

**VILLAGE OF PORT DICKINSON
Village Board Meeting Agenda
April 11, 2023
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. Tentative 2023-2024 Budget
2. Proposed Local Law 2-2023, A LOCAL LAW AMENDING THE VILLAGE CODE TO ADD A NEW CHAPTER 63 ENTITLED "WELLHEAD AND AQUIFER PROTECTION"

APPROVAL OF MINUTES: March 14 & 28, 2023 meetings

PUBLIC PARTICIPATION:

- County Executive representative Patrick Dewing review of the State of the County

TREASURER'S REPORT:

AUDIT & PAYMENT OF CLAIMS #19 (2022-2023)

1. Abstract of Unaudited vouchers for the General Fund for \$39,408.55
2. Abstract of Unaudited vouchers for the Water Fund for \$2,598.94
3. Abstract of Unaudited vouchers for the Sewer Fund for \$78,317.64

COMMUNICATIONS:

1. Certificate of Liability Insurance received for Peranich & Shelp
2. Certificate of Liability Insurance received for LCP Group Inc
3. Certificate of Liability Insurance received for Binghamton PreCast

TRUSTEE-COMMISSIONER REPORTS:

Administration/Community Association – Robert Warholic, Trustee

Public Works – Michael Cashman, Trustee

Planning –

Public Safety – James DeGennaro, Trustee

Parks, Water & Sewer – Robert Moss, Trustee

Water/Sewer:

\$4,417.34 outstanding as of 4/10/23

Zoning Board of Appeals – none

OLD BUSINESS:

1. Short term housing rentals

- 2. Fee schedule – fees for notices of water shutoff, fees for DPW removing trash that has not been properly disposed of

RESOLUTIONS FOR APPROVAL:

1. VILLAGE OF PORT DICKINSON, RESOLUTION APPROVING LOCAL LAW NO. 2-2023

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 11th day of April, 2023, the following resolution was offered and seconded:

WHEREAS, notice was given that the Village Board will hold a public hearing on April 11, 2023 at 6:00 p.m. for Local Law No. 2 of the year 2023 entitled “A LOCAL LAW AMENDING THE VILLAGE CODE TO ADD A NEW CHAPTER 63 ENTITLED ‘WELLHEAD AND AQUIFER PROTECTION’”; 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 April 11, 2023 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. 2 of 2023 entitled “A LOCAL LAW AMENDING THE VILLAGE CODE TO ADD A NEW CHAPTER 63 ENTITLED ‘WELLHEAD AND AQUIFER PROTECTION’” 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.

NEW BUSINESS/DISCUSSION:

ADJOURNMENT

VILLAGE OF PORT DICKINSON
LOCAL LAW NO. 2 OF 2023

A LOCAL LAW AMENDING THE VILLAGE CODE TO ADD
A NEW CHAPTER 63 ENTITLED “WELLHEAD AND AQUIFER PROTECTION”

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

Section 1. The following new chapter shall be added to the Village Code as follows:

Chapter 63

AQUIFER PROTECTION

§ 63-1. Title.

This chapter shall be known and may be cited as the "Village of Port Dickinson Aquifer Law."

§ 63-2. Purpose and intent.

The purpose and intent of establishing wellhead, aquifer recharge and watershed protection areas is to minimize the potential for contamination of the aquifer which supplies or in the future may supply water to users in the Village of Port Dickinson, and thereby protect and maintain groundwater quality in the protection zones tributary to the Town of Fenton’s Hillcrest Water District well field that supplies water to the Village of Port Dickinson, to protect the general health and safety of the residents of the Village of Port Dickinson.

§ 63-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AQUIFER

A saturated permeable subsurface geologic unit that can transmit a significant quantity of water under ordinary hydraulic gradients.

AQUIFER RECHARGE ZONE

Those land areas outside the Wellhead Protection Area (Zone I) through which a large volume of precipitation or surface runoff flows directly into the Hillcrest aquifer. This area is designated on the Hillcrest Wellhead Protection Map as "Zone II."

CONE OF DEPRESSION

The depression, roughly circular in shape, produced in a water table or other piezometric surface by the extraction of water from a well at a given rate. The volume and areal extent of the cone varies with the rate and duration of withdrawal of water.

