

The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, January 6, 2009 at 7:00pm there were:

**PRESENT**

Mayor Rich Kosmerl, Deputy Mayor Paul Burkett, Trustee Jim McGarvey, Trustee Brian Burton, Trustee Ken Rule, Superintendent of Public Works Larry Kilburn, Clerk/Treasurer Pam Beiersdorf, and Deputy Clerk/Treasurer Jennifer Kraft

**ABSENT**

Police Chief John Laird

**ALSO PRESENT**

Sandra Dutton, Kathy Landahl, Chris Lester, Chris Gleason, Carole Jones (Arcade Herald), Don Meyers, Doug Berwanger, Trent Harrison, Len Connelly, and Tom Beiersdorf

**PLEDGE TO ALLEGIANCE**

Mayor Kosmerl opened the meeting with the Pledge to Allegiance.

**APPROVE MINUTES**

Motion by Deputy Mayor Burkett and seconded by Trustee Burton, the minutes from the regular meeting held on December 16, 2008 be approved as presented by Clerk/Treasurer Beiersdorf.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Deputy Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
Trustee Ken Rule	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>	

**HEAVY RESCUE TRUCK DELIVERY/PAYMENT SCHEDULE**

The Arcade Fire Department (AFD) Chief and members the truck committee attended the meeting to hear first hand the VOAs perspective about the delivery and payment schedule for the heavy rescue truck. They want clarification about how the financing impacts the delivery. Mayor Kosmerl summarized that the Board awarded the bid based on the initial delivery and payment schedule. Since that time, the manufacturer has offered an accelerated production/delivery schedule. When initial financing options were discussed with the VOAs financial consultant, the VOA learned of the NYS Emergency Services Revolving Loan (ESRL) account which makes loans to local governments at an annual fixed interest rate of 2.5%. Results of the ESRL won't be determined until May 2009 and receipt of money may not occur until July or August 2009. However, because of the low interest rate of the ESRL, the VOA Board can't justify taking early delivery of the truck with expectations of accelerated payments. Discussions took place about interim financing between the early delivery of the truck and the results of the ESRL. However, applications for the ESRL loan will not be approved if funds are used to repay all or part of any other loan. Fire Chief, Tom Beiersdorf, stated that the department is anxious to take delivery of the truck and indicated that their existing vehicle, a 1994 Chevrolet van, has some mechanical problems. He questions whether money should be spent to fix the repairs or not. TOA Supervisor, Doug Berwanger suggested that the VOA ask local banks to match the ERS� loan rate expediting the project by eliminating the need to apply for the ESRL. He also mentioned another financing option, Statutory Installment Bond (SIB), which offers an eight year fixed rate for equipment purchases. Superintendent of Public Works Kilburn was instructed to contact the manufacturer to see what options could be available, e.g., discount from manufacturer for accepting early delivery, early delivery with a negotiated payment (*I owe you* type concept), etc. Further discussions will take place on this subject at the January 20, 2009 regularly scheduled meeting. Deputy Mayor Burkett recommended that the Board reconsider reducing the financing terms from fifteen years to ten years. Assistant Fire Chief and TOA Superintendent, Chris Lester agreed. He added, that the Towns under fire protection contract with the VOA shouldn't be given an option on financing terms. Doug Berwanger added that fire contract amounts haven't increased much over the past thirteen years that he has been TOA Supervisor.

**OPEN THE ENGINEERING PROPOSALS FOR THE SAFE ROUTE TO SCHOOL GRANT**

Proposals for the Safe Route to School Grant were received and opened from the following firms:

Fisher Associates Rochester, NY	Popli Penfield, NY
Erdman Anthony Rochester, NY	Clark Patterson Lee Rochester, NY
LaBella Associates Rochester, NY Declining to participate, but consider for future	FRA Henrietta, NY
Hunt Rochester, NY Declining to participate, but consider for future	

Motion by Deputy Mayor Burkett and seconded by Trustee McGarvey, the engineering proposals for the Safe Routes to School Grant 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:

<b>VOTE</b>								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Deputy Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
<b>VOTE TOTAL:</b>								
	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>		<b>X</b>	<b>PASS</b>				<b>FAIL</b>	

