

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
JULY 1, 2024**

A regular board meeting of the Village of Perry was held at the Village Hall, 46 North Main Street, Perry, New York at 7:30 pm on the 1st day of July 2024.

PRESENT:	Rick Hauser	Mayor
	Arlene Lapiana	Trustee
	Joel Bouchard	Trustee
ALSO PRESENT:	Samantha Marcy	Administrator
	Christina Slusser	Village Clerk
ABSENT:	Dariel Draper	Trustee
	Richard Muolo	Trustee

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

PUBLIC COMMENT

No comments.

MINUTES

Motion to approve the minutes from the last regular meeting on June 17, 2024 was made by Trustee Lapiana, seconded by Trustee Bouchard, and carried with all voting aye.

RESOLUTION APPOINTING TREE BOARD MEMBER, JULES HOEPTING

WHEREAS, Tree Board Chairperson Dan Zerbe is requesting the appointment of Jules Hoepting to the Tree Board; and

BE IT RESOLVED, the Village of Perry Board of Trustees hereby appoints Jules Hoepting to the Tree Board for the term ending March 31, 2027.

Trustee Bouchard made a motion to appoint Jules Hoepting to the Tree Board which was seconded by Trustee Lapiana and carried unanimously.

RESOLUTION APPROVING VILLAGE TRUSTEE, JOEL BOUCHARD, AS SIGNER FOR THE LETCHWORTH COMMUNITY ACCESS BANK ACCOUNT

WHEREAS, Village Trustee, Joel Bouchard, serves as the Village liaison for Letchworth Community Access; and

BE IT RESOLVED, the Village Board approves Joel Bouchard as a signer for Letchworth Community Access bank account.

Mayor Hauser made a motion to approve Joel Bouchard as a signer for the Letchworth Community Access bank account which was seconded by Trustee Lapiana and carried with all voting aye.

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT WITH INTEGRATED SYSTEMS

WHEREAS, the Village of Perry contracts with Integrated Systems for engineering services and software development, network and system troubleshooting, programming, end user technical support, cabling and travel; and

WHEREAS, the Village Administrator is proposing purchasing of Contract D for a total of 140 hours at a cost of \$11,900.00 at a discounted hourly rate of \$85 per hour; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the Professional Services Agreement, Contract D for a total cost of \$11,900.00, with Integrated Systems and authorizes the Mayor to execute the agreement.

The plan is to encumber money from the previous fiscal year to cover the cost of the agreement. Motion to approve the Professional Services Agreement with Integrated Systems was made by Trustee Lapiana, seconded by Trustee Bouchard, and carried unanimously.

RESOLUTION APPROVING SCHOOL RESOURCE OFFICER AGREEMENT BETWEEN THE VILLAGE OF PERRY AND THE PERRY CENTRAL SCHOOL DISTRICT

WHEREAS, the Village of Perry's current School Resource Officer Agreement has expired, and the Village of Perry and Perry Central School District have been in discussions regarding a two-year agreement for the 2022-2023 and 2023-2024 school years; and

WHEREAS, the Public Safety Police Committee reviewed the draft agreement; and

WHEREAS, the Perry Central School District approved the agreement on April 18, 2022; and

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby approves the School Resource Office Agreement with the Perry Central School District for the 2022-2023 and 2023-2024 school years and authorizes the Mayor and Chief of Police to execute the agreement.

Trustee Lapiana made a motion to adopt the resolution approving the SRO agreement which was seconded by Trustee Bouchard and carried with all voting aye.

RESOLUTION APPROVING PEDDLER AND SOLICITOR'S PERMIT APPLICATION

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

WHEREAS, Chris Warriner has submitted a Peddler and Solicitor's Permit Application for his mobile food operation, Diner on the Run, to sell goods on July 5, 2024 at the Silver Lake Brewing Project; and

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

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the permit application, pending payment of the permit fee, and authorizes the Village Clerk to provide the license to Mr. Warriner for July 5, 2024.

Motion to adopt the resolution approving the application from Chris Warriner was made by Trustee Lapiana, seconded by Trustee Bouchard, and carried with all voting aye.

