

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
SEPTEMBER 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 6th day of September 2022.

PRESENT:	Rick Hauser	Mayor
	Dariel Draper	Trustee
	Jacquie Billings	Trustee
	Ernie Lawrence	Trustee
ALSO PRESENT:	Samantha Pierce	Administrator
	Laura Gifford	Village Deputy Clerk
GUESTS:	James Reynolds	Planning Board Member
	Lorraine Sturm	Perry Herald
ABSENT:	Arlene Lapiana	Trustee
	Christina Slusser	Village Clerk

Mayor Hauser called the meeting to order at 7:30 pm and led in the Pledge of Allegiance.

PRESENTATIONS & BOARD ACTIONS

MINUTES

Motion was made by Trustee Lawrence to approve the minutes from the regular board meeting on August 22, 2022 which was seconded by Trustee Draper and carried with the following vote:

Ayes	3
Nays	0
Abstain	1

PUBLIC COMMENT

James Reynolds, a member of the Planning Board, presented a draft of a Complete Streets Ordinance. The Genesee Transportation Council (GTC) has funding to provide to municipalities for the purposes of improving walkability. The GTC reached out to the Village of Perry to gauge interest in passing a policy and acting as a case study for our region. No other rural villages in our region have a complete streets policy. Last year, a committee was formed, public outreach and public meetings have been conducted for feedback and created the draft that was presented. The Planning Board has been reviewing the draft law to ensure it works with site plan reviews and current legal language and full endorse the draft. The main points of the law are when roads get torn up, they get replaced better than

they were if they didn't reach accessibility standards and ensuring that sidewalks and curb cuts exist. When new roadways and site plans are being reviewed, this would require them to consider the multimodal network of the Village and ensure that future development meets the goals of the Village's comprehensive plan by increasing our residents' quality of life. Adopting the law would also open up funding opportunities to the Village.

It was concluded that the Board of Trustees needs an opportunity to review and digest the law and referred it to DPW Committee for more discussion on procedure and implementation. Trustee Lawrence stated that expanding accessibility and walkability in the Village is great. Trustee Billings expressed excitement that the Planning Board brought this idea to the Board and Mayor Hauser seconded. The Board thanked Mr. Reynolds for his time spent on this project since last November.

RESOLUTION APPROVING AGREEMENT WITH THE ARTS COUNCIL FOR WYOMING COUNTY FOR THE LETCHWORTH ARTS & CRAFTS SHOW & SALE 2022

WHEREAS, the Arts Council for Wyoming County ("ACWC") will be holding the Letchworth Arts & Crafts Show & Sale at the Perry Village Park between October 8, 2022 and October 10, 2022; and

WHEREAS, the Village and the ACWC wish to enter into an agreement for the Letchworth Arts & Crafts Show & Sale; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the agreement with the Arts Council for Wyoming County and authorizes the Mayor to execute the agreement.

It was noted that the agreement is mostly the same as last year. Only rates and dates have been updated. They are using the same insurance coverage which has been approved by Wyoming County. Motion to approve the agreement was made by Trustee Billings, seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION SUPPORTING SUBMISSION OF A DOWNTOWN REVITALIZATION INITIATIVE AND NEW YORK FORWARD APPLICATION

WHEREAS, the Village Board of the Village of Perry met at a regularly scheduled board meeting at the Village Hall located in the Village of Perry, New York on September 6, 2022 commencing at 7:30 pm; and

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, the State of New York offers up to \$10 million for each region to assist one community with a Downtown Revitalization Initiative (DRI); and

WHEREAS, with the creation of the NY Forward program, the State of New York is offering two communities \$4.5 million each or one community \$4.5 million and two communities \$2.25 million each; and

WHEREAS, the Village of Perry submitted a letter of intent to apply for the DRI and NY Forward on August 2, 2022 and approved a proposal from littleHive, LLC for consultation services and content development for the application; and

WHEREAS, the DRI and NY Forward will provide the Village with the opportunity to leverage funds for public and private investments in Perry's historic downtown; and

WHEREAS, the Village will work cooperatively with involved State agencies to advance the DRI and NY Forward; and

WHEREAS, the Village of Perry Board of Trustees looks forward to working with the DRI and NY Forward Planning Committee that will be made up of a broad base of organizations and residents within the Village and region to develop the Strategic Investment Plan.

