

October 17, 2005

A REGULAR MEETING of the Akron Village Board was held on this date at 7:30 P.M. Present: Mayor Ray M. Perkins, Trustees Carl E. Patterson, E. Peter Forrestel, Michael R. Middaugh, and William P. Kaufman, Village Attorney Daniel D. Shonn, Esq., Superintendent Robert W. Kowalik, Building Inspector Donnal D. Folger and VRI Representative Ken Scherrieble.

Mayor Ray M. Perkins opened the regular meeting with the pledge of allegiance.

RESOLUTION, duly moved by Patterson, seconded by Middaugh, that the Minutes of the Regular Meeting of October 3rd, 2005, be and hereby are approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

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

General Fund	\$	28,777.86
Electric Fund	\$	93,965.10
Water Fund	\$	10,218.82
Sewer Fund	\$	8,918.82
Capital Streets	\$	551.30
Capital Sewer	\$	2,030.44

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Kaufman, seconded by Perkins, that the following building permit, be and hereby is approved with the application and approval of the Building Inspector:

Jeff Schnellinger	38 John St.	Fence	\$18.00
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ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- NAY
	MICHAEL R. MIDDAGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Forrestel, seconded by Patterson, that the following building permits, be and hereby are approved with the application and approval of the Building Inspector:

Paris Childs	10 Eckerson Ave.	Funeral Home Addition	\$213.00
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Jason & Sarah Farrell	34 Eckerson Ave.	Roof	\$ 25.00
Calvin Raquet	12 Brooklyn St.	Roof	\$ 25.00
Brian Hohlfelder	117 Main St.	Replace Front Tower	\$ 29.00

ADOPTED RAY M. PERKINS - AYE
 CARL E. PATTERSON - AYE
 E. PETER FORRESTEL - AYE
 MICHAEL R. MIDDAUGH - AYE
 WILLIAM P. KAUFMAN - AYE

RESOLUTION, duly moved by Forrestel, seconded by Patterson, that the following building permit, be and hereby is approved with the application and approval of the Zoning Board of Appeals:

Kurt Schie	38 Jackson St.	Fence	\$18.00
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ADOPTED RAY M. PERKINS - AYE
 CARL E. PATTERSON - AYE
 E. PETER FORRESTEL - AYE
 MICHAEL R. MIDDAUGH - AYE
 WILLIAM P. KAUFMAN - AYE

PUBLIC HEARINGS – None scheduled.

APPEARANCES – Carl Klingenschmitt, Chairman of the Conservation Advisory Council for the Town of Newstead appeared before the Board to present information about a possible grant application to the New York State Archives & Records for high resolution aerial view mapping (GIS). The proposed grant application would involve the joint effort of the Town of Newstead, the Village of Akron and the Akron Central School in order to obtain \$100,000 in grant funding, with the application deadline being December 1, 2005. The grant writer’s fee to update the 2001 Needs Assessment Report would be \$1,000, with the Village’s proposed share of \$500. Mr. Klingenschmitt noted that, although the initial \$100,000 grant amount would cover software, hardware and training, etc., there would be some future maintenance costs to the Village for salaries, ink, paper, etc.

RESOLUTION, duly moved by Perkins, seconded by Forrestel, authorizing the expenditure of \$500 toward the grant writer’s fee to update the 2001 Needs Assessment Report relative to the GIS mapping, be and hereby is approved by the Village Board.

ADOPTED RAY M. PERKINS - AYE
 CARL E. PATTERSON - AYE
 E. PETER FORRESTEL - AYE
 MICHAEL R. MIDDAUGH - AYE
 WILLIAM P. KAUFMAN - AYE

Hon. Dennis Freeman appeared before the board to request that the Board start the process of advertising for a part-time court clerk. Judge Freeman indicated that, as Ellen Frey will be retiring at the end of 2005, Bonnie Pafk will be assuming the position of Court Clerk. Also, Judge Freeman proposed that the Court office be open three (3) days from 9:00 am to 2:00 pm, rather than the present two (2) days due to added requirements of electronic reporting to the NYS Comptroller, DMV, and DCJS.

