

**Village of Port Dickinson
Monthly Board Meeting
August 8, 2023**

Officers Present:	Mayor	Kevin M. Burke
	Trustees	Michael Cashman
		James DeGennaro
		Rob Warholic
	Attorney	Nathan VanWhy
	Clerk	Susan Fox
	Treasurer	Sandra Reifler
Absent:	Trustee	Rob Moss

The meeting was called to order at 6:00 pm by Mayor Kevin Burke.

PUBLIC HEARING: none

PUBLIC COMMENT:

Sandra asked about food trucks as fundraisers for the Fire Dept. Mayor Burke responded that an outlet had been installed in the garage to power food trucks and Doug's Fish Fry has been scheduled.

APPROVAL OF MINUTES:

Motion by Trustee Warholic, seconded by Trustee Cashman, for a resolution to approve the July 11, 2023 minutes.

AYE TRUSTEES: CASHMAN, DEGENNARO, WARHOLIC
NAY NONE

TREASURER'S REPORT: On file

AUDIT AND PAYMENT OF CLAIMS: Abstract #4 (2023-2024)

Motion by Trustee Cashman, seconded by Trustee DeGennaro, to pay claims as listed on the Abstract of Unaudited Vouchers for the General Fund for \$97,820.48

AYE TRUSTEES: CASHMAN, DEGENNARO, WARHOLIC
NAY NONE

Motion by Trustee Cashman, seconded by Trustee Warholic, to pay claims as listed on the Abstract of Unaudited Vouchers for the Water Fund for \$9,938.97

AYE TRUSTEES: CASHMAN, DEGENNARO, WARHOLIC
NAY NONE

Motion by Trustee DeGennaro, seconded by Trustee Cashman, to pay claims as listed on the Abstract of Unaudited Vouchers for the Sewer Fund for \$85,989.21

AYE TRUSTEES: CASHMAN, DEGENNARO, WARHOLIC
NAY NONE

COMMUNICATIONS:

TRUSTEE-COMMISSIONER REPORTS:

Administration/Community Association – Rob Warholic, Trustee

- *Received quote for Cyber Privacy Liability – will discuss further with departments and IT servicer*
- *Plumbing issue at the Community Assn has been fixed*
- *Front door replacement has been completed*
- *New projects – Wayne Ave shed roof, remove platform at the front desk*

Planning – none

Public Works – Michael Cashman, Trustee

- *Paving and lining of Chenango St from the Rt 7 bridge to the Town of Fenton line is done*
- *Patching has been done on 4-5 side streets*

Public Safety – James DeGennaro, Trustee

Reports attached

The Fire Dept received an \$80,000 grant to update SCBA equipment

Parks, Water & Sewer – Robert Moss, Trustee

Park: Sidewalk paving from the parking lot to the I-88 bridge is complete. DPW will complete edging.

Working on scheduling pickle ball nets.

Water/Sewer:

August 1 bills have been mailed. New meter reading equipment was received and has reduced the time to read meters to about ½ hour.

Zoning Board of Appeals: none

RESOLUTIONS:

