



Village of Perry Board of Trustees

Village Board Meeting • Agenda • Monday, October 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 – September 19, 2022
 - b. Resolution Authorizing Change Order #4 for Silver Lake Trail Phase I Project
 - c. Resolution to Direct Commencement of Action on Behalf of Municipality
 - d. Resolution Creating Capital Project (HE) and Budget for CDBG Stormwater Improvements Project
 - e. Resolution Adopting Fair Housing/Anti-Displacement Plan
 - f. Resolution Appointing Section 3 Coordinator for the CDBG Program
 - g. Resolution Adopting Policies in Compliance with Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973
 - h. Resolution Appointing Labor Standards Officer for the 2021 CDBG Program
4. Clerk/Deputy Treasurer's Report
5. Department Reports
6. Trustee Reports
 - a. Fire Committee – Air packs
7. Executive Session

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
SEPTEMBER 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 September 2022.

PRESENT:	Rick Hauser	Mayor
	Daniel Draper	Trustee
	Jacque Billings	Trustee
	Arlene Lapiana	Trustee
	Ernie Lawrence	Trustee
ALSO PRESENT:	Samantha Pierce	Administrator
	Christina Slusser	Village Clerk
GUESTS:	Lorraine Sturm	Perry Herald

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

PUBLIC COMMENT

No members of the public were present for comment.

PRESENTATIONS & BOARD ACTIONS

MINUTES

Motion to approve the minutes from the Regular Board Meeting on September 6, 2022 was made by Trustee Lawrence, seconded by Trustee Draper, and carried with all voting aye.

RESOLUTION APPROVING PAYMENTS FOR WASTEWATER TREATMENT PLANT PROJECT

WHEREAS, the Village Clerk has received Pay App #16 from the general contractor, Crane-Hogan Structural Systems, Inc., for the wastewater treatment plant project in the amount of \$337,041.00 and

WHEREAS, the Village Clerk has received pay app #10 from the electrical contractor, M.W. Controls Service, Inc., for the wastewater treatment plant project in the amount of \$28,832.50; 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.	\$337,041.00
M.W. Controls Service, Inc.	\$28,832.50

Motion was made by Trustee Lawrence approving payments to Crane-Hogan in the amount of \$337,041.00 and M.W. Controls for \$28,832.50 for the Wastewater Treatment Plant Project which was seconded by Trustee Lapiana and carried unanimously.

RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

WHEREAS, a Project for the Village of Perry Silver Lake Trail Phase 1, P.I.N. 4761.26 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Village of Perry desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Silver Lake Trail Phase 1; and

NOW, THEREFORE, the Village Board, duly convened does hereby

RESOLVED, that the Village Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Village Board hereby authorizes the Village of Perry to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$41,431.00 is hereby appropriated from General Unallocated Fund Balance and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Village of Perry shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the Village of Perry be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Village of Perry with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project

costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately.

A similar resolution was approved at the last board meeting but was found to be inaccurate after speaking to the NYS DOT. This resolution will replace the previously approved resolution to correct the total project cost. Trustee Billings made a motion to approve the resolution authorizing the implementation, and funding in the first instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid eligible costs, of a transportation Federal-Aid project, and appropriating funds therefore. This motion was seconded by Trustee Lawrence and carried unanimously.

RESOLUTION ACCEPTING PROPOSAL FROM ALLIED CPAS, PC FOR ACCOUNTING SERVICES FOR THE 2022 FISCAL YEAR COURT AUDIT

WHEREAS, Allied CPAs, PC performed the 2021 fiscal year Village of Perry court audit; and

WHEREAS, Allied CPAs, PC has provided a proposal in an amount not to exceed \$1,200 for the 2022 fiscal year court audit; and

BE IT FURTHER RESOLVED, the Village of Perry Board approves the proposal from CPAs, PC to perform the 2022 fiscal year court audit in an amount not to exceed \$1,200.00 and authorizes the Village Administrator to schedule the audit.

Proposals were requested last year for the court audit and Allied is holding last year's fee. Motion was made by Trustee Lapiana to approve the resolution accepting the proposal from Allied CPAs in a not-to-exceed amount which was seconded by Trustee Draper and carried with all voting aye.

CLERK/DEPUTY TREASURER REPORT

FY 2022-2023

Abstract #8

Vouchers #531 - 615

General Fund	\$ 28,665.85
Special Grant Fund	\$ -
Water Fund	\$ 12,684.23

Sewer Fund	\$ 4,071.90
Capital Projects Fund	\$ 388,012.28
Trust & Agency	\$ 1,026.99
Silver Lake Watershed Commission	\$ -
Total	\$ 434,461.25

Vouchers were audited by Trustee Lawrence. Trustee Billings made a motion to approve payments in the amount of \$434,461.25 which was seconded by Trustee Lapiana and carried with all voting aye.

