

The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, September 3, 2019 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, Jim Pierce, Derek Rule, Peter Walter

PLEDGE OF ALLEGIANCE

Deputy Mayor Rule opened the meeting with the Pledge of Allegiance.

ZONING

Zoning Officer, Chris Lexer and Jim Pierce of Wyoming County IDA discussed potential changes to the current zoning law as it pertains to development on property on Steele Avenue in the Village. There is a developer interested in the HCLI district. The particular structure/business is not an allowed use in this district. Chris Lexer proposed a change to the allowed use in that district to include hotels and motels. This would not be considered spot zoning as district HC allows this use. Another suggested change would be to the allowed uses in district HCLI to remove camping parks. Lexer also proposed a change to Section 440 HCLI district to increase the tallest structure regulation from three stories to four stories. Chris thought perhaps the same change should be made in the HC district as well. Chris did speak with fire chief regarding fire safety; it would be automatic mutual aid with a fire company that has a ladder truck. (Springville and Farmersville). The last proposed change would be to allow for off sight advertising in the HCLI district with specific guidelines. The guidelines would only allow free standing (pylon) signs requiring a lease with the property owner on which sign will be located. Chris will write up the proposed changes and submit them to the Arcade Planning Board for the next meeting. He would like to have it back to the Village Board the second meeting of the month of October.

The Board agreed for Chris Lexer to proceed with writing up the changes and sending them to the Planning Board.

SULLIVAN GARAGE DEMOLITION UPDATE

Superintendent of Public Works Kilburn stated there are still a few issues remaining with the sight. SPW suggested we hold the retainage fee, \$3,490, until the finishing sight work is completed, ie.racking off the stones. There is also the issue of who is responsible to pay the air monitoring expense. Derek Rule, MDA Engineering, stated that when the project was bid there was concern regarding the asbestos that was on sight and perhaps a full asbestos abatement would have to be done. Once the building was condemned it was determined a controlled demolition with constant air monitoring during demolition was possible. This was explained at the pre-bid meeting and mentioned in Addendum No.1 of the bidding documents. Empire Dismantlement, the successful bidder, did not include the cost of this air monitoring in the bid in error. Their bid was \$30,100 lower than the second bid of \$88,100. The total cost of the air monitoring was \$2,336.25, the Village is responsible for \$250. Does the Village wish to back charge the contractor or will the Village pay this? The contractor is asking the Village to pay as this was not part of their bid.

The Board offered to split the cost and Empire must come back and finish the work or the Village will keep the retainage in amount of air monitoring and the VOA will complete sight work. Derek will discuss this with Empire Dismantling and report back to Superintendent of Public Works Kilburn.

TAXI CAB LAW, CHAPTER 58

Peter Walter approached the Board regarding obtaining a taxi cab permit from the Village. He presented his fee schedule to the Board for their approval. The name of the business is Bright Star Taxi Tour and Transportation Service. The Board will review the fee schedule and the local law and there will be further discussion at the next regular Board meeting.

APPROVE MINUTES

Motion by Trustee Schiener and seconded by Trustee Koerner, the minutes from the regular meeting held on August 20, 2019 be approved as presented by Clerk/Treasurer Kraft.

The motion was passed upon the following vote:

VOTE									
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	
VOTE TOTAL:									
	4	Yes	0	No	1	Abstain	0	Absent	
RESULTS		X	PASS				FAIL		

AUTHORIZE MAYOR TO SIGN MILHERST AGREEMENT

Motion by Trustee Rule and seconded by Trustee McGarvey to authorize the Mayor to sign the agreement between the Village of Arcade and Milherst Construction, Inc. for the Sanitary Sewer System Rehabilitation, Phase 2B in the amount of \$762,240.50.

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		

REVISED RESOLUTION TAPS GRANT

Motion by Trustee Rule and seconded by Trustee Schiener accept the following revised resolution for the TAPS grant. The revision changes the total amount of funding from \$340,000 to \$345,000, with federal aid increasing from \$272,000 to \$276,000 and the Village portion increasing from \$68,000 to \$69,000.

