

VILLAGE OF PERRY
VILLAGE BOARD MEETING
March 15, 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 15th day March 2010.

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

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

Mayor Wood led in the pledge to the flag.

MARCH 1, 2010 MINUTES APPROVED - Correction noted on page two "...Licensing Course *from New York Rural...*" and on page three "... and proper *egress exit.*" Motion by Trustee Barth, second by Trustee Davis, the minutes of the March 1, 2010 Board Meeting are approved as corrected. Motion carried with all voting aye.

PUBLIC COMMENT

Charles Scripp Jr. – owner of 44 S Main St (NAPA)- was present to express his concern for the proposal of relocating the Farmers Market to the Town of Perry parking lot on S Main St, adjacent to his business. He stated that he is not against the farm market, but has concerns over shutting down a parking lot sixteen (16) Saturday mornings at the expense of the neighboring businesses. He feels pushing the parking onto the street will make traffic congested. He feels the Village parking lot behind his property and the adjoining town parking lot would be a better solution for relocating the farm market. Mayor Wood thanked Mr. Scripp for his time and said his concerns would be addressed.

Rick Hauser – PMSA – was present to inform the village board that the Perry Main Street Association is exploring (researching) the idea of a Downtown Historic District. Mr. Hauser passed out an informational sheet regarding State and National Resisters of Historic Places in New York. PMSA is interested in filing an application to register downtown as a Historic District. A meeting with property owners is scheduled next month. Trustee Harvey asked what are they looking for from the Village Board. Mr. Hauser said nothing. He feels it would be good if they could get the Historic District to go with the NY Main Street grants.

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

Administrator Murphy asked about training hours. Chief Funk reported that the training officers have those records. It will be listed on next month's reports.

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

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

February's Police Department Report accepted – Motion by Trustee Laraby, seconded by Trustee Harvey to accept February's Department 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 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 # 28

General Fund	\$ 123,342.72
Water Fund	\$ 12,653.46
Sewer Fund	\$ 40,009.16
SLWC	\$ 5,518.89
Trust & Agency Fund	\$ 42,500.21
TOTAL	\$ 224,024.44

All vouchers have been audited by Trustee Laraby. Motion by Trustee Harvey, seconded by Trustee Davis to pay vouchers as set forth in Abstract # 28. Motion carried with all voting aye.

January & February Treasurer's reports attached.

Water Equipment BAN renewed – Motion by Trustee Laraby, seconded by Trustee Davis to renew the Water Equipment BAN in the amount of \$47,590.00. Motion carried with all voting aye.

Sewer Equipment BAN renewed – Motion by Trustee Davis, seconded by Trustee Laraby to renew the Sewer Equipment BAN in the amount of \$50,770.00. Motion carried with all voting aye.

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

GENERAL FUND

From:

A1325.4	Treasurer Contractual	\$ 3,000.00
A1620.42	Village Hall Utilities	\$ 3,000.00
A3120.1	PD Personal Services	\$20,470.00
A8560.4	Shade Trees Contractual	\$ 4,732.00

To:

A1410.4	Clerk Contractual	\$ 3,000.00
A1620.4	Village Hall Contractual	\$ 3,000.00
A3120.13	PD Overtime	\$ 2,000.00
A3120.14	PD Benefit Time	\$ 18,470.00
A8560.4	Shade Trees Equipment	\$ 4,732.00
	TOTAL	\$31,202.00

WATER FUND

From:

F9060.8	Health Insurance	\$ 2,000.00
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To:

F8340.4	Trans. & Distribution Contr.	\$ 2,000.00
	TOTAL	\$ 2,000.00

SILVER LAKE WATERSHED

To:

JA8989.4	SLWC Contractual	\$ 2,000.00
	TOTAL	\$ 2,000.00

Motion carried with all voting aye.

2010-2011 Organizational Meeting Scheduled – Motion by Mayor Wood, seconded by Trustee Barth, to schedule the 2010-2011 Organizational Meeting for Monday, April 5, 2010 at 7:30 p.m. Motion carried with all voting aye.

NYS Archives workshop approved – Motion by Trustee Davis, seconded by Trustee Laraby, to approve Clerk Vosburg to attend a NYS Archives Workshop "Your Role as Records Management Officer" on July 21st in Bath. Motion carried with all voting aye.

Colin Reagan resignation accepted – Motion by Trustee Harvey, seconded by Trustee Barth, to accept the resignation of Part-time Police Officer Colin Reagan as of March 8, 2010. Motion carried with all voting aye.

