

**VILLAGE OF PORT DICKINSON**  
**Special Meeting Agenda**  
**April 28, 2015**  
**5:00pm**  
**at Port Dickinson Village Hall**

1. Road Use Agreement
2. Driveway Width
3. Consideration of Establishing a Line Item in future Annual Village Budgets in the amount of at least \$100/month (\$1,200/year) whose balance would carry-over to subsequent years, for the eventual purpose of funding the Building of a Band Stand in the Community Park. The Account would also be able to accept donations from individuals, estates, and service clubs for the same purpose.
4. Cell phone reimbursement

A RESOLUTION ADOPTING A ROAD USE AND PRESERVATION POLICY

WHEREAS, pursuant to Municipal Home Rule Law § 10, New York State Constitution Article IX § 2(c)6, Village Law § 1(ii)(a)(6), Environmental Conservation Law § 23-0303, Highway Law §§ 140, 320 and 326, Village Law § 130, and Vehicle and Traffic Law §§ 1640, 1650 and 1660, a local municipality has the authority to regulate the acquisition, care, management, protection, repair and use of its highways, roads, streets, avenues and property owned by the municipality, including the authority to establish weight restrictions and truck routes and to seek treble damages for damage to its Roads;

WHEREAS, the Board of Trustees of the Village of Port Dickinson has determined that the most efficient and economical way for both the Village of Port Dickinson (the "Village") and Persons who may cause Concentrated Traffic to establish the rights and responsibilities of the parties with regards to use, protection and repair of the Roads is to enter into a road use agreement;

WHEREAS, Broome County has created a the Broome County Road Use and Preservation Program ("Program") whereby it has agreed to provide certain incentives and benefits to municipalities in Broome County which adopt a road use protection and preservation policy or local law that meets the criteria established by the Program;

WHEREAS, the Board of Trustees of the Village of Port Dickinson desires to participate in the Program as well as protect the highways, roads, bridges, culverts, sidewalks and the related fee owned lands, rights-of-way and easements owned or maintained by the Village (collectively, "Roads") from the damage resulting from Concentrated Traffic;

NOW THEREFORE, at a meeting of the Board of Trustees of the Village of Port Dickinson, Broome County, New York, held at the Village Hall on the 12th day of May, 2015, the Board of Trustees, duly convened in regular session, does hereby resolve as follows:

**Section 1. Purpose.**

The purpose of this Policy is to maintain the safety and general welfare of Village residents by protecting Roads. By adoption of this Policy, it is the intent of the Village to participate in the Program.

**Section 2. Definitions.**

**Activity:** Any activity, within or without the Village, which requires travel upon Roads to or from the activity.

**Concentrated Traffic:** A vehicle or Related Vehicles which have 3 or more axels and which at any time make or will make collectively 5 or more trips over Roads during any 5 consecutive days.

**Local delivery:** Essential delivery or pickup of merchandise or other property along the Roads, the failure of which would create a hardship.

**Person:** Any person, persons, corporation, partnership, limited liability company, or other entity.

**Related Vehicles:** More than one vehicle, including those that are owned, used, rented, leased, hired (including independent contractors) or in any way utilized for Activity. When calculating if Related Vehicles meet the definition of Concentrated Traffic, the number of trips shall be the combination of all trips made by all Related Vehicles.

### **Section 3. Permanent Travel Restriction and Truck Route**

**A. This Policy shall apply to any Person who, individually or in concert with another Person, undertakes any Activity that will at any time during the Activity result in Concentrated Traffic. The initial determination that the standards of Concentrated Traffic have been met shall be made by the Village Commissioner of Public Works.**

**B. It shall be the policy of the Village to require that any Person who will create Concentrated Traffic to either 1) restrict use of the Roads to the “Village of Port Dickinson Truck Route”, which is defined as routes on, over and along any and all State and County owned/maintained roadways lying within the boundaries of the Village, or 2) submit a haul route notification form and enter into a road use agreement with the Village, substantially in the form as that Agreement attached hereto as Appendix A (“Road Use Agreement”). The Road Use Agreement shall contain provisions requiring the approval by the Village of the Person’s haul route; payment of a non-refundable deposit; maintenance of an escrow account; insurance, bonding and indemnification; and the repair of, or reimbursement of the Village for its repair of, all damages caused to Roads.**

