

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
JUNE 20, 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 20th day of June 2022.

PRESENT:	Rick Hauser	Mayor
	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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ABSENT:	Jacque Billings	Trustee
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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

Trustee Lawrence made a motion to approve the minutes from the regular board meeting on June 6, 2022 which was 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 #13 from the general contractor, Crane-Hogan Structural Systems, Inc., for the waste water treatment plant project in the amount of \$246,202.95; and

WHEREAS, the Village Clerk has received pay app #7 from the electrical contractor, M.W. Controls Service, Inc., for the waste water treatment plant project in the amount of \$27,253.73; and

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

Crane-Hogan Structural Systems, Inc.	\$246,202.95
M.W. Controls Service, Inc.	\$27,253.73

Motion was made by Trustee Lawrence to approve the above payments for the WWTP project which was seconded by Trustee Draper and carried with all voting aye.

RESOLUTION APPROVING PAYMENT FOR THE SILVER LAKE TRAIL PROJECT

WHEREAS, the Village has received pay app #5 from the contractor, CP Ward, Inc., for the Silver Lake Trail project in the amount of \$188,616.14; and

WHEREAS, the engineers on the project, C&S Engineers, have reviewed and approved pay app #5; 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.	\$188,616.14
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BE IT FURTHER RESOLVED, that the Perry Village Board of Trustees hereby authorizes the Mayor to sign the payment invoice.

There are some punch list items that still need to be taken care of for the trail project. There has been an imperfect communication sequence in which C&S Companies sent the punch list to CP Ward without checking in with the Village first. The Village has a couple additional items to add for completion. C&S has been paid in full already for the trail work. Mayor Hauser made a motion to amend the resolution for the requested payment of 188,614.14 to be subject to a 10% retainage fee pending satisfaction of punch list items. This motion was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION ACCEPTING RESIGNATION OF SEWAGE TREATMENT PLANT OPERATOR, JAYCOB BERNARD

WHEREAS, Mr. Jaycob Bernard has tendered his resignation from the position of Sewage Treatment Plant Operator effective June 22, 2022; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board hereby accepts the resignation of Mr. Bernard and wishes him well with future endeavors.

Trustee Draper made a motion to accept the resignation of Jaycob Bernard which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION WAIVING SEWER CHARGES AND SEWER AND WATER PENALTIES FOR 6320 DAVIS AVE

WHEREAS, Deputy Village Clerk Laura Gifford submitted a petition to waive sewer bill charges, sewer penalties and water penalties for 6320 Davis Ave due to a water break; and

WHEREAS, the request went before the DPW Committee who reviewed and would recommend waiving the sewer charges, sewer penalties, and water penalties totaling \$2,112.21 as it was confirmed by the Water Department that the water did not pass through the Village's sewer system; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board hereby waives the sewer charges, sewer penalties, and water penalties totaling \$2,112.21 for 6320 Davis Ave.

With proof that the water that passed through the meter did not go into the sewer, motion was made by Trustee Lawrence to approve the resolution waiving sewer charges for 6320 Davis Ave. Motion was seconded by Trustee Draper and carried with all voting aye.

RESOLUTION APPROVING REFUND OF PENALTIES FOR WATER AND SEWER CHARGES FOR 23 LEICESTER STREET

WHEREAS, Deputy Village Clerk Laura Gifford submitted a request to refund sewer and water penalties for 23 Leicester St; and

WHEREAS, the owner of the property paid the bill on the January 20, 2022 through a third party site and the money was not deposited into the Village account until February 3, 2022; and

WHEREAS, the request went before the DPW Committee who reviewed and would recommend refunding the sewer and water penalties totaling \$15.13 as the owner provided proof of payment on January 20, 2022 and all past payments have been made on time; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board hereby approves the refund of \$15.13 for water and sewer penalties to account 31855 for 23 Leicester Street.

Motion was made by Trustee Lapiana to adopt the resolution approving a refund of the penalties for 23 Leicester Street. Trustee Draper seconded the motion and it was carried unanimously.

