

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
SEPTEMBER 16, 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 16th day of September 2024.

PRESENT:	Rick Hauser Joel Bouchard Richard Muolo	Mayor Trustee Trustee
ALSO PRESENT:	Samantha Marcy Amanda Bouchard Eli McWhinney James Reynolds	Administrator Deputy Village Clerk Attorney (at public hearing) Planning Board Chair (at public hearing)
GUESTS:	Lorraine Sturm Bill Schmitz Tzvi Zupnik Steve Mehlenbacher Shannon Kibler Gary Isaman Tim Ruffin	Perry Herald Genie Solar Genie Solar
ABSENT:	Arlene Lapiana Christina Slusser	Trustee Village Clerk

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

RESOLUTION AUTHORIZING CHANGE ORDER NO. EC-03, APPROVING SUBSTANTIAL COMPLETION AND APPROVING PAYMENT APPLICATION #22 FOR THE WASTEWATER TREATMENT PLANT PROJECT

WHEREAS, the project engineer from MRB group has presented Change Order No. EC-03 for the electrical contractor, M.W. Controls Service, Inc., for an decrease in the total contract price of \$31,281.47; and

WHEREAS, M.W. Controls Service, Inc. has completed all required work within their contract and the Village of Perry can accept Substantial Completion for items that have been completed and the Village of Perry has beneficial use of; and

WHEREAS, the final payment application #22 has been received for M.W. Controls Service, Inc. in the amount of \$17,373.21; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves Change Order No. EC-01 for a reduction of \$31,281.47 and authorizes the Mayor to execute the change order documents; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the substantial completion; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves payment application #22 to M.W. Controls Service, Inc. in the amount of \$17,373.21 and authorizes the Village Clerk to submit payment.

Trustee Bouchard made a motion to approve the resolution authorizing Change Order No. EC-03, approving Substantial Completion, and approving Payment application #22 for the Wastewater Treatment Plant Project which was seconded by Trustee Muolo and carried unanimously.

RESOLUTION APPROVING SUBSTANTIAL COMPLETION AND APPROVING PAYMENT APPLICATION #27 FOR THE WASTEWATER TREATMENT PLANT PROJECT

WHEREAS, Crane-Hogan Structural Systems, Inc. has completed all required work within their contract and the Village of Perry can accept Substantial Completion for items that have been completed and the Village of Perry has beneficial use of; and

WHEREAS, the final payment application #27 has been received for Crane-Hogan Structural Systems, Inc. in the amount of \$34,362.00; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the substantial completion; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves payment application #27 to Crane-Hogan Structural Systems, Inc. in the amount of \$34,362.00 and authorizes the Village Clerk to submit payment.

Trustee Muolo made a motion to approve the resolution approving Substantial Completion, and Payment application #27 for the Wastewater Treatment Plant Project which was seconded by Trustee Bouchard and carried unanimously.

RESOLUTION APPROVING PERRY FARMER'S MARKET EVENT REQUEST

WHEREAS, the Perry Farmers' Market is requesting to hold three additional Farmers' Market dates on the second Saturdays of October, November, and December 2024; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board hereby approves the Perry Farmers' Market request to hold three additional dates on Main Street.

Trustee Bouchard made a motion to approve the resolution approving Perry Farmer's Market Event Request which was seconded by Trustee Muolo and carried unanimously.

RESOLUTION APPROVING THE PERRY VILLAGE COURT APPLICATION FOR A JCAP GRANT

WHEREAS, the New York State (NYS) Unified Court System established the Justice Court Assistance Program (JCAP) in 1999 to provide State assistance to Town and Village Courts; and

WHEREAS, the NYS Unified Court System is accepting applications for the 2024-2025 JCAP grant and the maximum JCAP award is \$30,000 per municipality; and

WHEREAS, the grant may be used for a variety of purposes, including, but not limited to, new or updated automation, office and security equipment, furniture, and courtroom renovations; and

WHEREAS, the deadline for application is October 11, 2024; and

BE IT RESOLVED, the Board of the Village of Perry authorizes the Village of Perry Village Court to apply for a JCAP grant in the 2024-2025 grant cycle up to \$30,000; and

BE IT FURTHER RESOLVED, that the Mayor of the Village of Perry is hereby authorized to sign the 2024-2025 JCAP application or any documents relating to the submission of the grant application.

Trustee Muolo made a motion to approve the resolution approving the Perry Village Court Application for a JCAP Grant which was seconded by Trustee Bouchard and carried unanimously.

