

VILLAGE OF PERRY
VILLAGE BOARD MEETING
July 6, 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 6th day of July 2015.

PRESENT:	Frederic Hauser	Mayor
	Anita Billings	Trustee
	Dariel A. Draper	Trustee
	Eleanor Jacobs	Trustee
	Bonnita Matson	Trustee
ALSO PRESENT:	Terrence Murphy	Village Administrator
	Gail Vosburg	Village Clerk
	Jeff Drain	Chief Water & Sewer Plant Operator
	Tim Neel	Property Maintenance Office
	David M. DiMatteo	Village Attorney
GUESTS:	Jacque Billings Barlow	Rich Eliaz
	Bill Bark	Melissa Henchen
	Janice Patterson	Tom Carpenter, Clark Patterson Lee

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

Mayor Hauser led in the pledge to the flag.

MINUTES

June 15, 2015 minutes approved – It was noted that Devon Kelly was present at the June 15, 2015 meeting. Corrections were noted: on page two, "...letter that was sent out was more formal than *was intended.*" and "... and late charges. *Trustee Billings* suggested that an ...". On motion by Trustee Matson, second by Trustee Jacobs the minutes of the June 15, 2015 Regular Meeting were approved with corrections. Motion carried with all voting aye.

June 29, 2015 minutes approved – On motion by Trustee Matson, second by Trustee Jacobs the minutes of the June 29, 2015 Special Board Meeting were approved as presented. Motion carried with all voting aye.

PUBLIC COMMENT

JACQUE BILLINGS BARLOW – Ms. Barlow was present to discuss that PMSA is looking at ways to promote the Silver Lake Trail. They are holding in conjunction with the Arts Council for Wyoming County a "Pieces of Perry" event to be held on August 1st & 2nd that will invite artists to create art along the Silver Lake Trail and spectators to observe the process. The event will also hold a viewing and art auction and social at the Hole in the Wall Restaurant on August 2nd. They are looking for funding in the amount of \$500 from the Village to help the event to get started. Motion by Trustee Matson, seconded by Trustee Draper, to approve funding in the amount of \$500 for the Pieces of Perry event. Motion carried with the following vote:

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

JANICE PATTERSON - Ms. Patterson – Watrous Street - was present to ask the board where her family is to park when they come to visit as there now is no parking on both sides of the street. She said that she was unaware that this law was passed until the signs went up. Mayor Hauser asked Trustee Billings to explain how this took place. Trustee Billings explained that surveys were sent out and returned by residents on Watrous Street. The concern was with accidents and speed coming up the Watrous Street hill (from Gardeau). The Chief of Police and Supt. of Public Works assessed the area and made a recommendation to have no parking on both sides for the safety of the public. Mayor Hauser said he is willing to meet Ms. Patterson at her residents to review her situation. The Mayor thanked her for coming.

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

WATER

Two major water leaks were discovered on Dolbeer Street and have been repaired.

SEWER

The digesters have been completely cleaned. All of the cake sludge has been hauled away.

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.

PROPERTY MAINTENANCE REPORT as presented by Tim Neel (attached)

Mr. Neel explained that the Village was divided up into zones. Some zones have received letters. There are 21 properties that he is checking periodically. He is working on a revised letter with clear language. He said that property owners have been extremely cooperative.

Motion by Trustee Draper, seconded by Trustee Matson to adjourn the regular meeting and open the public hearing on the CDBG Grant application at 8:00 pm. Motion carried with all voting aye.

PUBLIC HEARING

This public hearing is being held to discuss community development needs and priorities and to provide residents with information about the CDBG grant program. The Village expects to submit an application for a 2015 Consolidated Funding Application for Community Development Block Grant funding. The Village is considering submitting an application for funding the construction of storm water drainage improvements along a portion of South Main Street. Residents are encouraged to attend the hearing to assist the village in defining community development priorities, to assist the Village board in identifying possible projects for inclusion in an application for the CDBG funding, and to comment on the Village’s proposed project.

Mayor Hauser stated that the Village has been successful in obtaining drainage program grants in the past. A complete storm drainage evaluation has been recently completed by Clark Patterson Lee. Income surveys in the area resulted in a smaller area with the need.

No one from the public spoke.

Property Maint. Continued.

