

**VILLAGE OF PERRY
VILLAGE BOARD MEETING
MAY 21, 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 21ST day of May 2018.

PRESENT:	Rick Hauser	Mayor
	Dariel Draper	Trustee
	Eleanor Jacobs	Trustee
	Bonnie Matson	Trustee
ABSENT:	Jacque Billings	Trustee
ALSO PRESENT:	Matthew Jensen	Village Administrator
	Gail Vosburg	Village Clerk
GUESTS:	Mary Syberg	Bill Bark

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

MINUTES

APRIL 30, 2018 SPECIAL MEETING MINUTES APPROVED - Corrections were noted on page 2 "... inquired if there would be any way to make the law searchable..." and on page three "... Landmark Preservation society, *statistics* show what ...". Motion by Trustee Jacobs, second by Trustee Matson the minutes of the April 30, 2018 Special Board Meeting were approved as corrected. Motion carried with all voting aye.

MAY 7, 2018 MEETING MINUTES APPROVED - Motion by Trustee Jacobs, second by Trustee Matson the minutes of the May 7, 2018 Board Meeting were approved as presented. Motion carried with all voting aye.

PUBLIC COMMENT

No one from the public spoke.

PRESENTATIONS

PROPOSED FOOD CART LOCAL LAW

Administrator Jensen discussed the proposed food cart local law and asked the board to review. Trustee Draper stated that some wording needs to be cleaned up. Trustee Matson questioned the food cart fee versus the soliciting permit fee. Board will review the proposed law and advise if any comments.

RESOLUTION – VILLAGE OF PERRY RELINQUISH CLAIM ON PEA INC. EQUIPMENT & ITEMS

The Town of Perry is looking for a resolution from the Village relinquishing any claim to equipment/items that the Perry Emergency Ambulance Inc. owned. The equipment/items are co-

owned by the Town and the Village. The Perry Emergency Ambulance Inc. is in the process of dissolving once the Town can obtain ownership.

VILLAGE OF PERRY RESOLUTION

WHEREAS, all Village Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings 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, Perry Emergency Ambulance, Inc. is in the process of dissolving; and

WHEREAS, The Town of Perry has offered financial support and guidance; and

WHEREAS, the Village of Perry has been a supporter of the former Perry Emergency Ambulance Inc.; and

WHEREAS, the Village has no desire to take possession of any shared equipment or items from the former Perry Emergency Ambulance Inc. upon dissolution.

NOW ON MOTION OF Trustee Matson which has been duly seconded by Trustee Jacobs, therefore be it

RESOLVED, that the Village Board of the Village of Perry is relinquishing any claim to all equipment and related items of the former Perry Emergency Ambulance Inc. and

BE IT FURTHER RESOLVED, the Village Board of the Village of Perry hereby authorizes the Town of Perry to possess all equipment and related items from the former Perry Emergency Ambulance Inc. upon their dissolution.

Ayes: 4

Nays: 0

APPLICATION FOR SOLICITING – PRIME TIME MARKETING

The soliciting application from Prime Time Marketing was discussed. Trustee Matson said that she is not in favor of approve this application as she checked with the BBB and found that the company had several negative comments about their procedures and practices. Mayor Hauser commented that the law is silent as to the procedure to review the permits and the board has to make their best judgement for approving any permit. Trustee Jacobs said that not everyone likes having door-to-door solicitors. Trustee Matson thinks that the office committee should work on this policy.

Prime Time Marketing soliciting permit denied – Motion by Trustee Draper, seconded by Trustee Matson, to deny the soliciting permit by Prime Time Marketing as the board does not feel comfortable approving their application.

2 APPLICATIONS FOR SOLICITING – TODD MACK

Todd Mack submitted 2 applications for soliciting on July 3, 2018. One is for a stationary food trailer and the second application is for a separate cart selling light ups and glow in the dark novelties. He initially said that the vendor cart may be a golf cart, the board is not in favor of this,

and it must be a push cart. Mr. Mack would like to set up the food trailer at the corner of Standpipe Road and Walker Road. Trustee Jacobs asked if there this would cause any traffic congestion. Trustee Draper feels that where the food trailer would be set up is not a traffic hazard.

