

**VILLAGE OF PERRY  
VILLAGE BOARD MEETING  
December 6, 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 6<sup>th</sup> day of December 2010.

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 Todd Hinz Don Roberts	Village Administrator Village Clerk Chief Water & Sewer Operator Zoning Officer
GUESTS:	Eleanor Jacobs Larry Hopper David Laraby	Jim Genduso Steve Laraby Matt Surtel

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

Mayor Wood led in the pledge to the flag.

**NOVEMBER 15, 2010 MINUTES APPROVED** – Corrections were noted on page one, "... to approve the *DPW* Report as presented." and on page two, "...approving the payment of the Police & General Unit Retirement employer contribution in the amount of \$136,092.00 *due to the cost saving.*" Motion by Trustee Laraby, second by Trustee Davis, the minutes of the November 15, 2010 Board Meeting are approved with the above corrections. Motion carried with all voting aye.

**PUBLIC COMMENT**

***Eleanor Jacobs & Jim Genduso– PMSA*** - Jim Genduso said the PMSA is committed to downtown Perry. They are requesting that the Village move forward with the 2008 Main Street Plan. Administrator Murphy informed them that the Village has applied for a Technical Assistance Grant for the purpose of evaluating the water and sewer infrastructure. As of this date, the village has not had any response back.

***Don Roberts – Zoning Officer*** - ZO Roberts was present and reviewed the zoning permit process (outline attached) and the violation of the Code process. ZO Roberts said his main concern for violations is compliance, not taking the offenders to court. He explained that it can take up to 3-4 months to deal with and resolve a complaint.

Motion by Trustee Laraby, seconded by Trustee Davis, to adjourn the regular meeting and open the Public Hearing regarding the proposed water and sewer rate schedule at 8:03 pm. Motion carried with all voting aye.

**PUBLIC HEARING – WATER AND SEWER RATE SCHEDULE**

Administrator Murphy said the proposed water and sewer rate *increases* would not take effect until March 2, 2011 and June 1, 2012 as per the attached schedule of rates. He advised the last time the rates were increased was February 2009.

No one from the public spoke.

Motion by Trustee Barth, seconded by Trustee Laraby, to closed the Public Hearing at 8:05 pm. Motion carried with all voting aye.

Motion by Trustee Barth, seconded by Trustee Laraby to resume the regular meeting. Motion carried with all voting aye.

**Water & Sewer Rate Schedule adopted** – Motion by Trustee Barth, seconded by Trustee Laraby, to adopt the water and sewer rate schedule as proposed (attached). Motion carried with all voting aye.

**WATER & SEWER REPORT** – presented by Chief Operator Todd Hinz (as attached)

**Emergency generators** – Both emergency generators at the Water and Waste Water Treatments Plants were in use on Wednesday, December 1<sup>st</sup> as the Village lost electric and were under the emergency power. No problems were encountered.

**Water & Sewer Report accepted** – Motion by Trustee Laraby, seconded by Trustee Davis, to accept the Water & Sewer 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 # 18

General Fund	\$ 42,897.06
Water Fund	\$ 15,448.54
Sewer Fund	\$ 6,799.28

Trust & Agency Fund	<u>\$ 45,999.94</u>
TOTAL	\$111,143.92

Vouchers as set forth in Abstract # 19	
General Fund	\$142,805.49
Water Fund	\$ 19,405.11
Sewer Fund	\$ 12,052.68
Trust & Agency Fund	<u>\$ 9,468.50</u>
TOTAL	\$183,731.78

All vouchers have been audited by Trustee Barth. Motion by Trustee Laraby, seconded by Trustee Davis to pay vouchers as set forth in Abstracts # 18 & #19. Motion carried with all voting aye.

October's Treasurer's report was presented.

**Rick Craft resignation accepted** – Motion by Trustee Laraby, seconded by Trustee Barth, to accept with regrets the resignation of Rick Craft from the Planning Board. Motion carried with all voting aye.

Notice that F.U.N. Bowling Center, Inc. is renewing their liquor license.

**Employee Assistance Program renewed** – Motion by Trustee Laraby, seconded by Trustee Davis, to renew the Employee Assistance Program at a cost of \$996.84 for general unit employees and \$519.84 for a total of \$1,588.68 and authorize the Mayor to sign the renewal agreement. Motion carried with all voting aye. The renewal contract amount is under budget.

**Intermunicipal Agreement for Wyoming County Curbside Collection Program approved** – Motion by Trustee Laraby, seconded by Trustee Davis, to approve the Intermunicipal Agreement for Wyoming County Curbside Collection Program for two years at a cost of \$195 per residential unit and authorize the Mayor to sign the agreement. Motion carried with all voting aye.

