

VILLAGE OF PERRY
VILLAGE BOARD MEETING
July 1, 2013

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 1ST day of July 2013.

PRESENT:	Frederic Hauser Anita Billings Dariel A. Draper Eleanor Jacobs Bonnita Matson	Mayor Trustee Trustee Trustee Trustee
ALSO PRESENT:	Terrence Murphy Gail Vosburg Jeff Drain	Village Administrator Village Clerk Chief Water & Sewer Plant Operator
GUESTS:	Mary Syberg Hattie Lee John Koronas	Bill Bark Donald Lee Dana Grover

Mayor Hauser called the meeting to order at 7:30 PM.

Mayor Hauser led in the pledge to the flag.

Mayor Hauser announced that he has a goal of 90 minutes for a board meeting.

MINUTES

JUNE 14, 2013 & JUNE 17, 2013 MINUTES APPROVED - Corrections on page one "...Trustee *Billings* to accept the DPW..." ; "... Trustee *Draper*, seconded by Trustee *Billings* to accept May's Fire..." ; "... Motion by Trustee *Jacobs*, seconded by Trustee *Draper*, to accept May's Police..." and page three "... Officer Michael *Leach* to their unavailability..." Motion by Trustee *Billings*, second by Trustee *Jacobs* that the minutes of the June 14, 2013 Special Board Meeting and the June 17, 2013 Board Meeting are approved with the above corrections. Motion carried with all voting aye.

PUBLIC COMMENT

Hattie & Donald Lee – 47 N Center Street – Dog Odor – Ms. Lee was present to speak on the ongoing issue of dog feces odor from 6 Pine Street. (letter attached) She is concerned with the odor problem with the summer heat and the runoff during rain events. Zoning Officer Don Roberts and Animal Control Officer Justa Goodell did speak with her last year but the village does not have any zoning laws that address the feces odor. She has not heard from anyone regarding this problem since she first came to the board on November 16, 2012. Mayor Hauser said that he will set up a meeting with the Planning Board, Planning committee and Village Attorney to discuss this. Dana Grover, Planning Board, said that the Health Department does not have a way to enforce this and it is not an issue that they deal with.

John Koronas – Sea Serpent Softball Tournament – Mr. Koronas informed that board that so far, he has 40 teams signed up for the 2013 Sea Serpent Softball Tournament. This is his third year of running the tournament. He asked what the payout would be. Administrator Murphy said for him to bring in the checks.

WATER / SEWER REPORT – presented by Chief Operator Jeff Drain (as attached)

Chief Operator Drain reported that Dave Raleigh, from the NYS Department of Health, came out to the Water Treatment Plant. He is very pleased with the turnaround and would like to use the Village as a success story throughout the state.

Water & Sewer report approved – Motion by Trustee Matson, seconded by Trustee Jacobs, to approve 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 # 140108 - -#140116	
General Fund	\$ 38,025.29
Water Fund	\$ 8,272.00
Sewer Fund	\$ 6,476.55
Trust & Agency	<u>\$ 50,438.66</u>
TOTAL	\$106,212.50

Vouchers # 140117 - -#140182	
General Fund	\$ 23,263.76
Water Fund	\$ 13,155.02
Sewer Fund	\$ 7,615.43
Capital Projects Fund	\$ 13,632.00
SLWC	\$ 834.00
Trust & Agency	<u>\$ 1,087.54</u>
TOTAL	\$ 59,587.75

Trustee Draper has audited all vouchers. Motion by Trustee Draper, seconded by Trustee Jacobs that all vouchers are ordered to be paid. Motion carried with all voting aye.

September 2, 2013 board meeting rescheduled – Motion by Trustee Draper, seconded by Trustee Matson to reschedule the Monday, September 2, 2013 to Tuesday, September 3, 2013 due to the Labor Day holiday. Motion carried with all voting aye.

Payment of Time Warner Cable authorized – Motion by Trustee Billings, seconded by Trustee Draper, to authorize the payment of the Time Warner Cable taxes from the spring franchise fees received in the amount of \$1,097.28. Motion was carried with all voting aye.

Notice of Claim Resolutions – Governor Andrew Cuomo signed the Uniform Notice of Claim Act in which changes the way a potential plaintiff can serve a Notice of Claim prior to commencing a personal injury or property damage lawsuit against a municipality. It allows claimants to serve notice of claim on a public entity by serving the Secretary of State. This new act sets a uniform procedure for claims against public entities in New York.

