

VILLAGE OF PERRY
VILLAGE BOARD MEETING
May 5, 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 5th day of May 2014.

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 Renee Koziel David M. DiMatteo	Village Administrator Village Clerk Chief Water & Sewer Plant Operator Park Maintenance Supervisor Village Attorney
GUESTS:	Gerry Sahrle James Case Cassandra Hubbard Mary Syberg Steve Laraby Bonnie Poydock Fred Eickhoff Cindy Hendrickson	Sally Bowles Bill Bark Owen Buehler Larry Hopper Robin Poydock Michael Aaron Adam Gullo

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

Mayor Hauser led in the pledge to the flag.

MINUTES

APRIL 21, 2014 MINUTES APPROVED - Motion by Trustee Jacobs, second by Trustee Matson the minutes of the April 21, 2014 Board Meeting were approved. Motion carried with all voting aye.

PUBLIC COMMENT

Charlie Scripp, owner of the NAPA Store, stated that he is against any road construction and shut down of Main Street.

Ron Biondolillo asked if the design is to alleviate any traffic problems, or is the design going to create traffic problems.

Gerry Sahrle said that several years ago, there was a public meeting with engineers looking into this and it was decided that Main Street was not big enough to have a median and he noted that there are no square intersections.

Sally Bowles asked if the public was going to vote on the median down Main Street. Mayor Hauser said that there will be no decisions made and there will not be a vote on the street scape design plan. There have been no further plans than when the grant was submitted last August. The grant was awarded in January. He explained that the first step is to work with a design consultant. This will be a two year phase and will take in consideration all comments. Board members speak with residents and voters on a daily basis and have heard their concerns about the process, the median and the impact of the construction on Main Street. A team will be put together to assist with the planning and design; a member of the Planning Board; business owners, members of the fire department. Mayor Hauser explained the decision to pursue the grant was based on a concept that was a result of grant work that was completed over five years ago. He respects those who voice their concern, but does not have any more information. Ms. *Bowles* asked if the details are a done deal. He replied that it is a federally funded project and there are standards that have to be followed; the project to be reviewed by the NYSDOT and public meeting will be held. The board decided to proceed with the project, but the details are not final.

Ron Biondolillo asked the purpose of the project. Mayor Hauser said that he is hesitant to answer as this was not the place to get into the details of the project.

Gerry Sahrle said that that he thinks it would look nice walking down Main Street; but is worried about the items underneath.

Trustee Matson asked if the Village was going to bond the TEP project. She believed that with the unknown, we should bond the project to protect the village. Mayor Hauser disagreed stating that the Village has \$1.7 million in unallocated fund balance. Trustee Matson said that she is worried about the South Federal Street Dam; there may not be enough unallocated fund balance if we spend it down.

VILLAGE OF PERRY VILLAGE BOARD
RESOLUTION
AUTHORIZING THE IMPLEMENTATION OF A FEDERAL-AID TRANSPORTATION PROJECT TO FULLY FUND
THE LOCAL SHARE OF PROJECT COSTS FOR THE DOWNTOWN PERRY STREETScape PROJECT, AND
APPROPRIATING FUNDS
Adopted: May 5, 2014

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, a proposed project for the construction and design of a downtown streetscape in the Village of Perry in Wyoming County, New York (PIN No. 4760.78) (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, as administered by the Federal Highway Administration (FHWA), which provides for the apportionment of the total cost of such Project to be borne at the ratio of 80% Federal Funds and 20% non-federal funds; and

WHEREAS, the Village Board of the Village of Perry, as Municipal Sponsor, desires to advance the Project by making a commitment to fund 100% of the federal and non-federal share of the costs of preliminary Engineering and design.

NOW ON MOTION OF Trustee Jacobs which has been duly seconded by Trustee Billings, be it

NOW, THEREFORE BE IT RESOLVED by the Village of Perry Board of Trustees, Wyoming County, New York as follows:

RESOLVED, that the Village Board of the Village of Perry hereby approves the Project and authorizes the Mayor of said Village to execute all necessary Agreements with the New York State Department of Transportation (NYSDOT) in connection with the Project, subject to the approval of the Village Attorney as to form and content, and be it further

RESOLVED, that the Village Board hereby authorized the Mayor of the Village of Perry, as Municipal Sponsor, to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary Engineering and design work for the Project, or portions thereof; and be it further

RESOLVED, that the Downtown Perry Streetscape approved for the total sum NOT TO EXCEED One Million Four Hundred thirteen Thousand Six Hundred Thirty-Eight Dollars and no cents (\$1,413,638.00) ; and be it further

RESOLVED, that in the event the full federal and non-federal share of the Project exceeds the amount appropriated above, the Village board shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation (NYSDOT); and be it further

