

The annual organization meeting of the Village of Arcade Board of Trustees, Wyoming County, New York was held on Tuesday, April 21, 2009 at 7:00pm there were:

PRESENT

Mayor Paul Burkett, Trustee Hugh Ely, Trustee Joanne Offers, Trustee Ken Rule, Superintendent of Public Works Larry Kilburn, Clerk/Treasurer Pam Beiersdorf, Police Chief John Laird, and Deputy Clerk/Treasurer Jennifer Kraft

ABSENT

Trustee Jay May

ALSO PRESENT

Sheri Bell-Beyer, Bill Beyer, Brian Lane, Jack Tuttle, John Biggie, Margaret Morgan, Anita Stewart, Rosemary Bucha, Jerry Bucha, and Bonnie Daunce

PLEDGE OF ALLEGIANCE

Mayor Burkett opened the meeting and asked Justice Jack Tuttle to lead the Pledge of Allegiance.

APPOINT DEPUTY MAYOR

In accordance with Village Law §4-400, Mayor Burkett hereby appointments Hugh P. Ely to serve as Deputy Mayor, who will serve in the Mayor's absence or inability to serve. This appointment is not subject to Board approval.

ANNUAL APPOINTMENTS

The following appointments were made by Mayor Burkett.

2009 ANNUAL APPOINTMENTS		DATE TERM EXPIRES
Clerk/Treasurer	Pam Beiersdorf	04/2011
Deputy Clerk/Treasurer	Jennifer Kraft	04/2011
Village Justice	Sheri Bell-Beyer	04/2010
Village Assessors	Paul Burkett	04/2010
	Jay May	04/2010
Budget Officers	Larry Kilburn	04/2010
	Pam Beiersdorf	04/2010
Records Access Officer	Pam Beiersdorf	04/2011
Zoning Officer	Marvin Zielonka	10/2009
Enforcement Officer Under the Multiple Residence Law and Assistant Zoning Officer	Larry Kilburn	04/2010
Fair Housing Officer	Paul Burkett	04/2010
Registrar of Vital Statistics	Pam Beiersdorf	04/2011
Department Liaisons		
Beautification Committee	Joanne Offers	04/2010
Electric	Jay May	04/2010
Fire/Ambulance	Joanne Offers	04/2010
Justice	Paul Burkett	04/2010
Office	Paul Burkett	04/2010
Police	Hugh Ely	04/2010
Recreation Commission	Joanne Offers	04/2010
Sewer	Ken Rule	04/2010
Streets & Parks	Ken Rule	04/2010
Town of Arcade	Joanne Offers	04/2010
Water	Ken Rule	04/2010

2009 ANNUAL APPOINTMENTS			DATE TERM EXPIRES
Health Insurance Committee (one (1) representative nominated by each of the CSEA General Unit and Police Unit and two (2) representatives will work with the Insurance Broker to research and recommend a contract for insurance coverage)	Paul Burkett		04/2010
	Pam Beiersdorf		04/2010
			04/2010
			04/2010
Sick Bank Committee (Mayor (or his/her designee), one (1) member of the administrative staff and two (2) representatives from the CSEA)	Paul Burkett		04/2010
	Pam Beiersdorf		04/2010
			04/2010
Noble Environmental Negotiation Committee	Paul Burkett		04/2010
	Jay May		04/2010
	Larry Kilburn		04/2010
			04/2010
			04/2010
Official Depositories	Bank of Castile		
	M&T Bank		
	Community Bank		
	Five Star Bank		
	Chase		
Official Newspaper	Arcade Herald, Inc.		
Village Board Regular Meeting Schedule	1st and 3rd Tuesdays of each month @ 7:00pm		
Planning Board Regular Meeting Schedule	2nd Wednesday of each month @ 7:00pm		
Zoning Board of Appeals Regular Meeting Schedule	3rd Monday of each month @ 7:00pm		
		DATE APPOINTED	DATE TERM EXPIRES
Planning Board Member Appointments (5 year term)	Paul Bijhouwer, Chairman	05/18/2004	04/2010
	Tom Mason	12/04/2007	04/2013
	Daniel Meyers	05/03/2005	04/2011
Zoning Board of Appeals Appointments (5 year term)	Gordon Cramer	04/03/2007	04/2012
	Paul Sanders	04/21/2009	04/2014

Motion by Trustee Offers and seconded by Trustee Rule, the appointments listed above be approved as presented by Mayor Burkett.

The motion was passed upon the following vote:

VOTE								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jay May		Yes		No		Abstain	X	Absent
Trustee Joanne Offers	X	Yes		No		Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent
RESULTS	X	PASS					FAIL	

ESTABLISH NEXT ORGANIZATIONAL MEETING

Mayor Burkett scheduled the next organizational meeting for April 6, 2010.

REVIEW PROCUREMENT POLICY

General Municipal Law §104-b requires municipalities to adopt procurement policies for goods and services which are not required by law to be publicly bid. Accordingly, the procurement policy must be reviewed annually.

Motion by Trustee Offers and seconded by Mayor Burkett, the Board reviewed the Procurement Policy, Rev. 3, dated June 5, 2007 and determined that no changes were required at this time.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS	X	PASS					FAIL		

ADVANCE APPROVAL OF CLAIMS

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

RESOLUTION

WHEREAS, pursuant to Village Law §5-524(6), the Board has determined to authorize payment in advance of audit of claims for utility bills, postage, freight, payroll, sales tax, bond debt, authorized travel advance and fees for registration and attendance at pre-approved meetings, conferences, schools, seminars, and workshops, and any other payment deemed necessary with authority of the Clerk/Treasurer; and

WHEREAS, all such claims must be presented at the next regular meeting for audit; and

NOW THEREFORE BE IT RESOLVED, that this resolution is effective immediately.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS	X	PASS					FAIL		

MILEAGE REIMBURSEMENT

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

RESOLUTION

WHEREAS, pursuant to Village Law §5-524(7), the Board has determined to pay mileage as reimbursement to officers and employees of the Village who use their personal vehicles while performing their official duties on behalf of the Village.

WHEREAS, the Board approves reimbursement to such officers and employees at the approved IRS business mileage rate in effect at the time of such travel.

NOW THEREFORE BE IT RESOLVED, that this resolution is effective immediately.

The motion was passed upon the following vote:

VOTE								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jay May		Yes		No		Abstain	X	Absent
Trustee Joanne Offers	X	Yes		No		Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS								
	X	PASS				FAIL		

ATTENDANCE AT MEETINGS, CONFERENCES, SCHOOLS, SEMINARS, WORKSHOPS

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

RESOLUTION

WHEREAS, pursuant to General Municipal Law §77-b, the Board has determined that there is to be held during the coming official year meetings, conferences, schools, seminars, workshops; and

WHEREAS, the Board has determined that attendance by the Mayor, Deputy Mayor, Trustees, Superintendent of Public Works, Chief of Police, Police Sergeant, Justice, and Acting Justice, Clerk/Treasurer, and Deputy Clerk/Treasurer to such meetings, conferences, schools, seminars, workshops be necessary for the betterment of the VOA;

WHEREAS, the Board approves travel expenses for such meetings, conferences, schools, seminars, workshops as included in the respective Department budget, are within New York State, are not in excessive of \$200, are not in excessive of one day in duration, and are performed utilizing a cost effective and reasonable method of travel;

WHEREAS, the Board requires that upon return from the meeting, conferences, schools, seminars, workshop a written statement must be made to the Board within thirty (30) days of the meeting, conference, school, seminar, workshop that summarizes what was discussed and demonstrates what was gained by participating in the meeting, conference, school, seminar, workshop.

