

**Village of Port Dickinson
Monthly Board Meeting
March 24, 2020
Port Dickinson Village Hall**

Officers Present:	Mayor	Kevin M. Burke
	Trustees	Robert Aagre
		James DeGennaro
		Charles Harding
Absent	Clerk	Susan Fox
	Trustee	Michael Cashman
	Treasurer	Sandra Reifler

The meeting was called to order at 5:00 pm by Mayor Kevin Burke.

AUDIT AND PAYMENT OF CLAIMS: Abstract #16 (2019-2020)

Motion by Trustee Harding, seconded by Trustee DeGennaro, to pay claims as listed on the Abstract of Unaudited Vouchers for the General Fund for \$16,210.16

AYE TRUSTEES: AAGRE, DEGENNARO, HARDING
NAY NONE

Motion by Trustee Aagre, seconded by Trustee Harding, to pay claims as listed on the Abstract of Unaudited Vouchers for the Water Fund for \$21,227.01

AYE TRUSTEES: AAGRE, DEGENNARO, HARDING
NAY NONE

Motion by Trustee Aagre, seconded by Trustee Harding, to pay claims as listed on the Abstract of Unaudited Vouchers for the Sewer Fund for \$648.21

AYE TRUSTEES: AAGRE, DEGENNARO, HARDING
NAY NONE

RESOLUTIONS:

1. Motion by Trustee Aagre, seconded by Trustee DeGennaro, for a Resolution authorizing the Mayor to sign Intermunicipal Agreement to Continue the Broome-Tioga Stormwater Coalition for Federal Phase II MS4 Stormwater Regulation Implementation in Broome and Tioga Counties.
AYE TRUSTEES: AAGRE, DEGENNARO, HARDING
NAY NONE
2. Motion by Trustee Aagre, seconded by Trustee Harding, for a Resolution authorizing the Mayor to sign A Memorandum of Agreement With the Municipal Corporations Compromising the Broome-Tioga Stormwater Asset Mapping Implementation in Broome and Tioga Counties
AYE TRUSTEES: AAGRE, DEGENNARO, HARDING
NAY NONE
3. Motion by Trustee Harding, seconded by Trustee DeGennaro, for a resolution as follows:
WHEREAS, Avangrid, the parent company of NYSEG and RGE, had taken the position that when a customer buys their gas and/or electric supply from an Engery Services Company, NYSEG and RGE do not pay local Gross Receipts Tax on the revenue they derive from the delivery of that commodity; and

WHEREAS, NYCOM notified the Village of Port Dickinson that NYSEG and RGE had filed tariff updates with the Public Service Commission that would allow them to begin collecting and paying local Gross Receipts Tax on delivery-only revenue from their customers. This tariff update placed restrictions on municipalities by including a

provision that taxes would be paid only after individual municipalities requested that they be collected, and by also requiring a signed agreement with each municipality prior to beginning the collection/payment process. This requires municipalities to waive their rights to any and all claims regarding past Gross Receipts Tax underpayment, including those related to the delivery-only revenue issue; and

WHEREAS, Computel Consultants, the firm that conducts all audits for the NYCOM Utility Savings Audit program (NYCOM USA), has hired the law firm of Underberg & Kessler to negotiate with NYSEG and RGE to resolve and secure compensation for past Gross Receipts Tax underpayment claims, and to bring NYSEG and RGE into compliance with Gross Receipts Tax laws; and

WHEREAS, the Village of Port Dickinson desires to join the audit and negotiation process that is being pursued through the NYCOM USA program as set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the Village of Port Dickinson is hereby authorized to execute any and all documents necessary to join the audit and negotiation process through NYCOM USA on behalf of the Village of Port Dickinson; and it is further

RESOLVED that this resolution will take effect immediately.

AYE TRUSTEES: AAGRE, DEGENNARO, HARDING
NAY NONE

- 4. Motion by Trustee Harding, seconded by Trustee DeGennaro, for a Resolution authorizing the Mayor to sign **SMALL WIRELESS COMMUNICATIONS FACILITIES MASTER LICENSE AGREEMENT** with Verizon

AYE TRUSTEES: AAGRE, DEGENNARO, HARDING
NAY NONE

- 5. Motion by Trustee Harding, seconded by Trustee Aagre, for a Resolution as follows:

VILLAGE OF PORT DICKINSON

RESOLUTION RE-ESTABLISHING RESERVE FUNDS

At a regular meeting of the Village Board of the Village of Port Dickinson, held at Village Hall, 786 Chenango Street in said Village on the 24th day of March, 2020, the following resolution was offered and seconded:

WHEREAS, in an effort to provide a degree of financial stability and a cushion for unforeseen expenditures within the Village of Port Dickinson, the Village Board has established certain Reserve Funds to provide a cushion for unforeseen expenditures or revenue shortfalls that may arise; and

WHEREAS, during a recent routine audit of the Village of Port Dickinson, the auditors recommended that the Village Board re-establish its Reserve Funds; and