RESOLUTION, duly moved by Patterson, seconded by Middaugh, authorizing the Clerk-Treasurer to advertise for the part-time Court Clerk position with the Village of Akron Justice Court, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

PUBLIC COMMENT – Eric Glassman from the Northern Erie Sno-Seekers appeared before the Board to present an amended proposal for the Akron Bike Path Snowmobile Trail - Bridge Marking Plan. Village Attorney Daniel D. Shonn requested that the Sno-Seekers submit a short form SEQR application for the Board’s consideration of the environmental impact of using the bike path for snowmobiles. Mary Jo Schumacher of 10 Cedar Street and Lynn Clark of 4 Mechanic Street reiterated their objections to opening the Akron Bike Path to the Sno-Seekers. Veronica Eckerson indicated that she hoped her business at the Village Inn would benefit from additional snowmobile traffic. Elizabeth Wulf of 72 Cedar Street again expressed support for a 1 year trial basis to use the Akron Bike Path for the Sno-Seekers Trail. Tom Smart of 8 Cedar Street asked about enforcement on the trail and was told that the Erie County Sheriff’s Department had a snowmobile patrol.

Project Reports –

Upper Main/Townsend Streets – Milling & Paving – Financials to be completed.

Sewer Repairs – Crescent/Flint/Front/East/Eckerson – Superintendent Kowalik noted that sites on Washington Street, Newton Avenue and Parkview Drive were also done and that all repairs on this project are now complete.

Monthly Reports –

Departments

VRI – Written report for September 2005 submitted. VRI representative Ken Scherrieble highlighted the following: 1) Methane Gas Flare System is near completion; 2) Inflow and Infiltration work continues; and 3) new manhole at Ford Gum will allow for sampling.

RESOLUTION, duly moved by Perkins, seconded by Forrestel, accepting the effluent flowmeter quote from Total Control System Services, Inc. relative to purchase and installation of the Electromagnetic Velocity Sensor and Flo-Station monitor at a cost not to exceed \$7,000, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

BLDG. INSPECTOR – Building Inspector Donnal D. Folger reported: 1) that insurance issues are delaying demolition of fire

damaged residence at 17 Crittenden; 2) that tenants at 56 Eckerson Avenue are no longer in residence; 3) that he will attend court on Wed. October 26th relative to 20 Clinton Street property; and 4) that stormwater retention basin at Aakron Rule warehouse on Oak Street has been filled in and thereby compounds drainage problems in area.

RESOLUTION, duly moved by Middaugh, seconded by Patterson, authorizing Mayor to sign a Notice to Begin Demolition within 45 days relative to residence at 17 Crittenden Road, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

Elected Officials

JUSTICE COURT – Report for September 2005 submitted.

TRUSTEES – COORDINATORS

Trustee Middaugh – Reported 1) that he and Don Folger will be attending the intermunicipal drainage committee meeting on Tues. October 18th; and 2) that, subject to clarification of the actual lane miles, he recommends that the Erie County Snowplowing Contract be accepted, noting an approximate 3% increase over the last contract.

Trustee Patterson – Nothing new to report.

Mayor Perkins – Reported 1) that correspondence went out to 2 contractors that were shortlisted relative to the proposed Intermunicipal DPW Facility; and 2) that he visited the sewer plant for an update on progress.

Trustee Forrestel – Reported 1) that the Water/Wastewater Committee will be meeting on Monday, October 24th, 2005; and 2) that he also toured the sewer plant.

Trustee Kaufman – Nothing new to report.

Old Business –

NYSDEC/SPEDES – Refer to VRI report.

Crittenden Road Well Spill Claim – Nothing new to report.

Tinkham Road Water – Correspondence to potential Tinkham Road customers is nearly complete.

Comprehensive Plan – Nothing new to report.

No Parking – Brooklyn, Buell, Mechanic, Jackson – Nothing new to report.

Annexation – Village Attorney Daniel D. Shonn noted that GIS mapping discussed above would be helpful in annexation issues.

