

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
SEPTEMBER 20, 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 20th 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

GUESTS:	Lorraine Sturm	Perry Herald
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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 were present for comment.

PRESENTATIONS & BOARD ACTIONS

MINUTES

Motion to approve the meeting minutes for the regular board meeting on 9/7/2021 was made by Trustee Draper, seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION APPROVING PAYMENTS FOR WASTEWATER TREATMENT PLANT PROJECT

WHEREAS, the Village Clerk has received pay app #4 from the general contractor, Crane-Hogan Structural Systems, Inc., for the waste water treatment plant project in the amount of \$414,874.50; and

WHEREAS, the Village Clerk has received pay app #2 from the electrical contractor, M.W. Controls Service, Inc., for the waste water treatment plant project in the amount of \$69,840.39; and

WHEREAS, the Village Clerk has received pay app #3 from the HVAC contractor, John W. Danforth Company, for the waste water treatment plant project in the amount of \$24,092.00; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the following payments for the waste water treatment plant project and directs the Village Clerk to submit a voucher for payment:

Crane-Hogan Structural Systems, Inc.	\$414,874.50
M.W. Controls Service, Inc.	\$69,840.39
John W. Danforth Company	\$24,092.00

The above mentioned pay apps were reviewed by MRB Group who has been on site at the project location. Motion to approve the resolution for payments for the Waste Water Treatment Plant project was made by Trustee Draper, seconded by Trustee Lapiana, and carried with all voting aye.

RESOLUTION FOR A PUBLIC HEARING ON PROPOSED LOCAL LAW, “CANNABIS LOCAL LAW OPTING OUT OF RETAIL SALES AND ON-SITE CONSUMPTION ESTABLISHMENTS” SUBJECT TO PERMISSIVE REFERENDUM

The Village Board of the Village of Perry met at a regular meeting at the Village Office of in the Village of Perry, New York on the 20th day of September 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
	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, former Governor, Andrew Cuomo signed into law the Marijuana Regulation and Taxation Act (MRTA) on March 31, 2021; and

WHEREAS, the Village Board of the Village of Perry has considered a proposed local law known as “Cannabis Local Law Opting Out of Retail Sales and On-Site Consumption Establishments,” which would prohibit retail dispensaries of on-site consumption establishments within the boundaries of the Village of Perry; and

WHEREAS, Tax Law §493(c) places a 4% local tax on the retail sale of adult-use cannabis. If the Village of Perry adopts the proposed local law to opt-out of the retail sales and on-site consumption establishments of cannabis, the Village of Perry will not receive 3% of the 4% of the implemented local tax; and

WHEREAS, Local governments, such as the Village Board of the Village of Perry must adopt a local law subject to permissive referendum to opt-out of the retail sales and on-site consumption establishments of cannabis on or before December 31, 2021. No laws opting out of retail sales and on-site establishments of cannabis are eligible to be adopted after December 31, 2021; and

WHEREAS, the Village Board of the Village of Perry finds it in the best interest of the Village of Perry to hold a public hearing on the adoption of said local law, which is subject to permissive referendum.

NOW ON MOTION OF Trustee Lapiana which has been duly seconded by Trustee Lawrence, it is

RESOLVED, by the Village Board of the Village of Perry will hold a public hearing on the proposed local law on the 4th day of October, 2021, at 8:00 p.m., at which time and place all interested parties and citizens for or against the proposed law will be heard.

Ayes: 5

Nays: 0

Quorum Present: Yes No

Dated: September 21, 2021

COMPLETE STREETS

The Village of Perry was approached by the Genesee Valley Regional Planning Council (GVRPC) to be a case study for the Complete Streets program. The GVRPC would assist in creating a policy that fits the Village of Perry which would mutually benefit both organizations. The goal is to create a Complete Streets committee which would later approach the Village to adopt a policy.

RESOLUTION ESTABLISHING A COMPLETE STREETS COMMITTEE AND APPROVING THE APPOINTMENT OF INDIVIDUALS TO SERVE ON COMPLETE STREETS COMMITTEE

WHEREAS, the Complete Streets Committee will be tasked to work with the Genesee/Finger Lakes Regional Planning Council staff to create a complete streets policy for review by the Village Board; and

WHEREAS, a complete streets policy is designed to enable safe travel by all users throughout the Village of Perry; and

WHEREAS, the Mayor of the Village of Perry appoints the following individuals for a term to expire on March 31, 2021, with the option to be renewed annually by the Village Board beginning April 1, 2022; and

James Reynolds	Planning Board/Tree Board
Bethany Zerbe	Zoning Board of Appeals/Library Board
Daryl Heiby	Rotary/Resident

Ellen Heiby	Resident
Bridget Givens	Planning Board
Jill Gould	Business Owner
Mike Bellamy	PMSA/Trail Towns/Business Owner
Sandy Schneible	PMSA
Mary Hotchkiss	Resident

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby creates the Complete Streets Committee and approves the appointment of the individuals listed above to serve on the Complete Streets Committee.

Mayor Hauser made the appointments listed. Trustee Draper made a motion to accept the Mayor’s appointments for a Complete Streets Committee which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION APPROVING INTEGRATED SYSTEMS QUOTES FOR NEW PHONE SYSTEM

WHEREAS, the Village Clerk and Village Administrator are recommending switching to a new phone system due to issues with the current system and lack of support; and

WHEREAS, the Village Clerk has been researching different phone systems; and

WHEREAS, the Village Clerk and Village Administrator are recommending switching to the AVAYA phone system through Integrated Systems; and

WHEREAS, there would be a one time set up cost of \$2,890.00 (Quote 8848), a one time cost for cables of \$170.00 (Quote 8239) and monthly fees of \$480.25 (Quote 8237); and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves Quote 8848, Quote 8239, and Quote 8237 from Integrated Systems for the AVAYA phone system.

