

The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, February 6, 2007 at 7:00pm there were:

**PRESENT**

Mayor Michael Doster, Deputy Mayor Richard Kosmerl, Trustee Paul Burkett, Trustee Hugh Ely, Trustee Dan Reisdorf, Superintendent of Public Works Larry Kilburn, Clerk/Treasurer Pam Beiersdorf (until 8:30pm), Police Chief John Laird, and Deputy Clerk/Treasurer Donna Miller

**ALSO PRESENT**

Donna Stewart, Anita Stewart, Margaret Morgan, James McGarvey, Jack Tuttle (VOA Justice), Sheri Bell-Beyer (VOA Justice), Gill Moore (Court Clerk), Alan Bliss (Community Action), Sandie Dutton (Town of Arcade Clerk), Joan Harrison (Beautification Committee), David Trent (Arcadia Development), Tom Hollis (Arcadia Development), Marty Mucher (Wyoming County IDA), George Hezel (President, HH Housing, Inc.)

**NOTICE**

Pursuant to Article 7 of the Public Officers Law, notice of this meeting was given to the media on January 22, 2007 and the same posted on January 22, 2007.

**PLEDGE TO ALLEGIANCE**

Mayor Doster opened the meeting with the Pledge to Allegiance.

**APPROVE MINUTES**

Motion by Trustee Burkett and seconded by Trustee Ely, the minutes from the regular meetings held on January 16, 2007 be approved as presented by the Clerk.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Michael Doster	X	Yes		No		Abstain		Absent
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Daniel Reisdorf		Yes		No	X	Abstain		Absent
<b>VOTE TOTAL:</b>								
	4	Yes	0	No	1	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>				<b>FAIL</b>		

**ARCADIA DEVELOPMENT GROUP ACTION ON FULL ENVIRONMENTAL ASSESSMENT FORM (EAF)**

Deputy Mayor Kosmerl recommended that Part 1 of the EAF description of action be changed to "Annexation and development of 50 +/- acre parcel into residential single family subdivision comprising roads, 87 lots and open space."

The following resolution was offered by Deputy Mayor Kosmerl and seconded by Trustee Burkett:

**A RESOLUTION DETERMINING THE ENVIRONMENTAL  
NON-SIGNIFICANCE UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) OF THE  
PROPOSED ARCADIA HEIGHTS SUBDIVISION**

The Board of Trustees of the VOA, duly convened in regular session, does hereby resolve as follows:

Pursuant to, and in accordance with, the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Act Regulations (6 NYCRR part 617) the Village Board of the VOA hereby makes the following determinations and classifications with respect to the proposed Arcadia Heights Subdivision, which will involve the development of 50+/- acre parcel into a residential single family subdivision comprising roads, 84 lots and open space in the VOA, County of Wyoming, New York (the "Project").

1. The Arcade Village Board ("Village") hereby determines that the Project is subject to SEQR.

2. The Village hereby determines that the Project does not involve a Federal agency, and does not involve other agencies.
3. The Village hereby makes a preliminary classification of the Project as an Unlisted Action.
4. The Village hereby finds and determines that it is, and will be, the lead agency with respect to the adoption of, and approval of the above-described Project.
5. The Village hereby finds and determines that: (a) it has considered the Project, reviewed the full environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential project environmental impacts and their magnitude in connection with the proposed Project; (b) the Project will not result in any large and important environmental impacts, and therefore, is one which will not have a significant impact on the environment; and (c) the reasons supporting this determination are set forth on the following Notice of Determination of Non-Significance with respect to this Project (Negative Declaration). (a copy of which is on file in the Office of the Village Clerk of the VOA).
6. The Village, as Lead Agency with reference to the above-described Project, hereby: (a) adopts a Negative Declaration pursuant to 6 NYCRR section 617.7 with respect to the Project, (b) authorizes the Mayor, Michael Doster, to sign a Negative Declaration determination of Non-Significance with respect to the Project, and New York State Department of Environmental Conservation, the Planning Board, the Zoning Board of Appeals, Building and Code Inspector of the VOA, County of Wyoming Department of Planning, New York State Commissioner of Agriculture and Markets, and New York State Office of Parks, Recreation and Historic Preservation.
7. This Resolution shall take effect immediately.

