

The budget work session and regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Monday March 18, 2013 at 6:00 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.

PLEDGE OF ALLEGIANCE

Mayor May opened the meeting with the Pledge of Allegiance.

BUDGET WORK SESSION

The board reviewed the proposed general budget including wages for the zoning and planning board secretary, cleaning of the park cabin, as well as an overall review of the water, sewer and electric budgets. The board reduced the number of street projects that were in the budget and will make a recommendation at the next work session.

APPROVE MINUTES

Motion by Trustee Rule and seconded by Trustee McGarvey, the minutes from the budget work session regular meeting held on March 5, 2013 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		

APPROVE MINUTES

Motion by Trustee Schiener and seconded by Trustee Rule, the minutes from the budget work session held on March 12, 2013 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		

RESOLUTION OPPOSING NYS SAFE ACT

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

**OPPOSING THE PROCESS OF ENACTMENT AND CERTAIN PROVISIONS CONTAINED
WITHIN THE NEW YORK SAFE ACT**

WHEREAS, The right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution; and

WHEREAS, The right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right of the people of the Village of Arcade; and

WHEREAS, The lawful ownership of firearms is, and has been, a valued tradition in the Village of Arcade, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of its residents; and

WHEREAS, The people of the Village of Arcade derive economic and environmental benefits from all safe forms of recreation involving firearms, including, but not limited to, hunting and target shooting while utilizing all types of firearms available under the Constitution of the United States; and

WHEREAS, Members of the Board of Trustees of the Village of Arcade, being elected to represent the people of the Village of Arcade, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, Members of the New York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, The enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

WHEREAS, It is our understanding that many State Legislators had less than an hour to read the legislation, which contained approximately twenty-five thousand words, before being forced to vote on it; and

WHEREAS, Having reviewed the legislation and time constraints, it is our conclusion that there is no possible way any individual could have read the entire bill and understood its full implications prior to voting on it; and

WHEREAS, Our State Legislators most certainly could not have had the time to request, and receive, the input of their constituents regarding this matter; and

WHEREAS, Seeking, and considering, such public input is a standard to which we hold ourselves in the Village of Arcade; and

WHEREAS, This legislation has 60 sections, of which only three take effect immediately; and

WHEREAS, In our opinion, there was no reason for the Governor to use a message of necessity to bring this bill to vote immediately and bypass the three day maturing process for all legislation; and

WHEREAS, The mishandling of the process in crafting the NY SAFE Act resulted in complex policy changes, many of which have been left to interpretation, and are confusing even to the State Legislators who voted on them, and the law enforcement officials who are required to enforce and explain them; and

WHEREAS, Requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to the law abiding residents of New York State; and

WHEREAS, There will be a significant financial impact due to the approximately 8,500 Wyoming County permits that will have to be renewed requiring additional manpower and computer systems; and

WHEREAS, This legislation prohibits the sale of firearm magazines with a capacity larger than seven rounds; and

WHEREAS, Those firearm magazines with a capacity larger than seven rounds, which are authorized to be retained by existing owners, may only be loaded with seven rounds and eventually must be permanently altered to only accept seven rounds or be disposed of, thus constituting a seizure of legally owned personal property with no provision for compensation; and

WHEREAS, Few or no low capacity (7 rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of New York State; and

WHEREAS, Limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding gun owners, and puts an undue burden on gun manufacturers to retool their manufacturing plants; and

WHEREAS, The only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

WHEREAS, Requiring documentation of all ammunition sales in New York State, as provided for in this legislation, is a significant unfunded mandate on business; and

WHEREAS, The New York State Combined Ballistic Identification System, which wasted \$44 million in taxpayer money and resulted in zero convictions, illustrates the propensity of government to waste taxpayer resources when legislation is not properly reviewed; and

WHEREAS, Governor Cuomo has proposed spending \$36 million dollars in his 2013-2014 Executive budget for the implementation of the NY SAFE Act at a time when New York State residents are crying out for tax relief; and

WHEREAS, This legislation severely impacts the possession and use of firearms now employed by the residents of the Village of Arcade for defense of life, liberty, and property; and

WHEREAS, This legislation severely impacts the possession and use of firearms now employed for safe forms of recreation including, but not limited to, hunting and target shooting; and

WHEREAS, While there are some areas of the legislation that the Board of Trustees of the Village of Arcade find encouraging, such as addressing glaring shortcomings in the mental health system, the strengthening of Kendra's Law and Mark's law, as well as privacy protections for certain pistol permit holders, by-and-large, we find the legislation does little more than negatively impact lawful gun ownership; and

WHEREAS, This legislation fails to offer any meaningful solutions to gun violence and places increased burdens where they do not belong, squarely on the backs of law-abiding citizens; and

WHEREAS, This legislation effectively turns countless New York State law abiding gun owners into criminals; and

WHEREAS, The manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Village of Arcade Board; now therefore

