

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
MARCH 7, 2022**

A Regular 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 March 2022.

PRESENT:	Rick Hauser	Mayor
	Dariel Draper	Trustee
	Jacquie Billings	Trustee
	Arlene Lapiana	Trustee
	Ernie Lawrence	Trustee
ALSO PRESENT:	Samantha Pierce	Administrator
	Christina Slusser	Village Clerk
GUESTS:	Lorraine Sturm	Perry Herald

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

PRESENTATIONS & BOARD ACTIONS

Motion to approve the minutes from the last three Board Meetings on February 15, February 22, and February 28, 2022 was made by Trustee Lawrence, seconded by Trustee Lapiana and carried. Trustee Billings abstained from voting on the approval of minutes for February 22nd and 28th due to her absence.

RESOLUTION TO SCHEDULE A PUBLIC HEARING TO PROVIDE INPUT ON THE EFFECTIVENESS OF THE ADMINISTRATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

WHEREAS, the Village of Perry is nearing completion of the Village Hall ADA Improvements Project from the 2019 New York State Community Development Block Grant (CDBG) program; and

WHEREAS, the process for a CDBG project involves holding a second public hearing during the administration of an awarded grant to provide input on the effectiveness of the administration of the grant; and

WHEREAS, residents are invited to attend the hearing to provide input on the Village's community development efforts.

NOW THEREFORE, BE IT RESOLVED, that the Village of Perry will hold a Public Hearing on the CDBG program at the Village Hall, 46 N. Main Street, Perry, New York 14530 at 8:00 p.m. on March 21, 2022; and

BE IT FURTHER RESOLVED, that the Village Clerk shall publish or cause to be published a Public Hearing notice in the official newspaper of the Village and post the notice on the Village's official website.

A public hearing regarding the CDBG grant for the Village Hall Project is required. Christina Owens of LaBella will be present at the hearing to answer questions. Mayor Hauser scheduled the public hearing, seeking a motion from the board. Trustee Billings made a motion to adopt the resolution scheduling the CDBG public hearing for March 21st at 8:00 pm which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION AUTHORIZING HEALTH INSURANCE PLANS FOR THE 2022-2023 RENEWAL CYCLE

WHEREAS, the Village Administrator has reviewed and evaluated the health insurance options; and

WHEREAS, the Village Administrator is recommending to offer the current plan, BCBS of WNY Silver POS 7100 HDHP and offering two additional plans, BCBS of WNY Gold POS 7100 HDHP and BCBS of WNY Bronze HMO 8000 HDHP, for the April 1, 2022 renewal; and

WHEREAS, the Village contribution for the Silver POS 7100 HDHP will remain the same, funded at 80% of the premium and 75% of the deductible into a health savings accounts; and

WHEREAS, the Village contribution for the Gold 7100 and Bronze 8000 plans will not exceed the Village's yearly contribution to the Silver 7100 plan; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the recommendation to offer the Silver POS 7100 HDHP, Gold POS 7100 HDHP and Bronze HMO 8000 HDHP for the 2022-2023 renewal year; and

BE IT FURTHER RESOLVED, the Perry Village Board directs the Village Administrator to execute any and all documents relative to the health insurance services for the upcoming plan year.

With confirmation that costs to the village would not increase, motion was made by Trustee Draper to adopt the resolution to offer two additional health insurance plans which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION ACKNOWLEDGING EXAMINATION OF COURT RECORDS FOR THE FISCAL YEAR ENDING MAY 31, 2021

WHEREAS, the Village of Perry Board of Trustees has hired Allied Financial Partners to conduct an audit for the fiscal year ending May 31, 2021, of the Justice Court of the Village of Perry; and

WHEREAS, Allied Financial Partners has provided their findings of the Justice Courts procedures for the Village of Perry Board of Trustees review; and

NOW, THEREFORE BE IT RESOLVED, the Village Board of the Village of Perry in compliance with New York State Law, Unified Justice Court Act Section 2019-a accepts Allied Financial Partners review of the court records; and

BE IT FURTHER RESOLVED, the Perry Village Board directs the Village Administrator to provide a copy of the resolution and report to the State of New York Unified Court System.

Allied Financial Partners was hired to audit court records from the last fiscal year. New York State requires the Village Board to approve the annual audit. Motion to approve the above resolution was made by Trustee Lawrence seconded by Trustee Draper and carried unanimously.

