

VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
MAY 6, 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 6th day of May 2024.

PRESENT:	Rick Hauser	Mayor
	Dariel Draper	Trustee
	Arlene Lapiana	Trustee
	Joel Bouchard	Trustee
	Richard Muolo	Trustee
ALSO PRESENT:	Samantha Marcy	Administrator
	Christina Slusser	Village Clerk
GUESTS:	David Spink	Fire Chief
	David Laraby	Former Fire Chief, Current 2 nd Asst Chief
	Megan Laraby	Fire Dept Secretary
	Lorraine Sturm	Perry Herald

Mayor Hauser called the meeting to order at 7:30 pm and led in the Pledge of Allegiance then welcomed and swore in the newest board member, Richard Muolo. Trustee Muolo's term is effective today through the unexpired term through 3/31/2025. Mayor Hauser thanked David Laraby for his "service above self" to the community in the volunteer role as Fire Chief for the last 6 years. Mr. Laraby is continuing his volunteer service with the fire department as 2nd Assistant Chief.

MINUTES

Motion was made by Trustee Lapiana and seconded by Trustee Bouchard to approve the minutes from the last regular board meeting on 4/15/2024. This motion was carried with all voting aye.

PUBLIC COMMENT

A public hearing is scheduled for 8:00pm regarding the Round 8 Restore NY Grant Application for ½ S. Main Street.

RESOLUTION APPOINTING SEASONAL LABORER, JASE STONE

WHEREAS, Mr. Jase Stone has been employed with the Village's Parks Department since May 2021; and

WHEREAS, the Superintendent of Public Works is requesting the appointment of Mr. Stone for the 2024 season; and

BE IT RESOLVED, that the Perry Village Board of Trustees does hereby appoint Mr. Jase Stone as a Seasonal Laborer designated to the Parks Department at a rate of \$15.30 per hour effective May 7, 2024.

Trustee Lapiana made a motion to approve the appointment of Jase Stone which was seconded by Trustee Draper and carried with all voting aye.

RESOLUTION APPROVING CONTRACT FROM WARREN'S COMMERCIAL CLEANING, INC. FOR CLEANING SERVICES FOR VILLAGE HALL

WHEREAS, the Village of Perry has received a Janitorial Services Contract from Warren's Commercial Cleaning, Inc. in an amount of \$655.00 per month; and

WHEREAS, the Village of Perry currently contracts with Warren's Commercial Cleaning, Inc. for janitorial services; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby accepts Warren's Commercial Cleaning, Inc. proposal for cleaning services at Village Hall in an amount of \$655.00 per month from June 1, 2024 until May 31, 2025 and authorizes the Village Administrator to sign the contract.

Trustee Lapiana made a motion to adopt the resolution approving the contract with Warren's Commercial Cleaning for \$655.00 per month which was seconded by Trustee Draper and carried with all voting aye.

RESOLUTION APPROVING REMOVAL OF WATER AND SEWER PENALTIES FOR 3132 SIMMONS ROAD

WHEREAS, the Village of Perry received a request from the owner of 3132 Simmons Road to remove the penalties on the water and sewer account (account #32643); and

WHEREAS, payment was received by the Village after the due date of the bill resulting in penalties to be applied; and

WHEREAS, the property owner provided proof that the payment was withdrawn from his bank account three business days before the due date; and

WHEREAS, the Public Works Committee has reviewed the request and is recommending removing the penalties to the water and sewer account #32643; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board of Trustees hereby approves the removal of penalties of \$9.03 for 3132 Simmons Road (account #32643) and authorizes the Village Clerk or designee to adjust the account.

Trustee Draper made a motion to adopt the resolution approving the removal of water and sewer penalties which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION ADOPTING POLICY FOR DELAY IN BASE RATE INCREASES FOR MULTI-UNITS

WHEREAS, on May 2, 2022, the Village of Perry Board of Trustees adopted the local law entitled “Chapter 355 Sewer Law” and implemented additional base rate charges to a building or structure that contains one or more separate apartments, effective June 1, 2023; and

WHEREAS, the Policy Statement reads as follows: “The purpose of this policy is to provide ample notification to property owners of multi-unit housing of an increase in water and sewer base rate charges to coincide with the number of units within their building or structure.”; and

WHEREAS, as additional multi-units are discovered, it will be the policy of the Village Board of Trustees to authorize the Village Clerk or designee to apply a one billing cycle delay in the additional unit(s) increases to allow sufficient notification to the homeowner; and

WHEREAS, the Public Works Committee is recommending the approval of the Policy for Delay in Base Rate Increases for Multi-Units; and

BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the Policy for Delay in Base Rate Increases for Multi-Units effective May 6, 2024.

Motion to adopt the resolution adopting the policy for delay in base rate increases for multi-units was made by Trustee Draper, seconded by Trustee Lapiana, and carried with all voting aye.

