

November 6, 2006

A REGULAR MEETING of the Akron Village Board was held on this date at 7:33 P.M. Present: Deputy Mayor Michael R. Middaugh; Trustees Carl E. Patterson and E. Peter Forrestel; Village Attorney Daniel D. Shonn, Esq.; Building Inspector Donnal D. Folger; and Chief of Police Richard Lauricella.

Deputy Mayor Michael Middaugh led the pledge to the flag.

RESOLUTION, duly moved by Patterson, seconded by Forrestel, that the Minutes of the Regular Meeting of October 16th, 2006, be and hereby are approved by the Village Board.

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

RESOLUTION, duly moved by Forrestel, seconded by Patterson, 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	\$31,416.66
Electric Fund	\$51,403.95
Water Fund	\$23,422.36
Sewer Fund	\$36,104.49
Capital Water Fund	\$ 104.83
Capital Sewer Fund	\$ 1,060.74

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

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

Theodore Lewis	40 Hoag Avenue	Shed	\$25.00
Elaine Webster	33 Cedar Street	Roof	\$25.00
LaVerne Johnson	44 Cedar Street	Storage Building	\$31.00
Wayne Smith	170 East Avenue	Garage Roof	\$25.00

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- 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 the Notice of Violation to the following premises showing owners have stored, deposited, placed or maintained outdoors the following unlicensed or unregistered motor vehicles upon his respective property within the Village: Railroad Street – Vacant Lot and 26-28 Cedar Street. The Clerk read the Proof of Publication and asked if anyone wished to speak.

Gregory Brown addressed the Board for his vacant property on Railroad Street. He told the Board the vehicle on the property was from the previous owner, to whom he gave a copy of the paperwork from the Village. Don Folger explained which vehicle it was. Greg asked to have it removed. Village Attorney Don Shonn told Mr. Brown we have to deal with the property owner only. That is the way the law is written. If the vehicle is towed, the charges are put on the tax bill. After towing, a Mechanic's Lien would be put on and it would be junked. It would be considered an abandoned vehicle which constitutes a nuisance under the law.

RESOLUTION, duly moved by Forrestel, seconded by Patterson, that pursuant to violation of the Property Maintenance Law of the Village of Akron, if the unlicensed or unregistered motor vehicle on the property known as Railroad Street Vacant Lot is not removed within thirty (30) days from November 6th, 2006, it will be removed by the Village and the costs added to the tax roll for that property.

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

Douglas Ceisner was the next to speak with regard to his property at 26-28 Cedar Street and Violation of the Property Maintenance Law. First of all, Mr. Ceisner told the Board the property is zoned Industrial and he considers the vehicle part of his business and maintains inventory in it. He mentioned a vehicle at 35 John Street and a car parked in front of a fire hydrant at 30 Cedar Street. He told the Board that, if they want to remove the vehicle, then remove it. There are more important things to worry about. He is not moving the truck. It is part of his business. He has had enough harassment from the Village.

Village Attorney Don Shonn asked Don Folger about the truck and if it runs. Mr. Folger said it was a truck that Mr. Ceisner had on East Avenue and that it does run. There are no plates on it. Mr. Ceisner said he will put license plates on it tomorrow if that is what the Village wants. Mr. Shonn will review the law and bring his recommendations back to the Board for the next meeting on November 13th.

Trustee Patterson told Mr. Ceisner that the vehicle is in very viewable site of everyone. If it was placed differently on the property it would not be an issue. He also said, as a Board, whether the property is zoned industrial or residential, we would want the same set of rules for both.

RESOLUTION, duly moved by Middaugh, seconded by Patterson, that the Public Hearing for Violation of the Property Maintenance Law of the Village of Akron, be and hereby is closed at 8:00 P.M.

ADOPTD	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE

APPEARANCES – No one appeared to speak.

