

**VILLAGE OF PERRY  
VILLAGE BOARD MEETING**

**APRIL 19, 2010**

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 5<sup>th</sup> day of April 2010.

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
	Joe Funk	Fire Chief
	Renee Koziel	Park Maint. Supervisor
	Edward Koziel	Supt. Public Works
	James Case	Chief of Police
GUESTS:	Lorraine Sturm	James Prince
	Bill Bark	Renee Ficarella
	Donald Hughes	Michael Hughes
	Melissa Henchen	

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

Mayor Wood led in the pledge to the flag.

**AWARD OF CERTIFICATES**

**RESOLUTION OF APPRECIATION  
DONALD HUGHES**

**WHEREAS**, Donald Hughes has served on the Zoning Board of Appeals for the Village of Perry; and

**WHEREAS**, Donald Hughes has faithfully and conscientiously served on the Zoning Board of Appeals for over 26 years; and

**WHEREAS**, Donald Hughes has retired from his position on the Zoning Board of Appeals on October 5, 2009; and

**WHEREAS**, Donald Hughes received recognition for his role as a leader and mentor throughout his career and has left a lasting mark on our community; and

**WHEREAS**, the Village of Perry Board of Trustees, by this resolution, wishes to express its great appreciation to Donald Hughes for meritorious service, loyalty and dedication to the Village of Perry citizens.

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

**NOW, BE IT RESOLVED**, that the Village Board of the Village of Perry does hereby commend Donald Hughes for over 26 years of valuable service and expresses its sincere thanks on behalf of the entire Village.

Aye:   5    
Nay:   0  

**VILLAGE OF PERRY  
RESOLUTION OF RECOGNITION  
OFFICER JAMES J. PRINCE &  
DEPUTY RENE FICARELLA**

**WHEREAS**, on September 15, 2009, Law Enforcement officers were summoned to the Silver Lake Outlet in the Village of Perry for the report of a suicidal subject; and

**WHEREAS**, Perry Police Officer James J. Prince and Wyoming County Sheriff Deputy Rene Ficarella responded to the call; and

**WHEREAS**, this incident placed the lives of the officers in direct and immediate danger; and

**WHEREAS**, Perry Police Officer James J. Prince and Wyoming County Sheriff Deputy Rene Ficarella were injured in the attempt to rescue the subject from the edge of the outlet gorge; and

**WHEREAS**, Officer Prince and Deputy Ficarella and the subject went over the edge of the gorge; and

**WHEREAS**, the Perry Police Department, Wyoming County Sheriff's Department and local fire departments worked together to rescue the individuals from the bottom of the gorge and transport them to medical care facilities.

**WHEREAS**, the Village of Perry Board of Trustees, by this resolution, wishes to express its great appreciation to Officer James J. Prince and Deputy Rene Ficarella for your sacrifice , bravery and unselfishness in the handling of this incident.

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

**NOW, BE IT RESOLVED**, that the Village Board of the Village of Perry does hereby commend James J. Prince and Rene Ficarella for their actions and expresses its sincere thanks on behalf of the entire Village.

Aye:   5    
Nay:   0  

**APRIL 5, 2010 MINUTES APPROVED** - Correction on page two, "...must *be* submitted to the board..." and on page three, "... Trustee Davis, *to* approve the auditing...". Upon motion by Trustee Harvey, second by Trustee Barth the minutes of the April 5, 2010 Board Meeting were approved as corrected. Motion carried with all voting aye.

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

**Old Turnout Gear & trash pump declares as surplus junk** – Motion by Trustee Laraby, seconded by Trustee Davis, to declare the old turnout gear and old trash pump as surplus junk so they may be disposed of. Motion carried with all voting aye.

**March’s Fire Department Report accepted** – Motion by Trustee Harvey, seconded by Trustee Davis, to accept March’s Fire Department Report as presented. Motion carried with all voting aye.

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

**March’s Police Department Report accepted** – Motion by Trustee Laraby, seconded by Trustee Davis, to accept March’s Police Department Report as presented. Motion carried with all voting aye.

Administrator Murphy inquired how the two newest officers are working out. Chief Case reported that they work a couple of shifts each week and he has not had any problems with them.

