

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
FEBRUARY 21, 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 21st day of February 2023.

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

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

PUBLIC COMMENT

No comments.

PRESENTATIONS & BOARD ACTIONS

FIRE DEPARTMENT YEARLY REVIEW – CHIEF DAVID LARABY

To be rescheduled.

MINUTES

Trustee Lapiana made a motion to approve the minutes from the last regular Board Meeting on February 6, 2023 which was seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION APPROVING REQUEST FROM THE PERRY CHALK ART FESTIVAL

WHEREAS, the Village has received a request from the Perry Chalk Art Festival Committee for their festival including a donation of \$1,500, a one-day insurance waiver for non-food vendors, permission to close portions of certain streets, and assistance from a member of the DPW on the day of the event; and

WHEREAS, the Police Committee has reviewed the request and is recommending requiring the presence of two police officers during the event to control traffic and ensure safety; and

WHEREAS, the Perry Chalk Art Festival will be required to obtain insurance certificates from food vendors located on Village property, list the Village of Perry as an additional insured, and to provide a copy of the certificate to the Village Office prior to the event; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board hereby approves the requests outlined in the letter from the Perry Chalk Art Festival Committee and will require the presence of two police officers; and

BE IT RESOLVED, the Village of Perry Board hereby approves the donation of eight staff hours with the remainder to be billed to the Perry Chalk Art Festival; and

BE IT RESOLVED, the Village of Perry Board approves the donation request for \$1,500 and directs the Village Clerk to submit a voucher for payment.

The donation request is an increase of \$100 from the previous year. Police staffing may need more discussion. The committee was initially thinking that 3 officers will be needed on duty that day to cover the event including traffic control. Trustee Lapiana made a motion to approve the resolution approving the request from the Perry Chalk Art Festival. Trustee Lawrence seconded but added to amend the motion pending the decision of the Police Committee which was carried with all voting aye.

RESOLUTION AUTHORIZING HEALTH INSURANCE PLANS FOR THE 2023-2024 RENEWAL CYCLE

WHEREAS, the Village Administrator and Village Clerk have reviewed and evaluated the health insurance options; and

WHEREAS, the Village Administrator is recommending to continue offering the current plans, BCBS of WNY Silver POS 7100 HDHP, BCBS of WNY Gold POS 7100 HDHP and BCBS of WNY Bronze HMO 8000 HDHP, for the April 1, 2023 renewal; and

WHEREAS, the Village contribution for the Silver POS 7100 HDHP will remain the same, funded at 80% of the premium and 75% of the deductible into a health savings accounts; and

WHEREAS, the Village contribution for the Gold 7100 and Bronze 8000 plans will not exceed the Village's yearly contribution to the Silver 7100 plan; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the recommendation to continuing offering the Silver POS 7100 HDHP, Gold POS 7100 HDHP and Bronze HMO 8000 HDHP for the 2023-2024 renewal year; and

BE IT FURTHER RESOLVED, the Perry Village Board directs the Village Administrator to execute any and all documents relative to the health insurance services for the upcoming plan year.

The recommendation is to continue the same plans as last year. Trustee Lawrence made a motion to adopt the resolution authorizing health insurance plans for the 2023-2024 renewal cycle which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION AUTHORIZING BUDGET TRANSFERS TO THE 2022-2023 VILLAGE BUDGET

WHEREAS, the Village Administrator is proposing the following Budget Transfers to correct overspent accounts for the 2022-2023 fiscal year:

General Fund:

Increase:	A1420.4 (Law - Contractual)	\$64.20	
Increase:	A5680.4 (Electric Charging Station)	\$1,001.66	
Increase:	A8010.4 (Zoning – Contractual)	\$90.00	
Increase:	A8010.43 (Zoning – Attorney Fees)	\$60.66	
Increase:	A8745.4 (Flood & Erosion Control)	\$1,205.39	
Decrease:	A1990.4 (Contingency)		\$2,421.91

Sewer Fund:

Increase:	G1440.4 (Engineer – Contractual)	\$2,829.00	
Decrease:	G8110.4 (Admin – Contractual)		\$2,829.00; and

WHEREAS, the Village Administrator is proposing the following Budget Transfers to allocate money towards repairs needed for HVAC repairs at Village Hall and a heater for the Fire Department for the 2022-2023 fiscal year:

Increase:	A1620.4 (Buildings – Contractual)	\$11,474.09	
Decrease:	A1990.4 (Contingency)		\$11,474.09

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the Village Administrator to make the above budget transfers for the 2022-2023 fiscal year; and

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

Trustee Lapiana made a motion to adopt the resolution authorizing budget transfers which was seconded by Trustee Lawrence and carried unanimously.

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT WITH INTEGRATED SYSTEMS

WHEREAS, the Village of Perry contracts with Integrated Systems for engineering services and software development, network and system troubleshooting, programming, end user technical support, cabling and travel; and

WHEREAS, the Village Administrator is proposing purchasing of Contract D for a total cost of \$8,500 at a discounted hourly rate of \$85 per hour; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the Professional Services Agreement, Contract D for a total cost of \$8,500, with Integrated Systems and authorizes the Mayor to execute the agreement.

