

VILLAGE OF PERRY
VILLAGE BOARD MEETING
SEPTEMBER 20, 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 20TH day of September 2010.

PRESENT:	Howard Wood	Mayor
	J. Richard Barth	Trustee
	David J. Davis	Trustee
	Michael Laraby	Trustee
	Mandi Harvey	Trustee
ALSO PRESENT:	Terrence Murphy	Village Administrator
	Gail Vosburg	Village Clerk
	Joe Funk	Fire Chief
	Edward Koziel	Supt. Public Works
	James Case	Chief of Police
	Renee Koziel	Park Maint. Supervisor
GUESTS:	Bill Bark	
	Steve Laraby	Todd Thomson
	Robin Poydock	Larry Hopper
	James Prince	David Laraby

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

Mayor Wood led in the pledge to the flag.

MINUTES

AUGUST 30, 2010 - Several corrections were noted. On page one, at the top, the date of the board meeting was August 30, 2010; on page two, "... and seconded by Trustee *Harvey* to grant permission for The Hole In the Wall..."; "...Saturday, September 18, 2010..."; and "...at 2 pm regarding the Health Insurance *Plan*..." Motion by Trustee Laraby, second by Trustee Davis, the minutes of the August 30, 2010 Board Meeting were approved as corrected. Motion carried with all voting aye.

PUBLIC COMMENT

Perry Fire Truck Committee

Fire Truck to bid – Trustees Laraby & Davis reviewed the specifications that the Fire Truck Committee presented for a Triple Combination Pumper and felt they are completed and ready to go to bid. Motion by Trustee Laraby, seconded by Trustee Davis, to accept the bid specs that were prepared and advertise for bid the Triple Combination Pumper. Motion carried with all voting aye.

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

August Fire Department Report accepted – Motion by Trustee Laraby, seconded by Trustee Davis, to accept the August Fire Department Report as presented. Motion carried with all voting aye.

Administrator Murphy advised everyone present that the roof project will start in approximately two (2) weeks. Access to the building will be available at all times, but the trucks will have to be pulled out of the truck bays while the work is being done and put in at night. The contractor will be responsible for hitting the kill switch on the siren from 7 am – 4 pm each work day. David Laraby recommended that the exhaust extraction system be shut down during the project each day.

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

Police Chief Case presented Officer James Prince with an award of Exception Valor from Governor Patterson as part of the Police Officer of the Year Award Program. The board congratulated Officer Prince on this award.

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

Trustee Laraby inquired when Halloween will be celebrated in the Village as it is on a Sunday. Chief Case replied that it will be celebrated on October 31st.

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

Water Plant Sign – Motion by Trustee Laraby, seconded by Trustee Davis to remove from the table the purchase of a sign for the Water Plant from Sign Language. Motion carried with all voting aye.

Supt. Koziel asked to purchase the sign that was proposed from Sign Language for the Water Plant. He said that other municipals facilities have these signs. Trustee Barth said it is an attractive sign, but feels there is a security issue with advertising what the facility is. He is concerned for the safety of the plant and the residents as it is the water source for residential drinking water. Trustee Laraby agreed that security is more important than a sign. If a fence surrounding the facility was in place, then he feels a sign could be installed. Motion by Trustee Davis,

seconded by Trustee Laraby to table the sign for the water plant for further discussion and research. Motion carried with all voting aye.

DPW Report accepted – Motion by Trustee Barth, 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 (attached)

Payment of Claims -

Vouchers as set forth in Abstract # 10

General Fund	\$ 32,985.05
Water Fund	\$ 7,090.49
Sewer Fund	\$ 5,023.10
Trust & Agency	\$ 43,534.32
TOTAL	\$ 88,632.96

Vouchers as set forth in Abstract # 11

General Fund	\$ 76,697.81
Water Fund	\$ 14,751.25
Sewer Fund	\$ 37,043.36
SLWC	\$ 32.79
Trust & Agency	\$ 55,886.28
TOTAL	\$ 184,411.49

Trustee Davis has audited all vouchers in Abstracts #10 & #11. Motion by Trustee Harvey, seconded by Trustee Laraby, that vouchers as set forth in Abstracts # 10 & #11 are ordered to be paid. Motion carried with all voting aye.

