

November 1, 2010

A REGULAR MEETING of the Akron Village Board was held on this date at 7:33 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, Clerk Treasurer Daniel P. Borchert, Chief of Police Richard Lauricella 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 October 18, 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	\$ 10,420.93
Electric Fund	\$ 29,009.45
Water Fund	\$ 6,092.53
Sewer Fund	\$ 4,678.78
Capital Streets	\$ 13,587.81

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

Village Clerk Borchert stated that the abstract will now be sent via email to Board Members.

PUBLIC HEARING – none scheduled

APPEARANCES – none scheduled

PUBLIC COMMENT – Annette Adamczak came before the Board to request the assistance from the Akron Police Department. Three defibrators were purchased through the fund raising of the Emily Rose 5K Run held this summer. The defibrators are placed in the soccer fields off Skyline Drive and Buell Street. When the defibrators were first introduced the Erie County Parks stated they could place the defibrators in the parks in the morning and remove them in the evening, but due to budget cuts Erie County will no longer be able to perform the duty. Mrs. Adamczak wondered if the Akron Police Department could possibly fit this into their daily routine from April 1 until October 31. Chief Richard Lauricella stated that it should not be a problem for the police department to handle this extra duty. Mayor Patterson wanted to look into this matter further and get back to Mrs. Adamczak in the next week or two.

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 the bridge have been solicited by the Village Engineer Paul Bowers.

Joint Facility –on this evening’s agenda for the joint meeting with the Town of Newstead

MONTHLY REPORTS –

Departments –

Attorney – Mr. Shonn requested a Public Hearing for Local Law #3 – Demolition Policy on November 15, 2010

RESOLUTION duly moved by Wittlinger and seconded by Forrestel to hold a Public Hearing for Local Law #3 – Demolition Policy on November 15, 2010 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 is also working on the Main Line water dispute on Crittenden Road and the request from resident Lorraine Cowan.

Clerk-Treasurer – The Board received the Clerk’s report for October 2010, together with the November 2010 office schedule. Clerk-Treasurer Borchert reported to the Board that the Village Office will be closed on Thursday, November 11, 2010. The Village will also hold another IEEP compact fluorescent light bulb distribution. Clerk-Treasurer Borchert handed out a tip sheet of proper uses and non uses for the compact fluorescent light bulbs.

Chief of Police – Submitted to the Board the schedule for November 2010. Chief Lauricella reported that the Winter Parking Ban is in effect now and Officers will be handing out warnings until November 15, 2010 after which time tickets will be written. Halloween weekend went very well with little to no trouble concerning the kids, but Saturday night had to deal with adult misbehavior. Equipment is fine; snow tires will be put on the patrol cars later this month.

Superintendent of Public Works – The Board received copies of Superintendent Kowalik’s October 2010 report.

Code Enforcement Officer – absent

Elected Officials –

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

TRUSTEES – COORDINATORS

Trustee Capan – Nothing new to report

Trustee Middaugh – nothing new to report

Mayor Patterson – attended the Association of Erie County Governments Meeting on October 28, 2010 and will forward the minutes to the Board. Mayor Patterson will be attending the following: 103.3 WEDG-FM Shredd & Ragan Show Ten Town Tour coming to the Village of Akron November 4, 2010 broadcasting from 3 pm – 7 pm; Ford Gum New Job Ribbon Cutting Ceremony on November 8, 2010 at 10:00 am; and the Grand Opening of Rite Aid Ribbon Cutting Ceremony on November 11, 2010 at 10:30

am. Lastly, Mayor Patterson announced that the Village will be hosting the Erie County Village Officials Association meeting scheduled for January 20, 2010 at the Akron House.

Trustee Forrestel – nothing new to report

Trustee Wittlinger – attended the Fire Chiefs Association meeting on October 21, 2010.

#### OLD BUSINESS

Mitigation of Murder Creek – on this evening’s agenda for the joint meeting with the Town of Newstead

Village Court – on this evening’s agenda for the joint meeting with the Town of Newstead

Main Street Traffic & Safety – Village Attorney Shonn and Chief of Police Richard Lauricella have been working together regarding the posting of the signage for the traffic order. Next step is to present the police committee the sketch of speed sign posting locations for review.

Village Refuse Contract – After soliciting pricing from other municipalities, the Clerk-Treasurer recommended to the Board to extend the Modern Disposal contract for one year expiring December 31, 2011.

