

October 4, 2010

A REGULAR MEETING of the Akron Village Board was held on this date at 7:35 p.m. Present: Mayor Carl E. Patterson, Michael R. Middaugh, Kathryn A. Capan and Brian D. Wittlinger; Village Attorney Daniel D. Shonn, Clerk Treasurer Daniel P. Borchert, and Superintendent Robert Kowalik.

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

RESOLUTION duly moved by Middaugh seconded by Capan, that the Minutes of the Regular Meeting of September 20, 2010 be and hereby are approved by the Village Board.

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

Chief of Police Richard Lauricella entered the meeting at 7:31 pm

RESOLUTION, duly moved by Capan 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	\$ 43,561.18
Electric Fund	\$ 18,400.09
Water Fund	\$ 12,042.04
Sewer Fund	\$ 22,691.57

ADOPTED CARL E. PATTERSON - 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 building permit be and hereby is approved with the applications and approval of the Code Enforcement Officer:

William Tomporowski	2 Skyline Drive	Addition	\$160.80
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ADOPTED CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

PUBLIC HEARING – was held at this time to hear any and all persons for the purpose of addressing the 2011 Community Development Block Grant Program. Village Clerk-Treasurer Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. Resident Doug Ceisner questioned the past projects and the estimated amount of grant money involved. Clerk-Treasurer Borchert replied that the maximum amount for each application is \$100,000.00. The Village has completed many projects in the past using this program such as: Brooklyn Street Waterline, John Street Waterline, Bloomingdale Avenue Waterline and Clarence Center Road Waterline as well as the Rural Transit Van use for Village residents. Clerk-Treasurer Borchert stated that the applications need to be submitted by October 25, 2010. Suggestions for projects in 2011 are Marshall Street waterline replacement, storm sewer rehab and street reconstruction; a sidewalk along Skyline Drive and the Newstead Town Park; and the joint Rural Transit Van Service Project with the Towns of Clarence and Newstead.

RESOLUTION duly moved by Middaugh and seconded by Wittlinger that the Public Hearing with regard to the 2011 Community Development Block Grant Program be and hereby is closed at 7:42 pm

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

RESOLUTION duly moved by Wittlinger and seconded by Middaugh, that the No. 1 request for the Community Development Funds for the Year 2011 for the Village of Akron be and hereby is to be the replacement waterline, storm sewer rehab and street reconstruction of Marshall Avenue from John Street to Eckerson Avenue, and that Mayor Carl E. Patterson is authorized to sign, submit and execute a Contract with Erie County Community Development Block Grant (ECCDBG) Program for said Marshall Avenue Project, upon approval of ECCDBG.

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

RESOLUTION duly moved by Capan and seconded by Middaugh, that the No. 2 request for the Community Development Funds for the year 2011 for the Village of Akron be and hereby is the joint construction, with the Town of Newstead, of a sidewalk along Skyline Drive and the Newstead Town Park and connecting into the existing sidewalk on Sunset Blvd and that Mayor Carl E. Patterson is authorized to sign, submit and execute a Contract with Erie County Community Development Block Grant (ECCDBG) Program for said Sidewalk Project, upon approval of ECCDBG.

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

RESOLUTION duly moved by Middaugh and seconded by Capan, that the No. 3 request for the Community Development Funds for the Year 2011 for the Village of Akron be and hereby is to be the joint Rural Transit Van Service Project with the Towns of Clarence and Newstead, and that Mayor Carl E. Patterson is authorized to sign, submit and execute a Contract with Erie County Community Development Block Grant (ECCDBG) Program for said joint Rural Transit Van Service project with Towns of Clarence and Newstead, upon approval of ECCDGB.

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

Resume adjourned Public Hearing from August 9, 2010 regarding the issue of determination of public nuisance at 37 Cedar Street and 44 Cedar Street. Village Attorney Shonn stated that on the recommendation of Code Enforcement Officer, John Good, that both 37 Cedar Street and 44 Cedar Street be adjourned until the next scheduled Village Board meeting October 18, 2010 where a final decision on both properties will be determined. Also both property owners will be asked to attend that meeting.

APPEARANCES – none scheduled

PUBLIC COMMENT – Resident Melissa Sanford from Buell Street asked the Board permission to allow parking in front of her house on October 15, 2010 from 3:00 pm to 6:00 pm. Mrs. Sanford will be hosting a gathering for the children to assemble a float for the home-coming parade scheduled for 5:15 pm that evening. After discussion

the Chief of Police Richard Lauricella stated that the police force will be tolerant regarding parking in that area for that evening only.