CONSTRUCTION AND DEMOLITION DEBRIS

Solid wastes resulting from land clearing, road building or the construction, demolition and repair of structures. Such wastes include, but are not limited to, bricks, concrete, rock, lumber, paving materials, tree stumps and brush.

DEVELOPMENT

Any man-made change to improved or unimproved real estate that includes, but is not limited to, the construction of buildings, tanks or other materials, storage facilities, the renovation of structures, dredging, filling, grading, landfilling, commercial excavation or the installation of pipelines and waste treatment facilities.

DISCHARGE

The release of a material by any means onto the surface of the ground, below the surface of the ground, into surface waters or into groundwaters.

GROUNDWATER

The subsurface water found in soils and geologic formations that are fully saturated.

PERSON

A single individual, a group of individuals, an association, a company or a corporation.

REFUSE

All putrescible and non-putrescible solid waste, including, but not limited to, garbage, rubbish, ashes, incinerator residue, junk cars, dead animals, commercial wastes, medical wastes and industrial wastes.

TOXIC OR HAZARDOUS MATERIAL

Any substance, whether in solid, liquid or gaseous state, that, because of its characteristics, may present a potential hazard to human health or the drinking water supply if discharged to the surface of the land or the Hillcrest Aquifer in the Village of Port Dickinson. This includes, but is not limited to, hazardous substances listed in Part II, Title 40 of the Code of Federal Regulations, as hereafter amended; substances that meet the hazardous waste characteristic tests as defined by the Federal Resource Conservation and Recovery Act of 1976, as hereafter amended and the regulations adopted pursuant thereto; acids or bases beyond a pH range of 6.5 to 8.5; petroleum products; metal plating solutions; solvents; or degreasers. This definition does not include natural gas subject to regulation by state or federal authorities.

VIOLATION

A failure to comply with or conform to the provisions of this chapter.

WATERCOURSE

A stream channel with either intermittent or continuous water flow.

WATERSHED ZONE

The land surface that is hydraulically tributary to the Aquifer Recharge Area (Zone II). This area is designated on the official Hillcrest Wellhead Protection Map as "Zone III."

WELLHEAD PROTECTION ZONE

The land area that extends from the Town of Fenton Hillcrest Water District No. 1 wells to the outermost limits of their cones of depression. This area is designated on the official Hillcrest Wellhead Protection Map as "Zone I."

§ 63-4. Establishment of zones.

The following zones are created for the purpose of protecting the Hillcrest water supply:

- A. Zone I (Wellhead Protection Area). The following land use activities may not be initiated or carried on in Zone I after enactment of this chapter:
 - (1) Excavations that intersect the water table at its seasonal high level and remain open for a period of time exceeding six months, except those excavations intended to sample, test, treat or pump groundwater pursuant to a municipally approved plan to enhance or monitor groundwater quality.
 - (2) The disposal or processing of construction and demolition debris.
 - (3) The construction of septic systems with a maximum flow rate exceeding 1,000 gallons per day.
 - (4) The uncovered outdoor stockpiling of manure.
 - (5) The construction of new facilities or reconstruction of existing facilities for the below ground storage of hazardous or toxic materials.
 - (6) The landfilling of refuse, radioactive materials, toxic materials or hazardous materials on or below the ground surface.
 - (7) The siting of junkyards or metals salvage operations.
 - (8) The construction of underground pipelines external to a facility that carry toxic or hazardous materials over distances exceeding 100 feet.
 - (9) The uncovered storage of road salt.

- B. Zone II (Aquifer Recharge Area). The following land use activities may not be initiated or carried on in Zone II after enactment of this chapter:
 - (1) The construction of a septic system with a maximum flow rate exceeding 1,000 gallons per day.
 - (2) The uncovered outdoor stockpiling of more than 100 pounds of manure.
 - (3) The construction of facilities for the below ground storage of hazardous or toxic materials,

except where leak detection monitoring systems and/or secondary containment structures are installed.

- (4) The landfilling of refuse, radioactive materials, toxic materials or hazardous materials on or below the ground surface.
- (5) The siting of junkyards or metal salvage operations.
- (6) The construction of underground pipelines external to a facility that carry toxic or hazardous materials over distances exceeding 100 feet.
- (7) The uncovered storage of road salt.

