

**BOARD OF TRUSTEES
OF THE VILLAGE OF FREDONIA
PUBLIC HEARING
9-11 Church Street
Fredonia, NY 14063
April 28, 2025
5:30 P.M.**

THIS BEING THE TIME AND PLACE FOR THE PUBLIC HEARING ON LOCAL LAW NO. 5 of 2025 ENTITLED " A LOCAL LAW ESTABLISHING CHAPTER 198 OF THE VILLAGE OF FREDONIA CODE ENTITLED VENDORS."

Chapter 198

Vendors

§198-1 Definitions.

PERSON -- Any individual, firm, partnership, corporation, organization, club, association, or any principal or agent thereof.

VENDOR -- A person, other than a person with an established retail store within the Village limits, who transports to a building, vacant lot, or other location, including but not limited to a location where a fee is charged to prospective buyers for admission to the area, where goods are offered or displayed for sale, and/or an inventory of goods or tangible commodities for the purpose of offering or displaying such goods or tangible commodities for sale is displayed or available for purchase. A vendor does not include a Mobile Food Vendor. Mobile Food Vendors are governed by Chapter 197 of the Village Code.

§ 198-2 Licensing.

It shall be unlawful for any person, firm, or corporation to engage in the business of a vendor, within the Village of Fredonia without first obtaining a license therefore as provided by this chapter.

§ 198-3 Application for License.

A. Application for a license shall be made to the Code Enforcement Office upon a form provided by the Code Enforcement Officer. The applicant shall truthfully state in full the information requested on the application as follows:

- (1) The name and address of the present place of residence and the length of residence at such address; also, the business address if other than the present address.
- (2) The address of the place of residence during the past three (3) years if other than the present address.
- (3) The age of the applicant.
- (4) The physical description of the applicant.
- (5) The name and address of the person, firm or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation.
- (6) The names and addresses of employers during the past three (3) years if other than the present employer.
- (7) A description sufficient for identification of the subject matter of the vending in which the applicant will engage.
- (8) The date or approximate date of the latest previous application for license under this chapter, if any.

- (9) Whether a license issued to the applicant under this chapter has ever been revoked.
- (10) Whether the applicant has ever been convicted of a crime under the laws of the state or any other state or federal law of the United States.

B. All statements made by the applicant upon the application or in connection therewith shall be under oath.

§ 198-4 Fees.

The Board shall determine, by resolution, the fee for a license to vend.

§ 198-5 Restrictions.

Vendors are not permitted to engage in any vending activities within fifty (50) feet of events or groups located within the Village boundaries who have been granted permission to use such location at a designated time unless approved by the event or group who has received such permission from the Village. Vendors are not permitted to engage in any vending activities within one hundred (100) feet of any brick-and-mortar business within the Village boundaries.

The Board shall determine, by resolution, any additional restrictions on vendors which it reasonably believes are necessary to protect the public safety and the interests of other proprietors within the Village.

§ 198-6. Appeals.

Any applicant, having been denied a license to vend, may appeal said decision to the Board of Trustees, who will then grant or deny such appeal.

§ 198-7. Violations and penalties.

Each violation of this chapter shall be punishable by a fine not exceeding \$250 for each offense or by imprisonment for a period not to exceed 15 days, or by both such fine and imprisonment. Such violation may also serve as grounds to revoke a license issued pursuant to this chapter, as well as the denial of future licensing.

§ 198-8. Severability.

If any provisions of this chapter, including any exception, part, phrase or term or any application thereof to any person or circumstances, are held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of this chapter in any and all other respects shall not be affected thereby.

§ 198-9. Records to be kept.

The Code Enforcement Officer shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all licenses issued under the provisions of this chapter, and of the denial of applications. Applications for licenses shall be numbered in consecutive order as filed, and every license issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

§ 198-10. Licenses not to be issued to certain persons.

No license shall be issued to any person who has been convicted of a crime under the laws of the state or any other state or federal law of the United States within five (5) years of the date of the application nor to any person who has been convicted of a violation of any of the provisions of this chapter nor to any person whose license issued hereunder has previously been revoked as herein provided.

§ 198-11. Revocation of license.

A. Any license issued hereunder shall be revoked by the Code Enforcement Officer if the holder of the license is convicted of a violation of any of the provisions of this chapter or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a license under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the Code Enforcement Officer to the holder of the license in person or by certified United States mail addressed to his or her residence address set forth in the application.

B. Immediately upon the giving of such notice, the license shall become null and void.

§ 198-12. Expiration date.

The license shall state the expiration date thereof.

§ 198-13. Duration of license.

A. The period of time for which the license shall be valid shall be as set forth by resolution of the Board of Trustees.

B. In determining the expiration date of the license, the day that the license is issued shall count as the first day.

§ 198-14. Exemptions.

