

**VILLAGE OF PERRY
VILLAGE BOARD MEETING
APRIL 20, 2009**

The Regular Board Meeting of the Village of Perry was held at the Village Hall 46 North Main Street Perry New York at 7:30 p.m. on the 20th day of April 2009.

PRESENT:	Howard Wood	Mayor
	David J. Davis	Trustee
	Mandi Harvey	Trustee
	Michael Laraby	Trustee
	J. Richard Barth	Trustee
ALSO PRESENT:	Terrence Murphy	Village Administrator
	Gail Vosburg	Village Clerk
	Edward Koziel	Supt. Public Works
	Renee Koziel	Park Maint. Supervisor
	James Case	Chief of Police
	Joe Funk	Fire Chief
GUESTS:	Len Lonsbury	Lorraine Sturm
	Bill Bark	Alan Bliss
	Ed Bzduch	Celeste Bzduch
	Nate Bzduch	

Mayor Wood called the Meeting to order at 7:30 PM.

Mayor Wood led in the pledge to the flag.

APRIL 6, 2009 MINUTES APPROVED - Several typos were noted and corrected. Upon motion by Trustee Laraby, second by Trustee Davis the minutes of the April 6, 2009 Board Meeting were approved as corrected. Motion carried with all voting aye.

PUBLIC COMMENT

Deb Finkle – Perry fire Department – Ms. Finkle was present to update the Village Board on the upcoming FEMA Grant Application. The Department is applying for a new fire truck under the Vehicle Acquisition section. An estimate for a replacement vehicle for the 1984 open-cab pumper is between \$350,000 and \$400,000. New standards are making the truck prices increase. The required match for the grant is 5%. The Department is planning on pledging an additional 5% and asked the village to consider setting aside an additional 5% for a total funds pledged for a down payment of 15%. She explained that this looks favorable on an application. Application deadline is May 20th. Motion by Trustee Harvey, seconded by Trustee Davis to offer a 10% *match towards* the fire truck cost on the FEMA Grant Application that is being submitted. Motion carried with all voting aye.

Alan Bliss – WCCA – Mr. Bliss announced the Wyoming County Community Action became the owner of the 33 Tempest Street (old Champion Plant) property. As part of the grant submission for Restore NY funds, he requested copies of the public hearing notices; a copy of the minutes, the resolution passed authorizing the application, and a check in the amount of \$250, made payable to Empire State Development Corp., for the application fee. Application deadline is May 4, 2009. All items will be provided as requested.

**VILLAGE OF PERRY
RESOLUTION OF SUPPORT FOR RESTORE NY GRANT**

WHEREAS, The Empire State Development Corporation has issued a Request for Proposals (RFP) for the Restore New York Program,

WHEREAS, the Village of Perry meets the Restore NY goals as defined in the RFP, and

WHEREAS, notice of said public hearing was duly advertised in the Perry Herald, the official newspaper of said Village, and The Daily News; and

WHEREAS, said public hearing was duly held on the 6th day of April 2009 at 8:15 p.m. at the Village Hall to prioritize potential sites and all parties in attendance were permitted an opportunity to speak on behalf of each site and offer suggestions, and

WHEREAS, the Village Board of the Village of Perry, after due deliberation, finds that the demolition of the vacant commercial structures known as Champion Products, accessed from Tempest Street and A & A Metal Products, accessed from Washington Boulevard and the future development of that site is consistent with the existing community development plan, and

WHEREAS, the Village Board finds the proposed action provided in the response to this RFP is appropriate and an efficient use of the property as it will benefit the entire community by its potential to stimulate economic development in this neighborhood, and

NOW ON MOTION OF Mayor Wood which has been duly seconded by Trustee Laraby,

NOW, BE IT RESOLVED, that the Village Board of the Village of Perry hereby supports the Restore NY grant application and authorizes Community Action to prepare the application on its behalf, and be it further

RESOLVED, that the Mayor is authorized to sign the grant forms and other forms associated with this Restore NY grant application.

Ayes: 5

Nays:

Motion by Mayor Wood, seconded by Trustee Harvey, authorizing the village issue a check in the amount of \$250 to the Empire State Development Corp. for the application fee for the Restore NY grant program. Motion carried with all voting aye.

