

July 11, 2011

A REGULAR MEETING of the Akron Village Board was held on this date at 7:31 p.m. Present: Mayor Carl E. Patterson, Trustees, E. Peter Forrestel, Michael R. Middaugh and Kathryn A. Capan; Village Attorney Daniel D. Shonn, Clerk Treasurer Daniel P. Borchert, Chief of Police Richard Lauricella and Super Chief Jon Cummings.

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 20, 2011 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 Capan 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:

General Fund	\$ 61,476.44
Electric Fund	\$ 38,657.01
Water Fund	\$ 17,077.91
Sewer Fund	\$ 28,761.01
Capital Streets	\$ 8.82

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

Tara Holohan	3 ½ Jackson Street	Deck	\$25.00
Donald Snyder	58 Eckerson Avenue	Fence	\$18.00
George Hyder Est	16 Kibler Avenue	Roof/Siding	\$25.00
David Thiel	20 Danita Drive	Roof	\$25.00
Scott Wild	25 Newton Avenue	Window/Siding	\$25.00
Mark Kidder	2 Front Street	In ground Pool	\$25.00
Peter Phelps	60 Bloomingdale Avenue	Siding	\$25.00
Bob Stoll	17 Crescent Drive	Roof	\$25.00
Akron Free Methodist	6 Scotland Road	Roof	\$25.00
Mark Sheedy	156 Main Street	Replace Porch	\$25.00

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

RESOLUTION duly moved by Middaugh and seconded by Capan that the following building permit be and hereby is approved with the applications and approval of the Code Enforcement Officer:

Robert Akins	3 Stoneridge Lane	In ground pool	\$25.00
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ADOPTED CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE

Trustee Forrestel abstained from voting on the above Resolution

RESOLUTION duly moved by Middaugh and seconded by Capan that the following building permit be and hereby is approved with the applications and approval of the Code Enforcement Officer:

Marcia Tordy	27 Eckerson Avenue	Roof	\$25.00
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ADOPTED CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE

Trustee Forrestel abstained from voting on the above Resolution

RESOLUTIONS duly moved by Capan and seconded by Middaugh that the following dumpster permits be and hereby are approved with the applications and approval of the Code Enforcement Officer:

Roger Brewer	73 John Street	One Year	\$20.00
Daniel Kowalik	105 Main Street	One Year	\$20.00

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

PUBLIC HEARING – none scheduled

APPEARANCES – none scheduled

PUBLIC COMMENT – Mr. & Mrs. Russell Ormsby from 42 Cedar Street came before the Board to discuss the Bottle Return Company located at 52 Cedar Street which is right next door to the Ormsbys. The couple explained that the business is very loud with plenty of odors and truck traffic. They noted the Company works seven days a week including holidays and starts the day as early as 6:00 or 7:00 am. The Ormsbys believe that the property is zoned B1 which should only encompass retail and wholesale businesses not a bottle return operation. They also said that the Company has been bringing in fill to the rear of the property which has caused storm water drainage issues with another neighbor. After further discussion the Board stated that they would turn the issue over to the Code Enforcement Officer.

Marty Smith from the American Legion Post came before the Board to discuss putting another set of horseshoe pits in directly next to the ones already there. Attorney Shonn stated that the Legion has a 100 year lease with the Village on about 30' of property next to the Legion building. Attorney Shonn will get a draft of the lease to Mr. Smith so he may determine whether the placement of the new set of pits will encompass the leased property.

Doug Ceisner came before the Board regarding the break-in at his property on Cedar Street which he believes was drug related. Mr. Ceisner stated that the Village has a really bad drug problem and the Village should promote the neighborhood watch with more advertisements in the paper. He also wanted to know why the State Troopers would not respond to his call. Chief Lauricella stated that if the call is in the Village the Akron Police would be the first responders unless, of course, the Akron police are not on duty. Mr. Ceisner also mentioned that he disagrees with the Board's decision to hire personnel that live outside of the Village such as the Code Enforcement Officer. The following are locations where Mr. Ceisner noticed work being completed and no permits were issued: 83 East Avenue for a roof, 120 East Avenue for siding, 237 East Avenue for a rear deck and 21 Eckerson Avenue for siding. The Board will investigate these findings. Lastly,

Mr. Ceisner asked if any progress has been made on the Library damage. Chief Lauricella stated that the case has stalled so the Akron Police will try a different angle to try and bring the case to a close.

