

VILLAGE OF PORT DICKINSON
Village Board Meeting Agenda
July 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

APPROVAL OF MINUTES: June 13, 2023 meeting

PUBLIC PARTICIPATION:

TREASURER'S REPORT:

AUDIT & PAYMENT OF CLAIMS #24 (2022-2023)

1. Abstract of Unaudited vouchers for the General Fund for \$6,658.09

AUDIT & PAYMENT OF CLAIMS #2 (2023-2024)

2. Abstract of Unaudited vouchers for the General Fund for \$8,546.82
3. Abstract of Unaudited vouchers for the Water Fund for \$100.19
4. Abstract of Unaudited vouchers for the Sewer Fund for \$521.25

AUDIT & PAYMENT OF CLAIMS #3 (2023-2024)

1. Abstract of Unaudited vouchers for the General Fund for \$3,152.62
2. Abstract of Unaudited vouchers for the Water Fund for \$10,848.12
3. Abstract of Unaudited vouchers for the Sewer Fund for \$3,169.46

COMMUNICATIONS:

TRUSTEE-COMMISSIONER REPORTS:

Administration/Community Association – Robert Warholc, Trustee

Public Works – Michael Cashman, Trustee

Planning – none

Public Safety – James DeGennaro, Trustee

Parks, Water & Sewer – Robert Moss, Trustee

Water/Sewer:

Arrears as of 7/11/23: \$2,002.86

Zoning Board of Appeals – none

OLD BUSINESS:

RESOLUTIONS FOR APPROVAL:

1. Resolution authorizing the Mayor's appointment of David Robertson as Planning Board Alternate member for a term 7/11/23-12/31/23.
2. Resolution scheduling a PH on 8/8/23 at 6:00pm for proposed Local Law 6-2023, A Local Law Implementing Short-Term Rental Regulations

3. Resolution scheduling a PH on 8/8/23 at 6:01pm for proposed Local Law 7-2023, A Local Law Amending Chapter 62 of the Village Code entitled 'Water' regarding fees for digital and manual read meters.
4. Resolution approving the following Police Policies: 144.76 Motor Vehicle Pursuits, 130.20 Off-Duty Employment, 125.00 Uniform and Appearance.
5. Resolution authorizing the Mayor to sign the Release of Property Damage Claim regarding fire hydrant damage on Phelps St on 5/19/23 and accept payment of \$11,954.60.

NEW BUSINESS/DISCUSSION:

1. Proposed Surplus Property Policy
2. Proposed Fixed Asset Policy

ADJOURNMENT

Local Law No. 6 of the Year 2023
A Local Law Implementing Short-Term Rental Regulations

BE IT ENACTED by the Board of Trustees of the Village of Port Dickinson, as follows:

Section 1 – Purpose.

The Village of Port Dickinson has determined that short-term rentals can be incompatible with the sense of privacy and community currently enjoyed within the Village. However, the Village recognizes that short-term rentals can attract visitors to the Village, providing an additional source of income to Village residents. This local law imposes mandatory regulations and requirements on all Village of Port Dickinson property owners that desire to rent on a short-term basis. Accordingly, the Village desires to assure that the properties being rented meet certain minimum safety and regulatory requirements that protect the property owners, the occupants of the rental, and the residents of the Village of Port Dickinson.

Section 2 – Authority.

This local law is enacted pursuant to the Municipal Home Rule Law of the State of New York and the Village Law of the State of New York.

Section 3 – Adoption of Short-Term Rental Regulations

The Village Code shall be amended by adding the following Chapter:

Chapter 68 Short-Term Rentals

§ 68-1. Definitions.

As used in this local law, the following terms shall have the meanings assigned below:

- (a) “Bedroom” means any room or space used or intended to be used for sleeping purposes.
- (b) “Board of Trustees” means the Board of Trustees of the Village of Port Dickinson.
- (c) “Code Enforcement Officer” means the Code Enforcement Officer of the Village of Port Dickinson.
- (d) “Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (e) “Manager” means a person specifically named on the application who is responsible for the day-to-day operation of the short-term rental, and who may be contacted, day or night, if there is a problem at the short-term rental.
- (f) “Permit” means a short-term rental permit as granted by the Code Enforcement Officer of the Village of Port Dickinson pursuant to this local law.
- (g) “Person” means an individual, corporation, partnership, or any other group acting as a unit.
- (h) “Property” means the real property, including land, buildings, and any dwelling unit, owned by the persons listed on the short-term rental permit application.
- (i) “Short-Term Rental” means property or any portion of real property, including any dwelling unit, that is rented for compensation in exchange for lodging for a period of not more than 31 consecutive days. For the purpose of this law, the term “short-term rental” shall not include a bed-and-breakfast, boarding/lodging house, hotel, motel, or ongoing month-to-month tenancies.

- (j) “Owner” means all persons having an ownership interest in real property which is used as a short-term rental.
- (k) “Village” means the Village of Port Dickinson, a municipal corporation organized and existing under and by virtue of the laws of the State of New York and with offices at 786 Chenango Street, Port Dickinson (mailing address Binghamton, NY 13901).

§ 68-2. Presumption of a short-term rental.

- A. There shall be a presumption that a property is being used as a short-term rental where all or part of the property is offered for lease or rent on short-term rental websites, applications, and any other medium utilized for publishing or promoting short-term rentals for a rental period of not more than 31 days.
- B. The foregoing presumption may be rebutted by evidence presented to the Code Enforcement Officer that the dwelling unit or property is not operated as a short-term rental.

§ 68-3. Authority of Code Enforcement Officer.

The Board of Trustees authorizes the Code Enforcement Officer to issue permits to property owners to operate short-term rentals. Applications for a permit to operate a short-term rental shall be processed under the procedures set forth in this local law.

§ 68-4. Short-term rental permit application requirements.

- A. Applications for a short-term rental permit may be obtained from either the Clerk of the Village or the Code Enforcement Officer. An applicant shall submit the application for a short-term rental permit to the Village Code Enforcement Officer, accompanied by payment of a nonrefundable permit fee, to be determined from time to time by resolution of the Board of Trustees. The application shall include the following:
 - 1. The names, addresses, telephone numbers, and signatures of all owners, including the signature of an authorized representative of any entity owners.
 - 2. A statement authorizing the Code Enforcement Officer to inspect the property to ensure compliance with all requirements and standards contained within this law, the Village Code, and State and Federal requirements.
 - 3. An acknowledgement of present and ongoing compliance with any applicable federal, state, and local laws, rules and regulations, including the short-term rental standards as defined in this law.
 - 4. If the owner does not reside or have a principal place of business in the Village, then the owner must designate a manager as an agent. The application shall include the name of any manager or management agency managing the property, if any, including names, addresses, telephone numbers, and email addresses of each.
 - 5. An accurate and suitable site plan and floor plan of the short-term rental, including any buildings on the property that will not be utilized as the short-term rental. The site plan and floor plan do not need to be prepared by a professional, but must include the following:
 - i. The location of buildings;
 - ii. The location of on-site and off-street parking; and
 - iii. For each floor of all buildings on the short-term rental property, the location of utilities, all rooms, windows, exits, and any heating/cooling units.
 - 6. A statement indicating the manner in which the lawn maintenance, garbage removal, snow and ice removal, and repairs to the dwelling unit and property shall be maintained during the permit period.
 - 7. Evidence of property and liability insurance coverage.

- B. Nothing in this local law shall alter or affect any regulations or requirements of the Village of Port Dickinson Code, any regulations or requirements imposed by the County of Broome, or any State or Federal regulations or requirements.

