

**VILLAGE OF PERRY  
VILLAGE BOARD MEETING MINUTES  
MARCH 20, 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 20<sup>th</sup> day of March 2023.

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

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

**PUBLIC COMMENT**

No comments. A public hearing is scheduled for 8:00 pm.

**PRESENTATIONS & BOARD ACTIONS**

Trustee Lawrence made a motion to approve the minutes from March 6, 2023 which was seconded by Trustee Lapiana and carried with all voting aye. Trustee Draper made a motion to approve the minutes from March 13, 2023 which was seconded by Trustee Lapiana and carried with all voting aye.

**RESOLUTION APPROVING PAYMENT #12 FOR VILLAGE HALL PROJECT**

**WHEREAS**, the Village Administrator has received pay app #12 from the contractor for the Village Hall Project; and

**WHEREAS**, pay app #12 was received from the Picone Construction Corporation in the amount of \$30,440.29; and

**BE IT RESOLVED**, that the Perry Village Board of Trustees hereby approves the following payment for Pay App #12 and directs the Village Clerk to submit a voucher for payment:

Picone Construction Corporation

\$30,440.29; and

**BE IT RESOLVED**, that the Perry Village Board of Trustees hereby authorizes the Mayor to execute the payment certification.

Pay app #12 is the final payment to the general contractor for the Village Hall contract. This payment releases the retainage on Picone's contract. Motion was made by Trustee Lapiana and seconded by Trustee Lawrence to adopt the resolution approving payment #12 for the Village Hall project.

**RESOLUTION APPROVING PAYMENTS FOR WASTEWATER TREATMENT PLANT PROJECT**

**WHEREAS**, the Village Clerk has received Pay App #22 from the general contractor, Crane-Hogan Structural Systems, Inc., for the wastewater treatment plant project in the amount of \$27,856.73 and

**WHEREAS**, the Village Clerk has received pay app #16 from the electrical contractor, M.W. Controls Service, Inc., for the wastewater treatment plant project in the amount of \$14,820.49; and

**WHEREAS**, the Village Clerk has received pay app #6 from the HVAC contractor, John W. Danforth Company, for the wastewater treatment plant project in the amount of \$16,292.50; and

**WHEREAS**, the Village Clerk has received pay app #6 from the plumbing contractor, Crosby-Brownlie, Inc., for the wastewater treatment plant project in the amount of \$8,407.50; 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.	\$27,856.73
M.W. Controls Service, Inc.	\$14,820.49
John W. Danforth Company	\$16,292.50
Crosby-Brownlie, Inc.	\$8,407.50

Trustee Draper made a motion to adopt the resolution approving payments for the wastewater treatment plant project which was seconded by Trustee Lawrence and carried with all voting aye.

**RESOLUTION APPROVING MRB ENGINEERING AGREEMENT AMENDMENT #3 FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT**

**WHEREAS**, MRB has proposed Amendment #3 for Engineering Design Services for the Wastewater Treatment Plant Improvements Project; and

**WHEREAS**, the requested increase is to provide construction administration and construction observation for the WQIP Disinfection project; and

**WHEREAS**, the requested increase for added Construction Administration and Observation is \$48,500 (hourly, not-to-exceed); and

**NOW, THEREFORE BE IT RESOLVED**, the Village of Perry Board hereby approves Amendment No. 3 with MRB for services related to the Wastewater Treatment Plant Improvements Project; and

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

Construction on the disinfection piece hasn't started yet, but equipment is scheduled to arrive soon. Motion was made by Trustee Lapiana to adopt the resolution approving the amendment to the engineering agreement with MRB Group which was seconded by Trustee Draper and carried unanimously.

**RESOLUTION ACCEPTING RESIGNATION OF ZONING BOARD OF APPEALS MEMBER, MELISSA HENCHEN**

**WHEREAS**, Ms. Melissa Henchen has submitted her resignation as Zoning Board of Appeals member effective March 15, 2023; and

**NOW, THEREFORE BE IT RESOLVED**, the Village of Perry Board hereby accepts the resignation of Ms. Henchen and wishes her well with future endeavors.

Ms. Henchen has decided not to renew her term which was through 3/31/2023. Mayor Hauser made a motion to accept this resignation which was seconded by Trustee Draper and carried with all voting aye.