BE IT RESOLVED, That the Board of Trustees of the Village of Arcade does hereby oppose, and request the repeal of, any legislation, including the sections within the NY SAFE Act (Chapter 1 of the Laws of 2013), which

infringe upon the right of the people to keep and bear arms; and be it

FURTHER RESOLVED, that the Board of Trustees of the Village of Arcade considers such laws to be an egregious violation of 2nd Amendment Constitutional Rights, onerous, and burdensome to the citizens and the County in their implementation, and beyond lawful legislative authority granted to our State representatives; and be it

FURTHER RESOLVED, that the Board of Trustees of the Village of Arcade strongly encourages members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and be it

FURTHER RESOLVED, that the Board of Trustees of the Village of Arcade requests the members of the New York State Senate and Assembly who represent all of Wyoming County to reply, in writing, with their views on, and actions taken, in support of, or opposition to, the NY SAFE Act; and be it

FURTHER RESOLVED, that a copy of this resolution be sent to President Barack Obama, Vice President Joseph Biden, Governor Andrew Cuomo, United States Senators Charles Schumer, and Kirsten Gillibrand, Congressman Chris Collins, New York State Senator Patrick Gallivan, Assembly Speaker Sheldon Silver and New York State Assemblyman David DiPietro.

The motion was passed upon the following vote:

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

HIRE PART TIME POLICE OFFICER

Motion by Mayor May and seconded by Trustee Koerner to authorize Chief Biscaro to hire Mandi Jorgensen as a part time police officer at the starting wage of \$16.12 per the CSEA, Local 1000 AFSCME AFL-CIO contract.

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		

AVERAGE MONTHLY PAYMENT (AMP) PLAN OPEN ENROLLMENT

Clerk/Treasurer Kraft announced that open enrollment for the Average Monthly Payment (AMP) plan will run from April through August 31, 2013 and that average monthly payment amounts will be recalculated prior to generating the April 2013 bills. A short comment will be placed on the April 2013 bill advising customers of the open enrollment period and recalculations. This motion was offered by Trustee McGarvey and seconded by Trustee Schiener.

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		

GARBAGE TAGS

Clerk Treasurer Kraft suggested the Village change the size of the garbage tags to half the size they currently are. This would allow the purchase of twice as many tags for less money. The board recommended further investigation as to the size and cost of such a change.

FIRE DEPARTMENT MEMBERSHIP

Per a report from Debby Austin-LaCerais, Secretary, the following individual was voted into the Fire Department for membership:

- Jeremy Klever

Motion by Trustee McGarvey and seconded by Mayor May, 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		

FY 2012-2013 BUDGET AMENDMENT

Motion by Mayor May and seconded by Trustee McGarvey, the FY 2012-2013 budget be amended as follows because funds have been received for the 2012-13 J Cap Grant in the amount of \$8,684.52.

INCREASE REVENUE	INCREASE EXPENDITURE
001-4-3089-0134 J Cap Grant 2012-13	001-5-1110-200-2000 Equipment
In the amount of \$8,684.52	

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		

PERMISSION TO DESTROY RECORDS

Motion by Mayor May and seconded by Trustee McGarvey to authorize Clerk Treasurer Kraft to destroy the following records in accordance with the NYS MU1 Schedule as well as the list of court records which will be destroyed contingent on NY State approval:

- Car Sale/Garage Sale Permits 2004-2008 (3yrs)
- Collateral Statement 6/2005-6/2006 (6yrs)
- AR Invoices 2005-2006 (6 yrs)
- Correspondence 2005-2006 (6 yrs)
- Insurance Documents (liability/property) 2004-2005, 2005-2006 (6 yrs)
- Disability Insurance 2006 (6 yrs)
- Unemployment 2006 (6yrs)
- Fed Tax Return 941 2001-2006 (6yrs)
- Zoning Violation Letters 2001-2003 (6yrs)

The following Court Records:

- 3 boxes 2006 Vehicle and Traffic Dockets
- 1 box Monthly Court Reports 2004 – 2006
- Court Bank Statements 2005-2006 (Judge Bell-Beyer and Judge Rix)
- 5 boxes Dockets-Violations 1989, 1991-1999 and 2001-2002 (1990 and 2000 are sample years and must be kept permanently)

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 CANCELLATION OF DEBT

Motion by Trustee McGarvey and seconded by Trustee Schiener to authorize Clerk/Treasurer Kraft to cancel the following debt:

- Charlotte Bernard \$55.55 Death
- Alice Ponter \$359.91 Death
- Crystal Searcy \$65.05 Bankruptcy

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		

WAIVE FACILITY USE FEES

Motion by Trustee McGarvey and seconded by Trustee Schiener to waive the rental fees for the use of the Arcade Park Shelter by Pioneer for the Corps so they may host a 4 mile run/walk to raise money for service projects within our Pioneer Community on Saturday, May 18, 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		

AUDIT BILLS

Motion by Trustee Schiener and seconded by Mayor May, the Village bills be audited and paid in the amount of \$72,832.36 and that the Clerk be authorized to transfer funds from the money market account to the checking account 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		

ADJOURN

There being no further business to come before the Board the meeting duly adjourned at 8:29 pm upon motion by Trustee McGarvey and seconded by Trustee Koerner.

Clerk/Treasurer