

**VILLAGE OF PERRY  
VILLAGE BOARD MEETING MINUTES  
JUNE 6, 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 6<sup>th</sup> day of June 2022.

PRESENT:	Rick Hauser	Mayor
	Dariel Draper	Trustee
	Jacque 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**

**PUBLIC COMMENT**

No one was present for public comment.

**MINUTES**

Motion to approve the minutes from the regular board meeting on May 16, 2022 was made by Trustee Draper, seconded by Trustee Lapiana, and carried with all voting aye.

**RESOLUTION APPROVING PAYMENT #10 FOR VILLAGE HALL PROJECT**

**WHEREAS**, the Village Administrator has received pay app #10 from the contractor for the Village Hall Project; and

**WHEREAS**, pay app #10 was received from the Picone Construction Corporation in the amount of \$26,742.66; and

**BE IT RESOLVED**, that the Perry Village Board of Trustees hereby approves the following payment for Pay App #10 and directs the Village Clerk to submit a voucher for payment:

Picone Construction Corporation

\$26,742.66; and

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

Pay app #10 is for work through April 3<sup>rd</sup>. New windows and the elevator recall system still need to be installed. It will take about 2 months to get the parts for the elevator. The grant deadline is the end of this month, but Christina with LaBella is aware and believes that a short extension should be granted. Trustee Draper made a motion to adopt the resolution approving pay app #10 for the Village Hall project in the amount of \$26,742.66 which was seconded by Trustee Lawrence and carried unanimously.

### **RESOLUTION APPROVING FACILITIES RESERVATION REQUEST**

**WHEREAS**, the Parks Committee has reviewed a facility reservation request from the Ladies Auxiliary and request for DPW support for a softball tournament on July 15<sup>th</sup> through July 17<sup>th</sup>; and

**WHEREAS**, the charge will be \$125 per day for Diamond 1 with lights and \$75 per day for use of the other fields; and

**WHEREAS**, the Parks Committee is recommending approving the request and donating eight hours of DPW support to the event; and

**BE IT RESOLVED**, that the Village of Perry Board of Trustees hereby approves the request for DPW support and will provide up to eight hours with the remaining hours to be billed to the Ladies Auxiliary.

Motion to adopt the resolution approving the above facilities reservation request was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried with all voting aye.

### **RESOLUTION APPROVING ANNUAL SOFTWARE SUPPORT CONTRACTS WITH WILLIAMSON LAW BOOK COMPANY**

**WHEREAS**, the Village of Perry uses Williamson Law Book Company for their Municipal Accounting & Budget Preparation Software and Tax Collection Software; and

**WHEREAS**, both agreements are annual from June 1, 2022 until May 31, 2023; and

**WHEREAS**, the cost of the annual software for Municipal Accounting & Budget Preparation is \$1,535.00; and

**WHEREAS**, the cost of the annual software for Tax Collection is \$1,029.00; and

**NOW, THEREFORE BE IT RESOLVED**, that the Perry Village Board of Trustees does hereby approve the annual Municipal Accounting & Budget Preparation software contract in the amount of \$1,535.00 and the annual Tax Collection software contract in the amount of \$1,029.00 from June 1, 2022 until May 31, 2023.

The agreements went up a couple hundred dollars from the previous year but support from Williamson has been consistent. Motion to approve the resolution approving annual software support contracts with Williamson Law Book Company was made by Trustee Lawrence, seconded by Trustee Lapiana, and carried with all voting aye.

#### **RESOLUTION ACCEPTING RESIGNATION OF PLANNING BOARD MEMBER, BRIDGET GIVENS**

**WHEREAS**, Ms. Bridget Givens has tendered her resignation from the Planning Board effective May 19, 2022; and

**NOW, THEREFORE BE IT RESOLVED**, the Village of Perry Board hereby accepts the resignation of Ms. Givens and wishes her well with future endeavors.

