

VILLAGE OF PORT DICKINSON
Village Board Meeting Agenda
May 23, 2023
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. "A LOCAL LAW AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED 'WATER' TO REQUIRE CONNECTION TO THE WATER SYSTEM AND TO PROHIBIT PRIVATE WELLS"
2. "A LOCAL LAW AMENDING SECTION 65-36 OF THE VILLAGE CODE REGARDING FEES AND COSTS"

APPROVAL OF MINUTES: May 9, 2023 meeting

AUDIT & PAYMENT OF CLAIMS #22 (2022-2023)

1. Abstract of Unaudited vouchers for the General Fund for \$17,273.31
2. Abstract of Unaudited vouchers for the Water Fund for \$3,218.61
3. Abstract of Unaudited vouchers for the Sewer Fund for \$318.63

COMMUNICATIONS:

1. Certificate of Insurance for Frank Crum 6 Inc, Midstate Basement Authorities Inc

OLD BUSINESS:

RESOLUTIONS FOR APPROVAL:

1. 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 23rd day of May, 2023, the following resolution was offered and seconded:
WHEREAS, notice was given that the Village Board will hold a public hearing on May 23, 2023 at 5:00 p.m. for Local Law No. 4 of the year 2023 entitled "A LOCAL LAW AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED 'WATER' TO REQUIRE CONNECTION TO THE WATER SYSTEM AND TO PROHIBIT PRIVATE WELLS"; 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 May 23, 2023 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 2023 entitled "A LOCAL LAW AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED 'WATER' TO REQUIRE CONNECTION TO THE WATER SYSTEM AND TO PROHIBIT PRIVATE WELLS" 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. 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 23rd day of May, 2023, the following resolution was offered and seconded:
WHEREAS, notice was given that the Village Board will hold a public hearing on May 23, 2023 at 5:01 p.m. for Local Law No. 5 of the year 2023 entitled “A LOCAL LAW AMENDING SECTION 65-36 OF THE VILLAGE CODE REGARDING FEES AND COSTS”; 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 May 23, 2023 at 5:01 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. 5 of 2023 entitled “A LOCAL LAW AMENDING SECTION 65-36 OF THE VILLAGE CODE REGARDING FEES AND COSTS” 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. 4 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 OF PORT DICKINSON
LOCAL LAW NO. 5 OF 2023**

**A LOCAL LAW AMENDING SECTION 65-36
OF THE VILLAGE CODE REGARDING FEES AND COSTS**

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

Section 1. Section 65-36 of the Village Code entitled “Permit fees” shall be amended as follows:

§ 65-36. Permit fees.

Permit fees for building permits, use and area variance applications, special permits, and site plans shall be set by resolution of the Village Board.

Section 2. A new Section 65-36.1 of the Village Code entitled “Reimbursement for Professional Consultants” shall be amended as follows:

§ 65-36.1. Reimbursement for Professional Consultants.

I. Responsibility for costs

- A. The Village of Port Dickinson's Village Board, Planning Board, Zoning Board of Appeals, and Code Enforcement Officer, in the review of any application pending before said Boards or Code Enforcement Officer, may refer such application to such engineering, planning, legal, technical or environmental consultant, or professional(s) employed by the Village as employees or consultants, as such Boards shall deem reasonably necessary to enable it to review such application as required by law.
- B. The applicant shall be responsible for the cost of such consultant services.
- C. Charges made by such consultants shall be in accord with charges usually made for such services in the Broome County, New York region or pursuant to an existing contractual agreement between the Village and such consultant. Charges made by the Village shall be in accord with the hourly rates upon which the Village employs such consultant(s), including fringe benefits and reasonable overhead. However, the applicant will not be charged for the following services rendered by professionals employed by the Village:
 - (1) Review by the Village Engineer of preliminary design plans submitted by the applicant and, if required, the second set of design plans and preparation of necessary reports relative thereto.
 - (2) Preparation by the Village Attorney of any required public notices regarding said application.
 - (3) Attendance by the Village Engineer and Village Attorney at any regular or special public meetings of the Village Board, Planning Board or Zoning Board of Appeals.

