



Village of Perry Board of Trustees

Village Board Meeting • Agenda • Monday, January 6, 2025 • 7:30 PM

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

1. Open Meeting and Pledge of Allegiance
2. Public Comment
3. Presentations & Board Actions
 - a. Approval of Minutes – December 16, 2024
 - b. Resolution Approving Retainer with Village Attorney
 - c. Resolution Establishing Polling Location and Hours for 2025 Village Election
 - d. Village Administrator – Budget Overview
4. Clerk/Deputy Treasurer's Report
5. Department/Committee Reports
6. Trustee Reports
7. Executive Session

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
DECEMBER 16, 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 16th day of December 2024.

PRESENT:	Rick Hauser	Mayor
	Arlene Lapiana	Trustee
	Joel Bouchard	Trustee
	Richard Muolo	Trustee
	Robin Kwiecien	Trustee
ALSO PRESENT:	Samantha Marcy	Administrator
	Christina Slusser	Village Clerk
GUESTS:	David Spink	Fire Chief
	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 comments.

MINUTES

Trustee Lapiana made a motion to approve the minutes from the last meeting on December 2, 2024 which was seconded by Trustee Muolo and carried with all voting aye.

RESOLUTION ACCEPTING RESIGNATION OF POLICE OFFICER, HUNTER ANDERSON

WHEREAS, Officer Hunter Anderson has tendered his resignation from the position of Police Officer effective December 14, 2024; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board hereby accepts the resignation of Officer Anderson and wishes him well with future endeavors.

Mayor Hauser made a motion to approve the resolution accepting the resignation of Officer Anderson which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION APPROVING AGREEMENT FROM LABELLA FOR ADMINISTRATION SERVICES FOR THE SMALL PROJECT FUND

WHEREAS, the Village of Perry Board of Trustees approved the proposal from LaBella for the DRI Small Project Fund Administration in an amount not to exceed \$49,500.00 at their December 2, 2024 meeting; and

BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the agreement from LaBella in an amount not to exceed \$49,500.00 and authorizes the Mayor to sign the Professional Services Agreement.

Mayor Hauser sought a motion for the approval to work with LaBella. Trustee Lapiana made a motion to adopt the resolution approving the agreement from LaBella for administration services in an amount not to exceed \$49,500 for the Small Project Fund which was seconded by Trustee Kwiecien and carried unanimously.

RESOLUTION AUTHORIZING USE OF AMERICAN RESCUE PLAN ACT FUNDS AND TRANSFER TO CAPITAL PROJECT BUDGET

WHEREAS, the Village of Perry was awarded \$357,742.50, in American Rescue Plan Act (ARPA) funds; and

WHEREAS, the Village of Perry Board of Trustees previously approved utilizing \$75,000.00 of ARPA funds towards the Silver Lake Trail Boardwalk Project; and

WHEREAS, the Village Administrator is requesting utilizing \$75,000.00 of ARPA funds towards the new DPW Leaf Machine instead of using the Equipment Reserve; and

WHEREAS, funding for the Silver Lake Trail Boardwalk Project can be allocated from the general fund unallocated fund balance instead of ARPA funds; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the use of ARPA funds towards the DPW Leaf Machine in an amount not to exceed \$75,000.00; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the transfer of \$75,000.00 to the Silver Lake Trail Boardwalk Capital Project Fund (HD) from the general fund unallocated fund balance.

Trustee Bouchard made a motion to adopt the resolution authorizing the use of ARPA funds and transfer to the capital projects budget. This motion was seconded by Trustee Muolo and carried unanimously.

