

February 2, 2009

A REGULAR MEETING of the Akron Village Board was held on this date at 7:33 p.m. Present: Mayor Carl E. Patterson; Trustees E. Peter Forrestel, Michael R. Middaugh, William P. Kaufman and Kathryn A. Capan; 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 wanted to spend a moment of silence in memory of Village Residents Michael George, Linda Yaeger and Louise Ball who all recently passed away.

RESOLUTION, duly moved by Forrestel seconded by Kaufman, that the Minutes of the Regular Meeting of January 26, 2009 be and hereby are approved by the Village Board.

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

RESOLUTION, duly moved by Middaugh, seconded by Capan 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	\$ 6,523.65
Electric Fund	\$ 45,837.54
Water Fund	\$ 28,993.08
Sewer Fund	\$ 6,349.27
Capital Water	\$ 829.30

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

PUBLIC HEARING – None Scheduled

APPEARANCES – None Scheduled

PUBLIC COMMENT – Clerk-Treasurer Borchert asked if anyone present would like to comment on the consolidation of the Village and Town Court. Resident Doug Ceisner stated that with taxes so high any consolidation of services is a great idea. Town Justice Richard Campbell also agreed that consolidating the courts is a good idea because the cost to run the courts is really going to escalate in the future. Mayor Patterson stated that this action is subject to a permissive referendum to absolve the Village court, a process that takes time, but an idea to combine both courts under one roof is an option to at least get the ball rolling and see how the courts would work together.

Clerk-Treasurer asked if anyone present had any other comments. Resident Doug Ceisner mentioned that the Village Web-site still needs further updating. Also, he wanted to stress to the Board that the Clarence Center Road property is not a good site for the joint facility because of swamp land and cost. Lastly, Mr. Ceisner wanted to know what happened to Railroad Street. Superintendent Kowalik explained that Railroad Street ends at Morgan and the remaining portion has always been a private driveway.

PROJECT REPORTS –

State Street Bridge – nothing new to report

MONTHLY REPORTS –

Departments –

Attorney – all items are on agenda

Clerk-Treasurer – The Board received the Clerk’s report for January 2009, together with the February 2009 office schedule. Clerk-Treasurer Borchert wanted to remind the Board the Village office will be closed on February 16, 2009 for President’s Day. He also wanted to mention that he will be out of the office from February 6, 2009 until February 22, 2009. Deputy Clerk Tammy Kelley will be in charge during this time.

Chief of Police – The Board received the Police Report for January 2009, along with a schedule for February 2009. Chief Lauricella stopped by the work session and reviewed a few items with the Board as he would not be able to attend the regular meeting this evening.

Supt. of Public Works – The Board received copies of Superintendent Kowalik’s January 2009 report. Superintendent Kowalik reported that the Battery bank and racks replacement were completed this month at the Barnes Sub Station. Continued radio metering (electric & water) switch over from Sensus to Neptune. Loaded new billing software and working out transitions. Meter readers used the new electronic hand held recorder for January electric readings. The Mobile Home Park electric meters are all switched over to radio read and most of Main Street and the Cloisters. After the January billing only about 10-15 bills needed to be corrected. Trustee Forrestel asked about the road salt usage. Superintendent Kowalik stated the salt usage is high but the Village provides Akron Central School with salt as well. Trustee Middaugh inquired about the Akron Tree Farm stating that they had been sold and will the Village still be able to work with the new owner for replacement trees. The Akron Tree Farm was sold by John Henikie to Dorr, but the Village will still be working with them. Lastly, Superintendent Kowalik recommended sending two lineman to the MEUA Winter Engineering Workshop on February 11 & 12, 2009 in Syracuse, NY for \$88.00 a member and a hotel room for \$109.00.

RESOLUTION, duly moved by Forrestel and seconded by Kaufman authorizing two lineman to attend the MEUA Winter Engineering Workshop on February 11 &12, 2009 in Syracuse, NY for \$88.00 a member and a hotel room for \$109.00 be and hereby is approved.

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

Elected Officials –

JUSTICE COURT REPORT – Board did not receive the monthly report from January 2009.

TRUSTEES – COORDINATORS

Trustee Capan – Recommend the Board approve the Celebration Committee July 4th Celebration as outlined in their letter dated

RESOLUTION, duly moved by Capan and seconded by Kaufman to allow the Akron Celebration Team use of the Village of Akron for its events to be held from Thursday, July 2nd to Saturday, July 4th per their written request dated January 2, 2009 be and hereby is approved.

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

Trustee Middaugh – Nothing to report

Mayor Patterson – Nothing to report

Trustee Forrestel – Reported that the Police Committee met this evening. The Committee would like to look into establishing an Auxiliary Police Force for the Village of Akron and will look to Attorney Daniel D. Shonn for direction. Also, after discussion the Committee decided to drop the part-time officer with the lowest amount of hours and to recommend appointment of Kevin Koscielniak as a new part-time officer for the Village of Akron.

RESOLUTION, duly moved by Forrestel and seconded by Middaugh to appoint Kevin Koscielniak as a part-time police officer for the Village of Akron be and hereby is approved.

