

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
APRIL 15, 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 15th day of April 2024.

PRESENT:	Rick Hauser	Mayor
	Dariel Draper	Trustee
	Arlene Lapiana	Trustee
	Joel Bouchard	Trustee
ALSO PRESENT:	Samantha Marcy	Administrator
	Christina Slusser	Village Clerk
GUESTS:	Lorraine Sturm	Perry Herald
ABSENT:	Ernie Lawrence	Trustee, sadly missed

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 annual organization meeting on April 1, 2024 was made by Trustee Lapiana, seconded by Trustee Draper, and carried unanimously.

RESOLUTION APPROVING PAYMENT FOR WASTEWATER TREATMENT PLANT PROJECT

WHEREAS, the Village Clerk has received Pay App #20 from the electrical contractor, M.W. Controls Service, Inc., for the wastewater treatment plant project in the amount of \$18,805.25 and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the following payment for the wastewater treatment plant project and directs the Village Clerk to submit vouchers for payment:

M.W. Controls Service, Inc.	\$18,805.25
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Motion to adopt the resolution approving payment for the wastewater treatment plant project was made by Trustee Draper, seconded by Trustee Lapiana, and carried with all voting aye.

RESOLUTION APPROVING THE WYOMING COUNTY YMCA SUMMER RECREATION PROGRAM PROPOSAL

WHEREAS, the Parks Committee is recommending partnering with the Wyoming County YMCA for the summer recreation program; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the service proposal from the Wyoming County YMCA for the Village of Perry Summer Recreation Program and approves the one-time payment of \$2,500 for the 2024 program; and

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

Trustee Bouchard made a motion to adopt the resolution approving the Wyoming County YMCA Summer Recreation Proposal which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION APPROVING PERRY FIRE DEPARTMENT AND LADIES AUXILIARY RESERVATION REQUESTS

WHEREAS, the Parks Committee has reviewed two requests from the Perry Fire Department and Ladies Auxiliary; and

WHEREAS, the Perry Fire Department is organizing the annual Fishing Derby on May 18, 2024; and

WHEREAS, the Perry Fire Department Ladies Auxiliary is organizing the annual Sea Serpent Softball Tournament on July 20, 2024, and July 21, 2024; and

WHEREAS, the Parks Committee is suggesting waiving the fee for the pavilion for the Fishing Derby and the softball fields for the Sea Serpent; and

WHEREAS, the Perry Fire Department Ladies Auxiliary will be responsible for direct costs of materials used during the Sea Serpent; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board hereby accepts the Perry Fire Department and Ladies Auxiliary reservation requests; and

BE IT FURTHER RESOLVED, the Village of Perry Board approves waiving the fee for the pavilion for the Fishing Derby and fields for the Perry Fire Department Ladies Auxiliary Sea Serpent Tournament.

Trustee Lapiana made a motion to adopt the resolution approving requests from the Perry Fire Department and Ladies Auxiliary which was seconded by Trustee Bouchard and carried with all voting aye.

RESOLUTION ADOPTING POLICY FOR MILITARY BANNERS

WHEREAS, the Parks Committee has been reviewing the Policy for Military Banners; and

WHEREAS, the Policy Statement reads as follows: “The purpose of this policy is to establish regulations under which the Village of Perry will permit the use of poles to display Military Banners. The display of the Military Banners will contribute to the community’s quality of life and will be used to recognize those who are currently serving or have served in the United States Armed Forces.”; and

WHEREAS, the Parks Committee is recommending the approval of the Policy for Military Banners; and

BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the Policy for Military Banners effective April 15, 2024.

It was noted that an MOU will still be needed with the requesting organization. Motion was made by Trustee Lapiana to adopt the policy for military banners. This motion was seconded by Trustee Draper and carried with all voting aye.

RESOLUTION APPOINTING FULL-TIME POLICE OFFICER, ZACHARY FLEISS

WHEREAS, there is a vacancy for a Full-Time Police Officer due to a recent resignation; and

WHEREAS, Chief Grover is requesting the hiring of Officer Zack Fleiss as a Full-Time Police Officer; and

WHEREAS, Chief Grover is requesting starting Officer Fleiss on step 4 as he has over 10 years of service and a variety of certifications and trainings; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board of Trustees hereby approves the hiring of Officer Zack Fleiss as a full-time, benefit eligible, Police Officer with a starting hourly rate of \$30.72 effective April 28, 2024.

Trustee Lapiana made a motion to appoint full-time police officer, Zachary Fleiss which was seconded by Trustee Draper and carried with all voting aye.