REVIEW OF GENIE SOLAR COMMUNITY SOLAR PROJECT ON WATER STREET ROAD

Bill Schmitz from Genie Solar gave a presentation on the plans for a solar array on the Town of Perry's property. Once up and running, the array could produce up to 33 million kilowatt hours per year. Genie Solar would like to enter into an agreement with the Village of Perry for 25 years allowing access to Village property for an easement or right of use for the placement of utility poles and trenches to accommodate utility lines from the solar arrays. After the 25-year agreement, a bond will be posted, and the solar array will be removed. At that time, there would be an option for the Town of Perry to acquire the equipment and repopulate the solar panels. Mayor Hauser asked about the approximate amount of traffic. Mr. Schmitz explained during the first three to five months of construction, heavy traffic would be expected, and 15-20 people would be working in the field. After that, only personnel would be in and out of the site. No parking or staging on Village property. Trustee Bouchard asked if it was possible to use Ryder Road as access to the site opposed to Water Street given weight restrictions. Mr. Schmitz stated better traffic information can be addressed after the environmental impact study has been completed. During the project, Genie Solar will be required to send weekly reports to the DEC. At this time, the Town of Perry has given a letter of intent, Genie Solar is hopeful that the Village will do the same so they can continue to move forward with the project.

PUBLIC HEARING AT 8:00PM TO CONSIDER THREE PROPOSED LOCAL LAWS WHICH WILL AMEND THE ZONING CODE OF THE VILLAGE OF PERRY

Mayor Hauser opened the Public Hearing at 8:02pm to consider three proposed Local Laws which will amend the Zoning Code of the Village of Perry. The recommendation is to re-define the C1 district and move some currently non-conforming properties from C1 to R2. This change will eliminate non-conforming properties thus helping to bring the C1 district in compliance with the comprehensive master plan. Chair of the Planning Board, James Reynolds, explained that this would only affect some of the properties on the boundary of the C1 and the R2 district. Property owner, Shannon Kibler, expressed her concerns about the future ramifications of these changes, and you can't add more to Main Street. With more people working from home and more home-based businesses, moving these properties to R2 means no more first floor businesses. Miss. Kibler also asked about the definition of an Air B 'n B. Mayor Hauser clarified that an Air B 'n B is considered residential, and a hotel is considered commercial. Property owners, Shannon Kibler and Steve Mehlenbacher also questioned the definition of R2 vs R3. Based on current definition, some of their properties do not fit in the R2. Mayor Hauser asked Chair Reynolds to take this concern back to the Planning Board for consideration if these properties should be R3, while Trustee Muolo suggested re-defining R2 and R3. Tim Ruffin from Wyoming County Community Action had questions about how adding 19-units of residential property on Tempest St. would affect taxes. WCCA is tax exempt, but if someone else purchases the property, will they be taxed on all 19-units? Village Attorney McWhinney said if all units exist on one parcel, the parcel should be taxed as one parcel.

Changes to the use table include adding a limit to the number of pet grooming businesses and moving grooming businesses from Permitted Use to Special Use allowing the Village to better set parameters by asking questions or giving permission based on specific criteria. Property owner Gary Isaman asked about the changes to the Use table, specifically, who interprets the definitions. Village attorney McWhinney said interpretation is up to the Zoning Code Enforcement Officer.

Village attorney McWhinney proposed a resolution of the Village Board of the Village of Perry to Declare Lead Agency and Send Notices Pursuant to the Section 617.6 of the New York State Environmental Quality Review Act for Three Proposed Local Laws.

**RESOLUTION OF THE VILLAGE BOARD
OF THE VILLAGE OF PERRY TO DECLARE LEAD AGENCY AND
SEND NOTICES PURSUANT TO SECTION 617.6 OF THE NEW YORK STATE
ENVIRONMENTAL QUALITY REVIEW ACT FOR THREE PROPOSED LOCAL LAWS**

Adopted: September 16, 2024

WHEREAS, the Village Board of the Village of Perry met at a public hearing at the Village Hall located at 46 N. Main Street in the Village of Perry, New York on the 16th day of September, 2024, commencing at 8:00 p.m. at which time and place the following members were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Joel Bouchard
	Trustee	Richard Muolo
<u>Absent:</u>	Trustee	Arlene Lapiana

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 the adoption of three proposed local laws, to wit:

- i. A PROPOSED LOCAL LAW ENTITLED “AMENDING CHAPTER 490 (‘ZONING’) AND ‘ATTACHMENT 2, VILLAGE OF PERRY USE TABLE’ IN THE VILLAGE OF PERRY ZONING CODE SO AS TO ADD A DEFINITION AND USES FOR ‘PET GROOMING’ AND BRING THE USE TABLE INTO COMPLIANCE WITH THE VILLAGE COMPREHENSIVE PLAN AND THE LONG TERM PLANNING GOALS OF THE VILLAGE”;
- ii. A PROPOSED LOCAL LAW ENTITLED “AMENDING CHAPTER 490 (‘ZONING’) AND ‘ATTACHMENT 3, VILLAGE OF PERRY ZONING MAP’ IN THE VILLAGE OF PERRY ZONING CODE SO AS TO REZONE CERTAIN PARCELS AND BRING THE VILLAGE ZONING MAP INTO COMPLIANCE WITH THE VILLAGE COMPREHENSIVE PLAN AND THE LONG TERM PLANNING GOALS OF THE VILLAGE OF PERRY”
- iii. A PROPOSED LOCAL LAW ENTITLED “AMENDING CHAPTER 490 (“ZONING”) TO ADD § 490-15(K) ALLOWING FOR AMORTIZATION OF NONCONFORMING LOTS, STRUCTURES OR USES WITHIN THE C1 DISTRICT’; and

