

VILLAGE OF PERRY
VILLAGE BOARD MINUTES
August 15, 2011

The Regular Board Meeting of the Village of Perry as held at the Village Hall 46 North Main Street Perry New York at 7:30 p.m. on the 15th day of August 2011.

Present:	Howard C. Wood	Mayor
	David J. Davis	Trustee
	Dariel A. Draper	Trustee
	Michael J. Laraby	Trustee
	J. Richard Barth	Trustee

Also Present:	Terrence Murphy	Village Administrator
	Gail Vosburg	Village Clerk
	Steve Laraby	Asst. Fire Chief
	James Case	Police Chief
	Edward Koziel	Supt. Public Works
	Renee Koziel	Park Maint. Supervisor

Guests: Lorraine Sturm Bill Bark

Mayor Wood called the meeting to order at 7:30 pm.

Mayor Wood led in the pledge to the flag.

MINUTES

August 1, 2011 minutes approved - Motion by Trustee Laraby, seconded by Trustee Davis that the minutes of the August 1, 2011 Village Board Meeting be approved. Motion carried with the following vote:

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

FIRE DEPARTMENT REPORT - as presented by Asst. Fire Chief Laraby (as attached)

Asst. Fire Chief Steve Laraby asked the board about applying for a grant from the Department of Homeland Security, Federal Emergency Management Agency (FEMA) for the Assistance to Firefighters Grant Program. Trustee Laraby asked that they go forward with the grant and report back to the board in two weeks with final numbers and what they are applying for.

Fire Department Report approved - Motion by Trustee Draper, seconded by Trustee Laraby to approve July's Fire Department Report as presented. Motion carried with all voting aye.

New Fire Truck - Trustee Laraby reported that the new fire truck will be ready September 12, 2011. Administrator Murphy asked when does the department want the village to declare Truck #4 surplus? Asst. Chief Laraby reported about one month after we receive the new truck and it is in service. All of the rescue and air packs need to be moved to the new truck.

Fire Truck #4 declares surplus - Motion by Trustee Barth, seconded by Trustee Laraby, to declare Fire Truck #4 as surplus. Motion carried with all voting aye. Trustee Laraby feels that the village should contact brokers regarding truck #4.

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

Police Department Report approved - Motion by Trustee Laraby, seconded by Trustee Davis to approve June's Police Department Report as presented. Motion carried with all voting aye.

Chief Case *reported that* there has been no progress on the recent burglaries.

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

Supt. Koziel has contacted NYSDOT regarding a crosswalk near the Festival Plaza.

New signs will be installed stating that the speed is radar enforced.

DPW Report approved - Motion by Trustee Draper seconded by Trustee Laraby, to approve the DPW Report as presented. Motion carried with all voting aye.

CLERK REPORT - as presented by Gail Vosburg (as attached)

Vouchers approved for payment -

Vouchers of all funds # 120485 - # 120558

General Fund	\$ 45,695.73
Water Fund	\$ 17,242.57
Sewer Fund	\$ 17,954.10
Capital Projects Fund	\$ 106,381.02
Trust & Agency	<u>\$ 56,091.88</u>
TOTAL	\$ 243,365.30

Trustee Laraby has audited all vouchers. Motion by Trustee Barth, seconded by Trustee David that vouchers #120485 - 120558 are ordered to be paid. Motion carried with all voting aye.

AUD filed for SLWC – Clerk Vosburg reported that the AUD for the SLWC for the FYE 5/31/2011 has been completed and filed with the NYS Comptroller’s office.

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

ADMINSTRATOR’S REPORT – as presented by Terry Murphy

John Hartz appointed Water Plant Operator part time – Mayor Wood appointed John Hartz as a part-time Water Plant Operator at a rate of \$19.05 per hour with no benefits. Motion by Trustee Laraby, seconded by Trustee Davis, to approve the Mayor’s appointment as John Hartz as a part-time Water Plant Operator. Motion carried with all voting aye.

Capital Improvement Plan Grant – Clark Patterson is working on this. Any other projects or ideas for water and/or sewer?

