

The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, September 7, 2010 at 7:00pm there were:

PRESENT

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

ALSO PRESENT

Deputy Clerk/Treasurer Jennifer Kraft, Carole Jones (Arcade Herald), Gail and Pat Palmerton, and Justin Tillow

PLEDGE OF ALLEGIANCE

Mayor Burkett opened the meeting with the Pledge of Allegiance.

APPROVE MINUTES

Motion by Trustee Offers and seconded by Trustee May, the minutes from the regular meeting held on August 17, 2010 be approved as presented by Deputy Clerk/Treasurer Kraft.

The motion was passed upon the following vote:

VOTE								
Mayor Paul Burkett	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
Trustee Donna Schiener	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	5	Yes	0	No	0	Abstain	0	Absent
RESULTS								
	X	PASS				FAIL		

HEALTH INSURANCE BROKERAGE FIRMS

Motion by Trustee May and seconded by Trustee Offers, the VOA shall hire Veracity Benefits from Olean, NY as the VOAs health insurance broker for the period September 1, 2010 to May 31, 2011.

The motion was passed upon the following vote:

VOTE								
Mayor Paul Burkett	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
Trustee Donna Schiener	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	5	Yes	0	No	0	Abstain	0	Absent
RESULTS								
	X	PASS				FAIL		

REQUEST FOR FLOOD MAP REVISION

Haskell Avenue residents, Gail and Pat Palmerton, requested the Board reconsider a change to the National Flood Insurance Program map. The Palmerton's reported that a mapping error was made during the last revision in 1992 that placed their property in the Special Flood Hazard Area and requires them to carry flood insurance. Mayor Burkett instructed Superintendent of Public Works Kilburn to invite a Federal Emergency Management Agency (FEMA) representative to a future Village board meeting to explain the map change process. Once board members have obtained information to make an informed decision, the Palmerton's request will be reconsidered.

PERMISSION TO SIGN MUNICIPAL EQUIPMENT LEASE AND LEASE AGREEMENT

The following resolution was offered by Trustee Offers and seconded by Trustee May.

RESOLUTION

WHEREAS, the VOA sought bids for a 4 wheel drive articulating tractor to replace a 2005 John Deere tractor in the Streets and Parks fleet, and

WHEREAS, bids were opened on Tuesday, May 18, 2010 at 7:00pm during a Village board meeting, and

WHEREAS, the bid was awarded to Messingers Sales & Service of East Bethany, NY in the amount of \$47,296.43, and

WHEREAS, the VOA has evaluated financing alternatives and determined that a lease purchase agreement is in the best interest of the VOA, and

NOW THEREFORE BE IT RESOLVED, that the Mayor of the VOA be hereby directed and authorized to execute a three-year lease purchase agreement and any other documents required in connection with the financing of this 4 wheel drive articulating tractor at a price not to exceed \$47,296.43 plus finance charges through a lease purchase agreement with Real Lease, Inc. at an interest rate of 4.39% and upon the terms as provided by Real Lease, Inc. and

BE IT FURTHER RESOLVED, that the Clerk/Treasurer be hereby authorized to pay Real Lease, Inc. one lease payment of \$16,800.00 at closing, followed by two annual lease payments of \$16,285.00 beginning July 1, 2011, which includes finance charges.

The motion was passed upon the following vote:

VOTE								
Mayor Paul Burkett	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
Trustee Donna Schiener	X	Yes		No		Abstain		Absent
VOTE TOTAL:	5	Yes	0	No	0	Abstain	0	Absent
RESULTS	X	PASS					FAIL	

BATHROOM FACILITY VOA PARK

Superintendent of Public Works Kilburn reported that a quote was received to construct a bathroom onto the existing concession stand at the east end of the Village park near the spray fountain. The quote was for two bathrooms, each handicapped accessible, and each 8 foot by 12 foot (8' x 12'). The quote included installation for just under \$11,000.00. Water lines will also be run into the concession stand area.

EAGLE SCOUT PROJECT

The following resolution was offered by Trustee Schiener and seconded by Trustee Rule.