RESOLUTION APPROVING DELINQUENT PAYMENTS TO BE ADDED TO REAL PROPERTY TAX BILLS

WHEREAS, per Village Law Section 355-106, delinquent water and sewer charges can be levied to the real property tax of a parcel with a \$25 fee per account; and

WHEREAS, per Village Law Section 465-3, the cost for removal of brush, grass, and weeds that remain unpaid shall be added to and become and form part of the taxes; and

WHEREAS, per Village Law Section 465-18, the Village Board shall charge and assess against the owner, tenant or occupant of a property, the expense for removal of property maintenance violations and constitute a lien and charge on the real property on which it is levied; and

WHEREAS, the Village Clerk has provided a list of unpaid charges as totaled below:

Unpaid Water/Sewer Charges	\$6,544.32
Unpaid Garbage Removal invoices	\$590.00
Unpaid Lawn Mowing invoices	\$8,427.50
Unpaid Legal Fees	\$1,885.37
Total	\$17,447.19

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees authorizes the Village Clerk to submit the listing attached to this resolution to the Wyoming County Real Property Office for delinquent payments totaling \$17,447.19 to the parcel's real property tax bill for 2024-2025.

Trustee Draper made a motion to adopt the resolution approving delinquent payments to be added to real property tax bills which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION ADOPTING THE 2024-2025 FISCAL YEAR VILLAGE OF PERRY OPERATING BUDGET

WHEREAS, the Village of Perry Board of Trustees held a public hearing on April 1, 2024 at 8:00pm on the tentative budget including the Village's general, water and sewer funds, and elected officials salaries; and

WHEREAS, the 2024-2025 fiscal year budget with a total amount of \$5,067,042 is tax cap compliant; and

BE IT RESOLVED, that the Tentative budget is hereby adopted and approved by the Village of Perry Board of Trustees and is hereby established as the annual budget for the Village of Perry for the 2024-2025 fiscal year; and

BE IT FURTHER RESOLVED, that the Village Administrator and Village Clerk shall prepare and certify the 2024-2025 budget as provided by law, and duplicate copies of the 2024-2025 adopted budget shall be given to the Mayor, the Village Board, Village Department Heads and submitted to the New York State Office of the Comptroller.

Trustee Lapiana made a motion to adopt the 2024-2025 operating budget for the Village of Perry which was seconded by Trustee Draper and carried unanimously.

RESOLUTION AUTHORIZING BUDGET TRANSFERS AND BUDGET AMENDMENT TO THE 2023-2024 VILLAGE BUDGET

WHEREAS, the Village Administrator is proposing the following Budget Transfers to correct overspent accounts for the 2023-2024 fiscal year:

General Fund:

Increase:	A1110.4 (Village Justice-Contractual)	\$1,112.70	
Decrease:	A1110.11 (Village Justice-Court Clerk)		\$1,112.70
Increase:	A1670.4 (Print & Mail – Contractual)	\$124.95	
Decrease:	A1680.4 (Data Processing – Contractual)		\$124.95
Increase:	A1325.4 (Treasurer - Contractual)	\$2,547.83	
Decrease:	A1910.4 (Unallocated Insurance)		\$2,547.83
Increase:	A3120.12 (Police – Part-Time)	\$10,651.84	
Decrease:	A3120.1 (Police – Full-Time)		\$10,651.84
Increase:	A5132.42 (Garage- Utilities)	\$193.68	
Decrease:	A5132.4 (Garage - Contractual)		\$193.68

Sewer Fund:

Increase:	G8130.4 (Sewage Treatment-Contractual)	\$18,482.95	
Decrease:	G1910.4 (Contingency)		\$18,482.95

WHEREAS, the Perry Village Court received a Justice Court Assistance Program (JCAP) grant in the amount of \$53,303.70 for renovations and upgrades to the court room and court offices; and

WHEREAS, the Village Administrator is proposing the following budget amendment:

Increase Revenue:	A3021 (JCAP Grant)	\$53,303.70
Increase Expense:	A1110.4 (Court Contractual)	\$53,303.70

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the Village Administrator to make the above budget transfer and amendment for the 2023-2024 fiscal year; and

BE IT RESOLVED, that the Village Clerk shall provide a copy of this resolution to the Village Administrator.

Motion was made by Trustee Draper to authorize the above budget transfers and amendment to the 2023-2024 village budget. This motion was seconded by Trustee Lapiana and carried unanimously.

RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR THE ROUND 8 RESTORE NY COMMUNITIES INITIATIVE MUNICIPAL GRANT PROGRAM

WHEREAS, the Empire State Development Corporation is requesting funding proposals for the eighth round of the Restore NY Municipal Grant program; and

WHEREAS, grant funds are available for projects to demolish/deconstruct and/or rehabilitate/reconstruct vacant, abandoned, surplus and/or condemned residential, commercial and/or mixed-use buildings; and

WHEREAS, an important goal of Restore NY is to revitalize urban centers, rural areas, and disadvantaged communities. It is anticipated that upon completion, the projects funded by Restore NY grants will attract individuals, families, and industry and commercial enterprises to the municipality. It is further anticipated that the improved community and business climate will result in an increased tax base thereby improving municipal finances and the wherewithal to further grow the municipality's tax and resource base, lessening its dependence on state aid; and

WHEREAS, Villages with populations less than 40,000 can apply for up to \$2,000,000 in grant funding; and

WHEREAS, a public hearing on the application and properties involved in the application is required prior to submission; and

NOW THEREFORE, LET IT BE RESOLVED by the Village of Perry Board that it hereby schedules a public hearing for the Round 8 Restore NY application for May 6, 2024 at 8 p.m. at Village Hall, 46 North Main Street, Perry, NY, 14530; and