Todd Mack's soliciting permits approved – Motion by Trustee Draper, seconded by Trustee Jacobs, to approve the two soliciting permits for Todd Mack contingent upon agreement to the following:

- Food trailer is stationary = located at the corner of Walker Road and Standpipe Road
- No golf cart is to be used
- Cost is \$50 per day for each permit
- Motion carried with all voting aye.

Motion by Mayor Hauser, seconded by Trustee Draper, to open the public hearing at 8:00 pm on the Zoning Law Update. Motion carried with all voting aye.

Public Hearing – Proposed Amendments to the Village of Perry Zoning Law

Clerk Vosburg read the public hearing notice, "**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to Village Law Section 7-706 of the State of New York, the Village of Perry Board of Trustees will hold a public hearing at the Village Hall 46 N Main St, Perry NY , on the 21st day of May, 2018 at 8:00 P.M., Eastern Standard Time, to hear all interested parties and citizens regarding the adoption of the Village of Perry Zoning Law Update, which is a complete and total re-haul of the Village of Perry Zoning Law in accordance with the Master Plan adopted in 2017."

Mayor Hauser said there have been many opportunities for the public to speak as a public meeting that residents attended along with members of the Zoning Board, Planning Board and the consultants attended.

No one from the public spoke.

Meeting continued.

CLERK/DEPUTY TREASURER REPORT

Payment of Claims -

Vouchers # 182218 - #182346

General Fund	\$ 90,416.73
Spec. Grant Fund	\$ 93.75
Water Fund	\$ 29,702.85
Sewer Fund	\$ 15,066.99
Cap. Projects Fund	\$ 500.00
SLWC	\$ 18.60
Trust & Agency	\$ 59,992.75
TOTAL	\$195,791.67

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

Donation to the Silver Lake Fireworks Fund approved – Motion by Trustee Matson, seconded by Trustee Jacobs, to approve a donation in the amount of \$250 towards the Silver Lake Fireworks Fund. Motion carried with all voting aye.
Trustee Matson asked about transfers to the reserve funds.

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

DEPARTMENT HEAD REPORTS

The following department report was presented:

- Water & Sewer Report

Motion by Mayor Hauser, seconded by Trustee Draper, to close the public hearing on the zoning law at 8:10 pm. Motion carried with all voting aye.

Modify draft Zoning Law to include new sign regulations §490-72 – The proposed zoning law did not include the recent sign regulations. Motion by Mayor Hauser, seconded by Trustee Jacobs, to modify the draft zoning law to include §490-72 Sign Regulations to reflect the recent passage of the sign law. Motion carried with all voting aye.

Zoning Law Adopted -

VILLAGE OF PERRY RESOLUTION ADOPTING THE VILLAGE OF PERRY ZONING LAW UPDATE, IN ACCORDANCE WITH THE MASTER PLAN ADOPTED IN 2017

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 is considering an update to the Village of Perry Zoning law, in accordance with the Master Plan adopted in 2017; and

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Perry on May 7, 2018 authorizing a public hearing to be held by the Village Board of the Village of Perry on May 21, 2018 at 8:00 p.m. at the Village Offices to hear all interested parties on said proposed zoning law; and

WHEREAS, notice of said public hearing was duly advertised in the Batavia Daily News on May 11, 2018; and

WHEREAS, said public hearing was held on May 21, 2018 at the Village Offices in the Village of Perry commencing at 8:00 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed zoning law update, or any part thereof; and

WHEREAS, the Village of Perry Village Board referred the proposed Zoning Law Update to Wyoming County, per §239-n requirements; and

WHEREAS, The Village of Perry received comments from Wyoming County on May 8, 2018, thereby meeting the requirements of §239-n; and

WHEREAS, 6 NYCRR Part 617 of the State Environmental Quality Review Law requires that a lead agency be established for conducting environmental review of projects in accordance with the local and state environmental law; and

WHEREAS, this is a Type 1 Action, pursuant to the New York State Environmental Quality Act (SEQRA), which requires review; and

WHEREAS, that on September 5, 2017, the Village Board of the Village of Perry did declare Lead Agency status for the Environmental Review for the proposed adoption of the Village of Perry Zoning Law Update; and

WHEREAS, the Village Board of the Village of Perry has reviewed the Full Environmental Assessment form prepared for this action; and

WHEREAS, the Village Board of the Village of Perry did on September 5, 2017, issue a SEQRA Negative Declaration of Environmental Significance upon the above entitle action; 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 update to the Village of Perry Zoning Law, in accordance with the Master Plan adopted in 2017.

