

December 3, 2007

A REGULAR MEETING of the Akron Village Board was held on this date at 7:34 p.m. Present: Mayor Carl E. Patterson; Trustees Michael R. Middaugh, E. Peter Forrestel, and Kathryn A. Capan; Superintendent Robert Kowalik, Chief of Police Richard Lauricella and Building Inspector Donnal Folger.

Mayor Carl E. Patterson led the pledge to the flag.

RESOLUTION, duly moved by Capan, seconded by Forrestel, that the Minutes of the Regular Meeting of November 12, 2007 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

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:

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|---------------|--------------|
| General Fund | \$ 35,836.42 |
| Electric Fund | \$ 28,261.41 |
| Water Fund | \$ 4,955.09 |
| Sewer Fund | \$ 7,417.96 |

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

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

| | | | |
|-------------------|--------------------|----------------|---------|
| Jason Lotz | 25 Chestnut St | Windows/Siding | \$25.00 |
| Sheila Tataro | 26 Monroe St | Sign | \$18.00 |
| Jessica Przybylak | 9 Bloomingdale Ave | Roof | \$25.00 |
| Glenn Joachimiak | 8 Hoag Avenue | Roof | \$25.00 |
| Millard Young | 20 John Street | Front Porch | \$25.00 |
| Charles Yaeger | 17 Madison Ave | Roof | \$25.00 |

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

RESOLUTION, duly moved by Middaugh, seconded by Capan, that the following Plumber's License for the year 2007, be and hereby are renewed in accordance with the applications filed and payment of the annual license fee of \$40.00:

| | | | |
|--------------------|-------------------|------------------|---------|
| John Gaunder | 8734 Stahley Rd | East Amherst, NY | \$40.00 |
| William Penepent | 7182 Kenyon Ave | Basom, NY | \$40.00 |
| William Izydorczak | 637 Burrough Rd | Attica, NY | \$40.00 |
| Joseph M. Castle | 10 Gooding Street | Lockport, NY | \$40.00 |
| Jeffrey Covell | 1622 Ham Road | Basom, NY | \$40.00 |
| Harold K. Frey | PO Box 278 | Clarence Center | \$40.00 |
| James H. Frey | PO Box 278 | Clarence Center | \$40.00 |
| Roy C. Perry | 416 Main Street | Akron, NY | \$40.00 |

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

PUBLIC HEARING – was held at this time to hear any and all persons for the purpose of addressing the Local Law #7 – Outdoor Furnace Law. A local law adding Section 71-2.2 of the Code of the Village of Akron with regard to the prohibition of outdoor furnaces within the Village of Akron. Village Clerk-Treasurer Daniel P. Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. Village Attorney Daniel D. Shonn recommended adopting the law due to the impracticality of the outdoor furnaces in a Village setting where homes are very close together. Also Code Enforcement Officer Donnal Folger stated that owners may burn substances that are harmful to the environment.

RESOLUTION, duly moved by Middaugh, and seconded by Forrestel that the Public Hearing with regard to the Local Law #7 – Outdoor Furnace Law be and hereby is closed at 7:46 p.m.

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

RESOLUTION, duly moved by Forrestel, and seconded by Capan to adopt Local Law #7 for 2007 – Prohibition of Outdoor Furnaces within the Village of Akron be and hereby is approved.

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

APPEARANCES – No one was scheduled to speak

PUBLIC COMMENT – No one appeared to speak

PROJECT REPORTS –

State Street Bridge – nothing new

MONTHLY REPORTS –

Departments -

Clerk-Treasurer – The Board received the Clerk’s report for November 2007, together with the December 2007 office schedule. Village Clerk Treasurer Daniel P. Borchert wanted to remind all that the Annual Safety Meeting is this Monday, December 10, 2007 at the Akron House Restaurant beginning at 6:00 p.m.

Chief of Police – The Board received the Police Report for November 2007, along with a schedule for December 2007. Chief Lauricella stated criminal activity and complaints are down and also mentioned that Russell Park has been quiet as well. All maintenance on police vehicles is current.

Supt. Of Public Works – The Board received copies of Mr. Kowalik’s November 2007 report. Mr. Kowalik reported that he has met and updated Paul Bowers, Village Engineer for the Akron Village Commons project.

Building Inspector – The Board received November 2007 report. Mr. Folger stated that he met and updated Paul Bowers, Village Engineer for the Akron Village Commons project. An invoice of the Major and Minor Subdivision fees will be sent out to the Akron Development group, which needs to be paid before any building permits will be granted.

Mr. Folger wanted to remind the Village officials about the agricultural restrictions from the areas bordering the Village and that they have some control over decisions made by the Village.

The Brady & Ceisner court cases are scheduled to go back to court at the end of January and Mr. Folger may need legal assistance at that time. Village Attorney Daniel D. Shonn said he would be happy to attend court with Mr. Folger.