1. Motion by Trustee Warholic, seconded by Trustee DeGennaro, for a resolution approving the 2022-2023 Budget Transfers
 AYE TRUSTEES: CASHMAN, DEGENNARO, WARHOLIC
 NAY NONE
2. Motion by Trustee Cashman, seconded by Trustee Warholic, for a resolution authorizing the Mayor to sign an engineering agreement with Hulbert Engineering for the Water Infrastructure Improvement (WIIA) grant application.
 AYE TRUSTEES: CASHMAN, DEGENNARO, WARHOLIC
 NAY NONE
3. Motion by Trustee Warholic, seconded by Trustee DeGennaro, for a resolution scheduling a Public Hearing on 8/22/23 at 6:00 PM on Proposed Local Law 6-2023, A Local Law Implementing Short-Term Rental Regulations
 AYE TRUSTEES: CASHMAN, DEGENNARO, WARHOLIC
 NAY NONE
4. Motion by Trustee DeGennaro, seconded by Trustee Warholic, for a scheduling a Public Hearing on 8/22/23 at 6:01 PM on 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.
 AYE TRUSTEES: CASHMAN, DEGENNARO, WARHOLIC
 NAY NONE
5. Motion by Trustee Warholic, seconded by Trustee DeGennaro, for a scheduling a Public Hearing on 8/22/23 at 6:02 PM on Proposed Local Law 8-2023, A Proposed LOCAL LAW AMENDING CHAPTER 41 OF THE VILLAGE CODE ENTITLED ‘PARKS’ REGARDING PROHIBITED ACTIVITIES AND RESERVATIONS
 AYE TRUSTEES: CASHMAN, DEGENNARO, WARHOLIC
 NAY NONE
6. Motion by Trustee Cashman, seconded by Trustee Warholic, for a scheduling a Public Hearing on 8/22/23 at 6:03 PM on Proposed Local Law 9-2023 A Proposed Local Law Amending Chapter 52 of the Village Code Regarding Excavations of Streets and Sidewalks.
 AYE TRUSTEES: CASHMAN, DEGENNARO, WARHOLIC
 NAY NONE
7. Motion by Trustee Warholic, seconded by Trustee Cashman, for a scheduling a Public Hearing on 9/12/23 at 6:00 PM on Proposed Local Law, 10-2023 A Local Law Affecting a Temporary Moratorium Within the Village of Port Dickinson on the Development and Construction of Solar Energy Systems.
 AYE TRUSTEES: CASHMAN, DEGENNARO, WARHOLIC
 NAY NONE

- 8. Motion by Trustee Warholic, seconded by Trustee Cashman, for a resolution authorizing Village of Port Dickinson participation in Sourcewell
 AYE TRUSTEES: CASHMAN, DEGENNARO, WARHOLIC
 NAY NONE

- 9. Motion by Trustee DeGennaro, seconded by Trustee Warholic, for a resolution adopting Village of Port Dickinson Police Policies 152.00 – DISCIPLINARY SYSTEM and 160.00 – RECRUITMENT, SELECTION AND APPOINTMENT
 AYE TRUSTEES: CASHMAN, DEGENNARO, WARHOLIC
 NAY NONE

- 10. Motion by Trustee Warholic, seconded by Trustee DeGennaro, for a resolution adopting a Capitalization Threshold of \$500 for Machinery & Equipment.
 AYE TRUSTEES: CASHMAN, DEGENNARO, WARHOLIC
 NAY NONE

OLD BUSINESS:

NEW BUSINESS:

Mayor Burke requests that inventory be completed by 12/31/2023.

Mayor Burke sent a response to the NYS Comptrollers Audit Report.

Motion by Trustee Warholic, seconded by Trustee DeGennaro to adjourn at 6:40pm
 AYE TRUSTEES: CASHMAN, DEGENNARO, WARHOLIC
 NAY NONE

Respectfully submitted,
Susan E. Fox, Village Clerk

Proposed 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
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 OF PORT DICKINSON
LOCAL LAW NO. 8 OF 2023**

**A LOCAL LAW AMENDING CHAPTER 41 OF THE VILLAGE CODE ENTITLED ‘PARKS’
REGARDING PROHIBITED ACTIVITIES AND RESERVATIONS**

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

Section 1. Section 41-3 of the Village Code entitled “Prohibited Activities” shall be amended as follows:

a. through e. shall remain the same.

f. Intentionally left blank.

g. through bb. shall remain the same.

Section 2. Section 41-4 of the Village Code entitled “Reservations” shall be amended as follows:

a. through e. shall remain the same.

f. Park Fees for Group Reservations and Athletic Field Reservation Fees

(i) Park Fees for Group Reservations.

(1) Free for Village residents, organizations with a physical presence within the Village, and any tax-exempt charitable organization as defined by IRC § 501(c), as it may be amended from time to time, that regularly donates services, monies, or materials to the Village, including, but not limited to St. Francis of Assisi, First Church of the Nazarene, Community Baptist Church, Ogden Hillcrest Methodist Church, Hillcrest Rotary Club, and Nimmonsburg Rotary Club.

(2) Non-Village resident and all other organizations shall pay a fee as set forth by resolution of the Village Board from time to time.

