

November 21, 2011

A REGULAR MEETING of the Akron Village Board was held on this date at 7:31 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 and Super Chief Jon Cummings

Mayor Carl E. Patterson led us in the pledge to the flag. Mayor Patterson also extended wishes for a Happy Thanksgiving to the Community and everyone at the meeting as well as hoping all will remember our Service Men and Women as they serve our Country during the Holiday Season

RESOLUTION duly moved by Capan seconded by Forrestel, that the Minutes of the Regular Meeting of November 7, 2011 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 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	\$ 53,274.60
Electric Fund	\$146,495.98
Water Fund	\$ 17,881.90
Sewer Fund	\$ 18,889.85
Capital Streets	\$ 1,152.58
Trust & Agency	\$ 7,722.50

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 following building permits be and hereby are approved with the applications and approval of the Code Enforcement Officer:

Russell Bower	23 Newton Ave	Fence	\$18.00
Kevin Schultz	224 East Ave	Roof	\$25.00

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 Wittlinger that the following dumpster permit be and hereby is approved with the applications and approval of the Code Enforcement Officer:

Brian Sheedy	12 Cedar St	30 days	\$20.00
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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 – Village Justice Dennis Freeman spoke at the Public Information meeting regarding the Village Court held earlier this evening

PUBLIC COMMENT – Deposit Depot owner Jeff Cheavacci came before the Board to ask about his Fill Permit which has been put on hold until he provides the Village with a drainage plan. Village Attorney Shonn stated that the Village needs the drawing of the drainage plan before any work can continue.

PROJECT REPORTS –

Joint Facility – on agenda for this evenings joint meeting with the Town of Newstead and the Village of Akron.

MONTHLY REPORTS –

Departments –

CAMDEN GROUP – Representative Ken Scherrieble presented the Board with the October 2011 report. He reported that the replacement doors have been installed and painted, the filtration system is off line for the winter, and the boiler passed inspection. Mayor Patterson asked Mr. Scherrieble about the camera viewing project. Mr. Scherrieble stated they are viewing the last section of the Village at this point and that next year they will start all over again.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – nothing to report

Trustee Middaugh – submitted the updated fee schedule to the Board, read the modifications and recommended to change the fee schedule to the updated version.

RESOLUTION duly moved by Middaugh and seconded by Forrestel to change the fee schedule with the updated modifications effective November 21, 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

Mayor Patterson – attended the joint meeting of the Association of Erie County Governments and Village Officials meeting held on November 17, 2011. One of the topics of discussion was the 2% tax cap and how it would affect our communities. Mayor Patterson also gave Clerk-Treasurer Borchert several pieces of correspondence.

Trustee Forrestel – also attended the joint meeting of the Association of Erie County Governments and Village Officials meeting held on November 17, 2011. He also

mentioned how the 2% tax cap can affect the Village health Insurance, overall Village Insurance, employee wages, fuel cost for the Department Public Works and road salt.

Trustee Wittlinger – Recommended to the Board to extend the Fire Contract one more month until December 31, 2011 to finalize all issues.

RESOLUTION duly moved by Wittlinger and seconded by Forrestel to extend the six month extension for the Fire Contract for another 30 days until 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

Trustee Wittlinger also requested an Executive Session to further discuss the Fire Contract.

Village Attorney Shonn stated that the Fire Company needs the Village to appoint a Public Hearing Officer for the Public Hearing the Fire Company needs to have for the Bond process in the financing of the new fire truck. Fire Chief Daniel Kowalik was recommended for the Hearing Officer.

RESOLUTION duly moved by Forrestel and seconded by Wittlinger to appoint Fire Chief Daniel Kowalik as the Public Hearing Officer for the Public Hearing the Fire Company needs to have for the Bond process in financing the new fire truck 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

### OLD BUSINESS

Village Court – had Public Information meeting this evening at 7pm and is also on the agenda for the joint meeting between the Village of Akron and the Town of Newstead scheduled directly after this Village Board meeting.

Ron Berry Memorial Fields – currently doing water testing

Bloomington Avenue and John Street Reconstruction – Super Chief Cummings stated that the storm work has been complete but will have to postpone the job due to an issue with gas lines which National Fuel will not be able to correct until Spring 2012. At this point the construction company will patch up the road with binder to seal up the road for the winter. Erie County did respond to the Village after both Mayor Patterson and Super Chief Cummings questioned the safety and cleanliness of the job site.

