

The work session of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, February 1, 2011 at 6:00pm there were:

**PRESENT**

Mayor Paul Burkett, Trustee Joanne Offers, Trustee Ken Rule, Trustee Donna Schiener, Superintendent of Public Works Larry Kilburn, Clerk/Treasurer Pam Beiersdorf

**ABSENT**

Trustee Jay May

**ALSO PRESENT**

Chris Lester

**BUDGET WORK SESSION**

The Board reviewed and discussed the following department proposed budget for FY 2011-2012:

- Water fund

In addition, the Board reviewed the administration of the CSEA General Unit health insurance reimbursement fund.

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The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, February 1, 2011 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

**ABSENT**

Trustee Jay May

**ALSO PRESENT**

Chris Lester, Carole Jones (Arcade Herald), Tom Beiersdorf (Arcade Fire Chief), Kevin Owens, Mike Landis, and Danielle Kopinski

**PLEDGE OF ALLEGIANCE**

Mayor Burkett opened the meeting with the Pledge of Allegiance.

**ARCADE FIRE DEPARTMENT EQUIPMENT REPLACEMENT PLANS**

Arcade Fire Chief, Tom Beiersdorf, approached the Board to communicate the fire department's need for future fire truck replacements. Chief Beiersdorf explained that the 1990 Ford Pumper/Tanker (Vehicle #10) recently failed the annual pump test *[which measures whether an engine can pump out the required amount of water to douse a blaze]*. Necessary repairs have been made so that the truck will pass the pump test. But rather than pour thousands of dollars into repairs for this aging pumper, Chief Beiersdorf asked the Board to consider purchasing a new truck. Discussions also emerged about the controversial changes to emission standards and the cost impacts those changes will have on future truck purchases. New trucks conforming to the emission standards could cost upwards of an additional \$35,000. Chief Beiersdorf explained that within six months Churchville Fire Equipment will have twenty-five demo trucks available at an estimated cost of \$300,000. Purchasing one of these trucks now (built before the emission changes became effective) would save taxpayers the additional cost to comply with the emission changes. In addition to the cost of the truck itself, Clerk/Treasurer Beiersdorf reminded the Board about costs associated with bonding, estimated at \$15,000. Board members acknowledged the importance of keeping equipment in working order, but they are faced with how to pay for such investments. The Board will consider the cost of purchasing a new truck during the upcoming fiscal year budget preparations.

**APPROVE MINUTES**

Motion by Trustee Rule and seconded by Trustee Offers, the minutes from the regular meeting held on January 18, 2011 be approved as presented by Clerk/Treasurer Beiersdorf.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	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	
<b>VOTE TOTAL:</b>									
	4	Yes	0	No	0	Abstain	1	Absent	
<b>RESULTS</b>		<b>X</b>	<b>PASS</b>				<b>FAIL</b>		

**ARCADE POLICE DEPARTMENT ANNUAL REPORT**

Police Chief Laird distributed the 2010 annual report to the Board.

**CAT ISSUES**

Mayor Burkett provided Police Chief Laird with the name of an individual who may be interested in working with the VOA to resolve the cats at large issue.

**503 NORTH STREET PROPERTY**

At the January 18, 2011 meeting, Trustee Rule questioned the status of the house at 503 North Street that was destroyed by fire and asked what could be done to demolish the remaining structure. Superintendent of Public Works Kilburn and Police Chief Laird are pursuing this matter with the Wyoming County Fire and Building Code Officer in addition to reviewing the VOAs local law, Chapter 5, "Unsafe Building Demolition Law."

**ZONING LOCAL LAW, CHAPTER 64, SECTION 805, "SIGNS"**

As a result of receiving numerous complaints from local businesses about the recently adopted "Signs" section of the zoning local law, Mayor Burkett agreed to revisit the section and propose changes that will be less restrictive for businesses to follow.