Motion approving the quotes designating Integrated Systems as the new phone system provider for the Village was made by Trustee Lawrence, seconded by Trustee Lapiana, and carried with all voting aye.

WATER SYSTEM IMPROVEMENTS PROJECT DOCUMENTS

Motion was made by Trustee Lawrence approving the provided amended Full Environmental Assessment Form (FEAF) Part 1 - Project and Setting. This motion was seconded by Trustee Billings and carried with all voting aye.

SEQR RESOLUTION – DESIGNATING LEAD AGENCY

WHEREAS, the Village of Perry Board of Trustees (hereinafter referred to as Village Board) on July 19, 2021 declared its intent to be designated the Lead Agency for the Village of Perry Water System Improvements Project under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Village Board has provided written notices to this effect to the involved and interested agencies; and

WHEREAS, the Village Board has not received any written objections from the involved agencies to the Board's being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Village Board has previously determined that it is the most appropriate agency to insure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Village Board does hereby designate itself as the lead agency for the Action identified above herein;

The above resolution was provided by MRB Group for the Water System Improvement Project. Motion was made by Trustee Draper to adopt the SEQR resolution designating the Village of Perry as the lead agency which was seconded by Trustee Lapiana and carried with all voting aye.

SEQR RESOLUTION – DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE

WHEREAS, the Village of Perry Board of Trustees (hereinafter referred to as Village Board) has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Village Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 on the Action prepared by the MRB Group; and

WHEREAS, the Village Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Village Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action; and

WHEREAS, the Village Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, that said Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

BE IT FINALLY RESOLVED that the Village Board does hereby make a Determination of Non-Significance on said Action, and the Mayor is hereby directed to sign the Full Environmental Assessment Form Part 3 as the Negative Declaration and as evidence of the Village Board of Trustees determination of environmental non-significance.

Motion to adopt the above resolution provided by MRB Group was made by Trustee Lapiana, seconded by Trustee Draper and carried with all voting aye.

ARTS COUNCIL FOR WYOMING COUNTY AGREEMENT

The 9/20/2021 draft of the agreement between the Arts Council of Wyoming County and the Village of Perry for the Letchworth Arts & Crafts Show & Sale was reviewed and changes from the previous draft were discussed. Workers comp coverage was in the last draft agreement but per Wyoming County, workers comp coverage is not an option for volunteers. Legal fees incurred by the Village for the craft show will be passed on to the Arts Council for reimbursement. Within 20 days of the craft show, the Arts Council will receive a bill from the Village of Perry for all costs incurred. A change was request on page 7 of the draft: The Administrative Fee will be billed and due by October 1, 2021, not September 15, 2021. Motion to approve the changes and the new draft agreement was made by Trustee Draper, seconded by Trustee Lapiana, and carried with all voting aye. Administrator Pierce will follow up with a final copy of the contract for the mayor’s signature.

DRINKING WATER PROGRAM

Mayor Hauser received an inquiry from Jason Haremza who is looking for Perry and Mt. Morris to be a case study for a communities drinking water source protection program. Mr. Haremza is interested in presenting to the appropriate entity and Mayor Hauser is proposing the presentation to take place at the next Silver Lake Watershed Committee Meeting on October 21st and 7:00pm. Mayor Hauser will follow up with more detailed information to add the presentation to the SLWC agenda.

CLERK/DEPUTY TREASURER REPORT

FY 2021-2022

Abstract #8

Vouchers #483 - 575

General Fund	\$ 46,466.44
Special Grant Fund	\$ 1,324.73
Water Fund	\$ 12,345.48
Sewer Fund	\$ 8,724.25
Capital Projects Fund	\$ 548,928.35
Trust & Agency	\$ -
Silver Lake Watershed Commission	\$ -
<hr/> Total	<hr/> \$ 617,789.25

Vouchers were audited by Trustee Lawrence. Motion to approve payment of abstract #8 in the amount of \$617,789.25 was made by Trustee Draper, seconded by Trustee Lapiana, and carried with all voting aye.

Revenue and expense reports for General, Water, and Sewer for the current fiscal year through the end of August were provided and will be presented to the board monthly. Administrator Pierce explained the report values for revenues vs expenditures and the percentage of the budget used vs percentage remaining.

DEPARTMENT REPORTS

The DPW report detailed meetings attended and projects in the works. The WTP and WWTP reports were also reviewed with no action needed on either report.

TRUSTEE REPORTS

Trustee Lawrence announced that he has been following the progress of the Silver Lake Trail construction and is now seeing work started on Memorial Park with markings on the creek below. He has been attending meetings with the Silver Lake Trail Committee and mentioned that he is impressed with Seth Kaeuper of C&S Companies saying that he believes Seth is looking out for the best interest of the village. It could be well into the spring before a decision is needed regarding placement of signs for the trail, so there is plenty of time to work on the signage design.

Trustee Billings reported a successful first concert at the Public Beach for Rock the Docks. The concert was well executed, well supported, and there were no reports of problems. The final accounting of the event is still being calculated. Sponsorship is now available for tables and chairs at the Public Beach.

The ACWC continues to meet each Wednesday. A meeting has been called on by the County Sheriff to review final safety plan. Volunteers are still needed for the craft show.

Trustees Lapiana and Draper had nothing additional to comment. With no executive session needed, motion to adjourn was made by Trusted Draper at 8:16 pm which was seconded by Trustee Lapiana and carried.

Respectfully submitted,
Christina Slusser, Village Clerk