



Village of Perry Board of Trustees

Village Board Meeting • Agenda • Monday, June 5, 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 – May 15, 2023
 - b. Resolution Establishing 2023-2024 Employee Wage Rates and Payment
 - c. Resolution Approving Payment #7 for the Silver Lake Trail Project
 - d. Resolution Approving Annual Software Support Contracts with Williamson Law Book Company
 - e. Resolution Adopting Local Law No. 2 of 2023 Entitled, “Amending §490-72 ‘Sign Regulations’ of the Zoning Code of the Village of Perry”
 - f. Resolution Accepting Resignation of Part-Time Clerk to the Justice, David Brown
 - g. Resolution Authorizing Use of American Rescue Plan Act Funds on Purchase for Paving Municipal Parking Lot
 - h. Resolution Adopting Updated Sexual Harassment Policy
 - i. Resolution Waiving Water and Sewer Base Rate Increases for 55 South Main Street
 - j. Resolution Approving Quote from Brian Keough for Records Management Services
 - k. Resolution Adopting the 2023-2024 Village of Perry Fee Schedules
 - l. Resolution Approving Payment in Lieu of Tax Agreement with Silver Lake Wyoming Housing Development Fund Corporation
4. Clerk/Deputy Treasurer’s Report
5. Department/Committee Reports
 - a. Parks – North Pavilion at Village Park
 - b. Public Works – Leaf Machine Financing
6. Trustee Reports
 - a. DRI – Public Projects
7. Executive Session

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
MAY 15, 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 15th day of May 2023.

PRESENT: Rick Hauser Mayor
 Dariel Draper Trustee
 Arlene Lapiana Trustee
 Ernie Lawrence Trustee

ALSO PRESENT: Samantha Marcy Administrator
 Christina Slusser Village Clerk

GUESTS: Lorraine Sturm Perry Herald

ABSENT: Jacquie Billings Trustee

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

PUBLIC COMMENT

No comments.

PRESENTATIONS & BOARD ACTIONS

MINUTES

Motion to approve the minutes from the regular board meeting on May 1, 2023 was made by Trustee Lawrence, 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 #8 from the HVAC contractor, John W. Danforth Company, for the wastewater treatment plant project in the amount of \$12,825.00; and

WHEREAS, the Village Clerk has received pay app #17 from the electrical contractor, M.W. Controls Service, Inc. for the wastewater treatment plant project in the amount of \$27,356.70; 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:

John W. Danforth Company	\$12,825.00
M.W. Controls Service, Inc.	\$27,356.70

RESOLUTION APPOINTING CLERK OF THE JUSTICE, DAVID BROWN

WHEREAS, there is a vacancy for a Clerk of the Justice; and

WHEREAS, Administrator Marcy, Justice Wolcott, Justice Kelsey, and Trustee Lapiana interviewed Mr. David Brown and are requesting the hiring of Mr. Brown as a Clerk of the Justice; and

WHEREAS, Justice Wolcott is requesting the starting rate for Mr. Brown to be \$19.00 per hour for an average of 25 hours per week; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board of Trustees hereby approves the hiring of Mr. David Brown to fill the position of Clerk of the Justice with a starting hourly rate of \$19.00 effective May 16, 2023.

RESOLUTION CREATING VILLAGE HISTORIAN POSITION

WHEREAS, per New York State Law Section 57.07 a local historian shall be appointed for each village by the Mayor; and

WHEREAS, the position of Village Historian will need to be created by the Board of Trustees through Wyoming County Civil Services; and

BE IT RESOLVED, the Village of Perry Board of Trustees hereby authorizes the Village Administrator to submit the necessary paperwork to Wyoming County Civil Service office; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the creation of a Village Historian position.

RESOLUTION APPROVING REQUEST FROM THE SILVER LAKE FIREWORKS FUND

WHEREAS, the Village of Perry received a request from the Silver Lake Fireworks Fund in the amount of \$250.00; and

WHEREAS, the Village has supported the Silver Lake Fireworks Fund in past years; and

WHEREAS, the Fireworks display will be on Monday, July 3rd at 10PM; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the request from the Silver Lake Fireworks Fund in an amount of \$250.00.

RESOLUTION APPROVING SHAKE ON THE LAKE, INC. RESERVATION REQUEST

WHEREAS, the Parks Committee has reviewed the request from Shake on the Lake, Inc.; and

WHEREAS, Shake on the Lake, Inc. is requesting to reserve the Public Beach from Friday, July 28th through Saturday July 29th for their summer performance; and

WHEREAS, the Parks Committee is suggesting waiving the fee for the Public Beach; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board hereby accepts the Shake on the Lake, Inc. reservation request; and

BE IT FURTHER RESOLVED, the Village of Perry Board approves waiving the fee for the Shake on the Lake, Inc.

RESOLUTION AGREEING TO HOST THE ARTS COUNCIL FOR WYOMING COUNTY'S LETCHWORTH ARTS & CRAFTS SHOW & SALE AT THE PERRY VILLAGE PARK

WHEREAS, the Village of Perry Board of Trustees were approached by the Arts Council for Wyoming County (ACWC) to consider hosting the annual Arts and Crafts Festival at the Perry Village Park from October 7, 2023 – October 9, 2023; and

WHEREAS, the Village of Perry Administrator is currently working with the ACWC to update the agreement for review between the Village of Perry and the ACWC for said event; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby agrees to host the ACWC's Letchworth Arts & Crafts Show & Sale at the Perry Village Park from October 7, 2023 – October 9, 2023.

RESOLUTION WAIVING VACANT BUILDING FEES FOR 22 HANDLEY STREET

WHEREAS, it was observed that the property at 22 Handley Street was vacant, and the Village of Perry Board of Trustees passed Local Law 3-2021 entitled "Vacant Building Registry;" and

WHEREAS, several vacant building notification letters including a request to complete an application for the plans of the vacant building were sent to OGS Business Services between July and October of 2022 with no response; and

WHEREAS, after receiving no response, an invoice for \$500.00 was sent to OGS Business Services for the Vacant Property Registry according to 465-22 of the Zoning Code of the Village of Perry; and

WHEREAS, email correspondence was received from The New York State Business Services Center stating the Village's invoice has been denied by the agency stating it has no jurisdiction to bill based on an attached statement titled "Jurisdictional Authority of Property Owned by the New York State Office for People With Developmental Disabilities (OPWDD); and

WHEREAS, the correspondence was reviewed by the Zoning Committee and Village Attorney who recommended waiving the vacant building invoice; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board of Trustees hereby waives invoice V5-2022 issued to OGS Business Services in the amount of \$500.00 for 22 Handley Street.

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 \$624.00 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 \$624.00 per month from June 1, 2023 until May 31, 2024 and authorizes the Village Administrator to sign the contract.

RESOLUTION APPROVING THE 2022 ANNUAL DRINKING WATER QUALITY REPORT

WHEREAS, to comply with New York State regulations, the Village of Perry is required to issue an annual drinking water quality report of the Village's public water supply; and

WHEREAS, Chief Water/Sewer Treatment Plant Operator, Jeff Drain, has provided the 2022 Annual Drinking Water Quality Report; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the 2022 Annual Drinking Water Quality Report.