(ii) Athletic Field Reservation Fees.

(1) Free for Village residents, organizations with a physical presence within the Village, and any tax-exempt charitable organization as defined by IRC § 501(c), as it may be amended from time to time, that regularly donates services, monies, or materials to the Village, including, but not limited to St. Francis of Assisi, First Church of the Nazarene, Community Baptist Church, Ogden Hillcrest Methodist Church, Hillcrest Rotary Club, and Nimmonsburg Rotary Club.

(2) Non-Village resident and all other organizations shall pay a fee as set forth by resolution of the Village Board from time to time.

g. through h. shall remain the same.

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

All Ordinances, Local Laws and parts thereof inconsistent with the Local Law are hereby repealed.

Section 5. 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. 9 OF 2023**

**A LOCAL LAW AMENDING CHAPTER 52 OF THE VILLAGE CODE
REGARDING EXCAVATIONS OF STREETS AND SIDEWALKS**

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

Section 1. Section 52-2 of the Village Code entitled “Applications” shall be amended as follows:

- A. Remains the same.
- B. Applications by public service companies must be accompanied by either a bond of Five Thousand dollars (\$5,000) posted to the Village for a period of one (1) year or a Five Thousand dollars (\$5,000) check made payable to the Village and submitted to the Village Clerk to assure that after completing the excavation said applicant shall leave the street, highway, pavement and curb, sidewalk or gutter in the same condition as it was prior to excavation by a general undertaking in such form as may be approved by the Board of Trustees. In the event the public service company fails to repair or replace such pavement, curb or gutter in the time provided in the permit, the deposit of Five Thousand dollars (\$5,000) shall be forfeited to the extent necessary to repair such surface as left undone by the applicant.
- C. Applications by persons, firms or corporations other than public service companies for excavations in the street or highway must be accompanied by either a bond of Five Thousand dollars (\$5,000) posted to the Village for a period of one (1) year or a Five Thousand dollars (\$5,000) check made payable to the Village and submitted to the Village Clerk to assure that after completing the excavation said applicant shall leave the street, highway, pavement and curb, sidewalk or gutter in the same condition as it was prior to excavation. In the event the applicant fails to repair or replace such pavement, curb or gutter in the time provided in the permit, the deposit of Five Thousand dollars (\$5,000) shall be forfeited to the extent necessary to repair such surface as left undone by the applicant.

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. 10 OF 2023**

**A LOCAL LAW AFFECTING A TEMPORARY MORATORIUM
WITHIN THE VILLAGE OF PORT DICKINSON ON THE
DEVELOPMENT AND CONSTRUCTION OF SOLAR ENERGY SYSTEMS**

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

Section 1. TITLE.

This Local Law shall be known as the “Moratorium on the Development and Construction of Solar Energy Systems.”

Section 2. AUTHORITY AND INTENT; FINDINGS; PURPOSE.

A. Authority and Intent.

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Village Board of the Village of Port Dickinson under the New York State Constitution and the Laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, § 2 (c); Municipal Home Rule Law §§ 10 and 20 through 27; Statute of Local Governments § 10; and the State Environmental Quality Review Act and its implementing regulations.

This Law is a land use regulation, which is intended to act as and is hereby declared to exercise the permissive “incidental control” of zoning and land use law that is concerned with the broad area of land use planning and the physical uses of land within the Village.

B. Findings.

The Village Board hereby finds that it is in the interest of public health, safety and welfare to address, in a careful and thorough manner, the activities prohibited by Section 4 of this Local Law. In order to accomplish this, the Village requires a reasonable period of time to further study the potential impacts and effects on land, the environment and the public in general caused by such activities, and to consider possible amendments to the Village’s laws and/or comprehensive plan to address the same.

