

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
NOVEMBER 6, 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 6th day of November 2023.

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

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

PUBLIC COMMENT

No comments.

MINUTES

Motion to approve the minutes from the last regular board meeting on October 16, 2023 was made by Trustee Lawrence, seconded by Trustee Lapiana, and carried unanimously.

RESOLUTION APPROVING PROPOSAL FROM LABELLA ASSOCIATES FOR GRANT WRITING SERVICES FOR THE 2023 TRANSPORTATION ALTERNATIVES PROGRAM (TAP)

WHEREAS, LaBella Associates has provided a proposal for grant writing services for the 2023 Transportation Alternatives Program (TAP) Grant; and

WHEREAS, the fee to prepare and file the application would be \$5,000.00; and

BE IT RESOLVED, that the Village Board of Trustees hereby approves the proposal from LaBella Associates in an amount of \$5,000.00 and authorizes the Mayor to sign the proposal.

The TAP grant is due in January. There will be more discussion on determining the scope of the proposed project for Center Street. Trustee Lapiana made a motion to adopt the resolution approving the proposal for grant writing services for the 2023 TAP grant which was seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION APPROVING SUBMISSION OF THE DRINKING WATER SOURCE PROTECTION PROGRAM (DWSP2) GRANT APPLICATION

WHEREAS, New York State Department of Conservation has released an application for the Drinking Water Source Protection Program (DWSP2); and

WHEREAS, the DWSP2 offers free technical assistance for municipalities to protect their public drinking water sources and would provide a complete source water protection plan; and

WHEREAS, the Parks and Resources Committee is recommending the submission of the Drinking Water Source Protection Program application; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the Village Administrator to submit an application for the Drinking Water Source Protection Program (DWSP2).

Trustee Lapiana made a motion to adopt the resolution approving the submission of the Drinking Water Source Protection Program Grant Application which was seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION ACKNOWLEDGING EXAMINATION OF COURT RECORDS FOR THE FISCAL YEAR ENDING MAY 31, 2023

WHEREAS, the Village of Perry Board of Trustees has hired Allied Financial Partners to conduct an audit for the fiscal year ending May 31, 2023, of the Justice Court of the Village of Perry; and

WHEREAS, Allied Financial Partners has provided their findings of the Justice Courts procedures for the Village of Perry Board of Trustees review; and

NOW, THEREFORE BE IT RESOLVED, the Village Board of the Village of Perry in compliance with New York State Law, Unified Justice Court Act Section 2019-a accepts Allied Financial Partners review of the court records; and

BE IT FURTHER RESOLVED, the Perry Village Board directs the Village Administrator to provide a copy of the resolution and report to the State of New York Unified Court System.

Trustee Draper made a motion to adopt the resolution acknowledging the examination of court records which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION DECLARING VILLAGE EQUIPMENT AND VEHICLES AS SURPLUS

WHEREAS, the Village of Perry maintains a fleet of equipment to support the efficient care and maintenance of Village assets; and

WHEREAS, through the natural wear and tear cycle, equipment reaches the close of its useful contribution to Village operations; and

WHEREAS, the Police Department maintains a 2015 Ford Interceptor Sedan that has reached the conclusion of its useful life for department needs; and

WHEREAS, the Department of Public Works maintains a 1993 IH Dump/Plow Truck (#291) that has reached the conclusion of their useful life for department needs; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees does hereby declare the items listed in this resolution as surplus equipment; and

BE IT FURTHER RESOLVED, that the Village Administrator is authorized to auction the equipment as is deemed appropriate.

A motion was made by Trustee Lapiana and seconded by Trustee Draper to adopt the resolution declaring village vehicles as surplus. This motion was carried with all voting aye.

RESOLUTION APPROVING PEDDLER AND SOLICITOR'S PERMIT APPLICATION

WHEREAS, per Village Law Section 327-4, no person shall sell at auction any goods or pursue or exercise the occupation of hawking or peddling in the Village of Perry without first procuring a license therefor from the Board of Trustees; and

WHEREAS, Chris Warriner has submitted a Peddler and Solicitor's Permit Application for his mobile food operation, Diner on the Run, to sell goods on November 22, 2023 at the Silver Lake Brewing Project; and

WHEREAS, Mr. Warriner has submitted a complete application with all requested information provided; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the permit application, pending payment of the permit fee, and authorizes the Village Clerk to provide the license to Mr. Warriner for November 22, 2023.

It is required in the law for the Village Board to approve such applications. The idea for a new policy, law, and application process has been reviewed recently for the consideration of modern issues related to mobile food truck vendors. The current law is somewhat outdated and needs clarification. In the meantime, this is the proper path for applicants.

Trustee Lapiana made a motion to approve the peddler and solicitor application which was seconded by Trustee Lawrence and carried with all voting aye.