VOA Board of Trustees Notice of Determination of Non-Significance below:

**State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

**Village of Arcade**

**Dated: February 6, 2007**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Board of Trustees of the VOA (the "Village") has reviewed the proposed project that involves annexation of property in to the Village and the subsequent development of a residential private housing development on that property. The Village has determined that the proposed actions will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Arcadia Heights Subdivision

**Location of Action:** North Street and Cramer Drive - Town and Village of Arcade, NY

**SEQR Status:** Type 1

**Description of Action:**

This Action comprises two related elements. The first includes a petition to Annex property near North Street and Cramer Drive, currently in the Town of Arcade, in to the VOA. And the second element entails the subsequent development of those lands and other adjacent property currently within the Village totaling 50 +/- acres into a Residential Single Family Subdivision comprising roads, 87 Lots and open space.

**Reasons supporting this Determination:**

Since site work in the Development project may disturb more than 5 acres the projects are being considered as a Type 1 action. Potential environmental impacts associated with the projects were identified in **the Environmental Assessment Form (EAF) Part 2 - "Project Impacts and Their Magnitude"** to assess potential adverse environmental impacts. Each section and question of the EAF was reviewed and considered by the Arcade Village Board. Arcade acted as Lead Agency in this assessment with the concurrence of the Town of Arcade. The Town of Arcade had previously created and passed a motion in public hearing assigning its rights for Lead status to the Village. To assist in this input members of the Village Board met with and reviewed the Assessment Form with the Arcade Town and Village Planning Board. Their considerations and comments are included in the final copy of the Assessment Form.

After considering each section in Part 2 of the EAF and guided by the examples provided as part of the Form, none of the potential impacts were considered to exceed the Small to Moderate impact level.

Any question from the Environmental Assessment Form not listed and discussed below was determined by the Village to have no impact.

The Village did determine that on several questions there was a possible Small to Moderate impact. Each of these findings was reviewed by the full Village Board in a regular open public session as part of the Board's January 16<sup>th</sup> meeting. Each question when considered by itself and with the project scope and Subdivision and Site Planning requirements of the Village, were determined not to have a substantial negative impact. Reasons for the finding of non-substantial impact for each of the areas identified as Small to Moderate impact are discussed below.

**(i) #1 Impact on Land: Will the Proposed Action result in a physical change to the project site.**

Construction of a Housing Development will create a visual change to the project site. However, as this parcel of Land is adjacent to other housing developments the impact is minimal at best and non-substantial. Indeed this tract of land is identified in the joint Village/Town of Arcade Master Plan as being ideal and preferred by the Community for residential development.

The placement of housing on this property where the water table is approximately 0.5 feet will not adversely impact current environmental water run off or soil contamination as the project will proceed only with the use of Village utilities involving water, sewer lines and storm sewer lines. Control of surface water run off will be controlled as the Developer will perform and act on Engineering studies to create a Storm Water Control Plan. The Developer also has committed to create and adhere to a Storm Water Pollution Prevention Plan as required by NYSDEC's General permit governing storm water discharge from construction activities.

The Development and Construction period will likely be for more than one year, as market conditions will determine the rate of construction and occupancy in this project. Noise impacts from the site work and construction events will be minimal and temporary. A small volume of construction waste will be associated with the development of the housing and will be disposed off-site. The disposal site will be at the DEC permitted landfill in Chaffee, NY operated by Waste Management, Inc. Sub-soil removed during the work will be used for grading on site.

