

July 10, 2006

A work session of the Akron Village Board was held on this date at 6:30 P.M. to discuss agenda items. Present: Mayor Ray M. Perkins, Trustees Carl E. Patterson, Michael R. Middaugh and William P. Kaufman, and Village Attorney Daniel D. Shonn, Esq.

Mayor Perkins adjourned the work session at 7:20 P.M.

A REGULAR MEETING of the Akron Village Board was held on this date at 7:30 P.M. Present: Mayor Ray M. Perkins, Trustees Carl E. Patterson, Michael R. Middaugh and William P. Kaufman, Village Attorney Daniel D. Shonn, Esq., Building Inspector Donnal D. Folger and VRI Representatives Ken Scherrieble and Doug Taylor.

Mayor Ray M. Perkins opened the regular meeting with the pledge of allegiance.

RESOLUTION, duly moved by Patterson, seconded by Kaufman, that the Minutes of the Regular Meeting of June 19th, 2006, and the Special Meeting of June 26th, 2006, be and hereby are approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	MICHAEL R. MIDDAGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Middaugh, seconded by Perkins, that the audit of bills is approved, and the Treasurer is authorized to pay same in accordance with the following abstract of audit vouchers:

General Fund	\$	14,863.76
Electric Fund	\$	20,429.48
Water Fund	\$	45,792.34
Sewer Fund	\$	12,556.32
Capital Sewer	\$	6,541.10

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	MICHAEL R. MIDDAGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

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

Darin & Denise Schultz	14 Skyline Dr.	Deck/Porch	\$10.00
Brenda Abrams	13 Wesley Dr.	2 Tool Sheds	\$20.00
Richard Bridger	48 Hoag Ave.	Siding	\$25.00
Lance & Mary Piscitelli	161 Main St.	Swimming Pool	\$25.00
Francis Dennin	1 Randy Dr.	Carport	\$25.00

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	MICHAEL R. MIDDAGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

A PUBLIC HEARING was held to hear any and all interested parties relative to Local Law #4 for the Year 2006 concerning Sidewalk Use Permits. The Clerk-Treasurer read the proof of publication and asked Village Attorney Daniel D. Shonn to briefly detail said proposed Local Law. Village Attorney Daniel D. Shonn noted that he and Trustees Forrestel and Middaugh worked on the proposed law which intends to regulate restaurants' and other businesses' use of areas owned and/or controlled by the Village, including but not limited to the rights-of-way/sidewalks along Main Street. Said local law would only affect businesses that wanted to use property owned by the Village and that it addresses concerns of the Village including liability, indemnification, naming the Village as an insured and issuance of a permit. Village Attorney Shonn further noted that the local law would set forth certain rules and regulations dealing with, among other things, permits, fees, and site plans. The Board requested that the terms of the proposed local law be amended to include the following: 1) No service of alcohol; 2) No music/No amplification; 3) Minimal lighting; 4) Hours of operation limited to between 8 A.M. to 10 P.M.; 5) Conditions kept clean, with approval of the Erie County Health Department as necessary; and 6) Term of permit from April 1st to November 1st. Further, any permit may be revoked or modified, with the affected business owner being afforded notice and an opportunity to be heard relative to modification, suspension and/or revocation. Also, the sidewalk ROW needs to remain passable, with at least 48" of unobstructed clearance. Parking spaces and alleyways also need to remain clear in light of fire safety, etc. Building Inspector Donnal D. Folger noted that the permit fee was set at \$50 and that the business will need to have \$1M in liability coverage, naming the Village of Akron as an insured. Clerk-Treasurer Daniel P. Borchert asked if anyone from the audience wished to speak. Ron Hatcher of 2 Sylvan Pkwy asked for clarification relative to Village liability. Angelo Maglio of the Akron Home Town Pastry Shoppe asked for clarification relative to outdoor seating and was told that all businesses wanting to use the Village sidewalk for business, including seating furniture will need a permit. A resident of Golden Pond Estates commented that the sidewalk cafes bring an intangible quality of community building to the Village. Don and Jean Wilson of 36 Westgate expressed their support of the sidewalk café concept, noting that it adds life to the street.

Lastly, Village Attorney Daniel D. Shonn indicated that the Local Law would become effective upon filing with the NYS Secretary of State and as such, the Board set the effective date as August 1, 2006, with the \$50 permit fee pro-rated for the 2006 season.

RESOLUTION, duly moved by Perkins, seconded by Kaufman, closing the Public Hearing at 7:55 P.M. relative to the Local Law #4 for the Year 2006 concerning sidewalk use permits, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	MICHAEL R. MIDDAGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Perkins, seconded by Patterson, issuing a negative SEQR declaration relative to Local Law #4 for the Year 2006 dealing with sidewalk use permits, be and hereby is approved by the Village Board.

ADOPTED RAY M. PERKINS - AYE
CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
WILLIAM P. KAUFMAN - AYE

RESOLUTION, duly moved by Perkins, seconded by Middaugh, adopting Local Law #4 for the Year 2006 concerning sidewalk use permits, to take effect as of 8/1/06, be and hereby is approved by the Village Board.

