

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
JANUARY 3, 2023**

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 3rd day of January 2023.

PRESENT:	Rick Hauser	Mayor
	Jacquie Billings	Trustee
	Arlene Lapiana	Trustee
	Ernie Lawrence	Trustee
ALSO PRESENT:	Samantha Marcy	Administrator
	Christina Slusser	Village Clerk
GUESTS:	Lorraine Sturm	Perry Herald
	Jeff Bauer	
	Michael Bauer	
ABSENT:	Dariel Draper	Trustee

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

PUBLIC COMMENT

No comment.

PRESENTATIONS & BOARD ACTIONS

MINUTES

Trustee Lapiana made a motion to approve the minutes from the regular Board Meeting on December 19, 2022 which was seconded by Trustee Billings and carried with all voting aye.

VILLAGE ADMINISTRATOR – 2023-2024 BUDGET OVERVIEW

Village Administrator, Samantha Marcy provided the Board with a budget calendar with planned budget adoption scheduled for April 17, 2023. Also provided was a projection of revenues and expenditures based on the current budget, projected balances including budget amendments, and operating budget totals minus capital projects.

RESOLUTION CLOSING OUT 2019 DIGITAL TRANSFORMATION PROJECT AND 2020 TRAIL MAPPING GRANT FROM UNITED STATES DEPARTMENT OF AGRICULTURE ON BEHALF OF LETCHWORTH GATEWAY VILLAGES AND DEOBLIGATING UNSPENT FUNDS

WHEREAS, the Village of Perry entered into an agreement as fiscal agent for Letchworth Gateway Villages; and

WHEREAS, Letchworth Gateway Villages received two grants from the United States Department of Agriculture (hereinafter referred to as "USDA"): 2019 Digital Transformation Grant in an amount of \$89,900 and 2020 Trail Mapping Grant in an amount of \$99,900; and

WHEREAS, the projects are finished and need to be closed out; and

WHEREAS, the entirety of the budgets for both grants have not been spent and need to be deobligated as shown below; and

2019 Digital Transformation total grant award = \$89,900, total spent = \$77,511.39, amount to deobligate = **\$12,388.61**

2020 Trail Mapping total grant award = \$99,900, total spent = \$78,282.58, amount to deobligate = **\$21,617.42**

BE IT RESOLVED, that the Perry Village Board of Trustees does hereby close out the 2019 Digital Transformation and 2020 Trail Mapping Grants from the USDA and deobligate an amount of \$12,388.61 for the 2019 Digital Transformation grant and \$21,617.42 for the 2020 Trail Mapping grant for a total amount of \$34,006.03

Letchworth Gateway Villages reimbursements and grant closeout was discussed with the Office Committee. Motion was made by Mayor Hauser to adopt the resolution closing out the 2019 and 2020 USDA grants for Letchworth Gateway Villages and deobligating unspent funds. This motion was seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION AUTHORIZING BUDGET AMENDMENT TO THE 2022-2023 VILLAGE OF PERRY BUDGET AND TRANSFER OF FUNDS FOR LETCHWORTH GATEWAY VILLAGES

WHEREAS, the Village of Perry entered into an agreement as the fiscal sponsor for Letchworth Gateway Villages; and

WHEREAS, Letchworth Gateway Villages received grants from the United States Department of Agriculture and the Village of Perry was responsible for the grant administration and reimbursement for those grants; and

WHEREAS, it has been discovered that improper submission of grant reimbursements has caused a deficit in the Letchworth Gateway Village's budget and the Village is unable to recover those costs through grant reimbursement totaling \$23,655.43; and

WHEREAS, there are two receivables from 2018 and 2019 totaling \$12,000.00 which have been determined unlikely to receive and are recommended to be written off; and

WHEREAS, the total deficit for the Letchworth Gateway Villages budget is \$35,655.43; and

WHEREAS, the Village Administrator is proposing the following budget amendment and transfer of funds to cover the expenditures that are unable to be reimbursed:

Budget Amendment:

DEBIT:	A599 General Unassigned Fund Balance	\$ 35,655.43	
CREDIT:	A9901.9 Transfer, Other Funds		\$ 35,655.43
DEBIT:	CD5031 Interfund Transfers	\$ 35,655.43	
CREDIT:	CD6989.4 Other Econ. Opp. LGV		\$ 35,655.43

Transfer of Funds:

DEBIT:	A9901.9 Transfer, Other Funds	\$ 35,655.43	
CREDIT:	A201 Savings		\$ 35,655.43
DEBIT:	CD201 Savings	\$ 35,655.43	
CREDIT:	CD5031 Interfund Transfers		\$ 35,655.43

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the amendment of \$35,655.43 and hereby authorizes the Village Administrator to make the budget amendment and transfer of funds.

