

The public hearing and regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, December 19, 2017 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.

**ABSENT**

Deputy Clerk Treasurer Michelle Karpinski

**ALSO PRESENT**

Carole Jones, Jason Foote, Taina Hoffman, Jace Drennan

**PLEDGE OF ALLEGIANCE**

Mayor May opened the meeting with the Pledge of Allegiance.

Mayor May responded to the narrative given at the last meeting by Taina Armstrong-Hoffman. Taina expressed sharp criticism regarding the Village’s bid process and the fact that Trustee McGarvey was awarded bids. Upon review of the current bid practices and General Municipal Law 18 the Village agrees that it is a conflict of interest for Trustee McGarvey to be awarded bids by the Village. The Village Board has made the proper changes and Trustee McGarvey will no longer bid on Village projects. The Mayor explained the rationale as to why Trustee McGarvey was allowed to bid. When the Village was involved with the Main Street Grant the Board questioned whether or not Trustee McGarvey could bid on the work and they were told he could. This led the Board to understand that as long as it was a sealed bid process it was acceptable. Upon further review it was discovered the grant was administered by Wyoming County Community Action, not the Village, therefore the Trustee was not in conflict. Understanding the difference going forward Trustee McGarvey will not be allowed to bid or work on projects for the Village. The Mayor stated this was purely an oversight on the Board’s part; there was never any other intent than to give Village residents quality work for their tax dollars or utility dollars.

The Mayor felt it necessary to address Ms. Hoffman’s comment “the Village residents and contractors deserve better than what the Village is and has been doing for years.” In his rebuttal the Mayor listed the improvements this current Board has facilitated during their tenure: upgraded electric substations, WWTP expansion, upgraded water distribution system, enhancements to the Village park which include lighting, new baseball diamonds, new playground equipment, new traffic pattern in the park to improve pedestrian safety, a new summer recreation program as well as improvements to streets and sidewalks. He stated “There is one and only one reason any of us has run for the Village Board and that is for the love of this community. We too pay Village taxes as well as water, sewer and electric rates. We oversee a total Village budget in excess of \$11,000,000 and manage an organization that goes about the daily work in a professional, diligent and efficient manner. Any suggestion that we do anything contrary except to look out for the best interest of this community is a gross injustice to all of us.”

**PUBLIC HEARING CHAPTER 59D COLD WAR VETERANS EXEMPTION**

Mayor May opened the public hearing to hear comments regarding proposed changes to local law Chapter 59D, Cold War Veterans Exemption. The changes include wording that allows the exemption to continue beyond 10 years, the limit set when the law was originally written.

There being no further comments or concerns the public hearing was closed per a motion by Trustee McGarvey and seconded by Trustee Rule at 7:09 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>								
	X	<b>PASS</b>					<b>FAIL</b>	

**ADOPT LOCAL LAW CHAPTER 59D COLD WAR VETERANS EXEMPTION**

Motion by Trustee Schiener and seconded by Trustee Rule to adopt Local Law Chapter 59D, Cold War Veterans Exemption with the proposed changes.

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>		

**WWTP UPDATE**

Jason Foote, Clark Patterson Lee, updated the Board regarding the punch list items that were not completed by the construction deadline, November 30, 2017. The Board had given the general contractor, Wind Sun, until this meeting to complete the tasks. Jason had a conference call regarding the air lift pumps. This call included a representative of the manufacturer, the contractor, the operator and Superintendent of Public Works Kilburn. As a result materials are ordered for the repair and the work is scheduled for this Thursday. The building work is scheduled for tomorrow. The contractor is taking pictures of the truss bracing and will send them to the engineer and the truss manufacturer, they will wait for recommendations. All in all the work is being completed as required.

Jason also reported the O&M manual is in draft form, there are a few more revisions and it should be completed shortly.

