



Village of Perry Board of Trustees

Village Board Meeting • Agenda • Monday, June 17, 2024 • 7:30 PM

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

1. Open Meeting and Pledge of Allegiance
2. Public Comment
 - a. Public Hearing at 8:00pm on a Proposed Local Law Entitled “Amending ‘Attachment 2, Village of Perry Use Table’ and Adding §490-54 ‘Amortization of Nonconforming Lots, Structures or Uses Within the C1 District’”
 - b. Public Hearing at 8:15pm on a Proposal Local Law Entitled “Mobile Food Vehicle Vendors”
3. Presentations & Board Actions
 - a. Approval of Minutes – June 3, 2024
 - b. Resolution Approving Request from the Silver Lake Fireworks Fund
 - c. Resolution Approving Payment for CDBG Storm Drainage Improvements Project
4. Clerk/Deputy Treasurer’s Report
5. Department/Committee Reports
6. Trustee Reports
7. Executive Session to discuss collective negotiations pursuant to article fourteen of the civil service law

**A PROPOSED LOCAL LAW
ENTITLED “AMENDING
‘ATTACHMENT 2, VILLAGE OF PERRY USE TABLE’ AND
ADDING §490-54 ‘AMORTIZATION OF NONCONFORMING LOTS, STRUCTURES OR
USES WITHIN THE C1 DISTRICT”**

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

SECTION I. AUTHORITY

The Village Board of the Village of Perry, pursuant to the authority granted it under Article 7 of the Village Law of the State of New York.

SECTION II. PURPOSE

The purpose of this law is to amend and update the Village of Perry Use Table of the Zoning Code of the Village of Perry and adding §490-54 to allow procedures to amortize nonconforming lots, structures, and uses within the C1 District as defined in the Code.

SECTION III. ENACTMENT

The Village Board of the Village of Perry hereby amends the Code of the Village of Perry by amending the following section to Chapter 490 – Zoning:

Attachment 2. Village of Perry Use Table.

The Village of Perry Use Table annexed as Attachment 2 to the Zoning Code of the Village of Perry shall be amended as shown in the attached **Exhibit A**.

The Village Board of the Village of Perry further hereby amends the Code of the Village of Perry by adding the following section to Chapter 490 – Zoning:

§490-54. Amortization of Nonconforming Lots, Structures, or Uses within the C1 District.

A. Amortization of nonconforming lots, uses and structures within the C1 District. In order to comply with the long-term planning goals and the Village of Perry Zoning Law and Comprehensive Plan, a nonconforming lot, structure or use existing in the C1 District as defined in this zoning law may be amortized in accordance with any of the following procedures:

(1) Termination of timeframe. Except as otherwise provided in New York State Law, the Village Zoning Enforcement Officer (hereinafter the “ZEO”) may provide for modification or termination of any type of nonconforming lot, use or structure within the C1 District within a reasonable timeframe as defined herein.

a. “Reasonable Timeframe”: An amortization timeframe as determined by the ZEO shall be deemed a “reasonable timeframe” for the purposes of this section where such timeframe provides the owner of the nonconforming lot, structure, or use sufficient time to

recoup their investments made in the nonconforming portion of the subject property. The reasonable timeframe set forth by the ZEO shall be no less than three (3) years.

b. Procedure: In providing for such modification or removal, the ZEO shall provide a written notice of the nature of the nonconforming lot, structure, or use to the property owner by first class mail and certified mail, return receipt requested, and such written notice shall provide a reasonable timeframe for the modification or termination of such nonconforming lot, structure, or use. The nonconforming lot, structure, or use shall be modified or terminated, and the property brought into compliance with the Village Zoning Law within the reasonable timeframe provided by the ZEO.

c. Appeal: In the event that the property owner disputes either that the nonconforming lot, structure, or use is nonconforming, or that the property owner does not believe the reasonable timeframe provided by the ZEO is “reasonable”, the property owner shall have a right to appeal such determination to the Village Zoning Board of Appeals (hereinafter “ZBA”). Such appeal shall be filed with the ZBA within sixty-two (62) days of mailing of the written amortization notice from the ZEO. If an appeal is filed with the ZBA, the ZBA shall hold a public fact-finding hearing into the factual circumstances of the subject property. The property owner shall be provided with notice of the public hearing by both first class and certified mail, return receipt requested, and afforded an opportunity to speak at said hearing. Upon conclusion of the public hearing, within sixty-two (62) days, the ZBA shall make a written determination as to their factual findings and considerations, and state their determination as to what constitutes a reasonable timeframe for modification or termination of the nonconforming lot, structure or use. After such timeframe is established by the ZBA, the nonconforming lot, structure or use shall be modified or terminated in order to comply with the Village Zoning Ordinance and Comprehensive Plan in accordance with the final determination set forth by the ZBA.

c(i). Public Hearing Determinations: At the public hearing, the ZBA shall make inquiries into the relevant factual circumstances of the subject property to determine both the improvements and investments associated with the modification or termination of the nonconforming lot, structure or use, as well as the reasonable timeframe to allow for the recoupment of the owner’s investment in the nonconforming aspect of the lot, structure, or use.

c(ii). Determining Investments: In determining the investments made to the nonconforming lot, structure or use, the ZBA may consider, in addition to any other factors which it deems relevant, the following: the purchase price of the nonconforming portion of the lot, structure or use; any capital investments or improvements made to the nonconforming portion of the lot, structure or use subsequent to purchase; the appreciation or depreciation of the nonconforming portion of the lot, structure or use subsequent to purchase; the cost to modify or terminate the nonconforming portion of the lot, structure or use, and any other costs or expenses which have been incurred by the property owner. There shall be an affirmative obligation on behalf of the property owner to provide any

proof, documentation, or other sufficient verification of any alleged investments, improvements, and expenditures made into the subject property which would warrant an extension or alteration of the reasonable timeframe provided by the ZEO, and the ZBA shall have a right to request any proof, documentation, or other sufficient verification which it deems necessary in order to make a fully informed decision based on the specific facts and circumstances of the subject property. A failure to provide any such corroborating documentation may be held as an adverse inference against the property owner. See Table 1 of this section for reference.

c(iii). Determining Recoupment Period: In determining the reasonable timeframe for amortization, the ZEO, or on appeal, the ZBA may consider, in addition to any other factors deemed relevant, the following: capital investments or improvements required to modify or terminate the nonconforming portion of the lot, structure or use; the anticipated timeframe to allow for modification or termination of the nonconforming portion of the lot, structure, or use; the annual gross revenue generated by the subject property; the resale value of the subject property both with and without the nonconforming portion of the lot, structure or use, and any other factors relevant to the property owner's ability to recoup his investments. See Table 2 of this section for reference.

(2) Transfer of ownership or death. Upon either the transfer of ownership or death of the owner of any nonconforming lot, use or structure, said nonconforming lot, structure or use must be modified or removed in order to comply with the Village zoning ordinance.

(3) Public nuisance. The Village Board may provide for the termination of a nonconforming lot, use or structure upon determination that the nonconforming lot as a public nuisance. Any nonconforming lot, structure, or use which causes an unreasonable interference with a right common to the general public, including but not limited to conditions which are dangerous to health, offensive to community moral standards, or unlawfully obstructing the public in the free use of public property, may be deemed a public nuisance by the Village Board and subject to termination of its use by any methods deemed necessary by the Village Board in the interest of public safety.