RESOLVED, that Rick Hauser, Mayor, is hereby designated as Local Project Representative for the administration of the Project and is hereby authorized and directed to execute any and all certifications and reimbursement requests for Federal Aid on behalf of the Village of Perry with NYSDOT in connection with the advancement or approval of the Project, including the payment of all Project costs within appropriations therefor; and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching the same to the master Federally Funded Agreement in connection with the Project; and be it further

RESOLVED, that this Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Rick Hauser	VOTING	<u> Aye </u>
Anita Billings	VOTING	<u> Aye </u>
Dariel A. Draper	VOTING	<u> Aye </u>
Eleanor Jacobs	VOTING	<u> Aye </u>
Bonnita Matson	VOTING	<u> No </u>

Quorum Present: Yes X No

Mayor Hauser thanked those in attendance that shared their point of view.

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

Water & Sewer report approved – Motion by Trustee Matson, 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 of all funds # 142019 - # 142034	
General Fund	\$ 45,221.61
Water Fund	\$ 9,655.78
Sewer Fund	\$ 8,729.47
Capital Projects Fund	\$ 330.00
SLWC	\$ 1,986.46
Trust & Agency	<u>\$ 46,765.57</u>

TOTAL \$112,688.89

Vouchers of all funds #142035 - #142104	
General Fund	\$112,653.23
Water Fund	\$ 6,159.20
Sewer Fund	\$ 23,719.59
Capital Projects Fund	\$ 57,327.00
Trust & Agency	\$ 392.71
TOTAL	\$200,251.73

Trustee Matson has audited all vouchers #142019 - #142104. Motion by Trustee Jacobs, seconded by Trustee Matson, that all vouchers are ordered to be paid. Motion carried with all voting aye.

Gail Vosburg appointed Tax Collector – Mayor Hauser appointed Gail Vosburg, Village Clerk, as Tax Collector. Motion by Trustee Jacobs, seconded by Trustee Billings, to approve the appointment of Gail Vosburg as Tax Collector. Motion carried with all voting aye.

2014-2015 Tax Warrant Approved – Upon motion by Trustee Jacobs, seconded by Trustee Matson, that the 2014-2015 Warrant to collect the Village taxes is hereby issued with the following levy:

General Fund	\$1,902,202.00
Water/Sewer Relevy	\$ 5,912.64
DPW Relevy	\$ 7,342.50
BEING FOR ALL PURPOSES A TOTAL OF	\$1,915,457.14

Motion was carried with all voting aye.

January’s Treasurer’s report is attached.

Water School approved – Motion by Trustee Billings, seconded by Trustee Draper, to approve Ray Bzduch to attend a water school in Rochester on May 14, 2014 at a cost of \$30. Motion carried with all voting aye.

Clerk/Treasurer’s report approved – Motion by Trustee Jacobs 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

Sewer Mapping proposal approved – Motion by Trustee Jacobs, seconded by Trustee Matson, to approve the proposal from Clark Patterson Lee for the Storm Sewer Mapping in the amount of \$4,700.00. Motion carried with all voting aye.

Facilities Use form approved –A request was received from Pioneer Credit to use the North Pavilion on August 14 & 15th to have a picnic. They are asking permission to install a large tent and a bounce house. Motion by Trustee Jacobs, seconded by Trustee Billings approving this request. Motion carried with all voting aye.

Administrator Murphy reported on the following:

- Open House reception for the Castile Government Center is on May 10th.
- Webinar for the CDBG Housing grant – Tisha Sylvester will be signed up to view.
- Duty Statement for Part-Time Zoning Officer – will be distributed so the board can act on this at the next meeting.

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.

Motion by Mayor Hauser, seconded by Trustee Draper o adjourn the regular meeting and open the public hearing at 8:00 p.m. on “Amending the Code of the Village of Perry, specifically Chapter 405, Article III, §405 – 18: Parking Prohibited at all Times”. Motion carried with all voting aye.

Public Hearing - Parking Prohibited at all times relative to Watrous Street

Clerk Vosburg read a part of the proposed local law; “the purpose of this local law is to add language to the Code that prohibits parking on a portion of the North and south sides of Watrous Street in the Village of Perry. The Village Board of the Village of Perry hereby requests the following changed to the Code of the Village of Perry: §405 – 18: Parking Prohibited at all Times

Name of Street	Side	Location
<i>Delete</i> Watrous Street	North	100’ west of the intersection of Callahan St
<i>Add</i> Watrous Street	Both	892’ from the intersection of Gardeau Road

Police Chief James Case said the this proposed local law is a result of concern expressed from residents of parking in the area of Watrous Street hill. The surveys that were sent out were favorable for no parking in the area.

