

November 13, 2006

A REGULAR MEETING of the Akron Village Board was held on this date at 7:30 P.M. Present: Deputy Mayor Michael R. Middaugh; Trustees Carl E. Patterson, E. Peter Forrestel and William P. Kaufman; Village Attorney Representative Stephanie A. Cole, Esq.; Building Inspector Donnal D. Folger; VRI Representative Doug Taylor, Village Engineer Keith Marquis and Superintendent of Public Works Robert W. Kowalik.

Deputy Mayor Michael Middaugh led the pledge to the flag.

RESOLUTION, duly moved by Patterson, seconded by Forrestel, that the Minutes of the Regular Meeting of November 6th, 2006, 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

RESOLUTION, duly moved by Patterson, 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	\$26,898.92
Electric Fund	\$ 9,230.97
Water Fund	\$ 5,355.44
Sewer Fund	\$17,012.52
Capital Water Fund	\$ 6.88
Capital Sewer Fund	\$ 20.46

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

Chief of Police Rick Lauricella entered the meeting at 7:34 p. m.

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

Neda Bordonaro	87 Main Street	Roof	\$25.00
Lynn Clark	40 Mechanic Street	Roof	\$25.00
Doris Bohn	20 Flint Avenue	Windows	\$25.00

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

A PUBLIC HEARING was reconvened to further discuss unlicensed and unregistered motor vehicles within the village limits. Don Folger reported to the Board that the vehicle in question on Cedar Street had been moved from another location. He also told the Board that on May 16, 2006 the Mayor had sent a letter to all properties within the industrial zone regarding unlicensed vehicles. With regard to Cedar Street, Mr. Folger stated that he had not received a reply from the DEC regarding wetland infringement. Mr. Folger stated that he had taken pictures of the truck and that there were some pipes and other materials in the bed of the truck. He stated that he has inspected approximately 2/3 of the village property for unlicensed/unregistered vehicles. He has located approximately 20 new unlicensed vehicles. He noted that many of these vehicles are just moved from site to site to avoid detection. He questioned whether or not the system was working appropriately.

RESOLUTION duly moved by Middaugh, seconded by Forrestel that the public hearing regarding unlicensed vehicles be and hereby is closed at 7:43 pm.

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

Deputy Mayor Middaugh said the Board will reserve a decision until the next meeting.

A PUBLIC HEARING was held to discuss adoption of proposed Local Law #6: Repeal Sections Of, Amend or Add to Chapter 71 of the Village Code. Deputy Clerk-Treasurer Tammy L. Kelley read the Proof of Publication. Don Folger informed the Board that the Village must adopt the law by December 31 or penalties will apply. He indicated that New York State will now audit the Village to ensure that we are in compliance with this law. Mr. Folger told the Board that the Village law imposes criminal charges but that the state imposes misdemeanor charges. He would like to see it left at criminal charges.

RESOLUTION duly moved by Forrestel, seconded by Middaugh that the public hearing regarding Adoption of proposed Local Law #6: Repeal Sections of, Amend and Add to Chapter 71 of the Village Code by and hereby is closed at 7:43pm.

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

RESOLUTION, duly moved by Forrestel, seconded by Middaugh, that Local Law #6 be and hereby is adopted, including the penalty section to remain the same as in our current code.

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

APPEARANCES – No one appeared to speak.

PUBLIC COMMENT – No one appeared to speak.

PROJECT REPORTS -

Washington/Liberty Streets Waterline Replacement Project – Supt. Kowalik reported that he sent information to Dan Borchert to be forwarded to Paul D’Orlando at Community Development.

MONTHLY REPORTS –

Departments

Village Attorney – nothing new

Building Inspector – Don Folger stated that he received a call from John Rodeghiero regarding a tree that has fallen into the creek behind Mill Street. Mr. Rodeghiero is concerned that this will cause flooding on his property. Supt. Kowalik reported that he visited that property to inspect the situation. He stated that the creek is not blocked and no danger is posed to Mr. Rodeghiero’s property. Supt. Kowalik did bring the problem to the attention of the DEC.

Mr. Folger asked the Board to consider the purchase of Knox Boxes. This will enable the Akron Fire Company to unlock businesses within the village in case of an emergency so that the fire company does not have to carry around so many keys. He also asked for board comments on a landlord licensing law. Mr. Middaugh stated that this issue will be addressed at the Code Committee meeting on Thursday, November 16th, 2006.