MOBILE FOOD VEHICLE VENDORS

Comments were received from the public through the Clerk's Office to reconsider the distance required for food vendors to be set up from another licensed food establishment, as it greatly limits where food vendors can set up without signed permission.

It was stated that the distance of 500 feet is not arbitrary. It is within the sphere that is perceived as competing and still allows restaurant owners to sign off if they are comfortable with it. The belief is that it is a nice gesture to offer the food establishments in Perry and still makes for positive competition. It is important to the board to preserve long term assets when there is a permanent business.

Additional consideration was given to the daily fee being considered prohibitive. Mayor Hauser believes \$50 per day is a good reasonable number for a vendor who has a strategic advantage to choose to set up on a certain day, reminding that vendors participating in sanctioned events approved by the village are not subject to this fee and would be allowed to set up for the duration of the event. Additionally, the fee is not written into the law, so it can be reviewed and changed if evidence supports it and the Village Board agrees to it.

With the consideration of all comments, Mayor Hauser made a motion to adopt the mobile food vehicle vendor law (attached); resolution below.

VILLAGE OF PERRY RESOLUTION

**TO ADOPT A LOCAL LAW THAT ADDS AND AMENDS CHAPTER 327 IN THE VILLAGE CODE
ENTITLED “MOBILE FOOD VEHICLE VENDORS”**

Adopted: July 1, 2024

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Offices located in the Village of Perry, New York, on the 1st day of July, 2024, commencing at 7:30 p.m., at which time and place the following members were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Arlene Lapiana
	Trustee	Joel Bouchard
<u>Absent:</u>	Trustee	Dariel Draper
	Trustee	Richard Muolo

WHEREAS, all Board Members, having due notice of said meeting, and 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 of said meeting was given as required by law; and

WHEREAS, the Village Board has drafted a local law that would add and amend language to the current Chapter 327, “Peace and Good Order” regulations within the Village Code entitled “Mobile Food Vehicle Vendors”; and

WHEREAS, the purpose of the local law is to further clarify the definition of mobile food vehicles and mobile food vehicle vendors, establishing and regulating the provisions, license requirements, conditions, fees and special event permits within said Code; and

WHEREAS, after the required publication of notice, said public hearing was held on June 17, 2024 at the Village Offices in the Village of Perry at 8:15 p.m., 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, pursuant to § 239-l and 239-m of the General Municipal Law, said local law with all supporting documents was submitted to the Wyoming County Planning Board for their review and recommendations for its June 3, 2024 meeting; and

WHEREAS, the Village Board of the Village of Perry finds that adoption of the law entitled Mobile Food Vehicle Vendors to be in the interest of health and public safety of its residents, businesses and visitors.

NOW ON MOTION OF Mayor Hauser, which has been duly seconded by Trustee Lapiana, now therefore be it

RESOLVED, that the local law entitled Mobile Food Vehicle Vendors is hereby adopted and instructs that it be added to Chapter 327 §4 of the Village Code; and be it further

RESOLVED, the Village Board of Perry finds that said local law is an action having no negative impacts to the environment.

Ayes: 3

Nays: 0

Quorum Present: Yes No

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

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

General Fund:

Increase:	A1010.41 (Board of Trustees – Labor Relations)	\$385.00	
Decrease:	A1010.4 (Board of Trustees – Contractual)		\$385.00
Increase:	A1110.1 (Village Justice – Pers Serv)	\$1,000.38	
Increase:	A1110.4 (Village Justice – Contractual)	\$1,023.75	
Decrease:	A1110.12 (Village Justice – Court Off)		2,024.13
Increase:	A1410.12 (Clerk – Pers Serv)	\$2,701.12	
Increase:	A1410.4 (Clerk – Contractual)	\$189.96	
Decrease:	A1410.13 (Clerk – Pers Serv, PT)		\$1,394.44
Decrease:	A1410.41 (Clerk – Contractual, Grants)		\$1,496.64
Increase:	A1420.1 (Law – Pers Serv)	\$0.15	
Decrease:	A1420.4 (Law – Contractual)		\$0.15
Increase:	A1670.4 (Central Print & Mail – Contractual)	\$21.03	
Decrease:	A1680.4 (Data Processing – Contractual)		\$21.03
Increase:	A1910.4 (Unallocated Insurance)	\$1,222.00	
Decrease:	A1325.4 (Treasurer – Contractual)		\$1,222.00