**PERMISSION TO SIGN EASEMENT FOR NEW ELECTRIC TRANSMISSION LINE**

Motion by Deputy Mayor Burkett and seconded by Trustee Burton, upon recommendation of the Dax Law Firm, P.C. representing the VOA, Mayor Kosmerl be authorized to execute the Easement by and between Lenora Brooks Family Trust III and the VOA as attached.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Deputy Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
Trustee Ken Rule	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>	

**2006 EMPIRE STATE DEVELOPMENT PARK GRANT**

Superintendent of Public Works Kilburn reported that the original purpose of the 2006 Empire State Development grant included funding for a basketball court and lighting around the Village park. The lighting portion of the grant is complete. Due to the time lapse (original grant paperwork was misplaced in Albany), Superintendent of Public Works Kilburn suggested that the funds originally allocated for the basketball court be reallocated to a skateboard park. In order for the change to take effect, the VOA must make a formal request.

Motion by Deputy Mayor Burkett and seconded by Trustee Burton, Superintendent of Public Works Kilburn be authorized to contact Senator Volker to request that the funds originally allocated for the basketball court be reallocated to a skateboard park.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Deputy Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
Trustee Ken Rule	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>		

**PERMISSION TO ATTEND WNY WATER WORKS CONFERENCE**

Motion by Deputy Mayor Burkett and seconded by Trustee McGarvey, two (2) employees from the Water Department be authorized to attend the WNY Water Works Conference on Wednesday, February 4, 2009 from 8:30am to 3:15pm in Batavia, NY. Cost of the conference is \$20.00 per person and includes lunch. Use of a VOA vehicle for travel to the conference is also authorized. Topics to include enhanced UV oxidation for taste and odor control, energy saving technologies for water and sewer plants, disinfection byproducts and its minimization, meter madness, corrosion control and the design decision model, groundwater rules and stage 2 and LT2 updates, etc.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Deputy Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
Trustee Ken Rule	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>		

**PERMISSION TO ATTEND NY RURAL WATER ASSOCIATION LABORATORY SEMINAR**

Motion by Mayor Kosmerl and seconded by Trustee McGarvey, two (2) employees [NOTE: one (1) employee must be different from those that attend the WNY Water Works Conference on February 4, 2009] from the Water Department be authorized to attend the NY Rural Water Association laboratory training session on March 18, 2009 in Batavia, NY. Cost of the training is \$5.00 per person. Meal expense will be reimbursed and use of a VOA vehicle for travel to the conference is also authorized.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Deputy Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
<b>VOTE TOTAL:</b>								
	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>				<b>FAIL</b>		

**GIS NEEDS ASSESSMENT AND IMPLEMENTATION PLAN**

Superintendent of Public Works Kilburn distributed draft copies of the GIS needs assessment and implementation plan for Board review and comment. The purpose of the assessment and implementation plan is to position the VOA for the next grant opportunity. Applications for the implementation grant are due February 2, 2009. Further discussion on this topic will take place at the January 20, 2009 regularly scheduled board meeting.

**GRANT WRITING SERVICES - GIS NEEDS ASSESSMENT**

Chairman of the Wyoming County Board of Supervisors, Doug Berwanger, advised the Village Board that there was some confusion at the County about payment for grant writing services. The County has agreed to pay Ann McDonnell for GIS Needs Assessment grant writing services in full and will invoice the VOA half of the amount paid. The VOA will in turn pay the County. Superintendent of Public Works Kilburn was directed to discuss reimbursement options with Ms. McDonnell and to obtain the agreement in writing.

**JANUARY 2009 ELECTRIC PURCHASE POWER ADJUSTMENT (PPA)**

Superintendent of Public Works Kilburn reported that the January 2009 PPA is at an all time high. He distributed a chart showing comparisons over a 10 year period to the Board.

**RE-CONSTRUCT ARCADE STREET HOCKEY RINK UPDATE**

Chairman Brian Burton stated that the committee met and discussed preliminary ideas for the street hockey rink/skateboard park. Committee member Jace Drennan has received estimates from two different companies.