C. Purpose.

The purpose of the Local Law is to enable the Village of Port Dickinson to stay the construction, operation, and establishment of, and the submission and processing of applications for permits, zoning permits, special permits, zoning variances, building permits, operating permits, site plan approvals, subdivision approvals, certificates of occupancy, certificates of compliance, temporary certificates, and other Village-level land use approvals respecting the activities prohibited by Section 4 of this Local Law, for a reasonable time, so as to allow the Village time to study the potential impacts, effects, and possible controls over such activities and to consider possible amendments to the Village’s laws and/or comprehensive plan to address the same. The Village Board finds that a moratorium of one (1) year duration, coupled with an “unnecessary hardship” variance procedure and a provision for the “grandfathering” of legal, pre-existing non-conforming uses, will achieve an appropriate balance of interests between (i) the need to safeguard public health, safety and welfare, as well as the character and other resources of the Village of Port Dickinson; and (ii) the rights of individual property owners.

Section 3. DEFINITIONS.

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM - A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

PERSON - Any individual, public or private corporation for profit or not for profit, association, partnership, limited liability company, limited liability partnership, firm, trust, estate, and any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

ROOF-MOUNTED SOLAR ENERGY SYSTEM - A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite consumption.

SOLAR ENERGY EQUIPMENT - Electrical material, hardware, inverters, conduit, or any other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM - The components and subsystems required to convert solar energy into electric energy suitable for use and to collect, store or deliver such converted electrical energy. The term includes, but is not limited to, Solar Panels, Solar Energy Equipment, substations, energy storage facilities and all other accessory facilities related/appurtenant thereto.

SOLAR PANEL - A photovoltaic device capable of collecting and converting solar energy into electricity.

SOLAR ACTIVITIES - Any and all activities related to the development, permitting, siting and/or construction of energy production facilities utilizing solar power, including but not limited to, Solar Energy Systems, and the siting and construction of all accessory, supporting and related infrastructure such as transmission lines, substations, etc.

VILLAGE - The Village of Port Dickinson, Broome County, New York.

VILLAGE BOARD - The Village Board of Trustees of the Village of Port Dickinson.

Section 4. MORATORIUM AND PROHIBITION.

- A. From and after the effective date of this Local Law, no application for a permit, zoning permit, special permit, zoning variance (except as contemplated by Section 7 of this Law), building permit, site plan approval, subdivision approval or any other Village-level approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, use or operation upon any land, body of water, building or other structure located within the Village any of the following: (i) Solar Energy Systems; (ii) Solar Energy Equipment; (iii) Solar Energy Activities.
- B. From and after the effective date of this Local Law, no Person shall use, cause, or permit to be used, any land, body of water, building or other structure located within the Village for any of the following: (i) Solar Energy Systems; (ii) Solar Energy Equipment; (iii) Solar Energy Activities.
- C. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which is one (1) year after said effective date, or (ii) the effective date of a duly enacted repeal of this Local Law.
- D. This moratorium and prohibition shall apply to all real property within the Village.

- E. Notwithstanding the foregoing, the prohibitions and moratorium set forth in this Section 4 shall not apply to Roof-Mounted Solar Energy Systems or Building-Integrated Solar Energy Systems as accessory uses for legally permitted residential properties.
- F. Under no circumstances shall the failure of the Village Board, the Village Planning Board or the Village Code Enforcement Officer to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, site plan approval, subdivision approval, or other Village-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

Section 5. PENALTIES.

- A. Compliance Orders. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in violation of this Local Law. If the condition or activity is not remedied after the issuance of a compliance order, then an appearance ticket may be issued as provided hereinafter.
- B. Appearance Tickets. The Code Enforcement Officer is authorized to issue appearance tickets for any violation of this Local Law. Any person who violates any provision of this Local Law shall be deemed guilty of a violation and, upon conviction thereof, shall be subject to a fine of not more than \$250 or to imprisonment for not more than 15 days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate, additional violation.
- C. Civil Penalty. In addition to those penalties prescribed herein, any person who violates any provision of this Local Law shall be liable to a civil penalty of not more than \$2,500 for each day or part thereof during which such violation continues. The civil penalties provided by this section shall be recoverable in a civil action instituted in the name of the Village of Port Dickinson.
- D. Injunctive Relief. An action or proceeding may be instituted in the name of the Village of Port Dickinson, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this Local Law. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Village Board.
- E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation of this Local Law. Any remedy or penalty specified in this section and/or any other remedy or penalty provided by law, 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. In addition to the above-provided remedies, the Village Board may also seek reimbursement to the Village for costs incurred by the Village in identifying and remedying each violation, including but not limited to, reasonable attorney's fees.

