

**VILLAGE OF PERRY  
VILLAGE BOARD MEETING  
JANUARY 22, 2019**

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 22<sup>nd</sup> day of January 2019.

PRESENT:	Rick Hauser	Mayor
	Jacquie Billings	Trustee
	Dariel Draper	Trustee
	Eleanor Jacobs	Trustee
	Bonnie Matson	Trustee
ALSO PRESENT:	Matthew Jensen	Village Administrator
	Gail Vosburg	Village Clerk
	David Laraby	Fire Chief
GUESTS:	Lorne Harding	Tucker True
	Mary Syberg	

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

**MINUTES**

**JANUARY 7, 2019 SPECIAL MEETING MINUTES APPROVED** - Motion by Trustee Billings second by Trustee Jacobs the minutes of the January 7, 2019 Special Board Meeting were approved as presented. Motion carried with all voting aye.

**JANUARY 7, 2019 REGULAR MEETING MINUTES APPROVED** - Motion by Trustee Billings second by Trustee Jacobs the minutes of the January 7, 2019 Regular Board Meeting were approved as presented. Motion carried with all voting aye.

**PUBLIC COMMENT**

No one from the public spoke.

**PRESENTATIONS**

**DAVID LARABY -- PERRY FIRE DEPARTMENT**

Fire Chief Laraby presented the quarterly report of the department. There were a total of 52 calls between October and December. He reviewed the 7 structure fires.

**RESOLUTION AUTHORIZING SALE OF 59-61 S MAIN ST**

**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 59-61 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 59-61 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, bounded and described as follows:  
Commencing at an iron stake in the westerly line of Main Street in the Village of Perry, which point is the southeast corner of a lot of land conveyed by D.C. White, deceased, to Sarah J. Traver, deceased by Deed, dated May 4, 1876, and recorded in the Wyoming County Clerk's Office in Liber 79 of Deeds at Page 521, running thence NS 44 ½° W (magnetic 1876) along the line of Main Street fifty-four (54) feet to an iron stake; then N 45° W, parallel to the store and dwelling now standing on said premises and distant two (2) feet southerly therefrom one hundred thirty-four (134) feet to an iron stake in the center of a joint driveway, hereinafter described; thence north 48° 10' E, fifty-five (55) feet more or less to the southerly line of said Sarah M. Traver's land first above mentioned at intersection with the southeast corner of a lot of land owned by Emma Lee; thence south 44 ¾° E, one hundred twenty-nine feet and ten inches (129' 10") along said Traver's south line to the place of beginning, be the same more or less, as surveyed by R.W. How, C.E., January 1922.

TOGETHER with the use and right of way, in common with others, at all times to pass and re-pass in and over the alleyway between the building known as White's Opera House and the lands of Charles Sutherland, fifteen feet in width, and extending from Main Street the entire length of said alleyway and to a point fifteen feet northerly from the lands conveyed to said Sutherland by Daniel C. White, deceased.

ALSO, a right of way in and over a strip of land fifteen feet in width extending from said alleyway along and over the easterly end of the premises conveyed to Charles Sutherland by John Austin by Deed bearing date February 28, 1908, recorded in Wyoming County Clerk's Office on March 9, 1908, in Liber 142 of Deeds at page 515, to the lands devised to Cassandana L. White, by Daniel C. White, deceased, for the passage of the said second party, his heirs and assigns, and their servants and tenants at all times to pass and re-pass on foot with horses, wagons, carts, sleighs, carriages and other vehicles; said right of way is given subject to the right of said Charles Sutherland to erect a trestle over said strip of land so as not to interfere with the passage over said land except as provided by an order of the Supreme Court of the State of New York, bearing the date January 18, 1922 and duly entered in the Wyoming County Clerk's Office on the 26<sup>th</sup> day of January, 1922.

EXCEPTING AND RESERVING premises conveyed to Perry Community Hotel Corporation by Deed recorded in the Wyoming County Clerk's Office in Liber 187 of Deeds at page 408.

ALSO a right of way in common with the owner of a lot conveyed to Emma Lee, by Deed, dated November 1, 1920, recorded in Liber 178 of Deeds at Page 68, in and over a strip of land, fifteen feet in

width, one-half on the westerly side of lands hereby conveyed, and one-half on the easterly side of land belonging to said Emma Lee and extending from the southerly line of the above described premises North 48° 10' East, 37 feet and South 48° 10" West, 5 feet to lands of Charles Sutherland.

ALSO ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of Perry, County of Wyoming and State of New York, bounded and described as follows: Beginning at an iron stake on the westerly side of Main Street in the Village of Perry and being the most southerly corner of a parcel of land conveyed to Sarah M Traver by D.C. White and wife by Deed recorded in the Wyoming County Clerk's Office in Liber 79 of Deeds at page 521; running thence north 44 3/4° west along said Sarah M. Traver's southwesterly line, one hundred and twenty-nine feet and ten inches (19.10) to an iron stake which said last mentioned iron stake is the starting point for actual description of the property to be conveyed by this instrument; running thence in a straight line about sixty (60) feet to the southwesterly line of the property of Sadie and June Eggleston at a point adjacent to the center of the end of the fifteen foot drive and which said point is also one hundred thirty-four and one-half feet (134 1/2) more or less from Main Street; running thence north 44 3/4 ° west, 119-1/2 feet more or less to the land of the Perry Knitting Company; thence north 26° east to the lands conveyed to Sarah M. Traver aforesaid; thence south 44 3/4° east along the southwesterly line of said Traver property 142 and 1/6 feet more or less to an iron stake above mentioned as the starting point in this description.

