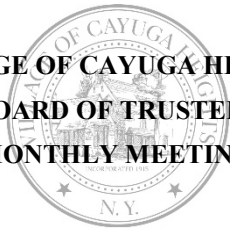


Minutes
Marcham Hall

VILLAGE OF CAYUGA HEIGHTS
BOARD OF TRUSTEES
MONTHLY MEETING

Monday, May 21, 2018
7:00 p.m.



Present: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, and Robinson; Police Sergeant Wright; Superintendent of Public Work Cross; Assistant Superintendent of Public Works Wiese; Treasurer Mangione; Clerk Walker, and Attorney Marcus.

Absent: Trustee Salton, Police Chief Steinmetz

Call to Order: Mayor Woodard calls the meeting to order at 7:05 p.m.

1. Report of Fire Superintendent Tamborelle: Submitted Report

Resolution #8222

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees approves the Cayuga Heights Fire Department request to hold “Movies at the Station” on Wednesdays this summer and waives the Special Events Permit fee.

Motion: Trustee McMurry

Second: Trustee Robinson

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, and Robinson

Nays: none

Abstentions: none

Motion Carried

2. Privilege of the Floor:

Deborah Dawson, County Legislator, reports

- The Ithaca green building initiative was approved by the City of Ithaca and is planned to be adopted by the Town of Ithaca www.ithacagreenbuilding.com
- Superintendent of Public Works, B. Cross informed the Board that the NYS Building and Code Council will have to review it and make recommendations to anything passed by the City of Ithaca.
- NYSEG is evaluating the natural gas compressor project to determine a location for the new compressor station.
- Lansing Town Supervisor, Ed Lavine, urged the Board to support the project and stated the Lansing School District is at the end of the natural gas pipe line. At times the pressure is so low that it affects the school’s ability to heat the buildings.

3. Report of Mayor:

a. Proposed LL B-2018-Sewer Rates -- Public Hearing: The purpose of this Local Law is to establish annual sewer rates of (a) \$2.51/1000 gallons used for treatment of waste water originating from

premises located within the Village and (b) \$3.72/1000 gallons used for treatment of waste water originating from premises located outside of the Village. This action is exempt under SEQR 617.4B #27

Mayor Woodard opens the Public Hearing at 7:20 p.m.

No members of the public wished to speak

Mayor Woodard Closes the Public Hearing at 7:21 p.m.

Resolution #8223

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees adopts Proposed LL B-2018 -Sewer Rates as Local Law # 2 of 2018.

VILLAGE OF CAYUGA HEIGHTS

LOCAL LAW 2 OF THE YEAR 2018

A LOCAL LAW TO AMEND THE ANNUAL SEWER RATES, AS DEFINED IN ARTICLE XII, SEWER RENTS, OF THE VILLAGE OF CAYUGA HEIGHTS ARTICLES

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

Section I. PURPOSE

The purpose of this Local Law is to establish annual sewer rates of \$2.51/1000 gallons consumed for inside users and a rate of \$3.72/1000 gallons used for outside users, as defined in articles XII, Sewer Rents, of the Village of Cayuga Heights Articles.

Section II. AUTHORITY

This Local Law is enacted pursuant to the grant of powers of local governments provided for in (i) Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law, (ii) General Municipal Law Article 14-F, (iii) General Municipal Law Sections 451 and 452, and (iv) Village Law Article 14.

Section III. ESTABLISHMENT OF SEWER RATES

As of June 1, 2018, annual sewer rates shall be established at a rate of \$2.51/1000 gallons used for treatment of waste water originating from properties located within the Village and a rate of \$3.72/1000 gallons used for treatment of waste water originating from properties located outside of the Village.

Section IV. SUPERSEDING EFFECT

All Local Laws, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect.

Section V. VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section VI. EFFECTIVE DATE

This Local Law shall be effective immediately upon filing in the office of the New York State Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

Motion: Trustee Friend

Second: Trustee Biloski

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, and Robinson

Nays: none

Abstentions: none

Motion Carried

b. Proposed LL C-2018- Number of occupants in the Multi-Housing Zone – Public Hearing: It is the intent of this Local Law to correct, revise and clarify the limits imposed on the occupancy of dwelling units in buildings that contain three (3) or more dwelling units located in the Village’s Multifamily Housing Zone. . This action is exempt under SEQR 6.17.4B #27

Mayor Woodard opens the Public Hearing at 7:23 p.m.

