

**VILLAGE OF PERRY
VILLAGE BOARD MINUTES
MARCH 19, 2012**

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 19TH day of March 2012.

Present:	Howard C. Wood	Mayor
	J. Richard Barth	Trustee
	David J. Davis	Trustee
	Dariel A. Draper	Trustee
	Daryl Heiby	Trustee
Also Present:	Gail Vosburg	Village Clerk
	James Case	Police Chief
	Al Lowery Jr.	Fire Chief
	Edward Koziel	Supt. Public Works
	Renee Koziel	Park Maint. Supervisor
	Terrence Murphy	Village Administrator
Guests:	Lorraine Sturm	Bill Bark
	Rick Hauser	Nancy Meissel
	Bill Stavisky	Eleanor Jacobs

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

Mayor Wood led in the pledge to the flag.

MINUTES

FEBRUARY 27, 2012 MINUTES APPROVED – Upon motion by Trustee Draper, second by Trustee Davis, the minutes of the February 27, 2012 Special Board Meeting were approved as presented. Motion carried with all voting aye.

MARCH 5, 2012 MINUTES APPROVED – Upon motion by Trustee Heiby, second by Trustee Draper, the minutes of the March 5, 2012 Board Meeting were approved as presented. Motion carried with all voting aye.

MARCH 7, 2012 MINUTES APPROVED – Upon motion by Trustee Heiby, second by Trustee Davis, the minutes of the March 7, 2012 Special Board Meeting were approved as presented. Motion carried with all voting aye.

PUBLIC COMMENT

Eleanor Jacobs, Nancy Meissel and Bill Stavisky – Rotary’s “Read Around Perry” Project – Ms. Meissel reported that Rotary is very interested in developing literacy around the world. They have partnered with Perry Central School, the Perry Library, Partners for Prevention and other organizations to encourage reading. They are working on a DVD to assist parents prepare their children for school as many children are behind in language skills. They hope the Village Board would support the program and request \$700 to help assist with this project. Rotary is also applying for a Rotary District Grant for a matching grant. Administrator Murphy asked if the group will be administering the funds? Ms. Jacobs said that they (Rotary) would be in charge of this project. The funds would be for some and possibly a banner to be placed across Main Street. Bill Stavisky reported that Perry Central School has a very high drop-out rate.

Rick Hauser – PMSA – updated the board on the following:

- Farm Market – PMSA has formed an advisory committee
- Farm Market scheduled to open June 16th
- Discussion about a possible Main Street Manager – similar to the old PDC Director
- Developing a perpendicular sign grant program
- Silver Lake Trail Council is almost ready to install trail markers

- Inquired as to the Village of Perry opting into a 485A Real Property Tax abatement exemption.

Motion by Mayor Wood, seconded by Trustee Davis to adjourn the regular meeting and open the public hearing at 8:00 pm on the proposed local law #2-2012. Motion carried with all voting aye.

PUBLIC HEARING – PROPOSED LOCAL LAW #2-2012 “Amending Chapter 98 – Officers and Employees of the Village of Perry Code”

Clerk Vosburg read the proposed local law:

**A PROPOSED LOCAL LAW ENTITLED,
“AMENDING CHAPTER 98 – OFFICERS AND EMPLOYEES
OF THE VILLAGE OF PERRY CODE”**

Be it enacted by the Village Board of the Village of Perry as follows:

SECTION I. AUTHORITY

The Village Board of the Village of Perry, pursuant to the authority granted it under Article 7 of the Village Law of the State of New York.

SECTION II. PURPOSE

This local law will specifically amend section 98-1 of Chapter 98 of the Village of Perry Code outlining residency requirements for the Village Perry Police Department.

SECTION III. ENACTMENT

The Village Board of the Village of Perry hereby amends the Code of the Village of Perry by amending the following section to Chapter 98 – Officers and Employees:

CHAPTER 98 OFFICERS AND EMPLOYEES

'98-1. Residence outside Village authorized.

Add Any fulltime employee of the Village of Perry Police Department need not be a resident of the Village of Perry but shall be required to be a resident of either the Town of Perry or the Town of Castile. This requirement is effective six (6) months from the date of hire or from the adoption date of this local law.

SECTION IV. REPEAL

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION V. SEVERABILITY/VALIDITY

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not impact the remainder of said local law which shall remain in full force and effect.

SECTION VI. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided in §27 of the Municipal Home Rule Law.

Mayor Wood said that there was a residency law in the old local laws but it was left out when they were converted to the Code of Perry. Administrator Murphy said it would make for more effective policing if the employees were familiar with the Village of Perry.

No one from the public spoke.

Motion by Trustee Barth to close the public hearing at 8:04 pm was seconded by Trustee Draper. Motion carried with all voting aye.

Motion by Trustee Barth, seconded by Trustee Davis, to resume the regular meeting at 8:04 pm.

