

December 7, 2009

A REGULAR MEETING of the Akron Village Board was held on this date at 7:35 PM Present: Mayor Carl E. Patterson; Trustees E. Peter Forrestel, Michael R. Middaugh, Kathryn A. Capan and Brian D. Wittlinger; Clerk Treasurer Daniel P. Borchert, Chief Richard Lauricella, Code Enforcement Officer Donnal Folger and Superintendent Robert Kowalik.

Mayor Carl E. Patterson led us in the pledge to the flag. Mayor Patterson also wanted to share a moment of silence for those lost at Pearl Harbor in 1941.

RESOLUTION duly moved by Forrestel seconded by Middaugh, that the Minutes of the Regular Meeting of November 9, 2009 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 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	\$ 7,876.34
Electric Fund	\$ 35,479.76
Water Fund	\$ 8,348.57
Sewer Fund	\$ 5,708.04
Capital Streets	\$ 53,059.51

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 Wittlinger that the following building permit be and hereby is approved with the applications and approval of the Building Inspector:

Cold Spring Construction	3 Jackson Street	Addition	\$68.00
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ADOPTED CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

Trustee Forrestel abstained from voting on the above resolution.

RESOLUTION duly moved by Middaugh and seconded by Capan that the following building permits be and hereby are approved with the applications and approval of the Building Inspector:

Daryl Patterson	42 John Street	Roof	\$25.00
Richmond Smith	125 Skyline Drive	Rear Deck	\$25.00

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 that the following Renewal of Plumber's Licenses for the year 2010 be and hereby are approved in accordance with the applications filed and payment of the annual license fee of \$40.00:

Kenneth M. Price	PO Box 365	Corfu, NY	\$40.00
John Gaunder	8734 Stahley Road	E. Amherst, NY	\$40.00
William Izydorzak	637 Burrough Road	Attica, NY	\$40.00
William Penepent	7182 Kenyon Ave	Basom, NY	\$40.00
Bruce Ceisner	PO Box 280	E. Pembroke, NY	\$40.00
Bradley Rehwaldt	9520 Fisk Road	Akron, NY	\$40.00
Richard Petschke	PO Box 234	Alden, NY	\$40.00
Henry H. Cook	3508 Rose Road	Batavia, NY	\$40.00
Joseph Castle	10 Gooding Street	Lockport, NY	\$40.00

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 Mobile Home Park License for the year 2010, be and hereby is renewed in accordance with the applications filed and payment of the annual license fee of \$125.50:

Dona M. Doll	2 Wesley Drive	Akron, NY	\$125.50
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ADOPTED CARL E. PATTERSON - AYE
 E. PETER FORRESTEL - AYE
 MICHAEL R. MIDDAUGH - AYE
 KATHRYN A. CAPAN - AYE
 BRIAN D. WITTLINGER - AYE

Mayor Patterson suggested that the Board should discuss the Mobile Home fee structure at the next meeting.

RESOLUTION duly moved by Capan and seconded by Forrestel that the following Amusement Device Licenses for the Year 2009 be and hereby are renewed in accordance with the applications approved by Chief of Police Richard C. Lauricella:

The Filling Station	40 Main Street	Mega Touch Video	\$20.00
The Filling Station	40 Main Street	Galaxy Dart	\$20.00
The Filling Station	40 Main Street	Rowe Phono	\$35.00
The Filling Station	40 Main Street	Golf Game	\$35.00
The Filling Station	40 Main Street	Pool Table	\$35.00

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

PUBLIC HEARINGS: none

APPEARANCES – Northern Erie Sno-Seekers Representative Richard McNamara came before the Board to discuss the upcoming snowmobiling season. He stated that the club purchased a new grooming machine for the trails and that speed signs, barrels and trash receptacles will be placed on the trails by December 19. Trustee Forrestel wanted to mention that several reflectors located on the bridge need to be

replaced and to remind the club of the placement and removal of the rubber belting on the bridge.

RESOLUTION duly moved by Middaugh and seconded by Wittlinger to accept agreement with the Northern Erie Sno-Seekers for the 2009-2010 winter season.

