

October 17, 2011

A REGULAR MEETING of the Akron Village Board was held on this date at 7:30 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 and Super Chief Jon Cummings

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

RESOLUTION duly moved by Capan seconded by Forrestel, that the Minutes of the Regular Meeting of October 3, 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 Forrestel 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	\$100,340.10
Electric Fund	\$ 96,017.70
Water Fund	\$ 7,638.78
Sewer Fund	\$ 16,169.22
Capital Streets	\$ 4,632.74

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

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

Brian Hohlfelder	117 Main Street	Windows/Roof	\$25.00
Aakron Rule	2 Oak Street	Addition	\$187.00

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

Dale Scroger	38 Cedar Street	Roof	\$25.00
Donald Hastrich	7 John Street	Fence	\$18.00
Dennis Smith	12 Clinton Street	Windows/Roof/Siding	\$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 as long as clean fill is used, grade is

not changed and original drainage path is followed along with the applications and approval of the Code Enforcement Officer:

Greg Papke East Avenue (225-237) Soil Removal & Fill \$50.00

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 – Kim and Russell Orsmby came before the Board to ask for an update on the situation at the neighboring Deposit Depot. Village Attorney Shonn stated that a letter of the violations and suggested ways to comply such as a fence, venting and keeping the work inside went out to the Deposit Depot at the end of last week. The letter did allow 30-60 days to comply. The Orsmbys did reply that the noise and smell are still an issue as well as the unsafe use of the forklift.

PROJECT REPORTS –

Joint Facility – Mayor Patterson reported that half of the punch list is completed but still working with the sealant for the cement floors. The Open House is scheduled for Saturday October 22, 2011 from 9:00 am – 12:00 pm with a short program at 10:00 am. Trustee Forrestel noted that the DPW did a great job with the fence and trees and reported that the site looks great.

MONTHLY REPORTS –

Departments –

CAMDEN GROUP – Representative Ken Scherrieble reported that the replacement doors are expected in this week. The sludge pump issues noted in the September 2011 report have been corrected and the Supplier held up the warranty and shipped the parts for free, however, the Sewer Plant did opt to use titanium plates and paid the difference in the cost. Mr. Scherrieble reported that on November 1, 2011 the sand filters will be shut off and cleaned for next year.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – nothing to report

Trustee Middaugh –working on updating the Village of Akron fee schedule and should have the final draft ready for next meeting.

Mayor Patterson – mentioned the absence of Trustee Wittlinger due to a possible heart issue with his father and asked everyone to keep his family in their prayers. Information regarding the Fire Contract will be available at the next Village Board meeting. Mayor Patterson reported that he will be attending the Village Official's Association meeting this week and also extended an invitation to the Board to attend the Association of Erie County Governments meeting scheduled next Thursday.

Trustee Forrestel – met with the Clerk-Treasurer and Auditors Amato, Fox & Company and Lucernoni, Schulz & Company regarding Capital fund projects within the Village of Akron. Trustee Forrestel mentioned to the Board that the Sewer Funds are all in order and the purchase of the replacement pick-up truck can now move forward.

Trustee Wittlinger – absent

OLD BUSINESS

Mitigation of Murder Creek – Mayor Patterson reported that the project is completed and added job well done.

Village Court – Village Attorney Shonn reported that he contacted both Justices to schedule a Public Hearing regarding the Abolishment of the Village Court and is waiting for a reply from them. Mayor Patterson reported, after recent discussion of the rental of office space at the new Town of Newstead Court building, the Board recommended that the Village Court pay a monthly fee of \$200.00 for office space and \$30.00 each for two phone lines effective as of October 1, 2011.

RESOLUTION duly moved by Forrestel and seconded by Middaugh to allow the Village Court to rent office space at the Town of Newstead Court building for a monthly rate of \$200.00 and for 2 phone lines at \$30.00 each per month effective October 1, 2011 be and hereby is approved.

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

Akron Airport – Town of Newstead denied the permit to expand the Akron Airport.

Ron Berry Memorial Fields – currently doing water testing

Bloomingle Avenue and John Street Reconstruction – supplies have been delivered and detour signs are up but work has not begun at this time. Mayor Patterson stated that he participated in a press conference on Tuesday October 11, 2011 at 3:30 pm along with the County Executive regarding this project

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

Public Works Facility at 43 East Avenue – Village Attorney Shonn is currently working with the Village Engineer, Paul Bowers, on possible land uses

Northern Erie Sno-Seekers – Clerk-Treasurer Borchert reported receiving the official permission letter along with the Certificate of Insurance from the Sno-Seekers after discussion the Board recommended the following resolution:

RESOLUTION duly moved by Capan and seconded by Middaugh to accept agreement with the Northern Erie Sno-Seekers for the 2011-2012 winter season.