Kevin Owens commented that the sandwich board signs used in front of his father's business, Joseph's Styling Center (located at 259 Main Street), have brought positive feedback for years. The beauticians and business would suffer if sandwich board signs were eliminated or restricted.

Danielle Kopinski, owner of Doogies Dogs and Cones located at 282 Main Street, agreed that the sandwich board signs promote her business too.

Mayor Burkett asked Superintendent of Public Works Kilburn to advise Zoning Officer, Marv Zielonka, to cease enforcement of sandwich boards and billboards until the law is revised.

**2005 JOHN DEERE 4110 TRACTOR (VEHICLE #61) AUCTION RESULTS**

At the January 4, 2011 meeting, a motion passed to accept and award the bid for the 2005 John Deere 4110 tractor (Vehicle #61) to the backup bidder. However, the backup bidder was no longer interested in this item. Per Mayor Burkett's direction, the tractor was re-listed on the Auctions International, Inc. auction site.

Motion by Trustee Offers and seconded by Trustee Rule, the on-line auction with Auctions International, Inc. has ended on the 2005 John Deere 4110 tractor (Vehicle #61) and the VOA hereby accepts the bid and awards this tractor to "1578" (internet auction name) in the amount of \$ 9,500.00.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jay May		Yes		No		Abstain	X	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
<b>VOTE TOTAL:</b>								
	4	Yes	0	No	0	Abstain	1	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>					<b>FAIL</b>	

**ELECTION LAW UPDATE - PROPOSED LEGISLATION SENATE BILL S.2339**

Motion by Trustee Offers and seconded by Mayor Burkett, the Mayor of the VOA be hereby authorized to send letters to state leaders in support Senate Bill S.2339 which would authorize Villages to use the lever-style voting machines for upcoming elections, allow use of paper ballots in the format that was authorized by NYS law prior to July 7, 2010, instead of the new format for paper ballots that are intended to be used in scanner ballot machines, and eliminate substantial confusion about how the Villages may conduct upcoming elections. Villages would be financially burdened if this legislation is not adopted.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jay May		Yes		No		Abstain	X	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
<b>VOTE TOTAL:</b>								
	4	Yes	0	No	0	Abstain	1	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>					<b>FAIL</b>	

**APPOINT ELECTION INSPECTORS/ALTERNATES**

The following resolution was offered by Trustee Offers and seconded by Trustee Schiener:

**RESOLUTION**

**WHEREAS**, the Board of Trustees shall appoint two Election Inspectors and alternate(s) for the Village election to be held on March 15, 2011, and

**WHEREAS**, Election Inspectors shall be compensated \$100.00 each to conduct the election if the lever-style voting machine is used on Election Day or \$120.00 each to conduct the election if ballots are hand counted on Election Day;

**NOW THEREFORE, BE IT RESOLVED**, that Village residents Janet Ely and Suzanne Strauss be appointed as Election Inspectors and Elsie Cramer be appointed as an alternate inspector to assume the office of Inspector upon the inability or refusal of an Inspector to assume or perform the duties or take the oath of office. In addition, Clerk/Treasurer Beiersdorf be authorized to appoint one additional alternate inspector as named on the Wyoming County Board of Elections Inspector Personnel List.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jay May		Yes		No		Abstain	X	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
<b>VOTE TOTAL:</b>								
	4	Yes	0	No	0	Abstain	1	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>					<b>FAIL</b>	

**DESIGNATE ELECTION INSPECTOR CHAIRMAN**

In accordance with NYS Election Law § 3-400, one Election Inspector shall be appointed as Chairperson to serve as such during his/her term of office.

