

The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, October 5, 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

Carole Jones (Arcade Herald) and Brian Lane

PLEDGE OF ALLEGIANCE

Mayor Burkett opened the meeting with the Pledge of Allegiance.

OPEN BID(S) - 2005 WWTP JOHN DEERE 4110 TRACTOR (VEHICLE #61)

No bids were received. Clerk/Treasurer Beiersdorf was instructed to investigate the use of Auctions International's, Inc. in Cheektowaga, NY for online auction services as an another option to dispose of surplus property on GovDeals, Inc. or through local means.

APPROVE MINUTES

Motion by Trustee Offers and seconded by Trustee May, the minutes from the regular meeting held on September 28, 2010 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 Jay May	X	Yes		No		Abstain		Absent
Trustee Joanne Offers	X	Yes		No		Abstain		Absent
Trustee Ken Rule		Yes		No	X	Abstain		Absent
Trustee Donna Schiener	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	4	Yes	0	No	1	Abstain	0	Absent
RESULTS								
	X	PASS				FAIL		

REVIEW ZONING LOCAL LAW, CHPATER 64, SECTION 805, "SIGNS"

At the September 28, 2010 regular meeting, section 805, "Signs" of the local zoning law was distributed to board members for their review. Mayor Burkett asked board members if they had any comments on the proposed changes to this section. In addition, Clerk/Treasurer Beiersdorf distributed a copy of the New York Conference of Mayors (NYCOM) publication that provides step by step procedures to amending the zoning law for review. Discussions on this topic will continue at a future meeting.

CAT ISSUES

Due to numerous resident complaints about cats at large, Police Chief Laird outlined his department's action plan. Lost, strayed, homeless, or abandoned cats will be trapped and secured for a specified period of time allowing redemption by their owners. Once the holding period is exhausted, unclaimed cats will be transported to a private organization where they will be made available for adoption or humanely euthanized. Police Chief Laird explained to board members that there will be an expense to the Village once cats are delivered to another agency. Police Chief Laird was instructed to publish a notice in the local paper and make residents aware of the action plan.

OUTDOOR STREET HOCKEY RINK

Superintendent of Public Works Kilburn explained that the playing surface at the outdoor street hockey rink needs to be repaired before the new frame system should be installed. Given the colder temperatures possible at this time of year, Superintendent of Public Works Kilburn suggested that the installation of the new frame system be delayed until Spring 2011 when the playing surface could be repaired properly. Superintendent of Public Works Kilburn spoke with representatives at Becker Arena Products, Inc., who agreed to store the VOAs frame system until 2011 if the VOA agreed to pay \$39,000 for materials upfront. The VOA would then be expected to pay the balance upon delivery and installation. Once Superintendent of Public Works Kilburn advises the Board which of the two systems (galvanized steel/wood system or polyethylene system) will be purchased, the Board will authorize the purchase of the materials and agree to the materials being stored by Becker. In addition, insurance will be needed to cover the products being stored.

DISCUSS WEST STREET BRIDGE REPLACEMENT PROJECT

Superintendent of Public Works Kilburn explained that Wyoming County has determined that the VOAs North Street lift station is in the way of the West Street bridge construction. Wyoming County has offered to investigate relocating the station to the north side of North Street, away from the construction area rather than spending a considerable amount of money to build cofferdams to protect the station during construction. The cost of the relocated lift station and gravity sewer line is estimated to be \$104,000, the total cost to be borne by Wyoming County. The cost of a new force main across Cattaraugus Creek is estimated to be \$26,000 to be paid by the VOA during the VOAs 2011-2012 fiscal year.

DISCUSS PROPOSED ELECTRIC MANAGER JOB DESCRIPTION

Superintendent of Public Works Kilburn notified the Board that he sent the draft electric manager job description to Wyoming County Civil Service for their review and comments. Board members were asked to provide Superintendent of Public Works Kilburn with comments before the next regular board meeting. Brain Lane, Union President, asked for a copy of the proposed job description and was advised that he could have a copy once it was returned from Wyoming County Civil Service.

TELEVISION AT PARK CABIN

Motion by Trustee Offers and seconded by Mayor Burkett, Superintendent of Public Works Kilburn is authorized to purchase a 32" flat screen television and a DVD/VHS combination unit for the Village park cabin from Phil's TV and Appliances, Arcade, NY. \$360.00 of this expenditure should be charged to the Adult Recreation budget appropriations and the remaining balance should be charged to another general fund line item to be determined.