DEPARTMENT REPORTS

The department report for the Police Department was reviewed. It was noted that the N. Center Street speed sign is fixed. The Water and Wastewater Treatment Plant reports were reviewed as well as DPW and Parks with no action needed.

TRUSTEE REPORTS

The DPW committee is reviewing options for the Water Treatment Plant Project. There is an opportunity for a grant which would cover 70% of the remaining project costs. The Village will know by October 1st if eligible. There is no application needed. The Village would automatically be in the running based on scoring for the WIIA grant.

The Fire Committee is looking at options for replacing air packs which are set to expire at the end of October. The Village Administrator was told that FEMA could let the Village know if they were “hot or cold” on being awarded the grant, but the Village has not heard yet. If the grant is not awarded, the Village will need to finance the air packs. If needed, it will be helpful to align payments for when other dept for the department comes off the books.

Mayor Hauser spoke on the Economic Resilience and Recovery Plan. Presented, was the newest copy of the draft prepared by Jared Shepard of MRB Group. One of the main things needed were specific action items and examples to make the plan a tool the Village can take advantage of. The Board will review the plan and certain items can be taken to committees for review if board members feel it is necessary. This strategic plan could be an addendum to the Comprehensive Plan which the Board can use as guidance. The plan will have no affect on zoning. It was noted that the plan contains 2019 data, which is pre-pandemic. The plan should include updated data from 2022 when available. Mayor Hauser proposed official adoption of the plan once reviewed and approved by board members.

Mayor Hauser and Administrator Pierce had a kickoff meeting regarding Climate Smart through NYSEDA. The Village is able to get credit for clean energy steps already completed. An audit will be done on Perry to find out how many things have been accomplished so far. Examples of

this include campaigns about community solar and connecting citizens with free audits to save on their energy bills. With more to come on Climate Smart and clean energy, it was proposed to appoint an ad hoc committee. Mayor Hauser made a motion to appoint Trustee Billings and himself to an ad hoc committee to work on clean energy and a climate smart community. Meetings will be on Mondays at 2:30 pm. This motion was seconded by Trustee Lapiana and carried with all voting aye. The next meeting will take place on October 24th at 2:30 pm.

Trustee Lawrence attended “Rock the Docks” saying that it was “extraordinary” and a perfect location for the event.

Trustee Billings mentioned budget discussions coming up. The Board will need to consider using ARPA funds to wrap up projects – the Public Beach, Silver Lake Trail, and the Wastewater Treatment Plant Project. The Village needs to focus on closing out open items for projects already started and almost completed.

The next time the Board meets it will be the week before the Arts and Crafts Show and Sale at the Village Park. Volunteers are still needed and people should help spread the word. There is no age limit for volunteers. The shuttle is \$10. No pets are allowed and no masks are required since the state policy has been lifted.

Trustee Billings added that she would love to hear a summary of committee meetings. Attendees of committee meetings should provide a summary so notes can be added to board agendas.

With nothing for executive session, motion to adjourn was made at 8:06 pm by Trustee Draper which was seconded by Trustee Lapiana and carried with all voting aye.

Respectfully submitted,
Christina Slusser, Village Clerk



RESOLUTION AUTHORIZING CHANGE ORDER #4 FOR SILVER LAKE TRAIL PHASE I PROJECT

WHEREAS, the Village of Perry has entered into a supplemental agreement #2 with the New York State Department of Transportation to receive the remaining funding towards the Silver Lake Trail Phase I Project; and

WHEREAS, the supplemental agreement #2 included \$126,530 for the additional sign work and installation to be completed by the contractor, CP Ward Inc.; and

WHEREAS, C&S Companies has presented Change Order #4 regarding the Silver Lake Trail Phase I Project in the amount of \$126,530 for the additional signs and installation; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves Change Order #4 in the amount of \$126,530 and authorizes the Mayor to execute the change order documents.



C&S Companies

Change Order Details

SILVER LAKE TRAIL PHASE I

Description	PIN 4761.26 C&S Project #: W48.001.001
Prime Contractor	C.P. WARD, INC. 100 W. River Road, PO Box 900 Scottsville, NY 14546
Change Order	4
Status	Pending
Date Created	09/16/2022
Type	Owner's Request
Summary	Change Order 04
Change Order Description	This change order adds the new signage items.
Awarded Project Amount	\$756,842.00
Authorized Project Amount	\$744,684.02
Change Order Amount	\$126,530.00
Revised Project Amount	\$871,214.02

