

October 20, 2008

A REGULAR MEETING of the Akron Village Board was held on this date at 7:32 p.m. Present: Mayor Carl E. Patterson; Trustees Michael R. Middaugh, E. Peter Forrestel, William P. Kaufman and Kathryn A. Capan; Attorney Daniel D. Shonn, Clerk–Treasurer Daniel P. Borchert, Superintendent Robert Kowalik, Chief of Police Richard Lauricella and Code Enforcement Officer Donnal D. Folger. Planning Board Members: Chairman Brian Perry, Members Richard Litfin, Robert Anderson, Mary Jane Shonn, and Village Project Engineer Paul Bowers.

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 October 6, 2008 be and hereby are approved by the Village Board.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
WILLIAM P. KAUFMAN - 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	\$ 32,936.63
Electric Fund	\$130,588.16
Water Fund	\$ 7,093.09
Sewer Fund	\$ 13,248.89
Capital Water	\$ 4,458.72
Capital Sewer	\$ 71.60

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

RESOLUTION, duly moved by Forrestel, seconded by Capan, that the following building permits be and hereby are approved with the applications and approval of the Building Inspector:

Virginia DiSalvo	172 East Avenue	Roof	\$25.00
Thomas Perry	15 Stoneridge Lane	Roof	\$25.00
Chad Graver	38 Jackson Street	Addition	\$45.00
Barbara Kelley	80 Bloomingdale Ave	Roof	\$25.00

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

PUBLIC HEARING – was held at this time to hear any and all persons for the purpose of addressing the Akron Village Commons Subdivision. Village Clerk-Treasurer Daniel P. Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. Planning Board Chairman Brian Perry spoke about the many years spent working with the Akron Development LLC Group regarding this subdivision in so much as keeping the subdivision as “Akron Like” as possible. The Developers have worked with the Planning Board and Village Engineer, Paul Bowers with regards to Sidewalks, Fire Codes, Drainage, and Akron Utilities.

With the Village Board and the Village Planning Board gathered together, Village Attorney Daniel D. Shonn wanted to take a hard look at the SEQR so we could move toward acceptance of the plat and other environmental issues. Mr. Shonn brought up several issues pertaining to the environmental aspect such as:

- A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.
Village Engineer Paul Bowers stated that the Developers have submitted detailed plans regarding drainage, storm water quality including inlet controls and proper retention pond size. James Meyer a resident from Flint Avenue asked if there was a spring on the property. Mr. Bowers responded that there is wetland on the property but the developers have left that part of the property alone with the exception of the only street going through a portion of it, which the Village has requested that the culvert or bridge used will not overly effect the wetlands.
- The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species.
None Found
- The impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant of subdivision 617.14
None Found
- The creation of a material conflict with a community's current plans or goals as officially approved or adopted.
Village Attorney Daniel D. Shonn responded that the Village Board worked long and hard to make sure the proper changes were made in regards to Zoning within the Village's Comprehensive Plan for this project.
- The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.
Developers have submitted an archeological report and there is no significant impact reported.
- A major change in the use of either the quantity or type of energy.
The Developers have stated that the homes will not use electric heat and the sewer moratorium allows for 50 more units every six months providing the Sewer Plant meets all criteria. Clayt Ertel the Realtor involved with the project explained that the subdivision will be built in phases projecting 10-20 homes per year which falls within the 50 unit limit.
- The creation of a hazard to human health
None Found
- A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses
None Found
- The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.
None Found

The Developers also stated that the Subdivision will have a Home Owners Association, which does not qualify for any tax relief, and has control over maintenance of homes to keep the integrity of the project intact.

Mayor Patterson just wanted to thank the Developers for their time and patience in this long process. He also appreciates the cooperation between the Developers, The Planning Board, Village Attorney Daniel D. Shonn and Village Engineer Paul Bowers.

RESOLUTION duly moved by Perry and seconded by Anderson that the Public Hearing with regard to the Akron Village Commons Subdivision be and hereby is closed at 7:59 p.m.

ADOPTED	BRIAN PERRY	- AYE
	RICHARD LITFIN	- AYE
	ROBERT ANDERSON	- AYE
	MARY JANE SHONN	- AYE

APPEARANCES – No appeared to speak

PUBLIC COMMENT – None

PROJECT REPORTS –

State Street Bridge – Bridge has been closed. Chances of grant monies from HBRRP are very slim due to the cut backs. Still waiting for quotes from Jansen-Keiner for short term repairs to lift the flags placed on the bridge by NYSDOT.