Budget Amendments approved – Motion by Trustee Harvey, seconded by Trustee Barth, to amend the budget as recommended by the auditors to reflect the lease purchases of the police vehicles:

H5785	PD Lease Installment Purchase	\$ 26,111.00	
H3120.2	Police Car Purchase		\$ 26,111.00
A3120.2	'09 Crown Vic. Payment	\$ 9,291.00	
A9785.62	'09 Crown Vic. Payment		\$ 9,291.00
A3120.2	'08 Durango Payment	\$ 8,359.15	
A9785.61	'08 Durango Principal Payment		\$ 7,446.64
A9785.71	'08 Durango Interest Payment		\$ 912.51

Motion carried with all voting aye.

Write off Old Tax Sale Certificates approved – Motion by Trustee Harvey, seconded by Trustee Davis, to write off Old Tax Sale Certificates in the amount of \$3,606.70 as outlined in the Audit Report. Collections for these certificates are not realistic as these amounts are outstanding village taxes prior to 1994. Motion carried with all voting aye.

Small Cities ADA Compliance Requirements approved

**RESOLUTION
Compliance with Title II of the Americans with Disabilities Act
And
Section 504 of the Rehabilitation Act of 1973**

WHEREAS, the Village of Perry has received funding under the Community Development Block Grant (CDBG) Act and is required to take affirmative steps to ensure that the CDBG programs, services, and activities are accessible to, and usable by, individuals with disabilities.

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

NOW, THEREFORE BE IT RESOLVED, that the Village of Perry hereby adopts the attached policy statement regarding compliance with Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973; and

NOW, THEREFORE BE IT RESOLVED, that the Village of Perry hereby adopts the complaint procedures describes in the policy statement to address complaints of discrimination with regard to the ADA and/or Section 504 of the Rehabilitation Act of 1973; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Village Clerk is hereby directed to post the policy statement in the Village Clerk's Office and to publish a notice regarding the availability of the policy statement and complaint form.

Aye: 5
Nay: 0

Small Cities Fair Housing Requirements approved

**VILLAGE OF PERRY
FAIR HOUSING/ANTI-DISPLACEMENT PLAN
Resolution**

WHEREAS, the Village of Perry, State of New York, has been granted Community Development Block Grant (CDBG) Funds from the State of New York; and

WHEREAS, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act requires certain statement of assurances and certifications.

NOW ON A MOTION OF Trustee Harvey which has been duly seconded by Trustee Davis.

NOW THEREFORE BE IT RESOLVED that pursuant to the Village of Perry being granted CDBG funds by the State; the Village of Perry, by administrative act, does adopt Fair Housing and Anti-Displacement Plans for the Village; and

BE IT FURTHER RESOLVED that the Village Board appoints Mayor Howard C. Wood to serve as the Fair Housing Officer for the Village of Perry.

Aye: 5
Nay: 0

Village Procurement Policy & Minority and Women Owned Firms approved – Motion by Trustee Barth, seconded by Trustee Davis, notice that the Village of Perry must give consideration in hiring M/WBE for contract, subcontracts and supplier agreements. This is a requirement of the HUD Act as we are receiving CDBG funding. Motion carried with all voting aye.

Tentative 2010-2011 budget approved & Budget Hearing set – Motion by Trustee Barth, seconded by Trustee Harvey, to approve the 2010-2011 Tentative Budget as presented and set a Public Hearing on the Budget for Monday, April 5, 2010 at 8:15 p.m. Motion carried with all voting aye.

Perry Center Fire Dept. Noise Permit application approved – The Perry Center Fire Department has applied for a noise permit so they may have a band at the WNY Firemen's convention being held at the Perry Fire grounds on July 30th and 31st. They are requesting time be extended to 1:30 am, the law in only until 12 am. Motion by Trustee Barth, seconded by Trustee Laraby, to approve the noise permit application as applied for by the Perry Center Fire Department extending the hour for the noise permit until 1:30 am. Motion carried with all voting aye.

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 as presented by Administrator Murphy

Surplus Sale advertise for sealed bids – Motion by Trustee Laraby, seconded by Trustee Harvey, to declare the following as surplus and accept sealed bids for the following items:

- A. One (1) 1974 Cub Cadet lawn mower, used
- B. One (1) 1985 Ford F-700 Service Truck with working generator
- C. One (1) 1953 Farmall Super A Tractor with sickle bar mower, Turf & Ag tires
- D. One (1) 1985 Ford Tractor (diesel) with 5' finish mower
- E. One (1) 2000 Ford Explorer
- F. One (1) 2004 Ford Crown Victoria
- G. One (1) Complete Meyers 7 1/2' plow
- H. One (1) 48" Ferris Mower (bad motor)

Motion carried with all voting aye.