Public Comment:

•Liz Frisbie, who manages the apartments at 220 Triphammer Rd. asked the Board about their current zoning of one-bedroom apartments. Superintendent B. Cross stated, the 220 Triphammer Rd. location is 1 of 12 buildings that are split between the City of Ithaca and the Village. The Village deferred zoning to the City of Ithaca. The City of Ithaca is enforcing the housing law which limits the number of occupants based on the number of bedrooms.

Superintendent B. Cross stated that he received a comment from the current real-estate agent of 306 Highland Rd. asking for clarification on how many people could be in a 4-bedroom apartment. The answer is 8 occupants.

Mayor Woodard closes the Public Hearing at 7:30 p.m.

Resolution #8224

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees adopts Proposed LL C-2018 -to amend the Village of Cayuga Heights Zoning Law Section 6.2.B.1 as Local Law # 3 of 2018.

VILLAGE OF CAYUGA HEIGHTS

LOCAL LAW 3 OF THE YEAR 2018

**A LOCAL LAW TO AMEND
THE VILLAGE OF CAYUGA HEIGHTS ZONING LAW
SECTION 6.2.B.1, PERMITTED PRINCIPAL USES
IN THE MULTIPLE HOUSING ZONE**

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

SECTION I PURPOSE AND INTENT

It is the intent of this Local Law to correct, revise and clarify the limits imposed on the occupancy of dwelling units in buildings that contain three (3) or more dwelling units located in the Village's Multifamily Housing Zone. The purpose of this Local Law is to delete and replace the text of Section 6.2.B.1 of the Zoning Law (the "Zoning Law") of the Village of Cayuga Heights (the "Village").

SECTION II AUTHORITY

This Local Law is enacted pursuant to the grant of powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal home Rule Law.

SECTION III AMENDMENT OF ZONING LAW ARTICLE 6, SECTION 6.2.B.1

- A. The current text of Zoning Law Article 6, Section 6.2.B.1 is hereby deleted in its entirety, and such text is hereby replaced with the following text:

§ 6.2.B.1 Buildings containing three (3) or more dwelling units, with

- a. Any dwelling unit to contain no more than four (4) bedrooms, and
- b. Any dwelling unit to be occupied by:
 - i. One (1) family, or
 - ii. In the case of any dwelling unit in such buildings that contains one (1) bedroom, up to two (2) unrelated occupants, or
 - iii. In the case of any dwelling unit in such buildings that contains two (2) bedrooms, up to four (4) unrelated occupants, or
 - iv. In the case of any dwelling unit in such buildings that contains three (3) bedrooms, up to six (6) unrelated occupants, or
 - v. In the case of any dwelling unit in such buildings that contains four (4) bedrooms, up to eight (8) unrelated occupants.

SECTION IV SUPERSEDING EFFECT

All Local Laws, Articles, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect. Without limiting the foregoing, to any extent that the terms of the Zoning Law of the Village of Cayuga Heights are deemed to be in conflict with the requirements of this Local Law, the terms of this Local Law shall govern and control.

SECTION V PARTIAL INVALIDITY.

In the event that any portion of this Local Law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

SECTION VI EFFECTIVE DATE.

This Local Law shall be effective immediately upon filing in the office of the New York State Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

Zoning Law Section 6.2.B.1 is hereby deleted in its entirety and replaced with the following text.

Motion: Trustee McMurry

Second: Trustee Marshall

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, and Robinson
Nays: none
Abstentions: none

Motion Carried

c. Proposed LL D-2018- Certified Mailing of Notices-Public Hearing: It is the intent of this Local Law to revise the requirements for the mailing of notices of certain public hearings, as set forth in the Zoning Law (the “Zoning Law”) of the Village of Cayuga Heights (the “Village”).

Mayor Woodard opens the Public Hearing at 7:34 p.m.

No members of the public wished to speak

Attorney R. Marcus, asked Superintendent of Public Works Cross, if a GML 239 M notice was sent out. Without notification, the Board cannot vote on Proposed LL C-2018 and Proposed LL D-2018. The Board determined the Village did not notify the neighboring municipalities.

The Public Hearing will be continued at the June 18, 2018 Board of Trustees monthly meeting.

