

May 7, 2007

A WORK SESSION of the Akron Village Board was held on this date at 6:30 p.m. with Planning Board Members, Brian Perry, Daniel Kowalik and Richard Litfin Sr. to discuss Jackson Street Sub-division. Present: Mayor Carl E. Patterson, Trustees, E. Peter Forrestel, Michael R. Middaugh, and Kathryn A. Capan.

A REGULAR MEETING of the Akron Village Board was held on this date at 7:37 p.m. Present: Mayor Carl E. Patterson; Trustees Michael R. Middaugh, E. Peter Forrestel, and Kathryn A. Capan; Village Attorney Daniel D. Shonn, Esq., Chief of Police Richard Lauricella and Superintendent Robert Kowalik.

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

RESOLUTION, duly moved by Middaugh, seconded by Capan, that the Minutes of the Regular Meeting of April 23, 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:

General Fund	\$ 13,653.74
Electric Fund	\$ 46,914.57
Water Fund	\$ 3,518.55
Sewer Fund	\$ 8,132.85

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:

Richmond Smith	123 Skyline Drive	Roof	\$25.00
Brian Gates	53 Buell Street	Roof	\$25.00
Richard Cooper	21 Eckerson Avenue	Addition	\$59.80
Crist Murray	170 Skyline Drive	Shed	\$25.00
Ralph Chapman	20 Brooklyn Street	Roof	\$25.00
Daniel Crooks	11 Cedar Street	Roof	\$25.00
Donald Reinard	102 Buell Street	Roof	\$25.00
Mary Piscitelli	161 Main Street	Shed/Portable	\$10.00

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

RESOLUTION, duly moved by Capan, seconded by Forrestel, that the following building permit be and hereby is approved with the applications and approval of the Building Inspector and be in accordance with the Sub-division Plan when approved by the Village Board:

Kurt Schie                      54 Jackson Street                      New House    \$548.00

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

RESOLUTION, duly moved by Middaugh, seconded by Patterson that the following Plumber's License for the Year 2007, be and hereby is granted in accordance with the application filed and payment of the license fee of \$40.00:

William J. Penepent    7182 Kenyon Ave.    Basom, NY 14013    \$40.00

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

PUBLIC HEARING – No Public Hearing

APPEARANCES – No one was scheduled to appear.

PUBLIC COMMENT – Residents from Crescent Drive appeared to ask what can be done about a neighbor who has debris still in their yard from the October Storm. Building Inspector Donnal Folger said he would take a look at the area and see if there is a code violation involved.

PROJECT REPORTS –

Washington/Liberty Streets Waterline Replacement Project – Superintendent Robert Kowalik reported work has started and will continue.

MONTHLY REPORTS –

Departments

Attorney – Village Attorney Daniel D. Shonn had nothing new to report.

Building Inspector – Donnal Folger reported that he will be attending the 2007 Final Action Hearings with the ICC on May 22, 2007 where he will cast his ballot.

Mr. Folger also spoke with LaVerne Johnson regarding the clean-up of his property on Cedar Street. Mr. Johnson promised the property will be in compliance by the end of May.

Lastly, Mr. Folger commented on the fire at the Bowling Pin Factory this past weekend. The building had no utility connections which makes the fire a suspicious event. DEC will be involved in the supervision of removing the chemicals found at the site. The Village can begin any necessary clean-up after DEC has completed their part.

Clerk Treasurer – The Board received the Clerk's report for April 2007, together with the May 2007 office schedule. Village Clerk, Daniel P. Borchert stated that he will be attending the 14<sup>th</sup> Annual Southern Tier West Local Government Conference held May 9, 2007 from 7:45 a.m. – 4:00 p.m. at a cost of \$30.00 per person.

Chief of Police – The Board received the Police Report for April 2007, along with a schedule for May 2007. Chief Lauricella reported no problems with police equipment. The Department is conducting several investigations in regards to the Bowling Pin Factory and have several positive leads. Also, Chief Lauricella has begun handing out warnings to youths in regards to the curfew regulations.

