

The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, August 7, 2018 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**

Mark Alianello, Chris Lexer, Chris Lester, Mike Landis, Casey Dunlap, Jared Benkelman, Andrew Golombek, Kathy May

**PLEDGE OF ALLEGIANCE**

Mayor May opened the meeting with the Pledge of Allegiance.

**PHASE II ENVIRONMENTAL ASSESSMENT SULLIVAN GARAGE**

Mark Alianello, MDA Consulting Engineers, PLLC, discussed the report from Hazard Evaluations on the Phase II Environmental Site Assessment for the Sullivan Avenue Garage site. In the work done in Phase I of the Environmental Site Assessment some areas of concern were discovered. Mark explained that when there is potential for PCB's there is a federal regulation that must be adhered to. Should the site meet those levels the soil must be contained and shipped to a landfill in Alabama. This Phase II is to find out if there are PCBs and what level of concentration they are. There will also be testing for lead paint based on the age of the building. Any contractor would request the test results before any demolition would occur. The VOA is responsible for any necessary clean up. Sample testing will include soil samples in the shed, the ditch and the concrete. There could also be petroleum contamination. Mark suggested the VOA look at the big picture, investigate and see if there is an issue. If it is found there is significant contamination the VOA would have to clean the site up. If necessary the VOA could apply for a Brownfield Grant or any other assistance that may be available.

Mayor May suggested the VOA needs to find out what they are dealing with first and then tackle any problems that arise.

Motion by Trustee McGarvey and seconded by Trustee Schiener to authorize Mayor May to sign the agreement between the VOA and MDA Consultants authorizing Hazard Evaluations to proceed with the Phase II Environmental Assessment at a cost not to exceed \$11,720.

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	X	Yes		No		Abstain		Absent	
Trustee Donna Schiener	X	Yes		No		Abstain		Absent	
<b>VOTE TOTAL:</b>	5	Yes	0	No	0	Abstain	0	Absent	
<b>RESULTS</b>	<b>X</b>	<b>PASS</b>					<b>FAIL</b>		

**ZONING**

Chris Lexer, Zoning Officer, discussed a zoning issue regarding property on the corner of Liberty Street and Mill Street. The current owner is selling the property and would like to get approval to change the single family home into a two family unit as the proposed buyer is requesting this. They applied for a zoning compliance certificate to change the property into a two-family home, it is not an allowed use in that zoning area, which is Neighborhood Commercial, so therefore ZO Lexer denied the request and suggested the owner apply for a variance. The Zoning Board denied the request and told the applicant that any variances belong to the owner, not the property, which is incorrect. The Zoning Board suggested the applicant go to the VOA Board and request the property be rezoned. ZO Lexer opposed that as that would constitute spot zoning. Since there are many multi-family homes in that area ZO Lexer's recommendation would be to add single family/ multi-family as an allowed use for this district. This way the home could be turned into a multi-family home. The zoning area would remain Neighborhood Commercial; only the allowed use would be changed. Regardless of whether or not this property is sold, ZO Lexer feels the change would be in best interest of Village.

To initiate a Zoning change a letter has to be sent to the Planning Board requesting their recommendation. The Board requested the Clerk Treasurer send the letter.

**APPROVE MINUTES**

Motion by Trustee Koerner and seconded by Trustee McGarvey, the minutes from the regular meeting held on July 17, 2018 be approved as presented by Deputy Clerk/Treasurer Karpinski.

The motion was passed upon the following vote:

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

**SCHOOL RESOURCE OFFICER**

Mayor May discussed the issue of the School Resource Officer (SRO). The Mayor spoke with PCS Superintendent Halsey regarding the joint proposal between the Village, the Town and the School. The Mayor proposed the VOA would pay a 40% of the cost, the town 30% and the school 30%. The VOA would pay the higher percentage as the officer would work for the Village during non-school hours when possible. Chairman Berwanger was able to budget for this expense and Superintendent Halsey was going to propose the plan to the school board. The Agreement would be for one year, to begin September 1, 2018 and concluding August 31, 2019. The long term hope is that the State would come through with funding.

