



Village of Perry Board of Trustees

Village Board Meeting • Agenda • Monday, May 6, 2024 • 7:30 PM

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

1. Open Meeting and Pledge of Allegiance
2. Public Comment
 - a. Public Hearing at 8:00pm for Round 8 Restore NY Grant Application for ½ S. Main Street
3. Presentations & Board Actions
 - a. Introduction and Oath of Office – Village Board Member, Richard Muolo
 - b. Approval of Minutes – April 15, 2024
 - c. Resolution Appointing Seasonal Laborer, Jase Stone
 - d. Resolution Approving Contract from Warren's Commercial Cleaning, Inc. for Cleaning Services for Village Hall
 - e. Resolution Approving Removal of Water and Sewer Penalties for 3132 Simmons Road
 - f. Resolution Adopting Policy for Delay in Base Rate Increases for Multi-Units
 - g. Resolution Acknowledging Delay for Base Rate Increase for Multi-Units
 - h. Resolution Proclaiming Village of Perry Arbor Day
 - i. Resolution Approving Memorandum of Understanding with the Perry Veteran's Club
 - j. Resolution Setting a Public Hearing and Authorizing the Expenditure of \$15,000.00 from the Repair Reserve Fund Subject to Permissive Referendum
 - k. Resolution to Submit an Application for the Round 8 Restore NY Communities Initiative Municipal Grant Program
4. Clerk/Deputy Treasurer's Report
5. Department/Committee Reports
6. Trustee Reports
7. Executive Session
 - a. To discuss collective negotiations pursuant to article fourteen of the civil service law

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
APRIL 15, 2024**

A Regular Board Meeting of the Village of Perry was held at the Village Hall, 46 North Main Street, Perry, New York at 7:30 pm on the 15th day of April 2024.

PRESENT:	Rick Hauser Dariel Draper Arlene Lapiana Joel Bouchard	Mayor Trustee Trustee Trustee
ALSO PRESENT:	Samantha Marcy Christina Slusser	Administrator Village Clerk
GUESTS:	Lorraine Sturm	Perry Herald
ABSENT:	Ernie Lawrence	Trustee, sadly missed

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

PUBLIC COMMENT

No comments.

MINUTES

Motion to approve the minutes from the annual organization meeting on April 1, 2024 was made by Trustee Lapiana, seconded by Trustee Draper, and carried unanimously.

RESOLUTION APPROVING PAYMENT FOR WASTEWATER TREATMENT PLANT PROJECT

WHEREAS, the Village Clerk has received Pay App #20 from the electrical contractor, M.W. Controls Service, Inc., for the wastewater treatment plant project in the amount of \$18,805.25 and

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

M.W. Controls Service, Inc.

\$18,805.25

Motion to adopt the resolution approving payment for the wastewater treatment plant project was made by Trustee Draper, seconded by Trustee Lapiana, and carried with all voting aye.

RESOLUTION APPROVING THE WYOMING COUNTY YMCA SUMMER RECREATION PROGRAM PROPOSAL

WHEREAS, the Parks Committee is recommending partnering with the Wyoming County YMCA for the summer recreation program; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the service proposal from the Wyoming County YMCA for the Village of Perry Summer Recreation Program and approves the one-time payment of \$2,500 for the 2024 program; and

BE IT FURTHER RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the Mayor to execute the proposal.

Trustee Bouchard made a motion to adopt the resolution approving the Wyoming County YMCA Summer Recreation Proposal which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION APPROVING PERRY FIRE DEPARTMENT AND LADIES AUXILIARY RESERVATION REQUESTS

WHEREAS, the Parks Committee has reviewed two requests from the Perry Fire Department and Ladies Auxiliary; and

WHEREAS, the Perry Fire Department is organizing the annual Fishing Derby on May 18, 2024; and

WHEREAS, the Perry Fire Department Ladies Auxiliary is organizing the annual Sea Serpent Softball Tournament on July 20, 2024, and July 21, 2024; and

WHEREAS, the Parks Committee is suggesting waiving the fee for the pavilion for the Fishing Derby and the softball fields for the Sea Serpent; and

WHEREAS, the Perry Fire Department Ladies Auxiliary will be responsible for direct costs of materials used during the Sea Serpent; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board hereby accepts the Perry Fire Department and Ladies Auxiliary reservation requests; and

BE IT FURTHER RESOLVED, the Village of Perry Board approves waiving the fee for the pavilion for the Fishing Derby and fields for the Perry Fire Department Ladies Auxiliary Sea Serpent Tournament.

Trustee Lapiana made a motion to adopt the resolution approving requests from the Perry Fire Department and Ladies Auxiliary which was seconded by Trustee Bouchard and carried with all voting aye.

RESOLUTION ADOPTING POLICY FOR MILITARY BANNERS

WHEREAS, the Parks Committee has been reviewing the Policy for Military Banners; and

WHEREAS, the Policy Statement reads as follows: “The purpose of this policy is to establish regulations under which the Village of Perry will permit the use of poles to display Military Banners. The display of the Military Banners will contribute to the community’s quality of life and will be used to recognize those who are currently serving or have served in the United States Armed Forces.”; and

WHEREAS, the Parks Committee is recommending the approval of the Policy for Military Banners; and

BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the Policy for Military Banners effective April 15, 2024.

