

**VILLAGE OF PERRY**  
**VILLAGE BOARD MEETING**  
July 6, 2011

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 July 2011.

PRESENT:	Howard Wood	Mayor
	David J. Davis	Trustee
	Dariel A. Draper	Trustee
	Michael Laraby	Trustee
	J. Richard Barth	Trustee
ALSO PRESENT:	Terrence Murphy	Village Administrator
	Gail Vosburg	Village Clerk
GUESTS:	Lorraine Sturm	Bill Bark
	Tom Reilly	Judy Jacobsen
	Gordon Smith	Barb Cudney

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

Mayor Wood led in the pledge to the flag.

**MINUTES**

**JUNE 15, 2011 MINUTES APPROVED** - Corrections "... sent the spec over to Clark Patterson Lee...." and "... Five Corners Welding *revealed* that ...". Upon motion by Trustee Draper, second by Trustee Davis the minutes of the June 15, 2011 Special Board Meeting were approved. Motion carried with all voting aye.

**JUNE 20, 2011 MINUTES APPROVED** - It was noted that Chief Case needed to be added to "Also Present". Upon motion by Trustee Barth, second by Trustee Laraby the minutes of the June 20, 2011 Board Meeting were approved. Motion carried with all voting aye.

**JUNE 23, 2011 MINUTES APPROVED** - Upon motion by Trustee Draper, second by Trustee Davis the minutes of the June 23, 2011 Special Board Meeting were approved. Motion carried with all voting aye.

**PUBLIC COMMENT**

**Tom Reilly** – Mr. Reilly requested that the Village paint additional lines on the lower tennis courts for the game of "Pickle Ball". Handouts were passed out. Mr. Reilly is willing to paint the lines at no cost to the village. Trustee Laraby, seconded by Trustee Davis, to turn over the request to the Recreation Committee for their recommendations. Motion carried with all voting aye.

**Judy Jacobsen** - Ms. Jacobsen asked about her letter that is a request for an adjustment for her water/sewer that she sent in back in May. She has not has any verbal or written communication since her letter. . Administrator Murphy read a recommendation from the water committee. They recommend an adjustment of the water bill based on irregular usage and billing. In fairness to both parties, the billing recommendation is based on prior average usage, which would result in a billing of 48,000 gallons for the 3/31/2011 billing cycle; resulting in an adjustment of 37,000 gallons. Ms. Jacobsen hopes to come up with a fair and equitable solution to this problem. Trustee Laraby said that the water must pass through the meter in order for it to register on the meter. Mayor Wood invited her to meet with the water committee on Thursday morning at 9:30 a.m.

**Gordon Smith/Barb Cudney** – Mr. Smith asked about the Cherry Street parking situation. Administrator Murphy said that Chief Case is monitoring the situation. The police committee will make a recommendation to the Village Board at the next meeting after meeting with the Chief of Police.

**WATER/SEWER REPORT** (as attached)

**Water & Sewer Report approved** – 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 (attached)

**Payment of Claims –**

Vouchers of all funds # 120156 - # 120171	
General Fund	\$ 38,108.79
Water Fund	\$ 7,877.12
Sewer Fund	\$ 6,706.23
SLWC	\$ 727.00
Trust & Agency	<u>\$ 44,589.83</u>
TOTAL	\$ 98,008.97

Vouchers of all funds #120172 - #120227	
General Fund	\$ 24,451.47
Water Fund	\$ 32,809.76
Sewer Fund	\$ 4,849.58

Trust & Agency	\$ 565.00
TOTAL	\$ 62,675.81

Trustee Draper has audited all vouchers #120156 - #120171 and #120172 - #120227. Motion by Trustee Barth, seconded by Trustee Davis, that vouchers as set forth #120156 - #120171 & #120172 - #120227 are ordered to be paid. Motion carried with all voting aye.

**Refund of summer soccer approved** – Motion by Trustee Laraby, seconded by Trustee Davis, to approve the refund of \$10 to Ms. Langless for summer soccer. Motion carried with all voting aye.

**Mayor authorized to sign health insurance renewal contract with MVP Healthcare** – Motion by Trustee Barth, seconded by Trustee Laraby, to authorize the Mayor to sign the health insurance renewal contract with MVP Healthcare Inc. Motion carried with all voting aye.