WHEREAS, a Project for the Village of Arcade, PIN 4761.20 (the Project) is eligible for funding under Title 23 U.S Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Village of Arcade desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering work for the Project or portions thereof, with the federal share of such costs to be applied directly the New York State Department of Transportation (NYSDOT) pursuant to Agreement; and it is further

NOW, THEREFORE, the Village of Arcade Board, duly convened does hereby

RESOLVE, that the Village of Arcade Board hereby approves the Project; and it is hereby further

RESOLVED, that the Village of Arcade Board hereby authorizes the Village of Arcade to pay in the first instance the full non-federal share of the cost of preliminary engineering work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$345,000 is hereby appropriated from the Capital Fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the and non-federal share of costs of the project exceed the amount appropriated above, the Board of Trustees shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Superintendent of Public Works thereof, and it is further

RESOLVED, that the Mayor of the Village of Arcade be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Village of Arcade with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the non-federal share of project costs

and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

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		

JUSTICE COURT ASSISTANCE PROGRAM (JCAP) GRANT

The Court Clerk would once again like to apply for the JCAP grant. The items she is requesting are a new drop box for afterhours court payments, replace/repair the sidewalk between the courtroom entrance and the police department, heat the sidewalk in front of the courtroom door, replace the canopy over the police entrance and move the drain pipe that is currently there at the doorway. There is also a possible purchase of a notification system that will be necessary to be in compliance with bail reform regulations. If the costs are under \$30,000 it will remain a Village grant, if it should go over \$30,000 it would then become a joint application with the Village and the Town.

2019 JCAP GRANT RESOLUTION

Motion by Trustee Schiener and seconded by Trustee McGarvey to authorize the following resolution regarding the 2019 JCAP grant.

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 2019 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 10, 2019, 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 application; and

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

- New payment drop box
- Repair/replace sidewalk between courtroom entrance and the police department entrance
- Make police entrance handicapped accessible
- Replace canopy over police entrance and move drain pipe from entranceway
- Heated sidewalk in front of courtroom door
- Possible purchase of a notification system for compliance with bail reform

BE IT FURTHER RESOLVED, that the Mayor of the Village of Arcade is hereby authorized to sign the 2019 JCAP application or any documents relating to the submission of the grant application.

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		

PROJECTS UPDATE

Superintendent of Public Works Kilburn updated the Board on various projects throughout the Village.

The Village office roof will be replaced this week, the bathroom at the park is underway, the site work has begun for the septage receiving station, the North Street sewer project will start next week and the sidewalk work will begin the week of September 16th. The pickup truck that was sold will be picked up on Thursday and the F350 sold for \$13,850.

FY 2019-2020 BUDGET AMENDMENT

Motion by Trustee McGarvey and seconded by Trustee Schiener, the FY 2019-2020 budget be amended as follows to record POs and the associated encumbrance from the prior fiscal year to the current fiscal year. See attached.

INCREASE REVENUE		INCREASE EXPENDITURE	
001-4-9999-9999 (fund balance)	\$4789.61	Various	
007-4-9999-9999 (fund balance)	\$ 211.16	007-5-0785-100-4050 1 st Aid Supplies	

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 Trustee Schiener seconded by Trustee Koerner, the Village bills be audited and paid in the amount of \$303,485.99 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		

REPORTS RECEIVED

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

- Revenue and Expense Report 8/31/2019

ADJOURN

There being no further business to come before the Board the meeting duly adjourned at 8:43 pm upon motion by Trustee Rule and seconded by Trustee Schiener.

Clerk/Treasurer

8-27-2019 11:01 AM

BUDGET ADJUSTMENT REGISTER

PAGE: 1

PACKET: 00377-BUDGET AMEND PRIOR YEAR PO'S
 BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE

001 5-3120-400-4040	6/01/2019	BUDGET AMEND PO'S 2 SUPPLIES-AMMUNITION DEPT: POLICE DEPARTMENT	498.36	1,000.00	0.00	1,498.36	1,000.00
001 5-3120-400-4070	6/01/2019	BUDGET AMEND PO'S 2 CLOTHING ALLOW/UNIFORM RENTAL DEPT: POLICE DEPARTMENT	287.90	4,500.00	0.00	4,787.90	334.95
001 5-7140-400-4350	6/01/2019	BUDGET AMEND PO'S 2 GROUNDS DEPT: PLAYGROUND AND RECREATION	2,000.00	15,000.00	0.00	17,000.00	794.60
001 5-8170-426-4000	6/01/2019	BUDGET AMEND PO'S 2 2016 DULEVO ST SWEEPER #26 DEPT: STREET CLEANING	2,003.35	2,000.00	0.00	4,003.35	185.43
001 4-9999-9999	6/01/2019	BUDGET AMEND PO'S 2 FROM FUND BAL BUDGET ONLY	4,789.61	0.00	0.00	4,789.61-	4,789.61-
007 5-0785-100-4050	6/01/2019	BUDGET AMEND PO'S 2 1ST AID SUPPLIES &SAFETY EQUIP DEPT: EMP RLTD/MISC GEN EXP	211.16	12,000.00	0.00	12,211.16	10,135.98
007 4-9999-9999	6/01/2019	BUDGET AMEND PO'S 2 FROM FUND BAL BUDGET ONLY DEPT: CONTINUING PROPERTY PACKET NOTES: THIS ADJUSTMENT INCREASES THE EXPENSES AND INCREASES REVENUE FROM FUND BALANCE, ENCUMBRANCE, FOR ALL PO'S THAT WERE ISSUED IN PRIOR YEAR BUT WERE NOT RECEIVED AT END OF FY, THEY WERE RECEIVED IN THE CURRENT YEAR. JMK	211.16	0.00	0.00	211.16-	211.16-
					TOTAL NO. ADJUSTMENTS--REVENUE:	2	5,000.77
					TOTAL NO. ADJUSTMENTS--EXPENSE:	5	5,000.77
						<hr/>	
TOTAL IN PACKET--							10,001.54

