

**VILLAGE OF PERRY  
VILLAGE BOARD MEETING MINUTES  
MAY 3, 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 3<sup>rd</sup> day of May 2021.

PRESENT:	Rick Hauser	Mayor
	Dariel Draper (via Zoom)	Trustee
	Jacque Billings	Trustee
	Arlene Lapiana	Trustee
	Ernie Lawrence	Trustee
ALSO PRESENT:	Samantha Pierce	Administrator
	Christina Slusser	Village Clerk
GUESTS	Jeff Boorsma	MRB Group
	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**

**STEVE DEATON, SUPERINTENDENT OF PUBLIC WORKS – DAM REPAIRS**

Necessary dam repairs were discussed in order to make the dam area safer for employees and cleanup more efficient. The total estimate for materials to make the repairs is \$7,800.

Superintendent Deaton is also recommending a boom for an additional \$1,000 bringing the total to \$8,800. The Silver Lake Watershed Commission has agreed to pay \$3,000 towards the repairs. Superintendent Deaton explained the need for the boom to make it easier to perform regular removal of debris near the dam and to prevent debris getting caught in the dam. Debris is cleaned up as needed; usually 1-2 times per month. The aerator will be put in shortly which will also help.

Administrator Pierce provided a breakdown of the \$5,500 to be contributed by the Village: 60% from the sewer fund (approximately \$3,485) and 20% each from the water and general funds (approximately \$1,162 from each fund).

Trustee Lawrence made a motion for the Village to spend \$5,500 towards dam repairs and a boom using the breakdown of funds provided by the Administrator. The motion was seconded by Trustee Lapiana and carried with all voting aye.

### **APPROVAL OF MINUTES**

Motion to approve the minutes from the special board meeting on April 14, 2021 was made by Trustee Lapiana and seconded by Trustee Lawrence. Motion was carried, but Trustee Billings abstained.

Motion to approve the minutes from the regular board meeting on April 19, 2021 was made by Trustee Billings, seconded by Trustee Lapiana, and carried with all voting aye.

### **RESOLUTION AWARDING BIDS FOR WASTEWATER TREATMENT PLANT IMPROVEMENTS**

The Village completed the proper bid process and is ready to award contracts for a general contractor, electrical, plumbing, and HVAC services at the WWTP. According to Jeff Boorsma, MRB Group will work closely with contractors to make sure all work is going according to plans. There is an expected 18 months of construction with a possible extension for cleanup.

**WHEREAS**, the Village of Perry opened bids for the Wastewater Treatment Plant improvements on February 11, 2021; and

**BE IT RESOLVED**, that the Village of Perry Board of Trustees hereby awards Crane-Hogan Structural Systems, Inc. the Contract for General Construction in the amount of \$8,065,044.00; and

**BE IT RESOLVED**, that the Village of Perry Board of Trustees hereby awards M.W. Controls Service, Inc. the Contract for Electrical Construction in the amount of \$696,510.00; and

**BE IT RESOLVED**, that the Village of Perry Board of Trustees hereby awards Crosby-Brownlie, Inc. the Contract for Plumbing Construction in the amount of \$48,600.00; and

**BE IT RESOLVED**, that the Village of Perry Board of Trustees hereby awards John W. Danforth Company the Contract for HVAC Construction in the amount of \$123,800.00; and

**BE IT FINALLY RESOLVED**, that the Village of Perry Board of Trustees hereby authorizes the Mayor to execute the Notice of Awards for the contracts listed above and enter into agreements with said contractors.

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

**RESOLUTION ACCEPTING RESIGNATION OF PART-TIME POLICE OFFICER, JASON LINDERMAN**

**WHEREAS**, Mr. Jason Linderman has tendered his resignation from the part-time position of Police Officer effective April 19, 2021; and

**WHEREAS**, Mr. Linderman has served as a member of the Village’s Police Department since 2019; and

**NOW, THEREFORE BE IT RESOLVED**, the Village of Perry Board hereby accepts the resignation of Mr. Linderman and thanks him for his service to the Village of Perry and wishes him well with future endeavors.