Assessment Disclosure Notices – Pembroke & Darien – Nothing new to report.

HVAC Upgrade – Village Hall –

RESOLUTION, duly moved by Perkins, seconded by Patterson, awarding the Village Hall HVAC Upgrade Contract to Northeast Mechanical Inc. at a cost not to exceed \$238,577, subject to review of the bid bond by the Village Attorney, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

CDBG – Application deadline is October 31, 2005.

RESOLUTION, duly moved by Middaugh, seconded by Patterson, that the No. 1 request for the Community Development Funds for the Year 2006 for the Village of Akron be and hereby is to be the Replacement Waterline on Liberty & Washington Streets, and that Ray M. Perkins is authorized to sign, submit and execute a Contract with Erie County Community Development Block Grant (ECCDBG) Program for said Waterline Replacement Project, upon approval of ECCDBG.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Perkins, seconded by Patterson, that the No. 2 request for the Community Development Funds for the Year 2006 for the Village of Akron be and hereby is to be the joint Rural Transit Van Service project with the Towns of Clarence and Newstead, and that Ray M. Perkins is authorized to sign, submit and execute a Contract with Erie County Community Development Block Grant (ECCDBG) Program for the joint Rural Transit Van Service project with Towns of Clarence and Newstead, upon approval of ECCDBG.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

Methane Gas Piping at Sewer Plant – VRI Representative Ken Scherrieble noted that the swivel joints needed to be replaced also, at a cost of approximately \$2,800.

Northern Erie Sno-Seekers Snowmobile Club – See above.

Refuse Contract with Modern Disposasl –

RESOLUTION, duly moved by Patterson, seconded by Kaufman, exercising the Village of Akron's option to extend for one (1) year its Refuse and Waste Collection and Disposal Service contract with Modern Disposal Inc., be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

New Business:

RESOLUTION, duly moved by Perkins, seconded by Patterson, allowing Shaun Gloss and Carl Stocksclaeder to attend the WNY Water Works Conference Workshop on October 19, 2005 sponsored by DRA Infrastructure & Engineering Inc. at the Buffalo-Niagara Marriott, be and hereby is approved.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Forrestel, seconded by Middaugh, authorizing Clerk-Treasurer Daniel P. Borchert to forward any and all 2005-06 Village Taxes remaining unpaid as of October 31, 2005 to the County of Erie, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Forrestel, seconded by Perkins, accepting the Snow Removal and Ice Control Agreement 2005-2007 with Erie County, subject to the lane miles adjustment as proposed by Supt. Kowalik, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Forrestel, seconded by Patterson, allowing Supt. Robert W. Kowalik to attend the MEUA Annual Retreat in Cooperstown, New York from November 2, 2005 to November 4, 2005, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Patterson, seconded by Perkins, accepting the proposal for engineering services of Marquis Engineering, P.C. relative to drainage improvements at Jackson and Buell Streets at a cost of \$987, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

Correspondence –

Thank you card for the flowers from the family of Nancy Bruning.

Informational Meeting at the Office of Hearts and Hands 10/19/05 at 7:30 P.M. regarding Buffalo Hospice.

PUBLIC COMMENT TIME – Village Attorney Daniel D. Shonn reiterated that before the Village Board can act on the Sno-Seekers proposal, the snowmobile club must provide a SEQR application addressing the environmental issues of using the Akron Bike Path as a snowmobile trail.

RESOLUTION, duly moved by Perkins, seconded by Patterson, authorizing the Board to go into Executive Session at 9:05 P.M. to discuss a legal matter, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Perkins, seconded by Middaugh, authorizing the Board to come out of Executive Session at 9:20 P.M., be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Perkins, seconded by Patterson, to engage Howard Rosenhoch of Jaeckle Fleischmann to continue work on the condemnation case regarding the waterline easement with Ms. Patricia Curto, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

On motion of Perkins, seconded by Patterson, at 9:21 P.M. this meeting was ADJOURNED.

MAYOR

VILLAGE CLERK