

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
JULY 18, 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 18th day of July 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
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Mayor Hauser called the meeting to order at 7:30 pm and led in the Pledge of Allegiance.

PRESENTATIONS & BOARD ACTIONS

PUBLIC COMMENT

The board presented Administrator Pierce with flowers and a card recognizing all of her hard work and noting that she will be missed when she is out. August 4th is her due date.

MINUTES

The minutes were reviewed for the regular board meeting on July 5, 2022 and special board meeting on July 12, 2022. Motion to approve the minutes for both dates was made by Trustee Billings 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 #14 from the general contractor, Crane-Hogan Structural Systems, Inc., for the waste water treatment plant project in the amount of \$318,596.75; and

WHEREAS, the Village Clerk has received pay app #8 from the electrical contractor, M.W. Controls Service, Inc., for the waste water treatment plant project in the amount of \$42,748.93; 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.	\$318,596.75
M.W. Controls Service, Inc.	\$42,748.93

There have been some material delays, but the project is still moving along. It is currently on budget with no change orders so far. Motion to approve the resolution approving payments for the Wastewater Treatment Plant Project was made by Trustee Billings, 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.

This pay app was reviewed a few meetings ago and the board had decided to hold a portion until a punch list of items was completed. The only thing from the list is that the wildflowers have not grown yet, but this could be due to the lack of rain. Being unable to hold money on a federal project, the whole pay app will need to be approved without retainage. Trustee Draper made a motion to approve the resolution approving payment for the Silver Lake Trail Project which was seconded by Trustee Lawrence and carried unanimously.

RESOLUTION COMMITTING TO PROVIDE THE LOCAL SHARE OF PROJECT COSTS FOR THE 2022 ENVIRONMENTAL PROTECTION FUND GRANT APPLICATION

WHEREAS, the Village of Perry is applying for up to \$500,000 in funding under the 2022 Environmental Protection Fund Historic Preservation Grant Program for Renovations to the Village Hall; and

WHEREAS, a minimum of 25% of the project costs must be matched by cash or in-kind contributions; and

NOW THEREFORE, LET IT BE RESOLVED, that the Board of Trustees of the Village of Perry hereby commits to providing the local share of project costs with a combination of cash and in-kind services as specified in the grant application submitted to the NYS Office of Parks, Recreation and Historic Preservation; and

BE IT FURTHER RESOLVED, that the Board of Trustees understands that this is a reimbursement grant program that may include progress payments; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Perry hereby commits to maintaining the improvements.

Motion to adopt the resolution to provide the local share of project costs for the EPF grant was made by Trustee Lapiana, seconded by Trustee Billings, and carried with all voting aye.

RESOLUTION AGREEING TO ACT AS CO-APPLICANT WITH WYOMING COUNTY FOR CONSOLIDATED FUNDING APPLICATION LWRP PLANNING GRANT

WHEREAS, NYS has created ten Regional Economic Development Councils; and

WHEREAS, as part of the Regional Economic Development strategy, a unified funding process, the Consolidated Funding Application has been developed and made available to distribute grant funds to advance the preparation of strategies for community and waterfront revitalization through the preparation of a Local Waterfront Revitalization Planning Document to increase and support job creation, increased tourism, further infrastructure improvements, increase public access to outdoor recreation activities, and advance regionally significant economic development projects; and

WHEREAS, the Department of State of the State of New York has made funding available for 2022 Local Waterfront Revitalization Program Grants to assist applicants in implementing plans to community and waterfront revitalization efforts; and

WHEREAS, the following communities in the Wyoming County deem it advantageous to join together in seeking a Local Waterfront Revitalization Planning grant from the Department of State to study and develop a strategic plan to improve and protect the water quality of Silver Lake and promote sustainable economic and community revitalization in the Towns of Perry and Castile and the Village of Perry; and

WHEREAS, the County of Wyoming will act as the lead applicant and all the other constituent municipalities consisting of the Town of Perry, Town of Castile and the Village of Perry will act as co-applicants in this application; and