John Street Waterline Project – Project is complete and considered successful. Clerk-Treasurer will be completing financial report for reimbursement.

MONTHLY REPORTS –

Departments –

VRI Environmental Services – VRI Representative Al Graham presented the Board the report for September 2008. Mr. Graham reported that the grouting project should begin next week providing that John Mello from the EPA gives approval. Mr. Graham also stated that there is about 6,000 additional feet that could be grouted in the Village and Trustee Forrestel suggested the remainder of the grant money could be used for that purpose.

The new drying beds are in operation and just need lighting installed which the Public Works employees are scheduled to complete.

Mayor Patterson wanted to thank VRI for there services and appreciated all the corrections and upgrades to the Sewer Plant. Mr. Graham said it was a team effort by all. Trustee Forrestel stated that everyone involved with the Sewer Plant really worked well together.

Code Enforcement Officer – Donnal Folger wanted to report that Kurt Schie did receive permission to brush mow the property on Jackson Street and Hake Road. Received Town of Newstead SEQR/SERP Coordinated Review Local Law #4 of 2008 “Self Storage Law of the Town of Newstead.” Also, mentioned that all court actions have been put off until November 2008. Lastly, recommended the Board discuss Fire Arms Discharge in the Village and mentioned the Village does not have anything in the Village Code Book forbidding it in the Village.

Elected Officials

TRUSTEES – COORDINATORS

Trustee Capan – Nothing New

Trustee Middaugh – Wanted to thank everyone for their thoughts and prayers for his new little addition to the Middaugh Family.

Mayor Patterson – Mayor Patterson wanted to remind the Board that today was the last day for Village brush pick-up and that leaf collection starts October 27, 2008. If a resident still has brush they may bring the brush to the compost site on Saturday mornings or they can call Public Works and set up an appointment. Mayor Patterson also asked Superintendent Robert Kowalik how the hydrant flushing went and if there were many complaints. Mr. Kowalik replied that the hydrant flushing went well with only 2 needing additional work. Also, there were minimal complaints.

Lastly, the Mayor wanted to confer about the roofing of the Salt Barn and after discussion the Board agreed to do the whole roof with 30 year shingles with the work completed in-house.

Trustee Forrestel – nothing to report

Trustee Kaufman – Received estimate from Buffalo Metal Casting on molding and recasting the water fountain that was damaged in Russell Park.

RESOLUTION, duly moved by Forrestel and seconded by Middaugh to have Buffalo Metal Casting remold and recast the water fountain that was damaged in Russell Park for no more than \$2,523.30 be and hereby is approved.

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

OLD BUSINESS

Inter-municipal DPW Facility – Village Attorney Daniel D. Shonn asked for an executive session

Rental Regulations – Village Attorney Daniel D. Shonn will be working on next week.

Mitigation of Murder Creek – nothing new to report

Refuse Contract, Expires December 31, 2008 – bids are due in by Thursday, October 30, 2008. Resident James Meyer from Flint Avenue questioned how many companies usually respond to bid request and if the bids include recycling and bulk pick-up. Clerk-Treasurer responded that usually 4 or 5 respond and that recycling, bulk pick-up and freon item pick-up are all part of the bid package.

2009-2010 CDBG Programs – After discussion the Board decided the three top projects are: 1) Marshall Avenue waterline, storm sewer rehab and street reconstruction. 2) Sidewalks on Skyline Drive done jointly with the Town of Newstead. 3) Joint Rural Transit Van Service project with the Towns of Clarence and Newstead.

RESOLUTION, duly moved by Middaugh and seconded by Forrestel, that the No. 1 request for the Community Development Funds for the Year 2009-2010 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
WILLIAM P. KAUFMAN - AYE
KATHRYN A. CAPAN - AYE

RESOLUTION duly moved by Capan and seconded by Kaufman, that the No. 2 request for the Community Development Funds for the Year 2009-2010 for the Village of Akron be and hereby is to be the joint construction, with the Town of Newstead, of a sidewalk along Skyline Drive and the Newstead Town Park, and on Clarence Center Road from Buell Street to the Newstead Town Hall 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
WILLIAM P. KAUFMAN - AYE
KATHRYN A. CAPAN - AYE

RESOLUTION duly moved by Kaufman and seconded by Forrestel, that the No. 3 request for the Community Development Funds for the Year 2009-2010 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 ECCDBG.