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.

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Table 1: Factors Determining Investments in Nonconforming Lot, Structure or Use:

Total purchase price of subject property (For reference only – not applied to total investment calculation)	
Percentage of subject property which is nonconforming	
Purchase price of allocated to nonconforming portion of subject property	
Capital investments or improvements, made to nonconforming portion of subject property after purchase	
Capital investments or improvements made to nonconforming portion of subject property after purchase which are not essential to nonconforming portion of subject property (deducted from total investment)	
Appreciation or depreciation of the nonconforming portion of the subject property after purchase (appreciated value is deducted from total investment, depreciated value is added to total investment)	
Estimated cost to modify or terminate the nonconforming portion of the subject property	
Other Factors:	
Other Factors:	
Other Factors:	
Total investment in nonconforming lot, structure or use	

Table 2: Factors Determining Recoupment Period:

Anticipated timeframe to modify or terminate the nonconforming portion of the subject property	
Gross annual revenue generated by the subject property	
Gross annual revenue generated by nonconforming portion of the subject property	
Resale value of subject property with nonconforming lot, structure or use (if owner wishes to sell)	
Resale value of the subject property without nonconforming lot, structure or use (if owner wishes to sell)	
Gross annual revenue x anticipated timeframe to modify or terminate nonconforming portion of the subject property (“gross revenue for modification or termination Period”)	
Total investment (from Table 1) / gross revenue for modification or termination period (“percent of cost”)	
Is percent of cost less than or equal to 15% (If yes, this is the recoupment period. If no, extend period to bring Percent of Cost equal to or below 15%)	
Other Factors:	
Other Factors:	
Total Recoupment Period:	

Residential Uses should be allowed a longer amortization period. Please refer to recent and relevant case law for reference.

ZONING

490 Attachment 2

Village of Perry Use Table

[Amended by Local Laws No. 2-2021 & -2024]

Principle Uses	C-1	C-2	DDD	M-1	R-1	R-2	R-3	RCOZ	LD
Commercial Retail and Personal Service									
Retail shops and sales (30,000 square feet or less)	P	P	P	P	-	-	-	-	SP
Retail shops and sales (Over 30,000 square feet)	SP	SP	-	-	-	-	-	-	-
Personal service shops (e.g. barbershops, beauty salons, and shoe repair)	P	P	P	P	-	-	-	-	-
Restaurants	P	P	P	P	-	-	-	-	SP
Restaurants with drive-through service	-	P	-	P	-	-	-	-	-
Financial Institutions, with or without drive-through service	P	P	P	P	-	-	-	-	-
Automotive, car washes	-	SP	-	SP	-	-	-	-	-
Automotive, new and used motor vehicles sales and service	-	SP	-	SP	-	-	-	-	-
Automotive, gasoline service stations	SP	SP	-	SP	-	-	-	-	-
Automotive, gasoline service stations, public garages, and collision shops	-	SP	-	SP	-	-	-	-	-
Farm equipment sales and service	-	P	-	P	-	-	-	-	-
Nurseries and greenhouses	-	P	-	P	-	-	-	-	-
Auction barns and flea markets, exclusive of livestock	-	P	-	P	-	-	-	-	-
Boat or marine sales and service	-	P	-	P	-	-	-	-	-
Mortuaries and funeral homes	P	P	-	P	SP	SP	SP	-	-
Mobile home, trailer and recreational vehicle sales and service	-	P	-	P	-	-	-	-	-
Adult uses	-	-	-	SP	-	-	-	-	-
Docking Facilities	-	-	-	-	-	-	-	-	SP

ZONING

Principle Uses	C-1	C-2	DDD	M-1	R-1	R-2	R-3	RCOZ	LD
Commercial, Arts, Entertainment, and Recreation									
Art, dance, music or photographic studios	P	P	P	P	-	-	-	-	-
Theaters and cinemas	P	P	P	P	-	-	-	-	-
Assembly halls	P	P	-	P	-	-	-	-	-
Outdoor recreation	P	P	-	P	-	-	-	-	-
Indoor recreation	P	P	P	P	-	-	-	-	-
Golf courses and country clubs	-	-	-	-	SP	SP	SP	-	-
Campgrounds	-	-	-	-	-	-	-	-	SP
Commercial Hospitality									
Bed-and-breakfast	P	P	-	-	P	P	P	-	P
Village inns	-	-	P	-	-	-	-	-	-
Commercial, Office and Medical									
Office	P	P	P	P	-	-	-	-	-
Medical offices or clinics	P	P	P	P	-	-	-	-	-
Nursing or convalescent homes	P	P	-	P	-	-	SP	-	-
Hospitals	-	SP	-	SP	-	-	SP	-	-
Pet daycare	P	P	-	P	-	-	-	-	-
Small animal hospitals (veterinary and animal hospitals)	-	SP	-	SP	-	-	-	-	-
Kennels	SP	P	SP	P	-	-	-	-	-
Manufacturing and Industry									
Manufacturing, light	-	-	-	P	-	-	-	-	-
Warehousing and distribution	-	SP	-	P	-	-	-	-	-
Workshops	P	P	P	P	-	-	-	-	-
Contractor yards	-	SP	-	P	-	-	-	-	-
Building materials supply (warehousing lumber, millwork, construction material, ect.)	-	P	-	P	-	-	-	-	-
Laundry and dry-cleaning	-	P	-	P	-	-	-	-	-
Printing, publishing, and engraving	-	P	-	P	-	-	-	-	-
Machine or tool sales, service or rental	-	P	-	P	-	-	-	-	-
Truck terminals	-	-	-	P	-	-	-	-	-

ZONING

Principle Uses	C-1	C-2	DDD	M-1	R-1	R-2	R-3	RCOZ	LD
Residential Uses									
Single-family dwellings	SP (2) (3)	-	-	-	P	P	P	-	P
Two-family dwellings	SP (2) (3)	-	-	-	-	SP	-	-	SP
Multifamily dwellings	SP (2) (3)	P	P	SP	-	-	P	-	SP
Residential conversions	- (1)	- (1)	- (1)	- (1)	-	-	-	SP	-
Group homes	-	SP	-	SP	-	-	-	-	-
Civic and Institutional Uses									
Religious places of worship and faith-based facilities	P	P	-	P	P	P	P	-	P
Public and private schools	-	SP	-	SP	P	P	P	-	P
Parks and playgrounds	P	P	-	P	P	P	P	-	P
Buildings, structures, and recreation facilities in parks	-	SP	-	SP	SP	SP	SP	-	-
Clubs and fraternal organizations	-	SP		SP	SP	SP	SP	-	-
Civic and institutional uses	-	-	-	-	-	-	-	-	-
Governmental facilities (offices, fire stations, public works, etc.)	SP	SP	-	SP	P	P	P	-	P
Cemeteries	-	SP	-	SP	SP	SP	SP	-	-
Other Uses									
Agriculture	-	-	-	P	-	-	-	-	P
Public utility facilities	-	SP	-	SP	SP	SP	SP	-	-
Towers	-	SP	-	SP	SP	SP	SP	-	-

Key:

P: Allowed by right

SP: Requires special use permit

:- Not permitted

(1) / (2) / (3): See Notes

Notes:

1: Prohibition on First Floor Residential Conversions: It shall be impermissible to convert/build first floor for residential purposes – first floor must remain commercial use in C-1, C-2, DDD, and M-1 Districts

2: Allowed above the first floor only, unless subject to exception under note (3).