RESOLUTION AUTHORIZING PURCHASE OF BRIDGE FROM CONTECH ENGINEERED SOLUTIONS

WHEREAS, the Village has received three quotes for the manufacturing of the bridge for the Silver Lake Footbridge Project; and

WHEREAS, Contech Engineered Solutions provided the lowest bid at \$52,750.00; and

WHEREAS, the recommendation of the project's engineer, SWBR, the project's grant administrator, LaBella Associates, and the Village Administrator would be to purchase the bridge from Contech Solutions; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the purchase of the bridge from Contech Engineered Solution in an amount of \$52,750.00 to be paid from the capital project budget line HC7997.2; and

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

Contech presented the lowest bid which included assembly and came recommended by SWBR. There is a one year warranty. The bridge is funded through the NYMS Technical Assistance Grant. Trustee Billings made a motion to adopt the resolution approving Contech Engineered Solutions to manufacture and install the bridge for the Silver Lake Footbridge Project. This motion was seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION APPOINTING STEVE DEATON, VILLAGE DPW SUPERINTENDENT, AS LABOR STANDARDS OFFICER FOR THE 2021 CDBG PROGRAM

WHEREAS, the Village of Perry has received funding under the 2021 Community Development Block Grant (CDBG) Program for stormwater improvements; 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 stormwater improvements project; and

BE IT RESOLVED, the Village of Perry Board of Trustees hereby appoints Steve Deaton, Village DPW Superintendent, to serve as the Labor Standards Officer for the 2021 CDBG Program and directs the Village Clerk to provide a certified copy to Christina Owens, Program Manager for LaBella Associates.

As a requirement of the CDBG program, a Labor Standards Officer is needed for each project to conduct interviews and sign off on reports. Superintendent Deaton will be more involved with the stormwater project than other staff so motion was made by Trustee Lapiana and seconded by Trustee Billings approving Steve Deaton as the Labor Standards Officer for the 2021 CDBG Program and adopting the resolution above. The motion was carried unanimously.

RESOLUTION AUTHORIZING ADDITIONAL COST FOR VILLAGE HALL ASBESTOS TESTING

WHEREAS, at the Village Board meeting on October 18, 2021, the Village of Perry Board of Trustees approved a proposal from Stohl Environmental to test the entire Village Hall for asbestos and complete a report in the amount of \$3,165; and

WHEREAS, due to inconsistency in the plaster throughout the Village Hall, the total number of samples and cost has exceeded that proposal and the additional cost to complete the full report for asbestos for the Perry Village Hall would be \$1,095; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the additional cost of \$1,095 for the Village Hall asbestos testing report.

In providing the proposal, Stohl Environmental did not include testing every single piece of plaster. There are usually consistent results but that is not the case for the Village Hall. Stohl gathered samples but requires an additional cost to include them in the report. With this completed, the Board will receive a report of the entire Village Hall in which results are good forever and will be helpful for additional phases of renovations. Motion to adopt the resolution authorizing the additional cost for asbestos testing was made by Trustee Billings, seconded by Trustee Lawrence, and carried with all voting aye.

RESOLUTION AUTHORIZING CHANGE ORDER #6 AND BUDGET AMENDMENT FOR THE VILLAGE HALL CAPITAL PROJECT

WHEREAS, Flynn Battaglia has presented Change Order #6 regarding the Village Hall Capital Project in the amount of \$2,208.12 for the following items:

- Sitework for drainage piping at the base of the rear stairs
- Increase cost in the price of the linoleum flooring for elevator lobbies

- Installing of a new gypsum board ceiling and furring of one wall in the first-floor elevator lobby; and

WHEREAS, the Village of Perry has approved additional change orders and testing that has been needed for the Village Hall capital project resulting in an increase of the Village’s contribution; and

WHEREAS, the Village Administrator is proposing the following budget amendment for the Village Hall Capital Project to cover expenses to date and expected expenditures for the remainder of the project:

DEBIT:	A599 General Unassigned Fund Balance	\$ 143,398.30
CREDIT:	A9901.9 Interfund Transfers	\$ 143,398.30
DEBIT:	A9950.9 Transfer to Capital Projects	\$ 143,398.30
CREDIT:	A201 Savings	\$ 143,398.30
DEBIT:	CD201 Savings	\$ 143,398.30
CREDIT:	CD5031 Interfund Transfers	\$ 143,398.30
DEBIT:	CD5031 Interfund Transfers	\$ 143,398.30
CREDIT:	CD8666.22 Building Construction	\$ 143,398.30

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves Change Order #6 with the exception of CP#12 in the amount of \$1,461.77 and authorizes the Mayor to execute the change order documents with this revision; and

BE IT FURTHER RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the Village Administrator to make the budget amendments for the Village Hall capital project.

This Change Order #6 includes 3 items. The board agreed with the costs for the drainage at the base of the rear stairs and the gypsum board ceiling at the first floor elevator lobby but not with inflation costs associated with flooring. Motion was made by Trustee Billings to approve Change Order #6 with the exception of item CP#12 for a total of \$1,461.77. Trustee Lapiana seconded the motion and it was carried unanimously.