**APPROVE MINUTES**

Motion by Trustee Schiener and seconded by Trustee McGarvey, the minutes from the regular meeting held on December 5, 2017 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		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 McGarvey and seconded by Trustee Rule, the minutes from the special meeting held on December 8, 2017 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		Abstain		Absent
<b>VOTE TOTAL:</b>								
	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>				<b>FAIL</b>		

**REVIEW DRUG FREE WORKPLACE AND DRUG AND ALCOHOL TESTING POLICIES**

The Board reviewed the changes to the Drug and Alcohol Testing policy. The proposed changes update the names of the drugs that are listed in the policy. The Drug Free Workplace Policy does not address the use of alcohol, the Board requested changes be made to include alcohol use as well as a confidentiality clause.

**AUTHORIZE MAYOR TO SIGN ENGINEERING PROPOSAL FOR THE I&I PROJECT NORTH STREET**

Motion by Trustee McGarvey and seconded by Trustee Rule to authorize the Mayor to sign contract between the Village of Arcade and Clark Patterson Lee. This contract is a proposal for engineering services related to design and construction of the Village of Arcade Sanitary Sewer Rehabilitation for the Northeast Service Area (Phase 2A) and the expected cost is \$34,150. This contract has five components: Preliminary Design, Final Design, Bidding Services, Construction Administration and Construction Observation.

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>		

**AUTHORIZE MAYOR TO SIGN CONTRACT WITH MUNICIPAL SOLUTIONS, INC. FOR THE I&I PROJECT NORTH STREET**

Motion by Trustee Rule and seconded by Trustee Schiener to authorize the Mayor to sign the contract between the Village of Arcade and Municipal Solutions to cover general financial services as they relate to the Sanitary Sewer Improvement Phase II project. The proposal is made up of four components: Long Term Closing with the Clean Water State Revolving Fund, not to exceed \$6,500, Fiscal Services, billed at an hourly rate of \$142, not to exceed \$15,000, Conflicts of Interest and Other Required Disclosures and Miscellaneous.

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>		

**UPDATE SULLIVAN AVENUE GARAGE FIRE**

Superintendent of Public Works Kilburn updated the board regarding the Sullivan Avenue garage fire. He is still waiting on the cost estimates from the contractor/cost estimator on the cost of possibly repairing the building. The Gernatt's building now has running hot and cold water and the office area is heated. They are working on heating the bay areas. The electric department has begun removing materials from the Yansick building.

As far as the inventory we are still waiting for the spreadsheets from RCF Salvage. Quotes continue to be sent to vendors for replacement inventory.

Altec has found a digger derrick truck the Village can rent and a small bucket truck is on the way here to replace the demo we have been using. The water van has been cleaned and returned. Mark Majewski, consultant for Selective, indicates the bucket trucks were probably not harmed by the smoke and soot. Altec will be taking the units to their facility for evaluation on the dielectric suitability. There is a tentative date of December 28<sup>th</sup> for the inspection of the truck that is suspected of starting the fire.

**REJECT BIDS FOR PARK RESTROOM CONSTRUCTION**

Motion by Trustee Rule and seconded by Trustee Koerner to refuse all bids received for the restroom construction at the Village Park. One bid presents a conflict of interest and the other bid exceeds the available budget.

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		Yes		No	X	Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
Trustee Donna Schiener	X	Yes		No		Abstain		Absent
<b>VOTE TOTAL:</b>	4	Yes	0	No	1	Abstain	0	Absent
<b>RESULTS</b>	<b>X</b>	<b>PASS</b>				<b>FAIL</b>		

**WAIVE FACILITY USE FEE**

Motion by Trustee Schiener and seconded by Trustee McGarvey to waive the facility use fee for the Pioneer Central School/Arcade Elementary Color Fun Run to be held June 9, 2018. They have requested use of the shelter and the park road from 8:00 am to 1:00 pm. Funds raised are used at the school for programs.

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>		

**FY 2017-2018 BUDGET AMENDMENT**

Motion by Trustee McGarvey and seconded by Trustee Rule, the FY 2017-2018 budget be amended as follows because funds have been received from TPI Arcade Inc as a donation to the police department.

