

VILLAGE OF PORT DICKINSON
Village Board Meeting Agenda
April 9, 2013
6:00 pm
Port Dickinson Elementary School

APPROVAL OF MINUTES: March 12, 2013

PUBLIC HEARING:

1. Proposed 2013-2014 Budget

PUBLIC PARTICIPATION:

TREASURER'S REPORT:

AUDIT & PAYMENT OF CLAIMS:

1. No. 1-28, 25-37 as listed on the Abstract of Unaudited vouchers for the General Fund for \$ 20,204.72
2. No. 32-34 as listed on the Abstract of Unaudited vouchers for the Water Fund for \$ 3,794.40
3. No. 8, 29-31 as listed on the Abstract of Unaudited vouchers for the Sewer Fund for \$1,419.98
4. No. as listed on the Abstract of Unaudited vouchers for the Elevator Project for \$

COMMUNICATIONS:

1. Certificate of Insurance received from T & M Excavating, LLC

COMMITTEE REPORTS:

Administration/Code Enforcement/Community Association – Michael Blakeslee, 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 approving the 2013-2014 Tentative Budget
2. Resolution approving the 2013-2014 Village Budget
3. Resolution approving Smoking Ban at the Village Park
4. Resolution scheduling a Public Hearing on May 13, 2013 on a proposed Local Law A LOCAL LAW OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 43 OF THE VILLAGE CODE ENTITLED "PEDDLING AND SOLICITING"
5. Resolution approving the DESIGNATION OF THE NEW YORK STATE SECRETARY OF STATE AS AGENT FOR NOTICE OF CLAIM

NEW BUSINESS/DISCUSSION:

ADJOURNMENT

CERTIFICATE

**DESIGNATION OF THE NEW YORK STATE SECRETARY OF STATE AS OF AGENT FOR NOTICE
OF CLAIM**

The Board of Trustees of the Village of Port Dickinson (the "Village") hereby designates the New York State Secretary of State as an agent for service of a notice of claim, pursuant to New York General Municipal Law Section Fifty-Three, Subsection Two (§53(2)).

In any case founded upon tort where a notice of claim is required by law as a condition precedent to the commencement of an action or special proceeding against the Village, or any officer, appointee or employee thereof, the notice of claim shall comply with and be served in accordance with the provisions of General Municipal Law Section fifty-e (§50-e) within ninety days after the claim arises; except that in wrongful death actions, the ninety days shall run from the appointment of a representative of the decedent's estate.

All notices of claim received by the Secretary of State, as agent for service upon the Village, shall be transmitted to the Port Dickinson Village Clerk as officer, person, designee, nominee, or other agent-in-fact for the Village, located at the Port Dickinson Village Hall, 786 Chenango Street, Binghamton, NY 13901.

By Order of the Board of Trustees of the Village of Port Dickinson

Dated: April 9, 2013

Susan Fox
Village Clerk
Village of Port Dickinson

A LOCAL LAW OF THE VILLAGE OF PORT
DICKINSON AMENDING CHAPTER 43 OF
ENTITLED
“PEDDLING AND SOLICITING”

THE VILLAGE CODE

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

Section 1.

Section 43-1 of Chapter 43 of the Village Code (Peddling and Soliciting) adopted 7-9-74 as Local Law No. 1-1974, as amended, be and hereby is rescinded and replaced by the following provisions:

§ 1. Terms defined.

For the purposes of this chapter, the following words and phrases used herein are defined as follows:

CHARITABLE ORGANIZATION:

- A. Any benevolent, philanthropic, patriotic, not-for-profit, educational, religious or eleemosynary group, association or corporation which qualifies or could qualify as a tax exempt organization under Section 501 of the Internal Revenue Code.
- B. A fire company which is organized for the prevention and extinguishment of fires.

CONTRIBUTION -- The promise or grant of any money, credit, property, financial assistance or any other thing of value, including payments for literature in excess its fair market value.

NEWSPAPER — A paper that is distributed and contains news, articles of opinion and advertising. This definition includes pennysavers and community newspapers.

ORGANIZATION – A corporation, partnership, association, joint-stock company, society or any other entity of any kind.

