

**VILLAGE OF PERRY  
VILLAGE BOARD MEETING**

**SEPTEMBER 21, 2015**

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 21<sup>st</sup> day of September 2015.

|          |                  |         |
|----------|------------------|---------|
| PRESENT: | Frederic Hauser  | Mayor   |
|          | Anita Billings   | Trustee |
|          | Dariel A. Draper | Trustee |
|          | Eleanor Jacobs   | Trustee |

|         |                |         |
|---------|----------------|---------|
| ABSENT: | Bonnita Matson | Trustee |
|---------|----------------|---------|

|               |                   |                       |
|---------------|-------------------|-----------------------|
| ALSO PRESENT: | Terrence Murphy   | Village Administrator |
|               | Gail Vosburg      | Village Clerk         |
|               | James Case        | Police Chief          |
|               | Ed Koziel         | Supt. Public Works    |
|               | David M. DiMatteo | Village Attorney      |

|            |             |              |
|------------|-------------|--------------|
| ATTENDEES: | Mary Syberg | Bill Bark    |
|            | Ruth Lavin  | Frank Bright |

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

Mayor Hauser led in the pledge to the flag.

**MINUTES**

**Addition to the August 17, 2015 Board Minutes approved**– Clerk Vosburg read a statement that Mayor Hauser requested be added to the August 17, 2015 Village Board Minutes as part of the public hearing on the comp plan. He requested that the sentence, “Mayor Hauser stated that eminent domain is not contemplated for any efforts associated with the Silver Lake Trial Feasibility Study, or extending the trail.” Motion by Trustee Jacobs, second by Trustee Billings to approve the addition to the minutes of the August 17, 2015 Regular Board Meeting. Motion carried with all voting aye.

**AUGUST 31, 2015 SPECIAL BOARD MINUTES APPROVED** – Motion by Trustee Jacobs, second by Trustee Billings to approve the minutes of the August 31, 2015 Special Board Meeting. Motion carried with all voting aye.

**SEPTEMBER 8, 2015 BOARD MINUTES APPROVED** – Corrections were noted on page 4, “...installed at the Village Park (requirement...” and “... The County has set *no* set policy for the ...”. Motion by Trustee Jacobs, second by Trustee Billings to approve the minutes of the September 8, 2015 Board Meeting as corrected. Motion carried with all voting aye.

**PUBLIC COMMENT**

**FRANK BRIGHT** - Mr. Bright introduced himself to the Village Board and advised them that he is a professor at the University of Buffalo. He discussed the algae blooms on Silver Lake. He announced that his is one of the volunteers that are trained to take water samples of Silver Lake. He took samples of the algae and sent them into the NYSDEC for testing. Seven samples were taken with 5 testing positive for the harmful algae with 4 of them above the threshold for harmful algae. He explained that when he receives the results back, he sends them to the tract directors so that they can inform the lake residents. The SLA pays \$700 a year for CSLAP testing. Mayor Hauser asked if Mr. Bright would send the test results to the Village Administrator so that he can then relay the information to the Chief Water Operator. Mr. Bright then asked about the lake levels as the SLA gets questioned about them all the time. He asked that they be advised when the water levels are low so that the residents can pull their boats from the lake. He said the association is willing to partner with the Village to purchase something more suitable to measure the level of the lake.

**DPW REPORT** – presented by Supt. Ed Koziel (as attached)

Supt. Koziel reported that the lake level is at 88”.

Supt. Koziel reported that someone is bending the fire hydrant markers. He asked that they stop being bent. They are put on the hydrants to mark their location so that they are easy to find in the winter.

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

**POLICE DEPARTMENT REPORT** - presented by Chief Case (as attached)

Chief Case reviewed the department’s reports for the month on August.

**August’s Police Department Reports accepted** – Motion by Trustee Billings seconded by Trustee Draper, to accept August’s Police Department Report as presented. Motion carried with all voting aye.

**FIRE DEPARTMENT REPORT** (as attached)

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

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

**Payment of Claims -**

|                              |                     |
|------------------------------|---------------------|
| Vouchers # 160756 - #-160839 |                     |
| General Fund                 | \$ 63,998.63        |
| Water Fund                   | \$ 21,407.94        |
| Sewer Fund                   | \$ 17,167.48        |
| SLWC                         | \$ 18.52            |
| Trust & Agency               | <u>\$ 55,975.75</u> |
| TOTAL                        | <u>\$158,568.32</u> |

Trustee Draper 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.

**Benefit time payout authorized for Steve Bernard** – Motion by Trustee Billings, seconded by Trustee Draper, to authorize the payment of benefit time for Steve Bernard of 138 hours vacation time as per the CSEA contract. Motion carried with all voting aye.

