

The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, December 1, 2009 at 7:00pm there were:

PRESENT

Mayor Paul Burkett, Trustee Hugh Ely, Trustee Joanne Offers, Trustee Jay May, Trustee Ken Rule, Superintendent of Public Works Larry Kilburn, Clerk/Treasurer Pam Beiersdorf, and Police Chief John Laird

ALSO PRESENT

Carole Jones (Arcade Herald), Danielle Kopinski, and Kim Offers

PLEDGE OF ALLEGIANCE

Mayor Burkett opened the meeting with the Pledge of Allegiance.

OPEN BID(S) - RING BUS AND METERING STATION FENCING

This meeting having been duly advertised to receive bids for the ring bus and metering station fencing, the above persons were in attendance. The following bids were received:

Name and Address	Amount
Custom Fence WNY, Inc. Holland, NY	\$42,780.00
City Fence Lancaster, NY	\$57,987.00
New York State Fence Inc. Hilton, NY	\$48,580.00 plus \$1,800 for prevailing wage
Excel Fence, Inc. Darien Center, NY	\$49,727.00

Motion by Trustee Offers and seconded by Trustee May, the bid(s) for the ring bus and metering station fencing be turned over to Superintendent of Public Works Kilburn for review, evaluation, and recommendation to the Board.

The motion was passed upon the following vote:

VOTE								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jay May	X	Yes		No		Abstain		Absent
Trustee Joanne Offers	X	Yes		No		Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
VOTE TOTAL:	5	Yes	0	No	0	Abstain	0	Absent
RESULTS	X	PASS					FAIL	

SPECIAL MEETING SCHEDULED

Mayor Burkett called a special meeting to be held on Friday, December 4, 2009 at 9:00am for the sole purpose to award the bid for the ring bus and metering station fencing.

APPROVE MINUTES

Motion by Trustee Offers and seconded by Trustee Ely, the minutes from the work session and regular meeting held on November 17, 2009 be approved as presented by Clerk/Treasurer Beiersdorf.

The motion was passed upon the following vote:

VOTE								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jay May	X	Yes		No		Abstain		Absent
Trustee Joanne Offers	X	Yes		No		Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
VOTE TOTAL:	5	Yes	0	No	0	Abstain	0	Absent
RESULTS	X	PASS					FAIL	

NEW YORK STATE'S HIGHWAY SAFETY PROGRAM GRANT AWARD

Police Chief Laird reported that the VOA has been awarded \$2,120 to participate in the New York State's Highway Safety Program to promote bicycle safety.

Motion by Trustee Ely and seconded by Trustee Offers, the Board hereby accepts the grant award in the amount of \$2,120 from the New York State's Highway Safety Program to promote bicycle safety.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	5	Yes	0	No	0	Abstain	0	Absent	
RESULTS									
	X	PASS					FAIL		

REVIEW DRAFT LOCAL LAW G-2009, STREETS AND SIDEWALKS (CHAPTER 55)

The Board reviewed the proposed changes to the Streets and Sidewalks local law and provided some additional comments to be incorporated before the December 15, 2009 regular meeting at which time the proposed changes will be re-reviewed.

FY 2009-2010 BUDGET ADJUSTMENTS

Motion by Trustee Offers and seconded by Trustee Ely, the budget adjustments be approved as presented by the Clerk (attached).

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	5	Yes	0	No	0	Abstain	0	Absent	
RESULTS									
	X	PASS					FAIL		

AUDIT BILLS

Motion by Trustee Rule and seconded by Trustee May, the Village bills be audited and paid and that the Clerk be authorized to transfer funds from the money market accounts to the checking accounts to cover such bills.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	5	Yes	0	No	0	Abstain	0	Absent	
RESULTS									
	X	PASS					FAIL		

CONSIDER WYOMING COUNTY MARKET POTENTIAL RESEARCH STUDY

Motion by Trustee Ely and seconded by Trustee Offers, the Board hereby authorizes a payment to the Wyoming County Business Center in the amount of \$500.00 in support of the Market Potential Research Analysis program.

The motion was passed upon the following vote:

VOTE								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jay May	X	Yes		No		Abstain		Absent
Trustee Joanne Offers	X	Yes		No		Abstain		Absent
Trustee Ken Rule		Yes	X	No		Abstain		Absent
VOTE TOTAL:								
	4	Yes	1	No	0	Abstain	0	Absent
RESULTS	X	PASS				FAIL		

CONSIDER THE PURCHASE OF PROPERTY AT 20 LIBERTY STREET

This item was postponed for discussion in executive session.

CONSIDER MEMORANDUM OF UNDERSTANDING (MOU) FROM WYOMING COUNTY WATER RESEARCH SUBCOMMITTEE

Motion by Mayor Burkett and seconded by Trustee May, the Board hereby respectfully declines executing the memorandum of understanding to conduct a Feasibility Study regarding the formation of a Wyoming County county-wide water district or agency as presented by the County Wide Water Research Subcommittee.