NOW THEREFORE BE IT RESOLVED, that this resolution shall take effect immediately.

The motion was passed upon the following vote:

VOTE								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jay May		Yes		No		Abstain	X	Absent
Trustee Joanne Offers	X	Yes		No		Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS								
	X	PASS				FAIL		

ADJOURN

There being no further business to come before the Board at the annual organizational meeting, the meeting duly adjourned at 7:24pm upon motion by Trustee Offers and seconded by Trustee Rule.

The regular meeting of the Village of Arcade Board of Trustees, Wyoming County, New York was held on Tuesday, April 21, 2009 at 7:24pm there were:

PRESENT

Mayor Paul Burkett, Trustee Hugh Ely, Trustee Joanne Offers, Trustee Ken Rule, Superintendent of Public Works Larry Kilburn, Clerk/Treasurer Pam Beiersdorf, Police Chief John Laird, and Deputy Clerk/Treasurer Jennifer Kraft

ABSENT

Trustee Jay May

ALSO PRESENT

Margaret Morgan, Anita Stewart, Rosemary Bucha, Jerry Bucha, Bonnie Daunce, John Biggie, Tom Beiersdorf, Leigh Redden, and Don Meyers

POSTPONE PUBLIC HEARING - PROPOSED LOCAL LAW C-2009

Motion by Mayor Burkett and seconded by Deputy Mayor Ely, the Board agreed to postpone the public hearing scheduled for this meeting regarding proposed local law C-2009, "Noise." It will be rescheduled at a later date.

PUBLIC HEARING - PROPOSED LOCAL LAW A-2009

Mayor Burkett opened the public hearing at 7:26pm to hear comments from citizens regarding the proposed local law A-2009, titled, "Solid Waste Management."

There being no comments or concerns, Trustee Offers made a motion, seconded by Deputy Mayor Ely, the Board close the public hearing regarding proposed local law A-2009 titled, "Solid Waste Management" at 7:28pm.

The motion was passed upon the following vote:

VOTE								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jay May		Yes		No		Abstain	X	Absent
Trustee Joanne Offers	X	Yes		No		Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS								
	X	PASS				FAIL		

ADOPT LOCAL LAW A-2009, "SOLID WASTE MANAGEMENT" (CHAPTER 54)

Motion by Mayor Burkett and seconded by Trustee Rule, the Village Board reviewed the changes to Chapter 54, Local Law A-2009 titled "Solid Waste Management," Clerk/Treasurer Beiersdorf duly advertised for the public hearing held on April 21, 2009, the Village Board considered such arguments as were presented for and/or against the adoption of Local Law A-2009 and hereby adopts Local Law A-2009. (See attached.)

The motion was passed upon the following vote:

VOTE								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jay May		Yes		No		Abstain	X	Absent
Trustee Joanne Offers	X	Yes		No		Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS								
	X	PASS				FAIL		

PUBLIC HEARING - PROPOSED LOCAL LAW B-2009

Mayor Burkett opened the public hearing at 7:29pm to hear comments from citizens regarding the proposed local law B-2009, titled, "Parking."

Deputy Mayor Ely advised the Police Department to monitor and enforce the 3-hour parking restrictions for the new parking spaces on the south side of Main Street from Park Street east to the railroad tracks to ensure parking is fair and equitable for everyone.

There being no further comments or concerns, Mayor Burkett made a motion, seconded by Trustee Offers, the Board close the public hearing regarding proposed local law B-2009, titled, "Parking" at 7:35pm.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS									
	X	PASS					FAIL		

ADOPT LOCAL LAW B-2009, "PARKING" (CHAPTER 34)

Motion by Mayor Burkett and seconded by Deputy Mayor Ely, the Village Board reviewed the changes to Chapter 34, Local Law B-2009, titled, "Parking," Clerk/Treasurer Beiersdorf duly advertised for the public hearing held on April 21, 2009, the Village Board considered such arguments as were presented for and/or against the adoption of Local Law B-2009 and hereby adopts Local Law B-2009. (See attached.)

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS									
	X	PASS					FAIL		

APPROVE MINUTES

Motion by Mayor Burkett and seconded by Trustee Rule, the minutes from the regular meeting held on April 7, 2009 be approved as presented by Clerk/Treasurer Beiersdorf.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS									
	X	PASS					FAIL		

EROSION CONCERNS - EAST MAIN STREET

Village residents, Jerry and Rosemary Bucha, who live at 107 East Main Street expressed their concerns about the stream bank erosion that has caused the loss of land and trees. The Bucha's shared photographs ranging from August 2007 to March 2009 as a general view of the progressing damage. They inquired what could be done or what agencies could help to prevent more erosion. Mayor Burkett empathized with the Bucha's but explained that neither Village officials nor employees can perform work on private property. The Board offered support and directed them to contact the Wyoming County Soil and Water Conservation, the NYS Department of Conservation, the Army Corp of Engineers, and NYS Senate and Assembly. The Mayor offered to write letters of support to NYS Senate and Assembly. In addition, Superintendent of Public Works Kilburn was instructed to seek grant opportunities and to contact Wyoming County Soil and Water Conservation within thirty (30) days.

ABANDONED PROPERTY

Jerry and Rosemary Bucha reported that the property at 111 East Main Street appeared to be unoccupied or abandoned. They shared photographs of the collapsing outbuilding. The Board directed the Bucha's to contact the Wyoming County Health Department and Fire and Building Department.

LICENSE PLATE READER

At the February 3, 2009 meeting, Sergeant Biscaro reported that the Arcade Police Department had been awarded a license plate reader under a grant. The reader is designed to take a digital image of license plates. The characters in the image are then translated into letters and numbers and compared to law enforcement databases of stolen, suspended, revoked registrations and AMBER alerts. If a license plate that was read matches an entry in a database, the license plate reader system will alert the officer who can in-turn make a traffic stop. Police Chief Laird reported that the equipment was recently installed and within four shifts, six arrests were made.

NYMPA ANNUAL MEETING

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

RESOLUTION

WHEREAS, the Village of Arcade, New York, is a municipal member of the New York Municipal Power Agency (NYMPA) of New York State, and

WHEREAS, in accordance with the bylaws of NYMPA, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that Superintendent of Public Works Larry A. Kilburn be and is hereby designated as the accredited delegate of the Village of Arcade, New York.

