

November 18, 2024

A REGULAR MEETING of the Akron Village Board was held on this date at 7:00 p.m. Present: Mayor Brian T. Perry; Trustees: Michael R. Middaugh, Darin S. Schultz, and John W. Norton; Attorney Andrew Borden, Clerk Jayne DeTine, Treasurer Sarah Michel, and Public Works Manager Jon Cummings.

The Mayor led us in the pledge to the flag. Mayor Perry asked for a moment of silence for Flora Leamer, who grew up in Akron and moved to Clarence Center. She and her husband John brought smiles to all they knew and were recognized by numerous organizations for their volunteer work within the Akron and Clarence Communities. Flora often explained, "I enjoy helping others and promoting people, businesses, and our Community to glorify the Lord and asked him every day how can I reach out and help somebody else today?" She will truly be missed; but always remembered.

RESOLUTION duly moved by Middaugh and seconded by Schultz that the Minutes of the Regular Meeting of November 4, 2024 be and hereby are approved by the Village Board.

ADOPTED	BRIAN T. PERRY	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARIN S. SCHULTZ	- AYE
	JOHN W. NORTON	- AYE

RESOLUTION duly moved by Perry seconded by Norton 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	\$	53,815.81
Electric Fund	\$	157,298.30
Water Fund	\$	3,125.46
Sewer Fund	\$	8,479.07
Capital Projects	\$	5,170.00

ADOPTED	BRIAN T. PERRY	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARIN S. SCHULTZ	- AYE
	JOHN W. NORTON	- AYE

RESOLUTION duly moved by Schultz and seconded by Middaugh that the following building permit be and hereby is approved with the application and approval of the Code Enforcement Officer:

Judy Lotz	71 John St	Sewer Repair	\$100.00
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ADOPTED	BRIAN T. PERRY	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARIN S. SCHULTZ	- AYE
	JOHN W. NORTON	- AYE

PUBLIC HEARING – None

APPEARANCE – Village Auditors Drescher & Malecki came before the Board to review the Village annual audit.

PUBLIC COMMENT – Resident Don Shonn came before Board with questions about the two Notices that were advertised in the Akron Bugle, one regarding a proposed tariff revision for IEEP, and one regarding proposed generic tariff revisions for an Outdoor Lighting Service Class and Purchase of renewable energy from new distributed generators such as solar. He wanted to know if the Board had notified the electric customers prior to advertising the notices and if the Board had already agreed to approve these changes and how it would affect customers' electric bills. Mayor Perry stated that the two Notices have to run in the Akron Bugle for four consecutive weeks

and also be posted on our Website which would give our customers notice. He also stated that the Board has not officially discussed either proposed revision and will consider all comments or questions that may generate from the notices before officially approving any revision.

#### PROJECT REPORTS –

Wastewater Treatment Plant Upgrade – Nothing new to report.

Electric Substation Upgrade – Mayor Perry stated the bids are due back by December 5, 2024.

State Street Bridge – Nothing new.

East Avenue Water/Sewer Line Replacement – Nothing new to report.

Water Tank Improvements – waiting for proposal from MRB.

#### MONTHLY REPORTS –

##### Departments –

TREASURER – submitted report for October 2024. Reported: The Year End Audit is complete as Drescher & Malecki presented earlier. She will schedule a Finance Committee meeting to discuss the results of the audit. She also reported that she will be meeting with PLM this Wednesday regarding the Electric Rate Case and has continued to send paperwork at their request.

CHIEF OF POLICE: submitted October report.

##### Elected Officials –

#### TRUSTEES – COORDINATORS

Trustee Norton – reported: It is leaf season and wanted to remind residents that leaves should be piled between the sidewalk and street, not in the street. Also noted that Main Street will be closed from Buffalo Street to Church Street on December 14<sup>th</sup> for the Light Up Akron Festivities from 4 to 8 pm.

Trustee Forrestel – Excused Absence.

Mayor Perry – reported: Attended an Electric Committee meeting this afternoon where discussion was held regarding tree planting and trimming starting this week. Also, an Emergency Response meeting with the APD, AFC, and DPW was held regarding the procedures for any Emergency Response in the Village.

Trustee Middaugh – Nothing new to report.