**VILLAGE OF PERRY RESOLUTION
APPROVING THE DESIGNATION OF THE NEW YORK STATE SECRETARY OF STATE AS AGENT FOR
NOTICE OF CLAIM**

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, Governor Andrew M. Cuomo has signed the Uniform Notice of Claim Act which changes the way potential plaintiff can serve a Notice of Claim prior to commencing a personal injury or property damage lawsuit against a municipality; and

WHEREAS, the new Act sets forth a uniform procedure for claims against public entities in New York which includes the filing of a Certificate with the Secretary of State designating the Secretary as an agent who may be served with a notice of claim; and

WHEREAS, if a potential plaintiff files a notice of claim with the Secretary of State, he or she must pay a fee of up to \$250.00 which will be split between the Village and the State. If the Village fails to submit this Certificate, it will forfeit its right to receive a portion of this service fee.

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

RESOLVED, by the Village Board of the Village of Perry finds it in the best interest of the Village of Perry to submit a Certificate with the Secretary of State designating the Secretary as an agent who may be served with a notice of claim, a copy of which is attached hereto.

Ayes: 5
Nays: 0

**VILLAGE OF PERRY RESOLUTION
APPROVING THE DESIGNATION OF THE VILLAGE CLERK TO RECEIVE NOTICE OF CLAIMS SERVED UPON
THE SECRETARY OF STATE**

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, General Municipal Law, § 53 requires Villages to file a certificate with the Secretary of State designating the Secretary of State as agent for service of a notice of claim; and

WHEREAS, General Municipal Law, § 53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer or person for the transmittal of notices of claim served upon the Secretary as the Village's agent; and

WHEREAS, pursuant to General Municipal Law, § 50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a Village is ninety (90) days after the claim arises, or in the case of a wrongful death action, ninety (90) days from the appointment of a representative of the decedent's estate.

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

RESOLVED, that the Village Board of the Village of Perry, County of Wyoming, designates the Gail Vosburg, in her capacity as Village Clerk to receive notices of claims served upon the Secretary of State by mail at 46 North Main Street, Perry, New York 14530 and email at gvosburg@villageofperry.com .

Ayes: 5
Nays: 0

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

ADMINISTRATOR REPORT – presented by Administrator Terry Murphy

Administrator Murphy reported on the following:

- Pickle ball – awaiting a response from the Perry Central School
- NYS DOT Perm 33 – sent e-mail to Warsaw office of NYSDOT to see if it is final and time requirements.
- Dolbeer Street and Callahan Street will be paved on Wednesday.
- The plow and body specs are being reviewed for the truck.

Washington Blvd closing requested approved– A request from Bob Burt to close Washington Blvd on Saturday July 6th from 7:00 am to 4:00 pm due to a fundraiser event. (request attached w/map) Motion by Trustee Billings, seconded by Trustee Jacobs, the request to close Washington Blvd. was approved as requested on July 6, 2013. Motion carried with all voting aye.

Administrator’s report approved – Motion by Trustee Matson seconded by Trustee Draper to approve the Administrator’s report as presented. Motion carried with all voting aye.

OLD BUSINESS

Refinance Serial Bonds

Mayor Hauser said that nearby communities use local consultants to refinance their serial bonds. Mayor Hauser reported that the City of Batavia and the City of Geneva bid out their serial bonds. He spoke with Wade Beltramo with NYCOM whom said that it should be bid out. Administrator Murphy stated that as it is a professional service, the village is not obligated to bid it out. Mayor Hauser asked is we had an updated estimated savings. Administrator Murphy said that the estimated savings over the 20 years would be approximately \$38,000. Mayor Hauser feels that the Village has three options:

- a) Move forward
- b) Do nothing (not refinance)
- c) Put together a RFP

Mayor Hauser said that Harris Beach is a larger firm than Donegan’s and offers multiple services. Administrator Murphy said that if the village passes a resolution tonight, the bond issuance will be in 6 weeks and rates could change. There is not set number as to the level at which not to refinance the bonds, but that comfort level the board feels is right. Motion by Trustee Jacobs, seconded by Trustee Matson to put a RFP together for refinancing of the village serial bonds. Motion carried with all voting aye.

Smoke Free Now

South end of Village Park designated as Tobacco/Smoke Free - Trustee Jacobs said that she read through the letters that the board received two weeks ago from the Perry Central School. Their comments were varied: do nothing; make the entire park tobacco/smoke free; designate the playground tobacco/smoke free. Motion by Trustee Jacobs, seconded by Trustee Billings, to designate the southwest end of the Village Park on Lake as Tobacco/Smoke Free from the Tennis Courts south to the Lake Street entrance including the playground. Motion carried with all voting aye. Trustee Jacobs will contact Renee for signage.