Increase:	A3120.12 (Police – Pers Serv, Part-Time)	\$14,229.91	
Increase:	A3120.13 (Police – Pers Serv, Overtime)	\$982.85	
Increase:	A3120.4 (Police – Contractual)	\$12,118.07	
Decrease:	A3120.1 (Police – Pers Serv, Full-Time)		\$12,111.56
Decrease:	A3120.11 (Police – Pers Serv, Crossing Guards)		\$1,855.62
Decrease:	A3120.14 (Police – Pers Serv, SRO)		\$13,363.65
Increase:	A3410.2 (Fire Department – Equipment)	\$5,781.92	
Decrease:	A3410.4 (Fire Department – Contractual)		\$1,560.00
Decrease:	A3410.42 (Fire Department – Truck Maintenance)		\$4,221.92
Increase:	A5110.11 (Street Maintenance – Overtime)	\$1,358.74	
Increase:	A5110.4 (Street Maintenance – Contractual)	\$7,807.14	
Decrease:	A5110.2 (Street Maintenance – Equipment)		\$7,293.22
Decrease:	A5110.1 (Street Maintenance – Pers Serv)		\$1,872.66
Increase:	A5132.42 (Garage – Utilities)	\$1,560.33	
Decrease:	A5142.4 (Snow Removal – Contractual)		\$1,560.33
Increase:	A5182.4 (Street Lighting – Contractual)	\$7,546.68	
Decrease:	A5410.4 (Sidewalks – Contractual)		\$7,546.68
Increase:	A7110.4 (Parks – Contractual)	\$815.52	
Decrease:	A7110.2 (Parks – Equipment)		\$815.52
Increase:	A8160.4 (Refuse & Garbage – Contractual)	\$495.49	
Increase:	A8510.4 (Community Beautification – Contractual)	\$2,226.09	
Increase:	A8560.4 (Shade Trees – Contractual)	\$857.60	
Decrease:	A8745.4 (Flood & Erosion – Contractual)		\$3,579.18

Water Fund:

Increase:	F1420.1 (Law – Pers Serv)	\$0.13	
Increase:	F8310.4 (Water Admin – Contractual)	\$2,462.16	
Increase:	F8320.1 (Source of Supply – Pers Serv)	\$240.46	
Increase:	F8340.4 (Water Trans & Distrib – Contractual)	\$1,905.15	
Decrease:	F1990.4 (Contingency)		\$4,607.90

Sewer Fund:

Increase:	G8130.42 (Sewage Treatment Plant – Flooding)	\$872.50	
Decrease:	G8130.4 (Sewage Treatment Plant – Contractual)		\$872.50

WHEREAS, the Village Administrator is proposing the following Budget Amendment to allocate money towards sidewalk repairs previously approved to be spent from ARPA funds for the 2023-2024 fiscal year:

Increase:	A4089 (Federal Aid)	\$9,526.00	
Increase:	A5410.4 (Sidewalks, Contractual)		\$9,526.00

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

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

RESOLUTION AUTHORIZING ENCUMBRANCE OF FUNDS FROM THE 2023-2024 ADOPTED VILLAGE BUDGET TO THE 2024-2025 ADOPTED VILLAGE BUDGET

WHEREAS, the Village of Perry Board of Trustees has adopted the 2023-2024 Village of Perry budget with certain appropriations relating to projects or orders that have begun in the 2023-2024 fiscal year but will continue into the 2024-2025 fiscal year; and

WHEREAS, it is necessary to encumber appropriations from the 2023-2024 Village of Perry budget into the 2024-2025 Adopted Village Budget for the items identified below:

Description	Amount to Encumber	2023-2024 Budget Account	2024-2025 Budget Account
General Fund:			
Integrated Service Contract	\$11,900.00	A1620.41	A1620.41
Prosecutor Services	\$1,500.00	A1420.4	A1420.4
Court Renovations/JCAP Grant	\$45,812.99	A1110.41	A1110.41
Leaf machine	\$6,992.00	A5110.2	A5110.2
Fire Department Equipment	\$5,526.52	A3410.4	A3410.4
<i>Total General Fund</i>	<i>\$71,731.51</i>		
Water Fund:			
Watkins Ave Water Main	\$45,000.00	F8340.2	F8340.2
<i>Total Water Fund</i>	<i>\$45,000.00</i>		
Sewer Fund:			
Fencing for WWTP	\$3,700.00	G8130.2	G8130.2
<i>Total Sewer Fund</i>	<i>\$3,700.00</i>		

WHEREAS, the items identified above totaling \$120,431.51 are deemed to be in process; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board of Trustees hereby directs the appropriations identified above be encumbered for the purposes herein specified and authorizes the Village Administrator to make the associated journal entries; and

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

RESOLUTION CREATING CAPITAL PROJECT BUDGET FOR TENNIS COURT REPAIRS AT THE PERRY VILLAGE PARK

WHEREAS, the Village Administrator is recommending creating a capital project budget for the Tennis Court Repairs at the Perry Village Park as follows:

REVENUE:

H2705	Gifts & Donations (Perry Rotary Club & Town of Perry)	\$ 20,000.00
H5031	Interfund Transfer (Repair Reserve Fund & ARPA)	<u>\$ 28,350.00</u>
		\$ 48,350.00

EXPENDITURES:

H7110.2	Tennis Court Repairs	<u>\$ 48,350.00</u>
		\$ 48,350.00

TOTAL PROJECT BUDGET **\$ 48,350.00**
; and

WHEREAS, the Village of Perry Board of Trustees authorized the use of Repair Reserve Funds, subject to permissive referendum, in an amount of \$15,000.00 on May 6, 2024; and

WHEREAS, the Village of Perry Board of Trustees authorized the use of ARPA funds not to exceed \$15,000.00 on May 20, 2024; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the project budget for the Tennis Court Repairs; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the transfer of \$15,000.00 from the Repair Reserve Fund to the Tennis Court Repairs Capital Project; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby authorizes the transfer of \$13,350.00 from ARPA funds to the Tennis Court Repairs Capital Project.

Mayor Hauser made a motion to adopt the previous three resolutions authorizing budget transfers, the encumbrance of funds, and creating a capital project budget for the tennis courts. This motion was seconded by Trustee Lapiana and carried with all voting aye.

WATER AND SEWER FEE SCHEDULE

It has been past practice that ¾" water meters are provided by the village and the cost of larger meters is covered by the customer. It was proposed that a meter larger than ¾" will be the actual cost of the meter minus the cost of a ¾" meter. This is the only change to the water and sewer fee schedule (attached).

RESOLUTION ADOPTING UPDATED VILLAGE OF PERRY WATER AND SEWER FEE SCHEDULE

WHEREAS, the Village Administrator has provided an updated Water and Sewer Fee Schedule for consideration; and

BE IT RESOLVED, the Village of Perry Board of Trustees hereby adopts the Water and Sewer Fee Schedule effective July 1, 2024.

Mayor Hauser made a motion to update the Village of Perry Fee Schedule as of 7/1/2024 specifically to add language on the cost of meters. Trustee Lapiana seconded the motion and it was carried unanimously.

RESOLUTION APPROVING AGREEMENT WITH THE VILLAGE OF PERRY GENERAL UNIT 9253-01

WHEREAS, the Village Board of Trustees approved an agreement in December 2022 with the Village of Perry General Unit to allow the use of vacation time before and after a holiday until the expiration of the current agreement which was May 31, 2024; and

WHEREAS, a successor agreement has not been agreed upon and the General Unit has requested an extension of the holiday pay agreement until a successor agreement is executed; and

BE IT RESOLVED, the Village of Perry Board of Trustees hereby approves the agreement and authorizes the Mayor to execute the agreement.