**(ii) Question 5: Affect on surface or groundwater quality or quantity**

The Development will use over 26,000 gallons of water per day supporting the fully developed housing. This water will be provided by use of Water Utility lines constructed by the Developer and subsequently dedicated to the Village and will be supplied by the current excess capacity in the Village Water Supply system. The handling of disposal of wastewater and sewage will be through Sewage Utility lines constructed by the Developer and subsequently dedicated to the Village. These utility lines will connected to the Village system such that waste water and sewage will be treated by current excess capacity in the Village Waste Water Treatment Facility.

The proposed action will not affect groundwater quality run off as the project Developer will create engineering studies to determine the most effective way to control water run off. These findings and plans will be incorporated in a required Storm Water Run Off Plan that will ensure that storm surface waters will flow in to the installed Storm Water systems and other water discharge systems to adequately discharge the water run off.

**(iii) Question 6: Alteration of drainage flow or patterns or surface water runoff.**

The change in the pattern of surface water run off resulting from construction of roads and housing will be addressed by the Storm Water Run Off Plan such that water flow is directed to Village Storm Sewers or the natural culverts and stream systems that currently exist and to which they currently enter in to. The Developer will mitigate negative Flood impacts by installing appropriate storm overflow provisions in the Engineering Project plans. The results of these provisions will result in any changes in run off being minimal or even improved from the current natural conditions.

**(iv) Question 10: affect on agricultural land resources**

The housing development will convert more than 10 acres of land that has potential agricultural use. However, the land included in the project has not been used for farming purposes for several years and is currently fallow land. In addition the Village and Town Master Plan expressly identifies the project land as most suitable for Housing Development. As land farmed with the Town and County has decreased in recent years the need for farming land has decreased. This conversion of fallow agricultural land to a housing development should not have any significant adverse impact

**(v) Question 15: effect to existing transportation systems**

This development will result in an estimated increase of 70 - 94 per hour vehicle trips during peak hours upon completion of the project (estimates developed by use of NYS DOT traffic charts). The impact of this traffic will not create a significant overall change in the Village. In fact it might create an overall slight decrease, as currently over 1700 people work in but do not reside in the Village. This development is likely to give homes to several of those workers and for those workers this would reduce their need to enter and leave the Village each day. The development will add some traffic increase unique to North Street but this should not have a significant impact as Police enforcement, Fire Support and Public Works Street and Parks maintenance activities should grow in parallel through the increase in Village taxes generated by the development. This growth should compensate for any changes and keep their adverse impact minimal.

**(vi) Question 16: affect on the community's sources of energy**

With 87 homes planned for the Development, the Village Electric Department will see an equal increase in the number of customers. Energy is available through the current National Grid/NYS ISO system. In terms of size the current customer base has over 4000 customers. So the increase in energy use and customers (approx. 2%) is considered small and is not a substantial significant impact.

**(vii) Question 19: Will there be an affect o the character of the existing community**

Based on Developer estimates of the expected number of residents, the increased population of the Village will increase almost the 5% figure considered in the EAF. However as the Town and Village Master Plan encourages such growth it is not considered a substantial negative impact and in fact is viewed by the Community as a positive impact.

Residential density of the development site will obviously increase. However, the average lot within the development, is .57 acres and the minimum committed by the developer will be at least .258 acres. Both these figures meet the guidelines of the Village zoning and are above the current Village residential areas. So in terms of the total Village, with the annexation of new land the average Village population density should go down, but to such a slight extent as to not be a substantial negative impact.

Development will create a demand for additional community resources. However the Village Board has studied the potential tax revenues which would be sufficient to fund increase Village provided resources such as Police, Fire, Utilities. The Developer has contacted the Pioneer School District and reported that he was told by the Pioneer Business Administrator, Mr. N. Silvaroli that potential increases in students from this development will be easily handled and welcomed by the School district to offset current projected enrollment declines. With these findings the level of increased community resources needed to support this development appear adequate and there should be no substantial negative impact.

