

June 26, 2006

A SPECIAL MEETING of the Akron Village Board was held on this date at 7:30 P.M. Present: Mayor Ray M. Perkins, Trustees Carl E. Patterson, E. Peter Forrestel, Michael R. Middaugh and William P. Kaufman, Village Attorney Daniel D. Shonn, Esq.

Mayor Ray M. Perkins opened the special meeting with the pledge of allegiance.

Superintendent of Public Works Robert W. Kowalik entered the meeting at 7:34 P.M.

Mayor Perkins turned the meeting over to Village Attorney Daniel D. Shonn, Esq., as he explained that the purpose of this informational meeting regarding the Village of Akron status with the NYSDEC and the wastewater treatment plant. He explained that in the past the Village of Akron only needed to pass a resolution to extend the current moratorium on additional hook-up to the Village's wastewater treatment plant. The Village had been in contact with the NYSDEC and suggested that we could add 25 units to the current 10 units for a total of 35 residential units available to hook into the sanitary sewer under the moratorium. To make this change, we need to hold a public hearing, on July 10, 2006, to amend and pass a new local law.

Village Attorney Daniel D. Shonn, Esq., turned the meeting over to Trustee E. Peter Forrestel, II to discuss his meeting with the NYSDEC representative Thomas Wantuck regarding the Village of Akron's Wastewater Treatment Plant. The Village of Akron had been routinely exceeding our daily flow of 820,000 gallons per day which led to the NYSDEC placing the Village under its current Order of Consent. Since that time, the Village has made substantial progress in finding and correcting illegal home sewer connections, roof drains and downspouts that drain into the sanitary sewer and correcting collapsed and broken sewer tiles that have been detected by the use of our sewer camera that gives us detail information regarding the condition of our sewer lines and exactly where repairs need to be made.

As the Village has been correcting all the areas that have been identified, the wastewater plant has not exceeded its monthly permit level since April 2005. The NYSDEC was not comfortable with allowing the moratorium to expire since they would really like to see how the plant is operating during a wet spring. This past year, we really did not have a substantial snow melt or a particularly wet spring, even though we had a few substantial rain events. The NYSDEC, however, was receptive to allowing us to add an additional 25 residential unit hook-ups in addition to the current 10 for a total of 35 residential hook-ups under the moratorium.

David Harsch of 14 Jackson Street appeared to ask a question regarding neighbor notifications. Village Attorney Daniel D. Shonn, Esq. noted that there will have to be two public hearings regarding the proposed change to the Comprehensive Plan and then for the proposed zoning changes for the identified parcels.

Trustee E. Peter Forrestel, II also noted that the NYSDEC is looking positively at the Village with all the work and progress that we have made towards correcting some of the problems that the sewer plant has.

WHEREAS, the Village of Akron received a letter from the NYSDEC, dated November 5, 2004 which concluded that the wastewater treatment plant is operating at or above capacity in twelve of the past twenty months and that, "the Village should not consider any additional development within the service area." Based on this directive by the NYSDEC, the Village Board adopted Local Law 2005-1 which created a six month moratorium, extended said moratorium for an additional period until March 7, 2006 and also revised the moratorium in Local Law 2005-3 to allow for the equivalent of ten residential units to be permitted;

WHEREAS, VRI, as contract manager of the wastewater treatment plant has provided the Village with monthly flow monitoring. Compared to the original DEC findings of non-compliance in twelve of twenty months, the VRI report dated May 2006 shows an improvement in that inflow was in compliance in fifteen of the past twenty months. The report also indicates that the Village has been in compliance during the past thirteen consecutive months. While the trend is favorable to the Village, the NYSDEC has not committed to a position allowing significant additions to the wastewater collection system. An additional moratorium period will allow for a longer look at the compliance data;

WHEREAS, as this matter is a continuation of the original Local Law No. 1 of the year 2005, it remains a type II SEQRA action and requires no environmental review;

RESOLUTION, duly moved by Forrestel, seconded by Patterson, extending the Local Law 2005-1 Moratorium until December 31, 2006, be and hereby is approved.

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

RESOLUTION, duly moved by Perkins, seconded by Patterson, scheduling a Public Hearing on Monday, July 10th, 2006 at 7:30 P.M. to hear all interested parties concerning Local Law #5 for the Year 2006 relative to an amendment of Local Law No. 3 for the Year 2005 and Local Law No. 1 for the Year 2005 Moratorium on the acceptance or processing of an application for, or approval or issuance of, a building permit, zoning permit, zoning amendment, variance, site plan, special use permit, subdivision and/or permits under the Sewer Law, that would increase the inflow of sewage into the waste water treatment plant of the Village of Akron, be and hereby is approved by the Village Board.

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

Mayor Perkins mentioned that there will be a public meeting on July 11, 2006 at Akron Central School regarding the New York State Thruway Authority and the proposed moving of the current Williamsville Toll Barrier into the Town of Newstead. He would like to

adopt a resolution to support the Town of Newstead in their opposition to current location.

RESOLUTION, duly moved by Perkins, seconded by Kaufman giving support to the Town of Newstead in its opposition to the New York State Thruway Authority's proposed Toll Barrier in the Town of Newstead.

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

Trustee E. Peter Forrestel, II, noted that he had a discussion with New York State Senator Mary Lou Rath regarding a new location for the proposed toll barrier out near the stone quarries. This location would not inconvenience property owners and destroy good land.

On motion of Middaugh, seconded by Perkins, at 7:57 P.M. this meeting was ADJOURNED.

MAYOR

VILLAGE CLERK