

**VILLAGE OF PERRY  
VILLAGE BOARD MEETING &  
ANNUAL ORGANIZATIONAL MEETING  
APRIL 7, 2014**

The Organizational and 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 7<sup>th</sup> day of April 2014.

PRESENT:	Frederic Hauser Anita Billings Dariel A. Draper Eleanor J. Jacobs Bonnita Matson	Mayor Trustee Trustee Trustee Trustee
ALSO PRESENT:	Terrence Murphy Gail Vosburg Jeff Drain James Case Edward Koziel David M. DiMatteo	Village Administrator Village Clerk Chief Water & Sewer Operator Chief of Police Supt. of Public Works Village Attorney
GUESTS:	Lawrence Buehler Joe Rebisz Bill Bark	Carol Weber Mary Syberg Thomas Carpenter, Clark Patterson Lee

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

Mayor Hauser led in the pledge to the flag.

**ORGANIZATIONAL MEETING**

**APPOINTED OFFICIALS**

Mayor Hauser presented the following names for appointment:

Deputy Mayor	Dariel A. Draper	1 year term
Deputy Village Clerk	Tisha Sylvester	1 year term
Supt. of Public Works	Edward Koziel	1 year term
Acting Village Justice	Terry Bogert	1 year term
Village Attorney	David DiMatteo	1 year term
Registrar of Vital Statistics	Gail Vosburg	1 year term
Deputy Registrar of Vital Statistics	Tisha Sylvester	1 year term
Zoning Officer	Donald Roberts	1 year term
Zoning Clerk/ Secretary	Tisha Sylvester	1 year term
Fair Housing Officer	Rick Hauser	1 year term
PMSA Representative	Rick Hauser	1 year term
Planning Board Alternate	Terri Humberstone	1 year term until 3/31/2015
Zoning Board of Appeals	Anne Humphrey	5 year term until 3/31/2019

**COMMITTEE ASSIGNMENTS**

BUDGET	Hauser, Billings, Jacobs, Matson, Draper
PUBLIC SAFETY (Police&Fire)	Billings, Draper
PUBLIC WORKS (DPW & WATER/SEWER)	Jacobs, Matson
RECREATION & RESOURCES (P&R, SLWC)	Hauser, Jacobs
OFFICE (Employee Relations & Operations, Insurance, Technology)	Billings, Matson
PLANNING (Plan/Zoning, Grants & Development, Revitalization)	Draper, Hauser

**Appointments & Committee assignments approved** - Motion by Trustee Matson, second by Trustee Jacobs to approve the appointments and committee assignments as presented by Mayor Hauser. Motion carried with all voting aye.

**RESOLUTIONS**

BE IT RESOLVED: The Perry Herald, weekly publication in the Village of Perry, be designated the official newspaper for publication of legal notices;

AND

Manufacturers and Traders Trust Company be named the official depository for the General Fund, Water/Sewer Funds, Community Development, Silver Lake Watershed Commission and Capital Monies; Perry Office of the Bank of Castle to be the official depository for Trust and Agency, Payroll and Capital Monies. Also, the Treasurer is authorized to invest Village Monies pursuant to the Village Investment Policy adopted on December 7, 1992;

AND

The Village will require two signatures for disbursements of funds by check from Village bank accounts with one signature from an elected official and on appointed official. The Treasurer’s signature is required on all investments including savings and CD’s as per the investment policy. The designated officials authorized to be signers for the bank accounts are Mayor Frederic Hauser, Deputy Mayor Dariel A. Draper, Treasurer Terrence J. Murphy, and Village Clerk Gail I. Vosburg;

AND

Village Board Meetings will be held on the first and third Mondays of each month at 7:30 p.m. unless such day falls on a holiday. The annual Village Organizational Meeting shall be held the first Monday of April. Notice of meeting changes will be published and posted at least 72 hours prior to holding said meetings. In the event a special meeting is called, notice will be given to the public and news media as soon as practicable after the calling of the meeting. Special meetings may be called by the Mayor or two Trustees acting together. The Clerk shall notify the other board members of the special meeting. Minutes of the Board Meeting shall be made available to the public after approval by the board at the next regular Board Meeting. Minutes will be available at the convenience of the Clerk, and as such shall not be misused and posted on the Village’s website within 7 (seven) business days after approval.