Sales by persons under the age of 18 years, and any other activity whereby the vendor, has been previously invited by the occupant shall be exempt from this chapter. Religious corporations, and persons under the age of 18 years shall be exempt from the license requirement of this chapter. Any public market or farmer's market, as those terms are defined in § 260 of the Agriculture and Markets Law, as well as any participating vendors in such markets, shall be subject to permitting pursuant to this chapter; provided, however, that any vendor authorized by the sponsor/organizer of such public market or farmer's market who is engaged in the sale of farm and food product, as that term is defined in § 260 of the Agriculture and Markets Law, shall not be subject to a vendor fee.

PROOF OF PUBLICATION SHOWN, I CALL THIS MEETING TO ORDER.

**BOARD OF TRUSTEES
OF THE VILLAGE OF FREDONIA
WORKSHOP
9-11 Church Street
Fredonia, NY 14063
April 28, 2025
6:00 P.M.**

A. RESOLUTIONS

1. Pickleball Tournament Approval
2. Approval to Override Tax Cap
3. Approval of 2025-26 Village Budget
4. Hiring of Patrolman Approval
5. Approval for Additional Legal Representation
6. Dog Impound Fees
7. Standard Work Day Resolution
8. Town of Pomfret Water Application
9. Code Enforcement Fee Schedule Approval

B. DEPARTMENT REPORTS

Code Enforcement Office-
DPW-
Fire Department-
Police Department-
Recreation Department-
Wastewater Treatment Plant-
Water Treatment Plant-

C. NEW BUSINESS

1. RFP for Back-up generator at WTP
2. Parking Meters in front of the White Inn
3. Youth Hockey Fundraiser Request
4. Any Other New Business

D. OLD BUSINESS

1. Opera House Basement Bathrooms
2. Summer Recreation Fees ~~Any Old Business~~
3. Any Other Old Business

**BOARD OF TRUSTEES
OF THE VILLAGE OF FREDONIA
REGULAR MEETING
9-11 Church Street
Fredonia, NY 14063
April 28, 2025
Regular Meeting to
Immediately Follow Workshop**

A. CALL TO ORDER-MAYOR FERGUSON

I call this meeting to order on Monday April 28, 2025 at PM

Roll Call of the Trustees:

B. PLEDGE OF ALLEGIANCE-

C. APPROVAL OF MINUTES-

TWICHELL/BRAUCHLER

WHEREAS members of this Board have read the Official Minutes of the Board of Trustees Regular Meeting of April 14, 2025 and

BE IT RESOLVED that the Board hereby approves the minutes as entered into the Official Minutes, and
BE IT FURTHER RESOLVED that the reading of the minutes be dispensed with.

D. PUBLIC PORTION-

This portion of the meeting is for public comment. Any member of the public wishing to speak, once recognized, shall stand at the microphone, and state their name and address. Speakers will be allowed three (3) minutes if speaking for themselves or five (5) minutes if speaking on behalf of a group. I will ask the speakers to refrain from remarks that are in poor taste, slanderous, or not germane to any action taken or contemplated by the Board

E. CORRESPONDENCE-

Correspondence dated April 14, 2025 was received from Rylyn Tunstall, requesting to use Russell Joy Park for a Pickle Ball Tournament on Sunday June 8, 2025.

ESPERSEN/BRAUCHLER

BE IT RESOLVED that the request of Rylyn Tunstall to hold a pickleball tournament from 10 AM until (to be decided) at Russell Joy Park, with refreshments provided afterward, is hereby approved.

BE IT FURTHER RESOLVED that Mr. Tunstall will provide the Village Clerk's office a Certificate of Insurance, naming the Village of Fredonia as additionally insured in the amount of One Million Dollars, at least two weeks before the event.

F. MAYOR'S REPORT-

G. TRUSTEE/COMMITTEE REPORTS-

**Brauchler
Espersen
Siracuse
Twichell
Wandel**

H. TREASURER'S REPORT –

I. ADDITIONAL REPORTS-

J. RESOLUTIONS-

SIRACUSE/BRAUCHLER

Whereas, according to New York State's Property Tax Cap legislation, if a village government decides to adopt a budget with a property tax levy that exceeds the level set by the State, the Village government must pass a local law to override that cap, and;

Whereas, adopting said local law is not predictive of the final tax levy but will provide the Village of Fredonia Board flexibility to exceed the Property Tax Cap if it is deemed necessary, and to ensure that any State recalculation of the applicable limit will not make the Village inadvertently out of compliance, and;

Whereas, a public hearing was held before the Village of Fredonia Board on April 16th at 6 PM, to hear all persons interested in proposed Local Law No.4 of 2025, now, therefore;

Be it resolved, that Local Law No. 4 of 2025 Local Law to Override the 2025-2026 Tax Cap Limit is hereby adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the Village of Fredonia Board to override the tax levy limit by the adoption of a local law approved by the adoption of a local law approved by vote of sixty percent (60%) of the Village of Fredonia Board.

Be it further resolved, that the Village of Fredonia Clerk shall publish in the official newspaper of the Village a notice of adoption containing a synopsis of said local law and shall **within twenty days** file one certified copy in the Clerk's office and with the Secretary of State.

