

The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, October 6, 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

Katie Domes, Bill Domes, Sandy Piridy, Carole Jones, Kathryn Landahl, Sandie Dutton, Sheri Bell-Beyer, Jeff Mason, Barb Williams, Kayla Collins, Gary Antonio, and Toni Wolfe

PLEDGE OF ALLEGIANCE

Mayor Burkett opened the meeting with the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Burkett asked for a moment of silence as a gesture of respect to honor and remember Acting Village Justice Albert Jack Tuttle who passed away October 4, 2009. In November 2006, Jack was appointed to fill the unexpired term left by the death of Justice John Rix and has been reappointed for one-year terms each year to the present date.

PERMISSION TO CLOSE VILLAGE OFFICE

Motion by Trustee Offers and seconded by Trustee Ely, permission be granted to close the Village Office on Friday, October 9, 2009 for a period of time to allow employees to attend the funeral services of Acting Village Justice Jack Tuttle, starting at 10:45am to approximately 1:00pm. Signs notifying customers of such closure shall be placed on the Village Office door.

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		

OPEN BID(S) - WATER DEPARTMENT ONE-TON DUMP TRUCK

This meeting having been duly advertised to receive bids for a one-ton dump truck for the Water Department, the above persons were in attendance. The following bids were received:

Name and Address	Vehicle	Amount
Pioneer Ford Arcade, NY		\$32,930.00
Vision Ford Rochester, NY		\$31,613.00
Joe Basil Chevrolet Depew, NY		\$36,947.00
West Herr Ford Hamburg, NY		\$33,165.00
Emerling Chevrolet Boston, NY		\$37,335.00
Spurr Courtesy Brockport, NY		\$36,452.00
Conroy Motors Java Center, NY		\$34,302.00

Name and Address	Vehicle	Amount
Martin Brothers Chevrolet Arcade, NY	Dr. Blue Chassis	\$37,655.00
Martin Brothers Chevrolet Arcade, NY	White Chassis	\$38,960.00

Motion by Trustee Offers and seconded by Mayor Burkett, the bid(s) for a one-ton dump truck for the Water Department be turned over to Superintendent of Public Works Kilburn for review, evaluation, and recommendation to the Board.

The motion was passed upon the following vote:

VOTE								
Mayor 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 ATTEND NYS JUDICIAL INSTITUTE INTERACTIVE WEBCAST

At the September 15, 2009 board meeting, a request was presented to the Board for Clerk of the Justice Gillian Moore's permission to attend the NYS Judicial Institute Vehicle and Traffic Law: The Ins and Outs Webcast on Tuesday, October 27, 2009 from 6:15pm to 8:45pm in Little Valley, NY. That request was denied. Justice Bell-Beyer asked the Board to reconsideration the request as she believes the information obtained would be beneficial.

Motion by Mayor Burkett and seconded by Trustee Offers, Gillian Moore is hereby authorized to attend the NYS Judicial Institute Vehicle and Traffic Law: The Ins and Outs Webcast on Tuesday, October 27, 2009 from 6:15pm to 8:45pm in Little Valley, NY. Topics include: Section 1806 of the V&T Law, Plea Bargaining Do's and Don'ts, Pre-trial Motions, Trial Procedure, Sentencing, Suspensions, and Surcharges. There is no registration costs for the training. A reasonable meal expense will be reimbursed, if needed, and use of a VOA vehicle for travel to the webcast is required. In addition, Justice Bell-Beyer is authorized to change Gillian's hours of work that day in support of the training, eliminating the need for overtime.

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	

JUSTICE BELL-BEYER REQUESTS SALARY INCREASE

Motion by Trustee Offers and seconded by Mayor Burkett, an increase to Justice Sheri Bell-Beyer’s salary be granted effective October 4, 2009 until such time as a new Acting Village Justice be appointed. The increase amount shall be equal to the amount that Acting Village Justice Jack Tuttle would have received during this time period.