The CD fund is comprised of three projects. With discrepancies in reimbursements and two receivables from 2018-2019 which are unlikely to be received, the Village Administrator recommended to write the amounts off and close the Letchworth Gateway Villages project in the CD fund. Trustee Billings made a motion to adopt the resolution authorizing budget amendments to the 2022-2023 budget and transfer of funds for Letchworth Gateway Villages. This motion was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION ADOPTING THE NEW YORK STATE CLIMATE SMART COMMUNITIES PLEDGE

WHEREAS, the Village of Perry (hereinafter “local government”) believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that Village of Perry in order to reduce greenhouse gas emissions and adapt to a changing climate, *adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:*

- 1) Build a climate-smart community.**
- 2) Inventory emissions, set goals, and plan for climate action.**
- 3) Decrease energy use.**
- 4) Shift to clean, renewable energy.**
- 5) Use climate-smart materials management.**
- 6) Implement climate-smart land use.**
- 7) Enhance community resilience to climate change.**
- 8) Support a green innovation economy.**
- 9) Inform and inspire the public.**
- 10) Engage in an evolving process of climate action.**

Moving forward with Climate Smart Communities will unlock other opportunities for the Village. Motion to adopt the resolution for the New York State Climate Smart Communities Pledge was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried with all voting aye.

RESOLUTION TO IMPLEMENT A CLIMATE SMART COMMUNITY TASK FORCE AND APPOINT A CLIMATE SMART COMMUNITY COORDINATOR

WHEREAS, the Village of Perry adopted the New York State Climate Smart Communities Pledge by Resolution on January 3, 2023 and

WHEREAS, the Village of Perry wishes to obtain Certification under the Climate Smart Communities (CSC) Program by taking proactive steps towards reducing greenhouse gas emissions and adapting to climate change; and

WHEREAS, a Climate Smart Community Task Force serves as a central body of leadership that promotes and supports climate change mitigation and adaptation strategies within the community and will act as an advisory group to the municipality on any community issues related to climate change; and

WHEREAS, the CSC Task Force will meet at least twice a year and maintain meeting minutes and attendance records for each meeting; and

WHEREAS, the CSC Task Force will consist of community members, municipal representatives, and other relevant stakeholders; and

WHEREAS, a CSC Coordinator is responsible for convening and managing the task force as Chair, serving as a liaison between the CSC task force and the chief executive officer and other officials, and interfacing with the New York State Department of Environmental Conservation on the CSC program as needed.

THEREFORE, IT IS HEREBY RESOLVED that a Climate Smart Community Task Force be initiated with the initial membership list below; and

BE IT FURTHER RESOLVED that the Village of Perry appoints Samantha Marcy, Village of Perry Administrator as the Climate Smart Community Coordinator.

Initial Membership List for CSC Task Force:

Name	Affiliation
Rick Hauser	Mayor, Village of Perry
Jacquie Billings	Trustee, Village of Perry

The Climate Smart Communities Task Force will be open to the public. It was encouraged to solicit people who are environmentalists in the community so the program can be community directed and supported. Trustee Billings made a motion to adopt the resolution implementing a Climate Smart Community Task Force and appointing a Climate Smart Community Coordinator which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION AUTHORIZING BUDGET AMENDMENT AND TRANSFER TO THE 2022-2023 VILLAGE OF PERRY BUDGET

WHEREAS, the Police Department has ordered a 2023 Interceptor patrol vehicle to replace a 2015 patrol vehicle; and

WHEREAS, due to increasing interest rates, insurance recoveries from a prior accident, and the first payment of \$22,000.00 from A3120.2 for the 2022 Hybrid Explorer not being due until the next fiscal year, the Police Committee is recommending the purchase of the 2023 patrol vehicle to be paid from the Village of Perry 2022-2023 Budget; and