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

**RESOLUTION ACCEPTING RESIGNATION OF PART-TIME POLICE OFFICER, GREGORY SMITH**

**WHEREAS**, Mr. Gregory Smith has tendered his resignation from the part-time position of Police Officer effective April 22, 2021; and

**WHEREAS**, Mr. Smith has served as a member of the Village’s Police Department since 1988; and

**NOW, THEREFORE BE IT RESOLVED**, the Village of Perry Board hereby accepts the resignation of Mr. Smith and thanks him for his service to the Village of Perry and wishes him well with future endeavors.

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

**RESOLUTION ACCEPTING APPOINTMENT OF PART-TIME PROPERTY MAINTENANCE OFFICER BRITTONI KWIECIEN**

The part time position is for an average of 8 hours per week. An initial meeting is scheduled with Brittoni on Wednesday.

**WHEREAS**, Ms. Kwiecien has expressed her interest in the part-time, Property Maintenance Officer, position; and

**WHEREAS**, the Mayor, Village Administrator and Village Clerk interviewed Ms. Kwiecien and are recommending the hiring at a rate of \$16.00 per hour; and

**NOW, THEREFORE BE IT RESOLVED**, the Village of Perry Board hereby approves the appointment of Brittoni Kwiecien as the part-time, Property Maintenance Officer at a

rate of \$16.00 per hour not to exceed the yearly budgeted amount of \$6,293.00 effective May 4, 2021.

Mayor Hauser made the appointment of Brittni Kwiecien as Property Maintenance Officer for the Village of Perry. Trustee Billings made a motion to accept the appointment which was seconded by Trustee Lapiana and carried with all voting aye.

**RESOLUTION ACCEPTING AMENDED LETTER OF AGREEMENT FOR LETCHWORTH GATEWAY VILLAGES AND INDEPENDENT CONTRACTOR, KATIE SUTOR**

The request came from LGV Director, Nicole Manapol for an hourly rate increase for Katie Sutor. The request does not change the total budget.

**WHEREAS**, Nicole Manapol, Director of Letchworth Gateway Villages (“LGV”), has requested an increase to Katie Sutor’s, Independent Contractor for LGV, hourly rate due to her increased managerial responsibilities and performance; and

**WHEREAS**, Katie Sutor’s current hourly rate is \$20.00 per hour and the request is to increase her hourly rate to \$25.00 per hour; and

**WHEREAS**, the new hourly rate increase would not increase the overall yearly compensation of the position which is \$14,400.00; and

**NOW, THEREFORE BE IT RESOLVED**, the Village of Perry Board hereby approves the Agreement with Katie Sutor as the Letchworth Gateway Villages lead agent and authorizes the Mayor to execute the amended Letter of Agreement.

Motion to accept this resolution and hourly rate change for Katie Sutor was made by Trustee Billings, seconded by Trustee Lawrence, and carried with all voting aye.

**RESOLUTION DECLARING CERTAIN EQUIPMENT AS SURPLUS**

A new fire truck was recently purchased, so the fire department no longer needs the older truck. It can be declared as surplus and auctioned.

**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 Fire Department maintains a 1992 Mack Fire Truck; and

**WHEREAS**, the Fire Truck has reached the conclusion of its useful life for department needs and has since been replaced; and

**NOW, THEREFORE BE IT RESOLVED**, that the Perry Village Board of Trustees does hereby declare the 1992 Mack Fire Truck as surplus equipment; and

**BE IT FURTHER RESOLVED**, that the Village Administrator is authorized to auction the vehicle as is deemed appropriate.

Trustee Lapiana made a motion to accept this resolution which was seconded by Trustee Billings and carried unanimously.

