

The work session and regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, November 6, 2007 at 6:00pm there were:

PRESENT

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

ALSO PRESENT

Karen Burkett (until 7:00pm), Linda Rule, Doris Crabb, Margaret Morgan, Anita Stewart, Deborah Schultz, Daniel L. Meyers, Bob Guentner, Spenser Smith, Bridgette Bighon, Alicia Wood, Alex Ruszala, Crystal Climenhaga, Duaue York, and Corey Roper

PLEDGE TO ALLEGIANCE

Deputy Mayor Ely opened the meeting with the Pledge to Allegiance.

PROPOSED CHANGES TO THE ZONING LOCAL LAW

The Board held a work session to review the proposed changes to the zoning local law.

APPROVE MINUTES

Motion by Trustee Burkett and seconded by Trustee Ely, the minutes from the regular meeting held on October 16, 2007 be approved as presented by the Clerk.

The motion was passed upon the following vote:

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

PERMISSION TO ATTEND DNA EVIDENCE RECOGNITION, COLLECTION, AND PRESERVATION FOR LAW ENFORCEMENT COURSE

Police Chief Laird reported that permission to attend this course was previously approved at the September 25, 2007 meeting. However, the course was full and neither officer attended the October 24th course in Rochester.

Motion by Mayor Kosmerl and seconded by Trustee Burton, Sergeant Biscaro and Officer Spencer be granted permission to attend the DNA evidence recognition, collection, and preservation for law enforcement course on November 30, 2007 in Williamsville, NY. There is no fee to attend this course. Topics include the types of DNA found at crime scenes, biohazards and safety procedures, proper collection and packaging of evidence, chain of custody, the use of alternate light sources, laboratory procedures, cold case testing, etc. As a good practice, the Board requests that upon return from the course, either a written statement or presentation at a board meeting must be made to the Board that summarizes what was discussed and demonstrates what was gained by participating at the course.

The motion was passed upon the following vote:

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

HALLOWEEN REPORT

Police Chief Laird reported a relatively chaos-free Halloween likely due to the full staff of officers on the patrolling the streets.

BUCKLE UP NEW YORK (BUNY) GRANT

Police Chief Laird notified the Board that the VOA has been awarded \$2,640 to participate in the statewide BUNY campaign. The program begins October 1, 2007 and ends September 20, 2008. The goal of the program is to increase seat belt usage in an effort to reduce serious injury or death from traffic crashes.

PERMISSION TO ATTEND PUBLIC ASSISTANCE WORKSHOP

Motion by Trustee Burkett and seconded by Trustee Burton, Superintendent of Public Works Kilburn be granted permission to attend the public assistance workshop on December 5, 2007 from 9:00am to 3:00pm at the Wyoming County Fire Training Center in Wethersfield, NY. The workshop discusses the Public Assistance Program, the process of preparing for preliminary Damage Assessments, how to obtain Federal funding once a federal disaster is declared, identifying eligible work, defining local, state and federal roles and responsibilities. As a good practice, the Board requests that upon return from the course, either a written statement or presentation at a board meeting must be made to the Board that summarizes what was discussed and demonstrates what was gained by participating at the course.

The motion was passed upon the following vote:

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

PERMISSION TO PURCHASE WATER DEPARTMENT VAN

Superintendent of Public Works Kilburn asked for permission to purchase a 2008 Chevrolet CC4500 2 WD van. However, this item was tabled until Superintendent of Public Works Kilburn could obtain a quote for a 5500 model.

DEPARTMENT OF TRANSPORTATION (DOT) MILL AND FILL PROJECT - NOISE

Further discussions took place on this topic and Superintendent of Public Works Kilburn was directed to recommend to DOT that work between Church Street and Liberty Street should take place between the hours of 6:00pm and 2:00am, rather than their proposed 8:00pm to 6:00am.

UNCOLLECTED TAXES TO COUNTY

Clerk/Treasurer Beiersdorf reported that the returned Village taxes in the amount of 43,821.66 and \$80.00 for delinquent fees is a true account of the taxes remaining unpaid upon the tax roll that bears the warrant date of June 1, 2007.

PERMISSION TO DESTROY RECORDS

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

- electric utility meter reading books from 1981 to 1997 (Electric and Gas Utility section 5.[191] - 6 years after last entry)
- Village tax search certificates from 1979 to 2000 (Taxation and Assessment section 4.[605] - 6 years)
- resignation letters from 1945 to 1984 (Personnel/Civil service section 1.[364] - 6 years after termination of employment)

- tax exemption applications and supporting documentation from 1952 to 2000 (Taxation and Assessment section 11.[589] - 6 years after expiration of exemption)

The motion was passed upon the following vote:

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

RECORDS EVALUATION

Clerk/Treasurer Beiersdorf announced that she has scheduled an evaluation of Village records by NYS Archives on Friday, November 30th. The evaluation is expected to identify needed improvements for the overall records program, records creation and maintenance, and records disposition. Recommendations from the evaluation shall be used to support an application for grant funds through the Local Government Records Management Improvement Fund which will help the VOA respond to the challenges of managing records and information.