**RESOLUTION APPOINTING SEASONAL LABORERS, DON KELSEY AND STEVE FULLER**

**WHEREAS**, Mr. Don Kelsey has been employed with the Village's Department of Public Works since April 2018; and

**WHEREAS**, Mr. Steven Fuller has been employed with the Village's Parks Department since June 2020; and

**WHEREAS**, the Superintendent of Public Works is requesting the appointments of Mr. Kelsey and Mr. Fuller for the 2023 season; and

**BE IT RESOLVED**, that the Perry Village Board of Trustees does hereby appoint Mr. Don Kelsey as a Seasonal Laborer designated to the Department of Public Works at a rate of \$20.81 per hour effective April 3, 2023; and

**BE IT FURTHER RESOLVED**, that the Perry Village Board of Trustees hereby appoints Mr. Steven Fuller as a Seasonal Laborer designated to the Parks Department at a rate of \$19.34 per hour effective April 3, 2023.

Motion to adopt the resolution appointing the seasonal laborers was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried unanimously.

#### **RESOLUTION APPOINTING PART-TIME CROSSING GUARD, DENNIS BENNETT**

**WHEREAS**, there is a vacancy for a Crossing Guard and the Chief of Police is requesting the appointment of Mr. Dennis Bennett; and

**BE IT RESOLVED**, that the Perry Village Board of Trustees does hereby appoint Mr. Dennis Bennett as a Crossing Guard at a rate of \$30.38 per hour effective March 21, 2023.

Trustee Draper made a motion to adopt the resolution appointing Dennis Bennett as a part-time crossing guard which was seconded by Trustee Lapiana and carried with all voting aye.

#### **RESOLUTION APPROVING EVENT REQUESTS AND POLICE SUPPORT**

**WHEREAS**, the Parks Committee and Police Committee have reviewed three event requests and request for police support; and

**WHEREAS**, the Parks Committee is recommending approving all three event request and donating eight hours of police support to each event; and

**BE IT RESOLVED**, that the Village of Perry Board of Trustees hereby approves the event request for the Silver Serpent on June 3, 2023 and June 4, 2023 and will provide up to eight hours of police support; and

**BE IT RESOLVED**, that the Village of Perry Board of Trustees hereby approves the event request for the Tour de Perry on July 8, 2023 and will provide up to eight hours of police support; and

**BE IT RESOLVED**, that the Village of Perry Board of Trustees hereby approves the event request for the Serpents Shadow Multisport Festival on September 24, 2023 and will provide up to eight hours of police support.

Administrator Marcy recommends approving the resolution but working with the applicant to provide police support. The recommendation for support is to donate 8 hours and bill for anything additional. Trustee Lapiana made a motion to adopt the resolution approving the three event requests explained above which was seconded by Trustee Draper and carried with all voting aye.

**RESOLUTION APPROVING REQUEST FROM THE PERRY MAIN STREET ASSOCIATION**

**WHEREAS**, the Village has received a request from the Perry Main Street Association for funding towards the 2023 Events Brochure in an amount of \$900; and

**BE IT RESOLVED**, the Village of Perry Board approves the donation request for \$900 and directs the Village Clerk to submit a voucher for payment.

Last year’s request was for \$800 but costs to produce the brochure have gone up. Mayor Hauser noted that other businesses provide funding for the brochures so the Village is not footing the whole bill for production/printing. Motion was made by Trustee Lawrence approving the request from PMSA which was seconded by Trustee Lapiana and carried with all voting aye.

**RESOLUTION APPROVING AMENDMENT TO THE 2022-2023 VILLAGE BUDGET**

**WHEREAS**, the Village of Perry Police Department has been awarded \$4,000 from the Division of Criminal Justice Services for the purchase of body worn cameras; and

**WHEREAS**, the Village Administrator is recommending the following budget amendment to account for monies received and expenses for the body worn cameras:

Increase Revenue:	A3389, State Aid – Public Safety	\$4,000.00
Increase Expense:	A3120.2, Police – Equipment	\$4,000.00

**NOW, THEREFORE BE IT RESOLVED**, the Village of Perry Board hereby approves the budget amendment and authorizes the Village Administrator to make the budget amendment to the 2022-2023 Village of Perry Budget.

Funding was received for body worn cameras. This amendment will increase the equipment line and authorize the purchase of the equipment. Motion was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried with all voting aye to approve the amendment to the 2022-2023 budget.

