

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
JANUARY 19, 2021**

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 19th day of January 2021.

PRESENT:	Rick Hauser	Mayor
	Daniel Draper	Trustee
	Eleanor Jacobs	Trustee
	Arlene Lapiana	Trustee

ALSO PRESENT:	Samantha Pierce	Village Administrator
	Christina Slusser	Village Clerk

GUESTS:	Matt Horn
	Coryn Kempster (via Zoom for presentation)

Mayor Hauser called the meeting to order at 7:30 pm and led in the pledge to the flag.

PUBLIC COMMENT

There was no one present for public comment.

PRESENTATIONS & BOARD ACTIONS

BOARD MEETING MINUTES

Motion to approve the minutes from the January 4, 2021 board meeting was made by Trustee Jacobs and seconded by Trustee Lapiana. Motion was carried with all voting aye.

PRESENTATION BY CORYN KEMPSTER VIA ZOOM

KABOOM! reached out to designers where Coryn Kempster and Julia Jamrozik were connected with Sandy of PMSA. PMSA worked with this design team to come up with the design of a serpent mound. Last year PMSA applied for a grant from KABOOM! but was not awarded funds. An application has been funded in the amount of \$65,000. PMSA was originally listed as the fiscal sponsor, but as the owner of the property where the design is considered to be placed, the Village of Perry may be a better fiscal sponsor to list. Coryn reached out to a project manager at KABOOM! to confirm it would be okay to change fiscal sponsorship. KABOOM! pays funds up front which would go to the fiscal sponsor. The application needs to be turned in by the end of the month and grants are announced in mid-February. Motion was made by Mayor Hauser for the Village of Perry to accept sponsorship and to sign the Play Everywhere Design

Challenge Grant Recipient Agreement. Motion was seconded by Trustee Draper and carried with all voting aye.

RESOLUTION RESCHEDULING BOARD MEETING FROM FEBRUARY 15TH TO FEBRUARY 16TH
Motion was made by Mayor Hauser to change the February board meeting from February 15th to February 16th at 7:30 PM due to Presidents' Day which was seconded by Trustee Draper and carried with all voting aye.

RESOLUTION INTRODUCING LOCAL LAW #2

The planning and zoning committee has completed a review of sections of the zoning code relating to signage and first floor uses. Resolution to Hold Public Hearing Regarding Local Law "Amending Chapter 490 'Zoning' of the Code of the Village of Perry" was reviewed. Motion was made by Trustee Lapiana and seconded by Trustee Draper to adopt the resolution. Motion was carried with all voting aye.

A PROPOSED LOCAL LAW ENTITLED, "AMENDING CHAPTER 490 'ZONING' OF THE CODE OF THE VILLAGE OF PERRY"

Be it enacted by the Village Board of the Village of Perry as follows:

SECTION I. AUTHORITY

The Village Board of the Village of Perry, pursuant to the authority granted it under Article 7 of the Village Law of the State of New York.

SECTION II. PURPOSE

This local law will specifically amend sections 490-46, 490-47, 490-72, and 490 Attachment 2 of the Village of Perry Code to correct typing errors made during publication and clarify that first floor residences are impermissible in the non-residential districts.

SECTION III. ENACTMENT

The Village Board of the Village of Perry hereby amends the Code of the Village of Perry by amending the following sections to Chapter 490 – Zoning:

§490-46. Permitted uses.

The table (see Attachment ~~1-2~~, Village of Perry Use Table⁴) ~~table~~ identifies those uses permitted, including conditional uses, by zoning district. All business and industrial uses, developments, and new construction, except for minor changes in use, require site plan approval by the Planning Board, unless otherwise permitted. The Planning Board shall have the authority, via a vote, to make a determination of similar use based on the general

use categories and specific uses permitted, for uses not specifically noted in the Use Table. In doing so, the Planning Board shall not only determine if the use is similar, but if the use meets the intent of the district and regulations.

§490-47. Commercial bulk and area requirements.

NOTES:

(8) It shall be impermissible to convert first floor for residential purposes. Must be/stay commercial.

§490-72. Sign regulations.