C. Zone III (Watershed Area). The following land use activities may not be initiated in Zone III after enactment of this chapter:

- (1) The uncovered outdoor stockpiling of more than 1,000 pounds of manure within 100 feet of a watercourse or the Zone II boundary.
- (2) The construction of facilities for the below ground storage of hazardous or toxic materials, except where leak detection monitoring systems and/or secondary containment structures are installed.
- (3) The landfilling of refuse, radioactive materials, toxic materials or hazardous materials on or below the ground surface.
- (4) The siting of junkyards or metals salvage operations within 100 feet of a watercourse or the Zone II boundary.
- (5) The construction of underground pipelines external to a facility that carry toxic or hazardous materials within 250 feet of a watercourse or the Zone II boundary.
- (6) The uncovered storage of road salt within 100 feet of a watercourse or the Zone II boundary.

§ 63-5. Adoption of Map.

A. A Zone Boundary Map, entitled "Hillcrest Wellhead Protection District Map," is adopted as part of this chapter showing zones as follows:

- Districts**
- Zone I
- Zone II
- Zone III

- B. The Zone Boundary Map may be amended from time to time under the direction of the Planning Board, subject to approval of the Village Board.

§ 63-6. General requirements of zones.

- A. An operations permit must be obtained for all currently existing nonconforming developments within Zones I, II and III.
- B. No person shall perform any act which may result in the contravention of water quality standards contained in 10 NYCRR 5 (Drinking Water Supplies), or any other applicable federal or state law or regulation.
- C. The area lying within the boundaries of Wellhead Protection Zones I and II is designated as a critical environmental area pursuant to Section 617.12(12) of the regulations of the Department of Environmental Conservation.

§ 63-7. Nonconforming use permits.

- A. The owner of an existing development made nonconforming by this chapter shall obtain an operating permit from the Village of Port Dickinson Planning Board. Unless such a permit is granted within one year following the adoption of this chapter, the nonconforming operation shall cease. The Planning Board may approve a form of application and specify the supporting documentation requisite to obtaining a permit.
- B. Upon review of the application and all supporting documentation, the Planning Board shall determine if any corrective action is required to lessen or remove the risk of groundwater contamination posed by the nonconforming development. When the applicant demonstrates to the Planning Board that all required corrective action has been implemented, the Planning Board shall issue an operating permit for the development.

§ 63-8. New development permits.

Any new construction, development or change of use within Wellhead Protection Zones I and II that exceeds any of the criteria listed below shall be allowed only upon issuance of a new development permit from the Village Planning Board:

- A. Any new construction, development or change of use, other than residential, farming, gardening, forestry, harvesting or grazing, that exceeds \$50,000 in cost.
- B. Any new construction, development or change of use, that involves the storage of toxic or hazardous materials exceeding 55 gallons or 500 pounds or the use of toxic or hazardous materials exceeding 55 gallons or 500 pounds in a single month.
- C. Any new project that requires a permit from the New York State Department of Environmental Conservation.

§ 63-9. Application for new development permits.

An applicant for a new development permit shall submit the following information:

- A. Name, address and telephone number of the applicant.
- B. If the applicant is a corporation, the names, addresses and telephone numbers of its principal corporate officers and all directors; in a partnership, the names and addresses of the general partners.
- C. A map showing the location of the premises for which the permit is sought and plans prepared by a licensed professional engineer or architect showing all features necessary for the satisfactory on-site conveyance, storage, use and disposal of sanitary wastes, stormwater runoff, process wastes and toxic or hazardous wastes within the property boundaries of the business or commercial establishment.
- D. Whenever storage of hazardous or toxic materials exceeds 500 gallons or 5,000 pounds or the use exceeds 500 gallons or 5,000 pounds in a single month, provision for the containment of potential spills and for such other contingencies as the Village Planning Board may deem appropriate.
- E. Copies of all other applications and permits to other governmental agencies.
- F. A statement of all toxic or hazardous materials currently used or stored on the premises, including quantities, methods of storage, usages and methods of disposal.
- G. Such other information that the Village Planning Board may determine necessary to a decision on the application.
- H. A fee as set forth from time to time by resolution of the Village Board.

