Village of Perry Board of Trustees

Village Board Meeting • Agenda • Monday, November 6, 2023 • 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 – October 16, 2023
    b. Resolution Approving Proposal from LaBella Associates for Grant Writing Services for the 2023 Transportation Alternatives Program (TAP)
    c. Resolution Approving Submission of the Drinking Water Source Protection Program (DWSP2) Grant Application
    d. Resolution Acknowledging Examination of Court Records for the Fiscal Year Ending May 31, 2023
    e. Resolution Declaring Village Equipment and Vehicles as Surplus
    f. Resolution Approving Peddler and Solicitor's Permit Application
    g. Resolution Approving New Third-Party Custodian Agreement
    h. Resolution to Direct Commencement of Action on Behalf of Municipality

4. Clerk/Deputy Treasurer's Report

5. Department/Committee Reports

6. Trustee Reports

7. Executive Session to discuss the employment history of a particular individual

VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
OCTOBER 16, 2023

A Regular Board Meeting of the Village of Perry was held at the Village Hall, 46 North Main Street, Perry, New York at 7:30 pm on the 16th day of October 2023.

PRESENT:	Dariel Draper	Deputy Mayor
	Arlene Lapiana	Trustee
	Ernie Lawrence	Trustee
ALSO PRESENT:	Samantha Marcy	Administrator
	Christina Slusser	Village Clerk
	Michael Grover	Police Chief
GUESTS:	Lorraine Sturm	Perry Herald
ABSENT:	Rick Hauser	Mayor
	Jacquie Billings	Trustee

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

PUBLIC COMMENT
No comments.

MINUTES
Trustee Lawrence made a motion to approve the minutes from the last regular board meeting on October 2, 2023 which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION APPROVING PAYMENTS FOR WASTEWATER TREATMENT PLANT PROJECT

WHEREAS, the Village Clerk has received pay app #19 from the electrical contractor, M.W. Controls Service, Inc., for the wastewater treatment plant project in the amount of $34,893.50; 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:

M.W. Controls Service, Inc. $34,893.50

DRAFT

Trustee Lawrence made a motion to adopt the resolution approving payments for the wastewater treatment plant project which was seconded Trustee Lapiana and carried unanimously.

RESOLUTION APPROVING PAYMENT FOR THE SILVER LAKE TRAIL PROJECT

WHEREAS, the Village has received a payment request from the engineer, C&S Companies, for the Silver Lake Trail project in the amount of $15,279.00; and

WHEREAS, the Village of Perry Board of Trustees approved 80% of the final pay application on July 3, 2023 totaling $12,223.20; and

WHEREAS, C&S has provided the final closeout documents for the project and the Village Administrator is recommending final payment of $3,055.80; 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:

C&S Companies	$3,055.80

BE IT FURTHER RESOLVED, that the Perry Village Board of Trustees hereby authorizes the Deputy Mayor to sign the payment invoice.

Trustee Lapiana made a motion to adopt the resolution approving payment for the Silver Lake Trail project which was seconded by Trustee Lawrence and carried unanimously.

RESOLUTION APPOINTING PART-TIME POLICE OFFICER, FRANKLYNN SMITH

WHEREAS, Chief Grover has determined the need for an additional part-time Police Officer; and

WHEREAS, Chief Grover is requesting the hiring of Mr. Franklynn Smith as a Part-Time Police Officer for the Village of Perry; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board of Trustees hereby approves the hiring of Mr. Franklynn Smith as a part-time Police Officer with a starting hourly rate of $24.14 pending Wyoming County Civil Service approval and satisfactory background checks.

Mr. Smith has already been through the academy but will need field training. Trustee Lapiana made a motion to adopt the resolution hiring part-time police officer, Franklynn Smith which was seconded by Trustee Lawrence and carried with all voting aye.

DRAFT

CLERK/DEPUTY TREASURER'S REPORT

FY 2023-2024
Abstract # 10
Vouchers # 688 - 795

General Fund	$ 94,160.39
Special Grant Fund	$ 138,000.00
Water Fund	$ 3,708.96
Sewer Fund	$ 9,822.63
Capital Projects Fund	$ 52,094.66
Trust & Agency	$ 1,419.50
Silver Lake Watershed Commission	$ 491.45
Total	$ 299,697.59

Vouchers were audited by Trustee Billings. Motion to accept the clerk report & payment of abstract #10 in the amount of $299,697.59 was made by Trustee Lapiana, seconded by Deputy Mayor Draper, and carried with all voting aye. Updated financial reports were also provided.

DEPARTMENT/COMMITTEE REPORTS

Reports were reviewed for the following departments with no action needed: Police, Water, Sewer, DPW, and Parks.

TRUSTEE REPORTS

Trustee Lawrence attended an event at Silver Lake Meadows conducted by Rochester Cornerstone Group.

EXECUTIVE SESSION

At 7:39 pm, Deputy Mayor Draper made a motion to enter executive session to discuss the employment history of a particular individual. This motion was seconded by Trustee Lapiana and carried with all voting aye.

