

September 8, 2008

A REGULAR MEETING of the Akron Village Board was held on this date at 7:29 p.m. Present: Trustees E. Peter Forrestel, Michael Middaugh and William P. Kaufman and Kathryn A. Capan; Attorney Daniel D. Shonn, Clerk–Treasurer Daniel P. Borchert, Superintendent Robert Kowalik, and Building Inspector Donnal Folger.

Deputy Mayor William Kaufman led us in the pledge to the flag.

RESOLUTION, duly moved by Middaugh, seconded by Capan, that the Minutes of the Regular Meeting of August 4, 2008 be and hereby are approved by the Village Board.

ADOPTED E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

RESOLUTION, duly moved by Forrestel, seconded by Kaufman 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	\$ 67,649.46
Electric Fund	\$163,955.58
Water Fund	\$ 13,758.36
Sewer Fund	\$ 21,512.94
Capital Water	\$ 22,106.49
Capital Sewer	\$ 34,420.93

ADOPTED E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

RESOLUTION, duly moved by Middaugh, seconded by Capan that the following building permits be and hereby is approved with the applications and approval of the Building Inspector:

Lance Salmon	22 Shepard Avenue	Deck	\$25.00
Laverne Cherry	33 Wesley Drive	Roof	\$25.00
Jim Bower	6 Indianola Avenue	Garage	\$45.00
William Short	199 East Avenue	Roof	\$25.00
Lynn Clark	40 Mechanic Street	Pool	\$25.00
Tim Susfolk	12 Cedar Street	Fence	\$18.00
Barry Sweitzer	48 East Avenue	Shed Addition	\$25.00
Hope Kelkenberg	42 Hoag Avenue	Addition	\$81.00

ADOPTED E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

Chief of Police Richard Lauricella entered the meeting at 7:37 p.m.

PUBLIC HEARING – None Scheduled

APPEARANCES – No one was scheduled to speak

PUBLIC COMMENT – Newstead Resident David Sheremeta came before the Board to discuss the condition of Main Street. Mr. Sheremeta took guests from Florida to the Village Cruise night and unfortunately the guests commented on the untidy look of Main Street with weeds growing in the tree planters and cracks of sidewalks and curbs, trash lying around and bridge paint chipping. Mr. Sheremeta shared copies of pictures he had taken of these conditions with the Board. He asked if the Village could please clean up Main Street. Trustee Forrestel explained that the bridges are the responsibility of the County and State.

PROJECT REPORTS –

State Street Bridge – Superintendent Kowalik is expecting price quotes of the potential cost to fix bridge.

John Street Waterline Project – Superintendent Kowalik stated that the project should be completed in the next 2-3 weeks. Service hook-ups between Franklin and Marshall and restoration of that area are all that is left to be completed.

Clerk-Treasurer Borchert asked the Trustees to think about other projects that could be considered for the 2009 Community Development Block Grant

MONTHLY REPORTS –

Departments –

Attorney – Nothing at this time. Attorney Shonn requested an Executive Session regarding the Inter-municipal Contract.

Clerk-Treasurer – The Board received the Clerk’s report for August 2008, together with the September 2008 office schedule.

Chief of Police – The Board received the Police Report for August 2008, along with a schedule for September 2008. Chief Lauricella reported no personnel problems, ordered the new patrol car and expects delivery in the early part of October 2008, also would like to recommend moving Officer Michael Haynes from Grade 3 Hire Rate to Grade 3 Step 1 effective today.

RESOLUTION, duly moved by Forrestel and seconded by Middaugh to move Officer Michael Haynes from Grade 3 Hire Rate to Grade 3 Step 1 effective today be and hereby is approved.

ADOPTED E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

Supt. of Public Works – The Board received copies of Superintendent Kowalik’s August 2008 report. Superintendent Kowalik recommended moving Jon Cummings from Grade 13 Step 3 to Grade 13 Step 5 effective his anniversary date of August 21, 2008.

RESOLUTION, duly moved by Middaugh and seconded by Forrestel to move Jon Cummings from Grade 13 Step 3 to Grade 13 Step 5 effective his anniversary date of August 21, 2008 be and hereby is approved.

ADOPTED E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

Building Inspector – Discussion was held regarding the Akron Fire Company Contract and a recommendation for the Mayor to sign the contract upon completion of correct language therein.

RESOLUTION duly moved by Forrestel and seconded by Capan to authorize the Mayor to sign the contract with the Akron Fire Company upon completion of the correct wording be and hereby is approved.

ADOPTED E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

Building Inspector Folger also stated that the grass has been cut a second time at 84 Cedar Street and 208 East Avenue and will be charged to the property owners again. Some progress has been noticed in the Ceisner Court Case, Mr. Ceisner has begun to clean up his property by moving the truck and clearing some of the junk away. Thirty days has been granted to Mr. Whitbeck to move the wood stove to another location in his home which may solve the problem in that court case. Also, received the SEQR Notice for the NOCO project in Newstead and found no problems with it. Lastly, sent out a Notice to Laverne Johnson of Cedar Street regarding the clean up of his property.

Elected Officials –

JUSTICE COURT REPORT – Board received monthly report from August 2008.

TRUSTEES – COORDINATORS

Trustee Capan – Nothing to report

Trustee Middaugh – Received grant for the GIS program at \$69,639.00. Bergman Associates overseen by CRA will be granted the bid for the Second Phase of the project, which is primarily inputting information into the laptops that both the Akron Fire Company and the Newstead Fire Company have received. The program is designed in layers providing different levels of information for each property for example: building entries, building floor plan, disabled resident, etc.