Cheryl Corcoran – Watrous Street – Ms. Corcoran spoke in favor of the law, citing that there was accident on Watrous Street Hill last fall. She states that you cannot see traffic if people are parked on the side of the road.

OLD BUSINESS

CDBG Housing Grant accepted – Motion by Trustee Draper, seconded by Trustee Billings to accept the 2013 CDBG Housing Program Grant in the amount of \$400,000 and authorize Mayor Hauser to sign the contract. Motion carried with all voting aye.

2013 CDBG Housing Grant RFP for administration authorized – Motion by Trustee Billings, seconded by Trustee Jacobs, authorizing RFP's be solicited for the administration of the 2013 CDBG Housing Grant. Motion carried with all voting aye.

Tennis Agreement – The recreation committee is working with the Village Attorney on the tennis agreement. A draft of the agreement was distributed to board members to review. Trustee Matson inquired if the tennis lessons would have any affect with the pickle ball users on the tennis courts. Mayor Hauser said this agreement does not call for use of all five courts, just three of the five. In Exhibit A – the following changes were requested:

1. Dates for the tennis were changed from Jan. 1st – Dec. 31st to June 1st – Aug. 1st throughout Exhibit A.
2. Paragraph 5 – eliminate the last two sentences from the paragraph.

Trustee Matson asked if there was any interest in working with the YMCA to provide tennis. Mayor Hauser feels comfortable with the strikes to the agreement. Motion by Trustee Jacobs, seconded by Trustee Billings authorizing the Mayor to sign the Revocable License with the revisions as outlined above. Motion carried with all voting aye..

COMMITTEE REPORTS

Public Safety – Trustee Billings said that Chief Case was looking into School Resource Officer again. Trustee Billings said it is a great resource and the school really liked it.

Public Works – Trustee Matson had a question concerning the bathrooms that are under construction in the Village Park. She is concerned as there are proposed open rafters. She spoke with the architect and he proposes hardware cloth. Mayor Hauser said that as Rotary holds the contract let them authorize any changes to the bathhouse. Trustee Matson asked where the funds will come from to make up the \$44,000 shortage. Administrator Murphy said the funds will come from the Fund Balance. Administrator Murphy passed out a disbursement schedule that Rotary provided. Mayor Hauser said that the Town of Perry has contributed \$20,000 and \$10,000 and Rotary Club has raised \$120,000, the Village would have to pay the balance.

Shade Structures authorized at Village Park - Motion by Trustee Matson, seconded by Trustee Draper, authorizing Rotary to build the shade structures on Village of Perry property as part of the Splash Pad Project. Motion carried with all voting aye.

Trustee Matson said the Garden Club has requested permission for a plaque to be placed outside the court room in honor of Gary Jurkowski. Administrator Murphy asked that they put their request in writing.

Recreation & Resources – Trustee Jacobs reported that Rotary received a District Simplified Grant in the amount of \$1,500. This grant was for a 6-panel climber. Rotary foundation would pay for \$1,000 and the Village a \$1,000. We may purchase a 4-panel climber. Question was asked if the no smoking law passed for parks. No one knew the answer.

Office – Trustee Billings had nothing to report.

Planning – Mayor Hauser announced that the 2014 CFA round for funding was announced last week. Applications will be due June 16th. He said that an area of interest is the NY Main Street grant program. There is a limit of \$250,000 maximum for the grant award. Owners would have to match 35% of costs, with the grant covering 65%. The grant would cover administration for the program. Question was raised if there was a demand from business owners; can the board authorize the Village clerk to send out letters to property owners in the Business District to see if there is any interest. Trustee Billings thinks that it is a good idea. Administrator Murphy asked if there is a sample survey. Mayor Hauser said that Ed Flynn, LaBella Associates, has one that the Village can use. Motion by Trustee Draper, seconded by Trustee Billings, authorizing that surveys be sent to business owners in the C-1 district to see if there is any interest in the Main Street grant program. Motion carried with all voting aye.

Motion by Mayor Hauser, seconded by Trustee Billings to adjourn the regular meeting at 8:30 p.m. and open the public hearing on "Appropriating moneys from the Capital Equipment Reserve Fund". Motion carried with all voting aye.

Public Hearing – Appropriating moneys form the Capital Equipment Reserve Fund

The Village of Perry proposes to authorize the appropriating moneys from the Capital Equipment Reserve fund to the General Fund in the amount of \$6,231.14 for the purpose of purchasing a new John Deere Gator TX off the NYS contract bid.

No one from the public spoke.