RESOLUTION ACKNOWLEDGING DELAY FOR BASE RATE INCREASES FOR MULTI-UNITS

WHEREAS, on May 2, 2022, the Village of Perry Board of Trustees adopted the local law entitled “Chapter 355 Sewer Law” and implemented additional base rate charges to a building or structure that contains one or more separate apartments, effective June 1, 2023; and

WHEREAS, on May 6, 2024, the Village of Perry Board of Trustees adopted the Policy for Delay in Base Rate Increase for Multi-Units for newly discovered multi-units to receive a one billing cycle delay in additional unit(s) increases to allow sufficient notification to the homeowner; and

WHEREAS, the following addresses have been discovered as multi-units and will receive a one billing cycle delay before additional units are charged:

<u>Tax Map #</u>	<u>Address</u>	<u>Account #</u>	<u># of units</u>
100.8-1-7	69 Water Street	21099	2
100.14-1-19.1	3746 (40) Walker Road	41997	5

BE IT RESOLVED, that the Perry Village Board of Trustees hereby acknowledges the delay in increases for the accounts as provided in this resolution.

Trustee Lapiana made a motion to adopt the resolution delaying base rate increases for one billing cycle which was seconded by Trustee Draper and carried with all voting aye.



WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, Trees in our village increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I Rick Hauser, Mayor of the Village of Perry,
do hereby proclaim June 29, 2024 as

Arbor Day



In the Village of Perry and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees and promote the well-being of this and future generations.

Trustee Bouchard made a motion to adopt the resolution proclaiming Arbor Day which was seconded by Trustee Draper and carried unanimously.

RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING WITH THE PERRY VETERAN'S CLUB

WHEREAS, on April 15, 2024 the Village of Perry Board of Trustees adopted the Policy for Military Banners; and

WHEREAS, the Village of Perry and the Perry Veteran's Club wish to enter into an MOU to allow military banners within the Village limits; and

BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the Memorandum of Understanding with the Perry Veteran's Club.

At the last meeting, a policy was approved for veteran banners. This MOU allows the hanging of banners in the village. Trustee Lapiana made a motion to approve the MOU with the Perry Vet's Club which was seconded by Trustee Draper and carried with all voting aye.

VILLAGE OF PERRY VILLAGE BOARD RESOLUTION SETTING A PUBLIC HEARING AND AUTHORIZING THE EXPENDITURE OF \$15,000.00 FROM THE REPAIR 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 6th day of May 2024, 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	Joel Bouchard
	Trustee	Richard Muolo
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 Repair Reserve Fund on the 4th day of May 2009 to pay the cost of certain repairs of capital improvement or 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 repair the tennis courts at the Perry Village Park; and

WHEREAS, the available balance of the Repair Reserve Fund as of May 3, 2024 is \$107,543.45; 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 repair the tennis courts at the Perry Village Park; 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 20th day of May, 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 \$15,000.00 from the Repair Reserve fund for the repair of the tennis courts at the Perry Village Park; 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: 5
Nay: 0

Quorum Present: X Yes No

The Village Board has been in discussions on repairing the tennis courts at the Village Park which is estimated at \$50,000. Funding is planned by using \$15,000 from ARPA funds and \$15,000 from the repair reserve. Perry Rotary has approved a donation of \$10,000 and the Town of Perry has been asked to contribute \$10,000. Trustee Draper made a motion to adopt the resolution setting a public hearing and authorizing the expenditure of \$15,000 from the repair reserve fund subject to permissive referendum. Trustee Lapiana seconded the motion and it was carried unanimously.

**VILLAGE OF PERRY RESOLUTION TO HOLD PUBLIC HEARING TO
REVIEW A PROPOSED LOCAL LAW ENTITLED “AMENDING ‘ATTACHMENT 2, VILLAGE OF PERRY
USE TABLE’ AND ADDING §490-54 ‘AMORTIZATION OF NONCONFORMING LOTS, STRUCTURES
OR USES WITHIN THE C1 DISTRICT”**

Adopted: May 6, 2024

The Village Board of the Village of Perry met at a regular board meeting at the Village Offices located at 46 North Main Street, Perry, New York on May 6, 2024, commencing at 7:30 p.m. and the following members were:

Present:	Mayor	Rick Hauser
	Trustee	Dariel Draper
	Trustee	Arlene Lapiana
	Trustee	Joel Bouchard
	Trustee	Richard Muolo

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, the Village Board of the Village of Perry is considering a proposed local law entitled “Amending ‘Attachment 2, Village of Perry Use Table’ and adding §490-54 ‘Amortization of Nonconforming Lots, Structures or Uses Within the C1 District’”; and

WHEREAS, the proposed local law would amend and update the Village of Perry Use Table of the Village Zoning Code and adding a subsection to allow procedures to amortize nonconforming lots, structures and uses within the C1 District; 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 declares its intention to seek lead agency status for purposes of SEQRA review, will review the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by

completing Part 1 of a Long 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. Frederic Hauser, Mayor of the Village of Perry
2. Village of Perry Planning Board
3. Village of Perry Zoning Board of Appeals;
4. Wyoming County Planning Board;
5. State Office of Historic Parks & Preservation;
6. New York State Department of Transportation;
7. Wyoming County Soil and Water Conservation District;
8. New York State Department of Environmental Conservation, Buffalo and Albany; and

WHEREAS, the Village Board of the Village of Perry finds it in the best interest of the Village to hold a public hearing to consider the proposed local law.

