

November 5, 2007

A REGULAR MEETING of the Akron Village Board was held on this date at 7:32 p.m. Present: Mayor Carl E. Patterson; Trustees Michael R. Middaugh, E. Peter Forrestel, William P. Kaufman and Kathryn A. Capan; Superintendent Robert Kowalik, Chief of Police Richard Lauricella and Building Inspector Donnal Folger.

Mayor Carl E. Patterson began the meeting with a welcome back to William Kaufman and asked William to join him in leading the pledge to the flag.

RESOLUTION, duly moved by Middaugh, seconded by Capan, that the Minutes of the Regular Meeting of November 5, 2007 be and hereby are approved by the Village Board.

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

RESOLUTION, duly moved by Kaufman, seconded by Forrestel 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	\$ 26,673.08
Electric Fund	\$ 40,289.67
Water Fund	\$ 32,305.89
Sewer Fund	\$ 26,857.74
Capital Water	\$ 385.06

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

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

Kyle & Julie Jones	7 Sylvan Pkwy	Fence	\$18.00
Allen Thomas	36 Cedar Street	Roof	\$25.00
Adolp Bassanello	47 Clarence Ctr. Rd	Windows	\$25.00

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

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

Perry's Ice Cream Co, Inc.	One Ice Cream Plaza	Addition	\$3,311.00
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ADOPTED	E. PETER FORRESTEL	- AYE
	MICHAEL MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE
	KATHRYN A. CAPAN	- AYE

Mayor Patterson abstained from voting on the above Resolution.

PUBLIC HEARING – was held at this time to hear any and all persons for the purpose of addressing the Local Law #6 – Russell Park Rules and Regulations. A local law adding Section 106-1.2 to Chapter 106 of the Code of the Village of Akron with regard to the establishment of rules and regulations for parklands and recreational areas owned, controlled, or maintained by the Village of Akron. Village Clerk-Treasurer Daniel P. Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. Mark Pearce from 37 John Street would like to see the rules extend throughout the Community including the bike path. He wanted the Board to be careful setting the closing hours for after dark. Mr. Pearce did mention that rules for controlling behavior are an excellent idea. Village Building Inspector Donnal Folger stated the Main Street side of Russell Park has a problem with children hanging out and using extremely foul language. Village Chief of police Richard Lauricella acknowledged that the Park does have a problem with certain groups hanging around and using excessive language, but states that the freedom of speech hinders his ability to stop it. Mr. Eugene Schuler from 24 Brooklyn Street brought up concerns of foul language and fighting in Brooklyn Park as well. He mentioned that in the summer his wife had quite often closed their windows to block out the language and fighting coming from the park. Mrs. Pat Pearce questioned if the rules would be posted in the different recreational areas. Trustee Middaugh responded that as soon as the rules are adopted they will be posted to enable the rules to be enforced. Village Attorney Daniel D. Shonn felt this local law will enable to adopt rules by resolution to create a positive climate for recreation in Akron's parks and recreation areas such as the bike path. As rules for Russell Park may be quite different than those for the bike path, the local law will give the Village Board the flexibility to adopt rules suited to a particular area and make changes as may be necessary. The next step in the process will be to review rules, which meet the criteria listed in the local law.

RESOLUTION, duly moved by Kaufman, and seconded by Capan that the Public Hearing with regard to the Local Law #6 – Russell Park Rules and Regulations be and hereby is closed at 7:50 p.m.

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

RESOLUTION, duly moved by Forrestel, and seconded by Middaugh to adopt Local Law #6 for 2007 – Russell Park Rules and Regulations for the park and other recreational areas owned by the Village be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL MIDDAUGH	- 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 Local Law #7 for 2007 – a local law amending Section 146-21 of the Code of the Village of Akron with regard to increasing the amount of the Senior Citizens Exemptions under Section 467 of the Real Property Tax Law. Village Clerk-Treasurer Daniel P. Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. Donald Snell from 3 Shepard Avenue stated that the senior limits have been neglected for far too many years. He also thought the increase was not nearly enough for the seniors on fixed incomes. Eugene Schuler from 24 Brooklyn Street agreed with Mr. Snell that the increase is not enough with the high cost of medical bills and prescription costs that most seniors have to endure. Mayor Patterson clarified that Akron Central School, Town of Newstead and the Village of Akron discussed the increase and decided to wait to make a decision so that a correct decision would be

made. After hearing the comments this evening the Village Board will go back and look over the limits again.

