

February 23, 2009

A REGULAR MEETING of the Akron Village Board was held on this date at 7:30 p.m. Present: Mayor Carl E. Patterson; Trustees Michael R. Middaugh, E. Peter Forrestel, William P. Kaufman and Kathryn A. Capan; Attorney Daniel D. Shonn, Clerk–Treasurer Daniel P. Borchert, Code Enforcement Officer Donnal Folger and Superintendent Robert Kowalik.

Mayor Carl E. Patterson led us in the pledge to the flag. Mayor Patterson wanted to take this time to thank all the first responders to the scene of Flight 3407, especially those from our own Village. Also to share a moment of silence for all those lost and those who lost loved ones.

RESOLUTION, duly moved by Forrestel, seconded by Capan, that the Minutes of the Regular Meeting of February 2, 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 Forrestel 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  | \$ 24,981.49 |
| Electric Fund | \$238,286.23 |
| Water Fund    | \$ 17,781.72 |
| Sewer Fund    | \$ 12,987.82 |

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

PUBLIC HEARING – was held at this time to hear any and all persons for the purpose of addressing the Local Law #2 for 2009 – Sewer Lateral Mechanical Plan. Village Clerk-Treasurer Daniel P. Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. No one came forward to speak. Village Attorney Shonn explained that the law would help with water infiltration where the underground joints between vents, risers, and cleanouts separate from homeowner’s sewer lateral by using a mechanical clamping device.

RESOLUTION, duly moved by Kaufman, and seconded by Middaugh that the Public Hearing with regard to the Local Law #2 for 2009 – Sewer Lateral Mechanical Plan be and hereby is closed at 7:38 p.m.

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 Forrestel and seconded by Capan to adopt the Local Law No. 2 for 2009. A local law amending Chapter 122 of the Code of the Village of Akron with regard to use of a mechanical clamp device for sewer construction.

Be it enacted by the Board of Trustees of the Village of Akron as follows:

SECTION 1: The Village Board has been under order of the New York State Dept of Environment Conservation to reduce the amount of water infiltration in the waste water treatment system. The Board finds that a significant amount of infiltration can enter the system

where underground joints between vents, risers, and cleanouts separate from the homeowner's sewer lateral. In order to reduce the chance of the separation of joints, the Board will specify a clamping device at such joints.

SECTION 2: Chapter 122-12 is amended by adding Subparagraph 4 to Chapter 122-12 A. of the Code of the Village of Akron as follows

Vents, risers, and cleanouts when connected to newly constructed or reconstructed sewer laterals will have a mechanical clamping device at the joint. Such clamp will be in accordance with the specifications approved by the Village Superintendent of Public Works.

SECTION 3: This law shall take effect upon filing with the Secretary of State of the State of New York.

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

APPEARANCES – Richard Giagncova of Peoples, Inc. was scheduled to appear before the Board regarding the school traffic on Bloomingdale Avenue and a very large puddle along the street in front of 39 Bloomingdale Avenue. Mr. Giagncova did not appear this evening.

PUBLIC COMMENT – Resident Doug Ceisner had several comments for the Board. They were as follows: Stated his shop was broken into again and wondered what hours the Akron Police covered. Clerk-Treasurer Borchert stated the Police usually are in service 20 hours per day between the hours of 6:00 a.m. to 2:00 a.m. everyday. Mr. Ceisner also stated that there is a vehicle parked in front of 38 Main Street almost everyday from 8:30 a.m. to 4:30 p.m. and wondered why it is allowed to be parked there in a 2 hour parking zone. He questioned the Board on how much cancer is in the Akron water. Trustee Kaufman, Attorney Shonn as well as VRI Environmental Services Representative Ken Scherrieble stated that the water is under strict guidelines by the State and is monitored accordingly. Lastly he stated that the Batavia governments will be consolidating within the next three years and wondered when the Village of Akron and the Town of Newstead will do the same. Mr. Ceisner would like to see the break down of the cost to run the Village on the website.

#### PROJECT REPORTS –

State Street Bridge – Nothing new to report

#### MONTHLY REPORTS –

##### Departments –

VRI Environmental Services – Ken Scherrieble appeared before the Board with the January 2009 report. Mr. Scherrieble stated that the flows are down due to the cold weather months. He also assisted the Village Sewer Department with the DEC Annual Report of the Collection System and is reviewing the Budget and assessing the needs for the Sewer Plant for the next 1 - 5 years. Upgrades for the new heated garage are complete. Discussed a new Bobcat Program and will get back to the Board with more information.