**(viii) Question 20: Is there likely to be public controversy related to potential adverse environmental impacts.**

The Village determined this would be answered as a "No".

This finding is supported by results of at least 3 separate open public sessions where the matter was discussed: 1) On December 19<sup>th</sup>, 2006 the Village and Town of Arcade held a joint public meeting where a joint public hearing was held to consider Annexation of this property, as required by State law. No negative comments were stated at that meeting. 2) On January 10<sup>th</sup>, 2006, a committee assigned by the Village Board and the Developer met with the Planning Board of the Town and Village of Arcade during their regular monthly public meeting. The Developer reviewed his tentative plans with the Planning Board. The Developer answered the Planning Board's questions and they further requested that he consider including open land for a public park within or near the development. Although not required by law, the Developer indicated he would pursue such park land space. Subsequently, the Village Board Committee reviewed the draft EAF with the Planning Board, section by section and question by question. Planning Board member comments were used and incorporated in to Section 2 to improve the Village's overall assessment quality. No negative community comments were made at this session. 3) On January 16<sup>th</sup>, at a regular Village Board meeting, the Committee submitted to the entire Board its draft of Part 2 of the EAF, as well as recommendations concerning changes should be made to Part 1. The Developer, the author of Part 1, agreed to review the recommendations and respond to the Village Board. The Board accepted, as written, the draft Part 2, and scheduled discussion to formally adopt the EAF at the First Village Board meeting in February 2006. No negative comments were made concerning the action at this meeting.

In conclusion during discussion of this Action at three open, public hearings, no negative commentary has been received from the public. This supports the Village's conclusion t answer this question as "No".

**For Further Information:**

**Contact Person:** Mr. Michael Doster  
Mayor

Address: Village of Arcade  
17 Church St.  
Arcade, NY 14009  
(585) 492-1111

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Michael Doster	X	Yes		No		Abstain		Absent
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Daniel Reisdorf	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>		

**ARCADIA DEVELOPMENT GROUP DECISION ON ANNEXATION PETITION**

No action was taken on this issue. To be discussed at a future meeting.

**NORTHRIDGE HOMES PROJECT – PHASE II**

President of HH Housing, Inc., George Hezel, made a presentation to the Board regarding the Project. The Board took a straw vote to see if there was interest in support of this Project. The outcome was negative.

**PERMISSION FOR COURT CLERK OVERTIME**

Motion by Deputy Mayor Kosmerl and seconded by Mayor Doster, permission be granted to Court Clerk Moore to work 10 hours of overtime. Four of the ten hours will be to accompany Justice Tuttle on Thursday, February 8, 2007 to Service Education Inc. computer training in Warsaw, NY. The remaining six hours will allow Court Clerk Moore to provide on-site computer training to Justice Tuttle.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Michael Doster	X	Yes		No		Abstain		Absent
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Daniel Reisdorf	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>		

**PERMISSION TO ADJUST COURT CLERK’S WORK SCHEDULE**

Due to recent family emergencies of Court Clerk Moore, Justice Bell-Beyer requested permission to adjust her work schedule, when needed, to accommodate the time she is away from the office. Court Clerk Moore has offered to make up her time in the same work week to alleviate the need for overtime. According to the Clerk of the Court Employee Policy, the normal work schedule for the Court Clerk shall be forty (40) hours per week, although this may vary from week to week depending on the needs of the Village. Some Board Members feels this gives the Justice the flexibility needed to adjust the hours without further permission. However, Clerk/Treasurer Beiersdorf, explained to the Board that the wording in the policy states the needs of the Village, not the needs of the Court Clerk. Mayor Doster commented that the Court Clerk, like all other employees, needs to record her time away from the office with appropriate accrued leave time. Mayor Doster continued to say, that the Village should not set a precedence allowing her hours to be adjusted for emergencies or other Village employees would request adjusted hours as well. The established hours of the court should remain consistent. Discussions concluded each request be handled on individual basis and that this matter be revisited upon pending decision on Court Clerk Moore’s request for Union membership.

