

November 15, 2010

A REGULAR MEETING of the Akron Village Board was held on this date at 7:35 p.m. Present: Deputy Mayor Michael R. Middaugh, Trustees E. Peter Forrestel and Brian D. Wittlinger; Village Attorney Daniel D. Shonn, Clerk Treasurer Daniel P. Borchert, Chief of Police Richard Lauricella and Superintendent Robert Kowalik

Deputy Mayor Michael R. Middaugh led us in the pledge to the flag. Deputy Mayor Middaugh also asked for a moment of silence to remember all the Veterans of past and present for their duty to our Country.

RESOLUTION duly moved by Forrestel seconded by Wittlinger, that the Minutes of the Regular Meeting of November 1, 2010, be and hereby are approved by the Village Board.

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

RESOLUTION, duly moved by Wittlinger 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	\$ 48,201.48
Electric Fund	\$ 12,076.52
Water Fund	\$ 9,823.33
Sewer Fund	\$ 12,759.53
Capital Street	\$134,189.74

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

RESOLUTION duly moved by Forrestel and seconded by Wittlinger that the following building permits be and hereby are approved with the applications and approval of the Code Enforcement Officer:

Jill Hoefler	83 Skyline Drive	New Build	\$482.00
Ronald Martin	62 Main Street	Roof	\$25.00
Mark Wilson	70 Cedar Street	Roof	\$25.00

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

PUBLIC HEARING – was held at this time to hear any and all persons for the purpose of addressing the Local Law #3 – Unsafe Buildings. Village Clerk-Treasurer Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. Village Attorney Shonn stated that the current Demolition Law is as old as the Village itself and needed to be modernized and updated to current Code. The updated Law will have steps to follow in order to make sure the building is unsafe and in need of demolition, which will alleviate unnecessary demolition of buildings in the Village. Resident Doug Ceisner asked who would pay for the engineer to determine the safeness of the buildings. Attorney Shonn stated the property owner would be responsible for the cost or it could be added to the property taxes. Mr. Ceisner recommended not to adopt the amended Law.

RESOLUTION duly moved by Forrestel and seconded by Wittlinger to close the Public Hearing with regard to the Local Law #3 – Unsafe Buildings be and hereby is approved .

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

Resumed adjourned Public Hearing from August 9, 2010 regarding the issue of determination of public nuisance at 37 Cedar Street. After discussion Village Attorney Shonn recommended to the Board to dismiss all violations at 37 Cedar Street due to the Brady Family bringing the property within compliance of the Village Code.

RESOLUTION duly moved by Middaugh and seconded by Forrestel to close the public hearing regarding 37 Cedar Street at 7:50 pm and to dismiss all violations against the property at 37 Cedar Street be and hereby is approved.

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

APPEARANCES – none

PUBLIC COMMENT – Resident Dale Cheavacci from 113 John Street came before the Board to discuss the lack of Village representation at the Town of Newstead Zoning Board meetings regarding the expansion of the Akron Airport. Mr. Cheavacci stated that this expansion will effect the Village the most and believes strongly that the Village Board should really take an active part in the decision process. Resident Gary Fogal from 29 Front Street stated the same views as Mr. Cheavacci regarding the airport. Mr. Fogal does not want to see the airport shut down but mentioned that the airport has over 60 planes up there now and would like to see a limit put into place. Resident Doug Ceisner also agrees with both Mr. Cheavacci and Mr. Fogal’s views on the Akron Airport issue. Mr. Ceisner also asked again how much Erie County was paying the Village to snow plow Bloomingdale Avenue, East Avenue and John Street. Clerk Treasurer Borchert stated that the amount is around \$30,000 per year. Mr. Ceisner recommended to the Board to really take a long hard look at the issue of taking over those three county roads due to the obvious fiscal loss from snow plowing. Mr. Fogal also agreed that the Village should not take over the roads due to the monies lost from Erie County.

Village Attorney Shonn in rebuttal to Mr. Cheavacci, Mr. Fogal and Mr. Ceisner’s statements regarding the Akron Airport reported that the environmental impact part of the project is just starting and the Town of Newstead would like to be Lead Agency for the SEQR. During this SEQR process the Town of Newstead will send several agencies information on the environmental impact and give the opportunity to comment on the impact to the agency. Because the Village Board will be one of the above agencies, the Board will have that opportunity to comment on the project and its impact to the Village.