CLERK REPORT – presented by Village Clerk Gail Vosburg (attached)

Payment of Claims -

Vouchers as set forth in Abstract # 32

General Fund	\$ 66,157.87
Water Fund	\$ 12,764.89
Sewer Fund	\$ 10,984.13
Capital Projects Fund	\$147,960.00
SLWC	\$ 97.30
Trust & Agency	\$ 43,498.98
TOTAL	\$174,809.15

Trustee Harvey has audited all vouchers in Abstract #32. Motion by Trustee Laraby, seconded by Trustee Davis, that vouchers as set forth in Abstract # 32 are ordered to be paid. Motion carried with all voting aye.

March’s Treasurer’s report – March’s Treasurer’s report was presented to the board listing the moneys received and disbursed during the month.

Planning/Zoning Workshop approved - Motion by Trustee Harvey, seconded by Trustee Laraby, authorizing any Planning, Zoning Board and Village Board member to attend the Planning/Zoning Workshop scheduled for Friday, Mar 15, 2009 at Burgundy Basin Inn at a cost of \$40 each. Motion carried with all voting aye.

Southern Tier West Conference approved - Motion by Trustee Harvey, seconded by Trustee Davis, authorizing any Village official or employee to attend the Southern Tier West Conference at Houghton College on May 6th at a cost of \$35 each. Motion carried with all voting aye.

**COMMITMENT TO OUR COMMUNITY
Tobacco Point of Purchase Resolution**

WHEREAS, retail stores have long been an important component of tobacco company marketing strategies. Tobacco retailers serve as the tobacco company’s major communication channel to reach present and future customers. The store environment exerts a unique influence to promote tobacco use as a desirable social norm because tobacco is both advertised and sold in these stores; and

WHEREAS, smoking is the number one cause of preventable death in the United States,
WHEREAS, the Surgeon General has concluded that tobacco advertising contributes to youth smoking rates; and
WHEREAS, Children are more likely to notice and remember tobacco POP advertising than adults, 79% of middle and 77% high school students report “frequently” seeing tobacco advertising at convenience stores, gas stations, or grocery stores; and
WHEREAS, 75% of teens shop in a convenience store/gas station every week; teens who see tobacco advertising in convenience stores

- Perceive tobacco products to be easily accessible
- Are more likely to attempt to purchase tobacco
- Express weakened support for tobacco control policies

WHEREAS, 2/3 of retailers participate in a tobacco company incentive program to display tobacco ads, and
WHEREAS, the Wyoming County Retailer Survey results of 2006 found that 71% of tobacco retailers in Wyoming County displayed outdoor tobacco advertising; and
WHEREAS, the Wyoming County Retailer Survey results of 2006 found that 96% of tobacco retailers in Wyoming County displayed indoor tobacco advertising,

NOW, ON A MOTION OF Mayor Wood, that has been duly seconded by Trustee Laraby,
THEREFORE BE IT RESOLVED, that the Village of Perry hereby expresses its support of the efforts of Smoke Free NOW and Reality Check encouraging retailers to reduce overall tobacco advertising in their place of business and to eliminate tobacco advertising from areas likely to be seen by children, including wall space below five feet, near candy displays, and on counter tops.

Ayes 5
Nays 0

Motion carried.

Wyo. Co. Treasurer Tax Collector Software Agreement – the Wyoming Co. Treasurer’s office has received grant funding for initial installation of the software, training and the first year’s maintenance fee by Williamson Law Book for tax collection. If the village already uses the tax collection program from Williamson Law Book, the 2009 maintenance fee will be paid by the county. The village would be required to continue the maintenance fee for a period of five years by signing an agreement with the county. Motion by Trustee Harvey, seconded by Trustee Laraby, to authorize the Mayor to sign the agreement with the Wyo. Co. Treasurer’s Office committing the village to continue maintenance and upgrades for the tax collection software for a period of five years. Motion carried with all voting aye.