The motion was passed upon the following vote:

VOTE								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jay May		Yes		No		Abstain	X	Absent
Trustee Joanne Offers	X	Yes		No		Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS		X	PASS				FAIL	

SEASONAL EMPLOYEE AGREEMENT - EDMUND BECK

Motion by Trustee Offers and seconded by Deputy Mayor Ely, per recommendation of Superintendent of Public Works Kilburn, permission granted to sign a seasonal agreement as presented between Edmund Beck and the VOA commencing on or about May 1, 2009 and lasting approximately 13 weeks not too exceed the annual limit (for 2009 \$14,160) set by the Social Security Administration.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS									
	X	PASS					FAIL		

SEASONAL EMPLOYEE AGREEMENT - DONALD NORTON

Motion by Deputy Mayor Ely and seconded by Trustee Offers, per recommendation of Superintendent of Public Works Kilburn, permission granted to sign a seasonal agreement as presented between Donald Norton and the VOA commencing on or about April 27, 2009 and lasting approximately 26 weeks not too exceed the annual limit \$14,160.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS									
	X	PASS					FAIL		

PERMISSION TO PURCHASE TRAILER TO HAUL SKID-STEER

Motion by Trustee Rule and seconded by Mayor Burkett, Superintendent of Public Works Kilburn be authorized to purchase a trailer sized to haul the skid-steer from General Welding in Elma, NY, not to exceed \$7,420.00 per quote.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS									
	X	PASS					FAIL		

TENTATIVE EQUALIZATION RATE

Clerk/Treasurer Beiersdorf reported that the tentative 2009 State equalization rate as prepared by the New York State Board of Real Property Services have been received. The equalization rate is 77.99 down from last years rate of 85.67.

INDEPENDENT HEALTH RENEWAL AGREEMENT

Motion by Deputy Mayor Ely and seconded by Trustee Rule, Mayor of the VOA be hereby authorized to execute the iDirect 1 Series renewal agreement between Independent Health and the VOA effective June 1, 2009 through May 31, 2010, as presented.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	Absent	
Trustee Joanne Offers		Yes		No	X	Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	3	Yes	0	No	1	Abstain	1	Absent	
RESULTS	X	PASS					FAIL		

CREATE POSITION / SIGN JOB DUTIES STATEMENT

Motion by Mayor Burkett and seconded by Trustee Offers, the Board hereby agrees to create a full-time lineman position and authorizes the Mayor of the VOA to execute the full-time Lineman job duties statement with Wyoming County Civil Service as presented.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS	X	PASS					FAIL		

MUNICIPAL ADMINISTRATION OF A VOLUNTEER FIRE DEPARTMENT WORKSHOP

Clerk/Treasurer Beiersdorf asked the Board to consider hosting a Municipal Administration of a Volunteer Fire Department Workshop offered by NYCOM. This item will be placed on a future agenda for discussion.

FY 2008-2009 BUDGET AMENDMENT

Motion by Mayor Burkett and seconded by Trustee Offers, the FY 2008-2009 budget be amended as follows because unanticipated grant proceeds have been received for the Occupational Safety & Health Training and Education grant program.

INCREASE REVENUE		INCREASE EXPENDITURE	
001 4-3089-0130	\$108.00	001 5-5110-400-4050	\$108.00
005 4-3089-0102	\$108.00	005 5-8340-400-4050	\$108.00
006 4-3089-0103	\$108.00	006 5-8130-400-4050	\$108.00
007 4-3089-0101	\$756.00	007 5-0785-100-4050	\$756.00
08-09 Occpntl Safety Training Grant		1 st Aid Supplies & Safety Equipment	
TOTAL amount of \$1,080.00			

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS	X	PASS					FAIL		

AUDIT BILLS

Motion by Trustee Offers and seconded by Deputy Mayor 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 Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS	X	PASS					FAIL		

HEAVY RESCUE TRUCK DELIVERY/PAYMENT SCHEDULE

Fire department 1st Assistant Chief, Don Meyers, has secured a one-way flight to Newark, NJ to perform a final inspection of the heavy rescue truck. Upon his acceptance, Don will hand deliver the check for the remaining balance before driving the truck to Arcade.

Motion by Trustee Offers and seconded by Trustee Rule, Clerk/Treasurer Beiersdorf be hereby directed to process a check to Rescue One, dated May 1, 2009 to cover the balance of the 2009 heavy rescue truck. This motion supersedes the motion made on February 10, 2009.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS	X	PASS					FAIL		

LETTER OF SUPPORT FOR NYS MAIN STREET GRANT APPLICATION

Motion by Trustee Offers and seconded by Deputy Mayor Ely, the Mayor of the VOA be authorized to send a letter of support for the grant application being submitted by Wyoming County Community Action, Inc. (WCCA). The application to the New York State Housing Trust Fund Corporation’s New York Main Street Program 2009 is for the Arcade Downtown Revitalization Project: Phase I. The Village Board recognizes this is a valuable opportunity to support revitalization efforts in Arcade's Downtown Business District.

The motion was passed upon the following vote:

VOTE									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May		Yes		No		Abstain	X	Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS	X	PASS					FAIL		

FORD FUSION HYBRID

Mayor Burkett distributed a 2010 Ford Fusion Hybrid window sticker for the Board to consider. Mayor Burkett stated that it may be possible for this vehicle to be paid for by IEEP. This vehicle would replace the 2007 Ford F150 Club Cab Pickup (vehicle #74). This item will be placed on the May 5, 2009 agenda for further discussion.

EXECUTIVE BOARD ROOM CHAIRS

Mayor Burkett asked the Board to consider replacing the wooden chairs with new executive chairs to match the newly acquired chairs from the Justice grant for the Board, Superintendent of Public Works Kilburn, and Clerk/Treasurer Beiersdorf. Trustee Rule commented that the Board spending money in this manner may send the wrong message to taxpayers given the economic struggles at this time. This item was tabled until the May 5, 2009 regular meeting.

NORTHRIDGE HOMES PHASE II PROJECT

Deputy Mayor Ely asked for an update on the Northridge Homes Phase II project. During his past tenure on the Board, he recalled that the Project did not receive support of the Village Board to develop the second phase. Deputy Mayor Ely commented that he recently read in the paper that ground breaking for the Phase II Project was underway. Superintendent of Public Works Kilburn commented that the Project has been funded to meet the VOAs zoning and necessary permits have been obtained. The Phase II development is planned for 18 units. Mayor Burkett added that these units will remain as rental properties unlike the terms of the Phase I units that may be sold after fifteen years. No information was available about real property tax payments, payments in lieu of taxes, or host community fee agreements.

ARCADIA HEIGHTS

Deputy Mayor Ely asked for an update on the Arcadia Heights Project. Mayor Burkett reported that he is scheduling a meeting with David Trent, President of Arcadia Development Group LLC.

MAIN STREET CORRIDOR STUDY COMMITTEE

As an appointed member of the Main Street Corridor Study Committee, Deputy Mayor Ely asked for an update on the Project. Superintendent of Public Works Kilburn reported that his is scheduling a committee meeting for May 4, 2009.

TREE LAWN

Trustee Rule questioned the placement of trees in the tree lawn (area between the sidewalk and the curb) along Haskell Avenue. In his opinion, it appears to be a costly, senseless cycle - trees are purchased and planted by the VOA. The VOA is responsible for the on-going care and maintenance of the trees due to overhang or root growth causing interference with overhead and underground utilities. Superintendent of Public Works Kilburn will evaluate the suitability of planning outside the tree lawn on private front-yard areas.

2009 SUMMER RECREATION

Trustee Offers reported that the Town of Arcade (TOA) has agreed with the sign up dates and will be charging the same as the VOA (\$60 for 1 child and \$100 for 2 or more children). It has also been agreed upon that all moneys collected will be deposited with the VOA and the VOA will invoice the TOA the difference between the money collected and the \$210 per child charge.