VILLAGE OF PERRY
RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW NO. 2 OF 2012
ENTITLED, "AMENDING CHAPTER 98 – OFFICERS AND EMPLOYEES
OF THE VILLAGE OF PERRY CODE"

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers 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, a resolution was duly adopted on March 5, 2012 by the Village Board of the Village of Perry authorizing a public hearing to held by the Village Board on the 19th day of March 2012 at 8:00 p.m. at the Village Hall to hear all interested parties on a proposed Local Law entitled "Amending Chapter 98 – Officers and Employees of the Village of Perry Code"; and

WHEREAS, notice of said public hearing was duly advertised in the Perry Herald, the official newspaper of said Village; and

WHEREAS, said public hearing was duly held on March 19, 2012 at 8:00 p.m. at the Village Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, the Village Board of the Village of Perry, after due deliberation, finds it in the best interest of said Village to adopt said local law.

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

RESOLVED, that the Village Board of the Village of Perry hereby adopts said Local Law No. 2 of 2012, entitled "Amending Chapter 98 – Officers and Employees of the Village of Perry Code"; and

BE IT FURTHER RESOLVED, that the Village Clerk be and he hereby is directed to enter said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

Ayes: 5

Nays: 0

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

Fire Chief Lowery informed the board that Truck #1 (the 2011 Pierce) has been chosen along with eleven other trucks (out of 2,000 produced last year) to be included in Pierce's 2012 calendar.

Fire Department Report approved - Motion by Mayor Wood, seconded by Trustee Draper to approve the February Fire Department Report as presented. Motion carried with all voting aye.

Old Truck # 4 (rescue) sale approved – Administrator Murphy reported that Truck #4 was sold through Teitsworth Internet Auction for \$16,985. He had the truck listed with a broker with no action. Motion by Trustee Heiby, seconded by Trustee Davis, to approve the sale. Motion carried with all voting aye.

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

2011 Yearly Police Report - Chief Case presented the 2011 yearly report. Motion by Mayor Wood, seconded by Trustee Davis, to approve the 2011 yearly Police Report as presented. Motion carried with all voting aye.

Police Department Report approved - Motion by Trustee Barth, seconded by Trustee Davis to approve the January Police Department Report as presented. Motion carried with all voting aye.

PARKS & RECREATION REPORT – as presented by Renee Koziel

Kody Kelsey approved as Seasonal Laborer – Mayor Wood appointed Kody Kelsey as a Seasonal Laborer from March 26th – May 31st at a rate of \$8 per hour. Motion by

Trustee Barth, seconded by Trustee Draper, to approve the appointment. Motion carried with all voting aye.

Renee reported on the following:

- Tennis courts were opened last Monday.
- The courts will be touched up in areas due to the winter weather.
- Rotary bathrooms will be open by week's end.
- Clean Sweep will be May 19th.
- American Legion Fishing Derby will be May 26th.
- Banners will be taken down this week.
- Bike Lane around village park will be installed next week.

Administrator Murphy reported that he and Renee met with the proposer of the Pickleball project. It will be for a 1-2 year trial period on the basketball court behind the skate cabin.

Park & Recreation report approved – Motion by Trustee Heiby seconded by Trustee Davis, to approve the Park & Recreation report as presented. Motion carried with all voting aye.

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

DPW report approved – Motion by Trustee Davis, seconded by Trustee Draper 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 # 121887 - # 121959

General Fund	\$ 54,926.49
Water Fund	\$ 10,842.11
Sewer Fund	\$ 107,146.91
SLWC	\$ 17.95
Trust & Agency	\$ <u>44,103.97</u>
TOTAL	\$ 217,037.43

Trustee Davis has audited all vouchers. Motion by Trustee Heiby, seconded by Trustee Barth that vouchers #121887 – 121959 in the amount of \$217,037.43 are ordered to be paid. Motion carried with all voting aye.

Two spring workshops approved – Motion by Trustee Davis, seconded by Trustee Heiby, to allow any board member and employee to attend the following workshops:

1. May 9, 2012 – STW Local Govt't Conference @ Houghton College, \$45 per person
2. May 17, 2012 – G/FLRPC Spring Workshop @ Burgundy Basin Inn, \$50 per person

Motion carried with all voting aye.

Tentative 2012-2013 budget approved & Budget Hearing set - Motion by Trustee Barth, seconded by Trustee Davis, to approve the 2012-13 Tentative Budget as presented and set a Public Hearing on the Budget for Monday, April 2, 2012 at 8:00 pm. Motion carried with all voting aye.

2012-2013 Organizational Meeting Scheduled – Motion by Mayor Wood, seconded by Trustee Draper, to schedule the 2012-13 Organizational Meeting for Monday, April 2, 2012 at 7:30 pm. Motion carried with all voting aye.

