

VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
APRIL 19, 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 19th day of April 2021.

PRESENT:	Rick Hauser	Mayor
	Dariel Draper (via Zoom)	Trustee
	Jacquie Billings	Trustee
	Arlene Lapiana	Trustee
	Ernie Lawrence	Trustee

ALSO PRESENT:	Samantha Pierce	Administrator
	Christina Slusser	Village Clerk

GUESTS	Jason Schwartz	Bernard P. Donegan, Inc.
	Lorraine Sturm	Perry Herald

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

PUBLIC COMMENT

No members of the public offered comment.

PRESENTATIONS & BOARD ACTIONS

SEWER RATE STUDY – JASON SCHWARTZ OF BERNARD P. DONEGAN, INC.

Jason Schwartz of BPD presented a draft of the 2021 Sewer Rate Study. The purpose of the study is to project necessary rate increases to cover the \$3.1 million increase in WWTP renovations. The study details four options.

- Scenario 1 – A one-time increase in fiscal year 2021-2022 of \$12.50 to the inside user base rate and \$15.50 to the outside user base rate.
- Scenario 2 – A delayed multi step increase beginning in fiscal year 2022-2023 of \$6.75 to the inside user base rate and \$8.50 to the outside user base rate; in fiscal year 2023-2024, another increase of \$6.75 for inside users and \$8.50 for outside users.
- Scenario 3 – A one-time increase in fiscal year 2021-2022 of \$8.00 to the inside user base rate and \$10.00 to the outside user base rate. Also added is a multi-unit increase with the assumption of 245 new units.
- Scenario 4 – A delayed multi step increase beginning in fiscal year 2022-2023 of \$4.50 to the inside user base rate and \$5.75 to the outside user base rate; in fiscal year 2023-

2024, another increase of \$4.50 for inside users and \$5.75 for outside users. Also added is a multi-unit increase with the assumption of 245 new units.

Jason noted that the single biggest change the Village can make is to update the sewer use law to include number of units. This way the impact of rate increase would be spread over more users.

In summary, the study projects revenues, expenses, and fund balance with each of the four scenarios as well as annual debt service requirements.

APPROVAL OF MINUTES

With one correction of changing "Old Acres" to "Highbanks", motion to approve the minutes from April 5, 2021 was made by Trustee Billings which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION APPOINTING PART-TIME CLERK, ANNETA MARINACCIO

WHEREAS, the Village of Perry has the need to fill the part-time Clerk position and received over 10 applications for the position; and

WHEREAS, the Mayor, Trustee Billings, Village Administrator, Village Clerk, and Deputy Clerk, interviewed four candidates; and

WHEREAS, the interview committee is recommending the hiring of Annetta Marinaccio as the part-time clerk at a rate of \$15.00 per hour; and

BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the appointment of Annetta Marinaccio as the part-time Clerk at a rate of \$15.00 per hour effective May 3, 2021.

Trustee Lawrence moved to approve the motion which was seconded by Trustee Billings and carried unanimously.

RESOLUTION APPOINTING SEASONAL LABORER, JASE STONE

WHEREAS, the Village of Perry has the need to fill the Seasonal, Laborer position and received 1 additional application for the position; and

WHEREAS, the Village Administrator and Superintendent of Public Works interviewed Jase Stone for the position; and

WHEREAS, the Village Administrator and Superintendent of Public Works are recommending the hiring of Jase Stone as the Seasonal, Laborer at a rate of \$12.50 per hour; and

BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the appointment of Jase Stone as the Seasonal, Laborer at a rate of \$12.50 per hour effective May 3, 2021.

Trustee Lapiana made a motion to approve the appointment and above resolution which was seconded by Trustee Billings and carried with all voting aye.

RESOLUTION ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS

Previously, the Village heard a presentation by Haylee Ferington, the Clean Energy Communities Coordinator with Genesee/Finger Lakes Regional Planning Council about the Clean Energy Communities Program. The front office has already been doing some benchmarking work. This resolution establishes energy benchmarking requirements.