NOW ON MOTION OF Trustee Draper, which has been duly seconded by Trustee Jacobs, now therefore be it

RESOLVED, that the Village Board of the Village of Perry hereby adopts Village of Perry Zoning Law, in accordance with the Master Plan adopted in 2017"; and be it further

RESOLVED, that the Village Clerk be and she hereby is directed to enter said zoning law in the minutes of this meeting and give due notice of the adoption of said zoning law to the Secretary of the State of New York.

Ayes: 4
Nays: 0

TRUSTEE REPORTS

Clerk Vosburg reported that the tablets for the fire department were purchased last week.

There is a planning committee meeting next week.

There is a DPW committee meeting this week.

Trustee Jacobs thanked Sarah Billings-Doerflinger as she planted flowers in the trough today.

Facilities use forms approved – Two facilities use forms were submitted for approval:

- Boy Scouts – VanArsdale Tennis Classic – July 30th
- Silver Lake Mennonite Church Softball – Thursday nights

The are no conflicts with these events. Motion by Trustee Jacobs, seconded by Trustee Matson, to approve both facility use forms as presented. Motion carried with all voting aye.

OTHER BUSINESS

CELL PHONE POLICY

Administrator Jensen reported that the new cell phone policy was distributed. The DPW union has a couple of questions. Administrator Jensen will meet with the police department to discuss the new policy.

Motion by Mayor Hauser to enter into executive session to discuss the employment of a particular person at 8:20 pm was seconded by Trustee Jacobs. Motion carried with all voting aye.

Motion by Mayor Hauser to exit executive session at 9:02 pm was seconded by Trustee Draper. Motion carried with all voting aye.

Ed Koziel retirement accepted – Motion by Trustee Matson, seconded by Trustee Jacobs, to accept, with regret, the retirement of Ed Koziel effective July 6th. Motion carried with all voting aye.

Motion to adjourn meeting at 9:04 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

Village of Perry
Board Meeting Agenda
May 21, 2018



1. Open Meeting and pledge to the flag
2. Approval of Minutes
 - April 30, 2018 Special Board Meeting
 - May 7, 2018 Regular Board Meeting
3. Public Comment
4. Presentations
 - a. Discussion of proposed Food Cart Law
 - b. Resolution – VOP relinquish claim to PEA Inc. equipment & items
 - c. Application for Solicitation – Prime Time Marketing
 - d. Application for Solicitation – Todd Mack
5. PUBLIC HEARING 8:00 PM – Zoning Law
6. Clerk/Deputy Treasurer Report
7. Department Head Reports
 - a. Water & Sewer Departments Report
8. Trustee Reports
9. Other Business
10. Executive Session



**VILLAGE OF PERRY
RESOLUTION**

Adopted: May 21, 2018

WHEREAS, the Village Board of the Village of Perry met at a regular meeting at the Village Offices of the Village of Perry in the Village of Perry, New York on the 21st day of May 2018, commencing at 7:30 p.m. at which time and place the following members were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Dariel Draper
	Trustee	Eleanor Jacobs
	Trustee	Bonnie Matson

<u>Absent:</u>	Trustee	Jacque Billings
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WHEREAS, all Village Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings 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, Perry Emergency Ambulance, Inc. is in the process of dissolving; and

WHEREAS, The Town of Perry has offered financial support and guidance; and

WHEREAS, the Village of Perry has been a supporter of the former Perry Emergency Ambulance Inc.; and

WHEREAS, the Village has no desire to take possession of any shared equipment or items from the former Perry Emergency Ambulance Inc. upon dissolution.

NOW ON MOTION OF Trustee Matson which has been duly seconded by Trustee Jacobs, therefore be it

RESOLVED, that the Village Board of the Village of Perry is relinquishing any claim to all equipment and related items of the former Perry Emergency Ambulance Inc. and

BE IT FURTHER RESOLVED, the Village Board of the Village of Perry hereby authorizes the Town of Perry to possess all equipment and related items from the former Perry Emergency Ambulance Inc. upon their dissolution.

