

**VILLAGE OF PERRY  
VILLAGE BOARD MINUTES  
JUNE 17, 2019**

A regular board meeting of the Village of Perry was held at the Village Hall, 46 North Main Street, Perry, New York at 7:30 pm on the 17<sup>th</sup> day of June 2019.

PRESENT:	Rick Hauser	Mayor
	Dariel Draper	Trustee
	Eleanor Jacobs	Trustee
	Arlene Lapiana	Trustee
ABSENT:	Jacque Billings	Trustee
ALSO PRESENT:	Matt Jensen	Village Administrator
	Gail Vosburg	Village Clerk
	Eric Kelly	Supt. DPW
Guests:	Mary Syberg	James Reynolds

Mayor Hauser called the meeting to order at 7:30 pm and led in the pledge to the flag.

**PUBLIC COMMENT**

No one from the public spoke.

**PRESENTATIONS**

**JAMES REYNOLDS – PERRY TREE BOARD**

Mr. Reynolds presented the board a book of “Po-e-tree” that the PCS children wrote as part of a contest. They try and engage the children each year with a contest involving trees.

**SERVICE ACKNOWLEDGEMENT**

Mayor Hauser acknowledged members of the Church of Latter Day Saints that volunteered to paint fire hydrants and the entrance signs to Perry.

**DRI GRANT APPLICATION**

Mayor Hauser announced that the Village is a finalist for the program and will have to make a presentation on June 20<sup>th</sup>.

**CSEA CONTRACT WITH POLICE DEPARTMENT**

Administrator Jensen reported that the new proposed contract for the CSEA Perry Police Department is for five years. The police committee is in support of the new contract.

**CSEA Contract with the Perry Police Department is approved** – Motion by Trustee Draper, seconded by Trustee Lapiana, to approve the CSEA Contract with the Perry Police Department as presented. Motion carried with all voting aye.

**RESOLUTION WITHDRAWING APPLICATION FOR REZONE OF PERRY VETS CLUB PROPERTY**

There has been no communication from the Perry Vet's Club after three attempts to make contact.

**Resolution adopted to withdraw Application for Rezone -**

**RESOLUTION  
VILLAGE BOARD OF THE VILLAGE OF PERRY WITHDRAWING THE APPLICATION  
FOR THE REZONING OF THE PERRY VET'S CLUB**

Adopted: June 17, 2019

**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**, on January 16, 2019, the Village Board of the Village of Perry (hereinafter the "Village Board") received an application from Perry Veterans' Memorial Association, Inc. (hereinafter the "Applicant") for a proposed rezone of its parcel from R-2 (Residential Two Family) to C-2 (Commercial General Business) to pursue plans to add banquet and gathering space to its building (hereinafter the "Project"); and

**WHEREAS**, pursuant to the State Environmental Quality Review Act (hereinafter "SEQRA"), the Applicant submitted to the Village Board Part 1 of a Short Environmental Assessment Form for the Project dated December 1, 2018 (hereinafter the "SEAF"); and

**WHEREAS**, the Village Board of the Village of Perry sought lead agency by resolution dated February 19, 2019 and thereafter established itself as Lead Agency with respect to the Project in accordance with the SEQRA regulations at 6 NYCRR §617.6; and

**WHEREAS**, pursuant to SEQRA regulations at 6 NYCRR §617.7, the Village Board of the Village of Perry issued a Positive Declaration by resolution dated April 15, 2019, and requested that the applicant prepare a Draft Environmental Impact Statement ("DEIS") within 60 days; and

**WHEREAS**, Attorney David M. DiMatteo (hereinafter "Village Attorney") submitted correspondence via first-class mail and e-mail to the Applicant on April 22, 2019, to provide a copy of the resolution issuing a Positive Declaration and request that the Applicant advise of a plan to initiate further studies during the scoping period to prepare the DEIS, a copy of which is attached hereto as Exhibit A; and

**WHEREAS**, the Applicant failed to respond or acknowledge the April 22, 2019 correspondence from the Village Attorney, and thereafter a follow up letter was submitted via first-class mail and e-mail to the Applicant on May 10, 2019, a copy of which is attached hereto as Exhibit B; and

**WHEREAS**, the Applicant again failed to respond to the Village Attorney's correspondence of May 10, 2019, it was thereafter decided to send the third and final correspondence via certified mail return and e-mail to the Applicant on May 16, 2019, advising the Applicant that they had until May 31, 2019 to respond or the rezoning application

would be withdrawn, a copy of which is attached hereto as Exhibit C; and

**WHEREAS**, the Applicant failed to respond to or acknowledge any correspondence or provide any scoping material that was requested from the Village Attorney; and

**NOW ON MOTION OF** Mayor Hauser which has been duly seconded by Trustee Draper, be it

**RESOLVED**, that the Village Attorney submitted correspondence via first-class mail and e-mail to the Applicant on April 22, 2019, May 10, 2019 and May 16, 2019 (Certified Mail) requesting that the Applicant reply with a plan for the scoping studies; and be it further

**RESOLVED**, that the Applicant failed and/or neglected to respond to any form of correspondence; and be it further

**RESOLVED**, that the Village Board of the Village of Perry hereby considers the application for the rezoning of the Perry Vet's Club to be withdrawn due to the Applicant's failure to respond within the required time period.