**AUTHORIZE POSTING FOR POLICE OFFICER**

Motion by Trustee McGarvey and seconded by Trustee Rule to authorize Chief Biscaro to post for the position of a full time SRO officer. If the funding does not come through there will not be a full time officer hired.

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	X	Yes		No		Abstain		Absent
Trustee Donna Schiener	X	Yes		No		Abstain		Absent
<b>VOTE TOTAL:</b>								
	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>				<b>FAIL</b>		

**DRUG RECOGNITION EXPERT (DRE) TRAINING**

Motion by Mayor May and seconded by Trustee McGarvey to authorize police officer Michael Lococo to attend the 2018 Drug Recognition Expert (DRE) Certification Training. The training will be September 10 - 21, 2018 and will be held in Latham NY at the NYS Police Troop G Headquarters. The VOA is responsible for travel, lodging and meals. The cost for lodging is approximately \$719.90 and meal expense will be turned in.

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	X	Yes		No		Abstain		Absent
Trustee Donna Schiener	X	Yes		No		Abstain		Absent
<b>VOTE TOTAL:</b>								
	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>				<b>FAIL</b>		

**ELECTRIC CAR CHARGING SYSTEM**

Superintendent of Public Works Kilburn discussed the possibility of building an electric car charging station. The Public Service Commission (PSC), New York Power Authority (NYPA), and New York State Energy Research and Development (NYSERDA) are making the charging stations a priority. Per NYSERDA there are 22 electric vehicles in Wyoming County, 32 in Cattaraugus County, 29 in Allegany County and 1215 in Erie County. The Village may want to consider installing a car charging station in the Village. The closest charging stations to the VOA are East Aurora, Warsaw and Ellicottville. The cost is about \$7,000 and IEEP will pay for it. The Board recommended Superintendent of Public Works Kilburn pursue the project.

**SANITARY SEWER PHASE 2B CHANGE ORDER #1**

Motion by Trustee Koerner and seconded by Trustee McGarvey to authorize the Mayor to sign the Sanitary Sewer Phase 2B Change Order #1. The change order is for additional cleaning while televising the sanitary sewer system. The heavy cleaning was required to effectively complete the televising of the sewers. The increase cost is \$3,000.

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	X	Yes		No		Abstain		Absent
Trustee Donna Schiener	X	Yes		No		Abstain		Absent
<b>VOTE TOTAL:</b>	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>	<b>X</b>	<b>PASS</b>				<b>FAIL</b>		

**WATER DRAINAGE ISSUES**

There are two water drainage issues in the Village that have been addressed with Wyoming County Soil and Water Department and recommendations have been made. The recommendations for both properties include a yard drain along with 6" drainage tile installed to an existing storm sewer. The problem on Deacon Drive is created by a ditch on property belonging to the VOA which is behind Deacon Drive. The Board has no knowledge as to who dug the ditch or when. The Village is not aware of any permission given to dig the ditch. Because the work would be done on private property it will require obtaining an easement from the property owner. The Park Street issue was not created by the VOA and therefore we cannot do the work. The Superintendent will contact Greg McKurth from Wyoming County Soil and Water to see if they will help with both of these projects.

**AUTHORIZATION VACATION CARRYOVER**

Motion by Trustee Koerner and seconded by Trustee Rule to authorize Brian Lane to carryover 80 hours vacation time, to be used within the next 60 days.

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	X	Yes		No		Abstain		Absent
Trustee Donna Schiener	X	Yes		No		Abstain		Absent
<b>VOTE TOTAL:</b>	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>	<b>X</b>	<b>PASS</b>				<b>FAIL</b>		

**ANNUAL COURT AUDIT**

Motion by Trustee Schiener seconded by Trustee McGarvey, was offered for the Board to acknowledge that in accordance with the Uniform Justice Court Act, Section 2019-a, Mayor May and Deputy Clerk Treasurer Karpinski performed an audit of the court records on July 13, 2018.

