

The special meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, February 5, 2008 at 6:00pm there were:

PRESENT

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

ABSENT

Trustee Brian Burton

ALSO PRESENT

Tanya Hogan-Bauer (BlueCross BlueShield), Lynn Knoop (CSEA), Cheryl Parker, Brian Lane, Tony Biscaro, Gillian Moore, Joanne Offers, and Paul, Sanders (at 6:35pm)

PLEDGE TO ALLEGIANCE

Mayor Kosmerl opened the meeting with the Pledge to Allegiance.

SPECIAL MEETING

A special meeting was held to review health insurance options presented by Tanya Hogan-Bauer, Account Executive from BlueCross and BlueShield of Western New York. The presenter focused on the different services offered between plans and the co pay, out of pocket, and premium costs associated with the various services.

The public hearing and regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, February 5, 2008 at 7:00pm there were:

PRESENT

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

ABSENT

Trustee Brian Burton

ALSO PRESENT

Tanya Hogan-Bauer (BlueCross BlueShield), Lynn Knoop (CSEA until 7:45pm), Cheryl Parker, Brian Lane, Tony Biscaro, Gillian Moore (until 7:45pm), Joanne Offers, Paul Sanders, Carole Jones (Arcade Herald), Margaret Morgan, Anita Stewart, Sandra Dutton, Laurie Perkins (until 7:45pm), Sinead Flannery (PSC Student), Jessica Gniazdowski (PCS Student), Ken Glass (SASI) Cindy Valenti (SASI), Gary (Wyoming County Veterans' Service Agency) and Ann Cousins, Patrick Ferrini (Ferrini's Maintenance), James McMillen (JM Cleaning Service), Justice Sheri Bell-Beyer (at 7:15pm until 7:45pm), Justice Jack Tuttle (at 7:20pm until 7:45pm), and Ken Rule

PLEDGE TO ALLEGIANCE

Gary Cousins opened the meeting with the Pledge to Allegiance.

OPEN BID(S) - CLEANING CONTRACT

This meeting having been duly advertised to receive bids for cleaning contract, the above persons were in attendance. The following bids were received:

| Name and Address | Service | Amount |
|-------------------------|-------------------------------------|---------------------|
| SASI Elma, NY 14059 | Cleaning | \$1,357.63/month |
| | Strip & was floors (4 coats) | \$477.75/occurrence |
| | Scrub floors & re-coat (2 coats) | \$325.50/occurrence |

| Name and Address | Service | Amount |
|--|-------------------------------------|-----------------------|
| Ferrini's Maintenance Rushford, NY | Cleaning | \$2,120.00/month |
| | Strip & was floors (4 coats) | \$2075.00/occurrence |
| | Scrub floors & re-coat (2 coats) | \$1,455.00/occurrence |
| JM Cleaning Service Delevan, NY 14042 | Cleaning | \$1,270.00/month |
| | Strip & was floors (4 coats) | \$255.00/occurrence |
| | Scrub floors & re-coat (2 coats) | \$130.00/occurrence |
| T.J.'s Clean Sweep Delevan, NY | Cleaning | \$1,717.00/month |
| | Strip & was floors (4 coats) | \$325.00/occurrence |
| | Scrub floors & re-coat (2 coats) | \$195.00/occurrence |

Motion by Trustee Burkett and seconded by Trustee Ely, the bid(s) for the cleaning contract be turned over to Superintendent of Public Works Kilburn for review, evaluation, and recommendation to the Board.

The motion was passed upon the following vote:

| VOTE | | | | | | | | | |
|-----------------------|---|-------------|---|----|---|---------|-------------|--------|--|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent | |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent | |
| RESULTS | | | | | | | | | |
| | X | PASS | | | | | FAIL | | |

VETERANS' EXEMPTION PRESENTATION

Gary Cousins, director of Wyoming County Veteran's Service Agency, made a presentation about a possible tax exemption for veterans of the Cold War. Service men and women who rendered military service to the US between December 1945 and December 1991 could be eligible for a reduction on their property taxes if the VOA adopts a local law granting the exemption.

Mayor Kosmerl directed Clerk/Treasurer Beiersdorf to place this topic on the June 2008 agenda at which time the Board will decide if it wishes to create a local law granting the Cold War property tax exemption. If a local law is adopted, it must be done by September 2008.

COURT - PROGRESS REPORT ON REDUCING CLERICAL BACKLOG

Per the Board's request, Justices Bell-Beyer and Tuttle attended this meeting and gave the Board an update on the clerical backlog in the Court. Mail pleas are current, scofflaw's from February 2007 through late 2007 have been processed, and most year end filing is complete. Items that have not been started include follow up on conditional discharges/ACDs, collection of past due fines, and records dispositions.

Laurie Perkins has been concentrating on Police department backlog which has allowed Gillian Moore to focus on work in the Court. Current activities are being kept up-to-date.

ANNUAL COURT AUDIT

This item was tabled until February 19, 2008.

JUSTICE COURT ASSISTANCE PROGRAM (JCAP) GRANT

In August 2007, Arcade Justice Court personnel approached the Board with a request to submit a JCAP grant application in order to upgrade justice court security based on a security assessment. The Court was notified that it had been awarded \$21,065.00 under the JCAP grant.

CREATE POSITIONS

Mayor Kosmerl reported that a letter was received from Justice Bell-Beyer, asking that the Court Clerk position job grade in civil service be changed to full time and that the hours be changed to 40 per week. Mayor Kosmerl responded to the Justice that the full time job position was a matter under negotiation with the Union and that the VOA could not unilaterally make such a change. Mayor Kosmerl reported that since last year Court Clerk Moore had asked CSEA to represent her and that the matter of part time versus full time was a negotiable item. The VOA can only deal with the Union on this matter. Since a proposed agreement for part time is open with the Union it cannot be changed outside of the collective bargaining process. In terms of the hours of Clerk time needed to support the Court, Mayor Kosmerl advised the Justice that issue should be discussed during the upcoming 2008-2009 budget work sessions when the VOA and Town would meet jointly to review Court needs. The Justices were directed to make input at those meetings.