WHEREAS, the Village Board of the Village of Perry believes it is the most appropriate candidate to seek lead agency status under State Environment Quality Review Law as the legislative body with the authority to approve the aforesaid proposed local laws; 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 has determined that the aforesaid proposed local laws are Unlisted Actions for SEQR purposes, and which justify a coordinated review; and

WHEREAS, the Village Board of the Village of Perry must provide notice of such declaration to the following agencies pursuant to Section 617.6 of the New York State Environmental Quality Review Act:

1. Village of Perry Planning Board
2. Wyoming County Planning Board
3. Town of Perry
4. New York State Department of Transportation
5. New York State Department of Environmental Conservation; and

WHEREAS, as the agency seeking a lead agency determination, the Village Board of the Village of Perry must begin the SEQR process by completing Part 1 of a Short Environmental Assessment Form for distribution with the aforesaid lead agency notices; and

WHEREAS, pursuant to section 239-L of the General Municipal Law, said Local Laws have been referred to the Wyoming County Planning Board for comments, and all supporting SEQR documents shall be submitted upon completion to said Wyoming County Planning Board; and

WHEREAS, the Village Board of the Village of Perry has not yet received comments from the Wyoming County Planning Board, and desires to adjourn this public hearing until October 21, 2024 at 8:00 p.m. so that comments from the Wyoming County Planning Board may be received and considered; and

NOW ON MOTION OF Mayor Hauser which has been duly seconded by Trustee Muolo, be it

RESOLVED, that the Village Board of the Village of Perry will begin review under the State Environmental Quality Review Act, also known as SEQRA and that notices will be sent to the following agencies for a Coordinated Review in accordance with Section 617.4 of the New York State Environmental Quality Review Regulations:

1. Village of Perry Planning Board
2. Wyoming County Planning Board
3. Town of Perry
4. New York State Department of Transportation
5. New York State Department of Environmental Conservation; and be it further

RESOLVED, the Village Board shall complete a Short Environmental Assessment Form with the assistance of the Village Attorney for distribution with the lead agency notices; and be it further

RESOLVED, that this public hearing be adjourned until October 21, 2024 at 8:00 p.m. for further discussion; and be it further

RESOLVED, that the Village Clerk of the Village of Perry be directed to post and publish a notice of the adjourned public hearing date.

Ayes: 3

Nays: 0

Quorum Present: Yes No

Dated: September 17, 2024

Mayor Hauser closed the Public Hearing at 8:36pm.

CLERK/DEPUTY TREASURER REPORT

Presented by Administrator Marcy

VILLAGE OF PERRY

Abstract # 008

09/13/2024
08:17:27

Summary by Fund

Code	Fund	Prepays	Unpays	Totals
A	GENERAL FUND	1,216.98	55,109.98	56,326.96
F	WATER FUND	24.92	12,793.76	12,818.68
G	SEWER FUND		5,397.99	5,397.99
HF	WATER TREATMENT PLANT PROJECT		30,050.89	30,050.89
HS	CAPITAL PROJECT - SEWER IMPROV		51,735.21	51,735.21
TA	TRUST & AGENCY		1,406.00	1,406.00
Total:		1,241.90	156,493.83	157,735.73

Vouchers #513-595 were audited by Trustee Muolo.

Motion to approve payment of abstract #8, vouchers #513-595, for a total of \$157,735.73 was made by Trustee Bouchard, seconded by Trustee Muolo, and carried with all voting aye.

DEPARTMENT REPORTS

Reports were reviewed for the following departments: Financial Reports. Administrator Marcy and Mayor Hauser commented that interest rates are still doing well. WTP /WWTP, DPW, Police and, Property Maintenance.

Mayor Hauser suggested reformatting the Property Maintenance report to a format like the Police Department to better show progress being made.

TRUSTEE REPORTS

Trustee Bouchard reported that the Parks Committee is talking about the timing of flower arrangements, looking for tree planting sites and looking at avenues to replace and improve aging playground equipment. There is a desire to have the community be able to contribute to projects in a constructive way. The LWRP had a tour of the Silver Lake Trail which resulted in a lot of big broad ideas for improvements. Fire Committee has discussed possible grant options for a consolidation study.

Mayor Hauser reported the sidewalk work continues. Water contracts are being negotiated with the Town of Perry.

There was no executive session.

At 8:48 pm, Trustee Muolo made a motion to adjourn the meeting which was seconded by Trustee Bouchard and carried.

Respectfully submitted,
Amanda Bouchard, Deputy Village Clerk