**D. The following vehicles are granted exemptions from this Policy: Maintenance, repair and service vehicles owned and operated by municipalities or fire companies on official municipal or firefighting business; maintenance, repair and service vehicles owned and operated by a utility company/authority on official utility business; Local Delivery; and vehicles related solely to “farm woodland” or “land used in agricultural production,” as those terms are defined pursuant to New York Agriculture & Markets Law § 301.**

### **Section 4. Enforcement, Stop Work Orders, Revocation and Penalties**

**A. This Policy and the Road Use Agreement shall be administered and jointly enforced by the Village enforcement officers (including but not limited to Commissioner of Public Works and Building and Code Enforcement Officer), the police agencies of Broome County and NYS and/or officials authorized by the Board of Trustees . The Commissioner of Public Works and the Building and Code Enforcement Officer shall each have the right and authority to issue stop work orders and/or take any action permitted by applicable law or allowable under the Road Use Agreement.**

**B. If the Violation is of a continuing nature, each twenty-four hour period during which it occurs shall constitute an additional, separate and distinct Violation.**

**C. An action or proceeding may be instituted in the name of the Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any Violation or to enforce any provision of this Policy or the Road Use Agreement. The Village may seek restitution for costs incurred by the Village in remedying each Violation, including but not limited to reasonable attorney’s fees.**

**G. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any Violation described in this Policy. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section.**

**Section 5. Severability**

If any part or provision of this Policy 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 Policy or the application thereof to other persons or circumstances, and the Board of Trustees hereby declares that it would have passed this Policy or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 6. Repealer**

All ordinances, local laws and parts thereof inconsistent with this Policy are hereby repealed.

**Section 7. Effective Date.**

This resolution shall take effect immediately.

**APPENDIX A**

**ROAD USE AGREEMENT**

**CERTIFICATION**

I, \_\_\_\_\_, do hereby certify that I am the [Village/Village] Clerk of the [Village/Village] of \_\_\_\_\_ and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the [Village/Village] Board of the [Village/Village] of \_\_\_\_\_ at a meeting thereof held at the [Village/Village] Hall on the \_\_\_ day of \_\_\_\_\_, 2014. Said resolution was adopted by the following roll call vote:

[Supervisor/Mayor] _____	Voted _____
[Councilman/Trustee] _____	Voted _____
[Councilman/Trustee] _____	Voted _____
[Councilman/Trustee] _____	Voted _____
[Councilman/Trustee] _____	Voted _____

The resolution was thereupon declared duly adopted by a vote of \_\_\_\_\_.

Dated: \_\_\_\_\_ 2014

[Village/Village] of \_\_\_\_\_ Seal

\_\_\_\_\_, [Village/Village] Clerk

A LOCAL LAW OF THE VILLAGE OF PORT  
DICKINSON AMENDING CHAPTER 65 OF  
THE VILLAGE CODE ENTITLED "ZONING"

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

Section 1.

Chapter 65 of the Village Code adopted by the Board of Trustees of the Village of Port Dickinson on June 10, 1958 and amended in its entirety August 18, 1974 be and hereby is amended by this Local Law as follows:

A. a new section 65 (33) (a) is added to provide as follows:

65(33)(a) No automobiles, motorized vehicles, boats, trailers or other large equipment or objects shall be parked on any open area in front of the dwelling unit or between such unit and the adjacent street without the issuance of a special permit. For purposes of this section the words "open area" shall include areas covered by grass, dirt, gravel or similar substance, but shall not include any paved driveway the width of which shall not exceed the total width of the door(s) of the garage to which the driveway leads **plus a width of ten (10) feet**, or in the event there is no garage on the premises, then a total width of not more than **twenty (20) feet**. In the event there is circular drive leading to the garage, the width of the driveway shall not exceed fifty percent (50%) of the total width of the doors of the garage. For the purposes of this section the words "doors of the garage" refers to those doors allowing entry of the automobiles, etc being stored therein, and not doors intended for entry by occupants of the property.

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.