



Village of Perry Board of Trustees

Village Board Meeting • Agenda • Tuesday, January 3, 2022 • 7:30 PM

Village Board Room • 46 N Main Street, Perry, NY 14530

1. Open Meeting and Pledge of Allegiance
2. Public Comment
3. Presentations & Board Actions
 - a. Approval of Minutes – December 19, 2022
 - b. Village Administrator – 2023-2024 Budget Overview
 - c. Resolution Closing Out 2019 Digital Transformation Project and 2020 Trail Mapping Grant from United States Department of Agriculture on Behalf of Letchworth Gateway Villages and Deobligating Unspent Funds
 - d. Resolution Authorizing Budget Amendment to the 2022-2023 Village of Perry Budget and Transfer of Funds for Letchworth Gateway Villages
 - e. Resolution Adopting the New York State Climate Smart Communities Pledge
 - f. Resolution to Implement a Climate Smart Community Task Force and Appoint a Climate Smart Community Coordinator
 - g. Resolution Authorizing Budget Amendment and Transfer to the 2022-2023 Village of Perry Budget
4. Clerk/Deputy Treasurer's Report
5. Department Reports
6. Trustee Reports
 - a. Zoning Committee – Amortization Law and Sign Law
7. Executive Sessions

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
DECEMBER 19, 2022**

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 December 2022.

PRESENT:	Rick Hauser	Mayor
	Daniel Draper	Trustee
	Jacquie Billings	Trustee
	Arlene Lapiana	Trustee
	Ernie Lawrence	Trustee
ALSO PRESENT:	Samantha Marcy	Administrator
	Christina Slusser	Village Clerk
GUESTS:	Lorraine Sturm	Perry Herald
	Jeff Bauer	
	Michael Bauer	

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

PUBLIC COMMENT

No comments.

PRESENTATIONS & BOARD ACTIONS

MINUTES

Trustee Lawrence made a motion to approve the minutes from the last regular board meeting on December 5, 2022 with one change to include Lorraine Sturm as a guest which was seconded by Trustee Lapiana and carried with the following vote:

Ayes	4
Nays	0
Abstain	Billings

RESOLUTION APPROVING PAYMENTS FOR WASTEWATER TREATMENT PLANT PROJECT

WHEREAS, the Village Clerk has received Pay App #19 from the general contractor, Crane-Hogan Structural Systems, Inc., for the wastewater treatment plant project in the amount of \$638,194.80 and

WHEREAS, the Village Clerk has received pay app #13 from the electrical contractor, M.W. Controls Service, Inc., for the wastewater treatment plant project in the amount of \$47,968.83; and

WHEREAS, the Village Clerk has received pay app #3 from the plumbing contractor, Crosby-Brownlie, Inc., for the wastewater treatment plant project in the amount of \$13,504.25 and pay app #4 in an amount of \$4,830.75 for a total payment of \$18,335.00; and

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

Crane-Hogan Structural Systems, Inc.	\$638,194.80
M.W. Controls Service, Inc.	\$47,968.83
Crosby-Brownlie, Inc.	\$18,335.00

Trustee Draper made a motion to adopt the resolution approving payments for the wastewater treatment plant which was seconded by Trustee Billings and carried unanimously.

RESOLUTION ACCEPTING RESIGNATION OF FULL-TIME DEPUTY VILLAGE CLERK, LAURA GIFFORD, AND APPOINTMENT TO PART-TIME CLERK

WHEREAS, Mrs. Laura Gifford has tendered her resignation from the position of full-time Deputy Village Clerk effective December 30, 2022; and

WHEREAS, it is of mutual interest for Mrs. Gifford to remain on staff as a part-time Clerk; and

WHEREAS, the Village Clerk and Village Administrator are recommending the appointment of Mrs. Gifford to the position of part-time Clerk at her current hourly rate of \$17.61 for 20 hours per week; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board hereby accepts the resignation of Mrs. Gifford from the full-time Deputy Village Clerk position and appoints her to the part-time Clerk position.

Trustee Billings made a motion adopting the resolution accepting resignation of Deputy Clerk Laura Gifford and appointing her to part-time Clerk. Motion was seconded by Trustee Lapiana and carried unanimously.

RESOLUTION APPOINTING FULL-TIME DEPUTY VILLAGE CLERK, AMANDA BOUCHARD

WHEREAS, there is a vacancy for a Full-Time Deputy Village Clerk due to a recent resignation; and

WHEREAS, the Village of Perry received eight applications and held four interviews; and

WHEREAS, the Village Clerk and Village Administrator are requesting the hiring of Amanda Bouchard as Deputy Village Clerk at a rate of \$17.50 per hour; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board of Trustees hereby approves the hiring of Amanda Bouchard as a full-time, benefit eligible, Deputy Village Clerk with a starting hourly rate of \$17.50 effective January 3, 2023.

