

**VILLAGE OF CAYUGA HEIGHTS BOARD OF TRUSTEES
Marcham Hall – Village Offices
February 14, 2011
7:00 P.M.**

AGENDA

Call to Order

Public Hearings

- **Proposed Local Law “B” of the year 2011: A Local Law establishing an exemption for portable sheds from Zoning permit requirements of Section 20 of the Village of Cayuga Heights Zoning Ordinance.**

**VILLAGE OF CAYUGA HEIGHTS
*PROPOSED LOCAL LAW “B” OF THE YEAR 2011***

**A LOCAL LAW ESTABLISHING AN EXEMPTION FOR PORTABLE SHEDS
FROM THE ZONING PERMIT REQUIREMENTS OF SECTION 20 OF THE VILLAGE
OF CAYUGA HEIGHTS ZONING ORDINANCE**

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

Section I. PURPOSE AND INTENT.

The purpose of this Local Law is to establish exemptions for Portable Sheds (as defined herein) from the permit requirements of Section 20 of the Village of Cayuga Heights (the “Village”) Zoning Ordinance. The intent of this Local Law is to allow Village of Cayuga Heights' residents the opportunity to have a Portable Shed on their property without the requirement to obtain a permit from the Village, provided that the Portable Shed meets the requirements stated herein. Further, the intent is to specifically allow any Portable Shed that was in existence on the effective date of this Local Law to remain in its current location if such existing Portable Shed satisfies the requirements herein, even if it is located within the restricted portion of a yard. However, in the event that any existing Portable Shed located within the restricted portion of a yard is relocated or replaced in the future, it must comply with the yard set back requirements set forth herein.

Section II. AUTHORITY.

This Local Law is enacted pursuant to the grant of powers to 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 and (ii) Section 3-300 of Village Law.

Section III. PERMIT EXEMPTION AND LEGALIZATION OF CERTAIN EXISTING PORTABLE SHEDS.

As of the effective date of this Local Law, Portable Sheds (as defined herein) shall be exempt from the Village of Cayuga Heights zoning permit process, specifically Section 20 of the Zoning Ordinance. No more than one (1) Portable Shed will be allowed on any lot. The square

footage of Portable Sheds shall not be included in lot coverage calculations. Portable Sheds shall comply with the following yard set back restrictions, measured at right angles to the property lines:

- Front Yard 25 feet
- Side Yard 3 feet
- Rear Yard 3 feet

For the purpose of this Local Law "Portable Sheds" shall be defined as a building or structure that:

- A. has a maximum area of 144 sq/ft, including any roof eaves or overhangs;
- B. has a maximum height of 10 feet, measured from the lowest point of the grade to the peak of the roof;
- C. does not have any exterior wall greater than 8 feet in height, measured from the lowest point of the grade to the top of the wall;
- D. does not have any exterior wall greater than 12 feet in length;
- E. neither has a permanent foundation nor is affixed by any means to the ground;
- F. may not be occupied by persons; and
- G. has no heat, electricity, air conditioning, or water service, and has no connection to any public utility.

Any building or structure that satisfies the definition of a Portable Shed, that is located within the required set back areas of a lot, and that is in existence on the effective date of this Local Law will be deemed legal and may remain in its current location until the time it is relocated or replaced.

Any Portable Shed that is placed on a lot after the effective date of this Local Law shall comply with all requirements of this Local Law.

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 superceded 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 as of the date of filing with the New York Secretary of State, except that it shall be effective from the date of 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.

- **Proposed Local Law "C" of the year 2011: A Local Law Amending Article 29, Tax Exemption – Senior Citizens, 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 AND INTENT.

The purpose of this Local Law is to amend Article 29, Tax Exemption - Senior Citizens, of the Village of Cayuga Heights Articles and to implement in the Village of Cayuga Heights the terms and provisions of § 467 of the Real Property Tax Law of the State of New York, as amended, and to thereby provide a graduated maximum income exemption eligibility level for the granting of partial exemption from real property taxation to certain persons sixty-five (65) years of age or over.