Section 6. GRANDFATHERING OF LEGAL, PRE-EXISTING NON-CONFORMING USE.

Notwithstanding any provision hereof to the contrary, any Solar Energy Systems in the Village that have been duly approved as of the effective date of this Local Law, which are being operated in accordance with all applicable laws and regulations and in compliance with all valid permits required to be issued by the New York State Department of Environmental Conservation ("DEC") and all other federal, state and local regulating agencies, shall be considered a pre-existing, non-conforming use and shall be allowed to continue, subject, however, to the provisions of this Section.

Any expansion of a lawful, pre-existing nonconforming use shall not be grandfathered under this Section, and instead shall in all respects be prohibited as contemplated by Section 4 hereof. "Grandfathered" and lawful pre-existing uses neither have nor possess any right to expand such non-conforming use, whether above or below ground, and no such right shall be deemed, construed, or implied to exist.

Section 7. HARDSHIP USE VARIANCE.

The Zoning Board of Appeals is hereby authorized to accept and review (after public notice and hearing and in accordance with the requirements of law and of this Local Law) requests for a hardship use variance from application of the provisions of this Local Law by any Person aggrieved hereby.

No such use variance shall be granted without a showing by the applicant that applicable regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate that for each and every permitted use under the zoning regulations for the particular district where the property is located: (i) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (ii) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (iii) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (iv) that the alleged hardship has not been self-created.

In the event a hardship use variance from the provisions of this Local Law is granted to the applicant, the applicant shall be required to comply with all provisions of the Village's then applicable land use laws and other laws and regulations. The Zoning Board, in the granting of a hardship use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Section 8. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed herefrom, and the Village Board of the Village of Port Dickinson hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 9. SUPERSEDING INTENT AND EFFECT.

It is the specific intent of the Village Board that this Local Law shall supersede any inconsistent provisions of Laws of the State of New York including but not limited to Sections 7-712, 7-712-a, 7-712-b, 7-725-a, 7-725-b, and 7-728 of the Village Law of the State of New York, as well as all other inconsistent provisions of local ordinances, local laws, or local resolutions or policies of the Village of Port Dickinson, including but not limited to provisions of the aforementioned state and local laws, ordinances, resolutions or policies that require the approval, or affect a default approval of land use applications within certain statutory time periods.

Section 10. GENERAL PROVISIONS.

A. The Code Enforcement Officer is hereby designated as the enforcement officer for purposes of interpreting and enforcing this Local Law.

B. The section and other headings and titles to clauses and phrases in this Local Law are for convenience only, and shall not be used or construed to limit or define the scope or application of the clauses and phrases so following such headings or titles. Each section of this Local Law, whether in the nature of a preamble or otherwise, is a material part of this Local Law.

Section 11. EFFECTIVE DATE.

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

152.00 – DISCIPLINARY SYSTEM

I. PURPOSE:

- A. To define the disciplinary system authority and responsibility delegated to the Law Enforcement Supervisors within the Port Dickinson Police Department (PDPD) for the maintenance of discipline.

II. POLICY:

- A. It shall be the policy of the PDPD that discipline procedures shall be positive in nature, constructive in use and application, impartial, consistent and without prejudice in administration.

III. DEFINITIONS:

- A. Discipline- A characteristic which embodies a willingness to conform, coupled with dedication and perseverance or correctional action.
- B. Non-punitive- All efforts short of punishment made by a supervisor to correct weaknesses in a subordinate.
- C. Punitive- Action that may involve oral or written reprimands, loss of pay or leave, suspension, demotion or dismissal.
- D. Command Discipline- The resolution of disciplinary issues through the mutual consent of the accused member and the Chief of Police.
- E. Formal discipline- the pursuit of disciplinary action through the process mandated by Section 75 of the New York State Civil Service Law.

