

September 12, 2011

A REGULAR MEETING of the Akron Village Board was held on this date at 7:42 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, Code Enforcement Officer Ralph Migliaccio and Super Chief Jon Cummings

Mayor Carl E. Patterson led us in the pledge to the flag and also led us in a moment of silence for the victims of 9-11.

RESOLUTION duly moved by Middaugh seconded by Capan, that the Minutes of the Regular Meeting of August 8, 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
BRIAN D. WITTLINGER - AYE

RESOLUTION, duly moved by Forrestel 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	\$ 40,159.81
Electric Fund	\$ 173,113.07
Water Fund	\$ 114,190.83
Sewer Fund	\$ 18,861.94
Capital Streets	\$ 167,775.80

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 that the following building permits be and hereby are approved with the applications and approval of the Code Enforcement Officer:

Daniel Kowalik	105 Main Street	Addition	\$122.30
Chris Heiderman	58 Parkview Drive	Shed	\$25.00
Glenn Joachimiak	8 Hoag Avenue	Fence	\$18.00
James Campbell	82 John Street	Fence	\$18.00
Butch Bluhm	142 Buell Street	Roof	\$25.00
Eileen McHugh	83 Skyline Drive	Deck	\$25.00
Frank Hancock	62 Wesley Drive	Roof	\$25.00
Roger Brewer	73 Main Street	Siding,roof,windows	\$25.00
Jeff Wright	68 Bloomingdale Ave	Shed	\$25.00
Doug McClellan	10 Main Street	Sign	\$18.00

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 site plan be and hereby is approved with the applications and approval of the

Code Enforcement Officer and contingent to the approval of the Erie County Environment and Planning Department:

I Squared R Elements	12600 Clarence Ctr Rd	Site Plan	\$25.00
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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 Forrestel that the following building permit be and hereby is approved with the applications and approval of the Code Enforcement Officer contingent on the approval of the site plan by Erie County Environment and Planning Department:

I Squared R Elements	12600 Clarence Ctr Rd	Addition	\$3,600.00
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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 Capan and seconded by Wittlinger that the following Public Improvement permits be and hereby are approved with the applications and approval of the Code Enforcement Officer and the village Engineer:

Public Improvement	Cornerstone Subdivision	Pavement, Curb Sidewalk	\$443.00
Public Improvement	Cornerstone Subdivision	Sanitary Sewer	\$443.00
Public Improvement	Cornerstone Subdivision	Water Line	\$443.00
Public Improvement	Cornerstone Subdivision	Storm Sewer	\$443.00

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

Richard Martin	8 Jackson Street	1 year	\$20.00
Butch Bluhm	142 Buell Street	1 year	\$20.00

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 Capan and seconded by Middaugh that the following renewal dumpster permit be and hereby is approved with the applications and approval of the code Enforcement Officer:

Cold Spring Constr.	3 Jackson Street	Renewal	\$20.00
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ADOPTED CARL E. PATTERSON - AYE
 MICHAEL R. MIDDAUGH - AYE
 KATHRYN A. CAPAN - AYE
 BRIAN D. WITTLINGER - AYE

Trustee Forrestel abstained from voting

PUBLIC HEARING – none scheduled

APPEARANCES –Deposit Depot – Thomas Smart and Jeff Cheavacci appeared before the Board to ask what the Depot needs to do to be in compliance with B1 Zoning and to have their fill permit have the “Stop Project” removed. Code Enforcement Officer Migliaccio stated that he did hand deliver a letter today with violations for the Deposit Depot after several complaints were filed by neighbors. Attorney Shonn stated that the next stop is to set up a meeting with Code Enforcer Migliaccio, Thomas “smart, Jeff Cheavacci and himself to discuss the details.

PUBLIC COMMENT – Resident Laverne Johnson came before the Board to ask permission to erect a temporary enclosed tent for storage. The tent would only be up for period of weeks and then it would become down for good. After discussion the board stated that Mr. Johnson could request a building permit for a temporary building for a 90 day period.

Residents Kim and Russell Orsmy who live next door to the Deposit Depot asked permission to attend the meeting the Attorney and code Enforcer will schedule with the Deposit Depot. Attorney Shonn replied that the Orsmy’s have supplied the Board with enough information to warrant their absence from the meeting.

Resident Doug Ceisner came before the Board to inform them of a second burglary at his shop on Cedar Street. He was pleased to have the State Troopers investigate the burglary but reinforced the fact to the Board that the Village has a serious dug issue. Mr. Ceisner stated that he would need a letter for his Insurance Company from the Village stating that the Village Police are not on duty from 2 am until 6 am. He would also need two copies of the police report.

Mr. Ceisner wanted to correct the minutes from July 11, 2011 regarding his comments about a building permit at 237 East Avenue, it should have read for a rear flat roof not deck.

Mr. Ceisner also asked the Board if the Cornerstone Subdivision had a Public Improvement Permit for the gas utility. The Board replied that the Public Improvement Permits were for Village utilities only.

Lastly, Mr. Ceisner wanted to mention the Attica Prison riots happened 40 years ago this week.

PROJECT REPORTS –

Joint Facility – Mayor Patterson reported that the sealant for the cement floors has been the hold up on the punch list for the completion of the Joint Facility. A committee meeting is scheduled for Friday September 16, 2011. Trustee Forrestel stated that an Open House will be scheduled when the facility is ready to open.