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

**Facilities Reservation Request Form and Fee Schedule approved** – A new facilities reservation request form and fee schedule (attached) was presented by Trustee Harvey. Motion by Trustee Harvey, seconded by Trustee Barth, to approve the Facilities Reservation Request Form and Fee Schedule as presented. Motion carried with all voting aye.

**Park & Recreation report accepted** – Motion by Trustee Harvey, seconded by Trustee Barth, to accept the Park & Recreation report as presented. Motion carried with all voting aye.

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

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

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

**Payment of Claims -**

Vouchers as set forth in Abstract # 31

General Fund	\$ 63,039.51
Water Fund	\$ 41,780.05
Sewer Fund	\$ 42,851.16
Capital Projects Fund	\$119,397.87
SLWC	\$ 50.69
Trust & Agency	<u>\$ 43,094.50</u>
TOTAL	\$310,213.78

Trustee Barth has audited all vouchers in Abstract #31. Motion by Trustee Harvey, seconded by Trustee Davis, that vouchers as set forth in Abstract # 31 are ordered to be paid. Motion carried with all voting aye.

**Perry Chalk Art Festival insurance waiver** - Motion by Trustee Harvey, seconded by Trustee Laraby, to waive the one day insurance for the non-food vendors for the Chalk Art Festival on July 10, 2010. Motion carried with all voting aye.

**Perry Chalk Art Festival closing portion of Lake Street approved** - Motion by Trustee Harvey, seconded Trustee Davis, authorizing the closing of Lake Street, between Main Street and Short Street; providing the affected businesses be contacted. Motion carried with all voting aye.

**2010 Small Cities Application – Village Hall**

- **Negative Declaration issued**

**SEQR Declaration of Environmental Non-significance  
a/k/a Negative Declaration  
Village Hall Accessibility Improvement Project**

**WHEREAS**, the Village of Perry intends to make renovations to the Perry Village Hall in order to bring the building into compliance with the requirements of the Americans with Disabilities Act (ADA) and to make the Perry Village Hall more easily accessible to handicapped Village residents, and to make the second floor of the building available for public use, and

**WHEREAS**, an environmental review must be undertaken in accord with the State Environmental Quality Review (SEQR) regulations prior to undertaking such a project to determine any potential adverse environmental impact the proposed action could have, and

**WHEREAS**, upon review of the SEQR regulations all indications are that due to the scale, scope and nature of the project, the project would most appropriately be categorized as an Unlisted Action as defined by the SEQR regulations, and

**WHEREAS**, the Village Board caused a Short Environmental Assessment Form (EAF) to be prepared in order to evaluate the potential adverse environmental impacts of the proposed project,

**NOW ON A MOTION OF** Trustee Barth which has been duly seconded by Trustee Laraby.

**NOW THEREFORE BE IT RESOLVED**, that the Village Board does hereby determine the proposed action to be an Unlisted Action as defined by the SEQR regulations, and

**BE IT FURTHER RESOLVED**, that the Perry Village Board does hereby accept the Short Environmental Assessment Form prepared on behalf of the Village Board by its consultant Stuart I. Brown Associates, Inc., and

**BE IT FURTHER RESOLVED**, that after reviewing the Environmental Assessment Form and taking into consideration the criteria set forth in Section 617.7 of the SEQR regulations for determining environmental significance, the Perry Village Board does hereby determine that the proposed action will not have a significant adverse impact on the environment and therefore does hereby issue a Determination of Environmental Non-Significance.

Ayes:   5  

Nays:   0  

- **Cover Letter for 2010 Small Cities Application approved** – Motion by Trustee Barth, seconded by Trustee Laraby, to approve the cover letter for the 2010 Small Cities Application and authorize the Mayor to sign said letter (attached). Motion carried with all voting aye.
- **Applicant/Recipient Disclosure Update Report signed** – Motion by Trustee Barth, seconded by Trustee Laraby, to approve the Application/Recipient Disclosure Update Report and authorize the Mayor to sign the certification of the report. Motion carried with all voting aye.
- **Signature form approved for Mayor to sign** – Motion by Trustee Barth, seconded by Trustee Laraby, to approve the signature form and approve the Mayor to sign said form. Motion carried with all voting aye.