RESOLUTION OF SEQRA DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE SILVER LAKE TRAIL EXTENSION/FOOTBRIDGE PROJECT

WHEREAS, the Village Board had reviewed and accepted the completed Short Environmental Assessment Form Part 1 prepared by SWBR at the February 7, 2022 Village Board meeting; and

WHEREAS, the Village Board had designated itself as lead agency under the SEQRA 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 SEQRA Regulations and the information contained in Short Environmental Assessment Form Part I, Part II and Part III prepared by SWBR; and

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 was made by Trustee Draper to adopt the resolution of SEQRA determination which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION APPROVING PROPOSAL FROM DAVEY RESOURCE GROUP FOR ECOLOGICAL CONSULTING SERVICES IN RELATION TO THE FOOTBRIDGE/BOARDWALK PROJECT

WHEREAS, the Village Board approved the proposal from Wilson Environmental Technologies, Inc. to provide environmental services in relation to the Silver Lake Footbridge/Boardwalk Project; and

WHEREAS, an additional item that was noted in the proposal as additional services was for the application and compliance for the Nationwide Permit; and

WHEREAS, it has been determined by the grant agency that consulting with the USACE and NYSDEC is required and a nationwide permit may be needed; and

WHEREAS, Davey Resource Group, previously known as Wilson Environmental Technologies, Inc., has provided a proposal to assist with the application at a cost not to exceed \$5,000.00; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the proposal from Davey Resource Group in an amount not to exceed \$5,000.00; and

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

A NYMS grant was received in the amount of \$60,000 and a few environmental steps need to be taken. Motion was made by Trustee Lapiana and seconded by Trustee Lawrence to approve the proposal from Davey Resource Group in an amount not to exceed \$5,000. This motion was unanimously carried.

**VILLAGE BOARD OF THE VILLAGE OF PERRY
RESOLUTION TO DIRECT COMMENCEMENT OF ACTION
ON BEHALF OF MUNICIPALITY**

Adopted: June 20, 2022

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village offices located at 46 North Main Street, Perry, New York 14530 on the 20th day of June 2022, commencing at 7:30 p.m., at which time and place the following trustees were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Dariel Draper
	Trustee	Arlene Lapiana
	Trustee	Ernie Lawrence

<u>Absent:</u>	Trustee	Jacquie Billings
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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, it appears that Mr. Steven M. Campbell is in violation of §465-14, §490-24, and §490-66 within the Property Maintenance and Zoning Code relative to the property located at 23 Walnut Street, Perry, New York 14530; and

WHEREAS, it appears to be in the best interest of the Village of Perry to prohibit Mr. Campbell from continuing to be in violation of above-mentioned sections of the Village of Perry Property Maintenance and Zoning Codes; and

WHEREAS, the Village Board of the Village of Perry feels it is in the best interest of the Village of Perry to retain the services of Village Attorney, David M. DiMatteo, to pursue the enforcement of §465-14, §490-24, and §490-66 within the Property Maintenance and Zoning Code of the Village against Mr. Campbell to ensure that this property is brought into compliance with said Code.

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

RESOLVED, that the Mayor of the Village of Perry, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Village of Perry in this matter, upon such terms as he deems proper and advisable, and Mayor of the Village of Perry shall authorize David M. DiMatteo on behalf of the Village of Perry to take such action as may be deemed advisable to prevent any continuation of the violation of §465-14, §490-24, and §490-66 within the Property Maintenance and Zoning Code of the Village of Perry and the seeking of permanent injunction.

Ayes: 4

Nays: 0

Quorum Present: X Yes No

Dated: June 21, 2022

Steven Campbell at 23 Walnut Street has received letters regarding property maintenance. This is the next step required to get the property cleaned up. Motion was made by Trustee Lapiana to adopt the resolution regarding commencement of action for 23 Walnut Street which was seconded by Trustee Lawrence and carried unanimously.

The Resolution Authorizing Use of American Rescue Plan Act Funds on Purchase for Parks Department was tabled.

Mayor Hauser proposed that since August has 5 Mondays and the 3rd Monday of the month is the week of Wyoming County Fair, that the second meeting get pushed back one week. Motion was made by Mayor Hauser to move the August 15th board meeting to August 22nd. Trustee Lawrence seconded this motion and it was carried with all voting aye.