Wyo. Co. Treasurer’s Office to collect unpaid village taxes

**VILLAGE OF PERRY VILLAGE BOARD
RESOLUTION REQUESTING WYOMING COUNTY TREASURER’S OFFICE
TO COLLECT DELINQUENT TAXES FOR THE 2010-2011 TAX YEAR**

WHEREAS, The County of Wyoming Board of Supervisors passed local Law No. 12 of the Year 1994, authorizing the County Treasurer to collect delinquent Village Taxes, if requested by the Village; and

WHEREAS, The Village of Perry no longer wishes to collect delinquent taxes; and

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

NOW BE IT RESOLVED, that the Village of Perry Board of Trustees officially requests that the Wyoming County Treasurer’s Office collect the delinquent taxes for the 2010-2011 tax year and agree to the dates and form prescribed by the County Treasurer;

Aye: 5
Nay: 0

Benjamin O’Brien resignation accepted – Motion by Trustee Harvey, seconded by Trustee Barth, to accept with regrets the resignation of Benjamin O’Brien, Part-Time Police Officer. Motion carried with all voting aye.

Two Checks approved to VOID – Clerk Vosburg requested the board to VOID the following checks:

Check No.	Amount	Date
26992	\$25.00	11/17/2009
27120	\$25.00	01//5/2010

Motion by Trustee Barth, seconded by Trustee Davis, to VOID the above two checks as listed. Motion carried with all voting aye.

Management Letters for Bonadio Group approved for an audit report – Motion by Trustee Laraby, seconded by Trustee Harvey, to approve the management letters with Bonadio Group to perform an audit report for the fiscal Year Ending 05/31/2010 for the village at a cost of \$10,500 and for the Justice at a cost of \$4,400 and authorize the Mayor to sign the letters. Motion carried with all voting aye.

Treasurer’s report for August was presented.

Wyo. Co. Magistrates Assoc. dues approved – Motion by Trustee Laraby, seconded by Trustee Davis, to approve the Wyo. Co. Magistrates Assoc. dues for the Village Justices for the year at a cost of \$20. The dues also cover training costs for the justices and court clerks. Motion carried with all voting aye.

Chipper Agreement with Town of Perry approved – Trustee Barth offered few minor corrections to the proposed chipper agreement. Motion by Trustee Barth, seconded by Trustee Laraby to approve the Chipper agreement with the Town of Perry with the minor corrections as presented and authorized the Mayor to sign. . Motion carried with all voted aye.

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

ADMINISTRATOR REPORT – presented by Terry Murphy

Dana Grover request for 2nd adjustment denies – Motion by Trustee Harvey, seconded by Trustee Barth to deny Dana Grover's request for reconsideration for the prior adjustment. Motion carried with all voting aye.

Administrator Murphy reported the state's AIM funding has been reduced 1.1%.

Opposition to Wyoming County's policy regarding relevies –

VILLAGE OF PERRY
RESOLUTION

WHEREAS, the Village of Perry is a non assessing/collecting unit for real property tax purposes of the Village of Perry in the State of New York; and

WHEREAS, pursuant to Village Law Section 11-1118, Villages are required to include all unpaid water or sewer rents and penalties in the annual tax levy and levy these amounts on any real property in default and State Law further requires, *"The board of trustees shall include such amount in the annual tax levy and shall levy the same upon the real property in default. Whenever an unpaid water rent shall be included in the annual village tax levy.....the water fund shall be credited with the amount of the unpaid rent, including penalties, and the amount so levied, when collected, shall be paid into the general fund;"* and

WHEREAS, so, in fact, this is a tax; and

WHEREAS, the County of Wyoming, as authorized by Real Property Tax Law Section 1442, is obligated by statute and local law to pay to towns and villages in the County the full amount of re-levied taxes returned to the County for inclusion in the county tax bill; and

WHEREAS, while the towns and villages have the authority by Local Law No. 12 of the year 1994, by Resolution 94-241, to provide for the placement of user charges on their tax bill, the County is not obligated to pay these sums to towns and villages upon the submission of re-levied taxes; and

WHEREAS, the Wyoming County Board of Supervisors has now established a policy that the County will only pay over to the towns and villages those amounts on their re-levied tax bills which are taxes; and

WHEREAS, in 1994 the County of Wyoming realized the efficiency of having one collecting unit and using one law firm to foreclose on taxes; and

WHEREAS, it is an established fact that over the course of these years, the amounts of monies in re-levied taxes has reduced significantly; and

WHEREAS, this policy of collecting these taxes after they are levied by towns and villages and re-levied by the County has no financial impact on the County of Wyoming; and

