

VILLAGE OF PERRY
VILLAGE BOARD MEETING
May 3, 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 3rd day of May 2010.

PRESENT:	Howard Wood David J. Davis Mandi Harvey Michael Laraby J. Richard Barth	Mayor Trustee Trustee Trustee Trustee
ALSO PRESENT:	Terrence Murphy Gail Vosburg Todd Hinz	Village Administrator Village Clerk Chief Water & Sewer Operator
GUESTS:	Lorraine Sturm Bill Bark Harold Parker	Melissa Henchen Gerry Sahrle Sue Sprague

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

Mayor Wood led in the pledge to the flag.

AWARD OF CERTIFICATE

RESOLUTION OF APPRECIATION
HAROLD C. PARKER

WHEREAS, Harold C. Parker has been employed as a business owner in the Village of Perry; and

WHEREAS, Harold C. Parker has faithfully and conscientiously served the people and citizens in the Village of Perry for over 55 years; and

WHEREAS, Harold C. Parker also served as Attorney for the Village of Perry for over 46 years; and

WHEREAS, Harold C. Parker 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 Harold C. Parker for meritorious service, loyalty and dedication to the Village of Perry citizens.

NOW, BE IT RESOLVED, that the Village Board of the Village of Perry does hereby commend Harold C. Parker for over 55 years of valuable service and expresses its sincere thanks on behalf of the entire Village.

Aye: 5

Nay: 0

MINUTES

APRIL 19, 2010 MINUTES APPROVED - Upon motion by Trustee Laraby, second by Trustee Davis the minutes of the April 19, 2010 Board Meeting were approved. Motion carried with all voting aye.

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

Sewer

Mark Kingsley WWTP course approved – Motion by Trustee Laraby, seconded by Trustee Davis, to approve Mark Kingsley to attend the Basic Operations of Wastewater Course at Morrisville State College from September 13th – 24th at a cost of \$975.00. Motion carried with all voting aye. This course is required to become a certified Grade 2 operator for Wastewater.

Basic Laboratory Procedures course approved – Motion by Trustee Laraby, seconded by Trustee Davis, to approve Mark Kingsley to attend a Basic Laboratory Procedures course October 18th – 22nd at Morrisville State College at a cost of \$550.00. Motion carried with all voting aye.

Water

NYRWA Lab Training seminar approved –Motion by Trustee Davis, seconded by Trustee Laraby, to approve Todd Hinz and Steve Bernard to attend a Lab Training Seminar in Olean on August 25th at a cost of \$75 per person. Motion carried with all voting aye.

Hydrants will be flushed in the Town and Village of Perry beginning the week of May 10th.

Relocating of the N Genesee St Sewer Pump Station approved – Motion by Trustee Laraby, seconded by Trustee Davis, authorizing the relocation of the North Genesee Street Sewer Pump Station as proposed by MW Controls at a

cost of \$14,162.00. The pump station will be relocated to a manhole on N Genesee Street instead on the side of the road. Motion carried with all voting aye.

Water & Sewer Report approved – Motion by Trustee Harvey, seconded by Trustee Laraby, to approve the Water & Sewer 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 # 32	
General Fund	\$ 56,929.82
Water Fund	\$ 6,926.18
Sewer Fund	\$ 5,129.38
Trust & Agency	<u>\$ 44,147.40</u>
TOTAL	\$113,132.78

Vouchers as set forth in Abstract # 33	
General Fund	\$ 64,982.08
Water Fund	\$ 14,846.11
Sewer Fund	\$ 5,556.34
Capital Projects	\$ 4,964.77
Trust & Agency	<u>\$ 437.71</u>
TOTAL	\$ 90,787.01

Trustee Davis has audited all vouchers in Abstracts #32 & #33. Motion by Trustee Harvey, seconded by Trustee Laraby, that vouchers as set forth in Abstracts # 32 & #33 are ordered to be paid. Motion carried with all voting aye.