It was explained that the first initial letter is an advisory letter before the steps are taken as outlined in Village Law. Complaints were listened to from the earlier mailings and the letter is being revised and reviewed by the task force committee. Trustee Billings suggested that a response form be included with the letter. Trustee Matson asked if photos would be included. Village Attorney DiMatteo recommended that photos be included with the letter.

Property Maintenance Report approved – Motion by Trustee Draper, seconded by Trustee Matson, to accept the property maintenance report as presented. Motion carried with all voting aye.

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

Vouchers approved for payment

Vouchers of all funds # 160100 - 160144	
General Fund	\$ 95,754.96
Water Fund	\$ 24,872.98
Sewer Fund	\$ 18,860.31
SLWC	\$ 920.00
Trust & Agency	<u>\$107,973.20</u>
Total	\$249,381.45

Vouchers of all funds # 160145 - 160258	
General Fund	\$ 21,776.70
Water Fund	\$ 47,370.58
Sewer Fund	\$ 6,197.52
Trust & Agency	<u>\$ 4,803.34</u>
Total	\$ 80,148.14

Vouchers have been audited by Trustee Matson. Motion by Trustee Jacobs, seconded by Trustee Draper to approve the vouchers for payment. Motion carried with all voting aye.

September 7, 2015 board meeting rescheduled – Motion by Trustee Draper, seconded by Trustee Matson to reschedule the Monday, September 7, 2015 to Tuesday, September 8, 2015 due to the Labor Day holiday. Motion carried with all voting aye.

Direct commencement of Action approved

**Resolution
Directing Commencement of Action On Behalf of Municipality**

WHEREAS, it appears that Terry Davis is in violation of Chapter 465-14, Article II of the Village Code of the Village of Perry relative to the property located at 37 Water Street, Perry; and

WHEREAS, it appears to be in the best interest of the Village of Perry to prohibit Terry Davis from continuing to be in violation of said Chapter 465-14, Article II of the Village Code of the village of Perry; and

WHEREAS, the Village board of the Village of Perry feels it is in the best interest of the Village of Perry to retain the services of Village Attorney, David M. DiMatteo, to pursue the enforcement of Chapter 465-14, Article II of the Code of the Village of Perry against Terry Davis to ensure that his property comes into compliance with said Chapter of the Village Code.

NOW, THEREFOER, BE IT RESOLVED, that the Mayor of the Village of Perry, be and he hereby is authorized and directed to retain the services of David, M. DiMatteo, Attorney for the Village of Perry , in this matter, upon such terms as he deems proper and advisable, and the Mayor of the Village of Perry shall authorized Mr. David M. DiMatteo on behalf of the Village of Perry to take such action as may be deemed advisable to prevent any continuation of the violation of Chapter 465-14, Article 14 of the Code of the Village of Perry by Terry Davis.

Motion made by Trustee Jacobs and seconded by Trustee Draper.

Ayes 5
Nays 0

Silver Lake Trail Feasibility Study RFP authorized – Motion by Trustee Matson, seconded by Trustee Billings to approve the RFP for the Silver Lake Trail Feasibility Study as part of the UPWP grant. Motion carried with all voting aye.

Clerk/Treasurer’s report approved – Motion by Trustee Matson seconded by Trustee Draper to approve the Clerk/Treasurer’s report as presented. Motion carried with all voting aye.

ADMINISTRATOR REPORT – presented by Administrator Terry Murphy

IT Support contract with Integrated Systems approved– Motion by Trustee Matson, seconded by Trustee Billings, authorizing the Mayor to sign the three year contract with Integrated Systems for IT support and server hosting at a cost of \$347 per month. Motion carried with all voting aye.

Street Paving list approved– The DPW committee had reviewed the list of streets (as attached) the Supt. would like to pave, based on usage. This would exhaust our CHIPS monies. Motion by Trustee Jacobs, seconded by Trustee Matson, authorizing the paving of the streets on the paving list at a cost of \$107,626. Motion carried with all voting aye.

Administrator’s report approved – Motion by Trustee Matson seconded by Trustee Jacobs to approve the Administrator’s report as presented. Motion carried with all voting aye.