The Board’s vote for Proposed LL-C-2018 and Proposed LL D-2018 are invalid and they will have to re-vote at the June 18, 2018 Meeting.

d. GHD – Engineering Report:

The finance committee met and determined that a WWTP expansion will need Bond Resolution for 10 Million dollars. The Village can apply for two types of Grants offered from NYS. (a) The Water Quality Improvement Grant and (b) The Infrastructure Improvement Grant. The Board will need to pass a resolution approving the engineering report from GHD in order to proceed.

RESOLUTION: 8225

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees approves and accepts the GHD Engineering Report with the noted correction of Phase #1- Headworks project

Motion: Trustee Robinson

Second: Trustee Biloski

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, and Robinson

Nays: none

Abstentions: none

Motion Carried

RESOLUTION: 8229

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees authorizes the Mayor to sign the design portion of the GHD contract- phase #2 for hourly services not to exceed \$300,000.

Motion: Trustee Friend

Second: Trustee Robinson

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, and Robinson

Nays: none

Abstentions: none

Motion Carried

e. Warrenwood Apartments Sewer Bill:

A water leak under their parking lot resulted in over a million gallons of water lost. This water did not go through our sewer lines and the apartment complex is asking for a credit on the sewer bill portion. The Town of Ithaca has provided a credit for them already. The Board will give a credit to the Town of Ithaca pending proof the charge was paid by the Town of Ithaca.

RESOLUTION: 8230

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees authorizes the Mayor to sign a letter providing credit to the Town of Ithaca for Warrenwood Apartments forgiving the sewer portion of their March bill.

Motion: Trustee McMurry

Second: Trustee Marshall

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, and Robinson

Nays: none

Abstentions: none

Motion Carried

f. Lansing Sewer District:

Town of Lansing Supervisor, Ed Lavine, addressed the Board about the formation of a new sewer district. On April 30th the Town of Lansing Board passed a resolution to act as lead agency for this project.

Town of Lansing has opened a Public Hearing and wanted to make sure the Village of Cayuga Heights is comfortable moving forward with the new sewer district plan.

Mayor Woodard asked how the sewer meters are being monitored. Supervisor Lavine stated the new sewer district will be responsible for monitoring those meters.

Trustee Robinson asked about exceeding the allowed sewer units, Supervisor Lavine stated the 33,050 gallons permitted is very conservative. The meter information going forward will be very valuable in tracking and evaluating future expenses.

RESOLUTION: 8231

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees accepts the appointment of Town Board of the Town of Lansing as lead agency for SEQRA review for the Town of Lansing new Sewer District 1. No significant changes have been made to the original MOU.

Motion: Trustee Robinson

Second: Trustee Marshall

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, and Robinson

Nays: none

Abstentions: none

Motion Carried

f. Tax Collection as charitable contributions:

The Board will continue to research this issue.

g. Traffic Study Update:

Superintendent of Public Works, B. Cross, will send a letter to 5 of the engineering groups inviting them to come present to the Public Works Committee, the members of Bicycle/Pedestrian Committee and the Planning Board.

h. Administrative Assistant Position:

Deputy Clerk Johnson has informed Mayor Woodard that she will be leaving in January 2019. To prepare for her departure, the Clerk's office would like to post an informational aide position.

RESOLUTION: 8232

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees authorizes posting a part time with the potential of full time informational aide position with the County.

Motion: Trustee Biloski

Second: Trustee McMurry

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, and Robinson

Nays: none

Abstentions: none

Motion carried

i. Chickens: Tabled

j. EAB- Emerald Ash Borer (EAB): The Village will treat 9 ash trees for a total cost of \$1000.00, The Clerk's office will also insert an educational notice for residents about EAB in the Village tax bill mailed in June. Another method to control the spread of the EAB will cut and remove ash trees in the Village right of way.

k. NYSEG-Confidentiality and Assurance Agreement:

All the other local municipalities have signed this agreement. The Village cannot project true buy out costs without signing. The conversation will continue next month when other Board members can contribute to the discussion.

4. Report of the Trustees

a. Public Hearing- Bicycle Law

RESOLUTION: 8233

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees shall conduct a Public Hearing on June 18, 2018 at 7:00 p.m. in Marcham Hall on the Proposed Local Law E-2018 Bicycle Law.

Motion: Trustee Marshall

Second: Trustee McMurry

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, and Robinson

Nays: none

Abstentions: none

Motion carried

b. Public Hearing- Flood Zone Law:

General Code recommended that the Village update requirements to take part in the National Flood Insurance Program. Even though the Village is not in a flood zone the Village of Cayuga Heights needs to have an updated Flood Zone Law to meet NYSDEC requirements.

