

The regular meeting and public hearing of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, January 17, 2012 at 7:00 pm there were:

**PRESENT**

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

**ALSO PRESENT**

Carole Jones, Debbie Austin-LaCerais Sandie Dutton, Bill Sprague, Gail and Pat Palmerton, Justin Tillow, Doug Ronan, Jeff Mason, Ernie Floyd, Justin Lewandowski, Chris Lester, Dave Bray, Maureen Boza, Dona Roll

Mayor May opened the meeting with the Pledge of Allegiance.

A moment of silence was offered for Erin Pinter, daughter of employee Steven Pinter, who passed away in a tragic car accident.

**PUBLIC HEARING PROPOSED LOCAL LAW CHAPTER 69 PROPERTY TAX CAP OVERRIDE,**

Mayor May opened the public hearing at 7:01pm to hear comments from citizens regarding the proposed Property Tax Cap Override Local Law Chapter 69.

**Bill Sprague** “asked the board to stay within the 2% tax cap, not to override the tax cap. He stated if you allow an increase over the 2% it allows people to make the budget whatever they want. We may need to cut services in order to keep within the tax cap rate. You can’t keep raising taxes. We might have to bite the bullet and cut some services...”

There being no further comments or concerns, Trustee Rule made a motion, seconded by Trustee Schiener, the Board closed the public hearing regarding the proposed Property Tax Cap Override law at 7:06 pm.

**ADOPT LOCAL LAW CHAPTER 69 PROPERTY TAX CAP OVERRIDE**

Motion by Trustee McGarvey and seconded by Trustee Schiener to adopt Local Law Chapter 69, Property Tax Cap Override.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Jay May	X	Yes		No		Abstain		Absent
Trustee Robert Davis	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>		

**PUBLIC HEARING PROPOSED CHANGES LOCAL LAW CHAPTER 13 DOG LAW**

Mayor May opened the public hearing at 7:08pm to hear comments from citizens regarding the proposed changes to Local Law Chapter 13 Dog Law, specifically to remove fee amounts.

There being no further comments or concerns, Trustee McGarvey made a motion, seconded by Trustee Schiener, the Board close the public hearing regarding the proposed changes Chapter 13 Dog Law at 7:09 pm.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Jay May	X	Yes		No		Abstain		Absent
Trustee Robert Davis	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>	

**ADOPT LOCAL LAW CHAPTER 13 DOG LAW**

Motion by Trustee Rule and seconded by Trustee McGarvey to adopt Local Law, Chapter 13, Dog Law.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Jay May	X	Yes		No		Abstain		Absent
Trustee Robert Davis	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>	

**VOA LEVEL OF ASSESSMENT NEXT MEETING**

Mayor/Assessor May announced that the Level of Assessment (LOA) to be used on the 2012 tentative assessment roll for the VOA will be 94%. The LOA is the percentage of full value at which properties are assessed within a community.

**ARCADE SUMMERFEST**

Ernie Floyd proposed the Arcade Summerfest work in conjunction with the Arcade Fire Department to work together since both the Summerfest and the Firemen’s convention are scheduled for the same weekend. Ernie is willing to take some of their events off their proposal in an effort not to duplicate events. Police coverage is a concern should both events take place the same weekend.

The Fire Departments concern is that the fund raising ability could be impacted if both events take place on the same weekend. Also, the Wyoming County Fire Convention Association has asked the Arcade Fire Department to host this event; the fire department is not certain how the association would feel about having two events going on at the same time.

The VOA board recommended the Arcade Summerfest Committee consider changing the date of their event. The Summerfest Committee agreed; they will notify the VOA of the new proposed date. The fire department has offered their assistance to the Summerfest Committee and asked to be notified of the new date.

**ARCADE WINTERFEST**

Maureen Boza reported the plans for the Arcade Winterfest which will be held February 10th & 11th, 2012. The theme this year will be Culture in the Country and the Wyoming County Arts Council has joined forces with the Winterfest Committee. Art work by local artists will be displayed throughout the Village. Most of the activities will take place on Saturday, and some events have been down sized. Saturday will be the parade, arts and craft show and the hockey tournament to name a few. Maureen did request to have bleachers brought down to the end of the park by the sledding hill in an effort to relieve some of the congestion they have experienced in the past. She also invited Chief Laird to their next meeting, January 23, 2012.