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

WHEREAS, the Northern Erie Sno-Seekers, Inc., contacted the Village Board on December 7, 2009 to renew their permission to use a portion of the Bike Path in the Village of Akron for snowmobile use;

NOW, THEREFORE, A RESOLUTION, duly moved by Middaugh, seconded by Wittlinger, based on information submitted by the Northern Erie Sno-Seekers, Inc., and upon the Village's review, the Village Board authorizes the Northern Erie Sno-Seekers, Inc., to use the Bike Path within the Village of Akron from December 20, 2009 through April 1, 2010, 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, Inc., 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, Inc., and approved by the Village of Akron Superintendent of Public Works,
 - 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 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 agreement to use the Bike Path.
 - d. The use of the right-of-way shall begin on the last day of deer hunting season and shall terminate on April 1, 2010.
 - e. The Northern Erie Sno-Seekers, Inc. 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.
 - f. The Northern Erie Sno-Seekers, Inc., 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.
 - g. The Northern Erie Sno-Seekers, Inc. shall use their best efforts to avoid damage to Village Property, injury to individuals, or excessive noise.
 - h. 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.
2. This resolution shall take effect immediately.

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

PUBLIC COMMENT – Resident Doug Ceisner asked the Code Enforcement Officer why 56 Main Street needed a permit to replace less than 50% of the windows in the building when the 99 Main Street property owner did not need a permit. Code Enforcement Officer Don Folger stated that the property owner at 56 Main Street came in on his own and stated that he would be replacing more windows in the future. Mr. Ceisner also questioned the Board regarding the cost of VRI Environmental Services. Clerk-Treasurer Borchert responded that VRI Environmental Services receives about \$80,000 per year for managing the Sewer Plant. Many of the sewer projects and upgrades recently done were completed with the help of an EPA grant.

Resident Walter Nelson came before the Board to discuss the bike path use during the winter months. Mr. Nelson stated that the snowmobile's use of the path prohibits snow shoeing, cross-country skiing and other quiet activities. Mayor Patterson responded that the Sno-Seekers Club puts barrels on the paved path so the snowmobiles ride on the side of the path leaving room for other activities.

PROJECT REPORTS –

State Street Bridge – Village Engineer Paul Bowers stated during this evenings work session that he received a letter from NYDOT stating that the State Street bridge is on the list for funding from the government where 80% of the cost would be covered by Federal and State funds and 20% would be the responsibility of the municipality. Mr. Bowers also received a letter from NYDEC stating that there are no permits needed to complete the bridge project.

Joint Facility – During this evenings work session Public Works employee Jon Cummings gave the Board an update on the Joint Facility site. Also Mayor Patterson reported that a Joint Facility progress meeting was held last week and discussion of the next steps and utilities were covered. On the recommendation of Village Attorney Daniel D. Shonn, the Board should authorize Mayor Patterson to sign the Sanitary Sewer Easements with property owners Akron Development LLC (T.A. No. 47.18-1-34.111) and John R. Davis (T.A. No. 47.18-1-30.12) of Clarence Center Road.

RESOLUTION duly moved by Wittlinger and seconded by Capan authorizing Mayor Patterson to sign the Sanitary Sewer Easements with property owners Akron Development LLC (T.A. No. 47.18-1-34.111) and John R. Davis (T.A. No. 47.18-1-30.12) of Clarence Center Road 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

MONTHLY REPORTS –

Departments –

Attorney – absent

Clerk-Treasurer – The Board received the Clerk's report for November 2009, together with the December 2009 office schedule. Clerk-Treasurer Borchert reminded the Board that the Village Office will be closed December 25, 2009 and January 1, 2010.

Chief of Police – The Board received the Police Report for November 2009, along with a schedule for December 2009. Chief Lauricella reported that: traffic summons are up this month, winter parking warnings have been given and summons will now be issued, an increase in auto break-ins have occurred again and Chief Lauricella will continue to urge residents to keep their vehicles locked, and lastly that the Akron Central School winter sport schedule has begun.

Supt. of Public Works – The Board received copies of Superintendent Kowalik's November 2009 report. Superintendent Kowalik reported on the site work for the Joint Facility on Clarence Center Rd, the collection of leaves and the fact that there were a lot

more collected this year meaning the trees have recovered from the 2006 October Storm, the Christmas tree has been secured and will be put up at the end of this week, he reported the damage done in Russell Park where railings were knocked out of the gazebo and lights were broken in the shelter. Superintendent Kowalik and Clerk-Treasurer Borchert spent several hours watching the park video to retrieve any information regarding the damage but have not found anything yet. Lastly, Mr. Kowalik spoke about the NYS requirements regarding Class A & B renewal licenses for employees at the Public Works facility.

Trustee Forrestel commented on how successful the leave pickup was this year. Job well done.

Code Enforcement Officer – Mr. Folger reported that he sent out a Fireworks Application to Young Explosives for the New Years Eve Celebration, reported a house on Brooklyn Street is to be demolished and the Village does not have a permit for demolition, The Akron House has a new tenant and would like to open by the end of the year, only have 4 Rental Regulation Applications still outstanding, discussed the new Plumber License Law and lastly is in receipt of the Town of Newstead Local Laws #5, #6 and #7 regarding amendments to Zoning Laws.