Compact Tractor to Bid – Motion by Trustee Laraby, seconded by Trustee *Davis*, to accept sealed bids for the purchase of a Compact Tractor. Motion carried with all voting aye. Funds are available the budget for this purchase.

Small Cities Grant Program Public Hearing scheduled – Motion by Trustee Harvey, seconded by Trustee Barth, to schedule a public hearing on the Small Cities Grant Program for Monday, April 5, 2010 at 8:00 pm. Motion carried with all voting aye.

Holiday Lights Clean Sweep approved – Motion by Trustee Harvey, seconded by Trustee Davis, to allow Holiday Lights to hold a Clean Sweep on Saturday, May 15, 2010. Motion carried with all voting aye.

Farmers Market Grant – Administrator Murphy reported he had sent a letter to the Perry Town Board regarding the Farmers Market Grant.

Grant reimbursement request has been received by Wyo. Co. regarding the Small Cities Grant submission.

The village attorney is working on rewording definitions and wording in the Sex Offender Residency Law.

COMMITTEE REPORTS

Fire – Fire Siren search approved - Trustee Laraby reported the old fire siren is back and is no longer usable. Motion by Trustee Barth, seconded by Trustee Davis, granting permission for Trustee Laraby to explore the replacement of the fire siren. Motion carried with all voting aye.

Trustee Davis expressed his displeasure of residents placing garbage and trash at the curb too early for collection as it becomes an eyesore in the community. Trustee Barth noted a buildup of trash on the Village's property that runs behind properties on Leicester St and Covington Street.

MAYOR FILE

Mayor Wood noted the Office for the Aging is holding a Senior Ball on May 19th beginning at 3 pm. Senior Volunteer Service recognition will begin at 4:00 pm.

Mayor Wood noted that Beverly Moreland – Bio digester will be in the area on March 21st. The size of the proposed project has increased and she feels she has obtained funding for the project.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

Trustee Barth asked about recognition for John Matson. Trustee Harvey suggested Rotary place another plaque on the rock in the Village Park by the wading pool opposite the plaque that bears his father's name.

Motion to adjourn meeting and enter into executive session to discuss personnel employment at 8:45 p.m. was offered by Trustee Barth, second by Trustee Laraby and carried with all voting aye.

Motion to adjourn the executive session and resume the regular meeting at 10:18 p.m. was offered by Trustee Barth, second by Trustee Laraby and carried with all voting aye.

Officer Miller to attend Taser School – Motion by Trustee Laraby, seconded by Trustee Davis, to send Officer Miller to Taser School for training at a cost of \$199 for the training session, mileage reimbursement, meals and \$100 in training materials. Motion carried with all voting aye.

New police vehicle authorized for purchase – Motion by Trustee Laraby, seconded by Trustee Davis, authorizing the purchase and delivery of a new police vehicle outright. Motion carried with all voting aye.

Posting of the position of Assistant Police Chief approved - Motion by Trustee Davis, seconded by Trustee Barth, authorizing the posting of the position of Assistant Police Chief (promotional) for a period of 15 days, expiring April 2, 2010. Motion carried with all voting aye.

BOCES to diagnosis Dodge Charger approved – Motion by Trustee Laraby, seconded by Trustee Barth, to authorize BOCES to diagnosis the Dodge Charger. Motion carried with all voting aye.

Perry Blaze Tournament use of Village Park approved – Motion by Trustee Laraby, seconded by Trustee Harvey, approving the Perry Blaze to hold a softball tournament in the Village Park on June 19th & 20th. Diamonds #1, #2, #3 and the LL field, contingent upon Babe Ruth not using the LL field. Motion carried with all voting aye.

Park Committee to review facilities fee schedule – Motion by Trustee Laraby, seconded by Trustee Barth, to allow the park committee to revise the facilities use form and fee schedule. Motion carried with all voting aye.

Health Insurance Buy-out to be removed from Non-union Manual – Motion by Trustee Laraby, seconded by Trustee Harvey, to remove the health insurance buy-out option from the Non-union Employee Manual. Motion carried with all voting aye.

Motion to adjourn meeting at 10:21 p.m. was offered by Trustee Barth, second by Trustee Harvey and carried with all voting aye.

Respectfully submitted,

Gail Vosburg, Village Clerk