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	X	Yes		No		Abstain		Absent
Trustee Donna Schiener	X	Yes		No		Abstain		Absent
<b>VOTE TOTAL:</b>								
	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>				<b>FAIL</b>		

**ADDITIONAL HANDICAP PARKING SPACE MAIN STREET**

Clerk Treasurer Kraft received a request from the new owners of Cottrill’s Pharmacy for a handicapped parking space, in front of 255 Main Street, the north side of the road. There are no handicap parking spaces on the north side of Main Street at this time. This change would come under local law, Chapter 34 Parking, and would require a public hearing to make the change in the law.

**SCHEDULE PUBLIC HEARING, CHAPTER 34 PARKING**

Motion by Trustee Schiener and seconded by Trustee Rule to schedule a public hearing regarding the proposed changes to Local Law 34, Parking, on Tuesday, August 21, 2018.

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	X	Yes		No		Abstain		Absent
Trustee Donna Schiener	X	Yes		No		Abstain		Absent
<b>VOTE TOTAL:</b>								
	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>				<b>FAIL</b>		

**CANCELLATION OF DEBT**

Motion by Trustee Schiener and seconded by Trustee McGarvey to authorize the cancellation of the following debt:

NAME	ACCOUNT NUMBER	AMOUNT	REASON
Kaszynski, Stephan	05-15100-06	\$ 40.41	Past Statute
Sanford-King, Anastasia	14-16900-03	\$ 451.18	Past Statute
Smith, Patrick	05-22500-02	\$ 185.83	Past Statute
Weichmann, Alberta	17-31700-00	\$ 99.07	Unable to locate
<b>TOTAL</b>		<b>\$ 776.49</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	X	No		Abstain		Absent
Trustee Donna Schiener	X	Yes		No		Abstain		Absent
<b>VOTE TOTAL:</b>								
	4	Yes	1	No	0	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>				<b>FAIL</b>		

**NYS VOLUNTEER FIREFIGHTER CANCER BENEFIT PROGRAM MANDATE**

Clerk Treasurer Kraft attended a meeting regarding the Firefighter Gap Coverage on Tuesday, August 31, 2018. The meeting cleared up a lot of questions regarding who is covered, how one gets coverage, the benefits that are available and the cost. Although the cost has not been finalized it is believed it will be about \$200 per person, per year. Fire Chief Chris Lester is working on records with the County to try and determine how many firefighters would qualify.

**NYCOM CONFERENCE**

Motion by Trustee Rule and seconded by Trustee Schiener to authorize Clerk Treasurer Kraft to attend the annual NYCOM Conference to be held at the Crowne Plaza in Lake Placid NY, September 23-28, 2018. The cost is \$295 to register and the hotel and meals are \$1,475, for a total of \$1,770 plus mileage.

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	X	Yes		No		Abstain		Absent	
Trustee Donna Schiener	X	Yes		No		Abstain		Absent	
<b>VOTE TOTAL:</b>									
	5	Yes	0	No	0	Abstain	0	Absent	
<b>RESULTS</b>									
	X	<b>PASS</b>					<b>FAIL</b>		

**FY 2018-2019 BUDGET AMENDMENT**

Motion by Trustee McGarvey and seconded by, Trustee Rule the FY 2018-2019 budget be amended as follows because funds have been received from Wyoming County for DWI Patrol, Memorial Day Crackdown.