NOW THEREFORE BE IT RESOLVED, that the Village of Perry Board of Trustees does enthusiastically support the submission of a Downtown Revitalization Initiative and NY Forward application which must be received by 4:00 pm on Friday, September 23, 2022; and

THEREFORE BE IT FURTHER RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the Mayor to sign and submit all application documents related to the Downtown Revitalization Initiative and NY Forward.

The Village of Perry endorsed a letter of intent a few weeks ago. We also consulted with an advisor from the state. There is no downside to submit one application for both by 9/23/22. Motion to approve the signing and submission of the application related to DRI and NY Forward was made by Trustee Billings, seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION APPROVING THE AMENDED INTERMUNICIPAL AGREEMENT OF THE SILVER LAKE WATERSHED COMMISSION

WHEREAS, the Silver Lake Watershed Commission has approved an amendment to the Intermunicipal Agreement between the Village of Perry, Town of Perry, Village of Mt. Morris, and Town of Castile at their meeting on July 21, 2022; and

WHEREAS, the amendment was made to align invoicing with the Village's fiscal year and the Village of Perry fully supports the efforts made by the Silver Lake Watershed Commission to protect the watershed of Silver Lake and the positive impact on the Village resident's quality of life; and

NOW, THEREFORE BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the amended Intermunicipal Agreement of the Silver Lake Watershed Commission; and

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

The amendment was made to change the date of invoices sent out to align with the Village of Perry's fiscal year. Motion to approve the agreement was made by Trustee Lawrence, seconded by Trustee Draper and carried with all voting aye.

RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF PERRY AND THE SILVER LAKE WATERSHED COMMISSION

WHEREAS, a Memorandum of Understanding (MOU) between the Village of Perry and the Silver Lake Watershed Commission, which includes the Town of Perry, Village of Perry, Town of Castile, and Village of Mt. Morris, was drafted by Village Attorney, David DiMatteo; and

WHEREAS, the MOU clarifies that the Village of Perry is the fiscal agent for the Silver Lake Watershed Commission and will appoint a Treasurer, Secretary, and Dam Tender; and

WHEREAS, the Silver Lake Watershed Commission approved the MOU at their meeting on July 21, 2022; and

NOW, THEREFORE BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the Memorandum of Understanding between the Village of Perry and the Silver Lake Watershed Commission; and

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

Motion to approve the MOU agreement between the Village of Perry and the Silver Lake Watershed Commission was made by Trustee Lawrence, seconded by Trustee Draper and carried with all voting aye.

RESOLUTION ACKNOWLEDGING NYS LIQUOR AUTHORITY ALCOHOLIC BEVERAGES LICENSE NOTICE FOR LUMBERYARD HOSPITALITY LLC

WHEREAS, the Village received on September 1, 2022, a 30-Day Advanced Notice, ("30-Day Notice"), requesting an On-Premises Alcoholic Beverages License for Lumberyard Hospitality, LLC located at 18 S. Federal Street; and

WHEREAS, the Village does not express any opinion for or against the application; and

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees takes no further action relative to the 30 Day Notice.

Motion to approve the resolution acknowledging the NYS Liquor Authority Alcoholic Beverages License 30-day notice for the Lumberyard Hospitality LLC was made by Trustee Draper, seconded by Trustee Lawrence and carried with all voting aye. Trustee Billings abstained.

RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

WHEREAS, a Project for the Village of Perry Silver Lake Trail Phase 1, P.I.N. 4761.26 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Village of Perry desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Silver Lake Trail Phase 1; and

NOW, THEREFORE, the Village Board, duly convened does hereby RESOLVED, that the Village Board hereby approves the above-subject project; and

IT IS HEREBY FURTHER RESOLVED, that the Village Board hereby authorizes the Village of Perry to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof; and

IT IS FURTHER RESOLVED, that the sum of \$31,157.00 is hereby appropriated from General Unallocated Fund Balance and made available to cover the cost of participation in the above phase of the Project; and

IT IS FURTHER RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Village of Perry shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and

IT IS FURTHER RESOLVED, that the Mayor of the Village of Perry be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Village of Perry with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federalaid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and

IT IS FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and

IT IS FURTHER RESOLVED, this Resolution shall take effect immediately.