- D. The Village Treasurer shall refund to the applicant the amount deposited pursuant to § 65-36.1, less any sums expended by the Village to engage the services of attorneys, engineers, and other qualified professionals to provide assistance to the Village's Boards relating to said project (hereinafter the "professional review fees"), excluding those referred to in Subsection C(1), (2), and (3) of this section, unless the applicant fails to obtain any necessary permits for said project within one year from the date of final approval by the Board(s) having jurisdiction over the project.
- E. In the event that an application is required to be reviewed by more than one Board, or a Board and the Code Enforcement Officer, to the extent practicable, the Boards and Code Enforcement Officer shall use the same consultant, who shall, to the extent practicable, prepare one report providing data, information and recommendations requested. Wherever practicable, duplication of consultants' reports or services shall be avoided to minimize the cost of such consultants' reports or services to the applicant. The above fees are in addition to any and all other fees required by any other law, rule or regulation.

II. Escrow accounts.

- A. At the time of submission of any application that will require professional review services, an escrow account shall be established, from which withdrawals shall be made to reimburse the Village for the costs of said professional review services. The applicant shall provide funds to the Village for deposit into such account in an amount to be determined by the reviewing Board or Code Enforcement Officer, as applicable, with the advice and recommendation of the Village Engineer, Code Enforcement Officer and Stormwater Management Officer, as appropriate, based on the nature and complexity of the application, using the following schedule as a general guideline, with the decision of the reviewing Board or Code Enforcement Officer, as applicable, to be final and conclusive on the applicant:
- (1) For one- and two-family residential projects, no fee shall be charged and no escrow deposit shall be required, unless a stormwater pollution prevention plan is necessary. If a stormwater pollution prevention plan is required for such a project, an escrow deposit shall be required at 1% of the total project value. The total project value shall be calculated by the actual purchase price of the land or the fair market value of the land (determined by assessed value divided by equalization rate), whichever is higher, plus the cost of all required site improvements, not including the cost of buildings and structures, as determined with reference to a current cost data publication in common use.
 - (2) For three or more family residential projects, the escrow deposit shall be 1% of the total project value. The total project value shall be calculated by the actual purchase price of the land or the fair market value of the land (determined by assessed value divided by equalization rate), whichever is higher, plus the cost of all required site improvements, not including the cost of buildings and structures, as determined with reference to a current cost data publication in common use.
 - (3) For commercial and industrial construction projects, the escrow deposit shall be 1/4 of 1% of the total project value. The total project cost shall be calculated on the actual purchase price of the land or the fair market value of the land (determined by assessed value divided by equalization rate), whichever is higher, plus the cost of supplying utility service to the project, the cost of site

preparation and the cost of labor and material, as determined with reference to a current cost data publication in common use.

- (4) For projects involving the extraction of minerals, the escrow deposit shall be 1% of the total project value. The total project value shall be calculated on the cost of site preparation for mining. Site preparation cost means cost of clearing and grubbing and removal of over-burden for the entire area to be mined plus the cost of utility services and construction of access roads. Such costs are determined with reference to a current cost data publication in common use. For those costs to be incurred for phases occurring three or more years after insurance of a permit, the value of project value shall be determined using a present value calculation.
- (5) At the discretion of the reviewing Board or Code Enforcement Officer, as applicable, for projects governed by Subsection A(2), (3) and (4), an additional escrow amount shall be deposited to cover the expense of reviewing a stormwater pollution prevention plan, if one is required. The amount of such additional escrow amount shall be up to 1% of the total project value, as defined in the applicable subsection, to be determined at the reviewing Board or Code Enforcement Officer's discretion.
- B. The applicant shall be provided with copies of any voucher for such services as they are submitted to the Village. The professionals employed by the Village shall report monthly to the Village Treasurer as to the monetary value of their services rendered on each project.
- C. When the balance in such escrow account is reduced to 1/3 of its initial amount, the Village Treasurer shall advise the applicant and the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such account is not replenished within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the reviewing Board or Code Enforcement Officer may suspend its review of the application. An application shall be deemed incomplete if any amount shall be outstanding.
- D. A building permit or other permit being sought shall not be issued unless all professional review fees charged in connection with the applicant's project have been reimbursed to the Village from said escrow account.
- E. All fees required pursuant to this article shall be collected by the Village Treasurer.
- F. This article shall be applicable to applications pending at the time it shall become effective, unless the reviewing Board shall determine that its application would be impracticable, unfair or unjust in the particular circumstances. Where this article shall be applicable to a pending application, it shall, in such event, require an applicant only to pay for professional fees for the services rendered after it shall have become effective.

Section 3. 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 4. Repealer

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Section 5. Effective Date

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