

VILLAGE OF PORT DICKINSON
Village Board Meeting Agenda
May 8, 2012
6:00 pm
Port Dickinson Elementary School

PUBLIC HEARING:

1. Proposed Local Law 3-2012, A LOCAL LAW AMENDING VARIOUS CHAPTERS OF THE CODE OF THE VILLAGE OF PORT DICKINSON
2. Proposed Local Law 4-2012, A LOCAL LAW OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 30 OF THE VILLAGE CODE ENTITLED "DUMPING"
3. Proposed Local Law 5-2012, A LOCAL LAW OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED "WATER"
4. Proposed Local Law 6-2012, A LOCAL LAW OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 49 OF THE VILLAGE CODE ENTITLED "SEWERS"

APPROVAL OF MINUTES: April 10, 2012 and April 24, 2012

PUBLIC PARTICIPATION:

TREASURER'S REPORT:

AUDIT & PAYMENT OF CLAIMS:

1. No. 1 through No. 25 as listed on the Abstract of Unaudited vouchers for the General Fund for \$46,903.65
2. No. 19 and No. 26 through No. 27 as listed on the Abstract of Unaudited vouchers for the Water Fund for \$11,200.83
3. No. 28 as listed on the Abstract of Unaudited vouchers for the Sewer Fund for \$659.47

COMMUNICATIONS:

- Certificate of Insurance received for Weathermaster Roofing Co, Inc

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:

RESOLUTIONS FOR APPROVAL:

1. Resolution Adopting the SEQRA for the Municipal Building Accessibility Program
2. Resolution Adopting the Fair Housing Resolution
WHEREAS, the Village of Port Dickinson is committed to the provision of equal access and equal housing opportunities for all its residents, and
WHEREAS, discrimination in the sale, rental or financing of dwellings on the basis of race, color, religion, sex, national origin, handicap, or familial status is prohibited by the federal Fair Housing Law of Title VIII of the 1968 Civil Rights Act and the Fair Housing Amendment Act of 1988, and
WHEREAS, the Village of Port Dickinson wishes to further Fair Housing in the Village and,

WHEREAS, the Village of Port Dickinson has been operating pursuant to a Fair Housing Plan, which is attached hereto,

NOW, THEREFORE BE IT RESOLVED that the Village of Port Dickinson does hereby adopt the attached Fair Housing Plan by resolution and does designate Trustee James DeGennaro to act as Fair Housing Officer for the Village of Port Dickinson to carry out the activities of the attached Plan and deal with complaints related to the issue of Fair Housing in the Village.

3. Resolution adopting the SEQR Determination that Local Law 3-2012 Does Not Require Environmental Review.
4. Resolution Adopting Local Law 3-2012, A LOCAL LAW AMENDING VARIOUS CHAPTERS OF THE CODE OF THE VILLAGE OF PORT DICKINSON as follows:

ADOPTION BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF PORT DICKINSON OF
LOCAL LAW NO. 3-2012

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 May 8, 2012 to hear all interested parties on a proposed Local Law entitled "A Local Law Amending Various Chapters of the Code of the Village of Port Dickinson", as amended, and

WHEREAS, notice of said public hearing was duly advertised in the Press & Sun-Bulletin, the official newspaper of the Village, on April 24, 2012, and posted on the Village Clerk's sign board on April 20, 2012, and

WHEREAS, said public hearing was duly held at the Port Dickinson Elementary School at 6:00 o'clock P.M. on May 8, 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. 3-2012 entitled "A Local Law Amending Various Chapters of the Code of the Village of Port Dickinson", 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.

5. Resolution adopting the Short Environmental Assessment Form for Local Law 4-2012 and the SEQR Determination that the Proposed Activity Does Not Require Environmental Review
6. Resolution Adopting Local Law 4-2012, A LOCAL LAW OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 30 OF THE VILLAGE CODE ENTITLED "DUMPING" as follows:

ADOPTION BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF PORT DICKINSON OF
LOCAL LAW NO. 4-2012

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 May 8, 2012 to hear all interested parties on a proposed Local Law entitled "A Local Law of the Village of Port Dickinson Amending Chapter 30 of the Village Code Entitled 'Dumping'", as amended, and

WHEREAS, notice of said public hearing was duly advertised in the Press & Sun-Bulletin, the official newspaper of the Village, on May 1, 2012, and posted on the Village Clerk's sign board on April 27, 2012, and

WHEREAS, said public hearing was duly held at the Port Dickinson Elementary School at 6:00 o'clock P.M. on May 8, 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. 4-2012 entitled "A Local Law of the Village of Port Dickinson Amending Chapter 30 of the Village Code Entitled 'Dumping'", 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.