*** NO WARNINGS ***

*** NO ERRORS ***

*** END OF REPORT ***

VENDOR	AMOUNT	VENDOR	AMOUNT
534 SARATOGA BROADWAY LP	\$ 1,365.00	MARCOS PIZZA & SUBS	\$ 21.75
ALBAZIRGAN, AWS	\$ 220.00	MARMON UTILITY LLC	\$ 2,862.54
ARCADE HERALD	\$ 13.09	MATUSZAK'S BLACKTOPPING INC	\$ 2,560.00
ATTICA AUTO SUPPLY	\$ 159.96	MAZZA MECHANICAL SERVICES, INC	\$ 250.00
BAKER, CURTIS J	\$ 280.00	NATIONAL POWER EQUIPMENT, INC	\$ 4,001.50
BENEFLEX-ERIE	\$ 186.00	NEW YORK POWER AUTHORITY	\$ 21,174.26
BLUE CROSS BLUE SHIELD OF WNY	\$ 34,524.04	NEW YORK STATE DEFERRED COMPEN	\$ 2,915.84
CID DIVISION OF WASTE MANAGEMEN	\$ 9,629.16	NOCO ENERGY CORP	\$ 1,977.11
CINTAS CORPORATION #782	\$ 161.62	NYS & LOCAL RETIRE SYSTEM	\$ 1,924.58
CONNOR, FRANCIS S.	\$ 126.00	NYS CHILD SPRT PROCESSING	\$ 500.46
CSEA	\$ 700.49	NYS INCOME TAX	\$ 3,732.08
CSEA POLICE UNIT	\$ 149.95	OFFICE OF STATE COMPTROLLER	\$ 6,312.50
CUBIC STORAGE CO., INC.	\$ 140.07	PIONEER FORD INC.	\$ 53.94
DEPOSITORY TRUST AND CLEARING	\$ 129,475.00	POW-R MOLE SALES LLC	\$ 4,711.00
E.J. PRESCOTT, INC	\$ 807.20	SCHWAB AGGREGATES	\$ 1,864.36
FIRST STUDENT, INC	\$ 3,181.25	SELPHS FIRE SERVICE LLC	\$ 162.32
FIVE STAR EQUIPMENT INC	\$ 85.65	SOUTER, ROBERT A	\$ 275.00
FORBES COURT REPORTING SERVICE	\$ 397.83	STANGTEK SERVICES LLC	\$ 356.65
GLOW YMCA INC	\$ 2,970.00	STATE INDUSTRIAL PRODUCTS	\$ 287.00
GRAINGER	\$ 11.76	STUART C IRBY CO	\$ 310.20
HALEY CONCRETE INC	\$ 393.00	T L SCHWAB TRANSPORT LLC	\$ 622.29
HAZARD EVALUATIONS, INC	\$ 910.00	TIFCO INDUSTRIES INC	\$ 340.55
IRS - FEDERAL PAYROLL TAX PAYME	\$ 19,510.66	TIME WARNER CABLE	\$ 255.31
ITRON, INC.	\$ 240.00	TOMPKINS INSURANCE AGENCIES IN	\$ 27,433.00
KEY BANK	\$ 2,529.67	TRACTOR SUPPLY CREDIT PLAN	\$ 413.65
KOESTER ASSOCIATES INC	\$ 1,235.00	TREE CARE OF NEW YORK, LLC	\$ 6,240.00
KUTZUBA, ROBERT	\$ 1,678.00	TRI-COUNTY SUPPLY INC	\$ 11.98
LARRY ROMANCE & SON INC.	\$ 607.55	VERIZON	\$ 138.17
COLUMN TOTAL	\$ 211,687.95	VILLAGE OF ARCADE	\$ 90.00
		COLUMN TOTAL	\$ 91,798.04
		GRAND TOTAL	\$ 303,485.99