PUBLIC COMMENT – Kurt Schie asked for an update on the SEQR process. He commented that a Public Hearing was set for changing the zoning and notices went out but nothing else has been done. Is it a Type I or II action? Don Shonn told Mr. Schie that the Village Engineer determined that it is a Type I action. We need to establish a lead agency. We have twenty (20) days to make a determination, after we receive notice of the lead agent. Letters went to the Town, DEC, Erie County Planning Board. They have to take a hard look if the project has a significant adverse impact on the comprehensive plan.

Trustee Forrestel commented that we waited a very long time to get the GIS maps completed.

Mr. Shonn told Mr. Schie that the Board agrees that the problem with the engineer is getting things done in a timely fashion. Trustee Forrestel said we had to work with the DEC on the sewer system moratorium issue but it was increased from 10 units to 35. Mr. Schie asked the Board what can be done to expedite the matter. Mr. Shonn wants the Board to understand that there is no significant impact and they can go forward.

Mr. Ceisner said he would like to work with the Board on having the Village Board meetings televised on cable television. Mr. Ceisner also asked if the quality of the water is now OK and he was told yes.

Trustee William P. Kaufman entered the meeting at 8:23 P.M.

Project Reports -

Washington/Liberty Streets Waterline Replacement Project – The financial report was submitted to Community Development, along with our next year’s requests.

Monthly Reports –

Departments

Village Attorney – nothing new

Clerk-Treasurer – The Board received the Clerk’s Report for October, together with an office schedule. Mr. Borchert attended a FEMA meeting at the Clarence Town Hall regarding reimbursement for storm damage.

Chief of Police – will discuss matters later in the meeting.

Supt. of Public Works – Trustee Middaugh briefed the Board on the cleanup from the storm from information he received from the Superintendent.

Supt. Kowalik is requesting approval on three matters.

RESOLUTION, duly moved by Forrestel, seconded by Patterson, that Supt. Robert Kowalik be and hereby is authorized to attend a NYMPA Meeting in Massachusetts from November 7th to 9th, 2006.

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

A motion was made by Trustee Patterson and seconded by Trustee Forrestel, but not voted on, to allow Fred Bedford to carry over two days of vacation, but after discussion, a new motion was made as follows:

RESOLUTION, duly moved by Forrestel, seconded by Patterson that Fred Bedford be and hereby is allowed to carry over two (2) days vacation time for thirty (30) days.

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

RESOLUTION, duly moved by Forrestel, seconded by Kaufman, that Robert Lucia be and hereby is allowed to carry over one (1) week's vacation time for thirty (30) days.

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

Elected Officials

The Board received the Justice Court Report for October, 2006 and a report from Justice Freeman's attendance at the NYS Magistrates Annual Meeting held on October 8th to 11th, 2006.

TRUSTEES – COORDINATORS

Trustee Patterson said the Human Resource Committee met and recommends hiring a new Secretary to the Mayor to replace Diane Edwards.

RESOLUTION, duly moved by Patterson, seconded by Forrestel, that Debbie Schneeberger be and hereby is appointed to the position of Secretary to the Mayor, at the rate of \$12.92, effective November 6th, 2006.

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

Two candidates were interviewed for the position of Crossing Guard and a recommendation to hire will be made at the next Board meeting on November 13th.

Deputy Mayor Middaugh – Debris removal is going well. He wants to make sure that residents know not to mix the brush and limbs with the leaves. He has attended FEMA meetings to find out how the Village can be reimbursed for the storm damage. Mr. Middaugh met with the MEUA President and Bob Mullane from MEUA and toured the Village showing them the storm damage. He thanked everyone for their assistance to the Village after the storm. Russell Park cleanup is starting. The Village is awaiting an arborist to prune trees and advise the Village on what to do with the trees left after the storm. He is pleased with the work of the DPW. He mentioned the receipt of the grant to the Police Department from Assemblyman Cole's office.

Trustee Forrestel said the Code Committee had a work session and issued a list of codes to work on.

Trustee Kaufman reported that he attended a DOT conference and the refuse bids were opened on November 1st, 2006.