Mayor Hauser and Trustee Lapiana were part of the interview panel where there were two strong candidates. Trustee Lapiana made a motion to adopt the resolution appointing Deputy Clerk, Amanda Bouchard, which was seconded by Trustee Lawrence and carried unanimously.

RESOLUTION APPOINTING MOTOR EQUIPMENT OPERATOR, RICARDO TORRES

WHEREAS, the Village of Perry has a vacancy for a Motor Equipment Operator at the Department of Public Works; and

WHEREAS, the Village of Perry received eleven applications and held three interviews; and

WHEREAS, the Superintendent of Public Works and Village Administrator are recommending the hiring of Mr. Ricardo Torres; and

WHEREAS, the Superintendent of Public Works and Village Administrator are recommending the hourly rate to start at 90% of the job rate with an increase to 95% after successful continuous completion of 6 months and 100% after successful continuous completion of one year based on experience and current licenses held for the position; and

BE IT RESOLVED, that the Perry Village Board of Trustees does hereby appoint Mr. Ricardo Torres as a full-time, benefit eligible, Motor Equipment Operator at a starting rate of \$22.54 per hour effective January 3, 2022.

Due to Mr. Torres having a CDL and relevant experience, it was recommended that he start out at 90% of the starting pay rate. Motion was made by Trustee Billings to appointing MEO Ricardo Torres which was seconded by Trustee Draper and carried with all voting aye.

RESOLUTION APPOINTING MOTOR EQUIPMENT OPERATOR, TRAVIS RICE

WHEREAS, the Village of Perry has a vacancy for a Motor Equipment Operator at the Department of Public Works; and

WHEREAS, the Village of Perry received eleven applications and held three interviews; and

WHEREAS, the Superintendent of Public Works and Village Administrator are recommending the hiring of Mr. Travis Rice; and

WHEREAS, the Superintendent of Public Works and Village Administrator are recommending the hourly rate to start at 85% of the job rate with an increase to 90% after obtaining his CDL, 95% after successful continuous completion of 6 months and CDL license, and 100% after successful continuous completion of one year and CDL license; and

BE IT RESOLVED, that the Perry Village Board of Trustees does hereby appoint Mr. Travis Rice as a full-time, benefit eligible, Motor Equipment Operator at a starting rate of \$21.29 per hour effective January 9, 2022.

Trustee Lapiana made a motion to adopt the resolution appointing MEO Travis Rice which was seconded by Trustee Lawrence and carried unanimously.

RESOLUTION APPROVING VILLAGE OF PERRY ECONOMIC RESILIENCY AND RECOVERY PLAN

WHEREAS, the Village of Perry received a Technical Assistance grant in 2021 to develop an Economic Resiliency and Recovery Plan; and

WHEREAS, the Village of Perry hired MRB Group as their consultant to prepare the Economic Resiliency and Recovery Plan; and

WHEREAS, public meetings were held to obtain input and recommendations from the community; and

WHEREAS, MRB Group presented the plan to the Village Board at the July 5, 2022 Village Board meeting; and

WHEREAS, the grant funding agency has reviewed and approved the Economic Resiliency and Recovery Plan; and

WHEREAS, the Village of Perry Economic Resiliency and Recovery Plan was developed with funding assistance from the Housing Trust Fund Corporation and NYS Homes & Community Renewal and the document is property of the Housing Trust Fund Corporation and the Village of Perry; and

NOW, THEREFORE BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the Economic Resiliency and Recovery Plan and adopts the plan as an addendum to the 2015 Comprehensive Plan.

Trustee Draper made a motion to adopt the resolution approving the Economic Resiliency and Recovery Plan which was seconded by Trustee Lapiana and carried unanimously.

RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING WITH LAKEN HOLDINGS, LLC.

WHEREAS, the Village of Perry received and entered into an agreement to administer funds for a New York Main Street Program; and

WHEREAS, the Village of Perry hired LaBella Associates for grant administration up to \$15,000.00 to be reimbursed by the grant agency; and

WHEREAS, throughout the course of the project, the scope has been modified several times and has delayed the project which has exhausted the entirety of the grant administration budget; and

WHEREAS, the owner of the properties, Laken Holdings LLC, will be responsible to reimburse the Village of Perry for expenses related to grant administration over the original budget of \$15,000.00; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the Memorandum of Understanding with Laken Holdings LLC in relation to the New York Main Street grant administration costs.

The Village received a grant for NYMS but the scope of the project has changed and used up the grant administration budget. The MOU makes the property owner responsible for additional grant administration fees over \$15,000 up to \$7,500. Motion to adopt the Memorandum of Understanding with Laken Holdings, LLC was made by Trustee Billings, seconded by Trustee Lapiana, and unanimously approved.

