

October 6, 2008

A REGULAR MEETING of the Akron Village Board was held on this date at 7:36 p.m. Present: Mayor Carl E. Patterson; Trustees E. Peter Forrestel, William P. Kaufman and Kathryn A. Capan; Attorney Daniel D. Shonn, Clerk–Treasurer Daniel P. Borchert, Superintendent Robert Kowalik, and Chief of Police Richard Lauricella.

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

RESOLUTION, duly moved by Capan, seconded by Kaufman, that the Minutes of the Regular Meeting of September 22, 2008 be and hereby are approved by the Village Board.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
WILLIAM P. KAUFMAN - AYE
KATHRYN A. CAPAN - AYE

RESOLUTION, duly moved by Forrestel, seconded by Capan 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	\$ 15,916.46
Electric Fund	\$ 24,938.98
Water Fund	\$ 9,632.34
Sewer Fund	\$ 5,185.70
Capital Water	\$ 12,069.17
Capital Sewer	\$ 208.00

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
WILLIAM P. KAUFMAN - AYE
KATHRYN A. CAPAN - AYE

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

Noco Oil	Railroad Street	Fence	\$18.00
Walter Greiner	105 John Street	Fence	\$18.00
Jason PeQueen	12 Lewis Road	Siding/Wind/Roof	\$25.00
Edwin Sutton	56 Buell Street	Roof	\$25.00
Linda Reagan	26 Lewis Road	Fence	\$18.00

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
WILLIAM P. KAUFMAN - AYE
KATHRYN A. CAPAN - AYE

PUBLIC HEARING – was held at this time to hear any and all persons for the purpose of addressing the 2009-2010 Community Development Block Grant Program. Village Clerk-Treasurer Daniel P. Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. No one appeared to speak. Clerk Borchert gave an overview of the past projects used with grant money such as John Street Waterline and the Rural Transit Van use for Village residents.

RESOLUTION, duly moved by Capan, and seconded by Kaufman that the Public Hearing with regard to the 2009-2010 Community Development Block Grant Program be and hereby is closed at 7:48 p.m.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
WILLIAM P. KAUFMAN - AYE
KATHRYN A. CAPAN - AYE

Suggested projects for 2009-2010 are replacement of the waterline on Marshall Avenue as well as street repair, a joint sidewalk project with the Town of Newstead on Skyline Drive and the Rural Transit Van with the Town of Newstead and Town of Clarence. Mayor Patterson suggested the Board consider these ideas for a decision will be made at the next Village Board Meeting. Trustee Forrestel recommended the order of requests be as mentioned above.

APPEARANCES – No one was scheduled to speak

PUBLIC COMMENT – No one appeared to speak

PROJECT REPORTS –

State Street Bridge – Still expecting price quote bids from Jensen/Keiner for necessary work on bridge. Superintendent Kowalik has received closed signs for the bridge if necessary. To summarize the Village has three options: 1) close bridge 2) temporarily fix bridge to remove 4 flags or 3) complete replacement of bridge

John Street Waterline Project – Superintendent Kowalik reported that the project is two working days away from completion. Mayor Patterson wanted to mention again on what a nice job the Village workers did on this project.

MONTHLY REPORTS –

Departments –

Attorney – items already on the agenda

Clerk-Treasurer – The Board received the Clerk's report for September 2008, together with the October 2008 office schedule. Clerk Borchert stated he attended the New York State Conference of Mayors Annual Fall Training School from September 15-19, 2008 in Lake Placid.

Chief of Police – The Board received the Police Report for September 2008, along with a schedule for October 2008. Chief Lauricella stated that Officer Wood, a part-time officer for the Village, has been hired full time by the Erie County Sheriffs. Scheduling maybe complicated as Officer Wood covered many hours and Officer Farrington has requested three weeks vacation at the end of November.

Chief Lauricella reported that extra patrols are scheduled for Homecoming and Halloween.

Lastly, Chief Lauricella mentioned that the new patrol car will be in this week and should be in service in approximately two weeks.

Supt. of Public Works – The Board received copies of Superintendent Kowalik's September 2008 report. Superintendent Kowalik reported that the Electric Department completed circuit reconfiguration & system balancing on upper John Street. Also eliminated the 3 phase back-lot primary between the High School and John Street parallel to the athletic field retaining wall, this line was hard to service during wet weather or winter snow accumulations.

