

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
JUNE 5, 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 5th day of June 2023.

PRESENT:	Rick Hauser	Mayor
	Jacque Billings	Trustee
	Arlene Lapiana	Trustee
	Ernie Lawrence	Trustee
ALSO PRESENT:	Samantha Marcy	Administrator
	Christina Slusser	Village Clerk
	Steve Deaton	DPW Superintendent
GUESTS:	Lorraine Sturm	Perry Herald
	Elizabeth Baker	Village Resident
ABSENT:	Dariel Draper	Trustee

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

PUBLIC COMMENT

Elizabeth Baker introduced herself as a resident of Leicester Street who grows a garden out front. She is interested in learning how the Village Board operates. She commented that she feels a pipe may be higher in the road as she keeps getting regurgitation into her basement. She has had the line snaked and is unsure why it keeps happening, but mentioned this was also a problem when her grandparents owned the home prior.

PRESENTATIONS & BOARD ACTIONS

Trustee Lapiana made a motion to approve the minutes from the regular board meeting on May 15, 2023 which was seconded by Trustee Lawrence and carried with the following vote:

Ayes	3 (Lapiana, Lawrence, Hauser)
Nays	0
Abstain	1 (Billings)

RESOLUTION ESTABLISHING 2023-2024 EMPLOYEE WAGE RATES AND PAYMENT

BE IT RESOLVED, that the Village Board of Trustees hereby fix employee wages and frequency of payment as noted below:

Position	2023-2024 Rate	Wage Calculated	Frequency
Mayor	\$4,800.00	Annual Salary	Monthly
Deputy Mayor	\$250.00	Annual Stipend	Monthly
Board Members (4)	\$2,900.00	Annual Salary	Monthly
Village Justice (Elected)	\$15,540.00	Annual Salary	Biweekly
Village Justice (Appointed)	\$5,952.00	Annual Salary	Biweekly
Village Administrator	\$85,000.00	Annual Salary	Biweekly
Village Clerk	\$55,000.00	Annual Salary	Biweekly
Deputy Clerk	\$17.50	Hourly	Biweekly
Village Attorney	\$15,000.00	Annual Salary	Biweekly
Chief of Police	\$85,313.00	Annual Salary	Biweekly
Sergeant, FT (BR)	\$36.29	Hourly	Biweekly
Police Officer, FT (MM)	\$30.72	Hourly	Biweekly
Police Officer, FT (SK)	\$27.76	Hourly	Biweekly
Police Officer, FT (DS)	\$26.45	Hourly	Biweekly
Police Officer, FT (MC)	\$26.45	Hourly	Biweekly
Police Officer, PT	\$24.14	Hourly	Biweekly
Crossing Guards (TP, DB)	\$30.38	Hourly	Biweekly
Superintendent of Public Works	\$74,909.00	Annual Salary	Biweekly
Working Foreman (MN, MB)	\$27.57	Hourly	Biweekly
MEO (AR)	\$25.67	Hourly	Biweekly
MEO (TR, RT)	\$23.10	Hourly	Biweekly
Laborer (KB)	\$20.67	Hourly	Biweekly
Automotive Repair Worker (KZ)	\$26.00	Hourly	Biweekly
Laborer, Seasonal (SF)	\$19.34	Hourly	Biweekly
Laborer, Seasonal (JS)	\$15.00	Hourly	Biweekly
Zoning Officer (DR)	\$8,870.00	Annual Salary	Biweekly
Zoning Officer (BK)	\$17.50	Hourly	Biweekly
Chief WTP and WWTP Operator	\$62,424.00	Annual Salary	Biweekly
WTP Plant Operator (WS, MM)	\$25.67	Hourly	Biweekly
WWTP Plant Operator (TD, MK)	\$25.67	Hourly	Biweekly
Planning and Zoning Board Members	\$25.00		Per meeting

Wages are effective June 1, 2023 for the 2023-2024 fiscal year. Motion to approve the resolution establishing employee wages was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried unanimously.

RESOLUTION APPROVING PAYMENT #7 FOR THE SILVER LAKE TRAIL PROJECT

WHEREAS, the Village has received pay app #7 from the contractor, CP Ward, Inc., for the Silver Lake Trail project in the amount of \$59,469.10; and

WHEREAS, the engineers on the project, C&S Engineers, have reviewed and approved pay app #7; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the following payment for the Silver Lake Trail project and directs the Village Clerk to submit a voucher for payment:

CP Ward, Inc.