OLD BUSINESS

TOM CARPENTER – CLARK PATTERSON LEE – WWTP IMPROVEMENT PROJECT

Mr. Carpenter explained the new detailed timeline. He stressed it is very important for the engineering and financial services on schedule. The board has reviewed the proposals for engineering services for the Compost Facility and Phase I Engineering. The WWTP Improvement project has been broken down into three smaller phases: Compost Facility, Phase I and Phase II. Mr. Carpenter hopes to go to bid on the compost facility and have the shell of the facility built before this winter. The plan is to bid out Phase I into three contracts (bid all at the same time) in January-February. The bids can be timed with the anticipation of hearing back from EFC regarding the funding of the project. Phase II will not be designed until we know if the village will receive financing from EFC. Construction of Phase I would begin in 2016 and Phase II would not begin until 2017. There is funding available from the Consolidated Fund Application for Water Quality Improvements that Clark Patterson Lee would put the application together for no charge.

Engineering Service proposal accepted – Motion by Trustee Matson, seconded by Trustee Jacobs, approving the Engineering Proposals from Clark Patterson Lee for the Compost Facility and Phase I and authorize the Mayor to sign both proposals. Motion carried with all voting aye.

Clark Patterson Lee to complete WQIP grant approved - Motion by Trustee Matson, seconded by Trustee Billings, to authorize Clark Patterson Lee to complete a WQIP grant application through the DEC. Motion carried with all voting aye.

COMPREHENSIVE PLAN STEERING COMMITTEE

Jacque Billings Barlow and Rich Elias were here to present to the Village Board the final draft of the Comprehensive Plan. *The comprehensive plan needed to be updated (it was originally done in 1969)* in order to receive state and federal funding. This new plans was created to guide the Village Board to focus on the Village’s future needs. There were public workshops and a public hearing giving residents the opportunity to comment on the plan. The four priorities outlined in the plan are: infrastructures, current maintenance standards, continue to promote Perry and to market Perry. The next step is to have the Village declare lead agency as part of the SEQR process and mail a letter to those involved agencies as well the Full EAF.

Village of Perry intent to seek Lead Agency for Comprehensive Plan – Motion by Trustee Jacobs, seconded by Trustee Matson, declaring the Village of Perry’s intent to seek Lead Agency for the Comprehensive Plan. Motion carried with all voting aye.

Mayor authorized to sign Part I of the Full EAF for the Comprehensive Plan – Motion by Trustee Draper, seconded by Trustee Matson, to authorize Mayor Hauser to sign Part I of the Full EAF for the Comprehensive Plan. Motion carried with all voting aye.

CHELSEA BAJEK – LARSEN ENGINEERS

Ms. Bajek was present to outline the proposed solar project that would be placed on Village property. Grant funding for developers is available through NYSEDA on a first-come, first-serve basis. The proposed project is a 640 kw solar pv system. The Village would have to select a developer who would develop and design the project. The first thing that the Village would have to do is to authorize the Utility to study the cost of the solar to join the grid (feasibility of the project). This is an Interconnect Agreement and would not bind the Village to any contract. They (Larsen) would be looking the energy needs for all of the village’s facilities. Trustee Jacobs asked if the Village could have the option of purchasing the system after the developer agreement period is up. Ms. Bajek said yes, the Village could purchase the system is it wanted to. The expected life expectancy of the system is 25-30 years. Attorney DiMatteo asked if the solar project would interfere with the WWTP facility improvement project as it would be next to the WWTP. It is not anticipated to interfere with the WWTP facility improvements. Motion by Trustee Jacobs, seconded by Trustee Draper, authorizing the Mayor to sign the Interconnect Agreement. Motion carried with all voting aye.

FINANCIAL SERVICES FOR WWTP FACILITY IMPROVEMENTS

Financial Services agreement with Bernard P. Donegan approved – Motion by Trustee Matson, seconded by Trustee Billings, approving the Financial Services Agreement with Bernard P. Donegan for the WWTP Improvement Project and authorizes the Mayor to sign the agreement. Motion carried with all voting aye.

**Resolution
SEQRA Notice Lead Agency Designation and
Determination of Significance
For the Village of Perry Wastewater Treatment Facility and
Collection System Improvements**

On a motion of Trustee Matson, seconded by Trustee Billings, the following resolution was adopted by the Board of Trustees of the Village of Perry, New York:

Whereas, the Village of Perry Board of Trustees (Village Board) has proposed improvements to the Wastewater Treatment Facility and collection system (Proposed Action) in conjunction with the June 2015 Engineering Report prepared by the consulting firm of Clark Patterson Lee of Rochester, New York; and

Whereas, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Village Board adopted a resolution on June 1, 2015 declaring its intent to act as Lead Agency for the Proposed Action and circulated said intent to all Involved Agencies; and

Whereas, no Involved Agencies challenged the intent of the Village board to act as Lead Agency.

