

**VILLAGE OF PERRY
VILLAGE BOARD MEETING
August 31, 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 31st day of August 2009.

PRESENT:	Howard Wood J. Richard Barth David J. Davis Michael Laraby	Mayor Trustee Trustee Trustee
ABSENT:	Mandi Harvey	Trustee
ALSO PRESENT:	Terrence Murphy Gail Vosburg Renee Koziel	Village Administrator Village Clerk Park Maint. Supervisor
GUESTS:	Lorraine Sturm	Pam Crowley

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

Mayor Wood led in the pledge to the flag.

AUGUST 17, 2009 MINUTES APPROVED - Correction on page one, "...for a letter stating that *no* trees be planted. ..." and on page two, "... Village Board has *no* further responsibilities under ... " and on page three, "... seconded by Trustee Davis, to approve the appointment of Michael Baker" Motion by Trustee Barth, second by Trustee Davis, the minutes of the August 17, 2009 Board Meeting are approved with the above corrections. Motion carried with all voting aye.

PUBLIC COMMENT

Pam Crowley – 108 Lake Street – Ms. Crowley addressed the board with her concern with the increasing number of individuals that pick through garbage that is put out for collection. She feels it is only a matter of time before some homeowner gets sued by a person that gets injured while going through the garbage. She asked if the homeowner is liable? Mayor Wood said the garbage collection is a county program. He will check into this and get back to her.

PARK & RECREATION

Wyoming County ARES park use approved – Motion by Trustee Laraby, seconded by Trustee Davis, approval for the Wyoming County ARES to use the Village Park (North Pavilion and Skate Cabin) on Saturday, October 3rd and Sunday, October 4th, for their simulated Emergency Test weekend and to waive the 11:00 p.m. curfew in the park. Motion carried with all voting aye.

WATER & SEWER REPORT (as attached)

Sewer seminar approved for Todd Hinz and Steve Bernard – Motion by Trustee Laraby, seconded by Trustee Davis, to approve Todd Hinz and Steve Bernard to attend a wastewater seminar in Dansville on Sept. 18th at a cost of \$30 per person. Motion carried with all voting aye. This seminar will give operators 4 credits towards renewing their operators' certificate.

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

Wyo. Co. Treasurer's Office to collect unpaid village taxes

**VILLAGE OF PERRY VILLAGE BOARD
RESOLUTION REQUESTING WYOMING COUNTY TREASURER'S OFFICE
TO COLLECT DELINQUENT TAXES FOR THE 2009-2010 TAX YEAR**

WHEREAS, The County of Wyoming Board of Supervisors passed local Law No. 12 of the Year 1994, authorizing the County Treasurer to collect delinquent Village Taxes, if requested by the Village; and

WHEREAS, The Village of Perry no longer wishes to collect delinquent taxes; and

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

NOW BE IT RESOLVED, that the Village of Perry Board of Trustees officially requests that the Wyoming County Treasurer's Office collect the delinquent taxes for the 2009-2010 tax year and agree to the dates and form prescribed by the County Treasurer;

Aye: 4
Nay: 0

Payment of Claims -

Vouchers as set forth in Abstract # 9	
General Fund	\$ 52,326.54
Water Fund	\$ 8,071.12

Sewer Fund	\$ 8,140.96
Trust & Agency Fund	<u>\$ 46,907.78</u>
TOTAL	\$ 115,446.40

All vouchers have been audited by Trustee Laraby. Motion by Mayor Wood, seconded by Trustee Davis to pay vouchers as set forth in Abstract # 9. Motion carried with all voting aye.

Budget Transfers approved – Motion by Trustee Laraby, seconded by Trustee Davis, to approve the following budget transfers:

From:	A1410.4	Village Clerk Contractual	\$ 5,000.00
	A8548.4	Drainage Contractual	<u>\$ 8,819.04</u>
		TOTAL	\$13,819.04
To:	A1410.41	Village Grants	\$ 5,000.00
	A5112.2	Permanent Improvements	<u>\$ 8,819.04</u>
		TOTAL	\$13,819.04

Motion carried with all voting aye.

ADMINISTRATOR REPORT – presented by Terry Murphy

Nancy Parker request for water/sewer adjustment approved - Motion by Trustee Laraby, seconded by Trustee Davis, to charge all water use since April for Nancy Parker, 4 Clark Street, and to adjust the sewer charge to the average of the previous four (4) quarters. Motion carried with all voting aye.

13” Wood Chipper purchase approved – Motion by Trustee Laraby, seconded by Trustee Davis, to approve the purchase of a 13” Wood chipper off the State Bid with the cost not to exceed \$20,000.00. Motion carried with all voting aye. The Village must purchase the wood chipper first, and then apply to the DEC for grant monies to cover ½ of the cost.

BDL policy and application revisions – Administrator Murphy passed out a letter from Village Attorney DiMatteo, regarding the revisions to the BDL policy and application, for the board to review.