Code Enforcement Officer – Mr. Folger discussed the crash of Flight 3407 and reinforced the fact that Akron Fire Company equipment and crews responded to the site. Complaint in regard to the properties on Mechanic Street and John Street has now advanced into the court system. Mr. Folger reported that he met with prospective buyers of the Akron House and they may open two restaurants, one on each floor. Also reported that Head Start Nursery School may move to the building which housed the old Town Hall. The State Report for the year 2008 has been completed and mailed. Lastly, Mr. Folger reported that he attended Code Enforcement School January 26 – 28, 2009.

##### Elected Officials

JUSTICE COURT REPORT – Board received the monthly report from January 2009.

TRUSTEES – COORDINATORS

Trustee Capan – nothing to report

Trustee Middaugh – Reported that the Joint Facility Committee gathered on Tuesday and met with Engineering Firms interviewing for the Joint Facility Project. Will be meeting again during the second week of March.

Chief of Police Richard Lauricella and Officer Kevin Koscielniak entered the meeting at 7:55 p.m.

Mayor Patterson – Shared several pieces of correspondence with Clerk-Treasurer Borchert.

Trustee Forrestel – Reported that the Water Wastewater Committee will meet next week. Attended a meeting with Michael Ranzenhofer and noted he is still following the Parkview Drive Bridge repair even though he is not our representative anymore. Lastly, wanted to re-introduce Officer Kevin Koscielniak to the Board for he is back working with the Akron Police Department in a part-time capacity.

Trustee Kaufman – nothing to report

OLD BUSINESS

Inter-municipal DPW Facility – Attorney Shonn received Title information and will be copying the Board.

Rental Regulations – Code Enforcement Officer Folger has been dealing with more and more absentee landlords and recommended registering landlords for contact purposes. After discussion a Public Hearing will be scheduled for March 16, 2009.

RESOLUTION, duly moved by Middaugh and seconded by Forrestel to hold a Public Hearing regarding Rental Regulations in the Village of Akron scheduled for March 16, 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 |

Mitigation of Murder Creek – nothing new to report.

Sewer Lateral Mechanical Plan – Resolution passed this evening.

10932 Tinkham Road Water Customer – still awaiting a reply from Customer

Main Street Speed Limit – Officer Lauricella will put speed signs out when the weather breaks.

Village Court – Will be put on the agenda for the joint Town of Newstead and Village of Akron Meeting scheduled for March 16, 2009.

NEW BUSINESS

RESOLUTION, duly moved by Middaugh, and seconded by Capan to move Robbie Lucia from Grade 6 Step 2 to Grade 6 Step 3 based on the recommendation of Robert Kowalik effective on his anniversary date of January 23, 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

RESOLUTION, duly moved by Forrestel, and seconded by Kaufman approving Akron Fire Company Firematic Officers for 2009 including: Chief Keith Hawes, 1<sup>st</sup> Assistant Chief Joseph Hawes, 2<sup>nd</sup> Assistant Chief Donald Roth, 3<sup>rd</sup> Assistant Chief Joshua Haist and 4<sup>th</sup> Assistant Chief Gary Baehr be and hereby are approved.

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

CORRESPONDENCE –

Town of Amherst Central Fire Alarm January 2009 Operations Report

Letter from Akron Parent's Association Nursery School requesting sponsorship and or donations for their Annual Family Fun Night.

Letter from Wm. Schutt & Associates – Year in Review

PUBLIC COMMENT – Resident Doug Ceisner asked VRI Representative Ken Scherrieble how deep he thought a well should be to access good water. Mr. Scherrieble responded that the depth is different with location.

RESOLUTION, duly moved by Capan, and seconded by Middaugh authorizing the Board to go into executive session at 8:16 p.m. to discuss personnel issues 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

RESOLUTION, duly moved by Forrestel, and seconded by Capan authorizing the Board to come out of executive session at 8:40 p.m., 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

On motion of Patterson, seconded by Middaugh, at 8:41 p.m., this meeting was ADJOURNED.

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MAYOR

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CLERK-TREASURER