- A. **WHEREAS**, a Reserve Fund entitled “Unemployment Reserve Fund” presently exists and is utilized to pay into the Unemployment Insurance Fund an amount equivalent to the amount of benefits paid to claimants and charged to the account of the Village in accordance with Article 18 of the Labor Law; and

WHEREAS, the amount allocated to the “Unemployment Reserve Fund” as of the date of adoption of this Resolution is \$16,593.24.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Port Dickinson hereby resolves to re-establish the “Unemployment Reserve Fund” pursuant to Section 6-m of the General Municipal Law. The purpose of this “Unemployment Reserve Fund” is to accumulate moneys to reimburse the State Unemployment Insurance Fund for payments made to claimants where the Village of Port Dickinson has elected to use the “benefit reimbursement” method; and be it further

RESOLVED, that the chief fiscal officer of the Village of Port Dickinson is hereby directed to deposit, secure, account, report and invest the moneys of this "Unemployment Reserve Fund" in the manner provided by the General Municipal Law; and be it further

RESOLVED, that expenditures from this "Unemployment Reserve Fund" shall be made only as required by law to pay into the State Unemployment Insurance Fund as set forth above; and be it further

- B. WHEREAS**, a Reserve Fund entitled "DPW Reserve Fund" presently exists and is utilized to finance all or part of the purchase of vehicles, including, but not limited to, trucks, tractors, and other miscellaneous equipment used by the Village's Department of Public Works; and

WHEREAS, the amount allocated to the "DPW Reserve Fund" as of the date of adoption of this Resolution is \$15,211.89.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Port Dickinson hereby resolves to re-establish the "DPW Reserve Fund" pursuant to Section 6-c of the General Municipal Law. The purpose of this "DPW Reserve Fund" is to accumulate moneys to finance the cost of a type of equipment. The types of equipment to be finance from the "DPW Reserve Fund" are vehicles, including, but not limited to, trucks and tractors, and other miscellaneous equipment used by the Village's Department of Public Works; and it is further

RESOLVED, that the chief fiscal officer of the Village of Port Dickinson is hereby directed to deposit, secure, account, report and invest the moneys of this "DPW Reserve Fund" in the manner provided by the General Municipal Law; and be it further

RESOLVED, that except as otherwise provided by law, expenditures from this "DPW Reserve Fund" shall be made only for the purpose for which it was established. No expenditures shall be made without the approval of the Village Board, and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c; and be it further

- C. WHEREAS**, a Reserve Fund entitled "Water Reserve Fund" presently exists and is utilized to finance the costs for emergency repairs affecting the Village's Water System and equipment necessary for continued operation and maintenance of the Water System; and

WHEREAS, the amount allocated to the "Water Reserve Fund" as of the date of adoption of this Resolution is \$18,237.20.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Port Dickinson hereby resolves to re-establish the "Water Reserve Fund" pursuant to Section 6-d of the General Municipal Law. The purpose of this "Water Reserve Fund" is to accumulate moneys to finance the costs of repairs to capital improvements or equipment affecting or used in the operation and maintenance of the Village's Water System; and be it further

RESOLVED, that the chief fiscal officer of the Village of Port Dickinson is hereby directed to deposit, secure, account, report and invest the moneys of this "Water Reserve Fund" in the manner provided by the General Municipal Law; and be it further

RESOLVED, that except as otherwise provided by law, expenditures from this "Water Reserve Fund" shall be made only for the purpose for which it was established. No expenditures shall be made without the approval of the Village Board, and such additional actions or proceedings as may be required by Section 6-d of the General Municipal Law or any other law; and be it further

- D. WHEREAS**, a Reserve Fund entitled "Sewer Reserve Fund" presently exists and is utilized to finance the costs for emergency repairs affecting the Village's Sewer System and equipment necessary for continued operation and maintenance of the Sewer System; and

WHEREAS, the amount allocated to the "Sewer Reserve Fund" as of the date of adoption of this Resolution is \$27,526.34.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Port Dickinson hereby resolves to re-establish the "Sewer Reserve Fund" pursuant to Section 6-d of the General Municipal Law. The purpose of this "Sewer

Reserve Fund” is to accumulate moneys to finance the costs of repairs to capital improvements or equipment affecting or used in the operation and maintenance of the Village’s Sewer System; and be it further

RESOLVED, that the chief fiscal officer of the Village of Port Dickinson is hereby directed to deposit, secure, account, report and invest the moneys of this “Sewer Reserve Fund” in the manner provided by the General Municipal Law; and be it further

RESOLVED, that except as otherwise provided by law, expenditures from this “Sewer Reserve Fund” shall be made only for the purpose for which it was established. No expenditures shall be made without the approval of the Village Board, and such additional actions or proceedings as may be required by Section 6-d of the General Municipal Law or any other law; and be it further