Resolutions -

**VILLAGE OF PERRY
PARK IMPROVEMENTS (2011 EPF GRANT APPLICATION)**

SEQR RESOLUTION

At a meeting of the Village Board of the Village of Perry held on the 15th day of August 2011, at the Village Hall in said Village, Trustee Barth moved adoption of the following resolution; Trustee Laraby seconded the motion:

“RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Village Board of the Village of Perry has considered the Park Improvements project which involves the preparation of a conceptual plan to improve Village land at Leicester Road as a passive recreational park.

FURTHER RESOLVED, the Village Board has determined that the proposed action is a Type II action, as defined under SEQR. The project qualifies as a Type II action as it involves conducting studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, as described in Section 617.5 of the SEQR regulations.

FURTHER RESOLVED, the Village Board will take no further action with regard to SEQR for this project, as Type II actions are not subject to review under SEQR.

Motion carried with all voting aye.

VILLAGE OF PERRY
WADING POOL STUDY AND PLAN
(2011 EPF GRANT APPLICATION)

SEQR RESOLUTION

At a meeting of the Village Board of the Village of Perry held on the 15th day of August 2011, at the Village Hall in said Village, Trustee Barth moved adoption of the following resolution; Trustee Laraby seconded the motion:

"RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Village Board of the Village of Perry has considered the proposed action of undertaking a study and preparing a plan to replace the Village's existing wading pool which was constructed in the 1950s and is now severely deteriorated.

FURTHER RESOLVED, the Village Board has determined that the proposed action is a Type II action, as defined under SEQR. The project qualifies as a Type II action as it involves conducting studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, as described in Section 617.5 of the SEQR regulations.

FURTHER RESOLVED, the Village Board will take no further action with regard to SEQR for this project, as Type II actions are not subject to review under SEQR.

Motion carried with all voting aye.

Small Cities - Pay Request #4 from Keeler Construction approved – Motion by Trustee Barth, seconded by Trustee Davis, to approve the Small Cities Project Pay Request #4 from Keeler Construction in the amount of \$127,389.80 as signed off by Clark Patterson Lee. Motion carried with all voting aye.

Perry Soccer Travel League park use approved – Motion by Trustee Draper, seconded by Trustee Barth, to approve the facilities use form for the Perry Soccer Travel League to use Park Avenue on Mondays & Thursday evenings from 5-7 pm; Aug. 15th – Oct. 30th. For the travel Youth Soccer at no charge. Motion carried with all voting aye.

Tennis Court sealing bid – Bids were opened on August 12, 2011 at 11:00 am for the sealing of the Facilities at the Village Park. Bid results are as follows:

Super Seal Sealcoating

Total Bid: \$49,200.00

Motion by Trustee Barth, seconded by Trustee Draper, to award the bid for the sealing of the facilities at the Village Park to Super Seal Sealcoating for a price of \$49,200. Motion carried with all voting aye.

Clark Patterson Lee engineering bill approved - Motion by Trustee Laraby seconded by Trustee Davis, to approve the Clark Patterson Lee engineering bill in the amount of \$19,183.00 for the Small Cities Drainage Project. Motion carried with all voting aye.

COMMITTEE REPORTS

Fire - Nothing to report.

Police - Nothing to report.

DPW/Water/Sewer - Labor Management Meeting September 12th.

Recreation - Nothing to report.

Office Operations/Insurance/Employee Relations - Nothing to report.

Planning/Zoning/Cable - Time Warner has the agreement from the Village Attorney.

SLWC - A letter from the SLA was received asking for consistent docking regulations around Silver Lake.

Technology - Nothing to report.

MAYOR'S FILE

Mayor Wood said there will be a ribbon cutting ceremony at Wave Lengths Hair Salon on South Main Street on August 19th.

