

**VILLAGE OF PERRY**  
**VILLAGE BOARD MEETING MINUTES**  
**MARCH 4, 2024**

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 4<sup>th</sup> day of March 2024.

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	
	Shannon Kibler	Gary Isaman
	JoAnne Kibler	Chrissy Harding
	Norman Kibler	Jody Walton
	Roberta Wyant	Steve Mehlenbacher
	Douglas Wyant	Shaun Dempsey

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

**PUBLIC COMMENT – SHANNON KIBLER, VILLAGE RESIDENT**

Shannon Kibler, a property owner and landlord in the village, addressed the board about multi-unit charges for water and sewer bills. Ms. Kibler has concerns about the increases, specifically for the consideration of singles persons, the elderly, and those on social security, stating that tenants are having trouble paying the rates. She submitted a FOIL request to the clerk's office for multi-unit properties and commercial units to see who is being charged for multiple units. Ms. Kibler expressed her concern if rates need to increase again for water plant upgrades and feels that residents should be paying for the water they are using rather than a base rate charge.

Administrator Marcy addressed the landlord's concerns explaining that the law involving multiple unit charges was already in effect but had not been enforced. Upgrades were needed at the Wastewater Treatment Plant in order to get in compliance, so research was done with engineers and financial advisors to come up with the best and fairest way to accommodate the additional debt incurred. A list of multiple unit properties was obtained from the county based on the tax roll. About 130 properties were found that had multiple units that were not being charged, while about 34% of multiple unit properties were already being charged based on having separate meters for their units. Notices were sent to property owners with a years notice to help prepare for the increases with a second notice also sent. There was an increase of about 350 units in June of 2023.

Shannon Kibler believes that there are some property owners who are not being charged appropriately. With the list based on the tax roll, if renovations were done to create multiple units but no permits were obtained, the village does not have a way of knowing. As the village finds out about any additional units, property owners are receiving a letter to let them know of the enforcement of the policy and additional charges.

Last month the Village Board approved a policy for vacant units to allow an owner to pay an application fee of \$100, have separate meters installed, and base rates waived after an approved inspection and application which is good for one year.

Mayor Hauser explained the general fund vs water and sewer funds and how each operates separately and one fund cannot be used to cover another. The base rate was established to help determine predictability needed to cover the costs of necessary upgrades. The sewer plant had not been upgraded since the 1960's. The village had aggressively pursued funding in an attempt to reduce needed borrowing. Mayor Hauser hears the pressure that tenants are feeling.

#### **MINUTES**

Motion to approve the minutes from the last regular board meeting on February 20, 2024 was made by Trustee Draper, seconded by Trustee Lapiana, and carried with all voting aye.

#### **RESOLUTION APPROVING MRB ENGINEERING AGREEMENT AMENDMENT #4 FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT**

**WHEREAS**, MRB has proposed Amendment #4 for Construction Administration/Observation for the Wastewater Treatment Plant Improvements Project; and

**WHEREAS**, the requested increase is due to the extended length of the project in result of unanticipated issues during construction; and

**WHEREAS**, the requested increase for added Construction Administration and Observation is \$36,000 (hourly, not-to-exceed); and

**NOW, THEREFORE BE IT RESOLVED**, the Village of Perry Board hereby approves Amendment #4 with MRB for services related to the Wastewater Treatment Plant Improvements Project; and

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

This amendment extends the contract time which is an unavoidable add-on due to issues. \$22,000 was received by insurance so an additional \$14,000 will come from the project's

contingency. Motion to adopt the resolution approving the MRB Engineering Agreement Amendment #4 for the Wastewater Treatment Plant Project was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried unanimously.

**RESOLUTION APPROVING PROPOSAL FROM LABELLA ASSOCIATES FOR GRANT WRITING SERVICES FOR THE 2024 V-FIRE APPLICATION**

**WHEREAS**, LaBella Associates has provided a proposal for grant writing services for the 2024 V-FIRE Grant; and

WHEREAS, the 2024 V-FIRE grant can award up to \$500,00 for equipment for volunteer fire departments; and

**WHEREAS**, the fee to prepare and file the application would be \$3,000.00; and

**BE IT RESOLVED**, that the Village Board of Trustees hereby approves the proposal from LaBella Associates in an amount of \$3,000.00 and authorizes the Mayor to sign the proposal.