Deputy Mayor Draper made a motion to exit the executive session at 8:14 pm which was seconded by Trustee Lapiana and carried. Immediately following, Deputy Mayor Draper made a motion to adjourn the meeting which was seconded by Trustee Lapiana and carried.

Respectfully submitted,
Christina Slusser, Village Clerk

DRAFT

RESOLUTION APPROVING PROPOSAL FROM LABELLA ASSOCIATES FOR GRANT WRITING SERVICES FOR THE 2023 TRANSPORTATION ALTERNATIVES PROGRAM (TAP)

WHEREAS, LaBella Associates has provided a proposal for grant writing services for the 2023 Transportation Alternatives Program (TAP) Grant; and

WHEREAS, the fee to prepare and file the application would be $5,000.00; and

BE IT RESOLVED, that the Village Board of Trustees hereby approves the proposal from LaBella Associates in an amount of $5,000.00 and authorizes the Mayor to sign the proposal.

LaBella
Powered by partnership.

October 23, 2023

Rick Hauser, Mayor
Village of Perry
46 North Main Street
Perry, NY, 14530

RE: Proposal for Services
2023 TAP Application

Dear Rick:

As a follow-up to our discussions, I am submitting this letter form of proposal/agreement to assist the Village of Perry with a 2023 Transportation Alternatives Program (TAP) grant application. The application would be to provide funding for pedestrian, bicycle, and gateway improvements as proposed in the recent GTC study for the Northern Commercial area. Our fee to prepare the grant application and the required attachments would be $5,000.

The fee includes the cost of preparing and filing the online application on behalf of the Village. The filing date for the application is January 9, 2024.

If the proposal is acceptable, please sign and date the acceptance below and return a copy to me. If you have questions or would like to discuss details associated with this engagement, please call me at your earliest convenience. We look forward to assisting the Village with the applications.

Sincerely,

Ed

Edward Flynn, AICP
Director of Planning
LABELLA ASSOCIATES, D.P.C.

Accepted by the Village of Perry

By: ______________________________

Date: ____________________________

<u>RESOLUTION APPROVING SUBMISSION OF THE DRINKING WATER SOURCE PROTECTION PROGRAM (DWSP2) GRANT APPLICATION</u>

WHEREAS, New York State Department of Conservation has released an application for the Drinking Water Source Protection Program (DWSP2); and

WHEREAS, the DWSP2 offers free technical assistance for municipalities to protect their public drinking water sources and would provide a complete source water protection plan; and

WHEREAS, the Parks and Resources Committee is recommending the submission of the Drinking Water Source Protection Program application; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the Village Administrator to submit an application for the Drinking Water Source Protection Program (DWSP2).

RESOLUTION ACKNOWLEDGING EXAMINATION OF COURT RECORDS FOR THE FISCAL YEAR ENDING MAY 31, 2023

WHEREAS, the Village of Perry Board of Trustees has hired Allied Financial Partners to conduct an audit for the fiscal year ending May 31, 2023, of the Justice Court of the Village of Perry; and

WHEREAS, Allied Financial Partners has provided their findings of the Justice Courts procedures for the Village of Perry Board of Trustees review; and

NOW, THEREFORE BE IT RESOLVED, the Village Board of the Village of Perry in compliance with New York State Law, Unified Justice Court Act Section 2019-a accepts Allied Financial Partners review of the court records; and

BE IT FURTHER RESOLVED, the Perry Village Board directs the Village Administrator to provide a copy of the resolution and report to the State of New York Unified Court System.

Village of Perry, New York
Justice Court

Independent Accountant's Report
On Applying Agreed-Upon Procedures
May 31, 2023

Village of Perry, New York
Justice Court

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allied
CPAs, PC

BUFFALO
501 John James Audubon
Suite 390
Amherst, NY 14228
P: (716) 694-0336

COOPERSTOWN
55-57 Grove Street
Cooperstown, NY 13326
P: (607) 282-4161

ONEONTA
189 Main Street, Suite 302
Oneonta, NY 13820
P: (607) 432-3462

PERRY
199 S. Main Street, PO Box 1
Perry, NY 14530
P: (585) 237-3887

ROCHESTER
150 State Street, Suite 301 A
Rochester, NY 14614
P: (585) 410-6733

VICTOR
6536 Anthony Drive, Suite B
Victor, NY 14564
P: (585) 410-6733

alliedfp.com

INDEPENDENT ACCOUNTANT'S REPORT
ON APPLYING AGREED-UPON PROCEDURES

To the Honorable Village Board of the
Village of Perry, New York:

We have performed the procedures enumerated below on the Village of Perry, New York's Justice Court records for the period June 1, 2022 – May 31, 2023. The Village of Perry, New York's management is responsible for the Village Justice Court records.

The Village of Perry, New York (the Village) has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of determining the accuracy and compliance of the Village of Perry, New York's Justice Court records in accordance with the New York State's General Recordkeeping Requirements for Town and Village Justice Courts. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and associated findings are as follows:

<u>Justice Court Records – Justice Kelsey</u>

Procedure #1
Review the Justice Court records for cash receipts, cash disbursements, and bank reconciliations.

