

August 9, 2010

A REGULAR MEETING of the Akron Village Board was held on this date at 7:33 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, Clerk Treasurer Daniel P. Borchert, Chief of Police Richard Lauricella, Superintendent Robert Kowalik and Code Enforcement Officer John Good.

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

Mayor Patterson asked for a Moment of Silence for resident Jackie Everett Nice

RESOLUTION duly moved by Forrestel seconded by Capan, that the Minutes of the Regular Meeting of July 12, 2010 and the Special Meeting of July 26, 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 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	\$ 32,532.08
Electric Fund	\$ 33,400.12
Water Fund	\$ 66,875.57
Sewer Fund	\$ 16,213.91
Capital Street	\$ 29,299.03

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

Mayor Patterson wanted to recognize and welcome to the Village John Good the current Town of Newstead Code Enforcement Officer. The Village of Akron and the Town of Newstead entered into a contract to have Mr. Good resume the work of Retired Village Code Enforcement Officer Donnal Folger.

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

George Stuber	26 Buell Street	Roof	\$25.00
Daniel Buczkowski	22 Danita Drive	Roof	\$25.00
James Hayes	8 Pearl Street	Carport	\$25.00
Marianne Rosenberg	36 Randy Drive	Roof	\$25.00
John Waddell	58 Cedar Street	Shed	\$25.00
Christopher Stewart	17 Brooklyn Street	Roof	\$25.00

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 to close the Public Hearing with regard to the Local Law Property Maintenance issues at 37 Cedar Street, 44 Cedar Street and 24 Parkview Drive, be and hereby is closed at 8:14 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 Wittlinger and seconded by Middaugh to adjourn the findings on both 37 Cedar Street and 44 Cedar Street until the next scheduled Board meeting set for September 13, 2010; and with regards to 24 Parkview Drive that no findings of a public nuisance were found, but follow-up regarding the unlicensed motorcycles will be performed by the Code Enforcement Officer 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

APPEARANCES – none scheduled

PUBLIC COMMENT – Resident Doug Ceisner commented that Mr. Laverne Johnson, who receives no pension, is just trying to make a living and make ends meet. Certain people get away with everything such as Sunshine Concrete running a business in a residential area and why did the new dentist need to get a permit for his sign. Village Attorney Shonn stated that Sunshine Concrete was grandfathered in to continue doing business. As for the dentist, he was erecting a new sign on the front lawn as opposed to replacing the retired dentist sign which hung in the window.

Resident Walter Nelson commented on the influx of crows in the Village and wondered what could be done. Also, Mr. Nelson wanted to discuss the Emerald Ash Bore, the deadly insect to Ash trees, which is just about 50 miles away from Akron and moving fast. Mr. Nelson stated that the NYSDEC is issuing press releases to make communities aware of the insect. Discussion was held regarding treatments, harvest of trees, and cost of both treatment and harvesting. Lastly, Mr. Nelson questioned how Modern Disposal bills the Village, by tonnage, street, or household. Mr. Nelson stated that some residents are putting out organic waste for Friday trash pickup when that service is conducted by the Village DPW on Mondays. Clerk-Treasurer Borchert reported that Modern Disposal bills the Village per household.

PROJECT REPORTS –

State Street Bridge – Superintendent Kowalik will be gathering a list of options to get the bridge useable until the grant money is available.

Joint Facility – Should break ground this week for the facility

MONTHLY REPORTS –

Departments –

Attorney – working on the following issues: cell towers, water refusals and front/side parking code

Clerk-Treasurer – Clerk-Treasurer Borchert informed the Board that his report is not available at this time, but will be available for the next meeting. Clerk-Treasurer Borchert did report that he attended the Cornell Institute in July and after completing the forty plus hour week of instruction he will now be able to apply for Master Clerk.

Chief of Police – Submitted to the Board his report and the schedule for August 2010. Chief Lauricella reported: Thursday night car shows are going well, several calls involving ejecting people out of the falls in Akron Park have occurred this summer, and recommendation of a traffic order change for the speed limit on Main Street to 20 mph.

Superintendent of Public Works – The Board received copies of Superintendent Kowalik’s July 2010 report. He reported the following: on-going preventative maintenance at the Dave Barnes Sub-station found a problem with the high voltage breaker on transformer bank one. Replacement has been ordered and expected within two weeks; repaired several D.I.’s around the Village and also some gutter curb sections that were bad; at the Water Plant the crew is working on the Dam inspection; also went over Cornerstone Subdivision electric plans with Village Engineer Paul Bowers.

RESOLUTION duly moved by Forrestel and seconded by Capan allowing Superintendent Kowalik to attend the 80th Annual MEUA Conference in September for one night and also to appoint Superintendent Kowalik as the Village of Akron voting delegate 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

VRI – Environmental Services – Ken Scherrieble submitted his report to the Board. Mr. Scherrieble reported that the Sewer Plant is moving in the right direction, which showed in the 2 year flow graph.