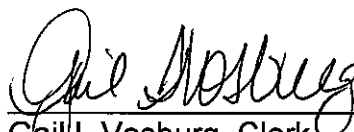
Ayes: 4

Nays: 0

Quorum Present: Yes No

Dated: May 21, 2018

(SEAL)



Gail I. Vosburg, Clerk
Village of Perry

VILLAGE BOARD MEETING
5/21/18
CLERK-DEPUTY TREASURER REPORT

1. Vouchers:

VOUCHERS OF ALL FUNDS # 182218 - #182346

General Fund	\$ 90,416.73
Spec. Grant Fund	\$ 93.75
Water Fund	\$ 29,702.85
Sewer Fund	\$ 15,066.99
Cap. Proj.	\$ 500.00
SLWS	\$ 18.60
Trust & Agency	<u>\$ 59,992.75</u>
TOTAL	\$195,791.67

All vouchers have been audited by Trustee Billings.

(Need board approval to pay vouchers.)

2. Request from the Silver Lakes Fireworks Fund for a donation of \$250 towards the July 3rd fireworks at Silver Lake.

(Board to approve/disapprove the request.)

3. Schedule Spec. Board Meeting (year-end) ???



Silver Lake Fireworks Fund

Est. 1999

P.O. Box 38, Silver Lake, NY 14549

Fund Administrators: Lorraine Sturm, Larry LaRussa

7851 Route 39, Perry, NY 14530, 585-237-6310

April 20, 2018

Village of Perry Board
46 N. Main St.
Perry, NY 14530

Dear Mayor Hauser and Trustees:

Silver Lake Fireworks Fund has had the support of the Town since it started in 1999. We appreciate that a great deal and hope the Board will once again donate \$250 for the show. It will be at 10 PM, Tuesday, July 3rd from Silver Lake Country Club pier.

Each year, the fireworks display at Silver Lake has gained a larger audience and that translates into sales tax revenues for local businesses. The population at the lake is its highest during this event and holiday week. Whole families plan their vacations around this week and this kickoff show. Their support and that of the Towns of Castile, Perry and Village of Perry have enabled us to expand the display.

As in the past, the Village is listed as an additional insured on Young Explosives' event policy along with the Town of Perry and Town of Castile, which contribute to the show; Perry Center Fire Dept., which is on-site that night; permit-issuer Wyoming County Building Dept.; host Silver Lake Golf, Inc./Country Club; myself and my brother.

I am attaching a "donation invoice" as requested in the past with last year's support listed. Donation checks must be made payable to: Silver Lake Fireworks Fund, which is a dedicated account at Bank of Castile.

Thank you for your consideration and I hope to see some of you at the show. The \$7,500 display is lit after the Ring of Fire flares burn out.

Lorraine Sturm, Larry LaRussa
Silver Lake Fireworks Fund

WTP

1. Collect all monthly water samples including THM's and HAA's for VOP and TOP.
2. Mow at WTP, 750 Tower and Swim Beach
3. Flush "dead-end" water mains.
4. Finish 2017 Annual Drinking Water Quality Report.
5. Marlos Norman attended an Operator Training school in Tonawanda to receive training credits for license renewal.
6. Label Chlorine Bulk tanks.
7. Update Backflow Preventer list.
8. Locate and repair water leak in front of 41 Handely Street.
9. Make list of fire hydrants to be painted for Clean Sweep.
10. Change out GAC in Filter #2 at WTP.
11. Jet sewers with DPW.
12. Spring cleanup at WTP and Swim Beach.
13. Contact Chatfield Engineers about Violation letter from DEC regarding Chemical Bulk Storage Tanks.
14. Operators Jeff Drain and Will Stowell attended an operator training school in Houghton to receive training credits for license renewal.
15. Total gallons of water produced for the month of April was 9,297,055 for a daily average OF 309,901 GPD.