**HOCKEY LEAGUE**

Justin Tillow presented a check in the amount of \$400 for the rent of the hockey rink for the year. There were concerns regarding broken sticks and debris, this was the result of local residents, not the hockey league. The league went in and cleaned the area up. The Winterfest tournament runs Friday, Saturday and Sunday. There are currently 12 teams signed up.

**APPROVE MINUTES**

Motion by Trustee McGarvey and seconded by Trustee Rule, the minutes from regular meeting held on January 3, 2012 be approved as presented by Clerk/Treasurer Kraft.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Jay May	X	Yes		No		Abstain		Absent
Trustee Robert Davis	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>		

**EXTENSION OF TERMS OF OFFICE**

Motion by Trustee Schiener and seconded by Trustee Rule the following resolution was approved.

**WHEREAS**, the Village of Arcade in the County of Wyoming, State of New York currently has terms of office for the elected officials of two (2) years; and

**WHEREAS**, the election for said elected officials of the Village of Arcade occurs in March; and

**WHEREAS**, the Village of Arcade Board of Trustees wishes to extend the term of office for the elected officials from two (2) years to four (4) years; and

**WHEREAS**, such change is subject to permissive referendum the Village of Arcade Board of Trustees has chosen to put the change to a referendum, to be voted upon during village elections on March 20, 2012

**THEREFORE BE IT RESOLVED**; that the terms of Office of the elected officials in and for the Village of Arcade be changed from two (2) years to four(4) years effective as to the terms of all elected officials effective April 1, 2013, and all elections thereafter, subject to approval at referendum on March 20, 2012.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Jay May	X	Yes		No		Abstain		Absent
Trustee Robert Davis	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey		Yes	X	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	1	No	0	Abstain	0	Absent
<b>RESULTS</b>	<b>X</b>	<b>PASS</b>				<b>FAIL</b>		

**FIREMENS CONVENTION**

Chief Laird discussed the two parades during the Fireman’s convention. These parades will be the biggest expense to the police department. Chief will have extra police officers on duty that weekend. The Village noise ordinance requires cease and desist at 11:00 pm, the board will make an exception for this event as the music is scheduled to play until midnight. Clerk/Treasurer Kraft will put a notice in the paper giving residence adequate notice of the temporary change in the noise ordinance. Also, there is some concern over parking on Saturday evening after the big parade as there will be equipment from several fire departments that will need to be parked somewhere. The Chief will discuss with the Wyoming County Sheriff for added support during the convention.

Fire department has requested to hang the banner advertising the convention across Main Street.

**REQUEST FOR EXEMPTION FROM RESIDENCY REQUIREMENT**

Officer Justice has requested an exemption from the six mile radius residency requirement. The board has requested Officer Justice continue to look for a residence within the six mile radius.

**REQUEST FOR EMPLOYEES TO ATTEND FUNERAL**

The Board authorized employees be able attend the funeral for Erin Pinter.

**APPROVAL TO CARRY OVER EXCESS VACATION**

Motion by Trustee McGarvey and seconded by Mayor May to allow employee Al Meyers to carry over 30 hours of unused vacation time.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Jay May	X	Yes		No		Abstain		Absent	
Trustee Robert Davis	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>		

**MAIN STREET GRANT UPDATE**

Superintendent of Public Works Kilburn updated the VOA board on the Main Street Grant. Progress is noted, two of the projects are nearing completion and two more are going to begin in the coming weeks. Originally there were 11 projects but funds are such that there will be 14 projects in total.

**GRANT UPDATE**

Clerk/Treasurer Kraft updated the VOA board on grant funds that have recently been received. The VOA has received \$22,207.86 funds from various grants. Through the efforts of Chief Laird funds were received for the CPS and STEP grants. Superintendent of Public Works Kilburn has worked on receiving funds from a grant started back in 2005, NYS Community Project Grant, which the VOA finally received funds in January 2012. Superintendent of Public Works Kilburn has also secured funds from two FEMA grants for the 2011 spring storm damage.