Motion by Trustee McGarvey and seconded by Trustee Burkett, the following positions be created and Mayor Kosmerl be authorized to sign the Duties Statements for these positions:

- Clerk of the Justice, part-time
- Clerk, part-time

The motion was passed upon the following vote:

| VOTE | | | | | | | | |
|-----------------------|---|----------|-------------|----|---|---------|-------------|--------|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | X | PASS | | | | FAIL | |

APPROVE MINUTES

Motion by Trustee Burkett and seconded by Trustee Ely, the minutes from the regular meeting held on January 8, 2008 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 | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | X | PASS | | | | FAIL | |

APPROVE MINUTES

Motion by Trustee Ely and seconded by Trustee McGarvey, the minutes from the regular meeting held on January 15, 2008 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 | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | X | PASS | | | | FAIL | |

ARCADIA HEIGHTS - REQUEST FOR PRELIMINARY PLAT EXTENSION

At the January 15, 2008 Board meeting, the Village Board passed a motion to approve the extension of the preliminary plat plans submitted by Arcadia Development Group for Phase I of the Project. However, the VOA Subdivision Regulation policy clearly states that this approval shall be granted by the Planning Board (not the Village Board).

Motion by Mayor Kosmerl and seconded by Trustee Burkett, Superintendent of Public Works Kilburn be directed to contact David Trent, President of Arcadia Development Group LLC, and inform him that the Village Board acted erroneously according to the Subdivision Regulation policy. The motion made at the January 15, 2008 meeting was incorrect and must be approved by the Planning Board, therefore, the motion made by the Village Board granting the preliminary plat extension is null and void.

The motion was passed upon the following vote:

| VOTE | | | | | | | | |
|-----------------------|---|---------------|---|----|-------------|---------|---|--------|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | X PASS | | | FAIL | | | |

POLICE - PROGRESS REPORT ON REDUCING CLERICAL BACKLOG

Per the Board's request, Police Chief Laird gave the Board an update on the clerical backlog in the Police Department. The backlogged arrest packages are caught up. Clerk Laurie Perkins has entered approximately five hundred (500) complaints from 2006 and has another estimated four to five hundred (400-500) complaints from 2006 to enter. She is working to catch up the 2007 complaints and Clerk Gillian Moore has been working to stay current with the 2008 complaints. The updated Law Enforcement Management System (LEMS) is expected to improve efficiency. Some benefits of the new system have already been recognized as duplicate data entry has been eliminated while producing fingerprint cards since the data is stored in LEMS and the information can be printed from LEMS directly onto the cards.

SIDE, MIDDLE DOOR IN BOARD/COURT ROOM

Justice Bell-Beyer inquired if the side, middle door in the board/court room could be labeled as an Emergency Exit Only door to ensure the safety of employees and confidentiality of records. The Board agreed and directed Superintendent of Public Works Kilburn to install an "EMERGENCY EXIT ONLY" sign on/above/near that door.

GARBAGE BAGS VERSUS GARBAGE TAGS

In response to Trustee Ely's request to research the cost of going back to the orange garbage bag program versus the cost of the existing garbage tag program, Superintendent of Public Works Kilburn obtained a quote from one supplier for heavy duty, 33 gallon, orange bags at a price of \$0.36/each.

PUBLIC HEARING - LOCAL LAW 2-2008

Mayor Kosmerl opened the public hearing at 8:00pm to hear comments from citizens regarding the local law 2-2008, titled, "Streets and Sidewalks."

Paul Sanders - How will repairs to a block or two be handled, when an entire section is not being replaced?

Repairs to a block or two will remain at the four foot (4') width. However, if an entire section is re-done, it will be changed to five feet (5') at that time.

There being no further comments or concerns, Trustee Burkett made a motion, seconded by Trustee McGarvey, the Board close the public hearing regarding local law 2-2008, titled, "Streets and Sidewalks" at 8:02 pm.

The motion was passed upon the following vote:

| VOTE | | | | | | | | |
|-----------------------|---|-------------|---|----|---|-------------|---|--------|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | | | | | | | |
| | X | PASS | | | | FAIL | | |

ADOPT LOCAL LAW 2-2008, CHAPTER 55, "STREETS AND SIDEWALKS

Motion by Trustee Burkett and seconded by Trustee McGarvey, the Village Board reviewed the changes to Chapter 55, Local Law 2-2008 titled "Streets and Sidewalks," Clerk/Treasurer Beiersdorf duly advertised for the public hearing held on February 5, 2008, the Village Board considered such arguments as were presented for and/or against the adoption of Local Law 2-2008 and hereby adopts Local Law 2-2008. (See attached.)

The motion was passed upon the following vote:

| VOTE | | | | | | | | |
|-----------------------|---|-------------|---|----|---|-------------|---|--------|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | | | | | | | |
| | X | PASS | | | | FAIL | | |

PERMISSION TO ATTEND STORMS OVER THE URBAN FOREST WORKSHOP

Motion by Mayor Kosmerl and seconded by Trustee Ely, Superintendent of Public Works Kilburn be granted permission to attend the Storms Over the Urban Forest workshop on February 28, 2008 from 8:30am to 3:30pm at the CCE Erie County building in East Aurora, NY. Cost of the workshop is \$75.00. The purpose of the workshop is to provide attendees with the tools to prepare for and address future storm damage. Agenda topics include: utility emergency response, storm preparedness and emergency response, storm damage assessment protocol, risk, decay, and tree response to storm damage. As a good practice, the Board requests that upon return from the workshop, either a written statement or presentation at a board meeting must be made to the Board that summarizes what was discussed and demonstrates what was gained by participating in the workshop.

The motion was passed upon the following vote:

| VOTE | | | | | | | | |
|-----------------------|---|-------------|---|----|---|-------------|---|--------|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | | | | | | | |
| | X | PASS | | | | FAIL | | |

PERMISSION TO PURCHASE ERTs FOR WATER METERS

Motion by Trustee Burkett and seconded by Mayor Kosmerl, \$10,000 budgeted to go into a reserve be reallocated to purchase additional ERTs for water meters.

The motion was passed upon the following vote:

| | | | | | | | | |
|-----------------------|---|----------|-------------|----|---|---------|-------------|--------|
| VOTE | | | | | | | | |
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | X | PASS | | | | FAIL | |

AGREEMENT FOR SALE AND PURCHASE OF TEST POWER PURSUANT TO VOA ELECTRICITY TARIFF PSC NO. 1

Motion by Trustee McGarvey and seconded by Trustee Ely, Mayor Kosmerl be authorized to sign said agreement between the VOA and Noble Bliss Windpark for the sale by VOA and purchase by Noble of electricity for use in testing Noble's turbines and electrical equipment and for related uses during testing as discussed subject to final review by the Attorney for the VOA. The agreement governs only the sale and purchase of test power and does not modify, alter or affect any other agreement between the VOA and Noble.

The motion was passed upon the following vote:

| | | | | | | | | |
|-----------------------|---|----------|-------------|----|---|---------|-------------|--------|
| VOTE | | | | | | | | |
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | X | PASS | | | | FAIL | |

OFFICIAL PAYMENTS SERVICE AGREEMENT

This item was tabled to allow time to review and consider the comments received from the Attorney for the VOA on the agreement terms and conditions.