**Holiday DeLights Festival and special use permit application to NYSDOT approved** - There is a request for the Holiday DeLights Festival to take place on December 5, 2015 and to apply for a special use permit from the NYS DOT to close the road. Motion by Trustee Jacobs, seconded by Trustee Billings to approve both requests. Motion carried with all voting aye.

**Clerk/Treasurer's Report accepted** – Motion by Trustee Draper, seconded by Trustee Billings, to accept the Clerk/Treasurer's report as presented. Motion carried with all voting aye.

**ADMINISTRATOR REPORT** – presented by Terry Murphy

An updated in-progress projects list was distributed to board members.

**Resolution to issue a negative declaration for the Comprehensive Plan**

RESOLUTION TO ISSUE A NEGATIVE DECLARATION UNDER THE  
STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE  
VILLAGE OF PERRY COMPREHENSIVE PLAN

On motion of Trustee Jacobs, seconded by Trustee Draper, the following resolution was adopted by the Village Board of the Village of Perry, New York:

WHEREAS, the Village of Perry Comprehensive Plan was developed by the Village of Perry Comprehensive Plan Steering Committee together with the planning consultants, czb LLC of Alexandria, Virginia and Hunt Engineers Architects & Land Surveyors, P.C. of Horseheads, New York; and

WHEREAS, the Village of Perry Comprehensive Plan includes a summary of existing conditions including a demographic profile and a description of the Village's physical and cultural resources; and

WHEREAS, the Village of Perry Comprehensive Plan also includes sections on Principles, Land Use Plan, and Priorities and Actions; Now therefore, be it

RESOLVED, that as lead agency pursuant to 6 NYCRR Part 617.7, the Village of Perry finds that preparation of the Village of Perry Comprehensive Plan will not have a significant adverse impact on the environment and authorizes the issuance of a Negative Declaration of the Type I Action. The reasons for this determination are:

1. that the action involves preparation of a plan and does not involve any physical alterations or activities on land within the Village; and
2. that the Village of Perry requires that all activities and projects resulting from the completed Comprehensive Plan are individually required to conform with the State Environmental Quality Review Act pursuant to 6 NYCRR Part 617.

**ROLL CALL**

|         |   |                                  |
|---------|---|----------------------------------|
| AYES:   | 4 | Hauser, Billings, Draper, Jacobs |
| NOES:   | 0 |                                  |
| ABSENT: | 1 | Matson                           |

**Resolution to adopt Comprehensive Plan** - Mayor Hauser asked that the following three points be considered to add to the comprehensive plan:

- Under Short Term Action: Conduct a Silver Lake Trail Feasibility Study in partnership with adjacent towns, aimed at linking local recreational corridors with regional attractions, and providing concept plans for key opportunity areas along the trail in the village.
- Under Medium Term Action: *Implentation* of some of the short-term recommendations from the Silver Lake Trail Feasibility Study.
- Under Long Term Action: Implementation of the medium term recommendations from the Silver Lake Trail Feasibility Study.

**RESOLUTION TO ADOPT**  
**VILLAGE OF PERRY COMPREHENSIVE PLAN**

On motion of Mayor Hauser, seconded by Trustee Jacobs, the following resolution was adopted by the Village Board of the Village of Perry, New York:

WHEREAS, the Board has before it the Village of Perry Comprehensive Plan dated June 29, 2015; and

WHEREAS, the Village of Perry Comprehensive Plan was developed by the Village of Perry Comprehensive Plan Steering Committee with the assistance of planning consultants, czb LLC of Alexandria, Virginia and Hunt Engineers, Architects & Land Surveyors, P.C. of Horseheads, New York; and

WHEREAS, the Village of Perry Comprehensive Plan Steering Committee made available a community survey to all Village residents to obtain public input; and

WHEREAS, public workshops and stakeholder meetings were held by the Village of Perry Comprehensive Plan Steering Committee during the months of September and October 2014, on November 17, 2014 and May 14, 2015 at public workshops and at the Committee's Public Hearing on June 29, 2015 to receive public input on the formation of the Village of Perry Comprehensive Plan; and

WHEREAS, the Village of Perry Comprehensive Plan was referred by the Village to the Wyoming County Planning Board under Section 239m of the General Municipal Law; and

WHEREAS, the Wyoming County Planning Board approved the Village of Perry Comprehensive Plan during its September 8, 2015 regular meeting; and

WHEREAS, a Public Hearing was held on the Village of Perry Comprehensive Plan at Perry Village Hall on August 17, 2015; and

WHEREAS, the Village Board, as the designated lead agency, conducted an environmental review under the State Environmental Quality Review Act and issued a negative declaration on the Village of Perry Comprehensive Plan. Now therefore, be it

RESOLVED, the Village Board does hereby receive, place on file, and adopt the Village of Perry Comprehensive Plan with the additions as outlined above.

