge – Superintendent Kowalik reported that the funding for the bridge reconstruction will be approximately two years out, with construction starting in the year 2015. On July 7, 2010, Superintendent Kowalik and Village Engineer Paul Bowers will be attending a meeting with the NYSDOT to discuss the project.

Joint Facility – Superintendent Kowalik reported that site work is continuing. A few project contracts are still waiting to be signed but should be completed by the end of the week. Hopefully the foundation work will begin by the first or second week of July.

The Village of Akron and Town of Newstead have entered into an Inter-municipal Agreement to construct a joint public works facility. In order for the agreement to properly function and for the purposes of financing the Village must transfer a one half interest in the land it presently owns at the Clarence Center joint facility site to the Town of Newstead.

RESOLUTION duly moved by Forrestel and seconded by Middaugh authorizing the Mayor to sign a deed and associated documents to convey a one-half interest in the real property described at Liber 5741 deeds page 577 Erie County Clerk’s Office to the Town of Newstead 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 Mayor to sign the annexation of 22 acres on Clarence Center Road, site of the Joint Facility, into the Village of Akron 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

CDBG Project – Marshall Avenue – a new report from the CDBG states that the funding for Marshall Avenue will not be available to the Village of Akron this year after all. Discussion was held on possibly completing the waterline of the project this year in hopes that the rest of the project would be covered by the CDBG grant program next year.

MONTHLY REPORTS –

Departments –

VRI Environmental Services – Ken Scherrieble reported that the sand filters are up and running. In the beginning of June rain fall was rather high and the plant handled it well with no by-pass necessary. Mr. Scherrieble reported that the Water Wastewater Committee met this evening and discussed future capital projects.

Code Enforcement Officer – Mr. Folger informed the Board that he will have the Plumbers License application and exam ready for the July 12, 2010 Village Board meeting. Mr. Folger also stated that he has sent out Notices of Violation by Certified mail to the following for junk/refuse violations: 37 Cedar Street, 44 Cedar Street and 24 Parkview Drive and asked the Board when they wanted to hold a Public Hearing. After discussion the Board decided that the Public Hearings will be held at the Village Board meeting scheduled for July 12, 2010. Mr. Folger reported going to the class about the removal of Lead based paint from residential homes. He stated that in the future commercial and industrial sites will have new regulations as well. Notices of Violation for grass height were sent out for properties located at: 4 John Street, 54 Eckerson Avenue and 4 Townsend Street. Mr. Folger will be attending Village Court this week for the Hyder Case.

Trustee Capan asked Mr. Folger if he has heard any complaints about the Bottle Recycling Center on Cedar Street and if there is any way the bottles can be cleaned up. Mr. Folger stated that the Recycling Center is doing far better than expected and may move to a larger site in the future, but reported no complaints as of today.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – Discussed the July 4th celebration and informed the Board that the carnival rides will not be part of the celebration this year, therefore, the streets will not need to be blocked as in years past. Friday, July 2nd is the scheduled date for the fireworks display with Monday, July 5 as the rain date.

Trustee Capan asked Superintendent Kowalik if the Village Hall could be weeded and mowed nicely for the upcoming celebration.

Trustee Middaugh – reported that the Streets, Parks and Community Relations Committee met and discussed the CHIPS program where Skyline Drive, Jackson Street and Knapp Road will be resurfaced using CHIPS dollars. Also Trustee Middaugh reported that the Lions Club repainted the Shelter in Russell Park. They also sanded down the shelter countertop and repainted it as well. Trustee Middaugh extended a Thank You to the Lions Club for job well done.

Mayor Patterson – reported a super turn out for the Open house at the Water Plant held June 12, 2010. Over 100 residents toured the Plant and were treated to hot dogs, homemade cookies and cold beverages. Great job to all involved.

Trustee Forrestel – met with the Water Wastewater Committee this evening. The Committee discussed issues such as: water plant operations, timber management, spill way repairs, wastewater treatment plant sludge, mercury waste from dental offices and

finally the Sewer Moratorium. The committee recommended extending the Moratorium with 50 units until December 31, 2010.

Background:

At a meeting of the Village Board on June 21, 2010, the Village Board extended the moratorium originally adopted as Local Law 2005-1 to December 31, 2010. Based on the discussions with the New York State DEC and in the opinion of representatives of VRI Environmental Services, operators of the treatment plant, the Board has amended on this date, the original moratorium to include the equivalent of fifty (50) residential units on a rolling basis so long as the waste water treatment plant remains in compliance with DEC permits. The Board has reviewed the monthly operation reports provided by VRI and finds that there continues to be significant improvement in plant performance. These reports also show there are concerns with continuing compliance in high inflow events and that the Village continues to improve on reducing infiltration by grouting and smoke testing.

RESOLUTION duly moved by Forrestel and seconded by Middaugh that the present moratorium as described by local law 2005-1 as amended be extended until December 31, 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

Trustee Wittlinger – wanted to thank Village Attorney Don Shonn and his wife Mary Jane for the lovely flower planting and gardening work done at John Street and Bloomingdale Avenue.

OLD BUSINESS

Mitigation of Murder Creek – Public Hearing was held last week with residents and business owners with a fairly decent turn out.

Village Court – The Committee will have a meeting on June 30, 2010 and will hopefully receive more information regarding the start date of construction and the date that the Town Court will move over to the Village Court.

Code Enforcement Officer – The Board and the Village Attorney will look over the contract and proceed to approve at the next scheduled Village Board Meeting July 12, 2010.

Akron Mobile Home Park – Discussion was held on the next step for this project. Superintendent Kowalik will invite Village Engineer Paul Bowers to the next scheduled Village Board work session on July 12, 2010 to obtain more information.

RESOLUTION duly moved by Middaugh and seconded by Capan to adopt the New York State and Local Employees Retirement System Standard Work Day and Reporting Resolution for Elected and Appointed Officials 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

2010 New York State Early Retirement Incentive Program - Mayor Patterson will have Clerk-Treasurer Borchert present the incentive program to the Board.

NEW BUSINESS –

RESOLUTION duly moved by Forrestel and seconded by Wittlinger approving the volunteer firefighter Service Award Program list of all 2009 active volunteer firefighters of the Akron Fire Department 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 Police coverage for the Akron Central School 2010 Home Varsity Football games, 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 –

Letter from NYSACVC Scholarship Chairperson informing that Clerk-Treasurer Daniel Borchert has received a \$300.00 Scholarship to attend the Cornell Municipal Clerk's Institute

Official letter from Officer Robert Farrington that he will be officially retired on Thursday July 15, 2010

Notification by Erie County regarding the possible reconstruction of Erie County roads such as Bloomingdale Avenue, John Street and East Avenue if the Village is willing to take ownership.

PUBLIC COMMENT – Resident Doug Ceisner asked the Board the cost of hauling sludge from the sewer plant. VRI Representative Ken Scherrieble stated that with the addition of the new drying bed the Sewer Plant has not had to haul sludge in over a year, but this year the plant will eventually have to haul sludge at an approximate rate of \$45.00 to \$75.00 per ton. Mr. Ceisner inquired where Darien Lake receives their water. Attorney Shonn stated that Darien Lake goes through Monroe County Water Authority for their water supply.

On motion of Capan, seconded by Middaugh, at 8:55 p.m., this meeting was ADJOURNED.

MAYOR

DEPUTY CLERK-TREASURER