7. Resolution adopting the Short Environmental Assessment Form for Local Law 5-2012 and the SEQR Determination that the Proposed Activity Does Not Require Environmental Review

8. Resolution Adopting Local Law 5-2012, A LOCAL LAW OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED "WATER" as follows:

ADOPTION BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF PORT DICKINSON OF
LOCAL LAW NO. 5-2012

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 May 8, 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 May 1, 2012, and posted on the Village Clerk's sign board on April 27, 2012, and

WHEREAS, said public hearing was duly held at the Port Dickinson Elementary School at 6:00 o'clock P.M. on May 8, 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. 5-2012 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.

9. Resolution adopting the Short Environmental Assessment Form for Local Law 6-2012 and the SEQR Determination that the Proposed Activity Does Not Require Environmental Review

10. Resolution Adopting Local Law 6-2012, A LOCAL LAW OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 49 OF THE VILLAGE CODE ENTITLED "SEWERS" as follows:

ADOPTION BY THE BOARD OF TRUSTEES

OF THE VILLAGE OF PORT DICKINSON OF
LOCAL LAW NO. 6-2012

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 May 8, 2012 to hear all interested parties on a proposed Local Law entitled "A Local Law of the Village of Port Dickinson Amending Chapter 49 of the Village Code Entitled 'Sewers'", as amended, and

WHEREAS, notice of said public hearing was duly advertised in the Press & Sun-Bulletin, the official newspaper of the Village, on May 1, 2012, and posted on the Village Clerk's sign board on April 27, 2012, and

WHEREAS, said public hearing was duly held at the Port Dickinson Elementary School at 6:00 o'clock P.M. on May 8, 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. 6-2012 entitled "A Local Law of the Village of Port Dickinson Amending Chapter 49 of the Village Code Entitled 'Sewers'", 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.

NEW BUSINESS:

- Code Violation at 789 Chenango St.
- Code Violation at 34 Beacon St

ADJOURNMENT

FAIR HOUSING IMPLEMENTATION PLAN

VILLAGE OF PORT DICKINSON

The Village of Port Dickinson is committed to the provision of equal access and equal housing opportunities for all its residents. Discrimination in the sale, rental or financing of dwellings on the basis of race, color, religion, sex, national origin, handicap or familial status is specifically prohibited by the Federal Fair Housing Law of Title VIII of the 1968 Civil Rights Act and the Fair Housing Amendments Act of 1988. While the federal law protects us from discrimination in housing, the Village recognizes that this is only the first step towards Fair Housing and that action to affirmatively further this right is also necessary.

The Village will further Fair Housing by focusing its attention in the following areas:

I. Educational Activities

These activities will promote the education of the Village residents as to the aspects of the Fair Housing Law and other pertinent housing issues. This would be accomplished by the preparation and dissemination of a brochure and quarterly advertisements in the local newspaper(s).

The Village will work cooperatively with any agencies directly involved with public housing in the Village. In addition, the Village will make known to attorneys, realtors, financial institutions or other agencies involved in housing issues in the Village about the Village's stand against discriminatory housing practices.

II. Local Compliance Activities

This activity will include the designation of the Fair Housing Officer. The Fair Housing Officer will assist families and individuals with information regarding Fair Housing. The Fair Housing Officer will also network with local offices which focus on housing issues to make known the Village's commitment to Fair Housing.

III. Assistance to Minority Families

As stated in Number I above, a successful educational program will make known the Village's stand against discriminatory housing practices. The Village's Fair Housing Officer will work cooperatively with any public housing in the Village and will notify County agencies of the Village's stand with respect to Fair Housing. This assistance to minority families will be aided by maintaining a list of attorneys, realtors or landlords who are willing to assist minority families who seek housing opportunities in the Village.

IV. Special Programs

Special programs may be varied. A letter writing campaign to disperse the Fair Housing brochure is the first step. Secondly, informing attorneys, realtors, landlords and financial institutions of the Fair Housing program in the Village may generate special programs. The Village may also want to work in conjunction with any of the aforementioned agencies in a coordinated effort to offer a social program. An example would be to work with the Board of Realtors in helping to promote April as Fair Housing Month.

