

October 16, 2006

A REGULAR MEETING of the Akron Village Board was held on this date at 7:40 P.M. Present: Deputy Mayor Michael R. Middaugh; Trustees Carl E. Patterson, E. Peter Forrestel, and William P. Kaufman; Superintendent Robert W. Kowalik; Village Attorney Daniel D. Shonn, Esq.; Building Inspector Donnal D. Folger; Village Police Officer Christopher Heiderman; and VRI Representative Ken Scherrieble.

Deputy Mayor Michael Middaugh opened the meeting with the pledge of allegiance. He then thanked everyone for coming, and read a brief statement to inform the residents of the Village what has been transpiring since Thursday, October 12th. Beginning with a heavy snowfall on Thursday afternoon, and the result of trees beginning to fall on power lines, Mr. Middaugh, Superintendent Kowalik and Village Clerk Daniel Borchert, declared a State of Emergency in the Village of Akron at 9:00 P.M. that night. A driving ban was also put into effect.

Electric crews began tree limb removal with the help of electric crews from several other municipalities. At 3:00 P.M. on Friday, October 13th, a Disaster was declared in the Village. By Saturday, October 14th, 99.9% of Village electric was restored.

The Village has been assisted by the Akron Fire Company. Akron Fire Chief Keith Hawes was named Natural Disaster Mitigation Expert, with Daniel Kowalik acting as his Assistant. With most of the Village's electric restored, the major concern became debris removal from Murder Creek to prevent potential flooding.

Deputy Mayor Middaugh personally thanked Superintendent Kowalik, the Public Works crews and Public Works Secretary Sydnee Shephard for all their efforts in restoring the Village, and Village Clerk Daniel Borchert, who has been a great asset, in keeping the media informed.

RESOLUTION, duly moved by Patterson, seconded by Forrestel, that the Minutes of the Regular Meeting of October 2nd, 2006, be and hereby are approved by the Village Board.

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

RESOLUTION, duly moved by Forrestel, seconded by Kaufman, that the audit of bills is approved, and the Treasurer is authorized to pay same in accordance with the following abstract of audit vouchers:

| | |
|--------------------|-------------|
| General Fund | \$22,165.01 |
| Electric Fund | \$13,879.87 |
| Water Fund | \$ 8,292.62 |
| Sewer Fund | \$17,471.85 |
| Capital Water Fund | \$ 2,009.16 |
| Capital Sewer Fund | \$12,376.07 |

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

RESOLUTION, duly moved by Kaufman, seconded by Middaugh, that the following building permit, be and hereby is approved with the application and approval of the Building Inspector:

Tom & Amy Bergman 10 Franklin Street Addition \$137.00

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

A PUBLIC HEARING was held at this time to hear any and all interested parties in favor of or opposed to adoption of proposed Local Law No. 5 for the Year 2006, proposing to add to the Code of the Village of Akron a local law adding Section 71-2.1, Temporary Structures. The Clerk read the Proof of Publication and asked if anyone wished to speak. Building Inspector Don Folger gave the Board a brief overview of the proposed law.

RESOLUTION, duly moved by Middaugh, seconded by Kaufman, that the Public Hearing for adoption of proposed Local Law No. 5 of the Year 2006, for the Village of Akron, be and hereby is closed at 7:53 P.M.

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

RESOLUTION, duly moved by Kaufman, seconded by Patterson, that Local Law No. 5 of the Year 2006, proposing addition to the Code of the Village of Akron, Section 71-2.1, Temporary Structures, be and hereby is adopted.

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

RESOLUTION, duly moved by Patterson, seconded by Forrestel, that, pursuant to Section 8 of Local Law No. 5 of the Year 2006 of the Village of Akron, the fee is set at \$25.00 per application.

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

APPEARANCES – No one appeared to speak.

PUBLIC COMMENT – LaVerne Johnson, of 44 Cedar Street, asked the Board if a hearing date had been set for his Variance request. Attorney Don Shonn said that we had to notify the County and had just received their referral. Mr. Johnson was told that the Clerk's office is in the process of contacting the Zoning Chairman to set a date for the hearing.

Village Resident Roger Brewer was concerned about rumors that the Village would go on Erie County Water. He is against this and feels we should keep our water from Bennington and overhaul it if necessary. Trustee Forrestel assured Mr. Brewer that the Village has no intention of changing over to Erie County water.

Project Reports –

Washington/Liberty Streets Waterline Replacement Project – On hold until restoration is completed in the Spring. All taps have been completed.

Monthly Reports –

Departments

Building Inspector – Don informed the Board he attended the National Code Meeting in Orlando, Florida and of the 1,300 proposed changes to the Code, about 10% were approved. He picked up some Homeowner’s Association Rules from various municipalities in his travels and he needs to talk to the Planning Board Chairman about this subject. He said the thirty days is up for two property owners regarding unlicensed vehicles in an industrial zone, and we need to set a date for a Public Hearing.

RESOLUTION, duly moved by Patterson, seconded by Kaufman, that the Village Clerk be and hereby is authorized to advertise for a Public Hearing on the Property Maintenance Law of the Village of Akron, to be held on November 6th, 2006 at 7:30 P.M. at 21 Main Street, Akron, New York.

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

Mr. Folger also commented that the Village suffered only minor structural damage to buildings and no buildings collapsed due to the storm.

Mr. Folger mentioned a letter received from the Akron Fire Chief looking for help from the Village to gain emergency access to commercial buildings through a “Knox box system”. Mr. Folger explained to the Board how the system works and if the Village wanted to use this system, it would have to pass a law to make it mandatory. If the Board would like him to work on this, he will.