**PERMISSION FOR EXTRA HOUR FOR HOCKEY TEAM**

Motion Trustee Ely and seconded by Deputy Mayor Kosmerl, permission be granted to the hockey team to play until 11:00pm Friday night, rather than the usual 10:00pm due to Winterfest activities and competitions.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Michael Doster		Yes	X	No		Abstain		Absent
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Daniel Reisdorf		Yes	X	No		Abstain		Absent
<b>VOTE TOTAL:</b>								
	3	Yes	2	No	0	Abstain	0	Absent
<b>RESULTS</b>	<b>X</b>	<b>PASS</b>				<b>FAIL</b>		

**PERMISSION FOR SUBSITUTE CROSSING GUARD**

Police Chief Laird requested permission to hire a substitute crossing guard, Village Resident Marge Brown. Trustee Burkett advised Police Chief Laird that permission could not be granted until the position had been appropriately advertised and all interested parties had an opportunity to apply.

Motion by Deputy Mayor Kosmerl and seconded by Trustee Burkett, Police Chief Laird be granted permission to advertise for the position of substitute crossing guard.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Michael Doster	X	Yes		No		Abstain		Absent
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Daniel Reisdorf	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>		

**GIS RECORDS GRANT**

Superintendent of Public Works Kilburn informed the Board that an application had been submitted for a GIS grant in the amount of \$14,500.00 to initiate a GIS Needs Assessment.

**VACATION CARRYOVER CORRECTION**

At the January 16, 2007 meeting, a motion was passed that Al Noble be granted permission to carry over 28 hours of vacation to be used within 60 days past his anniversary date. The motion included vacation hours but neglected to include 8 hours of 2-hr vacation hours.

The motion of January 16, 2007 was amended as follows:

Motion by Deputy Mayor Kosmerl and seconded by Mayor Doster, Al Noble be granted permission to carry over a total of 36 hours of vacation to be used within 60 days past his anniversary date.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Michael Doster	X	Yes		No		Abstain		Absent
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Daniel Reisdorf	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>		

**WATER SEMINAR**

Motion by Deputy Mayor Kosmerl and seconded by Mayor Doster, Dave Carr and Todd Wittmeyer be granted permission to attend a Dig Safely Seminar on March 13, 2007 from 8:00am – 4:15pm at the Holiday Inn, Grand Island, NY. Topics include trench safety, trench survivor testimony, NYS Code Rule 753, locating practices and techniques, and utility awareness.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Michael Doster	X	Yes		No		Abstain		Absent
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Daniel Reisdorf	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>		

**NOBLE ENVIORNMENTAL**

According to the terms of the Electric Services Agreement (ESA) Noble Environmental is required to make the first full payment of \$345,00.00 to the VOA with 6 months of when Noble first uses Arcade facilities. Noble Environmental requested this timeframe be increased by an additional 8 months.

After much discussion a motion was made by Mayor Doster and seconded by Trustee Burkett, to grant Noble Environmental an additional six (6) Months, accepting all other parts of the contract with this change

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Michael Doster	X	Yes		No		Abstain		Absent	
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent	
Trustee Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Daniel Reisdorf	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>		

**NOBLE LAND ENCOMPASSING FREEDOM SUBSTATION**

Noble currently owns the land around the Freedom Substation and will be turning the land over to the VOA before the Freedom Substation Expansion is energized. In accordance with the terms of the Support Services Reimbursement Agreement (SSRA), Amendment 2, Noble Environmental will grant the VOA access to the land to begin construction.