Motion to approve the DOT resolution was made by Trustee Billings, seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT WITH C&S ENGINEERS, INC. FOR THE SILVER LAKE TRAIL PROJECT

WHEREAS, the Village of Perry has contracted with C&S Engineers, Inc. for the design and construction inspection for the Silver Lake Trail Project; and

WHEREAS, the total budget for design and construction inspection services totaled \$288,000.00; and

WHEREAS, C&S Engineers, Inc. has experienced overruns of the current construction inspection contract and included a fee for additional construction inspection for the installation of signs; and

WHEREAS, the Village of Perry has secured additional funding from New York State Department of Transportation to complete the sign package for the Silver Lake Trail and included an amount of \$15,279.00 to be allocated to C&S Engineers, Inc. efforts towards the current construction inspection contract and the upcoming construction inspection relative to the sign package; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the consultant construction inspection services supplemental agreement no. 2 with C&S Engineers, Inc. for Phase I of the Silver Lake Trail for an additional \$15,279.00 for a total amount of \$303,279.00; and

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

Administrator Pierce reported that additional funding is needed for overruns due to a change in the original scope and completion of the construction for sign installation and C&S has agreed to this supplemental funding. Motion to approve the supplemental agreement with C&S was made by Trustee Billings, seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION APPROVING AGREEMENT WITH WYOMING COUNTY FOR INSTALLATION OF SILVER LAKE TRAIL FOOTBRIDGE

WHEREAS, the Village of Perry has purchased the footbridge to be installed as a continuation of the Silver Lake Trail; and

WHEREAS, the Wyoming County Highway Department will assist in the abutments for the bridge and installation; and

WHEREAS, the Village of Perry will directly pay vendors for the costs of materials in relation to the footbridge work; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the agreement with Wyoming County for services related to the installation of the Silver Lake Trail Footbridge; and

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

Wyoming County is contributing the labor to install the footbridge. This resolution puts in writing to show that the Village of Perry will pay for the rest of the costs such as a crane and concrete. Motion to approve the agreement with Wyoming County Highway Department related to the installation of the

Silver Lake Trail Footbridge was made by Trustee Billings, seconded by Trustee Draper and carried with all voting aye.

CLERK/DEPUTY TREASURER'S REPORT

**Village of Perry
Village Board Meeting
9/6/2022**

Clerk/Deputy Treasurer Report

FY 2022-2023

Abstract #7

Vouchers #444 - 530

General Fund	\$ 42,443.73
Special Grant Fund	\$ -
Water Fund	\$ 4,728.15
Sewer Fund	\$ 4,880.20
Capital Projects Fund	\$ 14,978.70
Trust & Agency	\$ 3,776.81
Silver Lake Watershed Commission	\$ -
<hr/> Total	<hr/> \$ 70,807.59

- Vouchers were audited by Trustee Lawrence
- Prepaid to avoid late fees \$ -
- Breakdown of Capital Projects:
 - Public Beach \$ 14,978.70

Administrator Pierce presented the report in Clerk Slusser's absence. Motion to approve the report was made by Trustee Draper, seconded by Trustee Lawrence and carried with all voting aye.

DEPARTMENT REPORTS

Nothing to report.

TRUSTEE REPORTS

Trustee Billings reported that Parks committee is meeting tomorrow morning. There was no Public Safety Committee meeting.

The Village Public Beach docks have been delivered. The Parks Department, with the DPW Superintendent, decided to have them stay where they are until the 2023 season.

The serpent mound is yet to be named and needs signage.

Rock the Docks concert at the Village Public Beach is scheduled for 9/17/2022. There will be less emphasis on fundraising and more on celebration.

No other Trustee reports.

At 8:19pm, Mayor Hauser made a motion to enter executive session to discuss the employment history of a particular individual which was, seconded by Trustee Billings and carried with all voting aye.

At 8:27pm, Mayor Hauser made a motion to exit executive session which was seconded by Trustee Draper and carried with all voting aye.

The Village Board of Trustees would like to express their sincere gratitude to Village Clerk, Christina Slusser, for her above and beyond hard work and dedication in the absence of Administrator Pierce. Trustee Billings made a motion to approve a merit pay in the amount of \$500 to Clerk Slusser which was seconded by Trustee Draper and carried with all voting aye.

At 8:28pm, Trustee Draper made a motion to adjourn the meeting which was seconded by Trustee Billings and carried with all voting aye.

Respectfully submitted,
Laura Gifford, Deputy Clerk