RESOLUTION AUTHORIZING BUDGET TRANSFERS TO THE 2022-2023 VILLAGE BUDGET

WHEREAS, the Village Administrator is proposing the following Budget Transfers to correct overspent accounts for the 2022-2023 fiscal year:

General Fund

Increase:	A5110.2 (Street Maintenance – Equipment)	\$968.04	
Increase:	A6772.4 (Programs for the Aging)	\$205.06	
Increase:	A8010.4 (Zoning – Contractual)	\$216.79	
Increase:	A8010.43 (Zoning – Attorney Fees)	\$11,243.00	
Increase:	A9050.8 (Unemployment Insurance)	\$4,548.00	
Increase:	A9055.8 (Disability Insurance)	\$51.22	
Decrease:	A1990.4 (Contingency)		\$17,232.11

Increase:	A9015.4 (Police Retirement)	\$8,886.00	
Decrease:	A9010.8 (State Retirement)		\$8,886.00

Sewer Fund:

Increase:	G1440.4 (Engineer – Contractual)	\$836.89	
Decrease:	G1420.4 (Law – Contractual)		\$836.89; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the Village Administrator to make the above budget transfers for the 2022-2023 fiscal year; and

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

Financial reports were run halfway through the year to correct overspent accounts. Motion to adopt the resolution authorizing budget transfers to the 2022-2023 village budget was made by Trustee Billings, seconded by Trustee Lawrence, and carried with all voting aye.

RESOLUTION APPROVING PAYMENT FOR THE SILVER LAKE TRAIL PROJECT

WHEREAS, the Village has received pay app #6 from the contractor, CP Ward, Inc., for the Silver Lake Trail project in the amount of \$41,754.90; and

WHEREAS, the engineers on the project, C&S Engineers, have reviewed and approved pay app #6; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the following payment for the Silver Lake Trail project and directs the Village Clerk to submit a voucher for payment:

CP Ward, Inc.	\$41,754.90
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BE IT FURTHER RESOLVED, that the Perry Village Board of Trustees hereby authorizes the Mayor to sign the payment invoice.

This pay app covers about 1/3 of the supplemental request that was approved for sign work. Some admin work has been done and signposts have been installed. The final design for the signs is almost complete. Trustee Billings made a motion to approve payment of pay app #6 for the Silver Lake Trail project which was seconded by Trustee Lapiana and carried unanimously.

CLERK/DEPUTY TREASURER'S REPORT

FY 2022-2023
Abstract #14
Vouchers #1060 - 1163

General Fund	\$ 58,300.59
Special Grant Fund	\$ 18,213.91
Water Fund	\$ 9,826.15
Sewer Fund	\$ 23,143.01
Capital Projects Fund	\$ 769,824.07
Trust & Agency	\$ 1,312.33
Silver Lake Watershed Commission	\$ 186.28
Total	\$ 880,806.34

Trustee Lapiana audited vouchers. Trustee Lawrence made a motion to approve the revised clerk report and payment in the amount of \$880,806.34 which was seconded by Trustee Billings and carried with all voting aye. Updated NYCLASS balances were also provided.

DEPARTMENT REPORTS

Reports were reviewed for the following departments: DPW/Parks, Police, WTP/WWTP.

TRUSTEE REPORTS

Administrator Marcy received notice today that the Village received \$2 million in BIL money in addition to the WIIA grant to go towards Water Treatment Plant upgrades. The Administrator will check on grant funds vs. matching funds and review the rate study to work towards determining which project scope to move forward with.

POLICE COMMITTEE – VEHICLE REPLACEMENT

The Police Committee discussed vehicle replacement and decided on an Explorer. The cost of the vehicle including upfits needed for a police vehicle is about \$50,000. The Village will receive \$17,000 for the vehicle that was in the accident, bring the cost down to \$39,000. The Administrator will get the vehicle ordered and figure out payment at the next meeting.

DPW COMMITTEE - STAFFING

The DPW Committee discussed staffing. One of the MEOs is retiring in January. Two MEOs have been hired which will open up a laborer spot. There is about a \$12,000 difference between an MEO and a laborer. DPW is getting busier with all the improvements made in the community and an MEO could offer more flexibility in scheduling for the department head. The Committee hopes to hire again in January.

CLIMATE SMART COMMUNITIES

Climate Smart Communities is a DEC program. A packet of information was provided with a template resolution. The goal will be to implement a task force and coordinator for the program. Questions from the Board can be answered between now and the next meeting where a resolution will likely be adopted to participate in the program. This would involve registering online, at no cost, and recording measures the Village has already done. Taking these steps could help to put the Village in a stronger position to receive grant funds in the future – funds for smart growth, comp plan updates, etc.

MEMORIAL PARK COMMITTEE

Trustee Lawrence informed the Board that a Memorial Park Committee has been formed. Ernie Lawrence, Eleanor Jacobs, Jacquie Billings, James Reynolds, and Samantha Marcy make up the Committee who will begin to develop preliminary designs for the park.

