

VILLAGE OF PORT DICKINSON
Village Board Meeting Agenda
February 11, 2020
6:00 pm
Port Dickinson Village Hall

Please take a moment to ensure that your cellphones are OFF or SILENCED.

CALL TO ORDER

PUBLIC HEARING:

APPROVAL OF MINUTES: January 14, 2020 meeting

PUBLIC PARTICIPATION:

TREASURER’S REPORT:

AUDIT & PAYMENT OF CLAIMS #13 (2019-2020)

- 1. Abstract of Unaudited vouchers for the General Fund for \$19,946.96
- 2. Abstract of Unaudited vouchers for the Water Fund for \$123.82
- 3. Abstract of Unaudited vouchers for the Sewer Fund for \$2,104.54
- 4. Abstract of Unaudited vouchers for the Capital Project Fund for \$179,810.46

COMMUNICATIONS:

TRUSTEE-COMMISSIONER REPORTS:

Administration/Community Association – Charles Harding, Trustee

Public Works – Michael Cashman, Trustee

Planning – met 1/14/20, 7:00PM, approved site plan for Binghamton PreCast

Public Safety – James DeGennaro, Trustee

Parks, Water & Sewer – Robert Aagre, Trustee – Absent

Fortunately, as of close of business Friday 2/7/2020, there have been no water or sewer line breaks during the past month. Systems are functioning properly.

Water meter readings done with the electronic remote reader indicated some households had continuous flows, meaning a leak someplace on their property. DPW always notifies the owner of this situation, so they can do checks for running toilets, a leaking dishwasher or washing machine, excess water softener discharges, etc..

Installation of new remote water meters continues on Pickle Hill.

Zoning Board of Appeals – none

OLD BUSINESS:

RESOLUTIONS FOR APPROVAL:

1. Resolution scheduling a Public Hearing on 2/25/2020 on proposed Local Law 2-2020, amending Section 62 of the Village Code entitled "Water"
2. Resolution scheduling a Public Hearing on 2/25/2020 on proposed Local Law 3-2020, amending Section 62 of the Village Code entitled "Sewer"
3. Resolution requesting amendments to New York State's Criminal Justice Reforms

NEW BUSINESS/DISCUSSION:

ADJOURNMENT

**LOCAL LAW NO. 2 OF 2020 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, as amended, be and hereby is amended as follows:

Section 62-5.A. entitled “Water meters” shall be deleted entirely and replaced with the following:

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.

Section 62-8.A. entitled “Rates and bills” shall be deleted entirely and replaced with the following:

Effective November 1, 2018 water rates shall consist of a flat operational cost of \$70.41 plus a charge based upon water consumption of \$4.64 per hundred cubic feet. Water bills shall be due and payable to the designated agent of the Board of Trustees of the Village of Port Dickinson in March, July and November 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. Service will be restored M-F, 7a.m. to 2p.m. upon payment of the bill with a fifteen percent (15%) penalty and a \$75.00 service charge. If service is restored after the regular hours of M-F, 7a.m. to 2p.m., there will also be an additional after hours charge of \$200.00.

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 the Local Law are hereby repealed.

Section 4. Effective Date

This local law shall take effect upon filing with the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**VILLAGE OF PORT DICKINSON
LOCAL LAW NO. 3 OF 2020 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, as amended, be and hereby is amended as follows:

Section 49-8. entitled “Basis of billings” shall be deleted entirely and replaced with the following:

Effective November 1, 2017, sewer rents shall consist of a flat operations cost of \$8.75 plus a charge of \$3.96 per one hundred (100) cubic feet of metered water billed to the owner of the premises, except that the Village Board, in its discretion, may make due allowance for commercial use of water, the number and kinds of plumbing fixtures connected with the sewer system.

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 the Local Law are hereby repealed.

Section 4. Effective Date

This local law shall take effect upon filing with the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

VILLAGE OF PORT DICKINSON

**RESOLUTION REQUESTING AMENDMENTS TO
NEW YORK STATE'S CRIMINAL JUSTICE REFORMS**

WHEREAS, while there was a need to reform New York's criminal justice statutes during the 2019 state legislative session, it is widely recognized that several of the drastic changes in the laws pertaining to discovery are overly broad and vague and are having unintended consequences at the municipal level; and

WHEREAS, the dramatically shortened time period in which prosecutors must disclose evidence to defendants and the broad expansion of the matters to which such discovery mandates apply will have significant cost, tax and justice implications for cities and villages with police departments, local justice courts or code/parking enforcement departments; and

WHEREAS, the discovery reforms mandate prosecutors disclose evidence to the defense within 15 days of arraignment for criminal charges (even if the defendant is not in custody); and

WHEREAS, drastically enlarging the scope of material that a prosecutor must review and deliver within 15 days will overwhelm the ability of city and village officials and employees to prosecute cases while managing their misdemeanor and felony caseloads, and will make it impossible to prosecute vehicle and traffic and local code infractions and violations in compliance with the new discovery mandates; and

WHEREAS, arraignment must now take place within 20 days of desk appearance ticket issuance, thereby requiring justice courts, many of which convene monthly, to meet more frequently; and

WHEREAS, cities and villages will not reap savings from the bail reform's reduction of the burden on county jails; and

WHEREAS, municipalities are already challenged with operating within the now-permanent 2% tax cap and have not received an increase in general purpose state aid in 11 years.

NOW THEREFORE BE IT RESOLVED that the Village of Port Dickinson supports the following set of amendments proposed by the New York State Conference of Mayors that are consistent with the intent of the criminal justice reforms but which will allow for more effective and affordable implementation:

- Ensure that cities and villages are provided with additional financial and operational support to offset the cost of these mandated measures;
- Allow 60 days for prosecutors to disclose evidence to the defense for criminal charges;
- Exclude from the accelerated discovery requirements any charge not involving a misdemeanor or felony;
- Adjust the 20-day arraignment requirement to accommodate local courts that meet on a monthly basis;
- Allow prosecutors to withhold sensitive information, such as victim contact information, without having to obtain a court order.

AND BE IT FURTHER RESOLVED that this duly adopted Resolution of the Village of Port Dickinson be forwarded to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Frederick J. Akshar, II, Assemblyperson Clifford W. Crouch, the New York State Conference of Mayors, and local media outlets.

CERTIFICATION

I, Susan E. Fox, do hereby certify that I am the Village Clerk of the Village of Port Dickinson and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Village Board of the Village of Port Dickinson at a meeting thereof held at the Village Hall on the 11th day of February, 2020. Said resolution was adopted by the following roll call vote:

- Mayor Kevin M. Burke _____
- Trustee Robert Aagre _____
- Trustee Michael Cashman _____
- Trustee James DeGennaro _____
- Trustee Charles Harding _____

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

Dated: February 11, 2020

Village of Port Dickinson Seal

Susan E. Fox, Village Clerk