A letter to the Erie County Highway Department and Mayor Patterson's meeting with Erie County Executive Chris Collins led to a meeting on October 1, 2008 with Erie County highway officials concerning safety issues and plowing contracts regarding Bloomingdale Avenue, John Street, East Avenue and Parkview Drive. The County has very limited funds at this point

Received bids for roof replacement on the Salt Barn and would like to complete in October. Superintendent Kowalik stated that the Village does not have the proper equipment to do the job in-house.

Batteries for Barnes Sub-station will be in delivered in approximately four weeks.

Lastly, Superintendent Kowalik would like to recommend the Board adopt a Russell Park Use Permit and fee. The fee would be reimbursed if the user cleans up and removes all nails/staples and trash.

Elected Officials –

JUSTICE COURT REPORT – Board received monthly report from September 2008.

TRUSTEES – COORDINATORS

Trustee Capan – Mentioned that the Board toured the Sewer Plant this evening and were hosted quite nicely by the staff. Trustee Capan recommended an open house for the public to see the operations of the Sewer plant. Mayor Patterson also recommended it as well as an open house at the Water Plant.

Trustee Capan wanted to add that there is three more weeks of brush pick-up and that the compost site will be open until November 15th with weather permitting.

Mayor Patterson – Nothing to report

Trustee Forrestel – The Water Wastewater Committee met on September 15th with discussions about the Sewer Moratorium which will expire soon and will need a Resolution to extend it. Also mentioned was the sanitary sewer grouting and manhole rehabilitation project by Sewer Specialty Services. Minutes to the meeting will follow.

Trustee Kaufman – Nothing to report

OLD BUSINESS

Inter-municipal DPW Facility – on the agenda for the joint meeting with the Town of Newstead scheduled after this evenings Village Board meeting.

Rental Regulations – nothing new to report

Mitigation of Murder Creek – on the agenda for the joint meeting with the Town of Newstead scheduled after this evenings Village Board meeting

Refuse Contract – Expires December 31, 2008 – bids have been sent out and are due back by October 30, 2008.

NEW BUSINESS

Northern Erie Sno-Seekers is on the agenda for the joint meeting with the Town of Newstead scheduled after this evenings Village Board meeting.

Letter from Rural Transit Service, Inc. wishes to continue their van program with the Village of Akron.

RESOLUTION, duly moved by Capan and seconded by Forrestel authorizing the Bi-Annual Village Election to be held on Wednesday, March 18, 2008 from 12:00 p.m. (noon) – 9:00 p.m. in the lower level of the Village Hall be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	WILLIAM P. KAUFMAN	- AYE
	KATHRYN A. CAPAN	- AYE

CORRESPONDENCE

Police Report from 103 John Street

Erie County T1 Circuit/Web/DNS/E-mail Hosting to continue past the original December 31, 2008 deadline.

PUBLIC COMMENT – No one wanted to speak

RESOLUTION, duly moved by Kaufman, and seconded by Forrestel authorizing the Board to go into executive session at 8:15 p.m. to discuss personnel issues be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	WILLIAM P. KAUFMAN	- AYE
	KATHRYN A. CAPAN	- AYE

RESOLUTION, duly moved by Capan, and seconded by Forrestel authorizing the Board to come out of executive session at 8:37 p.m., be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	WILLIAM P. KAUFMAN	- AYE
	KATHRYN A. CAPAN	- AYE

The Village Board took a brief recess and traveled to the Newstead Town Hall to meet with the Newstead Town Board.

The Village Board re-convened at the Newstead Town Hall at 8:57 p.m., to hold a joint meeting with the Newstead Town Board.

Drainage – The drainage committee gave an update on the status of the Murder Creek mitigation. The grant application filed last year was denied. They have filed for an appeal and there has been no ruling as of yet. They will be applying for another grant this year. The application is due by November 7, 2008. The Town and Village would like to contract with Apex Consulting to prepare a plan for the landscape design of the mitigation project.

RESOLUTION, duly moved by Forrestel, and seconded by Kaufman, authorizing the Village of Akron to pay an amount not to exceed \$2,500.00 to Apex Consulting Survey & Engineering Services, P.C. to come up with the landscape design of the Murder Creek mitigation project, be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	WILLIAM P. KAUFMAN	- AYE
	KATHRYN A. CAPAN	- AYE

RESOLUTION, duly moved by Forrestel, second by Kaufman,

WHEREAS, due to erosion over time which erosion was accelerated as a result of the damage to trees as a result of the October 2006 snowstorm, a number of parcels of property in the Village along Murder Creek are seriously threatened by the erosion with the potential for serious damage to buildings and other improvements; and

