

**VILLAGE OF PORT DICKINSON**  
**Special Meeting Agenda**  
**April 24, 2012**  
**5:00pm**  
**at Port Dickinson Elementary School**

- Review of problem with parking between curb and sidewalk
- Sewage rate for Town of Fenton
- Proposed Amendment to the Village of Port Dickinson Employee Personnel Policy.

Current policy as follows:

ARTICLE 14 - VACATIONS

- 1.) All employees, covered by this document shall be entitled to vacations as follows:  
Five (5), days during the first year after six (6) months of service.  
Ten (10) days after completion of two (2) through four (4) years of service  
Fifteen (15) days after five (5) years of service  
Twenty (20) days after ten (10) years of service
  - 2.) Employees may carry over a maximum of five (5) days of vacation time during the first five (5) years of service; maximum of ten (10) days after five (5) years of service.
  - 3.) Vacations Accruals for Police Officers:
    - One (1) week vacation equates to two (2) days off.
    - Two (2) weeks vacation equates to four (4) days off.
    - Three (3) weeks vacation equates to six (6) days off.
    - Four (4) weeks vacation equates to eight (8) days off.
- Proposed Local Law 4-2012, A Local Law of the Village of Port Dickinson Amending Chapter 30 of the Village Code Entitled “Dumping”
  - Proposed Local Law 5-2012, A LOCAL LAW OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED “WATER”
  - Proposed Local Law 6-2012, A LOCAL LAW OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 49 OF THE VILLAGE CODE ENTITLED “SEWERS”

**RESOLUTIONS:**

1. Resolution approving the Engineering/Architectural Selection made by the Screening Committee subject to approval of the contract by the New York State Housing Trust Fund Corporation.
2. Resolution Adopting a Section 504 Grievance Procedure as follows.
3. Resolution Appointing the Village of Port Dickinson as Lead Agency for the Municipal Building Accessibility Project (as follows.)
4. Resolution Adopting the SEQRA for the Municipal Building Accessibility Program

SECTION 504 RESOLUTION/*VILLAGE OF PORT DICKINSON*)

**WHEREAS**, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by the U.S. Department of Housing and Urban Development (HUD) or by grantees that receive financial assistance from HUD, and

**WHEREAS**, Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires adoption of grievance procedures to address complaints of those who feel they may have been discriminated against on the basis of disability and also requires the provision of notice of said grievance procedures, and

**WHEREAS**, it is the policy of the *Village of Port Dickinson (the "Village")* not to discriminate against any individual, person or group on the basis of disability and the intent of the *Village* to address any complaints that may arise pursuant to Section 504,

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of the Village of Port Dickinson does hereby adopt by resolution internal grievance procedures (the "Procedure") providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services regulations implementing the Act, and

**BE IT FURTHER RESOLVED**, that the Board of Trustees of the Village does hereby designate the Code Enforcement Officer of the Village as the Grievance Coordinator who shall be responsible for receiving and addressing complaints pursuant to the Procedure adopted hereby and attached hereto, and

**BE IT FINALLY RESOLVED**, that the *Village* will place its employee, the public, and potential beneficiaries of certain federal public programs on notice by undertaking certain actions that will include, but may not be limited to (1) providing a copy of the grievance procedure to its employees, (2) putting the public on notice by placing a notice in the *Village's* official newspaper subsequent to adoption of this Procedure, (3) placing copies of the Procedure in the Village Hall for review and dissemination, and (4) adding language to federal program brochures to insure all potential program beneficiaries are aware of the *Village's* adopted grievance procedures.

# VILLAGE OF PORT DICKINSON

## SECTION 504 GRIEVANCE POLICY

### *Procedure for Filing Complaints*

**BACKGROUND:** Section 504 of the Rehabilitation Act of 1973 (the “Act”) as amended, prohibits discrimination on the basis of disability in programs and activities conducted by the U.S. Department of Housing and Urban Development (HUD) or that receive financial assistance from HUD. This includes the New York State Community Development Block Grant Program (CDBG) funded by HUD, and under which the Village of Port Dickinson (the “Village”) has received financial assistance. The Act specifically provides that no qualified individual shall, solely by reason of his or her handicap, be excluded from program participation, including employment, be denied program benefits, or be subjected to discrimination. The Americans with Disabilities Act of 1990 (ADA) establishes provisions for assuring equality of opportunity, full participation, independent living and self-sufficiency of disabled persons relative to employment, benefits and services, accommodations, commercial facilities and multi-family housing.

**SECTION 504 POLICY/COMPLIANCE:** Part 8 of Title 24 of the Code of Federal Regulations (24CFR) requires the adoption and notice/publication of ADA grievance procedures for municipalities with 15 or more employees, Sections 8.53 and 8.54, respectively. Therefore, be it known that it is the policy of the Village not to discriminate on the basis of disability. Towards that end, the Village has adopted by resolution an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. The subject law and implementing regulations may be examined in the *Village Clerk’s Office*. The Village Code Enforcement Officer for the Village has been designated to coordinate the efforts of the *Village* with respect to Section 504 compliance. This information can also be accessed on the World-wide Web at the following address: <http://www.ada.gov/taman2.html#II-8.2000>. The Village Code Enforcement Officer’s office is located at the Village Hall, 786 Chenango Street, in the Village of Port Dickinson, New York. The Section 504 Coordinator can be reached at 607-722-1255

**GRIEVANCE PROCEDURE:** Any person who believes he or she has been subjected to discrimination on the basis of disability may file a grievance under the procedure adopted by the Village outlined below.