It was noted that an MOU will still be needed with the requesting organization. Motion was made by Trustee Lapiana to adopt the policy for military banners. This motion was seconded by Trustee Draper and carried with all voting aye.

RESOLUTION APPOINTING FULL-TIME POLICE OFFICER, ZACHARY FLEISS

WHEREAS, there is a vacancy for a Full-Time Police Officer due to a recent resignation; and

WHEREAS, Chief Grover is requesting the hiring of Officer Zack Fleiss as a Full-Time Police Officer; and

WHEREAS, Chief Grover is requesting starting Officer Fleiss on step 4 as he has over 10 years of service and a variety of certifications and trainings; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board of Trustees hereby approves the hiring of Officer Zack Fleiss as a full-time, benefit eligible, Police Officer with a starting hourly rate of \$30.72 effective April 28, 2024.

Trustee Lapiana made a motion to appoint full-time police officer, Zachary Fleiss which was seconded by Trustee Draper and carried with all voting aye.

RESOLUTION APPROVING DELINQUENT PAYMENTS TO BE ADDED TO REAL PROPERTY TAX BILLS

WHEREAS, per Village Law Section 355-106, delinquent water and sewer charges can be levied to the real property tax of a parcel with a \$25 fee per account; and

WHEREAS, per Village Law Section 465-3, the cost for removal of brush, grass, and weeds that remain unpaid shall be added to and become and form part of the taxes; and

WHEREAS, per Village Law Section 465-18, the Village Board shall charge and assess against the owner, tenant or occupant of a property, the expense for removal of property maintenance violations and constitute a lien and charge on the real property on which it is levied; and

WHEREAS, the Village Clerk has provided a list of unpaid charges as totaled below:

Unpaid Water/Sewer Charges	\$6,544.32
Unpaid Garbage Removal invoices	\$590.00
Unpaid Lawn Mowing invoices	\$8,427.50
Unpaid Legal Fees	\$1,885.37
Total	\$17,447.19

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees authorizes the Village Clerk to submit the listing attached to this resolution to the Wyoming County Real Property Office for delinquent payments totaling \$17,447.19 to the parcel's real property tax bill for 2024-2025.

Trustee Draper made a motion to adopt the resolution approving delinquent payments to be added to real property tax bills which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION ADOPTING THE 2024-2025 FISCAL YEAR VILLAGE OF PERRY OPERATING BUDGET

WHEREAS, the Village of Perry Board of Trustees held a public hearing on April 1, 2024 at 8:00pm on the tentative budget including the Village's general, water and sewer funds, and elected officials salaries; and

WHEREAS, the 2024-2025 fiscal year budget with a total amount of \$5,067,042 is tax cap compliant; and

BE IT RESOLVED, that the Tentative budget is hereby adopted and approved by the Village of Perry Board of Trustees and is hereby established as the annual budget for the Village of Perry for the 2024-2025 fiscal year; and

BE IT FURTHER RESOLVED, that the Village Administrator and Village Clerk shall prepare and certify the 2024-2025 budget as provided by law, and duplicate copies of the 2024-2025 adopted budget shall be given to the Mayor, the Village Board, Village Department Heads and submitted to the New York State Office of the Comptroller.

Trustee Lapiana made a motion to adopt the 2024-2025 operating budget for the Village of Perry which was seconded by Trustee Draper and carried unanimously.

RESOLUTION AUTHORIZING BUDGET TRANSFERS AND BUDGET AMENDMENT TO THE 2023-2024 VILLAGE BUDGET

WHEREAS, the Village Administrator is proposing the following Budget Transfers to correct overspent accounts for the 2023-2024 fiscal year:

General Fund:

Increase:	A1110.4 (Village Justice-Contractual)	\$1,112.70	
Decrease:	A1110.11 (Village Justice-Court Clerk)		\$1,112.70
Increase:	A1670.4 (Print & Mail – Contractual)	\$124.95	
Decrease:	A1680.4 (Data Processing – Contractual)		\$124.95
Increase:	A1325.4 (Treasurer - Contractual)	\$2,547.83	
Decrease:	A1910.4 (Unallocated Insurance)		\$2,547.83
Increase:	A3120.12 (Police – Part-Time)	\$10,651.84	
Decrease:	A3120.1 (Police – Full-Time)		\$10,651.84
Increase:	A5132.42 (Garage- Utilities)	\$193.68	
Decrease:	A5132.4 (Garage - Contractual)		\$193.68

Sewer Fund:

Increase:	G8130.4 (Sewage Treatment-Contractual)	\$18,482.95	
Decrease:	G1910.4 (Contingency)		\$18,482.95

WHEREAS, the Perry Village Court received a Justice Court Assistance Program (JCAP) grant in the amount of \$53,303.70 for renovations and upgrades to the court room and court offices; and

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

Increase Revenue:	A3021 (JCAP Grant)	\$53,303.70
Increase Expense:	A1110.4 (Court Contractual)	\$53,303.70

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the Village Administrator to make the above budget transfer and amendment for the 2023-2024 fiscal year; and

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

Motion was made by Trustee Draper to authorize the above budget transfers and amendment to the 2023-2024 village budget. This motion was seconded by Trustee Lapiana and carried unanimously.

RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR THE ROUND 8 RESTORE NY COMMUNITIES INITIATIVE MUNICIPAL GRANT PROGRAM

WHEREAS, the Empire State Development Corporation is requesting funding proposals for the eighth round of the Restore NY Municipal Grant program; and

WHEREAS, grant funds are available for projects to demolish/deconstruct and/or rehabilitate/reconstruct vacant, abandoned, surplus and/or condemned residential, commercial and/or mixed-use buildings; and

WHEREAS, an important goal of Restore NY is to revitalize urban centers, rural areas, and disadvantaged communities. It is anticipated that upon completion, the projects funded by Restore NY grants will attract individuals, families, and industry and commercial enterprises to the municipality. It is further anticipated that the improved community and business climate will result in an increased tax base thereby improving municipal finances and the wherewithal to further grow the municipality's tax and resource base, lessening its dependence on state aid; and

WHEREAS, Villages with populations less than 40,000 can apply for up to \$2,000,000 in grant funding; and

WHEREAS, a public hearing on the application and properties involved in the application is required prior to submission; and

NOW THEREFORE, LET IT BE RESOLVED by the Village of Perry Board that it hereby schedules a public hearing for the Round 8 Restore NY application for May 6, 2024 at 8 p.m. at Village Hall, 46 North Main Street, Perry, NY, 14530; and

BE IT FURTHER RESOLVED, that a Notice of said hearing will be published for three consecutive weeks in the Perry Herald; and

BE IT FURTHER RESOLVED, that it will include the following property assessment list:

<i>Site</i>	<i>Size (sq. ft)</i>	<i>Building Type</i>	<i>Project Type</i>	<i>Building Category</i>
½ S. Main Street	16,000	Comm./Res.	Rehabilitation	Vacant

Mayor Hauser made a motion to adopt the resolution to schedule a public hearing for the Restore NY grant program which was seconded by Trustee Draper and carried with all voting aye.

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

Adopted: April 15, 2024

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 15th day of April 2024, commencing at 7:30pm, at which time and place the following members were:

Present:	Mayor	Rick Hauser
	Trustee	Dariel Draper
	Trustee	Arlene Lapiana
	Trustee	Joel Bouchard
Absent:	Trustee	Ernie Lawrence (sadly missed)

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 DLJ Mortgage Capital Inc. is in violation of §465-14-B(2) of the Zoning Code of the Village of Perry relative to the property located at 54 Leicester Street, Perry, New York 14530; and

WHEREAS, it appears to be in the best interest of the Village of Perry to prohibit DLJ Mortgage Capital, Inc. from allowing the violation(s) of said Section of §465-14-B(2) of the Zoning Code of the Village of Perry to continue; 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 DLJ Mortgage Capital, Inc., to ensure that this property is brought into compliance with said Law.

NOW ON MOTION OF Trustee Draper which has been duly seconded by Trustee Lapiana, 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: 4

Nays: 0

Quorum Present: X Yes No

Dated: April 15, 2024

CLERK/DEPUTY TREASURER REPORT

FY 2023-2024

Abstract # 22

Vouchers # 1663 - 1766

General Fund	\$ 94,235.49
Special Grant Fund	\$ -
Water Fund	\$ 11,432.29
Sewer Fund	\$ 96,377.30
Capital Projects Fund	\$ 18,805.25
Trust & Agency	\$ 1,066.76
Silver Lake Watershed Commission	\$ 53.25
Total	\$ 221,970.34

Vouchers were audited by Trustee Lapiana. Trustee Draper made a motion to approve payment of abstract #22, vouchers #1663-1766 in the amount of \$221,970.34. Trustee Bouchard seconded the motion and it was carried with all voting aye. The NYCLASS statement for March 3, 2024 was provided.

DEPARTMENT REPORTS

Reports were reviewed for the following departments: Police, DPW and Parks, Water Treatment Plant and Wastewater Treatment Plant.

COMMITTEE & TRUSTEE REPORTS

There is a kickoff meeting for drinking water source protection (DWSP2) tomorrow at 2:00 pm. This is a technical assistance planning grant for things affecting the source of drinking water.

The Fire Committee is working on a grant application for equipment for the Fire Department which is due April 30th and also working out the details for the Memorial Day parade.

Trustee Bouchard, also a member of the Tree Board, reported that June 29th is the date the Tree Board would like to hold the annual Arbor Day celebration this year, to coincide with the official opening of the Silver Lake Trail. A resolution is planned for an upcoming meeting.

Mayor Hauser informed that the village continues to work on a mobile food vehicle law, with hopes to review a draft at the next meeting and schedule a public hearing.