Motion by Mayor Burkett and seconded by Trustee Rule, Janet Ely be appointed as the Election Inspector Chairperson.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jay May		Yes		No		Abstain	X	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
<b>VOTE TOTAL:</b>								
	4	Yes	0	No	0	Abstain	1	Absent
<b>RESULTS</b>		<b>X</b>	<b>PASS</b>				<b>FAIL</b>	

**APPOINT VOTING MACHINE CUSTODIAN/DEPUTY**

The following resolution was offered by Trustee Rule and seconded by Trustee Offers:

**RESOLUTION**

**WHEREAS**, if villages are authorized to use the lever-style voting machines for the 2011 elections, the Board of Trustees shall appoint one Voting Machine Custodian and Deputy Custodian for the Village election to be held on March 15, 2011, and

**WHEREAS**, the Village must engage the services of a qualified Voting Machine Custodian to set up the lever-style voting machine for the Village elections, and

**WHEREAS**, such Voting Machine Custodian shall be paid a total of \$100.00 for services to set up the lever-style voting machine for the Village elections, and

**WHEREAS**, Don Simons and Gary Rinehart have received the programmer's certificate from the Automatic Voting Machine Corporation, and

**NOW THEREFORE, BE IT RESOLVED**, that Don Simons be appointed as the Voting Machine Custodian and Gary Rinehart be appointed the Deputy Custodian for the upcoming Village elections to be held on March 15, 2011. If either of these parties decline their appointment, Clerk/Treasurer Beiersdorf be authorized to contact other custodians named on the Wyoming County Board of Elections Voting Machine Custodian list.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jay May		Yes		No		Abstain	X	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
<b>VOTE TOTAL:</b>								
	4	Yes	0	No	0	Abstain	1	Absent
<b>RESULTS</b>		<b>X</b>	<b>PASS</b>				<b>FAIL</b>	

**CERTIFICATE OF FINAL SPECIAL FRANCISE FULL VALUE**

Clerk/Treasurer Beiersdorf reported that the State Board of Real Property Services has determined the final special franchise full value for National Fuel Gas to be \$458,350, Verizon New York, Inc. to be \$538,134, and Time Warner-Buffalo to be \$110,702 with a grand total of \$1,107,186. The full values were determined in accordance with Article 6 of the Real Property Tax Law and Part 197 of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

**2011 TENTATIVE ASSESSMENT ROLL**

Clerk/Treasurer Beiersdorf advised the Board that the tentative assessment roll has been filed and is available for public inspection during business hours (Monday through Friday 7:00am to 4:00pm) until February 15<sup>h</sup>, 2011 (Grievance Day).

**2011-2012 LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF) GRANT APPLICATION**

The following resolution was offered by Trustee Offers and seconded by Trustee Rule:

**RESOLUTION**

**WHEREAS**, the New York State (NYS) Archives established the Local Government Records Management Improvement Fund (LGRMIF) in 1989 to provide funds to help local governments establish records management programs; and

**WHEREAS**, the NYS Archives is accepting applications for the 2011 LGRMIF grant; and

**WHEREAS**, the maximum award involving a single municipality is \$75,000; and

**WHEREAS**, the grant may be used for a variety of purposes, including, but not limited to document conversion and access in which paper records are converted to another format through the use of microfilming (infrequently used and retention periods of ten years or more) and/or imaging (enhances access to records); and

**WHEREAS**, the deadline for application is February 1, 2011; and

**WHEREAS**, the VOA Board of Trustees understands that any funds awarded pursuant to an application shall be used only in accordance with all rules and regulations governing the grant; and

**WHEREAS**, the VOA Board of Trustees also understands that any goods and/or services purchased with any LGRMIF funds shall be obtained in accordance with acceptable procurement practices established by the VOA including competitive bidding; and

**NOW THEREFORE BE IT RESOLVED**, that VOA Board of Trustees hereby authorizes the Village Clerk/Treasurer to make an application; and

**BE IT RESOLVED**, that the Village Clerk/Treasurer be authorized to apply up to the maximum amount available; and

**BE IT FURTHER RESOLVED**, that the Mayor of the Village of Arcade is hereby authorized to execute the 2011 LGRMIF application or any documents relating to the submission of the grant application.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	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	
<b>VOTE TOTAL:</b>	4	Yes	0	No	0	Abstain	1	Absent	
<b>RESULTS</b>	<b>X</b>	<b>PASS</b>					<b>FAIL</b>		