\$59,469.10

BE IT FURTHER RESOLVED, that the Perry Village Board of Trustees hereby authorizes the Mayor to sign the payment invoice.

All the signs for the trail have been ordered. The Village is just waiting for production and delivery. The historical interpretive signs are complete and with CP Ward. Trustee Lawrence made a motion to adopt the resolution approving payment of pay app #7 for the Silver Lake Trail project which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION APPROVING ANNUAL SOFTWARE SUPPORT CONTRACTS WITH WILLIAMSON LAW BOOK COMPANY

WHEREAS, the Village of Perry uses Williamson Law Book Company for their Municipal Accounting & Budget Preparation Software and Tax Collection Software; and

WHEREAS, both agreements are annual from June 1, 2023 until May 31, 2024; and

WHEREAS, the cost of the annual software for Municipal Accounting & Budget Preparation is \$1,765.00; and

WHEREAS, the cost of the annual software for Tax Collection is \$1,183.00; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees does hereby approves the annual Municipal Accounting & Budget Preparation software contract in the amount of \$1,765.00 and the annual Tax Collection software contract in the amount of \$1,183.00 from June 1, 2023 until May 31, 2024.

Trustee Lawrence made a motion to approve the contracts with Williamson Law Book which was seconded by Trustee Lapiana and carried unanimously.

**A PROPOSED LOCAL LAW ENTITLED
“AMENDING §490-72 ‘SIGN REGULATIONS’
OF THE ZONING CODE OF THE VILLAGE OF PERRY”**

BE IT ENACTED by the Village Board of the Village of Perry as follows:

SECTION I. PURPOSE

The purpose of this 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, specifically subsections A, C, D, E, and F to expand limitations on signs allowed in this capacity.

SECTION II. ENACTMENT

The Village Board of the Village of Perry hereby adopts the following changes to the Zoning Code of the Village of Perry:

§490-72 (A) - Definitions:

Amend to read as follows:

Flag- A fabric banner or bunting that contains distinctive colors, patterns or symbols used as an official symbol or emblem of a government. A flag shall not be considered a sign for the purposes of this section.

Mural- A picture or design painted, drawn, or otherwise rendered to and covering a portion of an exterior wall surface.

Sign- A name, identification, description or illustration containing letters, numbers, shapes, designs, pictures or symbols which is affixed, painted, drawn, rendered or otherwise represented or installed on any part of a building, structure, vehicle or parcel of land, in view of the general public, and which directs attention to a person, institution, organization, activity, place, object, product or business. The foregoing definition does not include a flag as defined in this section.

§490-72 (B) – General Regulations:

Amend to read as follows:

(8) Mural signs shall not be located on the wall that serves as the main entrance to a business.

§490-72 (C) - Signs Permitted in All Districts, No Permit Required

Amend to read as follows:

(1) (a) – A total of three (3) temporary signs, with a face area not exceeding eight (8) square feet, per sign, are allowed per parcel in all Districts with the following minimum setback requirements: Except in a C1 district, five (5) feet from the street line; ten (10) feet from the side lot lines; and ten (10) feet from the back lot line. In a C1 district, temporary signs placed on the ground shall be situated on the sidewalk in such a way that does not unreasonably interfere with pedestrian traffic. No temporary sign erected in any district shall exceed a

maximum height of three (3) feet as measured from the surface on which the temporary sign is situated to the highest point of the temporary sign.

§490-72 (D) - Signs Requiring a Permit

Amend to read as follows:

2(f) Murals, property owners seeking to place a mural on their property must seek a permit pursuant to subsection 490-72(F) of this section (except that such permit application shall be made to the Village of Perry Planning Board, rather than the Zoning Enforcement Officer). The application shall be reviewed under Section 490-81 by the Village of Perry Planning Board to ensure Section 490-81 (B)7 is met and will require the issuance of such Special Use Permit.