**Small Cities - Pay Request #2 from Keeler Construction approved** – Motion by Trustee Laraby, seconded by Trustee Davis, to approve the Small Cities Project Pay Request #2 from Keeler Construction in the amount of \$123,996.43 as signed off by Clark Patterson Lee. Motion carried with all voting aye.

**Advanced Accounting School approved** – Motion by Trustee Laraby, seconded by Trustee Davis, to allow Clerk Vosburg to attend an Advanced Accounting School in Corning on October 4, 5, 6 at a cost of \$85. Motion carried with all voting aye.

**Emergency Boiler Project –**

Trustee Barth expressed that he is not comfortable with no backup in case the primary boiler fails to operate. He also asked about the efficiency of the new boiler, if there was any warranty, and if there is a grant for a boiler fuelled by “fossil fuels” as the proposed boiler could burn off methane gas. Administrator Murphy said we need to get the boiler unit installed, then we could look at addressing other items.

**BOND RESOLUTION**

*Adopted: July 6, 2011*

Trustee Draper presented the following resolution and duly moved that it be adopted and was seconded by Trustee Laraby:

BOND RESOLUTION DATED JULY 6, 2011 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PERRY, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE SEWER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the purpose hereinafter described consists of sewer system capital improvements to include emergency replacement of the operating boiler at the Village of Perry Wastewater Treatment Plant authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village of Perry, acting as lead agency under the State Environmental Quality Review Act of the State of New York and the applicable regulations there under (“SEQRA”), has completed its environmental review and hereby duly determines that the purpose hereinafter described constitutes a “type II” action under SEQRA which will not result in any significant adverse environmental impacts and such purpose is not subject to any further environmental review under SEQRA; now therefor, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PERRY, NEW YORK (hereinafter referred to as the “Village”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Perry shall undertake the construction of sewer system improvements, to include replacement of the operating boiler at the Village of Perry Wastewater Treatment Plant, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and Village use (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$220,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$220,000 and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Perry.

Section 7. The faith and credit of the Village of Perry, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Perry together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Village of Perry, pursuant to Section 36.00 of the Local Finance Law.

The motion having been duly seconded, it was adopted and the following votes were cast:

<u>AYES</u>	<u>NAYS</u>
5	0

**Village Board accepts the donation of property at 10 N Genesee Street –**

**RESOLUTION  
AUTHORIZING THE ACCEPTANCE OF A DONATION OF  
10 NORTH GENESEE STREET  
BY THE VILLAGE BOARD OF THE VILLAGE OF PERRY**

**WHEREAS**, certain property commonly known as 10 North Genesee Street, consisting of 0.30 improved acres in the Town and Village of Perry, County of Wyoming, State of New York, having been offered by Leslie O. Hinz, the owner, to the village of Perry as a charitable transfer; and

**WHEREAS**, the Village Board of the Village of Perry having decided to accept the donation to be used a municipal property and that it will be held for the benefit of the public and is not subject to adverse possession under RPL Article 15; and

**WHEREAS**, the Village Board of the Village of Perry having authorized the Village Attorney , David M. DiMatteo, Esq., to duly complete the transfer of the property to the Village; and

**WHEREAS**, the Village Board of the Village of Perry, after due deliberation, finds it in the best interest of said Village to accept said property.

**NOW ON A MOTION** made by Trustee Draper, and seconded by Trustee Davis;

**BE IT RESOLVED**, that the Village Board of the Village of Perry hereby accepts 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** Barth, Davis, Draper, Laraby, Wood  
**Nays 0**

Motion carried.

Trustee Barth expressed his concern with setting a precedent as the village does not know what it has inherited.

**Audit Management letters approved with Bonadio Group** – Clerk Vosburg reported that Bonadio Group has proposed an audit of the Village of Perry for \$10,800 ( increase of \$300) and a justice report for a cost of \$4,500 (increase of \$100) Trustee Laraby asked if the village was obligated to take the lowest bid. Clerk Vosburg said that as it is a professional service, you can accept requests for proposals, you would not have to accept the lowest bid. Motion by Trustee Draper, seconded by Trustee Laraby, to accept the proposal of Bonadio Group and authorize the Mayor to sign the letters of engagement on the condition that RFP's be put out next March. Motion carried with all voting aye.