Final paperwork has been signed and sent to DASNY for the SAM grant.

On 3/27/24, The DOT acknowledged a request to lower the speed limit on Oatka Road to the village line and will do a traffic study.

Regarding the Boardwalk project, current contractors are not interested or able to proceed, so the DPW Superintendent is looking for second quotes.

Buffalo Solar looked at doing a solar project on the roof of the storage building at the Wastewater Treatment Plant. The village is unable to do a 30-year bond, so Mayor Hauser is interested in exploring another option for a partner to build and take ownership of the panels and sell the electricity to the village as a different approach to clean energy.

EXECUTIVE SESSION

At 8:02 pm, Mayor Hauser made a motion to enter executive session to discuss collective negotiations pursuant to article fourteen of the civil service law and to discuss the employment history of a particular individual.

At 8:41 pm, Mayor Hauser made a motion to exit the executive session which was seconded by Trustee Draper and carried.

APPOINTMENTS

Mayor Hauser appointed Village Administrator, Samantha Marcy, to the open position as a village representative on the Silver Lake Watershed Commission, requesting the board's approval. Motion to approve the appointment was made by Trustee Draper, seconded by Trustee Lapiana, and carried unanimously.

Mayor Hauser appointed Trustee Bouchard to Letchworth Community Access (LCA). Trustee Draper made a motion to approve Mayor Hauser's appointment which was seconded by Trustee Lapiana and carried.

Mayor Hauser appointed Richard Muolo to the vacant seat on the board, to fill the unexpired term which was held by Trustee, Ernie Lawrence. Trustee Draper made a motion to endorse Mayor Hauser's appointment which was seconded by Trustee Bouchard and carried unanimously. Richard Muolo will serve as a Village Trustee effective May 6, 2024.

At 8:45 pm, Trustee Draper made a motion to adjourn the meeting which was seconded by Trustee Lapiana and carried.

Respectfully submitted,
Christina Slusser, Village Clerk



RESOLUTION APPOINTING SEASONAL LABORER, JASE STONE

WHEREAS, Mr. Jase Stone has been employed with the Village's Parks Department since May 2021; and

WHEREAS, the Superintendent of Public Works is requesting the appointment of Mr. Stone for the 2024 season; and

BE IT RESOLVED, that the Perry Village Board of Trustees does hereby appoint Mr. Jase Stone as a Seasonal Laborer designated to the Parks Department at a rate of \$15.30 per hour effective May 7, 2024.



**RESOLUTION APPROVING CONTRACT FROM WARREN'S COMMERCIAL CLEANING, INC. FOR
CLEANING SERVICES FOR VILLAGE HALL**

WHEREAS, the Village of Perry has received a Janitorial Services Contract from Warren's Commercial Cleaning, Inc. in an amount of \$655.00 per month; and

WHEREAS, the Village of Perry currently contracts with Warren's Commercial Cleaning, Inc. for janitorial services; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby accepts Warren's Commercial Cleaning, Inc. proposal for cleaning services at Village Hall in an amount of \$655.00 per month from June 1, 2024 until May 31, 2025 and authorizes the Village Administrator to sign the contract.

JANITORIAL SERVICES CONTRACT

THIS AGREEMENT is made and entered into this 2nd day of May 2024 (herein "Contract")

BETWEEN: VILLAGE OF PERRY (herein "Customer") and **WARREN'S COMMERCIAL CLEANING, INC.** with office located at 454 North Main Street, Warsaw, NY 14569 (herein "Contractor").

WHEREAS:

- A. The Customer requires cleaning services as set out in Schedule A (herein "Services") hereto for a commercial facility located at 46 North Main Street, Perry, NY 14530 (herein "Building");
- B. The Contractor wishes to provide the Services for the Building, on the terms and conditions hereafter set out.

NOW, THEREFORE, the parties hereto agree as follows:

1. The Customer shall trade the Contractor the sum of Six Hundred-Fifty-Five Dollars (\$655.00) per month for the provision of the Services, plus applicable taxes. The Contractor shall invoice the Customer at the end of each month, and the Customer shall remit payment within 30 days of receipt of the Contractor's invoice.
2. This Contract shall commence on the 1st day of June, 2024 and shall terminate on the 31st day of May 2025. This Contract may only be terminated upon prior written notice to the other party. Either party may terminate this Contract, with or without cause, upon fifteen (15) days' written notice to the other party. If Customer claims that any Service performed by the Contractor under this Contract is unsatisfactory, it must be reported in writing within five (5) days of the unsatisfactory Service. The Customer reserves the right to terminate this Contract immediately in the event that any Services continue to be unsatisfactory.
3. The Contractor shall provide the Services in a proper and skillful manner and to a professional standard. The Contractor shall provide all labor and supplies to complete the Services. The Customer shall provide a secure place for Contractor's supplies. The supplies are for sole use by the Contractor. The Contractor shall be allowed to charge the Customer for the cost of any supplies stored at the Customer's Building needing replacement or repair due to use by the Customer. The Customer shall provide adequate trash disposal facilities.
4. The Customer shall provide the Contractor with keys, fobs, swipe cards and alarm codes needed to access the building and all areas for the performance of the Services. If a Building or area cannot be entered due to the Customer changing access without notifying the Contractor, the Contractor shall be allowed to charge the Customer for lost time.