**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:	A1010.41 (Board – Labor Relations)	\$240.38	
Decrease:	A1010.4 (Board – Contractual)		\$240.38
Increase:	A1420.4 (Law - Contractual)	\$1,593.75	
Increase:	A8010.43 (Zoning – Attorney Fees)	\$1,499.92	
Decrease:	A1990.4 (Contingency)		\$3,093.67
Increase:	A1620.41 (Buildings - Network)	\$517.78	
Decrease:	A1620.4 (Buildings – Contractual)		\$517.78
Increase:	A3120.12 (Police – Part-Time)	\$4,712.38	
Decrease:	A3120.1 (Police – Full-Time)		\$4,172.38
Increase:	A3410.42 (Fire – Truck Maintenance)	\$14,610.38	
Decrease:	A3410.2 (Fire – Equipment)		\$14,610.38
Increase:	A5132.42 (Garage – Utilities)	\$2,818.23	
Decrease:	A5132.4 (Garage – Contractual)		\$2,818.23
Increase:	A8010.4 (Zoning – Contractual)	\$90.00	
Decrease:	A8010.41 (Zoning – Board)		\$90.00
Increase:	A9055.8 (Disability Insurance)	\$480.15	
Decrease:	A9060.8 (Health Insurance)		\$480.15

***Water Fund:***

Increase:	F8310.4 (Water Admin – Contractual)	\$1,089.92	
Increase:	F8330.4 (Water Purification – Contractual)	\$6,208.86	
Decrease:	F1440.4 (Engineer – Contractual)		\$7,298.78
Increase:	F8320.41 (Source of Supply – Utilities)	\$1,244.32	
Decrease:	F8320.4 (Sour of Supply – Contractual)		\$1,244.32;

and

**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.

The above budget transfers will correct lines that have been overspent. Motion to adopt the resolution approving transfers to the 2022-2023 budget was made by Trustee Lawrence, seconded by Trustee Lapiana, and carried with all voting aye.

**RESOLUTION APPROVING ANNUAL SOFTWARE SUPPORT CONTRACT AND QUICKPAY SOFTWARE CONTRACT WITH WILLIAMSON LAW BOOK COMPANY**

**WHEREAS**, the Village of Perry uses Williamson Law Book Company for our Water and Sewer Billing Software and QuickPay Software; and

**WHEREAS**, both agreements are annual from April 1, 2023 until March 31, 2024; and

**WHEREAS**, the annual cost of the Water/Sewer Billing Software is \$1,512.00; and

**WHEREAS**, the annual cost of the Water/Sewer Email Billing with Water QuickPay Software is \$759.00; and

**NOW, THEREFORE BE IT RESOLVED**, that the Perry Village Board of Trustees does hereby approve the annual water and sewer billing software contract in the amount of \$1,512.00 and the QuickPay software contract in the amount of \$759.00 from April 1, 2022 until March 31, 2023.

Trustee Draper made a motion to approve the annual contracts with Williamson Law Book which was seconded by Trustee Lapiana and carried with all voting aye.

**2023-2024 BUDGET SUMMARY – VILLAGE ADMINISTRATOR**

The board has had 5 budget workshops. The tentative budget packet includes a calendar, explanations of the tax levy limit and equalization rates, budget summaries, and state & federal aid. Everything that was discussed in the last budget meeting has been added to the budget. The packet also includes salary listings and NYCLASS balances. Once the tentative budget is accepted, a public hearing will be scheduled with final adoption expected at the second meeting in April.

**RESOLUTION ACKNOWLEDGING RECEIPT OF THE 2023-2024 TENTATIVE BUDGET AND SETTING A PUBLIC HEARING**

**WHEREAS**, the tentative budget of the Village of Perry for the fiscal year 2023-2024 is available for viewing in the Village Clerk's Office; and

**WHEREAS**, it is understood that the 2023-2024 tentative budget is not tax cap compliant; and

**WHEREAS**, the Village Board has held Budget Workshops on February 6, 2023, February 13, 2023, February 21, 2023 and March 13, 2023; and

**NOW, THEREFORE BE IT RESOLVED**, the Village Board of the Village of Perry does hereby acknowledge receipt of the tentative budget by the Village Administrator; and

**BE IT FURTHER RESOLVED**, the Village Board of Perry does hereby establish a public hearing to be held on the tentative budget on Monday, April 3, 2023, at 8:00pm to receive comments and questions from the public; and

**BE IT FURTHER RESOLVED**; the following are the proposed 2023-2024 salaries of the Elected Village Officials of the Village of Perry:

Mayor	\$4,800.00
Village Board member(s)	\$2,900.00
Village Justice	\$15,540.00

**BE IT FINALLY RESOLVED**; the Village Board of the Village of Perry hereby directs the Village Clerk to post and provide notice of said public hearing.

Motion was made by Trustee Lawrence to adopt the resolution acknowledging receipt of the 2023-2024 tentative budget and setting a public hearing. This motion was seconded by Trustee Lapiana and carried with all voting aye.

