

**VILLAGE OF PERRY  
VILLAGE BOARD MEETING  
December 17, 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 17<sup>th</sup> day of December 2018.

<b>PRESENT:</b>	Rick Hauser Bonnie Matson Darial Draper Jacquie Billings Eleanor Jacobs	Mayor Trustee Trustee Trustee Trustee
<b>ALSO PRESENT:</b>	Matthew Jensen Gail Vosburg	Village Administrator Village Clerk
<b>GUESTS:</b>	Ernie Lawrence Mary Syberg	William Price - SWBR

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

**MINUTES**

**December 3, 2018 Regular Meeting minutes approved** - Motion by Trustee Draper, second by Trustee Matson the minutes of the December 3, 2018 Regular Board Meeting were approved with the following vote:

Ayes 3	Hauser, Draper, Matson
Nays 0	
Abstain 2	Billings, Jacobs

**PUBLIC COMMENT**

No one from the public spoke.

**PRESENTATIONS**

**SWBR – WILLIAM PRICE**

Mr. William Price, SWBR, presented the Perry Public Beach Renovations Project Master Plan with a power point presentation. The presentation focused on priority features: Pavilion with restrooms, waterfront access, dock structures, visitor parking and a play area. A concept landscape plan was displayed.

**RESERVE FUND TRANSFERS**

Proposed transfers to the reserve funds were reviewed. Mayor Hauser said he received feedback from the auditors regarding the creation of a new reserve fund for park improvements  
**Resolution approved for creation of new reserve fund –**

**VILLAGE OF PERRY  
RESOLUTION**

**ESTABLISHING A "PARK CAPITAL RESERVE FUND"**

**WHEREAS**, all Village Board Members having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meeting 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 Board is considering Establishing a Park Capital Reserve Fund to pay the cost of certain park capital improvements or equipment (GML §6-c).

**NOW ON MOTION OF Trustee Jacobs** which has been duly seconded by Trustee Matson,

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Section 6-d of the General Municipal Law, as amended, the Village of Perry does hereby establish a Repair Reserve Fund to pay the cost of certain park capital improvements or equipment deemed appropriate by the Village Board.

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The chief fiscal officer may invest the moneys in the Park Capital Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Village of Perry. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner, which maintains the separate identity of the cash and investments of the Reserve Fund.

Except as otherwise provided by Section 6-c of the General Municipal Law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No Expenditures shall be made from this fund without approval of this governing board and such actions or proceedings are subject to a public hearing at least five (5) days after public notice has been given, including a permissive referendum if required by subdivision 4 of Section 6-c [subdivision 7 of Section 6-g] of the General Municipal Law.

Aye:   5    
Nay:   0  

**Transfers approved to reserve funds – Motion by Trustee Matson, seconded by Trustee Billings, to approve the following transfers to the respective reserve funds:**

General Fund – Capital Equipment Reserve	\$ 60,000
General Fund – Repair Reserve	\$ 30,000
General Fund – Fire Apparatus Fund	\$ 10,000
General Fund – Employee Benefits Accrd. Liab. Fund	\$ 15,000
Water Fund – Capital Equipment	\$ 25,000
Sewer Fund – Capital Equipment Reserve	\$ 25,000
General Fund – Park Capital Reserve Fund	\$ 10,000

Motion carried with all voting aye.

**REVISED CELL PHONE REIMBURSEMENT POLICY**

Administrator Jensen reviewed the revisions to the Cell Phone Reimbursement Policy that the board adopted in May. One change was to add an opt-out clause to the policy. It will be a \$30/quarterly reimbursement.

**Revised Cell Phone Reimbursement Policy adopted – Motion by Trustee Matson, seconded by Trustee Jacobs to approve the Revised Cell Phone Reimbursement Policy as presented.**

Motion carried with all voting aye.

**MOA WITH CSEA POLICE UNIT**

Administrator Jensen reviewed the proposed MOA with the CSEA Police Unit that would allow the department to switch to 12 (twelve) hour shifts until March 2019. This was proposed by the CSEA Police Unit.

**MOA with CSEA Police Unit adopted** – Motion by Trustee Matson, seconded by Trustee Draper, to approve the MOA with the CSEA Police Unit that allowed for 12 (twelve) hours shifts and authorized the Mayor to sign the MOA. Motion carried with all voting aye.

**SILVER LAKE MEADOWS PILOT AGREEMENT**

Administrator Jensen spoke on the Silver Lake Meadows PILOT Agreement. There are incremental increases each year with the bulk of the PILOT going to the School and Village. The terms are for an additional 15 years.

**Silver Lake Meadows PILOT Agreement approved** – Motion by Trustee Matson, seconded by Trustee Jacobs, to approve the PILOT Agreement with Silver Lake Meadows and authorize the Mayor to sign. Motion carried with all voting aye.

**NYS VOLUNTEER FIREFIGHTERS CANCER BENEFIT PROGRAM**

Administrator Jensen reviewed the new NYS Law that requires cancer disability benefit coverage for volunteer firefighters. The PFD currently has 22 members that are eligible for the coverage. Administrator Jensen reviewed the two proposals that offers coverage and recommended that the Village proceed with the Hartford for coverage.