Deputy Mayor Middaugh asked Mr. Folger about the status of ongoing property maintenance cases at Clinton and John Streets. Mr. Folger said he will be back in Court next week on these.

VRI – Ken Scherrieble reviewed the September Operations Report for the Sewer Plant for the Board. In 17 months, we did not go over the average daily flows. We lost the screw pumps. He thanked Bob Lucia and his son for their work on completing the west primary clarifier chain replacement. The filters are off-line for the winter.

Attorneys – Don Shonn is working on the Building Code Administration Local Law and asked that it be put on the Agenda for the next meeting.

Elected Officials

Justice Court – The Board received the Justice Court Report for September, 2006.

TRUSTEES – COORDINATORS

Trustee Patterson – Nothing new to report.

Trustee Middaugh – In the process of reorganizing the Joint Facilities Committee. We need another Trustee on Board. Trustee Patterson has agreed to come on board.

Trustee Forrestel – Nothing new to report.

Trustee Kaufman – Nothing new to report.

Old Business –

NYSDEC Collection – Nothing new to report.

Crittenden Road Well Spill Claim – Nothing new to report.

Comprehensive Plan – The letter to the Planning Board on the SEQR process has to be revised.

No Parking – Brooklyn, Buell, Mechanic, Jackson – Take off the Agenda.

Annexation – Nothing new to report.

Intermunicipal DPW Facility – The reorganization of the Committee previously mentioned.

Refuse Contract – Bids will be opened on November 1st at 2:00 P.M.

Temporary Structures and Fences – Take off the Agenda.

Patricia Curto – Nothing new to report.

New Business –

RESOLUTION, duly moved by Forrestel, seconded by Patterson, that the Deputy Mayor be and hereby is authorized, on behalf of the Village of Akron, to sign the STOP DWI Contract with Erie County, through December 31st, 2007.

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

RESOLUTION, duly moved by Patterson, seconded by Forrestel, that the Village of Akron be and hereby adopts the Resolution approving participation in the New NYPA Economic Development Program.

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

RESOLUTION, duly moved by Middaugh, seconded by Patterson, that the No. 1 request for the Community Development Funds for the Year 2007 for the Village of Akron be and hereby is to be the Replacement Waterline on John Street between Mechanic Street and Hoag Avenue, and that Michael R. Middaugh is authorized to sign, submit and execute a Contract with Erie County Community Development Block Grant (ECCDBG) Program for said Waterline Replacement Project, upon approval of ECCDBG.

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

RESOLUTION, duly moved by Middaugh, seconded by Patterson, that the No. 2 request for the Community Development Funds for the Year 2006 for the Village of Akron be and hereby is to be the joint Rural Transit Van Service project with the Towns of Clarence and Newstead, and that Ray M. Perkins is authorized to sign, submit and execute a Contract with Erie County Community Development Block Grant (ECCDBG) Program for the joint Rural Transit Van Service project with Towns of Clarence and Newstead, upon approval of ECCDBG.

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

Deputy Mayor Michael Middaugh invited Dan Kowalik, as Assistant Natural Disaster Mitigation Expert, to give the Board an overview of what has been going on since the start of the storm. Mr. Kowalik said he has asked Don Folger to do an analysis of how many trees have been damaged in the community, both Village and Town. He also asked Don to get some figures together for a projected cost to the Village and Town to clean up from the disaster. The costs will be going to the EOC and will be added to the figures going to FEMA.

The Akron Fire Company was committed to Amherst on Saturday night because the Erie County Water Authority and Clarence were down. Murder Creek was damming from large downed trees and he talked with Mike Middaugh and asked him to contact local contractors to get the trees out. Dan went to the residents on the north side of Brooklyn Street and told them they may have to evacuate.

There are some concerns for erosion of the bank on the south side of Main Street. There will be four to six laborers working today and tomorrow on this problem. There is still concern for erosion in the future. We want to notify FEMA about this in writing. Don Folger told the Board that some buildings on Main Street have pulled away because of the bank.

There are three excavators working above Akron Falls, mostly County property. We've worked out an agreement with the County that if the problem is a County one, they will be out here in two hours.

Trustee Forrestel thanked, on behalf of the Board and Deputy Mayor, the quality dedication of Dan Kowalik, Superintendent Kowalik, Sydnee Shephard and the Fire personnel. We really appreciate all the work.

Fire Chief Keith Hawes informed the Board that the Federal declaration has not yet been signed and FEMA is not yet on sight.

Correspondence –

Letter from Akron Fire Company planning a Haz Mat drill for November 5th at 8:00 A.M. at Buffalo and Main Streets.

Sympathy card from NYCOM on the death of Mayor Perkins.

Letter from Joseph Matusek, Sr. concerning the maintenance of a storm sewer line.

Receipt of Central Fire Alarm September, 2006 Operations Report.

PUBLIC COMMENT

Superintendent Kowalik mentioned working on tree removal because there are five bridges to maintain and tree jams could cause bridge failure. He is concerned about State Street and Crittenden Road. He also said that, obviously, leaf pickup will be delayed while they continue to pick up brush. Trustee Forrestel asked Supt. Kowalik if he knew where Village residents can take their brush, but Supt. Kowalik did not.. Attorney Don Shonn suggested putting a flyer in the Pennysaver notifying the residents about brush and trash, and that Russell Park is indefinitely closed.

RESOLUTION, duly moved by Patterson, seconded by Forrestel, that the Board go into Executive Session at 9:09 P.M. to discuss legal issues.

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

RESOLUTION, duly moved by Forrestel, seconded by Patterson, that the Board come out of Executive Session at 9:39 P.M.

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

On motion of Middaugh, seconded by Patterson, at 9:40 P.M., this meeting was ADJOURNED.

MAYOR

CLERK TREASURER