Holiday Delights Festival request Main Street Closure – The Holiday Delights Festival and Tree lighting ceremony is scheduled for Saturday, December 5th from 4:30 p.m. until 7:30 p.m. and they are requesting that the village temporarily close Main Street during the Festivities. Motion by Trustee Laraby, seconded by Trustee Davis, to approve the date and times for the Holiday Delights Festival as requested with assistance from the DPW, Fire and Police Departments and that a letter be sent the NYS DOT requesting permission to temporary close Main Street from 4:00 p.m. until 8:00 p.m. Motion carried with all voting aye.

Motion by Trustee Laraby, seconded by Trustee Davis, to adjourn the regular meeting at 8:00 p.m. and open the public hearing on the proposed local law amending the Parks & Recreation Code. Motion carried with all voting aye.

Public Hearing “Amending the Code of the Village of Perry, Specifically Chapter 320-Park & Recreation, Article 1,§320-3 – Rules and Regulations”

Administrator Murphy said the purpose of this Local Law is to add language to the Code that prohibits the possession of glass bottles/containers and eliminate golfing within the Village Park. Glass containers present a safety hazard and maintenance problem. Broken glass is a nuisance and is hazardous to children and anyone or anything that comes into contact with it. A flying golf ball is a danger to the community at large and the proficiency of a golfer is such that divets are often a result of this activity which impedes grass mowing and takes away from the beautification of the park. There are special places within the community for golfing activities and it is not our intention to compete with these local businesses.

Trustee Laraby asked if this proposed law would apply to all of the parks? The law would apply to all of the village parks.

Motion by Trustee Laraby, seconded by Trustee Barth, to close the public hearing and resume the regular meeting at 8:04 p.m. Motion carried with all voting aye.

**RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW NO. 1 OF 2009
ENTITLED, “AMENDING THE CODE OF THE VILLAGE OF PERRY,
SPECIFICALLY CHAPTER 320 – PARKS AND RECREATION,
ARTICLE 1,§320-3 – RULES AND REGULATIONS”**

WHEREAS, a resolution was duly adopted on August 17, 2009 by the Village Board of the Village of Perry authorizing a public hearing to be held by the Village Board on the 31st day of August 2009 at 8:00 p.m. at the Village Hall to hear all interested parties on a proposed Local Law entitled, “Amending the Code of the Village of Perry, Specifically Chapter 320 – Parks and Recreation, Article 1, §320-3 – Rules and Regulations;” and

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

WHEREAS, said public hearing was duly held on August 31, 2009 at 8:00 p.m. at the Village Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition of said proposed local law, or any part thereof; and

WHEREAS, the Village Board of the Village of Perry, after due deliberation, finds it in the best interest of said Village to adopt said local law.

NOW ON MOTION OF Trustee Barth which has been duly seconded by Trustee Davis, therefore be it

RESOLVED, that the Village Board of the Village of Perry hereby adopts said Local Law No. 1 of 2009, entitled, as "Amending the Code of the Village of Perry, Specifically Chapter 320 – Parks and Recreation, Article 1, §320-3 – Rules and Regulations;" and

BE IT FURTHER RESOLVED, that the Village Clerk be and she hereby is directed to enter said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

Ayes: 4

Nays: 0

Bid for 2010 Ford Truck purchase approved – Motion by Trustee Laraby, seconded by Trustee Davis, to award the bid for the purchase of (1) 2010 Ford F250 Pick Up Truck in the amount of \$29,760.00 to Kelly Motors. Motion carried with all voting aye.

Committee Reports

DPW – Surplus items to be put out to bid approved – Motion by Trustee Laraby, seconded by Trustee Davis, to declare as surplus and put out for sale by sealed bid, the old Bobcat, 2004 Crown Victoria car and the lot of wood at the Water Street storage facility. Motion carried with all voting aye.

Mayor's File

Mayor Wood announced that the Village of Perry was awarded a \$600,000 New York State Community Development Block Grant. This project is to develop drainage improvements within a neighborhood residential area.

Lorraine Sturm, Perry Area Chamber of Commerce, announced that the Perry Area Chamber of Commerce was awarded a \$200,000 grant as part of the 2009 New York Main Street Program.

OLD BUSINESS

Trustee Barth asked that board members review the wish list and prioritize items on the list by the next meeting.

NEW BUSINESS

Trustee Laraby announced that the fire siren should be back from repair in about two weeks.

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

Motion by Trustee Laraby to adjourn executive session at 8:40 p.m. and resume the regular meeting was seconded by Trustee Barth and carried with all voting aye.

\$6,500 Franchise fee monies to Letchworth Cable Access approved - Motion by Mayor Wood, seconded by Trustee Davis, to approve \$6,500 from the spring franchise fees to Letchworth Cable Access. Motion carried with all voting aye.

Motion to adjourn meeting at 8:55 p.m. was offered by Trustee Barth, second by Trustee Laraby and carried with all voting aye.

Respectfully submitted,

Gail Vosburg
Village Clerk