PERMISSION TO HIRE 2009 RECREATION DIRECTOR

Motion by Mayor Burkett and seconded by Trustee Rule, per recommendation of the Arcade Recreation Commission, Rob Hirsch be hired as the 2009 Recreation Director at a salary of \$3,000.00.

The motion was passed upon the following vote:

VOTE								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jay May		Yes		No		Abstain	X	Absent
Trustee Joanne Offers	X	Yes		No		Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent
RESULTS	X	PASS					FAIL	

PROCUREMENT POLICY

Mayor Burkett expressed his concerns with the VOAs lack of purchasing controls. He would like to establish a procurement policy/purchase order system to obtain the best value for municipal monies, ensure budgetary authorization exists, ensure that the individual placing the order has justified the need for the purchase, ensure authorizing official's signature prior to making purchases, and receipt of goods are verified and legibly signed.

55 ALIVE DRIVER REFRESHER COURSE

Margaret Morgan advised the Board that the next 55 Alive Driver Refresher Course being held at the Village Park Cabin had been scheduled for Monday, April 27, 2009.

REPORTS RECEIVED

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

- Water (March 2009)
- WWTP (March 2009)
- Streets & Parks (March 2009)
- Salt/Sand Report (2008-2009)
- Electric (March 2009)
- Justice (March 2009)

ADJOURN

There being no further business to come before the Board the meeting duly adjourned at 9:28pm upon motion by Trustee Offers and seconded by Trustee Rule.

Clerk/Treasurer

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CHAPTER 54
SOLID WASTE MANAGEMENT

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

ARTICLE I - DEFINITIONS

Section 54-1. Definitions

ARTICLE II – SOLID WASTE COLLECTION

- Section 54-2.** Rules and regulations pertaining to materials preparation.
Section 54-3. Use of distinctively labeled bags or tags.
Section 54-4. Re-use of distinctively labeled bags or tags prohibited.
Section 54-5. Resumption concerning depositing of waste in non-distinctively labeled bags, tags or other means.
Section 54-6. Materials subject to mandatory recycling.
Section 54-7. Recycling exceptions.
Section 54-8. Alternate disposal methods allowed.
Section 54-9. Disturbance of refuse for collection.
Section 54-10. Building materials prohibited.
Section 54-11. Garbage and recyclables from outside the village prohibited.
Section 54-12. Permitting disposal of materials from outside the village prohibited.
Section 54-13. Placement of materials for collection.
Section 54-14. Yard wastes.
Section 54-15. Deposit of materials into trash receptacles located on village property restricted.
Section 54-16. Throwing or depositing litter in public places prohibited: Exceptions.
Section 54-17. Restrictions on use of vehicles.
Section 54-18. Fee schedule.
Section 54-19. Enforcement and penalties.
Section 54-20. Unconstitutionality or illegality clause.
Section 54-21. Effective date.

ARTICLE 1 – DEFINITIONS

SECTION 54-1. DEFINITIONS

Whenever used in this local law, or in the rules and regulations duly adopted by the Board of Trustees, unless otherwise expressly stated or unless the context or subject matter requires a different meaning, the following words shall have the respective meanings hereinafter set forth:

- A. Ashes shall mean all substances or material which remain after combustion.
- B. Bag shall mean a plastic garbage bag no larger than thirty-three (33) gallons produced for the purpose of containing garbage. The bag shall weigh no more than fifty pounds (50 lbs.) when placed at the curb for collection
- C. Distinctively Labeled Bag shall mean a bag embossed with such design as may be determined by the Board of Trustees. Such design shall contain a distinctive imprint or label to be used for the collection and disposal of non-recyclable garbage and trash in the Village of Arcade.
- D. Garbage shall mean all organic waste material, both animal and vegetable.

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- E. Hazardous Waste means a waste or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may:
1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or,
 2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
 3. All those chemicals, waste, oils, and/or all those articles or materials listed under Section 27-0903 of the Environmental Conservation Law as drawn up by the Commissioner.
- F. Landfill means a disposal facility or part of a facility meeting all NYS Department of Environmental Conservation (DEC) and US Environmental Protection Agency (EPA) standards, where solid waste is placed in or on land, and which is not a land treatment facility, a surface impoundment or an injection well.
- G. Litter means garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- H. Paper shall mean waste paper.
- I. Park means a park, reservation, playground, beach, recreation center or any other public area in the Village, owned or used by the Village and devoted to active or passive recreation.
- J. Person shall mean an individual, trust, firm, joint stock company, corporation, partnership, association or any interstate body.
- K. Refuse shall mean all other waste material not otherwise specifically defined.
- L. Recyclables means those items or materials appearing on the official list of mandatory recyclable materials as adopted by the Board of Trustees:
- M. Storage shall mean the containment of waste, garbage or refuse for a period of over sixty (60) days, in such a manner as not to constitute disposal of such waste.
- N. Tag shall mean a tag of such design as may be determined by the Board of Trustees. Such design shall contain a distinctive imprint or label to be used for the collection and disposal of non-recyclable garbage and trash in the Village of Arcade.
- O. Trash shall mean all discarded material not suitable for further use.
- P. Vehicle shall mean a motor vehicle designed or adapted for use in the removal of garbage and trash.
- Q. Village shall mean the Village of Arcade acting through its authorized agents.
- R. Waste means any garbage, refuse, trash, sludge and all other waste material not otherwise specifically defined.
- S. White Goods shall mean washing machines, clothes dryers, refrigerators, freezers and all other similar types of materials that are of recyclable value.
- T. Yard Waste shall mean grass clippings, leaves and cuttings from shrubs and hedges.

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ARTICLE II – SOLID WASTE COLLECTION

SECTION 54-2. RULES AND REGULATIONS PERTAINING TO MATERIALS PREPARATION

The Board of Trustees is hereby empowered to adopt, by resolution, rules and regulations pertaining to solid waste management. Such rules and regulations to include those as may be necessary to effectively and efficiently ensure sound management of this local law. The provisions of this local law shall incorporate by reference such rules and regulations as are in effect, and reference such rules and regulations as are in effect, and in compliance with the provisions of this local law shall require compliance with such rules and regulations. Said rules and regulations may be changed from time to time by resolution of the Board. Failure to comply with said rules and regulations, except where otherwise excepted in this local law, shall constitute a violation of this local law.

SECTION 54-3. USE OF DISTINCTIVELY LABELED BAGS OR TAGS

It shall be the responsibility of all persons residing within the Village to separate all non-recyclable garbage and trash from recyclables, and to place such non-recyclables in bag or container with a distinctively labeled bag or tag sold by the Village of Arcade or its authorized agent. No person shall use any bag or tag other than those issued by the Village for disposal under the Village-operated solid waste program. No person shall duplicate or imitate any distinctively labeled bag or tag issued by the Village of Arcade. No person shall give, sell or issue in any manner a duplicate or imitated distinctively labeled bag or tag. Any prohibited action of this section shall constitute a violation of this local law.

SECTION 54-4. RE-USE OF DISTINCTIVELY LABELED BAGS OR TAGS PROHIBITED

It shall be a violation to re-use, or permit to be re-used, a distinctively labeled bag or tag that has previously been placed at the curb, or street side, for collection.