**FINAL SPECIAL FRANCHISE FULL VALUE**

Clerk/Treasurer Beiersdorf reported that the State Board of Real Property Services has determined the final special franchise full value for National Fuel Gas to be \$450,320, Verizon New York, Inc. to be \$726,431, and Time Warner-Buffalo to be \$142,433 with a grand total of \$1,319,184. The full values were determined in accordance with Article 6 of the Real Property Tax Law and Part 197 of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

**BONDING IN THESE ECONOMIC TIMES SEMINAR**

Clerk/Treasurer Beiersdorf reported that a Bonding in these Economic Times seminar was being sponsored by NYS Society of Municipal Finance Officers, NYS Conference of Mayors, and the NYS Office of the State Comptroller was being held on Wednesday, February 4, 2009 in North Syracuse, NY. Further details will be discussed at the January 20, 2009 regularly scheduled board meeting.

**PERMISSION TO DESTROY RECORDS**

Motion by Mayor Kosmerl and seconded by Deputy Mayor Burkett, 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:

- Application for and copy of license, investigation report, correspondence, and all related records EXCEPT financial reports from 1988 to 2005 (games of chance/bingo/lottery section 1.[289] - 3 years after expiration of license or denial of application)
- Annual financial/operational report submitted to municipality from 1997 to 2003 (games of chance/bingo/lottery section 1.[289] - 6 years)
- Master license register, summarizing all information on bingo and games of chance operations in municipality from 1989 to 1998 [license numbers 1034-1043 and 2126-2130] (games of chance/bingo/lottery section 3.[291] - 6 years after last entry)

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Deputy Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
Trustee Ken Rule	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>		

**VLLAGE ELECTIONS POLLING PLACE AND HOURS**

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

**RESOLUTION**

**WHEREAS**, the next Village Election is to be held on Wednesday, March 18, 2009,

**NOW, THEREFORE BE IT RESOLVED**, that the Village of Arcade Board of Trustees set the polling place as the Village Board Room, 17 Church Street, Arcade, Wyoming County, New York and the polls be open from 12:00 o'clock noon until 9:00pm.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Deputy Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
Trustee Ken Rule	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>	

**WYOMING COUNTY VILLAGE ASSOCIATION MEETING**

Clerk/Treasurer Beiersdorf announced that the VOA was hosting the next Wyoming County Village Association Meeting on Wednesday, January 21, 2009 at The Hearth Restaurant, Chaffee, NY at 6:30pm. Guest speakers from the Wyoming County Emergency Services.

**DRAFT SOLID WASTE MAGNEMENT LOCAL LAW B-2009**

Clerk/Treasurer Beiersdorf distributed a draft revision to the Solid Waste Management local law to include yard waste length and weight specifications for Board review and comment.

**CONSIDER FACILIITY USE WAIVER REQUEST FROM THE ALZHEIMER'S ASSOCIATION-WNY CHAPTER**

Motion by Deputy Mayor Burkett and seconded by Trustee McGarvey, Clerk/Treasurer Beiersdorf be authorized to waive the deposit and rental fees for the use of the Arcade Fire Hall meeting room on March 18, 2009 for Alzheimer's Association-WNY Chapter one-on-one care consultations and education sessions.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Deputy Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
Trustee Ken Rule	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>	

**2008 TAX WARRANT ADJUSTMENT**

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

**RESOLUTION**

Resolution authorizing an adjustment to the 2008 Tax Warrant

**TAX WARRANT ADJUSTMENT**

**WHEREAS**, Clerk/Treasurer Beiersdorf has determined that an error was made on the original 2008 tax warrant signed May 6, 2008, and;

**WHEREAS**, the delinquent water rents, charges and interest was overstated by \$46.20, and;

**WHEREAS**, the delinquent sewer rents, charges, and interest was overstated by \$48.34, and;

**WHEREAS**, upon the recommendation of Clerk/Treasurer Beiersdorf, the 2008 tax warrant be adjusted to reflect a reduction of \$46.20 to the delinquent water rents, charges, and interest and a reduction of \$48.34 to the delinquent sewer rents, charges, and interest, and;

**WHEREAS**, the 2008 tax roll of \$1,134,546.72 be reduced by the same \$94.54, and;

**NOW THEREFORE BE IT RESOLVED**, the Village of Arcade Board of Trustees authorizes that Clerk/Treasurer Beiersdorf be empowered to amend the 2008 tax warrant to reflect the changes mentioned above. An adjusted warrant is as follows:

For General Fund.....	\$1,070,047.00
In Lieu of Taxes .....	\$54,827.00
For Delinquent Water Rents, Charges, & Interest .....	\$2,571.17
For Delinquent Sewer Rents, Charges, & Interest.....	\$7,007.01
For Miscellaneous General Fund Accounts Receivable.....	\$0.00
For Miscellaneous Water Fund Accounts Receivable .....	\$0.00
For Miscellaneous Sewer Fund Accounts Receivable .....	\$0.00
For Tax Rebate .....	\$0.00
Total Real Property Taxes & Other Charges on Roll.....	\$1,134,452.18

**IN WITNESS WHEREOF:** The Village of Arcade Board of Trustees has caused this adjusted tax warrant to be signed by its Mayor and Clerk/Treasurer of the said Village and the seal of the Village hereby be affixed, January 6, 2009.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Deputy Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
Trustee Ken Rule	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>		

**DRAFT FEE SCHEDULE**

Clerk/Treasurer Beiersdorf distributed a draft copy of the official Village fee schedule divided into two parts for the Board's review as they requested at the December 16, 2008 board meeting.

**FY 2008-2009 BUDGET ADJUSTMENTS**

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

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Deputy Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
Trustee Ken Rule	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>		

**BUDGET AMENDMENT**

Motion by Mayor Kosmerl and seconded by Trustee McGarvey, the FY 2008-2009 budget be amended as follows because funds for such an increase have been provided by an unanticipated revenues, a donation from Taylor-Pohlman (TPI), a Village business as a token of appreciation for the Police Officers checking the building, etc.

<b>INCREASE REVENUE</b>	<b>INCREASE EXPENDITURE</b>
001 4-2809-0100	001 5-3120-200-2000
Other Public Safety	Police Department Equipment
In the amount of <b>\$500.00</b>	

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Deputy Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
Trustee Ken Rule	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>		

**AUDIT BILLS**

Motion by Trustee Burton and seconded by Trustee Rule, 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 Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Deputy Mayor Paul Burkett		Yes		No	X	Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
<b>VOTE TOTAL:</b>								
	4	Yes	0	No	1	Abstain	0	Absent
<b>RESULTS</b>								
	X	<b>PASS</b>				<b>FAIL</b>		

**JUSTICE COURT EXPENSE RATIO WITH TOWN OF ARCADE (TOA)**

At the March 8, 2008 VOA budget work session, the TOA and VOA Boards agreed to use the 2007 calendar year total cases to determine the percentage that should be charged to the TOA for labor and contractual expenditures beginning in June 2008 as 28%. The VOA received a written request from the TOA dated December 31, 2008 to adjust the Justice Court expense ratio.

Motion by Mayor Kosmerl and seconded by Deputy Mayor Burkett, the VOA Board accepts the TOAs proposal to adjust the expense ratio down to 17% (from 28%) for the period January 1, 2009 through May 31, 2009. Furthermore, that during VOA fiscal year June 1, 2009 through May 31, 2010 budget preparations the rate be reset based on the total number of cases from January 2008 to December 2008 pending TOA Board approval and written response indicating such approval.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent
Trustee Brian Burton	X	Yes		No		Abstain		Absent
Deputy Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent
Trustee Ken Rule	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>	

**JUSTICE COURT CLERK EXPENSES**

Clerk/Treasurer Beiersdorf reported that currently the TOA shares in the cost of Clerk of the Court, Gillian Moore's, gross wages, social security, and NYS retirement. Gillian enrolled in the VOA offered health insurance plan effective August 1, 2008, however, the costs associated with the health insurance plan were not included in the third and fourth quarter of 2008 invoices to the TOA. Clerk/Treasurer Beiersdorf was instructed to make the TOA aware of this omission and to prepare invoices accordingly.

Deputy Mayor Burkett commented that the methodology used to determine the Justice Court Clerk expenses should be reviewed. According to Deputy Mayor Burkett, the VOA has fixed costs irregardless of the number of cases. Even though the proportion of TOA versus VOA cases change, fixed costs don't change. Mayor Kosmerl recommended that Deputy Mayor Burkett prepare a proposal for Board consideration.