2010-2011 Fire Department Appointments approved - Clerk Vosburg presented the 2010-2011 Fire Department appointment of Officers, drivers, fire police and delegates listings. Motion by Trustee Harvey, seconded by Trustee Davis, to approve the 2010-2011 Fire Department Appointments as listed and attached. Motion carried with all voting aye.

NYS Assoc. of Village Clerk’s dues approved – Motion by Trustee Harvey, seconded by Trustee Laraby, granting permission for the Village Clerk to join the NYS Association of Village Clerk’s for 2010-2011 at a cost of \$50. Motion carried with all voting aye.

Gail Vosburg appointed Tax Collector – Mayor Wood appointed Gail Vosburg, Village Clerk, as Tax Collector. Motion by Trustee Laraby, seconded by Trustee Davis, to approve the appointment of Gail Vosburg as Tax Collector. Motion carried with all voting aye.

2010-2011 Tax Warrant Approved – Upon motion by Trustee Harvey, seconded by Trustee Laraby, the 2010-2011 Warrant to collect the Village taxes is hereby issued with the following levy:

General Fund	\$1,870,910.00
Water Relevy	\$ 1,516.14
Sewer Relevy	\$ 1,848.58
BEING FOR ALL PURPOSES A TOTAL OF	\$1,874,274.72

Motion was carried with all voting aye.

Chalk Fest request for closing of parking lane tabled – Motion by Trustee Harvey, seconded by Trustee Davis, to table the Chalk Festival’s request for the closing of the parking lane on the south side of Main Street (Burlingham books) from Gardeau Street to Lake Street. Motion carried with all voting aye.

ACWC request for the use of Main Street tabled – Motion by Trustee Barth, seconded by Trustee Harvey, to table the request of the Arts Council for Wyoming County to use Main Street to celebrate 50 years of the Attica Rodeo. Motion carried with all voting aye.

2010 Small Cities Grant application was submitted for the Village Hall ADA improvements. A copy of the application is available for review at the Village Clerk’s office.

Walker Road Bridge – A copy of a letter from the Wyoming County Highway Department was distributed outlining their plan for the replacement of the Walker Road Bridge.

Main Street sidewalks – A letter from the NYSDOT was distributed outlining their plan to retro fit existing sidewalk ramps on Main Street and Center Street with detectable warning fields. Work is scheduled to begin this July. The Village will have jurisdiction of the sidewalk ramps, including the newly installed detectable warnings once the project is completed.

Employee Benefit Accrued Liability Reserve Fund created

**RESOLUTION
ESTABLISHING AN EMPLOYEE BENEFIT
ACCRUED LIABILITY RESERVE FUND**

WHEREAS, the Village Board is considering Establishing an Employee Benefit Accrued Liability Reserve Fund to pay any accrued “employee benefit” due an employee on termination of the employees service (GML §6-p [2]).

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

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 6-p of the General Municipal Law, as amended, the Village of Perry does hereby establish an Employee Benefit Accrued Liability Reserve Fund to pay for any accrued “employee benefit” due an employee on termination of the employee’s service. The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The chief fiscal officer may invest the moneys in the Employee Benefit Accrued Liability Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Village of Perry. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner, which maintains the separate identity of the cash and investments of the Reserve Fund.

Except as otherwise provided by Section 6-p of the General Municipal Law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. Expenditures may be made from the reserve fund for the payment of all or part of the cost, including interest, of:

- a) The cash payment of the monetary value of accumulated or accrued and unused sick leave, holiday leave, vacation leave, time allowance granted in lieu of overtime compensation and other forms of payment for accrued leave time and benefits due to a municipal employee upon termination of municipal employment and separation from service as required by ordinance, local law, collective bargaining agreement or “section six of the civil service law,”
- b) The reasonable costs of the administration of the reserve fund, and
- c) Expert or professional services rendered in connection with the investigation, adjustment or settlement of claims, actions or judgments relating to claims for accrued employee benefits (GML§6-p [7]).

