

**VILLAGE OF PERRY  
VILLAGE BOARD MEETING MINUTES  
OCTOBER 18, 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 18<sup>th</sup> day of October 2021.

PRESENT:	Dariel Draper	Trustee
	Jacquie Billings	Trustee
	Arlene Lapiana	Trustee
	Ernie Lawrence	Trustee

ALSO PRESENT:	Samantha Pierce	Administrator (via Zoom)
	Christina Slusser	Village Clerk

GUESTS:	Lorraine Sturm	Perry Herald
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In the absence of Mayor Hauser, Deputy Mayor Draper 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**

Minutes were reviewed for the last regular board meeting on October 4, 2021. Motion to approve the minutes was made by Trustee Lawrence, seconded by Trustee Lapiana, and carried with all voting aye.

**RESOLUTION APPROVING PAYMENTS FOR WASTEWATER TREATMENT PLANT PROJECT**

**WHEREAS**, the Village Clerk has received pay app #5 from the general contractor, Crane-Hogan Structural Systems, Inc., for the waste water treatment plant project in the amount of \$609,039.30; and

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

Crane-Hogan Structural Systems, Inc.

\$609,039.30

Motion was made by Trustee Billings authorizing payment in the amount of \$609,039.30 to Crane-Hogan for pay app #5 for Waste Water Treatment Plant improvements. This motion was seconded by Trustee Lawrence and carried unanimously.

### **RESOLUTION APPROVING PAYMENT #3 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 #3 was received from the Picone Construction Corporation in the amount of \$6,495.44; and

**BE IT RESOLVED**, that the Perry Village Board of Trustees hereby approves the following payment for Pay App #1 and directs the Village Clerk to submit a voucher for payment:

Picone Construction Corporation	\$6,495.44; and
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**BE IT RESOLVED**, that the Perry Village Board of Trustees hereby authorizes the Mayor to execute the payment certification.

Trustee Billings made a motion to approve pay app #3 in the amount of \$6,495.44 to Picone for the Village Hall project which was seconded by Trustee Lapiana and carried unanimously.

### **RESOLUTION ADOPTING THE NEW YORK STATE UNIFIED SOLAR PERMIT**

**WHEREAS**, The Village of Perry Board of Trustees adopted the "NYS Fire Prevention and Building Construction" code to provide minimum requirements to safeguard the public safety; and

**WHEREAS**, The Village of Perry Code Enforcement Officer, who administers and enforces all provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and the Village of Perry Code; and

**WHEREAS**, The Village of Perry requires the issuance of a building permit for the construction, enlargement, alteration, repair, removal or demolition of any building or other structure; and

**WHEREAS**, The New York State Uniform Fire Prevention and Building Code regulates the design, construction, installation, alteration and repair of equipment and systems using solar systems; and

**WHEREAS**, The New York State Energy Research and Development Authority has developed a New York State Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes: and

**WHEREAS**, The Village of Perry Board of Trustees desires to promote the streamlining of the application process for small-scale photovoltaic system installations under 25 kW in size by adopting the New York State Unified Solar Permit application form and implementing the new procedures,

**NOW THEREFORE, BE IT RESOLVED**, the Village of Perry Board of Trustees hereby adopts the New York State Unified Solar Permit application form and procedures for the installation of small scale photovoltaic systems; and it is further

**RESOLVED**, The Village of Perry Code Enforcement Officer is hereby directed to use said New York State Unified Solar Permit application for and procedures in the issuance of building permits for the installation of small-scale photovoltaic systems; and it is further

**RESOLVED**, Any further actions required of the Village of Perry to effect the foregoing are hereby authorized and the Mayor is hereby authorized to execute and deliver any instruments, documents or the like as required to effect the same.

Wyoming County is already using the NYS Unified Solar Permit. This is an action item for the clean energy program the Village has been working on. Motion was made by Trustee Lawrence to adopt the resolution above regarding the New York State Unified Solar Permit which was seconded by Trustee Billings and carried with all voting aye.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PERRY AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS 2009 AERIAL RESCUE FIRE APPARATUS FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE**

USDA Form RD 1942-47 Loan Resolution (Public Bodies) was presented with the above resolution. The Village of Perry will receive \$90,000 through a grant with the USDA but it is necessary to bond the remaining \$420,000 for the purchase of the 2009 fire truck. This resolution is needed to close out the loan through the USDA. Motion was made by Trustee Billings to adopt the loan resolution for the 2009 fire truck which was seconded by Trustee Lawrence and carried with all voting aye.

**RESOLUTION OF STATEMENT OF ACCEPTANCE FOR THE 2009 PIERCE AERIAL FIRE TRUCK BY THE VILLAGE OF PERRY**

**WHEREAS**, the Village of Perry accepts the 2009 Pierce 100' Aerial Truck Vehicle Identification Number 4P1CA01H0AA010447 as satisfactory and complete as delivered with 14,731 miles on the odometer; and

**BE IT RESOLVED**, that the Board of Trustees of the Village of Perry does hereby authorize final payment of \$510,000.

The above resolution is another required piece for the grant and necessary to close out the loan through the USDA. Motion was made by Trustee Lapiana to adopt the resolution of statement of acceptance for the fire truck which was seconded by Trustee Lawrence and carried with all voting aye.