3: C-1 District Residential Use Exemptions

- (i) C-1 First Floor Residential Uses on Main Street: Within the C-1 District, buildings or structures on lots or parcels located on Main Street which have frontage on Main Street, may use the rear forty percent (40%) of the building, as measured from the Main Street face of the building to the rear of the building, for residential uses if such forty percent (40%) of the building provides a minimum 700 square foot living space and the property is otherwise in compliance with §490-71 of the Code (“Off-street parking, loading and stacking”). The front facing sixty percent (60%) of all buildings on Main Street with Main Street frontage shall remain for commercial use.
- (ii) C-1 First Floor Residential Uses on Side Streets: Within the C-1 District, buildings or structures on lots or parcels located on Borden Avenue, Covington Street, Lake Street, and Page Circle which have previously established first-floor residential uses may continue to use the first-floor for residential use. Any such previously established first-floor residential uses may not be altered or expanded.

Wyoming County Planning Board REFERRAL RESPONSE FORM

For referrals as required in accordance with NYS General Municipal Law Article 12B, Section 239-I and M

Location of Proposed Action: C1 Zoning District – V/Perry

Applicant: Village of Perry

Type of Proposed Action (separate form completed for each action):

☐ Area Variance ☐ Use Variance ☐ Site Plan ☐ Special Use Permit ☒ Other: Zoning Text Amendment – Local Law Amending Use Table Attachment 2 and Adding 490-54 “Amortization of Nonconforming lots, structures or uses within the C1 District” ☐ New Zoning Ordinance

WCPB Recommendation on this Action:

The WCPB took the following action at their meeting on 6/3/2024 concerning this referral:

☒ Approval with Comments ☐ Disapproval w/comments ☐ None ☐ Denied

☐ No recommendation; proposed action has no significant negative county-wide or inter-community impacts

Proposed Action: Zoning Text Amendment - Local Law Amending Use Table Attachment 2 and Adding 490-54 “Amortization of Nonconforming lots, structures or uses within the C1 District”

Comments from the WCPB Meeting:

1. A completed 239-M Referral Approval Checklist has been provided.
2. A Short Environmental Assessment Form (SEAF) has been included pursuant to NYS Environmental Quality Review Act (SEQR).
3. A draft of the local law has been provided.
4. A copy of the proposed zoning map has been provided.
5. The WCPB requests a copy of the C1 Zoning District map once it has been finalized.
6. All local County and State permits must be obtained and submitted prior to approval and must meet local, County, and NY State Building Codes.
7. There appear to be no significant county-wide negative impacts related to this proposed project.

Note: It is the intent of the Wyoming County Planning Board to provide recommendation(s) to the Local Municipal Board to assist in the final determination, and to provide guidance in achieving maintenance of the most current Land Use Regulation in place.

Report of Final Action:

Within 30 days after the final action, *the referring body is required to file a report of its final action* with the Wyoming County Planning Board. If such action is contrary to a WCPB recommendation of modification or disapproval, this report should include the reasons for such contrary action.

Note: Please provide this report of final action below on the PINK response form and mail or deliver to:
Wyoming County Planning & Development, 36 Center Street, Suite C, Warsaw, NY 14569

On _____ (date), the _____ (Board Name)
took the following final action on the above proposed action previously referred to the WCPB.

☐ Approval ☐ Modification ☐ Disapproval

Report by: _____ Date: _____

DRAFT
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.

Wyoming County Planning Board REFERRAL RESPONSE FORM

For referrals as required in accordance with NYS General Municipal Law Article 12B, Section 239-l and M

Location of Proposed Action: Entire Municipality, V/Perry

Applicant: Village of Perry

Type of Proposed Action (separate form completed for each action):

☐ Area Variance ☐ Use Variance ☐ Site Plan ☐ Special Use Permit ☒ Other: Zoning Text Amendment

WCPB Recommendation on this Action:

The WCPB took the following action at their meeting on 6/3/2024 concerning this referral:

☒ Approval with Comments ☐ Disapproval w/comments ☐ None ☐ Denied

☐ No recommendation; proposed action has no significant negative county-wide or inter-community impacts

Proposed Action: Zoning Text Amendment - amending Section 327-4 of Chapter 327 "Peace and Good Order" - addition of local law: "Mobile Food Vehicle Vendors"

Comments from the WCPB Meeting:

1. A completed 239-M Referral Approval Checklist has been provided.
2. A draft of the local law has been provided.
3. A Short Environmental Assessment Form (SEAF) has been included pursuant to NYS Environmental Quality Review Act (SEQR).
4. All local County and State permits must be obtained and submitted prior to approval and must meet local, County, and NY State Building Codes.
5. There appear to be no significant county-wide negative impacts related to this proposed project.

Note: It is the intent of the Wyoming County Planning Board to provide recommendation(s) to the Local Municipal Board to assist in the final determination, and to provide guidance in achieving maintenance of the most current Land Use Regulation in place.

Report of Final Action:

Within 30 days after final action, *the referring body is required to file a report of its final action* with the Wyoming County Planning Board. If such action is contrary to a WCPB recommendation of modification or disapproval, this report should include the reasons for such contrary action.

Note: Please provide this report of final action below on the PINK response form and mail or deliver to:
Wyoming County Planning & Development, 36 Center Street, Suite C, Warsaw, NY 14569

On _____ (date), the _____ (Board Name)
took the following final action on the above proposed action previously referred to the WCPB.

☐ Approval ☐ Modification ☐ Disapproval

Report by: _____ Date: _____

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
JUNE 3, 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 3rd day of June 2024.

PRESENT:	Arlene Lapiana	Trustee
	Joel Bouchard	Trustee
	Richard Muolo	Trustee
ALSO PRESENT:	Samantha Marcy	Administrator
	Christina Slusser	Village Clerk
	Steve Deaton	DPW Superintendent
	Jeff Drain	Chief Water/Sewer Plant operator
GUESTS:	Lorraine Sturm	Perry Herald
	Rae Cohen	Village Resident
ABSENT:	Rick Hauser	Mayor
	Daniel Draper	Trustee

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

PUBLIC COMMENT

Rae Cohen, a resident of Bradford Street, shared her concerns about an unkept neighbor's property. Ms. Cohen had pictures to share with the board. The property maintenance officer and zoning committee is aware. Ms. Cohen has previously spoken to the property maintenance officer about her concerns.

MINUTES

Trustee Bouchard made a motion to approve the minutes from the last meeting on May 20, 2024 which was seconded by Trustee Muolo and carried with all voting aye.

