

November 7, 2005

A work session of the Akron Village Board was held on this date at 6:30 P.M. to discuss agenda items. 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 of Public Works Robert W. Kowalik, Chief of Police Richard C. Lauricella.

RESOLUTION, duly moved by Kaufman, seconded by Perkins, authorizing the Board to go into Executive Session at 7:09 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 Middaugh, seconded by Perkins, authorizing the Board to come out of Executive Session at 7:20 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

Mayor Perkins adjourned the work session at 7:28 P.M.

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, Chief of Police Richard C. Lauricella, and Building Inspector Donnal D. Folger.

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

RESOLUTION, duly moved by Patterson, seconded by Kaufman, that the Minutes of the Regular Meeting of October 17th, 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. MIDDAUGH	- AYE
	WILLIAM P. KAUFMAN	- AYE

RESOLUTION, duly moved by Middaugh, seconded by Forrestel, 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	\$	6,351.92
Electric Fund	\$	21,111.64

Water Fund	\$	8,079.45
Sewer Fund	\$	6,746.39
Capital Sewer	\$	1,236.00

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 Middaugh, that the following building permit, be and hereby is approved with the application and approval of the Building Inspector:

Winifred Meahl 28 Shepard Ave. Windows/Siding \$ 25.00

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

Trustee Patterson abstained from voting on the above resolution.

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 Building Inspector:

Michael Middaugh 77 Main St. Roof \$ 25.00

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

Trustee Middaugh abstained from voting on the above resolution.

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

David Aquino	5 Madison Ave.	Roof	\$ 25.00
Irene Koubek	6 Madison Ave.	Roof	\$ 25.00
Betty Gooch	132 Skyline Dr.	Roof	\$ 25.00
Delores Bower	6126 Crittenden Rd.	Deck/Porch	\$ 25.00
Betty Klauer	1 Sylvan Pkwy.	Roof	\$ 25.00
Vernon & Jean Gay	11 John St.	Roof	\$ 25.00
Mark & Laurie Barszcz	5 Ice Cream Plaza	Roof	\$ 25.00
Cloister Associates	31 Westgate Ave.	Storage Shed	\$ 25.00
Carol Schultz	66 Wesley Dr.	Entry/Breezeway	\$ 25.00

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 Patterson, that the following building permits, be and hereby are approved with the application and approval of the Zoning Board of Appeals:

Mary Piscitelli	161 Main St.	Fence	\$ 18.00
David & Carolyn Schad	155 Main St.	Garage	\$ 45.00

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

BLDG. INSPECTOR – Donnal D. Folger appeared before the Board relative to the following: 1) enforcement of violations of Village Sewer Law; 2) enforcement of violations of Village Solid Waste Law; and 3) snowplowing of parking lot at Akron Fire Company on an emergency basis as needed.

RESOLUTION, duly moved by Perkins, seconded by Forrestel, naming the Village Building Inspector a duly authorized representative of the Village permitted to enter properties for the enforcement of Chapter 122 of the Village Code dealing with Sewers, 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, naming the Village Building Inspector a duly authorized representative of the Village for the enforcement of Chapter 131 of the Village Code dealing with Solid Waste and Dumpsters, 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

PUBLIC HEARINGS – None scheduled.

APPEARANCES – Brenda Cummings of 88 East Avenue appeared before the Board to express concerns with No Parking at Buell and Brooklyn. Mayor Perkins indicated that NYSDOT met with Village representatives and others on Monday to address said issue.

Tom Whitbeck of 81 Eckerson Avenue appeared before the Board to personally thank the Board for the opportunity to attend linemen school and that after four years of training, he has now attained Journeyman Lineman Certification. He also indicated that he would be interested in pursuing additional Substation Training when those sessions become available.

Project Reports –

Upper Main/Townsend Streets – Milling & Paving – Clerk-Treasurer Daniel P. Borchert indicated that financials are complete, showing project finishing \$6500 under budget. Remove from agenda.