The motion was passed upon the following vote:

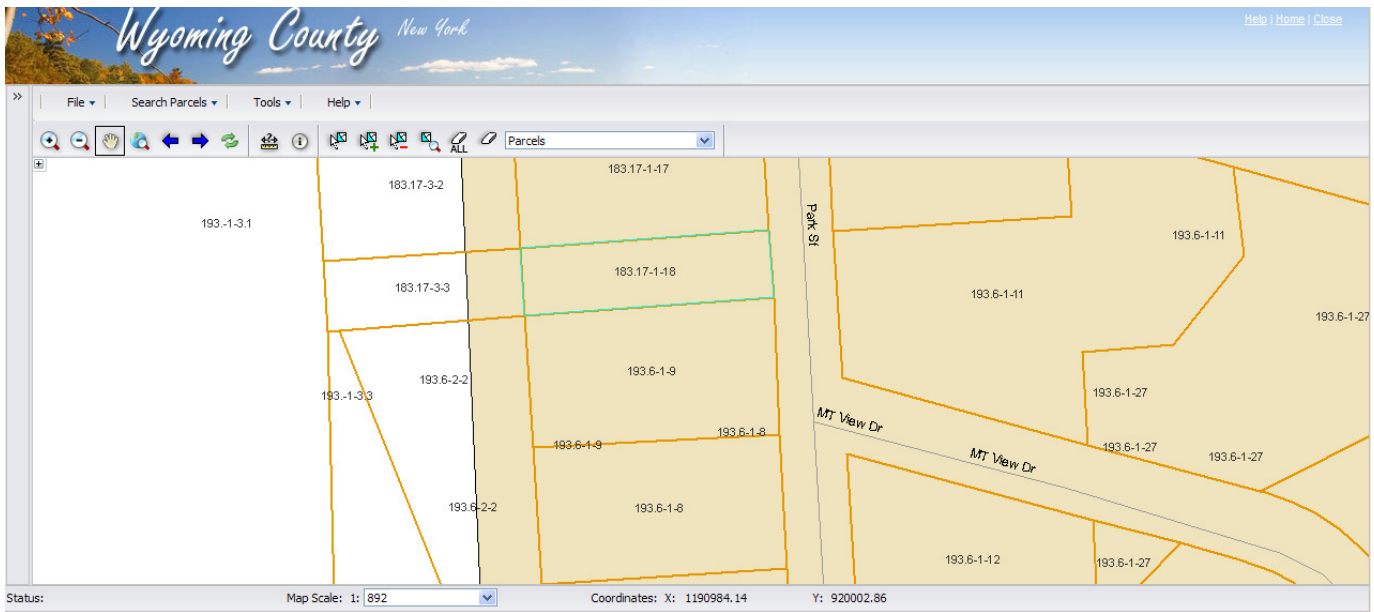
VOTE								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jay May	X	Yes		No		Abstain		Absent
Trustee Joanne Offers	X	Yes		No		Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	5	Yes	0	No	0	Abstain	0	Absent
RESULTS	X	PASS				FAIL		

DISCUSS BST FINANCIAL REVIEW FINDINGS/RECOMMENDATIONS REPORT

Trustee Offers commented that the results of financial report were favorable. In addition, Trustee Offers cautioned that even though the Electric Fund recognized a net income due to the continuing rental agreements with Noble Environmental Power, LLC, the Board and administration should avoid developing a false sense of financial security.

DISCUSS PROPERTY IDENTIFIED AS SBL#183.14-1-18

The property identified as SBL#183.14-1-18 has been listed on the Village of Arcade assessment and tax rolls since the mid-1970's as owned by the Village of Arcade and included in Roll Section 8 (Wholly Exempt). However, there is no substantial evidence that proves legal ownership. Pursuant to NYS Real Property Tax Law Section 502[2], Section 504, and NYS Office of Real Property Services Office of Counsel opinion (Volume 6 No. 36), "Where, after diligent inquiry, an assessor is unable to determine the name of the "owner, last known owner or reputed owner" of a particular parcel, his entry of the words "Unknown Owner" in the name column adjoining the parcel description on the assessment roll would appear to meet the foregoing statutory standards."



Motion by Mayor Burkett and seconded by Trustee Rule, upon recommendation of Mayor and Village Assessor Paul Burkett, the Board hereby declares the owner of the property identified on the Village of Arcade assessment roll as SBL#: 183.17-1-18 as "Unknown Owner."

