

VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
JULY 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 June 2023.

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

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

PUBLIC COMMENT

No one from the public was present for comment.

MINUTES

Trustee Lawrence made a motion to approve the minutes from the last regular board meeting on July 6, 2023 (which was rescheduled from July 3rd due to attendance). Trustee Lapiana seconded the motion and it was carried with all voting aye.

RESOLUTION APPROVING PAYMENTS FOR WASTEWATER TREATMENT PLANT PROJECT

WHEREAS, the Village Clerk has received pay app #24 from the general contractor, Crane-Hogan Structural Systems, Inc., for the wastewater treatment plant project in the amount of \$48,945.00; and

WHEREAS, the Village Clerk has received pay app #9 from the plumbing contractor, Crosby-Brownlie, Inc. for the wastewater treatment plant project in the amount of \$570.00; 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.	\$48,945.00
Crosby-Brownlie, Inc.	\$570.00

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

RESOLUTION APPOINTING CLERK OF THE JUSTICE, NANCY CAPPADONIA

WHEREAS, there is a vacancy for a Clerk of the Justice; and

WHEREAS, Justice Wolcott is requesting the hiring of Mrs. Cappadonia as a Clerk of the Justice; and

WHEREAS, Justice Wolcott is requesting the starting rate for Mrs. Cappadonia to be \$18.00 per hour for an average of 25 hours per week; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board of Trustees hereby approves the hiring of Mrs. Nancy Cappadonia to fill the position of Clerk of the Justice with a starting hourly rate of \$18.00 effective July 18, 2023.

Trustee Lapiana made a motion to adopt the resolution hiring Nancy Cappadonia as Clerk of the Justice. This motion was seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION APPROVING AGREEMENT WITH THE ARTS COUNCIL FOR WYOMING COUNTY FOR THE LETCHWORTH ARTS & CRAFTS SHOW & SALE 2023

WHEREAS, the Arts Council for Wyoming County (“ACWC”) will be holding the Letchworth Arts & Crafts Show & Sale at the Perry Village Park between October 7, 2023 and October 9, 2023; and

WHEREAS, the Village and the ACWC wish to enter into an agreement for the Letchworth Arts & Crafts Show & Sale; and

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

The annual agreement does not contain new content, just updated dates and rates. Trustee Lapiana made a motion to adopt the resolution approving the agreement for the Letchworth Arts & Crafts Show & Sale which was seconded by Trustee Draper and carried unanimously.

RESOLUTION APPROVING NEW ENGLAND WASTE SERVICES OF ME, INC. (D/B/A CASELLA) RESIDUALS MANAGEMENT SERVICE AGREEMENT

WHEREAS, New England Waste Services of ME, Inc. (D/B/A Casella) provides transportation and disposal services of sludge for the waste water treatment plant; and

WHEREAS, the proposed agreement is for a three year term commencing on July 1st, 2023; and

WHEREAS, the costs are as follows:

Unclassified Sludge = \$145 per wet ton

Certified Class B Sludge = \$110 per wet ton

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the agreement with New England Waste Services of ME, Inc. (D/B/A Casella) ;and

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

This resolution is for sludge hauling for the wastewater treatment plant. There is only one other company that provides this service, but were unable to get a quote. Costs went up a lot with this contract, but if the plant can get to a class B sludge, they will go down in price, which is hopefully with the new upgrades. Motion was made by Trustee Lawrence to approve the contract with New England Waste Services which was seconded by Trustee Lapiana and carried with all voting aye.

**VILLAGE OF PERRY RESOLUTION TO SEEK LEAD AGENCY
& SCHEDULE A PUBLIC HEARING
RELATING TO THE PROPOSED LOCAL LAW ENTITLED
"AMENDING §405 'VEHICLES AND TRAFFIC'"
OF THE VILLAGE CODE
OF THE VILLAGE OF PERRY
Adopted: July 17, 2023**

The Trustees of the Village of Perry met at a regular board meeting at the Village Hall of the Village of Perry, on the 17th day of July, 2023, commencing at 7:30 p.m. and the following members were:

Present:	Mayor	Rick Hauser
	Trustee	Dariel Draper
	Trustee	Jacque Billings
	Trustee	Arlene Lapiana
	Trustee	Ernie Lawrence
Absent:	N/A	