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		

SENIOR ACCOUNT CLERK TITLE

In response to a question asked by Brian Lane, Mayor Burkett explained that when the current senior account clerk voluntarily separates from service, the continued need for that title will be evaluated. If it is determined that the senior account clerk title is not needed at that time, the vacant position would be filled with a different title. However, the senior account clerk title would remain open at Wyoming County Civil Service for future use.

AUTHORIZE MAYOR'S SIGNATURE ON JOB DUTIES STATEMENT

Motion by Trustee May and seconded by Trustee Schiener, the Mayor of the VOA to sign the full-time Account Clerk job duties statement with Wyoming County Civil Service, 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		Yes	X	No		Abstain		Absent
Deputy Mayor Ken Rule		Yes	X	No		Abstain		Absent
Trustee Donna Schiener	X	Yes		No		Abstain		Absent
VOTE TOTAL:	3	Yes	2	No	0	Abstain	0	Absent
RESULTS	X	PASS				FAIL		

DISCUSS WYOMING COUNTY BOARD OF SUPERVISORS RESOLUTION 10-303

In 1994, the Wyoming County Board of Supervisors adopted a local law providing for the collection of delinquent village taxes. For the past 16 years, Wyoming County has collected delinquent village taxes and made the villages whole. By doing so, they have realized the efficiency of having one collecting and tax enforcement unit. Recently, the Board of Supervisors passed a resolution that the County will no longer pay over to villages non-tax items or charges which are included in re-levied tax bills submitted to the County. It is Clerk/Treasurer Beiersdorf's understanding that once unpaid water and sewer rents and penalties are re-levied on village tax bills, they are in fact a tax. Clerk/Treasurer Beiersdorf consulted with NYCOM legal counsel who suggested that Wyoming County's resolution is inconsistent with RPTL §1442, Village Law §11-1118, and GML §452 (3) and (4). NYCOM legal counsel recommended that the Attorney for the Village of Arcade force the issue with the Attorney for Wyoming County. This new policy won't be in effect until June 2011 .

PERMISSION TO SURPLUS MISCELLANEOUS ITEMS

This item was postponed until a future meeting.

FY 2010-2011 BUDGET ADJUSTMENTS

Motion by Trustee Offers and seconded by Trustee May, 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 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		

AUDIT BILLS

Motion by Trustee May and seconded by Trustee Rule, 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		

BEAUTIFICATION COMMITTEE CONCERNS

On behalf of the Beautification Committee, Trustee Offers asked for the Board's consensus as to whether or not there would be money allocated in the VOAs 2011-2012 budget for flowers and flower maintenance. Trustee Offers explained that seeds need to be ordered now for February planting and May 2011 delivery. Mayor Burkett suggested that business owners enter into an agreement to water/maintain flowers in front of their respective business, if the VOA can't afford to continue the same maintenance practices as in past years. Overall, the Board agreed that some money would be allocated in the upcoming budget for flowers. Who will water the flowers still needs to be determined.

2010 FORD FUSION HYBRID

For several months, Trustee Offers has questioned the business need of the 2010 Ford Fusion Hybrid. Trustee Offers reported that the 2010 Ford Fusion Hybrid was put into service October 2009 and as of September 23, 2010 1,810 miles of the total 6,432 miles have been used for travel to training, meetings, conferences, etc, and that insurance costs \$925.00 annually. Mayor Burkett added that he doesn't feel that keeping the Hybrid is justifiable.

Motion by Mayor Burkett and seconded by Trustee Offers, the Board hereby declares the 2010 Ford Fusion Hybrid (Vehicle #719) as surplus and hereby authorizes the sale of this vehicle 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		

PROCEEDS FROM THE SALE OF THE 2010 FORD FUSION

According to the accounts for the VOA, the proceeds from the sale of the 2010 Ford Fusion should either be given back to the electric rate payers via the purchase power adjustment factor or sent back to IEEP directly. The Board will need to make this determination, but either way the proceeds should not be retained by the Electric Fund for operations.

FIRE SIREN

Superintendent of Public Works Kilburn reported that the replacement fire siren was shipped on October 1, 2010.