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers		Yes		No	X	Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	4	Yes	0	No	1	Abstain	0	Absent	
RESULTS	X	PASS					FAIL		

EXECUTIVE SESSION

Motion by Mayor Burkett and seconded by Trustee May, the Board enter into executive session to discuss the following topic(s) at 8:36pm:

- the proposed acquisition of real property

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	5	Yes	0	No	0	Abstain	0	Absent	
RESULTS	X	PASS					FAIL		

Motion by Mayor Burkett and seconded by Trustee Rule, the Board exit executive session at 8:45pm.

The motion was passed upon the following vote:

VOTE								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jay May	X	Yes		No		Abstain		Absent
Trustee Joanne Offers	X	Yes		No		Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	5	Yes	0	No	0	Abstain	0	Absent
RESULTS								
	X	PASS					FAIL	

REPORTS RECEIVED

The following reports were received, reviewed, and placed on file:

- Justice (October 2009)
- Fire Department (March, April, May, June, July, August, September, and October 2009)

ADJOURN

There being no further business to come before the Board the meeting duly adjourned at 8:46pm upon motion by Trustee Offers and seconded by Trustee Rule.

Clerk/Treasurer

12-01-2009 3:59 PM

BUDGET ADJUSTMENT REGISTER

PAGE: 1

PACKET: 00084-PER BOARD DIRECTIVE

BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE

Budget Adj. # 000082							
001 5-5132-100-1010	12/01/2009	PER BOARD DIRECTIVE	80.00	0.00	0.00	80.00	4.00
		PERSONALL SERVICE-REG					
001 5-5110-100-1000	12/01/2009	PER BOARD DIRECTIVE	80.00-	85,500.00	6,300.00-	78,520.00	34,549.06
		PERSONNEL SERVICES-REG					
001 5-9015-800-8000	12/01/2009	PER BOARD DIRECTIVE	8,180.00	51,000.00	0.00	59,180.00	2.00
		POLICE RETIREMENT					
001 5-1990-400-4000	12/01/2009	PER BOARD DIRECTIVE	8,180.00-	74,600.00	3,271.00-	63,149.00	63,149.00
		CONTRACTUAL EXPENDITURES					
001 5-9010-800-8000	12/01/2009	PER BOARD DIRECTIVE	4,746.00	19,600.00	0.00	24,346.00	0.57
		STATE RETIREMENT					
001 5-9901-900-9000	12/01/2009	PER BOARD DIRECTIVE	4,746.00-	556,850.00	0.00	552,104.00	512,104.00
		TRANSFERS TO OTHER FUNDS					
007 5-0787-100-1000	12/01/2009	PER BOARD DIRECTIVE	360.00	0.00	450.00	810.00	162.27
		REPAIRS TO GEN PROPERTY-REG					
007 5-0741-211-1000	12/01/2009	PER BOARD DIRECTIVE	360.00-	277,600.00	0.00	277,240.00	275,784.61
		OP OF BIXBY HILL SUB-REG					
001 5-8140-100-1010	12/01/2009	PER BOARD DIRECTIVE	600.00	0.00	0.00	600.00	175.32
		PERSONNEL SERVICES-OT					
001 5-5110-100-1000	12/01/2009	PER BOARD DIRECTIVE	600.00-	85,500.00	6,300.00-	78,520.00	34,549.06
		PERSONNEL SERVICES-REG					
001 5-5650-400-4600	12/01/2009	PER BOARD DIRECTIVE	106.00	5,750.00	20,272.00	26,128.00	1,133.79-
		RESURFACING MATERIALS					
001 5-5110-400-4600	12/01/2009	PER BOARD DIRECTIVE	106.00-	88,100.00	42,389.00-	45,605.00	15,378.92
		RESURFACING MATERIALS					
005 5-9010-800-8000	12/01/2009	PER BOARD DIRECTIVE	4,285.00	15,700.00	0.00	19,985.00	2.05
		RETIREMENT					
005 5-9550-900-9000	12/01/2009	PER BOARD DIRECTIVE	4,285.00-	29,600.00	0.00	25,315.00	25,315.00
		TRANSFER TO CAPITAL FUND					
006 5-9010-800-8000	12/01/2009	PER BOARD DIRECTIVE	3,887.00	13,000.00	0.00	16,887.00	0.00
		EMPLOYEE RETIREMENT CONTR EXP					
006 5-9901-900-9000	12/01/2009	PER BOARD DIRECTIVE	3,887.00-	6,000.00	0.00	2,113.00	2,113.00
		TRANSFERS TO OTHER FUNDS					
		PACKET NOTES:					
		TOTAL IN PACKET--				0.00	

