

November 16, 2020

A REGULAR MEETING of the Akron Village Board was held on this date at 7:03 p.m. Present: Mayor Carl E. Patterson; Trustees E. Peter Forrestel, Brian T. Perry and Darrin L. Folger; Attorney Andrew Borden, Clerk Jayne DeTine, Treasurer Tammy Kelley, Public Works Manager Jon Cummings, Chief of Police Richard Lauricella and Code Enforcement Officer Michael Borth.

The Mayor led us in the pledge to the flag.

RESOLUTION duly moved by Folger and seconded by Perry that the Minutes of the Regular Meeting of November 2, 2020 be and hereby are approved by the Village Board.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

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

General Fund	\$	26,948.57
Electric Fund	\$	105,136.41
Water Fund	\$	3,379.33
Sewer Fund	\$	2,328.11

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

RESOLUTION duly moved by Forrestel and seconded by Perry that the following building permits be and hereby are approved with the application and approval of the Code Enforcement Officer:

Barbara Thoma	59 Parkview Dr	Laundry Hook-ups	\$ 50.00
Hometown Vintage	41 Main St	New Business	\$ 50.00
Esther Gulyas	42 Main St	New Business	\$ 50.00
Herman Clouse	42 Main St	Sign	\$ 50.00
Kevin Scherf	57 East Ave	Repair Porch	\$ 50.00
Brooke Heissenberger	66 Cedar St	Roof	\$ 50.00
Frank Falkowski	6 Madison Ave	Windows	\$ 50.00
James Bradley	106 John St	Deck	\$ 65.00

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

PUBLIC HEARING: – Local Law #2 for 2020 – Amending Chapter 165, Section 36, Paragraph L of the Code of the Village of Akron to allow Chickens in the Village – a Public Hearing was held at this time to hear all persons for addressing the draft amendment to the law. Clerk DeTine read the Proof of Publication. The Village Attorney explained that the amendment would allow Village Residents to have chickens on their property providing they fill out a permit and follow and comply with all regulations provided within the proposed law. The Code Enforcement Officer would enforce the regulations and pull any permits violating them. Clerk DeTine asked if anyone wished to speak. Several residents such as the Schuman’s from Brodie’s Way and the Sweitzer’s from East Ave were present to speak against the amendment stating smell, rodents, loose chickens, proximity of neighbors were reasons for their disapproval. Other residents such as Elleen Short and Don Shonn approve of the amendment and think it is a good

learning experience for kids providing permit holders follow all requirements which include setbacks of property lines and other existing buildings on the property. Planning Board Chairman Brian Murray asked the Board why the Planning Board was not included in this draft amendment decision. Attorney Borden explained that this draft amendment is under the jurisdiction of the Village Board as a Code amendment and would fall into the category as any other permit issued by the Code Enforcement Officer. With no other comments the Board agreed to close the Public Hearing.

RESOLUTION duly moved by Forrestel and seconded by Folger to close the Public Hearing for Local Law #2 for 2020 – Amendment Chapter 165, Section 36, Paragraph L of the Code of the Village of Akron to allow Chickens in the Village be and hereby is closed at 7:40 pm.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

APPEARANCES: Richard McNamara from the Northern Erie Sno-Seekers came before the Board to request permission to use the Village portion of the bike path for their snowmobile Club during the winter season as per his letter of request dated October 29, 2020. The Board had questions on what the Club can do regarding the speed and noise along the path behind Brodie's Way. Mr. McNamara stated that he would put out speed and noise signs along that section of the path. The Board agreed to approve the request.

RESOLUTION duly moved by Forrestel and seconded by Perry to accept the agreement with the Northern Erie Sno-Seekers for the 2020-2021 winter season providing the proper paperwork is provided to the Village Office.

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 October 29, 2020 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 Forrestel, seconded by Perry, 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 15, 2020 through April 1, 2021, 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 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, 2021.

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
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

PUBLIC COMMENT: Eileen Short resident on Jackson Street came before the Board to ask if the fire siren could be moved to a new location maybe at the fire hall or on a cell tower behind Cold Spring Construction or can the siren be turned down? Discussion was held about different locations and Attorney Borden stated he would investigate the issue with DPW Electric Foreman Tom Whitbeck.

