

The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, September 3, 2013 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, Brian Bliss,

PLEDGE OF ALLEGIANCE

Mayor May opened the meeting with the Pledge of Allegiance.

ARCADE HOCKEY LEAGUE

Brian Bliss, president of the hockey league, discussed the coming year's hockey season. The season will begin Saturday, September 7, 2013. The fee is \$50 per team; they currently have seven teams signed up for the coming year. Brian will bring a check into the Village office, Clerk Treasurer Kraft will email the hold harmless waiver to him for each team to sign off on. Brian has requested some type of barricade to prevent people from parking directly in front of the hockey rink in the interest of safety; this is only necessary during tournaments. Chief Biscaro reminded Brian glass containers are prohibited at the park. Brian will contact Superintendent of Public Works Kilburn regarding repairs.

ZONING

Zoning Officer Lexer updated the board regarding the fence between North Street apartments and North Street residents, as of this date the fence has not been erected. Zoning Officer Lexer informed the management of the apartment complex this needed to be done prior to winter.

The garage will be demolished at 339 North Street in the near future. The court date is September 17, 2013, at which time a fine can be assessed if the garage is not demolished.

Zoning Officer Lexer and Trustee McGarvey suggested some changes to the Zoning regulations regarding site plan approval for small commercial projects. Currently once the zoning officer approves the permit the request must then go to VOA planning board, once approved at this level, under certain conditions, it must go to the County Planning board. The County planning board meets once a month. Some of the smaller projects can take up to three to four months just to get approval. Their suggestion would be to allow the Zoning Officer the ability to approve some of the smaller type jobs without going to the VOA/TOA Planning board or the County Planning board. Discussion was held that ended with more questions than answers - What would the guidelines be? They cannot be ambiguous. Who is responsible? Shall we come up with a list of projects that can be approved by the Zoning Officer, eliminating the VOA planning/County planning? The recommendation by the VOA board was to seek guidance from Robert Kutzuba, attorney. Superintendent of Public Works Kilburn will return to the board with more information.

APPROVE MINUTES

Motion by Trustee Rule and seconded by Trustee Schiener, the minutes from the regular meeting held on August 6, 2013 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	

APPROVE MINUTES

Motion by Trustee Schiener and seconded by Trustee McGarvey, the minutes from the special meeting held on August 16, 2013 be approved as presented by the 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		

APPROVE MINUTES

Motion by Trustee Rule and seconded by Trustee McGarvey, the minutes from the regular meeting held on August 20, 2013 be approved as presented by the 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		

COMPUTER AIDED DISPATCH (CAD)

Chief Biscaro discussed the new CAD system that is now available to the police through the computers in their patrol cars. The system can provide in depth information regarding complaints received through dispatch, the officers can run license and registration checks through the system, using the GPS component officers can see where other police cars are located throughout the county and the system includes an emergency button that when pushed all police cars are alerted of the location of the officer in trouble. Chief Biscaro feels this is a valuable tool for the officers. The county supplied the VOA with an air card and the VOA purchased two.

MUNICIPAL SNOW AND ICE CONTRACT RESOLUTION

The following resolution was offered by Trustee McGarvey and seconded by Trustee Rule

RESOLUTION

WHEREAS, the Village of Arcade entered into an Agreement No. D010645 entitled "Indexed Lump Sum Municipal Snow and Ice Agreement" between the New York State Department of Transportation (NYSDOT) and the Village of Arcade (VOA) dated October 25, 1996; and

WHEREAS, the term of the said Agreement is for a period of three years commencing July 1, 1996 and the said Agreement provides that the parties may at the end of each year of the term of the Agreement extend such term for an additional year; and

WHEREAS, the present term of the Agreement, as extended, expires June 30, 2015 and

WHEREAS, Section 7 of the said Agreement provides that the NYSDOT shall furnish the VOA with a suitable map for each term of the Agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement; and

WHEREAS, Section 9 of the said Agreement provided for an annual update of the estimated expenditure to be determined by the NYSDOT subject to the provisions of Section 9 at the time for extension of the Agreement; and

