

January 25, 2010

A REGULAR MEETING of the Akron Village Board was held on this date at 7:33 PM Present: Mayor Carl E. Patterson; Trustees E. Peter Forrestel, Michael R. Middaugh, Kathryn A. Capan and Brian D. Wittlinger; Attorney Daniel D. Shonn, Clerk Treasurer Daniel P. Borchert and Superintendent Robert Kowalik.

Mayor Carl E. Patterson led us in the pledge to the flag. Mayor Patterson also respectfully requested a moment of silence in memory of Resident Former Mayor and Trustee Glendon H. Klingelsmith and also for the Victims, Families, and Emergency Workers involved in the Haiti Earthquakes.

RESOLUTION duly moved by Capan seconded by Wittlinger, that the Minutes of the Regular Meeting of January 4, 2010 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  
BRIAN D. WITTLINGER - AYE

RESOLUTION, duly moved by Forrestel seconded by Wittlinger 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	\$ 19,509.36
Electric Fund	\$210,774.06
Water Fund	\$ 45,427.20
Sewer Fund	\$ 12,742.28

ADOPTED CARL E. PATTERSON - AYE  
E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
KATHRYN A. CAPAN - AYE  
BRIAN D. WITTLINGER - AYE

RESOLUTION duly moved by Middaugh and seconded by Capan that the following Plumber's License for the year 2009-2010 be and hereby are approved in accordance with the applications filed and payment of the annual license fee of \$40.00:

Sean B. Towlson	5991 Riddle Road	Lockport, NY	\$40.00
Stanley Kandefer	2247 Union Road	W. Seneca, NY	\$40.00
John J. Babcock	549 Main Road	Corfu, NY	\$40.00

ADOPTED CARL E. PATTERSON - AYE  
E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
KATHRYN A. CAPAN - AYE  
BRIAN D. WITTLINGER - AYE

PUBLIC HEARING – Local Law #1 for the year 2010 – Plumber's License continued with discussion. Village Attorney Shonn stated that after hearing the comments from the Board and those in attendance from the last meeting, changes were made to the existing Plumber's License Law to include waste and sewer work along with Natural Gas, LP gas and sprinklers systems. Resident Doug Ceisner strongly recommended that instead of licensing just Plumbers, inspections should be made on all

tradesmen's work. He stated that many municipalities are going with the inspections instead of licenses.

RESOLUTION duly moved by Forrestel and seconded by Capan to close the Public Hearing for the Local Law #1 for the year 2010 – Plumbers License be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE  
E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
KATHRYN A. CAPAN - AYE  
BRIAN D. WITTLINGER - AYE

RESOLUTION duly moved by Forrestel and seconded by Middaugh to adopt as amended Local Law #1 for the year 2010 – Plumbers License be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE  
E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
KATHRYN A. CAPAN - AYE  
BRIAN D. WITTLINGER - AYE

After the comments of Resident Doug Ceisner, Mayor Patterson would like to further investigate the inspections that other Municipalities have and their success rate.

APPEARANCES – Dr. Nichols from 165 Main Street came before the Board to ask if a Special Use Permit would be needed when he retires and a new Dentist takes over his practice. His property which holds his Dental practice is located in an R2 Zone and he heard that he may need a permit. The new Dentist is not planning to buy the property and will only have the office located there for a temporary time. Village Attorney Shonn explained that he believes Dr. Nichol's Dental Office was grandfathered in as a non-conforming use and only a change in use would require action. Attorney Shonn said he would investigate the situation and contact Dr. Nichols.

Richard Ertel – from Amato, Fox & Company, PC came before the Board to give an overview of the financial statements of year ending May 31, 2009 after performing an audit of the Village records. In his report Mr. Ertel stated that a favorable opinion was given concerning the Village accounts including general, capital projects, operating funds, fixed assets and the pension system and that the Village is in compliance with all requirements. Trustee Forrestel wanted to thank Village Clerk-Treasurer Daniel Borchert and his office staff for the great work resulting in a positive report.

PUBLIC COMMENT – No one appeared to speak

PROJECT REPORTS –

State Street Bridge – Village Engineer Paul Bowers will meet with the NYSDOT relative to the grant applications the Village submitted. He also stated that an estimated cost to bid out the project would range between \$250,000.00 - \$260,000.00.

Joint Facility – on the agenda for the Joint Town/Village meeting scheduled this evening

MONTHLY REPORTS –

Departments –

VRI Environmental Services – VRI Representative Ken Scherrieble submitted his report to the Board. He reported that the screw pumps are working very well, and that the system has handled the snow melt and rain leaving the levels still below permit level, waiting on parts to complete the sludge pump project, submitted the Annual I & I Report

to the DEC and lastly will be meeting Monday with the Rural Development regarding money available through grants. Mayor Patterson asked Mr. Scherrieble what the capacity of the Sewer Plant is and if it could handle parts of the Town of Newstead. Mr. Scherrieble stated that the Plant will be able to handle the proposed Village Subdivisions, but may need upgrades to handle the possibility of adding parts of the Town of Newstead.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Capan – Nothing new to report

Trustee Middaugh –Nothing new to report

Mayor Patterson – Just wanted to remind everyone of the Joint meeting with the Town scheduled later this evening.

