

December 5, 2016

A REGULAR MEETING of the Akron Village Board was held on this date at 7:35 p.m. Present: Mayor Carl Patterson, Trustees E. Peter Forrestel, Michael R. Middaugh, Keith A. Hatswell and Brian Perry; Village Attorney Andrew Borden, Clerk Daniel P. Borchert, Treasurer Tammy Kelley, Chief of Police Richard Lauricella, Public Works Manager Jon Cummings and Code Enforcement Officer Michael Borth

The Mayor asked for a moment of silence in memory of all those involved in the attack on Pearl Harbor.

RESOLUTION duly moved by Forrestel and seconded by Middaugh that the Minutes of the regular meeting of November 21, 2016 be and hereby are approved by the Village Board.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KEITH A. HATSWELL	- AYE
	BRIAN T. PERRY	- AYE

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

General Fund	\$	5,451.72
Electric Fund	\$	36,971.37
Water Fund	\$	3,510.15
Sewer Fund	\$	3,608.84

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KEITH A. HATSWELL	- AYE
	BRIAN T. PERRY	- AYE

PUBLIC HEARING – none

APPEARANCE – none

PUBLIC COMMENT – Resident Doug Ceisner asked if the Village required Solicitor and asbestos removal permits. Mayor Patterson as well as the Code Enforcement Officer stated that the Village does require a Solicitors Permit, but the asbestos permits are issued by the New York State Department of Labor and then they in turn require a third party inspection. Mr. Ceisner mentioned that the pallet truck is parking on Bloomingdale Avenue again and recently was involved in an accident. He also mentioned that the program 60 Minutes had a very interesting show regarding ADA law suits. Mr. Ceisner asked again about the \$422,000 balance stated on page 15 of the State Audit. Mayor Patterson stated that the Board is waiting for the final report from the audit. Lastly Mr. Ceisner asked why the Board only had one Village Board meeting scheduled in December.

Resident Bob Scheib came before the Board to ask what determines the day the water meters are read. Discussion was held with Electric Foreman Tom Whitbeck and Public Works Manager Jon Cummings regarding the meter readings. He also asked if there was a Local Law regarding storage of campers on private properties in the Village. Trustee Middaugh stated that if it is registered it is legal.

Retired Village Attorney Don Shonn came before the Board regarding the Audit. He asked if any further correspondence has been sent or received beside the short version of comments the Village sent in reply of the audit. Treasurer Tammy Kelley is finishing the follow up report which includes the Village's action plan in reference to the findings of the audit.

PROJECT REPORTS – none

MONTHLY REPORTS –

Departments –

VILLAGE ATTORNEY – Nothing

CLERK – Submitted his monthly report for November 2016 and the office schedule for December 2016. He reported: Releived 13 bills from the 2016-2017 Village Tax Collection to Erie County Department of Real Property in the amount of \$14,668.10; Completed and submitted the invoices to the Erie County Department of Environment & Planning to receive the \$166,450.00 reimbursement from the Hoag Avenue CDBG Project; Completed and submitted the invoices to the New York State Department of Transportation Consolidated Highway Improvement Program to receive the \$95,632.00 reimbursement for Clinton Street, Church Street, Franklin Street, Eckerson Avenue & Jackson Street; Accepted the delivery of two Meals on Wheels Emergency Food Boxes for delivery in case that they are not able to make a delivery in the community; Hosted the Erie County Board of Elections for the November 8, 2016 General Election for the Town of Newstead Voting Districts #4, 5 & 6; will be participating in the free PubWorks webinar on Wednesday December 7th (Service Request & Fleet Maintenance) and Thursday December 8th (Work Orders & GIS Map Viewer); On September 12th 2016 we approved the purchase of the new village server in the amount of \$5,963.00 off the NYS Purchasing Contract from Micro Systems and Support. When the invoice came in it also included the cost of the two upgraded workstations for the JF & wastewater plant, Microsoft Office 2016, server license upgrades and migration for the village e-mail, and support with KVS/Accela, domain name renewal and decommission/transfer of old server. Therefore, a resolution is needed to approve the additional \$7,958.00 for purchase order 312965.