There is a list of about \$125,000 worth of equipment for the fire department in need of an upgrade. Motion to adopt the resolution approving the proposal from LaBella Associates for grant writing services for the 2024 V-FIRE grant was made by Trustee Lapiana, seconded by Trustee Draper, and carried with all voting aye.

**RESOLUTION ACCEPTING INDEPENDENT AUDITOR'S REPORT 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; and

**WHEREAS**, Allied Financial Partners has provided the Independent Auditor's Report and Financial Statements for the Village of Perry Board of Trustees review; and

**NOW, THEREFORE BE IT RESOLVED**, the Board of Trustees of the Village of Perry hereby accepts Allied Financial Partners review of the Village of Perry's financial statements for the fiscal year ending May 31, 2023.

The Office Committee reviewed the report with the auditor. Things are looking good; assets and fund balance are going up and the auditor provided an unmodified opinion. Trustee Draper made a motion to adopt the resolution accepting the independent auditor's report for the fiscal year ending May 31, 2023 which was seconded by Trustee Lapiana and carried with all voting aye.

**RESOLUTION AUTHORIZING USE OF AMERICAN RESCUE PLAN ACT FUNDS FOR PURCHASE OF DUMP TRUCK**

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

**WHEREAS**, the Public Works Committee is requesting the use of ARPA funds towards the purchase of a used Dump Truck for the Department of Public Works amount not to exceed \$40,000.00; and

**NOW, THEREFORE BE IT RESOLVED**, that the Perry Village Board of Trustees hereby authorizes the use of ARPA funds purchase of a used Dump Truck for the Department of Public Works amount not to exceed \$40,000.00.

Trustee Draper made a motion to adopt the resolution to use ARPA funds for the purchase of a dump truck which was seconded by Trustee Lawrence and carried unanimously.

**VILLAGE OF PERRY VILLAGE BOARD  
RESOLUTION SETTING A PUBLIC HEARING AND AUTHORIZING THE EXPENDITURE OF  
\$40,000.00 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 17<sup>th</sup> 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	Arlene Lapiana
	Trustee	Ernie Lawrence
Absent:	Trustee	(Currently Vacant)

**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 14<sup>th</sup> 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 Dump Truck for the Department of Public Works; and

**WHEREAS**, the Superintendent of Public Works has been authorized up to \$80,000.00 for the total purchase of the Dump Truck with \$40,000.00 funded through American Rescue Plan Act funding; and

**WHEREAS**, the available balance of the Capital Equipment Reserve Fund as of February 26, 2024 is \$161,741.69; and

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

**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 Dump Truck for the Department of Public Works; 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 18<sup>th</sup> day of March, 2024 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 \$40,000.00 from the Equipment Reserve fund for the purchase of a Dump Truck; and be it further

**RESOLVED**, that the Village Clerk 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.

Aye: 4

Nay: 0

Quorum Present:   X   Yes        No

**RESOLUTION APPROVING LETTER OF AGREEMENT WITH INDEPENDENT CONTRACTOR FOR LETCHWORTH GATEWAY VILLAGES, SARAH KEELER**

**WHEREAS**, Emily Ashworth, Director of Letchworth Gateway Villages (“LGV”), has requested to contract with Sarah Keeler for professional services; and

**WHEREAS**, the agreement will be effective January 1, 2024 – June 30, 2024 for a total not to exceed \$3,000.00; and

**BE IT RESOLVED**, the Village of Perry Board hereby approves the Agreement with Sarah Keeler and authorizes the Mayor to execute the Letter of Agreement.

