

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
APRIL 17, 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 17th day of April 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.

PRESENTATIONS & BOARD ACTIONS

FIRE DEPARTMENT YEARLY REVIEW – CHIEF DAVE LARABY

Village of Perry Fire Chief, Dave Laraby, presented the Board with a report for the Fire Department's last fiscal year, April 1st through March 31st. The department received 164 calls which were broken down by category in the report.

The department has 44 active firefighters, 24 of which are interior qualified, putting Perry at 2nd in the county for interior qualified members. The Perry Fire Department worked a brush fire at Letchworth State Park yesterday near the St. Helena overlook. There were two separate fires covering about 4 acres of vegetation and trees caused by high voltage transmission lines that were knocked off poles due to high winds. Many other companies assisted. There were no injuries and everyone was done before dark.

Chief Laraby said that the calls were pretty typical compared to previous years with the exception of some lower numbers during covid. Mayor Hauser requested the percentage of calls that are outside the Village to compare to the fire contracts.

MINUTES

Trustee Lawrence made a motion to approve the minutes from the last regular board meeting on April 3, 2023, which was the annual organizational meeting. Trustee Lapiana seconded the motion and it was carried with all voting aye.

RESOLUTION ADOPTING THE 2023-2024 FISCAL YEAR VILLAGE OF PERRY OPERATING BUDGET

WHEREAS, the Village of Perry Board of Trustees held a public hearing on April 3, 2023 at 8:00pm on the tentative budget including the Village's general, water and sewer funds, and elected officials salaries; and

WHEREAS, the 2023-2024 fiscal year budget with a total amount of \$5,005,911 is not tax cap compliant; and

WHEREAS, the Village of Perry Board of Trustees held a public hearing on March 20, 2023 at 8:00pm on the local law to override the tax cap and adopted the resolution; and

BE IT RESOLVED, that the Tentative budget is hereby adopted and approved by the Village of Perry Board of Trustees and is hereby established as the annual budget for the Village of Perry for the 2023-2024 fiscal year; and

BE IT FURTHER RESOLVED, that the Village Administrator and Village Clerk shall prepare and certify the 2023-2024 budget as provided by law, and duplicate copies of the 2023-2024 adopted budget shall be given to the Mayor, the Village Board, Village Department Heads and submitted to the New York State Office of the Comptroller.

Many workshops, department meetings, and public meetings were held for the development of the 2023-2024 budget with the final step being adoption. Mayor Hauser entertained a motion to approve the budget. Motion was made by Trustee Draper to adopt the 2023-2024 fiscal year budget for the Village which was seconded by Trustee Lawrence and carried unanimously.

RESOLUTION ACCEPTING RESIGNATION OF POLICE OFFICER, MCKAYLEE CROLL

WHEREAS, Ms. McKaylee Croll as tendered her resignation from the position of Police Officer effective April 21, 2023; and

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

Trustee Lapiana made a motion to accept the resignation of Officer Croll which was seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION APPROVING PAYMENTS FOR WASTEWATER TREATMENT PLANT PROJECT

WHEREAS, the Village Clerk has received pay app #7 from the HVAC contractor, John W. Danforth Company, for the wastewater treatment plant project in the amount of \$20,947.50; and

WHEREAS, the Village Clerk has received pay app #7 from the plumbing contractor, Crosby-Brownlie, Inc., for the wastewater treatment plant project in the amount of \$2,242.00; 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:

John W. Danforth Company	\$20,947.50
Crosby-Brownlie, Inc.	\$2,242.00

Trustee Lapiana made a motion to adopt the resolution approving payments for the Wastewater Treatment Plant project which was seconded by Trustee Draper and carried with all voting aye.