Ms. Givens thanked the Board for her opportunity to serve and noted that she was recently elected to the School Board. Mayor Hauser made a motion to adopt the resolution accepting Ms. Givens resignation. Trustee Draper seconded the motion and it was carried with all voting aye.

#### **RESOLUTION CREATING ADDITIONAL PART-TIME CLERK OF THE JUSTICE POSITION**

**WHEREAS**, Justice Miller has expressed the need for an additional part time Clerk of the Justice to assist in the court office; and

**WHEREAS**, the 2022-2023 Adopted Village budget has funds in the court budget for additional hours for the Clerk of the Justice; and

**WHEREAS**, the Village currently only has one position of Clerk of the Justice and would need to create a second position; and

**NOW, THEREFORE BE IT RESOLVED**, the Village of Perry Board of Trustees hereby approves the creation of a second part-time position of Clerk of the Justice with Wyoming County Civil Service.

There is a need for more help in the court office but the current court clerk is unable to increase her hours. The Board can create a new position to offer additional help. The position would first be created with civil service then posted for the opportunity to interview. The position will depend on payment for the number of hours per week but it could potentially

double the capacity of current staffing hours. The position was budgeted for in this fiscal year. Motion to adopt the resolution creating an additional part time clerk of the justice position was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried with all voting aye.

#### **RESOLUTION ADOPTING THE 2022 FEE SCHEDULE**

**WHEREAS**, the Village Administrator, the Village Clerk, and the DPW Superintendent have provided an updated fee schedule; and

**BE IT RESOLVED**, the Village of Perry Board of Trustees has determined that the fees are reasonable and hereby adopts it effective June 6, 2022.

The fee schedule now includes discounted rates for Village residents and a fee for use of diamond 1 with lights based on the average electric cost for turning on the lights. Trustee Draper made a motion to adopt the 2022 Fee Schedule which was seconded by Trustee Lapiana and carried with all voting aye.

#### **RESOLUTION AGREEING TO HOST THE ARTS COUNCIL FOR WYOMING COUNTY'S LETCHWORTH ARTS & CRAFTS SHOW & SALE AT THE PERRY VILLAGE PARK**

**WHEREAS**, the Village of Perry Board of Trustees were approached by the Arts Council for Wyoming County (ACWC) to consider hosting the annual Arts and Crafts Festival at the Perry Village Park from October 8, 2022 – October 10, 2022; and

**WHEREAS**, the Village of Perry Administrator is currently working with the ACWC to update the agreement for review between the Village of Perry and the ACWC for said event; and

**BE IT RESOLVED**, that the Village of Perry Board of Trustees hereby agrees to the host the ACWC's Letchworth Arts & Crafts Show & Sale at the Perry Village Park from October 8, 2022 – October 10, 2022.

The Arts Council for Wyoming County needs official approval from the Village of Perry for their permit from the County. Motion to adopt the resolution agreeing to host the ACWC Arts and Crafts Show & Sale at the Perry Village Park was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried unanimously.

#### **RESOLUTION CREATING PROJECT BUDGET FOR SILVER LAKE TRAIL CREEKSIDE PLANNING**

**WHEREAS**, the Village of Perry has been awarded a \$50,000 Ralph C. Wilson, Jr. Legacy Fund for Design and Access administered by the Community Foundation for Greater Buffalo grant towards the design and planning for the Silver Lake Trail Creekside Wooded Walk Segment; and

**WHEREAS**, the Village Administrator has proposed a budget for the project based on the grant application as follows:

REVENUE:

HD2770	Ralph C. Wilson Jr Foundation	\$ <u>50,000.00</u>
		\$ 50,000.00

EXPENDITURES:

HD7997.2	Design	\$ 23,000.00
HD7997.21	Surveys, Legal, Environ. Costs	\$ <u>27,000.00</u>
		\$ 50,000.00

**TOTAL PROJECT BUDGET**                      **\$ 50,000.00**  
; and

**BE IT RESOLVED**, the Village of Perry Board of Trustees hereby authorizes the project budget for the Silver Lake Trail Creekside Planning Project; and

**BE IT RESOLVED**, the Village Clerk is directed to provide a copy of this resolution to the Village Administrator.

The Village has already received \$50,000 from the Ralph C. Wilson Jr. Foundation. Planning is underway for the next segment of the Silver Lake Trail so a fund needs to be set up for the project. Motion was made by Trustee Draper and seconded by Trustee Lapiana to adopt the resolution creating a project budget for the Silver Lake Trail Creekside Planning. This motion was carried with all voting aye.