<b>INCREASE REVENUE</b>	<b>INCREASE EXPENDITURE</b>
001-4-2705-0100	001-5-3120-200-2000
Gifts & Donations	Police Equipment
<b>In the amount of \$500.00</b>	

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>		

**FY 2017-2018 BUDGET ADJUSTMENTS**

Motion by Trustee McGarvey and seconded by Trustee Rule, the budget adjustments be approved as presented by the Clerk (attached).

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 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 \$442.50 and that the Clerk be authorized to submit bills to Environmental Facilities Corporation (EFC) for payment via the funding for the WWTP Expansion.

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 Koerner, the Village bills be audited and paid in the amount of \$1,144,361.61 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>		

**REPORTS RECEIVED**

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

- None.

**ADJOURN**

There being no further business to come before the Board the meeting duly adjourned at 8:05 pm upon motion by Trustee McGarvey and seconded by Trustee Schiener.

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

12-21-2017 10:22 AM

BUDGET ADJUSTMENT REGISTER

PAGE: 1

PACKET: 00316-BUDGET ADJ BOARD 12/19/2017

BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
-----							
001 5-5110-100-1000	12/19/2017	BUDGET ADJ BOARD PERSONNEL SERVICES-REG	5,000.00-	120,000.00	7,000.00-	108,000.00	54,822.55
001 5-7140-100-1000	12/19/2017	BUDGET ADJ BOARD PERSONNEL SERVICES-REG	5,000.00	22,800.00	0.00	27,800.00	217.07
001 5-1210-400-4170	12/19/2017	BUDGET ADJ BOARD TELECOMMUNICATIONS	25.00-	25.00	0.00	0.00	0.00
001 5-1010-400-4160	12/19/2017	BUDGET ADJ BOARD ADVERTISING/NOTICES	25.00	50.00	220.00	295.00	1.63
001 5-1325-400-4010	12/19/2017	BUDGET ADJ BOARD SUPPLIES-OFFICE	135.00-	2,000.00	65.00-	1,800.00	703.94
001 5-1010-400-4150	12/19/2017	BUDGET ADJ BOARD TRAVEL/MTG/CONF/SCHOOLS	135.00	500.00	0.00	635.00	1.80-
TOTAL IN PACKET--						0.00	

