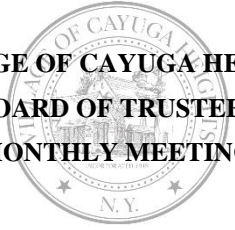


Minutes  
Marcham Hall

VILLAGE OF CAYUGA HEIGHTS  
BOARD OF TRUSTEES  
MONTHLY MEETING



Monday, July 16, 2018  
7:00 p.m.

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

**Absent:** Attorney Marcus, Trustee Friend

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

1. **Report of Fire Superintendent Tamborelle: Submitted Report (Exhibit 2019-042)**
2. **Privilege of the Floor- No members of the Public wished to speak**
3. **Report of Mayor:**
  - a. **Public Hearing on Proposed LL – G:** To allow the keeping of chickens in the Village.

Mayor Woodard opens the Public Hearing at 7:06 p.m.

**Resolution #8261**

**BE IT RESOLVED THAT:** The Village of Cayuga Heights Board of Trustees opened the Public Hearing on Proposed LL -G of 2018 at 7:06 p.m.

*Motion:* Trustee McMurry

*Second:* Trustee Robinson

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**Discussion:**

- Village resident, Connie Kintner, has been raising chickens for 15 years in the Village. She stated she would like to see the proposed law modified to allow, free range chickens in the back yard during the daytime and not just in a run or coop.
- Dr. Peter Schwartz, raised a question about chickens and if they were free range what kind of problems that might create with neighbors and their pets, especially barking dogs.
- Another member of the public suggested the proposed law just state: A property owner can have chickens as long as the neighbors do not object.

Comments to Cayuga Heights Board

July 16, 2018

I am Ronald Bors, a former Trustee of this village.

I object to the proposed zoning change to allow chickens in the Residence Zone.

The Comprehensive Plan adopted by this Village had substantial input from Villagers. I have reviewed that plan, but cannot find any section that recommends modifying the Residence Zone to include an Agricultural District. Therefore, I submit that this chicken proposal is inconsistent with the Comprehensive Plan.

Although I have attended many Board meetings, I never heard any discussion of consistency with the Comprehensive Plan, or any discussion of the impact of chickens on property values.

The Village of Trumansburg adopted a very thoughtful and comprehensive chicken ordinance in 2013. Although that Village is more rural than ours, they took the time to include specific provisions to minimize impact on neighbors, and to insure humane treatment of the chickens.

Our proposed ordinance is substantially lacking in several areas. If you are determined to allow chickens in Cayuga Heights, please allow for further review and rewriting of this incomplete proposal.

Ronald H. Bors  
121 Texas Lane

Village Resident, Elizabeth Goldberg stated that her family has chickens for the fresh eggs and to control the ticks on their pets and children. When they first got chickens, they talked with their neighbors and made sure everyone has been informed. To this day no one has a problem with them owning chickens.

Mayor Woodard closed the public hearing at 7:15 p.m.

**Discussion:**

•Mayor Woodard would like the proposed Local Law to be more specific, on runs, coops and definition of - "free range".

•Trustee Robinson, stated this local law is a compromise, and is the best thing given what we have right now.

•Trustee Marshall stated that more space is better for the chickens and tick control.

•B. Cross stated, as the Village Zoning Officer, he has had very few complaints about those residents with chickens in the Village.

**Resolution #8262**

**BE IT RESOLVED THAT:** The Village of Cayuga Heights Board of Trustees adopts Local Law- G of 2018 as Local Law # 7 of 2018.

**VILLAGE OF CAYUGA HEIGHTS**

**DRAFT**

***PROPOSED LOCAL LAW G OF THE YEAR 2018***

**A LOCAL LAW TO AMEND**

**THE VILLAGE OF CAYUGA HEIGHTS ZONING LAW**

**SECTIONS 3.3, “DEFINITIONS,” AND 5.3, “PERMITTED ACCESSORY BUILDINGS AND USES” IN THE RESIDENCE ZONE**

**TO PERMIT THE KEEPING OF CHICKENS**

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 add to the permitted uses in the Residence Zone, as set forth in the Zoning Law (the “Zoning Law”) of the Village of Cayuga Heights (the “Village”) the use of keeping chickens. The final version of the Village’s new Zoning Law, adopted as of February 6, 2018, did not include keeping chickens as a permitted use, although this use was contemplated and discussed in prior proposed drafts of the Zoning Law. The Village’s Board of Trustees has determined that the use of keeping chickens in the Residence Zone should be a permitted use in accordance with certain stated conditions, requirements and limitations. The purpose of this Local Law is to add this permitted use and these conditions, requirements and limitations by adding such provisions to Zoning Law Section 5.3 and by adding two definitions to Zoning Law Section 3.3.

