

February 26, 2007

A WORK SESSION of the Akron Village Board was held on this date at 7:00 P.M. to discuss agenda items. Present: Deputy Mayor Michael R. Middaugh, Trustees Carl E. Patterson, E. Peter Forrestel and William P. Kaufman, Village Engineer Keith Marquis, and Village Attorney Daniel D. Shonn, Esq.

Deputy Mayor Middaugh adjourned the work session at 7:33 P.M.

A REGULAR MEETING of the Akron Village Board was held on this date at 7:38 P.M. Present: Deputy Mayor Michael R. Middaugh; Trustees Carl E. Patterson, E. Peter Forrestel and William P. Kaufman; Village Attorney Daniel D. Shonn, Esq. and VRI Representative Ken Scherrieble.

Deputy Mayor Michael Middaugh led the pledge to the flag.

RESOLUTION, duly moved by Patterson, seconded by Kaufman, that the Minutes of the Regular Meeting of February 5, 2007 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 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:

General Fund	\$20,960.94
Electric Fund	\$44,521.52
Water Fund	\$3,367.94
Sewer Fund	\$12,151.04
Capital Sewer	\$1811.80

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

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

John Mulla	72 N. End Avenue	Kenmore, NY	\$40.00
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ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
WILLIAM P. KAUFMAN - AYE

PUBLIC HEARING – None scheduled this date.

APPEARANCES – No one was scheduled to appear.

PUBLIC COMMENT – No one appeared to speak.

PROJECT REPORTS –

Washington/Liberty Streets Waterline Replacement Project – on hold until spring of 2007

MONTHLY REPORTS –

Departments

VRI – Ken Scherrieble reviewed the February 2007 report for the Sewer Plant for the Board, stating they are working on issues with by-pass pumps, organizing tool rooms, and reported flows look good. Also, Mr. Scherrieble presented a New York Rural Water Hold Harmless Agreement to Deputy Mayor Michael Middaugh.

RESOLUTION, duly moved by Forrestel, seconded by Patterson, to authorize Deputy Mayor Michael Middaugh to sign the New York Rural Water Hold Harmless Agreement.

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

Building Inspector – Trustee Michael Middaugh reported that John [Goode](#), Town of Newstead Code Enforcement Officer will help the Village until Donnal Folger, current Village Code Enforcement Officer, returns from [medical leave](#).

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Patterson – Nothing to Report.

Deputy Mayor Middaugh – Noted that the [replacement](#) Mill Street Transformer has arrived. Complete testing will be done and the switch over is scheduled [for](#) Sunday, March 4, 2007 between 7 am and 10 am. Noted Mr. Kowalik will be reaching out to tell businesses and residents in the effected area.

Spoke with Village Engineer, Keith Marquis, at this evenings work session regarding the drainage grant for Jackson and Buell/Mechanic Street.

Also, noted that Planning and Zoning Board Members need 4 hours of training [each year per a new regulation passes by New York State. The Town of Newstead and the Village of Akron will be offering this training together in a joint agreement for each of its members.](#)

Trustee Forrestel –Updated the Board on the Sewer/Collection System and [Treatment Plant](#). Read the attached Letter regarding the many corrective actions resulting in the formation of the Water/Wastewater Committee enabling us to comply with NYS DEC regulations and mandates. Next Water/Wastewater Committee Meeting to be held March 5, 2007.

Trustee Kaufman – Nothing to report

OLD BUSINESS

Crittenden Road Well Spill Claim – Village Attorney, Daniel Shonn, stated that New York State had questions that he would be answering.

Comprehensive Plan – Public Hearing scheduled for March 5, 2007 at 7:30 pm.

ENVIRONMENTAL REVIEW: Determination of Non-Significance of Action
(Negative Declaration)—Itemized Check off List

SEQR
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

REASONS SUPPORTING THIS DETERMINATION: The following criteria have been considered with the possible long-term, short-term and cumulative effects which may reasonably be expected to result from the proposed action being noted for each:

POSSIBLE ADVERSE IMPACT

<u>CRITERION</u>	<u>NEGATIVE DECLARATION)</u>	<u>COMMENTS</u>
(1) A substantial adverse change in existing: (a) air quality (b) ground or surface water quality or quantity (c) traffic or noise levels		
(2) A substantial increase in: (a) solid waste production (b) potential for erosion flooding, leaching or drainage problems		
(3) The removal or destruction of large quantities of vegetation or fauna;		
(4) Substantial interference with the movement of any resident or migratory fish or wildlife species;		
(5) Impacts on a significant habitat area;		
(6) Substantial adverse effects on a threatened or endangered species of animal or plant or the habitat of such a species;		
(7) Other significant adverse effects to natural resources;		

POSSIBLE ADVERSE IMPACT

<u>CRITERION</u>	<u>NONE</u>	<u>SMALL TO MODERATE</u>	<u>OR CONDITIONAL</u>	<u>PLETION OF PROJECT)</u>	<u>EIS</u>	<u>NEGATIVE</u>
<u>DECLARATION)</u>	<u>COMMENTS</u>					<u>DECLARATION)</u>
(8) The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;						

- (9) The creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- (10) The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (11) A major change in the use of either the quantity or type of energy;
- (12) The creation of a hazard to human health;

POSSIBLE ADVERSE IMPACT

LARGE (WILL REQUIRE OR CONDITIONAL DECLARATION)	SMALL TO MODERATE (ABATED UPON COM- PLETION OF PROJECT)	EIS NEGATIVE
<u>CRITERION</u>	<u>NONE</u>	<u>NEGATIVE</u>
<u>COMMENTS</u>		
(13) A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;		
(14) The creation of a material demand for other actions which result in one of the above consequences;		
(15) Changes in two or more elements of the environment, no one of which has a significant effect on the environment, but when considered together result in a substantial adverse impact on the environment; or		
(16) Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant effect on the environment, but when considered cumulatively, would meet one or more of the criteria in this section.		

