

**VILLAGE OF PERRY
VILLAGE BOARD MEETING
May 4, 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 4th day of May 2009.

PRESENT:	Howard Wood David J. Davis Mandi Harvey Michael Laraby J. Richard Barth	Mayor Trustee Trustee Trustee Trustee
ALSO PRESENT:	Terrence Murphy Gail Vosburg	Village Administrator Village Clerk
GUESTS:	Lorraine Sturm Bill Bark Charles Perry Melissa Henchen	Matt Surtel Daniel Evans Renee Koziel

Mayor Wood led in the pledge to the flag.

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

APRIL 20, 2009 MINUTES APPROVED - Trustee Laraby noted a correction to be made on page 2, it should read ... A9060.8 Health Insurance \$15,139.28..."; on page 1, it should read "... to offer a 10% *match towards* the fire truck..."; and on page 3, "... Mayor Wood feels this is the only way to get *any* substantial work..." Upon motion by Trustee Laraby, second by Trustee Davis the minutes of the April 22, 2009 Board Meeting are approved with the above corrections. Motion carried with all voting aye.

CERTIFICATES OF APPRECIATION

Mayor Wood presented the following certificates of appreciation:

Renee Koziel	5 years of Service
Daniel Evans	30 years of Service

Mayor Wood presented a certificate of appreciation and a wall clock to:

Charles Perry	40 years of Service
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The Board thanked the employees for their years of service to the Village of Perry.

WATER & SEWER REPORT (as attached)

Sewer – Average flow for April was .77 mgd, which is under the DEC 750 plan limit of .921 mgd.

Water – Hydrants will be flushed next week, so be prepared for discolored water.

Water School approved for Hinz & Bernard – Motion by Trustee Laraby, seconded by Trustee Davis, to approve Todd Hinz and Steve Bernard to attend water school in Batavia on May 27th at a cost of \$40 each. Motion carried with all voting aye.

Water & Sewer Report accepted – Motion by Trustee Harvey, seconded by Trustee Laraby, to accept the water and sewer report. Motion carried with all voting aye.

PARKS REPORT – as presented by Renee Koziel

Advertise for Seasonal Laborer in Park approved – Motion by Trustee Harvey, seconded by Trustee Barth, to approve advertising for a seasonal laborer in the village park. Motion carried with all voting aye.

Ferris Mower purchase approved for park - Quotes for Ferris Mower for village park:

Genesee Equipment	\$6,611.76
Kelly Garage	\$6,711.76
Lamb & Webster	\$6,600.00

Motion by Trustee Harvey, seconded by Trustee Barth, to purchase a Ferris Mower from Lamb & Webster in the amount of \$6,600.00 for the village park. Motion carried with all voting aye.

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

Payment of Claims

Vouchers as set forth in Abstract # 33

General Fund	\$ 61,199.51
Water Fund	\$ 5,316.02
Sewer Fund	\$ 5,255.98
SLWC	\$ 1,668.58

Trust & Agency	<u>\$ 44,824.07</u>
TOTAL	\$ 118,264.16

Vouchers as set forth in Abstract # 34	
General Fund	\$ 19,849.83
Water Fund	\$ 8,853.52
Sewer Fund	\$ 11,099.63
Capital Projects Fund	\$ 14,750.00
SLWC	\$ 13.34
Trust & Agency	<u>\$ 8,815.89</u>
TOTAL	\$ 63,382.21

All vouchers have been audited by Trustee Laraby. Motion by Trustee Harvey, seconded by Trustee Davis to pay vouchers as set forth in Abstracts # 33 & # 34. Motion carried with all voting aye.

Rebecca Rice resignation accepted – Motion by Trustee Harvey, seconded by Trustee Laraby, to accept, with regrets, the resignation of Rebecca Rice, part-time police officer effective April 23, 2009. Motion carried with all voting aye.

2009-2010 & 2010 – 2011 Wyo. Co. Snow & Ice Control Agreement – Motion by Trustee Laraby, seconded by Trustee Davis, to approve the 2009-2010 and 2010-2011 Wyoming Co. Snow & Ice Control Agreement and authorize the Mayor to sign said agreement. Motion carried with all voting aye.

Gail Vosburg appointed as Tax Collector – Mayor Wood offered the appointment of Gail Vosburg as Tax Collector. Motion by Trustee Laraby, seconded by Trustee Harvey, to approve the appointment of Clerk Gail Vosburg as Tax Collector. Motion carried with all voting aye.

2009-2010 Tax Warrant Approved – Upon motion by Trustee Harvey, seconded by Trustee Laraby, the 2009-2010 Warrant to collect the Village taxes is hereby issued with the following levy:

General Fund	\$1,881,209.00
Water Relevy	\$ 1,323.87
Sewer Relevy	\$ 1,510.66

BEING FOR ALL PURPOSES A TOTAL OF \$1,884,043.53

Motion was carried with all voting aye.

Outstanding water/sewer accounts waived - Clerk Vosburg presented the board with a list of outstanding water & sewer accounts that are inactive. The total amount is \$1,508.57; water \$1,047.60 and sewer \$460.97. Motion by Trustee Davis, seconded by Trustee Laraby, to waive, as deemed bad debt, the outstanding water & sewer accounts as presented in the amount totaling \$1,508.57. Motion carried with all voting aye. This is upon recommendation from the auditors.