IV. PROCEDURE:

A. Responsibilities of Supervisory Officers.

- 1. Supervisory officers are responsible to ensure that PDPD members perform their duties in accordance with the policies, procedures and rules of conduct of the PDPD and all applicable laws. Supervisors are required to initiate discipline in response to the acts of commission or omission of personnel who are under their supervision.

Disciplinary System (cont'd)

- 2. With regard to the discipline process, the Sergeant has the responsibility to:
 - a. Discover the strengths, efficiencies, weaknesses, deficiencies, failures or overt acts of a subordinate that indicate the need for recognition or corrective action.
 - b. Analyze all the factors involved in order to decide the most suitable action.
 - c. Initiate and in most instances to execute non-punitive discipline.
 - d. Recommend to the Chief of Police any punitive actions.

- e. Maintain notes in a file for each subordinate in his command.
3. The Chief of Police and/or Sergeant are authorized to initiate discipline for members of their commands to include:
- a. Supplementary Training.
 - b. Counseling.
 - c. Recommending, through the chain of command to the Chief the following punitive disciplinary actions:
 - i. Written reprimand.
 - ii. Loss of leave.
 - iii. Loss of pay
 - iv. Suspension.
 - v. Demotion.
 - vi. Dismissal
 - vii. Criminal prosecution.

Disciplinary System (cont'd)

- B. Non-Punitive Discipline- Supervisory officers shall, whenever practical, employ non punitive discipline to reinforce or modify a member's behavior. Supervisory officers may employ the following non-punitive disciplinary actions:
- 1. Training- In cases involving minor violations of Policy and Procedures or Rules of Conduct, supervisors may utilize training as a corrective method of positive discipline. Training activities will be documented in the member's file.
 - 2. Counseling- Supervisors shall counsel members with regard to unacceptable behavior. During counseling the supervisor shall:
 - a. Identify and define the behavior to be modified.
 - b. Review any applicable Policy and Procedures or Rules of Conduct or laws.
 - c. Clearly explain the behavior expected of the member.
 - d. Explain the potential consequences of continuing the unacceptable behavior.
 - e. Document the counseling effort and record the counseling in the member's personnel file at the PDPD.
- C. Punitive Discipline.
- 1. In cases involving serious violations of Rules of Conduct, Policy and Procedures, violations of law or in those instances in which non-punitive methods have been tried and failed, supervisory officers may request punitive measures to correct a member's behavior. Supervisors initiating a request for punitive action shall:

- a. Hold out an Incident Number documenting the behavior or incident.
 - b. Collect and record facts or potential evidence pertaining to the alleged misconduct.
 - c. Demonstrate, where applicable, that non-punitive corrective action has been attempted and has failed.
2. The supervisory officer shall then meet with the Chief of Police to determine the appropriate action.

Disciplinary System (cont'd)

3. The Chief of Police may authorize the following disciplinary actions:
 - a. Oral Reprimand.
 - b. Written Reprimand.
 - c. Loss of leave.
 - d. Loss of Pay.
 - e. Suspension.
 - f. Demotion.
 - g. Dismissal.
 4. Oral or Written Reprimands authorized by the Chief of Police may be executed by the supervisor who initiated the process unless otherwise directed by the Chief.
 5. Loss of leave, loss of pay, suspensions, demotions and dismissals shall be executed by the Chief of Police.
- D. Command Discipline.
1. The Chief may, at his discretion, offer the member the opportunity to accept command discipline in lieu of formal disciplinary charges. The accused member may elect to accept the finding and command discipline or reject the finding and penalty and opt for formal disciplinary charges.
 2. Command discipline penalties shall include but not limited to:
 - a. Oral Reprimands.
 - b. Written Reprimands.
 - c. Loss of leave.
 - d. Loss of Pay.
 - e. Suspensions.

Disciplinary System (cont'd)

E. Formal Discipline.

1. When a member declines to accept command discipline, or in those cases in which the Chief of Police does not offer the member the option of command discipline, the member will be subjected to formal disciplinary action.
2. Sworn officers who are formally charged shall have the option of having the case heard before a hearing officer appointed pursuant to Section 75 of the Civil Service Law.
3. All Formal disciplinary proceedings shall be conducted in accordance with the "Manual of Procedure in Disciplinary Actions," published by the New York State Department of Civil Service, Municipal Services Division, and applicable laws.