RESOLUTION ACCEPTING INDEPENDENT AUDITOR'S REPORT FOR THE FISCAL YEAR ENDING MAY 31, 2022

WHEREAS, the Village of Perry Board of Trustees has hired Allied Financial Partners to conduct an audit for the fiscal year ending May 31, 2022; and

WHEREAS, Allied Financial Partners has provided the Independent Auditor's Report and Financial Statements for the Village of Perry Board of Trustees review; and

NOW, THEREFORE BE IT RESOLVED, the Board of Trustees of the Village of Perry hereby accepts Allied Financial Partners review of the Village of Perry's financial statements for the fiscal year ending May 31, 2022.

Trustee Lapiana made a motion to adopt resolutions B-K as outlined on the agenda: Resolutions Approving Payment for the Wastewater Treatment Plant Project, Appointing Clerk of the Justice David Brown, Creating the Village Historian Position, Request from Silver Lake Fireworks Fund, Shake on the Lake Reservation Request, Agreeing to Host the ACWC Letchworth Arts & Crafts Show & Sale, Waiving Vacant Building Fees, Contract from Warren's Commercial Cleaning, Annual Drinking Water Report, and the Audit Report for Fiscal Year ending May 31, 2022. The motion was seconded by Trustee Draper and carried unanimously.

RESOLUTION ACCEPTING RALPH C. WILSON, JR. LEGACY FUND GRANT FOR THE SILVER LAKE TRAIL ELEVATED BOARDWALK

WHEREAS, the Village of Perry applied for funding through the Ralph C. Wilson Jr. Legacy Fund for Design and Access, administered by the Community Foundation for Greater Buffalo, for the Silver Lake Trail Elevated Boardwalk; and

WHEREAS, the Village of Perry has received notification of the grant award in an amount of \$42,500; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby accepts the grant award of \$42,500.00.

RESOLUTION CLOSING NEW YORK MAIN STREET TECHNICAL ASSISTANCE GRANT AND SILVER LAKE CREEK FOOTBRIDGE CAPITAL PROJECT

WHEREAS, on June 21, 2021, the Village of Perry Board of Trustees created the New York Main Street Technical Assistance (NYMS-TA) Grant and Silver Lake Creek Footbridge Capital Project (HC) and established the project budget funded through the NYMS-TA grant, Ralph C. Wilson Jr. Foundation, and the Village of Perry's General Fund Unallocated Fund Balance; and

WHEREAS, the NYMS-TA Grant and Silver Lake Creek Footbridge Capital Project had expenses totaling \$133,419.36 and there is a remaining balance of \$20,110.64; and

WHEREAS, all work has been completed on this phase of the NYMS-TA Grant and Silver Lake Creek Footbridge Capital Project and the Village Administrator is requesting closing the capital project; and

WHEREAS, the remaining balance of \$20,110.64 from the Ralph C. Wilson Jr. Foundation will be utilized in the next section of the Silver Lake Trail Project; and

WHEREAS, the Village Administrator is recommending allocating the remaining \$20,110.64 to the Silver Lake Trail Creekside Planning Capital Project; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby closes the NYMS-TA Grant and Silver Lake Creek Footbridge Capital Project (HC) and directs the Village Administrator to allocate the balance of \$20,110.64 to the Silver Lake Trail Creekside Planning Capital Project (HD).

RESOLUTION RENAMING SILVER LAKE TRAIL CREEKSIDE PLANNING CAPITAL PROJECT (HD) TO SILVER LAKE TRAIL ELEVATED BOARDWALK AND CREATING PROJECT BUDGET

WHEREAS, on June 6, 2022, the Village of Perry Board of Trustees created the Silver Lake Trail Creekside Planning Capital Project (HD) and established the project budget funded through the Ralph C. Wilson Jr. Foundation; and

WHEREAS, the Silver Lake Trail Creekside Planning funding has been approved towards funding the Boardwalk project; and

WHEREAS, the remaining \$20,110.64 from the NYMS-TA and Silver Creek Footbridge has been allocated to the Silver Lake Trail Creekside Planning Capital Project; and

WHEREAS, the Village of Perry has been awarded a third Ralph C. Wilson Jr Foundation grant in the amount of \$42,500 towards the Boardwalk project; and

WHEREAS, the Village Administrator is recommending changing the HD capital project name to Silver Lake Trail Elevated Boardwalk and is proposing a budget for the project as follows:

REVENUE:

HD2770	Ralph C. Wilson Jr Foundation	\$ 92,500.00
HD5031	Interfund Transfer	\$ 20,110.64
		<u>\$ 112,610.64</u>

EXPENDITURES:

HD7997.2	SLT Elevated Boardwalk	<u>\$ 112,610.64</u>
		\$ 112,610.64

TOTAL PROJECT BUDGET

\$ 112,610.64

; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby renames the HD Capital Project to Silver Lake Trail Elevated Boardwalk and authorizes the project budget.

RESOLUTION CLOSING VILLAGE HALL ADA IMPROVEMENTS CAPITAL PROJECT

WHEREAS, on June 21, 2021, the Village of Perry Board of Trustees created the Village Hall ADA Improvements Capital Project in the CD Fund and established the project budget funded through a CDBG grant and monies from the General Fund Unallocated Fund Balance; and

WHEREAS, the Village Hall ADA Improvements Capital Project had expenses totaling \$686,674.04 and there is a surplus of \$5,765.19 in the CD Fund; and

WHEREAS, all work has been completed on this phase of the Village Hall ADA Improvements Project and the Village Administrator is requesting closing the capital project and returning the balance of \$5,765.19 to the General Fund; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby closes the Village Hall ADA Improvements Capital Project and directs the Village Administrator to return the balance of \$5,765.19 to the General Fund.

Trustee Lapiana made a motion to adopt resolutions L-O as outlined on the agenda: Accepting Ralph C. Wilson Grant, Closing out NYMS Grant and Silver Lake Creek Footbridge Project, Renaming Silver Lake Trail Creekside Planning to Silver Lake Trail Elevated Boardwalk, and Closing out the Village Hall Project. Trustee Lawrence seconded the motion and it was carried unanimously.

RESOLUTION AUTHORIZING BUDGET TRANSFERS AND BUDGET AMENDMENT TO THE 2022-2023 VILLAGE BUDGET

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

General Fund:

Increase:	A1410.4 (Clerk - Contractual)	\$6.31	
Decrease:	A1410.41 (Clerk – Contractual Grants)		\$6.31
Increase:	A1420.4 (Law - Contractual)	\$700.00	
Increase:	A1910.4 (Unallocated Insurance)	\$1,620.00	

Increase:	A5680.4 (Electric Charge Station)	\$690.00	
Increase:	A8010.43 (Zoning – Attorney Fees)	\$2,750.00	
Decrease:	A1440.4 (Engineer - Contractual)		\$5,760.00
Increase:	A1620.41 (Building – Village Hall Network)	\$1,568.92	
Increase:	A1620.42 (Buildings - Utilities)	\$554.36	
Decrease:	A1620.21 (Buildings – Village Hall Renov.)		\$2,123.28
Increase:	A3120.12 (Police – Part-Time)	\$3,042.04	
Decrease:	A3120.1 (Police – Full-Time)		\$3,042.04
Increase:	A5132.42 (Garage – Utilities)	\$603.44	
Decrease:	A5132.4 (Garage - Contractual)		\$603.44
Water Fund:			
Increase:	F8310.4 (Water Admin – Contractual)	\$2,535.99	
Increase:	F8330.4 (Water Purification – Contractual)	\$8,272.37	
Decrease:	F1440.4 (Engineer – Contractual)		\$2,287.28
Decrease:	F1420.4 (Attorney – Contractual)		\$1,594.31
Decrease:	F8340.4 (Water Transmission – Contractual)		\$6,926.77
Increase:	F8320.41 (Source of Supply – Utilities)	\$2,331.09	
Decrease:	F8320.4 (Source of Supply – Contractual)		\$2,331.09; and

Sewer Fund:

Increase:	G8130.4 (Sewage Treatment - Contractual)	\$18,346.52	
Decrease:	G8130.2 (Sewage Treatment - Equipment)		\$18,346.52; and

WHEREAS, the Village Administrator is proposing the following Budget Amendment to allocate money to repairs to a pump station that insurance recoveries were received for the 2022-2023 fiscal year:

Increase Revenue:	G2680 (Insurance Recoveries)	\$17,995.00	
Increase Expense:	G8130.2 (Sewage Treatment-Equipment)		\$17,995.00

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

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

Motion was made by Trustee Lapiana to adopt the resolution authorizing budget transfers and an amendment to the 2022-2023 Village Budget which was seconded by Trustee Draper and carried with all voting aye.

