

The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, November 6, 2012 at 7:00 pm there were:

PRESENT

Mayor Jay May, Trustee Ken Rule, Trustee Jim McGarvey, Trustee Donna Schiener Trustee Andrew Koerner, Superintendent of Public Works Larry Kilburn, Clerk/Treasurer Jennifer Kraft, Police Chief Anthony Biscaro, Deputy Clerk/Treasurer Michelle Karpinski.

ALSO PRESENT

Chris Lexer, Carole Jones, Sandra Dutton, Kathy May, Kelsey May, Allana Havernick, Madison Milligan, Justina Termer

PLEDGE OF ALLEGIANCE

Mayor May opened the meeting with the Pledge of Allegiance.

PIONEER CENTRAL SCHOOL STUDENT PRESENTATION

Pioneer Central School students Allana Havernick, Madison Milligan and Justina Termer offered a presentation to the VOA Board regarding the upcoming vote for a capital project for the Pioneer School District. The concentration will be on music suites. Students gave a power point presentation showing how important the music department is to the students. The students explained the capital project would include three music suites (band, choir and orchestra), storage area for the marching band instruments, and a science wing with modern lab equipment as well as special education rooms. The vote for the capital project is scheduled for December 4, 2012.

ZONING

Chris Lexer discussed some issues that have arisen regarding signs. He asked the board to clarify the intent of the board regarding some of the restrictions in the zoning laws pertaining to signs. In question was the inability for business owners to use illuminated signs, whether LED or moving. There was concern regarding glare in the streets or into other store fronts or residences. There was also the question whether the square footage allowed for signage is intended for only one sign or all signs on the building. The board indicated the intent of the law was one sign up to 100 square feet. Illuminated signs will require additional review by the board.

CHAPTER 40 PEDDLERS AND SOLICITORS LAW

Motion by Trustee McGarvey and seconded by Trustee Schiener to accept the changes to VOA local law Chapter 40, Peddlers and Solicitors Law as presented. The major change included changing the name of the law to Peddlers, Solicitors & Itinerant Vendors. A definition for Itinerant Vendors was included in the law and there were changes as to the timing of the permit request versus when the permit is granted.

The motion was passed upon the following vote:

VOTE									
Mayor Jay May	X	Yes		No		Abstain		Absent	
Trustee Andy Koerner	X	Yes		No		Abstain		Absent	
Trustee Jim McGarvey	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		

SCHEDULE PUBLIC HEARING

Motion by Trustee McGarvey and seconded by Trustee Koerner to schedule a public hearing on December 18, 2012 to present the changes to Chapter 40, Peddlers and Solicitors Law, to the public.

The motion was passed upon the following vote:

VOTE								
Mayor Jay May	X	Yes		No		Abstain		Absent
Trustee Andy Koerner	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	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		

APPROVE MINUTES

Motion by Trustee Rule and seconded by Trustee McGarvey, the minutes from the regular meeting held on October 16, 2012 be approved as presented by Clerk/Treasurer Kraft.

The motion was passed upon the following vote:

VOTE								
Mayor Jay May	X	Yes		No		Abstain		Absent
Trustee Andy Koerner	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	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		

PESH UPDATE

Superintendent of Public Works Kilburn gave an update on the PESH inspection citations. First Responder Awareness Training will take place November 13, 2012 and Fork Truck Training has been scheduled for November 14, 2012, all public works employees will attend this training. Superintendent of Public Works Kilburn has met with the PESH Industrial Hygienist and has revised the confined space entry program and this has been sent to PESH. Lock out Tag out procedure along with Hazard communication procedure has been submitted to PESH. The photo eye on the garage door at the water department has been installed. Work will begin on the physical items required at the fire hall.

MAIN STREET GRANT UPDATE

Nine projects are still in progress but all should be complete by the end of the month.

339 NORTH STREET

Superintendent of Public Works Kilburn has been communicating with the Wyoming County Building Department. The property is currently not up for sale. Violation proceedings and court actions by the county have begun.

DOT UPDATE

Superintendent of Public Works Kilburn spoke with David Goehring of NYS DOT; he has confirmed traffic study has been done. Someone will be sent down to physically study the traffic patterns, the timing of the street lights and the impact of that on the traffic. They will also be comparing accident information. Superintendent of Public Works Kilburn will speak with him again in early December.

The DOT has no plan for repairs at Liberty and Main, they will assess the situation in the spring.

NORTH STREET SIDEWALK

There was discussion regarding the zigzag sidewalk created when the new sidewalk was installed in an effort to avoid going directly over the manhole. It was determined the sidewalk should be straightened out.