APPOINT ELECTION INSPECTORS/ALTERNATES

The following resolution was offered by 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 18, 2008, and

WHEREAS, each Inspectors of Elections shall be compensated \$100.00 each to conduct the election on Election Day,

NOW THEREFORE, BE IT RESOLVED, that Village residents Janet Ely and Suzanne Strauss be appointed as Inspectors of Election and Sarah Affronti and Ann Connelly be appointed as alternate inspectors to assume the office of inspector upon the inability or refusal of an inspector to assume or perform the duties or take the oath of office.

The motion was passed upon the following vote:

| VOTE | | | | | | | | |
|-----------------------|---|-------------|---|----|---|---------|-------------|--------|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | Absent |
| Trustee Paul Burkett | X | Yes | | No | | Abstain | | Absent |
| Deputy Mayor Hugh Ely | | Yes | | No | X | Abstain | | Absent |
| Trustee Jim McGarvey | X | Yes | | No | | Abstain | | Absent |
| VOTE TOTAL: | | | | | | | | |
| | 3 | Yes | 0 | No | 1 | Abstain | 1 | Absent |
| RESULTS | | | | | | | | |
| | X | PASS | | | | | FAIL | |

DESIGNATE ELECTION INSPECTOR CHAIRMAN

In accordance with NYS Election Law § 3-400, one Inspector of Elections shall be appointed as Chairman to serve as such during his/her term of office.

Motion by Trustee Burkett and seconded by Trustee McGarvey, Janet Ely be appointed as the Chairman of the Inspectors of Election.

The motion was passed upon the following vote:

| VOTE | | | | | | | | |
|-----------------------|---|-------------|---|----|---|---------|-------------|--------|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | Absent |
| Trustee Paul Burkett | X | Yes | | No | | Abstain | | Absent |
| Deputy Mayor Hugh Ely | | Yes | | No | X | Abstain | | Absent |
| Trustee Jim McGarvey | X | Yes | | No | | Abstain | | Absent |
| VOTE TOTAL: | | | | | | | | |
| | 3 | Yes | 0 | No | 1 | Abstain | 1 | Absent |
| RESULTS | | | | | | | | |
| | X | PASS | | | | | FAIL | |

APPOINT VOTING MACHINE CUSTODIAN/DEPUTY

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

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 18, 2008, 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 and Gary Rinehart have 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 Gary Rinehart be appointed the Deputy Custodian for the upcoming Village elections to be held on March 18, 2008. If either of these parties decline their appointment, Clerk/Treasurer Beiersdorf be authorized to contact other custodians named on the Wyoming County Board of Elections Voting Machine Custodian list.

The motion was passed upon the following vote:

| VOTE | | | | | | | | |
|-----------------------|---|-------------|---|----|---|-------------|---|--------|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | | | | | | | |
| | X | PASS | | | | FAIL | | |

TENTATIVE TAX ROLL

Clerk/Treasurer Beiersdorf 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 19th, 2008 (Grievance Day).

PERMISSION TO CARRY OVER VACATION

Motion by Trustee Ely and seconded by Mayor Kosmerl, Clerk/Treasurer Beiersdorf be granted permission to carry over 21 hours of vacation past her anniversary date of February 7, 2008 to be used within sixty (60) days of said anniversary date.

The motion was passed upon the following vote:

| VOTE | | | | | | | | |
|-----------------------|---|-------------|---|----|---|-------------|---|--------|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | | | | | | | |
| | X | PASS | | | | FAIL | | |

PIONEER CENTRAL SCHOOL RENOVATIONS - SUMMER RECREATION PROGRAM ACTIVITIES

The 2008 Arcade summer recreation program activities will be affected by renovations at Pioneer Central School. Trustee Burton was directed to check on the availability and costs of the Machias or Sardinia pools and report back to the Board.

PERMISSION TO DESTROY RECORDS

Motion by Mayor Kosmerl and seconded by Trustee McGarvey, 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:

- General, water, and sewer department general ledgers from 1916 - 2001 (fiscal section 1.[245] - 6 years after last entry). This type of record was recently changed from permanent retention to 6 year retention due to storage space limitations. ***[Permission to destroy ledgers does not apply to ledgers of municipal electric utilities according to the Electric and Gas section [194] that states ledgers for electric utility retention is 50 years.]***
- Fiscal section 2.[561] Purchasing file, including but not limited to bid (successful, unsuccessful), contract and specifications, and related records, for purchase of materials, supplies and services not connected with capital construction: RETENTION: 6 years after expiration or termination or 6 years after final payment under contract, whichever is later
 - Gasoline bids 1938 - 1955
 - Garbage bids 1937 - 1949
 - Garbage bids 1950 - 1959
 - Pole bids and contracts 1936 - 1955
 - Wire bids - 1955
 - Coal bid(s) - 1954
 - Crawl tractor bid(s) - 1954

- Purchase of boots bid(s) - 1947
- Paint bid(s) fire hall - 1947
- Bid(s) on fire truck windshield - 1934
- Tire quotes - 1940
- Bid(s) on Ford and International chassis - 1941
- Bid(s) for conveyor belt - 1937
- Bid(s) on old fire truck - 1951
- Paint bid(s) fire hall - 1951
- Proposal for fence around fire bell - 1950
- Proposal for police car - 1950

- Department trouble call forms 1999 - 2001 (general section 16.[16] - 6 years)
- Carbon copies of checks from 1993 - 1995 (fiscal section 3.[265] - 6 years)

The motion was passed upon the following vote:

| VOTE | | | | | | | | |
|-----------------------|---|-------------|---|----|---|---------|-------------|--------|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | | | | | | | |
| | X | PASS | | | | | FAIL | |

RENUMBER LOCAL LAW 5-2007

Local Law 5-2007, titled "Tax Exemption - Elderly" was adopted on December 4, 2007. Clerk/Treasurer Beiersdorf received notification from the NYS Department of State that local laws must be filed in numerical order and they have no record of filing Local Law 4-2007. Proposed Local Law 4-2007, titled "A Local Law of the VOA providing for a Moratorium on the Approval of any Application Relating to the Construction of Cluster Residential Development and Planned Unit Residential Development in the VOA" was offered at the October 2, 2007 meeting but was never adopted as a local law. Therefore, Local Law 5-2007, titled "Tax Exemption - Elderly" shall be renumbered to 4-2007. Future proposed local laws will be labeled alphabetically (e.g., A-2008) until they are adopted, at which time they will be assigned the next sequential numeric value.

Motion by Trustee Burkett and seconded by Mayor Kosmerl, Local Law 5-2007, titled "Tax Exemption - Elderly" adopted on December 4, 2007 be renumbered to Local Law 4-2007.

