

The public hearing and regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, January 15, 2019 at 7:00 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.

**ALSO PRESENT**

Judy Hanes, Dan Meyers

**PLEDGE OF ALLEGIANCE**

Mayor May opened the meeting with the Pledge of Allegiance.

**PUBLIC HEARING CHAPTER 64, ZONING**

Mayor May opened the public hearing, with a motion from Trustee McGarvey and seconded by Trustee Schiener, for proposed changes to Local Law Chapter 64, Zoning. The proposed changes include adding to Section 420 Neighborhood Commercial (NC) District under Uses Permitted by Right – Residential – Single family detached and under Uses Permitted by Special Permit – Residential two family homes, multi-family homes (Must comply with Section 803 Off Street Parking).

There being no further comments the Mayor closed the public hearing with a motion by Trustee Schiener and seconded by Trustee McGarvey at 7:02 pm.

The motion was passed upon the following vote:

<b>VOTE</b>									
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	
<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 64, ZONING**

Motion by Trustee Rule and seconded by Trustee Schiener to adopt the changes to Local Law Chapter 64, Zoning.

The motion was passed upon the following vote:

<b>VOTE</b>									
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	
<b>VOTE TOTAL:</b>	5	Yes	0	No	0	Abstain	0	Absent	
<b>RESULTS</b>	<b>X</b>	<b>PASS</b>					<b>FAIL</b>		

**APPROVE MINUTES**

Motion by Trustee Schiener and seconded by Trustee Koerner, the minutes from the regular meeting held on January 2, 2019 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 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	X	Abstain		Absent
<b>VOTE TOTAL:</b>								
	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>				<b>FAIL</b>		

**APPROVE MINUTES**

Motion by Trustee Rule and seconded by Trustee McGarvey, the minutes from the budget workshop meeting held on January 8, 2019 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 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	X	Abstain		Absent
<b>VOTE TOTAL:</b>								
	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>				<b>FAIL</b>		

**SCHEDULE PUBLIC HEARING LOCAL LAW 69, TAX CAP**

Motion by Trustee Koerner and seconded by Trustee Rule to schedule the public hearing for review of Local Law Chapter 69, Property Tax Cap on February 5, 2019.

The motion was passed upon the following vote:

<b>VOTE</b>								
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
<b>VOTE TOTAL:</b>								
	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>				<b>FAIL</b>		

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

Clerk/Treasurer Kraft reported that notice has been received from the NYS Board of Real Property Services that the tentative Special Franchise full values for the VOA assessment roll to be filed in 2019 is \$670,894 (last year \$688,762). This includes National Fuel Gas at \$405,659 (last year \$408,758), Verizon at \$212,566 (last year \$225,477) and Time Warner at \$52,669 (last year \$54,527).

**AUTHORIZE MAYOR TO SIGN LOCAL COUNSEL AGREEMENT**

Motion by Trustee Schiener and seconded by Trustee Rule to authorize the Mayor to sign the Local Counsel Agreement between the Village of Arcade and Robert H. Kutzuba, Esq. as attorney with the law firm Ward & Kutzuba PLLC. The Agreement will include services as they relate to the funding the Village will receive from the NYS Clean Water Revolving Fund for project C9-6678-04-02. The services will include title examination and title curative services regarding the properties which are the subject of this project and review such documents, resolutions and proceedings as may be necessary to monitor compliance with applicable laws and terms of the Grant. The fee for these services will not exceed \$1500.

The motion was passed upon the following vote:

<b>VOTE</b>								
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
<b>VOTE TOTAL:</b>								
	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>				<b>FAIL</b>		

**AUTHORIZATION TO DESTROY RECORDS**

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

<b>DESCRIPTION</b>	<b>RETENTION</b>	<b>BOX #</b>
Electric General Ledger 1953-1968	50 years	0104
UFPO Locates, electric and water 2010-2012	6 years	0646
Utility Billing June 2012 - Nov 2012	6 years	0808
Electric Receipts Oct 2012 - Jan 9, 2013	6 years	0818
P/R Labor Dist & Periodic P/R Reports 2012	6 years	0845
Time Sheets Jan 2012 – Dec 2012	6 years	0847
Deposit Slips Jan 2011 – Dec 2012	6 years	0857

The motion was passed upon the following vote:

<b>VOTE</b>								
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
<b>VOTE TOTAL:</b>								
	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>				<b>FAIL</b>		

**CANCELLATION OF DEBT**

Motion by Trustee Schiener and seconded by Trustee McGarvey to authorize the cancellation of the following debt:

<b>NAME</b>	<b>ACCOUNT NUMBER</b>	<b>AMOUNT</b>	<b>REASON</b>
Deborah Brubaker	17-07800-02	\$ 6.75	Refuses to Pay
Helen Tomasik	13-12700-02	\$ 55.76	Past Statute
	<b>TOTAL</b>	<b>\$ 62.51</b>	Past Statute

The motion was passed upon the following vote:

<b>VOTE</b>								
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		Yes	X	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>								
	X	<b>PASS</b>				<b>FAIL</b>		

**AUDIT CAPITAL PROJECT INVOICES**

Motion by Trustee Rule and seconded by Trustee McGarvey the Village Capital Project bills be audited and paid in the amount of \$50,850.65.