PROJECT REPORTS –

Joint Facility – on agenda for this evening's Joint meeting with the Town of Newstead

MONTHLY REPORTS –

Departments –

Attorney – all items on the agenda... but he did want to mention that neighbors of the Public Works Garage located at 43 East Avenue are interested in knowing what will happen to the buildings and property once the Village Crew move to the new joint facility. The Board agreed to put the issue on the agenda under Old Business.

Clerk-Treasurer – The Board received the Clerk's report for June 2011, together with the July 2011 office schedule. Clerk-Treasurer Borchert attended a meeting with John Mello from the United States Environmental Protection Agency to officially complete the close-out of the EPA Sewer Grant No XP98265001 on June 8, 2011

Chief of Police – Submitted to the Board the report for June 2011 and the schedule for July 2011. Chief Lauricella reported: Officer Heiderman is on vacation and will return to work Monday July 18, 2011. Trustee Capan asked if there were any incidents to report over the July 4th weekend. Chief Lauricella responded that an ATV accident was the only incident reported.

Super Chief of Public Works – The Board received the Super Chiefs report for June 2011. Super Chief Cummings wanted to mention that during the reconstruction of Marshall Avenue a larger pipe should be installed in the culvert on Marshall Avenue near the railroad tracks. During the recent heavy rains that section was totally overflowing and causing drainage issues in that specific area.

Code Enforcement Officer – absent

Camden Group- absent but will have report for June and July at the August 8th meeting.

Elected Officials –

JUSTICE COURT REPORT – Board received the monthly report from June 2011.

TRUSTEES – COORDINATORS

Trustee Capan – nothing to report

Trustee Middaugh – reported that the Streets Committee recommend to the Board to outfit the newly arrived 550 Ford Dump Truck with a main plow, side plow and salt box. The Dump Truck being replaced will be updated to a single plow control to enable one man to run.

RESOLUTION duly moved by Middaugh and seconded by Forrestel to outfit the newly arrived 550 Ford Dump truck with a main plow, side plow and salt box and to update the replaced dump truck to a single man control for both main and side plow be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
 E. PETER FORRESTEL - AYE

MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE

Trustee Middaugh also reported a request from the Chamber of Commerce to extend the “no parking” up to Hart Street for the Cruise Night & Tractor Cruise scheduled July 14, 2011.

RESOLUTION duly moved by Middaugh and seconded by Capan to allow the Chamber of Commerce to extend the “no parking” up to Hart Street for the Cruise Night and Tractor Cruise scheduled July 14, 2011 be and hereby is approved.

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

Mayor Patterson – wanted to take a moment to Thank Mary Jane Shonn and Irene Koubek for the many years of enhancing and maintaining Wilder Park located at Bloomingdale Avenue and John Street with beautiful flowers. Also Mayor Patterson spoke with grant writers who he would like to invite to the Village Board Meeting scheduled September 12th, 2011.

Trustee Forrestel – reported that he distributed the minutes of the Water Wastewater Committee meeting held June 20, 2011.

Trustee Wittlinger – absent

OLD BUSINESS

Mitigation of Murder Creek – on agenda for this evening’s Joint meeting with the Town of Newstead

Village Court – on agenda for this evening’s Joint meeting with the Town of Newstead

Akron Airport – on agenda for this evening’s Joint meeting with the Town of Newstead

Ron Berry Memorial Fields –Attorney Don Shonn will have more to report at the August 8th Village Board Meeting.

Bloomingdale Avenue and John Street Reconstruction – bids are going out late August. Village Board wants phase I done before the snow flies.

Clinton Street/Eckerson Avenue Village Land –Attorney Shonn will give draft of the 100 year lease of the property to American Legion Post representative Marty Smith for his review.

NEW BUSINESS

RESOLUTION duly moved by Forrestel and seconded by Middaugh to authorize the Mayor to sign the contract with Young Explosives relative to the fireworks display in Russell Park on December 31, 2011 be and hereby is approved.