The motion was passed upon the following vote:

| VOTE | | | | | | | | |
|-----------------------|---|-------------|---|----|---|---------|-------------|--------|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | | | | | | | |
| | X | PASS | | | | | FAIL | |

BUDGET AMENDMENT

Motion by Mayor Kosmerl and seconded by Trustee Ely, the FY 2007-2008 budget be amended as follows because funds have been received from RMSCO Inc. (Wyoming County Workers' Compensation Claims Administrator) as indemnity.

| INCREASE REVENUE | INCREASE EXPENDITURE |
|---------------------------------------|---|
| 001 4-2680-0100 Insurance Recovery | 001 5-3120-100-1000 Police Labor |
| | In the amount of \$1,463.20 |
| | 001 5-3120-100-1620 Police Sick (Non-Office) |
| | In the amount of \$3,256.80 |
| | For a total amount of \$4,720.00 |

The motion was passed upon the following vote:

| VOTE | | | | | | | | | |
|-----------------------|----------|-------------|---|----|---|---------|-------------|--------|--|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent | |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent | |
| RESULTS | X | PASS | | | | | FAIL | | |

FY 2007-2008 BUDGET ADJUSTMENTS

Motion by Trustee Burkett and seconded by Trustee McGarvey, 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 | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent | |
| RESULTS | X | PASS | | | | | FAIL | | |

AUDIT BILLS

Motion by Trustee McGarvey and seconded by Trustee Ely, 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 | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent | |
| RESULTS | X | PASS | | | | | FAIL | | |

USE OF FACILITIES POLICY, REV. 1

Motion by Trustee McGarvey and seconded by Trustee Ely, the Use of Facilities Policy, Rev. 1 be approved as presented.

The motion was passed upon the following vote:

| VOTE | | | | | | | | |
|-----------------------|---|-------------|---|----|---|-------------|---|--------|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | | | | | | | |
| | X | PASS | | | | FAIL | | |

REVIEW PROPOSED LOCAL LAW A-2008, CHAPTER 29, "NOISE"

Mayor Kosmerl distributed copies of proposed changes to the Noise local law. In recent months, the VOA has received complaints about noise from residents. The existing Noise local law is too restrictive therefore prompted the complete re-write to the local law. The proposed local law offers a more precise measurement of noise and identifies the maximum permitted sound levels as follows: between 7:00am and 10:00pm, seventy (70) dBA and between 10:00pm and 7:00am, fifty (50) dBA when measured at the adjoining property line. Mayor Kosmerl recommended that the proposed law be forwarded to the Attorney for the VOA and major industries in the VOA for review and comment.

Motion by Trustee Burkett and seconded by Trustee McGarvey, Clerk/Treasurer Beiersdorf be directed to schedule a public hearing on May 6, 2008 at which time the VOA Board will hear comments for consideration of the proposed local law A-2008 titled, "Noise."

The motion was passed upon the following vote:

| VOTE | | | | | | | | |
|-----------------------|---|-------------|---|----|---|-------------|---|--------|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | | | | | | | |
| | X | PASS | | | | FAIL | | |

GRANT REVENUES

Motion by Mayor Kosmerl and seconded by Trustee Burkett, Clerk/Treasurer Beiersdorf be directed to place the \$18,000 grant proceed for the municipal parking lot and the \$320,031.70 grant proceed for the Bixby Hill retention ponds into the general fund revenues. These revenues will be tracked during the upcoming budget process.

The motion was passed upon the following vote:

| VOTE | | | | | | | | |
|-----------------------|---|-------------|---|----|---|-------------|---|--------|
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | | | | | | | |
| | X | PASS | | | | FAIL | | |

ARCADE COUNTRY ESTATES ASSESSMENT

101, 201, and 301 Douglas Drive

Tax map number: 183.9-1-16.12

Motion by Mayor Kosmerl and seconded by Trustee McGarvey, the Board supports the assessors report to decline the request for a assessment reduction on the 2008 property taxes because the request was received by Clerk/Treasurer Beiersdorf on January 15, 2008 which is after the filing date. The Board understands their request and notes that they would be eligible next year. Furthermore, representatives are invited to attend Grievance Day on March 19th, 2008 if they have additional concerns.

The motion was passed upon the following vote:

| | | | | | | | | |
|-----------------------|---|----------|-------------|----|---|---------|-------------|--------|
| VOTE | | | | | | | | |
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | X | PASS | | | | FAIL | |

LOW INCOME HOUSING

Trustee Ely asked the Board to consider limiting future low income developments in the VOA because this type of property puts a strain on the VOAs tax dollars. Trustee Ely will contact the Attorney for the VOA to determine the legality of this idea.

PORTABLE TOILET AT SLEDDING HILL

Trustee Ely asked Superintendent of Public Works Kilburn to have a portable toilet delivered at the sledding hill for the remainder of the winter season.

2008 EMPLOYEE CONTRACT NEGOTIATION COMMITTEE

Mayor Kosmerl announced that the 2008 negotiation committee will consist of Trustee Burkett and himself with assistance from Superintendent of Public Works Kilburn, Clerk/Treasurer Beiersdorf, and Police Chief Laird.

EXECUTIVE SESSION

Motion by Trustee Burkett, seconded by Trustee Ely, and unanimously carried the Board enter into executive session to discuss the following topic(s) at 8:58pm:

- proposed sale of real property

Motion by Trustee Burkett, seconded by Trustee McGarvey, and unanimously carried the Board exit executive session at 9:05pm.

SALE OF OLD FIREHALL ON LIBERTY STREET

Motion by Trustee Burkett and seconded by Mayor Kosmerl, the old firehall on Liberty Street be advertised for sale by the VOA for sixty (60) days. If no bids are received within the sixty (60) days, the Board will review the options to contract with a realtor. In the interim, the Town of Arcade shall be notified of the Village's plans to sell the old firehall.

The motion was passed upon the following vote:

| | | | | | | | | |
|-----------------------|---|----------|-------------|----|---|---------|-------------|--------|
| VOTE | | | | | | | | |
| Mayor Richard Kosmerl | X | Yes | | No | | Abstain | | Absent |
| Trustee Brian Burton | | Yes | | No | | Abstain | X | 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 | 0 | Abstain | 1 | Absent |
| RESULTS | | X | PASS | | | | FAIL | |

REPORTS RECEIVED

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

- Fire Department (January 2008)

ADJOURN

There being no further business to come before the Board the meeting duly adjourned at 9:21 pm upon motion by Mayor Kosmerl and seconded by Trustee Burkett.

