

**VILLAGE OF PERRY
VILLAGE BOARD MEETING
November 5, 2018**

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 November 2018.

PRESENT:	Rick Hauser	Mayor
	Jacque Billings	Trustee
	Dariel Draper	Trustee
	Eleanor Jacobs	Trustee
	Bonnie Matson	Trustee
ALSO PRESENT:	Matthew Jensen	Village Administrator
	Gail Vosburg	Village Clerk
	Eric Kelly	Supt. DPW
GUESTS:	Nick Macaluso	Frank Baumgardner – George & Swede
	Pilar McKay	Devin Kelly
	Julie Jensen	

Mayor Hauser called the Meeting to order and led in the pledge to the flag.

MINUTES

OCTOBER 11, 2018 SPECIAL MEETING MINUTES APPROVED - Motion by Trustee Jacobs, second by Trustee Draper the minutes of the October 11, 2018 Special Board Meeting were approved as presented. Motion carried with all voting aye.

OCTOBER 15, 2018 REGULAR MEETING MINUTES APPROVED - Motion by Trustee Jacobs, second by Trustee Draper the minutes of the September 17, 2018 Regular Board Meeting were approved as presented. Motion carried with all voting aye.

PUBLIC COMMENT

No one from the public spoke.

PRESENTATIONS

SUPT. ERIC KELLY – MINI EXCAVATOR TRADE IN PROPOSAL

Supt. Kelly reviewed a proposal to trade in the current Mini excavator on a brand new mini excavator. The one we have is five years old and has over 1,000 hours on it. The new model will have a four year warranty. Administrator Jensen recommends that the Village use funds from the equipment reserve or allocate funds from the unallocated fund balance.

Public Hearing scheduled to expend monies from the Equipment Reserve – Motion by Trustee Draper, seconded by Trustee Matson, to schedule a public hearing on Monday December 3, 2018 at 8:00 pm to expend monies in the amount of \$27,500 from the equipment

reserve for the purchase of a 2018 Yanmar Vio-35 Mini Excavator. Motion carried with all voting aye.

IT SERVICE CONTRACT RENEWAL

Administrator Jensen presented an IT Service Contract with Integrated Systems. He spoke of having a survey done of our system. He would like to contract another 50 hour block of time for this year.

IT Service Contract approved – Motion by Mayor Hauser, seconded by Trustee Matson, to proceed with option “C” (50 hours of service @ \$85/hour) unless a better rate can be settled on . Motion carried with all voting aye.

Motion by Mayor Hauser, seconded by Trustee Draper, to adjourn the regular meeting and open the public hearing on “Local Law Amending Article III, Section 405-18: Parking Prohibited at all Times and Section 405-24: Time Limit Parking of the Code of the Village of Perry”. Motion carried with all voting aye.

PUBLIC HEARING OPENED

Administrator Jensen reported that a local business is requesting the change in parking on Lake Street in the Village of Perry to provide closer parking for its employees. The 2 hr parking area would be reduced on Lake Street, from Main Street, to 200’ instead of 300’; and the no parking area would be extended. This has been an ongoing issue with concerns from business as some 2 hour parking areas are taken up all day by office workers and apartment residents.

Nick Macaluso, owner of 23-27 Lake Street is very concerned with the change in parking on Lake Street. He is worried that the fire department may have trouble responding to an issue in the area. He suggested that employee’s park in the municipal lot on Main Street; and to make the street one way the entire length. He does not think this proposed change is a good idea.

Devin Kelly, business owner at 30 Lake Street, is all for a one way street. He is more concerned with losing the 2 hour parking spots in front of his business as some of his clients are elderly and will go elsewhere if they cannot park in front of his building.

Trustee Billings entered the meeting at 8:15 pm.

Pilar McKay said it was frustrating that she found out about this in the Perry Herald and thinks that a letter should have been sent.

Mr. Macaluso asked that they be notified in advance if the street will be closed for any reason.

Motion by Mayor Hauser, seconded by Trustee Matson, to close the public hearing at 8:18 pm. Motion carried with all voting aye.

Trustee Draper recommended that the matter be tabled.

SUPPLEMENTAL BOND RESOLUTION – WWTF PROJECT

Administrator Jensen said that the Village has to state its intent to increase the bond resolution by \$2,949,000 for the WWTF improvement project. Mayor Hauser asked if there was any further discussion on the public outreach that will share the plans with the public. Administrator Jensen reported that he will work with Bill Davis from MRB Group on this matter.

Supplemental Bond Resolution adopted

VILLAGE OF PERRY
SUPPLEMENTAL BOND RESOLUTION
Adopted : November 5, 2018

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

SUPPLEMENTAL BOND RESOLUTION DATED NOVEMBER 5, 2018 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, pursuant to a bond resolution dated July 6, 2015 (the "Original Bond Resolution"), the Board of Trustees of the Village of Perry, New York (hereinafter referred to as the "Village") approved expenditures for, and the issuance and sale of, up to \$7,151,000 aggregate principal amount of general obligation bonds and bond anticipation notes relative to the construction of sewer system capital improvements;

WHEREAS, actual project costs have proved to be approximately \$2,949,000 higher than the maximum estimated project costs and the Village desires to provide for the financing thereof by supplementing the Original Bond Resolution by the adoption of this Supplemental Bond Resolution;

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 therefor, 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, as set forth in the Original Bond Resolution (hereinafter referred to as "purpose"), in an additional amount not to exceed \$2,949,000 and additional general obligation serial bonds in an aggregate principal amount not to exceed \$2,919,000 and bond anticipation notes in

anticipation thereof (and renewals thereof) of the Village are now hereby authorized to be issued to finance such additional costs of said purpose and said additional amount is hereby appropriated therefor.