Trustee Middaugh presented to the Board the sign with the Rules for Russell Park. The sign will be posted after a designated posting site is established.

Trustee Forrestel – The Human Resource Committee met this evening and Trustee Forrestel would like to request an Executive Session to discuss personnel issues. Also, next Monday, September 15, the Water/Wastewater Committee will hold their meeting. Lastly, he reported visiting the Water Plant with John Asmus.

Trustee Kaufman – Nothing to report

OLD BUSINESS

Inter-municipal DPW Facility – Attorney Shonn requested an executive session to discuss the Inter-municipal contract.

Rental Regulations – nothing new to report

Mitigation of Murder Creek – Nothing to report

Akron Fire Contract – discussed during the Building Inspectors Report

Sidewalk Policy- Recommendation from Superintendent Kowalik to adopt a new sidewalk policy changing the standards from 4' to 5' walk in width where applicable and to change the allotment of rebate from \$6.00 to \$7.00 per liner foot for 4' walk and \$8.00 per liner foot for 5' walk.

RESOLUTION, duly moved by Forrestel and seconded by Capan to adopt a new sidewalk policy changing the standards from 4' to 5' walk in width where applicable and to change the allotment of rebate from \$6.00 to \$7.00 per liner foot for 4' walk and \$8.00 per liner foot for 5' walk be and hereby is approved.

ADOPTED E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

Refuse Contract – Expires December 31, 2008. Attorney Shonn recommended to put out to bid specifications for the Refuse Contract for the year 2009.

RESOLUTION, duly moved by Capan and seconded by Kaufman to authorize Village Clerk Daniel P. Borchert to put out to bid specifications for the Refuse Contract for the year 2009 be and hereby is approved.

ADOPTED E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

#### NEW BUSINESS

RESOLUTION, duly moved by Kaufman and seconded by Middaugh authorizing the Village of Akron to provide a third Crossing Guard to serve the High School parking lot area to be reimbursed by ACS at the end of each school year, be and hereby is approved.

ADOPTED E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

RESOLUTION, duly moved by Kaufman and seconded by Capan to send the MEUA the voting proxy resolution for the Annual Conference to be held September 23-26, 2008 in Lake Placid be and hereby is approved.

ADOPTED E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

RESOLUTION, duly moved by Kaufman and seconded by Middaugh to authorizing Tammy Kelley to attend the DVS 2008 Regional User Conference November 13, 2008 at the Town of West Seneca for \$20.00 plus travel be and hereby is approved.

ADOPTED E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

RESOLUTION, duly moved by Forrestel and seconded by Middaugh authorizing Akron Central School to hold the Annual Homecoming Parade on Friday, October 10, 2008 be and hereby is approved.

ADOPTED E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

RESOLUTION, duly moved by Kaufman and seconded by Capan authorizing Bonnie Pafk and Mary Ellen Orcutt to attend the 2008 Annual NYS Association of Magistrates Court Clerks at a cost of \$50.00 plus travel from September 21-September 24, 2008 in Niagara Falls be and hereby is approved.

ADOPTED E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

CORRESPONDENCE

Complaint regarding cats at 103 John Street

Thank you from the Akron Chamber of Commerce regarding the Fall Super Cruise and Craft Show.

Town of Amherst Central Fire Alarm August 2008 Operation Report

Minutes of the Zoning Board of Appeals meeting held August 28, 2008

PUBLIC COMMENT –

RESOLUTION, duly moved by Kaufman, and seconded by Middaugh authorizing the Board to go into executive session at 8:20 p.m. to discuss personnel issues and the Inter-municipal contract, be and hereby is approved.

ADOPTED E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

RESOLUTION, duly moved by Middaugh, and seconded by Forrestel authorizing the Board to come out of executive session at 8:55 p.m., be and hereby is approved.

ADOPTED E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
WILLIAM P. KAUFMAN - AYE  
KATHRYN A. CAPAN - AYE

RESOLUTION, duly moved by Kaufman, and seconded by Capan

WHEREAS, the Village Board of the Village of Akron and the Town Board of the Town of Newstead have been considering undertaking the acquisition, construction and operation of a joint highway facility; and

WHEREAS, one of the options that was taken under consideration in the acquisition and construction of the joint highway facility was the acquisition of an existing building and real property located at 13760 Indian Falls Road, currently owned by the Erie County Industrial Development Agency and leased to Five Corners Business Park, LLC, which entity is the beneficial owner of the property, and the construction of additions to and renovation of such facility into the new joint highway facility; and

WHEREAS, the Village Board and the Town Board have agreed to pursue the acquisition and renovation of the real property at 13760 Indian Falls Road if such property can be purchased at a price that reasonably reflects the fair market value of the property including the acreage required by the Village Board and Town Board for the joint highway facility; and

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF THE VILLAGE OF AKRON AS FOLLOWS:

1. The Mayor of the Village of Akron is hereby authorized to negotiate a proposed purchase contract and/or purchase option together with the Supervisor of the Town of Newstead for the purchase of real property at 13760 Indian Falls Road, which purchase contract and/or purchase option is subject to approval by the Village Board as to the purchase price and such other provisions as may be required in connection therewith upon advice of counsel for the Village and the Town.
2. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Village Board of the Village of Akron on September 8, 2008, the results of which were as follows:

ADOPTED	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE
	KATHRYN A. CAPAN	- AYE

On motion of Middaugh, seconded by Capan, at 8:58 p.m., this meeting was ADJOURNED.

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DEPUTY MAYOR

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CLERK-TREASURER