Mr. Folger spoke about the complaints of smoke, overgrown bushes and shoveling of sidewalks. He recommended changing the Village sidewalk shoveling hours from 9:00 am to 7:30 am during school days and suggested holding a public hearing at the January 7, 2007 Village Board Meeting.

The Bowling Pin Factory remains are still waiting for the property owner to remove, but owner claims to have no funds for the project.

Lastly, Mr. Folger, who is on the celebration committee, requested permission to hold the annual fire works display on New Years Eve in accordance to application regulations. Mayor Patterson asked if Mr. Folger could have the Akron-Newstead Celebration Committee send a letter to the Village Board with all the details of the planned events.

RESOLUTION, duly moved by Middaugh, and seconded by Capan 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
 KATHRYN A. CAPAN - AYE

VRI – Environmental Services – Ken Scherrieble reviewed the November 2007 report with the Board. He stated that the sand size change in the sand filters reduced backwashing, which in turn saved over \$200.00 worth of electricity this month.

Elected Officials –

JUSTICE COURT REPORT – Board received monthly report from November 2007.

TRUSTEES – COORDINATORS

Trustee Capan – Nothing to Report

Trustee Middaugh – Working on Main Street Draft for Business District Survey

Mayor Patterson – Shared with the Board several pieces of correspondence and forwarded to Village Clerk-Treasurer Daniel P. Borchert

Trustee Forrestel – Updated the Board of the WWWC Meeting held December 3, 2007 where discussion was held about EPA Capital projects at the water plant, water distribution system, and the new grout used to stop leaks in the wastewater collection system. Also, the Committee recommended extending the Sewer Moratorium for 50 units for another six months or June 30, 2008.

RESOLUTION, duly moved by Forrestel, and seconded by Middaugh to renew the current moratorium and to reset the equivalent number of residential units which can be added to the inflow of the Village of Akron Waste Water System to 50 and this will expire on June 30, 2008 be and hereby is approved.

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

OLD BUSINESS

Village Map – Village Attorney Daniel D. Shonn will meet with Casey Cowan on Thursday, December 6, 2007.

Inter-municipal DPW Facility – Joint meeting with the Town of Newstead scheduled for January 2008.

Rental Regulations – nothing new to report

Senior Exemptions – Scheduled a Public Hearing for January 7, 2007

Sewer Moritorium – Resolution passed above

NEW BUSINESS

RESOLUTION, duly moved by Forrestel, and seconded by Middaugh authorizing [capital improvements to the waste water treatment plant and rehabilitation of the waste water collection system](#), Village of Akron, Erie County, New York, at an Estimated Maximum Cost of \$650,000.00 and Authorizing the Issuance of \$650,000.00 Serial Bonds of Said Village to Pay the Cost Thereof.

Whereas, pursuant to the proceedings hereto had and taken in accordance with the provisions of Article 4 of the Village Law, the Village Board of Trustees of the Village of Akron, Erie County, New York, has determined it to be in the public interest to construct facilities of the [Waste Water Treatment Plant and Waste Water Collection System](#) Project in said Village; and

Whereas, it is now desired to authorize [Waste Water Treatment Plant and Waste Water Collection System](#) in the Village of Akron, Erie County, New York, at an estimated cost of \$650,000.00 and authorizing the issuance of \$650,000.00 serial bonds, and to provide for the financing thereof in accordance with the aforesaid order;

Now, Therefore, Be It

Resolved, by the Village Board of Trustees of the Village of Akron, Erie County, New York, as follows:

Section 1. The installation of [Waste Water Treatment Plant and Waste Water Collection System](#) Project, in the Village of Akron, Erie County, New York, at an estimated cost of \$650,000.00, and authorizing the issuance of \$650,000.00 serial bonds, in and for the Village of Akron, Erie County, New York, as more fully described in the aforesaid proceedings, is hereby authorized.

Section 2. The maximum estimated cost of such specific object or purpose is \$650,000.00 and the plan for financing thereof is \$650,000.00 by the issuance of the serial bonds of said Village hereby authorized to be issued pursuant to the provisions of the Local Finance Law. Further details pertaining to the said bonds will be prescribed in a further resolution or resolutions of this Village Board of Trustees.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and said of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Mayor, the chief fiscal officer. Such notes shall be of such terms, form and contents and shall be sold in such manner, as may be prescribed by said Mayor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Akron, Erie County, New York, are hereby irrevocably pledge to the payment of the principal of and interest on such obligations as the same respectively become due and payable. All the taxable real property in said Village shall be subject to the levy of ad valorem taxes without limitation as to the rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provision of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are not authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same shall be published in full in the Akron Bugle, the official newspaper, together with a notice of the Village Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

RESOLUTION, duly moved by Capan, and seconded by Middaugh effective Jaunuary 1, 2008 the Village of Akron will be charging for new meter channels at a cost of \$40.00 for a one position meter channel and \$155.00 for a two position meter channel be and hereby is approved.