F. Disciplinary Records.

1. A record of all sustained command discipline and formal disciplinary findings shall be placed in the members personnel file at the PDPD.
2. A member's personnel file may be reviewed upon formal request and in the presence of a supervisor of the PDPD.
3. Records of counseling memorandums, which are considered re-training and not discipline, shall be maintained in the member's personnel file at the PDPD for a period of two (2) years.

G. N.Y.S. Attorney General Law Enforcement Misconduct Investigative Office (LEMIO) Standards and Reporting Criteria (*revised 07/23*)

1. The Chief of Police and/or Sergeant will complete periodic checks of all employee personnel files to monitor for repeated complaints from individuals in accordance with Section 75(5)(b) of the New York State Civil Service Law
2. If it is discovered that an officer or employee was subject to at least five complaints from five or more individuals relating to at least five separate incidents within any two-year period of employment with the PDPD, the supervisor shall promptly refer the complaints to LEMIO by completing the Section 75(5)(b) Referral Template as maintained in the desk computer at PDPD.
3. The completed Referral Template will then be emailed to LEMIO@ag.ny.gov.

160.00 – RECRUITMENT, SELECTION AND APPOINTMENT

I. PURPOSE:

- A. The purpose of this policy is to ensure that qualified candidates are selected for hiring as Port Dickinson Police Officers and that the selection process is valid, job-related, non-discriminatory, and appropriately documented.

II. POLICY:

- A. It is the policy of the Port Dickinson Police Department (PDPD) to recruit and select candidates for the position of Patrol Officer in accordance with the New York State Civil Service Law, as administered by the Broome County Department of Personnel, and to afford equal employment opportunity to all eligible candidates. To be eligible for appointment, new hires must meet the prescribed standards set forth by the New York State governing body for Law Enforcement Officers and the Broome County Department of Personnel. Port Dickinson is an equal opportunity employer.

III. PROCEDURE:

A. Recruitment

1. Recruitment is the first step in the hiring process. The primary method of recruitment for the position of Patrol Officer within the PDPD is by hiring police officers from other agencies who are already vetted, trained and certified by the New York State Bureau for Municipal Police (BMP.)
2. PDPD's secondary method of recruitment is through the Broome County Department of Personnel's continuous recruitment testing program which is accomplished through the preparation and distribution of job announcements. (New) candidates considered for appointment to the Port Dickinson Police Department must satisfy requirements prescribed by the New York State Bureau for Municipal Police (BMP) pursuant to §840 of the New York State Executive Law and Civil Service Law Section 58.

B. Background Investigation

1. All candidates must complete the Background Investigation waiver required by the PDPD. Once the waiver is received by the department, a thorough background investigation will be conducted. This will include an investigation of the candidate's current certifications, work record, physical and emotional health, organizations, and affiliations, D.M.V. record, military history, fingerprint and criminal history report.

Recruitment, Selection & Appointment (cont'd)

C. Oral Interview

1. Candidates meeting all of the requirements specified in Section A will be given an oral interview by the Chief of Police, the Mayor and/or the Village Board.

D. Psychological Screening

1. All (new) candidates will take a written test and/or examination to be evaluated by a qualified psychologist to measure his/her emotional stability and psychological fitness. (Police officers who are already BMP-certified at the time of hiring are not required to submit to a psychological exam.)

E. Physical Examination

1. All (new) candidates will be given a physical by a licensed physician in accordance with the standards mandated by Office of Public Safety. Results of the physical will then be forwarded to the Port Dickinson Village Clerk.

F. Probationary Appointment

1. At the conclusion of the selection process the Village Board will make recommendations to the Chief of Police and the Mayor regarding candidates. All appointments from the Civil Service List will be probationary for a period of eighteen (18) months.

G. Maintenance of Records

1. All records of appointed candidates which are not maintained by the Broome County Department of Personnel shall be maintained by the Port Dickinson Village Office for a period of six (6) years beyond the duration of employment or for the period required by law.