Motion by Deputy Mayor Kosmerl seconded by Trustee Burkett, the VOA electric department be granted permission to occupy and begin construction on the land around the Freedom Substation.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Michael Doster	X	Yes		No		Abstain		Absent	
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent	
Trustee Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Daniel Reisdorf	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>		

**BLUE SEAL FEEDS WATER LINE EXTENSION REQUEST**

Superintendent of Public Works Kilburn was approached by Blue Seal Feeds with a request for the Village to install approximately 250 feet of 6 inch water line on William Street from Edward Street to Blue Seal's property line for fire protection purposes. The cost to the Village would be approximately \$23,000.00, including labor, material, vehicle expenses and overheads. Superintendent Kilburn advised Blue Seal that according to Village policy the developer is responsible to pay for all improvements made solely for their project. The Board opposed this request.

**AWARD BID - CIRCUIT BREAKER RETROFIT**

Motion by Mayor Doster seconded by Trustee Ely, upon recommendation of Superintendent of Public Works Kilburn, the circuit breaker retrofit bid to be awarded to Stuart C. Irby Co. of Syracuse, NY for \$15,770.00 as they were the lowest responsive bidder.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Michael Doster	X	Yes		No		Abstain		Absent	
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent	
Trustee Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Daniel Reisdorf	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>		



**APPOINT DEPUTY CLERK/TREASURER**

Motion by Mayor Doster and seconded by Trustee Reisdorf, Donna Miller be appointed as Deputy Clerk/Treasurer effective immediately at a salary of \$35,000 with no increase until June 1, 2008.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Michael Doster	X	Yes		No		Abstain		Absent
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Daniel Reisdorf	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>	

**ABOLISH REGISTRATION DAY**

This item was tabled until clarification could be obtained from Clerk/Treasurer Beiersdorf

**APPOINT ELECTION INSPECTORS/ALTERNATES**

The following resolution was offered by Deputy Mayor Kosmerl and seconded by Trustee Burkett

**RESOLUTION**

**WHEREAS**, the Board of Trustees shall appoint two Inspectors of Elections and alternate(s) for the Village election to be held on March 20, 2007, and

**WHEREAS**, such Inspectors of Elections shall be paid a total of \$100.00 each for preparation of the rolls and election day,

**NOW THEREFORE, Be It Resolved**, that Ginger Comstock and Janet Ely be appointed as Inspectors of Election and Sarah Affronti be appointed as the primary alternate and Suzanne Strauss be appointed as the secondary alternate.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Michael Doster	X	Yes		No		Abstain		Absent
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely		Yes		No	X	Abstain		Absent
Trustee Daniel Reisdorf	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>	

**DESIGNATE ELECTION INSPECTOR CHAIRMAN**

No action was taken on this issue and will be discussed at a future meeting.

**APPOINT VOTING MACHINE CUSTODIAN/DEPUTY**

The following resolution was offered by Mayor Doster and seconded by Trustee Ely:

**RESOLUTION**

**WHEREAS**, the Board of Trustees shall appoint one Voting Machine Custodian and Deputy Custodian(s) for the Village election to be held on March 20, 2007, and

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

**WHEREAS**, such Voting Machine Custodian shall be paid a total of \$100.00 for services to set up the voting machine for the Village elections, and

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

**WHEREAS**, Dana Walton 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 and Dana Walton be appointed the Deputy Custodian for the upcoming Village elections to be held on March 20, 2007.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Michael Doster	X	Yes		No		Abstain		Absent	
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent	
Trustee Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Daniel Reisdorf	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>		

**PERMISSION TO DESTROY OBSOLETE CHECKS**

Motion by Mayor Doster and seconded by Trustee Reisdorf, Clerk/Treasurer Beiersdorf be granted permission to destroy obsolete Trust and Agency checks numbered 3775 - 4596 and Payroll checks numbered 24932 – 26149 since they are no longer needed due to the transition to INCODE software.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Michael Doster	X	Yes		No		Abstain		Absent	
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent	
Trustee Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Daniel Reisdorf	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>		

