

The special budget work session and regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, March 6, 2007 at 6:00pm 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, Police Chief John Laird, and Deputy Village Clerk/Temporary Donna Miller

**ALSO PRESENT**

Brian Burton, Jim McGarvey, Margaret Morgan, Anita Stewart, Larry Slanovich (Wyoming County Habitat for Humanity), and Allan Roth (Wyoming County Habitat for Humanity)

**NOTICE**

Pursuant to Article 7 of the Public Officers Law, notice of this meeting was given to the media on February 23, 2007 and the same posted on February 23, 2007

**PLEDGE TO ALLEGIANCE**

Mayor Doster opened the meeting with the Pledge to Allegiance.

**BUDGET WORK SESSION**

The Board reviewed and discussed the proposed General fund 2007-08 budget.

**APPROVE MINUTES**

Motion by Deputy Mayor Kosmerl and seconded by Trustee Burkett, the minutes from the regular meetings held on February 20, 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	X	Yes		No		Abstain		Absent	
<b>VOTE TOTAL:</b>	5	Yes	0	No	0	Abstain	0	Absent	
<b>RESULTS</b>	<b>X</b>	<b>PASS</b>					<b>FAIL</b>		

**APPROVE MINUTES**

Motion by Trustee Burkett and seconded by Deputy Mayor Kosmerl, the minutes from the special budget work session held on February 27, 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	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 – LOCAL LAW CHAPTER 37, "PARKS"**

Mayor Doster opened the public hearing on the proposed amendment to Local Law Chapter 37, "Parks," The proposed changes include: waiving the insurance liability certificate requirement for Political Parties, requiring non-profit or not for profit organizations to include their organization's tax exempt number on the Use of Facilities Application and Agreement, and clarification that no glass bottles or containers shall be permitted within any portion of any park.

There being no further comments or concerns, Mayor Doster made a motion, seconded by Deputy Mayor Kosmerl, the Board close the public hearing regarding Local Law Chapter 37, "Parks" at 7:10pm.

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>		

**ADOPT LOCAL LAW 2-2007, CHAPTER 37, "PARKS"**

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

**RESOLUTION**

**WHEREAS**, a proposed Local Law to amend Chapter 37 of the Laws of the Village of Arcade entitled Parks was reviewed by the Board members on January 16, 2007 and

**WHEREAS**, Clerk/Treasurer Beiersdorf has certified that the Open Meetings Law has been complied with regarding the calling of a meeting of the Board of Trustees which was held on February 20, 2007, and at such meeting Clerk/Treasurer Beiersdorf was directed to schedule a public hearing on said proposed Local Law on March 6, 2007, and

**WHEREAS**, the final form of Proposed Local Law 2-2007 was delivered to each Board member on February 6, 2007 and

**WHEREAS**, the Notice of said public hearing was published in the Arcade Herald on February 28, 2007, and

**WHEREAS**, Clerk/Treasurer Beiersdorf has certified that the Open Meetings Law has been complied with in regards to this meeting and this Board having met and conducted said public hearing and considered such arguments as were presented for and against the adoption of proposed Local Law No. 2-2007, and

**NOW, THEREFORE, BE IT RESOLVED** that Proposed Local Law No. 2-2007 of the Village of Arcade as presented at the public hearing be enacted as 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>								
	X	<b>PASS</b>				<b>FAIL</b>		

**WYOMING COUNTY HABITAT FOR HUMANITY**

Larry Slanovich and Allan Roth, representatives for the Wyoming County Habitat for Humanity made a presentation to the Board about the program in Wyoming County. Valu Home Center in Chaffee, NY has been raising funds to support Habitat for Humanity in Wyoming County. Habitat for Humanity of Wyoming County recently completed their second house. The first is located in Attica, NY and the second in Warsaw, NY. Habitat of Wyoming County hopes to build in all towns within the County. They are reaching out to the community, informing all of how Habitat operates, and the need for the program in this area.

Through volunteer labor and donations of money and materials, Habitat builds and rehabilitates houses with the help of the homeowner (partner) families. Habitat houses are sold to partner families at no profit, financed with affordable, no interest loans. The homeowners' monthly mortgage payments are used to build still more Habitat houses. Habitat is not a giveaway program. In addition to a down payment and the monthly mortgage payments, homeowners invest hundreds of hours of their own labor--sweat equity--into building their Habitat house and the houses of others.

It is the hope of Habitat to inform the community about this cause and their goal is to meet the needs of those less fortunate and resume a humanitarian effort to make our communities a better place to live.

Habitat is looking for properties for future homes in Wyoming County.

### **ARCADIA DEVELOPMENT GROUP DECISION ON ANNEXATION PETITION**

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

#### **A RESOLUTION TO ANNEX TERRITORY FROM THE TOWN OF ARCADE, COUNTY OF WYOMING, NEW YORK, TO THE VILLAGE OF ARCADE, COUNTY OF WYOMING, STATE OF NEW YORK**

**WHEREAS** the Board of Trustees of the Village of Arcade, 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 Regulations (6 NYCRR part 617) (SEQRA) the Village Board of the Village of Arcade hereby makes the following determinations and classifications with respect to the proposed annexation of territory from the Town of Arcade, County of Wyoming to the Village of Arcade, County of Wyoming, New York (the "Action").

- The Arcade Village Board ("Village") hereby determines that the Action is subject to SEQRA.
- The Village hereby determines that the Action does not involve a Federal agency, and does not involve other agencies.
- 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 Action.
- The Village hereby determines that it has fulfilled its obligation under the SEQRA review process.