PROCLAMATION

HONORING DOROTHY ELIZABETH HEATH BENZ'S

100TH BIRTHDAY

WHEREAS, Dorothy Elizabeth Heath Benz was born on August 9, 1911 and will be celebrating her 100th birthday; and

WHEREAS; Dorothy was a devoted spouse of John O. Benz, whom she married in 1932; and

WHEREAS; Dorothy and John Benz joined President Roosevelt's work relief program during the summers of the 1930's and often volunteered with the USO, opening their home to soldiers whom were going overseas; and

WHEREAS; the Benz's marriage was blessed with three wonderful daughters, and became a home for foster children, and adopted two boys and a girl; and

WHEREAS; Dorothy was an active member of the Order of the Eastern Star; and

WHEREAS; after the passing of her husband, started hairdressing as a means to support three young children; retiring at age 84; and

WHEREAS; Dorothy is a loving grandmother to her nineteen grandchildren, forty-seven great-grandchildren, and five great-great-children; and

WHEREAS; during her long and productive lifetime, Dorothy has earned the respect and admiration of her family, friends and people from all walks of life; and

NOW, THEREFORE, the Board of Trustees of the Village of Perry deems it an honor and pleasure to extend to Dorothy Benz sincere congratulations on her 100th birthday and best wishes for many more happy, productive years in the future.

OLD BUSINESS

Trustee Barth asked if there was any progress on the parking issues on Cherry Street. Trustee Laraby said he believes that most of the problem is from people parking on the street to visit residents on N Center Street. Chief Case had informed the police committee that no tickets have been written, but the area is being patrolled more often. The volume of on-street parking has noticeably decreased since it was brought to the attention of the board by the neighborhood.

NEW BUSINESS

Park Street traffic - Trustee Laraby spoke of eliminating one way traffic on Park Street and restore two-way traffic. He has had several residents say they would like it two-way traffic. Motion by Trustee Laraby, seconded by Trustee Draper, to have the Planning Board review restoring two-way traffic on Park Street and report back to the Village Board. Motion carried with all voting aye.

PARKS AND RECREATION REPORT - as presented by Renee Koziel

Renee reported that the wading pool will be closed on August 26th.

Park & Recreation verbal report approved - Motion by Trustee Draper, seconded by Trustee Davis to approve the Park & Recreation report as read by Renee. Motion carried with all voting aye.

Motion by Trustee Barth, seconded by Trustee Draper, to adjourn the regular meeting and enter into executive session at 9:37 p.m. to discuss pending litigation. Motion carried with all voting aye.

Motion by Trustee Barth, seconded by Trustee Davis to adjourn the executive session and resume the regular meeting at 10:12 p.m. Motion carried with all voting aye.

RESOLUTION

AUTHORIZING THE EVICTION OF THE RESIDENT(S) AT 10 NORTH GENESEE
STREET BY THE VILLAGE BOARD OF THE VILLAGE OF PERRY

Adopted: August 15, 2011

WHEREAS, the Village is the recipient of a Deed to certain property commonly known as 10 North Genesee Street, consisting of 0.39 improved acre lot in the Town and Village of Perry, County of Wyoming, State of New York from Leslie O. Hinz; and

WHEREAS, the Village accepted said property from Hinz with the understanding that said property improvements had been condemned by the County of Wyoming Building Department; and

WHEREAS, it has come to the attention of the Village Board of the Village of Perry that there is a resident at said 10 North Genesee Street property, that being Robert Schwab; and

WHEREAS, the Village Board of the Village of Perry hereby authorizes the Village Attorney, David M. DiMatteo, Esq., to duly complete the eviction of said Robert Schwab and any other residents, from said 10 North Genesee Street property; and

WHEREAS, the Village Board of the Village of Perry, after due deliberation, finds it in the best interest of said Village to evict Robert Schwab, and any others, from said property.

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

RESOLVED, that the Village Board of the Village of Perry hereby authorizes the eviction of any and all residents from the property commonly known as 10 North Genesee Street, Town and Village of Perry, County of Wyoming and State of New York; and

BE IT FURTHER RESOLVED, that the Village Clerk be and she is hereby directed to enter said resolution and transfer in the minutes of this meeting.

Ayes: 5

Nays: 0

Small Cities Drainage Change Orders 2A & 3R approved - Motion by Trustee Draper, seconded by Trustee Davis to approve Change Order 2A (a decrease of \$760.00) and Change Oder 3R (an increase of \$40,217.00) as recommended by Clark Patterson Lee for the Small Cities Drainage Project. Motion carried with all voting aye.

Motion to adjourn the meeting at 9:02 p.m. was offered by Trustee Barth, seconded by Trustee Draper and carried with all voting aye.

Respectfully submitted,

Gail Vosburg

Village Clerk