WHEREAS, all Village Board Trustees, 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 Trustees of the Village of Perry are considering a proposed

local law, entitled “Amending §405 ‘Vehicles and Traffic’” of the Village Code of the Village of Perry to establish regulations relative to oversized vehicle parking in the Village; and

WHEREAS, the Village of Perry wishes to prohibit oversized vehicle parking on residential streets, to ensure loading or unloading of a persons or property, service to a property in the vicinity, emergency repairs, emergency vehicle travel, and wheelchair-accessible vans are not interfered with; and

WHEREAS, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Village of Perry declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Short Form EAF, and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Wyoming County Board of Supervisors
 2. Wyoming County Agriculture and Farmland Protection Board (AFPB)
 3. Wyoming County Planning Board
 4. Village of Perry Planning Board
 5. Village of Perry Zoning Board of Appeals
 6. Department of Environmental Conservation
 7. Town Board of the Town of Perry
 8. Town Board of the Town of Castile
- and;

WHEREAS, pursuant to §§239-l and 239-m of the General Municipal Law, said local law and all supporting documentation, shall be submitted to the Wyoming County Planning Board for their review and recommendations; and

WHEREAS, the Village Board of Trustees feels it is in the best interest of the Village of Perry 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, now therefore, be it

RESOLVED, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Village Board of the Village of Perry declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Short Form EAF, and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Wyoming County Board of Supervisors
 2. Wyoming County Agriculture and Farmland Protection Board (AFPB)
 3. Wyoming County Planning Board
 4. Village of Perry Planning Board
 5. Village of Perry Zoning Board of Appeals
 6. Department of Environmental Conservation
 7. Town Board of the Town of Perry
 8. Town Board of the Town of Castile
- and be it further;

RESOLVED, that pursuant to §§239-l and 239-m of the General Municipal Law, said local law shall be submitted to the Wyoming County Planning Board for their review and recommendations at their next meeting on the 7th day of August, 2023; and be it further

RESOLVED, that Village Board of the Village of Perry will hold a public hearing on the proposed adoption of the Oversized Vehicle Parking law on the 21st day of August, 2023 at 8:00 p.m., at which time all interested parties and citizens for or against the proposed local law will be heard.

Ayes: 5

Nays: 0

Quorum Present: Yes No

**VILLAGE BOARD OF THE VILLAGE OF PERRY
RESOLUTION TO DIRECT COMMENCEMENT OF ACTION
ON BEHALF OF MUNICIPALITY**

Adopted: July 17, 2023

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 17th day of July 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	Arlene Lapiana
	Trustee	Ernie Lawrence

Absent: N/A

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, it appears that Raymond Hall is in violation of §465-14-B(2) of the Zoning Code of the Village of Perry relative to the property located at 17 Water Street, Perry, New York 14530; and

WHEREAS, it appears to be in the best interest of the Village of Perry to prohibit Raymond Hall from continuing to be in violation of said Section of §465-14-B(2) of the Zoning Code of the Village of Perry; and

WHEREAS, the Village Board of the Village of Perry feels it is in the best interest of the Village of Perry to retain the services of Village Attorney, David M. DiMatteo, Esq. to pursue the enforcement of §465-14-B(2) of the Zoning Code of the Village against Raymond Hall to ensure that this property is brought into compliance with said Law.

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

RESOLVED, that the Mayor of the Village of Perry, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Village of Perry in this matter, upon such terms as he deems proper and advisable, and Mayor of the Village of Perry shall authorize David M. DiMatteo on behalf of the Village of Perry to take such action as may be deemed advisable to prevent any continuation of the violation of §465-14-B(2) of the Zoning Code of the Village of Perry and the seeking of permanent injunction.