SECTION 54-5. PRESUMPTION CONCERNING DEPOSITING OF WASTE IN NON-DISTINCTIVELY LABELED BAGS, TAGS OR OTHER MEANS

In the case where waste is deposited in bags or containers that are not distinctively labeled with a tag, it shall be presumed that such waste is the responsibility of the person, or persons, that may be identifiable by inspection of the contents of the container or bag. In the event that identification cannot be determined by said inspection, it will be presumed that the waste is the responsibility of the occupant of single family dwellings, or the owner of all other buildings or real property where such placement has been made. If placement is made on a public or private right-of-way, the closest private real property will be deemed to be the location of the violation.

SECTION 54-6. MATERIALS SUBJECT TO MANDATORY RECYCLING

For the purpose of being able to react promptly to recycling requirements of the State of New York, the Board of Trustees is hereby empowered to adopt, by resolution, an official list of mandatory recyclable materials. Said list may be changed from time to time by resolution of the Board. Failure to recycle materials on this official list, except where otherwise excepted by this local law, shall be a violation of this local law. The list of mandatory recyclables is attached to this local law as Appendix A.

SECTION 54-7. RECYCLING EXCEPTIONS

There are no exceptions for compliance with this local law.

SECTION 54-8. ALTERNATE DISPOSAL METHODS ALLOWED

Nothing in this local law shall be deemed to prohibit any person from contracting with a private hauler for removal of waste and recyclables. All collected materials shall be recycled properly.

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SECTION 54-9. DISTURBANCE OF REFUSE FOR COLLECTION

No person shall take, remove, molest or otherwise disturb any refuse, garbage, rubbish, solid disposable materials or outdoor vegetation which has been placed for and is waiting for removal except the owner thereof, without permission from the Department of Public Works of the Village.

SECTION 54-10. BUILDING MATERIALS PROHIBITED

Building materials of any kind will not be collected nor allowed to accumulate on any property and must be disposed of by the property owner.

SECTION 54-11. GARBAGE AND RECYCLABLES FROM OUTSIDE THE VILLAGE PROHIBITED

It shall be a violation for non-residents of the Village of Arcade to purchase or otherwise use the distinctively labeled bags or tags for the purpose of depositing garbage and trash in the Village or to permit any person to bring in, place or deposit any refuse or recyclables originating from outside the Village on any real property owned or leased by him or her or under his or her control for the purpose of disposal under the Village operated solid waste disposal and recycling program.

SECTION 54.12. PERMITTING DISPOSAL OF MATERIALS FROM OUTSIDE THE VILLAGE PROHIBITED

It shall be a violation for any resident of the Village, owner, lessee or person in control of real property within the Village to permit any person to bring in, place or deposit any refuse or recyclables originating from outside the Village on any real property owned or leased by him or her or under his or her control for the purpose of disposal under the Village operated waste disposal and recycling program.

SECTION 54-13. PLACEMENT OF MATERIALS FOR COLLECTION

Bagged garbage or recyclable containers shall be placed on the street line, curb, or edge of pavement within forty-eight (48) hours of the collection day, and no emptied containers shall be left at the street line after 6:00pm of the day of collection. Bulky waste shall be placed at the street line, curb, or edge of pavement within one (1) week of the scheduled day of bulky waste materials for collection (see also Chapter 32 Section 32-3. All containers and materials for collection shall be placed within six (6) feet of the street line or edge of pavement.

SECTION 54-14. YARD WASTES

The Village of Arcade Streets and Parks Department will pick up any yard wastes including leaves, grass clippings, and bundled twigs and limbs every Monday during the spring, summer and fall. These items will not be part of the regular garbage and trash pickup.

Limitations:

- Construction debris must be disposed of by the property owner,
- Limbs and twigs must be cut into four foot (4') lengths and bundled so as to weigh less than forty pounds (40 lbs.),
- Yard waste must be placed in containers weighing less than forty pounds (40 lbs.).

SECTION 54-15. DEPOSIT OF MATERIALS INTO TRASH RECEPTACLES LOCATED ON VILLAGE PROPERTY RESTRICTED

It shall be a violation to place any materials into a trash receptacle located on Village property unless such waste was generated at that location. Permitted waste would include picnic waste.

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SECTION 54-16. THROWING OR DEPOSITING LITTER IN PUBLIC PLACES PROHIBITED: EXCEPTIONS

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Village, except in public receptacles, in authorized private receptacles for collection or in official Village dumps.

SECTION 54-17. RESTRICTIONS ON USE OF VEHICLES

The collection, removal and carrying of garbage, refuse, trash, paper, hazardous waste and/or materials and ashes on any highway, street, alley, or land of the Village must be done in covered, watertight vehicles which shall be in accordance with the rules and regulations of the Board of Health. No garbage, papers, trash, refuse, hazardous waste and/or materials or ashes shall be spilled or scattered along the streets or public places and the vehicles used for the collection and transportation of such material shall not be allowed to stand or tarry along the public streets for a longer time than shall be reasonably necessary for the loading of the same.

SECTION 54-18. FEE SCHEDULE

The Board of Trustees shall establish by resolution the user collection fee which shall be applicable to all users of the Village solid waste management program. Fees may be imposed for both recyclable as well as non-recyclable materials but shall not be in excess of what is needed to operate the waste management program. Said fees may be changed from time to time by resolution of the Board of Trustees and are in accordance with the fee schedule on file with the Village Clerk.

SECTION 54-19. ENFORCEMENT AND PENALTIES

- A. The provisions of this local law shall be enforceable by any peace officer or any police officer, or any agent duly authorized.
- B. A person convicted by violating any provision of this local law shall be guilty of a violation which is punishable as described below:
 - 1. For a first conviction, by a fine of \$50.00, or imprisonment for 15 days, or both.
 - 2. For a second conviction within one year, by a fine of \$100.00, or imprisonment for 15 days, or both.
 - 3. For a third conviction within one year, by a fine of \$200.00, or imprisonment for 15 days, or both.
 - 4. For a fourth and all subsequent convictions within one year, by a fine not less than \$500.00 nor more than \$1,000.00, or imprisonment for 15 days, or both.

SECTION 54-20. UNCONSTITUTIONALITY OR ILLEGALITY CLAUSE

If any clause, sentence, paragraph, word, section or part of this local law shall be adjusted by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

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SECTION 54-21. EFFECTIVE DATE

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

Original Law:
Local Law No. 2-1991
Adopted: March 18, 1991
Filed: April 8, 1991

Amended:
Local Law No. 3-1993
Adopted: January 7, 1992
Filed: January 15, 1992

Amended:
Local Law No. 7-2000
Adopted: September 5, 2000
Filed: September 9, 2000

Amended:
Local Law No. 2-2001
Adopted: January 16, 2001
Filed: January 24, 2001

Amended:
Local Law No. 1-2009
Revision: 4
Adopted: April 21, 2009
Filed:

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**APPENDIX A
MANDATORY RECYCLABLE MATERIALS**

PAPER

- Newspaper
- Magazines
- Catalogs
- Telephone books
- Corrugated cardboard
- Brown bags

GLASS – remove caps and rinse

- Clear
- Green
- Brown

PLASTIC – remove caps and rinse

- PETE #1
- HDPE #2

TIN – remove labels and rinse

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CHAPTER 34

PARKING

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

PART 1 - Parking, Standing and Stopping.