RESOLUTION APPOINTING SEASONAL LABORER, MICHAEL DUCHNICK

WHEREAS, there's a vacancy for a Seasonal Laborer in the Parks Department; and

WHEREAS, the Superintendent of Public Works is requesting the appointment of Michael Duchnick for the 2024 season; and

BE IT RESOLVED, that the Perry Village Board of Trustees does hereby appoint Michael Duchnick as a Seasonal Laborer designated to the Parks Department at a rate of \$15.00 per hour effective June 4, 2024.

Trustee Muolo made a motion to appoint seasonal laborer, Michael Duchnick, which was seconded by Trustee Bouchard and carried with all voting aye.

RESOLUTION ACKNOWLEDGING DELAY FOR BASE RATE INCREASES FOR MULTI-UNITS

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

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

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

<u>Tax Map #</u>	<u>Address</u>	<u>Account #</u>
100.7-10-21	1 N. Main St	22637
100.7-10-22	5 N. Main St	22637

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

Trustee Lapiana made a motion to adopt the resolution acknowledging a delay for base rate increases for multi-units which was seconded by Trustee Muolo and carried with all voting aye.

RESOLUTION APPROVING PERRY FIREMAN’S BASEBALL REQUEST

WHEREAS, the Parks Committee has reviewed a request from Perry Fireman’s Baseball; and

WHEREAS, the Perry Fireman’s Baseball is organizing a tournament on June 7th and June 8th, 2024; and

WHEREAS, the Parks Committee is suggesting waiving the fee for the softball fields; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board of Trustees hereby accepts the Perry Fireman’s Baseball request and waives the fee for the fields.

The parks committee reviewed this request today for a tournament this weekend. Trustee Bouchard made a motion to approve the Perry Fireman’s baseball request which was seconded by Trustee Muolo and carried unanimously.

CLERK/DEPUTY TREASURER REPORT

FY 2023-2024

Abstract # 25

Vouchers # 1987 - 2057

General Fund	\$ 88,316.78
Special Grant Fund	\$ -
Water Fund	\$ 43,243.86
Sewer Fund	\$ 6,652.49
Capital Projects Fund	\$ 30,988.64
Trust & Agency	\$ 1,881.39
Silver Lake Watershed Commission	\$ -
Total	\$ 171,083.16

FY 2024-2025

Abstract # 1

Vouchers # 1 - 14

General Fund	\$ 51,132.73
Special Grant Fund	\$ -
Water Fund	\$ 2,996.21
Sewer Fund	\$ 1,334.36
Capital Projects Fund	\$ -
Trust & Agency	\$ 311.68
Silver Lake Watershed Commission	\$ -
Total	\$ 55,774.98

Vouchers were audited by Trustee Muolo. Trustee Bouchard made a motion to approve payment of abstract #25 for a total of \$171,083.16 which was seconded by Trustee Lapiana and carried with all voting aye. Trustee Bouchard then made a motion to approve payment of abstract #1 in the amount of \$55,774.98 which was seconded by Trustee Lapiana and carried with all voting aye.

DEPARTMENT REPORTS

SPLASH PAD

Steve Deaton and Jeff Drain were present to discuss the hours of operation for the splash pad at Perry Village Park. There are concerns over water usage, particularly at times of inclement weather. The splash pad uses 100 gallons of water per minutes. The board considered limiting the hours until school gets out. The new hours for the splash pad will be from noon-6 now through June 15th (3rd Saturday in June) then from 11am-7pm until Labor Day. After Labor Day, the hours will go back to noon-6 until it gets shut off for the season. To help conserve water, the splash pad may be shut off on rainy days. New signs will need to be made to display at the park.

PAVING

The state announced that D&H excavating was awarded the bid for paving and estimated that Main Street will be paved in July.

TRUSTEE REPORTS

Trustee Bouchard attended an LCA (Letchworth Community Access) meeting. The group plans to focus on consistency & diversity of content with a desire to do promotional videos for events rather than just coverage on day-of.

The board is Looking for ideas for the old tennis courts that were removed at the Village Park as well as at Park Ave Park. Consideration is being given to holding a public meeting to gauge what the public is interested in, knowing that funding will be needed.

EXECUTIVE SESSION

At 7:58 pm Trustee Lapiana made a motion to enter executive session to discuss collective negotiations pursuant to article fourteen of the civil service law. This motion was seconded by Trustee Muolo and carried.

At 8:04 Trustee Lapiana made a motion to exit the executive session which was seconded by Trustee Muolo and carried with all voting aye.

Trustee Lapiana made a motion to approve the agreement between the Village and CSEA for June 1, 2024 through May 1, 2029. This motion was seconded by Trustee Muolo and carried with all voting aye.

At 8:09 pm, motion to adjourn the meeting was made by Trustee Lapiana, seconded by Trustee Muolo, and carried.

Respectfully submitted,
Christina Slusser, Village Clerk



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 Wednesday, 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 the amount of \$250.00.

Silver Lake Fireworks Fund

Est. 1999

P.O. Box 38, Silver Lake, NY 14549

*Fund Administrators: Lorraine Sturm, Larry LaRussa
7851 Route 39, Perry, NY 14530, 585-237-6310*

June 10, 2024

Castile Town Board, Town of Perry Board, Village of Perry Board

Dear Supervisors Klein and Brick and Councilpersons and Mayor Hauser and Trustees:

Silver Lake Fireworks Fund has had the support of your municipalities since it started in 1999. We appreciate that a great deal and hope all will once again donate \$250 for the 2024 show. It will be at 10 PM, Wednesday, July 3rd from Silver Lake Country Club pier. The display is lit after the Ring of Fire flares burn out.

Each year, the fireworks display at Silver Lake has gained a larger audience and that translates into sales tax revenues for local businesses. The population at the lake is its highest during this event and holiday week. Whole families plan their vacations around this week and this kickoff show.

As in the past, each municipality is listed as an additional insured on Young Explosives' event policy.

Below is a "donation invoice" as requested in the past with the previous year's support. Donation checks must be made payable to: Silver Lake Fireworks Fund, which still has a dedicated account at Tompkins Community Bank in Perry.

Thank you for your consideration and we hope to see some of you at the show.

Lorraine Sturm, Larry LaRussa
Silver Lake Fireworks Fund



RESOLUTION APPROVING PAYMENT FOR CDBG STORM DRAINAGE IMPROVEMENTS PROJECT

WHEREAS, the Village Clerk has received Pay App #1 from the general contractor, D&H Excavating, Inc. for the storm drainage project in the amount of \$478,789.83 and

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

D&H Excavating, Inc.