§ 68-5. Review and approval of permit application.

- A. Short-term rental permit applications shall be filed with the Code Enforcement Officer with all supporting documentations and the nonrefundable permit fee. Only completed applications will be accepted by the Code Enforcement Officer. The Code Enforcement Officer may decline to accept an application for consideration for any of the following reasons:
1. The application or documentation required by this law was not included or the full permit fee was not paid;
 2. The property or dwelling unit does not comply with all requirements pursuant to this law; or
 3. A previously issued short-term rental permit was revoked and any defects and/or violations have not been corrected after inspection by the Code Enforcement Officer.
- B. Upon submission of a completed short-term rental permit application, adjacent property owners of the short-term rental shall be notified in writing, by the applicant, of the intent to operate a short-term rental by certified mail return receipt requested. The notification shall include the name, phone numbers, and addresses of the property owner and manager, if any, who will be available for problems or emergencies that may arise and who the neighbors may contact in the event of complaints or problems with the short-term rental.
- C. The Code Enforcement Officer shall conduct a property inspection to determine whether the short-term rental is in compliance with applicable federal, state, and local laws, rules and regulations, including the requirements of this law.
- D. The Code Enforcement Officer shall have forty-five (45) calendar days from the date of the receipt of a completed application to determine whether the applicant has complied with the requirements of this law. Failure of the Code Enforcement Officer to act within forty-five (45) days shall constitute an approval unless the applicant and the Code Enforcement Officer agree to extend this time limit.
- E. Upon approval of the short-term rental application by the Code Enforcement Officer, a short-term rental permit will be issued. Short-term rental permits issued pursuant to this section shall state the following:
1. The address of the property that is to be used as a short-term rental;
 2. The names, addresses, and phone numbers of each person that is an owner of the short-term rental property;
 3. The name, address, and phone number of a manager, if any, who shall be available during the entire time the short-term rental permit is being valid; and
 4. Any conditions imposed by the Code Enforcement Officer.

§ 68-6. General Short-term rental permit regulations.

- A. All permits shall expire on December 31 of the year issuance, having a term of at most one (1) calendar year.

- B. Owners shall not use their property or any dwelling unit as a short-term rental without obtaining a short-term rental permit.
- C. The short-term rental permit is not transferable to a new owner. A new owner must file a new and separate short-term rental permit application.
- D. The short-term rental permit is applicable to only the property and dwelling unit as listed on the short-term rental permit. Applicants must submit a separate application and obtain a separate short-term rental permit for each property and dwelling unit to be used as a short-term rental.
- E. Those properties and dwelling units with short-term rental commitments existing on the date this law takes effect shall be permitted to honor such existing commitments and continue to make commitments for short-term rentals, but must apply for a permit within 180 days of the local law's effective date for all future short-term rental commitments. In the event such application is denied, all commitments shall be cancelled.
- F. One sign identifying the short-term rental shall be allowed measuring no more than four square feet on a side. The sign may be double-sided but not internally lighted. The location, design and dimensions of the sign shall be reviewed and approved by the Code Enforcement Officer prior to erection of the sign.
- G. The short-term rental property must have a minimum of one off-road parking space for every bedroom shown on the floor plan included with the application.
- H. No person may be housed separately or apart from a dwelling unit in any tent, trailer, camper, lean-to, recreation vehicle, or non-dwelling unit.
- I. Continuing requirements of a short-term rental property.
 - 1. The property address number shall be on display so that the number is clearly visible from both the road and the driveway.
 - 2. Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
 - 3. Property insurance and liability insurance shall be maintained continually for the duration of the term of the short-term rental permit.
 - 4. Electrical systems shall be in good operating condition, labeled, unobstructed and shall be visible for the Code Enforcement Officer during the permitting process.
 - 5. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling, or odors, and shall be placed where they are not clearly visible from the road, except at approximate pick-up times.
 - 6. In the event that the property has a septic system, the maximum occupancy shall be defined by the capabilities of the septic system. Any septic system must have been pumped within the past four years and proof of pumping and satisfactory inspection by a qualified septic disposal firm shall be available to the Code Enforcement Officer. Once a short-term rental permit is issued, the septic system must be pumped at least once every four years.
- J. All short-term rental permit holders must have a rental contract, which includes, at a minimum, the following:
 - 1. Maximum property occupancy;
 - 2. Maximum on-site parking provided; and

3. A good neighbor statement providing that:
 - i. Renters should be considerate of the residents in the neighboring homes;
 - ii. Renters are requested to observe quiet hours from 11:00 P.M. through 7:00 A.M.;
 - iii. All renters will be subject to New York Penal Law § 240.20 or any successor statute regarding disorderly conduct;
 - iv. Littering is illegal; and
 - v. Recreational campfires must be attended to at all times.

§ 68-7. Compliance and display of the short-term rental permit.

- A. If the Code Enforcement Officer has probable cause to believe that the premises is not in compliance with the provisions of this law, the Code Enforcement Officer may request permission from an owner or the designated manager of the short-term rental to enter the premises and to conduct an inspection of the short-term rental for purposes of ensuring compliance. If the request is refused, the permit may be revoked.
- B. The short-term rental permit and the contact information of the owner or manager shall be prominently displayed inside and near the front entrance of the short-term rental.
- C. The short-term rental permit holder shall ensure that current and accurate information is provided to the Code Enforcement Officer and that they notify the Code Enforcement Officer immediately of any change in the information displayed on the permit.

§ 68-8. Complaints.

- A. Complaints regarding the operation of a short-term rental shall be in writing and submitted to the Code Enforcement Officer.
- B. Upon receipt of a complaint, the Code Enforcement Officer shall investigate to determine, in its sole discretion, the presence of a violation, and upon finding that a violation was or is currently occurring, the Code Enforcement Officer shall issue to the short-term rental owner or manager a notice detailing the alleged violation(s).

§ 68-9. Violations and penalties.

- A. Any person found to be offering or providing short-term rentals without a short-term rental permit shall be determined to be in violation of this law.
- B. The Code Enforcement Officer is authorized to issue appearance tickets for any violation of this law.
- C. In addition to such other penalties as may be prescribed by New York State law:
 1. Any owner who violates any provision of this law shall be punishable by a fine of not more than \$250 per day of violation, or imprisonment not exceeding 15 days, or both.
 2. Any owner who violates any provision of this law shall be liable to pay a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the names of this Village.
 3. An action or proceeding may be instituted in the name of this Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this law. No action or proceeding described in this paragraph shall be commenced without the appropriate authorization of the Board of Trustees.

4. The Code Enforcement Officer may suspend or revoke a short-term rental permit by providing all owners written notice of said suspension or revocation and the reason for said penalty, including but not limited to, (i) a violation of this law, the Village Code, or any applicable federal or state laws, rules and regulations or (ii) any conduct that occurred or is occurring at the short-term rental that disturbs the health, safety, peace, or comfort of the neighborhood.

D. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section or in any other section of this law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section or in any other section of this law.

§ 68-10. Application for renewal of a short-term rental permit.

A. Owners with a valid short-term rental permit that timely submit an application for renewal pursuant to this section may continue to operate a short-term rental until and unless the Code Enforcement Officer denies said application for renewal.

B. The renewal of a short-term rental permit will be granted for an additional one (1) year term if the following conditions are met:

1. An application for renewal of the short-term rental permit shall be made at least 30 calendar days but not more than 60 calendar days prior to expiration of the current short-term rental permit;
2. An application for the renewal of a short-term rental permit shall include all of the requirements of the short-term rental permit application and the owner or designated agent must present the previous short-term rental permit;
3. A renewal of a short-term rental permit is subject to the inspection of the property performed by the Code Enforcement Officer;
4. Any violations must be remedied prior to renewal of a permit for short-term rental; and
5. An application for renewal shall include a nonrefundable short-term rental permit fee, as to be determined from time to time by resolution of the Board of Trustees.