WHEREAS, Section 9 of the Agreement also provides for an adjustment to the actual payment amount based on the intensity and severity of the winter season;

NOW, THEREFORE, Be It Resolved, that the Mayor of the VOA be hereby authorized to enter into an Indexed Lump Sum Municipal Snow and Ice Agreement with the NYSDOT to extend the contract for a period of one year, now to expire on June 30, 2016. The highways or parts thereof affected by this Agreement are as delineated on the attached map and are agreed upon by the NYS DOT and the VOA, and shall be effective for the remainder of the term of the Agreement commencing on July 1, 2015 unless changed by future agreement. The estimated expenditure as specified in Section 9 of the aforementioned Agreement shall be \$5,314.91 per lane mile for 1.00 lane miles for the 2013-14 season and for the remainder of the term of the Agreement commencing July 1, 2013, unless changed by future update.

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	Absent
RESULTS		X PASS			FAIL		

AUTHORIZE MAYOR TO SIGN UNDERTAKING PERM 1 WITH NYS DOT

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

WHEREAS, the Village of Arcade, (hereinafter referred to as Permittee) from time to time receives permits from the New York State Department of Transportation, NYSDOT, and otherwise conducts activities and operations upon highways and/or within right of way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee’s access and operation upon state right of way is conditioned compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee’s operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right of way, Permittee hereby agrees to the following terms and conditions as described in detail in the original document, such as,

- 1) Permit Applications
- 2) Applicable Rules, Regulations & Conditions
- 3) Site Restoration
- 4) Payment and Release of Liens
- 5) Indemnity

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds or funds for general operations.

THEREFORE BE IT RESOLVED, the Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked upon thirty (30) days’ notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

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		Absent	
RESULTS									
	X	PASS					FAIL		

AUTHORIZE MAYOR TO SIGN LICENSE AGREEMENT WITH MAIN STREET GRILLE

Motion by Trustee Rule and seconded by Trustee McGarvey to authorize the Mayor to sign two license agreements between the Village of Arcade and the Barrett Hebrank Jr. and Elizabeth Kibler, owners of the Main Street Grille effective immediately. The agreement authorizes the Main Street Grille to license a parcel of property to the VOA for the purpose of general public parking; the VOA will maintain the lot.

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		

TRAFFIC COUNT

The traffic count on Main Street has consistently been at 16,000 vehicles per day. Once school is in session this may change.

PROSPECT STREET CONCRETE UPDATE

The concrete supplier has chosen three driveway aprons and three sections of sidewalk on Prospect Street that must be replaced due to the crumbling concrete. It was determined that too much water in the concrete mix when it was first installed has caused the crumbling. Abram Brothers will donate the labor, Buffalo Crushed Stone will donate the concrete and the VOA will remove the crumbled concrete.

AUTHORIZE MAYOR TO SIGN MOA FOR POLICE DEPARTMENT

Motion by Trustee McGarvey and seconded by Trustee Koerner to authorize the Mayor to sign a Memorandum of Agreement (MOA) between the Village of Arcade and the CSEA, Local 1000, AFCSME, AFL-CIO, Arcade Village Police Unit, (#9252-01), Wyoming County Local 861. The MOA covers a previous MOA signed for the last contract which should have been incorporated into the new contract effective June 1, 2012 through May 31, 2016. Appendix D will change the SRP anniversary dates and amounts; Appendix E clarifies the wording for the holiday pay to police officers, both part time and full time.

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		

AUDIT BILLS

Motion by Trustee Schiener and seconded by Trustee McGarvey, the Village bills be audited and paid in the amount of \$332,908.95 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 8:54 pm:

- Contract Negotiations
 Employment History of Particular Employee
 Legal

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 McGarvey and seconded by Trustee Koerner, the Board exit executive session at 9:52 pm.

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 a 9:53 pm upon motion by Trustee McGarvey and seconded by Trustee Rule.

 Clerk/Treasurer