COMMITTEE REPORTS

Public Safety – Purchase of electronic speed sign approved - Trustee Draper reported on electronic speed signs that would be attached to the current speed limit signs. The committee looked at three different vendors. The one the committee recommends is \$4000 with the software package. The sign is mobile and can be relocated to different areas in the village by the village employees when directed by the Chief of Police. Mayor Hauser applauded the committee on their work. Administrator Murphy said there it was not budgeted for, but if the board wished to purchase, the funds can be transferred from the contingency account. Trustee Draper said that there is a 2 year warranty on the software and 10 year warranty on equipment. Administrator Murphy asked if there was any feedback as to the reliability of the equipment. Motion by Trustee Draper, seconded by Trustee Billings to purchase the electronic speed sign and software contingent upon a review of references. Motion carried with all voting aye.

Public Works – Trustee Jacobs reported that the committee has looked at the replacement of the clear well cover at the Water Plant. It could cost \$10,000 to blacktop the cover. The NYS Department of Health has some other options that they will share with us.

Hazard Mitigation Grant Program Letter of Intent approved – A notice from Ted Myers of the NYS DEC advised the Village of the Hazard Mitigation Grant Program. This is a grant program which may help the Village to Develop and Update Hazard Mitigation Plans and also to carry out Hazard Mitigation Projects. As the Village is the owner of the Dam on the Silver Lake Outlet, the DEC believes this could be of interest to the Village. A letter of intent is due Friday, July 5, 2013 and requires no commitment on the Village’s part. This grant could be for planning activities or updates. Motion by Trustee Matson, seconded by Trustee Jacobs, to authorize Administrator Murphy to file a Letter of Intent with no commitment of the Village. Motion carried with all voting aye.

Recreation & Resources – Mayor Hauser said that there will be an upcoming Splash Park meeting with the Parkitech and the architect to discuss the restroom/shade structures on Friday, July 12th. Hopefully a design plan will be presented. Rotary is working on fundraising.

Office – Trustee Billings said that she and Trustee Jacobs worked on the sample newsletter that she distributed to board members. This can be sent to residents along with their water bill. This will not replace the newsletter that appears in the Perry Shopper.

Planning – TEP Grant - Mayor Hauser said that they are proceeding with the TEP Grant and moving forward with the plan that was approved several years ago from the Main Street Master Plan. Ed Flynn from Labella is working on the Village being eligible as no one from the Village attend the mandatory Fed 101 class, he could teach the class. Mayor Hauser said that we need to update the scope of work. The committee feels alternative #3 of the Main Street Plan is the best with the exception of the flush medians on the end. He feels there is plenty of room to do everything. It is a 20% matching grant with a project estimated at \$1,000,000 the match would be \$250,000. The preliminary deadline

is July 19th with the application deadline of August 16, 2013. Dana Grover asked if the board considered sending this to the Planning Board for them to review. Mayor Hauser said that we need to give direction to the grant writer.

NEW BUSINESS

No new business.

Motion by Trustee Billings to adjourn the regular meeting and enter into executive session to discuss pending litigation at 9:04 p.m. was seconded by Trustee Jacobs and carried with all voting aye.

Motion by Trustee Jacobs to adjourn executive session at 9:25 p.m. and resume the regular meeting was seconded by Trustee Matson and carried with all voting aye.

CSEA Contact authorized for signature – Motion by Trustee Draper, second by Trustee Matson, authorizing Mayor Hauser, Administrator Murphy and Trustee Matson to sign the CSEA General Unit Contract Agreement that will expire May 31, 2015. Motion carried with all voting aye.

Water Bill adjust requested for 17 Covington Street - A letter was received from Sam Gullo, owner of 17 Covington Street requesting an adjustment of the water bill as the usage was large and they acknowledge a leak. Administrator Murphy said that the water passed through the meter and the meter is working properly. Mayor Hauser asked is the bill cost is justifies and no one is sure where the water went. Trustee Matson said that it is not up to the Village to figure out where the water went, that burden is on the property owner. Trustee Billings thinks that the Village should get more readings to see how the usage is. Administrator Murphy offered to speak to Mr. Gullo to advise him that the board is still discussing the issue.

Motion to adjourn meeting at 9:49 p.m. was offered by Trustee Jacobs, second by Trustee Matson and carried with all voting aye.

Respectfully submitted,

Gail Vosburg
Village Clerk