C. The Code Enforcement Officer shall have forty-five (45) calendar days from the date of the receipt of a completed application for renewal to determine whether the applicant has complied with the requirements of this law. Failure of the Code Enforcement Officer to act within forty-five (45) calendar days shall constitute an approval unless the renewal applicant and the Code Enforcement Officer agree to extend this time limit.

§ 68-11. Appeals.

The owner of a short-term rental is entitled to appeal the Code Enforcement Officer's determination to the Board of Trustees when an owner's application for a short-term rental permit or a short-term rental permit renewal is denied or a short-term rental permit is suspended or revoked. A notice of appeal shall be filed with the Village Clerk within 60 days of the Code Enforcement Officer's notification to the owner of the denial, suspension, or revocation. A hearing shall be held by the Board of Trustees not more than 45 days after the filing of the notice of appeal.

Section 4 – 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 this Local Law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 5 – Effective Date.

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

VILLAGE OF PORT DICKINSON SURPLUS PROPERTY POLICY

Purpose.

- (1) To set forth the Village of Port Dickinson's administrative policy for the transfer and disposition of surplus property, equipment and materials.
- (2) To set forth the Village of Port Dickinson's administrative policy for scrapping and recycling of scrap and recyclable surplus property, equipment and materials and disposing of same.
- (3) To ensure the receipt of all revenues from the disposal of surplus property, equipment and materials and scrap or recyclables.

Definitions.

- (1) "Surplus property" as used herein is used generically to describe any Village property, equipment or material that is no longer needed or usable by the holding department. For purposes of this policy all surplus property including scrap, recyclables, trash, and/or junk disposed, discarded or abandoned on Village premises, including all surplus property placed in storage or collection containers of any kind, including containers or facilities located on premises leased from the Village by Village tenants, is hereby deemed to be Village property and not property of any Village employee.
- (2) The terms "scrapping" and "recycling" as used herein refer to the act of transferring discarded surplus property, including scrap or recyclables, to a vendor for use, salvage or resale.
- (3) The terms "scrap" or "recyclables" as used herein refer to surplus property that (a) may be reused "as is" or after repair, or (b) may be salvaged for its mineral value after treatment or processing.
- (4) The term "trash" or "junk" as used herein refers to surplus property which has no practical salvage or recyclable value.

This policy is designed to address two categories of scrapping and recycling:

- (a) Management-directed scrapping, recycling and handling of trash or junk (authorized disposal).
- (b) Personal scrapping, recycling or handling of trash or junk (unauthorized disposal).

(5) Employee's Personal Property. For purposes of this policy an employee's personal property is (a) that property in the possession of an employee which was the property of the employee prior to it having been brought onto or placed upon Village premises, or (b) that property lawfully acquired from its prior owner or his/her authorized representative by an off-duty employee while on Village premises after having been brought to Village premises by its owner where such property remains in the possession of the employee as his or her property, after transfer to said employee. Each employee is responsible for determining that any property which he or she may take possession of or acquire while on Village premises has been obtained or acquired from an individual lawfully authorized by its owner to make the transfer to the employee.

Methods of transfer and disposition.

All surplus property is disposed of "as is" and "where is," with no warranty, guarantee, or representation of any kind, expressed or implied, as to the condition, utility or usability of the property offered unless expressly authorized by the Village Board.

- (1) Transfer to another department. Surplus property may be transferred between Village departments.
- (2) Trade-In. Property declared as surplus may be offered as a trade-in for credit toward the acquisition of new property.
- (3) Return to Manufacturer. Surplus property may, when possible, be returned to the manufacturer for buy-back credit.
- (4) Disposal. Surplus property may be offered for sale by the Village. Appropriate methods of sale are as follows:
 - (a) Auction. Surplus property may be sold at public auction. Auctions may be conducted by Village staff, or the Village may contract with a professional auctioneer or electronic auction site.
 - (b) Sealed Bids. Sealed bids may be solicited for the sale of surplus property. Surplus property disposed of in this manner shall be sold to the highest responsible bidder.
 - (c) Selling for Scrap. Surplus property may be sold as scrap if the Village deems that the value of its parts exceeds the value of the surplus property as a whole.
 - (d) No Value Item. Where the Village determines that property is surplus and of minimal value to the Village due to spoilage, obsolescence or other cause or where the Village determines that the cost of disposal of such property would exceed the recovery value, the Village shall dispose of the same in such a manner as they deem appropriate and in the best interest of the Village.
- (5) Donation. Surplus property may be donated to any other public agency or charitable organization exempt under Section 501(c)(3) of the Internal Revenue Code. "Public agency" means the State or any agency or subdivision thereof, any Village, county, special district, or school district.

Policy.

The Village Board sets forth the policy of the Village for disposal or destruction of surplus property.

- (1) Village Mayor directed Transfer and Disposal (Authorized).
 - (a) Property with an Estimated Market Value Exceeding \$10,000. Transfer or disposition of surplus property with an estimated market value exceeding \$10,000 per item shall be determined specifically by the Village Board.
 - (b) Property with an Estimated Market Value Less than \$10,000. The Village Mayor may direct the transfer and disposition of surplus property with an estimated market value not to exceed \$10,000 per item.
 - (c) Transfer and disposition of surplus property may include:
 - (i) All surplus property will first be considered for transfer between departments for the benefit of the Village of Port Dickinson.
 - (ii) All surplus property not needed by the Village of Port Dickinson may be offered for sale for the highest estimated market value. Surplus property may be sold by public auction, electronic auction site, or sealed bid.
 - (iii) Surplus property may be donated or sold as less than estimated market value to public agencies and nonprofit organizations.

(d) Scrapping/Recycling/Junking.

(i) Such activities may involve the sale of surplus property at public auction or through sealed bids to public bodies, organizations, or vendors including scrap dealers or recycling centers.

(ii) It is the policy of the Village of Port Dickinson that no employee may engage in any sale, scrapping or recycling or other disposal of Village property, as defined herein, unless specifically directed to engage in such activity by the Village Mayor who has been lawfully and duly authorized and designated to direct such activity.

(e) Real Estate. All activity involving the declaration and sale of surplus real estate shall require authorization by the Village Board regardless of the actual or estimated value.

(2) Proceeds from Transfer and Disposition of Property. When so authorized to transfer, sell, donate, recycle, and scrap Village property, the employee directed to undertake such activity shall remit the entire proceeds from any such activity to the Village by check or money order made payable to the Village of Port Dickinson, and shall be deposited into the appropriate fund.

(3) Personal Scrapping, Recycling or Disposal of Trash or Junk (Unauthorized). Transferring, selling, donating, scrapping, recycling or disposing of Village property, as defined herein (regardless of monetary value), by Village employees for personal gain or to benefit the interest of any person or party other than the Village of Port Dickinson, including handling or disposal of trash or junk except as directed by Village management person(s) lawfully and duly authorized and designated to direct such activity, is strictly forbidden.