RESOLUTION

WHEREAS, Jared Wielkie, Eagle Scout candidate from Arcade Troop #55, appeared before the VOA Board and proposed the construction of a fence, shelter, and picnic area in the grassy area near the Friends of the A&A railroad display in the municipal parking lot and the construction of portable display tables for the Arcade Beautification Committee's two miniature Holiday train sets on April 6, 2010; and

WHEREAS, the VOA has reviewed such plans for the proposed construction project on property belonging to the VOA;

NOW THEREFORE BE IT RESOLVED, that the VOA Board approves the plans for the proposed construction project in the municipal parking lot and hereby authorizes Jared Wielkie to proceed with said project.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	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	
Trustee Donna Schiener	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	5	Yes	0	No	0	Abstain	0	Absent	
RESULTS									
	X	PASS					FAIL		

SALE OF 2005 WWTP JOHN DEERE 4110 TRACTOR (VEHICLE #61)

Motion by Trustee Offers and seconded by Trustee May, Clerk/Treasurer Beiersdorf be hereby authorized to advertise bids for the 2005 WWTP John Deere 4110 Tractor (Vehicle #61) in the Arcade, East Aurora, and Springville Pennysavers in an amount not to exceed \$100.00 and in the Arcade Herald in an amount not to exceed \$50.00. Minimum bid shall be \$10,000. Bids to be opened at the October 5, 2010 regularly scheduled board meeting.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	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	
Trustee Donna Schiener	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	5	Yes	0	No	0	Abstain	0	Absent	
RESULTS									
	X	PASS					FAIL		

SURPLUS WOODEN CHAIRS FROM BOARD ROOM

Motion by Trustee Offers and seconded by Trustee Rule, the Board hereby declares the seven (7) wooden chairs from the board room as surplus and hereby authorizes the sale of these chairs on behalf of the VOA.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	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	
Trustee Donna Schiener	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	5	Yes	0	No	0	Abstain	0	Absent	
RESULTS									
	X	PASS					FAIL		

TOWN OF ARCADE AND TOWN OF FREEDOM FIRE CONTRACTS FOR CALENDAR YEAR 2011

Motion by Trustee Offers and seconded by Trustee May, Clerk/Treasurer Beiersdorf be authorized and directed to prepare and forward the draft fire contracts between the VOA and the Towns of Arcade (\$73,749.00) and Freedom (\$46,013.00) to the respective Town and the Fire Department Chief as presented.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	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	
Trustee Donna Schiener	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	5	Yes	0	No	0	Abstain	0	Absent	
RESULTS									
	X	PASS					FAIL		

COLLECTION OF DELINQUENT VOA TAXES BY WYOMING COUNTY

The following resolution was offered by Trustee May and seconded by Trustee Schiener.

RESOLUTION

WHEREAS, Wyoming County adopted Local Law No. 12 of the year 1994 Providing for the Collection of Certain Delinquent Village Taxes by the County of Wyoming; and

WHEREAS, Wyoming County passed Resolution 10-303 on August 17, 2010 establishing policy that Wyoming County will only pay over to the Villages those amounts on their re-levied tax bills which are taxes; and

WHEREAS, Wyoming County will not pay over to Villages' non-tax items such as user fees or other charges which are included in re-levied tax bills submitted to Wyoming County unless such other sums are mandatory statutory additions to taxes; and

WHEREAS, any Village lying within Wyoming County may elect each year to have its delinquent Village taxes collected by Wyoming County in accordance with Section 1442 of the Real Property Tax Law of the State of New York; and

WHEREAS, any Village must request by resolution to have Wyoming County collect back taxes, said resolution to be adopted no earlier than September 1 of each year and a certified copy filed with the County Treasurer and the Clerk of the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Arcade elects to have its delinquent Village taxes collected by Wyoming County and that such list of unpaid taxes and certificate of delinquencies will be prepared and delivered to the Real Property Tax Department by November 15, 2010.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	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	
Trustee Donna Schiener	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	5	Yes	0	No	0	Abstain	0	Absent	
RESULTS	X	PASS					FAIL		

BOARD ROOM RENOVATIONS

Mayor Burkett asked Board members and Justice Brian Lane for their opinions as to whether or not the barrier added to the top of the existing board table/bench is satisfactory and meets the specifications as outlined in the bid specifications/contract. Following a lengthy discussion, Superintendent of Public Works Kilburn was instructed to discuss the project with the contractor and review possible options that would satisfy the Board member's expectations.

WYOMING COUNTY VILLAGE ASSOCIATION MEETING

Clerk/Treasurer Beiersdorf reminded the Board that the next Wyoming County Village Association Meeting was scheduled for Wednesday, September 15, 2010 in Perry, NY. Guest speaker is Undersheriff Greg Rudolph.

AUDIT BILLS

Motion by Trustee Offers 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 Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
Trustee Donna Schiener	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	5	Yes	0	No	0	Abstain	0	Absent	
RESULTS		X	PASS				FAIL		

MILL AND FILL PROJECT ON LIBERTY STREET/ROUTE 98 SOUTH

Trustee Rule asked Superintendent of Public Works Kilburn for the status on the Liberty Street/Route 98 South mill and fill project scheduled for the summer of 2010. Superintendent of Public Works Kilburn will contact NYS Department of Transportation (NYS DOT) representatives for an update and advise the Board.