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

ADMINISTRATOR REPORT - as presented by Terry Murphy

Wyoming Co. Water Feasibility Study Update – Clerk Vosburg said the study was completed in last 2011 with a final report submitted to the Wyo. Co. Board of Supervisors for final approval. (see attached summary) The report recommended that t Wyoming County Water Resources Agency be developed by the Board of Supervisors. The agency would be comprised of community and business leaders, county residents and Town/County Officials. The goal of the Water Resource Agency would be to develop long-range planning and provide assistance to the municipal systems through but not limited to:

- The purchasing of specialized equipment to assist the systems (leak detection equipment, generators, heavy equipment, etc.)
- Joint purchasing of material (Chemicals, piping, etc.)
- Develop a pool of Certified Water Operators that will be available for the systems to use if needed.
- GIS mapping of systems.
- Explore expanding water service to underserved or non-served areas of the county
- Assist with grant and financing applications
- Establish an ELAP certified water testing laboratory with the county
- Consolidate planning activities and goals.

The next step

To cover the expenses (approx. \$270,000 to \$300,000) associated with the development of the Water Resource Agency and to initiate the goals stated above, the county will be applying for an efficiency implementation grant through the Department of State. The deadline for the application is March 21, 2012 with all supporting documents being required by the beginning of April. A Memoranda of Understanding is being sent to all the towns and villages for them to sign in support of this grant application. By doing so, they are only agreeing to be stakeholder in the implementation of the Wyoming County Resources Agency. Unanimous support is needed for the grant to be considered.

Administrator Murphy affirmed this process and said it would be good for the Village.

Memoranda of Understanding

Motion by Trustee Heiby, seconded to wit by Trustee Draper;

The Village of Perry, located in Wyoming County, New York hereby agrees to enter into this Memoranda of Understanding to establish a Water Resources Agency in Wyoming County, NY. The county-wide water agency will provide manpower, services and specialized equipment, or other activities, on an as needed basis to all the water providers in the County. The Wyoming County Water Resources Agency will utilize funds from a New York State Department of State Local Government Efficiency Implementation Grant with a 10% local match to be provided by Wyoming County.

Among the specific areas of implementation are –

- 1) Developing Shared Technical Expertise and Water System Administration tools (GIS mapping systems, joint purchasing, etc.).
- 2) Developing Centralized Maintenance Services.
- 3) Developing a Shared Asset Management Service (development of facility security, safety plans and maintenance and repair).
- 4) Procuring specialized pieces of equipment (leak detection equipment, emergency generators, heavy equipment and other specialized equipment that cannot easily be purchased on an individual basis).
- 5) Consolidating Planning Activities and Goals.
- 6) Exploring the possibility of expanding water service to non-served and underserved areas in Wyoming County.
- 7) Exploring the consolidation of private and non-community water systems with the public community water systems.
- 8) Recertification of a water testing laboratory in Wyoming County, which would become the central lab for all water systems in the County.

The Village of Perry enters into this Memoranda of Understanding willingly and will give the support needed to successfully complete the implementation of a Wyoming County Water Resources Agency.

Motion carried with all voting aye.

NYS Retirement – Tier VI Pension Relief passed and was signed into legislation. There will be no substantial initial savings.

Copies of the proposed zoning changes to the section on signs were presented to the board. This was tabled until the next meeting.

Water adjustment denied – Motion by Trustee Barth, seconded by trustee Davis, to deny the request to waive the late charge on the water/sewer bill for 35 Watrous St and not to refund the late charge due to the owner being out of town for a month. Motion carried with all voting aye.

MVP Health Insurance proposal – Administrator Murphy said after review of the proposals of the health insurance, it would be counterproductive to not renew the same plan as the village presently has in view of the limited savings available in the alternative plans. Motion by Trustee Barth, seconded by Trustee Draper, to renew the current health insurance plan with MVP for a one year period beginning April 1st with the dependent age to age 26. Motion carried with all voting aye.

Administrator report approved – Motion by Trustee Barth, seconded by Trustee Draper to approve the administrator report 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 – Nothing to report.

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

Planning/Zoning/Cable – Shared Services grant for the sewer camera will be filed on Wednesday.

SLWC – Nothing to report.

Technology - Nothing to report.

MAYOR'S FILE

Mayor Wood said had a meeting with Brian Holmes from the NYS DOT on Thursday morning.

OLD BUSINESS

No old business.

NEW BUSINESS

Rotary Read Around Perry funding approved – Motion by Trustee Barth, seconded by Trustee Draper, to approve funding in the amount of \$700 for Rotary's Read Around Perry Program. Motion carried with all voting aye.

Motion by Trustee Barth, seconded by Trustee Davis, to adjourn the regular meeting and enter into executive session at 8:57 p.m. to discuss current litigation. Motion carried with all voting aye.

Motion by Trustee Draper, seconded by Trustee Davis, to adjourn the executive session and resume the regular meeting at 9:10 pm. Motion carried with all voting aye.

Motion to adjourn the meeting at 9:10 p.m. was offered by Trustee Heiby, seconded by Trustee Draper and carried with all voting aye.

Respectfully submitted,

_____, Gail I. Vosburg, Village Clerk