**FIRE DEPARTMENT MEMBERSHIP**

Per a report from Debby Austin-LaCerais, Secretary, the following individual was voted in for membership at the January meeting:

- Andy Koerner

Motion by Trustee Schiener and seconded by Trustee Davis, the Board approves the changes to the fire department membership as presented above.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Jay May	X	Yes		No		Abstain		Absent	
Trustee Robert Davis	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 2010-2011 BUDGET AMENDMENT**

Motion by Trustee Rule and seconded by Mayor May, the FY 2011-2012 budget be amended as follows because funds have been received for inspection and metering equipment for Northridge II.

<b>INCREASE REVENUE</b>		<b>INCREASE EXPENDITURE</b>	
005-4-2770-0100		005-5-8310-400-4220	
In the amount of <b>\$7,150.00</b>			
005-4-2770-0100		005-5-8340-200-2000	
In the amount of <b>\$8,689.25</b>		In the amount of <b>\$ 7,929.51</b>	

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Jay May	X	Yes		No		Abstain		Absent	
Trustee Robert Davis	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>		

**NOTICE OF FINAL SPECIAL FRANCHISE ASSESSMENT FULL VALUE**

Clerk/Treasurer Kraft reported that notice has been received from the NYS Board of Real Property Services that the final Special Franchise full values for the VOA assessment roll to be filed in 2012 is \$1,012,675 which is the same as the reported tentative rate that was reported at the January 3, 2012 meeting.

**REQUEST FOR REDUCED FEE AT PARK CABIN**

Rose Chiropractic, which currently rents the Arcade Park Cabin once a month, has requested a reduced fee from \$100 per rental to \$75. The board declined accepting a reduced fee for rental of the cabin.

**AUDIT BILLS**

Motion by Mayor May and seconded by Trustee McGarvey, 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:

<b>VOTE</b>									
Mayor Jay May	X	Yes		No		Abstain		Absent	
Trustee Robert Davis	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>		

**EXECUTIVE SESSION**

Motion by Trustee Rule and seconded by Trustee McGarvey the Board enter into executive session to discuss the following topic(s) at 8:25 pm:

- Contract negotiations  
Possible litigation  
Employment history of a particular employee

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Jay May	X	Yes		No		Abstain		Absent	
Trustee Robert Davis	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>		

Motion by Trustee Rule and seconded by Trustee McGarvey, the Board exit executive session at 9:53 pm.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Jay May	X	Yes		No		Abstain		Absent	
Trustee Robert Davis	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>		

**ADJOURN**

There being no further business to come before the Board the meeting duly adjourned at 9:54pm upon motion by Trustee McGarvey and seconded by Trustee Rule.