Code Enforcement Officer – Mr. Good reported that his first week went well and will continue to “settle in” in the next few weeks. The Village Board welcomed Mr. Good to his new position as Code Enforcement Officer for the Village of Akron.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – reported that the Building Committee met with the Village Engineer to discuss the handicap parking spaces for the front of the Village Office. The need to reconfigure parking spots to allow for a regular handicapped spot as well as side access handicapped spot will require re-striping and replacement of signage. The change limits parking to only 2 regular parking spaces. The Board recommended re-striping and signage as a short term fix, but would like to see different options for a long term fix which would allow for more regular parking spaces.

Trustee Middaugh – sent out a memo to the streets committee and to Code Enforcement Officer John Good to gather for a meeting to discuss the issues of the front/side yard parking code.

Mayor Patterson – respectfully responded to resident Doug Ceisner’s comments about the Village. Mayor Patterson stated that we are blessed to live and or work in a community with so many businesses compared to other small communities.

Resident Doug Ceisner commented that he grew up on Main Street when there used to be three hardware stores and a market. Mr. Ceisner feels that the Village should look to Clarence where they have it going and taxes are a lower percentage compared to Akron.

Trustee Forrestel – nothing to report

Trustee Wittlinger – on behalf of the Police and Fire Services Committee, Trustee Wittlinger, recommended to the Board to change the speed limit to 20 mph in the Business District of Main Street based on the findings of Chief Lauricella and the Police Department.

OLD BUSINESS

Mitigation of Murder Creek – The Board received word from FEMA that an \$800,000.00 grant has been approved for the joint project of the Town of Newstead and Village of Akron. There will be a follow-up meeting with both businesses and residents as to the time line of rehabilitation.

Village Court – Trustee Wittlinger reported that the Town of Newstead Court Office has moved into the Village of Akron Court office temporarily until the new Town of Newstead Court addition is completed, hopefully by November 2010. Trustee Wittlinger stated that it was a smooth transition and the Court Clerks are working well together.

Akron Mobile Home Park – this project has been moved to the Water and Wastewater Committee and is waiting on Village Engineer Paul Bowers recommendations.

2010 New York State Early Retirement Incentive Program – a Public Hearing was held this evening. Further discussion will follow during the executive session also this evening.

NEW BUSINESS –

RESOLUTION duly moved by Forrestel and seconded by Wittlinger to allow Clerk-Treasurer Borchert to attend the NYCOM Fall Training School September 20, 2010 – September 24, 2010 in Lake Placid, NY at a cost of \$1,322.32 plus travel 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 to authorize the Mayor to sign the 2009 LOSAP Sponsor Authorization Form and return the entire package to Penflex, Inc. 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 retired Officer Robert Farrington

First Baptist Church celebrating its 175th Anniversary on August 28th and 29th, 2010

Town of Amherst Central Fire Alarm June 2010 Operations Report

Town of Amherst Central Fire Alarm July 2010 Operations Report

Letter from Newstead Resident Cheryl Blemaster to consider placing an American Flag near the Gazebo during summer concert series

Letter from Rod Howe, Director of Cornell Municipal Clerks Institute, confirming that Clerk-Treasurer Daniel Borchert completed 40.5 classroom hours at this years Institute from July 18th – July 22nd, 2010

PUBLIC COMMENT – Resident Doug Ceisner questioned the Board about the Akron Mobil Home Park and why it is listed under “Old Business”. Village Attorney Shonn stated that the Village is in the process of possibly installing a master meter at the Park to limit the Park to one bill and to control water loss.

Also Mr. Ceisner mentioned the fact that characters apparently with no jobs are walking around the Village carrying six packs and passing out along Main Street, are the police monitoring this and have arrests been made? Chief Lauricella stated that action is taken if deemed necessary.

RESOLUTION duly moved by Middaugh and seconded by Capan authorizing the Board to go into executive session at 9:15 p.m. to discuss personnel issues 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 Board to come out of executive session at 10:33 p.m. 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 Wittlinger and seconded by Forrestel to adopt Local Law #2 for the year 2010 – A local law electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the Village of Akron.

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

SECTION 1: The Village of Akron hereby elects to provide the following titles held by its eligible employees with a retirement incentive program authorized by Chapter 105, Laws of 2010.

Deputy Clerk
Working Crew Chief- Streets
Working Crew Chief-Electric
Electric Lineman

SECTION 2: The commencement date of the retirement incentive program shall be September 1, 2010.

SECTION 3: The open period, during which eligible employees may retire and receive the additional retirement benefits, shall be 45 days in length.

SECTION 4: The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees’ Retirement System, and it shall be paid by the Village of Akron for each employee who receives the retirement benefits payable under this local law.

SECTION 5: If any part of this local law or application of this local law to any person or circumstance be judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or pay or the validity of the remainder of this local law or the application thereof to any other persons or circumstances, and the Village Board of the Village of

Akron hereby declares that it would have passed this local law or remainder thereof had such invalid application or invalid provision been apparent

SECTION 6: This act shall take effect August 9, 2010.

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

On motion of Forrestel, seconded by Capan, at 10:37 p.m., this meeting was
ADJOURNED

MAYOR

CLERK-TREASURER