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		

MUSIC ALONG MAIN STREET

A group of Arcade merchants attended the meeting and expressed their plans to bring music to the downtown area. Designed for a wide disbursement of sound and slated to include 12 individually volume controlled speakers placed on privately owned buildings, installed roughly 55-60 feet apart between Sanford Avenue and Church Street (north side of Main Street only), and approximately 8-10 feet above street level. The group explained that the system is intended to provide pleasant, inviting background music, noting offensive. The group approached the Board for a \$350.00 donation for the cost of speaker wire. A lengthy discussion ensued regarding the VOAs local noise law and gifting which prohibits a municipality from giving taxpayer money to a private individual, corporation or association.

Motion by Mayor Burkett and seconded by Trustee Offers, to allow the installation of speakers along the north side of Main Street. This motion was withdrawn before it was taken to vote.

SCHEDULE SPECIAL MEETING

Motion by Mayor Burkett and seconded by Trustee Rule, Clerk/Treasurer Beiersdorf be directed to schedule a special meeting for Tuesday, October 13, 2009 at 6:00pm for the purpose of reviewing the downtown merchants proposed music to the downtown area.

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		

SCHEDULE SPECIAL MEETING - RETRACTED

Motion by Mayor Burkett and seconded by Trustee Offers, the special meeting scheduled for Tuesday, October 13, 2009 at 6:00pm (above) for the purpose of reviewing the downtown merchants proposed music to the downtown area has been retracted.

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 Trustee Offers and seconded by Trustee Ely, the minutes from the work session and regular meeting held on September 15, 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		

BUCKLE UP NEW YORK (BUNY) CAMPAIGN AWARD - PROJECT #PD00167(-061)

Police Chief Laird announced that the VOA has been awarded \$3,780 to participate in the statewide BUNY campaign. The goal of the program is to increase seat belt usage in an effort to reduce serious injury or death from traffic crashes. The campaign runs from October 1, 2009 through September 30, 2010.

TRAFFIC AND CRIMINAL SOFTWARE(TraCS) SYSTEM

Police Chief Laird reported that the TraCS system has been installed in each police car and is operational. The units consist of a laptop, hand-held scanner, and an armrest-mounted printer. Officer's have the ability to electronically scan driver's licenses, issue tickets and electronically complete and file accident reports. Data generated by TraCS will be electronically transmitted to NYS and to Village court, eliminating duplicate data entry.

AMENDED AND RESTATED ENGINEERING, PROCUREMENT, AND CONSTRUCTION AGREEMENT - NOBLE BLISS WINDPARK

Motion by Trustee Offers and seconded by Trustee Rule, the Mayor of the VOA is hereby authorized to sign the Amended and Restated Engineering, Procurement, and Construction Agreement for the Noble Bliss Windpark Project by and between New York Independent System Operator, Inc. (NYISO), Niagara Mohawk Power Corporation DBA National Grid, Noble Bliss Windpark, LLC, and the VOA, replacing the agreement executed by the parties on or about March 19, 2008, as presented by Superintendent of Public Works Kilburn.

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		

AMENDED AND RESTATED INTERCONNECTION AGREEMENT - - NOBLE BLISS WINDPARK

Motion by Trustee Rule and seconded by Trustee Offers, the Mayor of the VOA is hereby authorized to sign the Amended and Restated Interconnection Agreement for the Noble Bliss Windpark Project by and between Noble Bliss Windpark, LLC, New York Independent System Operator, Inc. (NYISO), and the VOA, replacing the agreement executed by the parties on or about October 17, 2007, as presented by Superintendent of Public Works Kilburn.

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		

FOURTH AMENDMENT TO THE SUPPORT SERVICES AND REIMBURSEMENT AGREEMENT - NOBLE BLISS WINDPARK

Motion by Trustee Offers and seconded by Trustee Ely, the Mayor of the VOA is hereby authorized to sign the fourth amendment to the Support Services and Reimbursement Agreement for the Noble Bliss Windpark Project by and between Noble Bliss, Noble Environmental Power, LLC, and the VOA, as presented by Superintendent of Public Works Kilburn.

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		

AGREEMENT CONCERNING ENERGY SERVICES EXPANDED MEASURES

Motion by Trustee Offers and seconded by Trustee Ely, the Mayor of the VOA is hereby authorized to sign the agreement concerning energy services expanded measures by and between the New York Power Authority and the VOA, as presented by Superintendent of Public Works Kilburn.