**ROLL CALL**

|         |   |                                  |
|---------|---|----------------------------------|
| AYES:   | 4 | Hauser, Billings, Draper, Jacobs |
| NOES:   | 0 |                                  |
| ABSENT: | 1 | Matson                           |

Ruth Lavin asked how long the Village will wait to do the next comprehensive plan. Mayor Hauser said that there is language in the comprehensive plan outlining the timing for updating the plan. Ms. Lavin explained that in Pennsylvania, they are required to update comprehensive plans every five year.

**Compost Building bids** – Administrator Murphy announced that the bid opening date for the compost building has be delayed until September 30, 2015 at 10 am. The date for completion of the structure was extended from December 1<sup>st</sup> until February 1<sup>st</sup>.

**Debt Service Limit** – Administrator Murphy said that the debt limit including the sewer project would not put the Village over their debt limit. Bernard P. Donegan Inc. would prepare the documents necessary to have the sewer debt exclusion, if requested.

**Bernard Donegan Inc. to prepare sewer debt exclusion authorized** – Motion by Trustee Jacobs, seconded by Trustee Billings, authorizing Bernard P. Donegan to prepare the documents to have the sewer debt excluded. Motion carried with all voting aye.

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

**VILLAGE ATTORNEY**

Attorney DiMatteo reported on the following:

**Creative Foods Easement authorized for signature** - An easement has been prepared for the Village to accept the waterline around Creative Foods. It has been signed off by the Village Engineers and CFI. Motion by Trustee Billings, seconded by Trustee Draper, authorizing the Mayor to sign the Creative Foods Easement for the waterline. Motion carried with all voting aye.

**Town of Castile Water Agreement** – Notes for review:

- Ask the Town of Castile to provide site renderings of the property that they anticipate placing the new pump station on.
- The site rendering should include:
  - The building
  - Driveways and distances from building and road
  - Lighting
  - Fencing requirements
- The Village would like to have it placed near the water tower.
- The Village would like to be more involved in the review process for water interconnection

- The Village would like to see the waterline on Camp Road be moved to the north side of the road rather than the south side, where it currently runs.
- The Village's comprehensive plan is opposed to the expansion of water districts in general, and that the Town should take this into consideration in their process to expand.

Mr. DiMatteo suggested two additions to the IMA:

1. Prior to any permitting being issued for construction anywhere in the water district, the Village of Perry will be notified by the Town of Castile and an application shall be submitted to the Village regarding the location of a proposed water service.
2. The Village will review said application and make its determination based upon the comprehensive plan and the needs and ability of the Village to supply water for the proposed service.

Mayor Hauser said that he has not heard any follow up regarding the town's request. Administrator Murphy said the Town of Castile is waiting for the Village to pass the resolution. Mayor Hauser asked that a draft resolution be prepared.

**New Signage Law** - Mayor Hauser asked that the board members review draft signage language in several local laws.

## **OLD BUSINESS**

### **RESERVE CONTRIBUTIONS**

Mayor Hauser tabled discussion until the next meeting

### **SOLAR PROJECT**

Mayor Hauser said that there is an offer to coordinate with the Town of Perry, but there will be no benefit to the Village if this becomes a joint project.

## **COMMITTEE REPORTS**

**Public Safety** – Nothing to report.

**Public Works** - Nothing to report.

**Recreation & Resources** – Nothing to report.

**Office** – Trustee Draper said that they met last week and discussed the BDL program. No one applies for funds anymore. It was suggested that it be re-tooled to make it easier for matching funds. It was noted that it could be used as part of the property maintenance solutions. The board was asked to review the BDL application as it could be a source of funds for certain comprehensive plan incentives.

**Planning** – There is a meeting on Thursday.

## **NEW BUSINESS**

No new business to discuss.

Motion by Mayor Hauser, seconded by Trustee Jacobs, to adjourn the regular meeting and enter executive session at 8:36 pm to discuss pending litigation. Motion carried with all voting aye.

Motion by Trustee Draper, seconded by Trustee Jacobs to adjourn the executive session and resume the regular meeting at 9:37 pm. Motion carried with all voting aye.

**Blake Russell appointed as Part time Police Officer** – Motion by Trustee Draper, seconded by Trustee Billings to appoint Blake Russell as a part time Police Officer as per the CSEA contract. Motion carried with all voting aye.

**Post Internally for Working Foreman approved** – Motion by Trustee Jacobs, seconded by Trustee Billings, to post for the position of Working Foreman internally as per the CSEA contract. Motion carried with all voting aye.

**No civilian ride a longs in police vehicles** – Motion by Trustee Draper, seconded by Trustee Billings, that at this point, there be no civilian ride a longs in police vehicles for a moratorium period of 6 months. Motion carried with all voting aye.

Motion to adjourn meeting at 9:41 p.m. was offered by Trustee Draper, second by Trustee Jacobs and carried with all voting aye.

Respectfully submitted,

*Gail I. Vosburg*

Gail I. Vosburg, Village Clerk