\$478,789.83

PAYMENT REQUISITION**APPLICATION #:** One (1)**DATE:** June 10, 2024**TO:** Village of Perry
46 N. Main Street
Perry, NY 14530**FROM:** MRB Group
The Culver Road Armory
145 Culver Road, Suite 160
Rochester, NY 14620**RE:** Village of Perry – WWTP Improvements
D&H Excavating, Inc. – General Contract
MRB Project # 1956.22001

The attached invoice, from the above captioned contractor, for work and/or materials, in place or delivered, has been reviewed and approved for payment, as of the above date, as follows:

INVOICE AMOUNT:	\$503,989.30
LESS RETAINAGES OR DEDUCTIONS NOTED:	(\$25,199.47)
NET INVOICE:	\$478,789.83

Budget estimates and/or contractor's bid status are as follows:

	<u>Contractor's Bid</u>
TOTAL	\$685,505.00
CHANGE ORDERS TO DATE	\$0.00
PAID TO DATE	(\$0.00)
THIS PAYMENT	(\$478,789.83)
BALANCE TO PAY	\$206,715.17

Respectfully submitted,



Robin B Palmer

Contractor's Application for Payment

Owner: <u>VILLAGE OF PERRY</u> Engineer: <u>MRB GROUP, D.P.C.</u> Contractor: <u>D&H Excavating Inc</u> Project: <u>WATKINS-OLIN STORMWATER IMPROVEMENTS</u> Contract: <u>CONTRACT 1 - GENERAL</u>	Owner's Project No.: _____ Engineer's Project No.: <u>1956.22001</u> Contractor's Project No.: _____																								
Application No.: <u>1</u> Application Date: <u>5/24/2024</u>																									
Application Period: From <u>4/9/2024</u> to <u>5/24/2024</u>																									
<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 70%;">1. Original Contract Price</td><td style="width: 30%; text-align: right;">\$ 685,505.00</td></tr><tr><td>2. Net change by Change Orders</td><td style="text-align: right;">\$ -</td></tr><tr><td>3. Current Contract Price (Line 1 + Line 2)</td><td style="text-align: right;">\$ 685,505.00</td></tr><tr><td>4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)</td><td style="text-align: right;">\$ 503,989.30</td></tr><tr><td>5. Retainage</td><td></td></tr><tr><td> a. <u>5%</u> X <u>\$ 503,989.30</u> Work Completed</td><td style="text-align: right;">\$ 25,199.47</td></tr><tr><td> b. <u>5%</u> X <u>\$ -</u> Stored Materials</td><td style="text-align: right;">\$ -</td></tr><tr><td> c. Total Retainage (Line 5.a + Line 5.b)</td><td style="text-align: right;">\$ 25,199.47</td></tr><tr><td>6. Amount eligible to date (Line 4 - Line 5.c)</td><td style="text-align: right;">\$ 478,789.83</td></tr><tr><td>7. Less previous payments (Line 6 from prior application)</td><td></td></tr><tr><td>8. Amount due this application</td><td style="text-align: right;">\$ 478,789.83</td></tr><tr><td>9. Balance to finish, including retainage (Line 3 - Line 4)</td><td style="text-align: right;">\$ 181,515.70</td></tr></table>		1. Original Contract Price	\$ 685,505.00	2. Net change by Change Orders	\$ -	3. Current Contract Price (Line 1 + Line 2)	\$ 685,505.00	4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 503,989.30	5. Retainage		a. <u>5%</u> X <u>\$ 503,989.30</u> Work Completed	\$ 25,199.47	b. <u>5%</u> X <u>\$ -</u> Stored Materials	\$ -	c. Total Retainage (Line 5.a + Line 5.b)	\$ 25,199.47	6. Amount eligible to date (Line 4 - Line 5.c)	\$ 478,789.83	7. Less previous payments (Line 6 from prior application)		8. Amount due this application	\$ 478,789.83	9. Balance to finish, including retainage (Line 3 - Line 4)	\$ 181,515.70
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Contractor's Certification The undersigned Contractor certifies, to the best of its knowledge, the following: (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment; (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.																									
Contractor: <u>D&H Excavating Inc</u>																									
Signature: <u>[Signature]</u> Date: <u>5-31-24</u>																									
<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; vertical-align: top;">Recommended by Engineer By: <u>[Signature]</u> Title: <u>Engineer</u> Date: <u>06/10/2024</u></td><td style="width: 50%; vertical-align: top;">Approved by Owner By: _____ Title: _____ Date: _____</td></tr><tr><td colspan="2">Approved by Funding Agency</td></tr><tr><td style="vertical-align: top;">By: _____ Title: _____ Date: _____</td><td style="vertical-align: top;">By: _____ Title: _____ Date: _____</td></tr></table>		Recommended by Engineer By: <u>[Signature]</u> Title: <u>Engineer</u> Date: <u>06/10/2024</u>	Approved by Owner By: _____ Title: _____ Date: _____	Approved by Funding Agency		By: _____ Title: _____ Date: _____	By: _____ Title: _____ Date: _____																		
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Approved by Funding Agency																									
By: _____ Title: _____ Date: _____	By: _____ Title: _____ Date: _____																								

Progress Estimate - Unit Price Work
Contractor's Application for Payment

Owner:	VILLAGE OF PERRY	Owner's Project No.:	
Engineer:	MRB GROUP, D.P.C.	Engineer's Project No.:	1956.22001
Contractor:	D&H Excavating Inc	Contractor's Project No.:	
Project:	WATKINS-OLIN STORMWATER IMPROVEMENTS		
Contract:	CONTRACT 1 - GENERAL		

Application No.: 1 Application Period: From 04/09/24 to 05/24/24 Application Date: 05/24/24

A	B	C	D	E	F	G	H	I	J	K	L
Bid Item No.	Description	Contract Information				Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
Original Contract											
001	MOBILIZATION	1	LS	\$18,000.00	18,000.00	1	18,000.00		18,000.00	100%	-
002	MAINTENCE PROTECTION TRAFFIC	1	LS	\$45,000.00	45,000.00	0.33	14,850.00		14,850.00	33%	30,150.00
303.12	12" STORM SEWER PIPE	2054	LF	\$85.00	174,590.00	1945.1	165,333.50		165,333.50	95%	9,256.50
303.15	15" STORM SEWER PIPE	65	LF	\$112.00	7,280.00	67.8	7,593.60		7,593.60	104%	(313.60)
303.18	18" STORM SEWER PIPE	647	LF	\$140.00	90,580.00	637.2	89,208.00		89,208.00	98%	1,372.00
320.4	INSTALL NEW 4' I.D. STORM MANHOLE	2	EA	\$9,500.00	19,000.00	2	19,000.00		19,000.00	100%	-
320.95	INSTALL NEW 5' I.D. DOGHOUSE MANHOLE	2	EA	\$8,200.00	16,400.00	2	16,400.00		16,400.00	100%	-
321.1	REMOVE AND INFILL CATCH BASIN	10	EA	\$1,450.00	14,500.00	10	14,500.00		14,500.00	100%	-
321.2	REMOVE AND REPLACE CATCH BASIN	15	EA	\$3,750.00	56,250.00	13	48,750.00		48,750.00	87%	7,500.00
321.2424	INSTALL NEW CATCH BASIN	16	EA	\$3,750.00	60,000.00	13	48,750.00		48,750.00	81%	11,250.00
346	CONNECT TO EXISTING STORM SEWER PIPE	3	EA	\$1,850.00	5,550.00	3	5,550.00		5,550.00	100%	-
434	OPEN CUT ROAD RESTORATION	428	LF	\$46.00	19,688.00	0	-		-	0%	19,688.00
504	ASPHALT DRIVEWAY RESTORATION	258	SF	\$12.00	3,096.00	0	-		-	0%	3,096.00
505	GRAVEL DRIVEWAY RESTORATION	101	SF	\$10.00	1,010.00	0	-		-	0%	1,010.00
521	LAWN RESTORATION	1843	SF	\$6.00	11,058.00	0	-		-	0%	11,058.00
523	CONCRETE SIDEWALK RESTORATION	28	LF	\$145.00	4,060.00	0	-		-	0%	4,060.00
524.1	ASPHALT ROAD GUTTER	2258	LF	\$44.00	99,352.00	0	-		-	0%	99,352.00
021.03C	#3 & #4 CRUSHED STONE FOR UNSTABLE TRENCH CONDITIONS	30	CY	\$85.00	2,550.00	0	-		-	0%	2,550.00
023.04	#4 CRUSHED GRAVEL	30	CY	\$74.00	2,220.00	708.3	52,414.20		52,414.20	2361%	(50,194.20)
330.04	RECONNECT STORM SEWER LATERAL	30	EA	\$910.00	27,300.00	4	3,640.00		3,640.00	13%	23,660.00
525	CONCRETE CURB REPLACEMENT	55	LF	\$130.00	7,150.00	0	-		-	0%	7,150.00
561C	ROCK REMOVAL	10	CY	\$200.00	2,000.00	0	-		-	0%	2,000.00
327A1	(ADD) CONCRETE CURBING	2258	LF	\$26.00	58,708.00	0	-		-	0%	58,708.00
434A1	(ADD) OPEN CUT ROAD RESTORATION	2258	LF	\$17.50	39,515.00	0	-		-	0%	39,515.00
524.1A1	(DEDUCT) ASPHALT ROAD GUTTER	2258	LF	-\$44.00	(99,352.00)	0	-		-	0%	(99,352.00)
Original Contract Totals					\$ 685,505.00		\$ 503,989.30	\$ -	\$ 503,989.30	74%	\$ 181,515.70