- Section 34-1.** Application of Chapter.
- Section 34-2.** Parallel Parking.
- Section 34-3.** All night parking.
- Section 34-4.** Parking prohibited in designated locations.
- Section 34-5.** Limited parking.
- Section 34-6.** Abandoned vehicle removal.
- Section 34-7.** Towing of vehicle violating parking regulations.
- Section 34-8.** Tagging and summons.
- Section 34-9.** Traffic recording fee and tag.

PART 2 - Off Street and Prohibited Parking.

- Section 34-10.** Off Street Parking.
- Section 34-11.** Prohibited Parking on Premises or Property Other than Street.
- Section 34-12.** Enforcement.

PART 3 - Penalty and Effective Date.

- Section 34-13.** Penalties.
- Section 34-14.** Time to Take Effect.

PART 1 - PARKING, STANDING AND STOPPING

SECTION 34-1 APPLICATION OF CHAPTER

Provisions of this Chapter shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official control device.

SECTION 34-2. PARALLEL PARKING

Except where angle parking is authorized every vehicle stopped, standing, or parked upon a highway shall be so stopped, standing, or parked parallel with the edge of the roadway headed in the direction of lawful traffic and within twelve inches (12") of the right hand curb or edge of the roadway.

SECTION 34-3. ALL NIGHT PARKING

The parking of vehicles is hereby prohibited on all highways within the Village, and in the Village parking lot except where otherwise designated between the hours of 2:00am and 6:00am.

SECTION 34-4. PARKING PROHIBITED IN DESIGNATED LOCATIONS

The parking of vehicles is hereby prohibited in any of the following locations.

1. On both sides of Liberty Street from Main Street to the corporation line.
2. On the north side of West Main Street between its intersection with Church Street westerly to the corporation line and on the south side of West Main Street between its intersection with Park Street westerly to the corporation line.

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3. On the north side of East Main Street between its intersection with Water Street easterly to the corporation line and on the south side of East Main Street from the East line of Liberty Street easterly to the corporation line, except where parking is permitted as indicated by appropriate signs or markers.
4. On both sides of Sanford Avenue except that parallel parking shall be permitted on the east side on Sundays as indicated by appropriate signs and markers.
5. On both sides of Water Street from Main Street to Water Street's intersection with North Street.
6. On the east side of Church Street from Main Street to the Cattaraugus Creek bridge except where parking is permitted as indicated by appropriate signs or markers.
7. On both sides of Church Street from the southerly end or approach of the Cattaraugus Creek bridge northerly to North Street,
8. On the east side of Pearl Street for entire length.
9. On the west side of Allen Street for entire length.
10. On both sides of Parkview Court for entire length.
11. On the west side of West Street for entire length.
12. On the entire length of the south side of Mill Street, and on the north side of Mill Street, from its intersection with Liberty Street to the right of way of the Arcade and Attica (A&A) Railroad, and on the north side of Mill Street from its intersection with Park Street, easterly two hundred feet (200').
13. On the west side of Park Street except where parking is permitted as indicated by appropriate signs or markers and on the east side of Park Street for the entire length.
14. On the south side of North Street from Church Street westerly to West Street, on the north side of North Street from Church Street easterly to Water Street, on both sides of North Street from West Street to Cramer Drive and on both sides of North Street from Cramer Drive westerly to the corporation line.
15. On both sides of Cramer Drive for its entire length.
16. On the west side of Prospect Street for the entire length and on the east side of Prospect Street from the intersection of Main Street southward a distance of two hundred seventy five feet (275').
17. No parking or standing on the south side of Main Street from the east line of Liberty Street to the east side of Clear Creek.
18. No parking or standing on the south side of Main Street from Park Street east to the railroad tracks except as stipulated in Section 34-5 1.d
19. On both sides of Douglass Drive for the entire length.
20. In any area designated as being reserved for the handicapped, only vehicles displaying a handicapped parking permit or registration and actually engaged in the transportation of a handicapped person shall be parked in said designated area. Parking permit or registration shall be available upon application to the Village Clerk. The areas are hereby designated as follows:
 - 20.a. Village parking lot, Main Street, north side, the first row or parking spaces on the south side of the lot, with one space for the handicapped at the east end of the row and two spaces at the west end of the row.
 - 20.b. Village parking lot adjacent to the Village Office, one space on the west end of the parking lot.

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- 20.c. Village parking lot, north of the Village Office on Church Street. Two spaces marked on the west end of the parking spaces.
- 20.d. Several spaces in the Arcade Village Park in the driveway, near the rear entrance of the Park Cabin.
- 20.e. Two parking spaces on the west side of Church Street just south of the southern most school entrance.
- 21. On the south side of Main Street from the A&A tracks to Park Street, except where indicated by appropriate signs and markers.

SECTION 34-5. LIMITED PARKING

- 1. The parking of motor vehicles is hereby limited to a maximum of three hours from 6:00am to 6:00pm except for Sundays at the following locations:
 - 1.a. On the north side of Main Street from a distance of sixty three feet (63') east of Sanford Avenue westerly to the intersection of Main Street and Church Street.
 - 1.b. On the south side of Main Street from the east side of Clear Creek easterly to the beginning of the no parking zone.
 - 1.c. On the south side of Main Street east of the A&A Railroad property to the intersection of Main Street and Liberty Street.
 - 1.d. On the south side of Main Street from the bump out curbing on the west side of the A&A Railroad tracks forty feet (40') west.
- 2. The parking of motor vehicles is hereby prohibited in the following locations during school hours:
 - 2.a. On the west side of Church Street from the south driveway of the school to Cattaraugus Creek.
- 3. The parking of motor vehicles is hereby limited to a maximum of two (2) hours from 6:00am to 6:00pm except for weekends at the following location:
 - 3.a. On the west side of Church Street from Main Street to the south driveway of the school.
- 4. Nothing in this section shall be construed so as to permit the parking of motor vehicles otherwise prohibited or restricted by the Chapter.

SECTION 34-6. ABANDONED VEHICLE REMOVAL

- 1. When any vehicle is parked or abandoned on any highway within this Village during a snowstorm, flood, fire, or other public emergency which affects that portion of the public highway upon which said vehicle is parked or abandoned, said vehicle may be removed by the Police Department.
- 2. When any vehicle is found unattended on any highway within this Village where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by the Police Department.
- 3. When any vehicle is parked or abandoned on any highway, municipal parking lot, or other public place or within this Village where stopping, standing, or parking is prohibited, said vehicle may be removed by the Police Department.

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SECTION 34-7. TOWING OF VEHICLE VIOLATING PARKING REGULATIONS

Whenever any vehicle shall be found parked or standing in violation of any of the provisions of this Chapter, such vehicle may be removed and conveyed by or under the directions of a member of the department of police by means of towing.

SECTION 34-8. TAGGING AND SUMMONS

Provided, however, in lieu of towing such vehicle to the said pound, a police officer may secure and serve upon the owner, operator, chauffeur or driver of said vehicle a summons in accordance with the uniform Justice Court Act; or in the event the owner, operator, chauffeur or driver of said vehicle cannot be promptly located, a tag may be affixed to said vehicle by a police officer as hereinafter provided.