RESOLUTION AUTHORIZING BUDGET TRANSFERS TO THE 2024-2025 VILLAGE BUDGET

WHEREAS, the Village Administrator is proposing the following Budget Transfers to correct overspent accounts for the 2024-2025 fiscal year:

General Fund:

Increase:	A1010.41 (Board of Trustees – Labor Relations)	\$110.00	
Decrease:	A1325.4 (Treasurer – Contractual)		\$110.00
Increase:	A7020.11 (Rec. Admin - Overtime)	\$100.02	
Decrease:	A7020.1 (Rec. Admin – Pers Serv)		\$100.02
Increase:	A9015.8 (Police Retirement)	\$2,542.00	
Decrease:	A9010.8 (State Retirement)		\$2,542.00

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the Village Administrator to make the above budget transfers for the 2024-2025 fiscal year; and

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

Trustee Lapiana made a motion to adopt the resolution authorizing the budget transfers above which was seconded by Trustee Bouchard and carried with all voting aye.

RESOLUTION APPROVING MUNICIPAL SHARED SERVICES AGREEMENT BETWEEN THE TOWN OF PERRY AND THE VILLAGE OF PERRY TO PROVIDE POLICE PROTECTION

WHEREAS, the Village of Perry Board of Trustees had requested a speed limit reduction on Lake Street and Walker Road/Silver Lake Road within the Town of Perry just outside the village limits; and

WHEREAS, the speed limits in this area are directly impacting the safety of residents within the village and posing a traffic safety hazard; and

WHEREAS, Lake Street is a main entrance to the Village of Perry with a lot of foot traffic from the Silver Lake Meadows apartment complex and the Perry Village Park; and

WHEREAS, Walker Road/Silver Lake Road has seen increased pedestrian and cyclist activities since the completion of the Silver Lake Trail; and

WHEREAS, these sections of roads are outside of the village limits and the Chief of Police is requesting the ability to patrol outside the village limits, as identified in Appendix A, for the increased safety of village residents; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the Shared Services Agreement with the Town of Perry and authorizes the Mayor to sign the agreement.

Trustee Bouchard made a motion to adopt the resolution approving the municipal Shared Services Agreement between the Town of Perry and the Village of Perry to provide police protection. This motion was seconded by Trustee Lapiana and carried unanimously.

RESOLUTION ADOPTING UPDATED VILLAGE OF PERRY DEPARTMENT OF PUBLIC WORKS FEE SCHEDULE

WHEREAS, the Public Works Committee reviewed the cost of the sidewalk express program and the current rate is not covering the costs of materials; and

WHEREAS, the Public Works Committee has provided an updated Fee Schedule for consideration to more accurately capture costs of the materials for the sidewalk express program; and

BE IT RESOLVED, the Village of Perry Board of Trustees hereby adopts the Department of Public Works Fee Schedule effective December 16, 2024.

The sidewalk express program, currently at \$11 per linear foot no longer comes close to covering the cost of materials needed. The estimate is closer to \$15 per linear foot and the Village still covers labor. Trustee Muolo made a motion to approve the updated fee schedule which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION APPROVING VILLAGE OF PERRY PRIVACY POLICY

WHEREAS, the Village Clerk has provided a Privacy Policy for consideration that is necessary for registering for SMS messaging through The Campaign Registry (TCR); and

BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the Privacy Policy and authorizes the Village Clerk to post the policy on the website and register for SMS messaging with TCR.

The Village was lacking a compliant privacy policy in order to register for SMS messaging. Trustee Lapiana made a motion to adopt the resolution approving the Privacy Policy which was seconded by Trustee Bouchard and carried with all voting aye.

CLERK/DEPUTY TREASURER REPORT

Abstract # 014
Summary by Fund

12/13/2024
12:32:04

Code	Fund	Prepays	Unpays	Totals
A	GENERAL FUND	679.42	54,421.23	55,100.65
F	WATER FUND	570.64	7,898.57	8,469.21
G	SEWER FUND	322.90	11,117.30	11,440.20
HF	WATER TREATMENT PLANT PROJECT		517.50	517.50
HS	CAPITAL PROJECT - SEWER IMPROV		1,759.50	1,759.50
JA	SILVER LAKE WATERSHED COMMISSI		55.04	55.04
TA	TRUST & AGENCY		1,982.25	1,982.25
Total:		1,572.96	77,751.39	79,324.35

Vouchers #995-1082 were audited by Trustee Lapiana.