The current contract, which was purchased about 2 years ago, is almost out of hours. Motion was made by Trustee Lawrence to adopt the resolution to purchase Contract D for professional services with Integrated Systems. Trustee Lapiana seconded the motion and it was carried with all voting aye.

RESOLUTION APPROVING SUBSTANTIAL COMPLETION FOR WASTEWATER TREATMENT PLANT PROJECT

WHEREAS, the general contractor, Crane-Hogan Structural Systems, Inc., has requested acceptance of Substantial Completion for items that have been completed and the Village of Perry has beneficial use of at the Wastewater Treatment Plant; and

WHEREAS, it has been determined that those items include: Influent Building, Primary Clarifiers, Trickling Filter #1 and Trickling Filter #1 Pump Station, Final Clarifier #1 and #2, UV Manhole Structure, Effluent Manhole, and all interconnecting piping between noted portions of work; and

WHEREAS, with the acceptance of substantial completion of the items listed above, the general contractor is requesting release of 2.5% of the retainage on the Wastewater Treatment Plant Project totaling \$207,546.75; and

WHEREAS, the Village of Perry's engineer, MRB Group, has reviewed and suggests acceptance of substantial completion and release of 2.5% retainage; and

BE IT RESOLVED, that the Perry Village Board of Trustees hereby approve the substantial completion for the items listed above and the release of retainage; and

BE IT RESOLVED, that the Perry Village Board of Trustees hereby authorizes the Mayor to execute the Certificate of Substantial Completion.

The general contractor is requesting release of 2.5% retainage for items that are completed and the Village has use of. Motion was made by Trustee Lapiana to adopt the resolution approving

substantial completion for the Wastewater Treatment Plant Project which was seconded by Trustee Lawrence and carried with all in favor.

RESOLUTION APPROVING PAYMENTS FOR WASTEWATER TREATMENT PLANT PROJECT

WHEREAS, the Village Clerk has received Pay App #21 from the general contractor, Crane-Hogan Structural Systems, Inc., for the wastewater treatment plant project in the amount of \$252,196.75 and

WHEREAS, the Village Clerk has received pay app #15 from the electrical contractor, M.W. Controls Service, Inc., for the wastewater treatment plant project in the amount of \$36,763.25; and

WHEREAS, the Village Clerk has received Pay App #5 from the plumbing contractor, Crosby-Brownlie, Inc., for the wastewater treatment plant project in the amount of \$4,486.31; and

WHEREAS, the Village Clerk has received pay app #5 from the HVAC contractor, John W. Danforth Company, for the wastewater treatment plant project in the amount of \$16,131.00; 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.	\$252,196.75
M.W. Controls Service, Inc.	\$36,763.25
Crosby-Brownlie, Inc.	\$4,486.31
John W. Danforth Company	\$16,131.00

The resolution above includes the 2.5% retainage amount for Crane-Hogan. Motion was made by Trustee Lawrence to adopt the resolution approving payments for the Wastewater Treatment Plant Project which was seconded by Trustee Lapiana and carried with all in favor.

RESOLUTION DECLARING THE FRESH START LOAN OF GIUSEPPE GENTILE TO BE IN DEFAULT AND DIRECTING LOAN TO BE CALLED DUE

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 21st 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	Arlene Lapiana
	Trustee	Ernie Lawrence
<u>Absent:</u>	Trustee	Dariel Draper
	Trustee	Jacquie Billings

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, on April 27, 2020 the Village of Perry adopted a Small Business Support Loan Program under the name, Fresh Start 2020; and

WHEREAS, Fresh Start 2020 allows for the Village of Perry to offer zero-interest loans to assist local small businesses in weathering the economic impacts of the COVID-19 pandemic, and provides funds for reopening businesses after the COVID-19 sanctions were lifted; and

WHEREAS, the Fresh Start 2020 Loan Program allowed for the minimum value for loans under this program to be \$500 and were not to exceed \$4,800 per business; and

WHEREAS, it is understood that the Village granted a 2020 Fresh Start Loan to Giuseppe Gentile originally amounting in \$4,800.00, with an interest rate of 0% and monthly payment of \$100.00 beginning December 1, 2022 and is scheduled to end November 1, 2024; and

WHEREAS, Village record reflects consistent payment on said loan until about the month of April, 2022, from which the record reflects scattered payments, and an overdue balance of \$1,200; and

WHEREAS, according to Village of Perry 2020 Fresh Start Loan Policies, any loan payment not received within 15 days after the set due date is considered delinquent; additionally, all delinquent payments will be assessed with a 2% late fee; and

WHEREAS, the Village Board recognizes the remaining balance of the loan to be three thousand four hundred dollars (\$3,400.00), of which \$1,200 is overdue and has been assessed a 2% late charge of \$24; and

