

The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, September 17, 2013 at 7:00 pm there were:

**PRESENT**

Mayor Jay May, 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.

**ABSENT**

Trustee Ken Rule

**ALSO PRESENT**

Carole Jones, Gillian Koerner

**PLEDGE OF ALLEGIANCE**

Mayor May opened the meeting with the Pledge of Allegiance.

**2013 JCAP GRANT**

Motion by Trustee Schiener and seconded by Mayor May to authorize the following resolution regarding the 2013 JCAP grant. This resolution is contingent upon the Town of Arcade authorizing the same.

**RESOLUTION**

**WHEREAS**, the New York State (NYS) Unified Court System established the Justice Court Assistance Program (JCAP) in 1999 to provide State assistance to Town and Village Courts, and

**WHEREAS**, the NYS Unified Court System is accepting applications for the 2013 JCAP grant, and

**WHEREAS**, the maximum JCAP award is \$30,000 per municipality, and

**WHEREAS**, the grant may be used for a variety of purposes, including, but not limited to, new or updated automation, office and security equipment, furniture, and courtroom renovations, and

**WHEREAS**, the deadline for application is October 15, 2013, 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 JCAP, and

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

**WHEREAS**, the VOA Board of Trustees acknowledges that no funds awarded pursuant to an application shall be used to compensate justices or non-judicial staff or to reduce or otherwise supplant funding provided by the Village to its justice court, and

**NOW THEREFORE BE IT RESOLVED**, that VOA Board of Trustees hereby authorizes court personnel to make joint application with the Town of Arcade; and

**BE IT RESOLVED**, that the court personnel be authorized to apply up to the maximum amount available for the items listed below, and

**BE IT FURTHER RESOLVED**, that the Mayor of the Village of Arcade is hereby authorized to sign the 2013 JCAP application or any documents relating to the submission of the grant application.

Camera & DVD upgrade	\$ 3,750.00
Jury Room Remodel	\$23,700.00
Court Room Ceiling Repair	\$ 6,200.00
Conference Table	\$ 1,545.00
Air Conditioning	\$ 6,600.00
<b>TOTAL</b>	<b>\$41,795.00</b>

The motion was passed upon the following vote:

<b>VOTE</b>								
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		Yes		No		Abstain	X	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>		

**COURT CLERK PROCEDURE MANUAL**

Trustee Schiener announced Court Clerk Gillian Koerner was asked by the NYS Office of Court Administration to collaborate with other chosen court clerks in the development and eventual publishing of a Court Clerk’s Procedure Manual. Once published, this manual will be distributed to court clerks across the state. Trustee Schiener congratulated Gillian for this accomplishment.

**PROPOSED SUMMER RECREATION BUDGET 2014-15**

Trustee Schiener discussed a proposed budget for the summer recreation program for 2014-15 budget year. She is working on obtaining grants that would cover both educational and art programs. Supervisor Berwanger will discuss a cost sharing with the Town of Arcade.

**MUNICIPAL SNOW AND ICE CONTRACT RESOLUTION CORRECTION**

The following resolution was offered by Trustee McGarvey and seconded by Trustee Koerner: (this resolution was enacted due to a change in the dollar amount per lane mile from the previous resolution)

**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 \$5,368.71 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:

<b>VOTE</b>									
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		Yes		No		Abstain	X	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>		

**ZONING**

Superintendent of Public Works Kilburn reviewed information received from Attorney Robert Kutzuba regarding proposed changes to Zoning regulations that were discussed at the last board meeting. Zoning Officer Lexer and Trustee McGarvey proposed changing the criteria for approval of small commercial property additions/modifications. They suggested eliminating the step that requires the application be sent out to the County Planning Board as well as the Town/Village Planning Board. Their proposal could possibly speed up the processing time of the zoning request for this type of project. Attorney Kutzuba referred to General Municipal Law Chapter 239-m as well as Sections 3 (a) and (b). This will be discussed further at the next meeting when Zoning Officer Lexer will be present.

**UPDATE 339 NORTH STREET**

Superintendent of Public Works Kilburn updated the board regarding the abandoned property at 339 North Street. The garage has been taken down and the remaining debris is to be removed later this week. It appears that a great deal of garbage has been removed from the house.

**FEE WAIVER FOR FACILITY USE BY HOSPICE**

Motion by Trustee Koerner and seconded by Mayor May to waive the use of facility fee for the use of the fire hall on December 7, 2013 by Hospice for the Tree of Life Ceremony.

The motion was passed upon the following vote:

<b>VOTE</b>									
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		Yes		No		Abstain	X	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>		

**CANCELLATION OF DEBT**

Motion by Trustee McGarvey and seconded by Trustee Schiener to authorize cancellation of the following debt, all debt is past statute.

<b>NAME</b>	<b>AMOUNT</b>
Logan-Raimonde, Melissa	\$1118.42
Youngman, Diane	\$ 124.07
<b>TOTAL</b>	<b>\$1242.49</b>

The motion was passed upon the following vote:

<b>VOTE</b>								
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		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>		

**AUDIT BILLS**

Motion by Trustee McGarvey and seconded by Mayor May, the Village bills be audited and paid in the amount of \$289,988.84 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 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		Yes		No		Abstain	X	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>		

**EXECUTIVE SESSION**

Motion by Trustee Koerner and seconded by Trustee McGarvey, the Board enter into executive session to discuss the following topic(s) at 7:29pm:

- Employment history of a particular employee
- Proposed acquisition, sale or lease of real property
- Contract negotiations

The motion was passed upon the following vote:

<b>VOTE</b>								
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	4	Yes		No		Abstain	X	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>		

Motion by Trustee Schiener and seconded by Trustee McGarvey, the Board exit executive session at 8:00 pm.

The motion was passed upon the following vote:

<b>VOTE</b>								
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		Yes		No		Abstain	X	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>		

**ADJOURN**

There being no further business to come before the Board the meeting duly adjourned at 8:02 pm upon motion by Trustee McGarvey and seconded by Trustee Schiener.

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Clerk/Treasurer