

**VILLAGE OF PERRY  
VILLAGE BOARD MEETING  
December 21, 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 21<sup>st</sup> day December 2009.

PRESENT:	Howard Wood J. Richard Barth David J. Davis Mandi Harvey Michael Laraby	Mayor Trustee Trustee Trustee Trustee
ALSO PRESENT:	Gail Vosburg Terrence Murphy Joe Funk James Case Edward Koziel	Village Clerk Village Administrator Fire Chief Police Chief Supt. Public Works
GUESTS:	Bill Bark Matt Surtel	Lorraine Sturm

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

Mayor Wood led in the pledge to the flag.

**DECEMBER 7, 2009 MINUTES APPROVED** - Correction on page 2, "...water treatment plant. *Motion carried with all voting aye.*" and correction on page three "...new breathalyzer *instrument* (no cost to village) from Albany and become a certified operator of the *instrument.*" Motion by Trustee Barth, second by Trustee Davis, the minutes of the December 7, 2009 Board Meeting are approved with the above corrections. Motion carried with all voting aye.

**FIRE DEPARTMENT REPORT** as presented by Chief Funk (as attached)

**November Fire Department Report accepted** - Motion by Trustee Laraby, seconded by Trustee Davis to accept November's Fire Department report as presented. Motion carried with all voting aye.

**POLICE DEPARTMENT REPORT** as presented by Chief Case (as attached)

**November Police Department Report accepted** - Motion by Trustee Laraby, seconded by Trustee Davis to accept November's Police Department report as presented. Motion carried with all voting aye.

Chief Case commended Supt. Koziel and Fire Chief Funk for their help directing traffic and the posting of signs for the Holiday DeLights Festival.

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

**DPW Report accepted** - Motion by Trustee Davis, seconded by Trustee Laraby to accept the DPW report as presented. Motion carried with all voting aye.

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

**Payment of Claims**

Vouchers as set forth in Abstract # 19

General Fund	\$ 88,268.50
Water Fund	\$ 27,337.38
Sewer Fund	\$ 25,847.38
SLWC	\$ 47.04
Trust & Agency Fund	<u>\$ 52,874.85</u>
TOTAL	\$ 194,375.15

All vouchers have been audited by Trustee Barth. Motion by Trustee Davis, seconded by Trustee Laraby to pay vouchers as set forth in Abstract # 19. Motion carried with all voting aye.

**Wyo. Co. RPTS request to produce tax bills & roll approved** – Motion by *Trustee* Harvey, seconded by Trustee Davis requesting the Wyoming County RPTS to produce and print the 2010 tax bills at a cost of \$1.10 per parcel. Motion carried with all voting aye.

**Local Government Efficiency Program Grant contract approved** – Motion by Trustee Harvey, seconded by Trustee Barth, approving the contract for the Local Government Efficiency Program Grant and authorize the Mayor to sign the contract. Motion carried with all voting aye.

**Budget Transfers approved** – Motion by Trustee Harvey, seconded by Trustee Davis, approving the following budget transfers:

**General Fund**

<i>From:</i>		
A1910.4	Unallocated Insurance	\$ 1,845.00
A3120.14	PD Benefit Time	\$ 2,000.00
A3120.4	PD Contractual	\$ 101.43

A5410.4	Sidewalk Contractual	\$ 3,047.56	
A7180.42	Spec. Rec. Utilities	\$ 571.72	
A8010.4	Zoning Contractual	\$ 700.00	
<u>To:</u>			
A3120.13	PD Overtime		\$ 2,000.00
A3120.2	PD Equipment		\$ 101.43
A5110.2	Perm. Improvements		\$ 3,047.56
A6520.4	Farm Market		\$ 1,845.00
A7180.4	Spec. Rec. Contractual		\$ 571.72
A8010.41	Zoning Contractual- PS		\$ 700.00
	<b>TOTAL</b>	<b>\$ 8,265.71</b>	<b>\$ 8,265.71</b>

Motion carried with all voting aye.

**Budget amendments approved** – Motion by Trustee Harvey, seconded by Trustee Laraby, approving the following budget amendments:

Recommended Budget Transfer (for Small Cities Grant Project):

<u>From:</u>			
A1910.4	Unallocated Insurance	\$20,000.00	
A5142.2	Snow Equipment	\$49,100.00	
<u>To:</u>			
A9950.9	Transfer to Capital Projects Fund		\$69,100.00
	<b>TOTAL</b>	<b>\$69,100.00</b>	<b>\$69,100.00</b>

Motion carried with all voting aye.