RESOLUTION APPROVING HOST COMMUNITY BENEFIT AGREEMENT WITH PERRY COMMUNITY SOLAR, LLC

WHEREAS, the Perry Community Solar, LLC (“Company”) is developing or shall develop a large-scale solar project on a portion of property located on 200 North Main Street (88.20-3-16.1) in the Village of Perry (the “Project”); and

WHEREAS, the Company intends to enter into an agreement respecting the Project making provisions for payments in lieu of taxes (the “PILOT Agreement”) by the Company with the Wyoming County Industrial Development Agency (the “IDA”) for the benefit of the Village, Wyoming County (the “County”) and the Perry Central School District; and

WHEREAS, the Company recognizes that the Project will impact the surrounding community, particularly the Village, more specifically that, during the development, construction, and long-term operation of said Project, the Village will incur significant expenses in connection with its “police powers”; and

WHEREAS, in consideration for the impacts on the community with respect to the Project, the Company has agreed to pay a Host Community Benefit Fee (as such term is defined in Section 2.1) to the Village, as set forth within this Community Benefit Agreement in addition to payments made pursuant to the PILOT Agreement;

WHEREAS, the Village and the Company wish to memorialize the terms and conditions associated with the payment of the Host Community Benefit Fee; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approved the Host Community Benefit Agreement with Perry Community Solar, LLC and authorizes the Mayor to execute said agreement.

Typically the overall amount of an agreement like this is distributed to the taxing jurisdiction. About 70% of the project is within the Village. In consideration of the impact to the community, an annual fee of \$2,800 per megawatt will be paid to the Village. Motion was made by Trustee Lawrence to approve the Host Community Benefit Agreement with Perry Community Solar which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION AUTHORIZING USE OF AMERICAN RESCUE PLAN ACT FUNDS ON PURCHASE FOR PARKS DEPARTMENT

WHEREAS, the Village of Perry was awarded \$357,742.50, in American Rescue Plan Act (ARPA) funds; and

WHEREAS, during the 2023-2024 budget planning process it was discussed purchasing a mower for the Parks Department; and

WHEREAS, the Parks Committee is requesting the purchase of a Ferris Zero Turn Mower to be designated to the Parks Department and the use of ARPA funds for the purchase not to exceed \$15,750; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby authorizes the use of ARPA funds for the purchase of the Ferris Mower designated to the Parks Department in an amount not to exceed \$15,750.00.

Administrator Marcy provided a breakdown of ARPA funds that have been earmarked so far including funds for the mower. Trustee Lapiana made a motion to authorize the use of ARPA funds for a mower for the parks department which was seconded by Trustee Lawrence 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)	\$525.00	
Increase:	A8010.43 (Zoning, Attorney Fees)	\$1,771.35	
Increase:	A1910.4 (Unallocated Insurance)	\$2,376.66	
Decrease:	A1990.4 (Contingency)		\$4,613.01
Increase:	A1620.42 (Buildings, Utilities)	\$164.16	
Decrease:	A1620.4 (Buildings, Contractual)		\$164.16
Increase:	A3120.12 (Police, Part-Time)	\$18,644.92	
Decrease:	A3120.1 (Police, Full-Time)		\$18,644.92
Increase:	A5132.42 (Garage, Utilities)	\$1,554.31	
Decrease:	A5132.4 (Garage, Contractual)		\$1,554.31
Increase:	A9050.8 (Unemployment Insurance)	\$16,648.00	
Decrease:	A1990.4 (Contingency)		\$8,253.56
Decrease:	A9060.8 (Health Insurance)		\$8,394.44
Increase:	A9055.8 (Disability Insurance)	\$484.50	
Decrease:	A9060.8 (Health Insurance)		\$484.50
Water Fund:			
Increase:	F8310.4 (Water Admin, Contractual)	\$2,501.49	
Decrease:	F1420.4 (Law, Contractual)		\$2,501.49
Increase:	F8320.41 (Source of Supply, Utilities)	\$2,592.08	
Increase:	F8330.4 (Water Purification, Contractual)	\$5,417.24	
Decrease:	F1440.4 (Engineer, Contractual)		\$8,009.32
Sewer Fund:			
Increase:	G1440.4 (Engineer, Contractual)	\$198.00	
Decrease:	G1420.4 (Law, Contractual)		\$198.00
Increase:	G9060.8 (Health Insurance)	\$291.96	
Decrease:	G9030.8 (Social Security)		\$291.96; 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.