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

Trustee Kaufman – Nothing to report

OLD BUSINESS

Inter-municipal DPW Facility –

THE VILLAGE BOARD OF THE VILLAGE OF AKRON, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Village Board) AS FOLLOWS:

Section 1. The Village of Akron, in the County of Erie, New York (herein called the “Village”), is hereby authorized to jointly acquire a parcel of land located at 12831 Clarence Center Road for the proposed Town of Newstead/Village of Akron joint highway facility. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$200,000 and \$100,000 is hereby appropriated for the Village’s share of such cost. The plan of financing includes the issuance of \$100,000 serial bonds of the Village to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is expected that the balance of the cost shall be paid and/or financed by the Town of Newstead.

Section 2. Serial bonds of the Village in the principal amount of \$100,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said \$100,000 serial bonds are authorized to be issued is thirty (30) years pursuant to Section 11.00 a. 21 of the Law; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for

expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or before such effective date if the Village Board has made a prior declaration of intent to issue indebtedness therefore. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Village Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Mayor, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the "AKRON BUGLE," a newspaper having a general circulation within said Village and hereby designated as the official newspaper of the Village for such publication.

The adoption of the foregoing resolution was duly moved by Middaugh and seconded by Kaufman and duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

Rental Regulations – Nothing new to report.

Mitigation of Murder Creek – Nothing new to report.

Sewer Lateral Mechanical Plan – Public Hearing scheduled for February 23, 2009.

Akron Celebration Committee request for Fourth of July Celebration from Thursday July 2, 2009 – Saturday July 4, 2009 – Passed resolution early during this meeting.

10932 Tinkham Road Water Customer – Clerk-Treasurer Borchert sent a proposed agreement to the customer and is waiting for a reply.

Main Street Speed Limit – Nothing new to report.

Village Court – Discussed earlier during this meeting.

NEW BUSINESS –

RESOLUTION, duly moved by Forrestel and seconded by Capan to appoint Barbara Young, Barbara Kelley, Jane Peterson, Linda Wiltberger, Alvina Kumpf and Hylene Shearman as Election Inspectors for the Village Election to be held on March 18, 2009 and to be paid a rate of \$8.25 per hour be and hereby is approved.

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

Bond Resolution for the Acquisition of Land on Clarence Center Road passed earlier in meeting.

National Kidney Foundation World Kidney Day March 12, 2009 asked the Village to help create awareness by issuing a proclamation announcing World Kidney Day in Akron.

WHEREAS, more than 26 million Americans about one in nine adults, suffer from chronic kidney disease and,

WHEREAS, 170,000 Western New Yorkers have Chronic Kidney Disease and another 170,000 are at risk and don't know it,

WHEREAS, 1,600 Western New Yorkers are on dialysis,

WHEREAS, nearly 500 Western New Yorkers are awaiting a kidney transplant,

WHEREAS, approximately 40 percent are African American and 16 percent are Hispanic, and,

WHEREAS, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases,

WHEREAS, the National Kidney Foundation of WNY has a free health screening program to identify people in the early stages of kidney disease, and,

WHEREAS, the mission of the National Kidney Foundation of WNY is to prevent kidney and urinary tract diseases, improve the health and well-being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation,

WHEREAS, early detection including regular reporting of the GFR calculation through a simple blood test, currently the best indication of kidney disease staging, can

help prevent the progression of kidney disease to kidney failure, which requires continual dialysis or kidney transplant to maintain life, and,

WHEREAS, the cost of treatment for kidney disease patients is disproportionately higher than any other chronic disease, and,

WHEREAS, most patients who have end-stage renal disease rely primarily on Medicare and Medicaid to cover the costs of their life-sustaining care, which includes dialysis treatment, medications, laboratory testing, and as necessary, transportation services to the dialysis facility, and as a consequence, any changes in Medicare and Medicaid eligibility, significantly put them at risk, NOW, THEREFORE,

Be it Resolved by: Trustee Forrestel and Trustee Middaugh

That March 12th is recognized as “World Kidney Day” in New York State and the Village of Akron in the hope that all possible support will continue to be extended to Chronic Kidney Disease patients in New York and throughout the country and the world.

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

CORRESPONDENCE –

Erie County Council for the Prevention of Alcohol and Substance Abuse

Akron Central School Budget Advisory Committee – Mayor Patterson asked if anyone of the Board Members could be on this Committee. Clerk-Treasurer stated that he was on the Committee last year and could try to make as many of the meetings as he could.

Erie County Department of Environment and Planning Community Development Consortium fourth quarter report.

PUBLIC COMMENT – Resident Doug Ceisner questioned the Board about the banks that the Village receives their Bonds from. Clerk-Treasurer Borchert reported that at this time the Village has two Bonds, one with the Bank of Akron and one with M & T Bank.

Town Justice Richard Campbell mentioned that he was disappointed in the turn out at Town and Village Board Meetings especially when service changing discussions such as abolishing the Village Court are held.

On motion of Forrestel, seconded by Capan, at 8:24 p.m., this meeting was ADJOURNED.

MAYOR

CLERK-TREASURER