**RESOLVED**, the Village hereby finds and determines that:

- It has considered the Action, 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 Action;
- 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;
- The reasons supporting this determination are set forth on the attached 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 Village of Arcade);
- The Village of Arcade and the Territory to be annexed have the requisite unity of purpose and facilities to constitute a community, and the annexation of which is in the overall public interest;
- The Arcadia Development Group, developer in the Action, will prepare and file with the Village of Arcade the Annexation Map describing the Territory in the Action;
- The Village will serve upon the Town of Arcade its finalized annexation proposal with Annexation Map; and

- This Resolution shall take effect immediately.

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>	

**CERTIFICATE OF COMPLETION APPRENTICESHIP TRAINING**

Superintendent of Public Works Kilburn announced that Allen Meyers successfully completed the apprenticeship training and received a certificate of completion of apprenticeship training from the State of New York. The Board asked Superintendent of Public Works Kilburn to pass along their congratulations to Al.

**PERMISSION TO ATTEND TRAINING**

Motion by Deputy Mayor Kosmerl and seconded by Mayor Doster, Dave Carr and Todd Wittmeyer be granted permission to attend Water Operator Training on March 28, 2007 in Varysburg, NY with the stipulation they return to the Village if called upon for an emergency. This session provides information on emergency/security issues for small water systems, regulatory and certification updates, and chlorine dioxide treatment of drinking water.

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>	

**ARCADE BUSINESS PARK – ROUTE 98 NORTH**

According to a letter from the Department of Environmental Conservation (DEC) dated March 2, 2007, the November 7, 2006 Village Board motion that was submitted with the water supply application falls short of authorizing the project. Strictly speaking, the motion simply authorizes the sharing of expenses to install water and sewer lines to the Route 98 North Business Park. This motion does not provide the legal basis for project authorization and thus cannot be accepted as such by the DEC. The DEC asked the Village Board to provide a resolution that authorizes the Village to provide water service to the Arcade Business Park as a Permissive Service Area.

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

**RESOLUTION**

**WHEREAS**, on September 18, 2006, the Wyoming County Industrial Development Agency (IDA) informed the Village Board of Trustees that the IDA had purchased property on NYS Route 98 North, outside the Village limits of the Village of Arcade, and

**WHEREAS**, there are no plans to annex the property into the Village, and

**WHEREAS**, the property is to be used as a Business Park that requires water and sewer service, and

**WHEREAS**, the property is not within the water or sewer district of the Village of Arcade, and

**WHEREAS**, both Wyoming County's 2001 final report *A Plan for Wyoming County's Future* and the 1996 Village and Town of Arcade *Comprehensive Plan* recommend this area for business growth and recommend the extension of Village utilities to the site, and

**WHEREAS**, on November 7, 2006, the Village Board of Trustees agreed to provide the labor to install the required water line and IDA agreed to pay the cost of the materials to install the water line and the full cost of installing the required sewer lines, and

**WHEREAS**, once constructed and successfully tested, ownership of the water and sewer lines will be conveyed to the Village of Arcade for future operation and maintenance, and

**NOW THEREFORE BE IT RESOLVED**, in support of Wyoming County, the IDA, and fellow governmental bodies and in an effort to grow the Arcade area with jobs and businesses which is in the best interest of the Village of Arcade, that the following are hereby authorized:

- The above referenced water and sewer line extensions serving the Arcade Business Park are to be connected to the appropriate Village of Arcade systems,
- Mayor of the Village of Arcade is authorized to sign the Water Supply Application Supplement W-1 and,
- Water and sewer service agreements with the Permissive Service Area Users are to be created that include the utility rates that are in effect, and as may be modified in the future, and conditions ensuring the Users will be in compliance with Arcade's established rules, regulations, and local laws, and as they may be modified in the future.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Michael Doster	X	Yes		No		Abstain		Absent
Deputy Mayor Richard Kosmerl		Yes	X	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>	3	Yes	1	No	1	Abstain	0	Absent
<b>RESULTS</b>	<b>X</b>	<b>PASS</b>				<b>FAIL</b>		

**SNOW REPORT FOR FEBRUARY 2007**

Superintendent of Public Works Kilburn reported the following statistics for the month of February 2007:

The Streets and Parks Department spread 150 tons of salt and drove 1,400 miles in the Village. These numbers compare to 90 tons of salt and 800 miles in 2006.

**BUDGET ADJUSTMENTS**

Motion by Trustee Burkett and seconded by Deputy Mayor Kosmerl, 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 Burkett	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 Deputy Mayor Kosmerl, 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>		<b>X</b>	<b>PASS</b>				<b>FAIL</b>	

**NOBLE ENVIRONMENTAL WIND FARM**

The Board discussed the status of this Project.

**ARCADE RURAL CEMETERY**

Deputy Mayor Kosmerl asked Clerk/Treasurer Beiersdorf to contact the New York Conference of Mayors (NYCOM) for guidance on the Village's position in appropriating funds to the Arcade Rural Cemetery Association.

**PARK CABIN RENOVATIONS**

Margaret Morgan reported that the kitchen cabinets have been constructed and installed at the park cabin as part of the park cabin renovations grant.

**REPORTS RECEIVED**

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

- Justice (February 2007)

**ADJOURN**

There being no further business to come before the Board the meeting duly adjourned at 8:20pm upon motion by Mayor Doster and seconded by Trustee Ely.

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Clerk/Treasurer