E. Schedule for Signs Requiring a Permit in All Districts.

Individual Establishments			
Zoning District	Face Area (a)	Number Allowed	Type Allowed (b)
C 1 Districts	1.0	3	FS, W, PD, C
C 2 Districts	1.5	3	FS, W, PD
M Districts	1.0	2	FS, W, PD
LD Districts	1.0	1	FS, PD
R Districts	(a) §490-72 (D)(1)	1	W

Multiple Developments			
Zoning District	Face Area (a)	Number Allowed	Type Allowed (b)
C Districts	(c)	(d)	C, FS, W
M Districts	(c)	(d)	FS, W
Legend:			
C - Canopy sign			
FS - Freestanding sign			
W - Wall sign			
PD - Perpendicular sign			

Legend:

C – Canopy sign

FS – Freestanding sign

W – Wall sign

PD – Perpendicular sign

NOTES:

- (a) Total maximum face area for all signs (except temporary signs and window signs) in square feet per linear foot of building frontage. [Where no building is involved, or for sites with a building of 100 square feet or less, the above face area factors shall be applied to the linear feet of street frontage (instead of building frontage), with the minimum face area not to exceed 20 square feet.]
- (b) Freestanding signs shall be limited to one sign per individual establishment. Window signs see § 490-72D(2)(e).
- (c) Sign standards shall be determined during the site plan review process and development of a coordinated signage plan. See § 490-72D(3) above.
- (d) Additional signs identifying the name of the multiple development may be permitted at each major entrance to the area. See § 490-72D(3) above.
- (e) Perpendicular signs shall be limited to one sign per establishment and located at the public entrance side of the building which it is located on.

490 Attachment 2

Village of Perry

Use Table

Principal Uses	C-1	C-2	DDD	M-1	R-1	R-2	R-3	RCOZ	L D
Residential Uses									
Multifamily dwellings above first floor	P	P	P	SP	—	—	P	—	SP

Note: It shall be impermissible to covert/build first floor for residential purposes – must stay commercial C-1, C-2, DDD, M-1.

SECTION IV. REPEAL

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION V. SEVERABILITY/VALIDITY

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not impact the remainder of said local law which shall remain in full force and effect.

SECTION VI. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the Secretary of State of

New York as provided in §27 of the Municipal Home Rule Law.

**VILLAGE OF PERRY
RESOLUTION TO HOLD PUBLIC HEARING
REGARDING LOCAL LAW ““AMENDING CHAPTER 490 ‘ZONING’
OF THE CODE OF THE VILLAGE OF PERRY”**

Adopted: January 19, 2021

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 in the Village of Perry, New York on the 19th day of January, 2021 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	Eleanor Jacobs
	Trustee	Arlene Lapiana

<u>Absent:</u>	Trustee	Jacquie Billings
----------------	---------	------------------

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, pursuant to Governor Andrew Cuomo’s Executive Orders put into place in consideration of the COVID-19 pandemic and the guidelines put in place during Phase IV of New York Forward, said meeting was held in accordance with social distancing protocol and face coverings were worn by all Board Members and public attendees; and

WHEREAS, the Village Board is considering adopting a proposed local law entitled, “Amending Chapter 490 ‘Zoning’ of the Code of the Village of Perry”; and

WHEREAS, the purpose of this local law is to amend sections 490-46, 490-47, 490-72, and 490 Attachment 2 of the Village of Perry Code to correct typing errors made during publication and clarify that first floor residences are impermissible in the non-residential districts; and

WHEREAS, in accordance with the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Village Board of the Village of Perry has determined that this amendment to the Zoning Code is simply to correct publishing errors and further clarify the use of first floor residences and such amendments will not alter the context of the zoning law and the adoption of such a law is therefore a Type II action requiring no further review under SEQR; and

WHEREAS, pursuant to §§239-l and 239-m of the General Municipal Law, said local law and all supporting documentation shall be submitted to the Wyoming County Planning Board for their review and recommendations; and

WHEREAS, the Village Board finds it in the best interest of the Village of Perry to also refer the proposed local law to the Planning Board of the Village of Perry for their review and recommendations; and

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

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

RESOLVED, that pursuant to §§239-l and 239-m of the General Municipal Law, said local law shall be submitted to the Wyoming County Planning Board for their review and recommendations at their next meeting on the 1st day of February, 2021; and be it further

RESOLVED, that said local law shall be submitted to the Planning Board of the Village of Perry for their review and recommendations at their next meeting; and

RESOLVED, by the Village Board of the Village of Perry will hold a public hearing on the proposed adoption of said local law on the 1st day of February, 2021 at 8:00 p.m., at which time all interested parties and citizens for or against the proposed law will be heard; and be it further

RESOLVED, that the Village Board will ensure that proper safety protocols are followed based upon the Phase of reopening that New York State attains and any additional Executive Orders issued by the Governor by said date of public hearing.