Budget Transfers - Upon motion of Trustee Harvey, seconded by Trustee Davis, to approve the following budget transfers:

General Fund		
<i>From:</i>		
A1362.4	Tax Advertise Contractual	\$ 1,500.00
A3120.1	PD Personal Services	\$ 4,500.00
A5110.4	Street Contractual	\$18,000.00
A7140.4	Playground Contractual	\$ 915.92
A9060.8	Hospital Insurance	\$15,139.28

To:	A1325.4	Treasurer Contractual		\$ 5,500.00
	A1910.4	Unallocated Insurance		\$ 3,139.28
	A3120.13	Police Personal Services-Overtime		\$ 4,500.00
	A3410.4	Fire Dept. Contractual		\$ 8,000.00
	A5112.2	Permanent Improvements		\$18,000.00
	A7110.4	Parks Contractual		\$ 915.92
		Total	\$40,055.20	\$40,055.20

Water Fund

From:	F1910.4	Unallocated Insurance	\$ 5,000.00	
	F8320.2	Source Supply Equipment	\$ 1,800.00	

To:	F8320.11	Source Supply Overtime		\$ 800.00
	F8340.4	Trans. & Distribution Contractual		\$ 1,000.00
	F9901.9	Transfer to other funds		\$ 5,000.00
		Total	\$ 6,800.00	\$ 6,800.00

Sewer Fund

From:	G1910.4	Unallocated Insurance	\$ 5,000.00	
	G8130.4	Sewer Treatment Contractual	\$ 690.20	

To:	G9040.8	Workers' Compensation		\$ 690.20
	G9901.9	Sewer Plant Overtime		\$5,000.00
		Total	\$ 5,690.20	\$5,690.20

Motion carried with all voting aye.

Fire Department Appointments approved – Mayor Wood offered for appointment the Department Officers, Truck Drivers, Fire Police, Rescue Squad and 2009 Roster as attached. Motion by Trustee Davis, seconded by Trustee Laraby, to approve the appointments as presented. Motion carried with all voting aye.

Department Heads to code vouchers – Clerk Vosburg announced that effective June 1, 2009, all department heads will be responsible for account coding their own vouchers instead of the clerk's office. This is to ensure the expenditure is appropriated from the budget line desired.

Motion by Trustee Laraby, seconded by Trustee Harvey to adjourn the regular meeting at 8:00 p.m. and open the public hearing on the Small Cities Grant. Motion carried with all voting aye.

Public Hearing – Small Cities Grant Program

Administrator Murphy reported that this is the second public hearing to discuss any other possible projects for a small cities grant. The village has identified project in an area that has heavy infiltration; Dolbeer St., Spring St, Callahan St., and Watrous St. The total estimated cost of the project is \$600,000, with the village providing a 10% match; either cash or in-kind services. Mayor Wood feels this is the only way to get any substantial work done.

Motion by Trustee Harvey, seconded by Trustee Laraby to close the public hearing on the Small Cities Grant Program at 8:05 p.m. and resume the regular meeting. Motion carried with all voting aye.

FIRE DEPARTMENT REPORT – as presented by Fire Chief Joe Funk (as attached)

Joe Funk was introduced as the new Fire Chief.

Fire Department report accepted – The fire department report for March was presented. Motion by Trustee Laraby, seconded by Trustee Davis to accept the March Fire Department Report. Motion carried with all voting aye.

POLICE DEPARTMENT REPORT – as presented by Police Chief James Case (as attached)

Police Department report accepted – Chief Case presented March's Police Dept. report. Motion by Trustee Harvey, seconded by Trustee Laraby to accept the March Police Department Report. Motion carried with all voting aye.

License Plate Reader installed – Chief Case reported the License Plate Reader has been installed on the Dodge Charger. The reader was received and paid for by a grant through New York State. It will read license plates of oncoming traffic and parked cars. Bill Bark asked if any other municipalities have a reader. Chief Case reported the Warsaw PD, Arcade PD and the Wyo. Co. Sheriff's Dept. each have a unit.

PARKS & RECREATION REPORT – as presented by Renee Koziel (as attached)

Cal Ripken League shed – The Cal Ripken League has received a 10' x 12' storage shed that was donated by Fisher Sheds. They are requesting permission to place it in the Village Park. Clerk Vosburg advised that a zoning permit is needed for the shed and the cost is \$10. Motion by Trustee Harvey, seconded by Trustee Laraby, authorizing the placement of the 10' x 12' storage shed at the Perry Village Park upon obtaining a zoning permit and placing the Village as an additional insured on the insurance. Motion carried with all voting aye.

