

The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, October 1, 2019 at 7:00 pm there were:

PRESENT

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

ABSENT

Mayor Jay May, Trustee Donna Schiener

ALSO PRESENT

Peter Walter, Judy Hanes

PLEDGE OF ALLEGIANCE

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

LOCAL LAW CHAPTER 58 TAXICABS

The Board reviewed two revised forms: Application for Taxicab Drivers License and the Application for Taxicab License. The Board approved the forms for use and will continue to review and update the current law.

APPROVE MINUTES

Motion by Trustee McGarvey and seconded by Trustee Koerner, the minutes from the regular meeting held on September 17, 2019 be approved as presented by Deputy Clerk/Treasurer Karpinski.

The motion was passed upon the following vote:

VOTE								
Mayor Jay May		Yes		No		Abstain	X	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		Yes		No		Abstain	X	Absent
VOTE TOTAL:	3	Yes	0	No	0	Abstain	2	Absent
RESULTS	X	PASS					FAIL	

RESOLUTION – NYMPA SEMI-ANNUAL MEETING

The following resolution was offered by Trustee McGarvey and seconded by Trustee Koerner:

RESOLUTION

WHEREAS, the Board of Trustees of the Village of Arcade, New York, is a municipal member of the New York Municipal Power Agency (NYMPA) and

WHEREAS, the semi- annual meeting of NYMPA has been called on October 30 , 2019 to be held at the Embassy Suites Syracuse Destiny, 311 Hiawatha Blvd., East Syracuse, New York, 13204 and,

WHEREAS, in accordance with the bylaws of NYMPA, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that Superintendent of Public Works Larry Kilburn be and is hereby designated as the accredited delegate of the Village of Arcade, New York.

The motion was passed upon the following vote:

VOTE								
Mayor Jay May		Yes		No		Abstain	X	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		Yes		No		Abstain	X	Absent
VOTE TOTAL:								
	3	Yes	0	No	0	Abstain	2	Absent
RESULTS								
	X	PASS				FAIL		

DECLARE EQUIPMENT SURPLUS

Motion by Trustee Koerner and seconded by Trustee McGarvey to declare the 1990 Chevrolet Kodiak Chassis for the fire department pumper truck, VIN#1GBP7H1J4LJ202651, as surplus and as such authorizing the chassis to be sold.

The motion was passed upon the following vote:

VOTE								
Mayor Jay May		Yes		No		Abstain	X	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		Yes		No		Abstain	X	Absent
VOTE TOTAL:								
	3	Yes	0	No	0	Abstain	2	Absent
RESULTS								
	X	PASS				FAIL		

RESOLUTION NOTICE OF WQIP GRANT (WATER)

The following resolution was offered by Trustee McGarvey and seconded by Trustee Koerner:

RESOLUTION

WHEREAS, the Village of Arcade acquired fee interest in certain real property located in the Town of Freedom, County of Cattaraugus, State of New York, by deed dated February 23, 2018 and recorded in the Office of the Cattaraugus County Clerk on February 23, 2018 at Liber 29166 and page 6001, identified on the Tax Maps of Cattaraugus County as Section 14.001, Block 2, Lot 12.7, and more particularly described in Exhibit A annexed hereto (hereinafter "Property"); and

WHEREAS, Environmental Conservation Law ("ECL") Article 15, Title 33 provides for State Assistance Payments by the State of New York to municipalities and Not- For-Profit organizations for the acquisition of land to support, expand, or enhance the drinking water quality protection; and

WHEREAS, the Village of Arcade has been awarded a State Assistance Payment in accordance with ECL 15-3303, Grant No. T306736 ("Grant") to purchase the Property for purposes of Source Water Protection; and

WHEREAS the Grant requires all uses of the Property to be consistent with the public purposes established in ECL Article 15, Title 33, in perpetuity;

NOW, THEREFORE, notice is hereby given to any party having a right, title or interest in the Property, now or in the future, that the following provisions are perpetual and run with the land:

1. The Property is subject to the terms and conditions of the Grant and Contract referenced above. Copies of the Grant are kept on file at the offices of the Department of Environmental Conservation, Division of Water, 625 Broadway, Albany, NY 12233 and the office of the Village of Arcade at **17 Church Street, Arcade, NY 14009**.

2. *Development or use of the Property for public access requires prior written approval of*

the commissioner of environmental conservation.