Sewer Repairs – Crescent/Flint/Front/East/Eckerson – Superintendent Kowalik noted that project is complete. Waiting for certain invoices before closing out.

Monthly Reports –

Departments

ATTORNEYS – Items on agenda.

CLERK-TREASURER – Written report for October 2005 submitted. Clerk-Treasurer Daniel P. Borchert noted that the Village Office will be open on Election Day (11/8), but closed on Veteran's Day (11/11).

CHIEF OF POLICE – Written report for October 2005 submitted. Chief Richard C. Lauricella reported 1) that, as the Akron Falls Park is closing on 11/15, the APD will be able to park its patrol vehicles in the Park's heated garage; 2) Halloween was without incident; and 3) coverage for ACS Christmas Parade and boy's basketball games and wrestling matches has been requested.

RESOLUTION, duly moved by Perkins, seconded by Patterson, authorizing step increases for DeEtte C. Iacovitti and Joseph R. Belden from the hire rate to the part-time rate, effective November 4, 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

SUPT. OF PUBLIC WORKS – Written report for October 2005 submitted. Superintendent Robert Kowalik reported that snowplowing contract with Erie County has been approved with lane miles adjustment. Also, recommended that Village adopt IEEP program for rebates on energy efficient appliances for Village residential electric customers.

Elected Officials

JUSTICE COURT – Report for October 2005 submitted.

TRUSTEES – COORDINATORS

Trustee Middaugh – Nothing new to report.

Trustee Patterson – Nothing new to report.

Mayor Perkins – Reported 1) that he attended the October 20th dedication of the 10-Bay hangar at the Akron Airport; 2) that he attended the meeting with the NYSDOT this morning; 3) that the electric substation was re-dedicated this evening in memory of David M. Barnes; 4) that he received a proclamation from Senator Mary Lou Rath relative to the Walk the Village Program; 5) that he spoke before several history classes at ACS.

Trustee Forrestel – Reported 1) that the Water/Wastewater Committee met on Monday, October 24th, 2005; and 2) that he attended the open house at the water plant on November 2nd, 2005.

RESOLUTION, duly moved by Forrestel, seconded by Perkins, requesting the legislative assistance of Senator Mary Lou Rath relative to the Village of Akron's property tax assessments in the Towns of Darien and Pembroke, be and hereby are 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, awarding the timber harvest contract of hardwoods to J.A. Yansick Co., Inc. in the amount of \$40,380.00, be and hereby are 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

Trustee Kaufman – Reporting 1) that replacement recycling bins are still available at the Village Hall and 2) that he is receiving quotes for an A-frame roof on the sewer plant garage.

Old Business –

NYSDEC/SPEDES – Nothing new to report.

Crittenden Road Well Spill Claim – Nothing new to report.

Tinkham Road Water – Superintendent Kowalik indicated that tap-in equipment has been ordered.

Comprehensive Plan – Village Attorney Daniel D. Shonn indicated that the builder/developer of the proposed patio home project attended the Village Planning Board Meeting on November 1, 2005.

No Parking – Brooklyn, Buell, Mechanic, Jackson – Discussed above.

Annexation – Village Attorney Daniel D. Shonn noted that he's working with surveyor.

Assessment Disclosure Notices – Pembroke & Darien – Village Attorney Daniel D. Shonn indicated that he has been in communication with our consultant-attorney and that work on the appraisal is underway.

HVAC Upgrade – Village Hall – Clerk-Treasurer Daniel P. Borchert indicated that contract documents are out to contractor and that a pre-construction meeting is scheduled for November 17th at Village Hall.

CDBG – Clerk-Treasurer Daniel P. Borchert reported that the applications were submitted prior to the October 31st deadline.

Methane Gas Piping at Sewer Plant – Superintendent Kowalik reported that a stainless steel water separator is being fabricated by LMC for just over \$3000.