\*\*\* BUDGET DEFICIT WARNINGS \*\*\*

FUND ACCOUNT	NAME	BALANCE
001 5-1010-400-4150	TRAVEL/MTG/CONF/ SCHOOLS	1.80-

TOTAL WARNINGS: 1

\*\*\* NO ERRORS \*\*\*

\*\*\* END OF REPORT \*\*\*

VENDOR	AMOUNT	VENDOR	AMOUNT
ABBOTT ANSWERING 581 LLC	\$ 180.75	NATIONAL FUEL GAS DISTRIB	\$ 19.30
ACCURATE CALIBRATION SERVIC	\$ 430.25	NATIONAL FUEL GAS DISTRIB	\$ 250.13
ALTEC INDUSTRIES INC	\$ 151,506.00	NATIONAL FUEL GAS DISTRIB	\$ 250.14
AMCHAR WHOLESALE, INC	\$ 1,426.64	NATIONAL GRID	\$ 109,557.37
AMEIS, LEE	\$ 40.00	NEW HORIZON COMMUNICATIONS	\$ 791.89
ARCADE AREA CHAMBER OF COMM	\$ 5.00	NEW YORK STATE DEFERRED COM	\$ 2,651.86
ARCADE HERALD	\$ 923.50	NOCO ENERGY CORP	\$ 3,785.51
ARCADE POSTMASTER	\$ 1,718.30	NY PLANNING FEDERATION	\$ 260.00
ARCADE POSTMASTER	\$ 200.10	NY POWER AUTHORITY	\$ 6,218.75
ARIEN SPECIALTY BRANDS, LLC	\$ 378.52	NY POWER AUTHORITY	\$ 155,371.57
AUTOMOTIVE ALLEY INC	\$ 2,496.71	NYMPA	\$ 264,825.00
AUTOZONE	\$ 58.32	NYS & LOCAL RETIRE SYSTEM	\$ 344,428.00
BIJHOUWER, PAUL	\$ 100.00	NYS CHILD SPRT PROCESSING	\$ 500.46
CATTARAUGUS COUNTY MAGISTRA	\$ 15.00	NYS INCOME TAX	\$ 3,794.69
CINTAS CORPORATION #782	\$ 26.16	NYSATSB PROGRAMS INC	\$ 585.00
CONNOR, FRANCIS S.	\$ 86.00	NYSID	\$ 606.90
CORE & MAIN LP	\$ 1,048.32	OFFICE OF STATE COMPTROLLER	\$ 6,759.75
CRAWFORD DOOR OF WNY INC	\$ 320.00	OFFICE OF STATE COMPTROLLER	\$ 15.00
CSEA	\$ 671.35	PIERCE MILLING INC.	\$ 60.75
CSEA POLICE UNIT	\$ 151.28	RICHARD-CIN SIGNS & SAFETY	\$ 4,038.30
CURR A/C ELECTRIC	\$ 7,130.00	SANDERS, PAUL	\$ 80.00
CURR A/C SEWER	\$ 187.70	SCHNITZLER, ANDREW	\$ 80.00
CURR A/C WATER	\$ 1,752.82	SECURITY INVESTORS GROUP IN	\$ 95.00
EIGENBROD, DOUGLAS	\$ 80.00	SECURITY INVESTORS GROUP IN	\$ 360.00
FELBER, AARON	\$ 40.00	SHARP ELECTRONICS CORPORATI	\$ 99.49
FORMS IN A WINK	\$ 84.22	SLOMOMO LLC	\$ 89.95
GALETON	\$ 309.23	SNYDER, JEFFREY	\$ 100.00
GOODYEAR WHOLESALE TIRE	\$ 1,522.24	SONNER, MICHAEL JR.	\$ 80.00
IIEP:IND ENERGY EFF PROG	\$ 9,402.86	STAPLES CONTRACT & COMMERCI	\$ 91.44
IRS - FEDRAL PAYROLL TAX PA	\$ 21,372.75	STRYKER SALE CORPORATION	\$ 8,823.91
J & S AGEN, INC	\$ 129.00	SUTTELL, DONALD	\$ 80.00
JIM'S EQUIPMENT REPAIR INC	\$ 179.71	THE BUFFALO NEWS	\$ 356.97
KARPINSKI, MICHELLE	\$ 188.00	THE ZOGHLIN GROUP, PLLC	\$ 4,953.79
KOERNER, GILLIAN	\$ 29.64	UNITED STATES POSTAL SERVIC	\$ 1,500.00
KOSMERL, RICHARD	\$ 80.00	UNITED UNIFORM CO INC	\$ 454.43
KRAFT, JENNIFER	\$ 458.00	UNIVAR USA INC.	\$ 808.00
LEXISNEXIS RISK DATA MGMT I	\$ 50.00	VILLAGE OF ARCADE	\$ 90.00
MATUSZAK'S BLACKTOPPING INC	\$ 825.00	WARD & KUTZUBA	\$ 227.50
MEUA - MUNICIPAL ELECTRIC U	\$ 12,130.00	WYOMING CO DSS	\$ 375.00
MOORE MEDICAL, LLC	\$ 1,046.30	WYOMING CO DSS	\$ 399.58
NATIONAL FUEL GAS DISTRIB	\$ 171.11	WYOMING COUNTY DEPT OF HEAL	\$ 64.00
NATIONAL FUEL GAS DISTRIB	\$ 460.91	WYOMING COUNTY SHERIFF	\$ 172.96
<b>COLUMN TOTAL</b>	<b>\$ 219,411.69</b>	ZIMMER AUTO PARTS & SALES I	\$ 797.53
		<b>COLUMN TOTAL</b>	<b>\$ 924,949.92</b>
		<b>GRAND TOTAL</b>	<b>\$ 1,144,361.61</b>