Trustee Lawrence made a motion to approve the above budget transfers proposed by Administrator Marcy. This motion was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION APPOINTING TEMPORARY CLERK TO THE JUSTICE, MS. GILLIAN KOERNER

WHEREAS, Judge Wolcott is requesting a temporary appointment for the position of Clerk to the Justice to assist with the court office operations; and

WHEREAS, Judge Wolcott is requesting the appointment of Ms. Gillian Koerner; and

BE IT RESOLVED, that the Perry Village Board of Trustees does hereby appoint Ms. Gillian Koerner as a temporary Clerk to the Justice at a rate of \$24.59 per hour effective April 17, 2023.

The Village is accepting applications for a Clerk to the Justice position through next Friday. In the meantime, Ms. Koerner will assist with the transition. Trustee Lapiana made a motion to approve the appointment of a temporary Clerk to the Justice which was seconded by Trustee Lawrence and carried with all voting aye. It was clarified that this plan will be through the end of the fiscal year if needed. A new recommendation will be brought to the Board if this request is expected to extend.

RESOLUTION APPROVING ROCHESTER LADY LIONS SOFTBALL RESERVATION REQUEST

WHEREAS, the Parks Committee has reviewed the request from the Rochester Lady Lions Softball team; and

WHEREAS, the Rochester Lady Lions are requesting to reserve five softball fields from July 19 – July 23 for a softball tournament; and

WHEREAS, the Parks Committee is suggesting charging a fee of \$2,000 for the usage of the five fields for the five days requested; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board hereby accepts the Rochester Lady Lions Softball reservation request; and

BE IT FURTHER RESOLVED, the Village of Perry Board directs the Village Clerk to charge a fee of \$2,000 and to obtain all applicable documents including insurance certificate.

This request was received and approved last year for the same fee. Motion was made by Trustee Lapiana to approve the reservation request for the Rochester Lady Lions which was seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION APPROVING WYOMING COUNTY MENTAL HEALTH DEPARTMENT/PARTNERS FOR PREVENTION RESERVATION REQUEST

WHEREAS, the Parks Committee has reviewed the request from the Wyoming County Mental Health Department/Partners for Prevention; and

WHEREAS, the Wyoming County Mental Health Department/Partners for Prevention are requesting to reserve two fields at the Village Park on May 6, 2023 for a kickball tournament; and

WHEREAS, the Parks Committee is suggesting waiving the fee for the usage of the fields; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board hereby accepts the Wyoming County Mental Health Department/Partners for Prevention reservation request; and

BE IT FURTHER RESOLVED, the Village of Perry Board approves waiving the fee for the Wyoming County Mental Health Department/Partners for Prevention.

The recommendation to waive fees is due to shared services with the county. Motion to approve the resolution above was made by Trustee Lapiana, seconded by Trustee Draper, and carried with all voting aye.

RESOLUTION SETTING A PUBLIC HEARING ON THE PROPOSED LOCAL LAW ENTITLED “AMENDING §490-72 ‘SIGNREGULATIONS’ OF THE ZONING CODE OF THE VILLAGE OF PERRY”

VILLAGE OF PERRY

RESOLUTION

Adopted: April 17, 2023

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Offices located in the Village of Perry, New York on the 17th day of April 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	Arlene Lapiana
	Trustee	Ernie Lawrence
<u>Absent:</u>	Trustee	Jacque 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, the Village Board has drafted a local law that would add and amend language to the current sign regulations within §490-72 “Sign Regulations” of the Zoning Code of the Village of Perry; and

WHEREAS, the purpose of the local law is to amend and update a portion of the language of §490-72 “Sign Regulations” of the Zoning Code of the Village of Perry; and

WHEREAS, therefore, the Village Board of the Village of Perry is considering a Local Law entitled “Amending §490-72 ‘Sign Regulations’ of the Zoning Code of the Village of Perry”; and

WHEREAS, in accordance with the State Environmental Quality Review Act (SEQR), 6NYCRR Part 617, the Village Board has determined that the proposed amendments to §490-72 of the Village of Perry Zoning Ordinance to be a Type II Action and as such, the Village Board has no further responsibilities under SEQR; and

WHEREAS, the Village Board of the Village of Perry finds it in the best interest of the Village to hold a public hearing to consider the adoption of said local law.