CLERK/DEPUTY TREASURER REPORT

FY 2022-2023

Abstract #24

Vouchers #1920 - 2037

General Fund	\$ 124,534.35
Special Grant Fund	\$ -
Water Fund	\$ 18,423.96
Sewer Fund	\$ 108,245.01
Capital Projects Fund	\$ 42,034.20
Trust & Agency	\$ 4,060.66
Silver Lake Watershed Commission	\$ 1,995.40
<hr/>	
Total	\$ 299,293.58

Vouchers were audited by Trustee Lawrence. Trustee Draper made a motion to approve the clerk report and payments in the amount of \$299,293.58 which was seconded by Trustee Lapiana and carried with all voting aye.

DEPARTMENT REPORTS

Reports were reviewed for the following departments with no action needed: DPW/Parks, WTP/WWTP, and Police.

COMMITTEE REPORTS

Clean Sweep attendance was down this year. It was noted to take a different approach in advertising the event next year. Pioneer employees, Girl Scouts, Boy Scouts, and students were not in attendance this year.

The dock has been installed at the Public Beach. The attachment for the kayak launch still needs to be installed for the season.

The Police Committee discussed the speed limit sign on Lake Street as brought up by Village resident Mr. Boss. With the road being a county road, the resident should be directed to approach the county with the concerns. The Police committee is also exploring the purchase of an electric bike with funds from the current fiscal year.

The Parks Committee discussed the grant opening of the Silver Lake Trail but is unsure of the sign completion status.

A group had a meeting and walkabout for the DRI on Friday. The first LPC and public meeting is scheduled for next Thursday, the 25th at 6:00pm at the Masonic Temple.

With no further regular business, Mayor Hauser made a motion to enter executive session at 7:56 pm to discuss the employment history of a particular individual. The motion was seconded by Trustee Draper and carried.

At 8:20 pm, Trustee Draper made a motion to exit executive session which was seconded by Trustee Lapiana and carried.

Immediately following, Trustee Draper made a motion to adjourn the meeting which was seconded by Trustee Lapiana and carried.

Respectfully submitted,
Christina Slusser, Village Clerk



RESOLUTION ESTABLISHING 2023-2024 EMPLOYEE WAGE RATES AND PAYMENT

BE IT RESOLVED, that the Village Board of Trustees hereby fix employee wages and frequency of payment as noted below:

Position	2023-2024 Rate	Wage Calculated	Frequency
Mayor	\$4,800.00	Annual Salary	Monthly
Deputy Mayor	\$250.00	Annual Stipend	Monthly
Board Members (4)	\$2,900.00	Annual Salary	Monthly
Village Justice (Elected)	\$15,540.00	Annual Salary	Biweekly
Village Justice (Appointed)	\$5,952.00	Annual Salary	Biweekly
Village Administrator	\$85,000.00	Annual Salary	Biweekly
Village Clerk	\$55,000.00	Annual Salary	Biweekly
Deputy Clerk	\$17.50	Hourly	Biweekly
Village Attorney	\$15,000.00	Annual Salary	Biweekly
Chief of Police	\$85,313.00	Annual Salary	Biweekly
Sergeant, FT (BR)	\$36.29	Hourly	Biweekly
Police Officer, FT (MM)	\$30.72	Hourly	Biweekly
Police Officer, FT (SK)	\$27.76	Hourly	Biweekly
Police Officer, FT (DS)	\$26.45	Hourly	Biweekly
Police Officer, FT (MC)	\$26.45	Hourly	Biweekly
Police Officer, PT	\$24.14	Hourly	Biweekly
Crossing Guards (TP, DB)	\$30.38	Hourly	Biweekly
Superintendent of Public Works	\$74,909.00	Annual Salary	Biweekly
Working Foreman (MN, MB)	\$27.57	Hourly	Biweekly
MEO (AR)	\$25.67	Hourly	Biweekly
MEO (TR, RT)	\$23.10	Hourly	Biweekly
Laborer (KB)	\$20.67	Hourly	Biweekly
Automotive Repair Worker (KZ)	\$26.00	Hourly	Biweekly
Laborer, Seasonal (SF)	\$19.34	Hourly	Biweekly
Laborer, Seasonal (JS)	\$15.00	Hourly	Biweekly
Zoning Officer (DR)	\$8,870.00	Annual Salary	Biweekly
Zoning Officer (BK)	\$17.50	Hourly	Biweekly
Chief WTP and WWTP Operator	\$62,424.00	Annual Salary	Biweekly
WTP Plant Operator (WS, MM)	\$25.67	Hourly	Biweekly
WWTP Plant Operator (TD, MK)	\$25.67	Hourly	Biweekly
Planning and Zoning Board Members	\$25.00		Per meeting



RESOLUTION APPROVING PAYMENT #7 FOR THE SILVER LAKE TRAIL PROJECT

WHEREAS, the Village has received pay app #7 from the contractor, CP Ward, Inc., for the Silver Lake Trail project in the amount of \$59,469.10; and

WHEREAS, the engineers on the project, C&S Engineers, have reviewed and approved pay app #7; and

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

CP Ward, Inc.

\$59,469.10

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



C&S Companies
 Payment Invoice
 SILVER LAKE TRAIL PHASE I

Description PIN 4761.26
 C&S Project #: W48.001.001

Payment Number 7

Pay Period 12/03/2022 to 04/28/2023

Prime Contractor C.P. WARD, INC.
 100 W. River Road, PO Box 900
 Scottsville, NY 14546

Payment Status Pending

Awarded Project Amount \$756,842.00

Authorized Amount \$871,214.02

Line Number	Item	Unit	Current Paid Quantity	Unit Price	Amount
Section: 1 Description					
0700	950.1901	LS	0.470	\$19,645.000	\$9,233.15
MISCELLANEOUS: WAYFINDING SIGN - METAL POST / TRAILBLAZER NEW POLE MOUNT (A & D)					
0710	950.1902	LS	0.470	\$14,690.000	\$6,904.30
MISCELLANEOUS: TRAILBLAZER - EXISTING POLE MOUNT (B)					
0720	950.1903	LS	0.470	\$4,262.000	\$2,003.14
MISCELLANEOUS: TRAILBLAZER NEW POLE MOUNT - 12X18 & 12X22					
0730	950.1904	LS	0.470	\$6,422.000	\$3,018.34
MISCELLANEOUS					
0740	950.1905	LS	0.470	\$23,042.000	\$10,829.74
MISCELLANEOUS					
0750	950.1906	LS	0.470	\$48,432.000	\$22,763.04
MISCELLANEOUS					
0760	950.1907	LS	0.470	\$7,294.000	\$3,428.18
					Project Total: \$59,469.10

