

**VILLAGE OF PERRY
VILLAGE BOARD MEETING**

MAY 20, 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 20th day of May 2013.

PRESENT:	Frederic Hauser	Mayor
	Anita Billings	Trustee
	Dariel A. Draper	Trustee
	Eleanor Jacobs	Trustee
	Bonnita Matson	Trustee

ALSO PRESENT:	Terrence Murphy	Village Administrator
	Gail Vosburg	Village Clerk
	Al Lowery	Fire Chief
	Ed Koziel	Supt. of Public Works
	Renee Koziel	Park Maint. Supervisor
	James Case	Chief of Police

GUESTS:	Mary Syberg	Larry Hopper
	Bill Bark	Alex Pierce, Wyo. Co. Community Action

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

Mayor Hauser led in the pledge to the flag.

MINUTES

MAY 6, 2013 MINUTES APPROVED – Corrections on page three “...speed trap and *requested consideration of any of the following...*” and “...splash pad project: Parkitects have been contracted to design *the splash park layout and assist with fixture selection; they will be coordinating with Clark Patterson Lee Engineers.*” Motion by Trustee Matson, second by Trustee Draper to approve the minutes of the May 6, 2013 Board Meeting as corrected. Motion carried with all voting aye.

MAY 10, 2013 MINUTES APPROVED - Motion by Trustee Billings, second by Trustee Jacobs to approve the minutes of the May 10, 2013 Special Board Meeting. Motion carried with the following vote:

Ayes	4	Hauser, Billings, Draper, Jacobs
Nays	0	
Abstain	1	Matson

PUBLIC COMMENT

Alex Pierce – Wyoming County Community Action – Mr. Pierce, new executive director of the Wyoming County Community Action, introduced himself to the village board and said that he is looking forward to working with the village. He explained some of the services that they provide to county residents.

CLERK REPORT – presented by Village Clerk Gail Vosburg (attached)

Payment of Claims -

Vouchers # 131928 - #132131-#132248

General Fund	\$ 65,972.81
Water Fund	\$ 38,967.71
Sewer Fund	\$ 74,646.44
SLWC	\$ 957.94
Trust & Agency	<u>\$ 48,484.08</u>
TOTAL	\$229,028.98

Trustee Matson has audited vouchers # 132121 - #132248. Motion by Trustee Draper, seconded by Trustee Billings that all vouchers are ordered to be paid. Motion carried with all voting aye.

April's Treasurer's report was presented.

Year End Board Meeting scheduled - Motion by Trustee Draper, seconded by Trustee Matson , to schedule the Year End Meeting for May 31, 2013 at 12:30 pm. Motion carried with all voting aye.

Silver Lake Fireworks donation approved - Motion by Trustee Jacobs, seconded by Trustee Matson to approve a donation of \$250 to the Silver Lake Fireworks Fund's for the July3rd firework show at Silver Lake. Motion carried with all voting aye.

EAP Training for Public Safety – Motion by Trustee Billings, seconded by Trustee Jacobs, to approve the mandatory training regarding Sexual Harassment for Public Safety Employees scheduled for Thursday, June 20, 2013. Motion carried with all voting aye.

Resolution asking Wyoming County to revisit relevy – The Wyoming County Village Association adopted a resolution asking that the Wyoming County Board of Supervisors revisit their policy on relevying of user charges onto

village taxes. The Association asked that all Villages adopt a similar resolution and forward it onto the Board of Supervisors.

VILLAGE OF PERRY
RESOLUTION
Adopted: May 20, 2013

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 Village of Perry is a non-assessing/collecting unit for real property tax purposes of the Village of Perry in the State of New York; and

WHEREAS, pursuant to Village Law Section 11-1118, Villages are required to include all unpaid water or sewer rents and penalties in the annual tax levy and levy these amounts on any real property in default and State Law further requires, *"The board of trustees shall include such amount in the annual tax levy and shall levy the same upon the real property in default. Whenever an unpaid water rent shall be included in the annual village tax levy.....the water fund shall be credited with the amount of the unpaid rent, including penalties, and the amount so levied, when collected, shall be paid into the general fund;"* and

WHEREAS, so, in fact, this is a tax; and

WHEREAS, the County of Wyoming, as authorized by Real Property Tax Law Section 1442, is obligated by statute and local law to pay to towns and villages in the County the full amount of re-levied taxes returned to the County for inclusion in the county tax bill; and

WHEREAS, while the towns and villages have the authority by Local Law No. 12 of the year 1994, by Resolution 94-241, to provide for the placement of user charges on their tax bill, the County is not obligated to pay these sums to towns and villages upon the submission of re-levied taxes; and

WHEREAS, the Wyoming County Board of Supervisors has now established a policy that the County will only pay over to the towns and villages those amounts on their re-levied tax bills which are taxes; and