- The Property shall not be sold, leased, exchanged, donated, or otherwise disposed of or used for other than the public purposes of ECL Article 15 Title 33 without the express authority of an act of the legislature, which shall provide for the substitution of other lands of equal environmental value and fair market value and reasonably equivalent usefulness and location to those to be discontinued, sold or disposed of, and such other requirements as shall be approved by the commissioner of environmental conservation.

The motion was passed upon the following vote:

VOTE									
Mayor Jay May		Yes		No		Abstain	X	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		Yes		No		Abstain	X	Absent	
VOTE TOTAL:									
	3	Yes	0	No		Abstain	2	Absent	
RESULTS									
	X	PASS					FAIL		

AUTHORIZE DEPUTY MAYOR TO SIGN CHANGE ORDER NO. 1 PROJECT 2B

Motion by Trustee McGarvey and seconded by Trustee Koerner to authorize Deputy Mayor Rule to sign Change Order No. 1 for Sanitary Sewer Rehabilitation, Phase 2B. The change order does not adjust the final cost, the order is issued to 1. Replace the NYS EFC Program Requirement and Bid Packet for Construction Contract (For Non-Treatment Works projects) with the Program Requirements and Bid Packet for Construction Contract (For Treatment Works and Drinking Water projects funded with NYS Clean Water State Revolving Fund or Drinking Water State Revolving Fund). 2. Replace the Davis-Bacon Act (DBA) Wage Rates with the updated DBA Wage Rates dated July 5, 2019.

The motion was passed upon the following vote:

VOTE									
Mayor Jay May		Yes		No		Abstain	X	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		Yes		No		Abstain	X	Absent	
VOTE TOTAL:									
	3	Yes	0	No		Abstain	2	Absent	
RESULTS									
	X	PASS					FAIL		

EXECUTIVE SESSION

Motion by Trustee Rule and seconded by Trustee Koerner, the Board enter into executive session to discuss the following topic(s) at 7:26 pm:

- Contract Negotiations
Possible Litigation

The motion was passed upon the following vote:

VOTE									
Mayor Jay May		Yes		No		Abstain	X	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		Yes		No		Abstain	X	Absent	
VOTE TOTAL:									
	3	Yes	0	No	0	Abstain	2	Absent	
RESULTS									
	X	PASS					FAIL		

Motion by Trustee McGarvey and seconded by Trustee Koerner the Board exit executive session at 8:14 pm.

The motion was passed upon the following vote:

VOTE									
Mayor Jay May		Yes		No		Abstain	X	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		Yes		No		Abstain	X	Absent	
VOTE TOTAL:									
	3	Yes	0	No	0	Abstain	2	Absent	
RESULTS									
	X	PASS					FAIL		

AUTHORIZE DEPUTY MAYOR TO SIGN ENGAGEMENT LETTER WITH HODGSON RUSS LLP

Motion by Trustee McGarvey and seconded by Trustee Koerner to authorize the Deputy Mayor to sign the engagement letter between the Village of Arcade and Hodgson Russ LLP for professional services as bond counsel to the Village for the \$1,054,000 sewer system capital improvements project consisting of various inflow and infiltration reduction improvements in the Northwest service area of the Village, commonly known as project 2B. The estimated fees will not exceed \$20,000.

The motion was passed upon the following vote:

VOTE									
Mayor Jay May		Yes		No		Abstain	X	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		Yes		No		Abstain	X	Absent	
VOTE TOTAL:									
	3	Yes	0	No	0	Abstain	2	Absent	
RESULTS									
	X	PASS					FAIL		

AUTHORIZE DEPUTY MAYOR TO SIGN LEASE/MAINTENANCE AGREEMENT

Motion by Trustee McGarvey seconded by Trustee Koerner to authorize the deputy mayor to sign a lease agreement with Neopost and a service agreement with Lineage for the lease of a new postage meter machine. The cost would be \$53.21 for the lease for 63 months. The service agreement, with Lineage, is \$20.00 a month and runs in conjunction with the lease.