Findings
Bank reconciliations were performed monthly beginning in January 2023. Prior to January, bank reconciliations were not being performed regularly. No other exceptions noted.

Procedure #2
Complete Appendix 10 – Annual Checklist for Review of Justice Court Records.

Findings
See completed and attached Appendix 10 – Annual Checklist for Review of Justice Court Records.

Procedure #3
Review and reconcile reports sent to Village and state agency.

Findings
No exceptions noted.

Procedures #4-11
Verify all record keeping requirements promulgated by the Office of Court Administration are adhered to. Requirements and independent accountant's findings are as follows:

Procedure #4
Maintain individual case files containing all papers and other documents pertaining to each case.

Findings
No exceptions noted.

(Continued)

<u>Justice Court Records – Justice Kelsey</u> (Continued)

Procedure #5
Maintain an index of all cases.

Findings
No exceptions noted.

Procedure #6
Maintain a cashbook, which chronologically itemizes all receipts and disbursements.

Findings
No exceptions noted.

Procedure #7
Maintain official bank accounts in accordance with 22NYCRR §214.9.

Findings
No exceptions noted.

Procedure #8
Issue acceptable receipt forms for all moneys collected.

Findings
No exceptions noted.

Procedure #9
Deposit all moneys received to official bank accounts within 72 hours of collection.

Findings
It was noted that there were 5 instances in which deposits were not made within 72 hours of receipt. No other exceptions noted.

Procedure #10
Make all disbursements by check signed by the Justice except for acceptable petty cash transactions.

Findings
No exceptions noted.

Procedure #11
Submit monthly reports and remittance to the Justice Court Fund within 10 days after end of month collected in accordance with the State Finance Law §99-a.

Findings
Not all monthly reports were submitted to the Justice Court Fund within 10 days after the end of the month. No other exceptions noted.

(Continued)

Justice Court Records – Justice Miller

Procedure #1
Review the Justice Court records for cash receipts, cash disbursements, and bank reconciliations.

Findings
Bank reconciliations were not being performed regularly. No other exceptions were noted.

Procedure #2
Complete Appendix 10 – Annual Checklist for Review of Justice Court Records.

Findings
See completed and attached Appendix 10 – Annual Checklist for Review of Justice Court Records.

Procedure #3
Review and reconcile reports sent to Village and state agency.

Findings
No exceptions noted.

Procedures #4-11
Verify all record keeping requirements promulgated by the Office of Court Administration are adhered to. Requirements are as follows:

Procedure #4
Maintain individual case files containing all papers and other documents pertaining to each case.

Findings
No exceptions noted.

Procedure #5
Maintain an index of all cases.

Findings
No exceptions noted.

Procedure #6
Maintain a cashbook, which chronologically itemizes all receipts and disbursements.

Findings
No exceptions noted.

Procedure #7
Maintain official bank accounts in accordance with 22NYCRR §214.9.

Findings
No exceptions noted.

Procedure #8
Issue acceptable receipt forms for all moneys collected.

Findings
No exceptions noted.

(Continued)

Justice Court Records – Justice Miller – (Continued)

Procedure #9
Deposit all moneys received to official bank accounts within 72 hours of collection.

Findings
It was noted that there was one instance in which a deposit was not made within 72 hours of receipt. No other exceptions were noted.

Procedure #10
Make all disbursements by check signed by the Justice except for acceptable petty cash transactions.

Findings
No exceptions noted.

Procedure #11
Submit monthly reports and remittance to the Justice Court Fund within 10 days after end of month collected in accordance with the State Finance Law §99-a.

Findings
Not all monthly reports were submitted to the Justice Court Fund within 10 days after the end of the month. No other exceptions noted.

Justice Court Records – Justice Wolcott

Procedure #1
Review the Justice Court records for cash receipts, cash disbursements, and bank reconciliations.

Findings
No exceptions were noted.

Procedure #2
Complete Appendix 10 – Annual Checklist for Review of Justice Court Records.

Findings
See completed and attached Appendix 10 – Annual Checklist for Review of Justice Court Records.

Procedure #3
Review and reconcile reports sent to Village and state agency.

Findings
No exceptions noted.

Procedures #4-11
Verify all record keeping requirements promulgated by the Office of Court Administration are adhered to. Requirements are as follows:

Procedure #4
Maintain individual case files containing all papers and other documents pertaining to each case.

Findings
No exceptions noted.

(Continued)

Justice Court Records – Justice Wolcott (Continued)

Procedure #5
Maintain an index of all cases.

Findings
No exceptions noted.

Procedure #6
Maintain a cashbook, which chronologically itemizes all receipts and disbursements.

Findings
No exceptions noted.

Procedure #7
Maintain official bank accounts in accordance with 22NYCRR §214.9.

Findings
No exceptions noted.

Procedure #8
Issue acceptable receipt forms for all moneys collected.

Findings
No exceptions noted.

Procedure #9
Deposit all moneys received to official bank accounts within 72 hours of collection.

Findings
Justice began collecting deposits in May 2023. Four deposits were made, none of them were timely. No other exceptions noted.