WHEREAS, the Town of Newstead (Town) and the Village of Akron (Village) have been informed that there is a Pre-Disaster Mitigation (PDM) FY 2009 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, the Village Board has been advised that as a condition of the grant,

the Village has to come up with a 25% matching contribution for its share of any grant obtained and the Village Board has determined that it has sufficient funds to match a grant up to \$220,000.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village Board does hereby authorize the Town Grantwriter to complete a grant application and the Mayor to sign a joint Pre-Disaster Mitigation Grant Application together with the Town to FEMA for the purpose of stabilizing the bank of Murder Creek within the Village of Akron.
2. The Village of Akron further agrees to set aside \$220,000 in reserves specifically for the Murder Creek Bank Stabilization Project which would constitute a 25% match for funding for a Project with a maximum cost of \$880,000
3. This resolution shall take effect immediately.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	WILLIAM P. KAUFMAN	- AYE
	KATHRYN A. CAPAN	- AYE

RESOLUTION, duly moved by Forrestel, second by Kaufman,

WHEREAS, due to erosion over time which erosion was accelerated as a result of the damage to trees as a result of the October 2006 snowstorm, a number of parcels of property in the Village along Murder Creek are seriously threatened by the erosion with the potential for serious damage to buildings and other improvements; and

WHEREAS, the Town of Newstead (Town) and the Village of Akron (Village) have been informed that there is a Pre-Disaster Mitigation (PDM) FY 2009 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

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.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	WILLIAM P. KAUFMAN	- AYE
	KATHRYN A. CAPAN	- AYE

Perry's Ditch – Brian Perry and Gregg Brown and looking to see if they would be able to run the water from the ditch and have it discharge to Murder Creek above the Village wastewater treatment plant as it would help our NYSDEC permit limits during the dryer months when flow to Murder Creek is low.

GIS – There is a meeting scheduled with the committee and Bergman Associates to go over the equipment needs for the fire companies which will be purchased under this portion of the grant.

Annexation – Village Attorney Daniel D. Shonn is still awaiting the annexation petition to be filed from Niagara Specialty Metals. Once that is completed, then the process can continue to move forward.

Code Enforcement Officer – The Village is willing to look at partnering with the Town for the services of Code Enforcement including taking care of planning and zoning issues. Trustees Michael Middaugh and Kathryn Capan will serve on the committee for the Village.

Court Services – The Village and Town will sit with the current Village and Town Justices to discuss the logistics of possibly consolidating the Village Court in with the Town Court.

NYS Archives – The Village and the Town are still interested in additional space for archive storage. They will sit down and discuss spacing and size.

Police Storage - The town is looking to construct a 3 bay, 2 vehicle deep facility that will house two Village of Akron Police vehicles, two New York State Trooper vehicles and two Town of Newstead vehicles. The Village would cover 1/3 of the cost of the building. They are looking at possibly doing the project in the Spring of 2009.

Erie County Community Development Block Grant - The Village held their public hearing earlier this evening. The Village and Town discussed the possible grant projects that they are looking to try to go after. Each municipality can submit up to 3 applications for the selection committee and they need to be ranked in the order of their priority.

Bike Path – The Town and the Village have received a letter from the Northern Erie Sno-Seekers to request permission to use the bike path for its snowmobile trail for the up coming winter season. The Village and the Town both have concerns regarding the recent work completed on the bike path this summer with the installation of new signage and having the pavement re-sealed. The Village and the Town will be inviting the snowmobile club in to discuss the new concerns that they have before a decision will be made on the 2008-2009 season.

Joint Facility – The Board discussed that the option purchase contract that was presented to the owner of the Indian Falls Road property had been rejected. The Village and Town Board both agreed that they were not willing to raise their offer and it was discussed that they would move forward with the joint facility looking at alternative site selections. It was discussed that they would like to hold a public information meeting, possibly at the Akron Central School, to discuss the project and answer any questions the public might have. The meeting might take place in the next six weeks.

RESOLUTION, duly moved by Forrestel, and seconded by Capan authorizing the Board to go into executive session at 10:28 p.m. to discuss contract negotiations pertaining to possible alternative site selections for the joint public works facility be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	WILLIAM P. KAUFMAN	- AYE
	KATHRYN A. CAPAN	- AYE

RESOLUTION, duly moved by Forrestel, and seconded by Capan authorizing the Board to come out of executive session at 11:04 p.m., be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	WILLIAM P. KAUFMAN	- AYE
	KATHRYN A. CAPAN	- AYE

On motion of Forrestel, seconded by Capan, at 11:05 p.m., this meeting was ADJOURNED.

MAYOR

CLERK-TREASURER