

VILLAGE OF PORT DICKINSON
Village Board Meeting Agenda
August 9, 2022
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:

1. Proposed Local Law 10-2022, A LOCAL LAW AMENDING CHAPTER 22 OF THE VILLAGE CODE ENTITLED "ANIMALS"

APPROVAL OF MINUTES: July 12, 2022 & July 26, 2022 meetings

PUBLIC PARTICIPATION:

TREASURER'S REPORT:

AUDIT & PAYMENT OF CLAIMS # 5 (2022-2023)

1. Abstract of Unaudited vouchers for the General Fund for \$
2. Abstract of Unaudited vouchers for the Water Fund for \$
3. Abstract of Unaudited vouchers for the Sewer Fund for \$

COMMUNICATIONS:

TRUSTEE-COMMISSIONER REPORTS:

Administration/Community Association – Charles Harding, Trustee

Public Works – Michael Cashman, Trustee

Planning – none

Public Safety – James DeGennaro, Trustee
Reports attached

Parks, Water & Sewer – Robert Moss, Trustee

Water/Sewer:

543 remote meters installed (94%), 37 remaining to complete (6%)

Water arrears as of 7/31/2022 - \$646.00

Zoning Board of Appeals – none

OLD BUSINESS:

RESOLUTIONS FOR APPROVAL:

1. VILLAGE OF PORT DICKINSON, RESOLUTION APPROVING LOCAL LAW NO. 10-2022

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 9th day of August, 2022, the following resolution was offered and seconded:

WHEREAS, notice was given that the Village Board will hold a public hearing on August 9, 2022 at 6:00 p.m. for Local Law No. 10 of the year 2022 entitled “A LOCAL LAW AMENDING CHAPTER 22 OF THE VILLAGE CODE ENTITLED ‘ANIMALS’”; 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 August 9, 2022 at 6:00 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. 10 of 2022 entitled “A LOCAL LAW AMENDING CHAPTER 22 OF THE VILLAGE CODE ENTITLED ‘ANIMALS’” 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 the attached amendment to the Village of Port Dickinson Police Procedures :
115.00 Less-Lethal Options

NEW BUSINESS/DISCUSSION:

ADJOURNMENT

**VILLAGE OF PORT DICKINSON
LOCAL LAW NO. 10 OF 2022**

**A LOCAL LAW AMENDING CHAPTER 22
OF THE VILLAGE CODE ENTITLED “ANIMALS”**

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

Section 1. Section 22-3(B) of the Village Code entitled “Restrictions” shall be amended as follows

Delete: “or unless accompanied by its owner or a responsible person able to control the pet”

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.

115.00 Less-Lethal Options

I. PURPOSE:

- A. To establish within the Port Dickinson Police Department a policy for members to follow in the use of non-lethal weapons and handcuffs.

II. DISCUSSION:

- A. It is essential that a Law Enforcement agency have guidelines for its members to follow in the use of non-lethal weapons. Members must be aware of the criminal and civil liabilities they face when incorrectly using handcuffs and non-lethal weapons.

III. TACTICAL BATON

- A. DESCRIPTION: The Tactical Baton (ASP) is an expandable striking weapon or impact weapon. This weapon is to be used to strike the center mass areas of a subject, in accordance with current training.

B. POLICY - TACTICAL BATON

1. All law enforcement officers who elect to carry the tactical expandable baton must first complete the 8-hour block of instruction in its proper use. Annual training will be conducted to ensure proficiency, enhance tactics, and to keep members updated on current deployment protocols.
2. Every officer who carries a baton will be personally responsible for the security and maintenance of this piece of equipment.
3. It is essential that every member be well versed in Article 35 of the New York State Penal Law and the limitation it places on the use of force.
4. Use of the expandable baton is justified in lawful situations requiring a degree of force greater than that readily provided by weaponless control techniques, but less than that provided by resorting to the use of deadly weapons. Each separate set of circumstances requires the officer to exercise his own judgement, supported by his knowledge of Article 35, Section 35.30 sub. 1 and 35.10 of the New York State Penal Law.