Aye: 5
Nay:

Funds authorized for Liability Reserve Fund – Motion by Trustee Harvey, seconded by Trustee Laraby, authorizing the transfer of \$25,000 into the newly created Employee Benefit Accrued Liability Reserve Fund. Motion carried with all voting aye.

Funds authorized for Repair Reserve Fund – Motion by Trustee Harvey, seconded by Trustee Laraby, authorizing the transfer of \$15,000 into the Repair Reserve Fund. Motion carried with all voting aye. The reserve was created after the adoption of the 2009-2010 budget.

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

From:	A5142.2	Snow Equipment	\$ 18,500.00	
To:	A5110.2	Streets Equipment		\$ 18,500.00
	(for the purchase of the Tractor and bush hog mower)			

AND

From:	A9010.8	State Retirement	\$ 9,000.00	
To:	A3410.2	Fire Dept. Equipment		\$ 9,000.00
	(for the purchase of the fire siren)			

Motion carried with all voting aye.

Budget Amendment approved – Motion by Trustee Barth, seconded by Trustee Laraby, to approve the following budget amendment:

Increase:	A3089	JCAP grant	\$ 2,500.00	
Increase:	A1110.2	Court Equipment		\$ 2,500.00
	(court received grant monies for video/audio system.)			

Motion carried with all voting aye.

Clerk’s Report approved – Motion by Trustee Harvey, seconded by Trustee Laraby, to approve the clerk’s report as presented. Motion carried with all voting aye.

ADMINISTRATOR REPORT – presented by Administrator Terry Murphy

Park Seasonal Laborers approved – Mayor Wood appointed Megan McClurg, Owen Buehler, and Matthew McMillan as seasonal laborers at the village park with a starting date of May 10th at \$7.15 per hour. Motion by Trustee Harvey, seconded by Trustee Barth to approve the appointments of the seasonal laborers in the village park as listed above. Motion carried with all voting aye.

Dairy Fest facilities use approved – Motion by Trustee Harvey, seconded by Trustee Barth, to approve the request from the Dairy Fest to use the facilities on June 4th from 5 – 8 pm. Motion carried with all voting aye.

Men’s Softball League facilities use approved – Motion by Trustee Harvey, seconded by Trustee Laraby, to approve the request from the Men’s Softball league to use the park facilities on Monday and Wednesday evenings beginning May 10th to August 7th. Motion carried with all voting aye.

GVARA facilities use approved – Motion by Trustee Harvey, seconded by Trustee Barth, to approve the Genesee Valley Amateur Radio Association’s request to use the Skate Cabin at the Village park on June 26th and 27th. Motion carried with all voting aye.

Perry Emergency Ambulance contract – Administrator Murphy has not yet received the data requested from the Perry Emergency Ambulance.

Training for officers approved – Motion by Trustee Laraby, seconded by Trustee Barth, to approve Officers Grover and Miller to attend training course for eight weeks (1 day per week) beginning May 12th to June 24th at no cost to the village. Motion carried with all voting aye.

DPW Seasonal Laborers approved – Mayor Wood appointed Travis Rice and Mark Craft as seasonal laborers for the DPW with a starting date of May 24th at \$8.00 per hour. Motion by Trustee Laraby, seconded by Trustee Harvey to approve the appointments of the seasonal laborers for the DPW as listed above. Motion carried with all voting aye.

PUBLIC COMMENT

Melissa Henchen said she has updated the events listed on the iloveperry website. She asked if we have anything we wanted added to the site.

Motion by Trustee Davis to enter into executive session to discuss legal matters at 8:22 p.m. was seconded by Trustee Laraby and carried with all voting aye.

Motion by Trustee Barth to adjourn executive session at 9:24 p.m. was seconded by Trustee Harvey and carried with all voting aye.