BE IT FURTHER RESOLVED: Village Officials and employees will be reimbursed the federal IRS rate per mile for travel related to municipal business when using private transportation;

AND

Authorization is given for payment, in advance of audit claims for public utility services, postage, petty cash, payroll, PDC Services, debt service and invoices providing discounts for early payment providing there is prior department head approval;

AND

Authorization is given to municipal official and employees to attend schools, conferences, association meetings and seminars that would benefit the municipality for fiscal year provided funds are available and prior approval has been given by the Board.

AND

It is the Policy of the Perry Village Board that any Grant Application or any form of financial assistance or obligation that is intended to be made on the Village of Perry’s behalf, must be submitted to the board in writing prior to the Village Board granting its approval. The Village’s approval must be received PRIOR to any grant application being made. This includes any public area the Village has jurisdiction over and any program or policy that is within the purview of the Village, per municipal law.

**Resolutions approved** – Upon motion by Trustee Jacobs, seconded by Trustee Billings, the above read resolutions were approved with all voting aye.

Mayor Hauser presented the following auditing schedule:

**AUDITING SCHEDULE FOR 2014-2015**

April	Jacobs
May & Year End 2014	Matson
June	Matson
July	Billings
August	Draper
September	Jacobs
October	Matson
November	Billings
December	Draper
January 2011	Jacobs
February	Matson
March	Billings
April	Draper

**Auditing schedule approved** - Upon motion by Trustee Matson, second by Trustee Draper, to approve the auditing schedule as presented. Motion carried with all voting aye.

**PUBLIC COMMENT**

**Joe Rebisz – Pickle ball** – Mr. Rebisz passed out a letter requesting that another court be marked for pickle ball. Trustee Jacobs replied that funds to mark another court were in the 2014-15 Village Budget.

**Carol Weber – Relay for Life** - Ms. Weber was present to request permission to “Paint the Village Purple “ to bring awareness of the American Cancer Society Relay for Life. They would like to put up purple ribbons on Saturday, April 29, 2014 through June 8, 2014 along Main and Center Street. Motion by Trustee Billings, seconded by Trustee Matson, granting permission to “Paint the Village Purple” as requested. Motion carried with all voting aye.

**Lawrence Buehler** - Mr. Buehler was present to voice his belief that the Village wronged his son by not interviewing him for the water meter reader position as his son worked part time seasonally for the Village for the last 10 years. He was just sent a letter.

**MINUTES**

**MARCH 11, 2014 MINUTES APPROVED** - Upon motion by Trustee Billings, second by Trustee Draper the minutes of the March 11, 2014 Special Board Meeting were approved. Motion carried with all voting aye.

**MARCH 17, 2014 MINUTES APPROVED** - Correction on page three "Motion to adjourn meeting at 9:59 p.m. was offered..." Upon motion by Trustee Billings, second by Trustee Draper the minutes of the March 17, 2014 Board Meeting were approved as corrected. Motion carried with all voting aye.

**MARCH 24, 2014 MINUTES APPROVED** - Corrections "Trustee Billings stated *that an insurance representative reported* that a drop in our rating..... not having a ladder truck would not cause this *increase in premiums.*" Upon motion by Trustee Billings, second by Trustee Draper the minutes of the March 24, 2014 Special Board Meeting were approved as corrected. Motion carried with all voting aye.

**VILLAGE ATTORNEY**

Attorney David DiMatteo reported that all of the easements have been secured for the Davis Ave waterline project. He thanked Supt. Ed Koziel and Jeremy DeLyser, Clark Patterson Lee, for working very hard to secure them.