BUILDINGS

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Village is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Village of Perry Board of Trustees desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Village; and

WHEREAS, the Village of Perry Board of Trustees desires to establish procedure or guideline for Village staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

- (A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.
- (B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.
- (C) “Commissioner” shall mean the head of the Department.
- (4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Village of Perry that is 1,000 square feet or larger in size.
- (5) “Department” shall mean the Village Clerk’s Office.
- (6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.
- (7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.
- (8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.
- (9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.
- (11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.
- (12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.
- (13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Board of Trustees including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Mayor Hauser made a motion approving the resolution which was seconded by Trustee Billings and carried with all voting aye.

RESOLUTION ADOPTING THE 2021-2022 FISCAL YEAR VILLAGE OF PERRY OPERATING BUDGET

WHEREAS, the Village of Perry Board of Trustees held a public hearing on April 5, 2021 at 8:00pm on the tentative budget including the Village's general, water and sewer funds, and elected officials salaries; and

WHEREAS, the 2021-2022 fiscal year budget with a total amount of \$4,416,602 is tax cap compliant with no increase to the tax rate from the prior year; and

BE IT RESOLVED, that the Tentative budget is hereby adopted and approved by the Village of Perry Board of Trustees and is hereby established as the annual budget for the Village of Perry for the 2021-2022 fiscal year; and

BE IT FURTHER RESOLVED, that the Village Administrator and Village Clerk shall prepare and certify the 2021-2022 budget as provided by law, and duplicate copies of the 2021-

2022 adopted budget shall be given to the Mayor, the Village Board, Village Department Heads and submitted to the New York State Office of the Comptroller.

Motion to formally adopt the 2021-2022 budget was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried with all voting aye.

RESOLUTION APPROVING REQUEST FROM THE SILVER LAKE FIREWORKS FUND

The Village received a letter from Lorraine Sturm of the Silver Lakes Fireworks Fund.

WHEREAS, the Village of Perry received a request from the Silver Lake Fireworks Fund in the amount of \$250.00; and

WHEREAS, the Village has supported the Silver Lake Fireworks Fund in past years; and

WHEREAS, the Fireworks display will be on Saturday, July 3rd at 10PM; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the request from the Silver Lake Fireworks Fund and directs the Village Clerk to process a check in the amount of \$250.00.

Trustee Lapiana made a motion to approve the resolution which was seconded by Trustee Billings and carried with all voting aye.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT WITH NYSEG

A new transformer needs to be placed on a parcel on Water Street for the sewer plant upgrade. The easement allows NYSEG to access the property to install and maintain the transformer.

WHEREAS, the easement will be between the Village of Perry and NYSEG on the parcel on Water Street (Tax ID #89.-2-2); and

WHEREAS, the easement will be granted in order to place the new transformer that needs to be installed for the Sewer Plant upgrade; and

WHEREAS, the easement will grant NYSEG a 10' by 10' square easement centered on the new transformer to which they will be allowed ingress and egress in order to service and maintain it; and

WHEREAS, the Village Attorney has reviewed and approved said easement; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the Mayor to execute the easement with NYSEG related to the parcel on Water Street (ID #89.-2-2).

A motion was made by Trustee Lawrence authorizing the Mayor to sign the easement. The motion was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION APPROVING RENTAL REQUESTS FOR VILLAGE FACILITIES

Three requests were received for beachfront functions. The requests were discussed at the parks committee meeting where the committee agreed not to charge for the events understanding the impact that COVID has had on businesses and wanting to promote these businesses and functions. Expenses incurred will be tracked for these events so that fees may be set in the future.

The fourth request was for men’s softball which will be charged appropriately based on previous requests.

WHEREAS, the Parks Committee has reviewed four rental requests at their committee meeting on April 7, 2021; and

WHEREAS, the Parks Committee is recommending the fees listed below:

Name	Program/Activity	Place	Fee	Dates/Times
Josh Rice	Shake on the Lake/Annual Performance	Perry Public Beach	\$ 0	7/26/21-7/31/21 10am-9pm
Sarah Keeler	Genesee Dance Theatre/Dance Performance	Perry Public Beach	\$ 0	6/5/21 9am-4pm
Jacqueline Swaby	Arts Council for Wyoming County/Concert	Perry Public Beach	\$ 0	6/11/21 7:30pm-9pm
Mike Aaron	Men’s Softball League	Perry Park Diamond 1 and Diamond 2	\$ 250 per team	Friday nights 5/7-8/13 6:30pm-10:30pm

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the rental requests at the fees mentioned above.

