

**VILLAGE OF PERRY  
VILLAGE BOARD MEETING MINUTES  
OCTOBER 4, 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 4<sup>th</sup> day of October 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**

Public hearing scheduled for 8:00 pm.

**PRESENTATIONS & BOARD ACTIONS**

**MINUTES**

Motion to approve the meeting minutes for the regular board meeting on 9/20/2021 was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried with all voting aye.

**RESOLUTION APPROVING PROPOSAL FROM LABELLA ASSOCIATES FOR ENVIRONMENTAL REVIEW SERVICES FOR THE SILVER LAKE CREEK FOOTBRIDGE PROJECT**

**WHEREAS**, LaBella Associates has provided a proposal for professional engineering and management services for an environmental desktop review for purposes related to the extension of the Silver Lake Trail and Footbridge project; and

**WHEREAS**, the total estimated cost is not to exceed \$850.00; and

**NOW THEREFORE BE IT RESOLVED**, that the Village Board of Trustees hereby approves the proposal from LaBella Associates in an amount not to exceed \$850.00.

Motion was made by Trustee Billings to approve LaBella's services for the Silver Lake Creek Footbridge which was seconded by Trustee Lawrence and carried with all voting aye.

**RESOLUTION APPROVING PAYMENT FOR THE SILVER LAKE TRAIL PROJECT**

**WHEREAS**, the Village Clerk has received pay app #1 from the contractor, CP Ward, Inc., for the Silver Lake Trail project in the amount of \$198,785.67; and

**WHEREAS**, the engineers on the project, C&S Engineers, have reviewed and approved the pay app; and

**NOW, THEREFORE BE IT RESOLVED**, that the Perry Village Board of Trustees hereby approves the following payment for the Silver Lake Trail project and directs the Village Clerk to submit a voucher for payment:

CP Ward, Inc.	\$198,785.67
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The pay app was reviewed and signed off on by Bob Wiltse, an engineer with C&S. Motion to approve payment of pay app #1 in the amount of \$198,785.67 for the Silver Lake Trail Project was made by Trustee Draper, seconded by Trustee Lapiana, and carried with all voting aye.

**RESOLUTION AUTHORIZING CHANGE ORDER #2, AIR QUALITY MONITORING, AND ADDITIONAL TESTING FOR THE VILLAGE HALL CAPITAL PROJECT**

**WHEREAS**, Flynn Battaglia has presented Change Order #2 regarding the Village Hall Capital Project and additional asbestos removal on the ground floor of the Village Hall and areas in the attic; and

**WHEREAS**, Picone Construction Corp. has provided a cost estimate from Stohl Environmental to perform this additional abatement for a total cost of \$28,574.77 which will extend the contract time by 49 days; and

**NOW, THEREFORE BE IT RESOLVED**, the Village of Perry Board of Trustees hereby authorizes Change Order #2 for the Village Hall ADA Improvements Capital Project in an amount of \$28,574.77 and authorizes the Mayor to execute the proposal.

Additional asbestos abatement is required in the Village Hall and 3 proposals were received. Some factors which played into the higher-than-expected cost are the use of prevailing wage and different areas of the building being affected which requires multiple areas to be blocked off properly. Motion to approve change order #2 for the Village Hall project and the resolution above was made by Trustee Billings, seconded by Trustee Draper, and carried with all voting aye

**RESOLUTION AUTHORIZING AIR QUALITY MONITORING AND ADDITIONAL ASBESTOS TESTING FOR THE VILLAGE HALL CAPITAL PROJECT**

**WHEREAS**, Flynn Battaglia is recommending approving the proposal from Stohl Environmental to perform air quality monitoring needed during asbestos abatement for a total of \$2,226.00; and

**WHEREAS**, Flynn Battaglia is also recommending additional asbestos testing on the ground floor for a total of \$440.00; and

**THEREFORE BE IT RESOLVED**, the Village of Perry Board of Trustees hereby approves the proposals from Stohl Environmental for air quality monitoring in the amount of \$2,226.00 and additional asbestos testing in the amount of \$440.00 and authorizes Flynn Battaglia to execute the proposals on behalf of the Village of Perry.

Motion was made by Trustee Lapiana approving the resolution above which was seconded by Trustee Lawrence and carried with all voting aye.

It was noted that the Village did not win the grant for window replacement in the Village Hall.