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

RESOLVED, the Village Board of the Village of Perry will hold a public hearing on the proposed adoption of said local law on the 1st day of May at 8:00 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

Ayes: 4

Nays: 0

Quorum Present: X Yes ___ No

Dated: April 18, 2023

Proposed sign law amendments have been shared with the Planning Board and ZBA where comments were received and revisions were made. The amendments increase the number of signs and their allowed size. The amendments will reduce the number of challenge areas in the Village to a size that can be acted upon. Language regarding murals has also been plugged in to the law. It is very likely that the Village will see an application for a mural soon so explicit language in terms of a definition is necessary. As noted in the resolution above, Trustee Draper made a motion to schedule a public hearing for the consideration of a local law entitled “Amending 490-72 ‘Sign Regulations’ of the Zoning Code of the Village of Perry” which was seconded by Trustee Lapiana and carried with all voting aye.

CLERK/DEPUTY TREASURER REPORT

FY 2022-2023

Abstract #22

Vouchers #1755 - 1855

General Fund	\$ 33,821.25
Special Grant Fund	\$ 165,200.00
Water Fund	\$ 9,701.78
Sewer Fund	\$ 15,431.48
Capital Projects Fund	\$ 26,639.50
Trust & Agency	\$ 1,144.84
Silver Lake Watershed Commission	\$ 48.55
Total	\$ 251,987.40

Vouchers were audited by Trustee Lapiana. \$162,000.00 of the special grant fund total was received from HTFC and turned over for the NYMS grant. Motion to approve payment of abstract #22 in the amount of \$251,987.40 was made by Trustee Lawrence, seconded by Trustee Draper, and carried with all voting aye. Updated NYCLASS balances were also provided.

DEPARTMENT/COMMITTEE REPORTS

Reports for the following departments were included with no action needed: WTP, WWTP, Police, DPW, and Parks.

TRUSTEE REPORTS

Trustee Lawrence noted that Perry Rotary donated money for 2 picnic tables, 2 benches, & 2 grills for Park Ave. Park. Superintendent Deaton designed a layout of where the items can be placed at the park, near the playground area.

A committee has been working on a plan for Memorial Park and has gotten pretty close to a final design. Trustee Lawrence plans to have James Reynolds, who has contributed much to the design, come to a board meeting to share the committee's ideas. Some of the plans may fall under the DRI.

Mayor Hauser informed the Board that there are plans for Shawn Dunwoody, who works nationally, to do a 20' x 70' mural on the wall facing Memorial Park. PMSA and Rotary have raised funds for the work. Shawn is working on gathering ideas from the community. There was a kickoff meeting with stakeholders to get the first round of ideas on themes for the design. There will be public sessions as well; the next one on April 26th during PMSA's meeting at 7:00 pm upstairs at the Village Hall. There will be a community paint day during the Chalk Art Festival with plans for a finished mural by the end of summer.

A Fire Department consolidation meeting is scheduled on April 26th as well, at 6:00 pm in Silver Springs. Trustee Lawrence, Administrator Marcy, and Fire Chief Laraby plan to attend.

Mayor Hauser stated that Letchworth Gateway Villages has full membership by all 10 Trail Town Communities. LGV is now funded by communities rather than grants, although there could be more grant opportunities in the future. Individuals are welcome to go to exploregenesevalley.com to sign up for the monthly newsletter. Mayor Hauser is happy with the statistics and outreach of LGV.

With no further business, motion to adjourn was made by Trustee Draper at 8:25 pm which was seconded by Trustee Lapiana and carried.

Respectfully submitted,
Christina Slusser, Village Clerk