**Village of Perry
Village Board Meeting
6/17/2024**

Clerk/Deputy Treasurer Report

FY 2023-2024

Abstract # 26

Vouchers # 2058 - 2137

General Fund	\$ 56,054.30
Water Fund	\$ 12,275.97
Sewer Fund	\$ 3,718.25
Capital Projects Fund	\$ 479,019.83
Silver Lake Watershed	\$ 42.31
Trust & Agency	\$ 1,276.75
Total	\$ 552,387.41

- Vouchers were audited by Trustee Muolo
- Prepaid to avoid late fees \$ 652.25
- Capital Projects Fund:
CDBG Stormwater \$ 479,019.83

FY 2024-2025

Abstract # 2

Vouchers # 15 - 56

General Fund	\$ 67,523.54
Water Fund	\$ 6,456.55
Sewer Fund	\$ 6,892.17
Capital Projects Fund	\$ -
Silver Lake Watershed	\$ -
Trust & Agency	\$ 1,426.50
Total	\$ 82,298.76

- Vouchers were audited by Trustee Muolo
- Prepaid to avoid late fees \$ 726.58

**Village of Perry - 2024 - 2025 - Village Tax Collection
Trial Balance - All Swis Codes
06-14-24**

Original Warrant	2,311,582.30
Adjustments	0.00
 Adjusted Warrant	 2,311,582.30
Full Payments	339,155.00
Penalties	0.00
 Total Collections	 339,155.00
Taxes Outstanding	1,972,427.30



0000636-0005755 PDFT 655871

Village of Perry
46 N Main St
Perry, NY 14530

NYCLASS

NYCLASS Average Monthly Yield: 5.2142%

		Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NY-01-1059-0001	GENERAL SAVINGS	504,931.91	0.00	0.00	2,234.84	10,908.26	506,118.89	507,166.75
NY-01-1059-0002	FIRE APPARATUS RESERVE	66,190.22	15,000.00	0.00	297.25	1,434.21	67,797.64	81,487.47
NY-01-1059-0003	REPAIR RESERVE	107,512.80	0.00	0.00	475.88	2,322.66	107,765.55	107,988.68
NY-01-1059-0004	EQUIPMENT RESERVE	222,281.44	0.00	0.00	983.83	4,802.05	222,803.97	223,265.27
NY-01-1059-0005	PARK CAPITAL RESERVE	10,877.73	0.00	0.00	48.15	234.99	10,903.30	10,925.88
NY-01-1059-0006	EMP. ACCRD BENEFITS RESERVE	41,554.95	0.00	0.00	183.93	897.76	41,652.65	41,738.88

Village of Perry
46 N Main St
Perry, NY 14530

NYCLASS - (continued)

		Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NY-01-1059-0007	WATER RESERVE	94,771.71	0.00	0.00	419.46	2,047.36	94,994.50	95,191.17
NY-01-1059-0008	SEWER RESERVE	176,202.78	0.00	0.00	779.89	3,806.56	176,617.00	176,982.67
NY-01-1059-0009	SILVER LAKE WATERSHED COMMISSION	51,409.52	0.00	0.00	227.55	1,020.06	51,530.38	51,637.07
NY-01-1059-0010	GENERAL CHECKING	258,923.83	0.00	0.00	1,146.00	5,593.68	259,532.50	260,069.83
NY-01-1059-0011	GENERAL SAVINGS 2	789,948.92	0.00	360,000.00	3,102.38	19,478.91	685,518.41	433,051.30



Village of Perry
46 N Main St
Perry, NY 14530

NYCLASS - (continued)

		Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NY-01-1059-0012	WATER SAVINGS	362,493.37	0.00	0.00	1,604.42	7,831.15	363,345.52	364,097.79
NY-01-1059-0013	SEWER SAVINGS	155,354.23	0.00	0.00	687.59	3,356.14	155,719.43	156,041.82
TOTAL		2,842,453.41	15,000.00	360,000.00	12,191.17	63,733.79	2,744,299.74	2,509,644.58

GENERAL SAVINGS

Account Summary

Average Monthly Yield: 5.2142%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	504,931.91	0.00	0.00	2,234.84	10,908.26	506,118.89	507,166.75

Transaction Activity

Transaction Date	Transaction Description	Contributions	Withdrawals	Balance	Transaction Number
05/01/2024	Beginning Balance			504,931.91	
05/31/2024	Income Dividend Reinvestment	2,234.84			
05/31/2024	Ending Balance			507,166.75	

FIRE APPARATUS RESERVE

Account Summary

Average Monthly Yield: 5.2142%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	66,190.22	15,000.00	0.00	297.25	1,434.21	67,797.64	81,487.47

Transaction Activity

Transaction Date	Transaction Description	Contributions	Withdrawals	Balance	Transaction Number
05/01/2024	Beginning Balance			66,190.22	
05/29/2024	Contribution	15,000.00			6685039
05/31/2024	Income Dividend Reinvestment	297.25			
05/31/2024	Ending Balance			81,487.47	

REPAIR RESERVE

Account Summary

Average Monthly Yield: 5.2142%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	107,512.80	0.00	0.00	475.88	2,322.66	107,765.55	107,988.68

Transaction Activity

Transaction Date	Transaction Description	Contributions	Withdrawals	Balance	Transaction Number
05/01/2024	Beginning Balance			107,512.80	
05/31/2024	Income Dividend Reinvestment	475.88			
05/31/2024	Ending Balance			107,988.68	