BRAUCHLER/ESPERSEN

A RESOLUTION ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING JUNE 1, 2025 AND ENDING MAY 31, 2026, MAKING APPROPRIATIONS FOR THE CONDUCT OF VILLAGE GOVERNMENT AND ESTABLISHING THE RATES OF COMPENSATION FOR OFFICERS AND EMPLOYEES FOR SUCH PERIOD.

WHEREAS this Board has met at the time and place specified in the Notice of Public Hearing on the tentative budget and heard all persons desiring to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED that a tentative budget as amended and revised and as attached hereto made a part thereof is hereby adopted and that several amounts stated in the column titled "Adopted" in Schedules 1A, 2A, 2F, 2G and 3C together with the amounts set forth in Schedule C (Debt Schedule) as required for the payment of principal and of interest on indebtedness by and they hereby are appropriated for the objects and the purposes specified, and the salaries and wages stated in Schedule 6 of such budget shall be and are hereby fixed at the amount shown therein effective June 1, 2025.

SIRACUSE/ESPERSEN

BE IT RESOLVED that Bradley E. Lawson, Ashville, NY, is hereby appointed to the position of full-time Patrolman with the Village of Fredonia Police Department, effective May 11, 2025, at a rate of pay of **Twenty-Eight Dollars and Three Cents (\$28.03)** per hour, for a term of 18 months' probation, subject to all Civil Service Rules and Regulations.

ESPERSEN/BRAUCHLER

WHEREAS, The Village of Fredonia sent out requests for proposals for additional legal services; and,

WHEREAS, Lippes Mathias LLP, Buffalo, NY submitted a proposal to the request of a rate not to exceed \$270 per hour (Partner), and \$200 per hour (Associates) and \$105 per hour (Paralegals) for legal and labor law matters; and

WHEREAS, any legal services that require the appropriation of funds must receive prior board approval through resolution.

BE IT RESOLVED the Village Board hereby authorizes to add Lippes Mathias LLP, Buffalo, NY to the approved vendor list; but do require prior authorization of use.

SIRACUSE/BRAUCHLER

WHEREAS, The Village requires the payment of fees for the impounding of dogs within Village limits; and

WHEREAS, the current fee structure requires updating; and

WHEREAS, the following fee structure will be implemented immediately to assist with covering fees for the impounding of dogs;

- Day 1: \$60
- Day 2: \$80
- Day 3: \$100
- Day 4: \$120
- Day 5: \$140

BE IT RESOLVED the Village Board hereby authorizes the implementation of the fee structure for the impounding of dogs.

BRAUCHLER/ESPERSEN

BE IT RESOLVED, that the Village of Fredonia, Location code 40180, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

<u>Title</u>	<u>Standard Work Day</u>
Firefighter	8
Fire Captain	8
Fire Lieutenant	8
Fire Chief	8

ESPERSEN/TWICHELL

WHEREAS the agreement with the Pomfret Water District requires Village approval for all new water services; and

WHEREAS the Town of Pomfret has received the application of a residential water service at 4699 Berry Road, and

WHEREAS The Pomfret Town Board will have this on their agenda to approve the application at the next Town Board Meeting, May 14th, 2025, now, therefore

BE IT RESOLVED the Village of Fredonia hereby approves the residential water service connection at 4699 Berry Road, Fredonia, NY.

BRAUCHLER/TWICHELL

WHEREAS, The Village intends to raise the fee schedule for the Code Enforcement Office, now, therefore,

WHEREAS, the following fee schedule will be implemented immediately to assist with violations:

Commercial Electric Permits	\$40
In-Ground Swimming Pool	\$100 + .02 per cost of pool
Detached Private Garages	\$100 + .10 sq. ft.
Area Variance	\$200
Use Variance	\$500
Special Use Permits	\$500
SEQR Short Form	\$100
SEQR Long Form	\$300
New Cell Tower	\$4000
Co-locate on Existing Tower	\$2000
All Modifications to Towers	\$1500

THERE ARE NO CURRENT FEES IN THE FOLLOWING AREAS; PROPOSED FEES ARE NEW FOR THE VILLAGE:

Commercial Solar Projects – Propose	\$2000 + \$150 per acre
Battery/Energy Storage Systems	\$5000
Site Plan Review	\$250 to \$500 + \$10 per acre
Minor Subdivision	\$100 - \$500
All other Subdivisions	\$250 to \$500 + \$50 per lot

RE-INSPECTION FEE WHERE VIOLATION IS NOT CORRECTED \$45 TO \$75 (each time)

BE IT RESOLVED the Village Board hereby authorizes the implementation of the fee structure for the Code Enforcement Office.

K. EXECUTIVE SESSION-

L. MEETING SCHEDULE-

The next Village of Fredonia Board of Trustees Workshop and Board Meeting will take place Monday May 12, 2025 6 PM in the Trustee Room, second floor, Village Hall, Board Meeting to follow.