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		

2010 HYBRID CAR

Superintendent of Public Works Kilburn reported that the 2010 Ford Fusion Hybrid has been delivered.

100th ANNIVERSARY OF VOA ELECTRIC DEPARTMENT

Superintendent of Public Works Kilburn reported that the celebratory event held on October 3, 2009 were well attended and received. Approximately 100-150 individuals watched the video, came through the display in the Village Board Room and/or participated in the tap switch yard and Freedom substation tours. Appreciation was extended to those that organized, contributed, and attended the event.

2001 CHEVROLET PICKUP TRUCK (#712)

At the August 18, 2009 meeting, a motion passed allowing Superintendent of Public Works Kilburn the option to purchase the 2001 Chevrolet pickup truck (#712) for \$3,600.00. Upon further review, the vehicle needs necessary repairs before it should be sold. The Board unanimously agreed to make approximately \$1,500 worth of repairs to the 2001 Chevrolet pickup truck to bring it into safety compliance before selling the vehicle to Superintendent of Public Works Kilburn.

RURAL DEVELOPMENT LOAN RESOLUTION - HEAVY RESCUE TRUCK

The following resolution was offered by Trustee Offers and seconded by Trustee Ely:

USDA
Form RD 1942-27
(Rev. 12-97)

Position 5
LOAN RESOLUTION
(Public Bodies)

FORM APPROVED
OMB NO. 0575-0015

A RESOLUTION OF THE Village Board
OF THE Village of Arcade
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING
A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS
VILLAGE OF ARCADE RESCUE TRUCK
FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the VILLAGE OF ARCADE
(Public Body)
(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of
\$78,000.00

pursuant to the provisions of NYS Municipal Finance Law; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

- 11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
- 12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
- 13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
- 14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
 - (b) Repairing or replacing short-lived assets.
 - (c) Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.
- 15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
- 16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
- 17. To accept a grant in an amount not to exceed \$ 20,000

under the terms offered by the Government; that the Village Board
 and Mayor of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the _____ of the
VILLAGE OF ARCADE has duly adopted this resolution and caused it
 to be executed by the officers below in duplicate on this _____ day of _____, _____.

(SEAL)

By _____
 Title _____

Attest:

 Title

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the VILLAGE OF ARCADE
 hereby certify that the _____ of such Association is composed of
 _____ members, of whom _____, constituting a quorum, were present at a meeting thereof duly called and
 held on the _____ day of _____, _____; and that the foregoing resolution was adopted at such meeting
 by the vote shown above. I further certify that as of _____, the date of closing of the loan from the Government, said resolution
 remains in effect and has not been rescinded or amended in any way.

Dated, this _____ day of _____, _____.

 Title _____

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		

The foregoing resolution was thereupon declared duly adopted.

BOND RESOLUTION - ACQUISITION OF STREETS AND PARKS DEPARTMENT DUMP TRUCK

The following resolution was offered by Trustee Offers and seconded by Trustee Rule:

RESOLUTION

A BOND RESOLUTION, DATED OCTOBER 6, 2009, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF ARCADE, WYOMING COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE ACQUISITION OF EQUIPMENT, MACHINERY AND APPARATUS FOR USE BY THE VILLAGE, AT A MAXIMUM ESTIMATED COST NOT TO EXCEED \$109,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$109,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

BE IT RESOLVED, by the Village Board of Trustees (the "Board") (by the favorable vote of not less than two-thirds of all the members of the Board of Trustees) as follows:

- SECTION 1. The specific purpose (hereinafter referred to as "Purpose") to be financed pursuant to this resolution is the acquisition of equipment, machinery and apparatus for use by the Village including, but not limited to, a dump truck and any preliminary costs and costs incidental thereto. The maximum cost of said Purpose will not exceed \$109,000.
- SECTION 2. The Village Board of Trustees plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$109,000 of the Village, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received.
- SECTION 3. It is hereby determined that the purpose is an object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five years from the date of original issuance of said bonds or notes.
- SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.
- SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not exceed five years.
- SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Unless paid from other sources, there shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.
- SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

- SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.
- SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.
- SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.
- SECTION 11. The Village has determined that the Project will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.
- SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:
1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) if the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication of this notice; or
 2. such obligations were authorized in violation of the provisions of the Constitution of New York..
- SECTION 13. The Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.
- SECTION 14. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

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	

TOWN OF ARCADE (TOA) AND TOWN OF FREEDOM (TOF) FIRE CONTRACTS FOR CALENDAR YEAR 2010

Motion by Trustee Offers and seconded by Mayor Burkett, Clerk/Treasurer Beiersdorf be authorized and directed to prepare and forward the draft calendar year 2010 fire contracts between the VOA and the Towns of Arcade (\$72,172.00) and Freedom (\$43,453.00) to the respective Town and the Fire Department Chief 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		

FIRE DEPARTMENT MEMBERSHIP

Per a report from Debby Austin-LaCerais, Secretary, the following individuals were voted into membership:

- Edwin Green III
- Brian Gonzalez

Membership applications were received from the following individuals and will be considered at the AFDs October 2009 meeting:

- Jamie Goodrich, Arcade, NY

Motion by Trustee Offers and seconded by Trustee Rule, the Board approves the changes to the fire department membership as presented above.

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 ATTEND GENESEE/FINGER LAKES REGIONAL PLANNING COUNCIL (G/FLRPC) FALL LOCAL GOVERNMENT WORKSHOP

Motion by Mayor Burkett and seconded by Trustee Offers, Richard Kosmerl be hereby authorized to attend the fall 2009 Regional Local Government workshop hosted by G/FLRPC on November 20, 2009 from 8am to 5pm at the Holiday Inn, Batavia, NY. Registration is \$40.00 per person and includes lunch. Mileage will be reimbursed according to the resolution passed at the 2009 annual organizational meeting. Topics include: planning board overview, zoning board of appeals overview, SEQR 101, case law review, introduction to geographic information systems (GIS) and global positioning systems (GPS), municipal comprehensive plans, etc.

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		

CONSIDER USE OF FACILITIES WAIVER - HOME CARE & HOSPICE FOUNDATION

Clerk/Treasurer Beiersdorf received a waiver request from Wendy Leffler, HomeCare & Hospice Foundation Development Specialist, requesting that the Board waive the deposit and rental fee for the use of the Arcade Fire Hall meeting room and kitchen on December 5, 2009 for the Foundation's annual Tree of Life ceremony.

Motion by Trustee Ely and seconded by Trustee Offers, Clerk/Treasurer Beiersdorf be authorized to waive the deposit and rental fee for the use of the Arcade Fire Hall meeting room and kitchen on December 5, 2009 for the HomeCare & Hospice Foundation's annual Tree of Life ceremony.

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		

EQUIPMENT REPLACEMENT RESERVE - LIBERTY STREET FIRE HALL

Motion by Mayor Burkett and seconded by Trustee Ely, Clerk/Treasurer Beiersdorf is hereby directed to equally divide the amount allocated to the Liberty Street Fire Hall (Municipal Building) to the remaining General Fund departments included in the equipment replacement reserve.

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 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:

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		

GOVDEALS AUCTION LISTING

Mayor Burkett instructed Clerk/Treasurer Beiersdorf to relist the 2005 Chevrolet Impala (#18) for an additional two weeks with a starting bid of \$3,000.00 and \$100.00 increment bids, no reserve.

CSEA EMPLOYEE BENEFIT FUND MEMORANDUM OF AGREEMENT (MOA)

The Village received a MOA from CSEA Employee Benefit Fund seeking Board consideration to execute an agreement with CSEA Employee Benefit Fund to provide retired members of the CSEA bargaining unit the option of participating in the CSEA Employee Benefit Fund Retiree Dental plan. Based on conversations with the Attorney for the VOA and the unknown liabilities to the VOA, the Board opposed executing the agreement with CSEA Employee Benefit Fund.

RENTAL AGREEMENT WITH ARCADE HISTORICAL SOCIETY

The Board unanimously agreed that a formal rental agreement should be drawn up between the Arcade Historical Society and the VOA for the storage space rental at the 15 Liberty Street property. Clerk/Treasurer Beiersdorf was instructed to work with Arcade Historian, Jeff Mason on the agreement.