PROJECT REPORTS –

CDBG Main Street ADA Sidewalk Aprons/Crosswalks – Nothing new.

Wastewater Treatment Plant Upgrade – Nothing new.

MONTHLY REPORTS –

TREASURER – reported: Attended a Finance Committee meeting last week and stated that she updated her report with a receive date and balance due column. Reported the quarterly sales tax should be received in January 2021. Large payments due are the Joint Facility Interest and the NYS Retirement payment. She requested a resolution to approve several Tier Savings Accounts at the Bank on Buffalo.

RESOLUTION duly moved by Folger and seconded by Perry to authorize the Treasurer to open a Tier Savings Account at Bank on Buffalo for the Electric Truck Reserve, General Fund Street Repair and Equipment Reserve, General & Capital Streets Savings, and Electric Savings as per the recommendation by the Treasurer be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

Elected Officials –

TRUSTEE – COORDINATORS

Trustee Perry – reported: Attended the Finance Committee meeting last week which went well just keeping an eye on the Tax Revenue from the State.

Trustee Middaugh – reported: excused absence.

Mayor Patterson – reported: Trustee Middaugh was excused from tonight's meeting. He recognized the Electric Department for the great job they do in keeping our electric on even during the recent windstorm. Trustee Forrestel added to Mayor Patterson's comments in that there are two pieces to keeping our electric on, one is the tree management along electric lines and the other is equipment (poles, crossarms) have been kept in good shape.

Mayor Patterson also requested an Executive Session regarding Personnel.

Trustee Forrestel – reported: Water Wastewater Committee is looking forward to the commencement of Phase II of the Sewer Treatment Plant upgrade. Human Resource Committee will meet this week to catch up on a couple of items.

Trustee Folger – reported: Nothing to report.

OLD BUSINESS

Clinton Street/Eckerson Avenue/43 East Avenue Village Land – Attorney Borden spoke on behalf of the Rotary Club thanking the Board for their time during the last work session. The Club did meet with a nationally renowned railroad expert, Harold Russell, who shared his knowledge of the history of the railroad in the Village of Akron. The Historical Society does have pictures of the Village’s old train depot from the past and the Rotary will be using those in their design for a potential building/shelter for this piece of land.

Splash Pad – Nothing new.

Cedar Street – Electrical/Trees/Sidewalks – Nothing new.

Chicken Law – Public Hearing held earlier this evening.

Agreement with Town of Amherst Central Fire Alarm System – still in review.

Northern Erie Sno-Seekers – Resolution approved during “Appearances”.

NEW BUSINESS

RESOLUTION duly moved by Forrestel and seconded by Perry to authorize the Mayor to sign the renewal contract with Municipal Solutions for fiscal services for the Wastewater Treatment Plant Project be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

RESOLUTION duly moved by Perry and seconded by Folger to authorize the Village of Akron to enter into an Intermunicipal Agreement with Erie County for the CARES Act Local Government Distribution and authorizing the mayor to sign the contract be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

CORRESPONDENCE –

Letters from Charter Communications notifying broadcasting changes dated November 7th and 10th, 2020.

Memo from NYCOM – Nominating Committee appointed to fill 2nd Vice President.

PUBLIC COMMENT – Marty Schuman a resident from Brodie’s Way wanted to thank the Electrical Department at the Village DPW for a great job. He stated that in the last 5 ½ years living here he has only lost power less than 30 minutes altogether.

EXECUTIVE SESSION –

RESOLUTION duly moved by Perry and seconded by Folger to go into an executive session regarding personnel matters at 7:58 pm be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
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E. PETER FORRESTEL - AYE
BRIAN T. PERRY - AYE
DARRIN L. FOLGER - AYE

RESOLUTION duly moved by Folger and seconded by Perry to come out of the executive session regarding personnel matters at 9:41 pm be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
BRIAN T. PERRY - AYE
DARRIN L. FOLGER - AYE

RESOLUTION duly moved by Folger and seconded by Patterson to hire Christopher Heiderman as a part-time officer on the recommendation of the Police, Fire and Emergency Committee as well as Chief of Police Richard Lauricella be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
BRIAN T. PERRY - AYE
DARRIN L. FOLGER - AYE

On motion of Folger and seconded by Perry at 9:56 pm this meeting was ADJOURNED.

MAYOR

CLERK