The motion was passed upon the following vote:

VOTE									
Mayor Jay May		Yes		No		Abstain	X	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		Yes		No		Abstain	X	Absent	
VOTE TOTAL:									
	3	Yes	0	No	0	Abstain	2	Absent	
RESULTS									
	X	PASS					FAIL		

AUTHORIZATION TO DESTROY RECORDS

Motion by Trustee McGarvey and seconded by Trustee Koerner to authorize Clerk Treasurer Kraft to destroy the following records in accordance with NYS MU1:

DESCRIPTION	RETENTION	BOX #
FOIL Requests May 2008-May 2018	6 months	folder
Checks for remote deposits 2/2019 and 3/2019	6 months	
Use of Facilities Applications 2012-2013	6 years	
Hold Harmless Waivers 2/12-5/2013	6 years	
Court Payments 2012-2013	6 years	
Vendor & Solicitor Permits 6/11/2012 – 10/11/2012	6 years	
Gas Slips Jan – Dec 2012	6 years	
Employee Folders Scanned (Lancaster, Yuhnke)		
Electric Receipts 6/1/2013 – 8/31/2013	6 years	0821

The motion was passed upon the following vote:

VOTE									
Mayor Jay May		Yes		No		Abstain	X	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		Yes		No		Abstain	X	Absent	
VOTE TOTAL:	3	Yes	0	No	0	Abstain	2	Absent	
RESULTS	X	PASS					FAIL		

FY 2019-20 BUDGET AMENDMENT

Motion by Trustee Koerner and seconded by Trustee McGarvey, the FY 2019-2020 budget be amended as follows due to the unbudgeted expense and the use of fund balance to cover the expense of the demolition of the Sullivan Avenue garage in the amount of \$67,972.26.

INCREASE REVENUE	INCREASE EXPENDITURE
007-4-9999-9999	007-5-0787-100-4360
In the amount of \$67,972.26	

The motion was passed upon the following vote:

VOTE									
Mayor Jay May		Yes		No		Abstain	X	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		Yes		No		Abstain	X	Absent	
VOTE TOTAL:	3	Yes	0	No	0	Abstain	2	Absent	
RESULTS	X	PASS					FAIL		

AUDIT BILLS

Motion by Deputy Mayor Rule and seconded by Trustee McGarvey, the Village bills be audited and paid in the amount of \$551,816.48 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:

VOTE									
Mayor Jay May		Yes		No		Abstain	X	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		Yes		No		Abstain	X	Absent	
VOTE TOTAL:	3	Yes	0	No	0	Abstain	2	Absent	
RESULTS	X	PASS					FAIL		

REPORTS RECEIVED

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

- Revenue and Expense.

ADJOURN

There being no further business to come before the Board the meeting duly adjourned at 8:34 pm upon motion by Trustee Koerner and seconded by Trustee McGarvey.