MONTHLY REPORTS –

Departments –

Attorney – requested an executive session for litigation and contractual issues

Clerk-Treasurer – The Board received the Clerk’s report for August 2011, together with the September 2011 office schedule. Clerk-Treasurer Borchert updated the Board regarding the Saturday Recycling events held at the Sewer Plant which have totaled 199 residents from the Village and Town and 37 pallets of electronics with 72 televisions. Two more Saturday events for October and November are scheduled for this year. Clerk-Treasurer Borchert also reported that he will be attending the NYCOM Fall Training from September 19 – September 23, 2011. Lastly a representative of Senator Rzenhofer will be available in the Village Board room on October 25, 2011 from 10:00 am – 11:30 am to answer any questions.

Chief of Police – Submitted to the Board the report for August 2011 and the schedule for September 2011. Chief Lauricella reported: Michael Lutes will start

training soon, Car shows are completed, but the Fall Craft and Super Cruise is September 17, 2011, Akron Central School Football has begun and Akron Central School Homecoming is scheduled for October 14, 2011, Patrol car has cosmetic damage which will be repaired soon, several people were ejected from Akron Falls Park this past month. Trustee Wittlinger questioned Chief Lauricella regarding the “smoking tree” on Bloomingdale Avenue right next to the Akron Central School Property. Chief Lauricella reported that the homeowner does not mind the people gathering on their property so the Police have little authority to do anything. Lastly, Chief Lauricella stated that the Annual Qualification Training is scheduled for September 20, 2011 so the associated cost for the Department will be for ammunition and payment for the training Officers.

Public Works – Submitted to the Board his report from August 2011. Super Chief Cummings updated the Board regarding the man doors for the Sewer Plant giving the total cost for replacement between \$3,800.00 - \$4,400.00.

Code Enforcement Officer – no report

Elected Officials –

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

TRUSTEES – COORDINATORS

Trustee Capan – nothing to report

Trustee Middaugh – reported that the F550 Public Works truck is in the process of being fitted for the plow controls

Mayor Patterson – extended an invitation to the Board to attend the Village Officials Meetings or the Erie County government Associates Meetings. Mayor Patterson will email a calendar of the meetings to the Board

Trustee Forrestel – Noted the next Water Wastewater Committee meeting is re-scheduled for September 20, 2011.

Trustee Wittlinger –requested an executive session in regards to the Fire Contract. A committee meeting is scheduled for September 13, 2011. Fire Chief Daniel Kowalik informed the Board that the Fire Control Senior Dispatcher position may be eliminated after Ray Braun retires. Next meeting with the Fire control is September 15, 2011. More to follow

OLD BUSINESS

Mitigation of Murder Creek – Super Chief Cummings reported that the lower portion of the project is complete and the upper portion should be completed early October 2011. Project is going very well and looks great too.

Village Court – Village Attorney Shonn recommended to the Board to hold a Public Hearing during the October 17, 2011 meeting regarding the dissolution of the Village Judge.

Akron Airport – discussed in work session this evening

Ron Berry Memorial Fields –nothing new to report

Bloomingdale Avenue and John Street Reconstruction – Public Information meeting run by Erie County was held this evening before the scheduled Village Board Meeting.

Clinton Street/Eckerson Avenue Village Land – Nothing new to report

Public Works Facility at 43 East Avenue – Discussion held regarding possible ideas for property. Village Attorney Shonn recommended to the Board to have the Village Engineer do a site plan for the property.

NEW BUSINESS

RESOLUTION duly moved by Forrestel and seconded by Capan to hold a Public Hearing in regards to the 2012 Erie County community Development Block Grant Program on Monday October 3, 2011 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 Middaugh to oppose the Creation of a County wide Special District Public Library following the actions of the Town of Newstead 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 Wittlinger to allow the Akron Central School to hold its Annual Homecoming parade on Friday October 14, 2011 at 5:15 pm from Cold Springs Construction to Akron Central School 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 Capan to allow Super Chief Jon Cummings to attend the NYCOM Public Works Training School from October 24 – 26, 2011 in Saratoga Springs at a cost of \$947.00 plus travel expenses 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

Town of Amherst Central Fire Alarm – August 2011 Operations Report

Thank you note from Patty Young-Szlapak to the Village of Akron regarding Phil Kreher, Chris Wargala & Dean Schultz for helping in a time of need

William Schutt & Associates August 2011 Monthly Summary Report

Time Warner Cable Notice of soon to be expiring agreements with Programmers & Broadcasters

Erie County Water Authority's Annual Town Meeting on Thursday September 29, 2011 at Salvatore's Italian Gardens.

Northern Erie Sno-Seekers August 2011 Newsletter

New York State Sister Cities Conference Saturday September 24, 2011 at the Hilton Garden Inn-Buffalo Airport from 9:00 am – 3:00 pm

Erie County Department of Environment & Planning 2011-2012 CDBG Project Application meeting on Thursday September 29, 2011 at Curly's Bar & Grill at 4:30 pm

Modern Disposal Services Open House at their H2Gro Greenhouses on Friday September 16, 2011 from 4:00 pm – 7:00 pm

Thank you letter from US congresswoman Kathy Hochul for the use of the Village Board room on August 26, 2011

PUBLIC COMMENT: Employee Syndee Shepard questioned the Board on if they have decided on how to charge the Town of Newstead for shared labor

Mayor Patterson wanted to commend the Public Works for the nice landscaping job at the Village Hall and the new Joint Facility as well as how nice Main Street looked all summer.

RESOLUTION duly moved by Forrestel and seconded by Wittlinger to go into executive session regarding a litigation issue as well as a contractual issue at 8:50 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 Capan to come out of executive session regarding the litigation and contractual issues at 9:20 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

On motion of Capan and seconded by Wittlinger, at 9:32 p.m., this meeting was **ADJOURNED**

MAYOR

CLERK-TREASURER