WHEREAS, the anticipated budget for the project is \$175,000 with a total local match of up to \$30,000, a pro-rated share from each of the involved municipalities that is beyond the 10% minimum match required, with the remaining funding (up to 90% due to environmental justice areas) being requested from the Department of State through the LWRP grant; and

NOW, THEREFORE, on a motion of *Trustee Billings* seconded by *Trustee Lawrence*, it is

RESOLVED, that the Village of Perry Board of Trustees hereby agrees to act as a co-applicant with the County of Wyoming as the lead applicant for a Consolidated Funding Application LWRP Planning Grant administered by the New York State Department of State for the purposes of improving and protecting the water quality of Silver Lake and to promote sustainable economic and community revitalization in the Towns of Perry and Castile and the Village of Perry, and it is further

RESOLVED, that the Village of Perry hereby agrees that said grant will be administered by the County of Wyoming through the auspices of the Wyoming County Water Resource Agency, and it is further

RESOLVED, that the Mayor is hereby authorized to execute all necessary Grant Application Documents for submission to the Consolidated Funding Application, Department of State LWRP program.

The county is taking the lead on an LWRP grant. The local match of \$30,000 would be split between the four municipalities involved. This will put the county and participating municipalities in a better position to receive a grant for dredging. Trustee Billings made a motion to adopt the resolution agreeing to be co-applicant for the LWRP grant. This motion was seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION APPROVING RETAINER WITH THE HAGER ENGINEERING COMPANY

WHEREAS, the Village of Perry Attorney is entering into an agreement with Hager Engineering Company for services related to the dam gate inspection; and

WHEREAS, the retainer cost is \$2,500 and future work to be billed at an hourly rate of \$225.00 for the professional engineer and \$125.00 for the CAD/office engineer; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the retainer with the Hager Engineering Company for services related to the dam in an amount of \$2,500 and the hourly rates listed above for the inspection of the dam.

This is for a third party to inspect the dam gate which is tentatively scheduled for the end of September. WACO will be on site with parts if the gate is able to be fixed at that time. Motion

to approve the agreement with Hager Engineering to access the dam gates was made by Trustee Lawrence, seconded by Trustee Lapiana, and carried with all voting aye.

RESOLUTION APPROVING CASELLA ORGANICS AGREEMENT FOR TRANSPORTATION AND DISPOSAL OF SLUDGE

WHEREAS, Casella Organics has bought out the Village’s previous provider Dickson’s Environmental Services, Inc. which provides transportation and disposal services of sludge for the waste water treatment plant; and

WHEREAS, the costs are as follows:

Rate per ton to transport and dispose of sludge = \$78.00 per ton

Container Fee = \$330.00

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the agreement with Casella Organics; and

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

Because Casella bought out Dickson’s, the Village needs to enter into an agreement with the new company. The rate per ton increased from 72 to 78 with the new company but Dickson’s charged a mileage fee where Casella does not. The monthly container fee is new but makes the storage process easier at the plant. Trustee Lapiana made a motion to approve the agreement with Casella Organics which was seconded by Trustee Lawrence and carried unanimously.

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

Adopted: July 18, 2022

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Hall located at 46 North Main Street on the 18th day of July 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, it appears that Perry Public Storage, LLC, is in violation of §465-14(B) of the Property Maintenance Code of the Village of Perry relative to the property located at 13-19 Federal Street, Perry, New York 14530; and

WHEREAS, it appears to be in the best interest of the Village of Perry to prohibit Perry Public Storage, LLC, from continuing to be in violation of said Section of §465-14(B) of the Property Maintenance Code of the Village of Perry; 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, Esq. to pursue the enforcement of §465-14(B) of the Zoning Code of the Village against Perry Public Storage, LLC, to ensure that this property is brought into compliance with said Law.

NOW ON MOTION OF Trustee Draper 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(B) of the Zoning Code of the Village of Perry and the seeking of permanent injunction.

