

The public hearing and regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, February 4, 2014 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

Carole Jones, John Payne, Mike Landis, Bill Sprague

PLEDGE OF ALLEGIANCE

Mayor May opened the meeting with the Pledge of Allegiance.

PUBLIC HEARING, CHAPTER 69 PROPERTY TAX CAP OVERRIDE

Mayor opened the public hearing to hear comments from citizens regarding the proposed Chapter 69, Property Tax Cap Override.

Bill Sprague – I am concerned on overriding the Tax Cap. Have you come up with a figure of how much it is going to be?

Mayor May – No, we have not even figured out what the rates are going to be because we don't have the budgets in effect yet.

Bill Sprague - That gets to my other concern. When you pass this law you get an open end book and I am sure you are very conservative people but it does give you an open end book, whatever you want to raise it you can. My other big concern this year there is an opportunity as a board to save your taxpayers/constituents tax dollars for two years money if you do things the governor has asked you to do. Like consolidation of things so you stay under the tax cap. That is a big, big thing so not taking a look at that and trying to help your constituents is very unforgivable. In consolidation you do not have to consolidate towns and villages that is not what they are talking about. It is about consolidating maybe something in the DPW, something that gives you a little incentive to save money. That is what the tax cap has all been about, to get the towns and villages to save money for the tax payer and when you override it gives you an open ended book. I have been opposed to this override ever since this came out. I would appreciate it if this board if they would think long and hard before going over it and trying to help save money for the taxpayers of the town and village.

Mayor May - For the past two years we have adopted the override for the tax cap and for the both years we have been under the tax cap.

Bill Sprague – If you did pass it tonight and you didn't go over it does this still give you an option to consolidate?

Mayor May – Yes sir, it gives you a little bit of a safety net in case there are some kind of unanticipated things between now and the time the final budget is adopted that you don't foresee right now. You have a legal requirement of a certain number of days you have to get this into effect prior to your tax rate going into effect. All we are doing now is preparing the safety net in the event we need it. Like I said we have done this for the last two budgets and fortunately we have not been above the 2% tax rate the governor has imposed on villages, schools and towns.

Bill Sprague - I think it is very critical that you don't go over it even after you pass it because of what can happen to your residents and what they can save on their real estate taxes, I think that is so critical.

Mayor May – I understand that.

Trustee Schiener – I think that is our first priority Bill I think we have always tried to be very frugal. We all pay taxes, not to your level probably but that is one of our biggest priorities, to consolidate and make it a very efficient Village. So we are working on the same line as you as well.

There being no further comments or concerns, Trustee McGarvey 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.

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 LOCAL LAW CHAPTER 69 PROPERTY TAX CAP OVERRIDE

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

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 Rule and seconded by Trustee Koerner, the minutes from the regular meeting held on January 21, 2014 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 McGarvey and seconded by Trustee Schiener, the minutes from the budget work session held on January 28, 2014 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		

TRAINING CLASSES

Chief Biscaro and Officer Brown will be attending a conference, "Outlaw Motorcycle Gang Awareness". This conference is hosted by the U.S. Attorney's Office (Buffalo) at Hilbert College on February 21, 2014. On March 17, 2014 Chief Biscaro will be attending another conference, "The Role of Leadership in Making our Schools Safe", which is offered through the 11th Annual Safe Schools Initiative Seminar at the University of Buffalo. There are no costs to attend either conference.

PPA ADJUSTMENT

Superintendent of Public Works Kilburn discussed the Purchase Power Adjustment (PPA) for the month of February. The PPA will be at the highest rate ever experienced by the Village electric. Essentially the conditions in the month of January were like a "perfect storm", there were very cold days with very high peaks of energy use. Our energy use in January 2014 was 16% higher than last year and 17% higher than the month of December 2013. Our hydro allotment is based on our load factor from the same month in the prior year which resulted in a low hydro allotment for the current conditions. We experienced the highest peak and energy use and coupled with the low hydro allotment this resulted in the need to purchase more incremental power. The cost of incremental power was 63% more expensive than ever before.

