

**VILLAGE OF PERRY**  
**VILLAGE BOARD MINUTES**  
**September 19, 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 19<sup>th</sup> day of September 2011.

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

Also Present:	Gail Vosburg	Village Clerk
	Steve Laraby	Asst. Fire Chief
	James Case	Police Chief
	Edward Koziel	Supt. Public Works
	Al Lowery Jr.	Fire Chief

Absent:	Terrence Murphy	Village Administrator
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Guests:	Lorraine Sturm	Bill Bark
	Eric Wies	Jackie Hoyt

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

Mayor Wood led in the pledge to the flag.

**MINUTES**

**August 29, 2011 minutes approved** - Correction on page one "... Both would require a 5% match...." and on page two "... Mayor Wood reported that *he* attended a ribbon ..." Motion by Trustee Laraby, seconded by Trustee Davis that the minutes of the August 29, 2011 Village Board Meeting be approved with the above corrections. Motion carried with all voting aye.

**PUBLIC COMMENT**

*Jackie Hoyt - Arts Council for Wyoming County Director* - was present to review the Arts Council Activities for the village board. Ms. Hoyt said with funding cutbacks, they are having to look for additional funding sources. She said she will be submitting a letter proposing the Village support the ACWC in the budget.

**FIRE DEPARTMENT REPORT** - as presented by Fire Chief Lowery (as attached)

Fire Chief Lowery said the new truck was here in Perry the previous weekend. He thanked the board for the truck.

**New Fire Truck alterations approved** – Asst. Fire Chief Laraby asked the board for monies for alterations on the new truck to accommodate and secure the equipment from the old trucks into the new cabinets and the installation of radios and JAWS rescue equipment. Estimated cost is \$5,130 from Churchville Fire. Motion by Trustee Draper, seconded by Trustee Davis, to use the proceeds \$4,201 from the sale of Truck #1 and the \$860 (allocated for the trip to Wisconsin that was not used) to cover the alterations for the new truck. Motion carried with all voting aye.

**Fire Department Report approved** – Motion by Trustee Laraby, seconded by Trustee Draper to approve the August Fire Department Report as presented. Motion carried with all voting aye.

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

**Walmart “Shop with a Cop Grant” approved** – Motion by Trustee Laraby, seconded by Trustee Davis, to allow Chief Case to apply for a “Shop with a Cop grant from Walmart in the amount of \$1,000. Motion carried with all voting aye.

**Field Training Officer School approved** – Chief Case requested permission to send Officer Grover to Field Training Officer School in Scottsville from October 3<sup>rd</sup> to October 7<sup>th</sup> at a cost of \$312.75 with the stipulation that they may be some nights and weekends involved. Chief Case said that Officer Grover accepted the offer. The Village Police Department currently does not have a Field Training Officer. Motion by Trustee Draper, seconded by Trustee Laraby, to allow Officer Grover to attend the Field Training Officer School as requested by Chief Case. Motion carried with all voting aye.

**Police Department Report approved** – Motion by Trustee Draper, seconded by Trustee Laraby to approve the August Police Department Report as presented. Motion carried with all voting aye.

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

**Lake Street Sewer Pump Station –**

Eric Wies, from Clark Patterson Lee, was present to review the bids for the Lake Street Sewer Pump Station Improvements. A summary of the bids is attached. After consultation with the Chief Operator Hinz, Clark Patterson is recommending that MW Controls be awarded the bid with “Base Bid B”, a Smith & Loveless pump package at a cost of \$72,228. Motion by Trustee Laraby, seconded by Trustee Davis, to follow the engineers recommendation and award the bid to MW Controls for Base Bid B at an amount of \$72,228. Motion carried with all voting aye.

**Resolution -**

**VILLAGE OF PERRY  
LAKE STREET SANITARY SEWER  
PUMP STATION REPLACEMENT  
SEQR RESOLUTION**

At a meeting of the Village Board of the Village of Perry held on the \_\_\_\_\_ 19<sup>th</sup> \_\_\_\_\_ day of September 2011, at the Village Hall in said Village, Trustee Laraby moved adoption of the following resolution; Trustee Davis seconded the motion:

WHEREAS, the Village of Perry village board (the "Board") has considered the impacts to the environment of the following Scope of Work to be completed:

Lake Street Sanitary Sewer Pump Station Replacement:

1. Replacement of the existing sanitary sewer pump station;
2. Replacement of 1,100 linear feet of existing 4-inch sanitary sewer force main;

WHEREAS, the Board has reviewed the Scope of Work and has further consulted with its Engineers with respect to the potential for environmental impacts resulting from the Proposed Action; and

WHEREAS, the Board has reviewed the Proposed Action with respect to the Type II criteria set forth in 6 NYCRR Part 617 of the State Environmental Quality Review Act, (SEQRA) and concluded that the project involves:

- Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes (617.5.c.2).

THEREFORE, BE IT RESOLVED, by the Village of Perry Village Board as follows:

1. The Proposed Action, individually and cumulatively, is the replacement of a structure or facility, in kind, on the same site and therefore, does not exceed thresholds established under 6 NYSRR Part 617 of the State Environmental Quality Review Act for a Type II Action.
2. The Board hereby determines the Proposed Action is a Type II action *in* accordance with the SEQRA regulations.
3. No further review of the Proposed Action is required under SEQRA.
4. This resolution shall be effective immediately.