12-01-2009 3:59 PM

BUDGET ADJUSTMENT REGISTER

PAGE: 2

PACKET: 00084-PER BOARD DIRECTIVE

BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000082 -----							

*** BUDGET DEFICIT WARNINGS ***

FUND ACCOUNT	NAME	BALANCE
001 5-5650-400-4600	RESURFACING MATERIALS	1,133.79-

TOTAL WARNINGS: 1

*** NO ERRORS ***

*** END OF REPORT ***

VENDOR	AMOUNT	VENDOR	AMOUNT
ABBOTT WELDING SUPPLY CO	\$ 96.20	NYS & LOCAL RETIRE SYSTEM	\$ 2,580.14
AFLAC NEW YORK	\$ 1,276.58	NYS & LOCAL RETIRE SYSTEM	\$ 7.00
ALBERT J. MOGAVERO, CHAPTER 13	\$ 422.00	NYS & LOCAL RETIRE SYSTEM	\$ 199,903.00
ALLEN, JEANETTE	\$ 65.00	NYS INCOME TAX	\$ 4,531.93
ALMETER, HOLLY	\$ 720.00	NYS INCOME TAX	\$ 20.00
AMCHAR WHOLESAL, INC	\$ 138.75	NYS SALES TAX	\$ 9,405.46
APPLIED SPECIALTIES INC.	\$ 1,760.00	O'BRIEN, JONATHAN DBA ACTIVE I	\$ 382.50
ARCADE FREE LIBRARY	\$ 5,250.00	PHILS TV & APPLIANCES	\$ 241.00
ARCADE HISTORICAL SOCIETY	\$ 375.00	PIERCE MILLING INC.	\$ 578.00
ARLOTTA, DREW	\$ 52.55	PUBLIC SAFETY CENTER INC.	\$ 32.99
BANK OF NEW YORK	\$ 1,874.04	QUALITROL COMPANY LLC	\$ 1,914.51
BENCHMARK ANALYTICS, INC	\$ 77.90	RAWLEIGH, RICHARD L	\$ 52.21
BRASS SHURFINE	\$ 11.78	REALTY USA	\$ 1.71
CDW GOVERNMENT INC	\$ 453.98	SATIN AMERICAN CORP	\$ 1,980.00
CID DIVISION OF WASTE MANAGEMEN	\$ 9,500.00	SCHARMACH, FRANK/TAMMY	\$ 24.15
CINTAS CORPORATION #782	\$ 130.05	SOUTER & SONS PRINTING	\$ 610.00
CSEA	\$ 635.18	SOUTHWORTH-MILTON INC	\$ 2,600.00
CSEA BENEFIT UNIT	\$ 1,101.11	SPENCER'S SPORTING GOODS	\$ 39.00
CSEA POLICE UNIT	\$ 139.53	TRI-COUNTY TOOL RENTAL & SALES	\$ 82.50
CUMMINGS, MEGAN	\$ 233.12	USA BLUEBOOK	\$ 163.25
D & H EXCAVATING INC	\$ 32,293.90	UTZ TIRE SERVICE	\$ 16.00
DE SIGN ART	\$ 581.00	VELLANO BROTHERS, INC	\$ 126.46
DOLORES M DAWLEY	\$ 540.00	VILLAGE OF ARCADE	\$ 70.00
EATON OFFICE SUPPLY	\$ 32.13	WALCZAK, DAVID	\$ 100.00
FASTENAL COMPANY	\$ 216.40	WARD & KUTZUBA	\$ 148.75
FLEISH INC.	\$ 100.00	WESCO DIST. INC.	\$ 2,385.60
FORBES, EDITH E	\$ 70.00	WEST PAYMENT CENTER	\$ 277.00
GEMPLERS	\$ 466.17	ZEE MEDICAL SERVICE CO.	\$ 79.10
GERNATT ASPHALT PROD INC	\$ 799.28		
HALEY CONCRETE INC	\$ 416.00	TOTAL COLUMN 2	\$ 228,352.26
HARLAND TECHNOLOGY SERVICES	\$ 289.00		
HENDERSHOTT-MANNES POST	\$ 190.00	OVERALL TOTAL	\$ 512,224.97
HERITAGE-CRYSTAL CLEAN, LLC	\$ 172.50		
IRS - FEDERAL PAYROLL TAX PAYME	\$ 22,997.63		
IRS - FEDERAL PAYROLL TAX PAYME	\$ 55.70		
KUTZUBA, ROBERT	\$ 1,400.00		
LING, JEROD	\$ 18.43		
MASON, JEFFREY	\$ 150.00		
MAYNARDS ELECTRIC SUPPLY	\$ 9,702.71		
MEUA OF N.Y.S.	\$ 212.50		
MILLER, KATHLEEN	\$ 136.51		
MILTON CAT	\$ 2,111.06		
MOORE MEDICAL, LLC	\$ 435.34		
NATIONAL FUEL GAS DISTRIB	\$ 35.14		
NATIONAL GRID	\$ 55,779.83		
NGT CORPORATION	\$ 420.00		
NY POWER AUTHORITY	\$ 129,938.71		
TOTAL COLUMN 1	\$ 283,872.71		