Procedure #10
Make all disbursements by check signed by the Justice except for acceptable petty cash transactions.

Findings
No exceptions noted.

Procedure #11
Submit monthly reports and remittance to the Justice Court Fund within 10 days after end of month collected in accordance with the State Finance Law §99-a.

Findings
No other exceptions noted.

We were engaged by the Village of Perry, New York to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on the Village Justice Court records. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

(Continued)

We are required to be independent of the Village of Perry, New York and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the Village of Perry, New York, the Village Board, the New York State Office of the State Comptroller, and the Village Justice Court and is not intended to be, and should not be, used by anyone other than those specified parties.

Rochester, NY
October 26, 2023

VILLAGE OF PERRY, NEW YORK
JUSTICE COURT
SCHEDULE OF FINES COLLECTED
FOR THE YEAR ENDED MAY 31, 2023

TOTAL FINES COLLECTED

Month	Justice Kesley	Justice Miller	Justice Wolcott	Total	Village's Share
June	$ 10,270	$ 4,323	$ -	$ 14,593	$ 9,385
July	10,769	1,009	-	11,778	6,905
August	19,732	2,080	-	21,812	12,511
September	10,818	3,942	-	14,760	8,648
October	7,643	5,499	-	13,142	7,612
November	10,387	6,355	-	16,742	9,733
December	6,757	6,602	-	13,359	8,020
January	15,668	2,708	-	18,376	12,753
February	10,773	8,197	-	18,970	11,453
March	10,357	3,494	-	13,851	8,915
April	9,279	-	-	9,279	5,300
May	14,207	-	922	15,129	10,860
	$ 136,660	$ 44,209	$ 922	$ 181,791	$ 112,094

See Independent Accountant's Report
On Agreed-Upon Procedures

Appendix 10 – Annual Checklist for Review of Justice Court Records

Name of Municipality:	Village of Perry, New York		
Month Reviewed:	June 2022	**Through**	May 2023

Name of Justice:	Tammy Kelsey

Review Performed By:	Allied CPAs, PC	**Date**	10/26/23

Annual Checklist for Review of Justice Court Records

	Yes	No
Cash Receipts Book		
► Are pre-numbered receipt forms issued for all collections?	X	○
► Are duplicate receipts kept for court records?	X	○
► Are receipts recorded up-to-date?	X	○
Last recorded receipt: # 00082 *Date* 5/30/23 *Amount* $102		
► Is the receipt book maintained in a manner to identify date received, payer, and the amount of fines, fees, bail and other categories of collection?	X	○
► Are deposits identified?	X	○
► Are duplicate deposit slips kept for court records?	X	○
► Are deposits made within 72 hours of collection (exclusive of Sundays and holidays)?	X	○
► Are deposits recorded up-to-date?	X	○
Last recorded deposit: *Date* 5/31/23 *Amount* $855		
► Is the receipt book totaled and summarized at the end of each month?	X	○
Last Month Totaled and Summarized $14,207		
Cash Disbursements Book		
► Are pre-numbered checks used for all disbursements other than petty cash?	X	○
► Are all checks signed by the Justice?	X	○
► Are canceled checks (or check images) returned with bank statements and kept for court records?	X	○
► Are checks recorded up-to-date?	X	○
Last recorded check: # 1028 *Date* 6/1/23 *Amount* $14,207		
Bank Reconciliations		
► Are bank accounts reconciled proimptly after bank statements are received?	X	○
Last Bank Reconciliation for Each Bank Account: *Date Performed* 6/2023 *Month Ending* 5/2023		
Additional Supporting Records		
► Is a list of bail maintained?	X	○
► Is a record of uncollected installment payments maintained?	X	○

Annual Checklist for Review of Justice Court Records

	Yes	No
Dockets and Case Files		
► Are separate dockets maintained for various classifications of cases, such as Vehicle and Traffic, Criminal, Civil and Small Claims?	X	○
► Are case files maintained for all cases? If manual, an index is an alphabetical list of cases with case numbers as a cross-reference. This will assist in locating cases since case fi les are fi led by disposition date. If computerized, the index is maintained in the system and can be accessed at any time by name, ticket number or address.	X	○
► Do dockets for disposed cases appear to be complete?	X	○
► Do dockets for disposed cases agree with amounts reported?	X	○
Cash Book Reconciliation		
► Is the cash book reconciled to the adjusted bankl balances at the end of each month?	X	○
► Does the cash book total agree with the bank reconciliation and supporting informataion?	X	○

Last Cash Reconciliation:
Date Performed June 2023 *Month Ending* May 2023

	Yes	No
Reports to the Division of Criminal Justice Services		
► Are reports made timely to the Division of Crininal Justice Services?	X	○
► Has the court received any notices regarding late reporting? If yes, why were the reports late and what corrective actions were taken?____	○	X
Reports to the Justice Court Fund		
► Are reports made timely to the Justice Court Fund?	○	X
► Do reported amounts agree with docket dispositions and case files?	X	○
► Do reported amounts agree with cash receipt and disbursement books? Last report submitted: Month Ending 5/2023 Date 6/3/23 Amount $14,207	X	○
► Has the court received any notices regarding late reporting? If yes, why were the reports late and what corrective actions were taken?____	○	X

Annual Checklist for Review of Justice Court Records

	Yes	No
Reporting to the Department of Motor Vehicles - TSLED Program		
► Has the court received any notices regarding pending cases? If yes, why were the cases pending and what corrective actions were taken, if any____________	○	X

Note: Cases over 60 days are eligible to be Scoffl awed. TSLED sends a monthly listing of pending cases to the Court. The court should respond either manually or electronically to TSLED with the outcome of these pending cases.