PARKS COMMITTEE

The Parks Committee discussed the possibility of finishing off the asphalt in the park, as reported by Trustee Billings. The use of the park is different now, especially with the craft show. It would help to expand the path that was deliberately made narrower. Drainage near the North Pavilion should be considered as well as repairing the tennis court that is left. Fencing needs to be repaired or replaced and there is a serious crack in the court. The Board should consider starting a reserve fund for park repairs during upcoming budget discussions

With no executive session needed, Trustee Draper made a motion to adjourn the meeting at 8:14 pm which was seconded by Trustee Lapiana and carried.

Respectfully submitted,
Christina Slusser, Village Clerk



VILLAGE OF PERRY FY 2023-2024 BUDGET CALENDAR

Board Budget Briefing	Tue, January 3, 2023 – 7:30pm
Public Works Prioritization Session	Wed, January 11, 2023 – 8:15am
Police Prioritization Session	Wed, January 11, 2023 – 9:30am
Fire Prioritization Session	Tue, January 17, 2023 – 6:00pm
Administrative Prioritization Session	Thu, January 26, 2023 – 8:30am
Parks Prioritization Session	Wed, February 1, 2023 – 8:15am
Board Budget Workshop #1 *Regular board meeting	Mon, February 6, 2023 – 7:30pm
Board Budget Workshop #2 *Department Heads	Mon, February 13, 2023 – 7:00pm
Board Budget Workshop #3 *Regular board meeting	Tue, February 21, 2023 – 7:30pm
Board Budget Workshop #4 (tentative)	Mon, February 27, 2023 – 7:00pm
Final Budget Presentation	Mon, March 20, 2023 – 7:30pm
Public Hearing	Mon, April 3, 2023 – 8:00pm
Adoption	Mon, April 17, 2023 – 7:30pm

General Fund Revenues	2022-2023 Budget	2023-2024 Budget (EST.)
Taxes	\$ 2,196,931	\$ 2,315,111
PILOTS, penalties, other	\$ 98,295	\$ 70,786
Franchise and Gross Receipts Tax	\$ 53,000	\$ 53,000
Department Income	\$ 14,450	\$ 14,450
Intergov't charges	\$ 145,880	\$ 150,000
Interest/Rentals	\$ 5,450	\$ 25,000
Games of Chance	\$ 75	\$ 75
Fines and Fees	\$ 120,000	\$ 120,000
Sale of Equipment	\$ 17,000	\$ 17,000
Misc. Local Sources	\$ 30,057	\$ 30,057
State Aid	\$ 128,000	\$ 271,000
Federal Aid	\$ 2,500	\$ 2,500
	\$ 2,811,638	\$ 3,068,979

General Fund Expenditures	2022-2023 Budget	2023-2024 Budget (EST.)
Personnel .1	\$ 1,110,915	\$ 1,090,000
Capital .2	\$ 207,250	\$ 360,613
Contractual .4	\$ 856,439	\$ 899,261
Debt .6	\$ 72,140	\$ 95,728
Benefits .8	\$ 529,894	\$ 568,849
Transfer to Capital Projects .9	\$ 35,000	\$ -
Total	\$ 2,811,638	\$ 3,014,450

Est. Rev-Est. Exp \$ 54,528

Water Fund Revenues	2022-2023 Budget	2023-2024 Budget (EST.)
Department Income	\$ 743,100	\$ 787,395
Intergov't charges	\$ 9,400	\$ 9,400
Interest	\$ 150	\$ 2,000
Sale of Equipment	\$ -	\$ -
App. FB	\$ 29,475	\$ -
	\$ 782,125	\$ 798,795

Water Fund Expenditures	2022-2023 Budget	2023-2024 Budget (EST.)
Personnel .1	\$ 269,450	\$ 270,000
Capital .2	\$ 152,000	\$ 159,600
Contractual .4	\$ 203,500	\$ 213,675
Debt .6	\$ 63,375	\$ 63,375
Benefits .8	\$ 93,800	\$ 103,809
Total	\$ 782,125	\$ 810,459

Est. Rev-Est. Exp \$ (11,664)

Sewer Fund Revenues	2022-2023 Budget	2023-2024 Budget (EST.)
Department Income	\$ 932,257	\$ 1,064,020
Intergov't charges	\$ 78,859	\$ 88,942
Interest	\$ 300	\$ 3,000
Sale of Equipment	\$ -	\$ -
App. FB	\$ -	\$ -
	\$ 1,011,416	\$ 1,155,962

Sewer Fund Expenditures	2022-2023 Budget	2023-2024 Budget (EST.)
Personnel .1	\$ 268,650	\$ 270,000
Capital .2	\$ 74,616	\$ 78,347
Contractual .4	\$ 249,000	\$ 261,450
Debt .6	\$ 350,000	\$ 456,271
Benefits .8	\$ 69,150	\$ 75,101
Total	\$ 1,011,416	\$ 1,141,168