**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 SECTION 3.3, “DEFINTIONS”**

The two following definitions are hereby added to Zoning Law Section 3.3, “Definitions”:

**COOP, CHICKEN**

An enclosed, raised structure for housing and sheltering chickens that is designed to be predator proof, ventilated, watertight, and easily accessed and cleaned, with a minimum of four (4) square feet per chicken and a maximum size of thirty (30) square feet.

**RUN, CHICKEN**

An enclosed, fenced area for containing and allowing chickens to roam and eat that is designed to be predator proof and easily accessed and cleaned, with a minimum area of ten (10) square feet per hen.

**SECTION IV      AMENDMENT OF ZONING LAW SECTION 5.3, “PERMITTED ACCESSORY BUILDINGS AND USES” IN THE RESIDENCE ZONE**

The following text is hereby added to Zoning Law Section 5.3, “Permitted Accessory Buildings and Uses” in the Residence Zone, as subsection “K” thereof:

K. The keeping of chicken hens (hens), but no roosters nor other type of poultry, for personal use only, subject to the following conditions:

1. A maximum of six (6) hens per property;
2. Hens must be kept in an enclosed coop that is locked every night with a minimum enclosed coop size of four (4) square feet per hen and a maximum coop size of thirty (30) square feet;
3. Hens shall have access to a run which must be fenced with a minimum run size area of ten (10) square feet per hen;
4. Coops and runs shall be located in a side or rear yard with a minimum setback of twenty-five (25) feet from the lot line;

5. All dead, diseased, or severely ill hens shall be properly disposed of immediately;
6. Cruel treatment of hens is prohibited;
7. Any coop, run, and fencing deemed to be in poor condition by the Village's Code Enforcement Officer must be repaired as soon as possible;
8. Hen feces not properly disposed of and any objectionable odor shall be considered health hazards and must be remedied immediately;
9. Hens may not run loose outside the coop or run.

**SECTION V 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 VI 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 VII 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 McMurry

*Second:* Trustee Robinson

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

*Nays:* none

*Abstentions:* Trustee Salton

**Motion carried**

**b. Schedule a Public Hearing on Proposed Local Law -H. 2018, No Parking on West Remington Road.**

Assistant Superintendent of Public Works Wiese stated that West Remington Road is a very narrow. West Remington Road only has 3 houses and very little traffic. In the past the Department of Public Works placed temporary no parking signs up on West Remington Road during special events held in the City of Ithaca.

**Resolution #8263s**

**BE IT RESOLVED THAT:** The Village of Cayuga Heights Board of Trustees hereby schedules a Public Hearing to be conducted on August 21, 2018 at 7:00 p.m. at Marcham Hall on Proposed Local Law H-2018.

*Motion:* Trustee Biloski

*Second:* Trustee Marshall

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**f. Parking in the Right of Way (ROW):**

Mayor Woodard asked the public to address whether parking should be more strictly enforced in the Village Right of Way.

Masha Fontas- Read the 2 emails she sent to the Village Board of Trustees.

**Submitted Emails:**

1. I live at 811 Hanshaw. There is a sidewalk in front of my house.

Visitors to my house, as well as the houses across the street, have typically parked in the ROW between the white line and the sidewalk. This way, they are not blocking pedestrians and they are not blocking road traffic.

The ROW on the non-sidewalk side of the street does not have enough room for cars to park FULLY beyond the white line, because of ditches and hedges.

If the Village police ticket cars parked in this way, where CAN the cars legally park? The driveways on this block are not large enough to accommodate visitors and contractors.

And as a note...Regarding the photo in the e-newsletter - ... the line of vehicles parked on the grass between the sidewalk and the white line appear to be parked in the only way that does not interfere with moving vehicles and pedestrians. Are you saying that they are actually parked illegally? Where should they be parked?

Thank you for your kind attention to my concerns.