RESOLUTION APPROVING NEW THIRD-PARTY CUSTODIAN AGREEMENT

WHEREAS, the Village was notified by M&T Bank that there will be a change in the custodian that holds collateral of the Village’s uninsured deposits; and

WHEREAS, currently the Bank of New York Mellon (BNYM) serves as custodian for securities that M&T Bank pledges as collateral for uninsured deposits; and

WHEREAS, M&T Bank is planning to use Wilmington Trust, N.A. (WTNA) to hold the collateral pledged for the Village of Perry’s uninsured deposits and a tri-party agreement is required; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the New Third Party Custodian Agreement between the Village of Perry, M&T Bank, and Wilmington Trust, N.A. and authorizes the Mayor to sign the agreement.

Trustee Lawrence made a motion to adopt the resolution approving the third-party custodian agreement which was seconded by Trustee Draper and carried with all voting aye.

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

Adopted: November 6, 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 6th day of November 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
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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 Catherine Banach is in violation of §465-14-B(2) of the Zoning Code of the Village of Perry relative to the property located at 94 Borden Avenue, Perry, New York 14530; and

WHEREAS, it appears to be in the best interest of the Village of Perry to prohibit Catherine Banach 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 Catherine Banach to ensure that this property is brought into compliance with said Law.

NOW ON MOTION OF Trustee Lawrence which has been duly seconded by Trustee Draper, 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: 4

Nays: 0

Quorum Present: X Yes No

Dated: November 9, 2023

Mayor Hauser mentioned that the property owner has been reached out to both formally and informally and this is the next step in the violation process.

RESOLUTION APPROVING EVENT REQUEST FOR HOLIDAY DELIGHTS FESTIVAL

WHEREAS, an event request form was submitted to the Village Clerk on November 3, 2023 for the annual Holiday Delights Festival for December 2, 2023 from 4:00pm to 9:00pm; and

WHEREAS, Main Street between Gardeau Street and Dolbeer Street will need to be closed from 4:00pm-9:00pm; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the event request for the Holiday Delights Festival; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the Village Clerk to submit the application for the road closure and the temporary liquor license for the event.

Motion was made by Trustee Draper to approve the event request for the Holiday Delights Festival which was seconded by Trustee Lapiana and carried with all voting aye.

STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS

The New York State and Local Retirement System (NYSLRS) requires a record of activity for David DiMatteo’s personal time working for the village as an employee. Administrator Marcy has reviewed the hours spent as an employee and a motion is needed to approve the record of activity. Motion was made by Trustee Draper to adopt the Standard Work Day and Reporting Resolution for David DiMatteo which was seconded by Trustee Lapiana and carried with all voting aye.

REQUEST FOR UNPAID LEAVE OF ABSENCE

Employee Anthony Ricotta submitted a written request for an unpaid leave of absence. He will use up sick leave credits and take up to 2 weeks off unpaid towards the end of November. Mayor Hauser requested a motion for approval. Trustee Lapiana made a motion to approve Mr. Ricotta’s request for 2 weeks of unpaid leave which was seconded by Trustee Lawrence and carried with all voting aye.

CLERK/DEPUTY TREASURER’S REPORT

FY 2023-2024

Abstract # 11

Vouchers #796 - 901

General Fund	\$ 377,330.56
Special Grant Fund	\$ 1,080.00
Water Fund	\$ 43,308.38
Sewer Fund	\$ 68,553.22
Capital Projects Fund	\$ 3,662.37
Trust & Agency	\$ 2,599.21
Silver Lake Watershed Commission	\$ 37.99
<hr/> Total	<hr/> \$ 496,571.73

Vouchers were audited by Trustee Draper. Motion to approve payment of abstract #11 in the amount of \$496,571.73 was made by Trustee Lawrence, seconded by Trustee Lapiana, and carried unanimously.

TRUSTEE REPORTS

Trustee Lawrence stepped in for Trustee Billings at the Silver Lake Watershed Commission meeting where the SLWC approved applying for the Drinking Water Source Protection Program

Grant. The Village of Perry will be the lead agency but the Towns of Perry and Castile will also be involved.

Trustee Lawrence is working on the Tree City USA grant application with plans for a final application to be completed by the end of the month.

Mayor Hauser provided DRI updates. This Wednesday may be the final LPC meeting. The state has informed the committee that the group must remain in the room until there is a project list to submit to the state for consideration. A strategic investment plan will continue to be developed for about another month, followed by a formal vote from the LPC. The meeting on Wednesday is open to the public. The meeting on Thursday is the public meeting to get input from the community. Both meetings are scheduled for 6pm at the Masonic Temple.

An inquiry was received from Buffalo Solar to look at solar in exchange for a lower electric rate. Information has been sent to Buffalo Solar to put together a proposal.

With no need for an executive session and no further business, motion to adjourn was made by Trustee Draper at 7:55pm which was seconded by Trustee Lawrence and carried.

Respectfully submitted,
Christina Slusser, Village Clerk