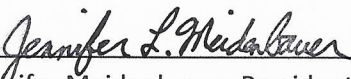
5. The Contractor shall be fully bonded and insured and shall maintain such insurance against any risks which may be incurred in the performance of the Services. The Contractor shall supply the Customer, upon request, with copies of the insurance certificates.
6. The Contractor, at its sole expense, shall furnish its employees with an identifying garment. All of the Contractor's employees shall be required to wear such garment when providing Services in the Building.
7. The Customer may request additions or changes to the Services. Such changes must be initiated by a written change order signed by an authorized representative of each party. The change order shall describe the additions and/or changes and shall state the additional cost or cost reduction, and any schedule changes. Verbal change orders shall be of no effect, except in cases of an emergency which threatens personal injury or property damage.

IN WITNESS WHEREOF, the Customer and Contractor have executed this Agreement as of the date first written above.

VILLAGE OF PERRY

Samantha Marcy

WARREN'S COMMERCIAL CLEANING, INC.



Jennifer Meidenbauer, President

SCHEDULE A

- Machine vacuum all carpeted areas and all rugs/runners
- Broom sweep and damp mop all tile and hard surface flooring including areas under rugs/runners
- Dust mop and/or damp mop all plastic mats under desks
- Dust all office furniture
- Wipe all tables and countertops in all rooms
- High and low dust (baseboards, doors, window sills, picture frames, wall, vents, etc.) in all rooms/bathrooms/kitchens
- Empty all waste baskets, replace liners as necessary
- Empty all recycling baskets, replace liners as necessary
- Clean all display glass, reception windows, doors, and vending machines
- Wipe all telephones, computers, computer stands, keyboards, mice, calculators, etc. of soil/fingerprints

Thoroughly clean/sanitize all facility restrooms and locker rooms

- Perform other cleaning tasks as listed above under "General"
- Clean/sanitize toilets, urinals, sinks, showers, countertops, etc.
- Clean/sanitize sinks, countertops, spot clean/polish all metalwork
- Wash mirrors, walls, lockers, wall switches, from soil and fingerprints
- Refill all dispensers
- Empty all waste baskets, replace liners as necessary

Customer will supply hand towels, hand soap, toilet paper, waste receptacles and disposable liners.
Contractor will place all trash in designated area.

Contractor will provide Services once a week on Tuesday. If the scheduled Services date is a holiday, both parties must come to a mutually agreeable date as an alternative.



RESOLUTION APPROVING REMOVAL OF WATER AND SEWER PENALTIES FOR 3132 SIMMONS ROAD

WHEREAS, the Village of Perry received a request from the owner of 3132 Simmons Road to remove the penalties on the water and sewer account (account #32643); and

WHEREAS, payment was received by the Village after the due date of the bill resulting in penalties to be applied; and

WHEREAS, the property owner provided proof that the payment was withdrawn from his bank account three business days before the due date; and

WHEREAS, the Public Works Committee has reviewed the request and is recommending removing the penalties to the water and sewer account #32643; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board of Trustees hereby approves the removal of penalties of \$90.25 for 3132 Simmons Road (account #32643) and authorizes the Village Clerk or designee to adjust the account.

STAFF REPORT

From: Amanda Bouchard

To: DPW Committee

Date: April 5th, 2024

Re: Petition to Waive Penalties



This staff report reviews a request to waive penalties for 3132 Simmons Rd. (acct# 32643)

Stephen Semo: Penalty – Proof of payment draft was received on 4/4/2024 from Stephen Semo, owner of 3132 Simmons Rd. Mr. Semo's Water & Sewer payment was received by the Clerk's Office on 2/5/2024 with no postmark. As a result, penalties in the amount of \$9.03 were applied.

On 4/1/2024, the Clerk's Office received a call from Mr. Semo to inquire about a charge on his Water & Sewer bill, WAR, that he had never seen before. It was explained that his payment was received after the due date with no postmark, therefore penalties were applied and now show as arrears on the current bill. Mr. Semo stated that his bill was sent directly from the bank and does not understand how it was not received on time. On 4/4/2024, Mr. Semo came to the Clerk's Office with a copy of his bank statement showing his Water & Sewer payment was drafted from his account on 1/26/2024, three business days before the due date of 1/31/2024.

Request

Considering Mr. Semo provided proof that his payment was drafted from his bank account three business days before the due date and, his payment history back to April 2020 shows no late payments, the request is to waive \$9.03 in penalties leaving Mr. Semo with only the current charges of \$90.25.



