

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
FEBRUARY 6, 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 6th day of February 2023.

PRESENT:	Rick Hauser	Mayor
	Dariel Draper	Trustee
	Jacquie Billings	Trustee
	Ernie Lawrence	Trustee
ALSO PRESENT:	Samantha Marcy	Administrator
	Christina Slusser	Village Clerk
GUESTS:	Lorraine Sturm	Perry Herald
	Bill Bark	Country Courier
	George Smith Jr.	Village Resident
ABSENT:	Arlene Lapiana	Trustee

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

PUBLIC COMMENT

George Smith Jr. introduced himself as a Perry resident who moved to the Village a couple of years ago. He wishes to learn more about the things going on in Perry and to find a way to get involved.

PRESENTATIONS & BOARD ACTIONS

Village Administrator, Samantha Marcy, provided binders to the Board members and Village Clerk outlining the draft budget. Administrator Marcy gave an overview of what has been covered in committee meetings in terms of budget prep, explaining the revenues and appropriations as laid out in the binders.

The draft uses a flat tax rate from the previous year and looks at salaries, debt service, and contractual for everyday expenditures. One time expenses were pulled out and can be discussed. Additional items for consideration were pointed out as options to use the estimated \$65,000 surplus. Optional items will continue to be a discussion based on priority and necessity. ARPA money may also come into play when looking at certain optional items.

MINUTES

Motion to approve the minutes from the last regular Board Meeting on January 17, 2023 was made by Trustee Lawrence, seconded by Trustee Billings, and carried with all voting aye.

RESOLUTION ACCEPTING RESIGNATION OF PLANNING BOARD MEMBER, BRIAN PARKER

WHEREAS, Mr. Brian Parker, due to change in residency, has vacated his seat on the Planning Board; and

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

Motion to adopt the resolution accepting the resignation of Brian Parker was made by Mayor Hauser, seconded by Trustee Draper, and carried with all voting aye.

RESOLUTION APPOINTING ELECTION INSPECTORS FOR THE MARCH VILLAGE ELECTION

WHEREAS, per Election Law 15-116(1), the Village Board of Trustees is responsible for appointing election inspectors for the March 21, 2023 Village election; and

WHEREAS, the Village Clerk has reached out to two election inspectors, Diane Murphy and Grace Bogle, who are available and interested to serve as the inspectors; and

WHEREAS, Diane Murphy and Grace Bogle are trained and certified as election inspectors by the Wyoming County Board of Elections; and

BE IT RESOLVED, the Village of Perry Board of Trustees hereby appoints Diane Murphy and Grace Bogle as the election inspectors for the March 21, 2023 Village election and approves the inspectors to be paid at a rate of \$150.00 per day.

Trustee Lawrence made a motion to adopt the resolution appointing election inspectors which was seconded by Trustee Draper and carried with all voting aye.

RESOLUTION ESTABLISHING POLLING LOCATION AND HOURS FOR 2023 VILLAGE ELECTION

WHEREAS, all Village Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings 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 next annual Village Election will be held Tuesday, March 21, 2023 at the Village Hall, 46 North Main Street, Perry, New York. The hours of the election will be from 12:00 noon until 9:00 p.m.; and

WHEREAS, no person shall be entitled to vote at such election whose name does not appear on the register of the election district in which he claims to be entitled to vote as of March 10, 2023, the last day to register with the Wyoming County Board of Elections; and

WHEREAS, the Village of Perry deems the list of qualified voters presented by the Wyoming County Board of Elections to act as the register of qualified voters for this Village Election and therefore has no cause for a registration day; and

WHEREAS, the offices to be filled at the 2023 Village Election are : one (1) Mayor - two (2) year term, two (2) Trustees – four (4) year term each, and one (1) Village Justice – four (4) year term; and

NOW THEREFORE BE IT RESOLVED, the next annual Village Election will be held on Tuesday, March 21, 2023 at the Village Hall, 46 North Main Street, Perry, New York from the hours of 12:00 noon until 9:00 p.m. and the Village of Perry has no cause for a registration day.

