

VILLAGE OF PORT DICKINSON
Village Board Meeting Agenda
February 14, 2012
6:00 pm
Port Dickinson Elementary School

PUBLIC HEARING:

- Proposed Local Law 1-2012 of the Village of Port Dickinson amending Chapter 45 of the Village Code entitled “Property Maintenance”
- Proposed adopting **LOCAL LAW 2-2012 OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED “WATER”**

APPROVAL OF MINUTES: January 10, 2012

PUBLIC PARTICIPATION:

TREASURER’S REPORT:

AUDIT & PAYMENT OF CLAIMS:

1. No. through No. as listed on the Abstract of Unaudited vouchers for the General Fund for \$
2. No. through No. as listed on the Abstract of Unaudited vouchers for the Water Fund for \$
3. No. as listed on the Abstract of Unaudited vouchers for the Sewer Fund for \$

COMMUNICATIONS:

COMMITTEE REPORTS:

Administration/Code Enforcement/Community Association – James L. DeGennaro, Trustee
Parks/Water/Sewer – Robert J. Aagre, Trustee
Planning Board – none
Public Safety – Richard T. Felo, Trustee
Public Works – Michael Cashman, Trustee
Zoning Board of Appeals – none

OLD BUSINESS:

- Resolution ratifying the holding of a Public Hearing at the 2/14/12 meeting at 6:05pm on **LOCAL LAW 2-2012 OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED “WATER”** (as attached)

RESOLUTIONS FOR APPROVAL:

- Resolution adopting the SEQR Determination for Local Law 1-2012 that the matter does not require environmental review.
- Resolution adopting Local Law 1-2012 of the Village of Port Dickinson amending Chapter 45 of the Village Code entitled “Property Maintenance”
- **RESOLUTION adopting LOCAL LAW 2-2012 OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED “WATER”**
- **RESOLUTION REGARDING AVAILABILITY OF AGENDA ITEMS PRIOR TO MEETINGS**
- Resolution raising the Sewer Rate from \$4.16/100 cf to \$4.66/100 cf effective for the billing period beginning 3/1/12 per Sewer code § 49-8.
- Resolution authorizing the Village Attorney to commence an injunction action against Edwin Dirig, 23 Old State Rd for a violation of Chapter 45-3, Article A, Section 6 of the Village Code.

- Resolution authorizing the Village Attorney to commence an injunction action against MacDowall Property Management LLC, 855 Chenango St, for a violation of the Village Code.

NEW BUSINESS:

ADJOURNMENT

ADOPTION BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF PORT DICKINSON OF
LOCAL LAW NO. 1- 2012

WHEREAS, a resolution was duly adopted by the Board of Trustees of the Village of Port Dickinson for a public hearing to be held by said Board at the Port Dickinson Elementary School, 770 Chenango Street in said Village, at 6:00 o'clock P.M. on February 12, 2012 to hear all interested parties on a proposed Local Law entitled "A Local Law of the Village of Port Dickinson Amending Chapter 45 of the Village Code Entitled 'Property Maintenance'", as amended, and

WHEREAS, notice of said public hearing was duly advertised in the Press & Sun-Bulletin, the official newspaper of the Village, on January 28, 2012, and posted on the Village Clerk's sign board on January 26, 2012, and

WHEREAS, said public hearing was duly held at the Port Dickinson Elementary School at 6:05 o'clock P.M. on February 12, 2012, 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 Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) ("SEQR"), it has been determined by the Board of Trustees that adoption of the proposed Local Law does not constitute an action as defined and could be considered without further regard to SEQR, and

WHEREAS, the Board of Trustees, after due deliberation, finds it in the best interest of the Village to adopt said Local Law,

NOW, THEREFORE, the Board of Trustees hereby adopts said Local Law as Local Law No. 1-2012 entitled "A Local Law of the Village of Port Dickinson Amending Chapter 45 of the Village Code entitled 'Property Maintenance'", a copy of which is attached hereto and made a part hereof, and the Village Clerk be and she hereby is directed to enter

said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village of Port Dickinson, and to give due notice of the adoption of said Local Law to the Secretary of State.

**A LOCAL LAW OF THE VILLAGE OF PORT
DICKINSON AMENDING CHAPTER 45 OF
THE VILLAGE CODE ENTITLED
“PROPERTY MAINTENANCE”**

Be it enacted by the Board of Trustees of the Village of Port Dickinson as follows:

Section 1.

Chapter 45 of the Village Code (Property Maintenance) adopted July 9, 1974 as Local Law No. 5-1974, as amended, be and hereby is amended by this Local Law as follows:

§ 45-2 (Definitions) shall be amended by adding the following:

CANOPY – A structure, enclosure or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and is open without sidewalls or drops on 75 percent or more of the perimeter.

MEMBRANE STRUCTURE –An air-inflated, air-supported, cable or frame-covered structure as defined by Chapter 31 of the Building Code of New York State and not otherwise defined as a tent or canopy.

TENT – A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

§ 45-3 (Regulations) shall be amended as follows:

A. and B. Remain the same.

C. Tents, canopies, and membrane structures. Temporary tents, air-supported, air-inflated or tensioned membrane structures and canopies erected on any yard, lot or open area shall not be allowed to remain for a period of more than 90 days within a 12-month period on a single premises.