**AUDIT BILLS**

Motion by Trustee Offers 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:

<b>VOTE</b>									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	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	
<b>VOTE TOTAL:</b>									
	4	Yes	0	No	0	Abstain	1	Absent	
<b>RESULTS</b>									
	X	<b>PASS</b>					<b>FAIL</b>		

**RESCHEDULE MARCH 15, 2011 BOARD MEETING DUE TO VILLAGE ELECTIONS**

Motion by Trustee Offers and seconded by Trustee Schiener, the March 15, 2011 regularly scheduled board meeting be rescheduled to Wednesday, March 16, 2011 starting at 7:00pm due to Village elections.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	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	
<b>VOTE TOTAL:</b>									
	4	Yes	0	No	0	Abstain	1	Absent	
<b>RESULTS</b>									
	X	<b>PASS</b>					<b>FAIL</b>		

**DISCUSS WYOMING COUNTY BOARD OF SUPERVISORS RESOLUTION 10-303 (VILLAGE TAX LEVYS)**

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. On August 17, 2010, 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). This matter was referred to the Attorney for the Village of Arcade, Bob Kutzuba. Mr. Kutzuba drafted a memorandum to the Attorneys for Wyoming County Villages and Towns for Board review. The Board authorized Mr. Kutzuba to send the memorandum to the Attorneys as presented.

**INTERNAL CONTROLS OVER INFORMATION TECHNOLOGY**

Mayor Burkett asked the Board for their comments concerning Clerk/Treasurer Beiersdorf's recent email to employees that prohibited streaming audio (listening to internet radio) on municipal computers. As explained in the correspondence, streaming impacts the entire network and takes away IT resources (bandwidth and connection times) from employees needing the internet and e-mail for business related purposes. The email continued to explain that there are also risks associated with radio internet sites that could potentially damage the Village's IT infrastructure. Clerk/Treasurer Beiersdorf is expected to prepare a technology policy that will define expectations regarding acceptable computer, e-mail, and internet use, password security, along with other security matters for Village owned computers. Streaming will be prohibited unless there is a work-related need e.g., webinars, etc. as deemed necessary by management. Employees were reminded that the Village has methods and mechanisms in place to monitor and record all Internet and e-mail use, and reserves the right to monitor and record all users activities and data transmissions at any time. No users should have any expectation of privacy as to his/her computer usage. Clerk/Treasurer Beiersdorf's email concluded that taxpayers should not have to pay for computer practices that waste IT resources and put the municipal computer system at risk.

Mayor Burkett questioned whether the email was warranted or not and expressed his uncertainty as to whether streaming music is truly a problem. Do you want to allow employees to stream music on their computers before a policy is adopted or not, he asked the Board.

Trustee Schiener replied "I don't really think it is necessary." "I think that the security of the Village's internet system is the main thing to be concerned with." She also explained that anything brought into the computer system places the Village at risk.

Trustee Rule questioned why employees had to use the computer for music at work and agreed with Trustee Schiener that streaming music on Village computer's wasn't necessary.

Trustee Offers supported Clerk/Treasurer Beiersdorf's email as sent and felt the message should remain.

#### **COMPLAINT AGAINST STREETS AND PARKS DEPARTMENT**

Village resident, Mike Landis, spoke of his unhappiness as he witnessed the Streets and Parks department personnel plow Church Street and leave inches of slop on the walkway near the elementary school. He believes this creates a hazardous situation for the kids and questions why the Village isn't maintaining the crosswalk in front of Village owned property. Superintendent of Public Works Kilburn will address this concern with the department foreman.

#### **REPORTS RECEIVED**

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

- Beautification Committee (2010)

#### **ADJOURN**

There being no further business to come before the Board the meeting duly adjourned at 8:07pm upon motion by Trustee Schiener and seconded by Trustee Offers.