E. **WHEREAS**, a Reserve Fund entitled “General Reserve Fund” presently exists and is utilized to finance all or part of the cost of construction, reconstruction, and/or acquisition of capital improvements such as land, buildings, and building alterations for the Village; and

WHEREAS, the amount allocated to the “General Reserve Fund” as of the date of adoption of this Resolution is \$2,494.82.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Port Dickinson hereby resolves to re-establish the “General Reserve Fund” pursuant to Section 6-c of the General Municipal Law. The purpose of this “General Reserve Fund” is to accumulate moneys to finance the cost of a type of capital improvement. The types of capital improvement to be financed from the “General Reserve Fund” are the construction, reconstruction, and/or acquisition of land, buildings, and building alterations; and be it further

RESOLVED, that the chief fiscal officer of the Village of Port Dickinson is hereby directed to deposit, secure, account, report and invest the moneys of this “General Reserve Fund” in the manner provided by the General Municipal Law; and be it further

RESOLVED, that except as otherwise provided by law, expenditures from this “General Reserve Fund” shall be made only for the purpose for which it was established. No expenditures shall be made without the approval of the Village Board, and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c; and be it further

RESOLVED that this resolution will take effect immediately.

AYE TRUSTEES: AAGRE, DEGENNARO, HARDING
NAY NONE

6. Motion by Trustee Harding, seconded by Trustee Aagre, for a Resolution as follows:

**VILLAGE OF PORT DICKINSON
RESOLUTION DISSOLVING POLICE RESERVE FUND**

At a regular meeting of the Village Board of the Village of Port Dickinson, held at Village Hall, 786 Chenango Street in said Village on the 14th day of April, 2020, the following resolution was offered and seconded:

WHEREAS, the Village Board established certain Reserve Funds to provide a cushion for unforeseen expenditures or revenue shortfalls that may arise; and

WHEREAS, a Reserve Fund entitled Police Reserve Fund for the purpose of purchasing vehicles used by the Village’s Police Department has been deemed unnecessary and shall therefore be dissolved; and

WHEREAS, the balance of said Police Reserve Fund is \$0.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Port Dickinson hereby resolves to dissolve the Police Reserve Fund as set forth herein; and it is further

RESOLVED that this resolution will take effect immediately.

AYE TRUSTEES: AAGRE, DEGENNARO, HARDING
 NAY NONE

7. Motion by Trustee Aagre, seconded by Trustee DeGennaro, for a Resolution affirming the Mayor's declaration of a State of Emergency for the Village of Port Dickinson due to Coronavirus.

AYE TRUSTEES: AAGRE, DEGENNARO, HARDING
 NAY NONE

8. Motion by Trustee Aagre, seconded by Trustee DeGennaro, scheduling a Public Hearing on May 12, 2020 at 6:00PM on the 2020-2021 Annual Budget.

AYE TRUSTEES: AAGRE, DEGENNARO, HARDING
 NAY NONE

9. Motion by Trustee Aagre, seconded by Trustee DeGennaro, scheduling a Public Hearing on April 14, 2020 at 6:00PM on Proposed Local Law 4-2020 Amending Chapter 22 of the Village Code entitled "Animals"

AYE TRUSTEES: AAGRE, DEGENNARO, HARDING
 NAY NONE

OLD BUSINESS:

NEW BUSINESS:

1. Port Dickinson Community Association has acquired an electronic sign from Chenango Valley School District which they would like to install at the corner of Phelps and Chenango Sts. Village Clerk's office will maintain the control box.
2. Port Dickinson Fire Department will use a training session(s) to dismantle the salt shed on Wayne Ave. Pieces will be transported to Broome County landfill when the County has free drop-off date for municipalities.

ADJOURNMENT: Motion by Trustee Harding, seconded by Trustee DeGennaro for a motion to adjourn at 5:30 PM.

AYE TRUSTEES: AAGRE, DEGENNARO, HARDING
 NAY NONE

Susan Fox

Respectfully submitted,
 Susan E. Fox, Village Clerk

LOCAL STATE OF EMERGENCY PROCLAMATION

A State of Emergency is hereby declared in Village of Port Dickinson for a period of time beginning at 5:15 PM hours on the date of 3/24/20 and continuing in effect for a period not to exceed ~~five (5)~~ 30 days and ending at 5:15 hours on the date of 7/13/20.

The State of Emergency has been declared due to emergency conditions produced by:

CORONAVIRUS

Such conditions threaten or imperil the public safety of the citizens of this municipality.

As Chief Executive of this municipality, I have exercised the authority given to me under New York State Executive Law, Article 2-B, to preserve the public safety and hereby render all required and available assistance vital to the security, well-being and health of the citizens of the community.

I hereby direct the Department(s) of ALL Village Agencies to take whatever steps necessary to protect life and property, public infrastructure and other such emergency assistance as deemed necessary.

Signed:

Kevin M. Burk

Mayor
Title
3/24/20
Date

VILLAGE OF PORT DICKINSON
786 CHENANGO STREET
BINGHAMTON, NY 13901