**RESOLUTION APPOINTING SAMANTHA PIERCE, VILLAGE ADMINISTRATOR AS LABOR STANDARDS OFFICER FOR THE 2019 CDBG PROGRAM**

**WHEREAS**, the Village of Perry has received funding under the 2019 Community Development Block Grant (CDBG) Program for accessibility improvements to the Village Hall; and

**WHEREAS**, the Village is required to designate a Labor Standards Officer for the project whose primary responsibility will be to review and sign off on certified payroll reports for the Village Hall project; and

**BE IT RESOLVED**, the Village of Perry Board of Trustees hereby appoints Samantha Pierce, Village Administrator, to serve as the Labor Standards Officer for the 2019 CDBG Program and directs the Village Clerk to provide a certified copy to Christina Owens, Program Manager for LaBella Associates.

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

**RESOLUTION APPROVING RENEWAL OF SERVICE AGREEMENT WITH CARDIAC LIFE**

There are 3 AEDs within the village – one in the hallway of the Village Hall and 2 within the Fire Department. Cardiac Life will send notification when parts are set to expire.

**WHEREAS**, Cardiac Life has provided the Village with the Medical Oversight needed for our Public Access Defibrillation Program since 2015; and

**WHEREAS**, Cardiac Life provides a number of services including filing required documents with local EMS Councils as required by state law, monthly inspections of our AEDs, and automatic notifications of expiration of AED pads and batteries; and

**WHEREAS**, the Village Administrator is recommending renewing the service agreement with Cardiac Life for a yearly amount of \$594.00; and

**BE IT RESOLVED**, that the Perry Village Board of Trustees does hereby approve the service renewal with Cardiac Life at a cost not to exceed \$594.00.

Motion to accept the resolution and annual service agreement with Cardiac Life was made by Trustee Lawrence, seconded by Trustee Lapiana, and carried with all voting aye.

**RESOLUTION AUTHORIZING ACTION ON BEHALF OF MUNICIPALITY**

This resolution acknowledges action already taken due to the Town of Castile's breach of contract for the Silver Lake Institute.

**VILLAGE BOARD OF THE VILLAGE OF PERRY  
RESOLUTION AUTHORIZING ACTION REGARDING  
ON BEHALF OF MUNICIPALITY**

Adopted: May 3, 2021

**WHEREAS**, the Village Board of the Village of Perry met at a regular board meeting at the Village Hall located at 46 North Main Street on the 3<sup>rd</sup> day of May 2021, commencing at 7:30 p.m., at which time and place the following members were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Dariel Draper (via Zoom)
	Trustee	Jacquie Billings
	Trustee	Arlene Lapiana
	Trustee	Ernie Lawrence
<u>Absent:</u>	N/A	

**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**, it was brought to the attention of the Village Administrator and the Village Clerk on or about March 31, 2021 that the Town of Castile had breached the Agreement dated March 5, 1984 between the Village of Perry and the Town of Castile for water and sewer services in the Silver Lake Institute District(s); and

**WHEREAS**, it appears that the Village of Perry provided water and sewer services to Silver Lake Institute between March 30, 2018 and March 31, 2021 and the Town of Castile failed to make payments for such services; and

**WHEREAS**, so far as can now be determined, the following damages have been sustained as a result of the Town of Castile's breach of contract:

Waste Water O&M Billing	\$ 95,003.09
Water Underbilling	\$108,405.00

**WHEREAS**, the Village Administrator and the Mayor sought counsel from Village Attorney, David M. DiMatteo, who advised that the Village submit invoices to the Town of Castile and make a claim against the Town of Castile for breach of contract; and

**WHEREAS**, invoices were submitted via mail to the Town of Castile on April 5, 2021; and

**WHEREAS**, Attorney DiMatteo prepared the Notice(s) of Claim against the Town of Castile which were personally served upon the Town Clerk of the Town of Castile on April 15, 2021; and

**WHEREAS**, the Village Board feels it is in the best interest of the Village of Perry to acknowledge that such actions were taken with regard to the Town of Castile's breach of contract and authorize approval of the service of the Notice(s) of Claim and any continuation of action in the event that the Town of Castile does not remit payment for invoices submitted on or about April 5, 2021.