Est. Rev-Est. Exp \$ 14,793.65

<u>GENERAL FUND</u>	<u>31-May-21</u>	<u>31-May-22</u>	<u>Budget amendments through 11/30/2022</u>	<u>Future amendments</u>	<u>Projected balance</u>
<i>Nonspendable</i>					
Notes receivable					
<i>Restricted</i>					
Equipment	\$ 205,007.82	\$ 205,205.40			\$ 205,205.40
Fire Apparatus	\$ 85,532.63	\$ 85,614.65	\$ 25,000.00		\$ 60,614.65
Repair	\$ 99,156.60	\$ 99,253.41			\$ 99,253.41
Employee Benefits and accrued liabilities	\$ 38,324.97	\$ 38,362.61			\$ 38,362.61
Park Capital	\$ 10,032.14	\$ 10,042.13			\$ 10,042.13
<i>Other</i>					
Assigned (encumbrances)	\$ 15,918.00	\$ 31,915.38	\$ 31,915.38		\$ -
Unassigned	\$ 846,706.17	\$ 529,642.59	\$ 67,813.98	\$ 41,719.71	\$ 420,108.90
Total fund balance and reserves	\$ 1,300,678.33	\$ 1,000,036.17	\$ 124,729.36	\$ 41,719.71	\$ 833,587.10

WATER FUND

<i>Restricted</i>					
Capital Reserve	\$ 87,406.79	\$ 87,491.29			\$ 87,491.29
<i>Other</i>					
Assigned (encumbrances)	\$ 5,479.95	\$ 57,544.00	\$ 57,544.00		\$ -
Unassigned	\$ 745,531.65	\$ 648,776.87	\$ 29,475.00		\$ 619,301.87
Total fund balance and reserves	\$ 838,418.39	\$ 793,812.16	\$ 87,019.00	\$ -	\$ 706,793.16

SEWER FUND

<i>Restricted</i>					
Capital Reserve	\$ 162,509.43	\$ 162,666.65			\$ 162,666.65
<i>Other</i>					\$ -
Assigned (encumbrances)		\$ 2,430.00	\$ 2,430.00		\$ -
Unassigned	\$ 380,592.13	\$ 484,014.57			\$ 484,014.57
Total fund balance and reserves	\$ 543,101.56	\$ 649,111.22	\$ 2,430.00	\$ -	\$ 646,681.22

Fund Performance

<u>General</u>		
2021-2022		
Revenues	\$	3,180,985.56
minus - Fire Truck Bond and Grant	\$	510,000.00
operating total	\$	2,670,985.56
Expenditures	\$	2,882,383.61
minus-Transfers to capital projects	\$	345,463.90
operating total	\$	2,536,919.71
2021-2022 Operating net increase	\$	134,065.85

<u>Water</u>		
2021-2022		
Revenues	\$	724,953.94
Expenditures	\$	704,637.05
2021-2022 Operating net increase	\$	20,316.89

<u>Sewer</u>		
2021-2022		
Revenues	\$	902,870.74
Expenditures	\$	809,101.95
2021-2022 Operating net increase	\$	93,768.79



RESOLUTION CLOSING OUT 2019 DIGITAL TRANSFORMATION PROJECT AND 2020 TRAIL MAPPING GRANT FROM UNITED STATES DEPARTMENT OF AGRICULTURE ON BEHALF OF LETCHWORTH GATEWAY VILLAGES AND DEOBLIGATING UNSPENT FUNDS

WHEREAS, the Village of Perry entered into an agreement as fiscal agent for Letchworth Gateway Villages; and

WHEREAS, Letchworth Gateway Villages received two grants from the United States Department of Agriculture (hereinafter referred to as "USDA"): 2019 Digital Transformation Grant in an amount of \$89,900 and 2020 Trail Mapping Grant in an amount of \$99,900; and

WHEREAS, the projects are finished and need to be closed out; and

WHEREAS, the entirety of the budgets for both grants have not been spent and need to be deobligated as shown below; and

2019 Digital Transformation total grant award = \$89,900, total spent = \$77,511.39, amount to deobligate = **\$12,388.61**

2020 Trail Mapping total grant award = \$99,900, total spent = \$78,282.58, amount to deobligate = **\$21,617.42**

BE IT RESOLVED, that the Perry Village Board of Trustees does hereby close out the 2019 Digital Transformation and 2020 Trail Mapping Grants from the USDA and deobligate an amount of \$12,388.61 for the 2019 Digital Transformation grant and \$21,617.42 for the 2020 Trail Mapping grant for a total amount of \$34,006.03



RESOLUTION AUTHORIZING BUDGET AMENDMENT TO THE 2022-2023 VILLAGE OF PERRY BUDGET AND TRANSFER OF FUNDS FOR LETCHWORTH GATEWAY VILLAGES

WHEREAS, the Village of Perry entered into an agreement as the fiscal sponsor for Letchworth Gateway Villages; and

WHEREAS, Letchworth Gateway Villages received grants from the United States Department of Agriculture and the Village of Perry was responsible for the grant administration and reimbursement for those grants; and

