

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
OCTOBER 2, 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 2nd day of October 2023.

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

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

PUBLIC COMMENT

No comments.

MINUTES

Motion was made by Trustee Lawrence to approve the minutes from September 18, 2023 which was seconded by Trustee Billings and carried with all voting aye.

RESOLUTION ACCEPTING RESIGNATION OF FULL-TIME POLICE OFFICER, DAKOTA SPINK, AND APPOINTMENT TO PART-TIME POLICE OFFICER

WHEREAS, Mr. Dakota Spink has tendered his resignation from the position of full-time Police Officer effective October 2, 2023; and

WHEREAS, it is of mutual interest for Mr. Spink to remain on staff as a part-time Police Officer; and

WHEREAS, the Chief of Police and Village Administrator are recommending the appointment of Mr. Spink to the position of part-time Police Office at an hourly rate of \$24.14 per the union contract; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board hereby accepts the resignation of Mr. Spink from the full-time Police Officer position and appoints him to the part-time Police Officer position.

Officer Dakota Spink has resigned from full-time but has agreed to stay on part time effective 10/2/2023. Trustee Billings made a motion to adopt the resolution accepting resignation of full-time police officer, Dakota Spink, and appointment to part-time. This motion was seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION APPROVING PAYMENT #8 FOR THE SILVER LAKE TRAIL PROJECT

WHEREAS, the Village has received pay app #8 from the contractor, CP Ward, Inc., for the Silver Lake Trail project in the amount of \$25,306.00; and

WHEREAS, the engineers on the project, C&S Engineers, have reviewed and approved pay app #8; 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.	\$25,306.00
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BE IT FURTHER RESOLVED, that the Perry Village Board of Trustees hereby authorizes the Mayor to sign the payment invoice.

Motion was made by Trustee Lawrence to approve the resolution permitting payment #8 for the Silver Lake Trail project which was seconded by Trustee Billings and carried unanimously.

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT FOR EMPLOYEE ASSISTANCE PROGRAM

WHEREAS, the ESI Employee Assistance Group has provided the Village of Perry with an annual renewal agreement for the Employee Assistance Program (EAP) at a cost of \$1,480.00 for general employees and \$635.00 for public safety employees; and

WHEREAS, the EAP program is available to all employees and their household members including children up to age 26 who do not reside with the employee; and

WHEREAS, the EAP program offers many free services for employees including counseling, trainings, and wellness resources; and

THEREFORE, be it resolved that the Board of Trustees of the Village of Perry approves the Employee Assistance Program Contract for a period of 11/1/2023-10/31/2024 at a total cost of \$2,115.00 and authorizes the Village Clerk to execute the agreement.

Trustee Lawrence made a motion to approve the annual EAP agreement which was seconded by Trustee Billings and carried with all voting aye.

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF PERRY DECLARING LEAD AGENCY
AND ADOPTING THE PROPOSED LOCAL LAW ENTITLED
“AMENDING §405 ‘VEHICLES AND TRAFFIC’” OF THE VILLAGE CODE OF THE VILLAGE OF PERRY
AND ISSUING A NEGATIVE DECLARATION**

Adopted: October 2, 2023

The Village Board of the Village of Perry met at a regular board meeting at the Village Offices of the Village of Perry in the Village of Perry, New York on the 2nd day of October, 2023, commencing at 7:30 p.m. at which time and place the following members were:

Present: Mayor Rick Hauser
Trustee Jacquie Billings
Trustee Ernie Lawrence

Absent: Trustee Dariel Draper
Trustee Arlene Lapiana

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 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, the Village Board of the Village of Perry sought lead agency status, by resolution dated July 17, 2023, and under the State Environmental Quality Review Act, also known as SEQRA, advised all other involved/interested agencies of the proposed project; and

WHEREAS, the Village Board of the Village of Perry submitted notices on the 18th day of August, 2023, to the following involved/interested agencies of the proposed law:

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 review of section 239 1-m of the General Municipal Law the proposed law was referred to the County Planning Board for review at their August 7th, 2023 meeting; and

WHEREAS, the Wyoming County Planning Board approved the proposed law, with the following comments:

- The Village should ensure this law is worded very carefully because it will affect all oversize vehicles, including residents with trucks and trailers
- There appear to be no significant county-wide negative impacts related to this proposed law

; and

WHEREAS, the Village Board of the Village of Perry held a public hearing with regard to the consideration of the adoption of the proposed Oversized Vehicle Parking local law on the 21st day of August, 2023 at the Village Offices in the Village of Perry at 8:00 p.m., and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition of the proposed local law; 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 Board of the Village of Perry as lead agency will review the proposed law and all supporting documents and take a "hard look" at all potential adverse environmental impacts pursuant to SEQRA by completing Part II and Part III of the Short Environmental Assessment Form; and

WHEREAS, the Village Board, as lead agency, shall consider the proposed law, review the short form environmental assessment, review the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyze the relevant areas of potential environmental concern, and will consider all of the potential environmental impacts and their magnitude in connection with said law; and

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

RESOLVED, that the Village Board of the Village of Perry sought lead agency status pursuant to a resolution dated July 17, 2023, and under the State Environmental Quality Review Act, also known as SEQRA, advised the following involved/interested agencies of the proposed project by notice dated August 18, 2023,:

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 the provisions of coordinated review under SEQRA, the involved/interested agencies were allowed 30-days to comment on the notice of coordination and no such agency submitted comments prior to the expiration of the 30-days on or before September 18, 2023; and be it further

RESOLVED, that pursuant to review of section 239 1-m of the General Municipal Law, said project did require referral to the Wyoming County Planning Board and was referred to the County Planning Board for review at the August 7th, 2023 meeting; and be it further

RESOLVED, the Wyoming County Planning Board determined that there appear to be no significant county-wide negative impacts related to the proposed Oversized Vehicle Parking law; and be it further

RESOLVED, that the Village Board, as lead agency, shall consider the proposed project, review the short form environmental assessment, review the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyze the relevant areas of potential environmental concern, and will consider all of the potential environmental impacts and their magnitude in connection with said law; and be it further

RESOLVED, that the Village Board of the Village of Perry has determined that the Village Board is the best candidate for Lead Agent for this local law and hereby declares itself Lead Agency; and be it further

RESOLVED, the Village Board of the Village of Perry hereby adopts the local law entitled "Amending §405 'Vehicles and Traffic'" of the Village Code of the Village of Perry; and be it further

RESOLVED, that the Village Board of the Village of Perry hereby issues a Negative Declaration and the Mayor of the Village is hereby authorized to sign Part III of the Short EAF which will act as the SEQRA Negative Declaration; and be it further

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; and be it further

RESOLVED, the Village Clerk of the Village of Perry shall provide a report of final action to Wyoming County Planning & Development, located at 36 Center Street, Suite C, Warsaw, New York 14569 to advise that the local law was approved and adopted by the Village.

Ayes: 3

Nays: 0

Quorum Present: X Yes No

Dated: October 2, 2023

The proposed local law affecting oversized vehicles was referred to the Wyoming County Planning Board. Notices were sent out to several other agencies as stated in the resolution. Comments were received from the Village of Perry’s Planning Board and were taken into consideration and responded to. As noted above, Trustee Lawrence made a motion to adopt the resolution entitled “Amending 405 ‘Vehicles and Traffic’” of the Village Code of the Village of Perry and Issuing a Negative Declaration” which was seconded by Trustee Billings and carried unanimously.

CLERK/DEPUTY TREASURER REPORT

FY 2023-2024

Abstract # 9

Vouchers # 623 - 687

General Fund	\$ 49,041.45
Water Fund	\$ 14,610.22
Sewer Fund	\$ 7,044.42
Capital Projects Fund	\$ 25,306.00
Trust & Agency	\$ 3,442.88
Silver Lake Watershed	
Commission	\$ 37.99
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Total	\$ 99,482.96

Vouchers were audited by Trustee Billings. Trustee Lawrence made a motion to approve payment of abstract #9 in the amount of \$99,482.96 which was seconded by Trustee Billings and carried with all voting aye. A tax collection update was also provided with a comparison of last year’s vs. this year’s trial balance. Payment of village taxes will be accepted until 10/31/2023.