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Clerk/Treasurer

VENDOR	AMOUNT	VENDOR	AMOUNT
CATT CO DSS	\$ 300.00	EJ PRESCOTT, INC	\$ 10,447.51
WYOMING CO DSS	\$ 275.00	FEDEX	\$ 98.28
NIAGARA ERECTING, INC	\$ 8,460.00	FLEET MAINTENANCE INC	\$ 84.74
ABBOTT WELDING SUPPLY CO I	\$ 346.95	FREEDOM TAX COLLECTOR	\$ 22,265.84
LEXISNEXIS RISK DATA MGMT	\$ 50.00	GREAT LAKES PLASTICS	\$ 140.00
ALTEC INDUSTRIES INC	\$ 1,200.00	HALEY CONCRETE INC	\$ 258.50
APPLIED SPECIALTIES INC.	\$ 1,760.00	IEEP:IND ENERGY EFF PROG	\$ 12,984.10
ARCADE HERALD	\$ 11.55	STUART C IRBY CO	\$ 321.35
ARCADE LUMBER & MILLWORK	\$ 937.76	JAMESTOWN SOAP & SOLVENT	\$ 372.20
ARCADE POSTMASTER	\$ 1,592.17	LARRY ROMANCE & SON INC.	\$ 58.35
ARCADE POSTMASTER	\$ 297.44	LINEMENS SUPPLY INC	\$ 612.54
BANK OF NEW YORK	\$ 2,751.61	MARCOS PIZZA & SUBS	\$ 29.40
IRS - FEDERAL PAYROLL TAX P	\$ 19,907.45	MARTIN BROS CHEVROLET INC	\$ 117.50
TIME WARNER CABLE	\$ 122.95	MATTHEW BENDER & CO INC.	\$ 154.37
BERTRAND CHAFFEE HOSPITAL	\$ 137.71	MAYNARDS ELECTRIC SUPPLY I	\$ 348.73
TIFCO INDUSTRIES	\$ 215.53	MOORE MEDICAL, LLC	\$ 424.14
FASTENAL COMPANY	\$ 517.54	NATIONAL FUEL GAS DISTRIB	\$ 893.13
BENCHMARK ANALYTICS, INC	\$ 77.90	NY POWER AUTHORITY	\$ 3,765.39
YORKSHIRE TAX COLLECTOR	\$ 7,379.60	NYS INCOME TAX	\$ 3,874.44
O'CONNELL ELECTRIC CO. INC	\$ 2,240.89	NYS & LOCAL RETIRE SYSTEM	\$ 333,981.00
FIRST REHABILITATION LIFE	\$ 462.00	NYMPA	\$ 248,442.00
NYS UNEMPLOYMENT INS 04-61	\$ 169.83	NIAGARA FRONTIER	\$ 163.36
MACCONNELL, TODD	\$ 100.00	PIONEER FORD INC.	\$ 26.00
CATTARAUGUS CO MAGISTRATES	\$ 15.00	POW-R MOLE SALES LLC	\$ 1,884.22
NYS MAGISTRATES ASSOC	\$ 80.00	21ST CENTURY ELECTRONICS	\$ 9.79
AURORA ANSWERING SERVICE	\$ 85.00	SANITARY WIPING CLOTH CO.	\$ 130.00
NEW HORIZON COMMUNICATIONS	\$ 778.47	S.D. MYERS INC	\$ 595.00
CONTECH CONSTRUCTION PRODU	\$ 7,605.90	JOHN SIXT & SON, INC.	\$ 4.41
BRASS' SHURFINE	\$ 23.45	SOUTHWORTH-MILTON INC.	\$ 1,680.00
GERNATT ASPHALT PRODUCTS,	\$ 232.44	TECHNICAL ASSISTANCE AND	\$ 2,852.53
CATTARAUGUS CO HEALTH	\$ 180.00	TECH PRODUCTS INC.	\$ 296.84
C & G ELECTRICAL SUPPLY	\$ 1,137.58	TRACTOR SUPPLY CO	\$ 83.91
CINTAS CORPORATION #782	\$ 282.74	USA BLUEBOOK	\$ 67.10
CSEA	\$ 745.55	UTZ TIRE SERVICE OF ARCADE	\$ 528.00
CSEA POLICE UNIT	\$ 145.85	VELLANO BROTHERS, INC	\$ 2,066.60
CONROY MOTOR CORPORATION	\$ 307.25	VERIZON WIRELESS	\$ 145.43
COUNTY LINE STONE CO INC.	\$ 632.77	VERIZON	\$ 330.39
CRABB OIL & PROPANE INC.	\$ 4,626.12	VILLAGE OF ARCADE	\$ 90.00
CURR A/C WATER	\$ 515.16	WARD & KUTZUBA	\$ 647.50
CURR A/C SEWER	\$ 100.10	WNY WATER WORKS CONFERENCE	\$ 50.00
CURR A/C ELECTRIC	\$ 7,585.53	GRAINGER, INC.	\$ 242.16
DELL MARKETING LP	\$ 438.00	WYOMING CO TREASURER	\$ 42,179.15
DFT COMMUNICATIONS CORP	\$ 31.10	WYOMING CO WORKERS	\$ 75,942.00
EATON OFFICE SUPPLY CO INC	\$ 1,238.38	ZIMMER AUTO PARTS & SALES	\$ 93.02
<b>TOTAL COLUMN 1</b>	<b>\$ 76,100.27</b>	<b>TOTAL COLUMN 2</b>	<b>\$ 769,780.92</b>
		<b>OVERALL TOTAL</b>	<b>\$ 845,881.19</b>