WHEREAS, in 1994 the County of Wyoming realized the efficiency of having one collecting unit and using one law firm to foreclose on taxes; and

WHEREAS, it is an established fact that over the course of these years, the amounts of monies in re-levied taxes has reduced significantly; and

WHEREAS, this policy of collecting these taxes after they are levied by towns and villages and re-levied by the County has no financial impact on the County of Wyoming; and

WHEREAS, the County, onto itself in a regular session held August 17, 2010, in the former area of the *Village of Pike*, County of Wyoming; without prior discussion; without regard for the impact; and without any communication by any Supervisor to their inclusive village, unilaterally resolved to implement a new policy where the County will only repay to towns and villages those amounts on their re-levied tax bills which are taxes; and

WHEREAS, non-tax items such as user fees for water bills and property maintenance type expenses will no longer be paid over to the towns and villages; and

WHEREAS, this policy provides an extreme hardship to the towns and villages and will only serve to create another level of expense for each and every one of these municipalities; and

WHEREAS, the County failed to open a meaningful dialogue to discuss the impacts of this new policy on the towns and villages within its bounds; and

WHEREAS, all counties surrounding Wyoming County share their sales tax with each of their towns and villages; and

WHEREAS, the County of Wyoming, without regard for the local municipalities under it, similar to the actions of the State of New York in their recent enactment of Leandra's Law, failed to discuss the possible consequences and effects the passage of such legislation would have upon County government, the County of Wyoming has basically acted with the same vengeance and sheer lack of regard for the impact upon its municipalities with the passage of this resolution would have; and

WHEREAS, the County has passed a resolution which is wholly without merit, without benefit of reason and without a cohesiveness for towns and villages when instead the County should be working with these entities as a whole; and

WHEREAS, these type of acts should be withheld during economic tough times and there should be meaningful discussion before such a one-sided resolution is passed without first communicating to those who are to be affected by same.

NOW ON 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 seek the County of Wyoming to redact, annul or otherwise pass a new resolution continuing the policy as previously created and which has existed for the last 16-years.

Ayes: 5

Nays: _0_

457 Deferred Compensation requests for proposals approved –457 Deferred Compensation – must conduct a competitive proposal process (required - has been over five years since last done). Motion by Trustee Matson, seconded by Trustee Jacobs, to approve the following items:

- Deferred Compensation Committee
 - Terry Murphy
 - Tisha Sylvester
 - Anita Billings
 - Bonnie Matson
- Name Trustee of Plan (contact person)
 - Gail Vosburg
- Model 457 Deferred Compensation Plan
- Request for Proposals for 457 Deferred Compensation Plan administration and Investment Services

Motion carried with all voting aye.

Request to void checks approved – Motion by Trustee Billings, seconded by Trustee Jacobs, to void the checks listed as recommended by Clerk Vosburg:

Trust & Agency	#7959	\$ 24.30	(from 5/2012)
	#8032	\$ 50.00	(from 8/2012)
General Checking	#28082	\$ 25.00	(from 2/2011)
	#28164	\$ 25.00	(from 2/2011)
	#28583	\$ 25.00	(from 4/2011)
	#29336	\$ 25.00	(from 10/2011)
	#29866	\$138.00	(from 4/2012)
	#30601	\$ 18.86	(from 11/2012)

Motion carried with all voting aye.

The BVP Grant application has been submitted (Bullet Vest Program) for the purchase of six new vests.

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

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

Fire Chief Lowery said that he spoke with Trustee Jacobs about bringing the ladder truck up to the village park for summer cool-off days. This would involve 4-5 firemen and two trucks. He brought a “shower curtain” hookup that could be connected to a fire hydrant in the village park. Trustee Jacobs and Mayor Hauser spoke on two other options:

- a. The public beach on Walker Road was looked at along with the Wyo. Co. Health Department. They laid out what would need to be done: update the bathrooms, docks, lifeguard chair, float rope, signage and lifeguards.
- b. The school has offered to open the pool several hours a week with the village paying for lifeguard staffing, approximately \$3,500.

The board took no action.

May’s Fire Department Report accepted – Motion by Trustee Matson, seconded by Trustee Billings, to accept May’s Fire Department Report as presented. Motion carried with all voting aye.

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

Chief Case said the Interview & Interrogation class that was approved for Office Milhollen was full when he went to register and therefore could not attend.

The Perry School 5k race was held on May 11th. The department along with the fire police provided traffic control.

May’s Police Department Report accepted – Motion by Trustee Billings, seconded by Trustee Matson, to accept May’s Police Department Report as presented. Motion carried with all voting aye.

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

Facilities Use forms approved - Motion by Trustee Jacobs, seconded by Trustee Billings, to approve the following facilities use forms:

High School Student Government – May 31st softball fields (no diamond #2) and must be off fields by 3:00 pm.

Men’s Softball League tournament this weekend – May 25th

Wyo. Co. Amateur Radio Emergency Services – use of skating cabin – June 22nd & 23rd and permission granted to be in the Village Park after 11:00 pm.