Resident Doug Ceisner asked the Board: if any solution has been found for the ever increasing deer population in his neighborhood; why a sign permit was issued September 13 for the Bank of Akron to put a sign up in various locations; suggestion to really considered the health care coverage the Village offers during the next contract negotiations in lieu of the many Village employees retiring; and lastly questioned the Board if VRI Environmental Services were bid out at the time of hire. The Board responded that: Trustee Forrestel is working on the deer issue; Code Enforcement Officer recommended giving the one year sign permit for the Bank of Akron to set their sign in various customer's lawns as a advertising tool; The Board will be looking into various health care programs for the upcoming contract negotiations in 2011; VRI Environmental Services were hired from a bid proposal and all internal projects at the Sewer Plant are bid out as per Village Code.

PROJECT REPORTS –

State Street Bridge – Request for proposal for Professional Engineering Services for Phase I and Phase II design, construction administration, and resident inspection for State Street Bridge. Board would like to be proactive in preparation of reconstruction of the State Street Bridge in anticipation of grant money not expected until at least 2013.

RESOLUTION duly moved by Middaugh and seconded by Wittlinger to request proposal for Professional Engineering Services for Phase I and Phase II design, construction administration, and resident inspection for State Street Bridge be and hereby is approved.

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

Joint Facility – During this evenings work session Thomas George gave a brief update on the Joint Facility Project.

MONTHLY REPORTS –

Departments –

Attorney – Continuing review of Cell Tower and Wind Mill additions to Zoning Law.

Clerk-Treasurer – The Board received the Clerk's report for September 2010, together with the October 2010 office schedule. Clerk-Treasurer Borchert reported to the Board: that Deputy Clerk Elaine Frey's last day will be October 14, 2010; working with IT support Ken Lombardo to replace the four work stations in the Village office; and attended NYCOM Fall Training School the week of September 20- 24, 2010 in Lake Placid, NY.

Chief of Police – Submitted to the Board his report and the schedule for October 2010. Chief Lauricella requested an executive session to discuss personnel issues. He also reported that extra patrols are scheduled for Home-Coming and Halloween. Chief Lauricella recommended to the Board to schedule Halloween Trick-or-Treating hours from 6:00 pm – 8:00 pm with the Amherst Control Center/Akron Fire Company sounding the fire whistle to start and end Trick-or-Treating activities.

RESOLUTION duly moved by Wittlinger and seconded by Capan to schedule Halloween Trick-or-Treating hours from 6:00 pm – 8:00 pm with the Amherst Control /Akron Fire Company sounding the fire whistle to start and end Trick-or-Treating activities be and hereby is approved.

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

Chief Lauricella also reported that the police department will have college interns riding along with officers for four hour stints for the next few months. Trustee Middaugh mentioned that he has received good comments about the increased foot patrols.

Superintendent of Public Works – The Board received copies of Superintendent Kowalik’s September 2010 report. Superintendent Kowalik reported: continuation of transferring new pole on Eckerson Avenue; Long term employee Dick Litfin retired as of September 29, 2010, next week long term employees Bryan Sugg and Dale Mecklenburg will also be retiring as of October 15, 2010, all of these employees will surely be missed; proposals for a new slide in Salter for Dump Truck #8 were sent to the Streets Committee; last day for yard pickup is scheduled for October 18, 2010 with the Leaf Pick-up Program to begin October 25, 2010. Lastly Superintendent Kowalik recommended to the Board to allow Bob Lucia and Robbie Lucia to attend the Western New York Water Works Conference on October 13, 2010 in Cheektowaga, NY at no cost to the Village.

RESOLUTION duly moved by Middaugh and seconded by Wittlinger to allow Bob Lucia and Robbie Lucia to attend the Western New York Water Works Conference on October 13, 2010 in Cheektowaga, NY at no cost to the Village be and hereby is approved.

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

Code Enforcement Officer – absent

Elected Officials –

JUSTICE COURT REPORT – Board received the monthly report from September 2010.

TRUSTEES – COORDINATORS

Trustee Capan – reported that a meeting was held Friday, October 1, 2010 with the owners of the Akron Mobil Home Park to discuss the installation of a master water meter and a master sewer meter. Village Engineer Paul Bowers was present and explained the Village’s intentions. Installation of the master sewer meter is tentatively scheduled for this fall with the master water meter to be installed in the spring.