Section II. AUTHORITY.

This Local Law is enacted pursuant to the grant of powers to 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 and (ii) § 467 of the Real Property Tax Law of the State of New York.

Section III. TAX EXEMPTION - SENIOR CITIZENS

Article 29, Tax Exemption - Senior Citizens, of the Village of Cayuga Heights Articles is hereby deleted in its entirety and replaced with the following:

" SCHEDULE OF PARTIAL EXEMPTION.

A. Pursuant to the provisions of § 467 of the Real Property Tax Law of the State of New York, real property located in the Village of Cayuga Heights owned by one or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife or by siblings, one of whom is sixty-five (65) years of age or over, or real property owned by one or more persons, some of whom qualify under § 467 of the Real Property Tax Law of the State of New York, and others of whom qualify under § 459-c of the Real Property Tax Law of the State of New York shall be partially exempt from taxation by said Village for the applicable taxes specified in said § 467 based upon the income of the owner or combined incomes of the owners. A person otherwise qualifying for such exemption shall not be denied the exemption if such person becomes sixty-five (65) years of age after the appropriate tax status date and before December 31st of the same year. For the purpose of this Article, " sibling" shall mean a brother or sister, whether related through half blood,

whole blood or adoption. Such partial exemption shall be to the extent set forth in the following schedule:

Annual Income of Owner or Combined Percentage of Assessed Valuation
Annual Income of Owners Exempt From Taxation

Up to \$28,000.00 50%
More than \$28,000.00 but less than \$29,000.00 45%
\$29,000.00 or more, but less than \$30,000.00 40%
\$30,000.00 or more, but less than \$31,000.00 35%
\$31,000.00 or more, but less than \$31,900.00 30%
\$31,900.00 or more, but less than \$32,800.00 25%
\$32,800.00 or more, but less than \$33,700.00 20%
\$33,700.00 or more, but less than \$34,600.00 15%
\$34,600.00 or more, but less than \$35,500.00 10%
\$35,500.00 or more, but less than \$36,400.00 5%

B. The partial exemption provided by this Article shall, however, be limited to such property and persons as meet the conditions, exclusions and limitations as set forth in § 467 of the Real Property Tax Law of the State of New York. This Article shall be administered in accordance with said section of the Real Property Tax Law, as now adopted and as it may be amended from time to time, and the provisions of said section shall be applicable to the effectuation of the exemption provided for in this Article.

APPLICATION FOR EXEMPTION.

A. Application for such exemption must be made by the owner or all of the owners of the property on forms prescribed by the State Board of Equalization and Assessment to be furnished by the appropriate assessing authority and shall furnish the information and be executed in the manner required or prescribed in such forms and shall be filed in such assessor's office on or before the appropriate taxable status date.

B. Notwithstanding anything to the contrary provided herein, any person who has been granted an exemption pursuant to this Article and in accordance with § 467 of the Real Property Tax Law of the State of New York on five (5) consecutive completed assessment rolls shall not be subject to the requirements set forth in Subdivision 6 of said § 467, provided that:

- (1) Said person shall be mailed an application form by the assessing authority and a notice informing such person of his or her rights; and
- (2) When tax payment is made by such person a sworn affidavit must be included with such payment which shall state that such person continues to be eligible for such exemption, which affidavit shall be on a form prescribed by the State Board of Equalization and Assessment. In such event, such exemption shall be automatically granted on each subsequent assessment roll.

FALSE STATEMENT.

Any conviction of having made any willful false statement on the application for such exemption shall be punishable by a fine of not more than one hundred dollars (\$100.00) and shall disqualify the applicant or applicants from further exemption for a period of five (5) years."

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 become effective immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2011.

- **Proposed Local Law "D" of the year 2011: A Local Law Establishing a Tax Exemption for Disabled Persons with Limited Incomes.**

**VILLAGE OF CAYUGA HEIGHTS
PROPOSED LOCAL LAW "D" OF THE YEAR 2011**

**A LOCAL LAW ESTABLISHING A TAX EXEMPTION FOR DISABLED
PERSONS WITH LIMITED INCOMES**

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

Section I. PURPOSE AND INTENT.

