

July 6, 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, 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 Forrestel seconded by Middaugh, that the Minutes of the Regular Meeting of June 15, 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 Wittlinger 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	\$ 16,589.56
Electric Fund	\$ 40,675.88
Water Fund	\$ 45,456.76
Sewer Fund	\$ 20,207.68
Capital Sewer	\$ 17,640.00

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 Capan that the following building permits be and hereby are approved with the applications and approval of the Building Inspector:

Jodie Johnson	13 Sylvan Pkwy	Pool/Deck	\$18.00
Ronald Lobur	29 Clinton Street	Shed	\$25.00
Leonard Rosowicz	35 Parkview Drive	Pool	\$18.00
Timothy Shepp	79 Buell Street	Windows	\$25.00
William Michel	86 Cedar Street	Roof	\$25.00
Leo Tinney	23 Parkview Drive	Roof	\$25.00
Richard Budde	116 East Avenue	Roof	\$25.00
William Stearns	60 Parkview Drive	Pool	\$18.00

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

PUBLIC HEARING – was held at this time to hear any and all persons for the purpose of addressing the Local Law #4 for 2009 - Sex Offender Registration Acts – Article 2. The proof of publication was read and Mayor Patterson asked if anyone in attendance wished to speak. No one appeared to speak. Attorney Shonn explained that

this Law is an extension of the State Megan's Law and designed to fill certain gaps in the State Law as well as to provide protection for the residents of the Village. The Village Law would bar any registered sex offender from living within 1500 feet of any school, park, playground, recreation center, or day care facility within the Village of Akron.

RESOLUTION duly moved by Middaugh and seconded by Wittlinger that the Public Hearing with regard to the Local Law #4 for 2009 – Sex Offender Registration Acts-Article 2 be and hereby is closed at 7:45 p.m.

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 adopt Local Law #4 for 2009 – Sex Offender Registration Acts – Article 2

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

ARTICLE 2: Legislative findings: The Village of Akron Board of Trustee's finds that one of its highest priorities for local government is the protection of the health and safety of its citizens. The Village has been advised that a convicted sex offender resides within the Village of Akron. Sex offenders are required to register under Article 6-C of the Corrections Law of the State of New York (known as Megan's Law).

The Village finds that the protection of victims and potential victims of sex offenders is a matter of unique local concern not fully and adequately addressed in State law.

The Village of Akron has not assessed and cannot assess the risk of recidivism of any particular sex offender or class of sex offenders and has made no determination of the dangers of a particular sex offender or class of offenders. The Board finds that this local law is remedial in nature and designed to fill certain gaps in State law as well as to provide protections for the residents of the Village.

The Board finds that this local law to be narrowly tailored to fulfill the compelling interest of the safety of its citizens, especially children.

Definitions:

a. School: A licensed or accredited public, charter, private or religious school that offers instructions to students in pre-school through any grade up to and including 12.

b. Sex offender: Shall have the same meaning as the terms defined in Section 168-A Subdivision 1 of the Corrections Law of the State of New York or as it might be later amended and defined.

c. Sex Offense: Shall have the same meaning as the term as defined in Section 168-A Subdivision 2 of the Corrections Law of the State of New York.

SECTION 1: Restrictions Established: No person over the age of 18 years who has been convicted of a violation of sexual offense upon a child age 16 years or under as defined by the New York State Penal Law which would require that the individual register as a sex offender under the State and/or Federal Laws, shall be permitted to reside within one thousand five hundred (1,500) feet of the real property of any school, park, play ground, recreation center, or day care facility within the Village of Akron, unless such residence has been assigned by a supervised release program which provides for close supervision of the sex offender's daily activity or residency or the residency of the sex offender was established prior to the enactment of this article.

SECTION 2: (Savings Clause):

SECTION 3: (Effective date upon the filing of this local law).