Trustee Billings made a motion to adopt the resolution establishing the polling location and hours for the 2023 Village Election which was seconded by Trustee Lawrence and carried unanimously.

RESOLUTION APPROVING CULTURAL SERVICES AGREEMENT WITH THE ARTS COUNCIL FOR WYOMING COUNTY FOR PERRY COMMUNITY BAND

WHEREAS, the Village of Perry is the legal representative for the Perry Community Band; and

WHEREAS, the Arts Council for Wyoming County has provided grant funds to the Perry Community Band in an amount of \$1,790.00; and

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

This is a yearly agreement for the Perry Community Band. The awarded funds are received by the Village and turned over to the Perry Community Band. Motion to adopt the resolution approving the agreement with the ACWC for the Perry Community Band was made by Trustee Billings, seconded by Trustee Lawrence, and carried with all voting aye.

RESOLUTION APPROVING GRANT DISBURSEMENT AGREEMENT AMENDMENT FOR 2019 DOWNTOWN PERRY RESTORE IV, PROJECT #AB752

WHEREAS, the Village of Perry received a RESTORE grant in 2019 from the Empire State Development in an amount of \$500,000.00; and

WHEREAS, the grant amount has been revised to \$122,109.77 based on eligible project costs; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the Grant Disbursement Agreement Amendment for Project #AB752 and authorizes the Mayor to sign the agreement.

It was clarified that at no fault of the Village, the eligible reimbursement amount for the 2019 Restore grant was reduced. In an effort to close out the grant, it is recommended to move forward with the revised eligible amount which has also been agreed upon by the beneficiary. Motion to adopt the resolution approving the Grant Disbursement Agreement was made by Trustee Billings, seconded by Trustee Draper, and carried with all voting aye.

RESOLUTION APPROVING REQUEST FROM THE PERRY TEMPLE CORPORATION

WHEREAS, the Village of Perry received a request from the Perry Temple Corporation in the amount of \$1,500.00; and

WHEREAS, the Perry Temple Corporation owns and operates the building located at 21 N. Main Street Perry and the building is available for use by the Village of Perry and other organizations within the community; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the request from the Perry Temple Corporation and directs the Village Clerk to process a check in the amount of \$1,500.00.

The Village paid \$1,000 last year and \$750 the year before due to Covid. Prior to that, the Village has been contributing \$1,500 since at least 2011. The space at the Masonic Temple, managed by the Perry Temple Corp. serves as a large meeting space since the upstairs of the Village Hall is not available. Motion to approve the payment request from the Perry Temple Corporation was made by Trustee Lawrence, seconded by Trustee Draper, and carried with all voting aye.

RESOLUTION APPROVING AGREEMENTS WITH BPD, INC. FOR FINANCIAL CONSULTING SERVICES AND MUNICIPAL ADVISOR SERVICES FOR THE WATER TREATMENT PLANT PROJECT

WHEREAS, BPD, Inc. has submitted two letters for Financial Consulting services and Municipal Advisor services in connection with the Village's Water Treatment Plant Project; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the Mayor to execute the Financial Consulting Services agreement and the Municipal Advisor Services agreement with BPD, Inc.; and

BE IT RESOLVED, that the Village Clerk shall provide a copy of this resolution to the Village Administrator.

Motion to adopt the resolution approving the agreements with Bernard P. Donegan, Inc. (BPD) was made by Trustee Billings, seconded by Trustee Lawrence, and carried with all voting aye.

RESOLUTION ACKNOWLEDGING EXAMINATION OF COURT RECORDS FOR THE FISCAL YEAR ENDING MAY 31, 2022

WHEREAS, the Village of Perry Board of Trustees has hired Allied Financial Partners to conduct an audit for the fiscal year ending May 31, 2022, of the Justice Court of the Village of Perry; and

WHEREAS, Allied Financial Partners has provided their findings of the Justice Courts procedures for the Village of Perry Board of Trustees review; and

NOW, THEREFORE BE IT RESOLVED, the Village Board of the Village of Perry in compliance with New York State Law, Unified Justice Court Act Section 2019-a accepts Allied Financial Partners review of the court records; and

BE IT FURTHER RESOLVED, the Perry Village Board directs the Village Administrator to provide a copy of the resolution and report to the State of New York Unified Court System.