New Items

Line Number	Item ID	Unit	Quantity	Unit Price	Extension
Section: 1 - Description					
0700	950.1901	LS	1.000	\$19,645.000	\$19,645.00
MISCELLANEOUS: WAYFINDING SIGN - METAL POST / TRAILBLAZER NEW POLE MOUNT (A & D)					
Reason: SEE ATTACHMENT, SIGNS A & D INCLUDED IN THIS ITEM.					
0710	950.1902	LS	1.000	\$14,690.000	\$14,690.00
MISCELLANEOUS: TRAILBLAZER - EXISTING POLE MOUNT (B)					
Reason: SEE ATTACHMENT, SIGN B					
0720	950.1903	LS	1.000	\$4,262.000	\$4,262.00
MISCELLANEOUS: TRAILBLAZER NEW POLE MOUNT - 12X18 & 12X22					
Reason: SEE ATTACHMENT, SIGNS C & E INCLUDED IN THIS ITEM.					
0730	950.1904	LS	1.000	\$6,422.000	\$6,422.00
MISCELLANEOUS					
Reason: SEE ATTACHMENT, SIGNS K & F INCLUDED IN THIS ITEM.					
0740	950.1905	LS	1.000	\$23,042.000	\$23,042.00
MISCELLANEOUS					
Reason: SEE ATTACHMENT, SIGN G					

Line Number	Item ID	Unit	Quantity	Unit Price	Extension
0750	950.1906	LS	1.000	\$48,432.000	\$48,432.00
MISCELLANEOUS					
Reason: SEE ATTACHMENT, SIGN H					
0760	950.1907	LS	1.000	\$7,294.000	\$7,294.00
MISCELLANEOUS					
Reason: SEE ATTACHMENT, SIGN F					
0770	950.1908	LS	1.000	\$2,743.000	\$2,743.00
MISCELLANEOUS					
Reason: SEE ATTACHMENT, SIGN L					
8 items					Total: \$126,530.00

Attachments

Document	Name	Description	Submission Date
Sign_Types_with_Pricing.pdf	Sign Types with Pricing.pdf		09/20/2022 07:19 AM EDT
1 attachment			

Resident Engineer - C&S ENGINEERS, INC.

C.P. WARD, INC.

VILLAGE OF PERRY

**VILLAGE BOARD OF THE VILLAGE OF PERRY
RESOLUTION TO DIRECT COMMENCEMENT OF ACTION
ON BEHALF OF MUNICIPALITY**

Adopted: _____, 2022

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Hall located at 46 North Main Street on the 3rd day of October 2022, commencing at ____:____ p.m., at which time and place the following members were:

<u>Present:</u>	Mayor	_____
	Trustee	_____
	Trustee	_____
	Trustee	_____
	Trustee	_____
<u>Absent:</u>	_____	_____

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, it appears that Adam and Samantha Newburey are in violation of §490-46 of the Zoning Code of the Village of Perry relative to the property located at 84 South Main Street, Perry, New York 14530; and

WHEREAS, it appears to be in the best interest of the Village of Perry to prohibit Adam and Samantha Newburey from continuing to be in violation of said Section of §490-46 of the Zoning Code of the Village of Perry; and

WHEREAS, the Village Board of the Village of Perry feels it is in the best interest of the Village of Perry to retain the services of Village Attorney, David M. DiMatteo, Esq. to pursue the enforcement of §490-46 of the Zoning Code of the Village against Adam and Samantha Newburey to ensure that this property is brought into compliance with said Law.

NOW ON MOTION OF _____ which has been duly seconded by _____, be it

RESOLVED, that the Mayor of the Village of Perry, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Village of Perry in this matter, upon such terms as he deems proper and advisable, and Mayor of the Village of Perry shall authorize David M. DiMatteo on behalf of the Village of Perry to take such action as may be deemed advisable to prevent any continuation of the violation of §490-46 of the Zoning Code of the Village of Perry and the seeking of permanent injunction.

Ayes: ____

Nays: ____

Quorum Present: ____ Yes ____ No

Dated: _____, 2022

[SEAL]

Christina Slusser, Clerk
Village of Perry



RESOLUTION CREATING CAPITAL PROJECT (HE) AND BUDGET FOR CDBG STORMWATER IMPROVEMENTS PROJECT

WHEREAS, the Village of Perry has been awarded a Community Development Block Grant for stormwater improvements for a total of \$672,500.00; and

WHEREAS, the Village of Perry is responsible for a match of \$35,000.00 and was budgeted for in the 2022-2023 Village Budget; and

WHEREAS, the Village Administrator has proposed a budget for the project involving the awarded grant monies and a cash match from the 2022-2023 budget as follows:

REVENUE:

HE4097	Federal Aid - CDBG	\$ 672,500.00
HE5031	Interfund Transfers, General	<u>\$ 35,000.00</u>
		\$ 707,500.00

EXPENDITURES:

HE8540.2	Drain & Storm - Construction	\$ 599,245.00
HE8540.21	Drain & Storm - Engineering	\$ 83,255.00
HE8540.22	Drain & Storm - Administration	<u>\$ 25,000.00</u>
		\$ 707,500.00

TOTAL PROJECT BUDGET **\$ 707,500.00**
; and

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

DEBIT:	A9901.9 (Transfer to Capital Projects)	\$35,000.00	
CREDIT:	A201 (Savings)		\$35,000.00
DEBIT:	HE201 (Savings)	\$35,000.00	
CREDIT:	HE5031 (Interfund Transfers)		\$35,000.00