SECTION 4: 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

APPEARANCES – None Scheduled

PUBLIC COMMENT – Resident Doug Ceisner stated that he did not receive the information regarding the loss of one million dollars of assessments in the Village. He also asked Clerk-Treasurer Borchert for a total cost to run the Village and is still waiting for the report. Mr. Ceisner questioned the Board why other business was conducted during the special meeting where a public hearing was held for the 2009 Budget. Lastly, he questioned Chief Lauricella about the Police Department annual report.

Resident Walter Nelson wanted to thank the Department of Public Works for painting the crosswalks in the Village. Mr. Nelson added that in 2008 the Akron Electric Department wanted to replace the electric pole located in his backyard located on John Street. Instead of disturbing Mrs. Nelson's garden, the DPW decided to postpone the replacement until after the harvest. Since then another planting season has come and still the pole has not been replaced. The Nelson Family decided to forego their planting this year and the addition of a screened house in anticipation of the pole replacement. He simply asked if an arrangement could be made to finally complete the replacement, so they could complete their plans. Superintendent Kowalik stated that he would make an appointment to schedule the pole replacement as soon as possible. Mr. Nelson also appealed to the Board to write a letter to New York State Senator Michael Ranzenhofer on behalf of the Village residents urging him to help reconcile issues and get back to running the State. Attorney Don Shonn agreed that a letter would be a good idea.

RESOLUTION duly moved by Forrestel and seconded by Capan authorizing Mayor Carl Patterson to send a letter on behalf of the Akron Village Residents to New York State Senator Michael Ranzenhofer urging him to help settle the conflicts in Albany so the Legislators can get back to running the State 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

A Brooklyn resident came before the Board as a spokesperson for her neighborhood regarding the car that is parked in front of 2 Buell Street. She claimed that the parked car was an accident waiting to happen and asked the Board if they could please notify owner to remove it. Mayor Patterson reminded the Board that this has been an ongoing problem for several weeks and every effort has been made to remove the car. The car is owned by the residents at 2 Buell Street who have had several complaints against them such as: parking on Buell Street, fireworks, firearms, open-burning, and dog issues. The NYSDOT had previously approved a no-parking posting, but unfortunately, the signs were posted in the wrong area; consequently the State removed them instead of correctly posting them. Chief Lauricella has recently left messages with the NYSDOT to replace the signs so that the Buell Street parking issue can be resolved.

PROJECT REPORTS –

State Street Bridge – The Village Board instructed Village Engineers Wm. Schutt & Associates to proceed with applying for construction permits to rehabilitate the State

Street Bridge with each permit lasting for 4 -5 years, also to do preliminary engineering work not to exceed \$4,315.00 for repairing the bridge.

RESOLUTION duly moved by Forrestel and seconded by Middaugh to accept the proposal from Wm. Schutt & Associates to apply for construction permits and preliminary engineering work for State Street Bridge project not to exceed \$4315.00 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

MONTHLY REPORTS –

Departments –

Attorney – reported the closing of the joint facility property. On that note, Superintendent Kowalik reported that Stantec Architecture, Inc. sent two representatives to familiarize themselves with the wants and needs of the DPW for the new facility.

Clerk-Treasurer – The Board received the Clerk’s report for June 2009, together with the July 2009 office schedule. Clerk-Treasurer Borchert was absent this evening.

Chief of Police – The Board received the Police Report for June 2009, along with a schedule for July 2009. Chief Lauricella reported that the July 4th Celebration went well. Performed car maintenance on car 91.

Supt. of Public Works – The Board received copies of Superintendent Kowalik’s June 2009 report. Reported that paving of Shepard Avenue and Westgate Avenue is scheduled next week weather permitting using the CHIPS funding.

VRI – Environmental Services - Ken Scherrieble reported above average amount of rain fall last few months but still fell within permit range. Installed a new post air blower and air distribution system in the contact tank to improve numbers. Lastly, reported that the sand filters are now in operation for the summer.