WHEREAS, the Village of Akron has received a request from the Northern Erie Sno-Seekers, Inc., to use a portion of the Bike Path in the Village of Akron for snowmobile use;

WHEREAS, the Northern Erie Sno-Seekers, Inc., contacted the Village Board on October 17, 2011 to renew their permission to use a portion of the Bike Path in the Village of Akron for snowmobile use;

NOW, THEREFORE, A RESOLUTION, duly moved by Capan, seconded by Middaugh, based on information submitted by the Northern Erie Sno-Seekers, Inc., and upon the Village’s review, the Village Board authorizes the Northern Erie Sno-Seekers, Inc., to use the Bike Path within the Village of Akron from December 15, 2011 through April 1, 2012, subject to random enforcement of speed, unreasonable noise and DWI, be and hereby is approved by the Village Board, subject to the following:

1. That the Village Board does hereby authorize the Northern Erie Sno-Seekers, Inc., to use the Bike Path beginning at Cedar Street and running southwest to Clarence Center Road, along a route that shall be specifically marked out by

the Northern Erie Sno-Seekers, Inc., and approved by the Village of Akron Superintendent of Public Works,

- a. The Northern Erie Sno-Seekers must provide the Village with proof of liability coverage naming the Village of Akron as additional insured in an amount satisfactory to the Village. If such coverage is part of a blanket coverage for all snowmobile clubs throughout the State of New York, the Village of Akron must be specifically named as an additional insured on such policy.
 - b. The Northern Erie Sno-Seekers must provide the Village with an updated copy of its certificate of incorporation and by-laws and of its rules and regulations for operation of snowmobiles on trails maintained by them.
 - c. The Northern Erie Sno-seekers will provide to the Village an indemnification agreement holding the Village harmless and defending the Village from all property damages and personal injuries occasioned by the activities of the Northern Erie Sno-Seekers, their members, agents, invitees or employees on any Village lands during the term of the agreement to use the Bike Path.
 - d. The use of the right-of-way shall begin on the last day of deer hunting season and shall terminate on April 1, 2012.
 - e. The Northern Erie Sno-Seekers, Inc. must cooperate with the Village to clearly mark the trail, which trail shall be located off the paved portions of the Bike Path and post speed limits and rules and regulations governing the use of the trails, satisfactory to the Village.
 - f. The Northern Erie Sno-Seekers, Inc., shall use the Bike Path in a manner that allows for the use of the same facilities by others including hikers and cross country skiers.
 - g. The Northern Erie Sno-Seekers, Inc. shall use their best efforts to avoid damage to Village Property, injury to individuals, or excessive noise.
 - h. Failure to abide by all these conditions may result in the Village Board's withdrawal or rescinding of the consent of the Village to use the Bike Path.
2. This resolution shall take effect immediately.

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

2012 -2013 Erie County CDBG Program - After a short discussion the Board agreed to apply for the joint construction, with the Town of Newstead, of a sidewalk on Skyline Drive and the joint Transit Van Service Project with the Town of Newstead and the Town of Clarence.

RESOLUTION duly moved by Forrestel and seconded by Capan that the No. 1 request for the Community Development Funds for the Year 2012 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 connecting into the existing sidewalk on Sunset Blvd a sidewalk connecting the Newstead Town Hall on Clarence Center Road to Buell Street 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
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KATHRYN A. CAPAN	- AYE

RESOLUTION duly moved by Capan and seconded by Middaugh that the No. 2 request for the Community Development Funds for the Year 2012 for the Village of Akron be and hereby is 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 the Towns of Clarence and Newstead, upon approval of ECCDGB.

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

NEW BUSINESS

RESOLUTION duly moved by Middaugh and seconded by Capan to increase the General Fund Revenue A5710 (\$99,828.00) and raise General Fund Appropriation A 5142.2 (\$99,828.00) for the purchase of new snow plow 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 Forrestel to exercise the Village of Akron's final one-year renewal of our refuse contract with Modern Disposal from January 1, 2012 – December 31, 2012 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 move Deputy Clerk Tammy Anderson from Grade 1A Hire Rate to Grade 1A Step 1 based on her successful completion of her 6 month probationary period 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 Forrestel and seconded by Capan to delegate the NYMPA Executive Committee as the voting delegate for the Village of Akron at the New York Municipal Power Agency Semi-Annual Meeting on October 19, 2011 in East Syracuse, NY 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 Capan and seconded by Forrestel to establish the Village of Akron standard work days for the Position of Trustee Michael Middaugh at 6.0 hours/day and 5.65 days/month be and hereby is approved.

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

CORRESPONDENCE –

The September 19, 2011 Water/Wastewater Committee Meeting Minutes

Erie County/City of Buffalo Household Hazardous Waste Drop-Off Day on Saturday October 22, 2011 from 9:00 am – 2:00 pm at Honeywell Specialty Materials at 20 Peabody Street Buffalo, NY

APEX Consulting Murder Creek Status Report dated October 10, 2011

PUBLIC COMMENT TIME: Mayor Patterson offered a moment of silence for the memory of Frances Dahill and Jack Silvernail and urged everyone to keep the members of the Dahill and Silvernail families in their thoughts and prayers

On motion of Capan and seconded by Middaugh, at 8:46 p.m., this meeting was
ADJOURNED

MAYOR

CLERK-TREASURER