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

CORRESPONDENCE –

Invitation to the Modern Disposal Holiday Reception Friday, December, 14, 2007.

Time Warner Cable Programming Agreement Notice

Thank You letter from the Erie County Water Authority for the Bloomingdale Road water supply this past summer

Town of Newstead SEQRA Coordinated Review for a 20,000 gallon above ground fuel storage tank at Noco.

Town of Newstead SEQRA Coordinated Review for a 4,500 sq. ft. hangar for private use at the Akron Airport

Town of Amherst Central Fire Alarm November 2007 Operations Report

Village of Corfu thank you letter

Sno-Seekers Newsletter

PUBLIC COMMENT – No one appeared

On motion of Forrestel, seconded by Middaugh, at 8:23 P.M., this meeting was ADJOURNED.

MAYOR

CLERK-TREASURER

December 7, 2007

A Special Meeting of the Akron Village Board was held on this date at 12:15 P.M. Present: Mayor Carl E. Patterson, Trustees E. Peter Forrestel, Michael R. Middaugh and Village Clerk Daniel P. Borchert.

THE FOLLOWING RESOLUTION WAS OFFERED BY
TRUSTEE FORRESTEL, WHO MOVED ITS ADOPTION,
SECONDED BY MIDDAUGH

WHEREAS, the Town of Newstead and the Village of Akron have been undertaking a Joint Facility Study to study the feasibility of constructing a Joint Municipal Public Works Facility and a Feasibility Report has been completed; and

WHEREAS, a recommendation resulting from the Joint Facility Study involves constructing a Joint Municipal 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 submit an application to the Shared Municipal Services Grant program for the 2007-2008 Program Year on behalf of the Village of Akron as co-applicant for a Joint Municipal Highway Facility; and

WHEREAS, the Village Board has further determined that it will be necessary to enter into an intermunicipal agreement with the Town of Newstead to determine the extent of the shared services between the municipalities; and

WHEREAS, as a condition of the grant, the Village Board has been advised that it is necessary for the Village to come up with a matching contribution for its share of any grant obtained and the Village Board has determined that they have sufficient funds to match a grant up to \$200,000.00.

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

1. The Village of Akron hereby agrees to act as Co-Applicant for the purpose of submitting an application to the Shared Municipal Services Incentive (SMSI) Grant Program for the 2007-2008 Program year and designates Newstead 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 \$200,000 in SMSI funds for the Town of Newstead and an additional \$200,000 on behalf of the Village of Akron.
2. The Village of Akron further agrees to set aside \$200,000.00 in reserves specifically for the Joint Municipal Highway Facility.
3. The Village Board further instructs that an intermunicipal agreement be drafted between the Town of Newstead and the Village of Akron with respect to the Joint Municipal Highway Facility.
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 December 7, 2007, the results of which were as follows:

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| ADOPTED | CARL E. PATTERSON | - AYE |
| | E. PETER FORRESTEL | - AYE |
| | MICHAEL R. MIDDAUGH | - AYE |

On motion of Patterson, seconded by Middaugh, at 12:18 P.M. this meeting was ADJOURNED.

MAYOR

CLERK-TREASURER

December 10, 2007

A Special Meeting of the Akron Village Board was held on this date at 6:50 P.M. Present: Mayor Carl E. Patterson, Trustees E. Peter Forrestel, Michael R. Middaugh and Village Clerk Daniel P. Borchert.

A Resolution, duly moved by Forrestel, seconded by Middaugh,

WHEREAS, the Town of Newstead (Town) and the Village of Akron (Village) have been informed that there is a Pre-Disaster Mitigation (PDM) FY 2008 Competitive Grant Program under which the Town and Village may be eligible to receive a Pre-Disaster Mitigation Grant for the purpose of stabilizing the bank of Murder Creek in the Village of Akron; and

WHEREAS, an application for this grant must be submitted by the Town and the Village before the end of December 2007.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village Board hereby authorizes Grant Services of New York to complete a grant application and the Mayor of the Village of Akron to join the Supervisor of the Town of Newstead in signing a joint FEMA Pre-Disaster Mitigation Grant Application for the purpose of stabilizing the bank of Murder Creek within the Village of Akron.

2. That the Village of Akron will consider contributing to the matching funds and/or in kind services required under this grant to the extent that the matching funds are not provided by the Town of Newstead.
3. This resolution shall take effect immediately.

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

On motion of Forrestel, seconded by Patterson, at 6:54 P.M. this meeting was ADJOURNED.

MAYOR

CLERK-TREASURER