

**VILLAGE OF PERRY  
VILLAGE BOARD MEETING MINUTES  
OCTOBER 3, 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 3<sup>rd</sup> day of October 2022.

PRESENT:	Rick Hauser	Mayor
	Dariel Draper	Trustee
	Jacque Billings	Trustee (joined at 8:05pm)
	Arlene Lapiana	Trustee
	Ernie Lawrence	Trustee
ALSO PRESENT:	Samantha Marcy (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 of Allegiance.

**PUBLIC COMMENT**

No members of the public were present for comment.

**PRESENTATIONS & BOARD ACTIONS**

**MINUTES**

Motion was made by Trustee Lawrence, seconded by Trustee Lapiana, and carried with all voting aye to approve the minutes from the Regular Board Meeting on September 19, 2022.

**RESOLUTION AUTHORIZING CHANGE ORDER #4 FOR SILVER LAKE TRAIL PHASE I PROJECT**

**WHEREAS**, the Village of Perry has entered into a supplemental agreement #2 with the New York State Department of Transportation to receive the remaining funding towards the Silver Lake Trail Phase I Project; and

**WHEREAS**, the supplemental agreement #2 included \$126,530 for the additional sign work and installation to be completed by the contractor, CP Ward Inc.; and

**WHEREAS**, C&S Companies has presented Change Order #4 regarding the Silver Lake Trail Phase I Project in the amount of \$126,530 for the additional signs and installation; and

**BE IT RESOLVED**, that the Village of Perry Board of Trustees hereby approves Change Order #4 in the amount of \$126,530 and authorizes the Mayor to execute the change order documents.

This resolution includes the additional funding approved by the DOT for signage for the trail. Upon approval, signs will be able to be ordered. Motion to approve the resolution authorizing change order #4 for the Silver Lake Trail Project was made by Trustee Lapiana, seconded by Trustee Draper, and carried with all voting aye.

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

Adopted: October 3, 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 3<sup>rd</sup> day of October 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	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 Adam and Samantha Newburey are in violation of §490-46 of the Zoning Code of the Village of Perry relative to the property located at 84 South Main Street, Perry, New York 14530; and

**WHEREAS**, it appears to be in the best interest of the Village of Perry to prohibit Adam and Samantha Newburey from continuing to be in violation of said Section of §490-46 of the Zoning 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 §490-46 of the Zoning Code of the Village against Adam and Samantha Newburey to ensure that this property is brought into compliance with said Law.

**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 §490-46 of the Zoning Code of the Village of Perry and the seeking of permanent injunction.

Ayes: 4

Nays: 0

Quorum Present: \_\_\_ Yes \_\_\_ No

Dated: October 5, 2022

Violation letters have been sent with no recent response. The owners of the property had conversations with the Zoning Enforcement Officer in the beginning but have gone quiet. Trustee Lapiana made a motion to approve the resolution to direct commencement of action for 84 South Main Street which was seconded by Trustee Lawrence and carried unanimously.

**RESOLUTION CREATING CAPITAL PROJECT (HE) AND BUDGET FOR CDBG STORMWATER IMPROVEMENTS PROJECT**

**WHEREAS**, the Village of Perry has been awarded a Community Development Block Grant for stormwater improvements for a total of \$672,500.00; and

**WHEREAS**, the Village of Perry is responsible for a match of \$35,000.00 and was budgeted for in the 2022-2023 Village Budget; and

**WHEREAS**, the Village Administrator has proposed a budget for the project involving the awarded grant monies and a cash match from the 2022-2023 budget as follows:

**REVENUE:**

HE4097	Federal Aid - CDBG	\$ 672,500.00
HE5031	Interfund Transfers, General	<u>\$ 35,000.00</u>
		\$ 707,500.00

**EXPENDITURES:**

HE8540.2	Drain & Storm - Construction	\$ 599,245.00
HE8540.21	Drain & Storm - Engineering	\$ 83,255.00
HE8540.22	Drain & Storm - Administration	<u>\$ 25,000.00</u>

\$ 707,500.00

**TOTAL PROJECT BUDGET**

**\$ 707,500.00**

; and

**WHEREAS**, the Village Administrator is proposing the following budget transfer:

DEBIT:	A9901.9 (Transfer to Capital Projects)	\$35,000.00	
CREDIT:	A201 (Savings)		\$35,000.00
DEBIT:	HE201 (Savings)	\$35,000.00	
CREDIT:	HE5031 (Interfund Transfers)		\$35,000.00

**BE IT RESOLVED**, the Village of Perry Board of Trustees hereby authorizes the creation of the capital project (HE) and the project budget for the CDBG Stormwater Improvements Project; and

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

The transfers were budgeted but this resolution will officially create the capital project budget and allow the transfers. Motion to approve the resolution creating the capital project for the Stormwater Improvement Project was made by Trustee Draper, seconded by Trustee Lapiana, and carried with all voting aye.

