

VILLAGE OF PERRY
VILLAGE BOARD MEETING
May 2, 2016

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 2nd day of May 2016.

PRESENT:	Rick Hauser	Mayor
	Dariel A. Draper	Trustee
	Eleanor Jacobs	Trustee
	Bonnita Matson	Trustee
ABSENT:	Anita Billings	Trustee
ALSO PRESENT:	Terrence Murphy	Village Administrator
	Gail Vosburg	Village Clerk
	Tim Neel	Property Maintenance Officer
GUESTS:	Mary Syberg	David Laraby
	Steve Laraby	Al Lowery
	Bill Bark	

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

Mayor Hauser led in the pledge to the flag.

MINUTES

APRIL 4, 2016 MINUTES APPROVED - Trustee Jacobs questioned why in the organizational meeting minutes that “Minutes will be available at the convenience of the Clerk, and as such shall not be misused and posted on the Village’s website ...” She asked that “... as such shall not be misused ... “ be removed from the sentence. Motion by Trustee Jacobs, second by Trustee Matson the minutes of the April 4, 2016 Board Meeting were approved as corrected. Motion carried with all voting aye.

APRIL 15, 2016 SPECIAL BOARD MEETING MINUTES APPROVED – Motion by Trustee Jacobs, seconded by Trustee Draper, to approve the April 15, 2016 Special Board Meeting Minutes as presented. Motion carried with all voting aye.

PUBLIC COMMENT

PERRY FIRE DEPARTMENT TRUCK COMMITTEE

Steve Laraby said that they spoke with Trustees Draper and Billings about refurbishing the tanker truck. It would need a couple of inspections to make sure it would be worth refurbishing, first the engine and then the chassis. Steve estimated that it would cost \$5,000 for the two inspections. Dave Laraby estimated that a new tanker truck would be \$400,000 and thought that to refurbishing the current tanker truck would run approximately \$60,000. The goal would be to get another ten – fifteen years more out of the truck. Al Lowery said that the truck is a 1995 truck that the Village bought used. Dave Laraby said the department would like to discuss the aerial truck project. The truck is 35 years old and is worth approximately \$10,000-\$12,000. They feel the need to be responsible to the taxpayers if it breaks down again. Mayor Hauser asked what the options are. Al Lowery said that when he was chief he was asked for a five year replacement plan and it has not been followed. He said that they have spent 280 hours looking into ladder trucks with nothing to show for it. He asked if they should keep looking. Trustee Draper said that it would be 2021 when they would be looking into replacing it. Mayor Hauser said that the board has looking at various funding sources and explored options for monies, bonding & borrowing, crunched numbers and created a fire truck apparatus reserve fund. Al said that he feels that every time the department comes to the board for a truck they get put on the backburner and can see that the ladder truck will never get replaced. Steve thanked the board for creating the reserve fund.

Tanker Truck approved for two inspections – Motion by Trustee Draper, seconded by Trustee Matson, to approve the tanker truck to have two inspections to see if the truck could be refurbished and what it would need. Motion carried with all voting aye.

WATER / SEWER REPORT – (as attached)

Water & Sewer report approved – Motion by Trustee Jacobs, seconded by Trustee Matson, to approve the water/sewer report as presented. Motion carried with all voting aye.

PROPERTY MAINTENANCE REPORT – presented by Tim Neel (as attached)

Tim Neel reported that no new letters have been sent this month. There have been 55 spring letters sent. A lot of properties have made repairs in the last month. His goal is to send five letters a week. Trustee Matson asked for information on the two bank properties that are being repaired as some people have questioned her about them.

Property Maintenance Report approved – Motion by Trustee Matson, seconded by Trustee Jacobs, to approve the Property Maintenance Report as presented. Motion carried with all voting aye.

Motion by Mayor Hauser to adjourn the regular meeting to open the public hearing on “Amending the Code of the Village of Perry, specifically Chapter 160, Article II - Animal Control ” at 8:00 pm, seconded by Trustee Matson. Motion carried with all voting aye.

PUBLIC HEARING

Mayor Hauser read the public hearing notice.