Clerk/Treasurer

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CHAPTER 55

STREETS AND SIDEWALKS

Be it enacted by the Board of Trustees of the Village of Arcade as follows:

ARTICLE I – USE OF SIDEWALKS

- Section 55-1.** Use of sidewalks, penalty.
Section 55-2. Sidewalk repair & construction.
Section 55-3. Assessments.

ARTICLE II – SHADE TREES ALONG STREET

- Section 55-4.** Lot owner's duty.
Section 55-5. Failure to comply.

ARTICLE III – POLES AND WIRES

- Section 55-6.** License required, exception; penalty.

ARTICLE IV – OBSTRUCTION IN STREETS

- Section 55-7.** Prohibition.
Section 55-8. Penalty.

ARTICLE V – STREET OPENING

- Section 55-9.** Permit required.
Section 55-10. Application for permit.
Section 55-11. Deposit applied to cost.
Section 55-12. Backfill requirements.
Section 55-13. Street cleanup; removal of snow, etc.
Section 55-14. Adequate traffic signs required.
Section 55-15. Excavations, construction material adequately barricaded.
Section 55-16. Obligation of permittee.
Section 55-17. Emergency authorization.

ARTICLE VI – PENALTIES

- Section 55-18.** Penalties.

ARTICLE VII – EFFECTIVE DATE

- Section 55-19.** Effective Date

ARTICLE I – USE OF SIDEWALKS

SECTION 55-1. USE OF SIDEWALKS, PENALTY.

- A. Village sidewalks are located within the public street right-of-way. They are a part of the public way, reserved for pedestrian traffic. Like the streets they are public property.
- B. It shall be the duty of every owner or occupant of any premises fronting on any public street or alley to remove all snow and ice which may have fallen upon the sidewalk in front of said premises daily. The Village will attempt to assist the occupant of the premise by plowing the sidewalk when the Village work schedule and equipment availability allow. However, final responsibility lies with the occupant.

In case the snow and ice on the sidewalk shall be frozen so hard that it cannot be removed without material difficulty or injury to the pavement, the owner, occupant or other person having charge of the property shall minimize the hazards of the conditions by spreading upon the sidewalk ashes, sand, sawdust, salt or some suitable material and shall as soon as weather permits, thoroughly clean said sidewalk.

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- C. It shall be the duty of every owner or occupant of any premises fronting on any public street or grounds to keep the sidewalk and the area between the sidewalk and street in front of the same in good order and repair and no one shall brush, sweep, shovel, plow or heap any accumulation of refuse or other material into the street, nor allow any accumulation of refuse to remain thereon.
- D. No person shall use any part of any sidewalk or area between the sidewalk and street, alley, parkway, or other public place for the parking, storing, exhibiting, repairing or otherwise caring for automobiles or other vehicles.
- E. No person shall conduct or maintain any sideshow, any vending stand of any nature whatsoever or any lunch counter or stand for the sale of foodstuffs or drinks of any kind upon any sidewalk or street of the Village without the consent of the Village Board of Trustees.
- F. No person shall spill, place or deposit upon the sidewalk in the Village any substance which tends to disintegrate the pavement or is otherwise dangerous for animals, vehicles or persons.
- G. No person shall be permitted to drive equipment upon any sidewalk in the Village, the wheels of which contain or are equipped with any lugs, spikes or any other wheel equipment causing or liable to cause any indentations or damage to the sidewalk.
- H. No person shall ride, or operate any bicycle, motorcycle, snowmobile or other vehicle, nor ride or drive any horse or other farm animal, upon any sidewalk in said Village, except at the usual places of crossing, or for the reception and discharge of passengers, or for the loading and unloading of goods or for the purposes of cleaning of walks from snow, under a penalty as described in Article VI of this Chapter 55.
- I. No person shall ski, ice skate, or coast on any sidewalk in said Village upon any sled, ski, skate, toboggan or other vehicle, under a penalty as described in Article VI of this Chapter 55. The use of skate boards or roller skates shall be permitted, however, while reasonably done.
- J. All ball playing, throwing, passing, batting, kicking or ball practice whatever is hereby prohibited upon the streets and sidewalks of the said Village, as described in Article VI of this Chapter 55.

SECTION 55-2. SIDEWALK REPAIR AND CONSTRUCTION.

- A. The Village will determine when and where any sidewalk shall be constructed. Written notice will be given when such work is to be undertaken, including the type of work contemplated and the estimated cost to be assessed each property owner involved.
- B. Sidewalks will be constructed by the Village by force account, by award to private contractors in accordance with the laws governing the award of public works contracts, or as otherwise deemed appropriate.
- C. The Village will determine when any sidewalk is in need of repair or reconstruction. Notice will be given when such work is to be undertaken, including the type of work contemplated and the estimated cost to be assessed each property owner involved.
- D. Property owners who desire to repair or reconstruct sidewalks in front of their own premises may do so by making written application to the Village for approval. Such application shall include proof of providing public liability and property damage insurance. All construction shall be in full compliance with Village specifications. Such owner will not be required to submit bids, nor to execute a formal contract with the Village. Such owner

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will, however, be required to have the VOA inspect the line and grade of forms before the concrete is placed, and who will continuously check the mixing, placing, finishing and curing of the concrete; the placing of barricades, flares, etc. for the protection of the work and the public; and the subsequent removal of the forms and the placing of any topsoil and seeding which may be required.

- E. Property owners who, for reasons of their own, wish to have any sidewalk repaired that is located in Village street right-of-way may have such work performed by the Village, subject to Village work schedules. The owner(s) must make written application to the Village Board for their approval. In such cases, the owners will be assessed for the full cost of the work.
- F. Whenever sidewalks that are in good condition are damaged or removed by the Village in connection with any of its operations, the sidewalk will be repaired or replaced at no expense to the owner.
- G. General Specifications:
 - 1. The sidewalk shall be four inches (4") in thickness in all locations except at driveway entrances where it shall be six inches (6") in thickness. Forms securely staked to hold the line and grade shall be used. The sidewalks shall be a minimum of five feet (5') wide. The sidewalks shall be constructed parallel to the traveled portion of the street and located so that there is a five foot (5') wide tree lawn between the edge of the roadway curb and the outside edge of the sidewalk.
 - 2. Concrete shall be made using Portland cement with air entraining admixture to provide four to seven percent (4 - 7%) air. The concrete shall provide a minimum 7 day strength of 2300 psi and a minimum 28 day strength of 3500 psi. The cement and aggregate (pea gravel) shall meet the generally accepted specifications for Portland cement concrete. Proportioning, batching and mixing of concrete shall be in accordance with the Recommended Specifications of the National Ready Mixed Concrete Association.
 - 3. Wherever the sidewalk intersects a curb, building or permanent structure other than another sidewalk, one-half inch (1/2") premolded expansion joint materials shall be used for the full length and depth. Expansion joints of the same materials shall be used between adjacent slabs at intervals not exceeding eighty feet (80'). Sidewalk shall be scored to a depth of at least one inch (1") every four to six feet (4 - 6').
 - 4. Just prior to placing the concrete, the subgrade shall be moistened. Concrete mixed to the proper consistency shall be placed in the forms and thoroughly tamped in place so that all honey-combs will be eliminated and sufficient mortar will be brought to the surface. After this, the surface shall be brought to a smooth, even finish by means of a float. All faces adjacent to the forms shall be spaded so that after the forms are striped the surface of the face will be smooth, even and free of honey-comb. All edges shall be tool rounded and the sidewalk surface shall be first troweled and then lightly broomed.
 - 5. When completed, the concrete shall be kept moist for a period of not less than three (3) days and shall be protected from the elements and other damage in a satisfactory manner.