WHEREAS, it has been discovered that improper submission of grant reimbursements has caused a deficit in the Letchworth Gateway Village's budget and the Village is unable to recover those costs through grant reimbursement totaling \$23,655.43; and

WHEREAS, there are two receivables from 2018 and 2019 totaling \$12,000.00 which have been determined unlikely to receive and are recommended to be written off; and

WHEREAS, the total deficit for the Letchworth Gateway Villages budget is \$35,655.43; and

WHEREAS, the Village Administrator is proposing the following budget amendment and transfer of funds to cover the expenditures that are unable to be reimbursed:

Budget Amendment:

DEBIT:	A599 General Unassigned Fund Balance	\$ 35,655.43	
CREDIT:	A9901.9 Transfer, Other Funds		\$ 35,655.43
DEBIT:	CD5031 Interfund Transfers	\$ 35,655.43	
CREDIT:	CD6989.4 Other Econ. Opp. LGV		\$ 35,655.43

Transfer of Funds:

DEBIT:	A9901.9 Transfer, Other Funds	\$ 35,655.43	
CREDIT:	A201 Savings		\$ 35,655.43
DEBIT:	CD201 Savings	\$ 35,655.43	
CREDIT:	CD5031 Interfund Transfers		\$ 35,655.43

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the amendment of \$35,655.43 and hereby authorizes the Village Administrator to make the budget amendment and transfer of funds.

VILLAGE OF PERRY - SPECIAL GRANT FUND**BALANCE SHEET**

November 2022

ASSETS

CD200	CASH - CHECKING	0.00
CD201	SAVINGS	64,783.70
CD202	PERRY VILLAGE COMMUNITY DEVELOPMENT	105,172.19
CD203	CDBG GRANT ACCOUNT	1.00
CD380	ACCOUNTS RECEIVABLE	12,000.00
CD382	LONG TERM ACCOUNTS RECEIVABLE	0.00
CD383	LONG TERM ACCOUNTS RECEIVABLE	0.00
CD384	LONG TERM ACCOUNTS RECEIVABLE	0.00
CD386	LONG TERM ACCTS RECV. - BILLINGS	18,937.08
CD389	ALLOWANCE FOR DOUBTFUL REHAB LOAN	-2,500.00
CD390A	REHAB LOAN REC - FRESH START LORIS	2,400.00
CD390B	REHAB LOAN REC - FRESH START KM DANCE	2,500.00
CD390C	REHAB LOAN REC - FRESH START BIBLIO	3,200.00
CD390D	REHAB LOAN REC - FRESH START WAVE LENGTH	2,400.00
CD390E	REHAB LOAN REC - FRESH START LUMBERYARD	2,400.00
CD391	DUE FROM OTHER FUNDS - REHAB LOANS	0.00
CD410	DUE FROM STATE AND FEDERAL GOVT	0.00
CD440	DUE FROM OTHER GOVERNMENTS	0.00
	TOTAL	<u>211,293.97</u>

LIABILITIES AND FUND BALANCE

CD600	ACCOUNTS PAYABLE	0.00
CD630	DUE TO OTHER FUNDS	35,655.43
CD691	DEFERRED INFLOW OF RESOURCES	12,900.00
	TOTAL	<u>48,555.43</u>
	UNEXPENDED FUND BALANCE	<u>162,738.54</u>
	TOTAL LIABILITIES & FUND BALANCE	<u>211,293.97</u>

CD FUND

assets

	BIL/FS	VH	LGV	Other			
CD200			\$	-			
CD201		\$	64,783.70	\$	-		
CD202	\$	105,172.19					
CD203				\$	1.00		
CD380			\$	12,000.00			
CD382	\$	-					
CD386	\$	18,937.08					
CD389	\$	(2,500.00)					
CD390A	\$	2,400.00					
CD390B	\$	2,500.00					
CD390C	\$	3,200.00					
CD390D	\$	2,400.00					
CD390E	\$	2,400.00					
CD410			\$	-			
Total	\$	134,509.27	\$	64,783.70	\$	12,000.00	\$ 1.00 \$ 211,293.97

liabilities/fundbalance

CD630			\$	35,655.43			
CD691	\$	12,900.00					
CD915	\$	121,609.27	\$	64,783.70	\$	(23,655.43)	\$ 1.00
Total	\$	134,509.27	\$	64,783.70	\$	12,000.00	\$ 1.00 \$ 211,293.97



RESOLUTION ADOPTING THE NEW YORK STATE CLIMATE SMART COMMUNITIES PLEDGE

WHEREAS, the Village of Perry (hereinafter “local government”) believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that Village of Perry in order to reduce greenhouse gas emissions and adapt to a changing climate, *adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:*