**Brownfield Cleanup Program Application** – Notice was received from Clark Patterson Lee that the DEC has accepted the Brownfield Cleanup Program application for the A & A Metal site as complete. They are required to have a complete application available to the Public during the 30 day Public Comment period at the “Document Repository” which is the Village Hall.

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

**ADMINISTRATOR REPORT** – presented by Terry Murphy

**Municipal Auction funds approved** – Motion by Trustee Harvey, seconded by Trustee Laraby, authorizing funds, not to exceed \$50,000, to be spent at the Municipal Auction on May 8<sup>th</sup> for the purpose of purchasing a snow plow truck and a one ton dump truck. Motion carried with all voting aye.

**YMCA Summer Recreation proposal approved** – Administrator Murphy said the proposal from the YMCA for the Summer Recreation program is \$16,600; with the same terms and conditions as last year. There is a provision to have non-Perry district children attend the program at full price. The proposal allows children entering first grade to attend; in year past, it was entering kindergarten. They have this to increase numbers only. Motion by Trustee Barth, seconded by Trustee Laraby, to adopt the YMCA Summer Recreation Proposal at a cost of \$16,600 with the limitation of the children to those entering first grade through those entering seventh grade. Vote as follows:

Ayes	4	Wood, Barth, Davis, Laraby
Nays	0	
Abstain	1	Harvey

**Surplus Bids accepted** – Administrator Murphy said the bids for our surplus list of equipment were opened. The DPW committee concurs with him to accept the high bidder for each. Motion by Trustee Laraby, seconded by Trustee Davis, to accept the bids for the surplus equipment as follows:

A. Cub Cadet mower	Lee Frette	\$ 360.55
B. “85 Ford F700	Doug Miller	\$1,752.00
C. 1953 Farmall A	Fred Crane	\$1,275.00
D. “85 Ford Diesel Tractor	Joseph Bzduch	\$3,705.00
E. 2000 Ford Explorer	David Poklinkowski	\$ 300.00

F. 2004 Ford Crown Victoria	Dustin Stowell	\$ 725.00
G. Meyers 7 ½' plow	Keith Freeman	\$ 256.00
H. Ferris Mower (bad motor)	Lee Frette	\$ 525.70

Motion carried with all voting aye.

**Shared Services Proposal accepted** – The committee for the shared services met and recommends Stu Brown as consultant for the study at a cost of \$27,500 to also include the fire department study. Motion by Trustee Laraby, seconded by Trustee Harvey, to accept Stu Brown as consultant for the Shared Serviced Study at a cost of \$27,500; including the fire department study. Motion carried with all voting aye.

Administrator Murphy suggested tabling of the Perry Emergency Ambulance contract until further documentation is provided.

**Administrator's report accepted** – Motion by Trustee Harvey, seconded by Trustee Laraby, to accept the Administrator's report as presented. Motion carried with all voting aye.

### **Committee Reports**

**Recreation** – Trustee Barth reported on the possibility of resurfacing the tennis courts. The drainage is poor and the existing courts need to be removed in order to install proper drainage.

**Fire – New fire siren approved** – Trustee Laraby reported on the replacement of the fire siren. He has a quote from Francis A. Simmons Inc.. of \$8,700, which includes installation. The fire department feels there is a need for the siren. Trustee Harvey asked if homeowners' insurance rates are affected with no fire siren. Trustee Laraby said he is not sure. The department could activate the alarm locally if there were phone and/or electrical problems in the county. Motion by Trustee Laraby, seconded by Trustee Davis, to purchase from Francis A. Simmons Assoc. Inc. a fire siren with the cost not to exceed \$9,000. Motion carried with all voting aye.

### **Mayor Files**

Nothing to report.

### **Old Business**

Trustee Harvey asked Administrator Murphy about the Franchise Agreement with Time Warner Cable. He said it is their attorney's hands.

### **New Business**

No new business.

Motion by Trustee Laraby to enter into executive session to discuss a personnel matter at 8:58 p.m. was seconded by Trustee Barth and carried with all voting aye.

Motion by Trustee Barth to adjourn executive session at 10:30 p.m. was seconded by Trustee Laraby and carried with all voting aye.

Motion to adjourn meeting at 10:30 p.m. was offered by Trustee Harvey, second by Trustee Laraby and carried with all voting aye.

Respectfully submitted,

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Gail Vosburg  
Village Clerk