Supt. of Public Works – The Board received copies of Mr. Kowalik’s April 2007 report. Mayor Patterson asked Superintendent Kowalik to update the Board on the restoration project on Brooklyn Street. Mr. Kowalik stated that work should be in progress or will be now that the ground is dry enough to work on. Trustee Forrestel showed concern regarding the property damage caused by the heavy equipment. Superintendent Kowalik assured Trustee Forrestel that the Public Works department would do their best to restore each property back to pre-storm conditions.

Superintendent Kowalik recommended to the Village Board that a Tree Program be set up to go along with the IEEP Appliance Rebate Program. The Tree Program would offer a rebate of 50% of purchase price up to \$75.00 to Village residents purchasing qualifying shade trees to replace damaged ones caused by the October Storm located anywhere on their private property.

RESOLUTION, duly moved by Middaugh, and seconded by Capan to establish a Energy Efficiency Shade Tree Rebate Program to offer a rebate of 50% of purchase price up to \$75.00 to Village residents purchasing qualifying shade trees to replace damaged ones caused by the October Storm located anywhere on their private property.

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 Middaugh to allow Superintendent Robert Kowalik to attend the NYMPA meeting being held on May 23, 2007 and to elect Mr. Kowalik as the Village’s voting delegate.

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

RESOLUTION, duly moved by Patterson, and seconded by Capan to allow Robert Lucia to attend a workshop in Niagara Falls on May 10, 2007 for 4 credit hours for waste water certifications. The cost will be \$35.00.

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

Trustee Middaugh recommended, with Superintendent Kowalik’s approval, to advertise the Service Truck #10 including boom in the Truck Trader for sale. Trustee Middaugh stated that in the past this advertising successfully sold another Public Works Vehicle.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – Nothing to report

Trustee Middaugh – Received several Engineering proposals and would be setting up interviews in the very near future

Also, Trustee Middaugh brought to the attention of the Board, the condition of the American Flags that the Akron Boy Scouts hang on Main Street, there are several that need to be replaced and he recommended purchasing them from the same source as in the past.

RESOLUTION, duly moved by Middaugh, and seconded by Capan to purchase the new American Flags, which the Akron Boy Scouts arrange along Main Street.

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

Mayor Patterson – Received correspondence that he passed to Village Clerk-Treasurer Daniel P. Borchert.

Trustee Forrestel – In receipt of the minutes from the WWWC last meeting, which covered the Moratorium and the VRI Agreement?

#### OLD BUSINESS

Crittenden Road Well Spill Claim – Village Attorney Daniel D. Shonn will be sending a memo to the Village Board regarding the claim.

Village Map – Village Attorney Daniel D. Shonn stated the GIS System will be able to update the Village Map, but there will be a cost to printing them. He will investigate the price and get back to the Board with his findings.

Inter-municipal DPW Facility – agenda item for the May 7, 2007 meeting with Town of Newstead.

Letter from Theresa Subsara of 747 Genesee Street re: connecting to the Village Transmission Line – Nothing new to report.

VRI Agreement – Village Attorney Daniel D. Shonn is reviewing contract at this time.

#### NEW BUSINESS

RESOLUTION, duly moved by Middaugh, and seconded by Patterson to move Mary Ellen Orcutt from Grade 2 Hire Rate to Grade 2 Step 1 based on the recommendation of Justice Dennis Freeman.

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 authorize Mayor Patterson to sign the 2006 Sponsor Authorization form for the Akron Fire Company LOSAP.

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

#### CORRESPONDENCE

April 2007 Town of Amherst Operation Report.

Letter from the Akron Chamber of Commerce asking permission to hold their 26<sup>th</sup> Annual Sidewalk Sale and Craft Show from 9:00 a.m. to 3 p.m. on Saturday, June 9, 2007.

RESOLUTION, duly moved by Middaugh, and seconded by Patterson authorizing the Akron Chamber of Commerce to hold their 26<sup>th</sup> Annual Sidewalk Sale and Craft Show from 9:00 a.m. to 3 p.m. on Saturday, June 9, 2007 limiting vehicles in Russell Park for loading and unloading to the paved areas and prohibiting vehicle parking and driving on the grass areas of Russell Park.