- Grievances must be submitted to the Section 504 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.

- The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the Village relating to such grievances.
- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the **Village** Board of Trustees within 15 days of receiving the Section 504 Coordinator's decision. The **Village** Board of Trustees shall issue a written decision in response to the appeal no later than 30 days after its filing.
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.

The Village will make appropriate arrangements to ensure that disabled persons are provided accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

It is against the law for the **Village** to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

ADOPTED:

---

## LEAD AGENCY RESOLUTION

WHEREAS, the Village of Port Dickinson was awarded a 2011 Small Cities Community Development Block Grant to install an elevator/shaft and make other improvements to its main municipal building located at 786 Chenango Street that are in compliance with the Americans with Disabilities Act (ADA) recommendations; and

WHEREAS, the Village of Port Dickinson has determined that the Municipal Building Accessibility Project is an Unlisted Action as defined in the State Environmental Quality Review Act (6 NYCRR §617); and

WHEREAS, said regulations require that the Village undertake an environmental review of such a project prior to its implementation; and

WHEREAS, the Village has determined that New York State Department of Environmental Conservation and the New York State Office of Community Renewal are also Involved Agencies, as defined in said regulations;

AND WHEREAS, the Village has determined that any potential impacts from this project are primarily of local significance;

THEREFORE, BE IT RESOLVED that the Village has declared itself lead agency for the purpose of completing the environmental review required under SEQRA;

AND BE IT FURTHER RESOLVED that the Village of Port Dickinson will provide notification of this declaration to all other involved agencies, as defined herein, in order that it may undertake a coordinated review of the project

A LOCAL LAW OF THE VILLAGE OF PORT  
DICKINSON AMENDING CHAPTER 30 OF THE VILLAGE  
CODE ENTITLED  
“DUMPING”

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

Section 1.

Chapter 30 of the Village Code (Dumping ) adopted January 13, 1998 as Local Law No. 1-1998, as amended, be and hereby is amended by this Local Law as follows:

Section 30-3A(A) is hereby amended to provide as follows:

§30-3A(A) Garbage Cans: Garbage, and rubbish generated shall be placed at the curb line not earlier than 6:00 PM on the evening preceding the collection day in suitable containers or securely stacked in bundles so as to prevent blowing and scattering. Such containers shall be removed not later than 6:00 o'clock PM on the collection day .

Section 2.

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 3.

This Local Law shall take effect when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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.

Chapter 62 of the Village Code adopted July 2, 1963 during codification, as amended, be and hereby is further amended by this Local Law as follows:

Section 6207 entitled "Unmetered Use" is amended to provide as follows:

A. Remains the same

B. Any person desiring to use water from a hydrant in the filling of any swimming pool may do so upon the written consent of the Commissioner of Public Works or the Commissioner of Water and Sewer and the payment in advance:

1. Of a fee calculated by multiplying the then current water rate times the pool capacity, using the following formula: (Pool capacity in gallons divided by 7.5) divided by 100, times the current water rate per 100 cubic feet (excluding the flat operational cost), plus

2 and 3: Remain the same.

C. remains the same

Section 2.

Section 62-8 entitled "Rates and bills" is amended to provide as follows:

A. Water rates consisting of a flat operational cost plus a charge based upon water consumption shall be established from time to time by the Board. A schedule of such rates shall be filed with the Village Clerk. Water bills shall be due and

payable to the designated agent of the Board of Trustees of the Village of Port Dickinson in April and October of each year and if not paid within thirty (30) days after receipt, a fee of fifteen percent (15%) will be added for the next twenty (20) days. If the bill is not paid by the end of said twenty-day period, the water may be shut off and service will not be restored until the bill with the fifteen percent penalty and a \$75.00 service charge has been paid in advance.

B. through E.: Remain the same

Section 2.

All Ordinances, Local Laws and parts thereof inconsistent with the Local Law are hereby repealed.

Section 3.

This Local Law shall take effect when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

A LOCAL LAW OF THE VILLAGE OF PORT  
DICKINSON AMENDING CHAPTER 49 OF  
THE VILLAGE CODE ENTITLED "SEWERS"

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

Section 1.

Chapter 49 of the Village Code adopted August 6, 1985 as Local Law No. 1-1985, as amended, be and hereby is further amended by this Local Law as follows:

§49-8 (Basis of Billings) is amended to provide as follows:

Sewer rents shall consist of a flat operational cost plus a charge based upon the metered consumption of water per one hundred (100) cubic feet billed to the owner of the premises at a rate to be determined by resolution of the Board of Trustees, except that the Village Board, in its discretion, may make due allowance for commercial use of water, the number and kinds of plumbing fixtures connected with the sewer system and for those premises having swimming pools.

Section 2. Separability

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

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 with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.