Trustee Middaugh – all items on the agenda

Mayor Patterson – Extended another Thank You to the four retiring Village employees with over 150 years of knowledge and experience. Mayor Patterson stated that he met with all the Village employees on September 22, 2010 to discuss future plans with regards to all the retirees and the impact of the new Joint Facility. He reported that the Electric Crew Chief position has been posted.

Trustee Forrestel – absent

Trustee Wittlinger – nothing to report

OLD BUSINESS

Mitigation of Murder Creek – nothing new to report

Village Court – Clerk-Treasurer Borchert stated that things have been going very well with the Town of Newstead Court sharing space with the Village Court. Trustee Wittlinger added that the Town of Newstead Court Employees share the same opinion.

Main Street Traffic & Safety - continuing work on the lower speed limit and signage issues for the Traffic Order.

Northern Erie Sno-Seekers Request – Eric Glassman is scheduled to appear at the scheduled Village Board meeting on October 18, 2010.

Erie County Streets (Bloomingdale Avenue, East Avenue and John Street) - after discussion the Board decided to proceed with the project.

RESOLUTION duly moved by Wittlinger and seconded by Capan

Background: Erie County maintains four county roads within the boundaries of the Village of Akron, Bloomingdale Avenue, East Avenue, Parkview Drive and portions of John Street. Erie County Department of Highways met with the Village and proposed the Erie County would reconstruct Bloomingdale Avenue, John Street, and East Avenue prior to transferring these roads to the Village of Akron. The county will maintain control of Parkview Drive.

Resolved: that the Village of Akron would accept Bloomingdale Avenue, John Street, and East Avenue as Village streets, provided that the plans for the reconstruction of such roads are approved by the Village of Akron and such construction is carried out in a manner which is consistent with such plans, and provided that the Village of Akron shall bear no expense for the review and inspection of the plans and construction of the County of Erie. County of Erie to stripe as required prior to Village acceptance of the street be and hereby is approved.

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

Knox Box Policy – After discussion the Board agreed to adopt the Knox Box Policy

RESOLUTION duly moved by Middaugh and seconded by Capan to adopt

WHEREAS, the Village Board of the Village of Akron in conjunction with the Village Building Department and the Akron Fire Company has been developing a Knox Box Policy that will allow for access to commercial buildings in case of emergencies; and

WHEREAS, the Village Board had determined that it is necessary to adopt a formal policy that will require that Knox Boxes be installed in connection with the new construction of any commercial building within the Village as well as any substantial (25%) reconstruction of any commercial building in the Village.

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

1. The Village Board does hereby adopt the attached Knox Box Policy as an official policy of the Village of Akron and pursuant to such policy all new commercial buildings and any commercial building that is undergoing substantial (25%) renovations in the Village of Akron shall be required to install a Knox Box.
2. The Village Building Department is directed to place the Knox Box requirements as part of any commercial building permit application.
3. 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 held on October 4, 2010, the results of which were as follows:

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

Village Refuse Contract – Clerk-Treasurer Borchert is soliciting other communities to check pricing.

CORRESPONDENCE –

Town of Amherst Central Fire Alarm September 2010 Operations Report

Letter to the Water Wastewater Committee from resident Walter & Ruth Kloss

Letter to the Water Wastewater Committee from resident Sharon Zarnoch

Letter regarding Brooklyn Street Bridge asking Village to move utilities for new bridge alignment. Construction to start in the spring of 2011.

PUBLIC COMMENT – Resident Doug Ceisner requested that the Village send letter to Erie County regarding the cost to fix the Brooklyn Street Bridge. Mr. Ceisner also wants the Board to reconsider claiming Bloomingdale Avenue, East Avenue & John Street. He feels the maintenance; liability will be too costly for the Village.

RESOLUTION duly moved by Middaugh and seconded by Capan authorizing the Board to go into executive session at 8:35 p.m. to discuss personnel issues be and hereby is approved.

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

RESOLUTION duly moved by Capan and seconded by Wittlinger authorizing the Board to come out of executive session at 9:34 p.m. be and hereby is approved.

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

On motion of Middaugh, seconded by Wittlinger, at 9:38 p.m., this meeting was ADJOURNED

MAYOR

CLERK-TREASURER