BE IT RESOLVED, the Village of Perry Board of Trustees hereby authorizes the creation of the capital project (HE) and the project budget for the CDBG Stormwater Improvements Project; and

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



RESOLUTION ADOPTING FAIR HOUSING/ANTI-DISPLACEMENT PLAN

WHEREAS, the Village of Perry, State of New York, has been granted Community Development Block Grant (CDBG) Funds from the State of New York; and

WHEREAS, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act requires certain statement of assurances and certifications; and

NOW THEREFORE BE IT RESOLVED, that pursuant to the Village of Perry being granted CDBG funds by the State; the Village of Perry, by administrative act, does adopt Fair Housing and Anti-Displacement Plans for the Village; and

BE IT FURTHER RESOLVED, that the Village Board of Trustees appoints the Mayor, Rick Hauser, to serve as the Fair Housing Officer for the Village of Perry.

FAIR HOUSING PLAN

Village of Perry Community Development Block Grant Program

I. Introduction

The Village understands the importance of taking action to further Fair Housing in the community and is committed to meeting its responsibilities in this respect as a recipient of Community Development Block Grant (CDBG) Program funds. To ensure that residents are aware of Fair Housing provisions under Federal and State law and of the processes and assistance available to obtain compliance with existing statutes, the Village has developed this Fair Housing Plan. The Plan describes the procedures developed to further fair housing in the community.

II. AVAILABILITY OF INFORMATION

The Village's Fair Housing Plan recognizes that public knowledge of Fair Housing provisions is the first step in expanding equal opportunity. Toward that end, the Village will take the following actions:

A. Appoint a Fair Housing Officer

The Fair Housing Officer, appointed annually by the Village Board of Trustees will have the following responsibilities:

1. To post the Fair Housing and Affirmative Action posters in the Village Offices.
2. To ensure that the Fair Housing advertisement is placed in the official, local newspaper.
3. To record initial information regarding housing discrimination complaints on a standard form.
4. To forward copies of all complaints to and, as appropriate, consult with the Fair Housing/Equal Opportunity Division of the HUD Office in Buffalo and to the NYS Office of Community Renewal in Albany.

B. Advertise in Local Newspapers

The Village will, periodically, publish a notice in the official newspapers which names the Fair Housing Officer and provides his/her address and telephone number. The notice will state that persons who feel that they have been victims of housing discrimination should contact the Fair Housing Officer for assistance in discussing the situation and filing a complaint.

C. Provide Information on Federal and State Statutes Related to Fair Housing and Other Appropriate Material

The Village will compile and make available, upon request, copies of applicable Federal and State laws which contain anti-discrimination provisions, including: Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Fair Housing Amendments Act of 1988 and the Human Rights Law (Executive Law, Article 15) of the State of New York.

Descriptive brochures issued by the U.S. Department of Housing and Urban Development (HUD) and the New York State Division of Human Rights, as well as other appropriate materials, will also be available to community residents.

III. DISCRIMINATION COMPLAINTS

The Village will provide information and assistance to individuals who feel that they have been the victims of discrimination in regard to housing.

A. Discriminatory Housing Practices

For the purpose of this plan, a discriminator housing practice means an act that is unlawful under sections 804, 805, 806 or 818 of the Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended). Such discriminatory housing practices include discrimination in the sale or rental of housing, discrimination in the provision of brokerage services, or interference, coercion, or intimidation, as defined under the Act, on the basis of race, color, religion, national origin, sex, handicap or familial status.

B. Receiving Complaints

The Fair Housing Officer will record information on a standard form to ensure that a complete file is established. Following this, the Fair Housing Officer will then contact the Department of HUD and/or the New York State Division of Human Rights to review the particulars of the complaint and request guidance in the formal filing of the complaint, in cases where the individual decides to use this method. Copies of all complaints will also be forwarded to the Fair Housing and Equal Opportunity Division of the HUD Office in Buffalo and to the NYS Office of Community Renewal in Albany. If the complainant decides to take his/her case directly to Federal Court, the Village will consult with the County Bar Association on the appropriate procedures to be followed and the procedure for securing affordable legal services if the individual is of low or moderate income.

Village of Perry

Community Development Block Grant (CDBG) Program

Anti-Displacement Plan

I. Introduction

The Village understands the importance of minimizing and discouraging the displacement of residents and businesses from actions resulting from the implementation of Community Development Block Grant (CDBG) activities. Displacement will only be considered in cases where an activity represents an integral part of the Village's CDBG Program.

In accordance CDBG regulations, the Village has first described the required elements of a Displacement Plan. At a minimum, program regulations state that the Displacement Plan must incorporate the following:

1. Outline the approach the applicant will take to minimize displacement;
2. Describe the specific actions the applicant will take to discourage displacement;
3. Define displacement covered under both the Uniform Act and the new requirements of the Act, as described in CDBG program requirements;
4. Describe the monetary and non-monetary assistance that will be provided.