WHEREAS, the County, onto itself in a regular session held August 17, 2010, in the former area of the *Village of Pike*, County of Wyoming; without prior discussion; without regard for the impact; and without any communication by any Supervisor to their inclusive village, unilaterally resolved to implement a new policy where the County will only repay to towns and villages those amounts on their re-levied tax bills which are taxes; and

WHEREAS, non-tax items such as user fees for water bills; electric bills; and property maintenance type expenses will no longer be paid over to the towns and villages; and

WHEREAS, this policy provides an extreme hardship to the towns and villages and will only serve to create another level of expense for each and every one of these municipalities; and

WHEREAS, the County failed to open a meaningful dialogue to discuss the impacts of this new policy on the towns and villages within its bounds; and

WHEREAS, all counties surrounding Wyoming County share their sales tax with each of their towns and villages; and

WHEREAS, the County of Wyoming, without regard for the local municipalities under it, similar to the actions of the State of New York in their recent enactment of Leandra's Law, failed to discuss the possible consequences and effects the passage of such legislation would have upon County government, the County of Wyoming has basically acted with the same vengeance and sheer lack of regard for the impact upon its municipalities with the passage of this resolution would have; and

WHEREAS, the County has passed a resolution which is wholly without merit, without benefit of reason and without a cohesiveness for towns and villages when instead the County should be working with these entities as a whole; and

WHEREAS, these type of acts should be withheld during economic tough times and there should be meaningful discussion before such a one-sided resolution is passed without first communicating to those who are to be affected by same.

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

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Perry hereby seek the County of Wyoming to redact, annul or otherwise pass a new resolution continuing the policy as previously created and which has existed for the last 16-years.

Ayes: 5

Nays: 0

2010 Small Cities grant application denied – Notice was received that the Village's Small Cities Grant application for the Village Hall ADA requirements was denied.

There will be a meeting with MVP representatives on Friday, October 1st at 2:00 pm in the court room for any employee that has any questions regarding the village's health insurance coverage.

EAP training has been scheduled for Thursday, October 7, 2010 at 9 am & 11 am for all employees regarding customer service. Attendance is mandatory. Supervisory Training will be at 10 am for Time Management & Scheduling.

Wyoming County has been awarded a Local Government Efficiency Grant from the NYS Dept. of State for a countywide Water Feasibility Study. A kickoff meeting has been scheduled for October 19th at Breezy Hill Party House.

Roof Project contracts authorized - Motion by Trustee Laraby, seconded by Trustee Barth to authorize the Mayor to sign the Roof Project contracts. Motion carried with all voting aye. Access to the building will be maintained at all times.

Holiday Lights request to close Main Street approved – Motion by Trustee Harvey, seconded by Trustee Barth, to approve the request of Holiday Lights to close Main Street on Saturday, December 4th from 4 – 8 pm for their Holiday DeLights Festival. Motion carried with all voting aye. A letter will be sent to the NYSDOT requesting the closure of the state road.

Administrator Report approved – Motion by Trustee Harvey, seconded by Trustee Barth, to accept the Administrator's Report as presented. Motion carried with all voting aye.

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

Parks & Recreation Report approved – Motion by Trustee Barth, seconded by Trustee Laraby, to accept the parks & Recreation Report as presented. Motion carried with all voting aye.

Committee Reports

Recreation/Environment

Trustee Barth reported that he met with Ed Koziel, Renee Koziel and Administrator Murphy regarding the possibility of rehabilitating the drainage around the tennis courts at the Village Park. DPW Supt. Koziel and Park Supervisor Koziel are to put together cost estimates for drainage work around the tennis courts.

Grants/Development

Trustee Barth reported that there will be a walk of downtown Perry on Saturday, September 25th beginning at 8:30 am. Partners for Livable WNY is sponsoring the walk.

Trustee Barth noted several cosmetic issues that need to be addressed.

Mayor Files

Nothing to report.

Old Business

Trustee Barth commented that the Village should look at other resources for renovating the Village Hall to make it ADA compliant.

New Business

Wolcott Brothers Music Store opened for business this past Saturday on South Main Street.

Motion by Mayor Wood to adjourn the regular meeting and enter into executive session to discuss a personnel matter at 9:10 p.m. was seconded by Trustee Laraby and carried with all voting aye.

Motion by Trustee Davis to adjourn executive session and resume the regular meeting at 9:32 p.m. was seconded by Trustee Laraby and carried with all voting aye.

Motion to adjourn meeting at 9:32 p.m. was offered by Trustee Davis, second by Trustee Harvey and carried with all voting aye.

Respectfully submitted,

Gail Vosburg
Village Clerk