RESOLUTION, duly moved by Middaugh, and seconded by Kaufman that the Public Hearing with regard to the Local Law #7 – Senior Citizens Exemptions be and hereby is closed at 7:55 p.m.

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

APPEARANCES – No one was scheduled to speak

PUBLIC COMMENT – No one appeared to speak

PROJECT REPORTS –

State Street Bridge – Superintendent Robert Kowalik reported that he has received no further updates and is still waiting for the letter from NYSDOT regarding removing the yellow flags status.

MONTHLY REPORTS –

Departments -

Clerk-Treasurer – The Board received the Clerk’s report for October 2007, together with the November 2007 office schedule. Village Clerk Treasurer Daniel P. Borchert informed the Board that Monday, November 12, 2007 the Village office is closed but the Village Board Meeting is still scheduled for 7:30 p.m. at the Village Hall.

Trustee Middaugh inquired about the Alarm System for the Village Hall. Mr. Borchert replied that he sent out four requests for quotes, but only received one proposal back. The Security System would cover fire, security and cameras, which would be positioned in strategic places in the Village Hall.

After a question from Trustee Capan, regarding the trim work on the Village Hall, Mr. Borchert stated that Rehwaldt Builders scheduled our project for mid-November.

Chief of Police – The Board received the Police Report for October 2007, along with a schedule for November 2007. Chief Lauricella informed the Board that Halloween night went very well with little to no trouble at all.

Mayor Patterson wanted to take a moment to welcome back Officer Peter Scanio back from a tour in the military. Chief Lauricella stated that Officer Scanio will be placed back on the schedule in January 2008. He also wanted to remind the Board that Officer Steve Cryan will be leaving for a year long tour in the military beginning January 2008.

Supt. Of Public Works – The Board received copies of Mr. Kowalik’s October 2007 report. Mr. Kowalik recommended approval of the purchase of a Ford F250 Truck with bed-liner for the Sewer Plant. The truck would be purchased with the help of an EPA grant leaving the Village to pay 45 % of the loan.

RESOLUTION, duly moved by Forrestel, and seconded by Capan to approve the purchase of a Ford F250 truck with bed-liner partially paid for with an EPA grant, be and hereby is approved.

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

Superintendent Kowalik received a repair quote from Ferguson Electric for the West Main transformer oil leak with a cost of \$7,500.00. Repairs will proceed as soon as possible.

Building Inspector – The Board received report of October 2007. Mr. Folger is in receipt of updated prints from the Akron Village Commons Subdivision. Mr. Folger also received information about Firework Displays from the NYS Labor Department, which could effect all the Village holiday celebrations.

Mr. Folger, together with Akron Fire Chief Keith Hawes, wanted to bring to the attention of the Village Board information regarding the Knox Box or Rapid Entry System. Mr. Hawes discussed in detail how the system works. Each business would have a metal box or Knox Box attached to the main entry-way of the business holding a set of master keys to all locked areas of the business. The Akron Fire Company, along with the Newstead Fire Company as well as the Village and Town Code Enforcement Officers would each have keys to each Knox Box. The box costs range from \$150.00 - \$250.00 paid for and installed by the business owner with the direction of the Code Enforcement Officer. This system enables the access of buildings in an emergency situation at a much quicker and less destructive way.

Elected Officials –

JUSTICE COURT REPORT – Board received monthly report from October 2007.

TRUSTEES – COORDINATORS

Trustee Capan – Nothing to Report

Trustee Middaugh – Nothing to Report

Mayor Patterson – Just wanted to remind everyone that winter parking regulations begin November 1, 2007. Leaf pickup has begun and will continue through November 16, 2007. Lastly, the compost site will be opened until November 17<sup>th</sup>.

Trustee Forrestel – Timber Harvest will be completed by November 6, 2007 and restoration has also been completed.

Trustee Kaufman – Nothing to report

OLD BUSINESS

Village Map – nothing new to report

Inter-municipal DPW Facility – Joint meeting with the Town of Newstead scheduled for November 6, 2007 at 7:30 a.m. at the Village Hall.

Rental Regulations – nothing new to report

NEW BUSINESS

RESOLUTION, duly moved by Forrestel, and seconded by Capan to authorize Mayor Patterson to sign the Village of Akron Length of Service Award Program, be and hereby is approved.