Village employees are prohibited from claiming ownership of, giving away, recovering, or salvaging for personal use, or the use or interest of any person other than the Village of Port Dickinson, any materials abandoned, disposed or stored upon Village premises, including trash or other materials, placed in, upon or in the vicinity of recycling or collection cans, dumpsters or bins located on Village premises, or collection or debris piles, or other Village storage or disposal facilities or refuse sites, and including any such facility or site belonging to any Village tenant. Furthermore, Village employees are prohibited from taking possession of any surplus property or the proceeds from the sale of surplus property designated for disposal as trash, scrap, or as recyclables, except as lawfully authorized by persons designated with such authority by the Village Mayor. This prohibition includes giving any such surplus property or the proceeds from the sale of such surplus property to any person or party other than for the duly authorized benefit and interest of the Village of Port Dickinson, or authorizing any other person or party to accept, receive or take any such surplus property to benefit their own interest, except as provided hereinabove.

(4) Any transfer and/or disposal of surplus property authorized by the Village Mayor shall be reported to the Village Board as a receive-and-file item on the Village Board agenda.

Procedures.

All surplus property is disposed of “as is” and “where is,” with no warranty, guarantee, or representation of any kind, expressed or implied, as to the condition, utility or usability of the property offered unless specified by the Village Board. It is critical to maintain a trail of documentation for audit purposes regarding the disposition of property of the Village of Port Dickinson.

The Village Mayor or his/her designee is authorized to declare property, equipment and materials surplus.

(1) Identifying Excess Property. Each department head is responsible to identify excess property regularly.

Each department head will evaluate the operational status of the excess property and notify the Village Clerk in writing.

The Village Clerk will circulate the excess property notification between the other departments within the Village.

(2) Transfer Excess Property between Departments. Department heads may request the transfer of excess property by making request to the Village Clerk and/or department head. Both department heads must agree when the excess property cost was in excess of \$2,500. Transfers between departments are contingent upon approval of the Village Mayor.

Notification will be provided to the Village Clerk and Village Treasurer in writing of any transfer of excess property to a different location or department ownership.

(3) Transfer Surplus Property for Trade-In or Return to Manufacturer.

(a) Department heads may offer property for trade-in toward the purchase of new property and equipment with the approval of the Village Mayor. Department heads will attach trade-in information to the procurement documents. Department directors will notify the Village Clerk of the procurement and disposition of property and equipment.

(b) Department heads may offer property and equipment for buy-back credit to the manufacturer with approval of the Village Mayor. Department heads will forward buy-back credit documents to the Village Treasurer. Department directors will notify the Village Clerk of this disposition of property and equipment.

(c) Department heads and the Village Clerk will inform the Village Treasurer of all trade-ins and credits since it is critical for budgeting and asset tracking.

If surplus property is to be applied to a purchase order, the trade-in value and/or credit shall be itemized on the purchase order. The amount charged against the appropriation code will be the value of the purchase before application of the trade-in credit.

(4) Disposal of Surplus Property.

(a) Excess property as shown on excess property notification that is not transferred among departments or for trade-in or manufacturer's credit will be declared surplus by the department head.

Whenever the village declares any equipment or property surplus, then the authorized designee shall either

(1) place the equipment or property for auction on an auction site (online or in person);

(2) publish a newspaper notice offering the equipment or property for sale, and soliciting bids for the purchase by a date certain;

(3) if the anticipated value is less than \$5,000, identifying and soliciting not less than five potentially interested purchasers;

(4) If the anticipated value is less than \$1,000, identifying and soliciting not less than three potentially interested purchasers;

Notwithstanding the foregoing, if the anticipated value is less than \$100, the authorized designee shall be authorized to sell such equipment or property for a reasonable sum.

In all cases, the authorized designee shall have authority to enter into a contract with the highest bidder/offeror however procured, or to reject all bids/offers, as the designee determines is in the best interest of the village.

(b) Method of Disposal. Sale of surplus property shall be to the highest bidder or for the highest market value and may be disposed of by sale by public auction, or sealed bid.

(i) Auction. Surplus property may be sold at public auction. Public auctions may be conducted by Village staff, or the Village may contract with a professional auctioneer or electronic auction site.

Sale of surplus property at public auction conducted by Village staff must be after giving publication in the official newspaper of the Village no later than 10 days prior to such auction. The department head shall reserve the right to reject any and all bids received for any item.

In the event the department head rejects any and all such bids so received, the item may not be disposed of for a lesser value of the lowest bid rejected.

(ii) Sealed Bid. Sealed bids may be solicited for the sale of surplus property. The department head shall reserve the right to reject any and all bids received for any item.

In the event the department head rejects any and all such bids so received, the item may not be disposed of for a lesser value of the lowest bid rejected.

(iii) Selling for Scrap. Surplus property may be sold as scrap if the department head deems that the value of its parts exceeds the value of the surplus property as a whole after approval of the Village Board. For-profit vendors shall include scrap dealers and recycling centers.

(iv) No Value Item. Where the department head determines that property is surplus and of minimal value to the Village due to spoilage, obsolescence or other cause or where the department head determines that the cost of disposal of such property would exceed the recovery value, he/she shall dispose of the item in such a manner as they deem appropriate and in the best interest of the Village considering the ability to recycle. Disposal of no value items must be approved by the Village Board.

(v) Donation. Surplus property may be donated to any other public agency or charitable organization exempt under Section 501(c)(3) of the Internal Revenue Code.

(A) "Public agency" means the State or any agency or subdivision thereof, any Village, county, special district, or school district.

(B) Non-profit organizations are recognized as charitable organizations exempt under Section 501(c)(3) of the Internal Revenue Code.

(5) Accounting for the Disposition of Surplus Property.

(a) The department head will notify the Village Treasurer in writing of the disposition of all surplus property and attach all supporting documentation.

(b) The Village Treasurer shall make adjustments to their inventories/assets lists showing the disposition of excess property.

(c) Copies of all records documenting the surplus property process will be kept on file with the Village Clerk.

(6) Transfer of Ownership and Title. Delivery of the surplus property together with transfer of ownership and title passes upon receipt of the proceeds.

The Village Clerk shall cause licenses and title documents to be executed and transferred upon verification of receipt of funds.

(7) Surplus Property and Employees. Village employees shall not be the purchasers of any surplus real or personal property of the Village.

This disqualification shall extend to the family members of such employees and any third persons acting at the direction or request of a disqualified employee where the purchase or sale is intended for the benefit of such employee.

Any exceptions to this policy will only be made at the direction of the Village Mayor.

**VILLAGE OF PORT
DICKINSON CAPITAL
ASSET POLICY
Adopted
_____2023**

Purpose

The following capital asset policy is to ensure a standard set of guidelines are followed for the physical and reporting control of the Village of Port Dickinson’s capital assets and to obtain timely and accurate accountability over our capital assets, provide centralized documentation, and meet financial reporting needs.

Policy Statement

It is the intent of the Village to properly safeguard, value, and account for capital and controlled assets by:

- Identifying the Village’s capital and controlled assets
- Keeping capital assets records updated with appropriate information
- Reporting the depreciation and values of the Village’s capital assets
- Tracking capital project costs

Capital Asset Definitions and Guidelines

a. Capital Asset Classifications

Capital assets are real or personal property that have value equal to or greater than the capitalization threshold for the particular classification of the asset and have an estimated life of greater than one year.

b. Capitalization Thresholds and Useful Lives

Class of Asset	Capitalization Threshold	Useful Life
Land		Note 1
Land Improvements (other than buildings)		20 years
Building		40 years
Building Improvements (only if part of a major repair or rehab project which increases the value and/or useful life)		20 years
Machinery & Equipment: (Note 2)		
Office Equipment		5 years
Furniture		10 years
Computers		5 years
Vehicles		5 year
Heavy Equipment		10 years
Small Equipment & Tools		5 years
Other		5-10 years
Infrastructure:		
Bridges (including culverts)		30 years
Roads		20 years
Traffic Control Systems		40 years
Sewer Systems		40 years
Water Systems		40 years
Construction in Progress		Note 3
Note 1 – Not Depreciated		
Note 2 – For control and accountability purposes, capital assets costing less than \$40,000 may be recorded in the capital assets inventory		

<p>Note 3 – Depreciation is not required on Construction in Progress. Upon completion, the asset will be recorded in appropriate asset classification and depreciation will be in accordance with the useful life.</p>		
--	--	--

c. Recording Assets

The Clerk or their designee will record all assets at the time the asset is inventoried. All transfers and disposals will be recorded upon receiving the appropriate documentation.

d. Disposing of Assets

Assets may eventually need to be removed from the asset listing for any one of a number of reasons. Authorization to dispose, and actual disposition of, a property item should be documented in accordance with the Village of Port Dickinson’s Surplus Property Policy.