Trustee Kwiecien made a motion to approve payment of abstract #14, vouchers #995-1082, in the amount of \$79,324.35 which was seconded by Trustee Bouchard and carried with all voting aye. A legal notice for electing village officers for the March 18, 2025 election has been published. Clerk's Office holiday hours have also been advertised.

DEPARTMENT/COMMITTEE REPORTS

The Village Administrator provided updates on PMSA, financials, SLWC, and comp time. The proposed budget for SLWC includes an increase of \$173 for the village. A policy on compensatory time was proposed for salary exempt employees:

"Policy on Comp Time for full-time, exempt, salaried positions for discussion Compensatory Time

Union-Represented Employees - *An employee who is a member of a collective bargaining unit is not covered by or eligible for the Compensatory Time provisions set forth below and should refer to the applicable collective bargaining agreement on Compensatory Time.*

In the event that a full-time, exempt, salaried employee is required to work more than forty hours in a week, the employee shall be allowed to receive compensatory time off at rate of one hour for each hour of authorized overtime worked.

The use of compensatory time must be mutually agreed upon with the department head and the Village Administrator at least two weeks in advance. Compensatory time can accumulate but must be used by the end of the fiscal year (May 31st).

An employee who is eligible for compensatory time under this section may not convert more than 40 hours into compensatory leave time in any given fiscal year. An employee must use all the compensatory leave credits within the fiscal year in which it is earned.

An employee who resigns, retires, is laid off, or leaves employment due to disciplinary action, will not receive payment for unused compensatory credits.”

Mayor Hauser made a motion to approve the policy and clarify it as noted. A salary exempt employee may not convert more than 40 hours and must use all time in the fiscal year. The Board agrees to review the policy at the end of the fiscal year and review data collected between now and the end of the fiscal year. Trustee Lapiana seconded the motion and it was carried unanimously.

Financial reports were provided for halfway through the fiscal year. The Village Administrator noted that the sewer fund contractual is going to be way over due to the increased cost of chemicals and sludge hauling. There is 7% remaining in the sewer contractual line and it should be closer to 50%. There is some money budgeted in contingency that is expected to help with this overage.

DEPARTMENT/COMMITTEE REPORTS

Department reports reviewed: Village Administrator, Financial Reports, Department of Public Works, Water Department, Sewer Department, Police Department, Fire Department, Property Maintenance Officer.

TRUSTEE REPORTS

Trustee Bouchard attended the Fire Committee meeting prior to the Board Meeting. A \$15 part for the fire whistle has been ordered which may get the whistle working for now. Truck maintenance is done for the year.

Mayor Hauser spoke about the LWRP (Local Waterfront Revitalization Program) mentioning that the Board should be interested in the boundary that is established.

Trustee Muolo attended the Public Works Committee meeting where the following was discussed: sidewalk express cost increase, reallocating ARPA funds, lead service line updates, grease trap inspections, and the Euclid/Walker Rd. water main. The Office Committee is scheduled to meet tomorrow. Trustee Muolo has also reached out to Brady Fergusson with Color Your Community Green about sustainability programs.

Trustee Lapiana also attended the Fire Committee meeting, adding that Leicester and Cuylerville have merged their fire departments and she will inquire more about the process.

EXECUTIVE SESSION

At 8:35 pm, Mayor Hauser made a motion to enter executive session to discuss matters related to the employment of a particular person which was seconded by Trustee Kwiecien and carried with all voting aye.

At 9:09 pm, Mayor Hauser made a motion to exit the executive session which was seconded by Trustee Lapiana and carried. Also at 9:09 pm, Trustee Lapiana made a motion to adjourn the meeting which was seconded by Trustee Muolo and carried.

