

VILLAGE OF PERRY
VILLAGE BOARD MEETING
October 7, 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 7th day of October 2013.

PRESENT:	Frederic Hauser Anita Billings Eleanor Jacobs	Mayor Trustee Trustee
ABSENT:	Dariel A. Draper Bonnita Matson	Trustee Trustee
ALSO PRESENT:	Terrence Murphy Gail Vosburg Jeff Drain	Village Administrator Village Clerk Chief Water & Sewer Plant Operator
GUESTS:	Mary Syberg Joe Hageman Davie Bosdyk	Bill Bark Bill Zintel

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

Mayor Hauser led in the pledge to the flag.

MINUTES

SEPTEMBER 16, 2013 MINUTES APPROVED – Motion by Trustee Jacobs, second by Trustee Billings that the minutes of the September 16, 2013 Board Meeting be approved as presented. Motion carried with all voting aye.

PUBLIC COMMENT

Bill Zintel – American Legion – Mr. Zintel was present to ask for a donation to purchase flags for the 7 cemeteries in the community. The Legion puts flags on 920 graves in the cemeteries at a cost of \$1.25 each as well as provide flags for the various flag poles in the village. The Town of Perry gives them \$1,000; \$500 for flags and \$500 for programs. Trustee Billings asked Mr. Zintel if they have approached the VFW for a check? Mayor Hauser asked if they see a need for this every year. Mayor Hauser said for them to give us time to look at the budget. He referred this to the Office Committee for a recommendation.

David Bosdyk – 70 Water Street – Mr. Bosdyk owns the property at 70 Water Street. He has an issue with the neighboring property at 68 Water Street. This has been ongoing for over two (2) years. He has received notice from his insurance company that his insurer intention to possibly cancel his coverage on 68 Water St due to an increase in hazard. Administrator Murphy reported that this matter is being handled through County Court as it is part of Building Codes. Mayor Hauser requested a status letter from Zoning Officer Don Roberts and requested a resolution. Administrator Murphy will contact Don Roberts

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

Chief Operator Drain reported that they have finished flushing hydrants. They begin at the water plant and work their way through the system. The two reasons for flushing are:

1. To make sure the stubs are cleaned out.
2. To make sure the fire hydrants all work.

Water & Sewer report approved – Motion by Trustee Jacobs, seconded by Trustee Billings, 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 # 140732 - -#140762	
General Fund	\$ 45,839.60
Water Fund	\$ 11,553.10
Sewer Fund	\$ 9,227.06
Trust & Agency	<u>\$ 48,479.01</u>
TOTAL	\$115,098.77

Vouchers # 140763 - -#140845	
General Fund	\$ 28,412.90
Water Fund	\$ 7,505.15
Sewer Fund	\$ 8,751.32
Capital Projects Fund	\$ 8,498.50
Trust & Agency	<u>\$ 120.00</u>
TOTAL	\$ 53,287.87

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

Letchworth Cable Access fall franchise payment approved - Motion by Trustee Billings, seconded by Trustee Jacobs, to authorize payment to Letchworth Cable Access payment of the fall franchise fees from time Warner is the amount of \$21,746.96 as per the LCA Agreement. Motion carried with all voting aye.

Semiannual Labor Standards Enforcement Report authorized - Motion by Trustee Billings, seconded by Trustee Jacobs, to authorize the Mayor to sign the Semiannual Labor Standards Enforcement Report as prepared by Stuart Brown Inc. as part of the 2012 CDBG Grant. Motion carried with all voting aye. Deadline to file is October 9, 2013.

Attendance at Fall 2013 Regional Local Govt. Workshop authorized - Motion by Trustee Jacobs, seconded by Trustee Billings, to authorize anyone who wishes to attend the Fall 2013 Regional Local Government Workshop on November 15th in Batavia at a cost of \$75 per person. Motion carried with all voting aye.

Resolutions adopted directing commencement of Action on Behalf of Municipality

**RESOLUTION
DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY**

WHEREAS, it appears that Arthur Main is in violation of Section 2000-9, A (1) A (10) of Local Law No. 2 of 2000 of the Village of Perry is relative to the property located at 140 South Main Street, Perry; and

WHEREAS, it appears to be in the best interest of the Village of Perry to prohibit Arthur Main from continuing to be in violation of said section of Local Law No. 2 of 2000 of the Village of Perry; and

WHEREAS, the Village Board of the Village of Perry feels it is in the best interest of the Village of Perry to retain the services of Village Attorney, David M. DiMatteo, to pursue the enforcement of Local Law No. 2 of 2000 of the Village of Perry against Arthur Main to ensure that his property comes into compliance with said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the Village of Perry, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Village of Perry, in the matter upon such terms as he deems proper and advisable, and Mayor of the Village of Perry shall authorize David M. DiMatteo on behalf of the Village of Perry to take such action as may be deemed advisable to prevent any continuation of the violation of Local Law No. 2 of 2000 of the village of Perry by Arthur Main.

Motion made by Trustee Billings, and seconded by Trustee Jacobs.