VRI – Environmental Services – Representative Al Graham was due to report on the Sewer Plant but had to leave unexpectedly leaving Trustee Forrestel to update the Board as follows: things are running well at the Sewer Plant. Camera work is still being done on the north east side of the Village, the additional drying bed added this year has really improved the operations resulting in no sludge removal thus far, lastly Trustee Forrestel circulated pictures to the Board of the upgrades and improvements done this year at the plant.

Elected Officials –

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

TRUSTEES – COORDINATORS

Trustee Capan – Reported that she attended a State Environmental Quality Review Training held at ECC North Campus on November 19, 2009. Trustee Capan also mentioned how nice the brochures sent out by Modern Disposal were regarding the recycling changes.

Trustee Middaugh –Nothing new to report

Mayor Patterson – Requested an executive session regarding a contractual issue

Trustee Forrestel – Attended the WWWC meeting where discussion was held regarding the extension of the Sewer Moratorium. The committee recommended extending the Moratorium with 50 units until June 30, 2010.

Background:

At a meeting of the Village Board on December 7, 2009, the Village Board extended the moratorium originally adopted as Local Law 2005-1 to June 30, 2010. Based on the discussions with the New York State DEC and in the opinion of representatives of VRI Environmental Services, operators of the treatment plant, the Board has amended on this date, the original moratorium to include the equivalent of fifty (50) residential units on a rolling basis so long as the waste water treatment plant remains in compliance with DEC permits. The Board has reviewed the monthly operation reports provided by VRI and finds that there continues to be significant improvement in plant performance. These reports also show there are concerns with continuing compliance in high inflow events and that the Village continues to improve on reducing infiltration by grouting and smoke testing.

RESOLUTION duly moved by Forrestel and seconded by Wittlinger that the present moratorium as described by local law 2005-1 as amended be extended until June 30, 2010 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

Trustee Forrestel also mentioned that sewer employees found hypodermic needles in the grit chambers and would like to remind everyone that hypodermic needles are not flushable.

Trustee Wittlinger – Nothing new to report

OLD BUSINESS

Mitigation of Murder Creek – nothing new to report

Village Court – Town of Newstead still moving forward on proposed addition to hall to house both courts.

Code Enforcement Officer – nothing new to report

CDBG Projects – Clerk Treasurer Borchert and Superintendent Kowalik met with site selectors and viewed the Skyline Drive Sidewalk and the Marshall Avenue projects. The Village should hear by the end of the year whether any of the Village projects have been selected.

NEW BUSINESS –

RESOLUTION duly moved by Capan and seconded by Middaugh to hold a Public Hearing on January 4, 2010 at 7:30 p.m. regarding the proposed Local Law for the licensing of plumbers 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

RESOLUTION duly moved by Middaugh and seconded by Wittlinger to adopt the Bond Resolution in the amount of \$125,000 for site work improvements associated with the Joint Public Works Facility 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 Middaugh to allow the Community Christmas 2009 be held in Russell Park on Saturday, December 12, 2009 from 10:00 a.m. – 2:00 p.m. 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 Forrestel authorizing Mayor Patterson to sign the 2009 STOP-DWI Memorandum of Understanding 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 –

Town of Newstead Notice of Public Hearings for Local Law No. 5 - Rezoning of Real Property and Zoning Map Amendment; Local Law No. 6 - Amendment to Article III of the Zoning Law and Local Law No. 7 – Second Amendment to the Subdivision Law

NYS Public Service Commission’s publications including: New York’s 2009-10 Natural Gas Outlook; Take the Chill Out of Winter Bills; Household Electricity Use and Energy Saving Tip and Phantom Electricity Loss

Belmont Housing Resources for WNY announcing the Erie County Housing Options Program.

Letter from NYSDOT stating that the State Street Bridge is on the list for federal funding.

Letter from NYSDEC notifying the Village that there is not a special permit needed to complete the State Street Bridge project.

PUBLIC COMMENT – Doug Ceisner commented on the earlier conversation regarding the sewer bill increase and the cost saving upgrades at the Sewer plant via the EPA Grant. He wanted to know why the increase was so high if the Plant was saving money from upgrades. Mayor Patterson stated that the EPA grant allowed the Sewer Plant many upgrades and additions which he would like to list and report to the Akron Bugle to share with the residents.

RESOLUTION duly moved by Wittlinger and seconded by Capan authorizing the Board to go into executive session at 8:43 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 Middaugh and seconded by Capan authorizing the Board to come out of executive session at 9:07 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

On motion of Forrestel, seconded by Capan, at 9:13 pm, this meeting was ADJOURNED.

MAYOR

CLERK-TREASURER