**PROPOSED LOCAL LAW, CHAPTER 29, "NOISE"**

Trustee McGarvey asked for an status on the proposed changes to the Noise Local Law. A public hearing was held on May 6, 2008 at which time several local businesses provided comments on the draft document. At that time, Mayor Kosmerl directed Superintendent of Public Works Kilburn to seek a consultant that would work with the VOA to determine the methodology and measurement of levels and associated costs. Superintendent of Public Works Kilburn met with representatives from API, Blue Seal and Taylor Pullman and obtained prices for noise measuring equipment which ranged from \$75.00 to hundreds of dollars. No further action has been taken since that time.

**FISCAL YEAR 2009-2010 BUDGET PREPARATIONS**

Trustee McGarvey asked that Superintendent of Public Works Kilburn, Police Chief Laird, and Clerk/Treasurer Beiersdorf identify their departments wish lists and propose a schedule for budget reviews including five year major capital expenditure plans.

**HEALTH INSURANCE MEETING SCHEDULED**

Deputy Mayor Burkett announced that the health insurance committee was meeting with representatives from Vanner Benefits, LLC and Independent Health on January 13, 2009 at 10:00am in the Village Conference Room to review the existing Independent Health iDirect plan, review employee feedback, share employee concerns and/or challenges, pros and cons of the plan, etc.



**EXECUTIVE SESSION**

Motion by Mayor Kosmerl and seconded by Deputy Mayor Burkett, the Board enter into executive session to discuss the following topic(s) at 8:31pm:

- employee history of a particular person leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent	
Trustee Brian Burton	X	Yes		No		Abstain		Absent	
Deputy Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	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>		

Motion by Mayor Kosmerl and seconded by Deputy Mayor Burkett, the Board exit executive session at 8:36pm.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Richard Kosmerl	X	Yes		No		Abstain		Absent	
Trustee Brian Burton	X	Yes		No		Abstain		Absent	
Deputy Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Jim McGarvey	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	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>		

**REPORTS RECEIVED**

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

- Water department (December 2008) (see attached)
- WWTP (December 2008) (see attached)
- Streets and Parks department (December 2008) (see attached)
- Electric department (December 2008) (see attached)

**ADJOURN**

There being no further business to come before the Board the meeting duly adjourned at 8:36pm upon motion by Deputy Mayor Burkett and seconded by Trustee McGarvey.

\_\_\_\_\_  
Clerk/Treasurer

**EASEMENT**

**THIS INSTRUMENT WITNESSETH** that Lenora Brooks, residing at 32 Gail Drive, Cattaraugus, New York, 719, as Trustee of the **LENORA BROOKS FAMILY TRUST III**, dated **March 23, 1998**, for which Trust a copy of the Certificate of Trust Existence and Authority and Memorandum of Trust, and a copy of the Further Certificate of Trust are attached hereto as Exhibit A, hereinafter called the Grantor, being the owner of land situated in the Town of Freedom, County of Cattaraugus, State of New York, located at Bixby Hill Road, Freedom, New York 14065, identified as Tax Map #005.004-0001-013.0000000, hereby grants unto the **VILLAGE OF ARCADE**, 17 Church Street, Arcade, New York 14009, a municipal corporation, hereinafter called the Grantee, its successors and assigns, for and in consideration of mutual undertakings, the receipt of which are hereby acknowledged, the right, privilege and authority to construct, reconstruct, operate, inspect, maintain and at its pleasure remove a high voltage electric transmission line system with poles, wires, cross arms, braces, lightning protective equipment including overhead and underground wires and other fixtures or appurtenances (but excluding buildings) used or adapted for the transmission and/or distribution of electric current for public or private use upon, across, over and under a portion of said property, to wit: that strip of land one hundred feet (100) in width, the center line of which lies seventy-five (75) feet from the northerly property line of said Grantor's parcel traveling west to a point 1095 feet measured from the easterly property line, and traveling southwest to a point two hundred twenty (220) feet measured from the northerly property line. (Distances were measured using Geographic Information Systems – G.I.S.)

Together with free ingress and egress for all of the above purposes including the right now and from time to time to trim, cut and remove by manual, mechanical or chemical means trees and brush and other obstructions within said one hundred (100) foot strip and adjacent thereto that may endanger said transmission line or threaten to interfere therewith.