Motion by Mayor Hauser, second by Trustee Draper to close the public hearing on the Watrous Street Parking at 8:35 pm and resume the regular meeting. Motion carried with all voting aye.

VILLAGE OF PERRY

RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW NO. 5 OF 2014

ENTITLED, "AMENDING THE CODE OF THE VILLAGE OF PERRY, SPECIFICALLY CHAPTER 405, ARTICLE II, §405-18: NO PARKING ANYTIME RELATIVE TO WATROUS STREET"

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, a resolution was duly adopted on April 21, 2014 by the Village Board of the Village of Perry authorizing a public hearing to held by the Village Board on the 5th day of May 2014 at 8:00 p.m. at the Village Hall to hear all interested parties 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"; and

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 May 5, 2014 at 8:00 p.m. 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

WHEREAS, 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 MOTION OF Trustee Billings which has been duly seconded by Trustee Matson, therefore be it

RESOLVED, that the Village Board of the Village of Perry hereby adopts said Local Law No. 5 of 2014, entitled "Amending the Code of the Village of Perry, specifically Article II, §405-18: No Parking Anytime relative to Watrous Street"; and

BE IT FURTHER RESOLVED, that the Village Clerk be and he 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: 5
Nays: 0

NEW BUSINESS

Sidewalk survey

Trustee Jacobs asked about the sidewalk survey. Trustee Billings will e-mail Amy as to the status of the survey. Trustee Matson asked if all board members were going to review it before sending it out. Discussion ensued over how tenants of apartments were to get the survey, as it will be mailed to the property owners with their water bill. Clerk Vosburg asked how many pages the survey would be as it could add additional postage to the water bills (a newsletter is included with the bill). It is only one page.

Motion by Mayor Hauser, second by Trustee Jacobs to close the public hearing on Appropriating moneys from the Capital Equipment Reserve at 8:42 pm and resume the regular meeting. Motion carried with all voting aye.

VILLAGE OF PERRY VILLAGE BOARD RESOLUTION AUTHORIZING THE EXPENDITURE OF \$6,231.14 FROM THE EQUIPMENT RESERVE FUND SUBJECT TO PERMISSIVE REFERENDUM

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, pursuant to Section 6-c of the General Municipal Law, duly established a Capital Reserve Fund on the 14th day of April 1999 to finance the cost of future acquisition of DPW, Fire and other equipment deemed necessary by the Village Board; and

WHEREAS, The Village Board of the Village of Perry has determined that it is necessary and in the best interests of said Village to purchase a John Deere Gator TS.

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 has determined that it is in the best interest of said Village to purchase a John Deere Gator TS; and be it further

RESOLVED, that the Village Board of the Village of Perry authorized the Mayor of the Village of Perry to, contingent upon the passage of the permissive referendum period required under law without petition for a permissive referendum, to expend \$6,231.14 from the Equipment Reserve fund for the purchase of a John Deere Gator TS; and be it further

RESOLVED, that the Village Clerk be and she hereby is directed to publish an abstract of this resolution concisely stating the purpose and effect thereof in the Village's Official newspaper within ten (10) days after the date of the adoption; and be it further

RESOLVED, that said resolution shall not take effect until thirty (30) days after its adoption or until approved by the affirmative vote of a majority of the qualified electors of the Village of Perry.

Aye: 5
Nay: 0

Motion carried.

Motion by Mayor Hauser to adjourn the regular meeting and enter into executive session to discuss pending litigation at 8:44 p.m. was seconded by Trustee Draper and carried with all voting aye.

Motion by Mayor Hauser to adjourn executive session at 8:55 p.m. and resume the regular meeting was seconded by Trustee Matson and carried with all voting aye.

Seasonal Laborers appointed – Mayor Hauser appointed the following seasonal laborers: Donald Kelsey – \$10 per hour and start date of May 7, 214; Travis Rice and Justin McIntyre – \$10 per hour and start date of June 2, 2014.

Motion by Trustee Matson, seconded by Trustee Jacobs, to approve the Mayor's appointments. Vote was as follows:

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

Motion carried.

Late charge waived for 8 Cherry Street – Motion by Trustee Jacobs, seconded by Trustee Billings to waive (one time) the late charge in the amount of \$64.38 for 8 Cherry Street. Motion carried with all voting aye.

Late charge waived for 121 Lake Street – Motion by Trustee Jacobs, seconded by Trustee Billings, to rebill the current owner of 121 Lake Street in the amount of \$175.50 and waive the late fee due to miscommunication during the sale of the property. Motion carried with all voting aye.

Motion to adjourn meeting at 9:00 p.m. was offered by Trustee Draper, second by Trustee Billings and carried with all voting aye.

Respectfully submitted,

Gail Vosburg
Village Clerk