Trustee Schultz – reported: Will attend an Akron Chamber meeting tomorrow at 6pm with APD, AFC and Emergency Managers regarding the Light Up Akron Event scheduled for December 14, 2024.

#### OLD BUSINESS –

Eckerson Avenue Property Development – Nothing new to report.

American Legion/LL Tillman – Corner of Clinton Ave and Eckerson Ave – Attorney Borden reported that Trustee Forrestel did have a meeting with a representative from the Legion, more to follow.

Electric Rate Case – Treasurer Michel stated that she is having a meeting with PLM this Wednesday.

Russell Park Shelter – Nothing new.

Resident Nate Witkowski informed the Board that the Russell Park Gazebo has broken windows in the cupola.

NEW BUSINESS –

RESOLUTION moved by Schultz and seconded by Norton to approve the following amendment of the Bond Resolution adopted on August 22, 2022 in regards to the East Avenue Sewer Line Replacement project:

RESOLUTION OF THE VILLAGE OF AKRON, NEW YORK,  
ADOPTED NOVEMBER 18, 2024, AMENDING THE BOND  
RESOLUTION ADOPTED ON AUGUST 22, 2022, RELATING TO THE  
CONSTRUCTION OF IMPROVEMENTS TO THE SANITARY SEWER  
COLLECTION SYSTEM

Recitals

WHEREAS, the Board of Trustees of the Village of Akron, in the County of Erie, New York, has heretofore duly authorized the construction of improvements to the sanitary sewer collection system, consisting of the replacement of certain portions of the existing sanitary sewer collection system, specifically, along East Avenue, at the estimated maximum cost of \$5,400,000 pursuant to the bond resolution adopted by the Board of Trustees on August 22, 2022; and

WHEREAS, the estimated cost of said project has now been determined to be \$5,415,000, and it is necessary and in the public interest to increase the amount appropriated for said project by \$15,000 and to amend said bond resolution to increase the principal amount of bonds authorized from \$5,400,000 to \$5,409,000;

Now, therefore, be it

RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF AKRON, IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Board of Trustees) AS FOLLOWS:

Section (A) The bond resolution of the Village of Akron duly adopted by the Board of Trustees on August 22, 2022, entitled:

“Bond Resolution of the Village of Akron, New York, adopted August 22, 2022, authorizing the construction of improvements to the sanitary sewer collection system, stating the estimated maximum cost thereof is \$5,400,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of not to exceed \$5,400,000 to finance said appropriation,”

is hereby amended to read as follows:

BOND RESOLUTION OF THE VILLAGE OF AKRON, NEW  
YORK, ADOPTED AUGUST 22, 2022 AND AMENDED  
NOVEMBER 18, 2024, AUTHORIZING THE CONSTRUCTION  
OF IMPROVEMENTS TO THE SANITARY SEWER  
COLLECTION SYSTEM, STATING THE ESTIMATED  
MAXIMUM COST THEREOF IS \$5,415,000, INCLUDING THE  
EXPENDITURE OF \$6,000 FROM OTHER AVAILABLE  
VILLAGE FUNDS TO PAY A PART OF SAID  
APPROPRIATION; AND AUTHORIZING THE ISSUANCE OF  
BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED  
\$5,409,000 TO FINANCE THE BALANCE OF SAID  
APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF AKRON, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Akron, in the County of Erie, New York (herein called the “Village”), is hereby authorized to construct improvements to the sanitary sewer collection system, consisting of the replacement of certain portions of the existing sanitary sewer collection system, specifically, along East Avenue, as described in the Preliminary Engineering Report prepared by Clark, Patterson & Lee, dated March 20, 2022. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,415,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the expenditure of other available funds to pay a part of said appropriation, the issuance of bonds of the Village in the principal amount of not to exceed \$5,409,000 to finance the balance of said appropriation, and the collection of sewer rates and/or taxes to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is anticipated that grant funds made available through New York State Water Infrastructure Improvement Act (WIIA) and/or other sources may be available to pay

all or a part of the cost of the project. Any such grant funds are hereby authorized to be applied toward the cost of said project or redemption of the Village's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Bonds of the Village in the principal amount of not to exceed \$5,409,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village and, unless paid from other sources, said bonds or notes shall be payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing agreements for credit enhancement, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the official newspaper of the Village, having a general circulation within said Village, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the form appearing in Exhibit A hereto.