These requirements, included in the program regulations, for the Community Development Block Grant (CDBG) Program are on the following pages.

II. Displacement Plan Requirements for CDBG Program

Applicants are now required to minimize displacement resulting from CDBG activities. In addition, the applicant must provide reasonable benefits to any persons involuntarily and permanently displaced as a result of the use of CDBG funds to acquire or substantially rehabilitate property. This requirement applies to all such displacement resulting from CDBG assisted acquisition or substantial rehabilitation of non-residential as well as residential property not governed by the Uniform Act. This includes acquisition by an entity that is not a "State Agency" (i.e., private developer, non-profit) and permanent displacement caused by substantial rehabilitation. Each applicant will be required to certify that they will comply with these provisions.

In order to comply with the new certification and meet the other requirements, applicants must prepare a written displacement plan. The plan must:

1. outline the approach the applicant will take to minimize displacement;

2. describe the specific actions the applicant will take to discourage displacement;
3. define displacement covered under both the Uniform Act and the new requirement of the Act, as described in the preceding paragraph;
4. describe the monetary and non-monetary assistance that will be provided.

A copy of the plan must be maintained at the locality for review by the NYS Office of Community Renewal. In addition, information concerning the locality's displacement plan must be provided to citizens during the citizen participation process as required under program regulations.

Applicants may want to avoid displacement. In such cases it is sufficient for purposes of a Plan to state that activities will be selected in such a way as to avoid displacement. However, because experience has shown that displacement could occur anyway, applicants must prepare a contingency strategy that details what assistance would be given to displacees in that event (items 3 and 4 above).

Until regulations are issued defining "reasonable benefits", it is the responsibility of the applicant to determine what are reasonable benefits for persons permanently displaced as a result of the use of CDBG funds to acquire or substantially rehabilitate property. The locality's housing costs for owners and renters should be considered in establishing reasonable benefits. Localities may use the benefits required by the Uniform Act as a guide, even though Uniform Act benefits are only required for displacement resulting from acquisition by a "State Agency". In any case, applicants must develop written standards available to the payments under this provision, and make such standards available to the public. An applicant that establishes its own definition of reasonable benefits and does not use the Uniform Act benefits must send its definition to the Governor's Office for Small Cities for review prior to submission of the application.

III. Approach to Minimize Displacement

The Village's plan includes all of these elements and sets forth a clear description of policies and procedures to be followed by the Village in carrying out any displacement activities occurring as a result of implementing CDBG activities.

The Village will minimize displacement in the implementation of its CDBG program through the following actions:

- (1) Publicize and request proposals from a substantial amount of parties to ensure that the Village can evaluate all potentially eligible program activities.
- (2) Select project activities that do not require displacement unless a specific proposal is considered to be an integral part of the Village's CDBG Program. Integral means that the proposed activity is viewed as an important element of the CDBG Program. In cases where two proposed activities are similar in nature, and one involves relocation while another does not, the Village will give preference to the proposal which does not require displacement.

IV. Actions to Discourage Displacement

1. The Village will provide any interested private or non-profit developer with a copy of its Displacement Plan, which places the financial responsibility for relocation costs on the entity most likely to benefit from the displacement (Village, private developer or non-profit developer).
2. The Village reserves the right to determine whether or not displacement will be permitted in regard to CDBG assisted activities on a case-by-case bases even if a private or non-profit developer is willing to abide by all provisions of the Uniform Act, as well as requirements and conditions of this plan, including a willingness to assume the financial obligations of displacement/relocation as set forth in the Plan. The final decision to permit displacement which would result from the implementation of a CDBG assisted activity rests entirely with the Village.
3. The displacement of tenants by property owners in anticipation of requesting CDBG assistance for a particular activity shall not be allowed. A private or non-profit developer must supply the Village with information on existing and former tenants to ensure that a development entity does not seek to avoid the payment of relocation costs. Further developers must certify that no tenant has been displaced in compliance with the requirements for relocation set forth in this plan.

V. Definition and Responsibilities

1. CDBG Requirements

As explained in the information from the program regulations included in the preceding section, displacement occurs when any persons (residents or business people) must involuntarily vacate the premises on a permanent (rather than temporary) basis as a result of the use of CDBG funds to acquire or substantially rehabilitate a property. Permanent displacement, therefore, requires that the residents or business be relocated to another site. Under CDBG requirements, the applicant community must provide reasonable benefits to any persons involuntarily and permanently displaced by the implementation of CDBG activities. This requirement applies to **all displacement resulting from CDBG assisted acquisition or the substantial rehabilitation of non-residential as well as residential property not governed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601 et seq; Public Law 91-646) - herein referred to as "the Uniform Act"**.

This includes acquisition by an entity that is not a "State Agency or other public entity" (i.e., private developer, non-profit) and permanent displacement caused by substantial rehabilitation. Each applicant must certify that it has complied with these provisions.

