

**VILLAGE OF PERRY
VILLAGE BOARD MEETING**

APRIL 21, 2014

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 April 201.

PRESENT:	Eleanor Jacobs	Trustee
	Anita Billings	Trustee
	Dariel A. Draper	Trustee
	Bonnita Matson	Trustee
ABSENT:	Frederic Hauser	Mayor
ALSO PRESENT:	Terrence Murphy	Village Administrator
	Gail Vosburg	Village Clerk
	Steve Laraby	Fire Chief
	James Case	Chief of Police
GUESTS:	Mary Syberg	Bill Bark
	Sarah Wolcott	Marian Bzduch
	Dana Grover	

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

Deputy Mayor Draper led in the pledge to the flag.

MINUTES

APRIL 7, 2014 MINUTES APPROVED – Upon motion by Trustee Jacobs, second by Trustee Matson the minutes of the April 7, 2014 Board Meeting were approved. Motion carried with all voting aye.

APRIL 16, 2014 MINUTES APPROVED – Upon motion by Trustee Jacobs, second by Trustee Billings the minutes of the April 16, 2014 Special Board Meeting were approved. Motion carried with all voting aye.

PUBLIC COMMENT

Sarah Wolcott/Marian Bzduch – Page Circle – Ms. Wolcott and Ms. Bzduch were present to express their concerns on the condition of Page Circle. They spoke on their dissatisfaction with the way the Village plows and salts their street. Ms. Bzduch has spoken with Supt. Koziel and employees numerous times. They hope the Village comes up with a resolution to the problem. Ms. Bzduch spoke on the condition of 13 Page Circle. She feels the house is unsafe. She also feels the tree at the corner of Main Street and Page Circle needs to come down as they constantly pick up tree limbs from the road. Administrator Murphy suggested that the DPW committee work on this.

Dana Grover – Mr. Grover was present to give an update to the board on the recent meeting of the Village's Planning Board and the Zoning Board of Appeals. He was asked to be the liaison between the planning board and the Planning Committee. Deputy Mayor Draper said that the next planning committee will be after the Mayor returns from vacation. Mr. Grover asked if the planning board had an alternate member. It was reported that yes, there is a planning board alternate as Terri Humberstone was named an alternate member. The sidewalk survey was brought up next. He asked for an update. Deputy Mayor Draper said that the surveys will go out with May, June and July's water bills. Questions were asked as to how were the tenants going to get the surveys to fill out, those whom walk. Trustee Billings said that would be up to the landlord to distribute the surveys. It was suggested that an ad be placed in the shopper and have surveys available on the counter in the clerk's office. Deputy Mayor Draper does not want to have the residents stock up and fill out multiple surveys. Mr. Grover questioned the new part time zoning officer position. He was told that the position is in the next budget that begins on June 1, 2014. He informed that village board that the Planning Board questioned the position as it heard that it was created for just property maintenance. The board was asked if they knew how many complaints are received and does this number warrant a new position. Mr. Grover said the planning board likes the complaint driven system currently in place. They are concerned that this new approach will appear to be a witch hunt or be selective. Deputy Mayor Draper asked Mr. Grover for their questions in writing. He stated that the reasoning for this is to help improve the community.

DPW REPORT – (as attached)

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

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

Fire Chief Laraby read the secretary's report on the past year's activity by the department. Trustee Jacobs thanked the department for getting to their neighbor's house quickly.

They are waiting to see what plays out regarding the ladder fire truck.

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

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

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

Motion by Deputy Mayor Draper, seconded by Trustee Matson, to adjourn the regular meeting at 8:00 p.m. to open the public hearing on the draft local law “Repealing and Adding Chapter 305-Notice of Defects of the Code of the Village of Perry”. Motion carried with all voting aye.