RENT COLLECTED FROM TOWN OF ARCADE FOR SEPTEMBER 2009

Motion by Mayor Burkett and seconded by Trustee Offers, Clerk/Treasurer Beiersdorf is hereby directed to pay the Arcade Historical Society \$200.00 of the \$500.00 collected from the TOA for rent of the Liberty Street fire hall for September 2009, as the sale of this property was finalized on September 18, 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		

SCHEDULE WORK SESSION

Motion by Mayor Burkett and seconded by Trustee Offers, Clerk/Treasurer Beiersdorf be directed to schedule work sessions to precede the regular board meeting on November 17, 2009 at 6:00pm to discuss proposed changes to the zoning local law.

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		

CELLULAR TELEPHONE POLICY, REV. 1

Motion by Trustee Ely and seconded by Trustee Rule, the Cellular Telephone Policy, Rev. 1 as adopted at the September 15, 2009 meeting be hereby revoked. Rev. 0 of the policy is hereby reactivated.

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 FROM RICHARD F. ANDERSON DATED SEPTEMBER 30, 2009

On October 2, 2009, the Board received a letter from Haskell Avenue resident, Richard Anderson. In the letter, Mr. Anderson expressed his opposition to the VOAs local law regarding street opening and asked that consideration be given to revise the law.

Motion by Trustee Offers and seconded by Mayor Burkett, the VOA should review and update the Streets and Sidewalks local law (Chapter 55) regarding regulations on sewer lines underneath Village streets, and consider revising the customers responsibility to include obtaining a permit and excavating and the VOAs responsibility for the final repaving.

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	

ELECTRONIC ACCESS SYSTEM

Mayor Burkett instructed Superintendent of Public Works Kilburn to research the cost of having an electronic access system installed at the Village Office, Sullivan Avenue and Mill Street garages, and the park cabin.

REPORTS RECEIVED

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

- Streets and Parks Department (September 2009)

ADJOURN

There being no further business to come before the Board the meeting duly adjourned at 10:05 pm upon motion by Trustee Offers and seconded by Mayor Burkett.

