

**Village of Port Dickinson
Monthly Board Meeting
February 14, 2012
Port Dickinson Elementary School**

Officers Present:	Mayor	Kevin M. Burke
	Trustees	Robert Aagre Michael Cashman James DeGennaro Richard Felo
	Attorney	Jeffrey Jacobs
	Clerk	Susan Fox
	Treasurer	Cheryl Miller

The regular monthly meeting was called to order at 6:00 pm.

PUBLIC HEARINGS:

- Proposed Local Law 1-2012 of the Village of Port Dickinson amending Chapter 45 of the Village Code entitled “Property Maintenance”
Motion by Trustee Cashman, seconded by Trustee Felo, to close the Public Hearing
AYE TRUSTEES AAGRE, CASHMAN, DEGENNARO, FELO
NAY NONE
- Proposed LOCAL LAW 2-2012 OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED “WATER”
Trustee Aagre demonstrated the new water meter, gave an explanation of the process, and responded to questions.
Motion by Trustee Cashman, seconded by Trustee Felo, to close the Public Hearing
AYE TRUSTEES AAGRE, CASHMAN, DEGENNARO, FELO
NAY NONE

Motion by Trustee Felo seconded by Trustee Aagre, to approve the minutes of the January 10, 2012 meeting,
AYE TRUSTEES AAGRE, CASHMAN, DEGENNARO, FELO
NAY NONE

PUBLIC COMMENT:

- Mrs. Wood asked if the Board had seen the article in the Press regarding a 2nd round of grants available to municipalities
- Question regarding the sewage treatment plant and question asking if the Towns of Chenango and Fenton, and the Village had considered a separate plant. The Mayor responded that the Town of Chenango already has their own plant and the Village is indebted to the current Binghamton/JC Plant for another 20-25 years.
- Former Trustee & Village resident Horoschak commended the Board on their pursuit and acquisition of grant funds for the Village Hall project.
- Question regarding the status of Phelps St: Mayor Burke responded that the Town of Dickinson have requested concessions which more than doubled the amount of the project. The Village will be meeting with the Town to discuss options for sharing the work and financing. There is also a rumor that Millennium may be installing an additional line due to the increased natural gas drilling. It would be prudent to wait for any further construction before fixing the street.

- Question regarding the removal of utility poles on Chenango St: The Mayor responded that the flood had interfered with the work and it will be dealt with in the future.

TREASURER’S REPORT:

Written report will be on file with the Village Clerk.

AUDIT AND PAYMENT OF CLAIMS:

Motion by Trustee Felo, seconded by Trustee Aagre, to pay claims No. 1-23 as listed on the Abstract of Unaudited Vouchers for the General Fund for \$11,136.75

 AYE TRUSTEES AAGRE, CASHMAN, DEGENNARO, FELO
 NAY NONE

Motion by Trustee Felo, seconded by Trustee Aagre, to pay claim No. 24-29 as listed on the Abstract of Unaudited Vouchers for the Water Fund for \$28363.07

 AYE TRUSTEES AAGRE, CASHMAN, DEGENNARO, FELO
 NAY NONE

Motion by Trustee Aagre, seconded by Trustee DeGennaro, to pay claims No. 10, and No 30-31 as listed on the Abstract of Unaudited Vouchers for the Sewer Fund for \$1,305.45

 AYE TRUSTEES AAGRE, CASHMAN, DEGENNARO, FELO
 NAY NONE

COMMUNICATIONS:

COMMITTEE REPORTS:

Administration/Community Association: Written report on file with the Village Clerk.

Parks/Water/Sewer: Written report on file with the Village Clerk.

Planning Board: None

Public Safety: Written report on file with the Village Clerk.

Public Works: Trustee Cashman that all is going well and DPW is ready for snow. Trustee Cashman has worked with Code Officer Broughton and the tires that washed up in the Park during the flood are being removed at the expense of the offender.

Zoning: None

OLD BUSINESS:

- Motion by Trustee Aagre, seconded by Trustee DeGennaro, for a resolution ratifying the holding of a Public Hearing at the 2/14/12 meeting at 6:05 pm on Proposed LOCAL LAW 2-2012 OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED “WATER”
- Code violation matters for 23 Old State Road and 855 Chenango Street are being resolved.

RESOLUTIONS:

- Motion by Trustee Felo, seconded by Trustee DeGennaro, for a resolution adopting the SEQR determination for Proposed Local Law 1-2012, A LOCAL LAW OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 45 OF THE VILLAGE CODE ENTITLED “Property Maintenance”
 AYE TRUSTEES AAGRE, CASHMAN, DEGENNARO, FELO
 NAY NONE
- Motion by Trustee Aagre, seconded by Trustee Cashman, for a resolution adopting the SEQR determination for

Proposed LOCAL LAW 2-2012 OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED "WATER"

AYE TRUSTEES AAGRE, CASHMAN, DEGENNARO, FELO

NAY NONE

- Motion by Trustee Felo, seconded by Trustee Aagre, for a resolution adopting Local Law 1-2012, A LOCAL LAW OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 45 OF THE VILLAGE CODE ENTITLED "Property Maintenance"
AYE TRUSTEES AAGRE, CASHMAN, DEGENNARO, FELO
NAY NONE
- Motion by Trustee Aagre seconded by Trustee Cashman, for a resolution adopting LOCAL LAW 2-2012 OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED "WATER"
- Motion by Trustee Cashman, seconded by Trustee Felo, for a RESOLUTION REGARDING AVAILABILITY OF AGENDA ITEMS PRIOR TO MEETINGS
AYE TRUSTEES AAGRE, CASHMAN, DEGENNARO, FELO
NAY NONE
- Motion by Trustee Aagre, seconded by Trustee DeGennaro, for a 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.
AYE TRUSTEES AAGRE, CASHMAN, DEGENNARO, FELO
NAY NONE
- Motion by Trustee Cashman, seconded by Trustee DeGennaro, for a resolution accepting a Proposal for Administrative and Program Delivery Services for Municipal Building Access Improvements (2011 CDBG) dated February 10, 2012 from Thomas Development Consultants and authorizing the Mayor to Execute, subject to any necessary approval of the NYS Office of Community Renewal and subject to review and approval of the Village Attorney.
AYE TRUSTEES AAGRE, CASHMAN, DEGENNARO, FELO
NAY NONE
- Motion by Trustee Felo, seconded by Trustee DeGennaro, for a resolution authorizing Village Engineer Ron Lake to perform Engineering Design and related services in connection with the Municipal Building Access Improvements (2011 CDBG) pursuant to a proposal/contract , subject to any necessary approval of the NYS Office of Community Renewal and subject to review and approval of the Village Attorney.
AYE TRUSTEES AAGRE, CASHMAN, DEGENNARO, FELO
NAY NONE

NEW BUSINESS:

- Mayor Burke attended a meeting with Sen. Libous office regarding the addition of a pump and electric generator at the levee. FEMA will pay 75% of the project and the Mayor is negotiating to have NYS DEC take the lead on the project. A letter of intent has been filed with NYS and a request that they do the engineering.
- Mayor Burke attended a quarterly meeting with Broome County officials. The County Executive is proposing to restore the 50-50 sales tax split in the next County fiscal year, have Towns resume plowing County roads as they used to as it is more cost effective. She reported that the County has no intent of taking over the Joint Sewage Treatment Plant.

Motion by Trustee Felo seconded by Trustee Aagre to adjourn at 6:45 pm.

Respectfully submitted,
Susan E. Fox, Village Clerk

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. This 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.