Mr. Middaugh asked Mr. Folger for an update on the situation at the Clinton Street and John Street properties belonging to George Hyder. Mr. Folger reported that the property at Clinton Street has undergone repairs and that Mr. Hyder has been given a 6 month ACD by the court. This property is currently up for sale. Mr. Folger attended a court proceeding regarding Mr. Hyder’s John Street property wherein the Judge gave Mr. Hyder a 6 month extension to make appropriate repairs.

VRI – Doug Taylor of VRI submitted their monthly report to the Board. He states that the estimated amount of rainfall in the village to date has been 32 inches. So far we have only one (1) violation this month. Septic hauling has resumed. No sludge has been hauled out. Inflow, infiltration and manhole inspection has been completed. Mr. Taylor stated that he will be meeting with Supt. Kowalik to establish fines and surcharges for violations. Mr. Taylor also stated that he is currently working with representatives of Perry’s Ice Cream and ADESA. Future projects coming up for VRI within the village include: indoor painting, INI program, smoke testing and replacement of media and one (1) filter.

Elected Officials

TRUSTEES – COORDINATORS

Trustee Kaufman – Nothing to report.

Trustee Forrestel – will attend a Code Committee meeting on Thursday, November 16th, 2006.

Deputy Mayor Middaugh – reported that DPW crews have made a huge dent in debris cleanup. He stated that he spoke with and received updates from all crew chiefs. He would like to solicit help from village residents with raking up debris in Russell Park so it can be re-opened as soon as possible. He states that he would like anyone interested in helping with cleanup to contact him at 542-1588. Mr. Kowalik stated that he is concerned with large hanging branches on the trees within Russell Park and the fact that they pose a serious injury potential to anyone entering the park. Mr. Middaugh stated that he has met with Kimberly Sekol and Joe Breniser of FEMA regarding storm aftermath and reimbursement for the Village. He has given them a visual tour of the damage to the village. Mr. Middaugh has also met with Glen Joachimiak and Bob Kowalik.

Superintendent of Public Works – Supt. Kowalik reports that the GIS team has been busy working on mapping the village. He also addressed concerns regarding the condition of the State Street Bridge, transformers and the debris collection site on Skyline Drive. He stated that the Akron Fire Company is monitoring the debris collection site for spontaneous combustion. There was a concern raised as to when this debris will be removed. Supt. Kowalik stated that it is Erie County’s responsibility to remove the debris and no date has yet been set. Supt. Kowalik has been continuing to monitor problems with trees and large hanging branches within the Village. He stated that Village engineer Keith Marquis attended the DEC meeting. The DEC will need complete documentation of expenses for reimbursement purposes.

Supt. Kowalik stated that the village will continue debris chipping and leaf pickup as long as the weather holds up. Residents should continue to bring their brush to the curb. The DPW crews are using loaders and backhoes for mixed piles. The compost site will be open for one (1) more week. The village has ordered one additional chipping machine. He stated that we will continue to see storm-related damage for years to come. He will file with FEMA for extensions as the need arises. A new 1500 KVA transformer has been ordered to replace the one damaged by the storm. It should arrive in approximately six (6) weeks. He states there is a contingency plan in place should the current transformer fail before the new one arrives.

Village Engineer – Keith Marquis stated that he is looking into the condition of the State Street Bridge. The issues will need to be investigated further before a decision can be made regarding changing the load rating on the bridge. He also states he is working with the City of Buffalo regarding tree removal/repair. Mr. Marquis stated that once FEMA leaves, no further reimbursement will be forthcoming. Mr. Forrestel questioned what the weight limit on the State Street Bridge will be raised to? Mr. Marquis says no determination has yet been made. He is still investigating what the condition of the bridge is. The water level in the bridge is still high enough that the bridge cannot be inspected underneath. When the water level goes down the bridge can be reinspected. Supt. Kowalik states that we do have the previous condition report on the bridge so once a new inspection can be done we can compare the two and make a final determination.

Mr. Marquis also reviewed the SEQR with regard to the Comprehensive Plan.

Chief of Police Lauricella – recommended that the Board hire Nanette Reinard to fill the position of part-time Crossing Guard. He stated that he has also spoken with Dan Borchert and Tammy Kelly regarding creating an additional part-time crossing guard position.

RESOLUTION, duly moved by Middaugh, seconded by Patterson, that Nanette Reinard be and hereby is appointed to the part-time position of Crossing Guard, at the rate of \$9.97 per hour, effective November 13th, 2006.