Village Water Consumption for : Jul-23

Read dates:	Binghamton meter	Fenton Large	Fenton Small
7/31/2023	6223	36331103	7172064
6/30/2023	6223	36095838	7058883
Usage	0	235265	113181
Total cubic ft:	348446		

Read dates:	Town of Fenton Sewer Readings
7/31/2023	53567100
6/30/2023	53505200

Total 61900 cu. ft.

Read dates:	Wayne Ave. sewer station readings (hours):		
	Pump1	Pump 2	Pump 3
7/31/2023	6845	19902	17864
6/30/2023	6814	19869	17830
Totals	31	33	34

Total hrs. 98

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

July 2023

Total Miles Driven :27

To: **Board of Trustees**

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

Court Appearance for 758 Chenango St on 7/11/2023, owner did not show up for arraignment, Court was going to send him a letter with a new court date

Final inspection of wall installation at Abbey site, wall is now complete minus the stairways, final walkthrough with Keystone Engineering for the SWWP for the wall portion only.

Issued new violation to 19 Bromley Ave for unsafe wall, unsafe roof, paint chipping and peeling, unsafe porch, hedges over 3 feet tall within 6 foot of sidewalk, missing glass

Issued 8 high grass violations for July throughout the village. All properties complied prior to end date of the violation.

Met with 2 contractors on site for building permit application reviews

Issued 2 3 new building permits

On site inspections at 2 James for new addition and 8 Macomber Ave for front porch

Issued violation to 23 Old State Rd for garbage and debris

Issued violation notice to 24 River St for unsanitary pool water



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

Police Department Monthly Report

Report Month:	July	Police Commissioner:	Trustee J. DeGennaro
Report Year:	2023	Chief:	Scot McDonald
Report Date:	08/03/2023	Deputy Village Clerk:	Corina M. Beames

Total Complaints Received:69 (70)

Med calls-6

MVA-2

Court warrant-1

Check welfare-3

Burglary-1

Domestic-4

PDFD-1

Building checks-3

Mental health-1

Suspicious-7

Assistance rendered-6

Persons annoying-1

Trespass-2

Road hazzard-4

DV-1

Miscellaneous-27 **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
July 2023**



TRAINING

SUMMARY	Training Hours Offered	Average Members Present	Total Man Hours
June	6	6.25	26
YTD Totals	36	6.7	289
Non Department 35 Training YTD			45

Wk	Date	Lesson	Training Hours Offered	Members Present	Total Man Hours
	7/10/2023	Monthly Meeting		12	0
	7/12/2023	Joint Training with PTFD	2	3	6
	7/24/2023	Quarterly Apparatus and Equip Checks	2	5	10
	7/31/2023	Apparatus Driver Training	2	5	10

**Report of the
CHIEF
July 2023**



ALARMS		RESPONSE		TIMES	
Fire	5	Avg Members Response (F)	3	Med Avg	1
EMS	7	Avg Alarm to Response	4.20	0700-1500	5
		Avg Alarm to Arrival	7.45	1500-2300	6
Total	12	Total Time in Service (hh:mm)	3:00	2300-0700	1
MUTUAL AID		LOCATION		DOLLAR LOSS/VALUE	
Given	3	Village of Port Dickinson	8	Fire Loss	

Alarms

Received	Town of Dickinson	1	
Engine 94	Town of Fenton	3	Property Saved
No Tone	Town of Chenango		
	Town of Kirkwood		
	City of Binghamton		
	Other		
CASUALTIES			YTD
	Fire Service Injured	0	
	Fire Service Death	0	
	Civilian Injured	0	
	Civilian Death	0	

CODE	DESCRIPTION		YTD	CODE	DESCRIPTION		YTD
111	Building Fire			440	Electrical/Wiring Problem		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
311	Medical Assist, Assist EMS		1	571	Standby/Moveup		1
3001	EMS Incident, No Response	4	21	611	Dispatched, Canceled enroute		14
321	EMS Incident, Except MVA	3	10	651	Smoke Scare, Odor of Smoke	2	3
322	MVA w/ Injury	1	2	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	2	5
355	Confined Space Rescue			745	Alarm Activation - Unintentional		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	81