Each department should designate an individual to be responsible for preparing and maintaining a complete listing of assets within the department. The listing should be updated at least annually and a written copy provided to the Clerk not later than February 15 each year.

e. Capital Asset Acquisition Cost

Capital assets shall be recorded at their historical costs, or estimated historical cost if the actual historical cost is unknown. The cost of a capital asset shall include any ancillary costs that are necessary to place the asset in its intended condition for use. These include the vendor’s invoice (plus the value of any trade-in, if reflected on the invoice), initial installation cost (excluding in- house labor costs), modifications, attachments, accessories or apparatus necessary to make the asset usable and render it into service. Historical costs also include charges such as freight and transportation charges, site preparation costs and professional fees. The costs of capital assets for government activities do not include capitalized interest.

f. Capital Asset Donations

Donations are defined as voluntary contributions of resources to a governmental entity by a non-governmental entity. Donated capital assets shall be reported at fair market value at the time of acquisition plus ancillary charges, if any. Fair market value is the amount at which an asset could be exchanged in a current transaction between willing parties.

Modified Accrual Basis of Accounting – Do not report revenue from the donation of a capital asset when using the modified accrual basis of accounting, except in the following situation: If the Village receives a donation of a capital asset and intends to sell the asset immediately, revenue shall be

recognized in the period the asset is donated, and the capital asset shall be reported in the same fund used to report the revenue as “Assets Held for Sale”. Intent to sell should be evidenced by a sale of or contract to sell the capital asset before the financial statements are issued.

Revenue shall be measured at the amount at which the capital asset is sold or its contract price. If the Village does not intend to sell the donated capital asset immediately or does not meet the criteria to sell as stated above, the donation shall not be reported in the operations of the governmental funds.

Revenue from donations of financial resources such as cash, securities or capital assets shall be recognized when the Village has an enforceable legal claim to the donation and when it is probable the donation will be received, regardless of when the financial resources are actually received. Revenue shall be measured at the fair value of the financial resource donated.

Donations must be recorded and reported at fair value on the date of acquisition. Recipients of donated capital assets will recognize the donation and related revenue when the transaction is complete and the assets are received, providing all eligibility requirements have been met. Promises of capital asset donations should be recognized as receivables and revenues (net of estimated uncollectible amounts) when all applicable eligibility requirements have been met, providing that the promise is verifiable and the resources are measurable and probable of collection.

In some cases, donated capital assets are given with the stipulation (time requirement) that the assets cannot be sold, disbursed or consumed until a specified number of years have passed or a specific event has occurred. For such cases, the capital asset should be reported in the statement of Net Assets as “Net Assets – Restricted” as long as the restrictions or time requirements remain in effect.

g. Leased Equipment

Equipment shall be capitalized if the lease agreement meets any one of the following criteria:

- The lease transfers ownership of the property to the lessee by the end of the lease term.
- The lease contains a bargain purchase option.
- The lease term is equal to 75 percent or more of the estimated economic life of the leased property.
- The present value of the minimum lease payments at the inception of the lease, excluding executory costs, equals at least 90 percent of the fair market value of the leased property.

Leases that do not meet any of the above requirements shall be recorded as an operating lease and reported in the Notes to Financial Statements, if material.

h. Depreciating Capital Assets

Capital assets should be depreciated over their estimated useful lives unless they are inexhaustible.

The straight-line depreciation method (historical cost less residual value, divided by useful life) is method that will be used.

Depreciation will be recorded on an annual basis. A full year of depreciation shall be included in the year of completion or acquisition of the asset. Depreciation expense shall not be included in the year of disposition.

i. Sale of Capital Assets

When an asset is sold, a gain or loss shall be recognized when:

- Cash is exchanged and the amount paid does not equal the net book value of the asset.
- Cash is not exchanged and the asset is fully depreciated.

When an asset is sold, a gain or loss shall not be reported when:

- Cash exchanged equals the net book value, and the asset does not have a residual value.
- Cash is not exchanged and the asset is fully depreciated and has no residual value.

To compute a gain or loss from sale of capital assets, proceeds received shall be subtracted from the asset's net book value.

	<u>Gain</u>	<u>Loss</u>
Examples:		
Asset's Historical Cost	\$10,000	\$10,000
Less: Accumulated Depreciation	<u>7,000</u>	<u>7,000</u>
Net Book Value	\$3,000	\$3,000
Less: Proceeds Received	<u>5,000</u>	<u>2,000</u>
Gain/Loss from Sale of Asset	\$2,000	\$1000

Construction-in-Progress (CIP)

Construction-in-Progress (CIP) contains amounts expended on new construction, land or building improvement, infrastructure, additions, alterations, reconstruction, installation, maintenance and repairs or other tangible capital construction projects that will be finished in a future period and meet the capitalization threshold.

Construction work in progress assets should be capitalized to their appropriate capital asset categories upon the earlier occurrence of execution of substantial completion contract documents, occupancy, or when the asset is placed into service.

Depreciation is not applicable while assets are accounted for as construction work in progress. Upon asset completion and placement into service, the value of such asset is removed from the construction in progress account and transferred to the appropriate capital asset classification account. Depreciation then begins based upon depreciation life of the appropriate asset category.

VILLAGE OF PORT DICKINSON
LOCAL LAW NO. 7 OF 2023

A LOCAL LAW AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED ‘WATER’
REGARDING FEES FOR DIGITAL AND MANUAL READ METERS

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

Section 1. Chapter 62 of the Village Code entitled “Water” is hereby amended in its entirety as follows:

§ 62-1. Remains the same.

§ 62-2. Definitions.

The following definition shall be revised as follows:

AUTOMATIC METER READING (“AMR”) TECHNOLOGY – The technology of automatically collecting consumption, diagnostic, and status data from water meter devices and transferring that data to a central database for billing, troubleshooting, and analyzing. All provisions of this Chapter that reference “water meters” or “meters” shall apply equally where AMR Technology has been or will be installed, except for references to “manual meters”.

The following definitions shall be inserted between “MAIN” and “OWNER, APPLICANT, CUSTOMER, PERSON and CONSUMER”:

MANUAL METER – A water meter with a dial, sweep hand, and/or an odometer recording the amount of water used and does not contain a digital display or AMR Technology.

METER – A device that measures the volume of water used by a specific consumer, which may be measured by AMR Technology or by a Manual Meter.

All other definitions shall remain the same.

§ 62-3. Remains the same.

§ 62-4. Remains the same.

§ 62-5. Water meters.