8:00 PM PUBLIC HEARING – REPEALING AND ADDING CHAPTER 305 – NOTICE OF DEFECTS OF THE CODE OF THE VILLAGE OF PERRY

Clerk Vosburg read the public hearing notice, “The purpose of this local law is to repeal and replace Chapter 305 – Notice of Defects of the Village of Code. In New York, much of the litigation or personal injury actions involving municipal sidewalks and streets include the application of a prior written notice requirement. Prior written notifications laws are a valid exercise of legislative authority and reflect a legislative judgment to modify the duty of care owned by the village in order to address the worrisome problem of Village streets and sidewalk liability. This reflects an understanding that Village officials cannot be expected to be aware of every dangerous conditions of its sidewalks and streets, yet ensures that responsibility for repair will be imposed once served with written notice of that condition.”

No one from the public spoke.

PARKS & RECREATION REPORT

Titan Construction has begun work on the Splash Pad Project in the Village Park.

Facilities Use Forms approved – Motion by Trustee Jacobs, seconded by Trustee Matson to approve Sam & Valarie Lee to use the north pavilion in the Village Park and approve the use of a bounce house to be located adjacent to the pavilion on May 10, 2014. Motion carried with all voting aye.

Wyo. Co. Youth Bureau pavilion use approved – Motion by Trustee Matson, seconded by Trustee Billings, to approve the use of the south pavilion on August 7th & August 13th by the Wyoming Co. Youth Bureau at no charge. Motion carried with all voting aye.

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

Payment of Claims -

Vouchers # 131928 - #141912-#142018

General Fund	\$ 89,472.81
Water Fund	\$ 47,198.89
Sewer Fund	\$ 35,881.57
Capital Projects Fund	\$ 2,644.80
SLWC	\$ 5,767.13
Trust & Agency	\$ 55,729.93
TOTAL	\$236,695.13

Trustee Jacobs has audited vouchers # 141912 - #142018. Motion by Trustee Matson, seconded by Deputy Mayor Draper that all vouchers are ordered to be paid. Motion carried with all voting aye.

A letter was received and read from NYS Home & Community Renewal informing that the Village has received a 2013 CDBG Housing award in the amount of \$400,000.

Draft Local Law – Parking on Watrous Street public hearing scheduled

**VILLAGE OF PERRY RESOLUTION
AUTHORIZING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED,
“AMENDING THE CODE OF THE VILLAGE OF PERRY, SPECIFICALLY CHAPTER 405, ARTICLE II, §405-9: NO
PARKING ANYTIME RELATIVE TO WATROUS STREET”**

WHEREAS, the Village Board is considering adopting a proposed local law entitled, “Amending the Code of the Village of Perry, specifically Chapter 405 Article II, §405-9: No Parking Anytime relative to Watrous Street”; and

WHEREAS, said local law is being considered due to public request that the parking on Watrous Street be reformed to No Parking anytime in specific areas of the street due to public safety concerns; and

WHEREAS, in accordance with 6NYCRR Part 617, the Village Board has determined that the “installation of traffic control devices on existing streets, roads and highways,” is identified as subsection (16) in §617.5 of 6 NYCRR Part 617 as a Type II Action and as such the Village Board has no further responsibilities under this part; and

WHEREAS, the Village Board of the Village of Perry finds it in the best interest of the Village of Perry to hold a public hearing to consider the adoption of said local law.

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

BE IT RESOLVED, that the Village Board of the Village of Perry will hold a public hearing on the 5th day of May 2014 at 8:0 p.m. to consider a proposed local law entitled, “Amending the Code of the Village of Perry, specifically Chapter 405 ,Article II, §405-9: No Parking Anytime relative to Watrous Street”.

Ayes: 5
Nays: 0

Budget Transfers approved – Motion by Trustee Matson, seconded by Trustee Billings, to approve the following budget transfers:

<i>From:</i>		
A1990.4	Contingency	\$ 20,200.00
<i>To:</i>		
A3120.2	Police Equipment (car radios, radar units)	\$ 9,900.00
A5110.2	Street Equipment (pickup truck flatbed)	\$ 3,000.00
A5132.2	Garage Equipment (MIG welder)	\$ 1,500.00
A5410.2	Sidewalks Equipment (cement mixer)	\$ 3,000.00
A7140.2	Playground Equipment (planter boxes)	\$ 2,800.00
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		\$ 20,200.00 \$ 20,200.00

Motion carried with all voting aye.