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Clerk/Treasurer

VENDOR	AMOUNT	VENDOR	AMOUNT
AT&T	\$ 586.74	PHIL'S TV & APPLIANCE, INC	\$ 20.00
ABBOTT WELDING SUPPLY CO INC	\$ 89.70	PIONEER FORD/MERCURY INC.	\$ 15.00
LINEAGE	\$ 91.15	QUILL CORP	\$ 49.46
AFLAC NEW YORK	\$ 1,370.94	SAIA COMMUNICATIONS INC	\$ 75.00
ALTEC INDUSTRIES INC	\$ 787.53	SOUTER & SONS PRINTING CO	\$ 1,905.00
AMERICAN ROCK SALT CO LLC	\$ 18,321.80	UPS	\$ 18.85
ANIXTER INC	\$ 982.14	VALLEY FAB &EQUIPMENT INC	\$ 559.35
ARCADE HISTORICAL SOCIETY	\$ 500.00	VERIZON WIRELESS	\$ 622.70
BANK OF NEW YORK	\$ 2,527.48	VILLAGE OF ARCADE	\$ 70.00
BASLER ELECTRIC CO	\$ 104.05	ZEE MEDICAL SERVICE CO.	\$ 127.50
IRS - FEDERAL PAYROLL TAX PAYME	\$ 21,482.88		
TIME WARNER CABLE	\$ 44.95	<b>TOTAL COLUMN 2</b>	<b>\$ 3,462.86</b>
OFFICE OF STATE COMPTROLLER	\$ 6,967.50		
MOGAVERO, ALBERT J., CHAPTER 1	\$ 422.00	<b>OVERALL TOTAL</b>	<b>\$ 358,007.53</b>
FIRST REHABILITATION LIFE	\$ 39.60		
INDEPENDENT HEALTH PREMIUMS	\$ 23,242.20		
JOHN & MARY'S	\$ 212.54		
NYS MAGISTRATES ASSOC	\$ 80.00		
SPARTAN WAREHOUSE CORP	\$ 33.37		
GROSSO DOOR & HARDWARE INC	\$ 1,225.00		
ARLOW III, WILLIAM J.	\$ 3,500.00		
CDW GOVERNMENT	\$ 501.11		
CINTAS CORPORATION #782	\$ 250.68		
CSEA	\$ 721.94		
CSEA POLICE UNIT	\$ 143.96		
CSEA BENEFIT UNIT	\$ 1,158.96		
CUSTOM FENCE	\$ 3,420.00		
DIVAL SAFETY & SUPPLIES FOR LI	\$ 577.05		
EATON OFFICE SUPPLY	\$ 646.63		
FORBES, EDITH E	\$ 105.00		
EJ PRESCOTT, INC	\$ 1,327.03		
FISHER SCIENTIFIC COMPANY	\$ 19.78		
HSBC BANK USA	\$ 426.30		
IEEP:IND ENERGY EFF PROG	\$ 12,269.99		
JAMESTOWN SOAP & SOLVENT	\$ 709.10		
J&S AGEN, INC	\$ 36.00		
KUSTOM SIGNALS INC.	\$ 1,392.00		
MARTIN BROTHERS CHEVROLET	\$ 51.62		
MAYNARDS ELECTRIC SUPPLY INC	\$ 1,275.90		
NATIONAL FUEL GAS DISTRIB	\$ 19.52		
NATIONAL GRID	\$ 96,918.03		
NY POWER AUTHORITY	\$ 142,195.45		
NEW YORK CENTRAL MUTUAL FIRE I	\$ 266.00		
NYS INCOME TAX	\$ 4,441.34		
NYS & LOCAL RETIRE SYSTEM	\$ 3,059.71		
<b>TOTAL COLUMN 1</b>	<b>\$ 354,544.67</b>		