2. Village Requirements

A. Permanent Relocation

The Village defines relocation as discussed in the preceding section. This displacement policy shall apply whether the tenant is covered by a written lease or renting on a month-to-month basis with a written or oral agreement. Any written lease in effect shall not be broken without the consent of the tenant.

If permanent displacement will occur as part of the implementation of a CDBG assisted activity, displacement activities will be carried out in accordance with the requirements of the Uniform Act. This will require that any property owner or tenant who is permanently displaced will be eligible for relocation benefits as described in the regulations for the Uniform Act. (A copy of the implementing regulations and the Act are appended to this plan.)

If displacement occurs as a result of a Village-initiated public project, the Village will be responsible for payment of all relocation costs. The Village's willingness to cover the costs in conformance with the Uniform Act shall be expressed through a formal resolution passed by the Village Board of Trustees at an official public meeting. In cases where a private developer intends to utilize any CDBG resources to carry out all or part of a project, the private developer shall pay for all relocation costs with private (non-CDBG funds) resources.

In order to ensure that the requirements of the Uniform Act are met, the Village and the party or parties to be displaced or the developer and the party or parties to be displaced shall enter into an agreement that sets forth the responsibilities of each. The relocation agreement shall be submitted to the NYS Office of Community Renewal (OCR) for review before it is executed. The Village shall administer the provisions of the agreement.

As a sign of good faith and to ensure that all financial and non-financial responsibilities of the developer are carried out according to the terms of the agreement, the developer shall establish an escrow account in an amount sufficient to cover relocation costs in accordance with the requirements of the Uniform Act. The Village and the developer will work together to calculate the costs, but the Village reserves the right to determine the final amount of the escrow account. No CDBG resources will be released to the developer for project activities until all relocation costs are paid for.

The Village reserves the right to incorporate any provisions in the relocation agreement in addition to those requirements mandated by the Uniform Act as long as such provisions do not contravene either the intent of or spirit of the Uniform Act.

Any owner or tenant who shall be displaced as a result of the use of CDBG resources will be contacted by the Village prior to a public announcement of the proposed project.

B. Temporary Relocation

Tenants who must be temporarily relocated in order to carry out a CDBG assisted activity will be compensated for such inconvenience under the terms of an agreement executed by the Village and the party or parties or the developer and the party or parties to be temporarily displaced.

All of the procedures for permanent relocation will also apply in cases of temporarily relocation.

VI. Monetary and Non-Monetary Assistance to be Provided

In cases of displacement resulting from any CDBG assisted activity, the monetary assistance to be provided to all owners and tenants shall be in conformance with the Uniform Act.

At a minimum, non-monetary assistance shall be provided in accordance with Section 42.211 of the Uniform Act. Further, as described earlier, the Village shall administer the relocation agreement and, in addition, shall provide technical assistance to the displaced party.



RESOLUTION APPOINTING SECTION 3 COORDINATOR FOR THE CDBG PROGRAM

WHEREAS, the Village of Perry has received funding under the Community Development Block Grant (CDBG) Program for various housing rehabilitation and public infrastructure improvement projects; and

WHEREAS, the Village is required to maintain compliance with CDBG program regulations, including provisions of Section 3 of the HUD Act of 1968, as amended; and

WHEREAS, the Village is required to designate a Section 3 Coordinator for the CDBG funded projects; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby appoints Rick Hauser, Mayor, to serve as the Section 3 Coordinator for the CDBG Program.



RESOLUTION ADOPTING POLICIES IN COMPLIANCE WITH TITLE II OF THE AMERICANS WITH DISABILITIES ACT AND SECTION 504 OF THE REHABILITATION ACT OF 1973

WHEREAS, the Village of Perry has received funding under the Community Development Block Grant (CDBG) Act and is required to take affirmative steps to ensure that the CDBG programs, services and activities are accessible to, and usable by, individuals with disabilities; and

BE IT RESOLVED, that the Village of Perry hereby adopts the attached policy statement regarding compliance with Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973; and

BE IT RESOLVED, that the Village of Perry hereby adopts the complaint procedures described in the policy statement to address complaints of discrimination with regard to the ADA and/or Section 504 of the Rehabilitation Act of 1973; and

BE IT FURTHER RESOLVED, that the Village Clerk is hereby directed to post the policy statement in the Village Clerk's Office and to publish a notice regarding the availability of the policy statement and complaint form.

Village of Perry
Policy Regarding Compliance with Title II of the Americans with Disabilities Act
And
Section 504 of the Rehabilitation Act of 1973

As a recipient of funding under the Community Development Block Grant (CDBG) Act, as administered by the NYS Office of Community Renewal, the Village of Perry is required to take affirmative steps to ensure that qualified persons with disabilities are informed of the availability of program services and activities, and that the Village's activities or services are readily accessible to, and usable by, individuals with disabilities. The Village must provide handicapped persons with benefits and services that are as effective as those provided to non-handicapped individuals.

