

October 18, 2010

A REGULAR MEETING of the Akron Village Board was held on this date at 7:31 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, Deputy Clerk Treasurer Tammy Kelley, Superintendent Robert Kowalik and Code Enforcement Officer John Good

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

RESOLUTION duly moved by Capan seconded by Middaugh, that the Minutes of the Regular Meeting of October 4, 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 Wittlinger seconded by Forrestel 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	\$ 65,107.67
Electric Fund	\$128,099.94
Water Fund	\$ 35,512.92
Sewer Fund	\$ 36,814.98
Capital Street	\$ 59,187.69

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

Kirk Jago	10 Chestnut Street	Roof	\$25.00
Richmond Smith	123 Skyline Drive	Windows	\$25.00

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

PUBLIC HEARING – Resumed adjourned Public Hearing from August 9, 2010 regarding the issue of determination of public nuisance at 37 Cedar Street and 44 Cedar Street. Code Enforcement Officer John Good distributed photos taken today showing the progress on both properties.

Village Attorney asked the recommendation of Code Enforcement Officer John Good on the property located at 44 Cedar Street owned by Mr. Laverne Johnson. Code Enforcement Officer Good stated that his recommendation regarding 44 Cedar Street would be for dismissal of any violations due to Mr. Johnson bringing the property within

compliance of the Village Code. Mayor Patterson stated his appreciation for Mr. Johnson's efforts.

RESOLUTION duly moved by Forrestel and seconded by Wittlinger to close the public hearing regarding 44 Cedar Street at 7:38 pm and to dismiss all violations against the property at 44 Cedar Street 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

Village Attorney Shonn requested the recommendation of Code Enforcement Officer John Good regarding the violations for 37 Cedar Street owned by Mr. Timothy Brady. Code Enforcement Officer Good responded that there is still quite a bit of debris along with an unregistered vehicle in the yard. Certainly an improvement is noticeable from last month but due to health issues of Mr. Brady the clean may need more time. Code Enforcement Officer recommended adjourning the Public Hearing until the November 15, 2010 regularly scheduled Village Board meeting.

RESOLUTION duly moved by Forrestel and seconded by Capan to adjourn the Public Hearing regarding the property at 37 Cedar Street until the November 15, 2010 regular scheduled Village Board meeting 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 – Northern Erie Sno-Seekers Representative Eric Glassman came before the Board to request temporary use of the bike path. Trustee Forrestel and Middaugh wanted to remind the Club to put the rubber belting on the bridge and to put another coat of sealer on both sides of bridge entrances.

RESOLUTION duly moved by Middaugh and seconded by Capan to accept agreement with the Northern Erie Sno-Seekers for the 2010-2011 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 18, 2010 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 Middaugh, seconded by Capan, 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 21, 2010 through April 1, 2011, 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, 2011.
- 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
	BRIAN D. WITTLINGER	- AYE

PUBLIC COMMENT – none

PROJECT REPORTS –

State Street Bridge – Nothing new to report

Joint Facility – a joint meeting with the Town of Newstead and the Village of Akron is scheduled for November 1, 2010 directly following the regular scheduled Village Board meeting. Village Attorney Shonn requested an executive meeting regarding personnel.

MONTHLY REPORTS –

Departments –

VRI – Environmental Services – Ken Scherrieble submitted his report to the Board. Mr. Scherrieble reported that the Sewer Plant is doing very well. Preparations for winter are under way with the sand filters being shut down. Mr. Scherrieble was very happy to report that on the recommendation of the NYSDEC the NY Chapter of Water & Environment Association has asked the Village of Akron Sewer Department to give a presentation in March where the NYSDEC and several Villages and Municipalities will be in attendance regarding the steady and successful decline of storm water infiltration at the Sewer Plant. More information to follow

Code Enforcement Officer – Mr. Good distributed to the Board two forms that he would like to recommend that the Village use; one being a Demolition Permit and the other an updated Zoning Variance Application.

RESOLUTION duly moved by Forrestel and seconded by Wittlinger to adopt the new Demolition Permit and the updated Zoning Variance Application as per the request

of the Code Enforcement Officer as approved by the Village Attorney and Village Clerk-Treasurer 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

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – Nothing to report

Trustee Middaugh –Reported that the Village ordered the “slide in sander” for Dump Truck #8. Also reported that today was the last day for brush pick-up and the beginning of leaf pickup. The compost site will be open until November 13, 2010.

Mayor Patterson – Reported that he will be attending the Village Officials Meeting on Thursday, October 21, 2010 and the Association of Erie County Governments meeting on Thursday, October 28, 2010.

Trustee Forrestel – reported that the Human Resource Committee met regarding the Village Staff temporary interim assignments.

Trustee Wittlinger – nothing to report

OLD BUSINESS

Mitigation of Murder Creek – nothing new to report

Village Court –Trustee Wittlinger reported that the Town Court is hoping to move back into the new Town Court addition by November 18, 2010.

Main Street Traffic & Safety – nothing new to report

Village Refuse Contract - Village Clerk-Treasurer Borchert has investigated pricing. The Board was concerned with the price of Freon pick-up and whether this is the last year for the extension on the contract.

NEW BUSINESS –

RESOLUTION duly moved by Middaugh and seconded by Capan authorizing Clerk-Treasurer Daniel P. Borchert to forward any and all 2010-2011 Village Taxes remaining unpaid as of October 31, 2010 to the County of Erie 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 Wittlinger to accept the resignation of part-time Police Officer Craig Pelletieri as per the recommendation of Chief of Police Richard Lauricella 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 to allow Village employees Charles Rebmann, Donald Kreher and Thomas Whitbeck to attend CPR/First Aid On November 1, 2010 in Clarence, NY from 8:00 am – 3:00 pm at a cost of \$50.00 per person 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 –

Time Warner Cable notification of soon to be expiring agreements with programmers and broadcasters

County of Erie Storm Water Management Planning and Development Workshop on Thursday October 28, 2010 at the Erie County Fire Training Center from 8:00 am – 12:00 pm

Erie County Health Department approval of the engineering report and plans for the sanitary sewer construction for Cornerstone Subdivision

Town of Newstead SEQR use Variance Request and Site Plan Applications for Akron Airport

Draft response letter to residents of the Akron Mobile Home Park

Erie County Electronics Recycling Day at Honeywell Specialty Materials Research Labs, 20 Peabody Street in Buffalo on October 23, 2010 from 9:00 am – 1:00 pm

PUBLIC COMMENT – Resident Doug Ceisner asked if any of the Village Board Members would be present for the Town of Newstead Zoning Board Public Hearing regarding the Akron Airport on Thursday, October 21, 2010 at 7:30 pm in the Senior Center. Mayor Patterson stated that he would be attending the hearing.

RESOLUTION duly moved by Capan and seconded by Middaugh authorizing the Board to go into executive session at 8:14 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 Middaugh and seconded by Capan authorizing the Board to come out of executive session at 9:14 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 Wittlinger, seconded by Capan, at 9:15 p.m., this meeting was ADJOURNED

MAYOR

DEPUTY CLERK-TREASURER