Line Number	Item	Unit	Current Paid Quantity	Unit Price	Amount
MISCELLANEOUS					
0770	950.1908	LS	0.470	\$2,743.000	\$1,289.21
MISCELLANEOUS					
					Section Total: \$59,469.10
					Project Total: \$59,469.10

Summary

Current Approved Work:	\$59,469.10	Approved Work To Date:	\$845,908.02
Current Stockpile Advancement:	\$0.00	Stockpile Advancement To Date:	\$0.00
Current Stockpile Recovery:	\$0.00	Stockpile Recovery To Date:	\$0.00
Current Retainage:	\$0.00	Retainage To Date:	\$0.00
Current Retainage Released:	\$0.00	Retainage Released To Date:	\$0.00
Current Liquidated Damages:	\$0.00	Liquidated Damages To Date:	\$0.00
Current Adjustment:	\$0.00	Adjustments To Date:	\$0.00
Current Payment:	\$59,469.10	Payments To Date:	\$845,908.02
Previous Payment:	\$41,754.90	Previous Payments To Date:	\$786,438.92



Resident Engineer - C&S ENGINEERS, INC.



C.P. WARD, INC.

VILLAGE OF PERRY



RESOLUTION APPROVING ANNUAL SOFTWARE SUPPORT CONTRACTS WITH WILLIAMSON LAW BOOK COMPANY

WHEREAS, the Village of Perry uses Williamson Law Book Company for their Municipal Accounting & Budget Preparation Software and Tax Collection Software; and

WHEREAS, both agreements are annual from June 1, 2023 until May 31, 2024; and

WHEREAS, the cost of the annual software for Municipal Accounting & Budget Preparation is \$1,765.00; and

WHEREAS, the cost of the annual software for Tax Collection is \$1,183.00; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees does hereby approve the annual Municipal Accounting & Budget Preparation software contract in the amount of \$1,765.00 and the annual Tax Collection software contract in the amount of \$1,183.00 from June 1, 2023 until May 31, 2024.

Williamson Law Book Company

790 Canning Parkway

Victor, New York 14564

RECEIVED

May 15, 2023

MAY 22 2023

Village of Perry
Perry, New York

Village of Perry
Accounts Payable
46 North Main Street
Perry, NY 14530

ANNUAL SOFTWARE SUPPORT CONTRACT

Enclosed is an invoice renewing your Software Support coverage for the following program(s)

Municipal Accounting & Budget Preparation Software

(6/1/23 through 5/31/24)

This agreement is between Williamson Law Book Company (WLB) and the Village of Perry (customer) and will provide annual software support and maintenance as described herein.

Williamson Law Book Company agrees to provide the customer with:

- Support to assist with the above-named software program(s). Support will be provided by internet, phone or fax during normal business hours.
- Notice of all program enhancements and their benefits.
- All state mandated changes at no extra charge.

The customer agrees to:

- Maintain hardware in proper working condition.
- Make continued efforts to work with and properly use WLB software.
- Train new personnel in the event of employee turnover. (Additional training may be purchased from WLB)

Charges for this Software Support shall be \$1,765.00 as specified on the enclosed invoice.

*****Please sign and return one copy of this contract with your payment*****

Thank you,



Williamson Law Book Company

Accepted for the Village of Perry

By: _____ Title: _____ Date: _____

Williamson Law Book Company

790 Canning Parkway Victor, New York 14564

May 15, 2023

RECEIVED

MAY 22 2023

Village of Perry
Perry, New York

Village of Perry
Accounts Payable
46 North Main Street
Perry, NY 14530

ANNUAL SOFTWARE SUPPORT CONTRACT

Enclosed is an invoice renewing your Software Support coverage for the following program(s)

Tax Collection with TaxGlance Software

(6/1/23 through 5/31/24)

This agreement is between Williamson Law Book Company (WLB) and the Village of Perry (customer) and will provide annual software support and maintenance as described herein.

Williamson Law Book Company agrees to provide the customer with:

- Support to assist with the above-named software program(s). Support will be provided by internet, phone or fax during normal business hours.
- Notice of all program enhancements and their benefits.
- All state mandated changes at no extra charge.

The customer agrees to:

- Maintain hardware in proper working condition.
- Make continued efforts to work with and properly use WLB software.
- Train new personnel in the event of employee turnover. (Additional training may be purchased from WLB)

Charges for this Software Support shall be \$1,183.00 as specified on the enclosed invoice.

*****Please sign and return one copy of this contract with your payment*****

Thank you,



Williamson Law Book Company

Accepted for the Village of Perry

By: _____ Title: _____ Date: _____

**VILLAGE OF PERRY RESOLUTION
ADOPTING LOCAL LAW NO. 2 OF 2023 ENTITLED,
“AMENDING §490-72 ‘SIGN REGULATIONS’ OF THE ZONING CODE
OF THE VILLAGE OF PERRY”**

Adopted: _____, 2023

The Village Board of the Village of Perry met at a regular board meeting at the Village Offices located at 46 North Main Street, Perry, New York on June 5, 2023, commencing at 7:30 p.m.; at which time 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, the Village Board of the Village of Perry is considering a proposed local law entitled “Amending §490-72 ‘Sign Regulations’ of the Zoning Code of the Village of Perry”; and

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

WHEREAS, in accordance with the State Environmental Quality Review Act (SEQR), 6NYCRR Part 617, the Village Board has determined that the proposed amendments to §490-72 ‘Sign Regulations’ of the Village of Perry Zoning Ordinance to have no significant adverse impact and is considered to be a Type II Action and as such, the Village Board has no further responsibilities under SEQR; and

WHEREAS, the Village Board of the Village of Perry held a public hearing on the 1st day of May, 2023, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, the Village Board of the Village of Perry finds it in the best interest of the Village to adopt the proposed local law entitled “Amending §490-72 ‘Sign Regulations’ of the Zoning Code of the Village of Perry”.

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

RESOLVED, that the Village Clerk be and she hereby is directed to enter said local law in the minutes of this meeting, and give due notice of the adoption of said local law to the Secretary of the State of New York.

Ayes: ____

Nays: ____

Quorum Present: Yes No

Dated: _____, 2023

Christina Slusser, Clerk
Village of Perry

[SEAL]

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

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

SECTION I. PURPOSE

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

SECTION II. ENACTMENT

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

§490-72 (A) - Definitions:

Amend to read as follows:

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

Mural- *A picture or design painted, drawn, or otherwise rendered to and covering a portion of an exterior wall surface.*

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

§490-72 (B) – General Regulations:

Amend to read as follows:

(8) Mural signs shall not be located on the wall that serves as the main entrance to a business.

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

Amend to read as follows:

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

maximum height of three (3) feet as measured from the surface on which the temporary sign is situated to the highest point of the temporary sign.

§490-72 (D) - Signs Requiring a Permit

Amend to read as follows:

2(f) Murals, property owners seeking to place a mural on their property must seek a permit pursuant to subsection 490-72(F) of this section (except that such permit application shall be made to the Village of Perry Planning Board, rather than the Zoning Enforcement Officer). The application shall be reviewed under Section 490-81 by the Village of Perry Planning Board to ensure Section 490-81 (B)7 is met and will require the issuance of such Special Use Permit.