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

RESOLUTION, duly moved by Middaugh, seconded by Patterson, that the Village apply to Erie County to have another part-time crossing guard position created for the Village of Akron.

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

Trustee Patterson – Mr. Patterson welcomed Debbie Schneeberger to the position of Secretary to the Mayor. Trustee Forrestel thanked Barb Thoma for helping out.

OLD BUSINESS

NYSDEC Collection – nothing new

Crittenden Road Well Spill Claim – nothing new

Comprehensive Plan – previously discussed

Annexation – nothing new

Intermunicipal DPW Facility – waiting for meeting with the Town

Refuse Contract – nothing new

Patricia Curto – nothing new

Building Code Administration Local Law - previously discussed

NEW BUSINESS

RESOLUTION, duly moved by Forrestel, seconded by Patterson, that a Public Hearing be scheduled for December 4th, 2006 at 7:30pm at 21 Main Street for the purpose of modifying the Village of Akron Property Maintenance Law.

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

RESOLUTION, duly moved by Kaufman, seconded by Patterson, that the Deputy Mayor be and hereby is authorized to sign the Intermunicipal GIS Agreement on behalf of the Village of Akron.

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

RESOLUTION, duly moved by Kaufman, seconded by Patterson, that the Clerk-Treasurer be and hereby is authorized to send the Village taxes for 2006 – 2007 remaining unpaid to Erie County for collection.

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

The Board received copies of letters from Sue Houlihan regarding the Community Christmas Celebration on December 9th, 2006 and Marlene Stone regarding a 5K run she and Mary Borden would like to organize to benefit a local family to be held on November 22, 2006. Mrs. Stone has requested the use of the shelter in Russell Park as the starting point for the race as well as a police escort along the race route for the participants. Chief of Police Lauricella excused himself from the meeting to call Mrs. Stone and verify the exact route for the race before determining if he could provide a police escort. Supt. Kowalik expressed concern for the race participants being in Russell Park with the condition of the trees and large hanging branches. He states that many of these branches are inaccessible at this time and he is awaiting a determination from a certified arborist as to whether it is safe for his crews to climb up into the trees to remove the branches. We must follow FEMA guidelines before hiring an arborist if we want to be reimbursed for this expense. Mr. Kowalik has made several attempts to contact FEMA on this issue. He will follow-up on this immediately. Mr. Lauricella returned to the meeting and indicated that the route has been determined but that an alternate route can be established if necessary. Mrs. Stone stated that part of the race route would go through Akron Falls Park. Mrs. Stone will contact Erie County to see if the park has been reopened. She indicated that both high school and middle school students will be participating in the run. Mr. Lauricella questioned how long it would take the run participants to complete the race and Mr. Forrestel indicated it would take approximately 20-40 minutes.

Supt. Kowalik stated that he would check with Herm Clouse regarding details for the Living Nativity scheduled for Russell Park and to cover safety concerns in lieu of the storm debris possibly still in the park.

RESOLUTION, duly moved by Forrestel, seconded by Middaugh, authorizing that the Community Christmas Celebration be and hereby is allowed to be held in Russell Park on December 9th, 2006 per the letter of request dated November 8th, 2006.

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

RESOLUTION, duly moved by Middaugh, seconded by Patterson, authorizing the use of the shelter in Russell Park and a police escort for the 5K Fundraising Run to be held on November 22nd, 2006, commencing at 2:15pm.

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

CORRESPONDENCE –

The Board received the Zoning Board Minutes of November 2, 2006.

The Board received copies of a letter from Mr. and Mrs. Joseph Mrowczynski regarding damage to their yard during the storm.

PUBLIC COMMENT – No one appeared to speak.

RESOLUTION, duly moved by Middaugh, seconded by Patterson, that the Board go into Executive Session at 8:45pm to discuss personnel matters.

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

RESOLUTION, duly moved by Middaugh, seconded by Patterson, that the Board come out of Executive Session at 9:20pm to discuss personnel matters.

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

Supt. Kowalik requested permission to purchase an Electric Truck to replace Service Truck #10 in the amount of \$27,096.00 from State Bid.

RESOLUTION, duly moved by Forrestel, seconded by Patterson, authorizing Supt. Kowalik to purchase an electric truck to replace Service Truck #10, from State Bid, in an amount not to exceed \$27,096.00.

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

On motion of Middaugh, seconded by Patterson at 9:25pm. This meeting was adjourned.

DEPUTY MAYOR

DEPUTY CLERK-TREASURER