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6. Immediately after removal of the forms, good quality topsoil shall be placed along both sides of the sidewalk and laterally to provide a neat surface without pockets or depressions, uniformly sloped to the abutting private property, curb, ditchline or pavement edge, as the case may be. The topsoil shall be brought to a level not less than two inches (2") below the sidewalk surface and the area lightly raked, seeded and rolled.
7. In the event of temporary suspension of work or during inclement weather, or whenever the Superintendent of Public Works (SPW) shall direct, work and materials must be carefully protected against damage or injury from the weather. If, in the opinion of the Superintendent, any work or materials shall have been damaged or injured by reason of failure to so protect the work, such materials shall be removed and replaced.

SECTION 55-3. ASSESSMENTS

- A. The cost of sidewalk construction shall be met by the general tax levy.
- B. The repair and maintenance of Village sidewalks shall be the responsibility of the Village. One exception shall be if the property owner or surrogate damages the sidewalk. In this situation, repair costs will become the responsibility of the property owner or surrogate. If after a 60-day notification period, the property owner or surrogate fails to make repairs, the Village will make repairs at the owners expense.
- C. The cost of sidewalk construction repair or reconstruction shall be computed by combining all materials relating to the sidewalk constructed and dividing the total by the total number of square feet of standard sidewalk constructed to produce a unit cost per square foot.
- D. In cases where a sidewalk of excess width or thickness is required, or where special construction is required by the owner, the full cost of the excess width, or thickness, or special construction, will be assessed to the property owner.

ARTICLE II – SHADE TREES ALONG STREET

SECTION 55-4. LOT OWNERS DUTY.

All owners or occupants of lots in said Village are hereby required to trim the shade trees in front of such lots along the street and all other trees whose branches overhang the sidewalks or streets as may be directed by the SPW from time to time and to keep such trees so trimmed thereafter.

SECTION 55-5. FAILURE TO COMPLY.

If the owner or occupant of such premises shall fail to comply with this section within ten (10) days after receiving notice from the SPW, it shall be the duty of the SPW to authorize the trimming of such trees as aforesaid and such owners or occupants shall be liable to said Village for the costs thereof.

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ARTICLE III – POLES AND WIRES

SECTION 55-6. LICENSE REQUIRED; EXCEPTION; PENALTY.

No person shall place any electric, telegraph or telephone wire or poles or other wires in, upon or over any of the streets or public places of said Village of Arcade (VOA), without written permission of the SPW, except in cases where franchises have heretofore been granted, under penalty as described in Article VI of this Chapter 55, and a separate offense shall be deemed to have been committed for each period of 24 hours such violation shall contain.

ARTICLE IV – OBSTRUCTION IN STREETS

SECTION 55-7. PROHIBITION.

No person shall place or cause to be placed any merchandise shelves, boxes, barrels, crates or obstructions of any kind upon any sidewalk or public place in said Village so as to obstruct the free passage of people, except when actually engaged in loading or unloading goods. An area not to exceed three feet (3') from the outer wall of the building may be used for the display of merchandise.

SECTION 55-8. PENALTY.

Any violation of this section shall be punishable by a fine as described in Article VI of this Chapter 55 and each day said obstruction shall continue shall be deemed a separate and additional violation.

ARTICLE V – STREET OPENING

SECTION 55-9. PERMIT REQUIRED.

No person, firm or corporation, excepting employees of the Village, in the performance of their official duties, shall make or cause to be made, any excavations within the limits of any of the streets, alleys or other public places in the Village, without first having obtained a permit therefor from the Village Clerk.

SECTION 55-10. APPLICATION FOR PERMIT.

Prior to issuance of said permit, the applicant shall pay to the Village Clerk a fee of \$50.00 and a deposit as set forth on the fee schedule adopted by the VOA for each excavation and shall file with the Village Clerk, a certificate of General Liability Insurance in the minimum amounts of \$100,000.00 bodily injury liability for each person and \$300,000.00 for each accident; and property damage liability in the minimum amount of \$25,000.00 for one (1) or more accidents.

SECTION 55-11. DEPOSIT APPLIED TO COST.

The deposit shall be applied to the cost of repairing or replacing the street pavement, curbing, gutter, tree, tree lawn, sidewalk, or other affected area, when such work is performed by the SPW. If the cost is less than the deposit amount, the sum over and above the cost will be returned. If the cost is more than the amount of deposit, the permittee will be required to pay the additional costs. In the event such additional costs are not paid within thirty days after billing, such costs shall become a charge against the real estate or other property benefited and may be included as a special Assessment on a subsequent Village assessment roll. If the repair or

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replacement is performed by an individual, firm or corporation other than the SPW and the repair or replacement meets with the approval of the SPW, the deposit will be returned to the permittee but the return of such deposit shall not constitute a release of the permittee and he shall continue to be obligated to make, or pay for any further repairs occasioned by settling, depression or breakup resulting from the permitted street opening, which may occur or develop within a period of one (1) year from the date of completion.

SECTION 55-12. BACKFILL REQUIREMENTS.