§490-72 (E) – Schedule for Signs Requiring a Permit in All Districts

Individual Establishments			
Zoning District	Face Area (a)	Number Allowed	Type Allowed (b)
C 1 Districts	1.0	3	FS, W, PD, C, M
C 2 Districts	1.5	3	FS, W, PD, M
M Districts	1.0	2	FS, W, PD
LD Districts	1.0	1	FS, PD
R Districts	§490-72 D (1)	1	W

Multiple Developments			
Zoning District	Face Area (a)	Number Allowed	Type Allowed (b)
C Districts	(c)	(d)	C, FS, W
M Districts	(c)	(d)	FS, W

Legend:

- C- Canopy sign
- FS- Freestanding sign
- W- Wall sign
- PD- Perpendicular sign
- M- Mural

SECTION IV. SEVERABILITY/VALIDITY

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

SECTION V. REPEAL

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

SECTION VI. EFFECTIVENESS

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



RESOLUTION ACCEPTING RESIGNATION OF PART-TIME CLERK TO THE JUSTICE, DAVID BROWN

WHEREAS, Mr. David Brown has tendered his resignation from the position of Part-Time Clerk to the Justice effective May 30, 2023; and

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



RESOLUTION AUTHORIZING USE OF AMERICAN RESCUE PLAN ACT FUNDS ON PURCHASE FOR PAVING MUNICIPAL PARKING LOT

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

WHEREAS, the municipal parking lot along the Silver Lake Trail was removed from the original project budget due to costs; and

WHEREAS, the Superintendent of Public Works has received a quote from Cross Cut Ent. LLC in an amount of \$46,440.90; and

WHEREAS, the county bid pricing for the project is \$69,000.00; and

WHEREAS, the Village Administrator and Superintendent of Public Works are requesting the use of ARPA funds to pave the parking lot not to exceed \$46,440.90 and to hire Cross Cut Ent. LLC with pricing below the county bid; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby authorizes the use of ARPA funds to hire Cross Cut Ent. LLC, for the paving of the parking lot in an amount not to exceed \$46,440.90.

Estimate

Cross Cut Enterprise, LLC
 P.O. Box 48
 Warsaw , NY 14569
 crosscutenterprise@gmail.com
 www.crosscutenterprise.com



Name/Address
Village of Perry 46 N Main St Perry NY 14530

Date	Estimate No.	Project
05/18/23	13	

Item	Description	Quantity	Cost	Total
Asphalt TYPE 7 TOP 9.5mm	Price includes Material aswell as Machinery to perform work	28,146	1.65	46,440.90
	*****Trucking and tack coat will be by others*****			
	Sales Tax		0.00%	0.00
			Total	\$46,440.90

ARPA SUMMARY AS OF 6/1/2023

Total amount = \$357,742.64

Spent:	\$15,000	Parks Department – Gator
	\$50,000	Fire Department – Air packs
	\$15,750	Parks Department – Mower
	<u>\$46,440.90</u>	Parking Lot Paving (for consideration 6/5/23)

Remaining: **\$230,551.74**

Prior discussions:

- Boardwalk = \$75,000
- Sidewalks = \$47,250

Remaining: **\$108,301.74**

- Paving sewer plant = \$50,000
- Sidewalk on Bradford = \$70,000
- Retaining wall on Bradford = \$40,000
- Fencing for Silver Lake Trail at Federal Street = \$25,000
- Boardwalk = up to \$75,000
- Ford F250 for DPW = \$52,000
- Dump Trailer for DPW and Parks = \$14,000
- Pavement at Village Park = \$9,000
- Hauck Court Fencing = \$35,000
- Hauck Court Resurfacing



RESOLUTION ADOPTING UPDATED SEXUAL HARASSMENT POLICY

WHEREAS, the New York State Department of Labor finalized updates to the Sexual Harassment policy that strengthens protections for New York workers; and

WHEREAS, the Village Administrator is recommending adopting an updated policy to incorporate the requirements set by New York State; and

NOW, THEREFORE BE IT RESOLVED, that the Perry Village Board of Trustees hereby approves the updated Sexual Harassment Policy.



Village of Perry Sexual Harassment Policy

(Adopted June XX, 2023)

Purpose:

The Village of Perry is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but *the Village of Perry* recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of the Village of Perry commitment to a discrimination-free work environment.

Goals of this Policy:

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with the Village of Perry. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

Sexual Harassment and Discrimination Prevention Policy:

1. The Village of Perry policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with The Village of Perry. For the remainder of this policy, we will use the term “covered individual” to refer to these individuals who are not direct employees of the company.
2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the Village of Perry who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Village Administrator. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on [Legal Protections](#).
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the Village of Perry to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. The Village of Perry will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. The Village of Perry will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, The Village of Perry will act as required. In addition to any required discipline, The Village of Perry will also

take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.

6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.

Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Village Administrator.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

What Is Sexual Harassment?

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is

to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of The Village of Perry policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called **quid pro quo** harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or

- Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
 - This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, or name-calling;
 - Intentional misuse of an individual's preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of meetings.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. **Harassers can be anyone in the workplace.** A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to a supervisor, manager or the Village Administrator. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or the Village Administrator.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee’s behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on [Legal Protections](#).

Supervisory Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to the Village Administrator. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

Complaints and Investigations of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Village of Perry will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The Village of Perry recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, the Village Administrator:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, the Village Administrator will prepare a complaint form or equivalent documentation based on the verbal reporting;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. The Village Administrator will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. A list of names of those interviewed, along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
 - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;

6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the Village of Perry, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

New York State Division of Human Rights:

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Village of Perry does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **1(800) HARASS3** for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

The United States Equal Employment Opportunity Commission:

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e *et seq.* An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

Conclusion

The policy outlined above is aimed at providing employees at The Village of Perry and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.



RESOLUTION WAIVING WATER AND SEWER BASE RATE INCREASES FOR 55 SOUTH MAIN STREET

WHEREAS, beginning June 1, 2023, the Village will be enforcing Chapter 355 of the Village Code, where a building or structure that contains one or more separate apartments, that each apartment will be charged the water and sewer base rates; and

WHEREAS, notifications were sent to affected property owners in May of 2022; and

WHEREAS, the building located at 55 South Main Street was sold in January 2023; therefore, the new owner did not receive the notice of the change in billing; and

WHEREAS, the Public Works Committee is recommending waiving the additional base rate charges for one billing cycle to allow proper notice to their tenants; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board of Trustees hereby waives the additional base rate charges for one billing cycle for 55 South Main Street.



RESOLUTION APPROVING QUOTE FROM BRIAN KEOUGH FOR RECORDS MANAGEMENT SERVICES

WHEREAS, the Village released an RFQ for Records Management Services in February 2023; and

WHEREAS, the Village received five proposals and the Village Administrator and Village Clerk interviewed three candidates; and

WHEREAS, Brian Keough is qualified for the project and was the lowest quote; and

WHEREAS, the Village Administrator and Village Clerk are recommending approving the quote in an amount not to exceed \$5,250.00 to be paid from the 2022-2023 account line A1410.41; and

BE IT RESOLVED, the Village of Perry Board of Trustees hereby approves the quote from Brian Keough for Records Management Services in an amount not to exceed \$5,250.00 to be paid from the 2022-2023 account line A1410.41.