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

Northern Erie Sno-Seekers – Village Board agreed to continue their relationship with the Sno-Seekers which enables the Village to enforce safety measures. Trustee Forrestel suggested that garbage cans be disbursed so the marker barrels are not used for refuse. Village Clerk-Treasurer Daniel P. Borchert will follow up with them.

Mayor Patterson received a letter from New York State Assemblyman Mike Cole respectfully requesting the Villages official opposition to Governor Spitzer's plan to allow illegal aliens to obtain an official New York State driver's license. Mayor Patterson highly recommended that we pass this resolution

RESOLUTION, duly moved by Forrestel, and seconded by Middaugh to support the opposition to Governor Spitzer's plan to allow illegal aliens to obtain an official New York State drivers license.

WHEREAS, Section 502 (1) of the New York State Vehicle & Traffic Law require applicants for drivers licenses to provide a valid Social Security Number, in addition to proof of fitness, age and identity; and

WHEREAS, the NYS Department of motor Vehicles promulgated a regulation to allow legal residents who are ineligible for a Social Security Number to provide proof of ineligibility to satisfy the SSN requirement; and

WHEREAS, the NYS Department of Motor Vehicles, in accordance with the 9/11 Commission report, adopted a policy requiring documentation of the Social Security Administration statement of ineligibility for SSN, which was upheld by the state's highest court, the Court of Appeals; and

WHEREAS, on September 21, 2007, Governor Spitzer and his DMV Commissioner announced that they will no longer require illegal aliens to submit proof of a valid SSN or ineligibility for the same and will not inquire into an illegal alien's immigration status before issuing that illegal alien a driver's license; and

WHEREAS, on September 24, 2007, Governor Spitzer and his DMV Commissioner, without notice to County Clerks or the public, removed the Temporary Visitor Legend from NYS Drivers licenses for all foreign visitors in the country on temporary visas; and

WHEREAS, the Governor's policy changes are contrary to the clear statutory direction provided by the Legislature and effectively re-write both the existing statue and regulation, without consultation with the Legislature or the public; and

WHEREAS, the Governor's actions reward those who have violated U.S. immigration laws and grants them a privilege formerly accorded only to law abiding residents of the state; and

WHEREAS, the Governor's actions compromise our state's and our nation's security by providing a driver's license, which is the most commonly accepted form of identification for entry into government facilities, boarding of domestic aircraft, gaining employment, accessing our financial institutions and participating in our elections, to persons who have not been screened by the INS or the Department of Homeland Security and who could have criminal records here or in their native lands; and

WHEREAS, the Governor's policies are in direct conflict with the federal Real ID Act, which was overwhelming approved by both houses in Congress as a means of providing real security for state driver's licenses; and

WHEREAS, the Governor's policies would devalue the NYS Driver's License so that it would no longer be accepted as a valid form of identification for federal purposes once the Real ID Act is fully implemented and would require lawful residents of new York State to secure passports or some other federally approved form of identification to board domestic aircraft or to enter federal facilities; now, therefore,

BE IT RESOLVED, that the Village of Akron hereby finds that the Governor's policy that would allow illegal immigrants to secure NYS Driver's license without providing a valid SSN and without providing documents submitted to the SSA demonstrating the applicant's ineligibility for A SSN is ill conceived, compromises the security of the residents of our community, the residents of our state and the residents of our country; and be it further

RESOLVED, that this legislative body urges Governor Spitzer and his DMV Commissioner to cease and desist from the implementation of, and to forthwith rescind, these ill conceived policies and we further urge the Governor to work with our elected state representatives and county officials before pronouncing any similar policy directives; and be it further

RESOLVED, that a copy of this resolution be communicated to Governor Eliot Spitzer, DMV Commissioner David Swarts, Attorney General Andrew Cuomo, and the members of the Western New York Delegation.

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

CORRESPONDENCE –

Town of Amherst Central Fire Alarm October 2007 Operations Report

Snow Plowing Contract from Erie County

Letter from Akron Central School requesting Police coverage at Basketball games

PUBLIC COMMENT – No one appeared

On motion of Middaugh, seconded by Forrestel, at 8:35 P.M., this meeting was ADJOURNED.

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MAYOR

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CLERK-TREASURER