Northern Erie Sno-Seekers Snowmobile Club –

WHEREAS, the Village of Akron has received a request from Northern Erie Sno-Seekers to use a portion of the Bike Path in the Village of Akron for snowmobile use;

WHEREAS, the Northern Erie Sno-Seekers appeared at the October 17, 2005 Village Board Meeting and were asked to submit SEQR Application;

WHEREAS, the Village Board has considered the Sno-Seekers' request and has made the following environmental findings:

- 1) the action is classified as an unlisted action under SEQR; and
- 2) the Village of Akron is the only agency for the SEQR Application;

NOW, THEREFORE, A RESOLUTION, duly moved by Perkins, seconded by Middaugh, based upon the EAF information supplied by the Northern Erie Sno-Seekers and upon the Village's review, the Village Board makes a negative declaration under SEQR, and authorizes the Northern Erie Sno-Seekers to use the Bike Path within the Village of Akron from December 11, 2005 through April 1, 2006, subject to random enforcement of speed, unreasonable noise and DWI, be and hereby is approved by the Village Board, subject to the following:

1. That the Village Board does hereby authorize the Northern Erie Sno-Seekers to use the Bike Path beginning at Cedar Street and running southwest to Clarence Center Road, along a route that shall be specifically marked out by the Northern Erie Sno-Seekers and approved by the Village of Akron Superintendent of Public Works, subject to the conditions hereafter set forth:

- a. The Northern Erie Sno-Seekers must provide the Village with proof of liability coverage naming the Village of Akron as additional insured in an amount satisfactory to the Village. If such coverage is part of a blanket coverage for all snowmobile clubs throughout the State of New York, the Village of Akron must be specifically named as an additional insured on such policy.
- b. The Northern Erie Sno-Seekers must provide the Village with an updated copy of its certificate of incorporation and by-laws and of its rules and regulations for operation of snowmobiles on trails maintained by them.
- c. The use of the right-of-way shall begin on the last day of deer hunting season and shall terminate on April 1, 2006.
- d. The Northern Erie Sno-Seekers must cooperate with the Village to clearly mark the trail, which trail shall be located off the paved portions of the Bike Path and post speed limits and rules and regulations governing the use of the trails, satisfactory to the Village.
- e. The Northern Erie Sno-Seekers shall use the Bike Path in a manner that allows for the use of the same facilities by others including hikers and cross country skiers.

- f. The Northern Erie Sno-Seekers shall use their best efforts to avoid damage to Village Property, injury to individuals, or excessive noise.
 - g. Failure to abide by all these conditions may result in the Village Board's withdrawal or rescinding of the consent of the Village to use the Bike Path.
 - h. The Northern Erie Sno-Seekers will provide to the Village an indemnification agreement holding the Village harmless and defending the Village from all property damages and personal injuries occasioned by the activities of the Northern Erie Sno-Seekers, their members, agents, invitees or employees on any Village lands during the term of the license to use the Bike Path.
2. This resolution shall take effect immediately.

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

Refuse Contract with Modern Disposal – Remove from agenda.

Intermunicipal DPW Facility

RESOLUTION, duly moved by Perkins, seconded by Forrestel, authorizing the feasibility study to proceed with Wendel Duchscherer Architects & Engineers relative to the Intermunicipal DPW facility between the Town of Newstead and the Village of Akron, 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

New Business:

RESOLUTION, duly moved by Perkins, seconded by Patterson, allowing Daniel P. Borchert to attend NYCOM's 2006 Legislative Program meeting on November 13 & 14, 2005 in Albany, New York at a cost of \$115 plus travel, 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

Clerk-Treasurer Daniel P. Borchert suggested that photo identification cards be issued to all Village personnel and he reported to the Board on associated costs.

