

January 27, 2014

A REGULAR MEETING of the Akron Village Board was held on this date at 7:35 p.m. Present: Mayor Carl E. Patterson, Trustees, E. Peter Forrestel, Michael R. Middaugh, Kathryn A. Capan and Keith A. Hatswell; Village Attorney Daniel D. Shonn, Clerk Treasurer Daniel P. Borchert, Chief of Police Richard Lauricella and Public Works Manager Jon Cummings.

The Mayor led us in the pledge to the flag.

RESOLUTION duly moved by Forrestel seconded by Middaugh, that the Minutes of the Regular Meeting of January 6, 2014 be and hereby are approved by the Village Board.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

RESOLUTION, duly moved by Capan seconded by Forrestel 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	\$ 35,342.71
Electric Fund	\$ 200,960.63
Water Fund	\$ 8,059.08
Sewer Fund	\$ 19,929.00
Trust & Agency	\$ 2,373.66

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

RESOLUTION duly moved by Middaugh and seconded by Hatswell that the following Application for a Dumpster Permit for the year 2014 be and hereby is approved with the applications and approval of the Code Enforcement Officer:

Cold Spring Const.	3 Jackson Street	Renewal	\$20.00
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ADOPTED CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

Trustee Forrestel abstained from voting

RESOLUTION duly moved by Hatswell and seconded by Capan that the following Applications for Dumpster Permits for the year 2014 be and hereby are approved in accordance with the application filed and payment of the annual permit fee:

Virchau Company	Various Locations	Renewal	\$20.00
Countryside Apts.	Knapp Road	Renewal	\$40.00
Cloisters/Meadows	Westgate Avenue	Renewal	\$40.00
Pixley's Corp.	81 Buell Street	Renewal	\$20.00

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE

MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

RESOLUTION duly moved by Middaugh and seconded by Hatswell that the following Applications for a Plumbers License for the year 2014 be and hereby are approved in accordance with the application filed and payment of the annual license fee of \$40.00:

John Babcock	549 Main Road	Corfu, NY	\$40.00
Roy C. Perry	416 main Road	Akron, NY	\$40.00
Joseph Schuster	PO Box 90	Clarence, NY	\$40.00
Joel Tucciarone	202 Roosevelt Avenue	Tonawanda, NY	\$40.00

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

PUBLIC HEARING – reopen the Public Hearing regarding the Property Maintenance issues at 44 Cedar Street, 24 Parkview Drive and 4 Sylvan Parkway. Code Enforcement Officer Michael Borth was absent but sent pictures of the properties and sent word that the properties were sufficiently cleaned up to meet Code. Village Attorney Shonn recommended this public hearing be closed with no further action needed.

RESOLUTION duly moved by Forrestel and seconded by Middaugh to close the Public Hearing in regards to Property Maintenance at 44 Cedar Street, 24 Parkview Drive and 4 Sylvan Parkway with no further action required at 8:29 pm be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

PUBLIC HEARING – was held at this time to hear any and all persons for the purpose of addressing the Akron Fire Contract Amendment. Clerk-Treasurer Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. No one appeared to speak. Village Attorney Shonn recommended that the public hearing be adjourned generally.

RESOLUTION duly moved by Forrestel and seconded by Hatswell that the Public Hearing with regard to the Amendment of the Akron Fire Contract be and hereby is adjourned generally at 7:45 pm

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

APPEARANCE – Kurt Schie along with his legal representation of Marc Romanowski and Greg Scholand came before the Board to present his new plan for rezoning 42 Jackson Street. Attorney Romanowski explained to the Board that Mr. Schie would like to rezone the 18.2 acres at 42 Jackson Street from a R-3 zone to a I-1 zone and also requested a special use permit, area variance and site plan approval. The proposed project involves adding one new building to the site and enlarging an existing building. Mr. Schie would continue to use the newly zoned property for his company, WoodMaxx Power Equipment Ltd., which handles assembly, storage and distribution of power equipment. Mr. Romanowski stated that the property does border I districts to the northeast and southwest and rezoning this property would connect these districts on the

west side of the Village. Mr. Romanowski explained that the property has a long history of industrial use and contains remnants of such use, which make it inappropriate for residential development. Mayor Patterson stated that the Village Board will direct the rezoning application back to the Village Planning Board for review. Village Attorney recommended the Village Board pass a resolution to name the Village of Akron SEQRA Lead Agency for the rezone and proposed development of 42 Jackson Street.

RESOLUTION duly moved by Hatswell and seconded by Forrestel to approve the Village of Akron acting as SEQRA Lead Agency for the environmental review and coordination of the proposed action by Kurt Schie (WoodMaxx Power Equipment Ltd.) to rezone and to develop a parcel at 42 Jackson Street (SBL 47.14-1-3.1) as a light industrial development. The development will also require SEQRA review and coordination for special use permit, area variance, and site plan approval be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

PUBLIC COMMENT – Resident Doug Ceisner stated that errors were made with regards to his comments at the Village Board meeting held December 2, 2014. He mentioned a construction trailer not a truck parked in front of 119 East Avenue which was removed from the property on December 16, 2013; and that it took over three months to move the boat parked in front of 116 East Avenue, which violated V&T Laws and Maintenance laws of property.