UTILITY POLE IN MUNICIPAL PARKING LOT

Trustee Rule commented that the utility pole located in the municipal parking lot is heavily damaged due to dings and dents. Superintendent of Public Works Kilburn was instructed to examine the utility pole and determine whether or not it is structurally sound or needs to be replaced.

NEW FIRE SIREN CONCERNS

Once again, concerns were raised over the new fire siren. The Model 2 fire siren was installed and has been under review by fire department personnel as well as officials and employees of the VOA. The general conscience is that the Model 2 siren is unacceptable. The 102 db level is too low and cannot be heard readily. An Eclipse 8 (effective range of 2,200 feet) and a Model 2001 (effective range of 6,200 feet) have since been considered. The VOA has decided to purchase the Model 2001. This model has 130 db output, directional, rotating siren, and 48V full wave rectified AC unit. The fire siren has been completely taken out of service at this time and the replacement has been expedited.

GAZEBO DONATION

Trustee May reported that Prestolite Electric is concerned about liability issues, therefore, has denied consent to place the gazebo on the grassy area at their 400 Main Street property.

Other suggestions for the placement of the gazebo were offered: at the east end of the VOA park near the spray fountain, at the Crystal Inn parking lot, or at the newly acquired property at 20 Liberty Street.

VILLAGE SPEED LIMITS

Trustee May questioned why the speed limit on Hurdville Road from Route 39 to the underpass was posted at 35 miles per hour (mph) when most Village speed limits are posted at 25 mph?

In other speed limit related business, the posted 25 mph speed limit on North Street between Hurdville Road and Cramer Drive was also questioned. Police Chief Laird was asked to consider raising the posted speed limit for that stretch of road.

NOISE

Mayor Burkett reported that a consultant has performed two separate sound studies of downtown and has issued a report. In the report, Prestolite Electric was cited for exceeding noise levels. The complete report is available for review at the Village Office. Committee members will be contacted to reconvene discussions so that revisions to the Noise Local Law can be finalized.

NO PARKING SIGNS AND ROAD MARKINGS

Trustee Offers questioned why NYS DOT erected new no parking signs and painted new road markings from Countyline Road to Route 16, but not in the VOA.

USE OF FUSION BY EMPLOYEES

Trustee Offers asked for the status of the report she had requested at the August 17, 2010 meeting documenting the number of times and mileage the 2010 Ford Fusion has been used by employees to attend training. Superintendent of Public Works Kilburn reported that he is compiling the information.

MUNICIPAL PARKING LOT SIGNS

Mayor Burkett asked Superintendent of Public Works Kilburn to recover the municipal parking lot signs that NYS DOT removed along Main Street.

FINES AND FORFEITURES

Mayor Burkett asked Clerk/Treasurer Beiersdorf to report the total dollar amount of fines and forfeitures collected since June 2010 versus budgeted amounts.

TWO-WAY CENTER TURN LANE

Trustee Schiener asked Police Chief Laird to enforce the two-way center turn lane rules at the intersection of Prospect Street and Main Street. Drivers have been spotted driving in the two-way left turn lanes for several feet while preparing for and making turns.

NEW YORK MAIN STREET GRANT PROGRAM

Clerk/Treasurer Beiersdorf reported that Wyoming County Community Action, Inc. has been awarded \$500,000 as part of the 2010 New York Main Street Program. These resources will help stimulate investment to expand affordable housing, provide job opportunities, and create a sense of place to improve the quality of life for Arcade.

REPORTS RECEIVED

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

- None.

ADJOURN

There being no further business to come before the Board the meeting duly adjourned at 8:49pm upon motion by Trustee May and seconded by Trustee Offers.