This unprecedented high cost of energy will result in a cash flow problem for the Village. As a result we discussed the situation with our financial advisors and we were advised to consider a Revenue Anticipation Note (RAN). This note will pay our power bills, which are due by February 28, 2014. By the end of the fiscal year, we will have received enough revenues to pay off the RAN.

REVENUE ANTICIPATION NOTE RESOLUTION

The following resolution was offered with a motion by Trustee Rule and seconded by Trustee Koerner

**REVENUE ANTICIPATION NOTE RESOLUTION DATED
FEBRUARY 4, 2014.**

**A RESOLUTION DELEGATING TO THE TREASURER OF THE
VILLAGE OF ARCADE, WYOMING COUNTY, NEW YORK (THE
"VILLAGE"), THE POWER TO AUTHORIZE THE ISSUANCE OF
AND TO SELL UP TO \$550,000 OF REVENUE ANTICIPATION
NOTES OF THE VILLAGE IN ANTICIPATION OF THE
COLLECTION OF ELECTRIC SYSTEM REVENUES BECOMING
DUE AND PAYABLE DURING THE REMAINDER OF THE 2013
FISCAL YEAR OF THE VILLAGE.**

WHEREAS, Village of Arcade (the "Village"), located in Wyoming County, in the State of New York (the "State"), desires to issue revenue anticipation notes in anticipation of the collection of electric system revenues becoming due and payable to the Village during the remainder of its 2013 fiscal year (collectively, the "Anticipated Revenues"); and

WHEREAS, no portion of the remaining Anticipated Revenues has been received for such fiscal year as of the date hereof; and

WHEREAS, pursuant to Section 25.00 of the New York State Local Finance Law, revenue anticipation notes may be issued by a municipality in anticipation of revenue becoming due and payable in the current fiscal year; and

WHEREAS, at least \$550,000 of the Anticipated Revenues remain to be collected as of the date hereof; and

WHEREAS, no revenue anticipation notes have heretofore been authorized to be issued in anticipation of the collection of the remaining Anticipated Revenues by the Village in such fiscal year;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF VILLAGE OF ARCADE, AS FOLLOWS:

Section 1.

There is hereby authorized to be issued revenue anticipation notes of the Village in the aggregate principal amount of up to \$550,000 pursuant to the Local Finance Law, in anticipation of the collection of Anticipated Revenues (as defined above) that are still to be collected and are anticipated to become due and payable to the Village in its fiscal year (June 1, 2013 – May 31, 2014) (the “Notes”). Such Notes shall be designated “Revenue Anticipation Notes, 2014” (or such other designation as the Village Treasurer may determine, in accordance with the powers delegated to the Village Treasurer by this resolution).

Section 2.

The Notes shall be dated, shall mature, shall be in such denominations and shall bear interest at such rate or rates of interest per annum, as may be determined at the time of the public or private sale of the Notes by the Village Treasurer, in accordance with the provisions of the Local Finance Law of the State and Chapter 2 of the New York Code of Rules and Regulations.

Section 3.

The Village Board of Trustees of the Village has ascertained and hereby states that:

Based upon the proposed budget of the Village, it is anticipated that at least \$550,000 in remaining Anticipated Revenues will be received by the Village during the remainder of its 2013 fiscal year;

of such remaining Anticipated Revenues, none has been received by the Village to date;

no revenue anticipation notes have heretofore been authorized to be issued (or actually been issued) in anticipation of the collection of such remaining Anticipated Revenues;

no amount has been included in the annual budget of the Village for such fiscal year to offset, in whole or in part, any anticipated deficiency in the collection during such fiscal year of such remaining Anticipated Revenues to be received for such fiscal year;

the date of maturity of the Notes shall not be extended beyond one year from their date of issuance, which is the close of the applicable period in Section 25.00 of the Local Finance Law for the maturity of the Notes;

all earnings from the proceeds of the Notes, if any, shall be applied for payment of interest on the Notes when due and payable or for payment of other governmental purposes of the Village within the meaning of Section 1.103-13(b) (5) (iv) of the United States Treasury Regulations in effect or proposed on the date of the Notes.