Article II of Chapter 160 of the Code of the Village of Perry has prohibited residents to “keeping or harbor horses, cattle, sheep, swine, chickens or any other animals other than cats, dogs, or similar household pets within the Village of Perry without permission of the Board of Trustees.” There has recently been an upsurge of interest in the keeping of chickens for personal use in the village setting. The locavore movement, promoting the development and consumption of local foodstuffs, is a factor in proposing an amendment to the code prohibition. Additionally, it is advocated that the sustainable production of eggs and poultry at home will economically contribute to assuring food safety and quality.

The Board of Trustees finds that the keeping of domestic chickens within the Village limits for personal use may have measurably positive impact upon the health and welfare of Village residents. Regulations of such practice is necessary to ensure that the keeping of chickens will not negatively impact surrounding properties or landowners.

This law also served to further clarify the definition of fowl and birds that are used as household pets and the restrictions is regards to such.

THIS PUBLIC HEARING IS BEING HELD TO HEAR ALL INTERESTED PARTIES AND CITIZENS FOR OR AGAINST THE ADOPTION OF SAID LOCAL LAW.

Administrator Murphy said that he disagrees with the whole premises and does not think that it is a plus for the Village.

Clerk Vosburg asked what the permit fee would be. Mayor Hauser said that it is set by the Board.

Administrator Murphy said he believe that allowing chickens in the Village does not enhance the quality of life for village residents.

Mayor Hauser said that this law takes a different role by limiting the number of permits and number of chickens that a resident can have at one time, five, provided set back requirements and does not allow roosters. It would still give the board rights that it had before. He said that some residents have expressed an interest. He noted that some areas are not a good fit, but other areas are suitable. He feels that the law seems reasonable and the permits are renewed annually. Board before just said now with not set process as how to deal with residents request to have chickens. He does not like the current law and feels this new law would eliminate the board to make discretionary decisions.

Motion by Mayor Hauser to close the public hearing at 8:09 pm and resume the regular meeting was seconded by Trustee Draper. Motion carried with all voting aye.

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

Payment of Claims –

Vouchers of all funds # 162134 - # 162156

General Fund	\$ 47,303.73
Water Fund	\$ 24,818.41
Sewer Fund	\$ 6,954.63
Trust & Agency	\$ 47,961.25
TOTAL	\$127,038.02

Vouchers of all funds #162157 - #162221

General Fund	\$ 21,267.02
Special Grant Fund	\$ 47,578.50
Water Fund	\$ 18,652.74
Sewer Fund	\$ 11,055.03
Trust & Agency	\$ 814.21
TOTAL	\$ 99,367.50

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

A letter from Joey Safford was received about unauthorized motor vehicles on the roads in the Village. Mayor Hauser said for board members to work on formulating their thoughts/opinions into a response that will be discussed at the next meeting. Trustee Jacobs asked for confirmation of the sections of the law to ensure that they are accurate about violations and safety hazards.

Supplemental Agreement #1 – Erdman Anthony – Construction and Inspection – the cost for the construction and inspection was built into the engineering costs and the Village needs to sign the supplemental agreement #1 before the construction begins on May 16th.

2016-2017 Tax Warrant Approved – Upon motion by Trustee Draper, seconded by Trustee Matson, that the 2016-2017 Warrant to collect the Village taxes is hereby issued with the following levy:

General Fund	\$1,974,750.00
Water/Sewer Relevy	\$ 3,642.78
DPW Relevy	\$ 4,955.00
BEING FOR ALL PURPOSES A TOTAL OF	\$1,983,347.78

Motion was carried with all voting aye.

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

YMCA Summer Soccer & Tennis Agreements approved – Motion by Trustee Jacobs, seconded by Trustee Matson, to approve the agreements with the YMCA for Summer Soccer & Tennis and authorize the Mayor to sign said agreements. Motion carried with all voting aye.

DPW Seasonal Employees approved – Mayor Hauser appointed Donald Kelsy , start date of May 3rd and Patrick DiShaw, start date of June 1st as seasonal laborers at \$10 per hour. Motion by Trustee Matson, seconded by Trustee Jacobs approving the Mayor’s appointments. Motion carried with all voting aye.