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

Letter from the Akron Chamber of Commerce requesting permission to hold Cruise Nights in the Village of Akron on Thursday evenings from 6:00 p.m. to 9:00 p.m. starting May 17, 2007 and running until September 6, 2007. Therefore, they are asking permission to close Main Street from Buffalo Street to Parkview Drive and the use of Russell Park gazebo and Food Shelter from 5:30 p.m. to 9:30 p.m., along with the availability of electricity to Russell Park.

RESOLUTION, duly moved by Capan, seconded by Middaugh, allowing the Akron Chamber of Commerce to hold Cruise Nights for the summer of 2007, beginning May 17<sup>th</sup> through September 6<sup>th</sup> from 6:00 p.m. to 9:00 p.m. each Thursday, to include the closing of Main Street from Buffalo Street to Parkview Drive as well as use of the Russell Park Gazebo and Food Shelter including electricity from 5:30 p.m. to 9:30 p.m. and during Cruise Nights, the entrances to the park will be closed off by the Village Police Department, as we will not allow any cars to set up in the park.

Letter from Akron Chamber of Commerce requesting permission to hold Super Cruise & Craft Show from 9:00 a.m. to 4:00 p.m., Saturday, August 18, 2007. Utilizing Main Street and Russell Park.

RESOLUTION, duly moved by Middaugh, and seconded by Patterson allowing the Akron Chamber of Commerce to hold Super Cruise & Craft Show from 9:00 a.m. to 4:00 p.m., Saturday, August 18, 2007 limiting vehicles in Russell Park for loading and unloading to the paved areas and prohibiting vehicle parking and driving on the grass areas of Russell Park.

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

PUBLIC COMMENT – Marilyn Kasperak requested a letter from the Village to the Akron Community Band to clarify the parking requirements in Russell Park. The Village Clerk, Daniel P. Borchert will draft a letter immediately explaining the new rules.

The Board briefly RECESSED at 8:40 P.M. and traveled to the Newstead Town Hall to meet with the Newstead Town Board at 8:45 P.M.

A joint meeting of the Boards of the Village of Akron and the Town of Newstead was convened at the Newstead Town Hall this date to discuss agenda items.

Joint Facilities Study – Andrew from Wendel Duchscherer was not available to speak this evening. Tom George spoke about where the committee is and discussed the draft document with both Boards. Both the Village and the Town will meet again on May 17, 2007 at 7:30 P.M. at the Village Hall.

Sewer Service – Supervisor Cummings addressed the electric issues with Sewer District #1. The NYSDEC seems to be satisfied with their plan of addressing the issue. The Town is aware that the current electric supply is a concern to them. The Town also wanted the Village to be aware that they would be a willing partner for future long-term sewer service into the Town of Newstead. Trustee E. Peter Forrestel gave an overview of the progress that the Village has made at the sewer plant and the on going discussions with the NYSDEC relative to the moratorium that is expected to be addressed by the Village Board before May 31, 2007.

Drainage – Supervisor Cummings noted that he had a conversation with the Erie County Parks Superintendent regarding the debris that is laying across the old railroad

bed from the October 2006 Storm. The Park Superintendent note that the County will be clearing the debris out of that drainage ditch and this should correct some of the water related issues along Parkview Drive.

Police Garage – The Town is currently looking to construct this facility on the current property that is located at 5 Clarence Center Road. The facility would be available for use by the Village of Akron Police Department and the NYS Police. As part of this building project, they are including an area for achieves. They are currently seeking grant money to help fund this project.

Police Services – Richard Lauricella gave both Board’s an overview of the history of the service. He noted that the Village answers roughly 130 calls per year in the Town of Newstead for the New York State Police and the Erie County Sheriff. For the past 5 years, the Village has been providing armed police coverage in the Newstead Town Court. The Town of Newstead noted that it does not want full time police coverage from the Village. Both Attorney’s will draw up a draft inter-municipal agreement between the Town and the Village.

On motion of Capan, seconded by Forrestel, at 10:25 P.M., this meeting was ADJOURNED.

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MAYOR

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CLERK-TREASURER