Trustee Lapiana made a motion to approve the agreement with the Village of Perry General Unit 9253-01 which was seconded by Trustee Bouchard and carried with all voting aye.

VILLAGE OF PERRY

Abstract # 003
Summary by Fund

06/28/2024
12:39:51

Code	Fund	Prepays	Unpays	Totals
A	GENERAL FUND	445.58	34,466.70	34,912.28
F	WATER FUND	52,759.37	6,820.78	59,580.15
G	SEWER FUND	37.99	30,398.60	30,436.59
HE	CDBG STORMWATER IMPROVEMENTS P		6,282.50	6,282.50
HF	WATER TREATMENT PLANT PROJECT		10,815.19	10,815.19
HS	CAPITAL PROJECT - SEWER IMPROV		298.50	298.50
JA	SILVER LAKE WATERSHED COMMISSI	37.99		37.99
TA	TRUST & AGENCY		6,250.00	6,250.00
Total:		53,280.93	95,332.27	148,613.20

Vouchers #57 - #125 were audited by Trustee Bouchard.

Motion to approve abstract #3, vouchers #57-#125, in the amount of \$148,613.20 was made by Trustee Lapiana, seconded by Mayor Hauser, and carried with all voting aye. Reports were shared on tax collection and online payments received in 2023 vs. 2024.

TRUSTEE REPORTS

Trustee Bouchard attended the grand opening of the Silver Lake Trail on 6/29/2024 which also hosted a dedication to passed Trustee Ernie Lawrence.

With no further business, motion to adjourn was made by Trustee Bouchard at 8:11 pm which was seconded by Trustee Lapiana and carried.

Respectfully submitted,
Christina Slusser, Village Clerk

**A LOCAL LAW ENTITLED,
"MOBILE FOOD VEHICLE VENDORS"**

Be it enacted by the Village Board of the Village of Perry, as follows:

SECTION I. STATUTORY AUTHORITY; TITLE

This local law is adopted pursuant to the authority of Municipal Home Rule Law of the State of New York and shall be known as "Mobile Food Vehicle Vendors."

SECTION II. PURPOSE AND INTENT

Section 327-4 of Chapter 327, Peace and Good Order, of the Code of the Village of Perry requires any person selling at auction, hawking, or peddling any goods, "except the peddling of fruit and farm produce, if such farm produce is hawked or peddled by the producer thereof, his servants or employees, without first procuring a license thereof from the Board of Trustees."

This law serves to further clarify the definition of mobile food vehicle and mobile food vehicle vendor and the provisions, license requirements, license conditions, fees, and special event permits.

SECTION III. ENACTMENT

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

§ 328. Mobile Food Vehicles.

§ 328-1: Definitions.

For the purposes of this article the following words are defined:

A. MOBILE FOOD VEHICLE

A commercially manufactured, self-contained, motorized mobile food unit in which ready-to-eat food is cooked, wrapped, packaged, processed, prepared, or portioned for service, sale, or distribution; or one in which beverages are brewed, blended, chilled, hotted, portioned, poured, or prepared for service, sale or distribution.

B. MOBILE FOOD VEHICLE VENDOR

The owner of a mobile food vehicle or the owner's agent; hereinafter referred to as "vendor."

§ 328-2: General provisions for Mobile Food Vehicles.

A. It shall be unlawful for any person to operate a mobile food vehicle within the public rights-of-way or on public property within the Village of Perry except as noted below. Operation of a mobile food vehicle on private property shall continue to be regulated and prohibited in accordance with all applicable provisions of the Village Code.

B. Soliciting is prohibited before 7:00 a.m. and after 9:00 p.m., Monday through Friday and before 8:00 a.m. and after 9:00 p.m. on Saturdays and Sundays.

C. No license for soliciting under this chapter shall be issued to any person under the age of 18 years.

D. It will be unlawful for a mobile food vehicle vendor to park, stand, or operate in a location which is adjacent to or within a five-hundred-foot radius of the nearest property line of a business comprising a licensed food establishment, excluding any patio, awning or temporary enclosure attached thereto, the kitchen of which is open for

serving food to patrons. This requirement may be waived if the application is submitted together with the written consent of the proprietor of the adjacent license food establishment.