Administrator Murphy distributed correspondence from the Village Attorney regarding the Zoning Law Update.

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.

OLD BUSINESS

WWTF Phase I Improvements Notice of Awards

A request was made from the Village Engineers to hold off awarding the Compost Building until the next board meeting due to a question on warranty information. A 30-day extension of bid price from the bidders was received.

General Construction Contract A awarded – Motion by Trustee Matson, seconded by Trustee Jacobs, to award the Contract A – General Construction – Headworks Improvements to STC Construction in the amount of \$949,200.00. Motion carried with all voting aye.

Electrical Construction Contract B awarded – Motion by Trustee Draper, seconded by Trustee Matson, to award the Contract B – Electrical Construction – to MW Controls Service Inc. in the amount of \$167,663.00. Motion carried with all voting aye.

Sanitary Sewer Collection System Improvements Contract C awarded – Motion by Trustee Matson, seconded by Trustee Jacobs, to award Contract C – Sanitary Sewer Collection System Improvements – to Milherst Construction Inc. in the amount of \$481,016.25. Motion carried with all voting aye.

Gardeau Weight Limit – under review by the Village Attorney

Signage Law – Planning Board was to be here tonight. Terry is to receive comments from them one week prior to the board meeting so that they may be distributed to board members.

Zoning Law Update agreement approved - A selection was made and references were contacted. Gorman & York Property Advisors demonstrated a good team and their proposed scope of work was approximately \$20,000 cheaper than the next proposal. It is estimated to be a 11 month long process. The draft agreement was sent to the Village Attorney for his review. He noted that final payment should be made when the regulations are approved by the client. A zoning committee will be formed to work with the consultant. He has a list and sent a letter to the Planning Board for two names. Motion by Trustee Jacobs, seconded by Trustee Draper, to approve the Zoning Law Update Agreement with Gorman & York Property Advisors in the amount of \$ 29,694.00. Motion carried with all voting aye.

NY Main Street grant – Letters have gone out to interested property owners within the target area. There is \$240,000 in grant funds available. A letter will be sent to the State to expand the target area boundaries.

Amending the Code of the Village of Perry – Section 160 – Article II Animal Control

VILLAGE OF PERRY RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW NO. 2 OF 2016 ENTITLED, “AMENDING THE CODE OF THE VILLAGE OF PERRY, SPECIFICALLY CHAPTER 160, ARTICLE II, AMINAL CONTROL”

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 18, 2016 by the Village Board of the Village of Perry authorizing a public hearing to held by the Village Board on the 2nd day of May 2016 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 160 Article II, Animal Control”; 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 2, 2016 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 Jacobs which has been duly seconded by Trustee Draper, therefore be it

RESOLVED, that the Village Board of the Village of Perry hereby adopts said Local Law No. 2 of 2016, entitled “Amending the Code of the Village of Perry, specifically Chapter 160 Article II Animal Control”; 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: 4

Nays: 0

Permit cost for Chickens set – Motion by Trustee Draper, seconded by Trustee Matson, to set the permit cost for chickens at \$25 annually with the same cost for renewal.

COMMITTEE REPORTS

Public Safety – Nothing to report.

Public Works – Nothing to report.

Recreation & Resources – There is a meeting this Thursday.

Office – Nothing to report.

Planning – Nothing to report.

NEW BUSINESS

Nothing to report.

Motion by Mayor Hauser to adjourn the regular meeting and enter into executive session to discuss pending litigation at 8:34 p.m. was seconded by Trustee Matson and carried with all voting aye.

Motion by Draper to adjourn executive session at 8:56 p.m. and resume the regular meeting was seconded by Trustee Matson and carried with all voting aye.

Erdman Anthony Construction/Inspection Agreement approved – Motion by Trustee Jacobs, seconded by Trustee Matson, to approve the Construction/Inspection Agreement with Erdman Anthony for the Main St Improvement Project and authorize the Mayor to sign said agreement. Motion carried with all voting aye.

Motion to adjourn meeting at 8:59 p.m. was offered by Trustee Draper, second by Trustee Matson and carried with all voting aye.

Respectfully submitted,

Gail I. Vosburg

Gail Vosburg
Village Clerk