SECTION 34-9. TRAFFIC RECORDING FEE AND TAG

Whenever any vehicle shall be found parked or standing in violation of any provisions of this Chapter and its owner, operator, chauffeur or driver cannot be promptly located, the said police officer in lieu of causing the said vehicle to be removed to the vehicle pound, may affix a yellow tag containing a notice of the particular violation, directed to the said owner, operator, chauffeur or driver, and requiring such person within twenty four (24) hours to take said tag to the Arcade Justice Court and there give the name and address of the owner, the time it was left parked or standing as stated in said notice and pay the sum of \$25.00 in payment of said traffic recording fee or it may be mailed to the Arcade Justice Court, 17 Church Street, Arcade, New York 14009. If such person does not appear, send or mail payment within twenty four (24) hours a summons shall be issued for his/her appearance in the Village court as above provided.

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Each of said tags and the stubs thereof shall contain at least the following wording:

SAMPLE TAG

TAG N^o 4365

ARCADE POLICE DEPARTMENT

Motor Vehicle (Make) _____

STATE	LIC. NO.	
Viol. of SEC.	Sub. Div.	Ordinances
Occur- red At	DATE	
OFFICER NAME	HOOR	

ARCADE POLICE DEPARTMENT

TAG N^o 4365

Motor Vehicle (Make) _____

STATE	LIC. NO.	
Viol. of SEC.	Sub. Div.	Ordinances
Occur- red At	DATE	
OFFICER NAME	HOOR	

To the Owner, Operator or Chauffeur of the Vehicle Bearing Above State License Number

This vehicle has been left parked or standing in violation of the traffic ordinances of the Village of Arcade as above indicated. You are required within twenty-four hours of the date herein to take or mail this tag to

THE ARCADE JUSTICE COURT
 AT 17 CHURCH STREET
 DURING REGULAR OFFICE HOURS
 and pay a traffic recording fee of **TWENTY-FIVE DOLLARS**

after giving the name and address of the owner, operator, chauffeur or driver who had charge of the said vehicle at the time it was left parked or standing aforesaid. Upon your failure to so appear a warrant will be obtained for your arrest.

ARCADE POLICE DEPARTMENT

(See Other Side)

ARCADE POLICE DEPARTMENT

- Blocking driveway or sidewalk
- Improperly parked
- Over twelve inches from curb
- Wrong side of street
- Within fifteen feet of fire hydrant
- Restricted zone
- Parked between 2 a.m. and 6 a.m.
- In taxi stand
- Standing within intersection
- Loading zone
- Between building or sidewalk and curb line
- No parking at any time
- Police or fire emergency signs
- Other violation:

.....

NAME:

ADDRESS:

.....

RECEIPT NO.:

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PART 2 - OFF STREET AND PROHIBITED PARKING

SECTION 34-10. OFF STREET PARKING

Parking on premises or property other than street.

- 1. No person shall park, stand, store, or leave a motor vehicle upon any publicly or privately owned premises or property, parking areas or parking lots without the consent and permission of the owner or lessee of such premises.
- 2. To effectuate the prohibition of parking on such premises as above described, a conspicuous sign or signs shall be posted at the entrances to such parking lots or parking areas informing the public as to the permitted conditions of parking thereon. A sign as hereinafter described shall be deemed substantial compliance with this section:

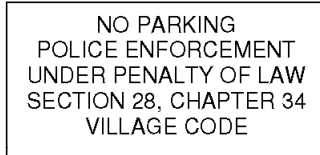
PARKING RESTRICTED
(6 inches)
EXCEPT FOR
(List persons or conditions permitted)
ONLY
(4 inches)
ALL OTHERS KEEP OUT
(6 inches)
UNDER PENALTY OF LAW
SECTION 27 CHAPTER 34
VILLAGE CODE
(2 inches)
POLICE ENFORCEMENT
(2 inches)

- 3. Such sign or signs shall be at least three feet high by four feet wide (3' x 4'), with red lettering of a size not less than above, indicated upon a white background. The words "police enforcement" and "under penalty of law" on such signs shall be construed, among other things, to mean a request by the owner or lessee that the police or special patrolmen shall enforce the provisions of this section against persons parking, standing, storing, or leaving vehicles on such premises without the consent of the owner or lessee, and that the police are authorized to enter upon such premises to enforce the provisions of this chapter. Such sign or signs shall state the conditions of parking or the persons authorized by the owner or lessee to use said premises for parking or both, and persons not included within such authorization or violating the regulations and conditions set out on said signs shall be deemed to be using said premises unlawfully without the authority and consent of the owner or lessee.
- 4. If such premises adjoin or abut upon a building or structure whose entrances or exits open upon such parking area, no vehicle shall be left parked standing or placed in such manner as to obstruct such entrance or exits, and a clear unobstructed passage shall be maintained and left open from such entrances or exits to the street or public right of way; such passageway shall be equal in width to the width of said entrances or exits in each instance, but in no case shall be less than five feet (5') wide, and shall permit persons to enter and leave such building or structure at the place of such entrances or exits shall inform users of such parking area as to such restrictions, and failure to obey the regulations herein contained shall be deemed a violation of this section.

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SECTION 34-11. PROHIBITED PARKING ON PREMISES OR PROPERTY OTHER THAN STREET.

- 1. Where an owner of premises desires to prohibit completely parking thereon, he/she may notify the public to that effect by a conspicuous sign or signs placed on said premises stating in substance:



Such sign shall be not less than two feet in height by three feet in width (2' x 3') , with red lettering not less than four inches (4") high upon a white background.

- 2. Where an owner of premises has a designated area for handicap only parking in compliance with 1203-c of the New York State Vehicle and Traffic Law, no person, owner, or chauffeur shall cause any vehicle to be parked in said marked and designated parking space unless said person, owner or chauffeur is the holder of a handicapped parking permit which shall be displayed in the interior, front portion of said motor vehicle.

2.a. A conviction for a violation of this section shall be punishable by a fine of not more than \$100.00.

Any person who parks or leaves a vehicle on such posted premises shall be deemed to be in violation of this section.

SECTION 34-12. ENFORCEMENT

- 1. This part may be enforced by the police or special patrolment in the same manner as elsewhere provided for in this chapter for the enforcement of traffic or parking ordinances, including the use of tags, summonses, towing and any other procedure authorized by law.
- 2. Proof of ownership of a vehicle shall be presumptive evidence in an action for enforcement that the owner parked or caused his/her vehicle to be parked on such premises.
- 3. On demand of the police, any owner or lessee requesting police enforcement shall furnish to the police a statement in writing, signed by him or his/her agent, to the effect that a specified vehicle was unlawfully parked, stored or left upon his/her premises at a certain time or during a certain period without his/her consent or permission, and such owner or lessee shall be available to testify to such facts in court at the request of the police. Failure of an owner or lessee to comply with the request of the police as above set out shall be sufficient cause for the Chief of Police or his/her subordinates to cease the enforcement of this part at the premises of such owner or lessee who fails to give the cooperation required herein.