- E. All mobile food vehicle vendors must abide by all parking and vehicle and traffic laws, ordinances, rules, and regulations at all times.
- F. All signage must be permanently affixed to the mobile food vehicle. No accessory signage shall be placed outside or around the mobile food vehicle.
- G. All mobile food vehicles must be equipped with trash receptacles of a sufficient capacity that shall be changed as necessary to prevent overflow or the creation of litter or debris.
- H. No vendor shall dispose of any litter or trash generated from the vending operation in public trash receptacles.
- I. Mobile Food Vendors can cater private parties on private property. If a private party has received approval from the Village of Perry to hold an event on public property, a vendor can cater only to the guests of the private party without having to obtain a permit. A certificate of insurance listing the Village of Perry as an additional insured will be required through the approval process.
- J. The requirements of Village of Perry Zoning Law shall be adhered to: no use of private parking lot reducing required parking to host Mobile Food Vendor unless a bonafide special occasion.

§ 328-3: Mobile Food Vehicle Vendor License required; application.

A. Any person desiring to operate a mobile food vehicle shall make a written application for such license to the *Village of Perry*. The application for such license shall be on forms provided by the Village of Perry and shall include the following:

(1) Name, signature, and address of each applicant and each corporate officer of the mobile food vehicle vending corporation.

(2) Goods, wares, services or merchandise for which orders are to be solicited.

(3) A valid copy of all necessary licenses, permits, or certificates required by the County of Wyoming, the State of New York, or any subsidiary enforcement agencies or departments thereof, including, but not limited to, a valid New York State Department of Motor Vehicles registration and certificate of inspection, proof of a New York State sales tax identification number, and valid driver's licenses of all vehicle operators.

(4) A signed Notice of Property Owner Consent shall be provided at time of application.

(5) (a) A signed statement that the vendor shall hold harmless the Village and its officers and employees, and shall indemnify and hold harmless the Village and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license.

(b) The vendor shall furnish and maintain such public liability, food products liability, and property insurance as will protect the vendor and the Village from all claims for

damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than \$1,000,000 per occurrence.

(c) The policy shall further provide that it may not be cancelled except upon 10 days written notice served upon the Village of Perry.

(d) A license issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the Village.

(6) All license applicants shall submit to a Village of Perry Police Department background check into the moral character of the applicant for convictions related to the proposed activity that would indicate that he or she is not a suitable licensee. A statement as to whether the applicant has ever been convicted of any crimes, including details as to the charges, dates of convictions, and any other information that the Village deems appropriate.

(7) The initial license shall be subject to approval after review by the Village Clerk and Village Administrator or designees.

§ 328-4: Mobile Food Vehicle Vendor License Forms and Condition of License.

Every mobile food vehicle vending license shall contain the following conditions:

- A. The license is valid for one vehicle only.
- B. The license issued by the Village of Perry must be carried by the applicant at all times while engaging in activity within the Village of Perry.
- C. Upon receipt of a properly filled out application and license fee, the Village Administrator and Village Clerk shall review the application and shall issue the license to the applicant within 7 days from the date of submission of the application. An application must be submitted to the Village of Perry no later than 7 days prior to the date requested.
- D. The Village Clerk or Village Administrator may deny the application if it does not comply with the requirements of § 328-3. When the Administrator or Clerk denies an application, the party shall specify in writing to the applicant the reason or reasons therefor. Such decision must relate to the protection of the public safety, health, morals, or general welfare of the residents of the Village of Perry, or the failure to comply with this chapter in any respect. The Village Administrator or Village Clerk may also deny any application by any person who shall have been convicted of any crime or of any violation of this chapter.

§ 328-5: Mobile Food Vehicle Vendor License Fee.

- A. All vendors shall pay an application fee in accordance with the Village of Perry adopted fee schedule.

§ 328-6: Closure for operating without a Mobile Food Vehicle Vendor License.