RESOLUTION, duly moved by Perkins, seconded by Kaufman, authorizing the Village of Akron to offer the "Energy Star Appliance Advantage Program" through the Independent Energy Efficiency

Program (IEEP), to be effective from December 1, 2005 to December 31, 2006, 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 Middaugh, seconded by Patterson, authorizing the Akron Police Department to provide services to the Akron Central School at its upcoming home basketball games and wrestling matches for the 2005-2006 season, 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 Kaufman, allowing the Community Christmas Celebration to be held on Saturday, December 10, 2005, with activities to include the Parade at 11:30 A.M., the Christmas tree lighting ceremony in the Russell Park Gazebo and a chicken BBQ at the Russell Park Shelter, 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, engaging the services of Marquis Engineering, P.C. as Engineer for the Village of Akron, 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 Forrestel, adopting the following resolution as proposed by the Erie County CDBG Consortium, hereby is approved by the Village Board as follows:

WHEREAS, thirty-four municipalities within Erie County, New York are participating members of the Erie County Community Development Block Grant (CDBG) consortium; and

WHEREAS, said municipalities have entered into various contracts with Erie County committing to said membership and agreeing to have municipal population, poverty, housing stock and other variables included in the federal CDBG entitlement calculation; and

WHEREAS, Erie County and the Erie County Consortium have entered into memoranda of understanding and organization by-laws defining CDBG responsibilities and policies concerning the

administration of the CDBG Urban County Program within Erie County;
and

WHEREAS, the Erie County Department of Environment and Planning is the agency within Erie County designated to administer the Erie County Community Development Block Grant Program on behalf of Consortium Communities; and

WHEREAS, the municipalities comprising the Erie County CDBG Consortium have enjoyed a sound working relationship with the Erie County Department of Environment and Planning in the administration of the CDBG Program since 1977; and

WHEREAS, the Buffalo Niagara Partnership and Erie County Industrial Development Agency are recommending a transfer of administrative responsibilities from the Erie County Department of Environment and Planning to the Erie County Industrial Development Agency; and

WHEREAS, the Erie County CDBG Consortium are required to approve major changes to the Memoranda of Understanding, By-Laws, Five-Year Consolidated Plan, and Annual Action Plan Component of said Plan, and any amendments thereof; and

WHEREAS, said transfer would require execution of a detailed sub-recipient agreement between Erie County Industrial Development Agency and Erie County; and

WHEREAS, said transfer would represent a major administrative change in the Erie County CDBG Program requiring the following action by the Consortium: 1. Amendments to all agreements governing the Erie County CDBG Program, 2. Amendments to the applicable Annual Action Plan of the 2005-09 Consolidated Plan,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Community Development Block Grant Consortium opposes any change to the existing administrative structure of the Erie County CDBG Program; and be it further

RESOLVED, that the governing bodies of each Consortium municipality shall be informed of said opposition and encouraged to take appropriate action supporting said opposition; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the Erie County Legislature for their information when considering any action necessary to approve the aforementioned Sub-Recipient Agreement between Erie County and the ECIDA or similar organization; and be it further

RESOLVED, that copies of this resolution be forwarded to the chief elected officials of all consortium municipalities; the Erie County Legislature; the Erie County Executive; the Commissioner of the Department of Environment and Planning; the Erie County Attorney; the Director of the Erie County Industrial Development Agency, and the President of the Buffalo Niagara Partnership.

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

Correspondence –

Planning Board Minutes of October 4, 2005.

Zoning Board of Appeals Minutes of October 11, 2005.

Zoning Board of Appeals Minutes of November 2, 2005.

Joint meeting of the Association of Erie County Governments and the Village Officials Association Thursday, November 17, 2005 at Salvatore's Italian Gardens.

Letter from NYS Senator Mary Lou Rath to the Commissioner of the NYSDEC regarding the Village of Akron Water System.

PUBLIC COMMENT TIME – Chief of Police Richard C. Lauricella reported that the APD passed a recent NYS Dept. of Labor audit.

On motion of Perkins, seconded by Forrestel, at 8:45 P.M. this meeting was ADJOURNED.

MAYOR

VILLAGE CLERK