PERMISSION TO ATTEND RETENTION SCHEDULES WORKSHOP

Motion by Trustee Ely and seconded by Mayor Kosmerl, Clerk/Treasurer Beiersdorf (Records Officer) and Adam Paquet be granted permission to attend the Using State Archives Retention Schedules workshop sponsored by the NYS Archives on November 13, 2007 from 9:00am to 1:00pm at the Williamsville Village Hall in Williamsville, NY. NYS Archives develops retention schedules to help local governments and state agencies efficiently dispose of records they no longer need to keep. This workshop will explain how to use State Archives retention schedules effectively, describe how the State Archives develops retention schedules, and explain options for disposing of records. Attendees will be reimbursed for reasonable meal expenses. As a good practice, the Board requests that upon return from the workshop, either a written statement or presentation at a board meeting must be made to the Board that summarizes what was discussed and demonstrates what was gained by participating in the workshop.

The motion was passed upon the following vote:

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

PERMISSION TO ATTEND WORKPLACE PERFORMANCE 101 SEMINAR AND CLOSE VILLAGE OFFICE

Motion by Trustee Burkett and seconded by Hugh, Clerk/Treasurer Beiersdorf and her staff (Donna Miller, Luann Lancaster, Cheryl Parker, Mary Ann Hagner and Adam Paquet) be granted permission to attend the Workplace Performance 101 seminar on November 15, 2007 from 8:30am to Noon at Byrnclyff Conference Center in Varysburg, NY. The program outline includes delivering world class customer service, productivity (time management, organization, keeping it simple) and positive attitude (stress management, motivation, work life balance), and professionalism (first impressions, sound judgment, telephone, email and voicemail best practices). The cost is \$20 per person. In addition, Clerk/Treasurer Beiersdorf be granted permission to close the Village Office on November 15, 2007 from 7:00am to 1:30pm so that staff can attend the seminar. Announcement of the closure will be in the Pennysaver, on the November utility bills, and on the front door of the Village Office. As a good practice, the Board requests that upon return from the course, either a written statement or presentation at a board meeting must be made to the Board that summarizes what was discussed and demonstrates what was gained by participating at the course.

The motion was passed upon the following vote:

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

USE OF FACILITIES

Clerk/Treasurer Beiersdorf distributed revised copies of the proposed document governing the use of VOA facilities and the Use of Facilities Application and Agreement form to the Board for review. Additional changes were addressed and will be incorporated for discussion at the November 20, 2007 meeting. Rental inspections is an area that still needs further discussion and decision.

BUDGET AMENDMENT

Motion by Mayor Kosmerl and seconded by Trustee Burkett, the FY 2007-2008 budget be amended as follows because final payment have been received from the State Emergency Management Office (SEMO) for the 2003 Arcade All Hazards Mitigation Plan, Pre Disaster Mitigation Plan. This amount represents the 75% Federal share of the eligible costs based contractually on the flood mitigation plan FEMA approval status.

INCREASE REVENUE	INCREASE EXPENDITURE
001 4-4902-0100	001 5-1320-400-4220
Federal Aid - Planning Studies	Independent Consultants
In the amount of \$5,113.00	

The motion was passed upon the following vote:

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

BUDGET AMENDMENT

Motion by Trustee Burkett and seconded by Trustee Ely, the FY 2007-2008 budget be amended as follows because funds have been provided by an unanticipated revenues, due to insurance proceeds for the loss, theft, damage or destruction of real or personal property, used to repair or replace such property.

INCREASE REVENUE	INCREASE EXPENDITURE
001 4-2809-0100	001 5-3120-416-4000
Other Public Safety	2001 SUV
In the amount of \$2,706.26	

The motion was passed upon the following vote:

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

FY 2007-2008 BUDGET ADJUSTMENTS

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

The motion was passed upon the following vote:

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

AUDIT BILLS

Motion by Mayor Kosmerl and seconded by Trustee Ely, the Village bills be audited and paid and that the Clerk be granted permission to transfer funds from the money market accounts to the checking accounts to cover such bills.

The motion was passed upon the following vote:

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

RECREATIONAL FACILITY SURVEY RESULTS

As noted at the October 16th meeting, the results of the survey have the Board thinking that they may be going in the wrong direction in regards to a skateboard park and should consider an ice rink. A committee will be established and their charter will be developed. Trustee McGarvey recommended to the Board that that committee consist of two Board members, students, and other adults. Trustee McGarvey will Chair the committee and Trustee Burton will serve on the committee as well. Trustee McGarvey will establish the committee and advise the Board as to the other participants.

REVIEW PROPOSED LOCAL LAW 5-2007

Upon recommendation by Trustee Burkett, the Board should review the comments submitted by Town of Arcade (TOA) Assessor, Doug Ronan, and determine which of his comment should be incorporated. This item will be reviewed at the November 20, 2007 meeting.