§490-72 (E) – Schedule for Signs Requiring a Permit in All Districts

Individual Establishments			
Zoning District	Face Area (a)	Number Allowed	Type Allowed (b)
C 1 Districts	1.0	3	FS, W, PD, C, M
C 2 Districts	1.5	3	FS, W, PD, M
M Districts	1.0	2	FS, W, PD
LD Districts	1.0	1	FS, PD
R Districts	§490-72 D (1)	1	W

Multiple Developments			
Zoning District	Face Area (a)	Number Allowed	Type Allowed (b)
C Districts	(c)	(d)	C, FS, W
M Districts	(c)	(d)	FS, W

Legend:

C- Canopy sign

FS- Freestanding sign

W- Wall sign

PD- Perpendicular sign

M- Mural

SECTION IV. SEVERABILITY/VALIDITY

If any part or provision of this local law, or the application thereof, to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this local law, or application thereof to other persons or

circumstances, and the Village Board of the Village of Perry hereby declares that it would have passed this Local Law or the remainder thereof, had such invalid application or invalid provision been apparent.

SECTION V. REPEAL

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION VI. EFFECTIVENESS

This local law shall take effect immediately upon filing in the office of the Secretary of State in accordance with §27 of the Municipal Home Rule Law of the State of New York.

**VILLAGE OF PERRY RESOLUTION
ADOPTING LOCAL LAW NO. 2 OF 2023 ENTITLED,
“AMENDING §490-72 ‘SIGN REGULATIONS’ OF THE ZONING CODE
OF THE VILLAGE OF PERRY”**

Adopted: June 5, 2023

The Village Board of the Village of Perry met at a regular board meeting at the Village Offices located at 46 North Main Street, Perry, New York on June 5, 2023, commencing at 7:30 p.m.; at which time the following members were:

Present:	Mayor	Rick Hauser
	Trustee	Jacquie Billings
	Trustee	Arlene Lapiana
	Trustee	Ernie Lawrence
Absent:	Trustee	Dariel Draper

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 of the Village of Perry is considering a proposed local law entitled “Amending §490-72 ‘Sign Regulations’ of the Zoning Code of the Village of Perry”; and

WHEREAS, the proposed local law would amend and update a portion of the language of §490-72 “Sign Regulations” of the Zoning Code of the Village of Perry, specifically subsections A, C, D, E, and F to expand limitations on signs allowed in this capacity; 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 ‘Sign Regulations’ of the Village of Perry Zoning Ordinance to have no significant adverse impact and is considered 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 held a public hearing on the 1st day of May, 2023, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, the Village Board of the Village of Perry finds it in the best interest of the Village to adopt the proposed local law entitled “Amending §490-72 ‘Sign Regulations’ of the Zoning Code of the Village of Perry”.

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

RESOLVED, that the Village Clerk be and she hereby is directed to enter said local law in the minutes of this meeting, and give due notice of the adoption of said local law to the Secretary of the State of New York.

Ayes: 4

Nays: 0

Quorum Present: Yes No

The amended sign law regulations above were already adopted, but now by official resolution in order to file the local law with NY State. As stated above, motion to adopt the resolution adopting Local Law #2 of 2023 was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried unanimously.

RESOLUTION ACCEPTING RESIGNATION OF PART-TIME CLERK TO THE JUSTICE, DAVID BROWN

WHEREAS, Mr. David Brown has tendered his resignation from the position of Part-Time Clerk to the Justice effective May 30, 2023; and

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

Verbal resignation was received from Mr. Brown and the job has been advertised. Trustee Billings made a motion to accept this resignation which was seconded by Trustee Lapiana and carried with all voting aye.

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

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

WHEREAS, the municipal parking lot along the Silver Lake Trail was removed from the original project budget due to costs; and

WHEREAS, the Superintendent of Public Works has received a quote from Cross Cut Ent. LLC in an amount of \$46,440.90; and

WHEREAS, the county bid pricing for the project is \$69,000.00; and

WHEREAS, the Village Administrator and Superintendent of Public Works are requesting the use of ARPA funds to pave the parking lot not to exceed \$46,440.90 and to hire Cross Cut Ent. LLC with pricing below the county bid; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby authorizes the use of ARPA funds to hire Cross Cut Ent. LLC, for the paving of the parking lot in an amount not to exceed \$46,440.90.