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

ADMINISTRATOR REPORT – presented by Terry Murphy

YMCA Summer Recreation and Summer Soccer Agreements approved – Motion by Trustee Matson, seconded by Trustee Jacobs, approving the agreements with the YMCA for summer recreation and summer soccer and to authorize the Mayor to sign the agreements. Motion carried with all voting aye.

Administrator Murphy reported on the following:

- Draft resolution for the acceptance of the TEP grant for the board to review.

WWTP Planning Grant – Correspondence from Eric Wies, Clark Patterson Lee, was distributed and provided a summary of the proposed expenses for the EFC planning grant. A quote for flow metering of 6 meters for a one month period from Burg Schoenenberger in the amount of \$11,812 and a quote from Sewer Specialties for cleaning and televising the areas that the village cannot perform in the amount of \$14,315. He is requesting that the board approve these two expenditures. Motion by Trustee Matson, seconded by Trustee Billings, approving proposals from Burg Schoenenberger for \$11,812 and Sewer Specialties for \$14,315 as part of the WWTP planning grant. Motion carried with all voting aye.

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

Old Business

Trustee Matson informed the board that the surveying has been completed for the outlet dam project.

Public hearing scheduled for expenditure from Equipment Reserve - Motion by Trustee Jacobs, seconded by Trustee Matson to schedule a public hearing authorizing the expenditure from the Capital Equipment Reserve for a utility vehicle in the amount of \$6231.14 on Monday, May 5, 2014 at 8:30 pm. Motion carried with all voting aye.

COMMITTEE REPORTS

Public Safety – Nothing to report

Public Works – Trustee Matson said the DPW will be working on the Splash Park until it is done.

Recreation & Resources – Trustee Jacobs is working on a list of plants that can be planted at the lake edge instead of mowing and spraying.

Office – There is a meeting scheduled for PD negotiations this week.

Planning – Deputy Mayor Draper said that they will meet after the Mayor gets back.

New Business

Motion by Trustee Deputy Mayor Draper, second by Trustee Matson, to close the public hearing at 8:23 and resume the regular meeting. Motion carried with all voting aye.

Local Law 4-2014 adopted

RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW NO. 4 OF 2014 ENTITLED, "REPEALING AND ADDING CHAPTER 305 – NOTICE OF DEFECTS OF THE CODE OF THE VILLAGE OF PERRY"

WHEREAS, a resolution was duly adopted on April 7, 2014 by the village Board of the village of Perry authorizing a public hearing to be held by the village board on the 21st day of April 2014 at 8:00 pm at the Village Hall to hear all interested parties on a proposed Local Law Entitled "Repealing and Adding chapter 205 – Notice of Defects of the code of the village of Perry";

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 April 21, 2014 at 8:00 pm 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

WHEEREAS, 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 A MOTION OF Trustee Matson, which has been duly seconded by Trustee Jacobs, therefore be it

RESOLVED, that the Village Board of the Village of Perry hereby adopts said Local Law No. 4-2014, entitled, "Repealing and Adding Chapter 305-Notice of Defects of the Code of the Village of Perry"; and

BE IT FURTHER RESOLVED, that the Village Clerk be and she 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 4 Draper, Billings, Jacobs, Matson
Nays 0

Motion by Deputy Mayor Draper to enter into executive session to discuss personal employment at 8:24 p.m. was seconded by Trustee Matson and carried with all voting aye.

Motion by Deputy Mayor Draper, seconded by Trustee Matson to adjourn executive session at 8:33 p.m. was seconded by Trustee Matson and carried with all voting aye.

Michael Simpson appointed as a Part time Police Officer – Motion by Deputy Mayor Draper, seconded by Trustee Millings, to appoint Michael Simpson as a Part-time Police Officer with a one year probation period from the date of hire. Motion carried with all voting aye.

Motion to adjourn meeting at 8:34 p.m. was offered by Deputy Mayor Draper, second by Trustee Matson and carried with all voting aye.

Respectfully submitted,

Gail Vosburg
Village Clerk