Village Attorney, Daniel Shonn noted that all the answers were in the negative.

Annexation – Nothing new.

Inter-municipal DPW Facility – Waiting for the next meeting with Town of Newstead.

Patricia Curto –Village Attorney, Daniel Shonn, reported that the Court denied proceedings as a poor person. Ms. Curto has until April 20, 2007 to appeal.

Zoning and Planning Board Training – Trustee Forrestel suggested the Village exempt Planning and Zoning Board Members with Engineering Degrees from attending the Planning and Zoning Training.

Local Law #1 for 2007: Review of site plans on single Parcels of Land will be deferred to March 5, 2007 Board Meeting.

Local Law #2 for 2007: Regulation of Development activities related to grading, trees, fill and natural features of the land will be deferred to March 5, 2007 Board Meeting.

Letter from Theresa Subsara of 747 Genesee Street re: connecting to the Village Transmission Line. The Board has not heard from Superintendent Robert Kowalik regarding this request.

RESOLUTION, duly moved by Middaugh, and seconded by Kaufman that a Public hearing be held on March 19th, 2007 at 7:30 p.m. for the rezoning of SBL #47.14-1-1, 38 Jackson Street from Industrial to Residential.

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

NEW BUSINESS

RESOLUTION, duly moved by Kaufman, and seconded by Patterson that Deputy Clerk, Tammy Kelley attend the MEUA Accounting & Finance workshop from March 13, 2007 – March 14, 2007 in Liverpool, NY for a total cost of \$147.00 plus travel expenses.

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

RESOLUTION, duly moved by Kaufman, and seconded by Forrestel that the Village Refuse Rate increase from \$31.00 to \$41.00 per quarter effective March 1, 2007.

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

RESOLUTION, duly moved by Middaugh, and seconded by Patterson of the Appointments of the Akron Fire Company Firematic Officers for 2007-2008:

Chief: W. Keith Hawes
1st Assistant Chief: Terry Lotz
2nd Assistant Chief: Joe Hawes
3rd Assistant Chief: Josh Haist
4th Assistant Chief: Dan Mault

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

REVENUE ANTICIPATION NOTE RESOLUTION DATED FEBRUARY 26, 2007.

A Resolution Authorizing the Issuance of \$200,000.00 Revenue Anticipation Note in Anticipation of Receipt of Disaster Aid from FEMA to Become Due and Payable in Fiscal Year 2007-2008.

WHEREAS, the Village of Akron sustained significant damages as a result of a Snowstorm occurring in October 2006, and

WHEREAS, the application of the Village for disaster relief has been accepted by the Government of the United States of America (FEMA), and

WHEREAS, the revenue to be received by the Village from this grant will exceed \$350,000.00 in total, and

WHEREAS, there is an immediate need for disaster funds in the amount of \$200,000.00 to be paid from the grant monies, and

WHEREAS, no other Revenue Notes have been issued by the Obligor based upon this grant, and

WHEREAS, there have been no other funds allocated by the Village to offset this expense, and

WHEREAS, the proceeds of this note shall be used for purposes stated herein, and

WHEREAS, the Revenue Anticipation Note will mature within one (1) year of the date of the Note and may be renewed from time to time however shall not extend beyond the close of the second fiscal year succeeding the present fiscal year.

NOW, THEREFORE be it

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

Section 1. For the purpose of paying the cost of emergency repairs and expenses resulting from a snow emergency in October of 2006, there is hereby authorized \$200,000.00 Revenue Anticipation Notes of said Village, pursuant to the provisions of the Local Finance Law.

Section 2. At a meeting of the Village Board, Village of Akron, Erie County, New York held at the Village Hall, 21 Main Street, Akron, New York 14001-0180 on February 26, 2007, the following resolution was duly adopted, to wit.

Section 3. It is determined the maximum maturity of the Revenue Anticipation Note herein authorized will not exceed two (2) 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 Village Clerk-Treasurer, 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 Village Clerk-Treasurer, 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 pledged 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, with the payment to be made from proceeds of FEMA grant.

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 10. 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:

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

The Resolution was thereupon declared duly adopted.

CORRESPONDENCE

Receipt of Planning Board Minutes of February 13, 2007.

Request for Quotation for an Engineer of Record for the Village of Akron.

Town of Amherst Central Fire Alarm January 2007 Operations Report.

Town of Amherst Central Fire Alarm 2006 Annual Report.

PUBLIC COMMENT – Kurt Schie presented the Board with a new plan for the Subdivision which will have 23 lots instead of 19. Mr. Schie will be going to the Planning Board with his new plan.

RESOLUTION, duly moved by Patterson, and seconded by Kaufman, authorizing the Board to go into executive session at 8:19 pm to discuss personnel issues, be and hereby is approved.

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

RESOLUTION, duly moved by Middaugh, and seconded by Patterson, authorizing the Board to come out of executive session at 8:56 pm., be and hereby is approved.

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

On motion of Kaufman, seconded by Forrestel, at 8:57 P.M., this meeting was ADJOURNED.

DEPUTY MAYOR

CLERK-TREASURER