The Village DPW will plan to mill and prep the road as well as handle the paint striping. The Town of Perry and Town of Castile will help with trucking. It was clarified that this project is not eligible to use CHIPS money since it is not a "road." Motion was made by Trustee Lawrence and seconded by Trustee Lapiana to adopt the resolution authorizing ARPA funds for paving the municipal parking lot. This motion was carried unanimously.

RESOLUTION ADOPTING UPDATED SEXUAL HARASSMENT POLICY

WHEREAS, the New York State Department of Labor finalized updates to the Sexual Harassment policy that strengthens protections for New York workers; and

WHEREAS, the Village Administrator is recommending adopting an updated policy to incorporate the requirements set by New York State; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the updated Sexual Harassment Policy.

The policy includes the minimum language provided by NY State with the biggest difference being the addition of language for gender identity. Trustee Lapiana made motion to adopt the

updated Sexual Harassment Police which was seconded by Trustee Billings and carried with all voting aye.

RESOLUTION WAIVING WATER AND SEWER BASE RATE INCREASES FOR 55 SOUTH MAIN STREET

WHEREAS, beginning June 1, 2023, the Village will be enforcing Chapter 355 of the Village Code, where a building or structure that contains one or more separate apartments, that each apartment will be charged the water and sewer base rates; and

WHEREAS, notifications were sent to affected property owners in May of 2022; and

WHEREAS, the building located at 55 South Main Street was sold in January 2023; therefore, the new owner did not receive the notice of the change in billing; and

WHEREAS, the Public Works Committee is recommending waiving the additional base rate charges for one billing cycle to allow proper notice to their tenants; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board of Trustees hereby waives the additional base rate charges for one billing cycle for 55 South Main Street.

Multi-unit increases go into effect June 1st. The new property owners of Travers Place were not made aware of the increase when the property was recently sold, and tenants require 90 days notice prior to rent increases needed to cover the base rates. With this consideration, Trustee Lapiana made a motion to approve the resolution waiving water and sewer base increases for 55 South Main St. for one billing cycle. Trustee Lawrence seconded the motion and it was carried unanimously.

RESOLUTION APPROVING QUOTE FROM BRIAN KEOUGH FOR RECORDS MANAGEMENT SERVICES

WHEREAS, the Village released an RFQ for Records Management Services in February 2023; and

WHEREAS, the Village received five proposals and the Village Administrator and Village Clerk interviewed three candidates; and

WHEREAS, Brian Keough is qualified for the project and was the lowest quote; and

WHEREAS, the Village Administrator and Village Clerk are recommending approving the quote in an amount not to exceed \$5,250.00 to be paid from the 2022-2023 account line A1410.41; and

BE IT RESOLVED, the Village of Perry Board of Trustees hereby approves the quote from Brian Keough for Records Management Services in an amount not to exceed \$5,250.00 to be paid from the 2022-2023 account line A1410.41.

The Board previously approved grant writing services for a records management grant to apply for \$75,000 but 3 of the bids received were between \$5,000 and \$25,000 so the administrator and clerk would like to use the unspent money allocated for grant writing to pay for the first step of record management services. Motion was made by Trustee Lawrence to approve the quote from Brian Keough which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION ADOPTING THE 2023-2024 VILLAGE OF PERRY FEE SCHEDULES

WHEREAS, the Village Administrator has provided updated fee schedules for the 2023-2024 fiscal year for consideration; and

BE IT RESOLVED, the Village of Perry Board of Trustees hereby adopts the 2023-2024 Fee Schedules effective June 5, 2023.

The updated fee schedule reflects the sewer rate increases and change to park reservation fees. Trustee Lapiana made a motion to adopt the resolution adopting the 2023-2024 fee schedules which was seconded by Trustee Lawrence and carried with all voting aye.

PAYMENT IN LIEU OF TAX AGREEMENT

The proposed PILOT agreement between Silver Lake Wyoming Housing Development Fund Corporation & Silver Lake Meadows LLC and the Town of Perry & Village of Perry includes terms for 1-time payments for emergency services and an additional payment schedule through 2042. The Town of Perry has already approved the agreement, so Mayor Hauser sought Village Board approval. Trustee Lapiana made a motion to approve the PILOT agreement which was seconded by Trustee Lawrence and carried unanimously.