RESOLUTION duly moved by Forrestel and seconded by Capan to extend the Modern Disposal Refuse contract for one year expiring December 31, 2011 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

#### NEW BUSINESS

Athletic Field Complex Annexation Request from Akron Central School – will be on this evening’s agenda for the joint meeting with the Town of Newstead.

Judge Freeman requested a Resolution for the Akron Village Court to submit a grant application for the upgrade to their SEI Multiple User Upgrade. After discussion the Board decided to hold on the resolution until further information was gathered and to discuss at this evening’s joint meeting with the Town of Newstead

RESOLUTION duly moved by Middaugh and seconded by Wittlinger to allow the Village of Akron to participate in the IEEP System Wide Compact Fluorescent Light Program 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

NYSDEC Comprehensive Inspection of the Wastewater Treatment Plant

Notification from David Bella James, Inc. dba “The Filler” that they have applied for a renewal of their NYS Liquor License for another two years 11/30/10-11/30/12

Village Engineer Paul Bowers has solicited the RFQ/RFP's for Engineering Services regarding the State Street Bridge

Town of Newstead Notice of Public Hearing regarding proposed Local Law No. 6 (Amendments to Dog Law) and Local Law No. 7 (Kennel Law – Amendment to the Zoning Law) on November 8, 2010 at 7:40 pm

Received fully executed contract from Erie County Department of Public Works for the Snow Removal Agreement 2010-2013

Erie County Community Development – Consortium Block Grant Report 04/01/10 – 09/30/10

Town of Amherst Central Fire Alarm October 2010 Operations Report

PUBLIC COMMENT – Resident Doug Ceisner questioned if Erie County pays the Village for snow plowing the County streets in the Village and if so will the County deduct money once the Village takes over Bloomingdale Avenue, John Street and East Avenue. Clerk-Treasurer Borchert stated that the County will stop paying the Village to plow Bloomingdale Avenue, John Street and East Avenue. CHIPS monies for the maintenance of Village Streets will increase with the acquisition of above streets. Mr. Ceisner feels the Village will be making a mistake taking over those streets.

RESOLUTION duly moved by Capan and seconded by Forrestel authorizing the Board to go into executive session at 8:16 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 Forrestel and seconded by Middaugh authorizing the Board to come out of executive session at 8:30 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

After a brief recess, the Village Board reconvened at 9:02 p.m. when the Newstead Town Board arrived to have a joint meeting of the Village of Akron Board of Trustees and the Newstead Town Board.

Mayor Patterson welcomed the Town of Newstead.

Joint Facility - Supervisor Cummings gave a quick update on the progress of the joint facility from an e-mail from Tom George. Cold storage design, natural gas service and HVAC & electrical work are progressing. The sewer line is expected to be completed by the end of the week.

Grants - The Town explored that they will be submitting a grant application for the construction of the salt storage shed and also to update the Village/Town Comprehensive Plan. The Village was in favor of moving forward with these two applications.

RESOLUTION duly moved by Forrestel and second by Capan

WHEREAS, the Town of Newstead and the Village of Akron have been in discussions to consolidate duplicative services that each currently undertake, beginning with the consolidation of highway services and the consolidation of court and code

enforcement services; and

WHEREAS, the Town of Newstead and Village of Akron have determined that there would be a substantial cost savings to each if they continued the process of combining and sharing duplicative highway services, space, and equipment; and

WHEREAS, in order to effectively continue the consolidation of the aforementioned services, in addition to building a joint highway facility which is currently underway, a joint salt shed must also be constructed adjacent to the joint highway facility; and

WHEREAS, the Village of Akron has agreed to designate the Town of Newstead as Lead Applicant and Supervisor David L. Cummings the Contact Person, authorizing him to resubmit an application to the Local Government Efficiency Grant Program for the 2010-2011 Program Year on behalf of the Village of Akron for a joint salt shed as part of the "Newstead and Akron Joint Highway Facility: Phase II"; and

WHEREAS, the Town Board has agreed to act as Lead Applicant for purposes of resubmitting an application to the Local Government Efficiency Grant program for the 2010-2011 Program Year and has also agreed to designate Supervisor David L. Cummings as the Contact Person to execute all financial and administrative processes relating to the grant program; and

WHEREAS, the Town Board has further determined that it will be necessary to enter into an inter-municipal agreement with the Village of Akron to determine the extent of the shared services between the municipalities resulting from this further collaboration and construction of a joint salt shed; and

WHEREAS, as a condition of the grant, the Town Board has been advised that it is necessary for the Town to come up with a matching contribution for its share of any grant obtained and the Town Board has determined that it has sufficient funds to match a grant up to **\$200,000**.