Clerk/Treasurer

VENDOR	AMOUNT	VENDOR	AMOUNT
ABBOTT WELDING SUPPLY CO INC	\$ 10.45	NATIONAL FUEL GAS DISTRIB	\$ 19.52
AFLAC NEW YORK	\$ 1,370.94	NATIONAL GRID	\$ 50,427.84
ARCADE HISTORICAL SOCIETY	\$ 700.00	NGT CORPORATION	\$ 1,010.00
ARCADE POSTMASTER	\$ 1,543.93	NYS & LOCAL RETIRE SYSTEM	\$ 2,822.61
ARCADE POSTMASTER	\$ 235.84	NYS ASSOC CITY & VILLAGE CLERK	\$ 50.00
AT&T	\$ 718.67	NYS DEPT OF PUBLIC SRVC	\$ 78,022.12
BANK OF NEW YORK	\$ 2,212.19	NYS INCOME TAX	\$ 3,876.73
BENCHMARK ANALYTICS, INC	\$ 202.96	NYS SALES TAX	\$ 8,065.60
BERTRAND CHAFFEE HOSPITAL	\$ 47.53	O'BRIEN, JONATHAN DBA ACTIVE I	\$ 1,592.50
BOB MCKERROW & SONS INC	\$ 403.35	OFFICE OF STATE COMPTROLLER	\$ 4,442.00
BRITE	\$ 2.50	PARTS ASSOCIATES, INC.	\$ 136.59
BUFFALO CRUSHED STONE, INC	\$ 28,662.59	PHIL'S TV & APPLIANCE, INC	\$ 9.10
CHASE BANK	\$ 120,000.00	RADIO SHACK	\$ 6.99
CID DIVISION OF WASTE MANAGEMEN	\$ 9,785.00	S.T.A.R.S. TENTS INC	\$ 350.00
CINTAS CORPORATION #782	\$ 496.92	SOUTER & SONS PRINTING CO	\$ 347.00
CLARK PATTERSON LEE	\$ 16,635.81	STUART C IRBY CO	\$ 719.22
COMPLETE OFFICE SOLUTIONS INC	\$ 223.00	THE HOLE WORKS	\$ 300.00
COTTRILLS PHARMACY, INC.	\$ 12.35	TIFCO INDUSTRIES	\$ 167.87
CSEA	\$ 721.72	TILLINGHAST, SKIP	\$ 150.00
CSEA BENEFIT UNIT	\$ 1,158.96	TIME WARNER CABLE	\$ 167.90
CSEA POLICE UNIT	\$ 118.76	TRI-COUNTY STUMP REMOVAL	\$ 1,309.00
DARIEN LAKE	\$ 1,500.21	TRI-COUNTY SUPPLY INC	\$ 85.99
DELL MARKETING LP	\$ 625.22	TRI-COUNTY TOOL RENTAL & SALES	\$ 230.00
DEPOSITORY TRUST AND CLEARING	\$ 32,730.00	TYLER TECHNOLOGIES INC	\$ 187.00
DFT COMMUNICATIONS/SECURITY	\$ 609.25	UNITED CHURCH OF	\$ 100.00
EATON OFFICE SUPPLY	\$ 299.71	UPS	\$ 13.33
EJ PRESCOTT, INC	\$ 793.59	VELLANO BROTHERS, INC	\$ 501.89
ELECTROSWITCH	\$ 1,423.03	VERIZON	\$ 72.75
FASTENAL COMPANY	\$ 21.25	VERIZON COMMUNICATIONS	\$ 29.99
FISHER SCIENTIFIC COMPANY	\$ 156.45	VERIZON WIRELESS	\$ 606.71
FISHER, MARC	\$ 100.00	VILLAGE OF ARCADE	\$ 70.00
FLEET MAINTENANCE INC	\$ 248.98	WESCO DISTRIBUTION INC.	\$ 1,389.49
HOSELTON CHEVROLET INC.	\$ 24,914.05	WILLIAMSON LAW BOOK CO	\$ 140.86
HOWLETTS INC	\$ 2,563.28	WYOMING COUNTY CLERK	\$ 100.00
INDEPENDENT HEALTH CORP	\$ 185.00	YORKSHIRE PIONEER CSD	\$ 63,330.10
INDEPENDENT HEALTH PREMIUMS	\$ 23,508.62	Z & M AG AND TURF	\$ 15.74
IRS - FEDRAL PAYROLL TAX PAYME	\$ 20,593.58		
JAMESTOWN SOAP & SOLVENT	\$ 739.20	TOTAL COLUMN 2	\$ 220,866.44
KING, DONALD	\$ 200.00		
LAWSON PRODUCTS, INC.	\$ 442.44	OVERALL TOTAL	\$ 524,944.42
LAYNE CHRISTENSEN CO.	\$ 2,520.00		
LINEMENS SUPPLY INC	\$ 141.34		
MARTIN BROTHERS CHEVROLET	\$ 420.00		
MATUSZAK'S BLACKTOPPING INC	\$ 2,957.00		
MAYNARDS ELECTRIC SUPPLY INC	\$ 700.31		
MOGAVERO, ALBERT J., CHAPTER 1	\$ 422.00		
TOTAL COLUMN 1	\$ 304,077.98		