	Yes	No
► Are reports from TSLED to the court maintained and utilized?	X	○

Last TSLED Report Available: Date 7/6/23

Note: Courts can access reports on-line from TSLED at any time.

► How many cases are shown as pending in the last TSLED report? 609

	Yes	No
● Is the number of pending cases reasonable?	X	○

● How many cases are shown as pending for more than 90 days? ________
● What actions have been taken to dispose of these cases? Scofflaw

Overall Evaluation

See Independent Accountant's Report on Applying Agreed-Upon Procedures

Appendix 10 – Annual Checklist for Review of Justice Court Records

Name of Municipality:	Village of Perry, New York

Month Reviewed:	June 2022	**Through**	May 2023

Name of Justice:	Charles W. Miller

Review Performed By:	Allied CPAs, PC	**Date**	10/26/23

Annual Checklist for Review of Justice Court Records

	Yes	No
Cash Receipts Book		
► Are pre-numbered receipt forms issued for all collections?	X	○
► Are duplicate receipts kept for court records?	X	○
► Are receipts recorded up-to-date?	X	○
Last recorded receipt: # 1741 *Date* 3/28/23 *Amount* $250		
► Is the receipt book maintained in a manner to identify date received, payer, and the amount of fines, fees, bail and other categories of collection?	X	○
► Are deposits identified?	X	○
► Are duplicate deposit slips kept for court records?	X	○
► Are deposits made within 72 hours of collection (exclusive of Sundays and holidays)?	X	○
► Are deposits recorded up-to-date?	X	○
Last recorded deposit: *Date* 3/30/23 *Amount* $250		
► Is the receipt book totaled and summarized at the end of each month?	X	○
Last Month Totaled and Summarized $3,494		
Cash Disbursements Book		
► Are pre-numbered checks used for all disbursements other than petty cash?	X	○
► Are all checks signed by the Justice?	X	○
► Are canceled checks (or check images) returned with bank statements and kept for court records?	X	○
► Are checks recorded up-to-date?	X	○
Last recorded check: # 758 *Date* 4/10/23 *Amount* $3,494		
Bank Reconciliations		
► Are bank accounts reconciled proimptly after bank statements are received?	X	○
Last Bank Reconciliation for Each Bank Account: *Date Performed* 6/2023 *Month Ending* 5/2023		
Additional Supporting Records		
► Is a list of bail maintained?	X	○
► Is a record of uncollected installment payments maintained?	X	○

Annual Checklist for Review of Justice Court Records

	Yes	No
Dockets and Case Files		
► Are separate dockets maintained for various classifications of cases, such as Vehicle and Traffic, Criminal, Civil and Small Claims?	X	○
► Are case files maintained for all cases? If manual, an index is an alphabetical list of cases with case numbers as a cross-reference. This will assist in locating cases since case fi les are fi led by disposition date. If computerized, the index is maintained in the system and can be accessed at any time by name, ticket number or address.	X	○
► Do dockets for disposed cases appear to be complete?	X	○
► Do dockets for disposed cases agree with amounts reported?	X	○

Cash Book Reconciliation

	Yes	No
► Is the cash book reconciled to the adjusted bankl balances at the end of each month?	X	○
► Does the cash book total agree with the bank reconciliation and supporting informataion?	X	○

Last Cash Reconciliation:
Date Performed June 2023 *Month Ending* May 2023

Reports to the Division of Criminal Justice Services

	Yes	No
► Are reports made timely to the Division of Crininal Justice Services?	X	○
► Has the court received any notices regarding late reporting? If yes, why were the reports late and what corrective actions were taken?________	○	X

Reports to the Justice Court Fund

	Yes	No
► Are reports made timely to the Justice Court Fund?	○	X
► Do reported amounts agree with docket dispositions and case files?	X	○
► Do reported amounts agree with cash receipt and disbursement books? Last report submitted: Month Ending 3/2023 Date 4/10/23 Amount $3,494	X	○
► Has the court received any notices regarding late reporting? If yes, why were the reports late and what corrective actions were taken?________	○	X