CLERK/DEPUTY TREASURER REPORT

FY 2022-2023
 Abstract # 25
 Vouchers # 2038 - 2152

FY 2023-2024
 Abstract # 1
 Vouchers # 1 - 18

General Fund	\$ 133,179.83	General Fund	\$ 24,463.06
Special Grant Fund	\$ -	Special Grant Fund	\$ -
Water Fund	\$ 37,651.74	Water Fund	\$ 3,937.05
Sewer Fund	\$ 284,730.22	Sewer Fund	\$ 20,336.76
Capital Projects Fund	\$ 73,962.83	Capital Projects Fund	\$ -
Trust & Agency	\$ 1,228.03	Trust & Agency	\$ 828.65
Silver Lake Watershed	\$ -	Silver Lake Watershed	\$ 37.99
Total	\$ 530,752.65	Total	\$ 49,603.51

With the end of the fiscal year, two abstracts were prepared as the end of one year and the start of another. Trustee Lawrence made a motion to approve payments for abstract #25 in the amount of \$530,752.65 and payment of abstract #1 for a total of \$49,603.51. This motion was seconded by Trustee Lapiana and carried unanimously.

Collection of 2023 Village tax bills has started. A drop box (mailbox) is now available in front of the Village Hall for convenience of making payments after hours.

DEPARTMENT/COMMITTEE REPORTS

PARKS DEPARTMENT – NORTH PAVILION

The north pavilion at the park was leaning and unable to be repaired. A code inspector advised that the pavilion should not be used. The DPW Superintendent confirmed that the support beams have rotted off at the ground. Camp Hard Hat was looking for a project and has offered to rebuild the pavilion for free with the Village purchasing materials and doing the demo and prep work. The DPW Superintendent estimates materials to cost about \$22,000 but bumped up the cost to \$25,000 to account for anything unexpected.

The prep work will involve DPW demoing the existing pavilion, installing support poles for the new structure, and pouring the concrete pad. July 17th is the window that Camp Hart Hat is able to offer free labor.

The Parks Committee meets Thursday and will discuss options for replacement with consideration on the necessity of rebuilding at this time, in the same location, and replacement of a structure of the same type/size.

DPW COMMITTEE - LEAF MACHING FINANCING

The total cost of the leaf machine is \$65,000. \$7,000 was budgeted for a loan payment. In running costs with the Village's financial advisor, it would cost \$10,000 to do the financing. The Village Administrator suggested using funds from the equipment reserve to pay for the machine and allocating \$7,000 per year back into the account rather than paying interest. There is about \$211,000 in the equipment reserve currently and the account was last used around 2019 for the purchase of a tele skid for the Wastewater Treatment Plant. The machine is ready and available from the only seller in NYS. It is the only machine available before December.

The DPW Superintendent announced that he is waiting for the County to start the Lake Street project. DPW continues to catch up on work at the Public Beach, prepping for paving projects, and repairing potholes.

TRUSTEE REPORTS

Trustee Lawrence commented that the Parks and Public Safety committees have not met since the last Board Meeting but an ad for a new Letchworth Cable Access (LCA) Director has been posted.

Mayor Hauser provided an update on the DRI process saying that there have been a lot of meetings. Weekly meetings are being attended by Administrator Marcy, Mayor Hauser, the Department of State, and cochair of the Local Planning Committee (LPC).

The application for proposals will be available in one week with a six-week period to submit. Someone could submit an application without full ownership but will need to demonstrate site control. There is no application fee and therefore no risk to apply. One will need to show that they have engaged professionals in their plan.

At the next Board Meeting, there will be a public comment session for suggested public municipal projects. Mayor Hauser stated that it would be wise for the Village to put forward more than just 2 projects and let the LPC determine the right balance of public vs. private projects. For the first time, the state is not going to determine what the match should be for non-municipal projects, but awards will be for all or nothing. Nonprofits can ask for 100% funded projects.

A virtual meeting will be offered to learn about the open call for projects, then on June 29th there will be a public work session.

With no executive session necessary, motion to adjourn was made by Mayor Hauser at 8:45 pm which was seconded by Arlene Lapiana and carried.

Respectfully submitted,
Christina Slusser, Village Clerk