Ayes 3
Nays 0

**RESOLUTION
DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY**

WHEREAS, it appears that *Teresa Gambino* is in violation of Section 2000-9, A (1) A (10) of Local Law No. 2 of 2000 of the Village of Perry is relative to the property located at 239 South Main Street, Perry; and

WHEREAS, it appears to be in the best interest of the Village of Perry to prohibit Teresa Gambino from continuing to be in violation of said section of Local Law No. 2 of 2000 of the Village of Perry; and

WHEREAS, the Village Board of the Village of Perry feels it is in the best interest of the Village of Perry to retain the services of Village Attorney, David M. DiMatteo, to pursue the enforcement of Local Law No. 2 of 2000 of the Village of Perry against Teresa Gambino to ensure that his property comes into compliance with said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the Village of Perry, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Village of Perry, in the matter upon such terms as he deems proper and advisable, and Mayor of the Village of Perry shall authorize David M. DiMatteo on behalf of the Village of Perry to take such action as may be deemed advisable to prevent any continuation of the violation of Local Law No. 2 of 2000 of the village of Perry by Teresa Gambino.

Motion made by Trustee Billings, and seconded by Trustee Jacobs.

Ayes 3
Nays 0

ADMINISTRATOR REPORT – presented by Village Administrator Terry Murphy

Engagement letters with Bonadio & Co. approved – Motion by Trustee Jacobs, seconded by Trustee Billings, to approve the engagement letters with Bonadio & Co. for the audit reports for the Village and Justice and authorize the Mayor to sign the documents. Motion carried with all voting aye.

Village Municipal Insurance – Two quotes from Tompkins were received for the Village’s municipal insurance:

Selective	\$ 94,573.75
NYMIR	\$124,952.34

It was noted that the quotes include insurance coverage for the dam and the day camp, which was not on the prior insurance policy. Mayor Hauser said that he is not anticipating any other quotes. He was glad we were able to receive two quotes. Motion by Trustee Billings, seconded by Trustee Jacobs to approve the insurance quote from Tompkins for Selective Insurance in the amount of \$94,573.75. Motion carried with all voting aye.

A letter was received from the Wyoming County Chamber of Commerce that they will no longer be able to offer health insurance.

Officer approved for Missing Person's training – Motion by Trustee Billings, seconded by Trustee Jacobs, to approve Officer Milhollen to attend a Missing Person's training school on October 16, 2013 at no cost to the Village. Motion carried with all voting aye.

Revised Park Pavilion Reservation Form and fee approved – The Park Reservation Form and fee was revised to account for upgraded to electric service in the North Pavilion. Motion by Trustee Jacobs, seconded by Trustee Billings, to approve the revised Park Pavilion form and the increase of pavilion rental fee to \$40. Motion carried with all voting aye.

Affordable Healthcare Act workshop approved - Motion by Trustee Jacobs, seconded by Trustee Billings, authorizing Administrator Murphy to attend an Affordable Health Care Act Seminar in Orchard Park on October 25th at a cost of \$35. Motion carried with all voting aye.

A notice was received from MVP Healthcare notifying the Village that the current health care plan will be going away when the plan expires on March 31, 2014.

OLD BUSINESS

Soliciting Form – was distributed to board members. The board took no action.

Frontier Voice Three Year Plan approved – Motion by Trustee Jacobs, seconded by Trustee Billings, to authorize the Mayor to sign a three (3) year agreement with Frontier for the Village voice phone plan. Motion carried with all voting aye.

COMMITTEE REPORTS

Public Safety – Trustee Billings said that have not had a meeting. Chief Case reported that there are between 2 - 8 kids that cross North Center Street. She has not met with the fire department's truck committee.

Public Works – Trustee Jacobs reported on the following:

- Clearwell cover – will work replacing this in the spring
- Apply for a grant for generators for the Water Plant and the Standpipe Rd Sewer Pump Station
- Perry Center Water District contract is up at the end of the year. (3 year agreement)
- 3 sidewalk express forms have been completed
- RGE will be upgrading the gas main in the road on Gardeau Street and it was discovered that they have a right-of-way behind the Village hall
- Attorney DiMatteo is working on the easements for Grove and Leicester Street culvert work
- Brush and trees have been cleaned from around the Clearwell tank at the Water plant

Mayor Hauser read a letter received from Madison Davy, Cherry Street, requesting a "Children at Play" sign. The matter was referred to the DPW Committee.

Recreation & Resources – Trustee Jacobs reported that work is continuing to upgrade the playground equipment at the Village Park. The golf cart leaks oil and Renee is looking at quotes.

Rotary Granted permission to build bathhouse – Mayor Hauser gave an update on the Splash Pad Project. Rotary has offered to build the bathhouse. The design is complete and Rotary has secured quotes. Motion by Trustee Billings, seconded by Trustee Jacobs, granting permission for Rotary to build the bathhouse as per by Eco_Logic's designs/plans. Motion carried with all voting aye.

Office – Trustee Billings has nothing to report. She proposed the Village sponsoring an ad in the Rotary Program that stated the Village supports the Rotary Club.

Planning – Mayor Hauser reported that they are close to completing a winter/sidewalk snow removal policy. After consulting with the Supt. it will be sent to the DPW Committee to review. He said the intern is working on a survey of past Perry alumni as part of the Restore Perry Population plan. The Town of Perry is working on a comprehensive plan. The Village is not involved with this. Both Mayor Hauser and Trustee Draper feel it is important to have an updated comprehensive plan as it will help guide the decision making process.

NEW BUSINESS

No new business.

Motion by Trustee Jacobs to adjourn the regular meeting and enter into executive session to discuss ongoing negotiations at 8:53 p.m. was seconded by Trustee Billings and carried with all voting aye.

Motion by Trustee Jacobs to adjourn executive session at 9:08 p.m. and resume the regular meeting was seconded by Trustee Billings and carried with all voting aye.

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

Respectfully submitted,

Gail Vosburg, Village Clerk