STANDARD WORK DAY RESOLUTION

Motion by Trustee Mayor May and seconded by Trustee McGarvey the following resolution was approved:

RESOLUTION

BE IT RESOLVED, that the Village of Arcade, Location code 40120, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

TITLE	STANDARD WORK DAY (HRS)
Justice	6
Clerk Treasurer	8
Deputy Clerk Treasurer	8
Zoning Officer	6

The motion was passed upon the following vote:

VOTE									
Mayor Jay May	X	Yes		No		Abstain		Absent	
Trustee Andy Koerner	X	Yes		No		Abstain		Absent	
Trustee Jim McGarvey	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		

RESOLUTION POST ISSUANCE COMPLIANCE PROCEDURES

Motion by Trustee McGarvey and seconded by Trustee Rule the following resolution was approved:

RESOLUTION

WHEREAS, the Internal Revenue Service has issued new regulations requiring issuers of tax exempt obligations to certify on Form 8038-G that they actively monitor compliance with federal tax rules following the issuance of such obligations; and

WHEREAS, the Village is an occasional issuer of tax-exempt obligations and thus is subject to the aforementioned compliance requirements which are critical for the preservation of preferential tax status of those obligations; and

WHEREAS, it is therefore in the best interest of the Village to adopt formal written procedures to ensure such compliance and to designate an official responsible for ensuring that such procedures are followed;

NOW THEREFORE, BE IT RESOLVED, that the Village hereby adopts the interim post-issuance compliance procedures attached hereto as "Schedule A" (attached) and resolves to be governed thereby; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon its adoption.

The motion was passed upon the following vote:

VOTE									
Mayor Jay May	X	Yes		No		Abstain		Absent	
Trustee Andy Koerner	X	Yes		No		Abstain		Absent	
Trustee Jim McGarvey	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		

REVIEW INVESTMENT POLICY

Motion by Trustee McGarvey and seconded by Trustee Rule to amend the Investment Policy to reflect the change in banking from the Bank of Castile to M&T along with increasing the maximum amount that can be deposited in each of the listed banks and trust companies within the policy.

The motion was passed upon the following vote:

VOTE								
Mayor Jay May	X	Yes		No		Abstain		Absent
Trustee Andy Koerner	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	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		

REPORTS RECEIVED

Bank Statements and Bank Reconciliations for September 2012.

AUDIT BILLS

Motion by Trustee Schiener and seconded by Trustee Koerner, 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 Jay May	X	Yes		No		Abstain		Absent
Trustee Andy Koerner	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	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		

EXECUTIVE SESSION

Motion by Trustee McGarvey and seconded by Trustee Rule, the Board enter into executive session to discuss the following topic(s) at 9:04pm:

- Contract Negotiations
Information relating to a future investigation which would imperil effective law enforcement if disclosed

The motion was passed upon the following vote:

VOTE								
Mayor Jay May	X	Yes		No		Abstain		Absent
Trustee Andy Koerner	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	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		

Motion by Trustee Schiener and seconded by Trustee McGarvey, the Board exit executive session at 10:04pm.

The motion was passed upon the following vote:

VOTE									
Mayor Jay May	X	Yes		No		Abstain		Absent	
Trustee Andy Koerner	X	Yes		No		Abstain		Absent	
Trustee Jim McGarvey	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		

MEMORANDUM OF AGREEMENT

Motion by Trustee Rule and seconded by Trustee Schiener to authorize the Mayor to execute the Memorandum of Agreement by and between the Village of Arcade and the CSEA, Local 1000, AFCSME, AFL-CIO, Arcade Village General Unit, Wyoming County Local 861 regarding the compensatory time accumulation and payout as it pertains to employees that responded to the request for mutual aid due to the devastation caused by Hurricane Sandy.

The motion was passed upon the following vote:

VOTE									
Mayor Jay May	X	Yes		No		Abstain		Absent	
Trustee Andy Koerner	X	Yes		No		Abstain		Absent	
Trustee Jim McGarvey	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		

ADJOURN

There being no further business to come before the Board the meeting duly adjourned at pm 10:06pm upon motion by Trustee McGarvey and seconded by Trustee Rule.

Clerk/Treasurer

Schedule A

- a. Purpose: The purpose behind implementation of post-issuance compliance procedures is to ensure that the Village is compliant with federal tax law requirements related to its outstanding tax-exempt obligations for the life of the obligations.
- b. Compliance Officer Designation, Education and Training: The Village will designate a "Compliance Officer" who will be the primary official responsible for monitoring post-issuance compliance with federal tax laws. The Compliance Officer will attend training and educational seminars at least annually at the law firm of Hodgson Russ and will consult with bond counsel as needed to keep current on IRS regulations and developments relating to post-issuance compliance for its obligations. The Village's designated Compliance Officer is the **Clerk/Treasurer**.
- c. Record Retention and Due Diligence Review: The Compliance Officer is responsible for thorough record retention of all material documents relevant to the issuance of the Village's tax-exempt obligations including, but not limited to, the transcript of proceedings, closing binder, bond counsel opinion, tax certificate, IRS-required filings, records of investments and expenditures made with proceeds, documents pertaining to existing or potential private and public use of bond-financed property, etc. The Compliance Officer will conduct due diligence review of these documents both upon receipt and at regular intervals throughout the life of the obligation.
- d. Monitoring Compliance: Compliance Officer will monitor use of proceeds and arbitrage restrictions through implementation of accounting methods and consultation with bond counsel and a rebate consultant when necessary.
- e. Correcting Potential Non-Compliance: Upon discovery of potential or existing non-compliance with post-issuance tax laws, Compliance Officer will promptly take steps, including consultation with bond counsel, to correct such non-compliance.