The village can no longer use lever-type voting machines for the village election.

**Wyoming County Chamber of Commerce membership dues approved** – Motion by Trustee Laraby, seconded by Trustee Davis, to renew the Wyoming County Chamber of Commerce membership dues at a cost of \$100. Motion carried with all voting aye.

**ADMINISTRATOR REPORT** – presented by Terry Murphy

A proposed Water Agreement with the Town of Perry was distributed for review.

**¾ ton pickup truck with plow bids rejected** – Administrator Murphy said the following bids were opened on December 2<sup>nd</sup> :

Spurr Chevrolet	\$23,720.00	\$3,964.00	\$27,684.00
Kelly Motors	\$22,095.00	\$4,175.00	\$26,270.00
Basil Ford	\$21,800.00	\$3,929.00	\$25,729.00
West Herr Ford	\$22,331.00	\$3,964.00	\$26,295.00

Motion by Trustee Laraby, seconded by Trustee Barth, to reject all bids due to inconsistencies in the bidding. Motion carried with all voting aye.

¾ ton pickup truck rebid – Motion by Trustee Laraby, seconded by Trustee Barth, to rebid for the ¾ ton pickup truck with plow

**RESOLUTION  
AWARDING THE BID TO CHURCHVILLE FIRE EQUIPMENT  
FOR THE PURCHASE OF A TRIPLE COMBINATION PUMPER FIRE TRUCK  
FOR THE VILLAGE OF PERRY**

The Village Board of the Village of Perry met at a regular board meeting at the Village Office of the Village of Perry, New York on Monday, December 6, 2010 commencing at 7:30 p.m. at which time and place the following members were:

Present: Mayor Howard C. Wood  
Trustee David J. Davis  
Trustee J. Richard Barth

Absent: Trustee Mandi Harvey

Abstain: Trustee Michael J. Laraby

**WHEREAS**, the Village Board authorized an invitation to bid for the purchase of a new "Triple Combination Pumper" fire truck for the Village of Perry and the initial bids were rejected on or about October 6, 2010 due to the fact that there was only one (1) bidder – Churchville Fire Equipment; and

**WHEREAS**, the Village Board then completed a diligent search in an effort to receive more bids, authorized another invitation to bid for the purchase of said truck and received bids from the following entities and were opened in accordance with the published request on or about November 19, 2010;

KME	(John Yasso)	\$ 497,877.00 – KME
Churchville Fire Equipment	(Stephen Gulvin)	\$ 454,512.00 – Pierce
Firehouse Apparatus	(Mark Aswat)	\$ 420,943.00 – Four Guys

Empire Emergency Apparatus (Jim Tabor)	\$ 414,181.00 – Rosenbauer
P&G Emergency Equipment (Evan Griffen)	\$ 366,004.00 – HME

**WHEREAS**, the Board also sought bids from Tim Hoegel; Fire Equipment Sales & Service; and Extreme Apparatus, however no bids were received from these entities; and

**WHEREAS**, the Village has formed a Truck Committee comprised of the Fire Department duly authorized officers and Village Board Members who reviewed the proposals in accordance with the specifications which comprised 311 specific items that the Truck Committee believed were crucial for the Village's specific needs for the acquisition of this new truck; and

**WHEREAS**, this Truck Committee developed these specifications for a Triple Combination Pumper Truck so that the purchase would reduce the size of the Village's fleet by one truck and the new truck was designed and engineered to have enough cabinet storage to carry equipment from two different trucks which was of critical importance in order for the Village to reduce the number of trucks in its fleet; and

**WHEREAS**, with regards to the two trucks that are slated to be replaced, one is a rescue pumper truck and the other is a pumper truck, both of which are in serious need of repair and have significant delayed maintenance issues and for more than a year now, one of them has not been used nor is it fire worthy; and

**WHEREAS**, what was also readily apparent concerning this new vehicle was the increased weight due to the combination of two trucks into one and the increased amount of equipment weight the truck would need to carry was of significant concern to the Truck Committee and they spent a large amount of time developing specifications regarding the axles, breaking mechanics, tires, etc. to deal with this critical factor; and

**WHEREAS**, because the composition of the truck in general was going to combine two trucks into one, it was believed that a standard truck could not be modified to accommodate the needs of the Village so a custom piece of equipment was specified; and

**WHEREAS**, because of previous dissatisfaction, both by the Village Board and the Fire Department with not having a single source compliant vehicle, this requirement was very important in the development of the bid specifications for this custom piece of equipment; and