IV. OLEORESIN CAPSICUM (OC) PEPPER SPRAY

- A. DEFINITION: Oleoresin Capsicum Pepper Spray is a naturally occurring substance derived from certain cayenne pepper plants. When dispensed, OC does not vaporize and therefore requires direct contact with the mucus membranes (eyes, nose and mouth) to be effective. Contact with the mucus membranes will cause immediate closing of the eyes, uncontrollable coughing and gasping for breath. It also produces a sensation of intense burning of the skin.

115.00 Less-Lethal (cont.)

B. POLICY - THE USE OF CHEMICAL AGENTS

1. Oleoresin Capsicum (OC) Pepper Spray has been authorized to be carried by _____ members of the Port Dickinson Police Department.
2. Chemical agents are considered less than lethal weapons when used by properly trained and qualified officers. All personnel in the Port Dickinson Police Department who elect to carry OC must have completed training in the use of chemical agents prior to the actual use of the agent. Annual training will be conducted to ensure proficiency and enhance tactics. The Port Dickinson Police Department provides its members with ongoing Chemical Agent Training. All members must be well versed in Article 35 of the New York State Penal Law prior to using the chemical agents.
3. The use of OC Pepper Spray is permitted where and when the use of physical force is justified in the New York State Penal Law sections 35.30 sub. 1; section 35.10 sub. 4 and the New York State Mental Hygiene Law, section 9.41.
4. Officers will have the responsibility for maintaining the OC, ensuring that the _____ container is properly functioning, and that the date of the agent has not expired.
5. OC shall be carried by Officers in the appropriate holder worn on the duty belt or vest.
6. In electing to use OC the officer should realize that its effects may vary and some individuals may remain unaffected by its application. The officer should be aware that he may have to resort to further action to ensure safety and control.
7. Officers should however be fully aware of the potential for injury to the suspect when OC is used under the following circumstances:
 - a. When the subject is less than two feet away.
 - b. When the agent is used on a person with a pre-existing respiratory or cardiac condition.
 - c. OC should be used in one ½ second bursts rather than one continuous spray. Its effective range is 12 to 15 feet.
 - d. OC should be directed to the head and face area of the subject.

115.00 Less-Lethal (cont.)

8. First Aid for Chemical agent.
 - a. After the use of OC and the subject has been secured the officer should attempt to flush the subject's affected area with cold water or proper decontamination wipes.
 - b. If the subject is unable to flush the OC off of the exposed parts of the body, or if any further complications are evident, the subject will be transported to the nearest hospital for further treatment.

WARNING - Do not under any circumstances transport a subject who has been subjected to chemical agent in a "hog-tie" position or a prone position. It is imperative to keep the subject sitting in an upright position.

V. ECD – (Electronic Control Device / TASER) – Level of force continuum-equal to pepper spray Electronic Control Devices

(ECD's) are based on a Neuro Muscular Incapacitation (NMI to temporarily override the central nervous system and directly control the voluntary muscles.) This causes uncontrollable contraction of the muscle tissue and physically incapacitates a subject regardless of pain tolerance or mental focus.

- A. Only Port Dickinson Police Officers who have been trained and certified in the use of a specific ECD will be designated to carry the device while on duty as directed by Chief or his designee.
- B. Officers are to secure the ECD with their firearm prior to entering the Broome County Sheriff's Correctional Facility.
- C. Only issued cartridges are to be used by members. Prior to taking and loading the ECD for duty the member will, first perform a spark test on the device in compliance with annual training.
- D. The issued ECD and spare cartridges will only be carried on the opposite side of the body from the duty weapon and only in an issued holster
- E. USE OF THE ECD