§ 63-10. Issuance of new development permits.

The Village Planning Board may grant a permit, deny a permit or grant a permit with stated conditions. In the event that a permit is granted or granted with stated conditions, the applicant shall use the best available means to prevent contamination of the water supply of the Village of Port Dickinson. This requirement shall be a continuing requirement. The Village Planning Board shall maintain continuing jurisdiction and shall have the power and authority to require the applicant to maintain the development or facilities using state-of-the-art technology.

§ 63-11. Change in use or ownership.

A permit holder must apply for a new permit if hazardous or toxic materials not listed in the original permit are subsequently used or stored at the site. The permit shall expire if the subject premises are sold or conveyed.

§ 63-12. Public hearings.

A public hearing shall be held with respect to each application for a nonconforming use permit or a new development permit. A notice of public hearing shall be published in the official Village newspaper no less than five days prior to the hearing date.

§ 63-13. Zone boundary designation procedure.

- A. Zone I. The Village Board shall establish Zone I boundaries on its Wellhead Protection Map using the best available information concerning the hydrogeologic characteristics of the Hillcrest Aquifer. Initially, Zone I shall be bounded by a line circumscribing the wells of the Town of Fenton Hillcrest Water District, measured from the center of the well site property, with a radius of 1,700 feet.
- B. Zone II. The Village Board shall establish Zone II boundaries on its Wellhead Protection Map using available hydrogeologic characteristics of the Hillcrest Aquifer. Unless otherwise determined by the Village Board, Zone II shall be the area within the Town of Fenton Hillcrest Water District lying between the Chenango River and the 920 foot contour line on the 1968 United States Geological Survey map, entitled "Castle Creek, New York."
- C. Zone III. The Village Board shall establish Zone III boundaries on its Wellhead Protection Map using available topographic data on areas contributing overland runoff to Zones I and II. The zone boundaries are set forth on a map thereof, as the same may be subsequently amended, adopted as part of this chapter.
- D. When a zone boundary is disputed by any petitioner who is directly affected, the Port Dickinson Village Board shall be empowered to redefine or vary the precise location of the boundary in question based on competent data obtained at the expense of the petitioner.

§ 63-14. Enforcement.

The Port Dickinson Code Enforcement Officer shall be responsible for enforcement of this chapter. The Code Enforcement Officer is authorized to issue cease and desist orders whenever violations of this chapter are noted.

§ 63-15. Penalties for offenses.

- A. The owner of any property found not in compliance with the provisions of this chapter or any other person who commits or permits any acts in violation of any of the provisions of this chapter shall be deemed to have committed an offense and shall be liable for any such violation and the penalty therefor.
- B. For every violation of any provision of this chapter, the person violating the same shall be deemed guilty of a violation and subject to a fine of not more than \$250 or imprisonment for not more than fifteen days, or both such fine and imprisonment. Each day of continued violation of the provisions of this chapter shall be deemed a separate offense.

- C. Any person violating this chapter shall also be subject to a civil penalty enforceable by the Village in the amount of \$1,000 for each such offense. Such penalty shall be collected by the Village for each day that such violation shall continue.
- D. In addition to the above provided penalties and punishments, the Village Board may also maintain an action or proceeding in the name of the Village and in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of the provisions of this chapter.

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 2023**

**A LOCAL LAW AMENDING CHAPTER 62 OF THE VILLAGE CODE
ENTITLED “WATER” TO REQUIRE CONNECTION TO THE WATER SYSTEM AND TO
PROHIBIT PRIVATE WELLS**

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

Section 1. A new Section 62-17 of the Village Code entitled “Water Connection Required Where Available” shall be added as follows:

1. Owners or occupants of any and all property fronting or abutting on any street or portion thereof in or upon which any public water main or distributing pipe has been laid shall be required to make and lay connection pipes to and from the water mains or distributing pipes in said street or any portion thereof in front of each separate piece of property within such time and in such manner and under such inspection as the Village shall prescribe, and whenever any such owner or occupant shall have made default in making such connections with said water mains or distributing pipes opposite the lands and premises owned or occupied by him as directed in and required by said printed notice therefor in the manner and within the time specified, the Village shall have power and authority to so make, extend and complete the same and the actual expense thereof, including all labor done and materials used in doing and completing the same, shall be assessed by the Village upon each separate piece of property opposite or upon which the same shall be done and completed and shall be a lien and liens on said premises and lots of land respectively, and the same shall be collected in the same manner as other local assessments or assessments for local improvements as provided by the general village laws of the State of New York, and when so collected the amount thereof shall be paid into the water fund of the village.
2. Private wells are hereby prohibited where connection to the public water system is required pursuant to subsection one hereof.