Backfill of excavated areas shall be performed in the following manner:

- A. Pavement cuts. Wherever the pavement is cut and including paved driveways, dirt from the excavation shall be hauled away and the excavation shall be backfilled with dry well graded run-of-bank gravel, well compacted in layers of eight-inch maximum depth. No backfill shall be placed prior to an inspection of the excavation and the backfill materials by the SPW or his designated representative. Excessive water in the excavation shall be removed before backfilling is commenced. The excavation shall be backfilled to a depth corresponding to the original base; the adjacent pavement shall be neatly cut back for a distance of not less than twelve inches (12") and the bituminous concrete binder not less than two and one-half inches (2-1/2") in depth and top or wearing course not less than one and one-half inches (1-1/2") in depth; excepting that between November 1 and May 1 bituminous winter mix may be used to temporarily replace the pavement; said winter mix to be replaced not later than the next following July 1. In either case the bituminous material shall be rolled or otherwise compacted to obtain a smooth surface at the same grade as the adjoining pavement.
- B. Excavations within shoulder area. Whenever the excavation is within five feet (5') of the edge of the pavement, the backfill shall be placed in accordance with Paragraph A of this Section, except that it shall be brought up to original grade with dry, well graded, run-of-bank gravel.
- C. Excavation within areas outside of pavement and shoulder. The backfill in excavations beyond the shoulder and pavement areas but within the street limits, shall be compacted by rolling with heavy equipment or otherwise to avoid settling. Topsoil shall be replaced and the area seeded or otherwise restored to original condition. Adjacent curb, gutter, sidewalk and driveways shall be restored to the condition existing prior to the excavation.

SECTION 55-13. STREET CLEANUP; REMOVAL OF SNOW, ETC.

The permittee shall restore shoulders and ditches and clean up the street as his work progresses. During winter conditions, highway shoulders shall be maintained free of obstructions which would interfere with snow removal or surface drainage.

SECTION 55-14. ADEQUATE TRAFFIC SIGNS REQUIRED.

Traffic shall be maintained at all times during the progress of the work excepting under prior arrangements with the Village Police Department. Adequate signs, barricades and lights SHALL BE USED TO PROTECT THE PUBLIC. Flagmen shall be employed by the permittee to direct traffic during periods when only one-way traffic can be maintained or when equipment is in operation back and forth, across or along the pavement.

SECTION 55-15. EXCAVATIONS, CONSTRUCTION MATERIAL ADEQUATELY BARRICADED.

No construction material or equipment shall be left on the shoulders or pavement after working hours. Unattended excavations shall be adequately barricaded during daylight hours and marked with flares, lanterns or flashers during night hours.

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SECTION 55-16. OBLIGATION OF PERMITTEE.

If necessity arises in the future because of work by the Village requiring removal, relocation or replacement of the facilities installed under a permit, said work shall be done as directed by the SPW or his designated representative and all costs and expenses so incurred shall be the obligation of the permittee or his successor in interest.

SECTION 55-17. EMERGENCY AUTHORIZATION.

In the event of an emergency when the Village Office is closed, the SPW or his designated representative may authorize the excavation and the permit must be applied for the first day the Village Office is open. The permittee shall notify the SPW or his designated representative the day he intends to commence the excavation, not less than one (1) hour before starting work, and again immediately upon completion of final work.

ARTICLE VI – PENALTIES

SECTION 55-18. PENALTIES.

Any person, firm or corporation who violates any provision of this Chapter, shall upon conviction thereof, be fined not less than \$10.00 nor more than \$100.00 for each offense, and a separate offense shall be deemed to have been committed for each occurrence and in the event no corrective action have been taken, for each period of twenty-four (24) hours such violation shall continue.

Any corrective action made by the Village employees shall be fully paid by the person, firm, or corporation who violates the provision of this Chapter.

ARTICLE VII – EFFECTIVE DATE

SECTION 55-19. EFFECTIVE DATE

This Local Law shall take effect once filed with the Secretary of State or as noted below.

Continuation (renumbered)
Local Law No. 2-1968
Adopted: February 22, 1969
Posted: February 27, 1969
Published: February 28, 1969
Effective: March 10, 1969

Amended
Local Law No. 1-2001
Adopted: January 16, 2001
Filed: January 24, 2001

Amended
Local Law No. 2-1987
Adopted: February 17, 1987
Filed: February 23, 1987

Amended
Local Law No. 1-2006
Adopted: June 20, 2006
Effective: January 1, 2007
Filed: July 13, 2006

Amended:
Local Law No. 3-1988
Adopted: November 1, 1988
Filed: November 10, 1988

Amended
Local Law No. 2-2008
Adopted: February 5, 2008
Filed:

Amended
Local Law No. 2-1992
Adopted: January 7, 1992
Filed: January 15, 1992

2-05-2008 5:02 PM

BUDGET ADJUSTMENT REGISTER

PAGE: 1

PACKET: 00043-PER BOARD DIRECTIVE 02/05/08

BUDGET CODE: CB-Current Budget

| FUND ACCOUNT | DATE | DESCRIPTION | ADJUSTMENT | ORIGINAL BUDGET | PREVIOUS ADJUSTMENTS | NEW BUDGET | BUDGET BALANCE |
|------------------------|-----------|---------------------|------------|-----------------|----------------------|------------|----------------|
| ----- | | | | | | | |
| Budget Adj. # 000043 | | | | | | | |
| 001 5-1620-100-1000 | 2/05/2008 | PER BOARD DIRECTIVE | 169.00 | 148.00 | 443.00 | 760.00 | 0.40 |
| PERSONNEL SERVICES-REG | | | | | | | |
| 001 5-1620-100-1010 | 2/05/2008 | PER BOARD DIRECTIVE | 86.00 | 0.00 | 0.00 | 86.00 | 0.56 |
| PERSONNEL SERVICES-OT | | | | | | | |
| 001 5-1620-400-4360 | 2/05/2008 | PER BOARD DIRECTIVE | 255.00- | 2,352.00 | 443.00- | 1,654.00 | 750.19 |
| BLDG MAINT/MATERIALS | | | | | | | |
| 001 5-5110-400-4470 | 2/05/2008 | PER BOARD DIRECTIVE | 3,247.00 | 1,000.00 | 0.00 | 4,247.00 | 1,617.53- |
| EQUIP RENTALS | | | | | | | |
| 001 5-5142-400-4460 | 2/05/2008 | PER BOARD DIRECTIVE | 560.00 | 14,000.00 | 0.00 | 14,560.00 | 197.98 |
| SALT & SAND | | | | | | | |
| 001 5-8560-100-1000 | 2/05/2008 | PER BOARD DIRECTIVE | 290.00 | 0.00 | 0.00 | 290.00 | 0.43 |
| PERSONNEL SERVICES-REG | | | | | | | |
| 001 5-8560-100-1010 | 2/05/2008 | PER BOARD DIRECTIVE | 302.00 | 0.00 | 0.00 | 302.00 | 0.86 |
| SHADE TREES-OT | | | | | | | |
| 001 5-5142-200-2000 | 2/05/2008 | PER BOARD DIRECTIVE | 3,000.00- | 3,000.00 | 0.00 | 0.00 | 0.00 |
| EQUIPMENT | | | | | | | |
| 001 5-5410-400-4600 | 2/05/2008 | PER BOARD DIRECTIVE | 1,399.00- | 26,500.00 | 11,500.00 | 36,601.00 | 7,856.84 |
| RESURFACING MATERIALS | | | | | | | |
| PACKET NOTES: | | | | | | | |
| TOTAL IN PACKET-- | | | | | | 0.00 | |