The court audit is required annually to send a report to the state. Motion to adopt the resolution for the annual court audit was made by Trustee Lawrence, seconded by Trustee Draper, and carried with all voting aye.

RESOLUTION AUTHORIZING EXECUTION OF THE UV DISINFECTION GRANT AGREEMENT FOR THE WASTEWATER TREATMENT PLANT PROJECT

WHEREAS, the Village of Perry applied for and received funding through the Department of Environmental Conservation for UV Disinfection Improvements at the Village's Wastewater Treatment Plant; and

WHEREAS, the Village of Perry has received notification of the grant award in an amount up to \$1,000,000; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby authorizes the Village Administrator to execute the grant award.

Trustee Draper made a motion to adopt the resolution authorizing the execution of the UV Disinfection Grant Agreement which was seconded by Trustee Billings and carried unanimously.

The Village Board of the Village of Perry met at a regular Village Board Meeting at the Village Offices of the Village of Perry located at 46 North Main Street, Perry, New York on the 6th day of February 2023, 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	Ernie Lawrence

<u>Absent:</u>	Trustee	Arlene Lapiana
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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, DiMatteo & Roach Attorneys at Law have served as Prosecutor for the Village of Perry for many years, specifically Attorney David M. DiMatteo and Attorney David M. Roach; and

WHEREAS, the Village Board of the Village of Perry wish to continue to have David M. DiMatteo, David M. Roach Elijah H. McWhinney, serve as the Village Prosecutors for the Village of Perry; and

WHEREAS, that the Village Board of the Village of Perry feels it to be in best interest of the Village of Perry to continue the appointments of David M. DiMatteo, David M. Roach, and Elijah H. McWhinney as prosecutors on behalf of DiMatteo & Roach Attorneys at Law and the Village; and

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

RESOLVED, that the Village Board of the Village of Perry feels it to be in the best interest of the Village of Perry to continue the appointments of David M. DiMatteo, David M. Roach, and Elijah H. McWhinney as prosecutors on behalf of DiMatteo & Roach Attorneys at Law and the Village of Perry.

Ayes: 4

Nays: 0

Absent/Abstain: 1

Quorum Present: X Yes No

Dated: 7th day of February, 2023

Motion to adopt the resolution prepared by David DiMatteo's office appointing prosecutors for the Village of Perry was made by Trustee Billings, seconded by Trustee Draper, and carried with all voting aye.

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

WHEREAS, the Village of Perry has received funding from Ralph C. Wilson Legacy Fund for a Design and Access Planning Grant; and

WHEREAS, a permit will be required from the United States Army Corps of Engineers to cross the outlet with equipment to continue the project; and

WHEREAS, Davey Resource Group has provided a proposal to assist with the application at a cost not to exceed \$5,250.00; 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 \$5,250.00 to be paid from the grant funds available; and

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

With some Ralph Wilson funding left, proposals from Davey Resource Group and Middle Falls Contracting were reviewed regarding work related to a proposed boardwalk. Middle Falls has offered to do investigative work to see how the boardwalk can be built but in order to access the area, a permit is required from the Army Corps of Engineers to cross the outlet with equipment. Once the permit is issued, it is good for 5 years. Motion was made by Trustee Billings to approve the proposal from Davey Resource Group in an amount not to exceed \$5,250. This motion was seconded by Trustee Lawrence and carried with all voting aye. Mayor Hauser made a motion to adopt a resolution approving the contract with Middle Falls Excavating in an amount not to exceed \$10,000 contingent upon receiving the necessary permits. Trustee Draper seconded the motion and it was carried unanimously.