Ayes: 4

Nays: 0

Quorum Present: X Yes No

Dated: January 27, 2021

RESOLUTION ESTABLISHING A PUBLIC HEARING – POLICE COMMUNITY COLLABORATIVE PLAN
Pursuant to the Governor’s Executive Order 203, a citizen-led committee was established. A public hearing is required on recommendations. Trustee Draper made a motion to schedule a formal public hearing on the Police Collaborative Plan on February 2nd at 8:15 PM which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION AUTHORIZING RETAINER AGREEMENT – VILLAGE ATTORNEY

On January 4, 2021, the Board considered a proposal from David DiMatteo for legal services as the attorney for the Village of Perry. A question was raised regarding Village Court services which was clarified as being an additional service. Trustee Draper Made a motion to allow the Mayor to sign the revised Retainer Letter for the Village Attorney dated January 5, 2021 which was seconded by Trustee Jacobs and carried with all voting aye.

RESOLUTION AUTHORIZING GRANT SUBMITTAL – FARM CREDIT EAST

Farm Credit East is the sponsor for the Lipinski Rural initiative award; a grant program. Fifty thousand dollars has been set aside for 2021 awards. The grant application is due by January 31st, but a narrative has already been established. Motion was made by Trustee Draper for the Mayor to try to obtain grant funds from Farm Credit East which would be used for enhancements associated with the Silver Lake Trail. Motion was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION AUTHORIZING GRANT SUBMITTAL – ENGINEERING PLANNING GRANT

MRB Group is preparing a grant application, at no cost to the Village, to support solutions for I & I (inflow & infiltration) issues associated with the wastewater collection system. If awarded, the Village would receive \$25,000 which requires a match of \$6,000 to come from the sewer fund. Submittal is due the first week in March. Two resolutions are included authorizing MRB Group to submit the grant application on the Village's behalf and the other declaring a Type II action requiring no additional environmental review. Trustee Draper made a motion to accept both resolutions which was seconded by Trustee Lapiana and carried with all voting aye.

VILLAGE OF PERRY

Consolidated Funding Application

Resolution of Support & Authorization for the Village of Perry

2020 New York State Consolidated Funding Application,

Wastewater Infrastructure Engineering Planning Grant Application

WHEREAS, Village of Perry, Wyoming County, supports the submission of a 2020 Consolidated Funding Application (CFA) on behalf of the Village, for the Wastewater Infrastructure Engineering Planning Grant (EPG) program to conduct a study of its sanitary sewer collection system for Inflow and Infiltration; and

WHEREAS, the New York State Department of Environmental Conservation (DEC), in conjunction with the New York State Environmental Facilities Corporation (EFC), provides a competitive statewide reimbursement grant program to assist in the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects; and

WHEREAS, The Village of Perry meets the EPG eligibility and is considered a funding priority, as an area with suspected Inflow & Infiltration issues as well as meets municipal median household income thresholds; and

WHEREAS, if funding is received it will allow the Village of Perry to prepare an engineering planning report to investigate inflow & infiltration and identify solutions, enabling the Village to seek further financing for construction through the CWSRF program to advance the required water quality improvements;

NOW THEREFORE BE IT RESOLVED, the Village Board, on behalf of the Village, identifies the Village Mayor, Rick Hauser as the authorized representative for the project, able to execute necessary documents relative to and as required for this application; and

BE IT FURTHER RESOLVED, the Village Board does hereby authorize and obligates local matching funds of the minimum 20% of the total of any grant funding awarded in the form of in-kind services or cash contribution hereby appropriated from the sewer fund; and

BE IT FURTHER RESOLVED, that the Village of Perry, recognizes and fully supports the submission of the 2020 CFA for an EPG for investigation into the sanitary sewer collection system for Inflow and Infiltration.

Motion by: Trustee Draper

Seconded by: Trustee Lapiana

Passed by the following vote of all Village Board Members voting in favor thereof:

Affirmative Village Board Members: Mayor Hauser, Trustee Draper, Trustee Jacobs, and Trustee Lapiana

Affirmative: # 4

Negative: # 0

Abstain: # 0

I, Christina Slusser, do hereby certify that this resolution was passed at a meeting of the Village of Perry Village Board held on January 19, 2021, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended, or revoked and is in full force and effect.

