

The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, December 18, 2007 at 7:00pm there were:

PRESENT

Mayor Rich Kosmerl, Deputy Mayor Hugh Ely, Trustee Jim McGarvey, Trustee Paul Burkett, Trustee Brian Burton, Superintendent of Public Works Larry Kilburn, Clerk/Treasurer Pam Beiersdorf, Police Chief John Laird, and Deputy Clerk/Treasurer Donna Miller

ALSO PRESENT

Margaret Morgan, Anita Stewart, Sandie Dutton, David Trent (Arcadia Development) (until 7:15pm), and Paul Sanders

PLEDGE TO ALLEGIANCE

Mayor Kosmerl opened the meeting with the Pledge to Allegiance.

APPROVE MINUTES

Motion by Trustee Burkett and seconded by Trustee Ely, the minutes from the public hearing and regular meetings held on December 4, 2007 be approved as presented by the Clerk.

The motion was passed upon the following vote:

VOTE									
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent	
Trustee Brian Burton	X	Yes		No		Abstain		Absent	
Trustee Paul Burkett	X	Yes		No		Abstain		Absent	
Deputy Mayor Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	5	Yes	0	No	0	Abstain	0	Absent	
RESULTS	X	PASS					FAIL		

ARCADIA DEVELOPMENT PROJECT UPDATE

David Trent updated the Board on the status of the Arcadia Development project. Approvals have been received from the Wyoming County Health Department and the NYS Department of Conservation. Due to the weather constraints, Arcadia Development has determined that it is not prudent to continue with construction until Spring 2008. Superintendent of Public Works Kilburn was directed to ensure that all required paperwork was in order for this Project so that there will be no delays from the Village's perspective come Spring.

PERMISSION TO EXTEND CLEANING CONTRACT

Motion by Mayor Kosmerl and seconded by Trustee Burkett, the current cleaning contract with SASI which expires December 31, 2007 be extended for January and February 2008 in accordance with the terms outlined in the renewal proposal dated 11/08/2007 and that Mayor Kosmerl be granted permission to sign the extension contract.

The motion was passed upon the following vote:

VOTE									
Mayor Richard Kosmerl		Yes		No	X	Abstain		Absent	
Trustee Brian Burton	X	Yes		No		Abstain		Absent	
Trustee Paul Burkett	X	Yes		No		Abstain		Absent	
Deputy Mayor Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	4	Yes	0	No	1	Abstain	0	Absent	
RESULTS	X	PASS					FAIL		

REVIEW PPA - NOBLE

A brief discussion took place about the sale of power to Noble. Noble is expected to pay the full cost of all power delivered through the Village's system in addition to administrative costs. The VOA will be made whole for any sales to Noble.

PRELIMINARY REPORT OF SAFE ROUTES TO SCHOOL PROGRAM WORKSHOP

Superintendent of Public Works Kilburn advised the Board that the Safe Route to School Program encourages children to walk and bicycle to school. Desired outcome of the program is to increase bicycle, pedestrian, and traffic safety, improve childhood health, reduce childhood obesity, encourage a healthy and active lifestyle, decrease traffic congestion and improve air quality. Project funds are available to aid students in grades K-8. Federal guidelines recommend that efforts of the program incorporate the 5 Es: engineering, education, enforcement, encouragement, and evaluation. Additional information can be obtained from NYS Department of Transportation website at <http://www.nysdot.gov/safe-routes-to-schools>.

BEAUTIFICATION COMMITTEE - PERMISSION TO SIGN LEGAL DOCUMENTS ON BEHALF OF THE VOA FOR RAILROAD/TRAIN WINDOW DISPLAY GRANT

Motion by Trustee Burkett and seconded Trustee Ely, Mayor Kosmerl be authorized to sign the legal documents for the railroad/train window display grant and work out the logistics with the Beautification Committee.

The motion was passed upon the following vote:

VOTE									
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent	
Trustee Brian Burton	X	Yes		No		Abstain		Absent	
Trustee Paul Burkett	X	Yes		No		Abstain		Absent	
Deputy Mayor Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	5	Yes	0	No	0	Abstain	0	Absent	
RESULTS	X	PASS					FAIL		

USE OF FACILITIES POLICY, REV. 0

Motion by Trustee McGarvey and seconded by Trustee Burkett, effective with Rev.0 of the Use of Facilities Policy, the VOA will pay the Arcade Fire Department Auxiliary an amount of \$50.00 for each firehall meeting room and kitchen rental. Said amount will be paid in May of each year.

The motion was passed upon the following vote:

VOTE									
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent	
Trustee Brian Burton	X	Yes		No		Abstain		Absent	
Trustee Paul Burkett	X	Yes		No		Abstain		Absent	
Deputy Mayor Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	5	Yes	0	No	0	Abstain	0	Absent	
RESULTS	X	PASS					FAIL		

TOWN OF ARCADE (TOA) ZONING BOARD OF APPEALS MEMBER RE-APPOINTED

Clerk/Treasurer Beiersdorf reported that the TOA re-appointed Douglas Eigenbrod of Northwoods Road, Arcade to another term (12/10/2007 -> 12/10/2012) on the Zoning Board of Appeals (ZBA) board.