**NOW ON MOTION OF** Trustee Billings which has been duly seconded by Trustee Lapiana, be it

**RESOLVED**, that the Village Board of the Village of Perry hereby acknowledges the actions taken by the Village Attorney, David M. DiMatteo, Esq., in consideration of the Town of Castile's breach of contract for water and sewer services; and be it further

**RESOLVED**, that the Village Board of the Village of Perry hereby acknowledges that Notice(s) of Claim against the Town of Castile for breach of contract were personally served on the Town Clerk of the Town of Castile on April 15, 2021; and be it further

**RESOLVED**, that in the event that the Town of Castile does not remit payment to the Village of Perry for the invoices submitted on or about April 5, 2021, the Village Board hereby approves Attorney DiMatteo's representation of the Village in continuation of the action.

Ayes: 5

Nays: 0

Quorum Present:  Yes  No

Dated: May 3, 2021

#### **RESOLUTION AUTHORIZING ACTION ON BEHALF OF MUNICIPALITY**

This resolution acknowledges action already taken due to the Town of Castile's breach of contract for the Gardeau District.

**VILLAGE BOARD OF THE VILLAGE OF PERRY  
RESOLUTION AUTHORIZING ACTION  
ON BEHALF OF MUNICIPALITY**

Adopted: May 3, 2021

**WHEREAS**, the Village Board of the Village of Perry met at a regular board meeting at the Village Hall located at 46 North Main Street on the 3<sup>rd</sup> day of May 2021, commencing at 7:30 p.m., at which time and place the following members were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Dariel Draper (via Zoom)
	Trustee	Jacquie Billings
	Trustee	Arlene Lapiana
	Trustee	Ernie Lawrence
<u>Absent:</u>	N/A	

**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**, it was brought to the attention of the Village Administrator and the Village Clerk on or about March 31, 2021 that the Town of Castile had breached the Agreement dated December 31, 2002 between the Village of Perry and the Gardeau Water District, a municipal district operated by the Town of Castile; and

**WHEREAS**, it appears that the Village of Perry supplied water to the residents and businesses of the Gardeau Water District between March 30, 2018 and March 31, 2021 and the Town of Castile failed to make payments for such services.; and

**WHEREAS**, so far as can now be determined, the following damages have been sustained as a result of the Town of Castile's breach of contract:

Water Underbilling    \$12,510.00

**WHEREAS**, the Village Administrator and the Mayor sought counsel from Village Attorney, David M. DiMatteo, who advised that the Village submit invoices to the Town of Castile and make a claim against the Town of Castile for breach of contract; and

**WHEREAS**, invoices were submitted via mail to the Town of Castile on April 5, 2021; and

**WHEREAS**, Attorney DiMatteo prepared the Notice of Claim against the Town of Castile which was personally served upon the Town Clerk of the Town of Castile on April 15, 2021; and

**WHEREAS**, the Village Board feels it is in the best interest of the Village of Perry to acknowledge that such actions were taken with regard to the Town of Castile's breach of contract and authorize approval of the service of the Notice of Claim and any continuation of action in the event that the Town of Castile does not remit payment for invoice submitted on or about April 5,



2021.

**NOW ON MOTION OF** Trustee Billings which has been duly seconded by Trustee Lapiana, be it

**RESOLVED**, that the Village Board of the Village of Perry hereby acknowledges the actions taken by the Village Attorney, David M. DiMatteo, Esq., in consideration of the Town of Castile's breach of contract for water and sewer services; and be it further

**RESOLVED**, that the Village Board of the Village of Perry hereby acknowledges that Notice of Claim against the Town of Castile for breach of contract was personally served on the Town Clerk of the Town of Castile on April 15, 2021; and be it further

**RESOLVED**, that in the event that the Town of Castile does not remit payment to the Village of Perry for the invoice submitted on or about April 5, 2021, the Village Board hereby approves Attorney DiMatteo's representation of the Village in continuation of the action.