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

**Water** – Trench grating in the basement of the water plant has been installed.

**Sewer** – An annual inspection of the Waste Water Treatment Plant was completed by the New York State DEC. They are very pleased with the improvements already made and ones that are planned.

**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.

**MAYOR FILE**

**Local Govt. Workshop approved** – Motion by Trustee Matson, seconded by Trustee Billings, to allow any Village Official or Employee to attend the Regional Local Govt. Workshop at Burgundy Basin Inn on May 15, 2014. Motion carried with all voting aye.

**Village Association Meeting** – Mayor Hauser announced that there is a Village Association Dinner on April 22, 2014 at the VFW Post 374 in Arcade. The Village of Arcade is the host. Please let the clerk know by April 15<sup>th</sup> if you wish to attend. Mayor Hauser said that he and several village regarding water and sewer relevies.

Motion by Mayor Hauser, seconded by Trustee Matson, to adjourn the regular meeting at 8:00 p.m. to open the public hearing on the 2014-2015 Tentative Village Budget. Motion carried with all voting aye.

**8:00 PM PUBLIC HEARING - 2013-2014 TENTATIVE VILLAGE BUDGET**

Mayor Hauser reviewed the 2014-15 Tentative Budget:

- Maintain the current tax rate of \$15.76 per thousand for the 5<sup>th</sup> year in a row.
- General Fund tax levy is \$4,148 more than last year and is under the tax cap. The total tax levy is \$1,902,200.00.
- General Fund revenues are up \$69,290
- General Fund appropriations are up \$83,438

A summary of expenditures by department was read (attached). Administrator Murphy said that the budget is very tight but the village will still maintain its current level of services.

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

**Payment of Claims -**

Vouchers # 141808 - #141836

General Fund	\$ 53,212.69
Water Fund	\$ 13,561.59
Sewer Fund	\$ 10,618.10
Trust & Agency	<u>\$ 75,509.39</u>
TOTAL	\$152,901.77

Vouchers # 141837 - #141911

General Fund	\$ 29,135.50
Water Fund	\$ 17,028.87
Sewer Fund	\$ 8,287.19
Trust & Agency	<u>\$ 10,000.00</u>
TOTAL	\$ 64,451.56

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

**Ad for Town of Perry's celebration of 200 years approved** – Motion by Trustee Matson, seconded by Trustee Billings, to approve a ½ page ad be placed in the Warsaw's Country Courier in celebration of the Town of Perry's 200 years. Motion carried with all voting aye.

**Labor Standards Report for the 2012 CDBG Project approved** – Motion by Trustee Matson, seconded by Trustee Jacobs, to authorize the Mayor to sign the Labor Standards Report for the 2012 CDBG Project as completed by Stu Brown Assoc. Motion carried with all voting aye.

**Mayor to sign NYSEG easement approved** – Motion by Trustee Billings, seconded by Trustee Matson, to authorize the Mayor to sign the NYSEG easement for installation of utility work at 46 North Main Street. Motion carried with all voting aye.

**Public Hearing scheduled for Proposed Local Law -**

**RESOLUTION  
AUTHORIZING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED,  
"REPEALING AND ADDING CHAPTER 305 – NOTICE OF DEFECTS OF THE  
CODE OF THE VILLAGE OF PERRY"**

**WHEREAS**, the Village Board is considering adopting a proposed local law entitled, "Repealing and Adding Chapter 305 – Notice of Defects of the Code of the Village of Perry; and

**WHEREAS**, said local law is being considered to repeal and replace Chapter 306-Notice of Defects of the Village Code. This reflects an understanding that Village officials cannot be expected to be aware of every dangerous condition of its sidewalks and streets, yet ensures that responsibility for repair will be imposed once served with written notice of that condition; 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 A MOTION OF** Mayor Hauser, seconded by Trustee Matson, therefore,

**BE IT RESOLVED**, that the Village Board of the Village of Perry will hold a public hearing on the 21<sup>st</sup> day of April 2014 at 8:00 pm to consider a proposed local law entitled, "Repealing and Adding Chapter 305-Notice of Defects of the Code of the Village of Perry".