Brian Keough, Records Management Services

1 Fernwood Drive
Loudonville, NY
518.331.7843
keoughb@hotmail.com


Quote for Specialized Record Management Consulting Services Village of Perry, NY

February 15, 2023

To: Samantha Marcy at spierce@villageofperry.com

SCOPE OF SERVICES:

1. Inventory, Review & Identification of Active and Inactive Paper Records

- a) Review the Village's active and inactive paper record collection currently stored in the Village Hall in our active records area as well as additional records stored throughout the building. See attached paper inventory.
 - b) Accurately identify relevant records to be moved to the Village records storage area.
 - c) Determine required retention period for inventoried records per Schedule LGS-1.
 - d) Box retained records into standard 1 cubic feet records storage boxes. (Boxes will need to be provided by the contractor.)
 - e) Prepare a records inventory listing / floor plan that includes the following information:
 - Container locations / layout (e.g. building, room and shelf / fireproof cabinets)
 - Unique container identification number (e.g. by department)
 - Department-specific / type of record (e.g. map versus file)
 - General description of the box contents
 - Record series title & number
 - Retention period
 - Date record is eligible for destruction
 - f) Print box identification sheets and place them into plastic sleeves adhered to boxes. (Sleeves or labels will need to be provided by the contractor.)
 - g) Sort the inventory list per the following criteria:
 - Records available for disposal
 - Permanent records
 - Records to be retained following the LGS-1 schedule
 - Records needing further identification by Village personnel to Village of Perry RFQ for Records Management Support Services determine disposition
 - Records eligible for destruction
- 

2. Development of a Records Management Plan, Policies and Procedures Designed to Ensure the Security, Retention, and Appropriate Disposition of all Records for which the Village is responsible.

- a) Provide an assessment of the Village’s overall records management environment, including:
 - Identification of areas in need of improvement
 - Prioritization of areas of focus
 - b) Create a Records Management Plan to guide the Village in building its records management foundation for next 3-5 years
 - c) Recommend policies and procedures to be established by the Village to use from this point forward
3. Destruction of All Eligible Records.

Consultants’ Qualifications: Consultant’s resume is included outlining the Consultant’s relevant background, experience and qualifications for this Project. Consultant has experience on similar LGRMIF grants with New York local governments including current project with the Livingston County needs assessment (Megan M. Sokolow, Records Inventory Supervisor , Livingston County, New York, MSokolow@co.livingston.ny.us, (585) 243-7503. Consultant has also worked with the Bethlehem Central School District; Capital District Regional Planning Commission; Peru Central School District; North Colonie School District; Cornell Cooperative Extension, Saratoga County; New York City Department of Environmental Protection; Troy Housing Authority; Enlarged City of Troy School District;. References, contact names, and phone numbers as needed

D. Project Budget:

Fee is based on a flat rate of \$525. per diem. This rate includes all expenses and overhead of the consultant.

Item A: Records Inventory, Retention and Disposition Analysis, and creation of a Needs Assessment Report. 8 days at a rate of \$525 per day for a total of \$4,200
The Records Inventory will proceed at 4 cubic feet per hour.

Item B: Creation of Records Management Policy and Procedures Manual:
1 days at a rate of \$525. Per day for a total of \$525

Item C: Creation of a Written Records Management Plan
1 days at a rate of \$525. Per day for a total of \$525

It is estimated that the consultant will be on site 5 days.

Grand Total for Items A-E

Consultant 10 days at a rate of \$525 per day

Grand Total: \$5,250

Total Cost Not to Exceed

For all services described above in Scope of Services for a grand total cost not to exceed: \$5,250

E. Project personnel: Brian Keough will serve as the Consultant for the Project (resume included. Any project staff required will be hired at commencement of project with names, resumes, and roles of all staff.



RESOLUTION ADOPTING THE 2023-2024 VILLAGE OF PERRY FEE SCHEDULES

WHEREAS, the Village Administrator has provided updated fee schedules for the 2023-2024 fiscal year for consideration; and

BE IT RESOLVED, the Village of Perry Board of Trustees hereby adopts the 2023-2024 Fee Schedules effective June 5, 2023.



2023-2024 Village of Perry Fee Schedule

(Effective June XX, 2023)

No permit or certificate shall be issued, no approval shall be granted, no application shall be considered complete, no park reservation shall be confirmed, and no public hearing shall be scheduled or held until the fees, as established by the Village Board, have been paid in full. Accepted forms of payment are cash and check.

VILLAGE CLERK'S OFFICE	
Birth Certificate	\$10 (per certificate)
Death Certificate	\$10 (per certificate)
Genealogy Search	\$25
FOIL (8 ½ x 11, 8 ½ x 14, 8 ½ x 17)	\$0.25 / page
*Electronic	Cost of media
Games of Chance	\$25
Returned Check Fee	\$20
Alarm Permit	\$10
Tax Search	\$10
Sewer Inflow Test	\$50



2023-2024 Village of Perry Fee Schedule

(Effective June XX, 2023)

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DEPARTMENT OF PUBLIC WORKS	
Equipment:	Cost Per Hour:
Loader	\$125.00
Sewer Jet Machine	\$75.00
Excavator	\$75.00
Backhoe	\$75.00
Lawn Mower	\$60.00
Ventrac	\$60.00
Bucket Truck	\$60.00
Dump/Plow Truck	\$50.00
Pickup Truck	\$40.00
Chain Saw	\$25.00
Pole Saw	\$25.00
16-ton Trailer	\$20.00
Backpack Blower	\$15.00
Weed Eater	\$15.00
Utility Trailer	\$10.00
Labor (2 hour minimum)	\$40.00 / hour \$60.00 / hour (overtime rate)
Sidewalk Express	\$11.00 / linear foot



2023-2024 Village of Perry Fee Schedule

(Effective June XX, 2023)

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PARKS DEPARTMENT		
Daily Rates	Village Resident	Non-Resident
Perry Beach:		
Pavilion	\$180	\$215
Perry Park:		
Pavilions:		
North Pavilion	\$50	\$60
South Pavilion	\$50	\$60
Softball Fields:		
Diamond 1	\$90	\$110
-with lights	\$150	\$180
Diamond 2	\$90	\$110
Diamond 3	\$90	\$110
Little League Field	\$90	\$110
Park Avenue:		
Softball Field	\$90	\$110
Large Events	\$600	\$720
*Includes pavilions, courts, utilities, and support from the Village of Perry Parks Department. Large events are subject to Village Board approval. *		



2023-2024 Village of Perry Fee Schedule

(Effective June XX, 2023)

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WATER AND SEWER	
Water:	
Village User Base Rate	\$34.00 / quarter
Outside User Base Rate (District)	\$45.00 / quarter
Outside User Base Rate (Non-District)	\$50.00 / quarter
Village User Rate per 1,000 gallons	\$4.15
Outside User Rate per 1,000 gallons (District)	\$5.60
Town of Castile Districts	\$5.81
Outside User Rate per 1,000 gallons (Non-District)	\$5.75
Turn on Fee for Non-Payment	\$50
Shut Off or Turn On Requests After Hours	\$50
Curb Box Taps (3/4" pipes) (Larger than 3/4" may be subject to additional fees)	\$500
Sewer:	
Village User Base Rate	\$69.00 / quarter
Outside User Base Rate (Non-District)	\$86.25 / quarter
Village User Rate per 1,000 gallons	\$8.40
Outside User Rate per 1,000 gallons (Non-District)	\$10.50
Sewer Connection Fee Cost per Unit	\$1,900



Private Wastewater Disposal Construction Permit ¹	Per County Health Dept. Fee Schedule
Village Septage Hauler License Application ³	\$200
Septage Disposal Fee per gallon ³	\$0.09
Individual Wastewater Discharge Permit Applications ^{1,2}	\$300
Notes:	
<i>1) Professional services assistance in connection with the permit review shall be charged to the applicant. Village reserves right to charge additional administrative fees.</i>	
<i>2) The Village reserves the right to establish fees on a case by case basis for wastewater discharges allowed under an individual wastewater discharge permit.</i>	
<i>3) Contingent upon permission of NYSDEC and the Village</i>	

DRAFT



2023-2024 Village of Perry Fee Schedule

(Effective June XX, 2023)

No permit or certificate shall be issued, no approval shall be granted, no application shall be considered complete, no park reservation shall be confirmed, and no public hearing shall be scheduled or held until the fees, as established by the Village Board, have been paid in full. Accepted forms of payment are cash and check.