Now, Therefore Be It Resolved that the Village Board hereby designates itself as Lead Agency for the proposed action pursuant to 6 NYCRR Part 617.

Be It Further Resolved that based upon examination of the Environmental Assessment Form (EAF), its own independent analysis of the Proposed Action, and comparison with the criteria for determining significance under 6 NYCRR 617.7, the Village Board finds that the Proposed Action will not have a significant environmental impact and hereby issues a Negative Declaration; and

Be It Further Resolved that this determination is based on the facts and conclusions as noted in the attached EAF.

Vote

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

Bond Resolution Adopted

BOND RESOLUTION
Adopted: July 6, 2015

Trustee Matson presented the following resolution and duly moved that it be adopted and was seconded by Trustee Draper:

BOND RESOLUTION DATED JULY 6, 2015 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PERRY, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE SEWER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the purpose hereinafter described consists of sewer system capital improvements to include improvements to the Village of Perry Wastewater Treatment Facility authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on July 6, 2015, has duly adopted a negative declaration with respect to the type I action and has determined that the implementation of the action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PERRY, NEW YORK (hereinafter referred to as the "Village"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Perry shall undertake the construction of sewer system capital improvements, to include, without limitation, improvements and upgrades at the Village of Perry Wastewater Treatment Facility, as well as, pipe segment improvements throughout the collection system in the Village of Perry, and the construction of a sludge storage/composting building, as well as, various work on the existing site, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and Village use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$7,151,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$7,151,000 and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to statutory limitations, if any.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, whether to authorize the receipt of bids in an electronic format, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Perry.

Section 7. The faith and credit of the Village of Perry, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Perry together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Village of Perry, pursuant to Section 36.00 of the Local Finance Law.

The motion having been duly seconded, it was adopted and the following votes were cast:

<u>AYES</u>	<u>NAYS</u>
Hauser	
Billings	
Draper	
Jacobs	
Matson	

NY MAIN STREET GRANT

LaBella proposal for NY Main Street Grant application approved – Motion by Trustee Jacobs, seconded by Trustee Matson, approving the proposal from LaBella to prepare the NY Main Street Grant application for \$1,750. Motion carried with all voting aye.

MAIN STREET IMPROVEMENT PROJECT

The next step in the Main Street Improvement Project is to sign the supplemental agreement in order for the Village to receive any further funding for the final design. Motion by Trustee Billings, seconded by Trustee Jacobs authoring the Mayor to sign the Supplemental Agreement to the Master Federal Aid Project Agreement. Motion carried with all voting aye.

COMMITTEE REPORTS

Public Safety – Nothing to report.

Public Works – Nothing to report.

Recreation & Resources – Nothing to report.

Office – Nothing to report.

Planning – Nothing to report.

NEW BUSINESS

Tom Carpenter advised the board of the Town of Castile's plans to complete improvements to the Silver Lake Institute Water District as there are low pressure problems though out the system. Plans call for additional water lines and new pressure valves and meters. A booster pump station would be needed, most likely on Village property. He suggested that an intermunicipal agreement could be reached for this.

Motion by Trustee Draper to adjourn the regular meeting and enter into executive session to discuss the future employment of a particular person at 10:00 p.m. was seconded by Trustee Matson and carried with all voting aye.

Motion by Trustee Jacobs to adjourn executive session at 10:10 p.m. and resume the regular meeting was seconded by Trustee Billings and carried with all voting aye.

Steve Bernard resignation accepted and posting of position authorized – Motion by Trustee Billings, seconded by Trustee Draper to accept the resignation of Steve Bernard, WWTP operator, effective August 31, 2015 and authorized the posting of the position in house and the advertisement of the position. Motion carried with all voting aye.

Andrew Lowery appointed MEO – Mayor Hauser appointed Andrew Lowery as an MEO effective July 13, 2015 at a rate of \$17.13 per hour with a one year probation period. Motion by Trustee Draper, seconded by Trustee Billings, approving the Mayor's appointment. Motion carried with all voting aye.

Motion to adjourn meeting at 10:15 p.m. was offered by Trustee Draper, second by Trustee Matson and carried with all voting aye.

Respectfully submitted,

___*Gail I. Vosburg*___

Gail I. Vosburg, Village Clerk