

**VILLAGE OF PERRY
VILLAGE BOARD MEETING**

MAY 21, 2012

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 21ST day of May 2012.

PRESENT:	Howard Wood	Mayor
	David J. Davis	Trustee
	Bonnita Matson	Trustee
	J. Richard Barth	Trustee
	Dariel A. Draper	Trustee

ALSO PRESENT:	Terrence Murphy	Village Administrator
	Gail Vosburg	Village Clerk
	Steve Laraby	1 st Assistant Fire Chief
	Renee Koziel	Park Maint. Supervisor
	Edward Koziel	Supt. Public Works
	James Case	Chief of Police
	David M. DiMatteo	Village Attorney

GUESTS: Bill Bark

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

Mayor Wood led in the pledge to the flag.

MINUTES

MAY 7, 2012 MINUTES APPROVED - Upon motion by Trustee Barth, second by Trustee Draper the minutes of the May 7, 2012 Board Meeting were approved. Motion carried with the following vote:

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

May 14, 2012 MINUTES APPROVED – Upon motion by Trustee Barth, seconded by Trustee Davis, the minutes of the May 14, 2012 Special Board Meeting were approved. Motion carried with the following vote:

Ayes	3	Barth, Davis, Wood
Nays	0	
Abstain	2	Draper, Matson

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

Firework's for 125th Celebration approved – Motion by Trustee Draper, seconded by Trustee Matson, to grant permission for a fireworks display for the 125th Celebration in the Village Park on Saturday, June 9th with the Village of Perry being named as an additional insured. Motion carried with all voting aye.

April's Fire Department Report accepted – Motion by Trustee Draper, seconded by Trustee Matson, to accept April's Fire Department Report as presented. Motion carried with all voting aye.

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

The 5K run went well on May 12th.

April's Police Department Report accepted – Motion by Trustee Barth, seconded by Trustee Davis to accept April's Police Department Report as presented. Motion carried with all voting aye.

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

Ryan Snow appointed Seasonal Laborer – Mayor Wood appointed Ryan Snow as a Seasonal Laborer beginning June 1st at a rate of \$7.25 per hour. Motion by Trustee Draper, seconded by Trustee Davis, to approve the appointment. Motion carried with all voting aye.

Parks & Recreation Report accepted – Motion by Trustee Barth, seconded by Trustee Davis, to accept the Parks & Recreation report as presented. Motion carried with all voting aye.

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

Owen Buehler and Donald Kelsey appointed as DPW Seasonal Laborers – Mayor Wood appointed Owen Buehler and Donald Kelsey as DPW Seasonal Laborers at a rate of \$8.50 for Owen and \$8.00 for Donald with a beginning date of June 1, 2012. Motion by Trustee Matson, seconded by Trustee Davis, to approve both appointments as presented. Motion carried with all voting aye.

New inventory of trees are in. They will be planted where needed.

DPW Report accepted – Motion by Trustee Draper, seconded by Trustee Matson, 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 # 122272 - #122370	
General Fund	\$ 68,734.98
Water Fund	\$ 27,614.21
Sewer Fund	\$ 10,911.98
SLWC	\$ 17.95
Trust & Agency	\$ 45,327.09
TOTAL	\$152,606.21

Trustee Matson has audited vouchers # 122272 - #122370. Motion by Trustee Barth, seconded by Trustee Draper that all vouchers are ordered to be paid. Motion carried with all voting aye.

April's treasurer's report was presented.

Year End meeting scheduled – Motion by Mayor Wood, seconded by Trustee Davis, to hold the year-end meeting on Thursday, May 31, 2012 at 10:00 am. Motion carried with all voting aye.

Lake St Sewer Pump Station closeout approved – Motion by Trustee Barth, seconded by Trustee Draper, to approve the Lake St Sewer Pump Station closeout and final pay request to MW Controls in the amount of \$6,130.73 as approved by Clark Patterson. Motion carried with all voting aye.

Wyoming County Snow & Ice 2013-14 Contract approved – Motion by Trustee Davis, seconded by Trustee Draper, to approve the 2013-14 Wyoming County Snow & Ice Contract for the amount of \$9,683.20. Motion carried with all voting aye.

Habitat Stamp Grant Project signed – Motion by Trustee Draper, seconded by Trustee Barth to authorize the Mayor to sign the Habitat Stamp Grant Project (contract with NYSDEC) – Public Access to Silver Lake – parking area. Motion carried with all voting aye.