Masha Fontes

2. I am responding to the statement in the Village e news

"... this does not mean your guests can park in your neighbor's ROW without their permission. "

The ROW does not belong to me or any other Village resident. It is owned by the Village and is in fact an extension of the roadway. I believe that only the Village can forbid parking on Village land.

I have been a Village resident and homeowner for 27 years. I live at 811 Hanshaw Road. People have always parked in front. They also stroll there. They also "walk" their dogs there. The strip is part of the road which is owned by the Village, and, like the road, available to the public.

When I purchased my house 27 years ago, it was very clear to me that my property ends at a line defined by stakes that were placed in the ground and described in my deed. This line is indeed some distance from the road center, and between this line and the road's edge there are plantings, a sidewalk, a fire hydrant and a grassy/gravelly shoulder. It would never occur to me that members of the public should ask my permission to park or walk on this land. They also do not seek my permission to walk their dogs or to allow their dogs to relieve themselves. The land does not belong to me.

It seems absurd that anyone should seek my permission to use public land that is located in front of my house, *or that I should do the same when visiting another village resident.*

***Please do not encourage other homeowners to behave as if they own the ROW. The ROW is not an easement over private property. It belongs to the Village. No homeowner should have the right to forbid parking on Village property.***

Sincerely,  
Masha Fontes

Mayor Woodard reminded the public that residents are required to maintain the ROW. The goal of this discussion is to find out where the residents stand on the parking issue.

Dr. Peter Schwartz stated he maintains the ROW, has people park in the ROW, many people park throughout the Village in this way. We should have the right to park if we maintain the ROW. Snowplows, USPS, trucks all have contributed to the damage, and each time he fixes the damage.

Mayor Woodard stated, one of the main issues that has come to the Board's attention are the "things" people are putting in the ROW to prevent parking.

Village resident Paul Ginsparg stated, he has great sympathy for those trying to stop or block people from parking in the ROW. He lives next to the Cornell University President's house, which hosts large gatherings a few times a year and cars always parked in his ROW.

Rons Bors: I don't think the landowner should have to fix damage to the ROW, snowplows tend to cause a lot of damage. Some kind of marker in the ROW would be helpful to prevent damage.

Paul Ginsparg asked why there are no parking signs on Highland Road, which is inconsistent with the rest of the Village.

B. Cross stated, that this is an unintentional discrepancy due to a road structure change. The idea is to prohibit parking on the side of the road with a curb and sidewalk. When the Highland Road curb was installed, the parking signs were not changed.

Dr. Peter Schwartz suggested the Board look into a permit process for parking in the ROW, or passage of a standardize device (pole marker) to prevent parking in the ROW.

Trustee Robinson stated that markers or other types of barriers in the ROW are what led to this discussion of parking issues.

The Cayuga Heights Police Department has been issuing parking warnings for parking in the ROW over the last 3 weeks.

Sergeant Wright stated that the main focus of the ticketed vehicles was safety concerns, not hazards. Mayor Woodard stated the Board will continue the discussion at next month's Board of Trustees Meeting.

Trustee Robinson recommends suspending warning tickets until the Board can all agree to a better understanding of the issue.

Trustee McMurry asked, prior to the vote on Proposed LL -G of 2018 was the GML 239 sent to the municipalities. Further investigation revealed the Village had not sent it. A revote of Proposed LL -G of 2018 will be rescheduled for the August Board Meeting.

**c. Board of Trustees meeting change to August 21<sup>st</sup> at 7:00 pm**

Mayor Woodard proposed rescheduling the August BOT meeting to accommodate some Trustee's travel schedules.

**Resolution #8264**

**BE IT RESOLVED THAT:** The Village of Cayuga Heights Board of Trustees authorizes the Mayor to change the Board of Trustees monthly August meeting to August 21, 2018 at 7:00 p.m. at the Cayuga Heights Fire Department.

*Motion:* Trustee Salton

*Second:* Trustee Biloski

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**d. \$5,000.00 NYSEDA Grant**

The Village was awarded a Clean Energy Communities Grant for accomplishing several benchmarks and initiatives to making the Village a Clean Energy Community.



B. Cross noticed the exterior wood and framing is deteriorating on Marcham Hall and could be a source of energy loss. Another possibility is a cooling system for the meeting room of Marcham Hall. Mayor Woodard suggested the money be put towards the windows at Village Hall.