Annual Checklist for Review of Justice Court Records

	Yes	No
Reporting to the Department of Motor Vehicles - TSLED Program		
► Has the court received any notices regarding pending cases? If yes, why were the cases pending and what corrective actions were taken, if any___________	○	X
Note: Cases over 60 days are eligible to be Scoffl awed. TSLED sends a monthly listing of pending cases to the Court. The court should respond either manually or electronically to TSLED with the outcome of these pending cases.		
► Are reports from TSLED to the court maintained and utilized? *Last TSLED Report Available: Date* 7/6/23 **Note:** Courts can access reports on-line from TSLED at any time.	X	○
► How many cases are shown as pending in the last TSLED report? 1,101		
● Is the number of pending cases reasonable?	X	○
● How many cases are shown as pending for more than 90 days? ________		
● What actions have been taken to dispose of these cases? Scofflaw		

Overall Evaluation

See Independent Accountant's Report on Applying Agreed-Upon Procedures

Appendix 10 – Annual Checklist for Review of Justice Court Records

Name of Municipality:	Village of Perry, New York		
Month Reviewed:	June 2022	**Through**	May 2023

Name of Justice:	Joshua M. Wolcott

Review Performed By:	Allied CPAs, PC	**Date**	10/26/23

Annual Checklist for Review of Justice Court Records

	Yes	No
Cash Receipts Book		
► Are pre-numbered receipt forms issued for all collections?	X	○
► Are duplicate receipts kept for court records?	X	○
► Are receipts recorded up-to-date?	X	○
Last recorded receipt: # 00069 *Date* 5/22/23 *Amount* $293		
► Is the receipt book maintained in a manner to identify date received, payer, and the amount of fines, fees, bail and other categories of collection?	X	○
► Are deposits identified?	X	○
► Are duplicate deposit slips kept for court records?	X	○
► Are deposits made within 72 hours of collection (exclusive of Sundays and holidays)?	X	○
► Are deposits recorded up-to-date?	X	○
Last recorded deposit: *Date* 5/31/23 *Amount* $386		
► Is the receipt book totaled and summarized at the end of each month?	X	○
Last Month Totaled and Summarized $922		
Cash Disbursements Book		
► Are pre-numbered checks used for all disbursements other than petty cash?	X	○
► Are all checks signed by the Justice?	X	○
► Are canceled checks (or check images) returned with bank statements and kept for court records?	X	○
► Are checks recorded up-to-date?	○	○
Last recorded check: # 0001 *Date* 6/3/2023 *Amount* $922		
Bank Reconciliations		
► Are bank accounts reconciled proimptly after bank statements are received?	X	○
Last Bank Reconciliation for Each Bank Account: *Date Performed* 6/2023 *Month Ending* 5/2023		
Additional Supporting Records		
► Is a list of bail maintained?	X	○
► Is a record of uncollected installment payments maintained?	X	○

Annual Checklist for Review of Justice Court Records

	Yes	No
Dockets and Case Files		
► Are separate dockets maintained for various classifications of cases, such as Vehicle and Traffic, Criminal, Civil and Small Claims?	X	○
► Are case files maintained for all cases? If manual, an index is an alphabetical list of cases with case numbers as a cross-reference. This will assist in locating cases since case fi les are fi led by disposition date. If computerized, the index is maintained in the system and can be accessed at any time by name, ticket number or address.	X	○
► Do dockets for disposed cases appear to be complete?	X	○
► Do dockets for disposed cases agree with amounts reported?	X	○
Cash Book Reconciliation		
► Is the cash book reconciled to the adjusted bankl balances at the end of each month?	X	○
► Does the cash book total agree with the bank reconciliation and supporting informataion?	X	○

Last Cash Reconciliation:
Date Performed June 2023 *Month Ending* May 2023

	Yes	No
Reports to the Division of Criminal Justice Services		
► Are reports made timely to the Division of Crininal Justice Services?	X	○
► Has the court received any notices regarding late reporting? If yes, why were the reports late and what corrective actions were taken?__________	○	X
Reports to the Justice Court Fund		
► Are reports made timely to the Justice Court Fund?	○	X
► Do reported amounts agree with docket dispositions and case files?	X	○
► Do reported amounts agree with cash receipt and disbursement books? Last report submitted: Month Ending 5/2023 Date 6/3/23 Amount $922	X	○
► Has the court received any notices regarding late reporting? If yes, why were the reports late and what corrective actions were taken?__________	○	X

Annual Checklist for Review of Justice Court Records

	Yes	No
Reporting to the Department of Motor Vehicles - TSLED Program		
► Has the court received any notices regarding pending cases? If yes, why were the cases pending and what corrective actions were taken, if any___________	○	X
Note: Cases over 60 days are eligible to be Scoffl awed. TSLED sends a monthly listing of pending cases to the Court. The court should respond either manually or electronically to TSLED with the outcome of these pending cases.		
► Are reports from TSLED to the court maintained and utilized? *Last TSLED Report Available: Date* 7/6/23 **Note:** Courts can access reports on-line from TSLED at any time.	X	○
► How many cases are shown as pending in the last TSLED report? 77		
• Is the number of pending cases reasonable?	X	○
• How many cases are shown as pending for more than 90 days? ________		
• What actions have been taken to dispose of these cases? Scofflaw		

Overall Evaluation

See Independent Accountant's Report on Applying Agreed-Upon Procedures

RESOLUTION DECLARING VILLAGE EQUIPMENT AND VEHICLES AS SURPLUS

WHEREAS, the Village of Perry maintains a fleet of equipment to support the efficient care and maintenance of Village assets; and

WHEREAS, through the natural wear and tear cycle, equipment reaches the close of its useful contribution to Village operations; and

WHEREAS, the Police Department maintains a 2015 Ford Interceptor Sedan that has reached the conclusion of its useful life for department needs; and

WHEREAS, the Department of Public Works maintains a 1993 IH Dump/Plow Truck (#291) that has reached the conclusion of their useful life for department needs; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees does hereby declare the items listed in this resolution as surplus equipment; and

BE IT FURTHER RESOLVED, that the Village Administrator is authorized to auction the equipment as is deemed appropriate.