DEPARTMENT/COMMITTEE REPORTS

PUBLIC WORKS – CDBG STORMWATER PROJECT UPDATE

The stormwater improvement project was put out to bid and bids were received. The lowest bid (around \$749,000) came in at \$150,000 more than the construction budget. The Board has the option to move forward with the whole project and find the money to make up the difference or work through re-engineering to reduce the scope. The intent is to develop a project within the constraints of the budget. Ideally, the project could be reduced to a scope of \$600,000 that would solve the majority of the drainage problems and limit road deterioration.

Steve Deaton, DPW Superintendent, and Samantha Marcy, Village Administrator talked to the engineer to discuss the scope of the project and options for reducing it. It still needs to be determined if the scope can be reduced without the need to put it back out to bid. Costs will also need to be determined for re-engineering.

Due to the grant timeline, the village will already need to request an extension but should be under contract with a contractor by the end of the year.

DPW COMMITTEE

The DPW Committee is discussing using ARPA funds in pursuit of walkable sidewalks. The committee wishes to explore putting costs onto the tax bill as sidewalks are replaced and learned that some communities follow that policy.

ZONING COMMITTEE/PROBLEM PROPERTIES – VACANT PROPERTY REGISTRY WAIVER

A request was received to waive a vacant building registry fee but it was determined that nothing warranted granting the waiver and there was no path for exceptions.

POLICE COMMITTEE

The Police Committee has been discussing the concerns of traffic speeds from Oatka Road into the Village. If it is possible to extend village police coverage further outside the village line, it could help enforce speed concerns in that area. The committee will reach out to the county's emergency coordinator. Maybe the speed zone sign could be moved back towards Silver Lake Road. There are a lot of layers to this because the area is at the village line, in the Town of Perry, and patrolled by the county.

TRUSTEE REPORTS

Trustee Lawrence, also a member of the Tree Board, attended a successful Green City Day celebration combined with Arbor Day which started at Memorial Park. Attendees took a walk around to look at trees and a potted tree was given to the PoeTree contest winner.

Silver Lake Meadows apartments are having a ribbon cutting for the completion of their renovations. With Mayor Hauser out of town, Trustee Lawrence will attend to say a few words on the project along with Administrator Marcy. Mayor Hauser commented on a good partnership with the group.

Buffalo Solar has been checking in to look at electric costs at the Wastewater Treatment Plant. It was noted that there is no downside to evaluating a proposal to put in solar at that location.

DOWNTOWN REVITALIZATION INITIATIVE (DRI) UPDATE

LPC meeting #5 was held virtually. Another interim working session was proposed around November 1st to talk about how the final set of projects gets picked. Mayor Hauser has been advocating for the municipal projects that will benefit the public: A community center upstairs in the Village Hall, the Silver Lake Trail, streetscape enhancements which includes an art wall, and sidewalk continuity on Main Street and Mill Street. November 8th could be the last LPC meeting if the committee is comfortable recommending the slate of projects to the state. After that, the consultants will continue to work through the end of the year. There is still a need to hold another public workshop.

LETCHWORTH GATEWAY VILLAGES (LGV) UPDATE

Mayor Hauser spent most of the day at Breezeway Barns, as Perry hosted the 10 community coalition of Trail Towns. Attendees included three state representatives, a PTNY representative, the Community Foundation of Greater Buffalo, Genesee Country Village & Museum and State Park representatives. The Trail Towns group gave a presentation.

TAP GRANT ANNOUNCEMENT

The TAP grant announcement came out on Friday which is the same program used for the Silver Lake Trail. This time, the Center Street Master Plan was completed with anticipation of applying for funding in this fiscal year. There are 3 segments of the Center Street plan totaling approximately \$6 million. The village can request up to \$5 million with a 20% contribution. Options for applying will be explored. The village will aim to approve a scope with grant writers by November so there is time to write the grant and look at easements if needed.

With no further business, motion to adjourn was made by Trustee Billings at 8:32 pm. This motion was seconded by Trustee Lawrence and carried.

Respectfully submitted,
Christina Slusser, Village Clerk