ZONING OFFICE	
Zoning Permit	\$25 (up to 200 sq' + \$0.10 per sq' above)
Land Separation	\$150 (per lot created)
Site Plan Review	\$200
Variance	\$200 (per variance)
Special Use Permit	\$200
Special Use annual review	\$25
Subdivision – up to 3 lots	\$350
Subdivision – more than 3 lots	\$800
Re-Zone – up to 6 parcels	\$550
Re-Zone – more than 6 parcels	\$850
Unified Solar Permit (Wyoming County)	\$50
Soliciting	\$50 per day
Mailing and third-party review	Applicant assumes cost

PAYMENT IN LIEU OF TAX AGREEMENT

THIS PAYMENT IN LIEU OF TAX AGREEMENT (this "Agreement") made this ____ day of _____, 2023, by and between

Silver Lake Wyoming Housing Development Fund Corporation, a not-for-profit corporation organized pursuant to Article 11 of the Private Housing Finance Law and the Not-for-Profit Corporation Law of the State of New York, having an office at 460 White Spruce Blvd, Rochester NY 14623 and **Silver Lake Meadows LLC**, a New York limited liability company having an office for the transaction of business at 460 White Spruce Blvd, Rochester NY 14623, ("LLC" and together with HDFC, "**Taxpayer**").

and

TOWN OF PERRY, a municipal corporation of the State of New York with offices at 22 South Main St, Perry, NY 14530 ("**Town**"), as well as the **VILLAGE OF PERRY**, a municipal corporation of the State of New York with offices at 46 North Main St, Perry, NY 14530 ("**Village**"),

WITNESSETH:

WHEREAS, the Taxpayer has been organized exclusively to acquire an area pursuant to a plan approved by the Town of Perry and to develop, construct, own, maintain, operate, sell and convey a project pursuant to the terms and provisions of Article 11 of the Private Housing Finance Law of the State of New York; and

WHEREAS, the New York State Division of Housing and Community Renewal, the Taxpayer, and the Town of Perry have recognized the need for affordable housing in the Town and Village of Perry; and

WHEREAS, Silver Lake Wyoming Housing Development Fund Corporation, as nominee for and on behalf of Silver Lake Meadows LLC, has site control through a purchase and sale agreement for certain property and improvements thereon commonly known as a portion of 165 Lake Street, Perry, New York 14530 with Tax I.D.'s #100.6-2-63.2, 100.6-2-64, and 100.6-2-63.1 (more fully described in Exhibit A) ("**Property**"), which Property the Taxpayer will acquire for purposes of construction to provide affordable housing for low and/or moderate income households ("**Project**"); and

WHEREAS, the Taxpayer shall supervise the rehabilitation of the Project which shall be financed in part with loans from New York State Homes and Community Renewal and Federal Low-Income Housing Tax Credits; and

WHEREAS, the Taxpayer has requested that the Town, as taxing jurisdiction for and on behalf of itself, the County of Wyoming, the Village of Perry, the Perry School District, and their respective successors and assigns, grant certain real property tax relief pursuant to Section

577 of the Private Housing Finance Law (“PHFL”) in order to enable the proposed Project to be economically feasible;

WHEREAS, the Town Board of the Town of Perry, by Resolution No. _____ dated _____ approved the request of the Taxpayer for certain real property tax relief and authorized the execution of an agreement with the Taxpayer exempting all of the value of the property and improvements thereon from all local and municipal taxes, other than assessments for local improvements, on the condition that the LLC shall annually pay to the Town for all taxes as defined below:

NOW, THEREFORE, in consideration of the Taxpayer undertaking the Project and in consideration of the covenants herein contained, it is mutually agreed as follows:

1. The Property shall be developed by the Taxpayer. Pursuant to Section 577 of the PHFL, the Town hereby agrees to exempt from local and municipal taxes and from such taxes as may be levied by or on behalf of any taxing jurisdiction as defined in subdivision b of Section 577 of the PHFL, as amended, other than assessments for local improvements, all of value of the land, property and improvements thereon of the Project. Such exemption shall be effective for the final tax assessment roll following the issuance of the Certificate of Occupancy for the Project. The exemption shall continue while the Low-Income Housing Tax Credit Regulatory Agreement with respect to the Project by and between the Taxpayer and the State of New York, ensuring rent affordability, remains in full force and effect unless terminated sooner under the terms of this Agreement.
2. The Taxpayer has the ability to correct and/or cure any noncompliance under the terms of the Regulatory Agreement with the State of New York and, in such event, the PILOT would continue as normal, but that if ultimately, the State of New York determines that the noncompliance has not been corrected and/or cured such that the State of New York terminates the Regulatory Agreement, then the date of first non-compliance which led to the termination would become the effective cancellation date and a prorated recapture of the savings (difference between that year’s PILOT amount and the total assessed value of the property subject to New York Real Property Tax Law Section 581-a, as applicable) would be owed at the end of the year in addition to the normal PILOT payment so as to reflect unabated real property taxes for the Project for the year.
3. As long as the Property is owned by Taxpayer and used for the purpose of the Project, the Project is conducted in accordance with the provisions of Article 11 of the PHFL, now and as hereinafter may be amended and the Regulatory Agreement remains in full force and effect, the LLC shall pay annually to the Town as payment in lieu of taxes an amount as follows:
 - Year 1, defined as 2023, will start with \$48,942.80 due in property taxes and will increase at 2.5% per year. Years 1-20 are specified in **Exhibit B** to this agreement.

- There will also be a one-time payment of \$15,000 at the time of conversion to permanent financing toward the purchase of a ladder truck for the Perry Fire Department
 - There will also be an annual payments to the Town of Perry Ambulance Service, Inc beginning the second year of the agreement at \$1,500/year and increasing at 2.5% per year thereafter.
4. Taxpayer shall annually obtain audited financial statements and an audit of its compliance with all terms of this Agreement, prepared by independent certified public accountants. Taxpayer shall provide such statements and reports to the Town annually within sixty (60) days following the completion of such statements and reports. Upon reasonable notice, the Town shall have access to all documents and records of the Project, including computerized records, on an on-going basis. Such records shall include all tenant-eligibility records and all Taxpayer financial records. The Town shall be permitted to inspect the Project upon request and reasonable notice.
 5. If Taxpayer violates any provision of this Agreement and such violation is not cured within sixty (60) days after receipt of written notification of such violation by the Town (or such longer period as may be reasonably necessary so long as Taxpayer timely initiates and diligently pursues a cure), this Agreement and the tax exemption granted hereunder shall immediately terminate without further notice.
 6. Subject to the paragraph "4." above, Taxpayer shall have all of the rights and remedies of a taxpayer with respect to any tax, service charge, special benefit, ad valorem levy, assessment, special assessment and/or assessment for local improvements which Taxpayer is obligated to pay pursuant to this Agreement.
 7. Subject to the paragraph "4." above, Taxpayer shall have all of the rights and remedies under applicable law of a taxpayer with respect to any proposed assessment or change in assessment with respect to the Property or the Project, and shall be entitled to protest before and be heard by the Town's Board of Assessment Review, and shall be entitled to take any and all appropriate appeals or initiate any proceedings under applicable law to review the validity or amount of any assessment. The term of this Agreement shall commence on the tax year of the Town commencing following the issuance of a Certificate of Occupancy for the Project. The exemption shall continue for a period of Twenty (20) years
 8. So long as the Regulatory Agreement, which shall exist for a term of at least 20 years from Project's finance closing, remains in effect and this Agreement has not been otherwise terminated, this Agreement and the tax exemption will remain in effect; provided, however, the term of this Agreement and/or the tax exemption of the Project shall terminate sooner:
 - (i) if Taxpayer shall sell or otherwise transfer title in the Property or Project or any interest therein; or
 - (ii) if the Property or Project shall be foreclosed through any action by any mortgage holder or if title to the Property or improvements thereon shall be transferred pursuant to a deed in lieu of foreclosure; or
 - (iii) upon the dissolution of the Taxpayer; or
 - (iv) if the Taxpayer elects to terminate this Agreement; or

