

The public hearing and regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, February 3, 2020 at 7:00 pm there were:

PRESENT

Mayor Jay May, Trustee Ken Rule, Trustee Jim McGarvey, Trustee Andrew Koerner, Superintendent of Public Works Larry Kilburn, Clerk/Treasurer Jennifer Kraft, Police Chief Anthony Biscaro, Deputy Clerk/Treasurer Michelle Karpinski.

ABSENT

Trustee Donna Schiener

ALSO PRESENT

Elwyn Roll, Judy Hanes, Jace Drennan

PLEDGE OF ALLEGIANCE

Mayor May opened the meeting with the Pledge of Allegiance.

PUBLIC HEARING, CHAPTER 69 PROPERTY TAX CAP OVERRIDE

Mayor May opened the public hearing to hear comments from citizens regarding the proposed Chapter 69, Property Tax Cap Override. The Mayor explained that the allowable growth factor (tax cap) for fiscal year is 1.78%. This is due to the fact that pursuant to the tax cap law, the allowable levy growth factor is 2% or the CPI, whichever is less. The CPI is currently 1.78%.

There being no further comments or concerns the public hearing was closed per a motion by Trustee McGarvey and seconded by Trustee Koerner at 7:02 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		Yes		No		Abstain	X	Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS		X	PASS				FAIL	

ADOPT LOCAL LAW CHAPTER 69 PROPERTY TAX CAP OVERRIDE

Motion by Trustee Koerner and seconded by Trustee McGarvey 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		Yes		No		Abstain	X	Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS		X	PASS				FAIL	

APPROVE MINUTES

Motion by Trustee Koerner and seconded by Trustee McGarvey, the minutes from the regular meeting held on February 18, 2020 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		Yes		No		Abstain	X	Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS								
	X	PASS				FAIL		

APPROVE MINUTES

Motion by Trustee McGarvey and seconded by Trustee Koerner, the minutes from the budget meeting held on February 26, 2020 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		Yes		No		Abstain	X	Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS								
	X	PASS				FAIL		

AUTHORIZE BID PROCESS PURCHASE OF POLICE VEHICLE

Motion by Trustee Rule and seconded by Trustee Koerner to authorize Chief Biscaro to bid the purchase of a new police vehicle through NYS Office of General Services (OGS). The vehicle purchase will be budgeted in the 2020-2021 fiscal year and will not be delivered before June 1, 2020.

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		Yes		No		Abstain	X	Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS								
	X	PASS				FAIL		

RESOLUTION - MEUA SEMI-ANNUAL MEETING

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

RESOLUTION

WHEREAS, the Board of Trustees of the Village of Arcade, New York, is a municipal member of the Municipal Electric Utilities Association (MEUA) of New York State, and

WHEREAS, the semi-annual meeting of the MEUA has been called on April 22 and April 23, 2020 to be held at the Embassy Suites by Hilton Destiny USA, 311 Hiawatha Blvd W, Syracuse, New York, 13204 and,

WHEREAS, in accordance with the bylaws of the MEUA, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that Superintendent of Public Works Larry Kilburn be and is hereby designated as the accredited delegate of the Village of Arcade, New York.

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		Yes		No		Abstain	X	Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS								
	X	PASS				FAIL		

AWARD ENGINEERING CONTRACT TAP GRANT

The Consultant Evaluation and Selection Committee made up of Superintendent of Public Works Kilburn, Dan Laird, Trustee Schiener and Todd Gadd (Wyoming County Highway) reviewed the qualifications of eleven engineering firms. Once the reviews were complete the Committee requested a proposal from the top ranked engineering firm. The initial proposal was thought to be too high as were the subsequent proposals. The second ranked firm was no longer interested in the project. The third ranked firm, CPL, submitted a proposal that was accepted by the Committee. CPL’s proposed fee for this project was \$230,131.63 which includes a \$20,000 placeholder for the MWBE survey sub-consultant (the final survey fee is being negotiated).

Motion by Trustee Rule and seconded by Trustee Koerner to award the engineering contract to CPL, in the amount of \$230,000 which includes a \$20,000 placeholder for survey expenses and to authorize CPL to prepare the agreement.

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		Yes		No		Abstain	X	Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS								
	X	PASS				FAIL		

AUTHORIZE MAYOR TO SIGN PAYMENT REQUEST # 3 SANITARY SEWER REHAB 2B

Motion by Trustee Rule and seconded by Trustee Koerner to authorize the Mayor to sign Contractor’s Application for Payment Request #3, Milherst Construction, Inc. for the Sanitary Sewer Rehab Project 2B in the amount of \$92,299.68.

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		Yes		No		Abstain	X	Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS								
	X	PASS				FAIL		

REVIEW OF SUBDIVISION REGULATION POLICY

Superintendent of Public Works Kilburn distributed proposed changes to the Subdivision Regulation Policy for the Board to review. The Policy will be discussed at the next regular board meeting.

FAIR HOUSING MONTH PROCLAMATION

The following proclamation was read and accepted with a motion by Trustee McGarvey and seconded by Trustee Rule declaring April “Fair Housing Month” in the Village of Arcade:

PROCLAMATION

WHEREAS, The Declaration of Independence states “that all men are created equal; that they are endowed by their Creator with certain unalienable Rights;” yet we must face the harsh fact that in this nation, and in this state, all men do not have equal housing opportunities because of race, national origin, or religion; and

WHEREAS, we must, as individuals and as people, take our stand to make equal opportunity for all, including equal opportunity in housing a reality in our community; and

WHEREAS, the primary responsibility for this action lies with each individual citizen of this Village, and each of us can play a major role in removing the stain of discrimination and prejudice; and

WHEREAS, The Fifty-First Anniversary of the National Fair Housing Law, Title VIII of the Civil Rights Act of 1968, during the month of April, is an occasion for all Americans, individually and collectively, to rededicate themselves to the principle of freedom of choice and to participate in efforts to eliminate vestiges of housing discrimination wherever they exist;

NOW, THEREFORE, BE IT RESOLVED, that I, Jay R. May, Mayor of the Village of Arcade New York do hereby proclaim April 2020 as:

“FAIR HOUSING MONTH IN THE VILLAGE OF ARCADE”

and ask the citizens of this Village to join in reaffirming the obligation and commitment to fair housing opportunities for all.