WHEREAS, the Village is further eligible to implement an interest rate of 9% if the loan is in default, as referenced on the executed Promissory Note; and

WHEREAS, the Village Board acknowledges their authority to implement a 9% interest rate upon the default balance of \$1,224 (with 2% late charge), which equates to a default balance of \$1,334.16 (with 9% interest rate); and

WHEREAS, the Village Board recognizes the remaining balance of the loan with the 2% late charge and the 9% interest rate upon the default portion of the loan, as well as the remaining balance of the loan to be four thousand seven hundred thirty four dollars and sixteen cents (\$4,734.16); and

WHEREAS, the Village records reflect frequent delinquency of payment towards this 2020 Fresh Start Loan; and

WHEREAS, the Village Board now wishes to call upon the services of Village Attorney David M. DiMatteo, Esq., to call due the Fresh Start Loan 2020 under the names of Giuseppe Gentile or Quinem Corporation (dba The Biblio-Tech Café), with all assessed late fees and interest charges totaling to the amount of \$4,734.16.

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

RESOLVED, that the Village Board of the Village of Perry hereby declares the 2020 Fresh Start Loan under the names of Giuseppe Gentile or Quinem Corporation (dba The Biblio-Tech Café), 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 \$4,734.16, 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.

Ayes: 3

Nays: 0

Quorum Present: Yes No

2023-2024 DRAFT BUDGET – VILLAGE ADMINISTRATOR

The tax rate will remain the same, but based on assessed values, the Village will look to override the tax cap. There will be a resolution at the next meeting to schedule a public hearing for the following meeting.

General Fund additional items for consideration were reviewed. Place holder numbers were added for recommendations to use the current draft budget surplus of \$62,000. The Administrator hopes to work with the USDA to finance a dump truck and leaf machine for DPW.

Annual payments of \$13,000 for a dump truck and \$7,000 for a leaf machine were estimated. \$9,500 was added for sidewalk express. The Administrator recommends using ARPA money for sidewalk repairs throughout the Village, which can be contracted out due to DPW staffing. Fundraising was discussed for holiday lights, so this was left out of the budget. Half of the requested amount (\$2,500) was added for seasonal banners. The most important items for parks are Memorial Park and the trail. \$15,000 was recommended for both. A zero-turn mower could be purchased using ARPA funds. These additional recommended items total \$62,000. A breakdown of ARPA funds was also provided.

The Board agreed to cancel the tentative budget meeting on February 27, 2023. A tentative budget will be prepared by the Village Administrator by March 20, 2023.

CLERK/DEPUTY TREASURER REPORT

FY 2022-2023

Abstract #18

Vouchers #1441 - 1532

General Fund	\$ 36,472.56
Special Grant Fund	\$ -
Water Fund	\$ 5,916.21
Sewer Fund	\$ 4,740.57
Capital Projects Fund	\$ 309,577.31
Trust & Agency	\$ 1,561.82
Silver Lake Watershed Commission	\$ 49.02
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Total	\$ 358,317.49

Vouchers were audited by Trustee Lawrence. Motion was made by Trustee Lapiana to pay abstract #18 in the amount of \$358,317.49 which includes the WWTP pay apps in a previous resolution. Trustee Lawrence seconded the motion and it was carried with all in favor.

DEPARTMENT REPORTS

FINANCIAL REPORTS

Financial reports were reviewed which include revenues and expenditures through January 2023 and NYCLASS balances. Other reports were reviewed for DPW/Parks, WTP/WWTP, and Police with no action needed.

DOWNTOWN REVITALIZATION INITIATIVE (DRI)

Mayor Hauser announced that Perry was awarded the DRI but nothing has happened formally yet; no paperwork has been signed. The next steps will involve the state appointing a LPC (Local Planning Committee), holding public information sessions, and developing project profiles. With the DRI being a state program with state awarded money, everything will be state directed. The state will award projects rather than the Village. Preliminary information is available at www.villageofperry.com/dri. It is believed that a consultant will put together a website where information throughout the process will be available to the public. The state will provide consulting and planning services totaling \$300,000 which will come out of the DRI funds.

The Mayor indicated that he would like owners and prospective owners to think about whether this is an opportunity they would like to pursue. The Village can help to connect buyers and sellers – if a current owner is not interested in a project, they are much more likely to find a buyer while funding is available.

TREE CITY USA

Trustee Lawrence shared that Perry has been recognized as a Tree City USA community again. Dan Zerbe is coming to the next board meeting to discuss the Tree Board Master Plan.

EXECUTIVE SESSION

At 8:16 pm, Motion was made by Mayor Hauser to enter executive session to discuss the employment history of a particular individual which was seconded by Trustee Lapiana and carried with all voting aye.

Motion was made by Mayor Hauser to exit executive session at 8:54 pm which was seconded by Trustee Lapiana and carried.

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

Respectfully submitted,
Christina Slusser, Village of Perry