**RESOLUTION ADOPTING THE RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS (LGS-1)**

**RESOLVED**, by the Board of Trustees of the Village of Perry that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Laws, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

**FURTHER RESOLVED**, that in accordance with Article 57-A:

- (a) Only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;
- (b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

The Village Administrator and Clerk are currently looking into the possibility of getting a grant to help with records management. The LGS-1 is a 411 page document for the purpose of indicating the minimum length of time that local government officials must retain their records before they may be disposed of legally. The document provides a single consolidated resource to determine the retention period for records that local governments create. Motion to adopt the Retention and Disposition Schedule was made by Trustee Lawrence, seconded by Trustee Lapiana, and carried with all voting aye.

**RESOLUTION APPROVING THE 2022-2023 SNOW & ICE CONTROL AGREEMENT WITH WYOMING COUNTY**

**WHEREAS**, the Village of Perry enters into an annual snow and ice control agreement with Wyoming County for the control of snow and ice on county highways; and

**WHEREAS**, Wyoming County has submitted the 2022-2023 agreement in an amount of \$6,522.72 being paid to the Village; and

**NOW, THEREFORE BE IT RESOLVED**, the Village of Perry Board hereby approves the 2022-2023 Snow and Ice Control Agreement with Wyoming County; and

**BE IT FURTHER RESOLVED**, the Village of Perry Board authorizes the Deputy Mayor to execute the agreement.

This agreement, regarding snow and ice control on county highways is an increase of \$100 over last year's agreement. Motion to adopt the agreement was made by Trustee Lapiana, seconded by Trustee Draper, and carried with all voting aye.

**RESOLUTION APPROVING MRB ENGINEERING AGREEMENT AMENDMENT #2 FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT**

**WHEREAS**, MRB has proposed Amendment #2 for Engineering Design Services for the Wastewater Treatment Plant Improvements Project; and

**WHEREAS**, the duration of the project was increased to 18 months during the bidding process and construction observation and construction administration services from MRB for the project need to be increased to fit the 18 month timeframe; and

**WHEREAS**, the proposed increase is partially due to on-site special inspections for materials testing and structural testing for the project; and

**WHEREAS**, the requested increase is as follows:

Added Construction Administration (hourly, not-to-exceed)	\$87,000
Added Construction Observation (hourly, not-to-exceed)	\$82,000
Added Additional Services (hourly or pass-thru)	\$50,000

**NOW, THEREFORE BE IT RESOLVED**, the Village of Perry Board hereby approves Amendment No. 2 with MRB for services related to the Wastewater Treatment Plant Improvements Project; and

**BE IT FURTHER RESOLVED**, the Village of Perry Board authorizes the Deputy Mayor to execute the agreement.

MRB Group asked for an amendment to their contract for the WWTP Improvement Project. Because the duration of the project extended to 18 months from 12 months, MRB Group is requesting to extend their services for construction administration and observation to allow for quality oversight of the project. There is money in contingency for these additional costs so this

will not increase the total amount borrowed. Motion to approve the resolution above and amendment #2 to the owner-engineer agreement was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried with all voting aye.

**RESOLUTION AUTHORIZING CHANGE ORDER #3, AIR QUALITY MONITORING, ADDITIONAL HAZARDOUS MATERIALS TESTING, AND CHANGE ORDER #4 FOR THE VILLAGE HALL CAPITAL PROJECT**

**WHEREAS**, Flynn Battaglia has presented Change Order #3 regarding the Village Hall Capital Project and additional asbestos removal on the ground floor of the Village Hall in the police break room in an amount of \$15,807.31; and

**WHEREAS**, Flynn Battaglia has presented a proposal from Stohl Environmental for air monitoring and project monitoring in an amount of \$5,291 which supersedes the proposal that was approved on October 4, 2021; and

**WHEREAS**, Flynn Battaglia is recommending additional hazardous materials testing for the Village Hall project and has presented a proposal from Stohl Environmental in an amount of \$3,165; and

**WHEREAS**, Flynn Battaglia has presented Change Order #4 to reinstall the radiator in the Village Clerk's Office in an amount of \$2,053.13; and

**NOW, THEREFORE BE IT RESOLVED**, the Village of Perry Board of Trustees hereby authorizes the following expenditures and change orders for the Village Hall ADA Improvements Capital Project and authorizes the Deputy Mayor to execute the change orders and proposals:

Change Order #3	\$15,807.31
Stohl Environmental Project/Air Monitoring	\$5,291.00
Stohl Environmental Additional Testing	\$3,165.00
Change Order #4	\$2,053.13

More asbestos removal is needed on the ground floor in the old police locker room and break room because the ceiling tiles contain asbestos. It was noted that while the board does not oppose the resolution, the Village is disappointed in the process of asbestos determination. The total accumulation of additional costs is roughly between \$50,000 & \$60,000. A complete report of hazardous material testing for the Village Hall should be received so that testing does not need to be done in the future for other phases of the project or later renovations. The board agreed to confirm the question from Trustee Billings on whether the testing results expire over time or if there is a responsibility to abate if there are known hazardous materials. Trustee Billings made a motion to approve change order #3, additional asbestos testing, and

change order #4 for the Village Hall project with the caveat that the additional testing provides guaranteed results over a period of time. This motion was seconded by Trustee Lapiana and carried with all voting aye.