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 Water Consumption for : Mar-23

Read dates:	Binghamton meter	Fenton Large	Fenton Small
3/31/2023	6223	35340569	6725243
3/1/2023	6223	35105905	6609860
Usage	0	301488	97430

Total cubic ft: 398918

Read dates:	Town of Fenton Sewer Readings
3/31/2023	53305400
3/1/2023	53127800

Total 177600 cu. ft.

Read dates:	Wayne Ave. sewer station readings (hours):		
	Pump1	Pump 2	Pump 3
3/31/2023	6748	19679	17828
3/1/2023	6723	19602	17828
Totals	25	77	0

Total hrs. 102

**Report of the
CHIEF
March 2023**



Alarms

ALARMS		RESPONSE		TIMES	
Fire	7	Avg Members Response (F)	2.5	Med Avg	1.5
EMS	6	Avg Alarm to Response	5.14	0700-1500	2
Standby		Avg Alarm to Arrival	8.00	1500-2300	5
Total	13	Total Time in Service (hh:mm)	2:45	2300-0700	6
MUTUAL AID		LOCATION		DOLLAR LOSS/VALUE	
Given	5	Village of Port Dickinson	4	Fire Loss	
Received		Town of Dickinson	3		
Engine 94		Town of Fenton	5	Property Saved	
No Tone		Town of Chenango			
		Town of Kirkwood			
		City of Binghamton			
		Other			
			CASUALTIES		YTD
		Fire Service Injured	0		
		Fire Service Death	0		
		Civilian Injured	0		
		Civilian Death	0		

CODE	DESCRIPTION		YTD	CODE	DESCRIPTION		YTD
111	Building Fire			440	Electrical/Wiring Problem		
114	Chimney Fire			444	Power Line Down		
131	Passenger Vehicle fire			4441	Power/Cable Line Down		
142	Brush Fire			445	Arcing electrical equipment		
150	Outside Rubbish Fire			520	Water Problem, other	1	1
212	Overpressure Steam Boiler			550	Public Service Assistance		
311	Medical Assist, Assist EMS		1	571	Standby/Moveup		
3001	EMS Incident, No Response	4	10	611	Dispatched, Canceled enroute	3	5
321	EMS Incident, Except MVA	2	3	651	Smoke Scare, Odor of Smoke		
322	MVA w/ Injury			700	False Call, False Alarm, Other		
323	Vehicle vs Ped Accident			714	False Alarm - Malicious		
324	MVA w/out Injuries			735	Alarm Activation - Malfunction		1
350	Rescue/Extrication, other			740	Unintentional Alarm	1	1

355	Confined Space Rescue		745	Alarm Activation - Unintentional	2	3
4001	Tree down, no wires		746	CO Alarm Activation, No CO		
412	Gas Leak (NG or LPG)		800	Severe Weather, other		
4121	Gas Leak, no leak found		813	Windstorm Assessment		
424	Carbon Monoxide Incident			TOTAL	13	25

Report of the Chief

March 2023



TRAINING

SUMMARY	Training Hours Offered	Average Members Present	Total Man Hours
March	8	6	59
YTD Totals	22	6.27	159
Non Department 35 Training YTD	6		15

Wk	Date	Lesson	Training Hours Offered	Members Present	Total Man Hours
	3/5/2023	Hillcrest Parade Detail	2	3	6
	3/6/2023	County Radio Training	3	13	39
	3/9/2023	County Fire Police Meeting	3	2	6
	3/13/2023	Monthly Meeting		12	
	3/20/2023	Hydrant Operations	2	6	12
	3/27/2023	New Radio System Review	1	2	2