

October 19, 2009

A REGULAR MEETING of the Akron Village Board was held on this date at 7:30 PM Present: Mayor Carl E. Patterson; Trustees E. Peter Forrestel, Michael R. Middaugh, Kathryn A. Capan and Brian D. Wittlinger; Attorney Daniel D. Shonn, Clerk Treasurer Daniel P. Borchert, Code Enforcement Officer Donnal Folger and Superintendent Robert Kowalik.

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 5, 2009 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 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 | \$ 33,264.95 |
| Electric Fund | \$ 37,385.59 |
| Water Fund | \$ 7,146.18 |
| Sewer Fund | \$ 15,815.71 |
| Capital Sewer | \$ 39,608.69 |

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 Middaugh that the following building permit be and hereby is approved with the applications and approval of the Building Inspector:

| | | | |
|-------------------|-------------------|--------------|---------|
| Carlton Patterson | 72 Parkview Drive | Covered Deck | \$25.00 |
|-------------------|-------------------|--------------|---------|

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

Mayor Patterson abstained from voting on the above resolution.

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 Building Inspector:

| | | | |
|----------------|--------------------|---------------|----------|
| David Harsch | 14 Jackson Street | Roof | \$25.00 |
| Richard Warner | 30 Shepard Ave | Dormer | \$45.00 |
| Richard Warner | 30 Shepard Ave | Siding | \$25.00 |
| Richard Zurlo | 45 Clarence Ctr Rd | Shed | \$25.00 |
| James Holtz | 12 Crescent Drive | Addition | \$142.00 |
| Dale Scroger | 38 Cedar Street | Enclose Porch | \$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 – None Scheduled

APPEARANCES – None Scheduled

PUBLIC COMMENT –Resident Doug Ceisner questioned the Board about the increase in the water/sewer bill. Village Clerk Borchert stated that as of July 1, 2009 the water went from \$6.75 to \$7.75 per 1000 and the sewer portion went from \$3.75 to \$5.00 per 1,000 gallons consumed. Mr. Ceisner also questioned if building permits were issued to 73 Main Street and 99 Main Street for their property upgrades. Code Enforcement Officer Folger replied that they did not require a permit because the work done (windows) was on less than 50% of the building’s windows in a one year period.

Resident Jean Mann came before the Board regarding a letter she had sent to the Board in reference to her driveway drainage problem. Ms. Mann claims that since the home across the street was built, she has had a water drainage problem in her driveway. Her driveway consists of stone and every time a heavy rain falls the water pores down her driveway from the property across the street washing away the stone leaving big ditches. Attorney Shonn stated that after receiving her letter he investigated the permit for the new home and found that all State Codes were followed and that the Village was not responsible for the drainage of Ms. Mann’s driveway, but he did believe that the Village was responsible for that section of Skyline Drive. Attorney Shonn mentioned that maybe there is something that could be done with the road to help with drainage which would also help Ms. Mann’s driveway situation as well. Attorney Shonn also stated that the Town of Newstead is responsible for the drainage in the Village as well as the Town. Superintendent Kowalik will look into the matter and let the Board know his findings.

PROJECT REPORTS –

State Street Bridge – permit process is still under way. Mayor Patterson requested a solid cost estimate for the reconstruction. Superintendent Kowalik will contact William Schutt & Associates for an estimate.

Joint Public Works Facility – Superintendent Kowalik reported that progress is continuing with grading and stoning.

MONTHLY REPORTS –

Departments –

VRI-Environmental Services – VRI Representative Ken Scherrieble shared his report with the Board and also presented several pictures of the completed project at the Sewer Plant. Mr. Scherrieble mentioned that the screw pump and the by pass pumps are in and the Sludge Pumps will be a winter project.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – nothing new to report

Trustee Middaugh –nothing new to report

Mayor Patterson – Wanted to give a special thanks to Disaster Coordinators Glen Joachimiak, Daniel Kowalik, Brian Wittlinger and Daniel Borchert along with many volunteers and residents for the tremendous job during the Haz-Mat Drill conducted at Perry’s Ice Cream on Saturday October 10, 2009.

Mayor Patterson received a letter of thanks from the Village of Corfu for the help our Public Works Department gave during the clean-up after the tornado hit their village in July 2009.