Respectfully submitted,
Christina Slusser, Village Clerk



RESOLUTION APPROVING RETAINER WITH VILLAGE ATTORNEY

WHEREAS, the Village of Perry's Attorney has provided a Retainer Letter in an annual amount of \$15,000.00; and

WHEREAS, basic services include legal consultation, contract reviews, attendance at meetings of the Village Board as requested, and drafting of local laws; and

WHEREAS, additional services will be billed at a rate of \$250.00 per hour unless noted otherwise; and

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby approves the Village Attorney Agreement for an annual amount of \$15,000.00 and authorizes the Mayor to execute the agreement.

DIMATTEO ROACH & KELLY

ATTORNEYS AT LAW

DAVID M. DIMATTEO, ESQ.
MARSHALL A. KELLY, ESQ.

DAVID M. ROACH, ESQ.
ELIJAH H. MCWHINNEY, ESQ.

December 20, 2024

Frederic Hauser, Mayor
Village of Perry
46 North Main Street
Perry, New York 14530

Sent via USPS and E-mail:

Re: Retainer Letter for Village Attorney

Dear Mayor Hauser:

The purpose of this letter is to confirm our engagement for the position of Attorney for the Village of Perry and to outline the basic services to be provided in exchange for the compensation set forth hereinafter. It is agreed and understood that our client for purposes of this representation is the Village of Perry and not any of its individual officers, board members, or employees. Absent any special arrangements made, all legal work done by this office will be on the terms and conditions set forth in this letter.

COMPENSATION

The compensation for the basic services hereinafter described will be billed at an hourly rate of \$250.00 for attorney time, \$150.00 for paralegal time, and \$80.00 for support staff time, which will be paid monthly by the Village. Compensation for services beyond the scope of basic services (hereinafter referred to as "additional services") shall be billed on an hourly basis at the rate of \$300.00 per hour for attorney time, \$150.00 for paralegal time, and \$80.00 for support staff time, with the lowest billable increment of .10. Compensation for these additional services shall be billed and paid on a monthly basis.

BASIC SERVICES

The basic services to be provided in consideration for the above compensation shall be as follows:

- A. General legal consultation to the Mayor and/or Village Board;
- B. General legal consultation to the Zoning Board of Appeals and/or Planning Board, exclusive of commercial and industrial site plan reviews or substantial residential subdivision reviews;
- C. Legal consultation to the Village Clerk on general administrative matters;
- D. Legal consultation to such Village Department heads as directed by the Mayor;
- E. General Legal consultation with Zoning Officer;
- F. General Legal consultation with Assessor and Board of Assessment Review;
- G. Attendance at occasional meeting of the Village Board as requested by the Mayor; it is understood and agreed that attendance at all regularly scheduled meetings shall not be required;
- H. Basic contract review;
- I. Drafting of Local Laws to revise existing provisions of the Village Code.

ADDITIONAL SERVICES

Services beyond the above-mentioned Basic Services and which will be performed at the above named hourly rates shall include the following:

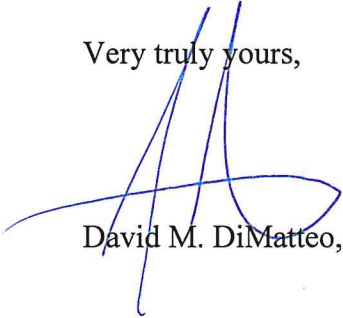
- A. Litigation in any Federal, State, County or Local courts;
- B. Appearance before Federal, State, County or Local administrative agencies;
- C. Drafting of original Local Laws on subject matter not currently included in the Village Code;
- D. Representation of the Village in zoning and planning matters consisting of commercial or industrial site plan/subdivision reviews or substantial residential subdivision reviews;
- E. Improvement District formation;
- F. Representation in connection with capital development projects;
- G. Contract negotiation;
- H. Environmental Matters;
- I. Dissolution;
- J. Bond Anticipation Notes, including renewals, will be charged a flat fee of \$500.00;
- K. Annexation;
- L. Municipal Real Estate transactions.