Section 8. The Village Clerk is hereby authorized and directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the official newspaper of the Village, having a general circulation within said Village, together with a Notice in substantially the form as provided by Section 81.00.

Section (B) The amendment of the bond resolution as set forth in Section (A) of this resolution shall in no way affect the validity of any liabilities incurred, obligations issued, or action taken pursuant to said bond resolution prior to amendment, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as amended.

Section (C) Said bond resolution, as amended, is subject to a permissive referendum as therein provided. In the event that a valid petition protesting against said bond resolution and requesting that it be submitted to the electors of said Village for their approval or disapproval is filed and the Proposition submitted therefore is defeated, the validity of the bond resolution adopted on August 22, 2022, shall not be in any way affected and shall remain in full force and effect.

ADOPTED	BRIAN T. PERRY	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARIN S. SCHULTZ	- AYE
	JOHN W. NORTON	- AYE

RESOLUTION duly moved by Middaugh and seconded by Schultz to approve the payment to American Paving & Excavating, Inc. in the amount of \$24,613.32 for the paving of Sewer Plant, Hoag Avenue, Joint Facility, and Mill St/Mechanic St be and hereby is approved.

ADOPTED	BRIAN T. PERRY	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARIN S. SCHULTZ	- AYE
	JOHN W. NORTON	- AYE

RESOLUTION duly moved by Schultz and seconded by Norton to approve payment to LPR Equipment in the amount of \$16,385.00 for the License Plate Recognition Equipment for the Police Department be and hereby is approved.

ADOPTED	BRIAN T. PERRY	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARIN S. SCHULTZ	- AYE
	JOHN W. NORTON	- AYE

RESOLUTION duly moved by Schultz and seconded by Norton to approve the resolution in support of Continued and Increased State Aid for Local Governments as per the recommendation of Mayor Perry be and hereby is approved as follows:

Whereas, until 2024, cities, villages and towns had not received an increase in unrestricted state aid (AIM funding) in 15 years, significantly impacting their ability to provide essential services to their residents; and

Whereas, after a prolonged period without financial support, local governments finally received an increase of \$50 million in unrestricted state aid; and

Whereas, local officials express their gratitude for the \$50 million increase in unrestricted state aid, recognizing it as a positive step towards addressing long-standing funding challenges; and

Whereas, the State has referred to this new aid as Temporary Municipal Assistance, suggesting that such increase may not continue, jeopardizing the sustainability of crucial municipal programs and services; and

Whereas, the property tax cap further limits the ability of local governments to properly fund the programs and services their residents need; and

Whereas, increased and ongoing state aid for local governments is vital for maintaining infrastructure, public safety, housing, and other municipal services; and

Whereas, the challenges of inflation, the increasing costs of labor and supplies, and the end of extraordinary federal aid only accentuate the need for consistent and predictable funding to effectively plan for the future and meet the growing needs of their residents;

Now, therefore, be it resolved, that the Village of Akron calls upon the Governor and the State Legislature to commit to continuing the additional \$50 million in unrestricted state aid in the 2025-26 State Budget and beyond, and

Be it further resolved, that Village of Akron urges state officials to recognize the need for a long-term plan that ensures consistent and predictable increases in financial support for local governments that keep pace with inflation.

ADOPTED	BRIAN T. PERRY	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARIN S. SCHULTZ	- AYE
	JOHN W. NORTON	- AYE

CORRESPONDENCE –

Assessor’s Report for November 2024.

Letter from Charter Communications regarding broadcast changes.

PUBLIC COMMENT –

EXECUTIVE SESSION –

RESOLUTION duly moved by Perry and seconded by Schultz to go into an executive session regarding the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation at 7:33 pm be and hereby is approved.

ADOPTED	BRIAN T. PERRY	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARIN S. SCHULTZ	- AYE
	JOHN W. NORTON	- AYE

RESOLUTION duly moved by Schultz and seconded by Norton to come out of the executive session regarding the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation at 8:30 pm be and hereby is approved.

ADOPTED	BRIAN T. PERRY	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARIN S. SCHULTZ	- AYE
	JOHN W. NORTON	- AYE

On motion of Middaugh and seconded by Schultz at 8:31 pm this meeting was ADJOURNED.

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MAYOR

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CLERK