RESOLUTION duly moved by Forrestel and seconded by Middaugh to approve the purchase of the two upgraded workstations for the JF & wastewater plant, Microsoft Office 2016, server license upgrades and migration for the village e-mail, and support with KVS/Accela, domain name renewal and decommission/transfer of old server in the amount of \$7,958.00 be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KEITH A. HATSWELL	- AYE
	BRIAN T. PERRY	- AYE

CHIEF OF POLICE – Submitted schedule for December 2016 and the November 2016 report. Reported: Recommended to move part-time Officer Mark Martinelli from hire rate to Officer rate as per his anniversary date.

RESOLUTION duly moved Hatswell and seconded by Middaugh to move part-time Officer Mark Martinelli from hire rate to Officer rate effective his anniversary date on the recommendation of Chief Richard Lauricella be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KEITH A. HATSWELL	- AYE
	BRIAN T. PERRY	- AYE

Chief Lauricella also mentioned that the Village Police were presented with a plaque from the Faith Fellowship Church for Appreciation for Service to the Community.

PUBLIC WORKS MANAGER – leaf pickup has gone well and the vehicles are ready for winter. Held discussion regarding the rehab of the replaced regulator from the Substation hoping not to exceed the cost of \$49,000. Also, discussed the two-year vehicle replacement program which has been very successful in the past. Several of the trucks are ready to roll over. Recommended to either replace the trees along Main Street with smaller and or slower growing trees or use a different grating system due to the upheaval of the current grates.

CODE ENFORCEMENT OFFICER – reported: Cloisters/Meadow Project is finally closed out along with approximately 30 permits from 2016. Several new larger projects are in the forecast for the new year.

AKRON FIRE COMPANY – nothing

TREASURER – Finance Committee meeting will be scheduled within the next couple of weeks.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Hatswell – reported: nothing to report

Trustee Forrestel – reported: attended a Water Waste Water Committee meeting this evening. Both the Water and Sewer Plants are running well. Discussion was held regarding the sewer meter issues at I Squared R, Public Works Manager Jon Cummings and Steve Tanner from Clark Patterson Lee both agree and recommend to bill the sewer usage off of the water usage by using the past consistent water history and also reserve the right for third party testing. Sewer Plant Engineering Study has been presented by Clark Patterson Lee and the program will only go forward if grant money is available. The next step to secure any grant monies is to be listed on the NYS IUP (Intended Use Plan) which the Committee has told Clark Patterson Lee to do. Next steps would be for Clark Patterson Lee to present to the Town of Newstead with the same presentation shown to the Village; prepare a SEQR which would cost \$2000.00; and then prepare a Bond Resolution and financial payment plan. The Committee only recommends going forward if grant money is secured. If the Town of Newstead is not interested in a larger scale project the Village will go forward with our piece. Lastly the Water Wastewater Committee recommended to extend the Sewer Moratorium for six months until June 30, 2017 with the same conditions as the last extension.

Background:

In June 2016, the Village Board extended the sewer moratorium until December 31, 2016. Based upon the monthly operation reports provided by Clark Patterson Lee, the Board finds that the Waste Water Treatment Plant is running well under its rated capacity. There is, however, significant infiltration in the collection system which requires a continuation of the moratorium at 50 equivalent household units. At this time more than 95% of the Village has had camera and smoke test evaluation. The continuation of the moratorium will allow the Village to complete testing and correction work.

RESOLUTION duly moved by Forrestel and seconded by Middaugh that the present moratorium as described by local law 2005-1 as amended is extended until June 30, 2017 be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KEITH A. HATSWELL	- AYE
	BRIAN T. PERRY	- AYE

Mayor Patterson – reported: reminder that the Community Christmas program is this Saturday December 10, 2016 and would like to thank everyone involved; Would like to put the handicap issue under a committee; and lastly requested an executive session for legal matters

Michael Middaugh – reported: received a request from Jessica Hellenbach, a student from GCC, to do a ride-along with the Akron Police Department.