Provided that:

1. Initial tree clearing operations for the benefit of Grantee shall be performed by the Grantor prior to the commencement of initial construction work by Grantee. Grantee must notify Grantor of its intent to commence installation of the transmission line. Upon notice of such intent, Grantor will commence tree clearing operations for the easement area to be completed within a reasonable time period (approximately three to four weeks). Grantee shall, at its own expense, flag the area to be cleared. The time for Grantor to complete the tree clearing shall run from the date of notice of intent, or the completion of the flagging of the removal area, whichever is later. Should Grantor fail to complete the clearing work within thirty (30) days following the later of Grantee's notice or Grantee's completion of the flagging of the removal area, Grantee may complete the clearing.

2. Grantee shall maintain the easement area and transmission line in conformance with standard commercial practices.

3. Neither Grantor nor its successors or assigns nor persons occupying or present on the property shall be liable to Grantee for damage, if any, caused by normal use of or vehicular or pedestrian traffic over, the easement area, or for use by snowmobile traffic over the easement

area. Grantor has provided a seasonal license to third parties for use of the Premises and easement area for snowmobile traffic.

4. Grantee will not permit any mechanics', materialmens' or other liens to stand against Grantor's property for work or materials furnished in connection with the easement rights, and Grantee agrees to defend, indemnify and hold Grantor harmless from the same (including attorney's fees).

5. Grantee agrees to defend, indemnify and save Grantor, and Grantor's tenant's, employees and invitees harmless from all liabilities, losses, damages, demands, claims, causes of action or judgments arising out of Grantee's use or occupation of the easement area, including, but not limited to expenses incurred in investigating or legal fees for defense, relating to any injury to person, loss of life or damage to property occurring on the easement area, arising out of Grantee's use and occupancy of said area.

6. Grantor and its successors or assigns shall have the right to use the land within the easement in any manner that does not interfere with the rights of Grantee.

7. This Easement shall continue so long as Grantee or its successors or assigns shall use the same for the purpose specified, but upon the discontinuance of said use, this easement shall expire and be of no further force or effect. Grantee agrees that, upon such expiration, Grantee will execute a quitclaim deed or other appropriate recordable instrument evidencing the termination of the rights granted under this easement.

8. If the Grantee has not installed any electric lines on Grantor's land as described above within five (5) years of the date noted below, Grantor may terminate this easement.

The Grantor hereby warrants title to the rights above granted and that the same are free and clear of all liens and encumbrances.

This Instrument shall be binding on the respective heirs, executors, administrators, successors and assigns of the respective parties hereto.

1-06-2009 1:27 PM

BUDGET ADJUSTMENT REGISTER

PAGE: 1

PACKET: 00062-PER BOARD DIRECTIVE

BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
-----							
Budget Adj. # 000060							
001 5-7140-400-4360	1/06/2009	PER BOARD DIRECTIVE	707.00-	12,000.00	0.00	11,293.00	10,936.21
		BLDG MAINT/MATERIALS					
001 5-5010-400-4690	1/06/2009	PER BOARD DIRECTIVE	707.00	0.00	0.00	707.00	0.99
		MATERIALS/SUPPLIES					
		PACKET NOTES:					
TOTAL IN PACKET--						0.00	

\*\*\* NO WARNINGS \*\*\*

\*\*\* NO ERRORS \*\*\*

\*\*\* END OF REPORT \*\*\*

**WATER DEPARTMENT**  
12/01/08-12/28/08

ACCOUNT NAME	ACCOUNT #	Reg	OT	CO	Total
OpPump/Well/Sup	005-5-8320-100-1000	78			78
OpPump/Well/Sp OT	005-5-8320-100-1010		30		30 Weekend/Holiday
Park St Mt Pump	005-5-8320-100-0010	1.5			1.5
Main/Serv/Meter	005-5-8340-100-1000	134			134.0
Backhoe #51	005-5-8340-151-1000	1.5			1.5
Ford Dump #52	005-5-8320-152-1000	1.5			1.5
Chevy Van #54	005-5-8340-154-1000	7			7
Sewer Jet #68	006-5-8120-068-1000	2			2
Garage/Shop	005-5-8340-100-1000	24			24
Sullivan Well	005-5-8320-100-0020	3			3
Sandusky Well	005-5-8320-100-0030	10			10
Springs/Well	005-5-8320-100-0040	2			2
Mains Maint/Sewer	006-5-8120-100-1000	48.5		6	54.5 CO-North St Lift Station
Plant	006-5-8130-100-1000			4	4
Elec/Repair & Maint	007-5-0787-100-1000	2			2
Village Snow	001-5-5142-100-1000	1			1
Small Equipment	005-5-8340-100-4810	6			6
Misc Wtr Repairs	Project #520	13			13
Meter Installation	Project #518	7			7
Project #507	ERT Meters	4			4
Project #901	NYS DOT Mill/Fill	2			2
Project #603	Repair 4" wtr line WWTP	17			17
Lower Reservoir	005-5-8340-100-1000	4			4
School/Meetings	005-5-8340-100-1150	3			3
Safety	005-5-8340-100-1050	3			3 Drug testing-Warsaw
Holiday/Mil/Funeral	005-5-8340-100-1420	48			48
Vacation	005-5-8340-100-1520	38			38
Sick	005-5-8340-100-1620	19			19
		<b>480</b>	<b>30</b>	<b>10</b>	<b>520</b>