Ayes          5  

Nays          0  

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

**Emergency Situation Declaration by Supt. Public Works - Boiler at Village Hall**

Supt. of Public Works Edward Koziel read the following statement:

Emergency Situation  
Determination

The Superintendent of Public Works, Edward J. Koziel, does hereby determine that an emergency situation exists at the Village of Perry's Village Hall that immediately threatens the imminent destruction of village property (fire trucks, equipment, etc.) as of September 19, 2011 due to an inoperable boiler.

**VILLAGE OF PERRY  
RESOLUTION  
DETERMINATION OF EMERGENCY SITUATION AT THE  
VILLAGE HALL**

**WHEREAS**, the operating boiler at the Village of Perry's Village hall was serviced on September 14, 2011; and

**WHEREAS**, the Superintendent of Public Works has determined that there is an emergency situation that exists at the Village of Perry's Village Hall that immediately threatens the imminent destruction of village property and equipment; and

**WHEREAS**, the Village of Perry Board of Trustees has reviewed the determination of the emergency situation; and

**WHEREAS**, the Village of Perry Board of Trustees, by this resolution, has affirmed the determination of the emergency situation that threatens the imminent destruction of village property and equipment due to an inoperable boiler to heat the Village Hall.

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

**NOW, BE IT RESOLVED**, that Village Board of the Village of Perry does hereby affirm the Superintendent of Public Work's determination of an emergency situation at the Village Hall.

Aye:    \_5\_

Nay:     \_0\_

Mayor Wood thanked Supt. Koziel and his employees for all of the work that they have done this summer.

**DPW Report approved** – Motion by Trustee Laraby, seconded by Trustee Davis, 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 # 120680 - # 120808

General Fund	\$ 99,081.06
Water Fund	\$ 29,040.19
Sewer Fund	\$ 34,896.70
Capital Projects Fund	\$ 54,445.73
SLWC	\$ 17.53
Trust & Agency	\$ <u>96,498.25</u>
TOTAL	\$ 313,979.46

Trustee Barth has audited all vouchers. Motion by Trustee Draper, seconded by Trustee Davis that vouchers #120680 - 120088 are ordered to be paid. Motion carried with all voting aye.

**Resolution – County collect unpaid Village Taxes -**

**VILLAGE OF PERRY VILLAGE BOARD  
RESOLUTION REQUESTING WYOMING COUNTY TREASURER’S OFFICE  
TO COLLECT DELINQUENT TAXES FOR THE 2011-2012 TAX YEAR**

**WHEREAS**, all Village Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

**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** Mayor Wood which has been duly seconded by Trustee Laraby,

**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 2011–2012 tax year and agree to the dates and form prescribed by the County Treasurer;

Aye:   5  

Nay:   0  

**Land Separation Survey & Permit Process approved** - Motion by Trustee Laraby, seconded by Trustee Davis, to approve surveying the Village's land on Leicester St for land separation and proceed with the permit process. Motion carried with all voting aye.

**Bond Resolution – Borrow Funds for Fire Truck**

EXTRACT OF MINUTES OF MEETING OF THE VILLAGE BOARD OF TRUSTEES  
ADOPTING BOND RESOLUTION

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

BOND RESOLUTION DATED SEPTEMBER 19, 2011 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PERRY, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE THE ACQUISITION OF A FIRE TRUCK, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

BE IT RESOLVED by the 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 acquisition of one "Triple Combination Pumper" fire truck, which may include apparatus required in connection therewith (hereinafter referred to as "purpose"), is hereby authorized and serial bonds in an aggregate principal amount up to \$455,000 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 maximum cost to the Village is estimated to be up to \$455,000 for said purpose 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 serial bonds and bond anticipation notes 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 27 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is twenty (20) 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 not 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, subject to applicable statutory limitations, if any.

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

**Municipal Workshop approved** - Motion by Trustee Draper, seconded by Trustee Davis, to approve the Clerk and any Board Member to attend a Municipal Dollars & Sense Training Workshop on October 21, 2011 at a cost of \$50 per person. Motion carried with all voting aye.

**Clerk's Report approved** - Motion by Trustee Barth, seconded by Trustee Draper, to approve the Clerk's Report as presented. Motion carried with all voting aye.

#### **COMMITTEE REPORTS**

*Fire* - Nothing to report.

*Police* - Nothing to report.

*DPW/Water/Sewer*

**Adjustment Request denied** – A letter was received from Mr. & Mrs. Farr of 26 Gardeau Street, requesting a refund of late charges that they paid due to not receiving the original bill. Trustee Laraby said that the Village has followed its policies and procedures and cannot be control the USPS as a bill was generated. Motion by Trustee Laraby, seconded by Trustee Davis, to deny the request of a refund for late charges in the amount of \$14.20 for 26 Gardeau Street as the Village cannot control the United States Postal Service. Motion carried with all voting aye.

*Recreation* – Nothing to report.

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

*Planning/Zoning/Cable* – Nothing to report.

*SLWC* – Nothing to report.

*Technology* – Nothing to report.

#### **MAYOR'S FILE**

Mayor Wood said another store will be opening in October on Main Street – an Outdoor Store.

#### **OLD BUSINESS**

No old business.

#### **NEW BUSINESS**

No new business.

Motion to adjourn the meeting at 8:34 p.m. was offered by Trustee Barth, seconded by Trustee Laraby and carried with all voting aye.

Respectfully submitted,

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Gail Vosburg

Village Clerk