Motion carried with all voting aye.

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

DPW REPORT – (as attached)

Mayor Hauser asked who maintains the Silver Lake Trail. Supt. Koziel replied that the Village does, from South Federal Street to Walker Road. It gets mowed once a week. There has been a problem with vandalism to the bridge.

Walker Road waterline - Supt. Koziel reported that work will begin on the Walker Road waterline will begin on June 3, 2013.

DPW Report accepted – Motion by Trustee Matson, seconded by Trustee Jacobs, to accept the DPW report as presented. Motion carried with all voting aye.

ADMINISTRATOR REPORT – presented by Terry Murphy

DPW Seasonal employees approved – Mayor Hauser appointed Travis Rice and Donald Kelsey as seasonal laborers to begin on June 3, 2013 at a rate of \$10 per hour. Motion by Trustee Billings, seconded by Trustee Matson to approve the Mayor's appointments as presented. Motion carried with all voting aye.

Snow Plow Truck cab & chassis approved – Administrator Murphy reported that the Village can "piggyback" the purchase for the cab & chassis of a new snow plow truck off of the Genesee County Contract 2013-07 instead of putting it out to bid. This will save the village some money. Motion by Trustee Jacobs, seconded by Trustee Matson, to purchase off Genesee Co. Contract 2013-07, a cab & chassis by Terrastar SFA 4x2, for a cost of \$55,300.00. Motion carried with all voting aye. The body & plow specs will be reviewed by the committee.

Administrator Murphy reported the following:

- Labor Management meeting was held as per CSEA Contract.
- First aid training was useful when village employee was injured.

Audit of Telephone charges approved – Motion Billings, seconded by Trustee Matson, to authorize the Mayor to sign an agreement with Allan Rotto Consultants to audit the telephone charges. Motion carried with all voting aye. They have done this in the past.

Transfer to reserve funds – Administrator Murphy presented a proposal for additional funding to the reserve funds. The board took no action.

2012 Annual Water Quality Report approved – Motion by Trustee Jacobs, seconded by Trustee Matson, to approve the 2012 Annual Water Quality Report as presented (attached). Motion carried with all voting aye.

Administrator's Report accepted – Motion by Trustee Matson, seconded by Trustee Jacobs, to accept the Administrator's report as presented. Motion carried with all voting aye.

OLD BUSINESS

YMCA Summer Recreation Agreement approved – Motion by Trustee Matson, seconded by Trustee Jacobs, to approve the YMCA Summer Recreation Agreement and authorize the Mayor to sign the agreement. Motion carried with all voting aye.

NYS DOT Undertaking approved – Motion by Trustee Draper, seconded by Trustee Matson to approve the NYS DOT Undertaking Agreement (in connection with work affecting state highways) and authorize the Mayor to sign the agreement. Motion carried with all voting aye.

Champion Place PILOT Agreement approved – Motion by Trustee Matson, seconded by Trustee Jacobs, to accept the term of the Champion Place PILOT Agreement and authorize the Mayor to sign the agreement. Motion carried with all voting aye.

Village Park Structures and Bathroom engineer approved - The Recreation Committee presented two proposals for village park structures and bathrooms:

Eco Logic Studio	\$ 5,650.00
Clark Patterson Lee	\$18,000.00

Motion by Trustee Draper, seconded by Trustee Jacobs, to approve EcoLogic Studio's proposal of \$5,650 for the village park structures and bathroom design work and authorize the Mayor to sign the proposal. Motion carried with all voting aye.

COMMITTEE REPORTS

Public Safety – Trustee Billings had nothing to report.

Public Works – Trustee Matson said the committee met with Administrator Murphy and Supt. Koziel and they are working on updating the Sewer Plant head works.

Recreation & Resources – Trustee Jacobs said that she spoke with Tracey Rozanski concerning the request for the Tobacco Free zone at the Village Park and will follow up with letters from the 5th grade at Perry Central School.

Office – Court Room and Office Cleaning approved – Motion by Trustees Matson, seconded by Trustee Billings to approve the cleaning of the court room and office as part of the weekly cleaning of the village hall. Motion carried with all voting aye.

Planning – **485A Tax Credit** – Motion by Trustee Draper, seconded by Trustee Jacobs, to schedule a public hearing on June 3, 2013 at 8:00 on the draft local law “Establishing a Real Property Tax Exemption for Non-Residential Real Property Converted to Mixed Use Property Pursuant to Section 485-a of the New York State Real Property Tax Law”.

New Business

Trustee Draper asked why there are garbage cans at both ends of the Silver Trail and none in the Village Park.

Motion to adjourn meeting at 9:08 p.m. was offered by Trustee Draper, second by Trustee Matson and carried with all voting aye.

Respectfully submitted,

Gail Vosburg
Village Clerk