VILLAGE OF PERRY
RESOLUTION REGARDING THE APPROVAL OF A BOND ANTICIPATION NOTE
OF \$57,467.15 FOR A FORD EXPLORER HYBRID

Adopted: June 20, 2022

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Building at 46 North Main Street, Perry, New York 14530 on the 20th day of June, 2022, commencing at 7:30 p.m., at which time and place the following members were:

Present:	Mayor	Rick Hauser
	Trustee	Dariel Draper
	Trustee	Arlene Lapiana
	Trustee	Ernie Lawrence
Absent:	Trustee	Jacquie Billings

WHEREAS, all Board Members, having due notice of said meetings, and that pursuant to Article 7, Section 104 of the Public Officers Law, said meetings were 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 seeks authorization to bid the debt of the 2022 Ford Explorer Hybrid through a Bond Anticipation Note (BAN No. 1 of 2022) of \$57,467.15; and

WHEREAS, the Village Board of the Village of Perry seeks to retain the services of Town Attorney David DiMatteo to request bid proposals for BAN No. 1 of 2022 from Five Star Bank, the Bank of Castile, Community Bank N.A., M & T Bank, and Greene County Commercial Bank; and

WHEREAS, the note date of the \$57,467.15 BAN No. 1 of 2022 shall be the 15th day of July, 2022.

NOW ON MOTION OF Trustee Lapiana which has been duly seconded by Trustee Lawrence, now therefore be it

RESOLVED, that the Village Board of the Village of Perry hereby authorizes the financing of a Bond Anticipation Note for the purchase of the 2022 Ford Explorer Hybrid; and be it further

RESOLVED, that the above-mentioned note is being financed by the issuance of a Bond Anticipation Note, known as Bond Anticipation Note No. 1 of 2022 for \$57,467.15; and be it further

RESOLVED, that the Village Board of the Village of Perry hereby retains the services of Town Attorney David DiMatteo to request bid proposals for BAN No. 1 of 2022 from Five Star Bank, the Bank of Castile, Community Bank N.A., M & T Bank, and Greene County Commercial Bank.

Ayes 4

Nays 0

Quorum Present: Yes No

Dated: June 21, 2022

A hybrid Ford Explorer was ordered for the Police Department. The Village Attorney will request proposals for a BAN to help with a competitive interest rate. Motion to adopt the resolution approving a bond anticipation note for the Ford Explorer Hybrid was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried with all voting aye.

CLERK/DEPUTY TREASURER REPORT

FY 2021-2022

Abstract #26

Vouchers #2020-2085

REVISED

General Fund	\$ 70,613.44
Special Grant Fund	\$ -
Water Fund	\$ 16,493.57
Sewer Fund	\$ 6,653.95
Capital Projects Fund	\$ 443,211.21
Trust & Agency	\$ 97.00
Silver Lake Watershed	\$ 44.29
Total	\$ 537,113.46

FY 2022-2023

Abstract #02

Vouchers #16-44

General Fund	\$ 8,507.11
Special Grant Fund	\$ -
Water Fund	\$ -
Sewer Fund	\$ 8,918.15
Capital Projects Fund	\$ 3,491.00
Trust & Agency	\$ -
Silver Lake Watershed	\$ -
Total	\$ 20,916.26

Vouchers were audited by Trustee Lawrence. The Clerk/Deputy Treasurer Report for abstract #26 was revised to reflect the updated approved payment amount for the Silver Lake Trail pay app. Motion was made by Trustee Draper to approve abstract #26 in the amount of \$537,113.46 which was seconded by Trustee Lawrence and carried with all voting aye. Trustee Draper then motioned to approve abstract #2 in the amount of \$20,916.26. Trustee Lapiana seconded the motion and it was carried with all voting aye.

DEPARTMENT REPORTS

Reports were reviewed for the Police Department, DPW, Parks, the Water Treatment Plant, and Waste Water Treatment Plant. A new speed sign was delivered to replace the one on North Center Street. It is awaiting installation.

TRUSTEE REPORTS

Trustee Lawrence provided an update on Letchworth Cable Access. There is some equipment in the studio that hasn't been used in at least 10 years. On Wednesday, a couple of people will come to look at the equipment to see if there is any interest in purchasing since it would cost some money to recycle it.

The serpent mound is set for construction sometime in July. Construction will work around the already scheduled events.

Mayor Hauser reached out to Work to Play regarding the skate park but also received no response.

The Elm Street project continues with work on water tie-ins. Next up is sewer connections and then paving. The Village is looking at other options for paving streets due to the amount of CHIPS money received. The DPW Superintendent will provide estimates for contracting out the work vs. DPW employees paving, taking into consideration time constraints for employees. The Village will be working with the Town this summer to pave the streets that were planned ahead of time.

With no further business and no executive session needed, motion to adjourn was made by Trustee Draper at 8:01 pm which was seconded by Trustee Lapiana and carried.

Respectfully submitted,
Christina Slusser, Village Clerk