A. Remains the same

B. The property owner may choose to have installed either a Manual Meter or AMR Technology. The Board will supply and install each meter, for which a charge will be made to the property owner. Each meter shall be pretested and so designed that it cannot overrun or register a greater volume of water than passes through it.

C. Remains the same.

D. Remains the same.

E. Remains the same.

F. (1) Remains the same.

(2) Remains the same.

(3) The property owner shall be responsible for having a new meter installed by the Village Water Department at a cost set by resolution of the Board from time to time, and shall be charged for the water which had been diverted from the meter for a period of time since the most recent correct meter reading in an amount that reflects the highest 6 month consumption during the past 5 years.

G. Remains the same.

§ 62-6. Remains the same.

§ 62-7. Remains the same.

§ 62-8. Rates and bills.

A. Remains the same.

B. Remains the same.

C. Remains the same.

D. Remains the same.

E. Remains the same.

F. Prior to each billing period as provided in paragraph A of this § 62-8, the Village shall mail to each owner or occupant of a property serviced by a Manual Meter a notice that the Village is requesting such owner or occupant to schedule with the Village a reading of the Manual Meter within ten (10) days of such notice. It shall be the responsibility of the owner or occupant that receives such notice to contact the Village Business Office to arrange such reading. Failure to schedule such reading within ten (10) days shall subject the owner or occupant to a penalty as set forth by resolution of the Board from time to time, along with an estimated bill for water use on the basis of the immediately previous billing period for the property. In the event that the owner or occupant fails to comply with such requirement on two (2) consecutive occasions, the Village may either discontinue service after notice and an opportunity to be heard, or require the property owner to pay for the purchase and installation of an outside meter reading device. A property owner or occupant with a Manual Meter

shall pay to the Village an administrative fee for each reading of the Manual Meter that the Village performs, which shall be included with each water bill pursuant to § 62-8. The fee for each reading of a Manual Meter shall be as set forth by resolution of the Village Board from time to time.

§ 62-9. The right to enter onto a consumer's property.

- A. The Board reserves the right to cause Village personnel to enter onto the property of any consumer to examine the pipes and fixtures to determine the quantity of water used and the manner of use and to inspect, test, read, repair, replace, or install the water meter.
- B. The Village shall provide at least ten (10) calendar days written notice, sent by certified mail, return receipt requested, to a property owner or occupant prior to entering said property. Said notice shall identify the five (5) business day period immediately following the conclusion of the ten-day notice, during which Village personnel may enter the premises of the consumer's property during the hours of 7:00 A.M. to 2:00 P.M. to affect the purpose of said notice.
- C. Each property owner or occupant shall provide Village personnel access onto the property and to any area of the property as is necessary to carry out the purpose of the site visit as identified in said notice pursuant to this section.
- D. Failure to provide Village personnel access onto the property and to any area of the property as is necessary to carry out the purpose of the site visit as identified in said notice shall be an offense against this section and of this chapter punishable pursuant to § 62-13 of this chapter.
- E. The Village reserves the right to discontinue water service in the event of a property owner or occupants failure to provide access as required herein.

§ 62-10. Remains the same.

§ 62-11. Remains the same.

§ 62-12. Remains the same.

§ 62-13. Remains the same.

§ 62-14. Remains the same.

§ 62-15. Remains the same.

§ 62-16. Remains the same.

§ 62-17. Remains the same.

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 : Jun-23

Read dates:	Binghamton meter	Fenton Large	Fenton Small
6/30/2023	6223	36095838	7058883
3/31/2023	6223	35340569	6725243
Usage	0	301488	97430
		755269	333640
Total cubic ft:	1088909		

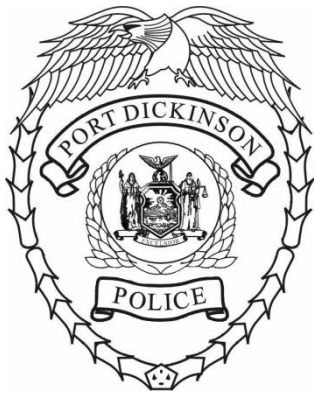
Read dates:	Town of Fenton Sewer Readings
6/30/2023	53505200
3/31/2023	53305400

Total 199800 cu. ft.

Read dates: Wayne Ave. sewer station readings (hours):

	Pump1	Pump 2	Pump 3
6/30/2023	6814	19869	17830
3/31/2023	6748	19679	17828
Totals	66	190	2

Total hrs. 258



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

Police Department Monthly Report

Report Month:	June	Police Commissioner:	Trustee J. DeGennaro
Report Year:	2023	Chief:	Scot McDonald
Report Date:	07/06/2023	Deputy Village Clerk:	Corina M. Beames

Total Complaints Received:70 (70)

- Med calls-3
- MVA-4
- Larceny-1
- Check welfare-5
- Child offenses-1
- 911 hang ups-3
- Domestic-3
- Disturbance-1
- Mental health-5
- Suspicious-6
- Police information-1
- Persons annoying-3
- Trespass-2
- Vehicle repo-1
- Open door/window-1
- Assistance rendered-5
- Noise complaint-2
- Building checks-1
- Forgery/fraud-1
- Harassment-1

Miscellaneous-20 *Includes Assist other agencies, Lockouts, Alarms, Alternate street Parking warnings and tickets., Animals, Traffic lights, Information, code enforcement, special details, vacant properties , and Etc.

**Report of the
CHIEF
June 2023**



Alarms

ALARMS		RESPONSE		TIMES	
Fire	7	Avg Members Response (F)	1.86	Med Avg	1.8
EMS	5	Avg Alarm to Response	3.00	0700-1500	4
		Avg Alarm to Arrival	4.14	1500-2300	6
Total	12	Total Time in Service (hh:mm)	4:00	2300-0700	2
MUTUAL AID		LOCATION		DOLLAR LOSS/VALUE	
Given	7	Village of Port Dickinson	4	Fire Loss	
Received		Town of Dickinson	2		
Engine 94		Town of Fenton	6	Property Saved	
No Tone	1	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		2
114	Chimney Fire			444	Power Line Down		
131	Passenger Vehicle fire			4441	Power/Cable Line Down		
142	Brush Fire		3	445	Arcing electrical equipment		1
150	Outside Rubbish Fire			520	Water Problem, other		1
212	Overpressure Steam Boiler			550	Public Service Assistance	1	1
311	Medical Assist, Assist EMS		1	571	Standby/Moveup		1
3001	EMS Incident, No Response	2	17	611	Dispatched, Canceled enroute	3	14
321	EMS Incident, Except MVA	3	7	651	Smoke Scare, Odor of Smoke		1
322	MVA w/ Injury		1	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		3

355	Confined Space Rescue			745	Alarm Activation - Unintentional	3	10
4001	Tree down, no wires		1	746	CO Alarm Activation, No CO		1
412	Gas Leak (NG or LPG)			800	Severe Weather, other		
4121	Gas Leak, no leak found		1	813	Windstorm Assessment		
424	Carbon Monoxide Incident		2		TOTAL	12	69

Report of the Chief
June 2023



TRAINING

SUMMARY	Training Hours Offered	Average Members Present	Total Man Hours
June	6	7.33	44
YTD Totals	36	6.7	289
Non Department 35 Training YTD	2		45

Wk	Date	Lesson	Training Hours Offered	Members Present	Total Man Hours
	6/5/2023	Driver Training	2	5	10
	6/10/2023	BC Wildland Search Training	2	1	2
	6/12/2023	June Monthly Meeting			0
	6/19/2023	Joint Training with Prospect Terrace FD	2	9	18
	6/25/2023	Hose Loads and Deployments	2	8	16

Village of Port Dickinson

Village Hall, 786 Chenango Street
 Port Dickinson, New York 13901
 Telephone: (607) 771-8233
 Fax: (607) 722-0072



John M. Broughton, Code Enforcement Officer

MONTHLY REPORT

May/June 2023
 Total Miles Driven :38
 To: **Board of Trustees**

From: **John M. Broughton**
Code Enforcement Officer

Court Appearance for 758 Chenango St on 7/11/2023

Twice weekly inspections for Abbey retaining wall project, as of June 30 the wall is almost complete minus the stairs and safety railing. Received information from Abbey that was requested by reviewing engineer after review from 5/19/2023 .