The following four resolutions all pertain to the CDBG Stormwater Improvement Project and were approved by a single resolution.

**RESOLUTION ADOPTING FAIR HOUSING/ANTI-DISPLACEMENT PLAN**

**WHEREAS**, the Village of Perry, State of New York, has been granted Community Development Block Grant (CDBG) Funds from the State of New York; and

**WHEREAS**, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act requires certain statement of assurances and certifications; and

**NOW THEREFORE BE IT RESOLVED**, that pursuant to the Village of Perry being granted CDBG funds by the State; the Village of Perry, by administrative act, does adopt Fair Housing and Anti-Displacement Plans for the Village; and

**BE IT FURTHER RESOLVED**, that the Village Board of Trustees appoints the Mayor, Rick Hauser, to serve as the Fair Housing Officer for the Village of Perry.

### **RESOLUTION APPOINTING SECTION 3 COORDINATOR FOR THE CDBG PROGRAM**

**WHEREAS**, the Village of Perry has received funding under the Community Development Block Grant (CDBG) Program for various housing rehabilitation and public infrastructure improvement projects; and

**WHEREAS**, the Village is required to maintain compliance with CDBG program regulations, including provisions of Section 3 of the HUD Act of 1968, as amended; and

**WHEREAS**, the Village is required to designate a Section 3 Coordinator for the CDBG funded projects; and

**BE IT RESOLVED**, that the Village of Perry Board of Trustees hereby appoints Rick Hauser, Mayor, to serve as the Section 3 Coordinator for the CDBG Program.

### **RESOLUTION ADOPTING POLICIES IN COMPLIANCE WITH TITLE II OF THE AMERICANS WITH DISABILITIES ACT AND SECTION 504 OF THE REHABILITATION ACT OF 1973**

**WHEREAS**, the Village of Perry has received funding under the Community Development Block Grant (CDBG) Act and is required to take affirmative steps to ensure that the CDBG programs, services and activities are accessible to, and usable by, individuals with disabilities; and

**BE IT RESOLVED**, that the Village of Perry hereby adopts the attached policy statement regarding compliance with Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973; and

**BE IT RESOLVED**, that the Village of Perry hereby adopts the complaint procedures described in the policy statement to address complaints of discrimination with regard to the ADA and/or Section 504 of the Rehabilitation Act of 1973; and

**BE IT FURTHER RESOLVED**, that the Village Clerk is hereby directed to post the policy statement in the Village Clerk's Office and to publish a notice regarding the availability of the policy statement and complaint form.

### **RESOLUTION APPOINTING 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 Storm Drainage Improvements in the Olin Ave, Benedict St, Watkins Ave, and Hawthorne St. Neighborhood; and

**WHEREAS**, the Village is required to designate a Labor Standards Officer for the project.

**BE IT RESOLVED**, that the Village Board hereby appoints Steve Deaton, Superintendent of Public Works, to serve as the Labor Standards Officer for the 2021 CDBG Program.

Motion to approve the above resolutions for the CDBG Program was made by Mayor Hauser, seconded by Trustee Draper, and carried with all voting aye.

**CLERK/DEPUTY TREASURER REPORT**

FY 2022-2023

Abstract #9

Vouchers #616 - 673

General Fund	\$ 27,210.03
Special Grant Fund	\$ 160.00
Water Fund	\$ 4,240.41
Sewer Fund	\$ 8,190.12
Capital Projects Fund	\$ -
Trust & Agency	\$ 2,221.23
Silver Lake Watershed Commission	\$ 37.99
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Total	\$ 42,059.78

Vouchers were audited by Trustee Billings. Motion to approve payment of abstract #9 was made by Trustee Lawrence, seconded by Trustee Lapiana, and carried with all voting aye. An updated tax collection report was also provided.

**DEPARTMENT REPORTS**

There were no department reports to review.

**TRUSTEE REPORTS**

Mayor Hauser provided an update on how Letchworth Gateway Villages has evolved. It was a grant funded position through the USDA that is now membership driven. There are currently 10 communities involved who are providing a base of 20-24 hours per week for project management. The program is currently managed by Emily Ashworth who oversees [exploregeneseevalley.com](http://exploregeneseevalley.com) and social media accounts. She is also helping businesses go digital. The last initiative was for Trail Town Mapping. The trail systems along the Genesee Valley are now mapped with guides available on your phone. There will be an advisory team meeting in November via Zoom with all of the involved communities. Mayor Hauser has reached out to other communities to help the program grow. Currently the Village of Perry is handling the dues and paying the project manager but if the program becomes more involved with grants, LGV will look to outsource.