EQUIPMENT RESERVE

Account Summary

Average Monthly Yield: 5.2142%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	222,281.44	0.00	0.00	983.83	4,802.05	222,803.97	223,265.27

Transaction Activity

Transaction Date	Transaction Description	Contributions	Withdrawals	Balance	Transaction Number
05/01/2024	Beginning Balance			222,281.44	
05/31/2024	Income Dividend Reinvestment	983.83			
05/31/2024	Ending Balance			223,265.27	

PARK CAPITAL RESERVE

Account Summary

Average Monthly Yield: 5.2142%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	10,877.73	0.00	0.00	48.15	234.99	10,903.30	10,925.88

Transaction Activity

Transaction Date	Transaction Description	Contributions	Withdrawals	Balance	Transaction Number
05/01/2024	Beginning Balance			10,877.73	
05/31/2024	Income Dividend Reinvestment	48.15			
05/31/2024	Ending Balance			10,925.88	

EMP. ACCRD BENEFITS RESERVE

Account Summary

Average Monthly Yield: 5.2142%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	41,554.95	0.00	0.00	183.93	897.76	41,652.65	41,738.88

Transaction Activity

Transaction Date	Transaction Description	Contributions	Withdrawals	Balance	Transaction Number
05/01/2024	Beginning Balance			41,554.95	
05/31/2024	Income Dividend Reinvestment	183.93			
05/31/2024	Ending Balance			41,738.88	

WATER RESERVE

Account Summary

Average Monthly Yield: 5.2142%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	94,771.71	0.00	0.00	419.46	2,047.36	94,994.50	95,191.17

Transaction Activity

Transaction Date	Transaction Description	Contributions	Withdrawals	Balance	Transaction Number
05/01/2024	Beginning Balance			94,771.71	
05/31/2024	Income Dividend Reinvestment	419.46			
05/31/2024	Ending Balance			95,191.17	



SEWER RESERVE

Account Summary

Average Monthly Yield: 5.2142%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	176,202.78	0.00	0.00	779.89	3,806.56	176,617.00	176,982.67

Transaction Activity

Transaction Date	Transaction Description	Contributions	Withdrawals	Balance	Transaction Number
05/01/2024	Beginning Balance			176,202.78	
05/31/2024	Income Dividend Reinvestment	779.89			
05/31/2024	Ending Balance			176,982.67	



SILVER LAKE WATERSHED COMMISSION

Account Summary

Average Monthly Yield: 5.2142%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	51,409.52	0.00	0.00	227.55	1,020.06	51,530.38	51,637.07

Transaction Activity

Transaction Date	Transaction Description	Contributions	Withdrawals	Balance	Transaction Number
05/01/2024	Beginning Balance			51,409.52	
05/31/2024	Income Dividend Reinvestment	227.55			
05/31/2024	Ending Balance			51,637.07	



GENERAL CHECKING

Account Summary

Average Monthly Yield: 5.2142%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	258,923.83	0.00	0.00	1,146.00	5,593.68	259,532.50	260,069.83

Transaction Activity

Transaction Date	Transaction Description	Contributions	Withdrawals	Balance	Transaction Number
05/01/2024	Beginning Balance			258,923.83	
05/31/2024	Income Dividend Reinvestment	1,146.00			
05/31/2024	Ending Balance			260,069.83	

GENERAL SAVINGS 2

Account Summary

Average Monthly Yield: 5.2142%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	789,948.92	0.00	360,000.00	3,102.38	19,478.91	685,518.41	433,051.30

Transaction Activity

Transaction Date	Transaction Description	Contributions	Withdrawals	Balance	Transaction Number
05/01/2024	Beginning Balance			789,948.92	
05/03/2024	Withdrawal		85,000.00		6572183
05/20/2024	Withdrawal		50,000.00		6642708
05/31/2024	Withdrawal		225,000.00		6706329
05/31/2024	Income Dividend Reinvestment	3,102.38			
05/31/2024	Ending Balance			433,051.30	

WATER SAVINGS

Account Summary

Average Monthly Yield: 5.2142%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	362,493.37	0.00	0.00	1,604.42	7,831.15	363,345.52	364,097.79

Transaction Activity

Transaction Date	Transaction Description	Contributions	Withdrawals	Balance	Transaction Number
05/01/2024	Beginning Balance			362,493.37	
05/31/2024	Income Dividend Reinvestment	1,604.42			
05/31/2024	Ending Balance			364,097.79	



SEWER SAVINGS

Account Summary

Average Monthly Yield: 5.2142%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	155,354.23	0.00	0.00	687.59	3,356.14	155,719.43	156,041.82

Transaction Activity

Transaction Date	Transaction Description	Contributions	Withdrawals	Balance	Transaction Number
05/01/2024	Beginning Balance			155,354.23	
05/31/2024	Income Dividend Reinvestment	687.59			
05/31/2024	Ending Balance			156,041.82	

NYCLASS

NYCLASS

Date	Dividend Rate	Daily Yield
05/01/2024	0.000142719	5.2172%
05/02/2024	0.000142344	5.2097%
05/03/2024	0.000427011	5.2090%
05/04/2024	0.000000000	5.2096%
05/05/2024	0.000000000	5.2096%
05/06/2024	0.000142419	5.2117%
05/07/2024	0.000142245	5.2062%
05/08/2024	0.000142463	5.2141%
05/09/2024	0.000142042	5.1987%
05/10/2024	0.000427011	5.2095%
05/11/2024	0.000000000	5.2095%
05/12/2024	0.000000000	5.2095%
05/13/2024	0.000142455	5.2139%
05/14/2024	0.000142196	5.2044%
05/15/2024	0.000142338	5.2096%
05/16/2024	0.000142425	5.2105%
05/17/2024	0.000427332	5.2135%
05/18/2024	0.000000000	5.2135%
05/19/2024	0.000000000	5.2135%
05/20/2024	0.000142635	5.2204%
05/21/2024	0.000142650	5.2120%
05/22/2024	0.000142424	5.2127%
05/23/2024	0.000142469	5.2143%
05/24/2024	0.000570952	5.2242%
05/25/2024	0.000000000	5.2242%
05/26/2024	0.000000000	5.2242%
05/27/2024	0.000000000	5.2242%
05/28/2024	0.000142553	5.2174%
05/29/2024	0.000142911	5.2305%
05/30/2024	0.000142632	5.2203%
05/31/2024	0.000142662	5.2214%

Performance results are shown net of all fees and expenses and reflect the reinvestment of dividends and other earnings. Many factors affect performance including changes in market conditions and interest rates and in response to other economic, political, or financial developments. Investment involves risk including the possible loss of principal. No assurance can be given that the performance objectives of a given strategy will be achieved. **Past performance is no guarantee of future results. Any financial and/or investment decision may incur losses.**

2024 May Village Board Report

WTP

1. Complete all monthly water samples including TTHM, HAA5's, PFOA and PFAS for VOP, TOP and TOC.
2. Mow WTP, 750 Tower and Perry Center Booster Station.
3. Read VOP water meters.
4. Check final water meter readings.
5. Check Sewer Inflow Inspections.
6. Check for Lead Service lines for VOP residents.
7. Flush "dead-end" water mains.
8. Clean Inline turbidity monitors, weekly.
9. Shutoff/turn on water service's for VOP residents for non-payment.
10. Look for water leak on Water Street Road, repair leak approximately 60,000-80,000 GPD.
11. Complete 2023 Annual Drinking Water Quality Report, publish in Perry Shopper.
12. Collect water samples for new waterline on Watkins Avenue, all good and DOH approved.
13. Replace GAC in Filter #1 at WTP.
14. Read water meters for pool fills.
15. Operator Jeff Drain attended an Operator Training school in Perry for Operator training credits for license renewal.
16. Take down Upflow Clarifier at WTP, put back online.
17. Repair Chlorine transfer pump.
18. The amount of water produced for the month of April of was 20,991,409 gallons for a daily average of 677,142 GPD.

