

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
MARCH 1, 2021**

A 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 1st day of March 2021.

PRESENT:	Rick Hauser	Mayor
	Dariel Draper (via Zoom)	Trustee
	Eleanor Jacobs	Trustee
	Jacque Billings	Trustee
	Arlene Lapiana	Trustee
ALSO PRESENT:	Samantha Pierce	Administrator
	Christina Slusser	Village Clerk
GUESTS	Lorraine Sturm	
	Ernie Lawrence	
	Joshua Smith	

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

PUBLIC COMMENT

A public hearing is scheduled for 8:00 pm.

PRESENTATIONS & BOARD ACTIONS

BOARD MEETING MINUTES

Minutes were reviewed for February 16th and February 22nd. Two changes were requested to the meeting minutes from February 16th – one to change “tree town committee” to “trail town committee” and one to change “sewer district” to “water district.” Trustee Jacobs made a motion to approve the minutes for February 16, 2021 with the noted corrections, which was seconded by Trustee Lapiana, and carried. Trustee Lapiana made a motion to approve the minutes for February 22, 2021, which was seconded by Trustee Billings, and carried with all voting aye.

RESOLUTION TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT INFRASTRUCTURE APPLICATION

LaBella Associates is working on a grant application for the Village for infrastructure upgrades. An income survey was done in the areas of Watkins, Benedict, Hawthorne, and Olin and may be eligible for funding. MRB Group provided a preliminary engineering report to look at cost estimates for infrastructure improvements on these streets. Given all of the options, LaBella suggested to submit a grant application for all infrastructure on Hawthorne and Benedict Streets for \$750,000. The Village is 4 surveys short, but can proceed with the resolution and submit it if able to submit the application by Friday.

WHEREAS, the Village of Perry would like to submit an application for stormwater infrastructure improvements in the northeast section of the Village; and

WHEREAS, the New York State Community Development Block Grant (CDBG) program provides funding for infrastructure improvements;

NOW THEREOFRE, BE IT RESOLVED, that the Village Administrator of the Village of Perry, New York, is hereby authorized as the official representative of the Village of Perry to execute and submit a Community Development Block Grant application to the administrative agency for CDBG Program Year 2020 funding, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

Motion was made by Trustee Billings to adopt the resolution which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION APPROVING DONATION REQUEST FOR PERRY MAIN STREET ASSOCIATION

A request was received from Perry Main Street Association requesting funding for the 2021 events brochure.

WHEREAS, the Village of Perry has received a request from the Perry Main Street Association to support their 2021 Events Brochure; and

WHEREAS, the funding request for the Events Brochure is in the amount of \$750.00; and

NOW THEREFORE BE IT RESOLVED, the Village of Perry Board approves the donation request from the Perry Main Street Association for \$750.00 and directs the Village Clerk to submit a voucher for payment.

Motion to adopt this resolution was made by Trustee Billings, seconded by Trustee Lapiana, and carried with all voting aye.

RESOLUTION DECLARING CERTAIN EQUIPMENT AS SURPLUS AND AUTHORIZING SALE

The Village of Perry is looking to surplus a DPW truck to sell to the Fire Department for \$1.00. The truck will be used to plow.

WHEREAS, the Village of Perry maintains a fleet of equipment to support the efficient care and maintenance of Village assets; and

WHEREAS, through the natural wear and tear cycle, equipment reaches the close of its useful contribution to Village operations; and

WHEREAS, the Department of Public Works maintains a 2001 Dodge pick-up truck, used in service to the Department for routine operations; and

WHEREAS, the truck has reached the conclusion of its useful life for Department needs; and

WHEREAS, the Perry Fire Department has expressed interest in the vehicle for use in support of its mission; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees does hereby declare the 2001 Dodge pick-up truck, currently in service to the Village Department of Public Works, as surplus equipment; and

BE IT FURTHER RESOLVED, that the Village Administrator is authorized to execute documentation necessary to sell the vehicle to the Perry Fire Department for a cost of \$1; proceeds of which are to be allocated to the Fire Apparatus Reserve Fund; and

RESOLVED, this 1st day of March, 2020.