Ayes      5    
Nays      0    
Motion carried.

**Clerk's report approved** – Motion by Trustee Billings, seconded by Trustee Matson, to approve the clerk's report as presented. Motion carried with all voting aye.

**ADMINISTRATOR REPORT** – presented by Terry Murphy

**Facilities use forms approved for the summer** – Motion by Trustee Matson, seconded by Trustee Jacobs, to approve the following facilities use forms:

- May 17<sup>th</sup> Holiday Clean Sweep
- May 24<sup>th</sup> American Legion Fishing Contest
- July 12<sup>th</sup> Tour de Perry
- July 19<sup>th</sup> & July 20<sup>th</sup> Sea Serpent Tournament
- August 10<sup>th</sup> – 16<sup>th</sup> Shake on the Lake

Motion carried with all voting aye.

Administrator Murphy reported on the following:

- Mr. Emmerson is building flower boxes at the Park shop.
- A proposal from Clark Patterson Lee was received for storm sewer mapping. It was referred to the DPW committee to review.
- A meeting was held with the fire department and the insurance agent to review the fire policy.

**Mayor authorized to sign Town Castile water agreements** – Motion by Trustee Matson, seconded by Trustee Jacobs, to approve the Town of Castile water agreements (Silver Lake District and Gardeau District) and authorize the Mayor to sign the agreements. Motion carried with all voting aye.

**Administrator report approved** - Motion by Trustee Billings, seconded by Trustee Matson, to approve the Administrator's report as presented. Motion carried with all voting aye.

**OLD BUSINESS**

**TEP GRANT RFQ approved to send out** – Motion by Trustee Draper, seconded by Trustee Jacobs, to authorize the RFQ's be sent out to the pre-approved engineers list for the TEP Grant. Motion carried with all voting aye.

## VILLAGE ATTORNEY

Attorney DiMatteo expressed his concern over how the grant operates. He reminded the board that the Village must spend funds first. Once the state is satisfied, then the Village will be reimbursed. He cautioned that the village cannot allow anything to slip through the cracks. If at the end, the project is over what is budgeted, the village would be responsible for any overages. Mayor Hauser said the village is committed to \$350,000 towards the project. The first step is to pass a resolution to cover the engineering. Once the engineering bid is awarded, we then can reach out to the Wyo. Co. Highway as Todd Gadd has experience with the federal requirements. Administrator Murphy said that for all of the CDBG projects, the Village has had an outside firm administer the grant.

Motion by Trustee Draper, second by Trustee Matson, to close the public hearing on the 2014-2015 Tentative Village budget at 8:28 p.m. and resume the regular meeting. Motion carried with all voting aye.

**Amend budget for additional seasonal laborer** – Due to numerous projects scheduled, an additional seasonal labor was discussed to be shared by the DPW and Parks departments. Motion by Trustee Jacobs, seconded by Trustee Matson, to increase budget line A5110.12 by \$10,000 and increase the unexpended fund balance by \$10,000. Motion carried with all voting aye.

## 2014-2015 Village Budget Adopted-

### 2014-2015 VILLAGE BUDGET ADOPTED

Mayor Hauser offered the following motion, Trustee Matson seconded to wit:

**WHEREAS**, the Village Board of Perry, on April 7, 2014, commencing at 7:30 p.m. duly held a public hearing at 8:00 p.m. on the proposed budget for the fiscal year commencing on June 1, 2014, and having heard all persons desiring to be heard in the matter of such proposed budget and having been discussed and considered, it is hereby

**RESOLVED**, that such budget is hereby adopted as amended and established as the annual Village budget for the fiscal year beginning on June 1, 2014 and ending on May 31, 2015 with \$1,902,202.00 to be raised by taxes.