#### **RESOLUTION AUTHORIZING APPLICATION FOR JUSTICE FUNDING**

**WHEREAS**, the Village of Perry Justice Court is eligible to apply for a Justice Court Assistance Program Grant for the 2021-2022 fiscal year; and

**WHEREAS**, the Village Court is requesting authorization from the Village Board to apply for a Justice Court Assistance Program (JCAP) Grant in the amount of \$392.00; and

**THEREFORE BE IT RESOLVED**, the Board of Trustees of the Village of Perry hereby authorizes the Perry Village Court to apply for a JCAP grant in the 2021-2022 grant cycle up to \$392.00.

Motion was made by Trustee Draper approving the resolution above regarding JCAP funding. The motion was seconded by Trustee Lapiana and carried with all voting aye.

#### **RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT FOR EMPLOYEE ASSISTANCE PROGRAM**

**WHEREAS**, the ESI Employee Assistance Group has provided the Village of Perry with an annual renewal agreement for the Employee Assistance Program (EAP) at a cost of \$1,380.00 for general employees and \$535.00 for public safety employees; and

**WHEREAS**, the EAP program is available to all employees and their household members including children up to age 26 who do not reside with the employee; and

**WHEREAS**, the EAP program offers many free services for employees including counseling, trainings, and wellness resources; and

**THEREFORE**, be it resolved that the Board of Trustees of the Village of Perry approves the Employee Assistance Program Contract for a period of 11/1/2021-10/31/2022 at a total cost of \$1,915.00 and authorizes the Village Clerk to execute the agreement.

Motion to approve the annual renewal of the Employee Assistance Program contract was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried with all voting aye.

#### **REQUEST FOR AMENDMENT GRANT GUIDELINES – SHARS ID#20190273**

LaBella Associates drafted a letter to the NYMS Program Director to request an amendment for the use of NYMS grant funds. If allowed, the awarded funds could be used for a building stabilization grant rather than a target area renovation grant. Project costs came in higher than expected and a change in grant funds would allow for necessary building renovations. The village would like to utilize this funding to stabilize the buildings and make them available for future development. Mayor Hauser requested a motion for authorization to sign the grant amendment letter. Motion was made by Trustee Billings to sign the letter to Patricia O'Reilly, NYMS Program Director, which was seconded by Trustee Lapiana and carried with all voting aye.

#### **OYA SOLAR PROGRAM**

Mayor Hauser has been looking into the OYA Solar's community solar project which offers credits on NYSEG bills. The program estimates a 10% credit to be received on each bill with no upfront costs. People in the community are also able to sign up for the program. This would be an additional benefit to the GVRPC Clean Energy Communities' Program, which the Village is still meeting on. GVRPC's program allows for credits on certain energy saving additions like LED streetlights and the electric car charging station. Once certain goals are reached, money is received to assist in reaching the next goal/energy saving initiative. With the Board's support, Mayor Hauser will ask the representative with OYA Solar for a contract which would be reviewed by the Village Attorney.

#### **PUBLIC HEARING ON PROPOSED LOCAL LAW "CANNABIS LOCAL LAW OPTING OUT OF RETAIL SALES AND ON-SITE CONSUMPTION ESTABLISHMENTS"**

At 8:00 pm, Mayor Hauser opened the public hearing regarding a cannabis local law. The nature of the proposed law allows the Village to take the concept at a slower pace. This allows for time to find out the demand and review the cost vs. benefits. By opting out now, with the option to opt back in at any time, the Village can review other communities' failures or

successes and make a decision in the best interest of the Village. With no one present to comment, the public hearing was left open until a motion was later made.

### **CLERK/DEPUTY TREASURER REPORT**

FY 2021-2022

Abstract #9

Vouchers #576 - 624

General Fund	\$ 27,762.44
Special Grant Fund	\$ 312.40
Water Fund	\$ 4,874.34
Sewer Fund	\$ 3,267.48
Capital Projects Fund	\$ 205,111.97
Trust & Agency	\$ -
Silver Lake Watershed Commission	\$ 12.02
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Total	\$ 241,340.65

Vouchers were audited by Trustee Billings. Motion to approve abstract #9 and payments in the amount of \$241,340.65 was made by Trustee Draper, seconded by Trustee Lapiana, and carried with all voting aye

### **TRUSTEE REPORTS**

Mayor Hauser and Administrator Pierce have been working with the Genesee Finger Lakes Regional Planning Council and their Clean Energy Communities Program. The program helps municipalities save money and shrink their carbon footprint. By completing high impact action items as outlined in the program, the Village can receive money towards other clean energy projects and grant opportunities.