*** BUDGET DEFICIT WARNINGS ***

| FUND ACCOUNT | NAME | BALANCE |
|---------------------|---------------|-----------|
| 001 5-5110-400-4470 | EQUIP RENTALS | 1,617.53- |

TOTAL WARNINGS: 1

*** NO ERRORS ***

*** END OF REPORT ***

| VENDOR NAME | AMOUNT | VENDOR NAME | AMOUNT |
|------------------------------|----------------------|----------------------------|----------------------|
| A.W. DIRECT | \$ 551.53 | MARTIN BROTHERS CHEVROLET | \$ 107.93 |
| ABBOTT WELDING SUPPLY CO | \$ 4.08 | MATTHEW BENDER & CO INC. | \$ 99.15 |
| ADVANCED BUS MACHINES INC | \$ 87.62 | MEGGER | \$ 534.79 |
| AFLAC NEW YORK | \$ 1,340.78 | MEUA OF N.Y.S. | \$ 150.00 |
| ALBERT J. MOGAVERO, CHAPTER | \$ 422.00 | MOORE MEDICAL CORP. | \$ 595.86 |
| ALBERT J. MOGAVERO, CHAPTER | \$ 422.00 | MORRISON, SUSAN | \$ 100.00 |
| AMERICAN ROCK SALT CO LLC | \$ 4,428.86 | NATIONAL FUEL GAS DISTRIB | \$ 1,620.60 |
| AMERICAN SAFETY UTILITY | \$ 181.30 | NATIONAL GRID | \$ 75,723.77 |
| ANIXTER INC | \$ 636.19 | NEOPOST LEASING INC. | \$ 1,695.00 |
| ARCADE POSTMASTER | \$ 37.72 | NEW YORK CENTRAL MUTUAL | \$ 233.00 |
| BABBITT, DAWN | \$ 60.00 | NORTHEAST TRANS SERVICES | \$ 508.00 |
| BANK OF NEW YORK | \$ 1,429.49 | NORTHERN SAFETY CO. INC. | \$ 547.81 |
| BANK OF NEW YORK | \$ 1,419.86 | NY POWER AUTHORITY | \$ 124,836.00 |
| BENCHMARK ANALYTICS, INC | \$ 77.90 | NYMPA | \$ 435,123.00 |
| BRASS SHURFINE | \$ 19.17 | NYS & LOCAL RETIRE SYSTEM | \$ 2,674.37 |
| CATTARAUGUS COUNTY CLERK | \$ 43.00 | NYS & LOCAL RETIRE SYSTEM | \$ 864.00 |
| CHURCHVILLE FIRE EQUIP | \$ 43.63 | NYS CHILD SPRT PROCESSING | \$ 264.00 |
| CID DIVISION OF WASTE MANAGE | \$ 9,008.81 | NYS CHILD SPRT PROCESSING | \$ 264.00 |
| CINTAS CORPORATION #782 | \$ 130.39 | NYS CONFERENCE OF MAYORS | \$ 140.00 |
| COMPLETE OFFICE SOLUTIONS | \$ 870.00 | NYS INCOME TAX | \$ 3,305.84 |
| COTTRILLS PHARMACY, INC. | \$ 8.97 | NYS INCOME TAX | \$ 3,225.97 |
| CSEA | \$ 687.10 | NYS SALES TAX | \$ 13,733.11 |
| CSEA | \$ 687.10 | NYSAMCC, INC | \$ 35.00 |
| CSEA BENEFIT UNIT | \$ 1,109.52 | PALUCH, KATHY | \$ 100.00 |
| CSEA POLICE UNIT | \$ 246.08 | PIONEER FORD/MERCURY INC. | \$ 395.00 |
| CSEA POLICE UNIT | \$ 167.69 | RADIO SHACK | \$ 14.99 |
| D & H EXCAVATING INC. | \$ 480.00 | REALTYUSA | \$ 100.00 |
| DAN HEINEMAN & SONS INC | \$ 358.15 | SELPHS FIRE SERVICE | \$ 25.00 |
| DELL MARKETING LP | \$ 950.24 | SOUTHERN TIER PROFESSIONAL | \$ 200.00 |
| DOLORES M DAWLEY | \$ 540.00 | TOMPKINS INSURANCE AGENCY | \$ 399.00 |
| DOLORES M DAWLEY | \$ 540.00 | TOTAL EQUIPMENT REPAIR | \$ 209.00 |
| EATON OFFICE SUPPLY | \$ 43.38 | TRACTOR SUPPLY COMPANY | \$ 79.45 |
| EJ PRESCOTT, INC | \$ 918.88 | TRI-TECH INC. | \$ 165.50 |
| ELIZA CO. INC. | \$ 949.24 | UNIVAR USA INC. | \$ 1,436.36 |
| ERMCO | \$ 88,979.00 | UPS | \$ 29.34 |
| FASTENAL COMPANY | \$ 181.55 | US TREASURY, FRB NEW YORK | \$ 6,351.87 |
| FISHER SCIENTIFIC COMPANY | \$ 442.47 | VELLANO BROTHERS, INC | \$ 2,516.13 |
| FLEET MAINTENANCE INC | \$ 2,510.67 | VERIZON WIRELESS | \$ 353.91 |
| FORBES, EDITH E | \$ 140.00 | VILLAGE OF ARCADE | \$ 304.86 |
| FREEDOM TIRE | \$ 120.00 | VILLAGE OF ARCADE | \$ 359.41 |
| GOTTOGO ELECTRIC | \$ 197.25 | VILLAGE OF ARCADE | \$ 127.00 |
| GRIFFITH ENERGY | \$ 2,334.92 | VILLAGE OF ARCADE | \$ 127.00 |
| HERITAGE-CRYSTAL CLEAN, LLC | \$ 38.00 | WILLIAM F HESSON | \$ 873.65 |
| INTERACTIVE COMPUTER DESIGN | \$ 1,000.00 | WILLIAMSON LAW BOOK CO | \$ 90.60 |
| IRS - FEDERAL PAYROLL TAX PA | \$ 18,768.45 | XPEDX | \$ 284.71 |
| IRS - FEDERAL PAYROLL TAX PA | \$ 18,309.22 | ZUECH ENVIRONMENTAL SRVCS | \$ 1,595.00 |
| KILBURN, LARRY | \$ 94.96 | TOTAL COLUMN 2 | \$ 682,518.98 |
| TOTAL COLUMN 1 | \$ 162,017.17 | | |
| | | OVERALL TOTAL | \$ 844,536.15 |