The Village is looking to introduce a local law regarding amortization. The current law does not allow for first floor residential in a C-1 district. If a building had a variance to allow this in the 1980's, a law needs to be amended to create an amortization schedule to allow owners to convert the building back. A draft law was received from the Village Attorney's office and sent back with questions. When it is ready to share, the draft will be brought to the Board.

The Office Committee is revisiting the part time clerk position and looking at the demand, role, and scope. The plan was to pick this back up when Sam returned. There will be more discussion before advertising for the position.

The Parks Committee meets on Wednesday. The biggest topic has been the Craft Show. Planning is going well.

The Police Committee met last week and the main topic was the direction to take for purchasing new vehicles. The next purchase is planned for June of 2023 but needs to be thought out well in advance due to lead time on vehicles. The Tesla has been driven for a while now, so some information is needed on how that is going. The committee is interested in the performance of the hybrid but it is not in service yet.

Administrator Marcy (Pierce) stated that there is the possibility of an additional grant for the Water Treatment Plant Project. She has a call scheduled on Friday with Bill and BPD to find out if the village will have additional funds.

The dam gate issue is pretty much resolved. The coffer dam was removed today and the outlet is filling back up. There is no analysis yet. The Village is waiting on a summary of the findings.

Milling of Water Street started today.

The Sewer Use Law was briefly discussed. There are quite a few things in the law that need procedures developed.

## **EXECUTIVE SESSION**

Mayor Hauser made motion to enter executive session at 7:55 pm to discuss collective bargaining negotiations pursuant to article fourteen of the civil service law. This motion was seconded by Trustee Draper and carried with all voting aye.

Motion was made at 8:08 pm to exit executive session.

## **FIRE DEPARTMENT AIR PACKS**

Air packs totaling \$262,000 need to be purchased for the Fire Department. The Board needs to determine how much to put down and how long to finance for now that the Village is certain it is not receiving the FEMA grant. The use of the Fire Apparatus Reserve was discussed as well as ARPA funds. Silver Lake Meadows is in the process of renewing their PILOT agreement and there is an expected 1-time payment of \$15,000 going to the Fire Reserve. The balance is almost at \$86,000 so it will go up to about \$101,000.

The Fire Committee wishes to put \$100-125,000 down with a 7-year payment plan. The payment would be around \$25,000 per year. In 2025 a yearly debt payment of \$17,000 comes off for a fire truck. With this plan, there would be 1 year of overlapping debt in FY2025. It may be possible to use the Fire Apparatus Reserve for the overlapping year. Another thing to consider is that the reserve was funded in 2015 with no other plans to contribute to the account. There are also other purchases coming down the road. Another truck will be out of service in 2030 and if county fire protection doesn't change, a new, expensive truck will be needed (potentially costing \$600-\$800,000).

Based on the equipment list, there are 2 pumper tankers, 1 rescue pumper, and 1 ladder truck. The Committee will look to see what neighboring communities have. The Board needs to identify funding tonight because a Public Hearing will need to be scheduled if planning to use reserve funds. A check will need to be ready at the next meeting for payment on delivery of the air packs which are set to expire.

Mayor Hauser stated that he has a different perspective on length of financing. The air packs can be used for 15 years so costs should be spread out over a longer period of time.

Travis with Churchville Fire provided information from Community Leasing Partners on financing and informed that the most popular length of time for financing is 7 years. It is very difficult to get financing for 10 years. There is a lot more information to provide and there is no guarantee of approval.

BPD rates were high compared to Community Leasing, at over 5%. Administrator Marcy (Pierce) will provide options for 7-10 years through different financing.

Unofficially \$13,000 was allocated from the first round of ARPA for the grant match, but the Village did not get the grant as hoped. If \$37,000 was used from the second round of ARPA and \$25,000 from the reserve fund, a down payment of \$75,000 could be made.

Trustee Billings made a motion to schedule a Public Hearing to allocate up to \$50,000 from the Fire Apparatus Reserve Fund for the purchase of air packs for the Fire Department. Trustee Lapiana seconded the motion and it was carried with all voting aye.

Trustee Draper made a motion to adjourn at 8:56 pm which was seconded by Trustee Lawrence and carried.

Respectfully submitted,  
Christina Slusser, Village Clerk