**CLERK/DEPUTY TREASURER REPORT**

FY 2021-2022		FY 2022-2023	
Abstract #25		Abstract #01	
Vouchers #1912 - 2019		Vouchers #01-15	
General Fund	\$ 120,963.53	General Fund	\$ 16,156.06
Special Grant Fund	\$ -	Special Grant Fund	\$ -
Water Fund	\$ 10,391.22	Water Fund	\$ 4,073.07
Sewer Fund	\$ 187,628.94	Sewer Fund	\$ 2,534.07
Capital Projects Fund	\$ 31,289.51	Capital Projects Fund	\$ -
Trust & Agency	\$ -	Trust & Agency	\$ 515.70
Silver Lake Watershed	\$ 37.99	Silver Lake Watershed	\$ -
<b>Total</b>	<b>\$ 350,311.19</b>	<b>Total</b>	<b>\$ 23,278.90</b>

Two abstracts were created: one for the end of the 2022 fiscal year and one for the start of the 2023 fiscal year. Trustee Billings audited both abstracts. Trustee Draper made a motion to approve abstract #25 in the amount of \$350,311.19 and abstract #1 in the amount of \$23,278.90. Trustee Lapiana seconded the motion and it was carried with all voting aye.

**RESOLUTION OF THE  
VILLAGE BOARD OF THE VILLAGE OF PERRY  
REGARDING THE TRANSFER OF 59-61 SOUTH MAIN STREET**

Adopted: June 6, 2022

**WHEREAS**, the Village Board of the Village of Perry met at a regular meeting at the Village Hall of the Village of Perry at 46 North Main Street, Perry, New York 14530 on the 6<sup>th</sup> day of June, 2022 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**, on or about December 31, 2019, the Village of Perry, as the seller, entered into a Purchase and Sale Contract with Rhonda MacLaughlin, as the buyer/developer, for property known as 59-61 South Main Street in the Town/Village of Perry, Wyoming County, New York, also known as Tax Map No. 100.7-7-28; and

**WHEREAS**, the contingencies of such Purchase and Sale Contract were that:

1. Developer agrees to bring the real estate into compliance with Chapter 465-14 "Maintenance Standards" of the Code of the Village of Perry within one (1) year after the date of settlement, unless Developer receives written consent from the Village.
2. Developer, and their successors in interest, agree not to sell, subdivide or partition the real estate for five (5) years after the date of settlement, unless Developer receives written consent from the Village. If the Developer, or their successor in interest do sell, subdivide or partition the real estate within five (5) years after the date of settlement without the Seller's written consent, the real estate will revert to the Village, or its successor in interest.
3. Developer agrees that the closing agent will be the Village's Attorney, David M. DiMatteo.

**WHEREAS**, Ms. MacLaughlin did not bring the property into compliance with Chapter 465-14 “Maintenance Standards” of the Code of the Village of Perry since the settlement date of April 16, 2020, and is seeking written consent from the Village to transfer the property to Mohamed Abid in consideration of \$1.00 for Mr. Abid’s intent to improve the building for the purpose of restaurant services; and

**WHEREAS**, the Village Board feels it is in the best interest of the Village of Perry to authorize the written consent for the transfer of said property for \$1.00 under the contingencies that:

1. Developer (Mohamed Abid) agrees to bring the real estate into compliance with Chapter 465-14 “Maintenance Standards” of the Code of the Village of Perry within one (1) year after the date of settlement, unless Developer receives written consent from the Village.
2. Developer, and their successors in interest, agree not to sell, subdivide or partition the real estate for the remaining balance of the five (5) years after the original date of settlement on April 16, 2020, unless Developer receives written consent from the Village. If the Developer, or their successor in interest do sell, subdivide or partition the real estate within five (5) years after the date of settlement (in other words, prior to April 16, 2025) without the Seller’s written consent, the real estate will revert to the Village, or its successor in interest.