RESOLUTION AUTHORIZING TIME EXTENSION CHANGE ORDERS FOR THE WASTEWATER TREATMENT PLANT PROJECT

WHEREAS, the Village of Perry applied for and was awarded the Water Quality Improvement Project Program grant in December 2021 to install ultraviolet effluent disinfection at the village's wastewater treatment plant; and

WHEREAS, MRB has presented Change Order No. GC-02 for the general contractor, Crane-Hogan Structural Systems, for a time extension to June 30, 2023; and

WHEREAS, MRB has presented Change Order No. EC-02 for the electrical contractor, M.W. Controls Service, Inc., for a time extension to June 30, 2023; and

WHEREAS, MRB has presented Change Order No. HVAC-01 for the HVAC contractor, John W. Danforth Company for a time extension to June 30, 2023; and

WHEREAS, MRB has presented Change Order No. PC-01 for the plumbing contractor, Crosby-Brownlie, Inc., for a time extension to June 30, 2023; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the time extension change orders in relation to the Wastewater Treatment Plant Project and authorizes the Mayor to execute the change order documents.

The change orders for a time extension are mostly due to the UV disinfection piece. Equipment is not expected to be delivered until March 15. The current project is current through February. Motion was made by Trustee Lawrence to adopt the resolution authorizing the time extension orders for the WWTP project which was seconded by Trustee Draper and carried with all voting aye.

LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF) GRANT

The Office Committee discussed submitting an application for the LGRMIF Records Management Grant through the New York State Archives. MRB Group submitted a proposal to prepare the grant application at a cost not to exceed \$7,500. The maximum amount awarded is \$75,000. The committee had further questions and after discussion, is in favor of applying. Mayor Hauser made a motion to enter into an agreement with MRB Group for grant writing services for LGRMIF funding in an amount not to exceed \$7,500 contingent upon affirmation that they have enough time to prepare a competitive application. Trustee Lawrence seconded the motion and it was carried with all voting aye.

CLERK/DEPUTY TREASURER REPORT

FY 2022-2023

Abstract #17

Vouchers #1326 - 1440

General Fund	\$ 65,258.04
Special Grant Fund	\$ 3,200.00
Water Fund	\$ 11,964.77

Sewer Fund	\$ 4,977.64
Capital Projects Fund	\$ 30,420.85
Trust & Agency	\$ 3,228.89
Silver Lake Watershed Commission	\$ 655.98
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Total	\$ 119,706.17

Vouchers were audited by Trustee Billings. Trustee Draper made a motion to approve payment of abstract #17 in the amount of which was seconded by Trustee Lawrence and carried with all voting aye.

DEPARTMENT REPORTS

Nothing to review.

TRUSTEE REPORTS

Trustee Lawrence let the Board know that the Parks Committee met regarding budget discussions which were reflected in Administrator Marcy’s budget presentation.

There was a productive meeting with those interested in Memorial Park upgrades. James Reynolds pushed the project along with his volunteered services. It was noted that there was universal support of Mr. Reynolds’ work.

Trustee Billings added that there is consideration of a mural project being considered. Jacquie Swaby of the Arts Council for Wyoming County is pursuing an art project behind the Arts Council building.

The Letchworth Arts and Crafts Show and Sale meeting was kicked off for the year. There is another meeting this Wednesday.

Mayor Hauser has been having ongoing meetings with a Climate Smart Communities representative and is making progress.

Work on the future board room is underway. The ceiling tiles are out and the committee is trying to get a better estimate on what the cost would be to reroute wires. A cabinet will be installed to store network equipment. Floor leveler will be needed and the committee is looking at a few quotes for carpet tiles similar to the Fire Department space.

Mayor Hauser also noted that Letchworth Gateway Villages is doing great. There is a lot going on and LGV is close to 100% participation. They are working to get a baseline of revenue that is not grant dependent. Other grants in previous years have funded trail mapping tools and a trail town administrator. The Village is responsible for collecting membership dues and paying the project managers. Emily is currently phasing out and Jules is phasing in. Through LGV and the

partnership with Parks and Trails NY, Perry applied through the NYMS Association and was awarded \$11,000 for a bike station and signage.

With no further business, motion to adjourn was made by Trustee Draper at 8:45 PM which was seconded by Trustee Lawrence and carried.

Respectfully submitted,
Christina Slusser, Village Clerk