ADOPTED RAY M. PERKINS - AYE
CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
WILLIAM P. KAUFMAN - AYE

RESOLUTION, duly moved by Perkins, seconded by Patterson, adopting the amended Rules and Regulations associated with Local Law #4 for the Year 2006 concerning sidewalk use permits, to take effect as of 8/1/06, and with the permit fee set at \$50 per term, be and hereby is approved by the Village Board.

ADOPTED RAY M. PERKINS - AYE
CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
WILLIAM P. KAUFMAN - AYE

A PUBLIC HEARING was held to hear any and all interested parties relative to Local Law #5 for the Year 2006 concerning Sewer Moratorium Amendment to allow building permits for up to the equivalent of 35 residential units. The Clerk-Treasurer read the proof of publication and asked if anyone wished to speak. Ron Hatcher of 2 Sylvan Pkwy. asked about the status of the sewer plant. It was noted that, although Village and VRI crews have made marked improvements to the sewer plant and the Village's wastewater system, the NYSDEC was holding off judgment on lifting the building moratorium until a wet spring event occurred. However, the DEC was agreeable to increasing the number of allowable units from 10 to 35 equivalent residential units to the moratorium, as set forth in Local Law #5 for the Year 2006.

RESOLUTION, duly moved by Kaufman, seconded by Perkins, closing the Public Hearing at 8:06 P.M. relative to the Local Law #5 for the Year 2006 concerning sewer moratorium amendment to allow the equivalent of 35 residential units, be and hereby is approved by the Village Board.

ADOPTED RAY M. PERKINS - AYE
CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
WILLIAM P. KAUFMAN - AYE

RESOLUTION, duly moved by Perkins, seconded by Middaugh, adopting Local Law #5 for the Year 2006 concerning sewer moratorium amendment to allow for up to the equivalent of 35 new residential units, be and hereby is approved by the Village Board.

ADOPTED RAY M. PERKINS - AYE
CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
WILLIAM P. KAUFMAN - AYE

APPEARANCES – No one appeared before the Board to speak.

PUBLIC COMMENT – Karen Reigle-Scheitheir of 12 Buell Street inquired about the status of her building permit application. Building Inspector Donnal D. Folger noted that the prints for her proposed garage project were not to code and that he was waiting for a reply from her contractor.

Sandy Bassanello, owner of Mary's Good & Plenty asked about parking on Main Street and was told that Akron Police are supposed to be enforcing the 2 hour parking limitation on Main Street.

Ron Hatcher of 2 Sylvan Pkwy. commended DPW personnel for addressing a sewer problem along his street.

Don Wilson of 36 Westgate noted that the Russell Park Gazebo and Amphitheater are very nice, but that some steps are needed in the seating area.

Project Reports –

Washington/Liberty – Nothing new to report.

Monthly Reports –

Departments

ATTORNEYS – Village Attorney Daniel D. Shonn reported: 1) that he has made progress on the Perry's Ice Cream Village electric issue; and 2) that sewer agreements with outside Village customers are good for 3 year terms.

CLERK-TREASURER – Written report for June 2006 submitted. Clerk-Treasurer Daniel P. Borchert noted that as of June 30th, 76% of the Village property taxes had been collected by his office.

CHIEF OF POLICE – Written report for June 2006 submitted.

SUPT. OF PUBLIC WORKS – Written report for June 2006 submitted.

RESOLUTION, duly moved by Patterson, seconded by Perkins, authorizing a step increase for Philip Kreher from the hire rate to Step #1, effective as of July 23rd, 2006, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Perkins, seconded by Kaufman, allowing John Asmus, Shaun Gloss, Philip Kreher and Christopher Wargala to attend the NY Rural Water Association distribution training class on August 29, 2006 in Holley, NY at a cost of \$30 each, be and hereby is approved by the Village Board.

ADOPTED RAY M. PERKINS - AYE
CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
WILLIAM P. KAUFMAN - AYE

RESOLUTION, duly moved by Perkins, seconded by Middaugh, approving emergency repairs to be made on sewer mains as follows: 1) Franklin Street between manholes #102 & #105; 2) East Avenue between manholes #417 & #418; and 3) Crescent Drive between manholes #307 & #308, as recommended by the Water/Wastewater Committee, be and hereby is approved by the Village Board.

ADOPTED RAY M. PERKINS - AYE
CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
WILLIAM P. KAUFMAN - AYE

VRI – Written report for June 2006 submitted. VRI representative Ken Scherrieble introduced VRI's newest hire, Engineer Doug Taylor, formerly with Kodak. Mr. Scherrieble also highlighted the following: 1) unknown substance was dumped into the sewer on June 8th; 2) flow meters were installed in manholes looking for infiltration; 3) 3" rain event resulted in flows within permit level; 4) Industrial Pretreatment Permits for Perry's and ADESA are ready to go; and 5) long range planning has begun for 1,3,5 and 10 year capital improvement projects. VRI representative Doug Taylor noted that polymer additives and a sand to gravel alternative might take some of the load off the filters and be more efficient.