Section 2. The aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is now estimated to be \$10,100,000. The plan for financing of said purpose is to provide up to \$7,151,000 of such maximum cost by the issuance of bonds or bond anticipation notes as authorized under the Original Bond Resolution and to provide up to \$2,949,000 of such maximum cost by the issuance of bonds or bond anticipation notes 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:

AYES

NAYS

Hauser
Billings
Draper
Jacobs
Matson

CLERK/DEPUTY TREASURER REPORT

Payment of Claims -

Vouchers # 190895 - #190917

General Fund	\$ 87,015.63
Spec Grant Fund	\$ 50.00
Water Fund	\$ 17,946.58
Sewer Fund	\$ 18,375.72
Trust & Agency	<u>\$115,224.20</u>
TOTAL	\$238,612.13

Vouchers # 190918 - #191039

General Fund	\$129,178.66
Spec Grant Fund	\$ 11,790.23
Water Fund	\$ 23,341.55
Sewer Fund	\$ 28,362.85
SLWC	\$ 16.28
Trust & Agency	<u>\$ 2,245.39</u>
TOTAL	\$194,934.96

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

Mayor Hauser called for a special board meeting for Wednesday, November 14, 2018 at 2:00 pm to approve the unpaid 2018-19 Village Taxes to be turned over to Wyoming County for collection.

Budget Transfers approved - Motion by Trustee Billings seconded by Trustee Matson to approve the following budget transfers:

General Fund

From: A3410.43	Fire Truck Maintenance	\$ 3,200	
A5112.24	Perm. Improvements Birchwood	\$ 11,000	
A7120.1	Rec Admin PS	\$ 15,000	
A7110.4	Park Contractual	\$ 250	
A7180.4	Spec Rec Facilities Contractual	\$ 1,000	
A9060.8	Health Insurance	\$ 1,000	
To: A1010.41	Labor Relations Contractual	\$ 1,000	
A3310.4	Traffic Control	\$ 1,800	
A3410.2	Fire Dept. Equipment	\$ 3,200	
A5112.4	Perm. Improvements Contractual	\$ 4,500	
A5132.4	Garage Contractual	\$ 4,700	
A7110.1	Parks PS	\$ 15,000	
A7110.2	Parks Equipment	\$ 250	
A8510.4	Community Beautification Contractual	\$ 1,000	
		<u>\$ 31,450</u>	<u>\$ 34,450</u>

Water Fund

From: F1440.4	Engineer Contractual	\$ 9,000	
To: F9340.41	Birchwood Acres – water services	\$ 9,000	\$ 9,000
		<u>\$ 9,000</u>	<u>\$ 9,000</u>

Sewer Fund

From: G8120.22	Gardeau St sewer repair	\$ 1,050	
G1420.4	Law Contractual	\$ 500	
To: G8120.4	Sanitary Sewer Contractual	\$ 1,000	
G9710.64	Serial Bond – WWTF	\$ 550	
		<u>\$ 1,550</u>	<u>\$ 1,550</u>

Motion carried with all voting aye.

Clerk’s report approved – Motion by Trustee Matson, seconded by Trustee Jacobs, to approve the clerk’s report. Motion carried with all voting aye.

TRUSTEE REPORTS

PMO Cutcliffe has been invited to the December meeting to provide an update to the board.

The ZBA and Planning Board will meet to discuss revisions to the zoning law (specifically signs) with recommendations to be back to the Village Board in December.

Trustee Jacobs reported that the Village received funding from the DEC for the Urban & Community Forestry Management Project (tree inventory and community forest management plan) in the amount of 422,690.00.

Trustee Billings reminded everyone of the “Feed the Need” event that will be the first fundraiser for the public beach improvements.

OTHER BUSINESS

Administrator Jensen reported that the Landmark Society awarded the Barber Conable Award for the village embracing revitalization of historic preservation. The award ceremony is Sunday at Rochester City Hall.

Motion by Mayor Hauser, seconded by Trustee Draper, to adjourn the regular meeting and enter into executive session at 8:50 pm to discuss the acquisition/sale of property. Motion carried with all voting aye.

Motion by Mayor Hauser, seconded by Trustee Draper, to exit executive session and resume the regular meeting at 8:59 pm. Motion carried with all voting aye.
Proposal from Mike Bellamy accepted for 58 S Main Street – Motion by Trustee Matson, seconded by Trustee Jacobs, to accept the renovation plan from Mike Bellamy for 58 S Main Street. Motion carried with all voting aye.

Motion by Mayor Hauser, seconded by Trustee Draper, to adjourn the regular meeting and enter into executive session at 8:50 pm. Motion carried with all voting aye.

Motion by Mayor Hauser, seconded by Trustee Draper, to exit executive session and resume the regular meeting at 8:59 pm. Motion carried with all voting aye.

Motion to adjourn meeting was offered by Trustee Draper, second by Trustee Matson and carried with all voting aye.

Respectfully submitted,
Gail I. Vosburg
Gail Vosburg, Village Clerk