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

RESOLUTION APPROVING THE WYOMING COUNTY YMCA SUMMER RECREATION PROGRAM

The YMCA is planning to hold the summer rec program at Camp Hough. The YMCA is increasing rates for participants. The Village will help subsidize the program to keep rates lower for Village residents.

WHEREAS, the Parks Committee has reviewed the YMCA proposal for the summer recreation program and have noted no significant changes from the prior year; and

WHEREAS, the Parks Committee is recommending partnering with the Wyoming County YMCA for the summer recreation program; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the service proposal from the Wyoming County YMCA for the Village of Perry Summer Recreation Program and approves the one-time payment of \$5,500 for the 2021 program; and

BE IT FURTHER RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the Mayor to execute the proposal.

Trustee Lapiana made a motion to approve the resolution which was seconded by Trustee Billings and carried with all voting aye.

RESOLUTION APPROVING THE DICKSON'S ENVIRONMENTAL SERVICES, INC. AGREEMENT

WHEREAS, Dickson's Environmental Services, Inc. provides uninterrupted transportation and disposal services of sludge; and

WHEREAS, the costs are as follows:

Rate per ton to transport and dispose of sludge = \$72.00 per ton

Fuel Surcharge of \$.13 per mile (subject to change based on fuel prices)

Container Fee = \$300.00

WHEREAS, the agreement will be in place from April 1, 2021 until April 1, 2024; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the agreement with Dickson's Environmental Services, Inc. from April 1, 2021 until April 1, 2024; and

BE IT FURTHER RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the Mayor to execute the agreement.

Motion to approve the agreement was made by Trustee Billings, seconded by Trustee Lawrence, and carried with all voting aye.

RESOLUTION SUPPORTING THE ACWC'S CRAFT SHOW

Mayor Hauser and Trustees met with representatives of the Arts Council for Wyoming County to hear ideas on the Letchworth Arts and Crafts Show. Letchworth State Park will no longer allow the event to take place on Columbus Day weekend in the park so the ACWC is looking for alternative locations; one being the Village Park which could also include the fireman's grounds. The ACWC wants to gauge the Village's support although the decision on where to hold the event will be up to the Arts Council.

Trustee Billings made a motion to authorize the Village of Perry to enter into contract negotiations for the arts and crafts event noting that the ACWC has the full support of the Board. Trustee Lapiana seconded the motion made by Trustee Billings and it was carried unanimously.

CLERK/DEPUTY TREASURER REPORT

Abstract #22

Vouchers #1202-1298

General Fund	\$ 82,365.33
Special Grant Fund	\$ 3,120.52
Water Fund	\$ 13,207.38
Sewer Fund	\$ 16,880.22
Capital Projects Fund	-
Trust & Agency	\$ 2,595.28
Silver Lake Watershed Commission	\$ 50.60
<hr/>	
Total	\$ 118,219.33

Vouchers were audited by Trustee Lapiana. Motion authorizing payment of vouchers #1202-1298 was made by Trustee Billings, seconded by Trustee Draper, and carried with all voting aye.

DEPARTMENT REPORTS

Reports were reviewed for DPW, Parks, WTP, WWTP, and Police. The WTP report will be used to track monthly usage for the meters with consumption limits.

TRUSTEE REPORTS

Trustee Billings stated that work is being done on furnishings for the beach and she will be presenting an update on the beach project to the Perry Rotary Club later in the week.

Trustee Lawrence was part of the police committee meeting noting that Chief Grover would like to see more cameras around the Village and especially in the Village Park.

EXECUTIVE SESSION

Motion was made by Mayor Hauser at 9:10 pm to enter executive session to discuss a pending legal matter. The motion was seconded by Trustee Lawrence and carried with all voting aye.

Motion to exit executive session was made by Mayor Hauser, seconded by Trustee Lapiana, and carried with all voting aye. Directly after, Trustee Draper made a motion to adjourn the meeting, seconded by Trustee Lapiana, and carried with all voting aye.

Respectfully submitted,
Christina Slusser, Village Clerk