Motion to adopt the resolution declaring the truck as surplus and authorizing the sale for \$1.00 was made by Trustee Billings, seconded by Trustee Draper, and carried with all voting aye.

RESOLUTION AUTHORIZING HEALTH INSURANCE PLAN FOR THE 2021-2022 RENEWAL CYCLE

The Village's health insurance plan is set to renew on April 1st. The total cost of the plan decreased by 1.27%. The Village plans to continue the same plan and contribution agreement.

WHEREAS, the Village Administrator has reviewed and evaluated the health insurance options; and

WHEREAS, the Village Administrator is recommending to stay with the current plan, BCBS of WNY Silver POS 7100 HDHP, for the April 1, 2021 renewal; and

WHEREAS, the total estimated cost for the Silver POS 7100 HDHP has decreased by 1.27%; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the recommendation to offer the Silver POS 7100 HDHP for the 2021-2022 renewal year; and

BE IT FURTHER RESOLVED, the Perry Village Board directs the Village Administrator to execute any and all documents relative to the health insurance services for the upcoming plan year.

Motion to adopt the resolution was made by Trustee Lapiana, seconded by Trustee Jacobs, and carried with all voting aye.

RESOLUTION APPROVING THE UPDATED COVID-19 LEAVE POLICY

The policy includes a return-to-work policy if an employee is exposed. Each employee is authorized to 80 total hours of COVID paid leave. Time allowed for part time employees would be calculated based on their average hours worked. Questions were raised by employees regarding traveling, so the policy includes a travel update as well.

WHEREAS, given the current global situation the Village Administrator wishes to have a policy in place relative to handling the needs for employees to quarantine, travel, and the mandatory New York State paid COVID-19 leave; and

WHEREAS, the Village Administrator has drafted a COVID-19 policy update after discussions with the Department of Labor regarding paid leave for employees; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the updated COVID-19 policy.

Motion to approve the resolution regarding the COVID 19 policy update was made by Trustee Jacobs. The motion was seconded by Trustee Lapiana and carried unanimously.

RESOLUTION APPROVING PAYMENT TO MKS PLUMBING FOR PAY APP #6

This pay app is the final application for the public beach project.

WHEREAS, the Village Clerk has received the Pay App #6 from MKS Plumbing for the Perry Public Beach Improvement Project; and

WHEREAS, Pay App #6 is the final application for payment in the amount of \$1,820.00; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves payment to MKS Plumbing for Pay App #6 in the amount of \$1,820.00 and directs the Village Clerk to submit a voucher for payment.

Motion to approve the resolution authorizing payment to MKS Plumbing in the amount of \$1,820 was made by Trustee Billings, seconded by Trustee Jacobs, and carried with all voting aye.

RESOLUTION APPROVING WASTE DISPOSAL AGREEMENT WITH WYOMING COUNTY

Wyoming County holds a contract with Waste Management for garbage collection in the Village of Perry. Payment for the program is covered by Town and County taxes. The Village enters into a 5-year waste disposal agreement with the County as a participating community.

WHEREAS, the Village Clerk has received the Waste Disposal Agreement from Wyoming County; and

WHEREAS, Wyoming County provides a curbside collection program for the collection of solid waste and recyclable materials; and

WHEREAS, the duration of the agreement would be from January 1, 2021 until December 31, 2025; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the Waste Disposal Agreement and authorizes the Mayor to execute the Agreement.

Motion to approve the resolution and for the Mayor to sign the agreement was made by Trustee Lapiana, seconded by Trustee Jacobs, and carried with all voting aye.

PUBLIC HEARING REGARDING A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT

At 8:00 pm, Mayor Hauser opened the public hearing and explained that this is a chance for the public to comment on overriding the tax levy limit. The state permits municipalities not to comply with the tax levy limit by adopting a local law. The timing of such requires that the law be adopted prior to adopting the budget for the new fiscal year. The Mayor also added that the tax rate has stayed flat or decreased in the last 8 years, but it is standard practice for the board to go through this process annually during the budget adoption process. No public comments were made. The hearing was left open.