RESOLUTION: 8234

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees shall conduct a Public Hearing on June 18, 2018 at 7:05 p.m. at Marcham Hall on the Proposed Local Law F-2018 Flood Zone Law.

Motion: Trustee Friend

Second: Trustee Biloski

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, and Robinson

Nays: none

Abstentions: none

Motion carried

c. TAP Grant Update:

Applications are due August 15, 2018. A draft application is due on June 25, 2018.

d. Electric Scooter:

Lime Bike is the only authorized bike rental vendor in the City of Ithaca. B. Cross, recommended the Bicycle/Pedestrian Committee meet with the Lime Bike representative to better understand the whole process. Trustee McMurry suggests, with the growth of bikes that more bike racks at bus stops/shelter and local businesses will be needed.

5. Report of Police Sergeant Wright: Submitted Report

The Police Department Cameras and DVR system is outdated and should be updated. It is budgeted for this fiscal year.

6. Report of ASPW Wiese: Submitted Report

The seasonal worker (J. Randall) is available to work again for the Village this year, and ASPW Wiese would like to bring him back for this year.

ASPW Wiese, addressed the Board about the purchase of a Village vehicle for ASPW Wiese to use at work and take home. Treasurer Mangione will check into the insurance coverage. This purchase will fall into next fiscal year.

7. Report of Superintendent of Public Works Cross:

The official MS4 Annual Storm Water Report is complete.

RESOLUTION: 8235

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees authorizes Mayor Woodard to sign the Annual MS4 Tompkins County Storm Water Report.

Motion: Trustee Friend

Second: Trustee Biloski

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, and Robinson

Nays: none

Abstentions: none

Motion carried

8. Report of Treasurer Mangione: Submitted Report:

a. Permissive Referendum: As written the permissive referendum needs to establish and address SEQR. As part of the grant application process for the WWTP an environmental assessment form needs to be completed.

RESOLUTION: 8236

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees has determined that the additions to, and rehabilitation and reconstruction of, the Village of Cayuga Heights Sewer Treatment Plant is a Type II action under SEQRA 6.17.5.C #2

Motion: Trustee Robinson

Second: Trustee Friend

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, and Robinson

Nays: none

Abstentions: none

Motion Carried

RESOLUTION: 8237

WHEREAS, the Village of Cayuga Heights Board of Trustees has determined that it would be in the best interests of the Village, and to promote the health, safety and welfare of the residents of the Village, to construct

certain additions to and perform certain rehabilitation and reconstruction of the Village Sewage Treatment Plant in and for the Village of Cayuga Heights, Tompkins County, New York at a maximum estimated cost of \$10,000,000 and to issue \$10,000,000 serial bonds of said Village to pay the cost thereof.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), the implementation of which project as proposed, under SEQRA 6.17.5(c), #2 has been determined not to have a significant impact on the environment.

NOW THEREFORE, BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Cayuga Heights, Tompkins County, New York (the "Village"), as follows:

Section 1. The construction of additions to and reconstruction of the Village sewage treatment plant in and for the Village of Cayuga Heights, Tompkins County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$10,000,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$10,000,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of serial bonds ultimately to be issued shall be reduced dollar for dollar by the amount of any federal and/or rebate grant monies received therefore.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Cayuga Heights, Tompkins County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form, and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities, and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The Village Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to affect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion

thereof, by a bond or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within thirty (30) days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Motion: Trustee Marshall

Second: Trustee Robinson

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, and Robinson

Nays: none

Abstentions: none

Motion Carried

RESOLUTION: 8238

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees approves Abstract #12 for FYE2018 consisting of TA vouchers 122- 134 in the amount of \$18,088.41 and Consolidated Fund vouchers 877-968 in the amount of \$203,604.37 and the Treasurer is instructed to make payments thereon.

Motion: Trustee Biloski

Second: Trustee Marshall

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, Robinson, and Salton

Nays: none

Abstentions: none

Motion carried

9. Report of Clerk Walker:

The Division of labor for between Deputy Clerk Johnson and Clerk Walker has been working well. The staff is working through some vendor changes and updating the Village insurance renewals. The upcoming Village tax bills will now be available for view and payment online.

10. Adjournment: Mayor Woodard adjourns the meeting at 10:49 p.m.