- 1) Build a climate-smart community.**
- 2) Inventory emissions, set goals, and plan for climate action.**
- 3) Decrease energy use.**
- 4) Shift to clean, renewable energy.**
- 5) Use climate-smart materials management.**
- 6) Implement climate-smart land use.**
- 7) Enhance community resilience to climate change.**
- 8) Support a green innovation economy.**
- 9) Inform and inspire the public.**
- 10) Engage in an evolving process of climate action.**



RESOLUTION TO IMPLEMENT A CLIMATE SMART COMMUNITY TASK FORCE AND APPOINT A CLIMATE SMART COMMUNITY COORDINATOR

WHEREAS, the Village of Perry adopted the New York State Climate Smart Communities Pledge by Resolution on January 3, 2023 and

WHEREAS, the Village of Perry wishes to obtain Certification under the Climate Smart Communities (CSC) Program by taking proactive steps towards reducing greenhouse gas emissions and adapting to climate change; and

WHEREAS, a Climate Smart Community Task Force serves as a central body of leadership that promotes and supports climate change mitigation and adaptation strategies within the community and will act as an advisory group to the municipality on any community issues related to climate change; and

WHEREAS, the CSC Task Force will meet at least twice a year and maintain meeting minutes and attendance records for each meeting; and

WHEREAS, the CSC Task Force will consist of community members, municipal representatives, and other relevant stakeholders; and

WHEREAS, a CSC Coordinator is responsible for convening and managing the task force as Chair, serving as a liaison between the CSC task force and the chief executive officer and other officials, and interfacing with the New York State Department of Environmental Conservation on the CSC program as needed.

THEREFORE, IT IS HEREBY RESOLVED that a Climate Smart Community Task Force be initiated with the initial membership list below; and

BE IT FURTHER RESOLVED that the Village of Perry appoints Samantha Marcy, Village of Perry Administrator as the Climate Smart Community Coordinator.

Initial Membership List for CSC Task Force:

Name	Affiliation
Rick Hauser	Mayor, Village of Perry
Jacquie Billings	Trustee, Village of Perry



RESOLUTION AUTHORIZING BUDGET AMENDMENT AND TRANSFER TO THE 2022-2023 VILLAGE OF PERRY BUDGET

WHEREAS, the Police Department has ordered a 2023 Interceptor patrol vehicle to replace a 2015 patrol vehicle; and

WHEREAS, due to increasing interest rates, insurance recoveries from a prior accident, and the first payment of \$22,000.00 from A3120.2 for the 2022 Hybrid Explorer not being due until the next fiscal year, the Police Committee is recommending the purchase of the 2023 patrol vehicle to be paid from the Village of Perry 2022-2023 Budget; and

WHEREAS, the Village Administrator is proposing the following budget amendments and budget transfers:

Budget Amendment:

INCREASE REVENUE:	A2680 (Insurance Recoveries)	\$ 16,485.00	
INCREASE EXPENSE:	A3120.2 (Police Equipment)		\$ 16,485.00

Budget Transfer:

DECREASE:	A1990.4 (Contingency)	\$ 13,515.00	
INCREASE:	A3120.2 (Police Equipment)		\$ 13,515.00

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the purchase of the 2023 Interceptor patrol vehicles to be paid from budget line A3120.2; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the budget amendment and budget transfer for the purchase of the patrol vehicle and hereby authorizes the Village Administrator to make the budget amendment and budget transfer to the 2022-2023 Village of Perry budget.

Village of Perry
Village Board Meeting
1/3/2023

Clerk/Deputy Treasurer Report

FY 2022-2023

Abstract #15

Vouchers #1164 - 1232

General Fund	\$ 43,132.36
Special Grant Fund	\$ -
Water Fund	\$ 19,481.85
Sewer Fund	\$ 4,066.21
Capital Projects Fund	\$ 2,275.00
Trust & Agency	\$ 3,248.97
Silver Lake Watershed Commission	\$ 37.99
Total	\$ 72,242.38

- Vouchers were audited by Trustee Lawrence
- Prepaid to avoid late fees \$ 9,493.18
 - Debt service payments - Water fund \$ 8,625.00
- Breakdown of Capital Projects:
 - Silver Lake Creek Footbridge \$ 1,300.00
 - WWTP Project \$ 975.00
- CHIPS reimbursment received \$ 225,274.59
(Water, Fruit, Genesee, E. Genesee Streets)

**A PROPOSED LOCAL LAW
ENTITLED “AMENDING §490-15
‘NONCONFORMING LOTS, USES AND STRUCTURES’
TO ALLOW FOR AMORTIZATION”**

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

The purpose of this law is to amend and update the language of §490-15 of the Zoning Code of the Village of Perry to allow procedures to amortize nonconforming uses as defined in the Code.

SECTION III. ENACTMENT

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

§490-15. Nonconforming lots, uses and structures.