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

Sewer Moratorium – Expires December 31, 2008 – nothing new to report

Russell Park Rental Fees - After discussion the Board would like to implement a \$50.00 fee for the use of Russell Park Gazebo and or Shelter, refundable if the facilities are left clean and free of all debris, this includes removal of all signs, placards, garbage, staples, and tape.

RESOLUTION, duly moved by Middaugh and seconded by Capan to allow the Village Board to implement a \$50.00 fee for the use of Russell Park Gazebo and or Shelter, refundable if the facilities are left clean and free of all debris, this includes removal of all signs, placards, garbage, staples, tape and any other items that have been placed on the structures be and hereby is approved.

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

Northern Erie Sno-Seekers – Eric Glassman is scheduled to appear at the next Village Board Meeting scheduled for November 3, 2008. Clerk-Treasurer Borchert will arrange for a Notice in the Akron Bugle to inform the residents of his appearance.

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, 2008 to the County of Erie be and hereby is approved.

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

RESOLUTION, duly moved by Forrestel, and seconded by Capan to schedule Halloween Trick-or-Treating hours from 6:00 – 8:00 p.m. with the Amherst Control Center/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
 E. PETER FORRESTEL - AYE
 MICHAEL R. MIDDAUGH - AYE
 WILLIAM P. KAUFMAN - AYE
 KATHRYN A. CAPAN - AYE

RESOLUTION, duly moved by Kaufman, and seconded by Forrestel authorizing the Village to partake in the New York Power Authority Winter Home Heating & Energy Tune-Up Program for Low Income Residential Customers be and hereby is approved.

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

RESOLUTION, duly moved by Middaugh, and seconded by Kaufman to allow the Akron-Newstead Celebration Committee to hold their annual New Years Eve Fireworks display in accordance to application regulations be and hereby is approved.

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

Superintendent Robert Kowalik recommended to the Board to put out a Notice for bids for the 2A Bucket truck with a minimum amount accepted.

RESOLUTION, duly moved by Capan, and seconded by Kaufman to put out a Notice for bids for the 2A bucket truck with a minimum amount accepted be and hereby is approved.

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

Superintendent Robert Kowalik discussed the switching of the old Sensus Meters to the new Neptune water meters which can be read with a hand held Radio reader. The Village has 200 out of 1200 read by the Radio reader. The Neptune System has electric meters that can be read using the same hand held Radio reader as used for the water meters. The Electric department is in the process of changing the electric meters with chip technology to be read with the new Neptune System on Main Street where meters are harder to access allowing them to be read by the hand held Radio reader.

The next area to be replaced is the Akron Mobil Home Park where there are many more meters that are difficult to read.

CORRESPONDENCE –

Town of Newstead SEQR/SERP Coordinated Review Local Law #4 of 2008 “Self Storage Law of the Town of Newstead.”

September 2008 Central Fire Alarm Operations Report

NYSDEC grants permission for the property owner to conduct brush hogging of 14 acres at the corner of Jackson Street and Hake Road.

Village Attorney Daniel D. Shonn letter concerning Village owned parcel on East Avenue SBL# 47.16-1-6 (old water tower)

Water/Wastewater Committee meeting minutes of September 15, 2008

PUBLIC COMMENT – No one wished to speak

RESOLUTION, duly moved by Middaugh, and seconded by Kaufman authorizing the Board to go into executive session at 9:02 p.m. to discuss the joint facility, be and hereby is approved.

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

RESOLUTION, duly moved by Forrestel, and seconded by Kaufman authorizing the Board to come out of executive session at 9:40 p.m., be and hereby is approved.

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

RESOLUTION, was duly moved by Forrestel, seconded by Capan, that authorizes the Mayor to continue to negotiate and sign an option purchase contract jointly with the Town of Newstead for an alternative site selection for a joint municipal public works facility be and hereby approved.

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

On motion of Middaugh, seconded by Capan, at 9:44 p.m., this meeting was ADJOURNED.

MAYOR

CLERK-TREASURER