**CENSUS WORKSHOP**

Motion by Deputy Mayor Kosmerl and seconded by Mayor Doster, Clerk/Treasurer Beiersdorf be granted permission to attend a free informational session on March 7, 2007 from 9:00am to noon at the Wyoming County Fire Training Center. The session will explain how the Census is conducted and introduce the 2010 local update of census addresses (LUCA) program.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Michael Doster	X	Yes		No		Abstain		Absent	
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent	
Trustee Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Daniel Reisdorf	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>		

**TENTATIVE TAX ROLL**

Deputy Clerk/Treasurer Miller advised the Board that the tentative tax roll has been filed and is available for public inspection during business hours (Monday through Friday 7:00am to 4:00pm) until February 20, 2007 (Grievance Day).

**RESCHEDULE MARCH 20<sup>TH</sup>, 2007 MEETING**

Motion by Mayor Doster and seconded by Deputy Mayor Kosmerl, the regular meeting scheduled for March 20, 2007 has been rescheduled for Wednesday March 21, 2007 due to Village Elections.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Michael Doster	X	Yes		No		Abstain		Absent
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Daniel Reisdorf	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>		

**RESOLUTION – BUDGET AMENDMENT**

The following resolution was offered by Trustee Burkett and seconded by Deputy Mayor Kosmerl

**RESOLUTION**

**WHEREAS**, the VOA Board of Trustees adopted the 2006-2007 fiscal year budget on April 12, 2006; and

**WHEREAS**, Village Law Section 5-520 authorizes the Board of Trustees to adopt resolutions during the fiscal year to create additional appropriates or to increase existing appropriations when moneys therefore may be provided by unanticipated revenues; and

**WHEREAS**, based on this authority it has been determined that there is a need for additional appropriation in the account listed below which is necessary to cover unanticipated equipment costs; and

**WHEREAS**, funds for such an increase have been provided by an unanticipated revenues, due to insurance proceeds for the loss, theft, damage or destruction of real or personal property, used to repair or replace such property.

**NOW, THEREFORE, be it resolved**, that the following transfer be made as provided in Section 5-520 of the Village Law.

<b>INCREASE REVENUE</b>	<b>INCREASE EXPENDITURE</b>
001-4-2809-0100 Other Public Safety	001-5-3120-117-4000 Car #17
In the amount of <b>\$252.50</b>	

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Michael Doster	X	Yes		No		Abstain		Absent
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Daniel Reisdorf	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>		

**RESOLUTION – BUDGET AMENDMENT**

The following resolution was offered by Trustee Burkett and seconded by Deputy Mayor Kosmerl

**RESOLUTION**

**WHEREAS**, the VOA Board of Trustees adopted the 2006-2007 fiscal year budget on April 12, 2006; and

**WHEREAS**, Village Law Section 5-520 authorizes the Board of Trustees to adopt resolutions during the fiscal year to create additional appropriates or to increase existing appropriations when moneys therefore may be provided by unanticipated revenues; and

**WHEREAS**, based on this authority it has been determined that there is a need for additional appropriation in the account listed below which is necessary to cover unanticipated equipment costs; and

**WHEREAS**, funds for such an increase have been provided by an unanticipated revenues, due to insurance proceeds for the loss, theft, damage or destruction of real or personal property, used to repair or replace such property.

**NOW, THEREFORE, be it resolved**, that the following transfer be made as provided in Section 5-520 of the Village Law.

<b>INCREASE REVENUE</b>	<b>INCREASE EXPENDITURE</b>
001-4-2770-0100 Other Unclassified Revenue	001-5-3410-106-4000 Truck 6
In the amount of <b>\$2,758.55</b>	

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Michael Doster	X	Yes		No		Abstain		Absent
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	x	Yes		No		Abstain		Absent
Trustee Daniel Reisdorf	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>		

**BUDGET ADJUSTMENTS**

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

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Michael Doster	X	Yes		No		Abstain		Absent
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Daniel Reisdorf	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>		

**AUDIT BILLS**

Motion by Mayor Doster and seconded by Trustee Burkett, the Village bills be audited and paid and that the Clerk be granted permission 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 Michael Doster	X	Yes		No		Abstain		Absent
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Daniel Reisdorf	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>	

**LOCAL LAW, CHAPTER 37, PARKS**

No action was taken on this issue and will be discussed at a future meeting.