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

1. The Town of Newstead hereby agrees to act as Lead Applicant for the purpose of resubmitting an application to the Local Government Efficiency (LGE) Grant Program for the 2010-2011 Program year and designates Supervisor David L. Cummings as the Contact Person and authorizes the Supervisor to execute any and all financial and/or administrative processes relating to the grant program and to request up to **\$100,000** in funds for the Town of Newstead and an additional **\$100,000** on behalf of the Village of Akron for the "Newstead and Akron Joint Highway Facility Project: Phase II".
2. The Town of Newstead further agrees to set aside **\$30,000** in reserves specifically for the joint salt shed, which constitutes a **15%** cash match for the grant.
3. The Town Board further instructs the Attorney for the Town to begin drafting an inter-municipal agreement between the Town of Newstead and the Village of Akron with respect to the continuation of joint services that will arise with the joint highway facility and joint salt shed.
4. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a special meeting of the Village Board of the Village of Akron on November 1, 2010 the results of which were as follows:

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

RESOLUTION duly moved by Forrestel and second by Capan

WHEREAS, the Town of Newstead and the Village of Akron have been in discussions to consolidate duplicative services that each currently undertake, beginning with the consolidation of highway services and the consolidation of court and code enforcement services; and

WHEREAS, the Town of Newstead and Village of Akron have determined that there would be a substantial cost savings to each if they continued the process of combining and sharing duplicative services; and

WHEREAS, in order to effectively continue the consolidation of applicable and duplicative services, a joint comprehensive plan focusing on the feasibility and impact of consolidating a variety of town and village services must be created; and

WHEREAS, the Village of Akron has agreed to designate the Town of Newstead as Lead Applicant and Supervisor David L. Cummings the Contact Person, authorizing him to submit an application to the Local Government Efficiency Grant Program for the 2010-2011 Program Year on behalf of the Village of Akron for a *general efficiency planning grant*; and

WHEREAS, the Town Board has agreed to act as Lead Applicant for purposes of submitting an application to the Local Government Efficiency Grant program for the 2010-2011 Program Year and has also agreed to designate Supervisor David L. Cummings as the Contact Person to execute all financial and administrative processes relating to the grant program; and

WHEREAS, the Town Board has further determined that it will be necessary to enter into an intermunicipal agreement with the Village of Akron to determine the extent of the shared services between the municipalities resulting from this further collaboration and the exploration of future collaborations; and

WHEREAS, as a condition of the grant, the Town Board has been advised that it is necessary for the Town to come up with a matching contribution for its share of any grant obtained and the Town Board has determined that it has sufficient funds to match a grant up to **\$25,000**.

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

1. The Town of Newstead hereby agrees to act as Lead Applicant for the purpose of submitting an application to the Local Government Efficiency (LGE) Grant Program for the 2010-2011 Program year and designates Supervisor David L. Cummings as the Contact Person and authorizes the Supervisor to execute any and all financial and/or administrative processes relating to the grant program and to request up to **\$25,000** in funds for the Town of Newstead and on behalf of the Village of Akron for the “Newstead and Akron Joint Planning Initiative”.
2. The Town of Newstead further agrees to set aside **\$5,000** in reserves specifically for the joint general efficiency planning Master Plan, which constitutes a **20%** cash match for the grant project.
3. The Town Board further instructs the Attorney for the Town to begin drafting an inter-municipal agreement between the Town of Newstead and the Village of Akron with respect to the planned continuation of consolidating services that will arise with development of this plan to establish the scope of the plan.
4. 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

Murder Creek – Most of the easements have been secured and survey work will begin shortly.

Akron Airport – The Town is the Lead SEQR Agency on the new hanger and runway project. They will be looking for a Village Trustee representative on their committee.

Court – The Town Court will be moving their office space back to the Town Hall during the week of November 15<sup>th</sup> and then the Village Court will be moving their location to the Town Hall some time in December.

Code Enforcement Officer – Supervisor Cummings just wanted to see how the new Code Enforcement arrangement was working out for the Village. It was noted that the Village of Akron was very satisfied with the level of service that we were receiving from the Newstead Code Enforcement Officer.

Akron Central School – Mayor Patterson and Supervisor Cummings will be scheduling a meeting with Superintendent Zymroz, regarding her request for speed and traffic control and property annexation of the new athletic fields

On motion of Forrestel, seconded by Wittlinger, at 10:05 p.m., this meeting was ADJOURNED

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MAYOR

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CLERK-TREASURER