Clinton Street/Eckerson Avenue Village Land – nothing new to report

Public Works Facility at 43 East Avenue – Waiting to hear back from Village Engineer Paul Bowers with possible uses of the property

Multi-Hazard Mitigation Plan Update – Glen Joachimiak and Daniel Kowalik have already submitted to Erie County, but suggestions and ideas are still welcome.

Village of Akron Sewer Moratorium to expire December 31, 2011- Board will move on this item at the next scheduled Village Board meeting.

NEW BUSINESS

RESOLUTION duly moved by and seconded by to authorize the Akron Celebration committee to use Russell Park and Main Street for the annual New Year's Eve Ball Drop and Fireworks on Saturday December 31, 2011 from 11:00 pm– 1:00 am 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

Holiday Decorations – Discussion was held regarding the replacement of Holiday lights which decorate Main Street with new LED lights. Historically the Akron Chamber of Commerce has donated money for the decorations and would like to help again with the purchase of new ones. Due to the close proximity of the Holiday Season the plans to replace the decorations will be for the next Holiday Season.

CORRESPONDENCE –

NYCOM 2011 Summary of Enacted, Vetoed & Pending Legislation

Annual Safety Meeting Invitation scheduled for December 12, 2011

Letter from NYCOM regarding priorities going forward

Letter from NYDEC regarding the Dam/Reservoir at the Water Plant

The Capital Newspaper dated November 14, 2011

PUBLIC COMMENT TIME: Fire Chief Kowalik wanted to update the Board regarding the expected arrival of the new fire truck as being the 12<sup>th</sup> of December. The firemen will need at least 30 to 45 days of training before the new arrival can be put into action.

RESOLUTION duly moved by Wittlinger and seconded by Capan to go into executive session regarding the Fire Contract issue at 8:17 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

RESOLUTION duly moved by Wittlinger and seconded by Capan to come out of executive session regarding the Fire Contract issues at 8:35 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

The Village Board reconvened at 8:43 PM for a joint meeting of the Village of Akron Board of Trustees and the Newstead Town Board at the Newstead Town Hall.

Dog Control – Dave DeYoung addressed both Boards to discuss the issues that he has encounter recently. He mentioned that there is a problem with dog clean up problems

in the Village. He suggested that we install a pet clean up station that dispenses plastic bags to help encourage pet owners to clean up after their pets. Another issue is the dog rescue shelters located in the Town. He is aware of three of these shelters and believes that they should be registered.

Joint Facility – The floor is being painted and the mezzanine is complete. There are a few items that need to be looked at including the man entrance doors and the truck swipe card for the front needs to be installed. An executive session has been requested to discuss a contractual issue and possible litigation.

Murder Creek – Carl Klingenschmitt addressed the Boards and stated that the construction is 100% complete. The only thing that is outstanding is the maintenance for watering the plantings for 2012 and 2013. They have applied for a second grant to extend the project to the west from behind the Village Hall to the Mechanic Street Bridge to address additional erosion issues.

Akron Airport – The airport is challenging the Town of Newstead Zoning Board of Appeals decision on the use variance. The date that it needs to be submitted by is December 22, but that may be extended.

Court Consolidation – The Village held an informational meeting this evening at the Village Hall. Judge Campbell, Judge Freeman and Judge Markey (Town of Aurora) were in attendance to discuss their comments regarding the consolidation process. An executive session has been requested to discuss a contractual issue.

Joint Comprehensive Master Plan – The grant application has been denied to help with the cost of updating the current plan. The Village of Akron committee is Mayor Patterson and Trustee Capan. They would like to meet with the Town committee to start the preliminary steps in updating the plan.

Sub Division Update – Cornerstone is progressing with the curbs going in this week. The ponds that are on site will be retention ponds that will hold storm water. The Akron Village Commons looks like they will be starting construction in the spring of 2012.

Code Enforcement Officer – The Village had a question to discuss with Ralph regarding a building permit for 44 John Street. After discussion,

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 Code Enforcement Officer:

Richard Fisher	44 John Street	Windows, Siding, Roof	\$25.00
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ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KATHRYN A. CAPAN	- AYE
	BRIAN D. WITTLINGER	- AYE

The next joint meeting date was set for Monday February 6, 2012 at the Village Hall.

RESOLUTION duly moved by Middaugh and seconded by Capan to go into executive session to discuss contract issues and possible litigation at 9:38 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

RESOLUTION duly moved by Forrestel and seconded by Middaugh to come out of executive session regarding contract issues and possible litigation at 10:08 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

On motion of Capan and seconded by Middaugh, at 10:09 p.m., this meeting was  
ADJOURNED

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MAYOR

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CLERK-TREASURER