

The public hearing and regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, December 18, 2012 at 7:00 pm there were:

PRESENT

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. Mayor May entered at 7:05 pm.

ABSENT

Mayor May

ALSO PRESENT

Carole Jones, Cheryl Parker

PLEDGE OF ALLEGIANCE

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

PUBLIC HEARING CHAPTER 40 PEDDLERS, SOLICITORS AND ITINERANT VENDORS

Deputy Mayor Rule opened the public hearing at 7:02 pm to hear comments from citizens regarding the proposed changes to Local Law 40, Peddlers, Solicitors and Itinerant Vendors.

Cheryl Parker discussed her concerns as to who would make sure that the zoning laws are being followed as far as use of the property as established in the Zoning Laws. Trustee Rule stated that the Peddlers, Solicitors and Itinerant Vendors Law stipulates the size of the signs and anything beyond that must follow zoning compliance. The Zoning Officer will verify that zoning laws are being obeyed.

There being no further comments or concerns, Trustee Schiener made a motion, seconded by Trustee Rule, the Board closed the public hearing regarding the proposed changes to Chapter 40 Peddlers, Solicitors and Itinerant Vendors Law

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		

ADOPT CHATPER 40 PEDDLERS, SOLICITORS AND ITINERANT VENDORS

Motion by Trustee Schiener and seconded by Trustee McGarvey to adopt Local Law Chapter 40 Peddlers, Solicitors and Itinerant Vendors Law as presented.

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		

PUBLIC HEARING CHAPTER 10 CURFEW

Mayor May opened the public hearing to hear comments from citizens regarding proposed changes to Chapter 10, Curfew Law with a motion by Trustee Koerner and seconded by Trustee McGarvey.

There being no further comments or concerns, Trustee McGarvey made a motion, seconded by Trustee Rule, the Board closed the public hearing regarding the proposed changes to Chapter 10, Curfew Law.

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		

ADOPT CHAPTER 10, CURFEW LAW

Motion by Trustee McGarvey and seconded by Trustee Schiener to adopt Chapter 10, Curfew Law as presented.

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		

APPROVE MINUTES

Motion by Trustee Koerner and seconded by Trustee McGarvey, the minutes from the regular meeting held on December 4, 2012 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 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		

DECLARE EQUIPMENT SURPLUS

Motion by Trustee Rule and seconded by Trustee McGarvey to declare the following equipment as surplus per the recommendation of Superintendent of Public Works Kilburn.

Department	Equipment
Electric – Countyline Substation	7500 KVA Substation Transformer
	115 KV Outdoor Circuit Switcher
	Metal clad Switchgear building
Electric – Bixby Hill Substation	Spare Digital & Energy Transducers
Water – Sandusky Well	4" Sensus Water Meter with Act Pak Instrumentation

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		

AUTHORIZE SALE OF SURPLUS EQUIPMENT

Motion by Trustee McGarvey and seconded by Mayor May to authorize Superintendent of Public Works Kilburn to advertise the sale of the above surplus equipment from the electric and water departments.

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		

PESH UPDATE

Superintendent of Public Works Kilburn discussed the items due by Arcade Firer Department and stated that all items due have been sent in. There are three items due in January, an update the Exposure Control Plan for blood borne pathogens, produce MDS sheets for chemicals and update the Hazard Communication Training. The only item left for the highway garage is an inspection by PESH of the roll bars on the Jacobsen mower.

DATE CHANGE FOR FIRST BOARD MEETING IN JANUARY

Motion by Trustee Koerner and seconded by Trustee Schiener to reschedule the board meeting set for January 1, 2013 to Wednesday, January 2, 2013.

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		

STORAGE OF SUMMER RECREATION EQUIPMENT

Trustee Schiener will discuss with Dale Deahn the use of the Boy Scout building to store the summer recreation equipment.

TAX CAP

Motion by Trustee McGarvey and seconded by Trustee Schiener to authorize Clerk/Treasurer Kraft to schedule a public hearing for the local law that will override the Property Tax Cap in the coming fiscal year for January 15, 2013.

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		

FIRE DEPARTMENT MEMBERSHIP

Per a report from Debby Austin-LaCerais, Secretary, the following individuals were removed from membership at the November 2012 meeting:

- Kim Capron
Brett Caughl
Jennifer Graham

Membership applications were received from Josh Borowski, Anthony Miller and John Reinard. Josh Browoski did not get voted in; the others are still under consideration.

Per a report from Debby Austin-LaCerais, Secretary, the following individuals were voted into the fire department at the December 5, 2012 meeting:

John Reinard

The following individual resigned due to moving out of the district:

Eric Daugherty

An application was received from Bonnie Lynch, 6451 Rt. 98, Arcade, previously from the North Java Fire Department.

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

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		

AUTHORIZE MAYOR TO SIGN LICENSE AGREEMENTS

Motion by Trustee McGarvey and seconded by Trustee Schiener to authorize the Mayor to sign two license agreements between the Village of Arcade and the Arcade and Attica Railroad for the 2013 calendar year. Each agreement authorizes the A&A Railroad to license a parcel of property to the VOA. The first is for the parcel of property that displays the railroad engine, boxcar and caboose. The second agreement covers a right of way located in the Municipal Parking Lot and a right of way located along the front of the Arcade Fire Hall.

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		

AUTHORIZE MAYOR TO SIGN LICENSE AGREEMENT

Motion by Trustee McGarvey and seconded by Trustee Rule to authorize the Mayor to sign a License Agreement between Mark Saladyga and the Village of Arcade. The agreement authorizes Mark Saladyga to license a parcel of land for the purpose of storing a dumpster and constructing a fenced in enclosure.

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		

FY 2012-2013 BUDGET AMENDMENT

Motion by Trustee McGarvey and seconded by Trustee Rule, the FY 2012-13 budget be amended as follows because a donation has been received from TPI for the police department.

INCREASE REVENUE	INCREASE EXPENDITURE
001-4-2705-0100	001-53120-400-4030
Gifts and Donations	Uniforms
In the amount of \$500.00	

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 by Trustee McGarvey and seconded by Mayor May, the Village bills be audited and paid in the amount of \$683,324.56 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		

EXECUTIVE SESSION

Motion by Trustee McGarvey and seconded by Trustee Rule, the Board enter into executive session to discuss the following topic(s) at 7:51pm:

- Contract negotiations

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		

Motion by Trustee McGarvey and seconded by Trustee Schiener, the Board exit executive session at 8:33pm.

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		

ADJOURN

There being no further business to come before the Board the meeting duly adjourned at 8:35pm upon motion by Trustee McGarvey and seconded by Trustee Rule.

Clerk/Treasurer

INSERT A/P LIST OF PAID VOUCHERS