Mayor Patterson also wanted to discuss the truck traffic on Eckerson Avenue brought to light by the letter from resident Dodi Akin. After discussion the Mayor recommended the placement of “No Tractor Trailer Traffic” signs on the northbound end of Eckerson Avenue and Churchill Street and Eckerson Avenue and Marshall Avenue.

RESOLUTION duly moved by Forrestel and seconded by Middaugh to erect “No Tractor Trailer Traffic” signs on the northbound intersection of Eckerson Avenue and Churchill Street and Eckerson Avenue and Marshall Avenue 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

Trustee Forrestel – Gave his recommendation for John Asmus to sign on behalf of the Village for the Carbon Tree Program at the Water Plant Reservoir.

RESOLUTION duly moved by Forrestel and seconded by Capan to authorize John Asmus to sign on behalf of the Village for the Carbon Tree Program at the Water Plant Reservoir 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

Trustee Wittlinger – nothing new to report

OLD BUSINESS

Mitigation of Murder Creek – nothing new to report

Village Court – meeting scheduled October 21, 2009

Police Contract –discussion was held regarding an amendment regarding police duties. Village Attorney Shonn has the agreed upon language that he and Town Attorney Neill have put together.

RESOLUTION duly moved by Wittlinger and seconded by Forrestel to amend the Police Contract in which the Akron Police will only respond to calls outside the Village when called out by the Sheriff or the State Police in accordance with the amended language agreed upon by Village Attorney Shonn and Town Attorney Neill 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

Code Enforcement Officer – Village Attorney Shonn will be meeting with Town of Newstead Attorney Neill to discuss the agreement for a joint Code Enforcement Officer.

Buell Street Sidewalk – a letter will be sent to the resident with the response from the Village.

Alabama Water – nothing new to report

CDBG Projects – after discussion the following resolutions are the recommendations from the Board:

RESOLUTION duly moved by Middaugh and seconded by Capan, that the No. 1 request for the Community Development Funds for the Year 2010-2011 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
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, that the No. 2 request for the Community Development Funds for the year 2011-2011 for the Village of Akron be and hereby is to the joint construction, with the Town of Newstead, of a sidewalk along Skyline Drive and the Newstead Town Park 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
BRIAN D. WITTLINGER - AYE

RESOLUTION duly moved by Forrestel and seconded by Capan, that the No. 3 request for the Community Development Funds for the Year 2010-2011 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
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

Sidewalk Snow Removal - After discussion the Board strongly agreed that the Village needs to truly enforce the clearing of sidewalks and be consistent with Violation Notices.

NEW BUSINESS –

RESOLUTION duly moved by Middaugh and seconded by Capan authorizing Clerk-Treasurer Daniel P. Borchert to forward any and all 2008-2009 Village Taxes remaining unpaid as of October 31, 2009 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 schedule Halloween Trick-or-Treating hours from 6:00 p.m. to 8:00 p.m. with the Amherst Fire Control Center/Akron Fire Company sounding the fire whistle to start and end Trick-or-Treating activities.

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 to move Donald Kreher from Grade 12 Hire Rate to Grade 12 Step 1 effective his 6 month anniversary date of October 28, 2009 on the recommendation of Superintendent Kowalik 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 Capan and seconded by Middaugh authorizing the NYMPA Board to be the Village of Akron voting delegate for the NYMPA meeting in November 2009 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

Superintendent Kowalik reported that the curb side leaf collection will begin next week, October 26, 2009, and today was the last day for curb side chipping and brush pickup.

Code Enforcement Officer Folger presented to the Board the electrical fees from three Electrical Inspection Companies.

CORRESPONDENCE – None

PUBLIC COMMENT – Resident Walter Nelson agreed with the Board that the sidewalks must be a priority during the winter months especially in the School and Business District.

Resident Doug Ceisner wanted to know why the water/sewer rates went up 40% and what does VRI Services actually do at the sewer plant. It was explained to Mr. Ceisner that the maintenance and upgrades at the Sewer plant influenced the cost increase and that VRI Environmental Services work along with Village employees to maintain the plant and complete all upgrades with the authorization of the Village Board.

On motion of Forrestel, seconded by Capan, at 8:40 PM, this meeting was ADJOURNED.

MAYOR

CLERK-TREASURER