Clerk/Treasurer

VENDOR	AMOUNT	VENDOR	AMOUNT
AFLAC NEW YORK	\$ 1,739.58	MAZZA MECHANICAL SERVICES, INC	\$ 4,407.75
AQUA SMART	\$ 150.50	MCKESSON MEDICAL-SURGICAL GOV'	\$ 975.72
ATTICA ACE HARDWARE	\$ 70.91	NATIONAL FUEL	\$ 37.70
ATTICA AUTO SUPPLY	\$ 68.16	NATIONAL GRID	\$ 90,486.69
AUTOMOTIVE ALLEY INC	\$ 226.46	NEW YORK POWER AUTHORITY	\$ 129,103.71
AWWA - NEW YORK SECTION	\$ 160.00	NEW YORK POWER AUTHORITY	\$ 21,174.26
BAKER, CURTIS J	\$ 280.00	NEW YORK STATE DEFERRED COMPEN	\$ 3,062.58
BENEFLEX-ERIE	\$ 186.00	NOCO ENERGY CORP	\$ 1,930.37
BLUE CROSS BLUE SHIELD OF WNY	\$ 34,524.04	NYMPA	\$ 136,195.76
CHEMICAL DISTRIBUTORS INC	\$ 2,137.85	NYS & LOCAL RETIRE SYSTEM	\$ 3,941.69
CINTAS CORPORATION #782	\$ 52.30	NYS CHILD SPRT PROCESSING	\$ 500.46
CLARK PATTERSON LEE	\$ 1,250.00	NYS DEPARTMENT OF ENVIRONMENTA	\$ 2,000.00
CONNOR, FRANCIS S.	\$ 375.00	NYS INCOME TAX	\$ 4,156.35
CSEA	\$ 731.32	NYS SALES TAX	\$ 9,926.97
CSEA BENEFIT UNIT	\$ 1,173.90	PIONEER TAX COLLECTOR	\$ 3,309.45
CSEA POLICE UNIT	\$ 169.11	R.C. FIRE EQUIPMENT INC.	\$ 1,664.25
DANNY HEINEMAN & SONS INC	\$ 34.29	RENAISSANCE LIFE & HEALTH INSU	\$ 139.02
DE LAGE LANDEN FINANCIAL SERVI	\$ 99.00	SAIA COMMUNICATIONS INC	\$ 396.21
EM SYSTEMS, INC	\$ 5,000.00	SCHWAB AGGREGATES	\$ 853.22
EMPIRE DISMANTLEMENT	\$ 1,403.75	SCREenco SYSTEMS LLC	\$ 21,044.00
ERIE COUNTY CLERK	\$ 60.00	SHARP ELECTRONICS CORPORATION	\$ 99.49
ERMCO	\$ 13,644.00	SOUTER, ROBERT A	\$ 275.00
FASTENAL COMPANY	\$ 91.29	T L SCHWAB TRANSPORT LLC	\$ 276.72
FIBER INSTRUMENT SALES, INC	\$ 599.00	TIME WARNER CABLE	\$ 119.97
FISHER CONCRETE, INC	\$ 2,160.00	TIME WARNER CABLE	\$ 268.42
FORBES COURT REPORTING SERVICE	\$ 146.67	TOMPKINS INSURANCE AGENCIES IN	\$ 428.00
GOTTOGO ELECTRIC INC	\$ 6,000.00	TRACTOR SUPPLY CREDIT PLAN	\$ 44.49
GRAINGER	\$ 1,304.24	TRI-COUNTY TOOL RENTAL & SALES	\$ 927.50
GUTHRIE HELI-ARC INC	\$ 1,309.61	UHTEG, TIM	\$ 135.14
IRS - FEDERAL PAYROLL TAX PAYME	\$ 22,597.25	VERIZON	\$ 138.17
ITRON, INC.	\$ 1,081.81	VERIZON WIRELESS	\$ 652.41
KEY BANK	\$ 397.40	VFW POST 374	\$ 600.00
KILBURN, LARRY	\$ 65.71	VILLAGE OF ARCADE	\$ 90.00
KLESS BOYS, LLC	\$ 1,448.13	VILLAGE OF ARCADE	\$ 907.50
KRAFT, JENNIFER	\$ 344.96	WASTE MANAGEMENT OF NEW YORK L	\$ 9,629.16
LAIRD, DAN	\$ 31.76	WASTE MANAGEMENT OF NEW YORK L	\$ 143.41
MAPLE GROVE ENTERPRISES	\$ 185.00	WYOMING COUNTY DEPT OF HEALTH	\$ 158.00
MARCOS PIZZA & SUBS	\$ 92.94	WYOMING COUNTY VILLAGE ASSOCIA	\$ 225.00
COLUMN TOTAL	\$ 101,391.94	COLUMN TOTAL	\$ 450,424.54
		GRAND TOTAL	\$ 551,816.48

10-01-2019 5:27 PM
PACKET: 00380-BUDG AMEND 9/30/2019
BUDGET CODE: CB-Current Budget

BUDGET ADJUSTMENT REGISTER

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

007 5-0787-100-4360	9/30/2019	BUDGET AMENDMENT BLDG MAINT/MATERIALS	67,972.26	118,180.00	1,000.00-	185,152.26	118,583.75
007 4-9999-9999	9/30/2019	BUDGET AMENDMENT FROM FUND BAL BUDGET ONLY PACKET NOTES: DEMOLITION COSTS OF THE SULLIVAN GARAGE SHOULD BE OFFSET BY FUND BALANCE AS MONIES WERE RECEIVED IN THE PRIOR FISCAL YEAR, 2018-19. JMK	67,972.26	0.00	211.16	68,183.42-	68,183.42-
TOTAL NO. ADJUSTMENTS--REVENUE:						1	67,972.26
TOTAL NO. ADJUSTMENTS--EXPENSE:						1	67,972.26
TOTAL IN PACKET--							135,944.52

*** NO WARNINGS ***

*** NO ERRORS ***

*** END OF REPORT ***