The ECD, may be used in situations where a person demonstrates an overt intention to use violence or force against an officer, another person, themselves or activity resists arrest or where other alternatives for controlling them are not appropriate. Officers must consider the totality of the circumstances in every use-of-force situation to ensure that the force used is reasonable and necessary. Although time is generally not available to weigh all the circumstances surrounding a potential deployment, officers should, where possible, be aware of the following concerns:

115.00 Less-Lethal (cont.)

- 1. Is there a need to immediately incapacitate the subject? Consider factors such as: Intoxication from alcohol or drugs, apparent mental state, and the level of aggression displayed;
 - 2. Type of clothing worn by the subject that may impact the effectiveness of the ECD.
 - 3. Physical environment of the subject that may increase the risk of injury from falling, such as a stairwell or ledge, or near water that may pose a risk of drowning;
 - 4. Other risk factors, including flammables, such as gasoline, alcohol-based pepper spray, etc. or fumes that may ignite upon use of the ECD;
 - 5. Distance or range from the subject: The preferred distance to engage a subject is 7-15 feet. However, nothing here should prohibit the Officer from firing ECD up to the maximum range of the cartridge.
 - 6. Clear sightlines to the target; the ECD requires an unobstructed view and must be held in alignment with the long access to the body or the bottom probe may be off target.
 - 7. The use of a second ECD should be used only when the first malfunctions or appears to be ineffective.
 - 8. If a subject is armed with an ECD and attacks or threatens to attack a police officer, the officer may defend him/her self to avoid becoming incapacitated, thus risking the possibility the attacker or another could gain control of the officer's firearms. When possible, the officer should attempt to move outside the device's range (approximately 35 feet) and seek cover, as well as request backup officers to mitigate the danger. This should not be construed to rule out the use of deadly physical forces, if necessary.
- F. PROHIBITED USE OF THE ECD unless exigent circumstances exist:

1. the subject is known or appears to be pregnant;
2. the subject is elderly;
3. the subject is very young;
4. the subject is of small stature;
5. the subject is known to have heart problems;
6. the subject is known to be in ill health
7. the subject is holding a firearm (muscle contractions could activate the trigger);
8. more 5-second cycles than are necessary to control the subject;

115.00 Less-Lethal (cont.)

9. targeting the head or face area;
10. the subject is near the edge of a building or at a height where a fall could be fatal;
11. the subject is in a body of water of depth that could cause a drowning;
12. the subject is handcuffed;
13. when the subject is in physical control of a vehicle in motion to include automobiles, trucks, motorcycles, all-terrain vehicles, snowmobiles, scooters, or anything else that once under motion may create the risk of serious physical injury or death to the subject of others, unless exigent circumstances exist.

G. NOTIFICATION OF SUPERVISOR

Unless involved in a training session or function test, any discharge, intentional or accidental, shall necessitate the immediate notification of the Chief or his designee.

H. POST DEPLOYMENT PROCEDURES

After an ECD is used to take a subject into custody, the officer shall:

1. Subjects will be transported to a hospital emergency room only if medically necessary.
2. Ensure officers take photographs of probe penetration, drive stun markings, and/or any injuries caused by falling to the ground, etc. Photographs will be taken with the digital cameras assigned and secured.
3. Ensure that incidents involving any discharge of the ECD are investigated and appropriately documented.
4. Ensure the ECD is turned over to a qualified ECD instructor who will be responsible for post deployment retrieval. Members shall also ensure that a copy of the departmental subject management report is attached to the ECD, which is also needed for post deployment retrieval. It shall be the responsibility of the Shift Supervisor to make sure this procedure is followed. It shall be the responsibility of the Chief or his designee to ensure that the taser is taken out of service at the first available opportunity.
5. AFID Tags (identifying confetti discharged from the cartridge) will be collected and entered into evidence. Not all of the tags need to be collected.
6. Air cartridges and probes shall be retained as evidence. The wires shall be picked up in a bunch with the cartridge and probes inverted into the portals before packaging to further prevent someone else getting stuck.
7. Complete an incident report and Subject Management report.