COMMITTEE REPORTS

Parks & Recreation

Sea Serpent Softball Tournament – Trustees Barth & Harvey met with representatives from the Sea Serpent Softball Tournament. It is a Village of Perry activity. The cost to operate the tournament is \$2,500 (to prepare and maintain the fields). Trustee Harvey commented that with the use of alcohol, profanity and lewdness, it turns the park into an un-family like atmosphere. Motion by Trustee Barth, seconded by Trustee Harvey, to accept the proposal for the Sea Serpent Tournament and donation of \$1,500 for use of the park. Motion carried with all voting aye.

Police Contract Proposal rejected – Motion by Trustee Harvey, seconded by Trustee Barth, to reject the police contract proposal that was brought forth by the police committee. Motion carried with all voting aye.

RESOLUTION AUTHORIZING THE SUBMISSION OF ANSWER AND MOTION TO DISMISS THE CHARGE FOR THE NOTICE OF CONFERENCE

WHEREAS, the village Board, on April 20, 2010, received a Notice of Conference of an Improper Practice Charge with regards to health insurance negotiations from the State of New York Public Employment Relations Board (PERB); and

WHEREAS, said notice schedules a conference for Tuesday, may 25, 2010 at 10:00 a, and the Village needs to file an Answer to the Charge within ten (10) working days after receipt of said Notice; and

WHEREAS, the village Board of the village of Perry feels it is in the best interest of the village to authorize the Village Administrator to sign the Answer and Motion to Dismiss the Charge for submission to PERB.

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

RESOLVED, that the village Board of the Village of Perry hereby authorizes the Village Administrator to sign the Answer and Motion to Dismiss the Charge to the State of New York Public Employment Relations Board (PERB).

Ayes 5
Nays 0

OLD BUSINESS

Farmers Market – Trustee Barth reported that members of the Town Board are having a difficult time with the concept of the Town taking over the Farmer’s Market and the grant requests. Trustee Barth prepared a resolution outlining a proposal to reconcile issues of the farmer’s market with the Town Board.

RESOLUTION

WHEREAS, the Village Board of the Village of Perry supports the continuation of the Perry Farmers market; and

WHEREAS, a proposal has been made and plans developed to move the Farmers Market from Borden Avenue to the Town-owned parking lot between The Country Kitchen and NAPA; and

WHEREAS, a grant has been awarded by the NYS Dept. of Ag. And Markets to further develop and enhance the Farmers market operations; and

WHEREAS, The village Board has attempted to reconcile the problems associated with implementing this grant, which was requested without compliance with the Village's standing policy for grant requests; and

WHEREAS, the Town of Perry is experiencing undue difficulty with the decision of the Village Board from March 1, 2010 that requests the Town to

- 1) Take oversight responsibility for the Farmers Market as of January 1, 2011
- 2) Provide the in-kind services specified in the grant request.

NOW ON A MOTION OF Trustee Laraby which has been duly seconded by Trustee Harvey, therefore be it

RESOLVED, that

- 1) The Village Board proposed that a joint working committee or representatives from the Village and Town be established to develop a recommendation for implementing the grant
- 2) The Village Board respectfully request that the Town Board appoint representatives from the Town to participate in the working committee
- 3) The Mayor appoint two (2) board members and the Village Administrator to represent the Village on the Working committee
- 4) The committee be requested to report its recommendations to the village board by May 31, 2010.

Ayes 5
Nays 0

The Mayor volunteered to be on the joint Farm Market Committee along with the Village Administrator. Trustee Barth also volunteered to be the final representative of the village to participate on the committee.

FEMA TRUCK GRANT – Trustee Laraby reported that the fire department received an e-mail announcing that they did not receive a FEMA grant for a new truck.

Motion to adjourn meeting at 10:46 p.m. was offered by Trustee Laraby, second by Trustee Davis and carried with all voting aye.

Respectfully submitted,

Gail Vosburg
Village Clerk