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

RESOLUTION duly moved by Middaugh and seconded by Capan to authorize Village Justice Dennis Freeman to attend the Advanced Justice Training at SUNY Potsdam July 24 – July 26, 2011 be and hereby is approved.

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

RESOLUTION duly moved by Middaugh and seconded by Capan to authorize Justice Dennis Freeman to attend the New York State Magistrates and Court Clerks Annual Meeting at the Niagara Falls Convention Center September 26 – September 28, 2011 be and hereby is approved.

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

Discussion was held regarding the request from the Akron Chamber of Commerce to extend the Thursday Night Cruise Nights until October 13th, 2011. Trustee Middaugh stated that he would discuss the construction on John Street and the amount of daylight left in October with the Chamber before approval.

RESOLUTION duly moved by Capan and seconded by Middaugh to allow the Akron Lions Club to hang a Banner over Main Street from July 21, to July 31, 2011 advertising the free Buffalo Philharmonic Summer Series in Akron Falls Park be and hereby is approved.

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

CORRESPONDENCE

The New York State Conference of Mayors and Municipal Officials Planning and Zoning Summer Schools 2011

Letter from the property owner at 114 Buell Street regarding the sidewalk timbers in front of his property

Time Warner Cable notification of soon to be expiring agreements with programmers and broadcasters and channel change notification

Water Wastewater Committee Meeting Minutes from June 20, 2011

William Schutt & Associates June 2011 Monthly Summary Report

Time Warner Cable renewal notice

Letter from Annette Adamczak reminding the Village Board about the Emily Rose 5K Run scheduled July 17, 2011.

PUBLIC COMMENT –Doug Ceisner questioned the Board if the Village pays for any fireworks during Village celebrations. Clerk-Treasurer responded that the Village does not pay for the fireworks but a permit and permission from the Village Board are needed.

On motion of Capan and seconded by Middaugh, at 8:42 p.m., this meeting was recessed to wait for the arrival of the Town of Newstead Board for the joint meeting scheduled this evening.

The Village Board reconvened at 8:53 PM when the Newstead Town Board arrived to start the joint Village/Town meeting. Mayor Patterson welcomed all in attendance.

Joint Facility – The committee had a meeting today and conducted a walk through of the facility. They have added additional items to their punch list that need to be taken care of before the completion of the project. The paving of the site is expected to begin the week of July 18th.

Master Plan – The Village and the Town would like to start getting the process started to update the Master Plan. It has been almost 10 years since it was adopted. The grant writer will be seeking grant funding to help with the cost of this project. The Village and the Town will appoint two members of each Board to this committee by their next scheduled Board meeting on August 8, 2011.

Emergency Services Committee – Trustee Brian Wittlinger will chair this committee and will begin to organize the interested parties and will organize the meetings.

Court Consolidation – The Village of Akron is still on track to abolish the position of Village Justice prior to the end of Judge Freeman’s term on April 1, 2013. Village Attorney Shonn and Town Attorney Neill will be drafting up a Joint Municipal Agreement for both Board’s to review.

Code Enforcement Officer – The Town of Newstead has extended the probation period to September which will allow the Code Enforcement Officer to complete all the required school requirements.

Murder Creek Project – The Town of Newstead passed a resolution tonight to award the construction contracts. The contract for the lower Brooklyn Street work was awarded to Eastwood Industries and the upper Main Street work was awarded to Catco. FEMA officials have approved the award of the contracts. Apex Engineering will be the engineer for the lower Brooklyn Street work.

Grant Services – Anne Sisk will be attending the September 12, 2011 work session of the Village of Akron. The boards still agree that they would like to pursue the construction of a police garage to hold the law enforcement vehicles for the community.

Airport Project – The Town is still involved in the SEQR stage of this project. They will be making their SEQR declaration in a few weeks. Once all the comments have been returned, the project will go before the Town of Newstead Zoning Board of Appeals for the zoning change and then if approved it needs to be approved by the Newstead Town Board.

On motion of Middaugh and seconded by Capan, at 9:43 p.m., this meeting was adjourned.

MAYOR

CLERK-TREASURER