In order to ensure that NYS CDBG programs and activities are accessible, both structurally and administratively, to handicapped and disabled persons, the Village is responsible for providing access to handicapped/disabled persons in four areas: communications, employment opportunities, program benefits and physically accessible housing. The Village will address these issues as follows:

Accessible Communications: In order to ensure accessibility of program services and activities to persons with disabilities, the Village has made provisions for individuals who may need alternate forms of communications. The Village participates in a Telecommunication Device for the Deaf (TDD) relay system (1-800-662-1220).

The Village is also prepared to make reasonable accommodations for persons requesting alternative forms of communication at Village Board or other public meetings. Such requests must be submitted to the Village Clerk at least three business days prior to the meeting. Examples of auxiliary aids and services may include qualified sign language interpreters, assistive listening devices, open and closed captioning, note takers, written materials, telephone handset devices, qualified reader, taped texts, audio recordings, Brailled materials, materials on computer disk, and large print materials.

The Village will give primary consideration to the type of auxiliary aid requested by a person with a disability; however, the Village may provide a different type of aid if it can show that it is an effective means of communication.

Access to Employment: The Village must make reasonable accommodation to known physical or mental limitations of an otherwise qualified individual, unless to do so would impose an undue hardship on the Village. Cost alone does not constitute a hardship. A person with a disability is otherwise qualified if they can satisfy the requisite skill, experience and education requirements for the position and can perform the essential functions of the job with or without reasonable accommodations.

Program Accessibility: The Village recognizes that all services, programs and activities must be accessible to everyone, including persons with disabilities, regardless of the accessibility of the Village's facilities.

The Village may not provide services or benefits to disabled persons through programs that are separate or different, unless the separate programs are necessary to ensure that the benefits or services are equally effective. Even when separate programs are permitted, an individual with a disability has the right to choose to participate in the regular program, and the Village may not require an individual with a disability to accept a special accommodation or benefit if the person chooses not to accept it.

If programs, services or activities are located in facilities that existed prior to January 26, 1992 (the effective date of Title II of the ADA), the Village will ensure that they are also available to persons with disabilities, unless to do so would fundamentally alter a program, service or activity or result in undue financial or administrative burdens. The Village notes that program accessibility may be achieved by: (1) relocating the program or activity to an accessible facility; (2) providing the activity, service or benefit in another manner that meets ADA requirements; or (3) making modifications to the building or facility itself to provide accessibility.

Physical Accessibility to Programs: The Village has evaluated the Village Hall and made modifications to the facility to ensure the physical accessibility of the building. These modifications included:

- Changes to the entrances to the building to ensure accessibility
- Designation of handicapped accessible parking spaces adjacent to the building.
- Changes to the public restrooms to make the facilities accessible.

The Village has also established a policy to install handicapped accessible curb cuts as part of sidewalk replacement work or street improvements.

Accessibility Issues as Related to Housing. The ADA generally does not cover private residential facilities. These facilities are addressed in the Fair Housing Amendments Act, which prohibits discrimination on the basis of disability in selling or renting houses.

Under the provisions of the Fire Administration Authorization Act of 1992, all housing units assisted with Federal funds must be equipped with a hard-wired or battery-operated smoke detector that includes appropriate wiring that makes it possible to install visual and/or sensory alarm systems if the need arises. This requirement applies to all new construction, reconstruction and rehabilitation projects on any multi-family or single family housing assisted with NYS CDBG funds. The Village will ensure that this

requirement is met for any NYS CDBG funded rehabilitation program implemented by the Village.

The Village also recognizes that there are other handicap accessibility requirements that apply to all facilities designed, constructed or altered after July 11, 1988, including:

New Construction, Acquisition or Rehab of Single Family Dwellings. Single family dwellings assisted with Federal funds must be made handicap accessible upon request of the owner or prospective buyer. That cost may be included in the mortgage amount. If costs exceed the allowable mortgage limits, those costs may be passed on to the prospective NYS CDBG buyer. All handicap accessible dwelling units must be distributed throughout the housing project and the sites made available in a range of sizes and amenities. Generally, historic properties must be made accessible unless doing so would substantially impair the significant historic features of the property or result in an undue financial or administrative burden.

New Construction or Substantial Rehab of Multi-Family Dwelling Units. In addition to the ADA requirements, residential structures (other than privately owned residential structures) are subject to requirements of the Architectural Barriers Act of 1968 [24 CFR Part 40]. Standards for the design, construction and alteration of publicly owned residential structures to ensure that physically handicapped persons have ready access to and the use of such structures can be met by following the Uniform Federal Accessibility Standards outlined in Appendix A of 24 CFR Part 40.

