A joint meeting of the Town of Newstead and Village of Akron Boards was held on April 15, 2013 at the Village Hall.

Present: Village Board Members
Mayor Carl Patterson  Attorney Don Shonn
Trustee Kathy Capan  Clerk/Treasurer Dan Borchert
Trustee Michael Middaugh  DPW Super Chief Jon Cummings
Trustee Peter Forrestel
Trustee Keith Hatswell

Town Board Members
Supervisor David Cummings  Attorney Nathan Neill
Councilman Justin Rooney  Town Clerk Dawn Izydorczak
Councilman Dick Baran  Highway Supt. Mike Bassanello
Councilman Jim Mayrose  Town Engineer Scott Rybarczyk
Councilman Don York  Deputy DCO Bev Richards
CAC members Carl Klingenschmitt, Ed Burke & Lewis Tandy

The Boards convened at approximately 8:30pm at the Village Hall with Mayor Patterson calling the meeting to order.

Dog Control Issues: Supervisor Cummings informed the Village that under Ag & Markets law they need to appoint the Town’s DCO officers as having jurisdiction in the Village otherwise they have no jurisdiction. This needs to be done on an annual basis. Deputy DCO Bev Richards was present and let the Village Board know she, Dave and Dawn had several questions regarding the Villages newly adopted dog law versus the towns law. They need to discuss those homes that currently have more than 3 dogs and how to handle the situation of someone attempting to license additional dogs over the 3 dog limit as there are no provisions in the Villages law for more than 3. She also questioned a currently operating rescue group in the Village which is not allowed under the new law and what the Village wants them to do in addressing that group.

Emerald Ash Borer: Carl gave an update on behalf of the CAC of the bugs progression into the Town and the need for gathering more information. They are going to inventory all the trees on municipal properties and map out the ash tree locations and numbers. Then they will report to the Boards to discuss what if any prevention methods they want to attempt at keeping the bug at bay. Carl feels there is probably grant money available to spearhead some of their plans. He told the Boards that the end of May is National Emerald Ash Borer Awareness week where signs and information will be distributed. He would like to schedule a public awareness meeting at the school to get information out to the public.

Joint Emergency Services Committee: The committee still has yet to meet and needs to set a meeting date soon. The new committee members are Mayor Patterson, Trustee Capan and Trustee Hatswell for the Village and Councilman Rooney and Councilman Mayrose for the Town and the Chief and President of each of the fire companies. Both Boards are currently under negotiations with both of the fire companies for new contracts. They expressed an interest in working together on the contracts toward a common goal.

Sewer/Wastewater Treatment Plant expansion: the Mayor expressed their interest in pursuing grant dollars for a study in 2013. Village Attorney Shonn stated that capacity is on a 1st come, 1st served basis and there is no reserving sewer capacity for future projects. Supervisor Cummings questioned that now that the Village has hired their own grant writer, he is assuming the Village will have their grant writer take the lead on looking for and applying for funding. Mayor Patterson informed the Town Board that Niagara Label had attended their prior meeting tonight still expressing interest in either annexation or the creation of a sewer district to service their expanding business. It was discussed which direction for service would be better either from Hake Rd or up Lewis Rd thru the creek.
2013 Recycling Events Schedule: Dan reported that the Saturday compost and electronics drop-off schedules have started again for the summer and will go thru Mid-November. 2 Household Hazardous Waste drop-offs are planned for Saturday, May 11th and October 5th from 9-12. Shred-It will host a shredding drop-off on Saturday June 1st from 9-12. The Mayor stated we are one of only a couple communities in the State that are offering these types of services to their residents at no cost. He thanked Dan for organizing them.

Consolidation Study: Supervisor Cummings informed the Boards about an ongoing monthly grant that is available to study consolidation and/or dissolution of community services. He also went over Wendel’s proposal to do preliminary work for the grant application. The Village Board questioned whether we were looking at consolidation or dissolution and the Supervisor stated that's what the study would eventually tell us based on the results of the study. The Village Board is going to discuss some more and talk to their grant writer. Dave offered to get a copy of the Lewiston study that was recently done and stated that if the Village is not absolutely interested in this we will just drop it but based on past conversations he thought they were in favor of looking into this.

Joint Facility project: Jon Cummings reported that Sherwin Williams and the floor installer were out and they both feel there is something in the floor materials that is causing the peeling problems. They discussed that it is too shiny, and the moisture levels in the concrete were too high as well as the densifier in the concrete. They have prepped some areas in the concrete to patch them but he & Mike don’t think its going to work. When the floor was put down he doesn’t feel the installer followed Stantec’s specs for installation and it was not handled properly from day one.
Supervisor Cummings asked the Town & Village Attorney’s what recourse they feel we have. They will have to look into it. Jon stated the Sherwin Williams rep had documentation on the floor installation & specs. He said it was spec’ed like a bridge deck but was not done that way.

Supervisor Cummings gave a report on the State Comptroller’s audit of the project, once again stating that all the findings were to do with procedural deficiencies only. There was no misappropriation of any monies and all town and village board members present agreed that what was done and the end product were worth every penny spent and done right. Carl thanked Dave for leading the community thru this whole process.

Water: Mayor Patterson inquired how the town’s pressure problems have been solved. Supervisor Cummings stated the Cummings Rd and Scotland Rd problems have been addressed and the Hunts Corners Rd connection with Clarence is now open. The Town is looking at some more areas this year where loops will finally be finished off that will only enhance pressure in all areas and he asked the Village DPW's assistance again when they are ready to do those projects.

Court Consolidation: the consolidation is over and everything has been turned over to the Town Court. They are now in the process of merging the Villages open case files into their schedule and converting the Villages files into their system. This can be taken off of the agenda for future meetings.

Joint Master Plan: Dave, Jim, Carl & Cathy will meet soon to look at grants available for 2013.

Other: Sidewalk Project status: the Clarence Center Rd section may be a challenge. We need to decide whether to move forward or not. Dan stated we need to contact CDBG on the funding once a decision is made. They discussed connecting on the West side of the road up to Pixley's plaza instead of having a crossing at Buell & Clarence Center.
CAC Village Representation: Village Attorney Shonn brought up that the Village received a letter from the County that they have no representation on the County Conservation Council. He asked Carl if the Town’s CAC would be willing to represent the Village as well. The Boards would both need to pass a resolution to this effect that could be sent on to the County.

The Boards entered into executive session at 9:57pm to discuss the Picone litigation settlement proposal and contractual issues.

After much discussion, they exited executive session at 10:25pm on a motion by Councilman Mayrose, seconded by Councilman Rooney.

Upon exiting executive session, the Town Board on a motion by Councilman Baran, seconded by Councilman York approved the settlement with Picone Construction Corp in the amount of $67,269.26, subject to the review and approval of the settlement agreement by the Town and Village Attorneys. Cummings- Aye, Rooney- Aye, Mayrose- Aye, Baran- Aye, York- Aye
Carried Unanimously

Resolution, duly moved by Middaugh and seconded by Forrestel that the Village of Akron is authorized to settle the outstanding litigation with Picone Construction Corporation in the amount of $67,269.26 subject to the approval of the settlement agreement by the attorneys of the Village of Akron and Town of Newstead.

ADOPTED  CARL E. PATTERSON- AYE, E. PETER FORRESTEL- AYE,
MICHAEL R. MIDDAUGH- AYE, KEITH A. HATSWELL- AYE

The Mayor thanked everyone for coming. The meeting was adjourned at 10:31pm by the Mayor & Supervisor.

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk