

The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, November 1, 2011 at 7:00 pm there were:

PRESENT

Mayor Jay May, Trustee Ken Rule, Trustee Jim McGarvey, Trustee Donna Schiener, Superintendent of Public Works Larry Kilburn, Clerk/Treasurer Jennifer Kraft, Police Chief John Laird, Deputy Clerk/Treasurer Michelle Karpinski.

ABSENT

Trustee Robert Davis

ALSO PRESENT

Carole Jones, Maggie Morgan, Jared Bliss, Michael Brass, Sean Pettit, Jake Moore, Nate Smith, Jeff Mason and Dave Polek.

PLEDGE OF ALLEGIANCE

Mayor May opened the meeting with the Pledge of Allegiance.

TAX CAP INFORMATION

Clerk Treasurer Kraft handed out a sample of the local law that would override the NYS Tax Cap. The board will review the law and discuss it at the next meeting.

APPROVE MINUTES

Motion by Trustee McGarvey and seconded by Trustee Rule the minutes from the regular meeting held on October 18, 2011 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 Robert Davis		Yes		No		Abstain	X	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	0	Abstain	1	Absent
RESULTS	X	PASS					FAIL	

GRANT UPDATES

Chief Laird updated the board on several grants the police department has applied for. The BUNY grant has been received but reduced to \$800.00, the Bicycle Helmet grant was awarded in the amount of \$1400.00 and the Child Safety Seat grant was awarded for \$5000.00.

REMOVAL OF TREE STUMPS AT PIONEER HIGH SCHOOL

Motion by Trustee Rule and seconded by Trustee McGarvey to authorize Superintendent of Public Works Kilburn to negotiate with Pioneer Central School to cover a portion of the expenses for the removal of 350 tree stumps along the Village right of way on the school property.

The motion was passed upon the following vote:

VOTE								
Mayor Jay May	X	Yes		No		Abstain		Absent
Trustee Robert Davis		Yes		No		Abstain	X	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	0	Abstain	1	Absent
RESULTS	X	PASS					FAIL	

RETIREMENT REPLACEMENT PLAN

Superintendent of Public Works Kilburn handed out a first draft of a plan to replace two electric department employees that may be retiring next year. The board will review and discuss this at the next meeting.

DELINQUENT TAXES TO WYOMING COUNTY

In accordance with the tax warrant, Clerk/Treasurer Kraft hereby delivered an account of the unpaid taxes as of November 1, 2011 in the amount of \$40,326.57 including penalties and postage charges to the Board of Trustees. The account describes each parcel of real property upon which taxes are unpaid, the person(s) whose name the property is assessed, and the amount of unpaid tax. (See attached.)

Motion by Mayor May and seconded by Trustee Schiener, the Board hereby accepts the account of unpaid VOA taxes in the amount of \$40,326.57 for the taxable year 2011 as correct and in accordance with Real Property Tax Law §1436 hereby execute a statement certifying the account as a true transcript thereof to be transmitted to the Wyoming County Treasurer.

The motion was passed upon the following vote:

VOTE								
Mayor Jay May	X	Yes		No		Abstain		Absent
Trustee Robert Davis		Yes		No		Abstain	X	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	0	Abstain	1	Absent
RESULTS	X	PASS				FAIL		

TAX WARRANT ADJUSTMENT

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

RESOLUTION

Resolution authorizing an adjustment to the 2011 Tax Warrant

TAX WARRANT ADJUSTMENT

WHEREAS, Clerk/Treasurer Kraft has determined that an adjustment needs to be made to the original 2011 tax warrant signed May 11,2011 as it was overstated by \$1,370.24, and;

WHEREAS, the Village of Arcade (VOA) entered into a 10-year, non-exclusive franchise agreement with Parnassos Communications, d/b/a Time Warner Cable in August 2003, and;

WHEREAS, as compensation for the franchise granted, Time Warner Cable pays the VOA three percent (3%) of its Gross Annual Revenues derived from operation of the Cable System within the franchise area, and;

WHEREAS, according to NYS Real Property Tax Law §626(1), the amount paid as a franchise fee is to be deducted from the taxes levied on a special franchise, and;

WHEREAS, the VOA received a franchise payment from Time Warner Cable on March 11, 2011 in the amount of \$12,137.26, and;

WHEREAS, a tax was levied for Time Warner Cable and included in the original 2011 tax warrant in the amount of \$1,370.24, and ;

WHEREAS, based on the information above and upon the recommendation of Clerk/Treasurer Kraft, the 2011 tax warrant be adjusted to reflect a reduction of \$1,370.24,

NOW THEREFORE BE IT RESOLVED, the VOA Board of Trustees hereby authorizes Clerk/Treasurer Kraft to amend the 2011 tax warrant of \$1,230,433.00 by \$1,370.24. An adjusted warrant is as follows:

For General Fund.....	\$1,228,227.76
For Omitted Taxes	\$835.00
For Delinquent Water Rents, Charges, & Interest	\$0.00

For Delinquent Sewer Rents, Charges, & Interest.....	\$0.00
For Miscellaneous General Fund Accounts Receivable.....	\$0.00
For Miscellaneous Water Fund Accounts Receivable.....	\$0.00
For Miscellaneous Sewer Fund Accounts Receivable.....	\$0.00
For Tax Rebate.....	\$0.00
Total Real Property Taxes & Other Charges on Roll.....	\$1,229,062.76

IN WITNESS WHEREOF: The VOA Board of Trustees has caused this adjusted tax warrant to be signed by its Mayor and Clerk/Treasurer of the said Village and the seal of the Village hereby be affixed, November 1, 2011.

This motion was passed upon the following vote:

VOTE								
Mayor Jay May	X	Yes		No		Abstain		Absent
Trustee Robert Davis		Yes		No		Abstain	X	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	0	Abstain	1	Absent
RESULTS		X	PASS				FAIL	

AUDIT BILLS

Motion by Trustee McGarvey and seconded by Trustee Schiener the Village bills be audited and paid 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 Robert Davis		Yes		No		Abstain	X	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	0	Abstain	1	Absent
RESULTS		X	PASS				FAIL	

MAIN STREET GRANT UPDATE

All 11 sites had their environmental review, there were no concerns. SHPO is finished with their part. One project has begun, several others are getting closer. Progress is noted.

SCHEDULE A SPECIAL MEETING TO DISCUSS CHAPTER 64 ZONING LAW CHANGES

The board scheduled a special meeting to work on the changes to local law Chapter 64, Zoning, on November 8, 2011 at 6:00 pm.

EXECUTIVE SESSION

Motion by Trustee McGarvey and seconded by Trustee Rule the Board enter into executive session to discuss the following topic(s) at 7:45 pm

- employment history of a particular employee

The motion was passed upon the following vote:

VOTE								
Mayor Jay May	X	Yes		No		Abstain		Absent
Trustee Robert Davis		Yes		No		Abstain	X	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	0	Abstain	1	Absent
RESULTS		X	PASS				FAIL	

Motion by Trustee McGarvey and seconded by Trustee Schiener, the Board exit executive session at 8:40 pm.

The motion was passed upon the following vote:

VOTE								
Mayor Jay May	X	Yes		No		Abstain		Absent
Trustee Robert Davis		Yes		No		Abstain	X	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	0	Abstain	1	Absent
RESULTS								
	X	PASS					FAIL	

ADJOURN

There being no further business to come before the Board the meeting duly adjourned at 8:47 pm upon motion by Trustee McGarvey and seconded by Trustee Rule.

Clerk/Treasurer

VENDOR	AMOUNT	VENDOR	AMOUNT
21ST CENTURY ELECTRONICS	\$ 69.99	LARRY ROMANCE & SON INC.	\$ 11.66
AFLAC NEW YORK	\$ 1,896.24	MAHONEY, CHARLES L	\$ 16.13
AMERICAN PUBLIC WORKS ASSOC	\$ 160.00	MARTIN BROS CHEVROLET INC	\$ 37.95
ARCADE LANES	\$ 450.00	MATUSZAK'S BLACKTOPPING INC	\$ 3,780.00
AT&T	\$ 9.94	MAYNARDS ELECTRIC SUPPLY INC	\$ 4,700.28
BANK OF NEW YORK	\$ 2,709.93	NATIONAL GRID	\$ 68,114.94
BEACON EQUIPMENT LEASING	\$ 249.00	NGT CORPORATION	\$ 1,010.00
BENEFLEX INC	\$ 180.00	NYMPA	\$ 40,116.00
BOLLAM,SHEEDY,TORANI & CO. L	\$ 2,600.00	NYS & LOCAL RETIRE SYSTEM	\$ 2,860.36
BRASS' SHURFINE	\$ 14.29	NYS INCOME TAX	\$ 4,027.84
CATT CO DSS	\$ 835.59	NYS SALES TAX	\$ 10,256.22
CID DIVISION OF WASTE MANAGEM	\$ 9,980.70	NYS SOC MUNI FINANCE OFF - N	\$ 35.00
CINTAS CORPORATION #782	\$ 282.74	PUBLIC SAFETY CENTER INC.	\$ 127.38
COTTRILLS PHARMACY, INC.	\$ 2.76	ROYAL FLUSH OF WNY LLC	\$ 125.00
CSEA	\$ 729.68	SAIA COMMUNICATIONS INC	\$ 1,470.63
CSEA BENEFIT UNIT	\$ 1,119.44	SHEEHE, JIM	\$ 100.00
CSEA POLICE UNIT	\$ 149.96	SOUTER & SONS PRINTING CO	\$ 275.00
D & H EXCAVATING INC	\$ 1,800.00	SPARTAN WAREHOUSE CORP	\$ 155.51
DIVAL SAFETY & SUPPLIES FOR	\$ 192.50	SS DIESEL & AUTO LLC	\$ 338.49
ERMCO	\$ 8,686.00	STUART C IRBY CO	\$ 4,995.00
FASTENAL COMPANY	\$ 154.07	TOMS ROUTE 16	\$ 26.00
GERNATT ASPHALT PRODUCTS, IN	\$ 18,914.05	TRACTOR SUPPLY CO	\$ 91.47
GLEASON, JUNE	\$ 100.00	TRI-COUNTY SUPPLY INC	\$ 7.99
HAMPTON INN & SUITES	\$ 351.00	TRI-COUNTY TOOL RENTAL & SAL	\$ 863.31
HODGSON RUSS LLP	\$ 10,040.00	TYLER TECHNOLOGIES INC	\$ 84.70
HSBC BANK USA	\$ 521.40	UPS	\$ 24.12
INDEPENDENT HEALTH PREMIUMS	\$ 27,111.33	USA BLUEBOOK	\$ 36.23
IRS - FEDRAL PAYROLL TAX PAY	\$ 20,058.99	UTZ TIRE SERVICE OF ARCADE,	\$ 69.00
JOE JOHNSON EQUIPMENT	\$ 222.00	VILLAGE OF ARCADE	\$ 90.00
KRIST, MATTHEW	\$ 79.34	WYOMING CO DSS	\$ 261.81
COLUMN 1	\$ 109,670.94	COLUMN 2	\$ 144,108.02
		OVERALL TOTAL	\$ 253,778.96

STATE OF NEW YORK
 COUNTY - WYOMING
 TOWN - ARCADE
 VILLAGE - ARCADE
 SWIS - 562001

TAX PAYMENT SCHEDULE

BILL NUMBER	PARCEL IDENTIFICATION OWNERS NAME PROPERTY LOCATION MAILING ADDRESS (IF DIFFERENT)	PAYMENT #1 07/01/2011	+ PENALTY 8.00% DUE 11/01/2011		+ PENALTY 7.00% DUE 01/01/2012	
429	183.14-2-23 Kurzdorfer, David A. 22 Pearl Street	\$ 800.58	864.63	2.00	925.15	
472	183.18-3-17 Matuszak, Brian J 212 Liberty St	\$ 895.56	967.20	2.00	1,034.90	
555	183.14-1-6 Payne, Michael & Angela 213 Main Street 756 Eagle Street	\$ 922.70	996.52	2.00	1,066.28	
556	183.14-4-43 Payne, Michael & Angela 78 Main Street 756 Eagle Street	\$ 1,031.25	1,113.75	2.00	1,191.71	
572	183.14-1-28.1 Pratt, Cynthia Lowe & Steven 286 Main Street 3471 West Yorkshire Road Chaffee, NY 14030	\$ 1,628.29	1,758.55	2.00	1,881.65	
573	183.13-2-61 Pratt, Steven & Cynthia 302 Main Street 3471 West Yorkshire Road Chaffee, NY 14030	\$ 1,153.37	1,245.64	2.00	1,332.83	
595	183.14-1-47 Reukauf, Donald 10 Railroad Avenue	\$ 447.78	483.60	2.00	517.45	
596	183.14-2-80 Rice, Preston 146 Liberty Street 10990 Savage Road Sardinia, NY 14134	\$ 1,492.60	1,612.01	2.00	1,724.85	
597	182.12-1-8 Rice, Preston C., Jr. North Street 10990 Savage Road Sardinia, NY 14134	\$ 189.97	205.17	2.00	219.53	
604	183.14-1-51 Rodgers, Gary & Stephanie 56 Mill Street	\$ 922.70	996.52	2.00	1,066.28	
645	182.11-1-3.12 Sawicki, Steven 701 North St	\$ 1,479.03	1,597.35	2.00	1,709.16	
675	183.13-2-62 Snyder, Robert J. & Rebecca J. 304 Main Street 10534 Blue Street Delevan, NY 14042	\$ 1,071.96	1,157.72	2.00	1,238.76	
676	183.14-3-4 Snyder, Robert J. & Rebecca J. 179 East Main Street 10534 Blue Street Delevan, NY 14042	\$ 1,126.24	1,216.34	2.00	1,301.48	
696	183.18-2-47 Sprague Development 5 Glenwood Dr 115 East Hill Run Springville, NY 14141	\$ 1,153.37	1,245.64	2.00	1,332.83	
707	183.14-2-13 Stiles, Diana 47 Maple Street	\$ 753.09	813.34	2.00	870.27	
729	183.17-1-3 Trummer, William. 147 Park Street	\$ 1,085.53	1,172.37	2.00	1,254.44	

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TAX PAYMENT SCHEDULE

BILL NUMBER	PARCEL IDENTIFICATION OWNERS NAME PROPERTY LOCATION MAILING ADDRESS (IF DIFFERENT)	PAYMENT #1 07/01/2011	+ PENALTY 8.00% DUE 11/01/2011		+ PENALTY 7.00% DUE 01/01/2012	
730	183.9-1-3 Estate of John Tucker 503 North Street Attn: Cynthia Hendrickson 9 S Federal St Perry, NY 14530	\$ 271.38	293.09	2.00	313.61	
735	183.17-1-18 Unknown Owner Park Street	\$ 6.78	7.32	2.00	7.83	
		\$ 37,278.31	40,260.57	66.00	43,078.79	
	\$2.00 each for postage x 33 unpaid parcels		66.00			
			40,326.57	70.62	43,149.41	R