Adopted: _____

Susan Fox, Clerk
Village of Port Dickinson

**A LOCAL LAW AMENDING VARIOUS CHAPTERS OF
THE CODE OF THE VILLAGE OF PORT DICKINSON**

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

Section 1.

Chapter 22 of the Village Code entitled “Animals”, as amended, be and hereby is amended by this Local Law as follows:

§ 22-6 (**Penalties for offenses**) is amended to add the following sentence at the end thereof: In addition to the above prescribed penalties, the Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney’s fees.

Section 2.

Chapter 24 of the Village Code entitled “Brush, Grass and Weeds”, as amended, be and hereby is amended by this Local Law as follows:

§ 24-5 (**Removal by village**) is amended to add the following sentence at the end thereof: In addition to the above prescribed penalties, the Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney’s fees.

Section 3.

Chapter 26 of the Village Code entitled “Building Construction”, as amended, be and hereby is amended by this Local Law as follows:

§ 26-15 (**Violations**) is amended to add a new paragraph F entitled “Restitution” as follows:

F. Restitution. In addition to the above prescribed penalties, the Village may also seek restitution

for costs incurred by the Village in identifying and remedying each violation, including but not

limited to reasonable attorney's fees.

Section 4.

Chapter 37 of the Village Code entitled "Prohibiting Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems", as amended, be and hereby is amended by this Local Law as follows:

§ 37-13 (**Enforcement**) is amended to add a new paragraph C entitled "Restitution" as follows:

C. Restitution: In addition to the above prescribed penalties, the Village may also seek restitution

for costs incurred by the Village in identifying and remedying each violation, including but not

limited to reasonable attorney's fees.

Section 5.

Chapter 45 of the Village Code entitled "Property Maintenance", as amended, be and hereby is amended by this Local Law as follows:

§ 45-5 (**Penalties for offenses**), subparagraph B, is amended to add the following sentence at the end thereof: The Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney's fees.

Section 6.

Chapter 46 of the Village Code entitled "Property Numbering System", as amended, be and hereby is amended by this Local Law as follows:

§ 46-5 (**Penalties**) is amended to add the following sentence at the end thereof: In addition to the above prescribed penalties, the Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney's fees.

Section 7.

Chapter 49 of the Village Code entitled “Sewers”, as amended, be and hereby is amended by this Local Law as follows:

§ 49-37 (**Enforcement by Joint Sewage Board**), paragraph F, is amended to add the following sentence at the end thereof: In addition to the above prescribed penalties, the Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney’s fees.

Section 8.

Chapter 50 of the Village Code entitled “Stormwater Management and Erosion & Sediment Control”, as amended, be and hereby is amended by this Local Law as follows:

§ 50-12 (**Enforcement and Penalties**) is amended to add a new paragraph G entitled “Restitution” as follows:

G. Restitution:

In addition to the above prescribed penalties, the Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney’s fees.

Section 9.

Chapter 51 of the Village Code entitled “Street Construction”, as amended, be and hereby is amended by this Local Law as follows:

§ 51-27 (**Penalties for offenses**), paragraph B, is amended to add the following sentence at the end thereof: The Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney’s fees.

Section 10.

Chapter 54 of the Village Code entitled “Swimming Pools, Private”, as amended, be and

hereby is amended by this Local Law as follows:

§ 54-10 (**Penalties for offenses**), paragraph B, is amended to add the following sentence at the end thereof: The Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney's fees.

Section 11.

Chapter 59 of the Village Code entitled "Vehicles, Abandoned", as amended, be and hereby is amended by this Local Law as follows:

§ 59-8 (**Penalties for offenses**), paragraph B, is amended to add the following sentence at the end thereof: The Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney's fees.

Section 12.

Chapter 62 of the Village Code entitled "Water", as amended, be and hereby is amended by this Local Law as follows:

§ 62-13 (**Penalties for offenses**), paragraph B, is amended to add the following sentence thereto: The Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney's fees.

Section 13. 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 14. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed. **Section 15. 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.

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:

§ 30-3A (Garbage and Rubbish Removal), paragraph A, is hereby amended to provide as follows:

A. The person in control of any private lands in the Village shall arrange at his own cost and expense for the removal at least once a week of all garbage and rubbish generated from said lands which shall be placed at the curb line not earlier than 5:00 PM on the evening preceding the collection day in suitable containers or securely stacked in bundles so as to prevent blowing and scattering.

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:

§ 62-7 (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.

§ 62-8 (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 3.

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

Section 4.

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 allowances 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.