RESOLUTION APPROVING PEDDLER AND SOLICITOR'S PERMIT APPLICATION

WHEREAS, per Village Law Section 327-4, no person shall sell at auction any goods or pursue or exercise the occupation of hawking or peddling in the Village of Perry without first procuring a license therefor from the Board of Trustees; and

WHEREAS, Chris Warriner has submitted a Peddler and Solicitor's Permit Application for his mobile food operation, Diner on the Run, to sell goods on November 22, 2023 at the Silver Lake Brewing Project; and

WHEREAS, Mr. Warriner has submitted a complete application with all requested information provided; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the permit application, pending payment of the permit fee, and authorizes the Village Clerk to provide the license to Mr. Warriner for November 22, 2023.

RECEIVED
NOV 02 2023
Village of Perry
Perry, New York

Peddler and Solicitor's Permit Application

****Hours Allowed: Monday-Friday, 9:00am-7:00pm****

VILLAGE OF PERRY
46 North Main Street ▪ Perry ▪ NY ▪ 14530
Phone (585) 237-2216
Fax (585) 237-5975

Applicant Name	Chris Warriner
Applicant Address	152 N. main st
City/State/Zip	Perry NY 14530
Applicant Phone No.	585-402-1803
Company Name	Diner on the Run
Company Address	152 N. Main st
City/State/Zip	Perry NY 14530
Supervisor's Name	
Description of Goods /Services/Merchandise	Mobile Food Vendor
Date(s) & Time(s)& Place	Date(s) Requested 11/22/2023 Times Requested 4pm-9pm Place Requested Silver Lake brewing Project
Applicant acting as	[ ] acting as business agent [X] acting on own behalf
Vehicle	[X] applicant owned vehicle Vehicle Year 2012 Vehicle Make Chevy Vehicle Color White Plate No. 31307 ND [ ] Company owned vehicle Vehicle Year ____ Vehicle Make ____ Vehicle Color ____ Plate No. ____ [X] Other Vehicle owners name Chris Warriner / Diner on the Run Vehicle Year 2022 Vehicle Make Wells Cargo Vehicle Color Black Plate No. CE 11598 [X] Copy of Valid Driver's license attached
Has the applicant been ever convicted of a crime or misdemeanor	[ ] Yes If so, When and Where ____ Nature of Offense ____ Disposition ____ [X] No
I hereby certify that all of the information listed hereon is correct to the best of my knowledge.	[signature] *Applicant Signature* 11/1/2023 *Date*

Permit Fee	[ ] $50 per day

For Office Use Only PERMIT NUMBER: ____

____ Date Received
____ Date Approved ____ Date Denied ____
____ Date Revoked *Village Clerk's Signature*

<u>RESOLUTION APPROVING NEW THIRD-PARTY CUSTODIAN AGREEMENT</u>

WHEREAS, the Village was notified by M&T Bank that there will be a change in the custodian that holds collateral of the Village's uninsured deposits; and

WHEREAS, currently the Bank of New York Mellon (BNYM) serves as custodian for securities that M&T Bank pledges as collateral for uninsured deposits; and

WHEREAS, M&T Bank is planning to use Wilmington Trust, N.A. (WTNA) to hold the collateral pledged for the Village of Perry's uninsured deposits and a tri-party agreement is required; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the New Third Party Custodian Agreement between the Village of Perry, M&T Bank, and Wilmington Trust, N.A. and authorizes the Mayor to sign the agreement.

WILMINGTON TRUST

New Third Party Custodian Agreement

This New Third Party Custodian Agreement (the "Agreement") is entered into this 19th day of OCTOBER, 2023 (the "Agreement Effective Date"), by and among Manufacturers and Traders Trust Company ("Bank"), the Depositor listed on the signature page hereof, the "Depositor"), and Wilmington Trust, National Association ("Custodian").

WHEREAS, Bank and Depositor are parties to a certain Third Party Custodian Agreement (as amended) with The Bank of New York Mellon as the third contracting party, acting as Custodian thereunder (the "Existing Custodian"), a true and correct copy of which is attached as Exhibit A hereto (the "Existing Tri-Party Agreement"); and

WHEREAS, Bank, Depositor, and Custodian have agreed that, with respect to any assets identified by Depositor and Bank to Custodian as assets over which Depositor and Bank would like for Custodian to serve as such, and which are acceptable to Custodian, any and all such assets shall be held under and pursuant to the terms of a new agreement, to be formed between Depositor, the Bank, and Custodian, on precisely the same terms as the Existing Tri-Party Agreement, but for the wholesale replacement of the Existing Custodian with the Custodian as the "Custodian" thereunder (as more fully defined hereinafter and referred to as the "New Tri-Party Agreement").