Section 2. Separability

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 or 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 the application thereof to other persons or circumstances, and the Board of Trustees of the Village of Port Dickinson hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3. Repealer

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

Section 4. Effective Date

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

RESOLUTION REGARDING AVAILABILITY OF
AGENDA ITEMS PRIOR TO MEETINGS

The Board of Trustees of the Village of Port Dickinson (the "Village") duly convened in regular session, does hereby resolves as follows:

WHEREAS, Public Officers Law Section 103 (e) requires that the Village make its records available to the public pursuant to article six of Public Officers Law, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by the Village during an open meeting (hereinafter "Agenda Items"); and

WHEREAS, Public Officers Law requires that such Agenda Items shall be made available, upon request therefore, to the extent practicable as determined by Village prior to or at the meeting during which the records will be discussed; and

WHEREAS, if the Village does maintain a regularly and routinely updated website and utilizes a high speed internet connection, such Agenda Items must be posted on the website prior to the meeting, to the extent practicable as determined herein; and

WHEREAS, based upon time constraints, financial constraints and personnel constraints, Board of Trustees deems the following to be practicable and reasonable;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Port Dickinson in regular session duly convened as follows:

1. A request for copies of Agenda Items that are 20 pages or less can be submitted up to noon on the same day of the meeting and will be processed before the meeting; and
2. Any request for Agenda Items that are longer than 20 pages must be made at least 24 hours before the meeting; and
3. Copies of Agenda Items will be made available for a reasonable fee, determined in the same manner as provided for in the Public Officers Law; more specifically, at a cost of twenty-five cents per photocopy not in excess of nine inches by fourteen inches, or the actual costs of reproducing any other record in accordance with the law; and
4. The Village will charge the actual cost of reproducing Agenda Items, including engaging outside professional service, actual cost of any storage device and, where allowable, the hourly salary attributed to the lowest paid agency employee who has the necessary skill required to prepare a copy of the requested record; and
5. In accordance with the Public Officers Law, a person requesting Agenda Items shall be informed of the estimated cost of preparing a copy if more than two hours of an employee's time is needed, or if an outside professional service would be retained to prepare a copy; and
6. Agenda Items submitted at least three business days before the meeting will be posted on the website and whenever possible, such Agenda Items will be posted on the website at least 24 hours prior to the meeting time; and
7. Agenda Items submitted less than three business days before a meeting need not be posted on the website and
8. T his Resolution shall take effect immediately.

ADOPTION BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF PORT DICKINSON OF
LOCAL LAW NO. 2- 2012

WHEREAS, a resolution was duly adopted by the Board of Trustees of the Village of Port Dickinson for a public hearing to be held by said Board at the Port Dickinson Elementary School, 770 Chenango Street in said Village, at 6:05 o'clock P.M. on February 14, 2012 to hear all interested parties on a proposed Local Law entitled "A Local Law of the Village of Port Dickinson Amending Chapter 62 of the Village Code Entitled 'Water'", as amended, and

WHEREAS, notice of said public hearing was duly advertised in the Press & Sun-Bulletin, the official newspaper of the Village, on February 2, 2012, and posted on the Village Clerk's sign board on January 30, 2012, and

WHEREAS, said public hearing was duly held at the Port Dickinson Elementary School at 6:05 o'clock P.M. on February 14, 2012, 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 Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) ("SEQR"), it has been determined by the Board of Trustees that adoption of the proposed Local Law does not constitute an action as defined and could be considered without further regard to SEQR, and

WHEREAS, the Board of Trustees, after due deliberation, finds it in the best interest of the Village to adopt said Local Law,

NOW, THEREFORE, the Board of Trustees hereby adopts said Local Law as Local Law No. 2-2012 entitled "A Local Law of the Village of Port Dickinson Amending Chapter 62 of the Village Code entitled 'Water'", a copy of which is attached hereto and made a part hereof, and the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village of Port Dickinson, and to give due notice of the adoption of said Local Law to the Secretary of State.

**A LOCAL LAW OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 62 OF THE VILLAGE
CODE ENTITLED “WATER”**

Be it enacted by the Board of Trustees of the Village of Port Dickinson as follows:

Section 1. Authority.

This local law is enacted pursuant to the authority of section 10 of the Municipal Home Rule Law authorizing villages to adopt a local law which may amend or supercede any provision of State law in relation to the property, affairs or government of the town unless there is a State legislative restriction on such amendment or supercession.

Section 2.

Section 62-2 entitled “Definitions” shall be amended by this Local Law by adding the following:

[To be added between the definitions of “APPROVED DOUBLE CHECK VALVE ASSEMBLY” and “BACKFLOW”]

AUTOMATIC METER READING (“AMR”) TECHNOLOGY – the technology of automatically collecting consumption, diagnostic, and status data from water meter devices and transferring that data to a central database for billing, troubleshooting, and analyzing. All provisions of this Chapter that reference “water meters” or “meters” shall apply equally where AMR technology has been or will be installed.

Section 62-5 entitled “Water Meters” shall be amended by this Local Law as follows:

A. All water service shall be metered, except as provided in § 62-7, and no more than one (1) meter may be installed on any one (1) service. The Village may, from time to time, after January 1, 2012, install or retrofit water meters with AMR technology. In the event that AMR technology is installed by the Village, a cost of approximately \$225 will be charged to the customer, billed as installments over 9 billing cycles. In addition to any penalties that may be assessed under section 62-13 of this Chapter, the Board may, in its discretion, discontinue water service to any location where the owner refuses to allow replacement of current water meters with AMR technology.

[Paragraphs B through G shall remain the same.]

Section 62-9 entitled “Inspections” shall be amended by this Local Law as follows:

The Board reserves the right to enter the premises of any consumer to examine the pipes and fixtures to determine the quantity of water used and the manner of use and to inspect, test, ~~or~~ read, repair, replace, or install the meter.

Section 3. Separability

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 or 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 the application thereof to other persons or circumstances, and the Board of Trustees of the Village of Port Dickinson hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Repealer

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

Section 5. Effective Date

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