**USE OF FACILITIES APPLICATION AND AGREEMENT**

No action was taken on this issue and will be discussed at a future meeting.

**EMPLOYMENT POLICY – SALARIED EMPLOYEES**

No action was taken on this issue and will be discussed at a future meeting.

**NOBLE ENVIRONMENTAL POWER REVENUE**

Deputy Mayor Kosmerl made a motion suggesting that the current Village Board establish a Plan for the use of the expected revenue from the contractual Electric Services Agreement (ESA) signed or to be signed by the VOA and the Noble Environmental Power (Noble).

Said ESA extends for 20 years with annual renewal options thereafter. Noble will provide an annual payment during the life of the contract of no less than \$345,000 per year as payment for Electric Services provided by the Village..

The current Village Board also recognizes that this stream of income is unique and the opportunities it provides to serve our customers should not be lost nor wasted. It is therefore deemed appropriate that this Board create a recommended use of the funds obtained.

Therefore to that end, this Village Board recommends the following uses and Plan be adopted for each future budget year during the life of the ESA and that the revenue from each annual payment be designated for use in each budget as follows:

1. 10% or \$34,500 per year to be used as general revenue to the Electric Department Budget. This funding should pay for the additional variable labor and administrative costs associated with fulfilling the terms of the ESA. This revenue may be used by the Electric department as described and any overage above those designated expenses may be used for other legitimate department purposes or simply to help reduce revenue needed from electric rates.
2. \$100,000 per year to be set aside and assigned to a Designated Emergency Cash Fund to be established for Electric Department needs. This fund should be allowed to accumulate to a total of \$500,000 or about 10% of electric department revenues. The Village Treasurer/Clerk should make appropriate investment of these funds in accordance with General Municipal Law. This Emergency Fund should be maintained and used only for emergencies. If, in any year, withdrawals are made from the Fund which cause the targeted balance to fall below \$500,000 then receipts from the next year's payment from the ESA should be used to rebuild the fund.

3. The balance \$200,000 to \$300,000 per year should be assigned to a long term Infrastructure and Distribution Repair or Bond Repayment Designated Cash Fund. At the discretion of the Village Board, these moneys could be used as needed to repair, replace, or upgrade current Electric Department lines and stations and switching gear. The Village Treasurer/Clerk should make appropriate investment of these funds in accordance with General Municipal Law. The funds should normally not be used for expansion projects. At the Board's discretion it may also be desirable to use these funds to reduce or eliminate outstanding Electric Department Loans and Bonds.

Due to the request of Trustee Burkett, this item was tabled for further discussion at the next board meeting.

**REVENUE ANTICIPAL NOTE (RAN) REPAYMENT**

Motion by Deputy Mayor Kosmerl and seconded by Mayor Doster, the Village investigate possible re-payment options with regards to RAN.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Michael Doster	X	Yes		No		Abstain		Absent
Deputy Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Daniel Reisdorf	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>	

**PUBLIC HEARING ON THE TENTATIVE BUDGET**

Deputy Mayor Kosmerl reminded the Board that a public hearing must be held on the tentative budget on or before April 15<sup>th</sup> in accordance with Village Law.

**MUNICIPAL ELECTRIC UTILITIES ASSOCIATION (MEUA) HANDBOOKS**

Deputy Mayor Kosmerl directed Clerk/Treasurer Beiersdorf to obtain five (5) copies of the MEUA handbooks for new incoming Board members.

**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 9:43pm upon motion by Trustee Burkett and seconded by Trustee Ely.

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Deputy Clerk/Treasurer