This request comes through the Village of Perry as Perry is the fiscal agent for LGV. Motion to adopt the resolution approving the letter of agreement with independent contractor for Letchworth Gateway Villages, Sarah Keeler, was made by Trustee Lapiana, seconded by Trustee Draper, and carried with all voting aye.

**RESOLUTION AWARDING BID FOR THE CDBG STORMWATER IMPROVEMENTS PROJECT**

**WHEREAS**, the Village of Perry opened bids for the CDBG Stormwater Improvements Project on February 22, 2024; and

**WHEREAS**, the Village received six bids and the lowest bidder including the Alternate Bid Items was D&H Excavating for a total of \$686,634.00; and

**BE IT RESOLVED**, that the Village of Perry Board of Trustees hereby awards D&H Excavating the Contract in the amount of \$686,634.00; and

**BE IT FINALLY RESOLVED**, that the Village of Perry Board of Trustees hereby authorizes the Mayor to execute the Notice of Award for the CDBG Stormwater Improvements Project.

Motion to adopt the resolution awarding bid for the CDBG Stormwater Improvements Project was made by Trustee Lapiana, seconded by Trustee Lawrence, and carried with all voting aye.

**CLERK/DEPUTY TREASURER REPORT**

FY 2023-2024

Abstract # 19

Vouchers # 1451 - 1514

General Fund	\$ 28,852.23
Special Grant Fund	\$ -
Water Fund	\$ 9,284.83
Sewer Fund	\$ 14,500.31
Capital Projects Fund	\$ 3,932.50
Trust & Agency	\$ 1,120.58
Silver Lake Watershed Commission	\$ 37.99
Total	\$ 57,728.44

Vouchers were audited by Trustee Draper. Motion to approve payment of abstract #19 in the amount of \$57,728.44 was made by Trustee Lawrence, seconded by Trustee Lapiana, and carried with all voting aye.

The tentative budget will be on the next agenda.

### **TRUSTEE REPORTS**

Trustee Lawrence updated the board on the Local Waterfront Revitalization Project (LWRP) Three firms were interviewed and Land Ethic, based out of Buffalo and Genesee County, was selected. Next steps include putting together a committee with the county, conducting community outreach, and identifying funding sources.

Mayor Hauser gave an update on Letchworth Gateway Villages and how the ExploreGeneseeValley.com tourism tool has helped to position Perry. Content creation is where the heart of membership dues goes. Recently, LGV received a \$25,000 grant from Morris Ridge Solar to fund a barn survey in the Genesee Valley. The project will be centered in this area and will document landmarks and identify those for potential rehab and event locations.

Updated engineering drawings were completed for the boardwalk project. The goal is to make the project easier for a smaller contractor to build. The DPW superintendent is looking for contractors available this year to do the work.

Buffalo Solar approached the village asking for data related to the wastewater treatment plant project to see if there is a way to install solar panels to save on electricity costs at the plant. An initial proposal was provided last week with a focus of installing 610 panels, a 200kW array. More research is being done on the best ratio of panels, federal tax credits, NYSERDA rebate, and net costs to build based on return.

The village is catching up with the sewer use law in another respect by reaching out to businesses that may be putting grease into the system. Letters went out on Friday to businesses. Grease clogs the sewer mains and is expensive to process at the sewer plant. Businesses are required to have a grease trap and yearly inspection and provide the inspection report to the village.

At 8:28 pm, Mayor Hauser made a motion to enter executive session to discuss the employment history of a particular individual which was seconded by Trustee Draper and carried with all voting aye.

At 8:48 pm, Mayor Hauser made a motion to exit the executive session, which was seconded by Trustee Draper and carried all voting aye.

Mayor Hauser appointed Joel Bouchard to the vacant seat on the Board of Trustees to fill the unexpired term until March 31, 2025. Trustee Lawrence made a motion to support the appointment, which was seconded by Trustee Lapiana and carried with all voting aye.

At 8:49 pm, Trustee Draper made a motion to adjourn the meeting which was seconded by Trustee Lapiana and carried with all voting aye.

Respectfully submitted,  
Christina Slusser, Village Clerk