**Budget amendments approved** – Motion by Trustee Harvey, seconded by Trustee Laraby, approving the following budget amendments:

Recommend Budget Amendments:

Increase	JA8989.4	SLWC Contractual	\$ 13,500.00	
<b>Capital Projects Fund – Small Cities Grant</b>				
Increase	H3997	State Aid-Small Cities	\$600,000.00	
	H5032	Interfund Trans. From Gen.	\$ 69,100.00	
	H8540.2	Drainage – Small Cities		\$600,000.00
	H8540.41	Small Cities-Engineering		\$ 69,100.00
	H8540.42	Small Cities-Admin. Grant		\$ 20,000.00
		<b>TOTAL</b>	<b>\$669,100.00</b>	<b>\$669,100.00</b>

Motion carried with all voting aye.

November’s treasurer’s reports have been distributed to board members.

**Clerk’s Report accepted** - Motion by Trustee Harvey, seconded by Trustee Laraby to accept the Clerk’s report as presented. Motion carried with all voting aye.

**ADMINISTRATOR REPORT** as presented by Administrator Murphy

Zoning Permit listing distributed to all board members. Trustee Barth asked that for violation report to be submitted monthly.

**Approval to proceed with Technical Assistance Grant** - A proposal for a Technical Assistance Grant to evaluate the water and sewer system was received from Stu Brown’s office. Trustee Harvey feels it is an important investment towards the future. Motion by Trustee Barth, seconded by Trustee Laraby, granting permission for Stu Brown to proceed with the Technical Assistance Grant application; along with the assistance of the Village’s engineers. Motion carried with all voting aye.

Motion by Trustee Harvey, seconded by Trustee Laraby to adjourn the regular meeting and open the public hearing at 8:00 pm. Motion carried with all voting aye.

**PUBLIC HEARING – Proposal to appropriate moneys from the Repair Reserve Fund**

The Village of Perry proposes to authorize appropriating moneys from the Repair Reserve fund to General Fund in the amount of \$18,000 for the cylinder repair on the Village of Perry’s Aerial Ladder Truck.

Trustee Laraby said the Aerial Ladder Truck cannot be certified without the repairs. If the truck is not certified, it is of no use and cannot respond to any calls. Administrator Murphy said this is an unanticipated expense and we do not have the monies budgeted for the repair.

Motion by Trustee Harvey, seconded by Trustee Laraby to adjourn the public hearing and resume the regular meeting at 8:02 pm. Motion carried with all voting aye.

**Transfer of funds from the Repair Reserve to General Fund approved** – Motion by Trustee Harvey, seconded by Trustee Barth, to transfer funds in the amount of \$18,000 from the Repair Reserve Fund to the General Fund for the cylinder repair on the Aerial Ladder Truck. Motion carried with all voting aye.

**ADMINISTRATOR REPORT continued**

**Full enforcement of Zoning Laws approved** – Motion by Trustee Harvey, seconded by Trustee Laraby, supporting the full enforcement of Zoning Laws and fines violators that appear in court. Motion carried with all voting aye.

**RESOLUTION  
VILLAGE BOARD OF THE VILLAGE OF PERRY DECLARING LAND NO LONGER  
NEEDED FOR MUNICIPAL PURPOSES AND IS SURPLUS PROPERTY**

**WHEREAS**, the Village Board of the Village of Perry has determined that the property, more fully described in **Exhibit A** attached hereto and made part hereof, is no longer needed for municipal *purposes*; and

**WHEREAS**, in accordance with Section 1-102(1) of the Village Law, the Village Board of the Village of Perry is hereby authorized to sell real property belonging to the Village of Perry; and

**WHEREAS**, said municipal property consists of 0.353 acres of scrub grass and trees along a side hill with a greater than 15 percent (15%) grade; and

**WHEREAS**, said municipal property is off the tax roll and the Village does not maintain the property; and

**WHEREAS**, said municipal property is of no value to the Village of Perry as supported by Affidavits of Superintendent of Public Works Edward Koziel and Village Administrator Terrence Murphy, the same is attached hereto as **Exhibit B** and **Exhibit C** respectively; and

**WHEREAS**, said municipal property is surplus municipal property and can be sold for fair and adequate consideration; and

**WHEREAS**, the Village of Perry has been contacted by Action Enterprises, Inc., a local *not*-for-profit corporation, to purchase the property described in **Exhibit A**; and