3RD PARTY CREDIT CARDS

Clerk/Treasurer Beiersdorf introduced a program whereby a company called **Official Payments Corporation (OPC)** offers electronic payment services to governmental entities including the IRS, states, counties, and municipalities. Their services revolve around making payments available by credit cards, debit cards, and electronic checks via the internet, telephone, point of sale, and other convenient channels. OPC is dedicated to making payments fast, easy, and secure for their clients, and their customers. When a customer wants to pay by credit card, debit card, or electronic check, we can now say, "Yes, we can do that." Basically, customers would call an "800" number (available 24/7/365) provide their name, address, utility account number and amount to be paid. OPC would process the credit/debit card transaction, send the Village a report of payments, and automatically route the funds through the processing networks (ACH) in the VOAs names, directly to our deposit accounts. There are more sophisticated payment services that can be offered (eCommerce services, point of sale, etc.). OPC pioneered the "convenience fee" model of transaction processing with government clients, who due to budgeting constraints or in some cases, statutory law, can not absorb the costs traditionally associated with electronic transactions. There is no charge to the VOA for support services such as reporting, telecommunications, customer service, merchant IDs, bank setup, or marketing. Customers agree to pay a convenience fee directly to OPC at the time of placing their call which eliminates the VOA involvement of the fees altogether. The Village of Fairport, NY has already implemented the services of OPC and are very satisfied. Details are available on their website <https://www.officialpayments.com>.

PERMISSION TO DESTROY RECORDS

Motion by Trustee Burkett and seconded by Trustee Burton, Clerk/Treasurer Beiersdorf be granted permission to destroy the following records in accordance with New York State Archives Records Retention and Disposition Schedule MU-1:

- Assessors Reports from 1991 to 1996 (taxation and assessment section 2.[594] b—10 years after filing)
- Water/sewer reading sheets from 1971 to 2001 (electric and gas utility section 5.[191]- 6 years after last entry.)
- Water level charts from 1971 to 2001 (electric and gas utility section 6.[192] b—3 years)
- Telephone call logs from 1990 to 1995 (general section 28.[28]—1 year)
- Employees time sheets, time cards, or books from 01/1983 to 12/2001 (fiscal, payroll section 5.[349]—6 years)
- Payroll from 1922 to 1932 (fiscal, payroll section 1.[345]—55 years)
- Water Analysis from 1922 to 1948 (Environmental Health section 3.[716] a and b—10 years

The motion was passed upon the following vote:

VOTE									
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent	
Trustee Brian Burton	X	Yes		No		Abstain		Absent	
Trustee Paul Burkett	X	Yes		No		Abstain		Absent	
Deputy Mayor Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	5	Yes	0	No	0	Abstain	0	Absent	
RESULTS									
	X	PASS					FAIL		

FIRE DEPARTMENT MEMBERSHIP

Per a report from Debby Austin-LaCerais, Secretary, Edward Kelsch has resigned from the department.

Motion by Trustee Burkett and seconded by Mayor Kosmerl, the Board accepts the resignation of Edward Kelsch.

The motion was passed upon the following vote:

VOTE								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Deputy Mayor Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	5	Yes	0	No	0	Abstain	0	Absent
RESULTS		X	PASS				FAIL	

FY 2007-2008 BUDGET ADJUSTMENTS

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

The motion was passed upon the following vote:

VOTE								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Deputy Mayor Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	5	Yes	0	No	0	Abstain	0	Absent
RESULTS		X	PASS				FAIL	

AUDIT BILLS

Motion by Mayor Kosmerl and seconded by Trustee McGarvey, 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:

VOTE								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Deputy Mayor Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	5	Yes	0	No	0	Abstain	0	Absent
RESULTS		X	PASS				FAIL	

COURT CONSOLIDATION

Trustee Burkett asked the Mayor and other Trustees what benefit there would be to the VOA for dissolving the Village Justice department? Based on Trustee Burkett's findings in NYS Village Law Section 3-301[2]; NY Const, Art. VI, Section 17[d]), if a Village chooses to abolish the Office of Village Justice, the Village will no longer be entitled to the fines imposed for violations of Vehicle and Traffic Law occurring within the Village (Vehicle and Traffic Law Section 1803). Furthermore, fines imposed by a Town Justice Court for criminal offenses that occur within the Village would become the property of the Town. Given these facts, the Board agreed to discontinue evaluating the consolidation process for the VOA Justice. Mayor Kosmerl will send a letter to Doug Berwanger, TOA Supervisor, conveying the Board's decision.

TRI-COUNTY INDUSTRIAL PARK

Trustee Burkett recommended that the Board consider a requirement to annex approximately twenty-five acres from the TOA into the VOA since a portion of the future site of the Tri-County Industrial Park is contiguous to the VOA boundary.