WWTP

- 1 Collect all monthly wastewater samples including cake samples for VOP.
- 2 Spring cleanup at WWTP, roadside and dump.
- 3 Roll WWTP and roadside.
- 4 Mow WWTP, roadside and dump.
- 5 Run press to de-water sludge.
- 6 GIS sewer manholes and sewer lines.
- 7 Clean Bio-tower and trickling filter.
- 8 Prepare sewer manholes for I & I testing and inspect with Aaron Bissel from MRB Group.
- 9 Attend "Kick-off" meeting with Bill Davis from MRB Group for Phase II of our Capital Improvement plan.
- 10 Discovered 18 out of 25 manholes that were restored in September of 2016 were deteriorating, notified CPL. Milhurst Construction is correcting the issue.
- 11 New Sewer camera demonstration by Aries.
- 12 Replace pumps in Bio Tower and set up SCADA to control pumps.
- 13 Hose tanks and filters.
- 14 Operators Mark Kingsley and Jaycob Bernard attended a NY Alert training seminar in Syracuse to obtain credits for license renewal.
- 15 Start accepting Septic Waste from Letchworth State Park.
- 16 Clean out Degritter at headwork.
- 17 Unplug 2 plumps at Standpipe Pump Station.
- 18 Repair Gorman-Rupp pump.
- 19 The Village of Perry's monthly flow was 50,400,000 gallons for a daily average of 1,680,000 GPD.
- 20 The Town of Castile's monthly flow was 6,652,400 gallons for a daily average of 221,746 GPD.

Respectfully Submitted,



VILLAGE OF PERRY RESOLUTION
ADOPTING THE VILLAGE OF PERRY ZONING LAW UPDATE, IN ACCORDANCE
WITH THE MASTER PLAN ADOPTED IN 2017

Adopted: May 21, 2018

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Offices located in the Village of Perry, New York on the 21st day of May 2018, commencing at 7:30 p.m., and thereafter a public hearing was held at 8:00 p.m. at which time and place the following members were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Dariel Draper
	Trustee	Eleanor Jacobs
	Trustee	Bonnie Matson

<u>Absent:</u>	Trustee	Jacque Billings
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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 is considering an update to the Village of Perry Zoning law, in accordance with the Master Plan adopted in 2017; and

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Perry on May 7, 2018 authorizing a public hearing to be held by the Village Board of the Village of Perry on May 21, 2018 at 8:00 p.m. at the Village Offices to hear all interested parties on said proposed zoning law; and

WHEREAS, notice of said public hearing was duly advertised in the Batavia Daily News on May 11, 2018; and

WHEREAS, said public hearing was held on May 21, 2018 at the Village Offices in the Village of Perry commencing at 8:00 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed zoning law update, or any part thereof; and

WHEREAS, the Village of Perry Village Board referred the proposed Zoning Law Update to Wyoming County, per §239-n requirements; and

WHEREAS, The Village of Perry received comments from Wyoming County on May 8, 2018, thereby meeting the requirements of §239-n; and

WHEREAS, 6 NYCRR Part 617 of the State Environmental Quality Review Law requires that a lead agency be established for conducting environmental review of projects in accordance with the local and state environmental law; and

WHEREAS, this is a Type 1 Action, pursuant to the New York State Environmental Quality Act (SEQRA), which requires review; and

WHEREAS, that on September 5, 2017, the Village Board of the Village of Perry did

declare Lead Agency status for the Environmental Review for the proposed adoption of the Village of Perry Zoning Law Update; and

WHEREAS, the Village Board of the Village of Perry has reviewed the Full Environmental Assessment form prepared for this action; and

WHEREAS, the Village Board of the Village of Perry did on September 5, 2017, issue a SEQRA Negative Declaration of Environmental Significance upon the above entitle action; 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 update to the Village of Perry Zoning Law, in accordance with the Master Plan adopted in 2017.

NOW ON MOTION OF Trustee Draper, which has been duly seconded by Trustee Jacobs, now therefore be it

RESOLVED, that the Village Board of the Village of Perry hereby adopts Village of Perry Zoning Law, in accordance with the Master Plan adopted in 2017"; and be it further

RESOLVED, that the Village Clerk be and she hereby is directed to enter said zoning law in the minutes of this meeting and give due notice of the adoption of said zoning law to the Secretary of the State of New York.

Ayes: 4

Nays: 0

Quorum Present: Yes No

Dated: May 21, 2018

[SEAL]



Gail Vosburg, Clerk
Village of Perry