**e. Firewood Changes:** The Board decided not to add or change language regulating firewood in the current Zoning Law at this time.

#### **4. Report of the Trustees**

Trustee Robinson attended an NYSEG Outreach and Discussion and Smart Meter experiment meeting. The installation of the meters went well, however the post installation and impact of the advisory group was an issue. NYSEG took a big publicity hit.

Trustee McMurry stated she will get TAP draft review feedback this week, and the final submission will be completed by Friday August 10, 2018.

Trustee Biloski informed the Board that we will be sending General Code the language on unsafe buildings.

#### **5. Report of Police Sergeant Wright: Submitted Report (Exhibit 2019-045)**

Submitted Report.

The new 2018 Chevy Tahoe will start to be equipped later this month.

#### **6. Report of ASPW Wiese:**

The subbase on the Parkway is to be installed tomorrow, drainage will be going in the next two weeks. Upland intersection will take the drainage. Mechanisms are going into place to make sure the water drains off properly.

Highland Road project is completed. Sidewalks are finished. A question was raised about putting in solar lights for walkway over the creek. There are 30 posts and could alternate posts with a solar light. Cost should be around \$300.00

Drain Brain spent some time last week to camera a few off road sewer lines. Mike will email the Board with the results sometime next week.

Mayor Woodard reported on July 30<sup>th</sup> SCLIWC will meet and discuss the Infill & Infiltration report and Mike should submit the video footage from Drain Brain.

There will be some crosswalk stripping and sidewalk repairs over the next few weeks.

#### **7. Report of Village Engineer Cross:**

- a. NYSEG Buyout-** Terry Carroll from NYSERDA is converting information from NYSEG to Excel and conducting his own street light inventory in the Village. The City of Ithaca is moving forward with replacing their street lights and hopefully they will be able to work through all the issues. There will be more to report at the August BOT meeting.
- b. Airbnb update:** About 17 listings have either paid the permit or are in the process of taking their listings down. There are still about 3 locations that have not been found. Fines will be the next thing to

mailed. More and more municipalities are following up and creating regulation to control of short term rentals in residential communities.

- c. **HSC** has quoted the heater / AC unit in the older side of the Police Station. The unit is working fine but has a condensation issue.

**8. Report of the Treasurer Mangione: Submitted Report (Exhibit 2019-056)**

- a. **Mortgage tax revenue-** The reports is generated by the number of properties sold in the village.

**b. July Abstract:**

**RESOLUTION #8265**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves Abstract #2 for FYE2019 consisting of TA voucher 2 - 10 in the amount of \$17,331.07 and Consolidated Fund vouchers 26 - 101 in the amount of \$273,979.43 and the Treasurer is instructed to make payments thereon.

*Motion:* Trustee Salton

*Second:* Trustee Robinson

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**9. Report of the Clerk**

- a. **Constellation Contract: (Exhibit 2019-049)**

After review of the variable rate, the average is a lot less than the fixed rate offered in the contract.

- b. **1010 Triphammer Road Resolution:**

Board approval is required to add a new address to establish a 911 designation. The owners of 1012 Triphammer Road. requested that their newly subdivided property be designated as 1012 Triphammer Road.

**RESOLUTION #8266**

**WHEREAS,** the Tompkins County Department of Emergency Response (DoER) oversees emergency dispatch and communications systems that allow residents to dial 911, and;

**WHEREAS,** 911 is the number to report a police, fire, or medical emergency that requires the immediate presence of police officers, fire fighters, or emergency medical personnel, and;

**WHEREAS,** new address designations are approved by a municipality's governing body.

**NOW, THEREFORE, BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves 1012 Triphammer Road. Tax Parcel 10-3-6.1 as a new designated address.

*Motion:* Trustee Salton

*Second:* Trustee Biloski

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

*Nays:* none

*Abstentions:* none

**Motion carried**

## **10. Executive Session**

### **RESOLUTION: #8267**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees enters into an executive session (F) for the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person

*Motion:* Trustee Robinson

*Second:* Trustee McMurry

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

*Nays:* none

*Abstentions:* none

**Motion carried**

### **RESOLUTION #8268**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees exits from an executive session at 10:03 p.m.

*Motion:* Trustee Robinson

*Second:* Trustee Marshall

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**11. Adjournment:** Mayor Woodard adjourns the meeting at 10:04 p.m.