Motion to adopt the resolution above for commencement of action against 13-19 Federal Street was made by Trustee Draper, seconded by Trustee Lapiana, and carried with all voting aye.

**VILLAGE BOARD OF THE VILLAGE OF PERRY
RESOLUTION DECLARING THE BUSINESS DEVELOPMENT LOAN
BETWEEN RAYMOND SCIARRINO AND BARBARA SCIARRINO
IN DEFAULT AND DIRECTING LOAN TO BE CALLED DUE**

Adopted: July 18, 2022

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Hall located at 46 North Main Street on the 18th day of July 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, it is understood that on a Village Board meeting held June 21, 2010, the Village was authorized to enter into the Guaranty and Promissory Note with Raymond P. Sciarrino and Barbara T. Sciarrino of Old School Development, LLC., for a Business Development Loan originally amounting to \$70,000.00, then amounting \$23,378.67, with an interest rate of 2% and monthly payment of \$250.00 beginning July 1, 2010 and scheduled to end December 31, 2018; and

WHEREAS, Village record reflects consistent payment on said loan until about the month of June, 2016, from which the record reflects scattered payments, the last of which being made in November, 2018, with a remaining loan balance of \$5,334.58; the total number of delinquent payments being twenty-two (22); and

WHEREAS, according to Village of Perry Business Development Loan Program (BDLP) Policies, any Business Development loan payment not received within 20 days after the set due date is considered delinquent; additionally, all delinquent payments will be assessed with a \$25.00 late fee, and 9% interest rate will be applied after any delinquency to replace the previous set interest rate; furthermore, a loan account remaining in a delinquent state for over six (6) months shall be declared in default with late fees assessed; and

WHEREAS, assessed with twenty-two (22) delinquent payment fees of \$25.00 and a 9% interest rate, the Village Board recognizes the remaining balance of the loan to be six thousand fifty dollars (\$6,050.00); and

WHEREAS, the last payment of the referenced Business Development Loan being made in November of 2018, and the loan account having remained in delinquency far longer than six months, the Village Board finds this loan to be in default, assessed with all relevant late fees and interest rates; and

WHEREAS, further according to BDLP Policies, the Village Board is authorized to direct the Village Attorney to call a loan in default due, requesting payment of the outstanding balance, plus late fees, within 60 days of the call date; moreover, a loan not satisfied within 60 days of the call date will be sent to a collection agency of the Village Board's choice; and

WHEREAS, the Village Board now wishes to call upon the services of Village Attorney David M. DiMatteo, Esq., to call due the Business Development Loan under the names of Raymond P. Sciarrino and Barbara T. Sciarrino, with all assessed late fees and interest charges totaling to the amount of \$6,050.00.

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

RESOLVED, that the Village Board of the Village of Perry hereby declares the Business Development Loan under the names of Raymond P. Sciarrino and Barbara T. Sciarrino of Old School Development, LLC., to be in default, and assesses all late fees and interest charges on the loan balance to find a total balance due of the borrowers to be \$6,050.00, and is authorized to direct David M. DiMatteo, Esq., Attorney for the Village of Perry in this matter, to call the loan due by means of letter to the borrowers, directing the total balance be paid in full within 60 calendar days of the date of the letter.

There is an outstanding BDL loan which has not been paid on since 2018. The policy adds delinquency fees and the Village can call the loan due. Motion to adopt the resolution declaring the BDL loan in default to be called due was made by Trustee Draper, seconded by Trustee Billings, and carried unanimously.