**Water Department**  
12/01/08-12/28/08

- |                                |                                  |
|--------------------------------|----------------------------------|
| Meter Reading                  | Water samples for County & State |
| Well Houses                    | Sewer machine-cghd battery       |
| Meter Repairs                  | Cleaned truck 52                 |
| Water Fountain VA Office       | Mapping & work orders            |
| Clean floor drain-garage       | Charging/thawing truck           |
| Hydrants-Shovel out            | Small tools-stomper              |
| Walk transmission lines        | Small equipment                  |
| Check large meters             | Order chemicals & materials      |
| Blue Seal sprinkler system     | Meeting-GIS system               |
| Work on old #54 for sale       | Leak detection                   |
| Clean shop                     | Sewer lift station work          |
| Disconnect Sandusky-Smith      | Clean-up on Rte 98-main break    |
| Repair leak WWTP               | Service shutoff                  |
| Chemicals                      | Work on 10" meter in Sandusky    |
| Pump out manholes              | Pickup material (Dressers)       |
| Hydrants-check for leaks       | Check meters after meter reading |
| Sewer flushing                 | Clean #54                        |
| Sandusky Well House-Fix heater | Work on printer                  |
| Sandusky Well House-Move snow  | Pump Prestolite pit              |
| Plow snow                      | Shutoff-Rules/Pant Ease          |
| Fix fluoride machine           | Work on computer                 |

Monthly Work Summary  
WWTP  
December 2008

Daily testing	hours
Snow removal	25 hours
Tank hosing	10 hours
Sludge pumping	15 hours
Belt filter press ran once for 1 hour	

Composting:

2008-8	screened 76.5 yards of compost mixture
2008-9	turned pile 5 times
2008-10	turned pile 3 times

Misc:

- Pumped and cleaned both sides of final tank
- Removed air header #1 2nd stage, repaired and replaced
- Repaired oil leaks on gas engine on compost shaker
- Recalibrated plant flow meter via telephone twice
- On site calibration of flow meter by WG Malden
- Removed chain link and bucket from grit elevator chain to tighten
- Underground water line leak repaired by Water Dept.
- Painted all tool room equipment
- Painted blower room equipment



VILLAGE OF ARCADE  
MONTHLY SUMMARY  
STREETS AND PARKS  
December 2008

1). Street Repairs:

- A Patched a couple of potholes

2). General duties:

- A Serviced vehicles
- B Unplugged DI s
- C

3). Park

- A Checked bathrooms
- B Checked Park Cabin
- C Checked cabin drain

4). Misc.

- A Picked up Christmas trees
- B Repaired street signs

5) Snow

- A Plowed
- B Moved snow from municipal parking lot
- C

ELECTRIC DEPARTMENT MONTHLY REPORT-DECEMBER 2008

Substation Operation-Battery checks, breaker maintenance etc.		99 Hours
Street Lights-Dark Sky (Approx 40 Lights)		106 Hours
Stray Voltage		63 Hours
Locates		9 Hours
School/Safety/Meetings		73 Hours
Vehicle Service/Repair (10 Vehicles)		49.5 Hours
Poles Set	(Approx)	9 Poles
URD Primary Installed	(Approx)	600 Feet
Celebrations		33.5 Hours
Repairs OH Primary		14 Hours
Repairs OH Service		15.5 Hours