<b>INCREASE REVENUE</b>	<b>INCREASE EXPENDITURE</b>
001-4-3389-0100	001-5-3120-101-0005
In the amount of <b>\$418.46</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	X	Yes		No		Abstain		Absent	
Trustee Donna Schiener	X	Yes		No		Abstain		Absent	
<b>VOTE TOTAL:</b>									
	5	Yes	0	No	0	Abstain	0	Absent	
<b>RESULTS</b>									
	X	<b>PASS</b>					<b>FAIL</b>		

**AUDIT BILLS**

Motion by Mayor May and seconded by Trustee Rule, the Village bills be audited and paid in the amount of \$337,857.48 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	X	Yes		No		Abstain		Absent	
Trustee Donna Schiener	X	Yes		No		Abstain		Absent	
<b>VOTE TOTAL:</b>									
	5	Yes	0	No	0	Abstain	0	Absent	
<b>RESULTS</b>									
	X	<b>PASS</b>					<b>FAIL</b>		

**REPORTS RECEIVED**

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

- Revenue Expense Report

**ADJOURN**

There being no further business to come before the Board the meeting duly adjourned at 8 :36 pm upon motion by Trustee McGarvey and seconded by Trustee Rule .

---

Clerk/Treasurer

VENDOR	AMOUNT	VENDOR	AMOUNT
ACTIVE IT DESIGN, LLC	\$ 2,545.00	NEW YORK STATE DEFERRED COM	\$ 2,810.62
AFLAC NEW YORK	\$ 2,244.06	NEW YORK STATE DEFERRED COM	\$ <b>2,801.29</b>
ALTEC INDUSTRIES INC	\$ 2,448.43	NGT CORPORATION	\$ 1,260.00
AMI INVESTMENTS LLC	\$ <b>192.75</b>	NOCO ENERGY CORP	\$ <b>5,119.04</b>
ARCADE LUMBER & MILLWORK	\$ 370.87	NYS & LOCAL RETIRE SYSTEM	\$ <b>3,642.90</b>
ARCADE LUMBER & MILLWORK	\$ <b>1,208.19</b>	NYS ASSOC OF CITY & VILL CL	\$ 50.00
ATTICA ACE HARDWARE	\$ <b>155.94</b>	NYS CHILD SPRT PROCESSING	\$ 500.46
ATTICA AUTO SUPPLY	\$ 60.14	NYS CHILD SPRT PROCESSING	\$ 500.46
AUTOMOTIVE ALLEY INC	\$ 846.17	NYS DEPARTMENT OF LABOR	\$ 22.00
AUTOZONE	\$ 34.56	NYS INCOME TAX	\$ <b>4,055.93</b>
BARLOW, TIM R.	\$ 180.00	NYS INCOME TAX	\$ 3,600.34
BATES, SCOTT	\$ 22.50	NYS SALES TAX	\$ <b>10,986.93</b>
BENEFLEX-ERIE	\$ <b>192.00</b>	OFFICE OF STATE COMPTROLLER	\$ <b>5,793.00</b>
BERGMANN, MICHELLE	\$ 30.00	PENNINGTON, HEATHER M	\$ 200.00
BISCARO, ANTHONY	\$ 405.48	PIONEER FORD INC.	\$ 21.00
BLUE COLLAR WORKWEAR	\$ <b>2,019.00</b>	R.S. MAHER & SON, INC	\$ <b>2,877.98</b>
BLUE TARP FINANCIAL INC	\$ 3,485.07	RICHARD MARC GORDON ESQ., P	\$ 1,017.20
BOLDT, PETER L.	\$ 375.00	RICHARD-CIN SIGNS & SAFETY	\$ 580.00