STATUS OF NEW YORK MAIN STREET GRANT PROGRAM MEETINGS

Reporter Carol Jones, asked the Board for a status of the grant program meetings. New York State has scheduled a meeting with Wyoming County Community Action (WCCA) (grant administrator) for early November. Meetings between WCCA and VOA representatives are scheduled for the week of October 11, 2010. Other meetings will be forthcoming.

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 8:13pm upon motion by Trustee May and seconded by Trustee Offers.

Clerk/Treasurer

Village of Arcade

Regular Board Meeting

October 5, 2010

10-05-2010 4:35 PM
 PACKET: 00112-BUDGET ADJUSTMENT
 BUDGET CODE: CB-Current Budget

BUDGET ADJUSTMENT REGISTER

PAGE: 1

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

Budget Adj. # 000110							
001 5-1990-400-4000	10/05/2010	PER BOARD DIRCTIVE CONTRACTUAL EXPENDITURES	6,690.00-	23,770.00	2,206.10-	14,873.90	14,873.90
001 5-1420-400-4220	10/05/2010	PER BOARD DIRCTIVE CONSULTANTS	6,620.00	5,000.00	0.00	11,620.00	4,453.52
001 5-1950-400-4900	10/05/2010	PER BOARD DIRCTIVE TAXES	70.00	0.00	0.00	70.00	0.89
001 5-7140-200-2000	10/05/2010	PER BOARD DIRCTIVE EQUIPMENT	2,500.00	0.00	0.00	2,500.00	0.00
001 5-7140-400-4350	10/05/2010	PER BOARD DIRCTIVE GROUNDS	2,500.00-	87,000.00	0.00	84,500.00	81,785.36
001 5-7320-100-1000	10/05/2010	PER BOARD DIRCTIVE PERSONNEL SERVICES-REG	2,460.00-	22,500.00	0.00	20,040.00	2,376.07
001 5-7320-400-4000	10/05/2010	PER BOARD DIRCTIVE CONTRACTUAL EXPENDITURES	2,460.00	7,755.00	0.00	10,215.00	21.17-
001 5-8140-400-4640	10/05/2010	PER BOARD DIRCTIVE PIPE & MANHOLES/PARTS PURCH	9,110.00	3,000.00	0.00	12,110.00	3,936.00
001 5-7140-400-4590	10/05/2010	PER BOARD DIRCTIVE SIGNS/POSTS/FENCES	2,000.00-	2,000.00	0.00	0.00	0.00
001 5-5650-400-4600	10/05/2010	PER BOARD DIRCTIVE RESURFACING MATERIALS	3,250.00-	3,250.00	0.00	0.00	0.00
001 5-5410-400-4690	10/05/2010	PER BOARD DIRCTIVE MATERIALS/SUPPLIES/MAINT	3,860.00-	193,000.00	0.00	189,140.00	188,665.11
001 5-8140-100-1010	10/05/2010	PER BOARD DIRCTIVE PERSONNEL SERVICES-OT	15.00	0.00	0.00	15.00	521.78-
001 5-5110-100-1010	10/05/2010	PER BOARD DIRCTIVE PERSONNEL SERVICES-OT	15.00-	2,000.00	0.00	1,985.00	1,104.44
001 5-8170-426-4000	10/05/2010	PER BOARD DIRCTIVE 1999 TYMCO ST SWEEPER #26	10,960.00	2,500.00	0.00	13,460.00	2.25
001 5-5110-400-4600	10/05/2010	PER BOARD DIRCTIVE RESURFACING MATERIALS	10,960.00-	102,000.00	0.00	91,040.00	9,573.53
007 5-0731-420-1000	10/05/2010	PER BOARD DIRCTIVE PERSONNEL SERVICES-REG	1,160.00	0.00	0.00	1,160.00	2.58
007 5-0736-007-1000	10/05/2010	PER BOARD DIRCTIVE PERSONNEL SERVICES-REG	6,790.00	0.00	0.00	6,790.00	52.03-

10-05-2010 4:35 PM
 PACKET: 00112-BUDGET ADJUSTMENT
 BUDGET CODE: CB-Current Budget