Perry Center Fire Department request use of park – The Perry Center Fire Department would like to have an antique car show at the village park. Motion by Trustee Harvey, seconded by Trustee Davis to table the request until further information is received. Motion carried with all voting aye.

Park & Recreation report accepted – Motion by Trustee Harvey, seconded by Trustee Davis, to accept the Parks & Recreation report. Motion carried with all voting aye.

DPW REPORT - as presented by Supt. Edward Koziel (as attached)

DPW report accepted – Motion by Trustee Laraby, seconded by Trustee Davis, to accept the DPW report. Motion carried with all voting aye.

ADMINISTRATOR REPORT – presented by Terry Murphy

Perry Chalk Art Festival – Administrator Murphy reported the Perry Chalk Art Festival is requesting funding from the Village in the amount of \$1,200. Last year, the village gave \$500 to help fund the festival. They are looking for the village to waive the insurance requirement for the non-food vendors and to close the lower end of Lake Street.

Motion by Trustee Barth, seconded by Trustee Davis, to remove from the table the Perry Chalk Art Festival request. Motion carried with all voting aye. Motion by Trustee Harvey, seconded by Trustee Davis, to make a donation in the amount of \$500 to the Perry Chalk Art Festival. Vote as follows:

Ayes	4	Barth, Davis, Harvey, Laraby
Nays	1	Wood

Motion by Trustee Harvey, seconded by Trustee Laraby, to waive the one day insurance for the non-food vendors for the Chalk Art Festival. Motion carried with all voting aye.

Motion by Trustee Harvey, seconded Trustee Davis, authorizing the closing of Lake Street, between Main Street and Short Street; with a letter of support of the affected businesses. Motion carried with all voting aye.

RESOLUTION SMALL CITIES APPLICATION

ON MOTION BY Trustee Harvey which has been duly seconded by Trustee Laraby,

"RESOLVED, that the Mayor of the Village of Perry, Wyoming County, New York, is hereby authorized as the official representative of the Village to execute and submit a Small Cities application to the administrative agency for the Fiscal Year 2009 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

Aye: 5
Nay:

Trial Study at WTP approved – Administrator Murphy reported the water plant is in the process of a sample trial study on media filter. It must be a mini model of the water plant. Clark Patterson has provided a proposal between \$3,500 - \$5,000 for a mock-up plan. Trustee Davis inquired as to the cost of supplies needed. Administrator Murphy said he would contact Clark Patterson for a detailed list. Motion by Trustee Davis, seconded by Trustee Laraby, authorizing the expenditure of \$3,500 for the Pilot Study by Clark Patterson. Motion carried with all voting aye.

COMMITTEE REPORTS

Technology Committee – Trustee Harvey said the village's website is still being updated and worked on.

SLWC – Meeting on April 23rd.

Motion by Mayor Wood to enter into executive session to discuss personnel employment matters at 8:58 p.m. was seconded by Trustee Harvey with invitation to Police Chief Case, Ed Bzduch, Celeste Bzduch and Nate Bzduch. Motion carried with all voting aye.

Motion by Mayor Wood to adjourn executive session at 10:07 p.m. was seconded by Trustee Laraby and carried with all voting aye.

Jeffery Rice retirement letter accepted – Motion by Trustee Davis, seconded by Trustee Barth, to approve with gratitude for years of service, a letter of retirement from Jeffery Rice with an effective date of May 25, 2009. Motion carried with all voting aye.

Raymond Bzduch transferred to the WTP as trainee – Motion by Trustee Davis, seconded by Trustee Laraby, to transfer Raymond Bzduch to the Water Plant as a trainee. Motion carried with all voting aye.

Waste Water Operator Trainee posting– Motion by Trustee Laraby seconded by Trustee Harvey, to authorize the posting of a waste water operator trainee position in house; and advertise outside if there are no applications from village employees. Motion carried with all voting aye.

Motion to adjourn meeting at 10:20 p.m. was offered by Mayor Wood, second by Trustee Davis and carried with all voting aye.

Respectfully submitted, _____ Gail Vosburg ,Village Clerk