Consults with Atty./ Town of Dickinson CEO on 10 Beacon St violations

Issued 11 high grass violations for May/June throughout the village. All properties complied prior to end date of the violation.

Met with 3 contractors on site for building permit application reviews

Issued 3 new building permits

On site inspections at 2 James for new addition

Met with contractor for driveway install on Riverview Rd prior to Zoning meeting

Attended on site code training for annual in service requirements.

Issued unregistered vehicle violation to 41 Kirkwood Ave, owner removed the vehicle

Attended 3 virtual training classes for annual in service training

Met with the residents on Macomber Ave in ref, to the cats at 7 Macomber.

144.76 – MOTOR VEHICLE PURSUITS

I. PURPOSE:

- A. To establish within the Port Dickinson Police Department a policy for members to follow for emergency driving and Vehicle Pursuit.

II. DEFINITION:

- A. Vehicle pursuit is an active attempt to stop a moving vehicle when the operator of that vehicle is aware of the police officers attempt and is resisting apprehension by maintaining or increasing the vehicle's speed or by ignoring the officers' attempts to stop the vehicle.

III. DISCUSSION:

- In a high-speed pursuit the patrol vehicle is potentially more dangerous than a service weapon. The risk involved must always be weighed against the potential gain in initiating or conducting a chase. While Section 1104 of the New York State Vehicle and Traffic Law allows a police vehicle to violate the Vehicle and Traffic Law "when involved in an emergency operation", the operator has to be aware of his responsibility. Section 4- e states "the foregoing provisions shall not relieve the driver of an authorized emergency vehicle from duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others". What is reasonable is a decision to be made by the individual officer. However, we have indicated certain situations where high-speed pursuit is absolutely unjustified. Officers should be familiar with Section 1104 Sub. (b) 2 and 3; Sub. (c); Sub. (e) and Section 1144, Sub. (b) of the NYS Vehicle and Traffic Law.

IV. POLICY:

- A. The following policy statements are to serve as a guide to all members who may be involved in emergency or pursuit driving situations.
 - 1. In every instance, the officer will take the following into consideration before making the decision to initiate a pursuit.

- a. The accuracy of the identification of the offender and his vehicle.
- b. The seriousness of the offense the fleeing offender has or is suspected of committing.
- c. The road and weather conditions you are encountering.
- d. Vehicular and pedestrian traffic in the area.
- e. The time of day.
- f. The type of vehicle you are pursuing.
- g. Your knowledge of the area where the pursuit is taking place.

V. PROCEDURES:

A. If a pursuit is indicated, the officer will notify communications of:

1. The fact that the pursuit has been initiated.
2. The reason for pursuit.
3. Route, speed, and direction of travel.
4. Description & license plate number of pursued vehicle, if known.
5. Number of occupants and occupant(s) description, if known.
6. Weapons involved - if any.
7. If a pursuit is initiated, all emergency equipment will be activated. This includes but is not limited to siren and all emergency lights.

B. Communications Responsibilities:

1. Upon notification that a pursuit is in progress, Communications shall notify the Police Chief or his designee that a pursuit is in progress.
2. The communications dispatcher shall receive and record all incoming information on the pursuit and the pursued vehicle.
3. Communications shall control all radio communications and clear the radio channels of all non-emergency traffic.
4. Communications shall obtain all data on the vehicle.
5. Communications shall coordinate and transmit information to responding units and/or agencies.
6. Communications shall coordinate and dispatch backup assistance under the direction of the patrol supervisor.

7. Communications shall notify neighboring jurisdictions when a pursuit may enter into their locality and the route of travel.

C. A pursuit will be terminated under any of the following conditions:

1. When circumstances develop that present extraordinary danger to the officer violator or the public.
2. Under those circumstances wherein the offender can be identified and an arrest made at a later time without risk of creating an unreasonable danger to the public.
3. When so ordered by departmental authority.
4. When no supervisor or higher authority can be contacted to approve pursuit's continuance.
5. The pursued vehicle's location is no longer known by pursuing officers.
6. Radio contact is lost due to distance.
7. When environmental conditions, such as rain, fog or darkness substantially increased risk.

D. Pursuit Tactics

1. Unless authorized by a supervisor, pursuits will be limited to the primary PDPD vehicle and a backup vehicle from an outside agency for the actual "tailing" pursuit.
2. Other jurisdictions shall be notified if a pursuit is to go through their area.
3. Extreme care shall be used when passing traffic signs or signals.
4. Maintain a safe distance between vehicles.
5. Our Departmental pursuit policy shall apply to our personnel when a pursuit from another agency enters our jurisdiction.
6. The primary patrol shall evaluate the circumstances for the safety of the public and responding patrols. The backup patrol shall share the same responsibilities and may assist the primary patrol with radio communications such as updates, locations, and other circumstances.

E. Activities which are strictly forbidden during a high-speed pursuit.

1. No parade pursuits. The original officer and assigned backup unit is sufficient to accomplish the mission of the department.
2. The pursuit of a vehicle on an interstate highway against the flow of traffic is strictly forbidden.
3. Officers will not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or

defense of another when the suspect is using deadly force by means other than the vehicle.

NOTE: In such cases Use of Firearms and Deadly Physical Force may be applied if justified as defined in the NYS Penal Law, Article 35, Sec. 34.30.

4. Ramming a vehicle is considered use of deadly physical force. As such, under no circumstances will members of this Office ram or intentionally bump a fleeing vehicle with a patrol vehicle unless authorized to do so by a supervisor. Such action will only be authorized when the use of deadly physical force would be justified as defined in the NYS Penal Law, Article 35, Sec. 35.30

F. Supervisors Responsibilities

1. If notification can be made to a supervisor in a timely fashion that a vehicular pursuit is in progress, supervisor shall immediately monitor and control the pursuit as it progresses.
2. The supervisor shall direct pursuit vehicles into or out of the pursuit.
3. The supervisor will coordinate with any other involved agencies.
4. The supervisor will order when to terminate the pursuit.

130.20 – OFF-DUTY EMPLOYMENT

I. PURPOSE:

- A. This policy is issued for the purpose of defining procedures and establishing regulations for off-duty or extra job employment.

II. POLICY:

- A. Employees of the Port Dickinson Police Department shall be permitted to engage in Off – Duty /Extra Job employment activities to the extent that such activities: 1. Do not
interfere with his/her regular duties as a member of the P.D.P.D. or
his/her availability for emergency duty.
2. Does not affect his/her physical condition to the extent that it impairs his/her ability to efficiently perform such regular duties.
 3. Are first approved by the Chief of Police or his/her designee.