RESOLUTION duly moved by Middaugh and seconded by Hatswell to allow GCC student Jessica Hellenbach to do a ride-along with the Akron Police Department be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
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E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KEITH A. HATSWELL - AYE
BRIAN T. PERRY - AYE

Trustee Middaugh also reported that the Police, Fire, and Emergency Services Committee has continued to work on the Akron Fire Company Contract and would like to request an Executive Session relative to that contract.

Trustee Perry – reported: attended the quarterly Water Waste Water meeting this evening.

OLD BUSINESS

Clinton Street/Eckerson Avenue Village Land –nothing

Public Works Facility at 43 East Avenue – nothing

Cable Contract – nothing

Sewer Meter Maintenance Agreement – nothing

Sewer Moratorium – resolution passed under Trustee Forrestel’s report

Budget Transfers - none

NEW BUSINESS

RESOLUTION duly moved by Perry and seconded by Forrestel to authorize the Mayor to sign the June 1, 2015 – May 31, 2019 Collective Bargaining Agreement with Teamsters Local 264 be and hereby is approved

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KEITH A. HATSWELL - AYE
BRIAN T. PERRY - AYE

RESOLUTION duly moved by Forrestel and seconded by Middaugh to authorize the Mayor to sign the agreement for Sewer District #3 and the Maintenance Agreement for Sewer District #3 with the Town of Newstead be and hereby is approved.

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

Trustee Hatswell abstained from voting

Daniel Kowalik Disaster Coordinator Position

RESOLUTION duly moved by Perry and seconded by Forrestel to authorize the Mayor to sign the 2016-2019 Erie County Snow Removal and Ice Control Agreement be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KEITH A. HATSWELL - AYE
BRIAN T. PERRY - AYE

RESOLUTION duly moved by Perry and seconded by Middaugh to reschedule the January 2, 2017 Village Board meeting to January 9, 2017 as a result of a scheduling error be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KEITH A. HATSWELL - AYE
BRIAN T. PERRY - AYE

RESOLUTION duly moved by Middaugh and seconded by Capan to allow the use of Russell Park for the Akron Celebration Committee Annual New Year's Eve ball drop celebration on Saturday December 31, 2016 from 10:30 pm – 12.30 pm be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KEITH A. HATSWELL - AYE
BRIAN T. PERRY - AYE

CORRESPONDENCE

Community Christmas Celebration Saturday December 10, 2016 Russell Park

Town of Newstead/Village of Akron request for Proposal Comprehensive Plan

Application for NYS Liquor Authority License from Jennifer Ann Carlsen as agent of an entity to be formed at 15 Cedar Street

Town of Amherst Central Fire Alarm November 2016 Operations Report

PUBLIC COMMENT: Resident Bob Scheib asked if any more news regarding the Mechanic Street Bridge project has come to the Village. Mayor Patterson stated that nothing new has been received. Mr. Scheib also brought up discussion regarding a handicap cross walk across Buell Street.

Retired Village Attorney Don Shonn asked the Board asked what the highlights of the Teamsters Contract are since it impacts a large part of the Village budget and the Fiscal Impact and or its duration. Trustee Forrestel summed it up with 4 years of 2% increase and by the end of the contract all employees will be contributing 10%. The contract has been passed by the Union.

Resident Doug Ceisner would like to know how much the County pays for Snow Removal and Ice Control. Clerk Borchert stated that the County pays \$3,818.99 per lane mile per year which covers 9.39 miles.

RESOLUTION duly moved by Perry and seconded by Hatswell to go into executive session regarding contractual and legal issues at 8:31 p.m. be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KEITH A. HATSWELL - AYE
BRIAN T. PERRY - AYE

RESOLUTION duly moved by Perry and seconded by Middaugh to come out of executive session regarding contractual and legal issues at 10:03 p.m. be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KEITH A. HATSWELL - AYE
BRIAN T. PERRY - AYE

On motion of Forrestel and seconded by Middaugh at 10:04 p.m. this meeting was
ADJOURNED

MAYOR

CLERK