BE IT FURTHER RESOLVED, that a Notice of said hearing will be published for three consecutive weeks in the Perry Herald; and

BE IT FURTHER RESOLVED, that it will include the following property assessment list:

<i>Site</i>	<i>Size (sq. ft)</i>	<i>Building Type</i>	<i>Project Type</i>	<i>Building Category</i>
½ S. Main Street	16,000	Comm./Res.	Rehabilitation	Vacant

Mayor Hauser made a motion to adopt the resolution to schedule a public hearing for the Restore NY grant program 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: April 15, 2024

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 15th day of April 2024, commencing at 7:30pm, at which time and place the following members were:

Present:	Mayor	Rick Hauser
	Trustee	Dariel Draper
	Trustee	Arlene Lapiana
	Trustee	Joel Bouchard
Absent:	Trustee	Ernie Lawrence (sadly missed)

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 DLJ Mortgage Capital Inc. is in violation of §465-14-B(2) of the Zoning Code of the Village of Perry relative to the property located at 54 Leicester Street, Perry, New York 14530; and

WHEREAS, it appears to be in the best interest of the Village of Perry to prohibit DLJ Mortgage Capital, Inc. from allowing the violation(s) of said Section of §465-14-B(2) of the Zoning Code of the Village of Perry to continue; 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 DLJ Mortgage Capital, Inc., to ensure that this property is brought into compliance with said Law.

NOW ON MOTION OF Trustee Draper which has been duly seconded by Trustee Lapiana, 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: April 15, 2024

CLERK/DEPUTY TREASURER REPORT

FY 2023-2024
Abstract # 22
Vouchers # 1663 - 1766

General Fund	\$ 94,235.49
Special Grant Fund	\$ -
Water Fund	\$ 11,432.29
Sewer Fund	\$ 96,377.30
Capital Projects Fund	\$ 18,805.25
Trust & Agency	\$ 1,066.76
Silver Lake Watershed Commission	\$ 53.25
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Total	\$ 221,970.34

Vouchers were audited by Trustee Lapiana. Trustee Draper made a motion to approve payment of abstract #22, vouchers #1663-1766 in the amount of \$221,970.34. Trustee Bouchard seconded the motion and it was carried with all voting aye. The NYCLASS statement for March 3, 2024 was provided.

DEPARTMENT REPORTS

Reports were reviewed for the following departments: Police, DPW and Parks, Water Treatment Plant and Wastewater Treatment Plant.

COMMITTEE & TRUSTEE REPORTS

There is a kickoff meeting for drinking water source protection (DWSP2) tomorrow at 2:00 pm. This is a technical assistance planning grant for things affecting the source of drinking water.

The Fire Committee is working on a grant application for equipment for the Fire Department which is due April 30th and also working out the details for the Memorial Day parade.

Trustee Bouchard, also a member of the Tree Board, reported that June 29th is the date the Tree Board would like to hold the annual Arbor Day celebration this year, to coincide with the official opening of the Silver Lake Trail. A resolution is planned for an upcoming meeting.

Mayor Hauser informed that the village continues to work on a mobile food vehicle law, with hopes to review a draft at the next meeting a schedule a public hearing.

Final paperwork has been signed and sent to DASNY for the SAM grant.

On 3/27/24, The DOT acknowledged a request to lower the speed limit on Oatka Road to the village line and will do a traffic study.

Regarding the Boardwalk project, current contractors are not interested or able to proceed, so the DPW Superintendent is looking for second quotes.

Buffalo Solar looked at doing a solar project on the roof of the storage building at the Wastewater Treatment Plant. The village is unable to do a 30-year bond, so Mayor Hauser is interested in exploring another option for a partner to build and take ownership of the panels and sell the electricity to the village as a different approach to clean energy.

EXECUTIVE SESSION

At 8:02 pm, Mayor Hauser made a motion to enter executive session to discuss collective negotiations pursuant to article fourteen of the civil service law and to discuss the employment history of a particular individual.

At 8:41 pm, Mayor Hauser made a motion to exit the executive session which was seconded by Trustee Draper and carried.

APPOINTMENTS

Mayor Hauser appointed Village Administrator, Samantha Marcy, to the open position as a village representative on the Silver Lake Watershed Commission, requesting the board's approval. Motion to approve the appointment was made by Trustee Draper, seconded by Trustee Lapiana, and carried unanimously.

Mayor Hauser appointed Trustee Bouchard to Letchworth Community Access (LCA). Trustee Draper made a motion to approve Mayor Hauser's appointment which was seconded by Trustee Lapiana and carried.

Mayor Hauser appointed Richard Muolo to the vacant seat on the board, to fill the unexpired term which was held by Trustee, Ernie Lawrence. Trustee Draper made a motion to endorse Mayor Hauser's appointment which was seconded by Trustee Bouchard and carried unanimously. Richard Muolo will serve as a Village Trustee effective May 6, 2024.

At 8:45 pm, Trustee Draper made a motion to adjourn the meeting which was seconded by Trustee Lapiana and carried.

Respectfully submitted,
Christina Slusser, Village Clerk