Code Enforcement Officer – Mr. Folger stated the following: Working on the Rental Regulations Mailing, Lawn at 54 Eckerson was mowed and paid for by the Village with the expense added to the property owner’s taxes, Lawn and debris at 42 Marshall has been cleaned up by the Wells Fargo Bank which currently has possession of the property, Judge Freeman gave Mr. Hyder until September to finish electrical work on a property involved in a Court Case. Trustee Middaugh questioned Mr. Folger if the Health Department responded to the concerns regarding 54 Eckerson Avenue. Mr. Folger responded that there has been no contact from the Health Department. Discussion was held regarding our current Plumbers License procedure in regards to correspondence from Wm. Schutt & Associates.

Elected Officials –

JUSTICE COURT REPORT – Board received the monthly report from June 2009.

TRUSTEES – COORDINATORS

Trustee Capan – reported that she will have an updated report on the July 4th Celebration at the next Village Board meeting scheduled August 3rd. Mayor Patterson wanted to thank Trustee Capan and DPW employee Sydnee Shepard for there participation on the Celebration Committee.

Trustee Middaugh – recapping that 1600 feet on Westgate Avenue and 1400 feet on Shepard Avenue will be paved using the CHIPS funding.

Mayor Patterson – nothing new to report

Trustee Forrestel – nothing new to report

Trustee Wittlinger – reported that the Village/Town Court Consolidation Committee met on June 17th. Both Justices and three Court Clerks along with Councilwoman Esposito from the Town attended. Discussion was held regarding deadline for grants.

OLD BUSINESS

Inter-municipal DPW Facility – On June 22nd a joint workshop was held with both the Town and Village DPW's. Bids were accepted for site survey work on the Joint Facility property on Clarence Center Rd. Approval was awarded to Stantec Construction not to exceed \$14,300.00.

RESOLUTION duly moved by Forrestel and seconded by Middaugh awarding Stantec Construction the site survey work for the Joint Facility property on Clarence Center Road not to exceed \$14,300.00 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

Mitigation of Murder Creek – nothing new to report

Village Court – Committee met June 17, 2009

Ron Berry Field – nothing new to report

Police Contract – Mayor Patterson spoke with Town Supervisor Dave Cummings regarding comments of the State Police and Sheriff Department regarding Police Contract

Code Enforcement Officer – Nothing new to report

NEW BUSINESS –

Electric Pick-up Truck and Pole Trailer were sold to Genesee County Highway Department. Superintendent Kowalik recommended replacing a 2001 Service Pick-up and the 1952 Pole Trailer with the proceeds from the sale to Genesee County Highway Department.

RESOLUTION duly moved by Wittlinger and seconded by Capan to authorize the purchase of a replacement for the 2001 service pick-up truck and replacement of the 1952 Pole Trailer not to exceed the proceeds from the sale of the Electric Pick-up Truck and 1952 Pole Trailer to Genesee County Highway 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

Curfew Law - Plans to update the Village Curfew Law from 2000. Attorney Shonn will contact NYCOM and report to the Board as soon as possible.

CORRESPONDENCE –

Paul Bowers, from Wm. Schutt & Associates, P.C., thoughts regarding the Licensing of Plumbers.

New York State Department of Environmental Conservation regarding the proposed Cornerstone Sub-Division.

Time Warner Cable Monthly Franchise Letter

Jared Kramer Forest Management Services, Inc., regarding the future management of our forest at the reservoir

Erie County Department of Environment and Planning General Municipal Law Section 239-m referral to Erie County

Erie County Comptroller Mark Poloncarz regarding the 2009 Bi-Annual Mortgage Tax Distribution for Villages

June 10, 2009 article from the Rochester Democrat and Chronicle article regarding the City of Rochester's youth curfew

Letter from Mary Borden asking permission to hold a 5K Run for Emily Rose Adamczak on July 18, 2009 with the use of Russell Park for Registration from 8 a.m. – 12 p.m.

PUBLIC COMMENT – Mayor Patterson welcomed everyone to join him in a moment of silence in honor of Millard Young, a resident who was a blessing to our community.

On motion of Wittlinger, seconded by Capan, at 8:45 PM, this meeting was ADJOURNED.

MAYOR

DEPUTY CLERK-TREASURER