COSTS

Advances made by this firm for expenses such as travel, long distance telephone calls, filing fees, photocopying, telecopy transmission, postage and overnight delivery, computer-assisted research, special deliveries, other similar costs incurred in the research, special deliveries, consultants' fees and other similar cost incurred in the performance of the above services will be billed to the Village as costs are expected to be substantial, however, they may be billed directly to the Village, without being advanced by this office. Large expenses will not be advanced on your behalf without prior approval of the Village Board.

If the terms of our representation are agreeable to you, please sign the enclosed copy of this letter and return it to the undersigned to confirm your acceptance of the terms of our engagement.

Very truly yours,


David M. DiMatteo, Esq.

DMD/pjm
PC to: Christina Slusser, Clerk
Samantha Marcy, Administrator

Village of Perry

By: _____

Title: _____

Date: _____



RESOLUTION ESTABLISHING POLLING LOCATION AND HOURS FOR 2025 VILLAGE ELECTION

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

WHEREAS, the next annual Village Election will be held Tuesday, March 18, 2025 at the Village Hall, 46 North Main Street, Perry, New York. The hours of the election will be from 12:00 noon until 9:00 p.m.; and

WHEREAS, no person shall be entitled to vote at such election whose name does not appear on the register of the election district in which he claims to be entitled to vote as of March 7, 2025, the last day to register with the Wyoming County Board of Elections; and

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

WHEREAS, the offices to be filled at the 2025 Village Election are : one (1) Mayor - two (2) year term from April 1, 2025 to March 31, 2027, two (2) Trustees – four (4) year term each from April 1, 2025 to March 31, 2029, and one (1) Village Trustee – unexpired four (4) year term from April 1, 2025 to March 31, 2027; and

NOW THEREFORE BE IT RESOLVED, the next annual Village Election will be held on Tuesday, March 18, 2025 at the Village Hall, 46 North Main Street, Perry, New York from the hours of 12:00 noon until 9:00 p.m. and the Village of Perry has no cause for a registration day.



VILLAGE OF PERRY FY 2025-2026 BUDGET CALENDAR

Board Budget Briefing	Mon, January 6, 2025 – 7:30pm
Police Prioritization Session	Mon, January 6, 2025 – 1:30pm
Parks Prioritization Session	Mon, January 6, 2025 – 2:30pm
Public Works Prioritization Session	Wed, January 15, 2024 – 4:00pm
Fire Prioritization Session	Tue, January 21, 2025 – 6:30pm
Administrative Prioritization Session	Wed, January 22, 2025 – 4:00pm
Board Budget Workshop #1 *Regular board meeting	Mon, February 3, 2025 – 7:30pm
Board Budget Workshop #2 *Department Heads	Mon, February 10, 2025 – 7:00pm
Board Budget Workshop #3 *Regular board meeting	Tue, February 18, 2025 – 7:30pm
Board Budget Workshop #4 (tentative)	Mon, February 24, 2025 – 7:00pm
Final Budget Presentation/ Tentative Budget	Mon, March 17, 2025 – 7:30pm
Public Hearing	Mon, April 7, 2025 – 8:00pm
Adoption	Mon, April 21, 2025 – 7:30pm

Abstract # 015
Summary by Fund01/03/2025
16:10:21

Code	Fund	Prepays	Unpays	Totals
A	GENERAL FUND	13,618.69	58,924.65	72,543.34
F	WATER FUND	8,021.00	19,956.19	27,977.19
G	SEWER FUND	2,801.94	8,867.87	11,669.81
HE	CDBG STORMWATER IMPROVEMENTS P		1,150.00	1,150.00
HF	WATER TREATMENT PLANT PROJECT		30,515.93	30,515.93
HS	CAPITAL PROJECT - SEWER IMPROV		103.50	103.50
JA	SILVER LAKE WATERSHED COMMISSI	38.01		38.01
TA	TRUST & AGENCY		396.00	396.00
Total:		24,479.64	119,914.14	144,393.78

Vouchers # 1083 - 1176 were audited by Trustee Muolo.

Prepaid: Wire transfers = \$ 18,375.00

Utilities & data processing = \$ 6,104.64