RESOLUTION FOR SECOND SUPPLEMENTAL BOND RESOLUTION AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE SEWER SYSTEM CAPITAL IMPROVEMENTS

The resolution is due to bids coming in at 3.1 million dollars higher than expected. Funds will be payable over 30 years. This is subject to permissive referendum. The board has explored the potential of using some of the fund balance in the sewer reserve to make some initial payments. Bond council is working on updated projections. After 30 days, if no petitions are

received for permissive referendum, the estoppel will be published. Notice went out today to see if contractors will hold their bids beyond 30 days in order to allow for time to publish the required notices.

SECOND SUPPLEMENTAL BOND RESOLUTION DATED MARCH 1, 2021 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, pursuant to a supplemental bond resolution dated November 5, 2018, amending the Original Bond Resolution (the “First Supplemental Bond Resolution”) the Village approved expenditures for, and the issuance and sale of, up to \$2,949,000 aggregate principal amount of additional general obligation bonds and bond anticipation notes relative to such sewer system capital improvements; and

WHEREAS, actual project costs have proved to be approximately \$3,100,000 higher than the maximum estimated project costs and the Village desires to provide for the financing thereof by supplementing the Original Bond Resolution and the First Supplemental 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 \$3,100,000 and additional general obligation serial bonds in an aggregate principal amount not to exceed \$3,100,000 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 \$13,200,000. The plan for financing of said purpose is to provide (i) 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 (ii) up to \$2,949,000 of such maximum cost by the issuance of bonds or bond anticipation notes as authorized under the First Supplemental Bond Resolution, and (iii) up to \$3,100,000 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.

Motion to adopt the above bond resolution was made by Trustee Jacobs, seconded by Trustee Lapiana, and carried with all voting aye.

CLERK/DEPUTY TREASURER REPORT

Abstract #19

Vouchers #966-1029

General Fund	\$ 86,212.55
Special Grant Fund	\$ 4,201.95
Water Fund	\$ 15,925.30
Sewer Fund	\$ 46,576.05
Capital Projects Fund	\$ 2,295.00
Trust & Agency	\$ 1,129.51
Silver Lake Watershed Commission	\$ 12.03
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Total	\$ 156,352.39

Vouchers were audited by Trustee Draper. Motion to authorize payment of vouchers #966-1029 in the amount of \$156,352.39 was made by Trustee Billings, seconded by Trustee Lapiana, and carried unanimously.

No other department reports were received.

TRUSTEE REPORTS

Trustee Jacobs stated that the Parks Committee meets on Wednesday. There is hope for a meeting with property owners on Walker Road regarding the Silver Lake Trail. The committee is looking to work with someone at the Pioneer Grounds regarding the trail going through the property.

Trustee Lapiana attended the Property Maintenance and Office Committee meetings.

Trustee Billings informed the board that the sign for the Public Beach is finished and Camco plans to install it.

Samantha Pierce developed a draft fee schedule and is working on the micro enterprise grant application which was received from LaBella Associates. Samantha and Christina have a meeting on Friday to discuss the grant for lead line service replacement.

RESOLUTION REGARDING A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT

With there being no comments on the public hearing to override the tax levy limit, Mayor Hauser made a motion to close the hearing at 8:20 pm which was seconded by Trustee Jacobs and carried with all voting aye.

Mayor Hauser entertained a motion to adopt a resolution to override the property tax levy limit. Motion was made by Trustee Billings to adopt a local law overriding the tax levy limit, which was seconded by Trustee Lapiana, and carried with all voting aye.

EXECUTIVE SESSION

At 8:22 pm, Mayor Hauser made a motion to enter into executive session to discuss the employment history of a particular individual. The motion was seconded by Trustee Draper and carried unanimously.

Trustee Billings made a motion to leave executive session at 9:05 pm, which was seconded by Trustee Lapiana, and carried with all voting aye.

At 9:06 pm, the meeting was ended upon motion by Trustee Draper, which was seconded by Trustee Lapiana, and carried unanimously.

Respectfully submitted,
Christina Slusser
Village Clerk