K. Amortization of nonconforming uses. In order to comply with the long-term planning goals, zoning ordinance and Comprehensive Plan of the Village, a nonconforming use as defined in this zoning ordinance may be amortized in accordance with any of the following procedures:

- (1) Termination of timeframe. Except as otherwise provided in New York State Law, the Village Board may provide for timely modification or removal of any type of nonconforming lot, use or structure.

In providing for such timely modification or removal, the Village Zoning Board of Appeals shall hold a public fact-finding hearing into the factual circumstances of the subject property. The property owner shall be provided with notice of the public hearing by both regular and certified mail, and afforded an opportunity to speak at the hearing.

At the public hearing, the ZBA shall make inquiries into the relevant factual circumstances of the subject property including, but not limited to, the purchase price, the amount of capital investment made therein, and the income delivering capacity of the subject property with and without nonconforming status. The relevant factual circumstances of any property considered under this provision shall be made on a case-by-case basis with regards to the unique facts of the subject property.

Upon conclusion of the Public Hearing, the ZBA shall make a written determination as to their factual findings and state their determination as to what constitutes a reasonable timeframe for amortization of the nonconforming use. After the conclusion of such amortization timeframe established by the ZBA, the nonconforming use shall be modified or removed in order to comply with the village zoning ordinance.

A property owner may apply for an extension of the amortization timeframe directly to the ZBA by application within thirty (30) days of the ZBA making its determination.

(2) Transfer of ownership or death. Upon either the transfer of ownership or death of the owner of any nonconforming lot, use or structure, said nonconforming use must be modified or removed in order to comply with the Village zoning ordinance.

(3) Public nuisance. The Village Board may provide for the termination of a nonconforming lot, use or structure upon determination of the nonconforming lot as a public nuisance. Any nonconforming use which causes an unreasonable interference with a right common to the general public, including but not limited to conditions which are dangerous to health, offensive to community moral standards, or unlawfully obstructing the public in the free use of public property, may be deemed a public nuisance by the Village Board and subject to termination of its use by any methods deemed necessary by the Village Board in the interest of public safety.

SECTION IV. SEVERABILITY/VALIDITY

If any part or provision of this local law, or the application thereof, to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this local law, or application thereof to other persons or circumstances, and the Village Board of the Village of Perry hereby declares that it would have passed this Local Law or the remainder thereof, had such invalid application or invalid provision been apparent.

SECTION V. REPEAL

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

SECTION VI. EFFECTIVENESS

This local law shall take effect immediately upon filing in the office of the Secretary of State in accordance with §27 of the Municipal Home Rule Law of the State of New York.

**A PROPOSED LOCAL LAW ENTITLED
“AMENDING §490-72 ‘SIGN REGULATIONS’
OF THE ZONING CODE OF THE VILLAGE OF PERRY”**

BE IT ENACTED by the Village Board of the Village of Perry as follows:

SECTION I. PURPOSE

The purpose of this law is to amend and update a portion of the language of §490-72 “Sign Regulations” of the Zoning Code of the Village of Perry, specifically subsections A, C, D, E, and F to expand limitations on signs allowed in this capacity.

SECTION II. ENACTMENT

The Village Board of the Village of Perry hereby adopts the following changes to the Zoning Code of the Village of Perry:

§490-72 (A) - Definitions:

Amend to read as follows:

Flag- A fabric banner or bunting that contains distinctive colors, patterns or symbols used as an official symbol or emblem of a government. A flag shall not be considered a sign for the purposes of this section.

Sign- A name, identification, description or illustration containing letters, numbers, shapes, designs, pictures or symbols which is affixed, painted, drawn, rendered or otherwise represented or installed on any part of a building, structure, vehicle or parcel of land, in view of the general public, and which directs attention to a person, institution, organization, activity, place, object, product or business. The foregoing definition does not include a flag as defined in this section.

§490-72 (C) - Signs Permitted in All Districts, No Permit Required

Amend to read as follows:

(1) (a) – A total of three (3) temporary signs, with a face area not exceeding eight (8) square feet, per sign, are allowed per parcel in all Districts with the following minimum setback requirements: Except in a C1 district, five (5) feet from the street line; ten (10) feet from the side lot lines; and ten (10) feet from the back lot line. In a C1 district, temporary signs placed on the ground shall be situated on the sidewalk in such a way that does not unreasonably interfere with pedestrian traffic. No temporary sign erected in any district shall exceed a maximum height of three (3) feet as measured from the surface on which the temporary sign is situated to the highest point of the temporary sign.

§490-72 (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	§490-72 D (a)	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

SECTION IV. SEVERABILITY/VALIDITY

If any part or provision of this local law, or the application thereof, to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this local law, or application thereof to other persons or circumstances, and the Village Board of the Village of Perry hereby declares that it would have passed this Local Law or the remainder thereof, had such invalid application or invalid provision been apparent.

SECTION V. REPEAL

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

SECTION VI. EFFECTIVENESS

This local law shall take effect immediately upon filing in the office of the Secretary of State in accordance with §27 of the Municipal Home Rule Law of the State of New York.