III. REGULATIONS:

A. Guidelines for all Off- Duty/ Extra Job employment.

1. Recruit officers shall not be permitted to work Off-Duty/ Extra Job assignments in any capacity during their training period prior to the successful completion of basic police school without prior approval from the Chief of Police or his designee, and also from the Village Board.
2. Officers shall not, whether on or off- duty, solicit any individual or business for the purpose of gaining off-duty law enforcement employment. *(revised 05/23)*

B. Off –Duty/Extra Jobs

1. Officers assigned to light duty shall not be permitted to work off duty jobs.
2. Officers on sick leave shall not be permitted to work off-duty/extra job assignment.
3. Should injury/ illness or any other situation preclude an employee from performing scheduled off-duty employment, it is the officer's responsibility to ensure that the absence is immediately reported to the officer responsible for scheduling the off-duty assignment.
4. Supervisors shall be responsible for ensuring that off duty jobs do not interfere with on-duty performance.

IV. PROHIBITED ASSIGNMENTS

Off-Duty/Extra Job employment is prohibited in the following types of assignments.

1. Establishments engaging primarily in the business of serving alcoholic beverages.
2. Any business which is involved in pari-mutual racing, wagering and breeding.
3. Security for bill collection.
4. Those which may reflect unfavorably upon the P.D.P.D.

V. PROCEDURES:

- A. All requests for Off-Duty/Extra Job officer assignments must be forwarded to the Chief of Police or his designee prior to assuming duty
- B. All request for off duty/extra jobs shall be submitted to the Chief / Sergeant who will recommend approval or disapproval.
- C. Officers performing off-duty/extra jobs shall wear the full uniform of the day, unless plain clothes are required including their weapon during said employment.
- D. During any single event that requires employing TWO (2) or more officers, the senior officer shall assume the role of Officer in Charge (OIC) to ensure compliance. *(revised 5/23)*
- E. The minimum rate of pay for officers off duty/extra job assignments shall be the established rate of pay for the type of assignment.

VI. ARRESTS:

- A. When officers make an arrest during an Off – Duty/ Extra Job assignment, they will request an on-duty patrol to assist them. The patrol officer(s) will complete the necessary arrest and investigative reports and also transport the subject(s) for processing and/or court.
- B. Officer(s) making an arrest during Off-Duty/Extra Job assignments will file supplemental reports within 24 hours of the arrest.

Policy Established 01/2022
Policy Revised 05/2023

125.00 Uniform, Personal Appearance and Grooming

I. PURPOSE:

A. To establish within the Port Dickinson Police Department a policy which provides for a degree of uniformity for the wearing of uniforms and equipment and to state general guidelines for personal appearance and grooming.

II. POLICY:

A. The following policy statements are to be used as a guide for members with regards to uniforms, equipment and personal appearance.

1. The winter dress uniform will be worn at the officer's discretion and in accordance with current weather. The winter dress uniform will consist of the following:
 - a. Uniform trousers
 - b. Uniform long sleeve shirt, buttoned down the front and at sleeve cuffs.
 - c. Black knit tie and department issued tie clasp (optional.)
 - e. Uniform jacket – as appropriate
 - f. Department shoes or boots - shined with black socks
 - g. Collar brass, name plate, Badge to be worn on outer garment
 - h. Headwear
 1. Stetson Hat - to be worn during special details when assigned, or at the discretion of the Chief or his designee.
 2. Black winter cap and/or black fur cap as weather dictates.
2. The summer dress uniform will consist of the following:
 - a. Uniform trousers
 - b. Uniform short sleeve shirt, buttoned down the front.
 - Undergarment to be exposed at the neck line shall be black or blue.
 - c. Department issued shoes - shined with black socks
 - d. Badge
 - e. Collar brass and name plate
 - f. Stetson hat - to be during special details when assigned, or at the discretion of

the Chief or his designee.

3. Only prescribed and issued clothing will be worn.

4. Care and maintenance of uniforms and equipment is the individual's responsibility. Badly worn or damaged articles will be replaced by the quartermaster for full-time officers, after a requisition is submitted and the item to be replaced is turned in. Part-time officers are responsible for their own equipment.

a. Uniforms will be clean, pressed and properly fitted. Leather equipment, including shoes or boots will be properly maintained and polished.

b. All deputies will wear their department-issued badge on the left breast of the outermost garment (shirt, vest or jacket.) Name plates will be worn on the upper seam of the right pocket.

c. Collar Brass

1. The "PDP" collar brass will be placed on both collars, perpendicular to the front seam of the collar 3/4 inch back from the front seam and centered between the top and bottom of the collar.

2. The Sergeants "Chevrons" will be placed on both collars with the Chevron point pointing towards the collar top. The base of the Chevron will be 1 inch up from the collar point, in such a way that a line between both Chevron base points will be parallel to upper seam of shirt pockets when the collar is buttoned. For summer uniform, the collar will be buttoned only for Chevron placement and measurement.

3. The Chief's stars will be placed on both collars with the long length of the leading edge of the bar parallel to the front seam of the collar, 3/4 inch back and centered between the top and bottom of the collar.

d. Leather- All leather shall be black in color and kept clean and polished.

e. No item of equipment or clothing will be altered or changed without the permission of the Chief.

f. Jacket or shirt collars will not be worn up. (EXCEPTION: The collar on the surcoat may be worn up during cold weather while a deputy is out on investigations or accident scenes for extended periods). Police ear bands may be worn when out in extreme weather conditions for prolonged periods. Ear bands shall be black in color.

g. Sunglasses are permitted but must be approved by the Chief.

h. Gloves are permissible when required, but must be black in color.

i. Distinguishable police uniforms, or any part thereof, will not be worn on the street or in public place in conjunction with civilian clothing.

j. No member of this office shall wear his badge or uniform, or any part thereof, while engaged in any occupation for hire by any private or commercial enterprise without the express permission of the Chief or his designee.

k. The issued department weapon will be carried fully loaded at all times when on duty. Only department issued ammunition will be carried in the weapon and cartridge holder while on duty.

- l. Baseball caps (as department issued or approved) are also permitted for wear in routine patrol uniform or off-duty uniform employment, but not for dress uniform. (effective 05/23)

5. Personal Appearance.

a. Male members will keep their hair neatly groomed and tapered so it does not fall over the eyebrows, ears or touch the shirt collar, except for the closely cut hair at the back of the neck.

b. Male members will keep sideburns neatly trimmed. Muttonchops or flared sideburns are not permitted. The base of the sideburns must be clean shaven on a horizontal line. The base may not extend below the lowest part of the exterior ear opening.

- c. Male members are permitted to wear a mustache and beard, provided that any such facial hair is neatly groomed, does not cover or obscure the mouth, and is not excessively long. Determination on the appropriateness of any facial hair is at the discretion of the Chief.

d. Female members must keep hair neatly groomed. The hair should be arranged so that it does not extend below the top of the shirt collar. The bulk or length of the hair should not interfere with the wearing of uniform headgear, including emergency equipment.

e. Female members are not allowed to wear hair ornaments or ribbons. Pins, combs or barrettes similar to the color of your hair are permitted, provided they are unobtrusive and concealed as much as possible.

- f. Female members may wear makeup if of a conservative color and application.

6. Inspection of Uniforms and Equipment

a. Employees will be subject to inspection of their uniforms and/or equipment at such times as their supervisors or other established authority may specify. If any part of the uniform and /or equipment does not pass inspection, appropriate action shall be taken to ensure compliance. i.e. replacement, repair, cleaning, written report-disciplinary action, etc.

b. Issued equipment shall be maintained per training. Firearms kept clean, pepper spray checked periodically, flashlights working.

c. Except upon specific written permission of the Chief, no member shall wear any part of their uniform off-duty. This shall include both coming and going to work.

- d. Supervisors are responsible for ensuring the compliance of standards by subordinate personnel.

(revised 02/2021)
(revised 05/2023)