Ayes 5 Hauser, Billings, Draper, Jacobs, Matson  
Nays 0

Motion carried.

## COMMITTEE REPORTS

Public Safety – Trustee Billings reported that she attended the Firemen's Banquet, which was very nice. The committee met with a part time police applicant.

**PD OSHA Training approved** – Motion by Trustee Billings, seconded by Trustee Matson, to approve the members of the police department to attend OSHA training, a 6 hour course at no cost. Motion carried with all voting aye.

DPW/Water/Sewer – Trustee Matson said the surveying has started on South Federal Street for the dam. She questioned how to get the fire department to fill swimming pools. Clerk Vosburg said that there was already a policy on filling of swimming pools and it would need to be revised.

Recreation – Trustee Jacobs reported that she and Renee met with Parkitects to come up with a park master plan.

Office – Nothing to report.

Planning – Mayor Hauser announced that interviews with four firms are scheduled for April 30<sup>th</sup> for the comprehensive plan update. There will be a meeting of the sidewalk committee on Saturday, April 19<sup>th</sup>.

## OLD BUSINESS

### **CDBG Drainage Project Bids**

Thomas Carpenter, Clark Patterson Lee, was present to review the CDBG Drainage Project Bids. The lowest bid was from Blue Heron Construction at \$523,907.00 with J.D. Northrup's bid at \$524,100.00. The bidding requirement is to award the contract to the lowest, responsive, responsible bidder. Mr. Carpenter said that Blue Heron is qualified to physically complete the work but they have some comments. Due to past experiences with Blue Heron, they have had some challenges and concerns on municipal projects, including: start delays, completing paperwork in a timely manner, communication issues and appropriate project supervision. Mr. Carpenter suggested that the inspection budget be increased by \$8,400 if Blue Heron is awarded the project. He noted that there is a completion deadline of December 1, 2014; but the construction period is 90 days from the date of award. Questions were raised as to why Blue Heron was taken off of two municipal projects. Attorney DiMatteo said that the Village can request letter from the municipalities that have dealt with Blue Heron Construction and that Blue Heron Construction should have the chance to refute the references. Attorney DiMatteo and Mr. Carpenter will work to receive the reference letters. He reminded board members that we have 45 days in which to award the bid from the bid opening.

## NEW BUSINESS

No new business.

Motion by Mayor Hauser to adjourn the regular meeting and enter into executive session at 9:23 pm to discuss personnel appointments was seconded by Trustee Matson. Motion carried with all voting aye.

Motion by Mayor Hauser to adjourn the executive session and resume the regular meeting at 9:32 pm was seconded by Trustee Draper. Motion carried with all voting aye.

Sick Time payout to retiree Charles Perry authorized – Motion by Trustee Matson, seconded by Trustee Draper, to authorize the payout of sick time benefits as follows to Charles Perry:

- Payout of sick leave credits (257.07 hours) in the amount of \$5,722.50.
- Authorize payment of 50% of a Village of Perry single health insurance premium and 75% of a single deductible until Charles Perry turns 65 (December 2015).
- All additional premium & deductible costs for any additional person is the responsibility of Charles Perry.
- This is per the CSEA Agreement currently in effect.

Motion carried with all voting aye.

**Eric Kelly appointed Meter Reader** – Mayor Hauser appointed Eric Kelly as Water Meter Reader with the following conditions:

- Start date of April 24, 2014
- Hourly start rate of \$16.72
- 12 month probation period

Motion by Trustee Matson, seconded by Trustee Jacobs to approve the Mayor's appointment. Motion carried with all voting aye.

Motion to adjourn meeting at 9:36 p.m. was offered by Mayor Hauser, second by Trustee Billings and carried with all voting aye.

Respectfully submitted,

---

Gail Vosburg  
Village Clerk