### **CLERK/DEPUTY TREASURER'S REPORT**

FY 2022-2023

Abstract #20

Vouchers #1587 - 1690

General Fund	\$ 103,768.00
Special Grant Fund	\$ 34,405.60
Water Fund	\$ 14,450.56
Sewer Fund	\$ 21,785.38
Capital Projects Fund	\$ 67,779.72
Trust & Agency	\$ 1,525.13
Silver Lake Watershed Commission	\$ -
Total	\$ 243,714.39



Vouchers were audited by Trustee Draper. Trustee Lawrence made a motion to approve the clerk report and payments in the amount of \$243,714.39 which was seconded by Trustee Lapiana and carried with all voting aye.

### **PUBLIC HEARING AT 8:00PM – LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT**

At 8:00 pm, Mayor Hauser made a motion to open the public hearing which was seconded by Trustee Draper and carried. The Board and guests are aware that the Village has gone through this process each year as required by state law. The tax rate has always held flat or declined but the Board has pursued overriding the law even if it is not needed because it would no longer be an option if the board waited to act on this. The Village is seeing growth as a result of investments. This year will slightly exceed the tax levy limit. With no additional comments, Mayor Hauser made a motion to close the public hearing at 8:04 pm which was seconded by Trustee Lapiana and carried.

### **LOCAL LAW #1 OF THE YEAR 2023 OVERRIDING THE PROPERTY TAX LEVY LIMIT**

**WHEREAS**, the State of New York has enacted General Municipal Law requiring that municipalities, with certain exceptions, caps the growth of the property tax levy; and

**WHEREAS**, the statutory formula for calculation of permitted property tax levy growth may require the Village of Perry to roll back property tax rates to stay within statutory caps; and

**WHEREAS**, the proposed budget forecasts the potential need to exceed the statutory property tax levy cap.

#### **NOW, THEREFORE BE IT ENACTED:**

##### **Section 1. Legislative Intent.**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Village of Perry pursuant to General Municipal Law § 3-c, and to allow the Village to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

##### **Section 2. Authority.**

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Board of Trustees to override the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the Board.

##### **Section 3. Tax Levy Limit Override.**

The Board of Trustees of the Village of Perry, Wyoming County is hereby authorized to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State.

Mayor Hauser made a motion to adopt Local Law 1-2023, Overriding the Property Tax Levy Limit, which was seconded by Trustee Lawrence and carried unanimously.

**DEPARTMENT REPORTS**

The following reports were reviewed: Financial reports, Police Dept., DPW/Parks Departments, WTP/WWTP Departments, and Property Maintenance. The Property Maintenance Officer is continuing to identify ways to help property owners with resources.

**TRUSTEE REPORTS**

Administrator Marcy and Trustee Lawrence met with a representative from the YMCA. They are trying to get a clear explanation of the benefit to Perry for the Village’s contribution to the summer childcare program. If the Village Park is used for the summer rec program, there would likely be more Perry participation but the downside is being unsure of what support will be needed.

Trustee Lawrence volunteered to swear in new Fire Department officers at the upcoming Fire Department banquet.

**PENDING LOCAL LAWS**

A quick summary was provided on the status of upcoming village laws:

Complete Streets

The final draft of the law is complete, but it needs to be decided where it will fit in to the current code. General Code has lawyers on staff who can help coordinate the language into the Village's code.

#### Signage Law

Mural language has been added to the sign law. There has been some back and forth between the committee/Village Administrator and the Village attorney. The draft law is ready for Board review then a public hearing will be scheduled prior to adoption.

#### Parking Law

On street parking has been discussed in committee meetings. A draft of the proposed law is needed from the attorney's office with a goal of adoption by the end of May.

#### Amortization

A draft of the amortization law was sent to the ZBA for review. It will be discussed at their meeting in April. There should be a base number of years to start with then a formula used to calculate the timeframe for amortization.

### **DOWNTOWN REVITALIZATION INITIATIVE (DRI)**

There has been no further communication from the Department of State on the DRI. The State will work to appoint a LPC (Local Planning Committee) of different demographics. Once appointed, public meetings will be held.

### **EXECUTIVE SESSION**

Mayor Hauser made a motion to enter executive session at 8:29 pm to discuss the employment history of a particular individual and to discuss pending, current, or proposed litigation. This motion was seconded by Trustee Lawrence and carried with all voting aye.

At 8:52 pm, Mayor Hauser made a motion to exit executive session which was seconded by Trustee Draper and carried.

At 8:53 pm Trustee Draper made a motion to adjourn the meeting which was seconded by Trustee Lapiana and carried.

Respectfully submitted,  
Christina Slusser, Village Clerk