(v) if the Regulatory Agreement is terminated or is otherwise no longer in force and effect.

9. In the event this Agreement and the exemption provided herein is terminated pursuant to the terms of this Agreement, the Taxpayer agrees to pay no later than the next tax lien date to each jurisdiction having taxing or levying authority on the Project, an amount equal to the taxes and assessments which would have been levied on the Property from the date of default and thereafter as if the Property had been classified as taxable as of the date of loss eligibility of the exemption described herein, subject to the applicable provisions of the New York State Real Property Tax Law.

10. To the extent the Property is declared to be subject to taxation or assessment by any amendment to present law, other legislative change or by final judgment of a court of competent jurisdiction, then obligations of Taxpayer hereunder shall, to such extent, be null and void.

11. If payments are not made as provided herein, each of the jurisdictions having taxing or levying authority on the Project, individually or collectively, shall, in addition to the rights and remedies provided under this Agreement, be entitled to pursue any and all remedies afforded to them at law or in equity.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**Silver Lake Wyoming Housing Development
Fund Corporation**

By _____
Rosemary Shader, *Authorized Signatory*

Silver Lake Meadows LLC

By _____
Rosemary Shader, *Authorized Signatory*

Town of Perry

By _____
James Brick, Town Supervisor

Village of Perry

By _____
Frederic Hauser, Village Mayor

STATE OF NEW YORK
COUNTY OF MONROE

On this _____ day of _____, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared, Rosemary Shader, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK
COUNTY OF WYOMING

On this _____ day of _____, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared, James Brick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK
COUNTY OF WYOMING

On this _____ day of _____, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared, Frederic Hauser, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

Exhibit A

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town and Village of Perry, County of Wyoming and State of New York, being part of Lot No. 30 of William Shepard's Subdivision of the Ogden Tract, bounded and described as follows:

Commencing in the center line of Lake Street at a point North 77° West 635.57 feet from the intersection of the centerline of Lake Street with the centerline of Chestnut Street; thence South 13° West 433 feet to the true point of beginning; thence continuing South 13° West a distance of 140 feet; thence North 77° West a distance of 400 feet; thence North 13° East a distance of 140 feet; thence South 77° East a distance of 400 feet to the true point of beginning.

TOGETHER WITH:

A PERMANENT RIGHT OF WAY FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PREMISES:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town and Village of Perry, County of Wyoming and State of New York, being part of Lot No. 30 of William Shepard's Subdivision of the Ogden Tract, bounded and described as follows: Commencing in the center line of Lake Street at a point north 77° 00' west, 635.57 feet from the intersection of Lake Street with the center line of Chestnut Street; thence south 13° 00' west, a distance of 433 feet; thence north 77° 00' west, a distance of 50 feet; thence north 13° 00' east, a distance of 433 feet to the center line of Lake Street; thence south 77° east, a distance of 50 feet to the point of beginning.

Exhibit B

Year	Per Unit	Total Tax	Increase per unit
2023	\$ 941.40	\$ 48,952.80	
2024	\$ 964.94	\$ 50,176.62	\$ 23.54
2025	\$ 989.06	\$ 51,431.04	\$ 24.12
2026	\$ 1,013.78	\$ 52,716.81	\$ 24.73
2027	\$ 1,039.13	\$ 54,034.73	\$ 25.34
2028	\$ 1,065.11	\$ 55,385.60	\$ 25.98
2029	\$ 1,091.74	\$ 56,770.24	\$ 26.63
2030	\$ 1,119.03	\$ 58,189.50	\$ 27.29
2031	\$ 1,147.00	\$ 59,644.23	\$ 27.98
2032	\$ 1,175.68	\$ 61,135.34	\$ 28.68
2033	\$ 1,205.07	\$ 62,663.72	\$ 29.39
2034	\$ 1,235.20	\$ 64,230.32	\$ 30.13
2035	\$ 1,266.08	\$ 65,836.07	\$ 30.88
2036	\$ 1,297.73	\$ 67,481.98	\$ 31.65
2037	\$ 1,330.17	\$ 69,169.02	\$ 32.44
2038	\$ 1,363.43	\$ 70,898.25	\$ 33.25
2039	\$ 1,397.51	\$ 72,670.71	\$ 34.09
2040	\$ 1,432.45	\$ 74,487.47	\$ 34.94
2041	\$ 1,468.26	\$ 76,349.66	\$ 35.81
2042	\$ 1,504.97	\$ 78,258.40	\$ 36.71

* Annual Amount listed beginning with 2024's payment to include \$1,500 for the Perry Ambulance (increasing 3% per annum thereafter), the remainder of payments to be dispursed to town and other taxing jurisdictions.

**Village of Perry
Village Board Meeting
6/5/2023**

Clerk/Deputy Treasurer Report

FY 2022-2023
Abstract # 25
Vouchers # 2038 - 2152

General Fund	\$ 133,179.83
Special Grant Fund	\$ -
Water Fund	\$ 37,651.74
Sewer Fund	\$ 284,730.22
Capital Projects Fund	\$ 73,962.83
Trust & Agency	\$ 1,228.03
Silver Lake Watershed Commission	\$ -
Total	\$ 530,752.65

- Vouchers were audited by Trustee Billings
- Prepaid to avoid late fees **\$ 275,693.16**
 - Debt Service Payment WWTP Principal \$ 270,720.00
 - Utilities and Payroll \$ 4,973.16
- Breakdown of Capital Projects:
 - Silver Lake Trail Project \$ 59,469.10
 - Lead Service Line Replacement \$ 82.50
 - WWTP Project \$ 11,516.23
 - Boardwalk \$ 1,195.00
 - Storm Drainage Improvements \$ 1,700.00

**Village of Perry
Village Board Meeting
6/5/2023**

Clerk/Deputy Treasurer Report

FY 2023-2024
Abstract # 1
Vouchers # 1 - 18

General Fund	\$ 24,463.06
Special Grant Fund	\$ -
Water Fund	\$ 3,937.05
Sewer Fund	\$ 20,336.76
Capital Projects Fund	\$ -
Trust & Agency	\$ 828.65
Silver Lake Watershed Commission	\$ 37.99
Total	\$ 49,603.51

- Vouchers were audited by Trustee Billings
- Prepaid utilities to avoid late fees **\$ 727.10**