PEDDLER — Any person, either principal or agent, who, in any public street, road or highway or open public place or from any vacant property, whether publicly or privately owned, goes from place to place or house to house and delivers or distributes advertising matter, literature, pamphlets, samples or handbills or sells or offers for sale, barter or exchange any goods, wares, food products, merchandise, service or any other article or thing whatsoever, either in his possession or not in his possession, either for immediate or for future delivery or solicits information for the purpose of comparing the price of services available to the occupants or owners of the house that is the subject of such inquiry.

PERSON -- A natural person.

PLACE TO PLACE -- The phrase “place to place” shall mean that the peddler or solicitor must be mobile and is permitted to remain on any tax map parcel within the Village for a maximum of 15 minutes during any single day, unless otherwise permitted by the town.

RESIDENTIAL PREMISES — A house, apartment, condominium, cooperative or mobile home which is used as a dwelling place or domicile by the occupant.

SOLICITOR -- Any person, either principal or agent, who, in any public street, road or highway or public place or from any vacant property, whether publicly or privately owned, goes from place to place or house to house and requests or accepts a contribution.

SOLICITOR OR PEDDLER FOR A CHARITABLE ORGANIZATION — A person who solicits contributions or acts as a peddler on behalf of a charitable organization.

§ 2. Permit required.

A peddler or solicitor acting as such within the Village of Port Dickinson shall first obtain a permit as provided in this chapter. The

maximum number of permits that shall be issued by the Village and in effect at any one time is three. A person or organization may apply for a permit, with up to ten (10) solicitors working under said permit, so long as all such solicitors are identified in the permit application.

§ 3. Application for permit.

- A. Each person or organization desiring a permit shall submit an application. An application to act as a peddler or solicitor in the form prescribed by the Village of Port Dickinson shall be submitted to the Village Clerk for review and action and shall contain the following information:
 - (1) The name, home address and local address, if any, of the applicant and all persons to be covered by the permit, up to a maximum of ten (10).
 - (2) A physical description of the applicant, setting forth the applicant's age, height, weight and color of hair and eyes, which is to be used for identification purposes only.
 - (3) The name and address of the person, firm or corporation for or through whom orders are solicited or cleared.
 - (4) The nature of the goods, wares or merchandise for which orders are to be solicited.
 - (5) Honorably discharged members of the armed forces shall also state the county from which they secured their license, pursuant to the General Business Law, together with the date and number of such license.
 - (6) A statement as to whether the applicant has been arrested or convicted of any crime or misdemeanor and, if so, the date, location and nature of said incident.
 - (7) A statement as to the period during which the applicant intends to solicit orders.
- (8) Such other information as the Village of Port Dickinson shall reasonably require.
- B. The applicant, at the time of executing such application, shall also submit identification, reasonably satisfactory to the Village of Port Dickinson, which shall contain a sample of the applicant's signature and photo identification for all solicitors to be covered by the permit.
- C. Following the submission of an application for a permit as required by this chapter, the Village of Port Dickinson shall approve or disapprove the application within 14 days of receipt. Any application denied shall specify the reason. Such reason must relate to the protection of the public safety, health, morals or general welfare of the residents of the town. The Village of Port Dickinson may deny any application by any person who shall have been convicted of any crime or of any violation of this chapter or who, upon investigation, is not found to be a person of good moral character and reputation.

§ 4. Revocation of permit.

Such permit shall be revoked automatically upon conviction of a crime or violation of this chapter and is subject to cancellation or suspension by the Village of Port Dickinson if the permittee, or any solicitors working under the permit, shall be found not to be a person of good moral character and reputation.

§ 5. Fee.

The fee for a peddler's or solicitor's permit shall be \$25 per day.

§ 6. Duration of permit.

A permit may be purchased for up to ten (10) days. Payment in full must be made to the Village before the permit shall be issued.

§ 7. Age restriction on permittees.

No permit shall be issued under this chapter to any person under the age of 18 years. However, persons under the age of 18 may act as solicitors or peddlers for a charitable organization.

§ 8. Transferability.

No permit shall be transferable from one person or organization to another.

§ 9. Provisions applicable to veterans.