; and

**WHEREAS**, the Village Board feels it is in the best interest to request that an Assignment of Contract be entered between Rhonda MacLaughlin and Mohamed Abid and filed in the Village Clerk’s Office.

**NOW ON MOTION OF** Mayor Hauser which has been duly seconded by Trustee Lapiana, now therefore

**BE IT RESOLVED**, that the Village Board of the Village of Perry authorizes the Mayor of the Village of Perry to provide written consent to Rhonda MacLaughlin to transfer the property known as 59-61 South Main Street, Perry, New York to Mohamed Abid for the consideration of \$1.00 under the contingencies that:

1. Developer (Mohamed Abid) agrees to bring the real estate into compliance with Chapter 465-14 “Maintenance Standards” of the Code of the Village of Perry within one (1) year after the date of settlement, unless Developer receives written consent from the Village.
2. Developer, and their successors in interest, agree not to sell, subdivide or partition the real estate for the remaining balance of the five (5) years after the original date of settlement on April 16, 2020, unless Developer receives written consent from the Village. If the Developer, or their successor in interest do sell, subdivide or partition the real estate within five (5) years after the date of settlement (in other words, prior to April 16, 2025) without the Seller’s written consent, the real estate will revert to the Village, or its successor in interest.

; and be it further

**RESOLVED**, that the Village Board authorizes the Mayor of the Village of Perry in said written consent to request that an Assignment of Contract be entered between Rhonda MacLaughlin and Mohamed Abid and filed in the Village Clerk's Office.

Dated: June 10, 2022

Ayes: 5

Nays: 0

Quorum Present:  Yes  No

The previous planned sale of 59-61 South Main Street never went through to the proposed owner and the first owner still holds the title. A new buyer has come forward who is interested in purchasing and renovating the property. Mayor Hauser made a motion to adopt the resolution regarding the transfer of 59-61 South Main Street with an amendment: As a contingency of the sale, the developer agrees to deposit \$100,000 into an escrow account as proof of intent to complete the project in a timely manner. Trustee Lapiana seconded this motion and it was carried unanimously.

#### **DEPARTMENT REPORTS**

No reports to review.

#### **TRUSTEE REPORTS**

Mayor Hauser reported that the planning committee is reviewing the current law regarding temporary signs. A complaint was brought on by a citizen and review is underway with how the current law is holding up. The current law allows for one temporary sign not exceeding 4 sq. ft. After reviewing the condition of signage in the community, the Mayor stated that people generally use discretion but there are many things that could qualify as signs based on the law. Mayor Hauser proposed an increase in the number of temporary signs to three with a maximum size of 8 sq. ft., which would lead to a more focused and more reasonable approach in conforming to neighborhood standards with no unnecessary enforcement actions. Mayor Hauser looked for input from the Board so the proposal can be passed along to the Village Attorney. The Board will take some time to think over the proposal.

Trustee Lawrence reports that a letter with a "very involved response" was sent to Build to Play regarding a skate park in early November. Since then, Trustee Lawrence has not had any contact with the skate park group. The Board would like to be able to utilize the vacant space with lighting at the Village Park. Mayor Hauser will send an email in an attempt to follow up.



Administrator Pierce believes the serpent mound project may be waiting on formal approval to proceed with costs as indicated. The funding is \$5,000 short but Trustee Billings is confident that the money can be raised. Supplies should be ordered now because it will likely be fall before materials will be available.

With no further regular business and no executive session requested, motion to adjourn the meeting was made by Trustee Draper at 8:07 pm which was seconded by Trustee Lawrence and carried.

Respectfully submitted,  
Christina Slusser, Village Clerk