RESOLUTION ADOPTING POLICY FOR DELAY IN BASE RATE INCREASES FOR MULTI-UNITS

WHEREAS, on May 2, 2022, the Village of Perry Board of Trustees adopted the local law entitled “Chapter 355 Sewer Law” and implemented additional base rate charges to a building or structure that contains one or more separate apartments, effective June 1, 2023; and

WHEREAS, the Policy Statement reads as follows: “The purpose of this policy is to provide ample notification to property owners of multi-unit housing of an increase in water and sewer base rate charges to coincide with the number of units within their building or structure.”; and

WHEREAS, as additional multi-units are discovered, it will be the policy of the Village Board of Trustees to authorize the Village Clerk or designee to apply a one billing cycle delay in the additional unit(s) increases to allow sufficient notification to the homeowner; and

WHEREAS, the Public Works Committee is recommending the approval of the Policy for Delay in Base Rate Increases for Multi-Units; and

BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the Policy for Delay in Base Rate Increases for Multi-Units effective May 6, 2024.

MAYOR
Rick Hauser

TRUSTEES
Dariel Draper
Ernie Lawrence
Arlene Lapiana
Joel Bouchard



**ADMINISTRATOR/
TREASURER**
Samantha Marcy

**VILLAGE CLERK/
DEPUTY TREASURER**
Christina Slusser

Policy for Delay in Base Rate Increases for Multi-Units *Adopted 05/06/2024*

Background

On May 2, 2022, the Village of Perry Board of Trustees adopted the local law entitled “Chapter 355 Sewer Law”. As part of the revisions to the law, the Village implemented additional base rate charges to a building or structure that contains one or more separate apartments, effective June 1, 2023. An apartment is defined as a portion of a house, building, or other structure consisting of a group of rooms containing sleeping, cooking, and eating facilities and arranged to be occupied by the members of a family. Notifications were sent to homeowners of multi-unit housing in May of 2022.

The increase in sewer rates and multi-unit charges was to fund necessary improvements at the Waste Water Treatment Facility, a plant that was originally built in 1970, and had outlived its useful lifespan. New technology, new regulatory requirements, and an aging sewer infrastructure required a major upgrade to the Waste Water Treatment Facility.

Policy Statement

The purpose of this policy is to provide ample notification to property owners of multi-unit housing of an increase in water and sewer base rate charges to coincide with the number of units within their building or structure.

Approval

As additional multi-units are discovered, it will be the policy of the Village Board of Trustees to authorize the Village Clerk or designee to apply a one billing cycle delay in the additional unit(s) increases to allow sufficient notification to the homeowner.

A list of discovered multi-units shall be provided to the Village Board of Trustees at the first monthly meeting accompanied by an acknowledgement resolution.



RESOLUTION ACKNOWLEDGING DELAY FOR BASE RATE INCREASES FOR MULTI-UNITS

WHEREAS, on May 2, 2022, the Village of Perry Board of Trustees adopted the local law entitled “Chapter 355 Sewer Law” and implemented additional base rate charges to a building or structure that contains one or more separate apartments, effective June 1, 2023; and

WHEREAS, on May 6, 2024, the Village of Perry Board of Trustees adopted the Policy for Delay in Base Rate Increase for Multi-Units for newly discovered multi-units to receive a one billing cycle delay in additional unit(s) increases to allow sufficient notification to the homeowner; and

WHEREAS, the following addresses have been discovered as multi-units and will receive a one billing cycle delay before additional units are charged:

<u>Tax Map #</u>	<u>Address</u>	<u>Account #</u>	<u># of units</u>
100.8-1-7	69 Water Street	21099	2
100.14-1-19.1	3746 (40) Walker Road	41997	5

BE IT RESOLVED, that the Perry Village Board of Trustees hereby acknowledges the delay in increases for the accounts as provided in this resolution.



- WHEREAS,** In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
- WHEREAS,** This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and
- WHEREAS,** Arbor Day is now observed throughout the nation and the world, and
- WHEREAS,** Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and
- WHEREAS,** Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and
- WHEREAS,** Trees in our village increase property values, enhance the economic vitality of business areas, and beautify our community, and
- WHEREAS,** trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I Rick Hauser, Mayor of the Village of Perry,
do hereby proclaim June 29, 2024 as

Arbor Day



In the Village of Perry and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees and promote the well-being of this and future generations.

Rick Hauser, Mayor of the Village of Perry



RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING WITH THE PERRY VETERAN'S CLUB

WHEREAS, on April 15, 2024 the Village of Perry Board of Trustees adopted the Policy for Military Banners; and

WHEREAS, the Village of Perry and the Perry Veteran's Club wish to enter into an MOU to allow military banners within the Village limits; and

BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the Memorandum of Understanding with the Perry Veteran's Club.

Memorandum of Understanding

THIS MEMORANDUM OF UNDERSTANDING (hereinafter referred to as the “MOU”), made and entered into as of the ____ day of _____, 20__, by and between the Village of Perry, with offices located at 46 North Main Street, Perry, New York 14530, (hereinafter referred to as the “Village”) and Perry Veteran’s Club located at 64 Lake Street, Perry, New York 14530.