C & G ELECTRICAL SUPPLY	\$ 637.20	S & C ELECTRIC CO.	\$ <b>9,653.00</b>
CARLEY, EDWARD D	\$ <b>4,912.50</b>	SCHWAB AGGREGATES	\$ 326.33
CID DIVISION OF WASTE MANAGE	\$ <b>9,394.30</b>	SECURITY INVESTORS GROUP IN	\$ 10,445.25
CINTAS CORPORATION #782	\$ 78.45	SECURITY INVESTORS GROUP IN	\$ 34,728.70
CLARK PATTERSON LEE	\$ 12,142.10	SHELTERPOINT LIFE INSURANCE	\$ <b>292.90</b>
CONNOR, FRANCIS S.	\$ 262.00	SHELTERPOINT LIFE INSURANCE	\$ 262.80
CSEA	\$ <b>706.92</b>	SHERMAN & REILLY INC	\$ <b>6,948.20</b>
CSEA	\$ <b>706.92</b>	SIMAR, VICKI L.	\$ 236.88
CSEA BENEFIT UNIT	\$ <b>1,089.52</b>	SOUTER, ROBERT A	\$ 1,885.00
CSEA POLICE UNIT	\$ 150.10	SOUTHERN TIER ELECTRIC SUPP	\$ <b>1,168.96</b>
CSEA POLICE UNIT	\$ 150.10	SOUTHERN TIER ELECTRIC SUPP	\$ 2,274.00
DELACY FORD	\$ 28,177.67	SS DIESEL & AUTO LLC	\$ 152.03
E.J. PRESCOTT, INC	\$ 830.04	STUART CIRBY CO	\$ <b>16,042.94</b>
FIBER INSTRUMENT SALES, INC	\$ 628.51	STUART CIRBY CO	\$ 1,214.22
FISHER CONCRETE, INC	\$ <b>16,192.00</b>	T L SCHWAB TRANSPORT LLC	\$ 123.86
FORBES COURT REPORTING SERV	\$ 110.00	THE LAUFER LAW FIRM, PC	\$ <b>2,339.20</b>
FREEDOM FARM AND TRUCK TIRE	\$ 2,150.00	TIFCO INDUSTRIES	\$ 1,806.42
GLOW YMCA INC	\$ 4,680.00	TIME WARNER CABLE	\$ <b>254.96</b>
GRAINGER	\$ 2,828.07	TRACTOR SUPPLY CREDIT PLAN	\$ <b>1,096.88</b>
GRAINGER	\$ 388.10	TRI-COUNTY SUPPLY INC	\$ <b>206.95</b>
HALEY CONCRETE INC	\$ 7,520.00	TRI-COUNTY SUPPLY INC	\$ <b>20.95</b>
HON COMPANY	\$ 614.00	TYLER TECHNOLOGIES INC	\$ 400.86
HULL ELECTRIC, INC	\$ 87.75	UPS	\$ <b>30.79</b>
INDEPENDENT HEALTH	\$ 35,460.42	USA BLUEBOOK	\$ <b>925.51</b>
IRS - FEDERAL PAYROLL TAX PA	\$ 20,824.53	UTZ TIRE SERVICE OF ARCADE,	\$ 156.00
IRS - FEDERAL PAYROLL TAX PA	\$ 18,852.02	VERIZON	\$ <b>147.90</b>
JIM'S EQUIPMENT REPAIR INC	\$ 177.06	VERIZON WIRELESS	\$ 716.60
JOHN SIXT & SON, INC.	\$ 127.83	VILLAGE OF ARCADE	\$ <b>90.00</b>
KEY BANK	\$ 360.84	VILLAGE OF ARCADE	\$ <b>90.00</b>
KLESS BOYS, LLC	\$ 7,171.26	VILLAGE OF ARCADE	\$ 583.26
LIFE SCIENCE LABORATORIES,	\$ 150.00	WAGNER, JOSEPH D	\$ 200.00
MARCOS PIZZA & SUBS	\$ <b>81.94</b>	WYOMING COUNTY DEPT OF HEAL	\$ 64.00
MUNICIPAL SOLUTIONS, INC	\$ 1,385.61	ZIMMER AUTO PARTS & SALES I	\$ 54.08
NEW HORIZON COMMUNICATIONS	\$ <b>808.96</b>	ZIMMER AUTO PARTS & SALES I	\$ 487.02
COLUMN TOTAL	\$ <b>196,651.88</b>	COLUMN TOTAL	\$ 141,205.60
		GRAND TOTAL	\$ 337,857.48