PROJECT REPORTS –

Joint Facility –

Review Inter-Municipal Agreement with Town of Newstead – nothing new

MONTHLY REPORTS –

Departments –

CAMDEN GROUP – Representative Todd Skeet reported that rain and melt down of 9.1 inches drove up the monthly average this past month. The Sewer Plant handled most of it, but did end up opening the by-pass for a day and a half. He reported that due to the high about of rain and melt down the plant basement did flood, luckily with water only. He reported that a large infiltration was found on Westgate Avenue and employees are looking into that situation. Also, Mr. Skeet did say that due to the very cold temperatures the sludge in the digester is freezing and shrinking thus saving the Village money from having to haul it away. Lastly, reported that due to the high levels of snow on and around the greenhouse several glass panels came down, making for a dangerous situation.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – nothing to report

Trustee Middaugh – nothing to report

Mayor Patterson – reported receiving calls regarding the pot holes on Bloomingdale (he will pass on to Erie County), the rezoning of 42 Jackson Street, and several in regards to sidewalk snow removal on Main Street. He mentioned the two inoperative garage doors at the Joint Facility. Public Works Manager Cummings reported that a meeting with the installers, Hamburg Overhead Doors, will be held on January 28, 2014. Mayor Patterson stated that he attended the Village Officials Meeting held January 16, 2014 where conversation was held regarding “distressed properties”.

Lastly a joint meeting with the Town of Newstead will be scheduled for February 24, 2014.

Trustee Forrestel – on behalf of his family, friends, and co-workers he wanted to thank the Public Works Snow Plowing Crew for a nice job keeping the roads clear during the past weeks of continuous snowfall.

Trustee Hatswell – will be scheduling a meeting in February 2014 with the Akron Fire Company

OLD BUSINESS

Ron Berry Memorial Fields – nothing new

Clinton Street/Eckerson Avenue Village Land – nothing

Public Works Facility at 43 East Avenue – Village Attorney Shonn sent letters to neighboring owners to review rights to the land of 43 East Avenues with regards to any access to homes, garages, parking places.

Village Annexation/Sewer District – item will be on joint meeting agenda with the Town of Newstead scheduled for February 24, 2014

NEW BUSINESS

RESOLUTION duly moved by Forrestel and seconded by Capan to allow “The Ride for Roswell” to conduct its annual ride through the Village of Akron on Saturday, June 28, 2014 be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

RESOLUTION duly moved by Middaugh and seconded by Forrestel to approve the membership applications for Christopher Mayrose and Thomas James into the Akron Fire Company be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

RESOLUTION duly moved by Hatswell and seconded by Capan to authorize the Village of Akron to submit a grant application to the NYS Archives for Digital Scanning software and equipment for records and vital statistics be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

RESOLUTION duly moved by Middaugh and seconded by Capan to move Robbie Lucia from Grade 10 Step 2 to Grade 10 Step 3 effective his anniversary date of January 23 based on the recommendation of Public Works Manager Cummings be and hereby is approved.

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

KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

RESOLUTION duly moved by Forrestel and seconded by Hatswell to authorize Shawn Gloss, Fred Bedford, Bob Lucia and Robbie Lucia to attend the WNY Water Works Conference at the Clarion Inn in Batavia, NY on February 12, 2014 at a cost of \$80.00 be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

RESOLUTION duly moved by Forrestel and seconded by Hatswell to authorize Daniel Borchert and Jon Cummings to attend the Special Meeting of the New York Municipal Power Agency on Thursday February 6, 2014 in East Syracuse be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

CORRESPONDENCE

Notice of claim from State Farm regarding an automobile accident on Westgate Avenue on January 8, 2014

ECVOA Distressed Property Workshop to be held on Thursday February 13, 2014 at the Orchard Park Municipal Building

Teamsters Local Union No. 264 notification of its New Business Agent Mark Boling

Teamsters Local Union No. 264 notification of its New Business Agent for the Police Department contract is Ron Lucas

Erie County Soil & Water Conservation District Tree and Scrub Seedling Program

Time Warner Cable notification of soon to be expiring agreements with Programmers and Broadcasters

Notice of claim from Walter Best of 11 Colony Place regarding sewer backing up into his basement on December 22, 2013

Erie County notification of SEQR Lead Agency for the Village of Akron concerning the Rezoning of 42 Jackson Street

NYSDEC notification of SEQR Lead Agency for the Village of Akron concerning the Rezoning of 42 Jackson Street

PUBLIC COMMENT: Resident Doug Ceisner stated that while the Mayor contacted Erie County regarding the pot holes on Bloomingdale Avenue, if he could also mention the terrible condition of East Avenue. He also questioned the fact that the Town of Newstead closed out the Joint Facility project, why hasn't the Village closed it out yet. Mayor Patterson stated that the issues with the Joint Facility floors and now the doors have delayed the Village closing out the project.

Mayor Patterson mentioned the terrible condition of the Russell Park section of Clinton Street where Municipal parking has led to the inability to completely plow out all the snow. Discussion was held regarding possibly issuing permits to park there, which would allow the DPW to contact people parking there to coordinate a day and time to remove the excess snow accumulated.

Also, Mayor Patterson received information from the County regarding a Recycling Calendar where school children could participate in a contest to draw pictures concerning recycling and have them printed on the calendar. Clerk-Treasure Borchert will contact Akron Central School to see if they are interested in this contest which will be for the 2015 Calendar year.

RESOLUTION duly moved by Capan and seconded by Forrestel to go into executive session regarding personnel issues at 8:42 pm be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

RESOLUTION duly moved by Capan and seconded by Middaugh to come out of executive session regarding personnel issues at 9:20 pm be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
KEITH A. HATSWELL - AYE

There was discussion regarding the Akron Fire Company contract and future public hearing dates and when the committee would be meeting.

Trustee Capan was excused from the meeting at 9:40 pm.

On motion of Middaugh and seconded by Patterson, at 9:44 p.m. this meeting was ADJOURNED

MAYOR

CLERK-TREASURER