115.00 Less-Lethal (cont.)

VI. POLICY - USE OF HANDCUFFS.

- A. Handcuffs will be used to restrain an offender who is arrested or otherwise resists arrest or to prevent persons from injuring themselves or others.
- B. Handcuffs will be used following an arrest.
 - 1. All persons will be handcuffed immediately after they have been placed under arrest. Any weapon which is clearly visible shall be confiscated prior to handcuffing the subject. A thorough search of the subject will be made after the subject has been handcuffed.
 - 2. Juveniles will be handcuffed only for serious offenses or when it is anticipated that the youth will try to escape or is a danger to himself or others.
- C. Handcuffs will be used:
 - 1. All arrestees will be handcuffed behind their back at all times when they are being transported.
 - 2. All arrestees will be handcuffed while in the office and in interview room.
- D. Exceptions of policy:
 - 1. Upon request from a doctor, doctor's office or hospital staff to remove the handcuffs.
 - 2. A security belt is being used.
 - 3. In case of medical emergency when life or limb is endangered.
- E. PROCEDURES FOR USING HANDCUFFS.
 - 1. At all times when practical, prisoners will be handcuffed with hands behind the back with palms facing away from each other.
 - 2. Handcuffs will be adjusted so as to prevent the prisoner from slipping out but not so tight to cause discomfort or injury.
 - 3. When handcuffing an arrestee, the double locking device will be used.
 - 4. Handcuffs will only be used for legitimate department business and any abuse or improper use may result in disciplinary action.

115.00 Less-Lethal (cont.)

- 5. Use of handcuffs shall not preclude using normal precautionary measures when dealing with individuals.

VII. REPORTS REQUIRED WHEN NON-LETHAL WEAPONS ARE USED.

- A. Anytime it becomes necessary to use the expandable baton, ECD, or OC, the Chief or his designee shall be notified immediately.
- B. The officer who elected to use the non-lethal weapon shall complete and submit Subject Management Report in addition to any regularly required reports.

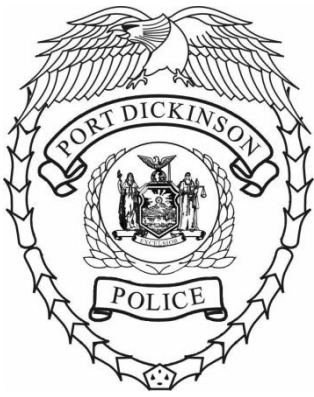
Village Water Consumption for : Jul-22

Read dates:	Binghamton meter	Fenton Large	Fenton Small
7/29/2022	5118	30660885	5917530
6/30/2022	5010	30003864	5826209
Usage	108	657021	91321

Total cubic ft: 748450

Read dates:	Town of Fenton Sewer Readings		Rate:	0.29
7/29/2022	52563100			
6/30/2022	52506700			cu. Ft/min
			Time:	7:00am
Total	56400	cu. ft.		

Read dates:	Wayne Ave. sewer station readings (hours):		
	Pump1	Pump 2	Pump 3
7/29/2022	6552	19305	17741
6/30/2022	6533	19286	17724
Totals	19	19	17
Total hrs.	55		



The Village of Port Dickinson
Department of Police
Scot McDonald, Chief of Police

Police Department Monthly Report

Report Month:	July	Police Commissioner:	Trustee J. DeGennaro
Report Year:	2022	Chief:	Scot McDonald
Report Date:	08/04/2022	Deputy Village Clerk:	Corina M. Beames

Total Complaints Received:101 (78)

Med calls-8
Harassment-1
Domestic-5
Civil matter-1
Check welfare-12
Dispute-2
MVA/PD-1
Open door-1
Suspicious-5
Person annoying-1
DV-4
Noise-1
Vehicle repro-1
Missing/runaways-2
Building check-1
Assistance rendered-23

Miscellaneous-33 *Includes Assist other agencies, Lockouts, Alarms, Parking Comp., Animals, Traffic lights, Information, code enforcement, special details, vacant properties , and Etc.