RESOLUTION, duly moved by Perkins, seconded by Patterson, approving the Industrial Pretreatment Permits for Perry's Ice Cream and ADESA Auto Auction, be and hereby is approved by the Village Board.

ADOPTED RAY M. PERKINS - AYE
CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
WILLIAM P. KAUFMAN - AYE

BLDG. INSPECTOR – Donnal D. Folger reported on the following: 1) Village Planning Board is meeting on July 18th, 2006; 2) 4 property owners have not moved their unlicensed vehicles; 3) he will be in court for the next two weeks re: ongoing property maintenance cases; and 4) he will follow up on complaints re: unmown grass at Main Street residence and garbage in front of Main Street restaurant.

RESOLUTION, duly moved by Perkins, seconded by Patterson, scheduling a Public Hearing on Monday, August 7, 2006 at 7:30 P.M. relative to four (4) property owners with unlicensed vehicles remaining on their respective Village properties, be and hereby is approved by the Village Board.

ADOPTED RAY M. PERKINS - AYE
CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
WILLIAM P. KAUFMAN - AYE

Elected Officials

JUSTICE COURT – Written report for June 2006 submitted.

TRUSTEES – COORDINATORS

Trustee Middaugh – Reported 1) that GIS grant is a 2-year/2 step process with the Village approved for funding in the 1st year.

Trustee Patterson – Reported that H/R committee will be completing Round 2 of interviews for the Water Crew Chief.

Mayor Perkins – Nothing new to report.

Trustee Kaufman – Nothing new to report.

Old Business –

NYSDEC/SPEDES – Discussed above.

Crittenden Road Well Spill Claim – Nothing new to report.

Comprehensive Plan – Awaiting revised map from Village Engineer Keith Marquis.

No Parking – Brooklyn, Buell, Mechanic, Jackson – Nothing new to report.

Annexation – Nothing new to report.

HVAC Upgrade – Village Hall – Final walk-through expected on Friday.

Intermunicipal DPW Facility – Discussed at work session.

Refuse Contract – As contract expires 12/31/06, bid documents are expected to go out by October 31st, 2006.

Temporary Structures and Fences – Referred to code committee.

Sidewalk Use Permits – Remove from agenda.

Sewer Moratorium – Remove from agenda.

Patricia Curto – Village Attorney Daniel D. Shonn requests executive session to discuss matter.

New Business –

RESOLUTION, duly moved by Perkins, seconded by Middaugh, accepting, with regrets, the resignation of Police Officer Joseph Belden, hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	MICHAEL R. MIDDAGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Perkins, seconded by Patterson, announcing that August 1st to 7th, 2006 as "Clown Week" in the Village of Akron, hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Perkins, seconded by Middaugh, allowing Tammy Kelley and Daniel Borchert to attend the 2006 KVS User Conference in Amherst, NY at a cost of \$395 per person on August 21st through August 23rd, 2006, hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Middaugh, seconded by Patterson, authorizing Mayor Perkins to sign the 2006-07 Akron Fire Company contract in the amount of \$119,000, hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Perkins, seconded by Patterson, approving the request of the Akron Central School for Akron Police Department coverage during its Fall 2006 Football Season, hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

Correspondence –

Planning Board Minutes – 6/20/06.

RESOLUTION, duly moved by Patterson, seconded by Middaugh, approving the appointment of Daniel W. Kowalik as the Alternate Member of the Village Planning Board, to complete the term of Brian Murray, with a term expiring on April 1, 2010, hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

Williamsville Toll Barrier Public Hearing Tuesday July 11, 2006 at 7:00 P.M. at Akron Central School.

NYCOM 207a & 207c workshop to be held August 9, 2006 at the Akron Fire Hall. Fee is waived for Village of Akron attendees.

GIS Grant Approval and Plans from the Town of Newstead.

Town of Amherst Central Fire Alarm Office June 2006 Operations Report.

PUBLIC COMMENT TIME – No one appeared to speak.

RESOLUTION, duly moved by Perkins, seconded by Middaugh, authorizing the Board to go into executive session at 8:48 P.M. to discuss personnel and legal issues, be and hereby is approved.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Perkins, seconded by Patterson, authorizing the Board to come out of executive session at 9:11 P.M., be and hereby is approved.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Perkins, seconded by Patterson, authorizing the Village of Akron to settle grievance #2005-05, Article 11.03 to pay Richard Zurlo and Michael Bassanello 3.0 hours overtime, without setting precedent, be and hereby is approved.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Perkins, seconded by Kaufman, appointing Frederick Bedford, Jr. to the temporary position of Water Crew Chief at the rate of Grade 13 Step #1, and until such time as the full-time position is filled, be and hereby is approved.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

On motion of Middaugh, seconded by Patterson, at 9:14 P.M. this meeting was ADJOURNED.

MAYOR

CLERK TREASURER