PART 3 - PENALTY AND EFFECTIVE DATE SECTION

SECTION 34-13. PENALTIES

Every person convicted of a traffic infraction for a violation of any of the provisions of this Chapter, other than wherever a specific penalty is provided, and which conviction is not a violation of any provision of the Vehicle and Traffic Law of the State of New York, shall for the first conviction thereof, be punishable by a fine of not more than \$25.00; for a second such conviction within eighteen (18) months thereafter, such person shall be punishable by a fine of not more than \$50.000; upon a third conviction within eighteen (18) months after the first conviction, a fine of not more than \$100.00.

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SECTION 34.14 EFFECTIVE DATE

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

Local Law No. 2-1968

Continuation

Adopted: February 22, 1969

Posted February 27, 1969

Published: February 28, 1969

Effective: March 10, 1969

Amend:

Local Law No. 2-1998

Adopted: April 21, 1998

Filed: April 24, 1998

Amend:

Local Law No. 1-1999

Adopted: January 5, 1999

Filed: January 11, 1999

Amend:

Local Law No. 8-2003

Adopted: December 16, 2003

Filed: December 22, 2003

Amend:

Local Law No. 2-2009

Revision: 10

Adopted: April 21, 2009

Filed:

Amended

Local Law No. ___-1973

Adopted: June 25, 1973

Filed:

Amended

Local Law No. ___-1974

Adopted: July 14, 1974

Filed:

Amended -

Local Law No. 2-1982

Adopted: November 16, 1982

Filed: November 29, 1982

Amended

Local Law No. 1-1985

Adopted:

Filed:

Amended

Local Law No. 3 1988

Adopted: November 1, 1988

Filed: November 10, 1988

Amended

Local Law No. 4 1994

Adopted: November 1, 1994

Filed: November 9, 1994

VENDOR	AMOUNT	VENDOR	AMOUNT
ABBOTT WELDING SUPPLY CO	\$ 353.52	MARTIN BROTHERS CHEVROLET	\$ 19.60
ACTIVE IT DESIGN, LLC	\$ 63.75	MONROE SYS FOR BUSINESS	\$ 140.12
ALBERT J. MOGAVERO, CHAPTER 13	\$ 422.00	MOORE MEDICAL, LLC	\$ 458.93
ALLEN, JEANETTE	\$ 100.00	NATIONAL FUEL GAS DISTRIB	\$ 1,108.46
ARCADE LUMBER & MILLWORK	\$ 536.99	NORTH EAST SCIENTIFIC	\$ 169.94
ARCADE POSTMASTER	\$ 1,484.22	NORTHERN SAFETY CO. INC.	\$ 229.31
ARCADE POSTMASTER	\$ 260.40	NY POWER AUTHORITY	\$ 137,586.97
BANK OF NEW YORK	\$ 1,623.63	NY RURAL WATER ASSOC	\$ 294.00
BEACON EQUIPMENT LEASING	\$ 3,250.00	NYMPA	\$ 278,069.00
BENCHMARK ANALYTICS, INC	\$ 609.88	NYS CHILD SPRT PROCESSING	\$ 264.00
BOUND TREE MEDICAL, LLC	\$ 194.10	NYS INCOME TAX	\$ 3,378.33
C & G ELECTRICAL SUPPLY	\$ 1,243.50	NYS SALES TAX	\$ 22,899.38
CATERED CREATIONS INC	\$ 5,000.00	O & C SURVEY EQUIP CORP	\$ 200.00
CATTARAUGUS CO LABORATORY	\$ 120.00	OFFICE OF STATE COMPTROLLER	\$ 4,069.50
CDI	\$ 494.75	OSEA	\$ 1,200.00
CHURCHVILLE FIRE EQUIP	\$ 1,007.43	PIONEER FORD/MERCURY INC.	\$ 50.13
CINTAS CORPORATION #782	\$ 225.50	POOLEY, INC	\$ 371.69
CRABB OIL & PROPANE INC.	\$ 4,926.10	R.C. FIRE EQUIPMENT INC.	\$ 345.60
CSEA	\$ 755.26	RADIO SHACK	\$ 79.97
CSEA POLICE UNIT	\$ 147.78	RICHARD-CIN SIGNS	\$ 243.90
CURR A/C ELECTRIC	\$ 7,943.09	SAIA COMMUNICATIONS INC	\$ 2,608.01
CURR A/C SEWER	\$ 95.96	SANDERS, PAUL	\$ 100.00
CURR A/C WATER	\$ 778.61	SELPHS FIRE SERVICE	\$ 30.00
DAN HEINEMAN & SONS INC	\$ 130.00	SLAZYK, ELEANOR	\$ 125.00
DFT COMMUNICATIONS	\$ 551.45	SOUTER & SONS PRINTING	\$ 150.00
DOLORES M DAWLEY	\$ 540.00	SPENCER'S SPORTING GOODS	\$ 38.00
E.R. RULE & SONS INC.	\$ 129.42	STRYKERSVILLE HARDWARE	\$ 1,404.05
EASTERN STATES SENTINEL	\$ 98.50	TECHNICAL ASSISTANCE AND	\$ 1,519.25
EATON OFFICE SUPPLY	\$ 281.15	TIME WARNER CABLE	\$ 122.95
FASTENAL COMPANY	\$ 95.17	TOMPKINS INSURANCE AGENCY	\$ 165.00
FIRST REHABILITATION LIFE	\$ 553.90	TRACTOR SUPPLY COMPANY	\$ 5.85
FISHER SCIENTIFIC COMPANY	\$ 1,062.49	TYLER TECHNOLOGIES	\$ 929.00
FIVE STAR EQUIPMENT INC	\$ 385.00	UNIVAR USA INC.	\$ 1,629.02
GERNATT ASPHALT PROD INC	\$ 767.60	VERIZON WIRELESS	\$ 97.84
GERWITZ & MCNEIL ELECTRIC	\$ 423.50	VILLAGE OF ARCADE	\$ 90.16
HERITAGE-CRYSTAL CLEAN, LLC	\$ 172.50	WARD & KUTZUBA	\$ 323.75
HSBC BANK USA	\$ 37.90	WESCO DIST. INC.	\$ 580.90
IEEP:IND ENERGY EFF PROG	\$ 18,098.39	WEST PAYMENT CENTER	\$ 76.46
INDEPENDENT HEALTH	\$ 180.00	WYOMING COUNTY CLERK	\$ 50.00
IRS - FEDERAL PAYROLL TAX PAYME	\$ 17,692.09	ZEE MEDICAL SERVICE CO.	\$ 30.00
JM CLEANING SERVICE	\$ 1,270.00	ZIMMER AUTO PARTS & SALES	\$ 228.70
JOHN SIXT & SON, INC.	\$ 115.10		
KING, DONALD	\$ 195.57		
KOESTER ASSOC INC	\$ 1,803.00	TOTAL COLUMN 2	\$ 461,482.77
LAKESIDE SOD SUPPLY CO	\$ 885.00		
LEXIS NEXIS #1008106	\$ 30.00	OVERALL TOTAL	\$ 539,323.21
LIFTECH EQUIPMENT COMPANIES	\$ 624.52		
LINEMENS SUPPLY INC	\$ 261.95		
LINEMENS SUPPLY INC	\$ (261.95)		
LINEMENS SUPPLY INC	\$ 81.72		
TOTAL COLUMN 1	\$ 77,840.44		