**Volunteer Firefighter Cancer Benefit Program coverage through the Hartford** – Motion by Trustee Matson, seconded by Trustee Draper, to approve coverage through the Hartford for the Volunteer Firefighter Cancer Benefit Program at a cost of \$199 per eligible firefighter. Motion carried with all voting aye.

**Transfer of funds approved** – Motion by Trustee Matson, seconded by Trustee Draper, to approve the transfer of funds in the amount of \$4,378 from A1990.4 to A9055.8 to cover the cost of the Firefighter Disability Cancer Benefit Program. Motion carried with all voting aye.

**CLERK/DEPUTY TREASURER REPORT**

**Payment of Claims -**

Vouchers # 191224 - #191346

General Fund	\$153,411.58
Spec. Grant Fund	\$ 4,484.28
Water Fund	\$ 22,066.21
Sewer Fund	\$ 22,296.63
SLWC	\$ 412.84
Trust & Agency	<u>\$ 51,344.90</u>
TOTAL	\$254,016.44

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

**EAP Renewal with Employee Services Inc. approved** – Motion by Trustee Matson, seconded by Trustee Billings, to renew the EAP Agreement with ESI and authorize the Mayor to sign in the amount of \$1,748.88. Motion carried with all voting aye.

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

## **DEPARTMENT HEAD REPORTS**

The following department head reports were presented:

- Public Works
- Water & Sewer
- Police

## **TRUSTEE REPORTS**

Trustee Draper reported that he Police Chief has finalized the department's policies. The employees have the next 90 days to review.

Motion by Mayor Hauser, seconded by Trustee Draper, to adjourn the regular meeting and enter into executive session for matters leading to the appointment of a particular person and discussion regarding proposed, pending or current litigation. Motion carried with all voting aye.

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

### **Resolution adopted**

#### **RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF PERRY DECLARING LAND AS SURPLUS PROPERTY SUBJECT TO PERMISSIVE REFERENDUM**

**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**, the Village Board of the Village Perry, pursuant to New York State Village Law, Article 9, §900, is authorized to, upon the adoption of a resolution, convey or lease real property in the name of the Village, which resolution shall be subject to a permissive referendum; and

**WHEREAS**, the Village Board of the Village of Perry has determined that the property owned by the Village of Perry located at 58 South Main Street which was formerly owned by Perry Public Storage LLC and thereafter surrendered to the Village of Perry for the intention of remedying the faults on the property pursuant to the progression of an ongoing zoning violation, is not needed for municipal purposes; and

**WHEREAS**, the said surplus property owned by the Village of Perry and located at 58 South Main Street is more fully described below-

*ALL THAT TRACT OR PARCEL OF LAND* situate in the Town and Village of Perry, County of Wyoming and State of New York, being in Lot No. 41 of William Shepard's subdivision of the Ogden Tract and bounded and described as follows: Commencing on the southeasterly line of Main Street at the southwesterly corner of the brick wall of the building known as the "Record Building"; thence south, about 42 degrees east, along said wall and along a line in continuation thereof, if extended, to the center of the Silver Lake Outlet; thence northwesterly along the center of said Silver Lake Outlet to a point in a line drawn parallel to the wall of said "Record Building", which is the first

boundary above described, and thirty-five feet six inches therefrom; thence northwest on a line parallel to the "Record Building" and 35 feet six inches therefrom to Main Street; thence northerly along Main Street thirty-five feet six inches to the point of beginning.

*SUBJECT* to all right, title and interest, if any, of the public in and to any streets and roads abutting the above described premises to the center lines thereof,

*SUBJECT* to easements, restrictions, covenants and rights of way of record, if any,

*BEING* the same premises conveyed by Edward H. Rechberger, III to Perry Public Storage LLC by Deed dated July 23, 2010 and recorded in the Wyoming County Clerk's Office August 10, 2010 in Liber 740 of Deeds at page 438.

; and

**WHEREAS**, the Village Board of the Village of Perry feels it is in the best interest of the Village of Perry to authorize the sale of said surplus property for fair and adequate consideration.

**NOW ON MOTION OF** Trustee Billings which has been duly seconded by Trustee Matson, now therefore

**BE IT RESOLVED**, that the Village Board of the Village of Perry authorizes the Mayor of the Village of Perry to, contingent upon the passage of the permissive referendum period required under law without a petition for a permissive referendum, to execute all documents necessary to sell said property; and be it further

**RESOLVED**, that the 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.

Ayes:   5  

Nays:   0  

**59-61 S Main Street development proposal accepted** – Motion by Trustee Billings, seconded by Trustee Matson, to accept the development proposal for 59-61 S Main Street pending the negotiation of detail. Motion carried with all voting aye.

**Austin Harding appointed full time police officer** – Mayor Hauser appointed Austin Harding as a full time officer beginning December 24, 2018 as per the CSEA Union contract, Tier I. Motion by Trustee Matson, seconded by Trustee Draper, to approve the Mayor's appointment. 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