Trustee Forrestel – Nothing new to report

Trustee Wittlinger – Nothing new to report

OLD BUSINESS

Mitigation of Murder Creek – Nothing new to report

Village Court – on the agenda for the Joint Town/Village meeting scheduled this evening.

Code Enforcement Officer – Contract has been amended but waiting on a dollar figure. Mayor Patterson and Village Clerk Borchert will be working on a figure this week. This item is also on the agenda for the Joint Town/Village meeting scheduled for later this evening.

CDBG Projects – Received notification that both the Marshall Avenue and Skyline Drive projects have been denied. The joint Rural Transit Van Service Project with the Towns of Clarence and Newstead will be granted.

Akron Mobile Home Park – nothing new to report

NEW BUSINESS –

RESOLUTION duly moved by Middaugh and seconded by Capan to allow the Akron Celebration Team to hold the Annual July 4<sup>th</sup> Celebration from Friday July 2<sup>nd</sup> - Sunday July 4<sup>th</sup> in the Village of Akron be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KATHRYN A. CAPAN	- AYE
	BRIAN D. WITTLINGER	- AYE

Mayor Patterson requested that the Akron Fire Department, the Akron Police Department and the Akron Bugle be placed on the email for all Akron Celebration Committee information allowing them access to event schedules.

RESOLUTION duly moved by Forrestel and seconded by Wittlinger to move Robbie Lucia from Grade 6 Step 3 to Grade 6 Step 4 effective with his anniversary date of January 23<sup>rd</sup> be and hereby is approved.

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

KATHRYN A. CAPAN - AYE  
BRIAN D. WITTLINGER - AYE

RESOLUTION duly moved by Middaugh and seconded by Capan to authorize Robert Lucia, Robbie Lucia and John Asmus to attend the Western New York Waterworks Conference of February 3, 2010 in Batavia, NY at a cost of \$20.00 per person be and hereby is approved

ADOPTED CARL E. PATTERSON - AYE  
E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
KATHRYN A. CAPAN - AYE  
BRIAN D. WITTLINGER - AYE

RESOLUTION duly moved by Wittlinger and seconded by Middaugh allow the Akron Central School to use the Gazebo in Russell Park on Friday May 14, 2010 from 4:00 pm – 6:00 pm for prom pictures be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE  
E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
KATHRYN A. CAPAN - AYE  
BRIAN D. WITTLINGER - AYE

CORRESPONDENCE –

Letter from Dale Mecklenburg regarding his possible retirement during the 2010-2011 budget year

Letter from Richard Litfin, Jr. regarding his possible retirement during the 2010-2011 budget year

Letter from Robert Farrington regarding his possible retirement during the 2010-2011 budget year

Letter from Robert Kowalik regarding his possible retirement during the 2010-2011 budget year

After house emergency notification list for the Reserve Gas Company, Inc

Letter from Time Warner Cable regarding a new interactive technology known as Switched Digital Video (SDV)

Town of Amherst Central Fire Alarm Office 2009 Annual Report

Town of Amherst Central Fire Alarm Office December 2009

Village Clerk Borchert reported that he is working to upgrade our Copier to have scanning abilities to minimize the paper copies.

PUBLIC COMMENT – No one appeared to speak

RESOLUTION duly moved by Forrestel and seconded by Capan authorizing the Board to go into executive session at 8:22 p.m. to discuss contract issues be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE  
E. PETER FORRESTEL - AYE  
MICHAEL R. MIDDAUGH - AYE  
KATHRYN A. CAPAN - AYE  
BRIAN D. WITTLINGER - AYE

RESOLUTION duly moved by Capan and seconded by Forrestel authorizing the Board to come out of executive session at 8:53 pm be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KATHRYN A. CAPAN	- AYE
	BRIAN D. WITTLINGER	- AYE

The Village Board took a brief recess and traveled to the Newstead Town Hall to meet with the Newstead Town Board.

The Village Board re-convened at the Newstead Town Hall at 9:00 pm to hold a joint meeting with the Newstead Town Board.

Joint Facility Update – Tom George and Jim Finnell gave a progress report to date on the Village of Akron – Town of Newstead Joint Municipal Works Facility.

Town Hall Addition – Supervisor Cummings commented on the plans for the addition off the back of the Town Hall to expand the court room and add archive storage space.

Court Consolidation – The committee commented on their current progress and will need to continue to discuss the action with the current judges.

Police Contract – The contract with the Village of Akron Police and the Town of Newstead has been finalized and approved by both boards.

RESOLUTION duly moved by Forrestel and seconded Wittlinger authorizing the Mayor to sign the police contact with the Town of Newstead be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	KATHRYN A. CAPAN	- AYE
	BRIAN D. WITTLINGER	- AYE

CEO Contract – The contract is almost completed, but there are still a few minor points that need to be finalized.

Joint Comprehensive Master Plan – Both Boards agreed that it was time to revisit and look at updating the current master plan that was prepared back in 2002.

On motion of Forrestel, seconded by Middaugh, at 10:44 pm, this meeting was ADJOURNED.

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MAYOR

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CLERK-TREASURER