Ayes: 5

Nays: 0

Quorum Present:  X  Yes      No

Dated: May 3, 2021

#### **CONTRACT WITH THE ARTS COUNCIL FOR WYOMING COUNTY FOR THE 2021 PERRY COMMUNITY BAND**

A contract was presented for the Village to accept the 2021 Community Arts Grant on behalf of the Perry Community Band in the amount of \$1,350. Motion was made by Trustee Lapiana for Mayor Hauser to sign the contract with the Arts Council of Wyoming County. The motion was seconded by Trustee Lawrence and carried unanimously.

#### **GRANT FUNDS RECEIVED FROM RALPH C. WILSON, JR. FOUNDATION**

An article was published in the Batavia Daily News on April 30, 2021 announcing that the Village of Perry received \$50,000 from Ralph C. Wilson, Jr. Legacy Funds, administered by the Community Foundation for Greater Buffalo, which will go towards the cost of a pre-fabricated footbridge which will extend the Silver Lake Trail to be under construction this summer.

#### **AUTHORIZATION FOR AGREEMENT WITH NYSEG**

There are roughly 400 street lights in the Village which are old and consume a lot of electricity. The lights are owned by NYSEG where the Village pays a negotiated rate per fixture per year which helps to fund the maintenance work on the lights. NYSEG offers a replacement program

to replace the street lights with energy efficient LED lights where they are currently working with interested communities. The only cost to the Village is to cover the cost of the unexpired life value of the non-LED fixtures which is \$7,738. NYSEG would bring in a crew to replace the fixtures with the equivalent wattage of LED lights which is expected to cut the energy use in more than half. This is expected to add a savings of about \$28,000 per year for the Village. The board is unanimously in support of the program, but there was some discussion on the color of the lights – if they will be a softer white or yellow so residents will still be able to see the stars at night. Motion for the Mayor to sign the agreement with NYSEG to replace non-LED fixtures with customer requested LED fixtures was made by Trustee Billings, seconded by Trustee Lapiana, and carried with all voting aye.

**CLERK/DEPUTY TREASURER REPORT**

Abstract #23  
 Vouchers #1299-1365

General Fund	\$ 70,608.16
Special Grant Fund	\$ 5,427.22
Water Fund	\$ 32,792.17
Sewer Fund	\$ 13,477.92
Capital Projects Fund	\$ 10,784.17
Trust & Agency	\$ 3,437.73
Silver Lake Watershed Commission	\$ 12.08
<u>Total</u>	<u>\$ 136,539.45</u>

Vouchers were audited by Trustee Lawrence. Motion authorizing payment of vouchers #1299-1365 in the amount of \$136,539.45 was made by Trustee Billings, seconded by Trustee Lapiana, and carried with all voting aye.

**DEPARTMENT REPORTS**

Nothing to report.

**TRUSTEE REPORTS**

Administrator Pierce, Trustee Billings, and Eleanor Jacobs, a representative of the Silver Lake Watershed Commission, attended the Wyoming County Water Resource Agency meeting.

A Silver Lake Watershed Commission meeting took place where a pending agreement and goals for the group were discussed.

Trustees Lawrence and Billings along with Administrator Pierce and Superintendent Deaton attended a call with Coryn Kempster to discuss the recently awarded grant of \$65,000 to fund a serpent mound. The group seemed open minded about placing the mound at the newly renovated public beach.

Trustee Lawrence announced that he officially got involved with Tree board and will soon be meeting with Kyle Adamczak of Letchworth Cable Access to discuss advertising and marketing for the program.

With there being no further business and no executive session necessary, Trustee Draper made a motion to adjourn the meeting at 8:42 pm which was seconded by Trustee Lapiana and carried.

Respectfully submitted,  
Christina Slusser, Village Clerk