WHEREAS, the Village Administrator is proposing the following budget amendments and budget transfers:

Budget Amendment:

INCREASE REVENUE:	A2680 (Insurance Recoveries)	\$ 16,485.00	
INCREASE EXPENSE:	A3120.2 (Police Equipment)		\$ 16,485.00

Budget Transfer:

DECREASE:	A1990.4 (Contingency)	\$ 13,515.00	
INCREASE:	A3120.2 (Police Equipment)		\$ 13,515.00

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the purchase of the 2023 Interceptor patrol vehicles to be paid from budget line A3120.2; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the budget amendment and budget transfer for the purchase of the patrol vehicle and hereby authorizes the Village Administrator to make the budget amendment and budget transfer to the 2022-2023 Village of Perry budget.

Trustee Lawrence made a motion to adopt the resolution authorizing budget amendment and transfer to the 2022-2023 budget for a new police vehicle which was seconded by Trustee Lapiana and carried with all voting aye.

CLERK/DEPUTY TREASURER'S REPORT

FY 2022-2023

Abstract #15

Vouchers #1164 - 1232

General Fund	\$ 43,132.36
Special Grant Fund	\$ -
Water Fund	\$ 19,481.85
Sewer Fund	\$ 4,066.21
Capital Projects Fund	\$ 2,275.00
Trust & Agency	\$ 3,248.97
Silver Lake Watershed Commission	\$ 37.99
<hr/> Total	<hr/> \$ 72,242.38

Vouchers were audited by Trustee Lawrence. \$9,493.18 was prepaid, including \$8,625.00 in debt service payments from the water fund. A CHIPS reimbursement of \$225,274.59 was received for paving work on Water St., Fruit St., Genesee St., and E. Genesee Street. Trustee Billings made a motion to authorize payment of abstract #15 in the amount of \$72,242.38 which was seconded by Trustee Lapiana, and carried with all voting aye.

DEPARTMENT REPORTS

Nothing to review.

TRUSTEE REPORTS

The Board reviewed draft language on proposed local laws for amortization and the sign law. These draft laws have been in the works between Mayor Hauser and David DiMatteo's office and discussed in the Zoning Committee meeting.

A Proposed Local Law Entitled "Amending §490-15 'Nonconforming Lots, Uses, and Structures' to Allow for Amortization"

The idea behind this law is much like the sign law – if non-conforming, there would be a number of years to get in compliance. Non-conforming uses of buildings predominantly impacts the C1 district. The Board received a letter from the Village Attorney's office stating that lawyers cannot find precedent as it relates to this draft law. The Attorney's office is proposing that the law triggers a fact-finding evaluation by the ZBA to determine residual value of investments to determine a baseline of time.

The concern with building hard criteria into the law is that one building may not be the same as another. The best path forward is to have the ZBA make a determination based on factors. It seems that more specific law with hard criteria has not been tested in court. Situations that have been upheld have a "reasonableness" factor. Mayor Hauser's main concern is not giving the ZBA guidance to determine reasonableness. The Board can choose to move forward with hard criteria but the Village Attorney's office advises against it. This draft law will be kicked back to the Zoning Committee.

A Proposed Local Law Entitled "Amending §490-72 'Sign Regulations' of the Zoning Code of the Village of Perry"

Attorney David Roach has been assisting with the draft of sign law updates. The amendment to the sign law should define a flag vs. a sign, increase the number of signs allowed from one to three, and increase the face area from 4 sq. ft. to 8 sq. ft. The previous law has not been practical.

Introducing the definition of a mural was discussed, but as it is written, a mural would be considered a wall sign and subject to a permit. Content cannot be regulated but artist qualifications and materials can be.

The Board requested that the word “government” be explained as it is included in the definition of “flag.”

EXECUTIVE SESSION

Mayor Hauser made a motion to enter executive session to discuss pending litigation which was seconded by Trustee Billings and carried with all voting aye.

At 8:47 pm, Trustee Billings made a motion to exit executive session which was seconded by Trustee Lawrence and carried with all voting aye.

Immediately following, Trustee Lawrence made a motion to adjourn the meeting which was seconded by Trustee Billings and carried.

Respectfully submitted,
Christina Slusser, Village Clerk