

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
SEPTEMBER 7, 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 7th day of September 2021.

PRESENT:	Rick Hauser	Mayor
	Jacquie Billings	Trustee
	Dariel Draper	Trustee
	Arlene Lapiana	Trustee
	Ernie Lawrence	Trustee
ALSO PRESENT:	Samantha Pierce	Administrator
	Christina Slusser	Village Clerk
	David DiMatteo	Village Attorney
GUESTS:	Lorraine Sturm	Perry Herald
	Bill Price	SWBR
	David Roach	DiMatteo & Roach, Attorneys at Law

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

PRESENTATIONS & BOARD ACTIONS

MINUTES

Minutes were reviewed from previous regular board meetings on August 2nd and August 16th and special board meetings on July 28th and August 26th. Motion to approve the minutes for all four dates listed was made by Trustee Lawrence, seconded by Trustee Lapiana, and carried with the following vote:

Ayes	4	Hauser, Draper, Lapiana, Lawrence
Nays	0	
Abstain	1	Billings

RESOLUTION APPROVING PAYMENT #2 FOR VILLAGE HALL PROJECT

WHEREAS, the Village Administrator has received a pay app from the contractor for the Village Hall Project; and

WHEREAS, Pay App #2 was received from the Picone Construction Corporation in the amount of \$32,160.82; and

BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the following payment for Pay App #2 and directs the Village Clerk to submit a voucher for payment:

Picone Construction Corporation

\$32,160.82; and

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

Trustee Lapiana made a motion to approve the resolution approving payment to Picone in the amount of \$32,160.82 which was seconded by Trustee Billings and carried with all voting aye.

RESOLUTION APPROVING RENTAL REQUESTS FOR VILLAGE FACILITIES AND STAFF USE

WHEREAS, the Parks Committee has reviewed two rental requests; and

WHEREAS, the Parks Committee is recommending approving both requests with no charge for pavilion use for Rock the Docks and donating eight hours of staff time for the Serpent Shadow Multisport Festival; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the rental request for Rock the Docks and pavilion use at the Public Beach at no charge; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the request for the Serpent Shadow Multisport Festival and will provide up to eight hours of Village staff time.

Motion to approve the rental requests for Rock the Docks on September 17, 2021 and the Serpent Shadow Multisport Festival on September 25, 2021 was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried with all voting aye.

RESOLUTION APPOINTING FULL-TIME SERGEANT, BLAKE RUSSELL

WHEREAS, there is a vacancy for a full-time Sergeant and Chief Grover is requesting hiring Officer Blake Russell to fill the position of Sergeant; and

WHEREAS, Officer Russell has served on the Village of Perry's Police Department since 2015; and

WHEREAS, Chief Grover is requesting an increase of \$1.50 to Officer Russell's hourly rate; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board of Trustees hereby approves the appointment of Officer Blake Russell as a full-time Sergeant effective September 8, 2021 and approve an increase to his hourly rate of \$1.50.

The Police Committee has been discussing the addition of a sergeant position in the department which would offer more responsibilities for trainings and scheduling. The committee and Village Board agree that the position is a good step for the department. Motion was made by Trustee Lapiana approving the above resolution appointing Officer Russell as Sergeant of the Village of Perry Police Department. The motion was seconded by Trustee Lawrence and carried unanimously. Mayor Hauser made a statement of congratulations to Officer Russell.

RESOLUTION APPROVING LETTER OF AGREEMENT WITH INDEPENDENT CONTRACTOR FOR LETCHWORTH GATEWAY VILLAGES, CYNTHIA DONOVAN

WHEREAS, Nicole Manapol, Director of Letchworth Gateway Villages (“LGV”), has requested to contract with Cynthia Donovan to assist with completing the Digital Trail Mapping Tool grant; and

WHEREAS, the agreement will be effective September 1 – December 31, 2021 at a rate of \$25 per hour for 140 hours of service totaling \$3,500; and

BE IT RESOLVED, the Village of Perry Board hereby approves the Agreement with Cynthia Donovan and authorizes the Mayor to execute the Letter of Agreement.

Mayor Hauser put forth the resolution contracting with Ms. Donovan on the Digital Trail Mapping Project. Trustee Billings seconded this motion which all unanimously voted to approve.

RESOLUTION APPROVING ANNUAL SERVICE AND SUPPLY MAINTENANCE AGREEMENT WITH EAGLE SYSTEMS, INC.

WHEREAS, the Village of Perry contracts with Eagle Systems, Inc. for the Toshiba printer in the Clerk’s Office; and

WHEREAS, the agreement covers service, install parts, and 20,000 pages with excess of 20,000 pages billed at .0064; and

WHEREAS, the quarterly charge of the agreement is \$114.35; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees does hereby approve the annual service and supply maintenance agreement with Eagle Systems, Inc. in the amount of \$457.40 starting November 3, 2021 until November 2, 2022.

Motion was made by Trustee Draper to approve the resolution for the annual service agreement with Eagle Systems. Trustee Lapiana seconded the motion and it was carried unanimously.

RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT WITH C&S ENGINEERS, INC. FOR THE SILVER LAKE TRAIL PROJECT

WHEREAS, the Village of Perry has contracted with C&S Engineers, Inc. for the design of the Silver Lake Trail Project; and

WHEREAS, it was budgeted in the project to contract with C&S Engineers, Inc. for construction inspection services for Phase I at a total amount of \$96,000; and

RESOLVED, that the Village Board hereby approves the above-subject project; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the consultant construction inspection services supplemental agreement with C&S Engineers, Inc. for Phase I of the Silver Lake Trail in an amount not to exceed \$96,000 and authorizes the Mayor to execute the agreement.

The discussed amount was budgeted for in the current fiscal year. The agreement includes 160 hours per month for the resident engineer for construction inspection services. Motion was made by Trustee Draper to adopt the resolution for the agreement with C&S Engineers which was seconded by Trustee Lapiana and carried with all voting aye.

DOWNTOWN REVITALIZATION INITIATIVE (DRI) PROPOSAL FROM LITTLE HIVE LLC

Mayor Hauser and Trustee Billings have been attending regular DRI meetings and the official grant application for the program is due on September 15th. There is a public information session scheduled on Thursday, September 9th in the Perry High School band room at 7:00 pm to get the public’s input on proposed projects. LaBella Associates prepared a draft of the grant application which the DRI Committee has been working to revise. To assist with telling Perry’s story, Sandy Schneible of littleHive, LLC proposed coordinating a video for the digital application. The DRI Committee and Village Board agree that this addition will improve the application and be beneficial to have. Mayor Hauser made a motion to approve the proposal from littleHive LLC for video editing and clip preparation to support the DRI application for an estimated cost between \$1,500 and \$2,000. The motion was seconded by Trustee Billings and carried with all voting aye.

CLERK/DEPUTY TREASURER REPORT

FY 2021-2022
Abstract #7
Vouchers #390 - 473

General Fund	\$ 60,209.48
Special Grant Fund	\$ 4,007.24

Water Fund	\$ 7,159.97
Sewer Fund	\$ 6,502.50
Capital Projects Fund	\$ 54,453.84
Trust & Agency	\$ 50.00
Silver Lake Watershed Commission	\$ 12.02
<hr/> Total	<hr/> \$ 132,395.05

Vouchers were audited by Trustee Lawrence. Motion to approve the clerk report and payments in the amount of \$132,395.05 was made by Trustee Draper, seconded by Trustee Lapiana, and carried with all voting aye.

DEPARTMENT REPORTS

The Police Department report was reviewed for the month of August with no action needed.

TRUSTEE REPORTS

PLANNING/ZONING COMMITTEE - CANNABIS OPT-OUT LOCAL LAW DISCUSSION

The Board has received information from the Zoning Officer, Wyoming County, and NYCOM as well as input from the Village Attorney, weighing the pros and cons of opting in vs. opting out of allowing cannabis retail dispensaries within the Village's jurisdiction. The Mayor's preliminary opinion, having confirmed with the Village Attorney that if the Village opts out now, it will have the option to opt-in at a later date, is to pass a local law to opt-out. If the Village does not pass a local law to opt-out by December 31, 2021, it will be unable to do so later. Passing a local law will be subject to permissive referendum. It was mentioned that currently the State Laws and Federal Laws do not match regarding this topic. Also, the Police Chief is not in favor of seeing retail establishments for cannabis. The potential benefit of a retail dispensary in the Village would allow for a small percentage of sales tax through excise tax which is otherwise collected at the county level. The Board is not aware of any interest of an individual opening a retail location and with details not yet worked out at the state level, the Village is leaning towards opting out for now. The next steps will be to adopt a local law which is subject to permissive referendum then schedule a public hearing.

EXECUTIVE SESSION

At 8:03 pm, Mayor Hauser made a motion to enter executive session to discuss pending litigation which was seconded by Trustee Lawrence and carried. At 9:00 pm, motion to exit executive session was made by Mayor Hauser, seconded by Trustee Draper, and carried.

ARTS COUNCIL FOR WYOMING COUNTY (ACWC) CONTRACT FOR THE LETCHWORTH ARTS & CRAFTS SHOW & SALE

After the Village Board approved the contract with the ACWC, a draft with comments were received from the Arts Council. One of the main things removed from the contract was regarding legal fees. The Village of Perry's stance is to pass direct costs on to the Arts Council. The ACWC had asked the Village of Perry to draft a contract and per Mr. DiMatteo, there have been 7 drafts of the contract so far.

Other changes to the contract were minor, for wording. There was mention of whether volunteers will be covered under the County's Workers Comp Plan but decided no, because it is not necessary for Clean Sweep and other events which the Village has volunteers for.

The Board agrees that the ACWC should be liable for the Village's attorney fees. It was noted that the ACWC is not being charged to use the Village Park and the Village has been paying fees up front with the understanding that it will be reimbursed.

Administrator Pierce expects to receive a redline copy of the contract from the Arts Council and plans to follow up. The Board understands the Arts Council's concern with the costs and risks associated with holding such a festival and plans to maintain a transparent approach.

With there being no further business, motion to adjourn the meeting was made by Trustee Draper at 9:19 pm which was seconded by Trustee Lapiana and carried with all voting aye.

Respectfully submitted,
Christina Slusser, Village Clerk