Honorably discharged members of the Armed Forces of the United States who obtain a license pursuant to the provisions of § 32 of the General Business Law shall, in addition thereto, file a further application with the Village of Port Dickinson for the issuance of a local permit. The application for such local permit shall state the veteran's name, residence at the time of the application, nature of

goods to be sold and, if the applicant is working on a commission or percentage basis for any person, firm or corporation, the name and business address of such person, firm or corporation. This application shall be signed by the applicant, and the name on this application and the original certificate of honorable discharge shall be compared to ascertain if the person so applying is the same person named in the original certificate of honorable discharge. The Village of Port Dickinson, when satisfied, shall issue to such former member of the Armed Forces of the United States a permit, without charge, certifying him to be entitled to the benefits of this chapter. An applicant who is issued a permit under this subsection must still comply with all other provisions of this chapter; provided, however, that nothing in this chapter shall prevent or in any manner interfere with the soliciting or peddling' without the use of any but a hand-driven vehicle in any street, avenue, alley or lane of the Village by any honorably discharged member of the Armed Forces of the United States who is disabled as a result of injuries received while in the service of said Armed Forces and who is the holder of a license granted pursuant to § 32 of the General Business Law.

§ 10. Hours.

Within the Village of Port Dickinson, soliciting or peddling is permitted between the hours of 9:00 a.m. and 5:00 p.m., Monday through Saturday. Soliciting or peddling is prohibited outside those hours.

§ 11. Exemptions.

Except as otherwise provided herein, the following transactions shall be exempt from the provisions of this chapter:

- A. Peddling or soliciting for a charitable organization. Such peddlers or solicitors shall be subject to the provisions of this chapter limiting the hours during which peddling or soliciting can occur.
- B. Peddling or soliciting by a political party or a political candidate. Such peddlers or solicitors shall be subject to the provisions of this chapter limiting the hours during which peddling or soliciting can occur.
- C. The peddling of milk or farm produce by farmers who produce such commodities.
- D. Peddlers or solicitors when peddling or soliciting at nonresidential premises located in the commercial zones of the Village of Port Dickinson.
- E. The delivery of food, goods, wares, merchandise, magazines, periodicals, produce, services or other commodities previously ordered by the occupant of the premises to which the same is delivered or on which the services are to be performed.
- F. The delivery of newspapers.
- G. The delivery of advertising matter, literature, pamphlets, samples or handbills by representatives of the United States government or the government of the State of New York or some political subdivision thereof carrying out its regular duties.

§ 12. Reports from permittees.

The Village of Port Dickinson may require reports from any permittee hereunder at any time and at such intervals as, in its discretion, it may deem necessary for the protection for the public welfare.

§ 13. Permit required for temporary structure.

No person shall sell or offer for sale, barter or exchange any goods, wares, merchandise, magazines, periodicals, produce, service or any other article or thing whatsoever from a temporary structure, unless that person has obtained approval for such temporary structure from the Village of Port Dickinson. These permits must be displayed at all times in a conspicuous place outside of such place or structure.

§ 14. Peddling from vacant property prohibited.

No person shall sell or offer for sale, barter or exchange any goods, wares, merchandise, magazines, periodicals, produce, service or any other article or thing whatsoever, except newspapers from a coin-operated vending machine, from any vacant property, whether publicly or privately owned, located in the Village of Port Dickinson.

§ 15. Notice prohibiting peddlers and solicitors.

- A. An owner or occupant of a residential premises located in the Village of Port Dickinson may post a notice as hereinafter set forth prohibiting peddlers and solicitors. The notice shall be placed in a conspicuous place adjacent to the main entrance door so as to be plainly visible to a peddler or solicitor calling at the premises.
- B. It shall be the duty of every solicitor or peddler, upon going onto private property, to first determine whether a notice prohibiting peddlers and solicitors is posted.
- C. If the notice states "peddlers or solicitors are prohibited" or words of similar import, then the solicitor or peddler shall immediately and peacefully depart from the premises without delivering or leaving advertising matter, literature, pamphlets, samples or handbills or ringing the doorbell or otherwise disturbing the occupant.
- D. Any solicitor or peddler who has entered upon private property, whether invited or not, shall immediately and peacefully

depart from the premises when requested to do so by the occupant.

§ 100-16. Penalties for offenses.

- A. Any violation by any person, organization or solicitor of any provision of this chapter shall be deemed a violation punishable by a fine not to exceed \$250 and/or imprisonment for not more than 15 days for each separate offense.
- B. Each day that a violation of this chapter is committed or permitted to exist shall constitute a separate offense.