SALE OF OLD FIREHALL

Motion by Trustee Burkett and seconded by Trustee McGarvey, Superintendent of Public Works Kilburn was directed to obtain an appraisal on the old firehall, Liberty Street.

The motion was passed upon the following vote:

VOTE								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Deputy Mayor Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	5	Yes	0	No	0	Abstain	0	Absent
RESULTS		X	PASS				FAIL	

ECONOMIC DEVELOPMENT LOAN PROGRAM FUNDS AVAILABILITY NOTIFICATION

Clerk/Treasurer Beiersdorf was instructed to add a comment (funds may be available to start/enhance a business in the VOA) to the January utility bills directing customers to watch for Small Cities Economic Development Loan Program information in the Arcade Herald and/or Pennysaver. Clerk/Treasurer Beiersdorf was also instructed to place an advertisement in the Arcade Herald and Pennysaver that outlines the program and advises customers on how to obtain additional information.

REVIEW PROPOSED LOCAL LAW 1-2008

The Board reviewed proposed local law 1-2008 titled, "Public Officer Indemnification." A public hearing was previously scheduled for the January 8, 2008 board meeting.

PROPOSED AMENDMENT TO SUBDIVISION REGULATIONS

Mayor Kosmerl distributed a proposed amendment to the subdivision regulations for Board review and discussion at the January 8, 2008 board meeting.

FIRE DEPARTMENT AWARDED GRANT

Trustee McGarvey announced that the fire department was awarded a grant (approximately \$72,000) for Scott air packs.

PROPOSED AMENDMENT TO LOCAL LAW CHAPTER 55, STREETS AND SIDEWALKS

Mayor Kosmerl distributed a proposed amendment to local law Chapter 55, "Streets and Sidewalks" for Board review and discussion at the January 8, 2008 board meeting.

GENESEE COMMUNITY COLLEGE (GCC) STUDENT PROJECT PRESENTATION

Mayor Kosmerl advised the Board of a 20 minute presentation that a GCC student prepared regarding Arcade downtown revitalization redevelopment. The Board showed interest in the presentation therefore Mayor Kosmerl will invite the student to a future board meeting to make the presentation to the Board.

EXECUTIVE SESSION

Motion by Trustee Burkett, seconded by Mayor Kosmerl, and unanimously carried the Board enter into executive session to discuss the following topic(s) at 8:42pm:

- employment history of particular people

Motion by Mayor Kosmerl, seconded by Trustee Ely, and unanimously carried the Board exit executive session at 9:15pm.

PERMISSION TO POST CLERK POSITION

Motion by Trustee McGarvey and seconded by Trustee Burkett, Clerk/Treasurer Beiersdorf be granted permission to post a full-time **Clerk** position internally for a period of five (5) working days per Union contract.

The motion was passed upon the following vote:

VOTE								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Trustee Paul Burkett	X	Yes		No		Abstain		Absent
Deputy Mayor Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	5	Yes	0	No	0	Abstain	0	Absent
RESULTS		X	PASS				FAIL	

REPORTS RECEIVED

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

- Fire Department (November 2007)
- Justice (October 2007)
- Justice (November 2007)

ADJOURN

There being no further business to come before the Board the meeting duly adjourned at 9:35pm upon motion by Trustee Burkett and seconded by Mayor Kosmerl.

Clerk/Treasurer

12-18-2007 6:36 PM

BUDGET ADJUSTMENT REGISTER

PAGE: 1

PACKET: 00040-PER BOARD DIRECTIVE

BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000040 -----							
001 5-1620-100-1000	12/18/2007	PER BOARD DIRECTIVE PERSONNEL SERVICES-REG	56.00	148.00	387.00	591.00	0.48
001 5-1620-400-4360	12/18/2007	PER BOARD DIRECTIVE BLDG MAINT/MATERIALS	56.00-	2,352.00	387.00-	1,909.00	1,005.19
001 5-5132-100-1010	12/18/2007	PER BOARD DIRECTIVE PERSONALL SERVICE-REG	63.00	0.00	0.00	63.00	0.02
001 5-5110-100-1010	12/18/2007	PER BOARD DIRECTIVE PERSONNEL SERVICES-OT	63.00-	2,472.00	0.00	2,409.00	1,116.04
001 5-7550-100-1010	12/18/2007	PER BOARD DIRECTIVE PERSONNEL SERVICES-OT	92.00	528.00	0.00	620.00	144.09-
001 5-7550-400-4690	12/18/2007	PER BOARD DIRECTIVE MATERIALS/SUPPLIES/MAINT	124.00-	1,000.00	0.00	876.00	876.00
001 5-9089-800-0000	12/18/2007	PER BOARD DIRECTIVE IRS PENALTY	32.00	0.00	0.00	32.00	0.54
TOTAL IN PACKET--						0.00	

*** BUDGET DEFICIT WARNINGS ***

FUND ACCOUNT	NAME	BALANCE
001 5-7550-100-1010	PERSONNEL SERVICES-OT	144.09-

TOTAL WARNINGS: 1

*** NO ERRORS ***

*** END OF REPORT ***