BUDGET ADJUSTMENT REGISTER

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

Budget Adj. # 000110							
007 5-0787-100-1000	10/05/2010	PER BOARD DIRCTIVE REPAIRS TO GEN PROPERTY-REG	3,235.00	0.00	0.00	3,235.00	103.57-
007 5-0741-420-1000	10/05/2010	PER BOARD DIRCTIVE OP OF OVERHD DISTR LINES-REG	11,185.00-	405,515.00	0.00	394,330.00	341,773.53
007 5-0736-007-4690	10/05/2010	PER BOARD DIRCTIVE MATERIALS/SUPPLIES/MAINT	985.00	3,000.00	0.00	3,985.00	1.58
007 5-0741-420-4690	10/05/2010	PER BOARD DIRCTIVE MATERIALS/SUPPLIES/MAINT PACKET NOTES:	985.00-	4,000.00	0.00	3,015.00	2,663.68
TOTAL IN PACKET--						0.00	

*** BUDGET DEFICIT WARNINGS ***

FUND ACCOUNT	NAME	BALANCE
001 5-7320-400-4000	CONTRACTUAL EXPENDITURES	21.17-
001 5-8140-100-1010	PERSONNEL SERVICES-OT	521.78-
007 5-0736-007-1000	PERSONNEL SERVICES-REG	52.03-
007 5-0787-100-1000	REPAIRS TO GEN PROPERTY-REG	103.57-

TOTAL WARNINGS: 4

*** NO ERRORS ***

*** END OF REPORT ***

VENDOR	AMOUNT
APPLIED SPECIALTIES INC.	\$ 1,760.00
ARCADE APARTMENT PARTNERSH	\$ 801.47
ARCADE POSTMASTER	\$ 1,548.38
BANK OF NEW YORK	\$ 2,185.52
BEIKIRCH AMMUNITION CORP.	\$ 940.00
BENNET & HALEY SEALCOATING	\$ 500.00
BRASS' SHURFINE	\$ 12.17
BUILDING SPECIALTIES	\$ 5,464.03
CDI-CHEMICAL DIST INC	\$ 494.75
CID DIVISION OF WASTE MANAGEMEN	\$ 9,785.00
CID-DIV WASTE MANAGEMENT	\$ 805.63
CINTAS CORPORATION #782	\$ 125.34
CSEA	\$ 721.72
CSEA POLICE UNIT	\$ 130.76
FLEET MAINTENANCE INC	\$ 188.77
FORBES, EDITH E	\$ 70.00
GERNATT ASPHALT PRODUCTS, INC.	\$ 632.52
GROSSO DOOR & HARDWARE INC	\$ 700.00
HODGSON RUSS LLP	\$ 23.90
INDEPENDENT HEALTH CORP	\$ 185.00
INDEPENDENT HEALTH PREMIUMS	\$ 23,242.20
IRS - FEDERAL PAYROLL TAX PAYME	\$ 19,980.98
LAIRD, JOHN	\$ 250.00
MANUFACTURERS & TRADERS TRUST	\$ 26,333.80
MEUA OF N.Y.S.	\$ 100.00
MILTON CAT	\$ 51.38
MOGAVERO, ALBERT J., CHAPTER 1	\$ 422.00
NGT CORPORATION	\$ 1,010.00
NYS D.E.C.	\$ 1,875.00
NYS INCOME TAX	\$ 3,873.84
O'BRIEN, JONATHAN DBA ACTIVE I	\$ 1,497.50
OFFICE OF STATE COMPTROLLER	\$ 2,580.00
PIKE HARDWARE	\$ 81.43
SOUTER & SONS PRINTING CO	\$ 275.00
SPARTAN WAREHOUSE CORP	\$ 49.36
SUTZ, AMANDA	\$ 125.00
TIME WARNER CABLE	\$ 44.95
TRACTOR SUPPLY CO	\$ 46.54
TRI-COUNTY SUPPLY INC	\$ 25.50
UPS	\$ 1.08
VAN BORTEL FORD, INC.	\$ 23,645.81
VERIZON	\$ 216.29
VERIZON COMMUNICATIONS	\$ 30.44
VERIZON WIRELESS	\$ 606.15
VILLAGE OF ARCADE	\$ 70.00
W.S. SIGN DESIGN CORP	\$ 290.89
WALLACE, BRADLEY	\$ 100.00
WY CO MAGISTRATES ASSOCIATION	\$ 20.00
OVERALL TOTAL	\$ 133,920.10