PUBLIC HEARING SCHEDULED ON LOCAL LAW 5-2007

Motion by Mayor Kosmerl and seconded by Trustee Burkett, Clerk/Treasurer Beiersdorf be directed to schedule a public hearing on December 4, 2007 at which time the VOA Board will hear comments for consideration of the proposed local law 5-2007 titled, "Tax Exemption - Elderly."

The motion was passed upon the following vote:

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

BOARD ROOM USAGE

To ensure the safety of employees and confidentiality of records, no unauthorized personnel shall enter the Village Office area during non-business hours. Clerk/Treasurer Beiersdorf was directed to purchase and hang signs in the Board Room indicating "no public restrooms" and "no unauthorized personnel beyond this point."

LETTER OF SUPPORT

Mayor Kosmerl was asked to provide a letter in support of the Tri-County Business Park as Mayor of the Village. Mayor Kosmerl distributed a draft copy of the letter to the Board for review and comment. The Mayor's letter emphasized that infrastructure dollars are critical to the success of the Park in particular any potential Village participation. The Board agreed with Mayor Kosmerl's letter as drafted. The letter will be sent to NYS Senator's, Assembly, and Congress.

TOA - BUDGET HEARING AND EXPENSES

In response to a letter from Mayor Kosmerl to Town Supervisor Doug Berwanger dated October 3, 2007, Mayor Kosmerl reported that the TOA has agreed to increase the Town's portion of funding for the adult program from \$500 to \$1,000. However, they declined to increase the funding for the youth recreation program from \$7,000 to \$9,000.

EXECUTIVE SESSION #1

Motion by Mayor Kosmerl, seconded by Trustee Burton, and unanimously carried the Board enter into executive session to discuss the following topic(s) at 8:46pm:

- matters which may disclose the identity of a law enforcement agency
- matters leading to the employment of a particular person
- employment history of particular person(s)

Motion by Mayor Kosmerl, seconded by Trustee Ely, and unanimously carried the Board exit executive session at 8:46pm.

EXECUTIVE SESSION #2

Motion by Mayor Kosmerl, seconded by Trustee Burton, and unanimously carried the Board enter into executive session to discuss the following topic(s) at 8:47pm:

- matters which may disclose the identity of a law enforcement agency
- matters leading to the employment of a particular person
- employment history of particular person(s)

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

CREATE CLERK OF THE JUSTICE PART-TIME POSITION

Motion by Mayor Kosmerl and seconded by Trustee Ely, the Clerk of the Justice Part-time position be created and Mayor Kosmerl be authorized to sign the Duties Statement for this position.

The motion was passed upon the following vote:

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

CLERK OF THE JUSTICE PART-TIME POSITION

Motion by Mayor Kosmerl and seconded by Trustee Burkett, Police Chief Laird be granted permission for Laurie Perkins to work the remaining hours up to 120 hours of budgeted time originally reserved to cover Gillian Moore's vacation time for Police Department clerical tasks once the Wyoming County Civil Service paperwork matter is resolved.

The motion was passed upon the following vote:

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

EXECUTIVE SESSION #3

Motion by Mayor Kosmerl, seconded by Trustee Ely, and unanimously carried the Board enter into executive session to discuss the following topic(s) at 9:35pm:

- employment history of particular person(s)

Motion by Mayor Kosmerl, seconded by Trustee McGarvey, and unanimously carried the Board exit executive session at 9:39pm.

REPORTS RECEIVED

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

- None.

ADJOURN

There being no further business to come before the Board the meeting duly adjourned at 9:39pm upon motion by Mayor Kosmerl and seconded by Trustee Burton.

Clerk/Treasurer

11-06-2007 3:40 PM

BUDGET ADJUSTMENT REGISTER

PAGE: 1

PACKET: 00036-PER BOARD DIRECTIVE

BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000037 -----							
001 5-5410-400-4600	10/18/2007	PER BOARD DIRECTIVE	11,500.00	26,500.00	0.00	38,000.00	9,360.84
RESURFACING MATERIALS							
PACKET NOTES:							
\$11,500 WAS ENCUMBERED PRIOR TO 05/31/2007 ON PO #08-00362,							
TO ABRAM BROS CONCRETE FOR SIDEWALKS, HOWEVER, THIS PO WAS							
VOIDED AND PAID BY PO #08-00985. SINCE THE ENCUMBERED PO							
WAS VOIDED PRIOR YEAR FUNDS WERE NOT BROUGHT FORWARD INTO							
THE CURRENT BUDGET, THEREFORE, THIS BUDGET ADJUSTMENT. FJB							
TOTAL NO. ADJUSTMENTS--EXPENSE:					1	11,500.00	
TOTAL IN PACKET--						<u>11,500.00</u>	

*** NO WARNINGS ***

*** NO ERRORS ***

*** END OF REPORT ***