Section 4.

Pursuant to the provisions of Sections 21.00, 30.00, 50.00, 56.00 and 60.00, inclusive, of the Local Finance Law, the power to sell, issue and deliver and to prescribe the terms, form and contents of the Notes is hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Treasurer is hereby authorized to execute the Notes on behalf of the Village and the Village Clerk is hereby authorized to affix the seal of the Village to the Notes and to attest such seal. The Treasurer is hereby authorized to deliver the Notes to the purchaser(s) thereof upon receipt in full of the purchase price thereof.

Section 5.

The faith and credit of the Village are hereby and shall be irrevocably pledged for the payment of the principal of and interest on all obligations authorized and issued pursuant to this resolution as the same shall become due.

Section 6.

The Treasurer is hereby directed to file with the Village Board of Trustees a certificate or certificates reporting the date of the Notes, the date the Notes mature, the rate or rates of interest of the Notes, the purchaser(s) of the Notes and a statement to the effect that the powers of the Treasurer to sell, issue and deliver the Notes are in full force and effect and have not been modified, amended or revoked prior to the delivery of and payment for the Notes.

Section 7.

In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby authorized to exercise the powers referred to in Sections 4 and 6 of this resolution.

Section 8.

The Village covenants, for the benefit of the holders of the Notes, that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the Village and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") or subject the Village to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code or subject the Village to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the obligations or any other provision hereof until the date which is 60 days after the final maturity date of the obligations (or any earlier prior redemption date thereof).

Section 9.

This resolution shall take effect immediately.

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		

VOA LEVEL OF ASSESSMENT

Motion by Trustee Schiener and seconded by Trustee McGarvey to accept the Level of Assessment (LOA) to be used on the 2014 tentative assessment roll for the VOA at 94%. The LOA is the percentage of full value at which properties are assessed within a community.

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		

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 2014 is \$901,821. This includes National Fuel Gas at \$474,871, Verizon at \$362,660 and Time Warner at \$64,290. Last year's figure was \$941,552.

APPOINT ELECTION INSPECTORS

The following resolution was offered by Mayor May and seconded by Trustee McGarvey:

RESOLUTION

WHEREAS, the Board of Trustees shall appoint two Election Inspectors and alternate(s) for the Village election to be held on March 18, 2014, and

WHEREAS, Election Inspectors shall be compensated \$100.00 each to conduct the election if the lever-style voting machine is used on Election Day or \$120.00 each to conduct the election if ballots are hand counted on Election Day;

NOW THEREFORE, BE IT RESOLVED, that Village resident Janet Ely and Virginia Comstock be appointed as Election Inspectors. In addition, Clerk/Treasurer Kraft is authorized to appoint two additional alternate inspectors as named on the Wyoming County Board of Elections Inspector Personnel List.

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		

APPOINT VOTING MACHINE CUSTODIAN/DEPUTY

The following resolution was offered by Trustee Koerner and seconded by Trustee McGarvey:

RESOLUTION

WHEREAS, if villages are authorized to use the lever-style voting machines for the 2014 elections, the Board of Trustees shall appoint one Voting Machine Custodian and Deputy Custodian for the Village election to be held on March 18, 2014, and

WHEREAS, the Village must engage the services of a qualified Voting Machine Custodian to set up the lever-style voting machine for the Village elections, and

WHEREAS, such Voting Machine Custodian shall be paid a total of \$125.00 for services to set up the lever-style voting machine for the Village elections, and

WHEREAS, Don Simons has received the programmer's certificate from the Automatic Voting Machine Corporation, and

NOW THEREFORE, BE IT RESOLVED, that Don Simons be appointed as the Voting Machine Custodian upcoming Village elections to be held on March 18, 2014. If he declines this appointment, Clerk/Treasurer Kraft be authorized to contact other custodians named on the Wyoming County Board of Elections Voting Machine Custodian list.