Clerk/Treasurer

VENDOR	AMOUNT	VENDOR	AMOUNT
ABBOTT WELDING SUPPLY CO	\$ 59.49	LARRY ROMANCE & SON INC.	\$ 79.53
AFLAC NEW YORK	\$ 1,276.58	LAWSON PRODUCTS, INC.	\$ 490.57
ALBERT J. MOGAVERO, CHAPTER 13	\$ 422.00	LINEMENS SUPPLY INC	\$ 2,000.00
AMERICAN WIRE GROUP	\$ 2,706.18	MANUFACTURERS & TRADERS TRUST	\$ 27,526.55
ARCADE HERALD	\$ 17.71	MARCOS PIZZA & SUBS	\$ 114.02
AT&T	\$ 496.69	MARTIN BROTHERS CHEVROLET	\$ 52.44
AUTOZONE	\$ 35.97	MAYNARDS ELECTRIC SUPPLY	\$ 28,107.77
BANK OF NEW YORK	\$ 1,865.12	MAZUIK WHOLESALE DISTRIBUTORS	\$ 415.22
BEACON EQUIPMENT LEASING	\$ 150.00	MCGARVEY, JAMES	\$ 13,238.34
BEIERSDORF, PAMELA J	\$ 347.27	MEUA OF N.Y.S.	\$ 25.00
BENCHMARK ANALYTICS, INC	\$ 3,080.09	MOORE, GILLIAN	\$ 45.40
BOLLAM,SHEEDY,TORANI & CO. LLP	\$ 2,500.00	NATIONAL FUEL GAS DISTRIB	\$ 34.78
BRASS SHURFINE	\$ 235.70	NATIONAL GRID	\$ 47,630.74
CID DIVISION OF WASTE MANAGEMEN	\$ 9,500.00	NGT CORP T/A COVERALL SERVICE	\$ 1,010.00
CID-DIV WASTE MANAGEMENT	\$ 438.89	NY POWER AUTHORITY	\$ 101,701.87
CINTAS CORPORATION #782	\$ 124.05	NYS & LOCAL RETIRE SYSTEM	\$ 2,491.92
COMPLETE OFFICE SOLUTIONS	\$ 320.25	NYS ASSOC CITY & VILLAGE CLERK	\$ 50.00
CONCORDE SPECIALTY GASES, INC	\$ 1,134.25	NYS INCOME TAX	\$ 4,303.67
COOPER POWER SYSTEMS	\$ 13,375.21	NYS SALES TAX	\$ 8,951.02
CRABB OIL & PROPANE INC.	\$ 3,082.38	O'BRIEN, JONATHAN DBA ACTIVE I	\$ 1,302.50
CROWNE PLAZA ALBANY - CITY CEN	\$ 1,590.00	OFFICE OF STATE COMPTROLLER	\$ 4,756.50
CSEA	\$ 635.18	PIONEER FORD/MERCURY INC.	\$ 181.66
CSEA BENEFIT UNIT	\$ 1,189.28	PIONEER TAX COLLECTOR	\$ 2,743.44
CSEA POLICE UNIT	\$ 139.53	RICHARD-CIN SIGNS & SUPPLIES I	\$ 457.10
D & H EXCAVATING INC	\$ 111,604.42	RUSSELL, DAWN	\$ 100.00
DAN HEINEMAN & SONS INC	\$ 69.54	SANDER, BETTY	\$ 100.00
DE SIGN ART	\$ 156.50	SOUTER & SONS PRINTING	\$ 275.00
DELL MARKETING LP	\$ 724.00	STANTEC CONSULTING SRVCS, INC	\$ 4,362.56
DIFILIPPO & FLAHERTY	\$ 25.00	STOCKWELL TEST LABORATORY	\$ 581.10
DOLORES M DAWLEY	\$ 540.00	STUART C IRBY CO	\$ 24,563.54
EATON OFFICE SUPPLY	\$ 913.43	TASER INTERNATIONAL, INC	\$ 427.36
EJ PRESCOTT, INC	\$ 1,496.40	THE BARN STORE	\$ 776.00
FASTENAL COMPANY	\$ 439.45	TIFCO INDUSTRIES	\$ 147.89
FISHER SCIENTIFIC COMPANY	\$ 156.45	TIME WARNER CABLE	\$ 44.95
FLUID KINETICS, INC.	\$ 2,919.00	TRACTOR SUPPLY COMPANY	\$ 327.08
FORBES, EDITH E	\$ 105.00	VELLANO BROTHERS, INC	\$ 190.60
GERNATT ASPHALT PROD INC	\$ 26,189.31	VERIZON	\$ 66.60
GOTTOGO ELECTRIC	\$ 5,928.00	VERIZON ONLINE	\$ 29.99
HAMPTON INNS & SUITES	\$ 339.00	VERIZON WIRELESS	\$ 988.70
HERITAGE-CRYSTAL CLEAN, LLC	\$ 108.00	VILLAGE OF ARCADE	\$ 70.00
HODGSON RUSS LLP	\$ 719.30	WACO FORMWORKS	\$ 948.17
HOFFMAN, PATRICIA	\$ 200.00	WESCO DIST. INC.	\$ 17,856.56
HSBC BANK USA	\$ 347.10	WILLIAM SCOTSMAN, INC	\$ 343.00
INDEPENDENT HEALTH	\$ 180.00	WY CO MAGISTRATES ASSOCIATION	\$ 20.00
INDEPENDENT HEALTH PREMIUMS	\$ 22,646.55	WYO CO VILLAGE ASSN.	\$ 46.00
IRS - FEDRAL PAYROLL TAX PAYME	\$ 23,073.44	ZEE MEDICAL SERVICE CO.	\$ 149.25
ITRON, INC.	\$ 1,256.81	ZUECH ENVIRONMENTAL SRVCS	\$ 950.00
KRIST, MATTHEW	\$ 64.64		
TOTAL COLUMN 1	\$ 244,923.16	TOTAL COLUMN 2	\$ 301,074.39
		OVERALL TOTAL	\$ 545,997.55