One concept that has been explored is through an energy performance contract. The heating and cooling in the Village Hall needs upgrading. The Village Hall currently has an old boiler system, no fresh air circulation, and window air conditioners with some spaces having no air conditioning. The second floor of the Village Hall will need updated heating and cooling once open to the public.

With a performance contract, energy efficiency firms design a system and find other village owned properties which can generate the rest of the savings. The Village would borrow money to do the project which is paid back by the savings over the years. The Village put out an RFP for the clean heating and cooling for the Village Hall and received a proposal from Siemens. To move forward at this point, there would be no upfront costs to explore what options there are for a performance contract.

Trustee Billings will find out this week if the Village of Perry is a finalist for the DRI (Downtown Revitalization Initiative). If so, a presentation would need to be done virtually on Tuesday. The committee is working on a presentation to be proactive. The Letchworth Arts and Crafts Show and Sale is this weekend at the Perry Village Park

Trustee Lawrence spoke about the continuing progress on the Silver Lake Trail. Work is beginning on east and west trail heads. Trustee Lawrence is also working on language for the letter of intent for a skatepark and plans to share some information with the Parks Committee. Trustees Lapiana and Draper had nothing to report.

Mayor Hauser closed the public hearing at 8:13 pm and addressed the Board to consider adopting the local law.

**RESOLUTION ADOPTING LOCAL LAW ENTITLED, “CANNABIS LOCAL LAW OPTING OUT OF RETAIL SALES AND ON-SITE CONSUMPTION ESTABLISHMENTS” SUBJECT TO PERMISSIVE REFERENDUM**

Adopted: October 4, 2021

The Village Board of the Village of Perry met at a regular meeting at the Village Office in the Village of Perry, New York on the 4<sup>th</sup> day of October 2021, commencing at 8:00 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

Absent: 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**, the Village Board of the Village of Perry held a socially distanced public hearing due to the COVID-19 regulations on the proposed adoption of said local law on the 4th day of October 2021 at 8:00 p.m., at which time all interested parties and citizens for or against the proposed law were heard; 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 and 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 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 consumption establishments of cannabis are eligible to be adopted after December 31, 2021; and

**WHEREAS**, in an effort to combat drug use in the County of Wyoming, the Village Board of the Village of Perry believes it to be wise to prohibit cannabis retail dispensaries and on-site consumption establishments within the Village of Perry. With that being said, the Village Board of the Village of Perry finds in the best interest of the Village of Perry to adopt the proposed local law entitled, “Cannabis Local Law Opting Out of Retail Sales and On-Site Consumption Establishments”; and

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

**RESOLVED**, that the Village Clerk of the Village of Perry is hereby directed to publish an abstract of this resolution concisely stating the purpose and effect thereof in the Village’s official newspaper within ten (10) days after the date of adoption of this resolution; and be it further

**RESOLVED**, that said resolution shall not take effect until thirty (30) days after its adoption or until approved by the affirmative vote of a majority of the qualified electors in the Village of Perry; and be it further

**RESOLVED**, the Village Board of the Village of Perry hereby adopts the local law entitled, “Cannabis Local Law Opting Out of Retail Sales,” which shall take effect if no petition is filed within thirty (30) days of this resolution; and be it further

**RESOLVED**, if a petition is signed by a number of village electors equal to at least 20% of the electors of the village, as shown on the register of electors for the previous general village

elections, the adoption of the local law entitled, "Cannabis Local Law Opting Out of Retail Sales and On-Site Consumption Establishments," shall be brought to a vote.

Ayes: 5

Nays: 0

Quorum Present:  Yes  No

Dated: October 4, 2021

#### **EXECUTIVE SESSION**

Motion to enter executive session at 8:14 pm to discuss the employment history of a particular individual was made by Mayor Hauser, seconded by Trustee Draper, and carried with all voting aye.

Motion to exit executive session at 8:35 pm was made by Mayor Hauser and seconded by Trustee Draper. Motion was carried.

At 8:35 pm, motion was made by Trustee Draper to adjourn the meeting which was seconded by Trustee Lapiana and carried.

Respectfully submitted,  
Christina Slusser, Village Clerk