Ayes 4

Nays 0

Quorum Present: X Yes \_\_\_ No

#### **VACUUM EXCAVATION SYSTEM**

The village only received one bid from Admar Construction in the amount of \$69,500. This will be used to prevent storm drain blockage.

**Vacuum Excavation System Bid awarded** – Motion by Trustee Jacobs, seconded by Trustee Lapiana, to award the Vacuum Excavation System bid to Admar Construction in the amount of \$69,500. Motion carried with all voting aye.

#### **GENERAL FUND BALANCE DISCUSSION**

Administrator Jensen reviewed the spreadsheet on the Fund Balance in the General Fund and anticipated use of the unallocated Fund Balance for projects/grants already planned and/or awarded. He recommends that the board establish a fund balance policy. He said that funds are available in the unallocated fund balance for the Village park road improvements.

**Village Park road improvements to proceed** – Motion by Mayor Hauser, seconded by Trustee Draper, to proceed with Option 3 (full depth reclamation and asphalt overlay) of the Village park road improvements contingent upon the confirmation of the full depth reclamation cost. Motion carried with all voting aye.

#### **CLERK/DEPUTY TREASURER REPORT**

**Final year end budget transfers approved** – Motion by Trustee Draper, seconded by Trustee Lapiana, to approve the final year end budget transfers as presented (attached). Motion carried with all voting aye.

**Vouchers approved for payment** – Clerk Vosburg presented the following vouchers for payment:

Vouchers # 200075 - # 200176

General Fund	\$104,405.50
Spec Grant Fund	\$ 1,405.52
Water Fund	\$ 59,679.18
Sewer Fund	\$ 39,739.81
Trust & Agency	<u>\$ 59,161.06</u>
Total	\$ 264,391.07

Trustee Billings has audited the vouchers. Motion by Trustee Jacobs, seconded by Trustee Lapiana to approve payment of the vouchers as presented. Motion carried with all voting aye.

**Erika Miller resignation accepted** – Motion by Trustee Draper, seconded by Trustee Lapiana to accept the resignation of Erika Miller, seasonal laborer, effective 6/7/2019. Motion carried with all voting aye.

Hillside Children’s Center sent a thank you card to the Village for waiving the pavilion rental fee for their picnic.

**Clerk/Deputy Treasurer Report approved** – Motion by Trustee Draper, seconded by Trustee Jacobs to approve the Clerk/Deputy Treasurer report. Motion carried with all voting aye.

### **Department Head Reports**

The following department head reports were presented:

- Department Public Works
- Water & Sewer
- Police

### **Trustee Reports**

Trustee Jacobs reported on the DPW committee meeting

Trustee Draper said that there are two more firemen that are eligible for the Fire Fighters Cancer DBL program.

Mayor Hauser said as one of the perks for being a finalist of the DRI program, extra consideration is given to those that submit a CFA application. He would like to apply for a NY Main Street grant as some on the information can be used from the DRI application.

Motion by Mayor Hauser, seconded by Trustee Draper, to enter into executive session to matters leading to the appointment of a particular person at 8:25 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 8:53 pm. Motion carried with all voting aye.

**Steve Rice appointed as a seasonal laborer** – Mayor Hauser appointed Steve Rice as a seasonal laborer effective June 18, 2019 at \$15 per hour. Motion by Trustee Jacobs, seconded by Trustee Lapiana to approve the Mayor’s appointment. Motion carried with all voting aye.

**Christina Slusser appointed as part time clerk** – Mayor Hauser appointed Christina Slusser as a part time clerk effective June 18, 2019 at \$15 per hour. Motion by Trustee Lapiana, seconded by Trustee Draper, to approve the Mayor’s appointment. Motion carried with all voting aye.

**Budget amendments approved** – Motion by Trustee Draper, seconded by Trustee Lapiana, to approve the following budget amendments for the FYE 2020:

Increase	A5110.1	\$ 865
Increase	A3120.1	\$5,000

Motion carried with all voting aye.

Motion to adjourn the meeting at 8:59 pm was made by Trustee Draper, seconded by Trustee Jacobs and carried with all voting aye.

*Gail I. Vosburg*

Gail I. Vosburg

Village Clerk