Budget transfer for payment of NY Main Street Grant application- Upon motion by Trustee Harvey, seconded by Trustee Davis, approving the transfer of funds in the amount of \$1,870 from contingency A1990.4 to A1410.4 to pay for the grant writing of the NY Main Street Grant. Motion carried with all voting aye.

Small Cities application & NY Main Street application received – Clerk Vosburg informed the board that the grant applications for the Small Cities and the NY Main Street Program have been received and are in the Clerk’s office for review.

ADMINISTRATOR REPORT – presented by Terry Murphy

Village Hall Roof engineering approved – Administrator Murphy reported the village attorney has reviewed the proposed contract for service from InSite Architecture for design work on the village hall roof. Motion by Trustee Harvey, seconded by Trustee Davis, to approve the contract with InSite Architecture for engineering a design for roof replacement on the village hall in the amount of \$6,490.00 and authorize the Mayor to sign the agreement. Motion carried with all voting aye.

NYS Route 246 retaining wall - A meeting was held on April 28th with Brian Holmes, NYS DOT, Wyo. Co. Resident Engineer, and the village attorney concerning the NYS Route 246 retaining wall. The decision of ownership and maintenance of the retaining *wall* was made at the Regional Level, not local. Village Attorney David DiMatteo will *send* a letter to the Regional Office of the NYS DOT for an interpretation of Highway Law Section 46.

Zoning Officer to appear at next board meeting. – Administrator Murphy has asked Zoning Officer, Don Roberts, to attend the next village board meeting on June 1st to explain the violation procedure.

COMMITTEE REPORTS

Police – Nothing to report.

Fire – Nothing to report.

Water/Sewer -

- **Margaret Koerner request denied** – Motion by Trustee Laraby, seconded by Trustee Davis, to deny the request from Margaret Koerner, 116 Euclid Avenue, for a new water meter due to possible water leaks at the residence *and any adjustments to the water bill*. Motion carried with all voting aye.

- **Paul Pachuta request denied** – Motion by Trustee Laraby, seconded by Trustee Davis, to deny the request of Paul Pachuta for an adjustment of his water/sewer bill at his property located at 24 Needham Street, as the water passed through the water meter. Motion carried with all voting aye.

NYSERDA to be contacted for energy audit – Motion by Trustee Harvey, seconded by Trustee Barth, to authorize Administrator Murphy and the Water & Sewer Committee to contact NYSERDA to conduct an energy audit of the Water Plant, Sewer Plant and Village Hall. Motion carried with all voting aye.

SLWC – Trustee Laraby reported that Bethany Klein, Wyo. Co. Water Technician informed the commission that the in-lake testing will still be continued this summer, but will concentrate more on testing the contributory streams. The test results are back from the DEC on the core samples taken at the Silver Lake Outlet. They are not real bad. A layout of any dredging plan needs to be done. Two permits need to be obtained; one from the Army Corp. of Engineers and the other from the NYS DEC Division of Water.

Technology – The website is a work in progress.

MAYOR FILES

Mayor Wood reported that there is a meeting of the Wyoming County United Way on June 12th. The meeting will take place in Perry.

Trustee Laraby asked about the boarding up of windows in a C-1 Zoning District. Trustee Harvey reported that is part of the proposals outlined in the Main Street Study that has been brought to the Planning Board to review.

PUBLIC COMMENT

Melissa Henchen said the NYS Code Enforcement does not care. They should be maintained whether that are vacant or not.

Motion by Trustee Davis to enter into executive session to discuss personnel matters and contracts at 8:25 p.m. was seconded by Trustee Laraby and carried with all voting aye.

Motion by Trustee Laraby to adjourn executive session at 9:25 p.m. was seconded by Trustee Davis and carried with all voting aye.

Repair Reserve Fund established

**VILLAGE OF PERRY
RESOLUTION
ESTABLISHING A REPAIR RESERVE FUND**

WHEREAS, all Village Board Members having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meeting Law), said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Village Board is considering Establishing a Repair Reserve Fund to pay the cost of certain repairs of capital improvements or equipment (GML §6-d).

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

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 6-d of the General Municipal Law, as amended, the Village of Perry does hereby establish a Repair Reserve Fund to pay the cost of certain repairs of capital improvements or equipment deemed appropriate by the Village Board.

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The chief fiscal officer may invest the moneys in the Repair Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Village of Perry. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner, which maintains the separate identity of the cash and investments of the Reserve Fund.

Except as otherwise provided by Section 6-d of the General Municipal Law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. All appropriations from this fund are subject to a public hearing at least five (5) days after public notice has been given except in emergency situations as set forth in Section 6-d (2) of the General Municipal Law.

Aye: 5
Nay:

\$100,000 transfer to Repair Reserve Fund approved – Motion by Trustee Harvey, seconded by Trustee Laraby, to transfer \$100,000 from the Unreserved Fund Balance to the newly established Repair Reserve Fund. Motion carried with all voting aye.

Additional \$25,000 to Capital Equipment Reserve Fund authorized – Motion by Trustee Laraby, seconded by Trustee Barth, to approve \$25,000 from the Unreserved Fund Balance to be deposited into the Capital Equipment Reserve Fund in addition to the \$25,000 in the village budget. Motion carried with all voting aye.

Motion to adjourn meeting at 9:43 p.m. was offered by Trustee Barth, second by Trustee Davis and carried with all voting aye.

Respectfully submitted, _____ Gail I. Vosburg, Village Clerk