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 2013-14 BUDGET AMENDMENT

Motion by Trustee McGarvey and seconded by Trustee Rule, the FY 2013-14 budget be amended as follows because funds have been received from API Heat Transfer in the amount of \$1,500 for refurbishing the Village of Arcade sign at the entrance to the Village.

INCREASE REVENUE	INCREASE EXPENDITURE
001-4-2705-0100	001-5-7550-400-4690
In the amount of \$1,500	

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 2013-14 BUDGET ADJUSTMENTS

Motion by Mayor May and seconded by Trustee Schiener, the budget adjustments be approved as presented by the Clerk (attached).

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 Trustee McGarvey, the Village bills be audited and paid in the amount of \$267,905.50 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		

REPORTS RECEIVED

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

- Revenue and Expense Summary (General, Water and Sewer)
- Annual Police Department Report

ADJOURN

There being no further business to come before the Board the meeting duly adjourned at 7:58 pm upon motion by Mayor May and seconded by Trustee McGarvey.

Clerk/Treasurer

2-04-2014 6:07 PM.

BUDGET ADJUSTMENT REGISTER

PAGE: 1

PACKET: 00171-PER BOARD DIRECTIVE 02/04/2014

BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE

Budget Adj. # 000389							
001 5-1420-400-4220	2/04/2014	PER BOARD DIRECTIVE CONSULTANTS	3,119.13	5,500.00	0.00	8,619.13	0.00
001 5-1320-400-4220	2/04/2014	PER BOARD DIRECTIVE CONSULTANTS	3,119.13-	4,900.00	0.00	1,780.87	1,780.87

Budget Adj. # 000390							
001 5-4540-200-2000	2/04/2014	PER BOARD DIRECTIVE EQUIPMENT	2,146.00	0.00	0.00	2,146.00	0.00
001 5-4540-400-4690	2/04/2014	PER BOARD DIRECTIVE MATERIALS/SUPPLIES/MAINT	2,146.00-	12,000.00	0.00	9,854.00	5,007.35

Budget Adj. # 000391							
001 5-9015-800-8000	2/04/2014	PER BOARD DIRECTIVE POLICE RETIREMENT	7,348.00	100,250.00	0.00	107,598.00	0.00
001 5-9010-800-8000	2/04/2014	PER BOARD DIRECTIVE STATE RETIREMENT SYSTEM	4,797.72-	58,700.00	0.00	53,902.28	0.00
001 5-3120-400-4030	2/04/2014	PER BOARD DIRECTIVE SUPPLIES-UNIFORMS	1,000.00-	3,000.00	0.00	2,000.00	1,256.23
001 5-3120-400-4050	2/04/2014	PER BOARD DIRECTIVE 1ST AID SUPPLIES & SAFETY EQUIP	550.00-	2,000.00	747.00	2,197.00	2,317.15
001 5-3120-400-4220	2/04/2014	PER BOARD DIRECTIVE CONSULTANTS	1,000.28-	3,010.00	0.00	2,009.72	1,511.40

Budget Adj. # 000392							
006 5-9040-800-8000	2/04/2014	PER BOARD DIRECTIVE CONT EXP-WORKMENS COMP	2,088.91	8,100.00	0.00	10,188.91	0.00
006 5-9010-800-8000	2/04/2014	PER BOARD DIRECTIVE STATE RETIREMENT SYSTEM	2,088.91-	47,845.00	0.00	45,756.09	8,245.13
TOTAL IN PACKET--						0.00	

*** NO WARNINGS ***

*** NO ERRORS ***

*** END OF REPORT ***