WHEREAS, the Village and the Perry Veteran’s Club wish to enter into this MOU to allow Military Banners within the Village limits. The parties mutually agree the following:

1. Ownership of the banners shall be transferred to the Village of Perry effective the date of this agreement, or as soon as possible after production.
2. Due to staff availability and unforeseen circumstances, the Village will make reasonable effort to hang the banners prior to Memorial Day and remove after Veteran’s Day.
3. A maximum of thirty-six (36) banners can be hung on Main Street from the Village Northern limits to Gardeau Street and Village Southern limits to Bradford Street.
4. Banners shall be hung for the 2024 and 2025 years. Following Veteran’s Day in 2025, banners shall be given to the respective family members by the end of the calendar year.
5. The design of the banners is attached to this agreement and approved by both parties.

WHEREAS, the Village and the Perry Veteran’s Club find it in their interest to execute this MOU.

IN WITNESS WHEREOF, the parties have duly executed this MOU as of the date first written above with an effective end date of December 31, 2025.

VILLAGE OF PERRY

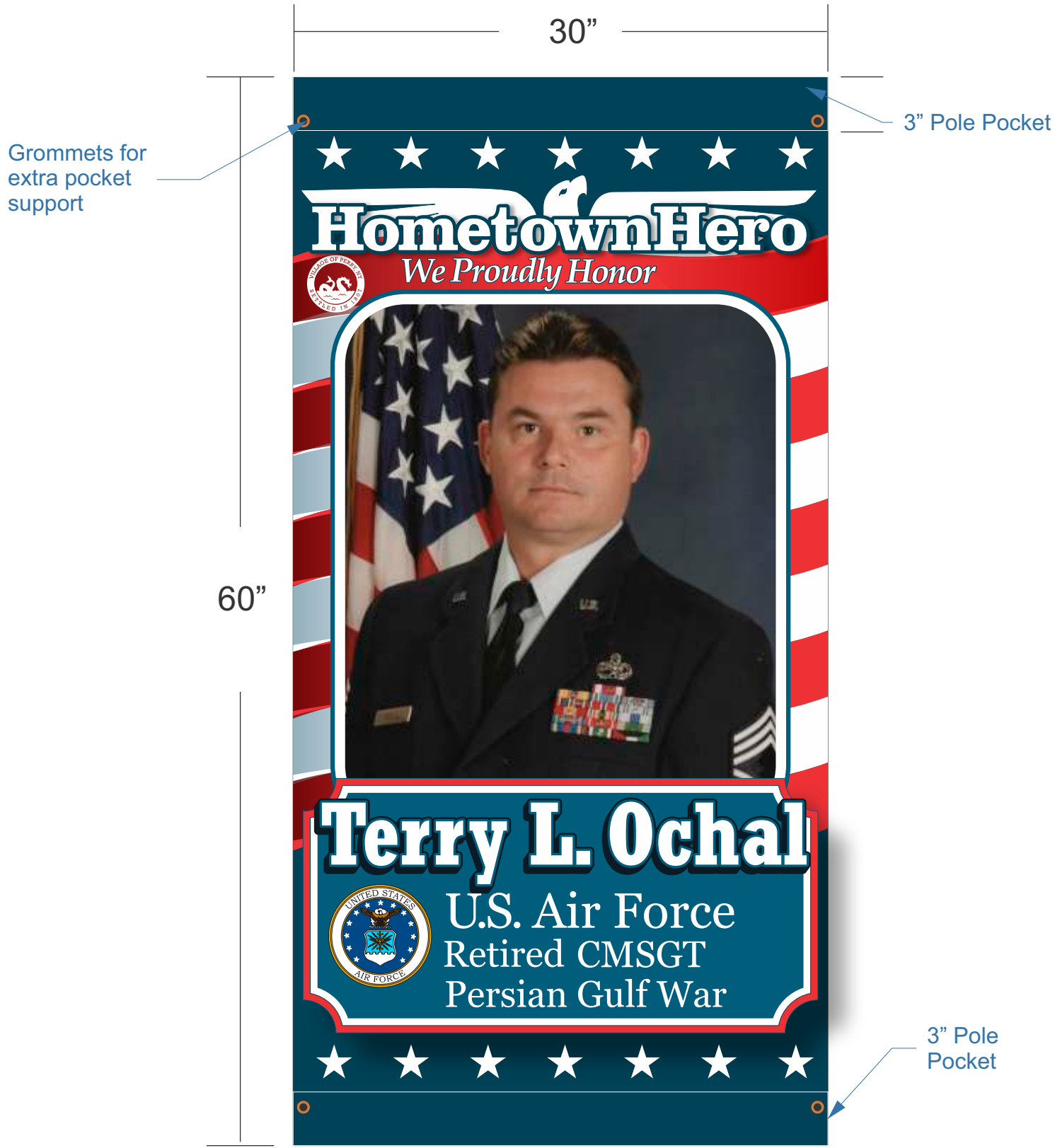
PERRY VETERAN’S CLUB

Frederic Hauser, Mayor

Dennis Hewitt, President

Perry Vets Club/Village of Perry

'Hometown Heroes' Banner 2-sided



**VILLAGE OF PERRY VILLAGE BOARD
RESOLUTION SETTING A PUBLIC HEARING AND AUTHORIZING THE
EXPENDITURE OF \$15,000.00 FROM THE REPAIR RESERVE FUND
SUBJECT TO PERMISSIVE REFERENDUM**