CHARGE POINT ELECTRIC CAR CHARGING STATION

Some research was done on expenses vs. revenue for the car charging station. Currently the charge is \$1.00 per hour but it is not sufficient to cover all costs. Questions were brought up on standard charges or other comparable options. The thought it to increase the cost to \$2.00 per hour to cover the costs of operation including electric. Mayor Hauser sought the Board’s approval for the change and made a motion to increase the fee for the electric car charging

station to \$2.00 per hour. The motion was seconded by Trustee Draper and carried with all voting aye.

PUBLIC HEARING – LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT

Mayor Hauser made a motion at 8:00 pm to open the public hearing regarding a local law to override the tax levy limit which was seconded by Trustee Draper and carried with all voting aye. New York requires municipalities who may exceed the 2% tax cap to hold a public hearing. The timing of the hearing and proposed local law adoption happens before the Village finalizes the budget. Even though the Village has lowered or kept steady the tax rate for the last 9 years, the Board passes this local law each year to avoid difficulties in the future. If the tax levy goes up, it could exceed the tax cap. No one from the public was present so Mayor Hauser made a motion to close the public hearing at 8:02 pm which was seconded by Trustee Lapiana and carried with all voting aye.

Local Law # 4 of the year 2022 OVERRIDING THE PROPERTY TAX LEVY LIMIT

WHEREAS, the State of New York has enacted General Municipal Law requiring that municipalities, with certain exceptions, caps the growth of the property tax levy; and

WHEREAS, the statutory formula for calculation of permitted property tax levy growth may require the Village of Perry to roll back property tax rates to stay within statutory caps; and

WHEREAS, the proposed budget forecasts the potential need to exceed the statutory property tax levy cap.

NOW, THEREFORE BE IT ENACTED:

Section 1. Legislative Intent.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Village of Perry pursuant to General Municipal Law § 3-c, and to allow the Village to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Board of Trustees to override the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the Board.

Section 3. Tax Levy Limit Override.

The Board of Trustees of the Village of Perry, Wyoming County is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

Motion was made by Trustee Billings to adopt Local Law 4-2022 to Override the Property Tax Levy Limit which was seconded by Trustee Lawrence and carried with all voting aye.

CLERK/DEPUTY TREASURER REPORT

FY 2021-2022

Abstract #19

Vouchers #1448 - 1525

General Fund	\$ 57,142.52
Special Grant Fund	\$ 27,073.75
Water Fund	\$ 11,659.89
Sewer Fund	\$ 8,822.58
Trust & Agency	\$ -
Silver Lake Watershed Commission	\$ 37.99
<u>Total</u>	<u>\$ 133,885.93</u>

Vouchers were audited by Trustee Draper. Trustee Billings made a motion to authorize payment of abstract number 19 in the amount of \$133,885.93. Trustee Lapiana seconded the motion and it was carried with all voting aye. Trustee Billings then made a motion to accept the clerk report which was seconded by Trustee Draper and carried with all voting aye.

TRUSTEE REPORTS

A kickoff meeting for the Letchworth Arts and Craft Show and Sale took place to begin identifying the needs for this year, as reported by Trustee Billings. There will be a Memorial Day parade this year with a preparation meeting later this month.

Trustee Lawrence informed the Board that Chris Nolan came to the Parks Committee meeting last week and presented a design for historic signs for the Silver Lake Trail. James Reynolds will be assisting with formatting the signs.

Administrator Pierce announced that the Silver Lake Trail Committee met with the DOT for additional help. There is an estimated \$100,000 left in the budget so the Board could look to add items that were removed from the plan because costs from the county came in lower than expected. Some items for consideration include fencing at Memorial Park, curbing, or additional signage.

Mayor Hauser stated that the Property Maintenance task force is continuing work, especially on the vacant building registry. There is a new attorney working in David DiMatteo's office which requires Board approval to work on Village related tasks. Regarding an energy performance contract for the Village Hall for heating and cooling, the idea is that the savings could cover the costs of improvements, similar to installing LED streetlights. There was a presentation by a group who submitted a proposal. If the Village uses the money being saved on streetlights and applies it to redoing heating and cooling systems, it could pay off in several years. If the Board decides to enter into an energy performance contract, it would be with Siemens. The contract would guarantee all costs including contingencies. Mayor Hauser will bring the topic back to the Board if more information is received.

With no executive session needed, motion to adjourn was made by Trustee Draper at 8:17 pm which was seconded by Trustee Lapiana and carried.

Respectfully submitted,
Christina Slusser, Village Clerk