**ADMINISTRATOR REPORT** – presented by Administrator Terry Murphy

**Surplus Sale** – The following was read off as bids :

- A. One (1) Troybuilt snow blower 5 hp  
Edwin Bower \$26.00
- B. One (1) Napa pressure washer  
Edwin Bower \$26.00
- C. One (1) 60" commercial snow blower model L2052 (fits Kubota 1510)  
Edwin Bower \$55.00
- D. One (1) Cab for Kubota 1510  
Edwin Bower \$50.25
- E. One (1) Cab for Cub Cadet 1864  
No bid.
- F. One (1) 44" Snow blower for Cub Cadet 1864  
No bid.
- G. Two (2) Loaded traction field tires (rear) fits Kubota 1510 (size 12.4-24)  
Vincent Meyer \$214.00  
Edwin Bower \$216.00  
Wes Wolcott Sr \$301.00
- H Two (2) traction field tires (front) fits Kubota 1510 (size 7-16)  
Frank Ackerman \$50.00

Motion by Trustee Barth, seconded by Trustee Barth to *award* the bids to the highest bidder for items # B, G, and H and reject the bids for A, C and D. Motion carried with all voting aye.

**Summer Recreation** – There were over 90 participants for the first week.

**Change Order #2 – Small Cities Project approved** – Motion by Trustee Laraby, seconded by Trustee Barth, to approve the Change Order #2 in the amount of \$4,679.63 as recommended by Clark Patterson Lee and authorize the Mayor to sign. Motion carried with all voting aye. The project is on schedule.

NYSEG has changed the lighting in village buildings, there are a few minor items in order for it to be complete.

**Small Cities project additional work approved** – Administrator Murphy asked that the board consider adding back to the drainage project the area of the project that was cut, but part of the original scope of the project area. It was estimated to cost the village an additional \$15,000 to complete the drainage in all of the original project area. Motion by Trustee Barth, seconded by Trustee Laraby, to authorize the expenditure of up to \$15,000 of Village funds in addition to the funds already authorized to complete the original scope of the drainage project. Motion carried with all voting aye.

**Administrator and Clerk Reports approved**– Motion by Trustee Barth, seconded by Trustee Draper, to approve the Administrator and Clerk's Reports as presented. Motion carried with all voting aye.

### **COMMITTEE REPORTS**

Fire – Nothing to report.

Police – Nothing to report.

DPW/Water/Sewer – Nothing to report.

Recreation

**Recreation Planning Grant** – Trustee Barth asked the board to consider a 2011 Environmental Protection Fund Planning Grant to undertake a planning study to develop designs for a park or a trail on an underutilized Village owned property. This proposed property is 39 Leicester Street. Cost for preparing the grant application that Stu Brown's office would complete is \$1,750. Trustee Barth also said that since the wading pool is an issue at the village park, it may be in the interest of the village to apply for plans for replacement of the wading pool. Motion by Trustee Barth, seconded by Trustee Laraby, to authorize Stu Brown's office to prepare two grant applications one for 39 Leicester Street and one for the wading pool for a total preparation cost of \$3,400. Motion carried with all voting aye.

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

Planning/Zoning/Cable – Nothing to report.

Grants – Nothing to report.

SLWC - Next meeting is July 21, 2011

Technology – Nothing to report.

**MAYOR FILE**

Mayor Wood reported that Angel Action will be having a golf tournament on July 20, 2011.

**Sea Serpent Tournament** – Mayor Wood announced that checks will be hand written to the winners.

A press release concerning the Festival Plaza was passed out to the board members.

**OLD BUSINESS**

No old business.

**NEW BUSINESS**

No new business.

**Motion by Trustee Barth** to enter into executive session to discuss a personal matter at 9:37 p.m. was seconded by Trustee Laraby and carried with all voting aye.

**Motion by Trustee Draper** to adjourn executive session at 9:52 p.m. was seconded by Trustee Davis and carried with all voting aye.

Motion to adjourn meeting at 9:52 p.m. was offered by Trustee Davis, second by Trustee Laraby and carried with all voting aye.

Respectfully submitted,

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Gail Vosburg  
Village Clerk