VILLAGE OF PERRY

WASTEWATER INFRASTRUCTURE ENGINEERING PLANNING GRANT

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Village of Perry Village Board, (hereinafter referred to as Village Board) is completing an application through the New York State Consolidated Funding Application (CFA) under New York State Department of Environmental Conservation (DEC), in conjunction with the New York State Environmental Facilities Corporation (EFC) for the preparation of an engineering report; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Village Board does hereby classify the above referenced Action to be a Type II Action under 6 N.Y.C.R.R. Section 617.5 [c] [27] of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the Village Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

Motion made by Trustee Draper : Seconded by Trustee Lapiana

The above Resolution was duly adopted on January 19, 2021 by the Village of Perry Village Board.

RESOLUTION ESTABLISHING POLLING LOCATION AND HOURS

Village Election Law requires the Board of Trustees to establish a polling location and hours for the upcoming March election. Motion was made by Trustee Jacobs to accept the resolution setting the polling place as the Village Hall at 46 North Main Street with hours between 12:00 noon and 9:00 PM. Motion was seconded by Trustee Draper and carried with all voting aye.

VILLAGE OF PERRY VILLAGE BOARD 2021 VILLAGE ELECTION RESOLUTION

The Village Board of the Village of Perry met at a Regular Village Board meeting at the Village Offices in the Village of Perry, New York on the 19th day of January 2021, commencing at 7:30 p.m. at which time and place the following members were:

Present:	Mayor	Rick Hauser
	Trustee	Dariel Draper
	Trustee	Jacquie Billings
	Trustee	Eleanor Jacobs
	Trustee	Arlene Lapiana

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 next annual Village Election will be held Tuesday, March 16, 2021 at the Village Hall, 46 North Main Street, Perry, New York. The hours of the election will be from 12:00 noon until 9:00 p.m.; and

WHEREAS, no person shall be entitled to vote at such election whose name does not appear on the register of the election district in which he claims to be entitled to vote as of March 5, 2021, the last day to register with the Wyoming County Board of Elections; and

WHEREAS, the Village of Perry deems the list of qualified voters presented by the Wyoming County Board of Elections to act as the register of qualified voters for this Village Election and therefore no cause for a registration day; and

WHEREAS, the offices to be filled at the 2021 Village Election are : one (1) Mayor - two (2) year term and two (2) Trustees – four (4) year term each.

NOW ON MOTION OF Trustee Jacobs which has been duly seconded by Trustee Draper, be it

RESOLVED, the next annual Village Election will be held Tuesday, March 16, 2021 at the Village Hall, 46 North Main Street, Perry, New York from the hours of 12:00 noon until 9:00 p.m.; and

RESOLVED, the Village of Perry has no cause for a registration day; and

RESOLVED, the Offices to be filled at the 2021 Village Election are: one (1) Mayor – two (2) year term and two (2) Trustees – four (4) year term each.

Aye: 4

Nay: 0

Quorum Present: X Yes No

RESOLUTION APPOINTING LAURA GIFFORD AS DEPUTY CLERK

The position of Deputy Clerk has been vacant since September 2020. Since that time, Laura has supported the Clerk in a range of administrative roles. Mayor Hauser made a motion appointing Laura Gifford as Deputy Clerk effective January 19, 2021 at a rate of \$17 per hour for 35 hours per week. Motion was seconded by Trustee Lapiana and carried with all voting aye.

CLERK/DEPUTY TREASURER REPORT

Approval of payments was made for vouchers #697-803 for the Clerk/Deputy Treasurer Report dated 1/19/2021. Vouchers were reviewed and audited by Trustee Jacobs

General Fund	\$321,791.02
Spec. Grant Funds	\$13,804.09
Water Fund	\$57,048.36
Sewer Fund	\$29,989.15

Capital Projects Fund	\$50,607.16
Trust & Agency	\$4,899.14
Silver Lake Watershed Commission	\$ -
TOTAL	\$478,138.92

*Note General Fund includes the previously approved payment to Camco in the amount of \$50,538.93.

Motion was made by Trustee Draper and seconded by Trustee Jacobs authorizing payments in the amount of \$478,138.92 which was carried all voting aye.

DEPARTMENT REPORTS

Monthly reports were reviewed for the WTP, WWTP, DPW, and Parks with no action needed.

TRUSTEE REPORTS

Trustee Jacobs reported that a Silver Lake Watershed Commission Meeting will take place on Thursday, January 21st at the Village Hall with an option of attending via Zoom.

Trustee Lapiana commented on problem properties and the committee looking to update the signage law.

With there being no further business and no executive session necessary, Trustee Draper made a motion to adjourn the meeting at 8:32 pm which was seconded by Trustee Lapiana and carried with all voting aye.

Respectfully submitted,
Christina Slusser
Village Clerk