NOW ON MOTION OF Trustee Draper which has been duly seconded by Trustee Bouchard, now therefore, be it

RESOLVED, by the Village Board of the Village of Perry that the local law being considered by the Village Board, in its current form, can be used to begin review under the State Environmental Quality Review Act, also known as SEQRA and the Village Board 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. Frederic Hauser, Mayor of the Village of Perry
2. Village of Perry Planning Board
3. Village of Perry Zoning Board of Appeals;
4. Wyoming County Planning Board;
5. State Office of Historic Parks & Preservation;
6. New York State Department of Transportation;
7. Wyoming County Soil and Water Conservation District;
8. New York State Department of Environmental Conservation, Buffalo and Albany; and

RESOLVED, to seek lead agency for the proposed application review; and be it further

RESOLVED, that Village Board of the Village of Perry will hold a public hearing on the proposed adoption of said local law "Amending 'Attachment 2, Village of Perry Use Table' and adding §490-54 'Amortization of Nonconforming Lots, Structures or Uses Within the C1 District'" on the 17th day of June 2024 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: X Yes ___ No

PUBLIC HEARING AT 8:00PM FOR ROUND 8 RESTORE NY GRANT APPLICATION FOR ½ S. MAIN STREET

At 8:00 pm, Mayor Hauser opened the public hearing. No members of the public were present. The public hearing was left open and later closed at 8:07 pm and the resolution to submit an application was approved.

RESOLUTION TO SUBMIT AN APPLICATION 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;

NOW THEREFORE, LET IT BE RESOLVED by the Village of Perry Board hereby authorizes submission of a Restore NY grant application not to exceed \$2,000,000 for the Bridge Creek Residences project in downtown Perry; and

BE IT FURTHER RESOLVED, that the Administrator of the Village of Perry, Wyoming County, New York, is hereby authorized as the official representative of the Village of Perry to execute and submit the Restore NY application, all understandings and assurances contained therein, and is also hereby authorized to execute any grant agreements or documentation to implement the grant.

BE IT FURTHER RESOLVED, that project meets the following objectives:

- (1) The project is consistent with the Village of Perry Comprehensive Plan and DRI Strategic Plan
- (2) The proposed financing for the project is appropriate and committed.

(3) The project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources.

(4) The project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities where applicable.

Trustee Draper made a motion to adopt the resolution to submit an application for the Round 8 Restore NY grant which was seconded by Trustee Lapiana and carried with all voting aye.

COMMITTEE ASSIGNMENTS

Mayor Hauser made an amendment to committee assignments. Richard Muolo will replace Dariel Draper on the office committee. Trustee Lapiana made a motion to approve this change which was seconded by Trustee Draper and carried unanimously. Mayor Hauser made a motion to appoint Joel Bouchard as the village representative for the LWRP initiative. Trustee Draper seconded the motion and it was carried with all voting aye.

CLERK/DEPUTY TREASURER'S REPORT

A revised report was presented due to changes made after the agenda packet was posted.

FY 2023-2024

Abstract # 23

Vouchers # 1767 - 1883

General Fund	\$ 122,403.65
Special Grant Fund	\$ -
Water Fund	\$ 30,621.94
Sewer Fund	\$ 381,330.15
Capital Projects Fund	\$ 7,471.75
Trust & Agency	\$ 1,977.33
Silver Lake Watershed Commission	\$ 2,619.23
Total	\$ 546,424.05

Vouchers were audited by Trustee Draper. Trustee Lapiana made a motion to approve payment of abstract #23, vouchers #1767-1883, in the amount of \$546,424.05 which was seconded by Trustee Bouchard and carried with all voting aye.

DEPARTMENT/COMMITTEE REPORTS

Nothing to review.

TRUSTEE REPORTS

Trustee Lapiana is going to the town board meeting to request \$10,000 towards tennis court repairs.

EXECUTIVE SESSION

At 8:17 pm, Mayor Hauser made a motion to enter executive session to discuss collective negotiations pursuant to article fourteen of the civil service law which was seconded by Trustee Lapiana and carried with all voting aye.

Motion was made by Mayor Hauser to exit the executive session at 8:38pm which was seconded by Trustee Lapiana and carried.

Motion was made by Trustee Draper to adjourn the meeting at 8:38pm which was seconded by Trustee Lapiana and carried.

Respectfully submitted,
Christina Slusser, Village Clerk