**RESOLUTION APPROVING EVENT REQUEST AND RENTAL REQUEST FOR VILLAGE FACILITY**

**WHEREAS**, the Parks Committee has reviewed one event request for the Holiday Delights Festival on December 4, 2021 and one facility request for use of the fields at the village park; and

**WHEREAS**, the Parks Committee is recommending approving both requests and charging \$75 per field per day with no lights and \$150 per field with use of the lights; and

**BE IT RESOLVED**, that the Village of Perry Board of Trustees hereby approves the event request for the Holiday Delights Festival; and

**BE IT RESOLVED**, that the Village of Perry Board of Trustees hereby approves the request for the Gilead School of Discipleship and charging a fee of \$75 per field per day and \$150 per field with use of the lights.

Holiday DeLights is planned for December 4<sup>th</sup>. This event request will be followed up with a request to shut down Main Street for the festival. The Gilead School can choose to use the field with lights for \$150 or without for \$75. Motion to approve the event request and rental request was made by Trustee Billings, seconded by Trustee Lapiana, and carried with all voting aye.

**CLERK/DEPUTY TREASURER REPORT**

FY 2021-2022

Abstract #10

Vouchers #625 - 723

General Fund	\$ 27,511.51
Special Grant Fund	\$ 798.03
Water Fund	\$ 2,942.05
Sewer Fund	\$ 9,725.20
Capital Projects Fund	\$ 655,691.99
Trust & Agency	\$ -
Silver Lake Watershed Commission	\$ 281.72
Total	\$ 696,950.50

Vouchers were audited by Trustee Billings. Motion to approve abstract #10 and payments in the amount of \$696,950.50 was made by Trustee Lawrence, seconded by Trustee Lapiana, and carried with all voting aye.

### **DEPARTMENT REPORTS**

Department reports for the WTP, WWTP, Police, DPW, and Parks were all reviewed. All departments have been busy over the last few months. A question arose on why September was such an active month for the police department. No immediate answer was provided.

### **TRUSTEE REPORTS**

Trustee Draper read aloud a letter received from Jackie Swaby, the Executive Director of the Arts Council for Wyoming County:

“On behalf of the Arts Council for Wyoming County Board of Directors, staff members, LACS artisans, the Perry community and beyond, I wish to express sincere thanks to you for saying yes to the idea of being the host village for the 45th Annual Letchworth Arts & Crafts Show & Sale ®(LACS).

Although there were challenges, I believe the general consensus is that the event was successful.

There are no adequate words to express our gratitude to trustee Billings for the hours she invested in the project as she served as community liaisons.

Special thanks to Chief Grover and his team of officers for their security details and leadership. Special thanks also to Steve Deaton, DPW Superintendent and his team for the care and pride they took in preparing the venue grounds and serving over the weekend. Steve was such a pleasure to work with; a sentiment that was echoed by my staff, board members, and volunteers. His kindness, care, and ability to help us find quick solutions to issues must be acknowledged and commended.

Indeed, the statement "It Takes a Village" was validated at LACS 2021 on Columbus Day Weekend in the Village of Perry, NY.

With Deep Gratitude,  
Jacqueline Swaby  
Executive Director”

Some discussion took place on feedback received from the Arts and Crafts Show. The board noted that a lot of people came together to put on a successful show and a lot of positive comments were received. Comments were made about having more room to move around than at Letchworth being a positive for vendors. The layout made it easier to find things and everything was on pavement and not grass, avoiding mud. The level ground made it especially



easier for wheelchair and stroller access. The DPW, Fire Department, and Police Departments all worked together along with county representation, the Town of Gainesville, and ambulance service. A drone was used above the show, and it is believed that the no dog policy went well.

Trustee Lawrence said that the Silver Lake Trail Committee is working on a challenge of the Walker Road section to Standpipe. The county widened the shoulder as much as they could but the lines were painted a foot too close to the road. Trustee Lawrence looked for opinions from the board: if the line could be moved it could add another food. ADA rules state that asphalt cannot be too close to the ditch. Other notes included possibly purchasing stencils for biking/pedestrian symbols and a question on whether the speed limit could be lowered in that area, but it is very difficult to get that kind of approval.

The walkway from Memorial Park has to have a railing on it. Anything purchased has to be American made and the wait time is currently 3 months. Options are being explored for material choices and height requirements.

#### **EXECUTIVE SESSION**

With there being no further business for regular session, Trustee Draper made a motion at 8:17 pm to enter executive session which was seconded by Trustee Billings and carried.

Motion to exit executive session was made by Trustee Draper at 8:26 pm which was seconded by Trustee Lapiana and carried.

Immediately following, Trustee Draper made a motion to adjourn the meeting which was seconded by Trustee Lapiana and carried with all voting aye.

Respectfully submitted,  
Christina Slusser, Village Clerk