RFP for audit services approved – The Village of Perry is required to have a program audit of the CDBG funds as this is over \$500,000 in federal funds. Motion by Trustee Barth, seconded by Trustee Davis to send out RFP's for a program audit for the CDBG funds. Motion carried with all voting aye.

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

VILLAGE ATTORNEY – David M. DiMatteo

10 N. Genesee Street – The parcel of property that the Village of Perry owned has been deemed excess and will be available to sell to the highest sealed bid. Attorney DiMatteo informed the Village Board that prior to the Village obtaining ownership, it was a non-conforming lot. It is an undersized building lot by a couple of hundred feet. It should be sold as a building lot. He asked if the village was going to put any restrictions on the property. It should be by the survey description.

**VILLAGE OF PERRY RESOLUTION
DECLARING MUNICIPAL PROPERTY LOCATED AT 10 N GENESEE STREET IS
NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND IS SURPLUS PROPERTY**

WHEREAS, in accordance with Article 1, §1-102(1) of the village Law, the Village Board of the village of Perry has the power to take, purchase, hold, lease, sell and convey real property as the purposes of the village may require; and

WHEREAS, the Village board of the Village of Perry owns property at 10 North Genesee Street in the Village of Perry and also identified as SBL # 88.20-3-27; and

WHEREAS, the property has been surveyed map has been prepared by Grover & Bates Associates, dated September 18, 2011 – map No. 11-W65, a copy of which is attached hereto as **Exhibit A**, and is more fully described as:

All that tract or parcel of land situate in the Town and Village of Perry, County of Wyoming, State of New York, being part of Lot No. 28 of William Sheppard's Subdivision of the Ogden Tract and bounded and described as follows:

Commencing at an iron monument in the southwest corner of a lot of land deeded by Michael Hamm to William S. Parker by deed recorded in the Wyoming County Clerk's Office in Liber 182 of Deeds, page 191; running thence north 80° 44' east (magnetic 1927) 176 feet to an iron monument; thence south 5° 6' west, 115 feet to an iron monument; thence north 82° 56' west, 160 feet to an iron monument; thence north 4° 26' west 66 feet to the place of beginning.

Being the same premises conveyed by Daniel H. Farnsworth by Warranty Deed dated December 24, 1991 and recorded on January 24, 1992 in the Wyoming County Clerk's Office in Liber 623 of Deeds at Page 498.

Being the same premises conveyed by Leslie O. Hinz by Quit Claim Deed dated July 12, 2011 and recorded on July 12, 2011 in the Wyoming County Clerk's Office in Liber 745 of Deeds at Page 856.

Subject of an easement from Hazel E. Reynolds and Patrick W. Reynolds to Champion Knitwear Company, Inc. recorded October 28, 1959 in Liber 325 of Deeds at Page 210 in the Wyoming County Clerk's Office in Warsaw, New York.

WHEREAS, said municipal property described above is of no value to the Village of Perry as confirmed by Superintendent of Public Works, Edward Koziel and is declared to be surplus municipal property and can be sold for fair and adequate consideration, copy of said acknowledgement is attached hereto as **Exhibit B**; and

WHEREAS, the Village Board of the Village of Perry feels it is in the best interest of the Village of Perry to declare the parcel of property located at 10 North Genesee Street and more fully described above, is surplus municipal property, shall be sold for fair and adequate consideration by Quit Claim Deed without an abstract update.

NOW ON A MOTION OF Trustee Barth, which has been duly seconded by Trustee Draper, now therefore

BE IT RESOLVED, that the Village Board of the Village of Perry hereby determines that the parcel of property identified as SBL# 88.20-3-27 and more fully described above, is surplus municipal property, shall be sold for fair and adequate consideration by Quit Claim Deed without an abstract update.

Ayes 5
Nays

Motion carried.

**VILLAGE OF PERRY RESOLUTION
DECLARING A PORTION OF MUNICIPAL PROPERTY LCOATED AT
39 LEICESTER STREET IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES
AND IS SURPLUS PROPERTY**

WHEREAS, in accordance with Article 1, §1-102(1) of the Village Law, the Village Board of the Village of Perry has the power to take, purchase, hold, lease, sell and convey real property as the purposes of the Village may require; and

WHEREAS, the Village Board of the Village of Perry owns property at 39 Leicester Street in the Village of Perry and also identified as SBL# 100.7-5-27; and

WHEREAS, the Village of Perry Planning Board has approved a land separation application separating a small portion of property, specifically 0.58 acres, from SBL# 100.7-5-27 and the same is depicted on a map prepared by Grover & Bates Associates, dated March 20, 2012 – Map No. 12-W18, a copy of which is attached hereto as Exhibit A, and is more fully described legally as:

All that tract or parcel of land situate in the Town and Village of Perry, County of Wyoming, State of New York, being part of Lot 29, of William Shepard's Subdivision of the Ogden Tract, bounded and described as follows: commencing in the northeasterly line of Covington Street, 253.5 feet northwesterly of the intersection of the northeasterly line of Covington Street and the northerly line of Leicester Street, said point being the southwest corner of J. Richard Barth (Ref. L. 703 D. 990); thence North 61° 00'00" East and along the southerly line of said Barth for a distance of 118.03 feet to the southeast corner of said Barth and the point of beginning of the parcel to be conveyed; thence

- 1) North 29° 15' 00" West and along the easterly line of said Barth for a distance of 43.82 feet to the northeast corner of said Barth; thence
- 2) North 64° 00'00" East for a distance of 45.02 feet to a point; thence
- 3) South 63° 41' 24" East for a distance of 50.43 feet to the northeast corner of Anita Billings (Ref. L. 707 D. 447); thence
- 4) South 61° 00'00" West and along the northerly line of said Billings for a distance of 73.47 feet to the point of beginning. Containing therein 0.058 acres. SUBJECT to the rights of the public in and to the land lying within the right of way of Grove Street as it adjoins the above described premises.

WHEREAS, a condition of said land separation approval by the Planning Board is the requirement that in order to meet the minimum provision of the Village of Perry Land Separation Law, the purchased surplus property must be merged with another lot that has legal road frontage; and

WHEREAS, said municipal property described above is of no value to the Village of Perry as confirmed by Superintendent of Public Works, Edward Koziel and is declared to be surplus municipal property and can be sold for fair and adequate consideration, copy of said acknowledgement is attached hereto as **Exhibit B**; and

WHEREAS, the Village Board of the Village of Perry feels it is in the best interests of the Village of Perry to declare the portion of property separated from SBL# 100.7-5-27 and more fully described above, is surplus municipal property, shall be sold for fair and adequate consideration by Quit Claim Deed without an abstract update.

NOW ON A MOTION OF Trustee Draper which has been duly seconded by Trustee Matson, now therefore

BE IT RESOLVED, that the Village Board of the Village of Perry hereby determines that the 0.058 acres of property separated from SBL# 100.7-5-27 and more fully described above, is surplus municipal property, shall be sold for fair and adequate consideration by Quit Claim Deed without an abstract update.

Ayes 5
Nays

Motion carried.

The clerk will prepare the advertisements for sealed bid.

ADMINISTRATOR REPORT – presented by Terry Murphy

Tennis Courts use approved – Motion by Trustee Draper, seconded by Trustee Matson to approve the Boy Scouts request to use the Tennis Courts on July 30th from 12:30 pm to 5:30 pm. Motion carried with all voting aye.

Spray Parks - Administrator Murphy passed out information on the spray parks in Arcade and Springville.

Open Meetings Law – Information regarding executive session was distributed to board members.

Wyo. Co. Water Tasting Contest – Perry took second place in the county's annual water tasting contest. Our position has raised significantly over the last several years.

Annual Water Quality Report approved – Motion by Trustee Draper, seconded by Trustee Matson, to approve the 2011 Annual Water Quality Report. Motion carried with all voting aye.

Tech Support from Integrated approved – Motion by Trustee Barth, seconded by Trustee Matson, to approve another 100 hour block of technical computer support from Integrated Systems at a rate of \$75 per hour. Motion carried with all voting aye.

Draft Local Law regarding Zoning changes to signage – Draft copies of the Zoning changes to signage were distributed. Trustee Matson expressed her concern over liability for the signs that would have over the sidewalk. The question of abandon signs was also discussed. No action was taken by the board.

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 – Nothing to report.

Grants – Nothing to report.

SLWC - Nothing to report.

Technology – Nothing to report.

Mayor Files

Mayor Wood had nothing to report.

Old Business

No old business.

New Business

No new business.

Motion by Trustee Davis to enter into executive session at 9:03 pm to discuss a contract negotiations with Time Warner was seconded by Trustee Matson and carried with all voting aye.

Motion by Trustee Barth to adjourn executive session at 9:07 p.m. was seconded by Trustee Draper and carried with all voting aye.

Motion to adjourn meeting at 9:07 p.m. was offered by Trustee Barth, second by Trustee Draper and carried with all voting aye.

Respectfully submitted,

Gail Vosburg
Village Clerk