

VILLAGE OF PORT DICKINSON
Village Board Meeting Agenda
March 22, 2022
5:00 pm
Port Dickinson Village Hall

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

CALL TO ORDER

PUBLIC HEARING

1. Proposed Local Law 3-2022, Tax Cap Override
2. Proposed Local Law 4-2022, Amending Chapter 30 "Dumping"

AUDIT & PAYMENT OF CLAIMS #17 (2021-2022)

1. Abstract of Unaudited vouchers for the General Fund for \$9,487.80
2. Abstract of Unaudited vouchers for the Water Fund for \$130.53
3. Abstract of Unaudited vouchers for the Sewer Fund for \$35.71

COMMUNICATIONS:

- Letter of resignation from Paul Kallfelz Sr. (Zoning Board of Appeals)

OLD BUSINESS:

- Juneteenth holiday

RESOLUTIONS FOR APPROVAL:

1. Resolution approving Local Law 3-2022:

At a meeting of the Village Board of the Village of Port Dickinson, held at Village Hall, 786 Chenango Street in said Village on the 22nd day of March, 2022, the following resolution was offered and seconded:

WHEREAS, notice was given that the Village Board will hold a public hearing on March 22, 2022 at 5:00 p.m. for Local Law No. 3 of the year 2022 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-C"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village, and posted on the Village Clerk's signboard; and

WHEREAS, said public hearing was duly held March 22, 2022 at 5:00 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law or any part thereof; and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), it has been determined by the Village Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(26) and (33); and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said local law.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Port Dickinson hereby adopts said local law as Local Law No. 3 of 2022 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-C" a copy of which is attached hereto and made a part hereof; and it is further

RESOLVED that the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village of Port Dickinson, and to give due notice of the adoption of said Local Law to the Secretary of State; and it is further

RESOLVED that this resolution will take effect immediately upon filing with the Department of State.

2. Resolution approving Local Law 4-2022

At a meeting of the Village Board of the Village of Port Dickinson, held at Village Hall, 786 Chenango Street in said Village on the 22nd day of March, 2022, the following resolution was offered and seconded:

WHEREAS, notice was given that the Village Board will hold a public hearing on March 22, 2022 at 5:00 p.m. for Local Law No. 4 of the year 2022 entitled “A Local Law Amending Chapter 30 ‘Dumping’”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village, and posted on the Village Clerk’s signboard; and

WHEREAS, said public hearing was duly held March 22, 2022 at 5:00 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law or any part thereof; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), it has been determined by the Village Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(26) and (33); and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said local law.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Port Dickinson hereby adopts said local law as Local Law No. 4 of 2022 entitled “A Local Law Amending Chapter 30 ‘Dumping’” a copy of which is attached hereto and made a part hereof; and it is further

RESOLVED that the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village of Port Dickinson, and to give due notice of the adoption of said Local Law to the Secretary of State; and it is further

RESOLVED that this resolution will take effect immediately upon filing with the Department of State.

3. At a meeting of the Village Board of the Village of Port Dickinson, held at Village Hall, 786 Chenango Street in said Village on the 22nd day of March, 2022, the following resolution was offered and seconded:

WHEREAS, the Village Board duly adopted the "NYS Fire Prevention and Building Construction" code to provide minimum requirements to safeguard the public safety of the Village; and

WHEREAS, the Village Code Enforcement Officer administers and enforces all provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and the Village Code; and

WHEREAS, the Village requires the issuance of a building permit for the construction, enlargement, alteration, repair, removal or demolition of any building or other structure; and

WHEREAS, the New York State Uniform Fire Prevention and Building Code regulates the design, construction, installation, alteration and repair of equipment and systems using solar systems; and

WHEREAS, the New York State Energy Research and Development Authority has developed a New York State Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes; and

WHEREAS, the Village Board desires to promote the streamlining of the application process for small-scale photovoltaic system installations under 25 kW in size by adopting the New York State Unified Solar Permit application form and implementing the new procedures.

NOW THEREFORE, BE IT RESOLVED, that the Village of Port Dickinson hereby adopts the New York State Unified Solar Permit application form and procedures for the installation of small scale photovoltaic systems; and it is further

RESOLVED, that the Village Code Enforcement Officer is hereby directed to use said New York State Unified Solar Permit application for and procedures in the issuance of building permits for the installation of small-scale photovoltaic systems; and it is further

RESOLVED, that any further actions required of the Village to effect the foregoing are hereby authorized and the Mayor is hereby authorized to execute and deliver any instruments, documents or the like as required to effect the same.

RESOLVED that this resolution will take effect immediately.

NEW BUSINESS/DISCUSSION:

ADJOURNMENT

**VILLAGE OF PORT DICKINSON
LOCAL LAW NO. 3 FOR THE YEAR 2022
LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

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

Section 1. Legislative Intent.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Village of Port Dickinson pursuant to General Municipal Law §3-c, and to allow the Village of Port Dickinson to adopt a budget for the fiscal year beginning June 1, 2022 and ending May 31, 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Village Board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Village Board.

Section 3. Tax Levy Limit Override.

The Village Board of the Village of Port Dickinson, County of Broome is hereby authorized to adopt a budget for the 2022/2023 fiscal year that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Remainder

Except as hereinabove amended, the remainder of the Code of the Village of Port Dickinson shall remain in full force and effect.

Section 5. 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 6. Effective Date

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

**VILLAGE OF PORT DICKINSON
LOCAL LAW NO. 4 OF 2022
AMENDING CHAPTER 30 “DUMPING”**

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

Section 1. Section 30-3A entitled “Garbage and Rubbish Removal” is hereby amended as follows:

- A. The person in control of any private lands in the Village shall arrange at his own cost and expense for the removal at least once per week of all garbage and rubbish, including but not limited to furniture and appliances generated from said lands, which shall be placed at the curb line not earlier than 2:00 PM on the day preceding the collection day in suitable containers including garbage cans, recycling bins, and lawn debris containers, or securely stacked in bundles so as to prevent blowing and scattering. All of such containers must be removed from the curb area not later than 8:00 p.m. on collection day, and shall be placed and stored behind the building and out of view from the street or roadway. In no event may garbage or rubbish containers be stored in front of, in the front yard, or on the front porches of buildings. Garbage and rubbish containers shall be stored in a manner as to prevent blowing about or scattering. In the event that any garbage can, recycling bin, or debris container or other related items cannot be stored out of view from the street or roadway, the property owner shall screen such areas of storage by opaque fencing and or plantings. The Commissioner of Public Works may establish the collection day and reasonable rules and regulations concerning specific requirements for the placement of garbage and rubbish for collection, if collection is undertaken by the Village. A violation of such rules and regulations shall be a violation of this section.

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.