- A. Any mobile food vehicle operating without the required Village of Perry license shall be immediately closed by order of the Village of Perry Police Department.
- B. Every day of operation without a license shall constitute a separate violation and shall be

punishable by a fine of \$500 per violation.

§ 328-7: Mobile Food Vehicle Vendor - Sanctioned Events.

- A. A permit is not required to operate during village sanctioned events. A village sanctioned event is defined as an event that has received approval by resolution of the Village Board of Trustees.
- B. Sanctioned Events include but are not limited to: Chalk Art Festival, Silver Lake Ring of Fire, Sea Serpent Festival, Last Night Perry.
- C. Vending shall only be allowed during and at the location of the Sanctioned Event.
- D. Any vendor that is selling at a Village Sanctioned Event shall be required to submit a valid copy of all necessary licenses, permits or certificates required by the County of Wyoming, or the State of New York including, but not limited to, a valid New York Department of Motor Vehicles registration and certificate of inspection and valid driver's licenses of all vehicle operators and all documents required under § 328-3 A.1., A.2. A.3, A.4, A.5 and A.6.

§ 328-8: Suspension and Revocation of License

- A. Suspension. Whenever the Village Administrator or Village Clerk shall have probable cause to believe that any person to whom a license has been issued under this chapter has violated any of the provisions of this chapter or that any solicitor has misrepresented the purpose of his or her activities, the Village Administrator or Village Clerk shall immediately suspend the license temporarily and give the license holder written notice by certified mail of a hearing to be held before the Village Board of Trustees within 10 days of such temporary suspension to determine whether or not the license should be revoked. This notice must contain a statement of the facts upon which the Village Administrator or Village Clerk has acted in suspending the license. If, after such hearing, the Village Board finds that this chapter has been violated, or the activities of the peddler have been misrepresented, the Board may, within two days after the hearing, revoke the license and give the license holder written notice of the revocation and the reasons therefor.
- B. Revocation. Any license issued pursuant to this chapter may be revoked by the Village of Perry Board of Trustees after notice and hearing for any of the following causes:
 - (1) Fraud, misrepresentation or false statements contained in the application for the license.
 - (2) Fraud, misrepresentation or false statements made in the course of carrying on business as a peddler.
 - (3) Any violation of the Village Code of the Village of Perry.
 - (4) Any violation of New York State Penal Law.
 - (5) Conducting the business of a peddler in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.
 - (6) Upon the recommendation of the New York State Department of Health that the sale of food or food products or other edibles is being conducted under unsanitary

conditions or that there is a violation of law, regulation, code, or ordinance cited by the New York State or Wyoming County Board of Health.

- (7) Upon close of the hearing for the revocation of a license pursuant to this section, notice shall be given by the Village Clerk, in writing, setting forth specifically the grounds of the complaint, the date and time of such hearing and the determination of the Village Board. Such notice shall be mailed certified, to the person holding the license, at his or her last known address.

§ 328-9: Appeals

Any person aggrieved by the action of the Village Administrator or Village Clerk in the denial of a license shall have the right of appeal to the Village of Perry Board of Trustees. Such appeal shall be taken to the Village Board, within 7 days after the appeal has been filed with the Village Clerk's Office. The appeal should contain a written statement setting forth fully the grounds for such appeal. The Village Board shall set a time and place for a hearing on such appeal, provided that the same shall be set within 60 days of receipt of the statement for appeal. Notice of such hearing shall be given in the same manner as provided in § 328-8.



2023 Village of Perry Fee Schedule

(Effective June 5, 2023)

Updated July 1, 2024

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, check, or credit card (Visa, MasterCard, and Discover).

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)	\$500
(Larger than 3/4" may be subject to additional fees)	
Meters (3/4")	Provided by the Village
Meters larger than 3/4"	Actual cost of meter less the cost of 3/4" meter
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
Waiver of Vacant Units Application	\$100
<p>Notes:</p> <p>1) Professional services assistance in connection with the permit review shall be charged to the applicant. Village reserves right to charge additional administrative fees.</p> <p>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.</p> <p>3) Contingent upon permission of NYSDEC and the Village</p>	