EXCEPTING AND RESERVING FROM THE ABOVE DESCRIBED PREMISES, ALL THAT TRACT OR PARCEL OF LAND, situate in the Village and Town of Perry, County of Wyoming and State of New York, being in Lot 29 of William Shepard's Subdivision of the Ogden Tract, bounded and described as follows: Beginning at an iron pipe, said pipe being south 44° 45' east 146 feet from the southeast corner of the Hotel Commodore, so-called; thence south 45° 15' west 20 feet to an iron pipe; thence north 44° 44' west, 125 feet to a point; thence north 26° east 21.2 feet to a point; thence south 44° 45' east 132 feet to the point of beginning.

Being a portion of the premises conveyed to William D. Vickers by Deed recorded in the Office of the Wyoming County Clerk at Warsaw, New York on December 28, 1965 in Liber 358 of Deeds at page 391.

TOGETHER with all of the rights of way and reservations as set forth in a Deed from Stephen T. Gilboy and wife to Fred D. Farr, dated January 7, 1925 and recorded in the Wyoming County Clerk's Office in Book No. 182 of Deeds at page 468.

ALSO SUBJECT to all public utility easements of record.

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 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 441

Tax Map No. 100.7-7-28, 59-61 S. Main Street, Perry

; 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 Matson which has been duly seconded by Trustee Billings, 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 Village Clerk be and she hereby is directed to, within ten (10) days after the date of the adoption, post an abstract of this resolution concisely stating the purpose and effect thereof in the Clerk's Office and publish said abstract in the Village's official newspaper; and be it further

**RESOLVED**, that said resolution shall not take effect until thirty (30) days after its publication in the Village's official newspaper or until approved by the affirmative vote of a majority of the qualified electors of the Village of Perry.

Ayes:   5    
Nays:   0  

**LAKE STREET 2 HOUR PARKING**

Administrator Jensen said the proposed 2 hour parking on Lake Street is unchanged from the prior proposal. The 2 hour parking zone would be reduced from 300' to 200'. Motion by Trustee Draper, seconded by Trustee Billings, to schedule a public hearing on Tuesday, February 19, 2019 at 8:00 pm for the proposed change to the local law on the 2 hour parking on Lake Street. Motion carried with all voting aye.

**TOWN OF CASTILE FIRE CONTRACT**

Administrator Jensen reported that the Town of Castile has approved and signed the Fire Contract with the Village. It is a five year contract that increases \$500 each year. Town of Castile Fire Contract approved – Motion by Trustee Draper, seconded by Trustee Matson, to approve the Town of Castile Fire Contract and authorize the Mayor to sign. Motion carried with all voting aye.

**FACILITIES RESERVATION – SEA SERPENT TOURNAMENT**

A facilities reservation form has been received for the Sea Serpent Tournament to be held on July 19<sup>th</sup> – 21<sup>st</sup>. It has changed back to the third weekend in July. This will be the 48<sup>th</sup> year of the tournament.

**Dates for Sea Serpent Tournament approved** – Motion by Trustee Jacobs, seconded by Trustee Matson, to approve the dates of July 19<sup>th</sup> – 21<sup>st</sup> 2019 for the Sea Serpent Tournament. Motion carried with all voting aye.

**BUDGET MEETINGS**

**Budget Meetings scheduled** – Motion by Mayor Hauser, seconded by Trustee Jacobs, to schedule budget meetings for February 11, 2019, February 25, 2019 and March 11, 2019 starting at 7:00 pm. Motion carried with all voting aye.

**CLERK/DEPUTY TREASURER REPORT**

**Payment of Claims -**

Vouchers # 191448 - #191530

General Fund	\$ 87,163.44
CD Special Grant Fund	\$ 2,632.52
Water Fund	\$ 10,754.30
Sewer Fund	\$ 12,618.40
SLWC	\$ 18.60
Trust & Agency	\$ 53,616.18
<b>TOTAL</b>	<b>\$166,803.44</b>

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

November's treasurer's report was presented.

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

### **DEPARTMENT REPORTS**

The following departments presented monthly reports:

Department of Public Works

Water & Sewer

Police

### **TRUSTEE REPORTS**

Trustees reported that they discussed the each department's budget proposals during their committee meetings.

Mayor Hauser announced that it has been five years since the Comprehensive Plan was completed. He asked if it is time to update the plan (base measures). The Zoning & Planning Committee spoke on some of the corrections that need to be made to the Zoning Law. Some are simple corrections, while some are more in depth.

### **OTHER BUSINESS**

No other business was presented for discussion.

Motion to adjourn meeting at 8:25 pm was offered by Trustee Draper, second by Trustee Matson and carried with all voting aye.

Respectfully submitted,

*Gail I. Vosburg*

Gail Vosburg, Village Clerk