**WHEREAS**, Action Enterprises, Inc. required said property to develop a multi-phase project, "Champion Campus," which will benefit the Village of Perry; and

**WHEREAS**, it is acknowledged by the Village of Perry that the multi-phase Champion Campus project will benefit the entire community and the Village of Perry by developing an used parcel of land; and

**WHEREAS**, Action Enterprises, Inc. has offered the amount of \$1.00 for this land and the Village of Perry believes this to be fair and adequate consideration because:

1. Action Enterprises, Inc. is constructing a \$2.9 million Senior Citizen Housing Project;
2. Action Enterprises, Inc. is razing the former Champion building that has fallen into disrepair and eradicating structures that have been an eyesore and hazard to the Village of Perry; and
3. Action Enterprises, Inc.'s project will lead to the revitalization of downtown Perry.

**WHEREAS**, Action Enterprises, Inc. has agreed to pay the costs of the survey, abstract and attorney's fees which are associated with this purchase; and

**WHEREAS**, said property has been surveyed by Dana C. Grover, Licensed Land Surveyor, of Grover & Bates Associates on December 10, 2009, a copy of said survey is attached hereto as **Exhibit D**; and

**WHEREAS**, Action Enterprises, Inc. has expressed interest in purchasing said property for fair and adequate consideration.

**NOW ON MOTION OF** Trustee Davis, which has been duly seconded by Trustee Laraby, now therefore

**BE IT RESOLVED**, that the Village board of the Village of Perry hereby determines that the property, more fully described in **Exhibit A**, is surplus municipal property and shall be sold to Action Enterprises, Inc. for fair and adequate consideration and that, as a condition of the exchange, the Tempest Side Hill parcel (SBL #100.6-2-22) which is recorded under Liber 521 at page 297 and the tax parcel owned by Action Enterprises, Inc. (SBL #100.6-2-27.1) which is recorded under Liber 732 at page 509, be merged together as one tax parcel.

Ayes       5    
Nays       0  

**COMMITTEE REPORTS**

**DPW** – Trustees Davis and Laraby will meet with Administrator Murphy and DPW Supt. Koziel regarding the logging of Village property.

**MAYOR FILE**

Mayor Wood read a thank you card from Perry Central School Supt. William Stavisky for the joint meeting.

**OLD BUSINESS**

**Lake Street Sewer Pump Station** - Trustee Barth inquired about the proposal, dated February 2009, from Clark Patterson Lee for an evaluation of the Lake Street Sewer Pump Station at a cost of \$2,000. Nothing has been done

with the proposal. Motion by Trustee Laraby, seconded by Trustee Davis, to refer the matter to the Water/Sewer Committee to bring the proposal up to date. Motion carried with all voting aye.

**Euclid Ave** – Trustee Barth asked for an update on the Euclid Avenue water problems. Administrator Murphy suggested for the board to wait for the Technical Assistance Grant before deciding on any action for Euclid Avenue, as this would be part of the study. Clark Patterson Lee will not commit to anything until they study the situation in depth and identify the problem in the Euclid Avenue area.

**NEW BUSINESS**

There was no new business brought to the table to discuss.

**Motion to adjourn meeting and enter into executive session to discuss personnel employment at 8:26 p.m. was offered by Trustee Barth**, second by Trustee Harvey and carried with all voting aye.

**Motion to adjourn the executive session and resume the regular meeting at 10:26 p.m. was offered by Trustee Barth**, second by Trustee Laraby and carried with all voting aye.

**Mark Stowell appointed Part Time Police Officer** - Motion by Trustee Laraby, seconded by Trustee Davis, to appoint Mark Stowell a Part Time Police officer at a salary of \$15.67 per hour. Motion carried with all voting aye.

**Scott Kelly appointed from the Civil Service List** - Motion by Trustee Laraby, seconded by Trustee Davis to appoint Scott Kelly, Part Time Police officer, from the Civil Service List. Motion carried with all voting aye.

**Benefit Time Payout authorized for Matthew Rennie** - Motion by Trustee Harvey, seconded by Trustee Barth, authorizing the benefit time payout for Matthew Rennie as follows: 737.50 sick hours and 92.38 hours vacation. Motion carried with all voting aye.

**Motion to adjourn meeting at 10:30 p.m. was offered by Trustee Barth**, second by Mayor Wood and carried with all voting aye.

Respectfully submitted,

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Gail Vosburg  
Village Clerk