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		Yes		No		Abstain	X	Absent
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent

AMERICAN WITH DISABILITIES (ADA) POLICY

The Board reviewed the proposed ADA policy along with the grievance form and approved both with a motion by Trustee McGarvey and seconded by Trustee Koerner.

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		Yes		No		Abstain	X	Absent
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent

FINAL RAILROAD CEILING

Clerk Treasurer Kraft notified the board the Notice of Final Railroad Ceiling was received with an amount of \$279,921 for the 2020 tax year, an increase of \$16,990.

ESTABLISH JUSTICE COURT EXPENSE RATIO WITH THE TOWN OF ARCADE

Motion by Trustee McGarvey and seconded by Trustee Rule, the VOA Board hereby sets the expense ratio at 14.11% (up from 10.57%) based on the total number of cases from January 2019 to December 2019, with an effective date of June 1, 2020 through May 31, 2021 (VOA fiscal year) pending TOA Board approval and written response indicating such approval.

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		Yes		No		Abstain	X	Absent
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent

AUDIT BILLS

Motion by Trustee Rule and seconded by Trustee Koerner, the Village bills be audited and paid in the amount of \$318,065.93 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		Yes		No		Abstain	X	Absent	
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS	X	PASS					FAIL		

EXECUTIVE SESSION

Motion by Trustee Koerner and seconded by Trustee Rule, the Board enter into executive session to discuss the following topic(s) at 7:35 pm:

- 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		Yes		No		Abstain	X	Absent	
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS	X	PASS					FAIL		

Motion by Trustee Rule and seconded by Trustee McGarvey, the Board exit executive session at 7:43 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		Yes		No		Abstain	X	Absent	
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS	X	PASS					FAIL		

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 7:43 pm upon motion by Trustee Rule and seconded by Trustee McGarvey.

Clerk/Treasurer

VENDOR	AMOUNT	VENDOR	AMOUNT
ADVANCE STORES COMPANY, INC	\$ 97.69	NATIONAL FUEL	\$ 312.23
AFLAC NEW YORK	\$ 1,739.58	NEW YORK POWER AUTHORITY	\$ 30,043.70
ALTEC INDUSTRIES INC	\$ 235.34	NEW YORK POWER AUTHORITY	\$ 162,873.16
ARCADE POSTMASTER	\$ 240.00	NEW YORK STATE DEFERRED COMPEN	\$ 3,172.99
BENEFLEX-ERIE	\$ 186.00	NIAGARA FRONTIER EQUIPMENT SAL	\$ 4,318.76
BLUE CROSS BLUE SHIELD OF WNY	\$ 34,524.04	NOCO ENERGY CORP	\$ 2,160.75
CHEMICAL DISTRIBUTORS INC	\$ 2,143.35	NYS & LOCAL RETIRE SYSTEM	\$ 4,224.36
CINTAS CORPORATION #782	\$ 126.27	NYS CHILD SPRT PROCESSING	\$ 500.46
CONNOR, FRANCIS S.	\$ 192.00	NYS INCOME TAX	\$ 3,947.19
CSEA	\$ 755.12	NYS MAGISTRATES ASSOCIATION	\$ 95.00
CSEA BENEFIT UNIT	\$ 1,173.90	NYS SALES TAX	\$ 17,537.38
CSEA POLICE UNIT	\$ 166.90	OFFICE OF STATE COMPTROLLER	\$ 4,782.50
DANNY HEINEMAN & SONS INC	\$ 224.23	PIKE HARDWARE	\$ 172.94
GOTTOGO ELECTRIC INC	\$ 1,525.00	RENAISSANCE LIFE & HEALTH INSU	\$ 139.03
GRAINGER	\$ 1,745.84	SCHWARTZ, ALAN L	\$ 665.00
HULL ELECTRIC, INC	\$ 247.99	SOUTER, ROBERT A	\$ 510.00
INT'L ASSOC OF CHIEFS OF POLIC	\$ 190.00	SS DIESEL & AUTO LLC	\$ 836.00
IRS - FEDERAL PAYROLL TAX PAYME	\$ 21,244.20	TIME WARNER CABLE	\$ 268.39
KEY BANK	\$ 406.01	TRACTOR SUPPLY CREDIT PLAN	\$ 364.91
KUTZUBA, ROBERT	\$ 1,678.00	VERIZON	\$ 137.62
L.R. BRASS INC. ARCADE MARKET	\$ 69.94	VERIZON WIRELESS	\$ 563.10
LOOSELEAF LAW PUBLICATIONS	\$ 113.65	VILLAGE OF ARCADE	\$ 90.00
MAPLE GROVE ENTERPRISES	\$ 84.00	VILLAGE OF ARCADE	\$ 907.50
MCKESSON MEDICAL-SURGICAL GOV'	\$ 629.75	WASTE MANAGEMENT OF NEW YORK L	\$ 9,629.16
COLUMN TOTAL	\$ 69,738.80	ZIMMER, PHILIP W	\$ 75.00
		COLUMN TOTAL	\$ 248,327.13
		GRAND TOTAL	\$ 318,065.93