CLERK/DEPUTY TREASURER REPORT

FY 2022-2023
Abstract #04
Vouchers #109-232

General Fund	\$ 23,226.50
Special Grant Fund	\$ 6,000.00
Water Fund	\$ 72,822.96
Sewer Fund	\$ 8,224.45
Capital Projects Fund	\$ 549,961.82
Trust & Agency	\$ 8,348.53
Silver Lake Watershed Commission	\$ 1,347.00
<hr/> Total	<hr/> \$ 669,931.26

Vouchers were audited by Trustee Draper. An update from the tax collection program and NYCLASS balances were also provided. Tax collection summary as of 7/15/2022:

Original Warrant	2,232,534.16
Adjustments	0.00
Adjusted Warrant	2,232,534.16
Full Payments	2,001,620.72
Penalties	774.46
Total Collections	2,002,395.18
Taxes Outstanding	230,913.44

The employee benefit reserve seen on the NYCLASS report was discussed. The total is at about \$38,000 currently but should aim to get the balance up to about \$75,000. Trustee Billings made a motion to accept the clerk report and to pay abstract #4 in the amount of \$669,931.26. Trustee Lapiana seconded the motion and it was carried with all voting aye.

DEPARTMENT REPORTS

Police, DPW, and Parks reports were reviewed. Regarding the paving of Elm Street, the DPW Superintendent is worried about the road settling, but there is still hope that it can be paved this fall. Work will start on milling of Fruit Street, Genesee Street, and East Genesee Street at the end of the month. The DPW Superintendent will get quotes for paving Water and Walnut Streets.

The Chalk Festival will require more officers next year to help things stay running smoothly. Mayor Hauser recommended to share recommendations with the Chalk Festival committee to help with budgeting for next year. It was added that the festival went well and people were out looking at the art for several days after the festival.

The Parks Committee met last Tuesday to talk about new watering car options. One option is for an electric utility vehicle just under \$15,000 which is not street legal but does have a trailer hitch and safety lighting. The second option is about \$10,000 more due to a costly street ready chassis. ARPA funds will be used for the purchase. A resolution will be prepared for the next meeting for the less expensive option.

TRUSTEE REPORTS

Trustee Billings stated that the Public Beach is pretty much finished. The DPW Superintendent has put a lot of effort into tying up some loose ends including placing stone at the beach front. Neighbor relations have been good and they seem excited about the improvements.

The Arts Council for Wyoming County has applied on time for the permit for the annual Arts and Crafts Show and Sale.

It is hopeful that the Silver Lake Trail will have its official opening on the last day of the Perry Farmer's Market, September 24th. The idea is that the music segment could be shortened to announce the trail opening then tours could be given for a couple of hours. The details are still being planned. Administrator Pierce informed that the request for additional funding to the DOT has been submitted and approved. Signs for the trail are almost ready to be ordered.

Trustee Lapiana added that Brittini Kwiecien is doing a great job keeping up with problem properties and things are moving along well.

Mayor Hauser spoke about the Center Street Master Plan. The massive multi step phase plan has been officially presented. There are plans to improve the north commercial end with gateway challenges, pedestrian safety issues, and continuity. The middle residential area has typical accessibility needs including the area with a barrier and section of sidewalk right against the road. The lower section involves how to deal with the stairs by Trestle Realty. This will be a project to pursue funding on. The Mayor views it as a 15-year plan and believes it will be very transformative. The Mayor would like to adopt the Center Street Master Plan as an addendum to the Comp Plan.

The DRI and NY Forward programs were just announced. The DRI is for \$10 million for each region. NY Forward is designed for smaller communities. Mayor Hauser feels that the Village of Perry is in an extremely strong position, having been a finalist for the DRI previously. Options will be discussed with the Main Street Association on 7/19/2022. The DRI is being retooled to be more of a city program so it might be better to apply for NY Forward. The program can include a mix of developer projects and municipal public projects with 100% funding. Projects would be for revitalization. The deadline to apply is unknown and will be announced later in July.

Rotary had a peace garden representative come down for a meeting. There is some lobbying for Memorial Park to contain a peace garden. Trustee Lawrence feels that this is a good idea to explore and shared that people travel to peace park communities.

With no further business, motion to adjourn at 8:24 pm was made by Trustee Draper seconded by Trustee Lapiana and carried.

Respectfully submitted,
Christina Slusser, Village Clerk