

**Village of Port Dickinson  
Special Board Meeting  
August 27, 2013  
Port Dickinson Village Hall**

<b>Officers Present:</b>	<b>Mayor</b>	<b>Kevin M. Burke</b>
	<b>Trustees</b>	<b>Robert Aagre Michael Blakeslee Michael Cashman Richard Felo</b>
<b>Absent</b>	<b>Clerk</b>	<b>Susan Fox</b>
	<b>Treasurer</b>	<b>Cheryl Miller</b>

The Special Meeting was called to order at 5:30 pm by Mayor Kevin Burke

**RESOLUTIONS:**

1. Motion by Trustee Cashman, seconded by Trustee Felo for a RESOLUTION AUTHORIZING the MAYOR to EXECUTE an AGREEMENT WITH STATE OF NEW YORK FOR THE DESIGN, CONSTRUCTION , OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT OF THE PORT DICKINSON FLOOD CONTROL PROJECT CHENANGO RIVER PUMPING STATION AND THE PHELPS CREEK PUMPING FACILITY as follows:

**WHEREAS**, the Department of the Army (hereinafter referred to as the "Government") together with the State developed Section No. 2 of the Binghamton Flood Control Project located at the Village of Port Dickinson, pursuant to the authority contained in Section 103 of Public Law 99-662; and

**WHEREAS**, Environmental Conservation Law Article 16-0115 provides the authority for the State to enter into a local cooperation agreement for the assignment of terms and conditions for the construction of flood control projects in New York State; and

**WHEREAS**, pursuant to the provisions of section 4-412 of the Village Law of the State of New York the Trustees of a village are duly authorized to arrest and prevent damage to property within the village resulting from floods or erosion, construct drains, culverts, dams and bulkheads, and dredge channels, and regulate water courses, ponds and watering places within or without the village

**WHEREAS**, the State and the Village hereby express their intent to cooperate for an improvement to the Port Dickinson Flood Control Project pumping facility, in order to provide more reliable interior stormwater control for the area of protection; and

**WHEREAS**, the Village hereby represents that it has the authority and capability to furnish the cooperation as described in this Agreement;

**NOW THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Port Dickinson in special session duly convened that the Mayor be and hereby is duly authorized to execute the attached agreement on behalf of the Village.

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AYE: Aagre, Blakeslee, Cashman, Felo  
NAY: None

Trustee Aagre reported that the 1<sup>st</sup> coat has been painted on the tennis courts.

Motion by Trustee Cashman, seconded by Trustee Aagre, to adjourn at 5:37 pm.

Respectfully submitted,

Susan E. Fox

**A LOCAL LAW OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 24 OF THE  
VILLAGE CODE ENTITLED “BRUSH, GRASS AND WEEDS”**

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 supersede 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 supersession.

Section 2.

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

**A. Section 24-4 entitled “Compliance” is amended to provide as follows:**

A person upon whom notice has been served to cut, trim or remove such long grass, weeds or brush and who for five (5) days after the date of personal service or ten (10) days from the date of service by mailing neglects or fails to comply with the provisions of such notice, shall be deemed to have violated this chapter.

**B. Section 24-5 entitled “Removal by village” is amended to provide as follows:**

If after the expiration of five (5) days from the date of personal service or ten (10) days from the date of service by mailing, the owner neglects or fails to comply with the requirements of § 24-1, the Department of Public Works at the order of the Enforcement Officer shall have the power to cut, trim or remove such weeds, grass, brush or other uncultivated vegetation or accumulation of dead weeds, grass or brush on any such lot, plot or property in the Village of Port Dickinson. If in the judgment of the Commissioner of Public Works the employees of the Department of Public Works, by reason of their work schedule, will be unable to attend to such cutting activities within seven (7) days from receipt of said order, the Enforcement Officer may direct a private contractor previously approved by the Board of Trustees to perform such services at the pay schedule previously approved. In either such event the expense thereof shall become a lien upon the real property involved and be added to and become a part of the tax next so assessed by including such expense in the next annual tax levy against the property, pursuant to the Village Law of New York. 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. 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.

**A RESOLUTION OF AUTHORIZING THE ADOPTION OF THE  
BROOME COUNTY MULTI-JURISDICTIONAL  
ALL-HAZARD MITIGATION PLAN**

**WHEREAS**, all of Broome County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

**WHEREAS**; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

**WHEREAS**; a coalition of Broome County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Broome County; and

**WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Port Dickinson (the Village'') in regular session duly convened that the Village:

- 1) Adopts its entirety, the Broome County Multi-Jurisdictional All-Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

This resolution shall take effect immediately.