Resident Jean Mann from 169 Skyline Drive wanted to thank the Board for the nice job the DPW did to fix her driveway drainage issues. She also wanted to ask the Board if, during the annual soccer tournaments, no-parking signs could be placed along Skyline Drive due to the damage done to several properties on the road during that time frame. The Board as well as Chief of Police Lauricella felt it could be done during the tournaments.

PROJECT REPORTS –

State Street Bridge – Nothing new to report

Joint Facility – Akron DPW Water Foreman Jon Cummings was present this evening to share an update regarding the sewer line installation for the Joint Facility. Foreman Cummings stated that tomorrow they will be setting the last manhole and should finalize the project by Wednesday of this week.

MONTHLY REPORTS –

Departments –

VRI – Environmental Services – Ken Scherrieble submitted his report to the Board. He stated that this month was pretty uneventful. Filters have been off line for the winter and equipment has been winterized. Mr. Scherrieble stated that the Sewer Plant would not have to haul dry sludge out again this year which is a great indicator of how well the plant is operating. He did mention that in the grit chamber at the head of the plant they found an unbelievable amount of snail shells which were actually clogging the chamber.

CODE ENFORCEMENT OFFICER – Due to the dismissal of John Good as the Code Enforcement Officer, the Town of Clarence’s Code Enforcement Officer will be acting Village Code Enforcement Officer for the interim.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – absent

Trustee Middaugh –nothing to report

Mayor Patterson – absent

Trustee Forrestel – Reported that he attended a Police Committee meeting and after discussion the Committee recommended to the Board to appoint Daniel Harris as a full time Police Officer at the probation period hire rate.

RESOLUTION duly moved by Forrestel and seconded by Wittlinger to appoint Daniel Harris as a full time Police Officer at the probation period hire rate and will be effective at the recommendation of Chief of Police Lauricella be and herby is approved.

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

Trustee Forrestel stated that discussion was also held regarding Capital needs, staffing, and equipment for the Police Department and the Fire Department. The Committee is looking to replace the 2005 Police Car after June 2011.

Trustee Wittlinger – nothing to report

OLD BUSINESS

Mitigation of Murder Creek – nothing new to report

Village Court – Trustee Wittlinger reported that the Town of Newstead Court is scheduled to move back to the Town Hall on November 22, 2010 with the Village Court moving in the beginning of December 2010.

Main Street Traffic & Safety – nothing new to report

NEW BUSINESS –

RESOLUTION duly moved by Forrestel and seconded by Middaugh to accept the Master Sewer Meter Quote for the Akron Mobile Home Park on the recommendation of Village Engineer Paul Bowers to Partake, Inc. not to exceed \$7,875.25 be and hereby is approved.

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

Electrical Inspector – Middle Department Inspection Agency. Clerk-Treasurer gave Village Attorney Shonn the credentials for the company for review.

CORRESPONDENCE –

Retirement letter from Superintendent of Public Works, Robert Kowalik, effective December 7, 2010.

PUBLIC COMMENT – Resident and DPW Secretary Syndee Shepard came before the Board to say: Now that the Sewer Plant is doing so well, should the Village have VRI-Environmental Services be available for consultation only and have the Village Sewer Crew run and maintain the Plant; Due to several vandalistic acts occurring in the Village lately, could the Police Department change their patrols to cover more hours, especially during the early am hours; Lastly, due to the retirement of Superintendent Robert Kowalik, Ms. Shepard stated that she is very proud of the DPW employees who have taken over and that they are doing a good job as well.

Resident Doug Ceisner questioned the Board about the Akron Mobile Home Park master meter project. He wanted to know who was going to do the work and who would pay for the work. Clerk-Treasurer stated that the work would be done by the Village DPW and the Akron Mobile Home Park would pay for the materials and equipment. Mr. Ceisner also noted to the Board that they should be reaching out to the Village residents to keep their eyes open and report anything suspicious to the authorities especially with all the vandalism that has occurred in the Village during the last couple of weeks.

RESOLUTION duly moved by Forrestel and seconded by Wittlinger authorizing the Board to go into executive session at 8:23 p.m. to discuss litigation issues be and hereby is approved.

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

RESOLUTION duly moved by Wittlinger and seconded by Middaugh authorizing the Board to come out of executive session at 8:55 p.m. be and hereby is approved.

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

On motion of Middaugh, seconded by Wittlinger, at 9:04 p.m., this meeting was ADJOURNED

DEPUTY MAYOR

CLERK-TREASURER