NOW THEREFORE, intending to be legally bound hereby, the parties hereto do hereby agree as follows:

1. Formation of New Tri-Party Agreement. The parties hereby agree that, effective on and as of the Agreement Effective Date, the New Tri-Party Agreement is hereby formed, on precisely the same terms as the Existing Tri-Party Agreement, with the following changes:
    a. Replacement of Custodian. Any and all references to "Custodian" under the New Tri-Party Agreement shall be to the Custodian hereunder, and NOT to the Existing Custodian.
    b. Notices. Notices to Custodian under the provisions of Section 7 of the Existing Tri-Party Agreement shall be sent instead, under the New Tri-Party Agreement, to the addresses listed on the signature page hereto, in the case of Custodian, with a copy to:

       Wilmington Trust, National Association
       Legal Support – ICS
       ____
       ________________________.

c. Assets. Assets held in custody under the terms of the New Tri-Party Agreement shall be as identified by Depositor and Bank to Custodian, from time to time, as assets over which Depositor would like for Custodian to serve as such, and which are acceptable to Custodian.

(as so modified in (a), (b), and (c), the "New Tri-Party Agreement").

2. Defined Terms. Terms used as defined terms in this Agreement but which are not otherwise defined herein, shall have the meanings ascribed thereto in the New Tri-Party Agreement.
3. Governing Law; Venue. This Agreement shall be construed in accordance with the substantive laws of the State of New York, without regard to conflicts of laws principles thereof. Bank, Depositor and Custodian hereby consent to the jurisdiction of a state or federal court situated in New York in connection with any dispute arising hereunder. Bank, Depositor and Custodian hereby irrevocably waive, to the fullest extent permitted by applicable law, any objection which it may now or hereafter have to the laying of venue of any such proceeding brought in such a court and any claim that such proceeding brought in such a court has been brought in an inconvenient forum. Bank, Depositor and Custodian each hereby irrevocably waives any and all rights to trial by jury in any legal proceeding arising out of or relating to this Agreement.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers thereunto duly authorized, as of the day and year first above written.

DEPOSITOR
VILLAGE OF PERRY

By: ______________________
Name & Title: Frederic Hauser, Mayor
Address: 46 N. Main St.
Perry, NY 14530-1336

Phone: (585) 237-2216
Email: rhauser@villageofperry.com

BANK
Manufacturers and Traders Trust Company

By: ________________________________

Name & Title: Kathryn M. Morrow, AVP

Address: 575 Main St, FLR 12
Buffalo, NY 14203
Phone: 716-848-7348
Email: KCOUCH1@MTB.COM

CUSTODIAN

Wilmington Trust, National Association

By: ______________________________
Name & Title: ____________________
Address: ________________________
____
Phone: _________________________
Email: __________________________

WILMINGTON TRUST

Exhibit A

[See Attached]

VILLAGE BOARD OF THE VILLAGE OF PERRY
RESOLUTION TO DIRECT COMMENCEMENT OF ACTION
ON BEHALF OF MUNICIPALITY
Adopted: _______________, 2023

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 ____ day of _______ 2023, commencing at __:___ p.m., at which time and place the following members were:

Present:	Mayor	____________________
	Trustee	____________________
	Trustee	____________________
	Trustee	____________________
	Trustee	____________________
Absent:	________	____________________

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 Catherine Banach is in violation of §465-14-B(2) of the Zoning Code of the Village of Perry relative to the property located at 94 Borden Avenue, Perry, New York 14530; and

WHEREAS, it appears to be in the best interest of the Village of Perry to prohibit Catherine Banach from continuing to be in violation of said Section of §465-14-B(2) 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 §465-14-B(2) of the Zoning Code of the Village against Catherine Banach 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 §465-14-B(2) of the Zoning Code of the Village of Perry and the seeking of permanent injunction.

Ayes: ___
Nays: ___
Quorum Present: __ Yes __ No
Dated: __________________, 2023

____
Christina Slusser, Clerk
Village of Perry

[SEAL]

Village of Perry
Village Board Meeting
11/6/2023

Clerk/Deputy Treasurer Report

FY 2023-2024
Abstract # 11
Vouchers #796 - 901

General Fund	$ 377,330.56
Special Grant Fund	$ 1,080.00
Water Fund	$ 43,308.38
Sewer Fund	$ 68,553.22
Capital Projects Fund	$ 3,662.37
Trust & Agency	$ 2,599.21
Silver Lake Watershed Commission	$ 37.99
Total	$ 496,571.73

- Vouchers were audited by Trustee Draper
- Prepaid to avoid late fees $ 2,282.26
- Breakdown of Capital Projects:

Silver Lake Trail Project	$ 2,084.62
Storm Drainage Improvements	$ 632.50
WWTP Project	$ 945.25