VENDOR	AMOUNT	VENDOR	AMOUNT
697 WEST MAIN ST LLC	\$ 3,000.00	MOORE MEDICAL, LLC	\$ 1,041.75
ABBOTT WELDING SUPPLY CO INC	\$ 185.45	MUELLER SOUND	\$ 815.00
AFLAC NEW YORK	\$ 1,752.94	NATIONAL GRID	\$ 65,493.55
ARCADE HERALD	\$ 154.82	NYISO - NY INDEPENDENT SYS OP	\$ 13,207.23
AT&T	\$ 112.32	NYS & LOCAL RETIRE SYSTEM	\$ 3,534.99
AWWA	\$ 339.00	NYS CHILD SPRT PROCESSING	\$ 242.00
BANK OF NEW YORK	\$ 2,237.32	NYS CHILD SPRT PROCESSING	\$ 242.00
BANK OF NEW YORK	\$ 2,220.76	NYS INCOME TAX	\$ 5,633.16
BENEFLEX INC	\$ 180.00	NYS INCOME TAX	\$ 3,460.25
BST - BOLLAM,SHEEDY,TORANI & C	\$ 1,950.00	NYS SALES TAX	\$ 10,334.95
BURTON, BRIAN	\$ 125.00	O'BRIEN, JONATHAN DBA ACTIVE I	\$ 2,535.60
CARRIER CONTROLS II	\$ 500.00	OFFICE OF STATE COMPTROLLER	\$ 5,154.25
CATT CO DSS	\$ 994.64	PARKER, CHERYL	\$ 50.00
CINTAS CORPORATION #782	\$ 99.46	PHIL'S TV & APPLIANCE, INC	\$ 2,650.00
COVERED WAGON TOURS, LLC	\$ 950.00	REGIONAL INTERNATIONAL CORP	\$ 374.69
CSEA	\$ 691.37	RIVERSIDE MANUFACTURING CO	\$ 1,306.78
CSEA	\$ 691.37	SCHWAB AGGREGATES	\$ 350.80
CSEA BENEFIT UNIT	\$ 961.36	SENECA PAVEMNET MARKING, INC	\$ 735.00
CSEA POLICE UNIT	\$ 119.39	SIMAR ENTERPRISES	\$ 14.00
CSEA POLICE UNIT	\$ 125.39	SISSON'S BODY WORKS, INC	\$ 353.00
D & H EXCAVATING INC	\$ 1,908.23	SOUTER, ROBERT A	\$ 420.00
DIVAL SAFETY EQUIPMENT	\$ 596.00	SOUTHWORTH-MILTON INC.	\$ 2,037.00
EATON OFFICE SUPPLY CO INC	\$ 1,234.27	SS DIESEL & AUTO LLC	\$ 328.40
GALETON	\$ 216.78	STUART C IRBY CO	\$ 97.01
GENERAL PHYSICIAN PC	\$ 585.00	SZABO, LOUIS	\$ 101.57
GIBBONS, DORIS	\$ 250.61	TIME WARNER CABLE	\$ 44.95
HALEY CONCRETE INC	\$ 1,582.00	TOMPKINS INSURANCE AGENCIES IN	\$ 42,217.72
HODGSON RUSS LLP	\$ 6,890.00	TRACTOR SUPPLY CO	\$ 330.89
INDEPENDENT HEALTH PREMIUMS	\$ 26,854.27	TYLER TECHNOLOGIES INC	\$ 93.17
IRS - FEDERAL PAYROLL TAX PAYME	\$ 26,886.22	UNITED UNIFORM CO INC	\$ 300.61
IRS - FEDERAL PAYROLL TAX PAYME	\$ 18,191.60	UPS	\$ 33.27
JAMESTOWN SOAP & SOLVENT	\$ 254.47	UTZ TIRE SERVICE OF ARCADE, IN	\$ 60.50
KARCHER MASONRY	\$ 420.00	VERIZON COMMUNICATIONS	\$ 35.52
KRIST, MATTHEW	\$ 84.87	VERIZON WIRELESS	\$ 834.10
MARCOS PIZZA & SUBS	\$ 65.80	VILLAGE OF ARCADE	\$ 90.00
MARMON UTILITY LLC	\$ 699.53	VILLAGE OF ARCADE	\$ 90.00
MATUSZAK'S BLACKTOPPING INC	\$ 34,370.00	WILLIAMSON LAW BOOK CO	\$ 118.93
MAYNARDS ELECTRIC SUPPLY INC	\$ 1,510.38	WYOMING CO VILLAGE ASSN.	\$ 176.00
COLUMN 1	\$ 139,990.62	ZUECH'S ENVIRONMENTAL SRVCS IN	\$ 250.61
		COLUMN 2	\$ 165,189.25
		OVERALL TOTAL	\$ 305,179.87