**WHEREAS**, in the event that warranty work or repairs are needed in the future, the requirement of a local service facility in close proximity to the Village of Perry is of utmost importance given the fact this is a crucial piece of equipment and any time it is out of service or out of the area will be of serious consequence to the Village; and

**WHEREAS**, the Village of Perry received bids from the above-noted entities and the Village Board and Truck Committee having reviewed in detail the bids against the 311 specification set forth in the bid specs and the Truck Committee laboriously reviewed each and every spec to determine that the bids complied with the same; and

**WHEREAS**, P&G Emergency Equipment submitted a bid in the amount of \$366,004.00 for the HME but was rejected as it did not comply with any of the bid specs as the bid submitted was for a stock demo truck, not a new custom built Triple Combination Pumper; and

**WHEREAS**, the bid submitted by Empire Emergency Apparatus for the Rosenbauer in the amount of \$414,181.00 was disqualified for failing to meet 18 of the bid specifications required by the Truck Committee, including but not limited to, a front axle with a lower GVW rating, reduced size of the equipment storage compartment space and eliminated compartment space and not being single source compliant as it would be built from multiple vendors; and

**WHEREAS**, the KME proposal for \$497,877.00 was also rejected for being a stock demo truck and not a new custom built Triple Combination Pumper and said bid also did not comply with 51 of the required 311 specifications; and

**WHEREAS**, the bid in the amount of \$420,943.00 submitted by Firehouse Apparatus for the Four-Guys failed to meet 25 of the specifications, the significant ones being; not single source compliant, no local service availability, rear axle and rear brakes were not compliant and the use of stainless steel for the aluminum compartment construction which is very heavy and would result in less equipment being able to be hauled due to excessive weight load of the truck itself along with past experience that paint does not adhere to stainless steel very well and becomes a maintenance issue down the road; and

**WHEREAS**, the weight of the vehicle itself would limit the equipment that could be carried on the vehicle to meet the GVW and therefore be able to accommodate the combination of two trucks into one vehicle and the additional weight of this vehicle due to the material to create it was not going to be able to accommodate the necessary equipment; and

**WHEREAS**, the only bid that met all 311 specifications required by the Truck Committee was Churchville Fire Equipment with the Pierce proposal in the amount of \$454,512.00; and

**WHEREAS**, the Village Board of the Village of Perry feels it is in the best interest of the Village to award the contract to the lowest *responsible* bidder, Churchville Fire Equipment, as they submitted a proposal that met all 311 specification required by the Truck Committee; and

**WHEREAS**, the other three lower bidders did not comply with the Village's bid specifications and the Board acknowledges that Churchville Fire Equipment is not the lowest bidder however it does represent a bid that complies with all of the bid specifications and also after a long and thorough investigation meets the needs of the Village of Perry and the Volunteer Fire Department in a far more satisfactory manner than all the other bids; and

**WHEREAS**, the Village Board of the Village of Perry acknowledges that these volunteers are asked to put their lives on the line and the fact that this equipment needs to be ready, 24/7 - 365 days per year and local service ability is important, reliability is important and the fact the delayed maintenance would be a significant factor; and

**WHEREAS**, buying the appropriately sized truck for the needs of this Department was imperative in reaching the conclusion to award the bid to Churchville Fire Equipment for \$454,512.00 as the most appropriate bidder.

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

**NOW, BE IT RESOLVED**, that the Village Board of the Village of Perry hereby awards the bid, in the amount of \$454,512.00, as submitted by Churchville Fire Equipment as the lowest responsible bidder.

Ayes:              3    
Nays:                    
Abstain:          1  

**Anti-virus software update approved – Motion** by Trustee Barth, seconded by Trustee Laraby, to approve the anti-virus software update proposal by Integrated at a cost of \$1,345.00. Motion carried with all voting aye.

**Request from ZO Roberts tabled – Motion** by Trustee Barth, seconded by Trustee Laraby, to table the request of \$20 per month from ZO Roberts for cell phone reimbursement. Motion carried with all voting aye.

**OLD BUSINESS**

The Village Clerk will check with other municipalities concerning their soliciting permits.

**NEW BUSINESS**

No new business.

**Motion by Trustee Barth** to enter into executive session to discuss a personnel appointment at 8:55 p.m. was seconded by Trustee Davis and carried with all voting aye.

**Motion by Trustee Barth** to adjourn executive session at 9:29 p.m. and resume the regular meeting was seconded by Trustee Laraby and carried with all voting aye.

**Motion to adjourn meeting at 9:29 p.m. was offered by Trustee Laraby**, second by Trustee Davis and carried with all voting aye.

Respectfully submitted,

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Gail Vosburg  
Village Clerk