Chief Lauricella said that he is working through the schedule because of one less crossing guard. He would like to discuss personnel issues in Executive Session. Regarding the \$10,000 grant received, we looked at a possible emergency operations vehicle, but the Police Committee is also looking at other options.

Old Business –

NYSDEC Collection – nothing new

Crittenden Road Well Spill Claim – nothing new

Comprehensive Plan – previously discussed.

Annexation – nothing new.

Intermunicipal DPW Facility – waiting for the Committee to get back together.

Refuse Contract – previously discussed.

Patricia Curto – nothing new.

Building Code Administration Local Law –

RESOLUTION, duly moved by Forrestel, seconded by Middaugh, that a Public Hearing be and hereby is authorized to be held on November 13th, 2006 at 7:30 P.M. at 21 Main Street, Akron, New York, to hear all in favor of or opposed to adoption of proposed Local Law No. 6 for the Year 2006 proposing to repeal sections of, amend and add to Chapter 71 of the Code of the Village of Akron.

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

New Business –

RESOLUTION, duly moved by Middaugh, seconded by Patterson, that Bonnie Pafk be and hereby is authorized to attend a TAC Training Session on November 9th, 2006 at ECC.

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 Deputy Mayor be and hereby is authorized to sign the 2006/2007 LOSAP Service Agreement on behalf of the Village of Akron.

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

RESOLUTION, duly moved by Patterson, seconded by Middaugh, the Village does hereby accept the resignation of Dean Hyder as Village Disaster Coordinator, with a thank you for his service.

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 the position of a third full-time police officer be and hereby is created for the Village of Akron.

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

RESOLUTION, duly moved by Middaugh, seconded by Forrestel, that Village Clerk Daniel Borchert be and hereby is authorized to attend the NYCOM Legislative Meeting on November 13th, 2006, with all costs covered by the NYS Association of City & Village Clerks.

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

Correspondence –

The Board received the Planning Board Minutes of October 24th, 2006.

A sympathy card received from the Village of Angola on the Mayor's death.

Time Warner announcement of Time Warner Sports Network on December 15th.

Guideline from the NYSDEC on Handling Storm Debris and Spills.

Town of Newstead Notice of Termination with Wargo Enterprises.

Public Comment - no one spoke.

RESOLUTION, duly moved by Middaugh, seconded by Kaufman, that the Board go into Executive Session at 8:42 P.M. to discuss personnel matters.

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

RESOLUTION, duly moved by Patterson, seconded by Middaugh, that the Board come out of Executive Session at 9:50 P.M. to discuss personnel matters.

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

Resolution providing a new career retirement plan under section 375-I for police officers.

RESOLUTION, duly moved by Forrestel, seconded by Middaugh, that the governing board of the Village of Akron does hereby elect to provide the additional pension benefits of Section 375-I of the Retirement and Social Security Law for Police Officers, as presently or hereafter amended. Be it further resolved that the effective date of such shall be the 1st day of December 2006.

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

Resolution providing for a 20 year retirement plan for Police Officers.

RESOLUTION, duly moved by Kaufman, seconded by Middaugh, that the governing board of the Village of Akron does hereby elect to provide the pension benefits of Section 384-d of the Retirement and Social Security Law, as presently or hereafter amended for any member of its police department who duly elects to enroll in this plan. Be it further resolved that the effective date of such shall be the 1st day of December 2006.

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

Resolution providing for the benefits of Section 375-1(p) or 375-j(p) which allows eligible Tier 2 Police Officers to retire at age 55 without pension reduction.

RESOLUTION, duly moved by Middaugh, seconded by Patterson, that the governing board of the Village of Akron does hereby elect to provide the additional pension benefits of Section 375-i(p) or 375-j(p) of the Retirement and Social Security Law, as presently or hereafter amended. Be it further resolved that the effective date of such shall be the 1st day of December 2006.

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

On motion of Middaugh, seconded by Kaufman, at 9:51 P.M. this meeting was ADJOURNED.

DEPUTY MAYOR

CLERK TREASURER