Ayes: 5

Nays: 0

Quorum Present: Yes No

**VILLAGE BOARD OF THE VILLAGE OF PERRY
RESOLUTION TO DIRECT COMMENCEMENT OF ACTION
ON BEHALF OF MUNICIPALITY**

Adopted: July 17, 2023

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 17th day of July 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	Arlene Lapiana
	Trustee	Ernie Lawrence

Absent: N/A

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, it appears that JMD Infinity Inc. is in violation of §465-14-B(1), §465-14-B(2) and §465-14-B(4) of the Zoning Code of the Village of Perry relative to the property located at 205 South Main Street, Perry, New York 14530; and

WHEREAS, it appears to be in the best interest of the Village of Perry to prohibit JMD Infinity Inc. from continuing to be in violation of said Section of §465-14-B(1), §465-14-B(2) and §465-14-B(4) of the Zoning Code of the Village of Perry; and

WHEREAS, the Village Board of the Village of Perry feels it is in the best interest of the Village of Perry to retain the services of Village Attorney, David M. DiMatteo, Esq. to pursue the enforcement of §465-14-B(1), §465-14-B(2) and §465-14-B(4) of the Zoning Code of the Village against JMD Infinity Inc. to ensure that this property is brought into compliance with said Law.

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

RESOLVED, that the Mayor of the Village of Perry, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Village of Perry in this matter, upon such terms as he deems proper and advisable, and Mayor of the Village of Perry shall authorize David M. DiMatteo on behalf of the Village of Perry to take such action as may be deemed advisable to prevent any continuation of the violation of §465-14-B(1), §465-14-B(2) and §465-14-B(4) of the Zoning Code of the Village of Perry and the seeking of permanent injunction.

Ayes: 5

Nays: 0

Quorum Present: Yes No

VILLAGE BOARD OF THE VILLAGE OF PERRY
RESOLUTION TO AUTHORIZE THE SUBMISSION OF OFFICIAL FORM 410

Adopted: July 17, 2023

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 17th day of July 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	Arlene Lapiana

Trustee Ernie Lawrence
Absent: N/A

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, 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 November 30, 2020 and is scheduled to end November 1, 2024; and

WHEREAS, Giuseppe Gentile has declared for bankruptcy as of May 25th, 2023 in result of him being unable to pay his debt from the Fresh Start Loan program; and

WHEREAS, the Village Board of the Village of Perry feels it is in the best interest of the Village of Perry to submit an Official Form 410 Proof of Claim to the Western District of New York, United States Bankruptcy Court; and

WHEREAS, the Village Attorney of the Village of Perry, David M. DiMatteo, Esq., has drafted an Official Form 410 Proof of Claim to the Western District of New York, United States Bankruptcy Court, which has been reviewed by the board.

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

RESOLVED, the Village of Perry board the Village of Perry hereby authorizes the Village Attorney, David M. DiMatteo, Esq., to submit the Official Form 410 Proof of Claim to the Western District of New York, United States Bankruptcy Court that has been drafted on behalf of the Village of Perry.

Ayes: 5

Nays: 0

Quorum Present: X Yes ___ No

JOINT MEETING REGARDING THE FORMATION OF A JOINT FIRE DISTRICT

A resolution to hold a joint meeting for the purpose of considering the formation of a joint fire district was presented to the village board. The meeting would involve members from the

Board of Trustees of the Village of Perry, the Town of Perry Town Board, the Village of Castile Village Board, the Town of Castile Town Board, the Village of Silver Springs Village Board, and the Town of Gainesville Town Board to consider the question of the formation of a joint fire district for the Villages of Silver Springs, Castile and Perry, and the Towns of Castile, Gainesville, and Perry.

Two meetings were held today on this topic, one with Castile and one with the Fire Committee. The board feels there is still too much unknown about the consolidation but is still interested in learning more. The Village of Perry wants to continue learning and showing interest with the possibility of joining next year. Mayor Hauser recommended to table the resolution.

**VILLAGE OF PERRY VILLAGE BOARD
RESOLUTION SETTING A PUBLIC HEARING AND AUTHORIZING THE EXPENDITURE OF
\$58,486.00 FROM
THE EQUIPMENT RESERVE FUND
SUBJECT TO PERMISSIVE REFERENDUM**

The Village Board of the Village of Perry met at a Village Board meeting at the Village Offices in the Village of Perry, New York on the 17th day of July 2023, commencing at 7:30 p.m. at which time and place the following members were:

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

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 Village of Perry, pursuant to Section 6-c of the General Municipal Law, duly established a Capital Reserve Fund on the 14th day of April 1999 to finance the cost of future acquisition of DPW, Fire and other equipment deemed necessary by the Village Board; and

WHEREAS, the Village Board of the Village of Perry has determined that it is necessary and in the best interests of said Village to purchase a Titan Leaf Pro Vacuum Leaf Loader; and

WHEREAS, the cost of the Titan Leaf Pro Vacuum Leaf Loader is \$65,486.00; and

WHEREAS, the available balance of the Capital Equipment Reserve Fund as of July 1, 2023 is \$212,806.96; and

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

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Perry has determined that it is in the best interest of said Village to purchase a Titan Leaf Pro Vacuum Leaf Loader; and be it further

RESOLVED, that the Village Board of the Village of Perry will hold a public hearing on the proposed action on the 7th day of August, 2023 at 8:00p.m., at which time all interested parties and citizens for or against the proposed action will be heard; and

RESOLVED, that the Village Board of the Village of Perry authorizes the Mayor of the Village of Perry to, contingent upon the passage of the permissive referendum period required under law without petition for a permissive referendum, to expend \$58,486.00 from the Equipment Reserve fund for the purchase of a Titan Leaf Pro Vacuum Leaf Loader; and be it further

RESOLVED, that the Village Clerk be and she hereby is directed to publish an abstract of this resolution concisely stating the purpose and effect thereof in the Village's Official newspaper within ten (10) days after the date of the adoption; and be it further

RESOLVED, that said resolution shall not take effect until thirty (30) days after its adoption or until approved by the affirmative vote of a majority of the qualified electors of the Village of Perry.

Ayes: 5

Nays: 0

Quorum Present: X Yes No

CLERK/DEPUTY TREASURER'S REPORT

FY 2023-2024

Abstract # 4

Vouchers # 149 - 274

General Fund	\$ 73,799.56
Special Grant Fund	\$ -
Water Fund	\$ 8,458.33
Sewer Fund	\$ 5,875.00
Capital Projects Fund	\$ 49,515.00
Trust & Agency	\$ 9,318.00
Silver Lake Watershed Commission	\$ -
Total	\$ 146,965.89

Vouchers were audited by Trustee Draper. Trustee Lawrence made a motion to approve payment of abstract #4 for a total of \$146,965.89 which was seconded by Trustee Billings and carried with all voting aye.

A summary (Trial Balance) of tax collection was provided through 7/14/2023.

DEPARTMENT/COMMITTEE REPORTS

Reports were reviewed for the following departments with no action needed: Police Department, Water and Sewer Departments, Department of Public Works and Parks.

TRUSTEE REPORTS

Trustee Lawrence reported that the Letchworth Cable Access committee has offered the director position to Jules Hoepting. She offers a background in media production and will begin orientation this Thursday.

Trustee Lapiana reported that the Senior Chicken BBQ (held on July 12th) was a success.

Trustee Billings announced that there is work being done on recommendations for Public Beach amenities. There are funds available from PMSA and a \$5,000 grant towards finishing off the play area concept.

DOWNTOWN REVITALIZATION INITIATIVE (DRI) APPLICATION UPDATES

Mayor Hauser emailed the board the scope of the Silver Lake Trail project for the DRI. The consultants helped with producing a better version of the map and have advised increasing the budget request until knowing more about the scope vs. real costs. Mayor Hauser has spoken to all landowners except for 1 about an easement or donation of property for the trail.

Regarding the boardwalk project, the village is still waiting for updated numbers from Middle Falls Excavating who is scheduled to start in August. The Ralph Wilson Foundation is fine with continuing to extend the timeline.

Other DRI submittals include streetscape improvements, possibly extending sidewalks with some colored concrete, lighting, and work on the wall next to the Village Hall. A Building Improvement Fund (BIF) is planned for smaller projects.

The Village Hall project should be cut back to a \$2 million project with variations related to heating and cooling, windows, bathrooms, and the bell tower if possible. Roughly \$4-\$6 million will be proposed for public projects. Project proposals are due Friday.

With no further business, Trustee Draper made a motion to adjourn at 8:08 pm which was seconded by Trustee Lapiana and carried.

Respectfully submitted,
Christina Slusser, Village Clerk