The motion was passed upon the following vote:

<b>VOTE</b>								
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
<b>VOTE TOTAL:</b>								
	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>					<b>FAIL</b>	

**AUDIT BILLS**

Motion by Mayor May and seconded by Trustee Schiener, the Village bills be audited and paid in the amount of \$766,083.62 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 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
<b>VOTE TOTAL:</b>								
	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>					<b>FAIL</b>	

**LEGALIZATION OF RECREATONAL MARIJUANA**

Village resident, Dan Meyers, approached the Board and suggested the Board enact a law that would prohibit the manufacturing, distribution or sale of marijuana within the Village limits should it become legal in New York State, as proposed by the Governor.

**REPORTS RECEIVED**

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

- Village Historian Annual Report

**ADJOURN**

There being no further business to come before the Board the meeting duly adjourned at 7:35 pm upon motion by Trustee Schiener and seconded by Trustee Koerner.

\_\_\_\_\_  
Clerk/Treasurer

VENDOR	AMOUNT	VENDOR	AMOUNT
ABBOTT ANSWERING 581 LLC	\$ 143.85	MAZZA MECHANICAL SERVICES,	\$ 1,188.00
ACTIVE IT DESIGN, LLC	\$ 4,865.00	NATIONAL FUEL	\$ 335.35
ADMAR SUPPLY COMPANY, INC	\$ 3,500.00	NATIONAL GRID	\$ 170,313.62
ADVANCE STORES COMPANY, INC	\$ 16.55	NEW HORIZON COMMUNICATIONS	\$ 736.11
AFLAC NEW YORK	\$ 981.41	NEW YORK STATE DEFERRED COM	\$ 2,797.98
AIRGAS, INC	\$ 54.85	NGT CORPORATION	\$ 1,315.00
ARCADE HERALD	\$ 13.86	NOCO ENERGY CORP	\$ 1,041.48
ARCADE LUMBER & MILLWORK	\$ 935.80	NYMPA	\$ 360,078.00
ARCADE POSTMASTER	\$ 1,743.06	NYS & LOCAL RETIRE SYSTEM	\$ 2,002.13
ARCADE POSTMASTER	\$ 288.58	NYS ASSOC OF CHIEFS OF	\$ 150.00
AUTOMOTIVE ALLEY INC	\$ 976.98	NYS CHILD SPRT PROCESSING	\$ 500.46
BLUE 360 MEDIA LLC	\$ 56.25	NYS INCOME TAX	\$ 4,009.74
BRASS' SHURFINE	\$ 488.22	OSEA INC	\$ 48.75
C & G ELECTRICAL SUPPLY	\$ 249.45	PIONEER FORD INC.	\$ 543.88
CINTAS CORPORATION #782	\$ 230.64	R.S. MAHER & SON, INC	\$ 1,932.14
COLLINS, JOSEPH	\$ 137.22	SAIA COMMUNICATIONS INC	\$ 321.00
CONNOR, FRANCIS S.	\$ 698.00	SCHROEDER, DONNA	\$ 189.90
COUNTRY LINE SUPPLY LLC	\$ 16,260.00	SECURITY INVESTORS GROUP IN	\$ 731.95
CSEA	\$ 731.32	SHARP ELECTRONICS CORPORATI	\$ 99.49
CSEA BENEFIT UNIT	\$ 607.12	SIMAR, VICKI L.	\$ 593.14
CSEA POLICE UNIT	\$ 191.01	SS DIESEL & AUTO LLC	\$ 34.31
CURR A/C ELECTRIC	\$ 8,138.84	STAPLES CONTRACT & COMMERC	\$ 498.89
CURR A/C SEWER	\$ 167.54	THE HOLE WORKS	\$ 441.90
CURR A/C WATER	\$ 2,729.49	TIME WARNER CABLE	\$ 248.06
DANNY HEINEMAN & SONS INC	\$ 255.00	TOMPKINS CARDMEMBER SERVICE	\$ 802.66
DE LAGE LANDEN FINANCIAL SE	\$ 99.00	UNIQUE PAVING MATERIALS	\$ 603.52
DIG SAFELY NEW YORK, INC	\$ 15.52	UNITED UNIFORM CO INC	\$ 1,007.29
EVENHOUSE PRINTING, LLC	\$ 54.60	UPS	\$ 157.40
FREEDOM FARM AND TRUCK TIRE	\$ 2,180.00	VILLAGE OF ARCADE	\$ 90.00
FREEDOM TAX COLLECTOR	\$ 45,227.48	VILLAGE OF ARCADE	\$ 291.63
GRAINGER	\$ 22.93	WESCO DISTRIBUTION, INC.	\$ 11,978.05
HULL ELECTRIC, INC	\$ 5,026.72	WESCO DISTRIBUTION, INC.	\$ 1,134.40
IEEP:IND ENERGY EFF PROG	\$ 16,774.04	WRIGHT NAT'L FLOOD INSURANC	\$ 763.00
IRS - FEDRAL PAYROLL TAX PA	\$ 20,848.57	WYOMING CO DSS	\$ 346.51
JOHN SIXT & SON, INC.	\$ 3,766.26	WYOMING COUNTY DEPT OF HEAL	\$ 195.00
KOERNER, GILLIAN	\$ 30.52	WYOMING COUNTY TREASURER	\$ 42,866.70
KOPPERS UTILITY & INDUSTRIA	\$ 7,652.70	YORKSHIRE TAX COLLECTOR	\$ 9,045.64
LEXISNEXIS RISK DATA MGMT I	\$ 50.00	ZIMMER AUTO PARTS & SALES I	\$ 442.16
<b>COLUMN TOTAL</b>	<b>\$ 146,208.38</b>	<b>COLUMN TOTAL</b>	<b>\$ 619,875.24</b>
		<b>GRAND TOTAL</b>	<b>\$ 766,083.62</b>