Complaint Procedures

Persons who believe they have been discriminated against with regard to provisions of the ADA may file a complaint with the Village of Perry on a form adopted by the Village Board (see attached). The complaint should be submitted to the Village Clerk who will refer the matter to the appropriate department head and the Village Board for review. The department head will consider the specific accommodation or modification requested by the complainant and may propose an alternative accommodation, provided that the Village can show that the alternative is equally effective. Department heads are encouraged to meet with the complainant to review possible accommodations and negotiate a mutually agreeable resolution of the complaint.

The complainant must be notified in writing of the Village's proposed response to the complaint, including whether or not the department head had determined that a reasonable accommodation would impose an undue financial or administrative burden on the Village. In the event that the accommodation or modification proposed by the department head is not acceptable to the complainant, the complainant may request a meeting with the Village Board to appeal the decision. In the event that the complainant is unable to reach a satisfactory resolution of the matter with the Village Board, the complainant may pursue other remedies as allowed under the ADA regulations.

All complaints must remain confidential and information pertaining to the complaint cannot be disclosed to any entity except the NYS Office of Community Renewal, which administers the CDBG Program in New York, or HUD.

Resource Materials

The Village will maintain a file of resource materials on ADA compliance, including this policy statement and the complaint form, and will make these materials available for review at no cost in the Village Clerk's Office. Copies of the reference materials may also be provided upon request, at a cost to the requestor of \$0.25 per page. Copies of the complaint form will be provided at no charge.

The Village will also post this ADA policy statement in the Village Clerk's Office and will publish a notice of the adoption of this policy and the related complaint procedures in the Village's official paper. Such notice shall be published upon adoption of this policy statement and at least once during the implementation of any future NYS CDBG Program.

Village of Perry
Title II of the Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973
Discrimination Complaint Form

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the Village Clerk's Office, 46 North Main Street, Perry, NY 14530.

Complainant: _____

Address: _____

City, State and Zip Code: _____

Telephone: Home: _____

Business: _____

Person Discriminated Against:
(if other than the complainant) _____

Address: _____

City, State and Zip Code _____

Telephone: Home: _____

Business: _____

When did the discrimination occur? Date: _____

Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated (attach additional pages if necessary):

Is there a reasonable accommodation that may be made to resolve this issue?

.....

For Village Use Only:

Date received: _____

Referred to: _____

Response: _____

ADA Compliance Notice

The Village of Perry has adopted a policy statement and complaint procedures to comply with the provisions of Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973.

Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 require that municipalities take affirmative steps to ensure that their federally funded programs and activities are accessible to handicapped and disabled persons.

Persons who feel they have been victims of discrimination under Title II of the ADA and/or Section 504 of the Rehabilitation Act of 1973 may file a complaint by contacting the Village Clerk. Copies of the policy statement, complaint form or other related resource materials may also be reviewed at the Village Clerk's Office.



RESOLUTION APPOINTING LABOR STANDARDS OFFICER FOR THE 2021 CDBG PROGRAM

WHEREAS, the Village of Perry has received funding under the 2021 Community Development Block Grant (CDBG) Program for Storm Drainage Improvements in the Olin Ave, Benedict St, Watkins Ave, and Hawthorne St. Neighborhood; and

WHEREAS, the Village is required to designate a Labor Standards Officer for the project.

BE IT RESOLVED, that the Village Board hereby appoints Steve Deaton, Superintendent of Public Works, to serve as the Labor Standards Officer for the 2021 CDBG Program

**Village of Perry
Village Board Meeting
10/3/2022**

Clerk/Deputy Treasurer Report

FY 2022-2023

Abstract #9

Vouchers #616 - 673

General Fund	\$ 27,210.03
Special Grant Fund	\$ 160.00
Water Fund	\$ 4,240.41
Sewer Fund	\$ 8,190.12
Capital Projects Fund	\$ -
Trust & Agency	\$ 2,221.23
Silver Lake Watershed Commission	\$ 37.99
Total	\$ 42,059.78

- Vouchers were audited by Trustee Billings
- Prepaid to avoid late fees \$ 872.90

Village of Perry - 2022 - 2023 - Village Tax Collection
Trial Balance - All Swis Codes
09-29-22

Original Warrant	2,232,534.16
Adjustments	0.00
Adjusted Warrant	2,232,534.16
Full Payments	2,064,607.60
Penalties	4,407.75
Total Collections	2,069,015.35
Taxes Outstanding	167,926.56



Village of Perry - 2022 - 2023 - Village Tax Collection
Trial Balance - All Swis Codes
08-19-22

Original Warrant	2,232,534.16
Adjustments	0.00
Adjusted Warrant	2,232,534.16
Full Payments	2,037,514.94
Penalties	2,614.39
Total Collections	2,040,129.33
Taxes Outstanding	195,019.22



Village of Perry - 2022 - 2023 - Village Tax Collection
Trial Balance - All Swis Codes
07-29-22

Original Warrant	2,232,534.16
Adjustments	0.00
Adjusted Warrant	2,232,534.16
Full Payments	2,019,929.24
Penalties	1,612.59
Total Collections	2,021,541.83
Taxes Outstanding	212,604.92