WWTP

1. Collect all monthly wastewater samples including Fecal coliform for VOP.
2. Decant sludge from digesters to de-water sludge.
3. Run sludge press to de-water sludge.
4. Load Cake sludge for removal to landfill.
5. Skim grease off Primary clarifiers, weekly.
6. Hose Primary and Final Clarifiers.
7. Clean Trickling filter.
8. Clean domes on Lake Street pump station.
9. Mow at WWTP, Roadside and dump.
10. Perform monthly and annual maintenance on Bar screen, Pista Grit, Clarifier drives.
11. Operators Mark Kingsley and Tom D'Aprile attended an operator training school in Perry for operator training credits for license renewal.
12. Replace expansion bladder tank on Bar Screen in Headworks.
13. Suck out UV channel, clean and put back online.
14. Put down topsoil and seed at WWTP.

15. Paint door frames and doors in Lab and office.

16. Average daily flow at the WWTP for the month of April was 0.67 MGD.

Respectfully submitted,

JUNE MONTHLY SUPERINTENDENTS REPORT

MEETINGS ATTENDED:

5/21 – Sidewalk review w/Permanent Impressions

5/22 – Silverlake Rd Bridge Preconstruction w/WY.CO.

*construction estimated for Sept. due to pre-formed concrete sch.

5/31- Watkins/Hawthorne/Benedict curbing walk through

6/3 – Parks Committee

6/3 – Village Board

6/4 – Pre-Demolition meeting for Borden Milk plant S. Ferderal St.

6/4 – Over saw sewer repair of D&H on 19 Hawthorne St. (D&H at fault)

6/7 – Todd Mack water service

6/13 – Peace Garden placement of Rotary stone/plaque

6/14 – ECG abatement of PD storage room

DPW PROJECTS:

Various stakeouts

Numerous Lead line inspections

Topsoil/grass seed

Equipment maintenance

Cold patch

Clean dump entrance

Bag ang Brush pickup

Weekly mowing

Mow ditch lines

Tree trimming

Auger holes for PD firing range

Install Hometown Hero banners

Install docks at beach

Put #2 wash stone at beach (washes out due to westerly winds)

Fill in around new sidewalk on Spring St.

Patch asphalt @ Lake St. and S. Federal St.

Water St. water main break repair (NYS Rural water came out and investigated for a day helped us find leak. Est. 65-85k a day loss)

Reshape ditch line on Standpipe Rd. to prevent stone wash on road

Weed whack Main St./outlet to prep for weed spray

High weed notices

Wood chip give away

Butter Park Ave, Gardeau Rd, Watrous and Spring St.

Clean up after PFD controlled burn of brush pile

Begin service installation on Watkins Ave off new main

Measure/count Watkins, Hawthorne and Benedict for paving

UPCOMING PROJECTS:

Watkins Ave water services

Dam house repairs

Downtown hub striping

PARKS PROJECTS:

Daily clean up

Main St. garbage

Planters/baskets

Mowing

Spring plantings in medians

Install tree bags

Weeding

Splash pad opening

Field prep

Watering plantings/medians/trees(164)

Build/place Rotary benches

Weed Peace Garden

Mulch around park

Over see fence install @ tennis court

Village Hall repairs

Park Bldg maintenance

Prep Peace Garden Rotary plaque

UPCOMING PROJECTS:

Continued lawn maintenance

Beach repairs

Field maintenance

**PERRY POLICE DEPARTMENT
2024 REPORT**

	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
Total Calls	300	275	292	284	335								1486
Domestics	14	9	8	4	8								43
Vehicle Accidents	4	2	4	4	2								16
(vehicle injury)	0	0	0	1	0								1
Gasoline	355	350	400	366	346								1817
													0
Value of Stolen Property/larceny	\$200	\$1,500	\$2,500	\$7,811	\$170								12181
Loss Due Mischief	\$600	\$600	\$1,000	\$420	\$1,000								3620
													0
Summons Issued	99	146	96	93	160								594
													0
Arrested Persons	18	18	10	13	32								91
Misdemeanor (counts)	17	12	11	12	33								85
Felonies (counts)	2	9	1	0	1								13
Violation (counts)	14	17	12	15	20								78
													0
MHA Arrest	3	4	3	2	7								19
Overdose	0	0	0	0	0								0
													0
													0
													0
													0
55 South Main St	9	5	3	1	3								21
55 Elm St (DePaul)	1	1	2	3	8								15
Use of Force	1	0	0	0	0								1

**OFFICER STATS
2024**

	RUSSELL			KRAMELL			CROSS			ANDRSON			DAVE SPINK			FRONCKOWIAK		
Complaint/ Arrest/ Tickets	C	A	T	C	A	T	C	A	T	C	A	T	C	A	T	C	A	T
JAN	40	0	9	64	10	33	99	1	25	25	0	5	35	3	9	50	4	13
FEB	55	3	13	55	6	32	38	0	20	29	0	9	26	2	12	38	7	11
MAR	85	2	6	21	1	6	59	4	19	17	0	5	24	1	12	29	1	12
APR	39	3	7	0	0	0	50	3	18	34	1	8	15	2	1	62	3	11
MAY	47	5	7	0	0	0	41	4	22	34		3	21	4	13	30	9	15
JUN																		
JUL																		
AUG																		
SEP																		
OCT																		
NOV																		
DEC																		
TOTAL	266	13	42	140	17	71	287	12	104	139	1	30	121	12	47	209	24	62

	SMITH			DAKOTA SPINK			MUELLER			LANGLESS			FLEISS							
Complaint/ Arrest/ Tickets	C	A	T	C	A	T	C	A	T	C	A	T	C	A	T	C	A	T		
JAN	12	0	5	2	0	0	0	0	0											
FEB	34	0	44	0	0		0	0	0	0	0	0								
MAR	43	1	31	11	0	5	0	0	0	3	0	0								
APR	59	1	40	0	0	0	0	0	0	25	0	8	0	0	0					
MAY	92	5	79	2	0	0	0	0	0	17	2	7	49	3	14					
JUN																				
JUL																				
AUG																				
SEP																				
OCT																				
NOV																				
DEC																				
TOTAL	240	7	199	15	0	5	0	0	0	45	2	15	49	3	14		0	0	0	