The Village Board of the Village of Perry met at a Village Board meeting at the Village Offices in the Village of Perry, New York on the 6th day of May 2024, commencing at 7:30 p.m. at which time and place the following members were:

Present:	Mayor	_____
	Trustee	_____
	Trustee	_____
	Trustee	_____
	Trustee	_____

Absent:

WHEREAS, all Village Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Village of Perry, pursuant to Section 6-c of the General Municipal Law, duly established a Repair Reserve Fund on the 4th day of May 2009 to pay the cost of certain repairs of capital improvement or equipment deemed necessary by the Village Board; and

WHEREAS, the Village Board of the Village of Perry has determined that it is necessary and in the best interests of said Village to repair the tennis courts at the Perry Village Park; and

WHEREAS, the available balance of the Repair Reserve Fund as of May 3, 2024 is \$107,543.45; and

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

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Perry has determined that it is in the best interest of said Village to repair the tennis courts at the Perry Village Park; and be it further

RESOLVED, that the Village Board of the Village of Perry will hold a public hearing on the proposed action on the 20th day of May, 2024 at 8:00p.m., at which time all interested parties and citizens for or against the proposed action will be heard; and

RESOLVED, that the Village Board of the Village of Perry authorizes the Mayor of the Village of Perry to, contingent upon the passage of the permissive referendum period required under law without petition for a permissive referendum, to expend \$15,000.00 from the Repair Reserve fund for the repair of the tennis courts at the Perry Village Park; and be it further

RESOLVED, that the Village Clerk hereby is directed to publish an abstract of this resolution concisely stating the purpose and effect thereof in the Village's Official newspaper within ten (10) days after the date of the adoption; and be it further

RESOLVED, that said resolution shall not take effect until thirty (30) days after its adoption or until approved by the affirmative vote of a majority of the qualified electors of the Village of Perry.

Aye: _____

Nay: _____

Quorum Present: _____ Yes _____ No

Dated:

SEAL

Christina Slusser, Village Clerk
Village of Perry



RESOLUTION TO SUBMIT AN APPLICATION FOR THE ROUND 8 RESTORE NY COMMUNITIES INITIATIVE MUNICIPAL GRANT PROGRAM

WHEREAS, the Empire State Development Corporation is requesting funding proposals for the eighth round of the Restore NY Municipal Grant program; and

WHEREAS, grant funds are available for projects to demolish/deconstruct and/or rehabilitate/reconstruct vacant, abandoned, surplus and/or condemned residential, commercial and/or mixed-use buildings; and

WHEREAS, an important goal of Restore NY is to revitalize urban centers, rural areas, and disadvantaged communities. It is anticipated that upon completion, the projects funded by Restore NY grants will attract individuals, families, and industry and commercial enterprises to the municipality. It is further anticipated that the improved community and business climate will result in an increased tax base thereby improving municipal finances and the wherewithal to further grow the municipality's tax and resource base, lessening its dependence on state aid; and

WHEREAS, Villages with populations less than 40,000 can apply for up to \$2,000,000 in grant funding;

NOW THEREFORE, LET IT BE RESOLVED by the Village of Perry Board hereby authorizes submission of a Restore NY grant application not to exceed \$2,000,000 for the Bridge Creek Residences project in downtown Perry; and

BE IT FURTHER RESOLVED, that the Administrator of the Village of Perry, Wyoming County, New York, is hereby authorized as the official representative of the Village of Perry to execute and submit the Restore NY application, all understandings and assurances contained therein, and is also hereby authorized to execute any grant agreements or documentation to implement the grant.

BE IT FURTHER RESOLVED, that project meets the following objectives:

- (1) The project is consistent with the Village of Perry Comprehensive Plan and DRI Strategic Plan
- (2) The proposed financing for the project is appropriate and committed.

(3) The project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources.

(4) The project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities where applicable.

Village of Perry
Village Board Meeting
5/6/2024

Clerk/Deputy Treasurer Report

FY 2023-2024

Abstract # 23

Vouchers # 1767 - 1883

General Fund	\$ 122,403.65
Special Grant Fund	
Water Fund	\$ 30,128.97
Sewer Fund	\$ 381,383.12
Capital Projects Fund	\$ 7,471.75
Trust & Agency	\$ 1,977.33
Silver Lake Watershed Commission	\$ 2,619.23
Total	\$ 545,984.05

- Vouchers were audited by Trustee Draper
- Prepaid to avoid late fees \$ 2,418.77
- Breakdown of Capital Projects:
 - Beach Project \$ 5,600.00
 - CDBG Stormwater \$ 230.00
 - WTP Project \$ 646.75
 - WWTP Project \$ 995.00
- Debt Service Payments:
 - WWTP Ban \$ 354,625.00
 - Snow Plow Truck \$ 6,172.50
 - 2005 Fire Truck \$ 15,690.00
 - 2020 Fire Truck \$ 43,836.25