The purpose of this Local Law is to establish a partial tax exemption for disabled persons with limited incomes and to implement in the Village of Cayuga Heights the terms and provisions of § 459-c of the Real Property Tax Law of the State of New York, as amended, and to thereby provide a graduated maximum income exemption eligibility level for the granting of partial exemption from real property taxation to certain disabled persons with limited incomes.

Section II. AUTHORITY.

This Local Law is enacted pursuant to the grant of powers to 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 and (ii) § 459-c of the Real Property Tax Law of the State of New York.

**Section III. TAX EXEMPTION FOR DISABLED PERSONS WITH LIMITED INCOMES
“SCHEDULE OF PARTIAL EXEMPTION.**

A. Pursuant to the provisions of § 459-c of the Real Property Tax Law of the State of New York, real property located in the Village of Cayuga Heights owned by one or more persons with disabilities, or real property owned by husband and wife or by siblings, one of whom has a disability, or real property owned by one or more persons, some of whom qualify under § 459-c of the Real Property Tax Law of the State of New York and others of whom qualify under § 467 of the Real Property Tax Law of the State of New York, and whose income, as defined in § 459-c of the Real Property Tax Law of the State of New York, is limited by reason of such disability, shall be partially exempt from taxation by said Village for the applicable taxes specified in said § 459-c based upon the income of the owner or combined incomes of the owners. For the purpose of this Article, “sibling” shall mean a brother or sister, whether related through half blood, whole blood or adoption. Such partial exemption shall be to the extent set forth in the following schedule:

Annual Income of Owner or Combined Percentage of Assessed Valuation
Annual Income of Owners Exempt From Taxation

Up to \$28,000.00	50%
More than \$28,000.00 but less than \$29,000.00	45%
\$29,000.00 or more, but less than \$30,000.00	40%
\$30,000.00 or more, but less than \$31,000.00	35%
\$31,000.00 or more, but less than \$31,900.00	30%
\$31,900.00 or more, but less than \$32,800.00	25%
\$32,800.00 or more, but less than \$33,700.00	20%
\$33,700.00 or more, but less than \$34,600.00	15%
\$34,600.00 or more, but less than \$35,500.00	10%
\$35,500.00 or more, but less than \$36,400.00	5%

B. The partial exemption provided by this Article shall, however, be limited to such property and persons as meet the conditions, exclusions and limitations as set forth in § 459-c of the Real Property Tax Law of the State of New York. This Article shall be administered in accordance with said section of the Real Property Tax Law, as now adopted and as it may be amended from time to time, and the provisions of said section shall be applicable to the effectuation of the exemption provided for in this Article.

APPLICATION FOR EXEMPTION.

A. Application for such exemption must be made annually by the owner or all of the owners of the property on forms prescribed by the State Board of Equalization and Assessment to be furnished by the appropriate assessing authority and shall furnish the information and be executed in the manner required or prescribed in such forms, and shall be filed in such assessor's office on or before the appropriate taxable status date; provided, however, proof of a permanent disability need be submitted only in the year exemption pursuant to this

section is first sought or the disability is first determined to be permanent.

FALSE STATEMENT.

Any conviction of having made any willful false statement on the application for such exemption shall be punishable by a fine of not more than one hundred dollars (\$100.00) and shall disqualify the applicant or applicants from further exemption for a period of five (5) years.”

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 superceded 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 become effective immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2011.

- **Proposed Local Law “E” of the year 2011: A Local Law Amending Article XII, Sewer Rents, of the Village of Cayuga Heights Articles.**

**VILLAGE OF CAYUGA HEIGHTS
PROPOSED LOCAL LAW “E” OF THE YEAR 2011**

**A LOCAL LAW AMENDING 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 AND INTENT.

The purpose of this local law is to amend Article XII, Sewer Rents, of the Village of Cayuga Heights (the “Village”) Articles and to set forth the terms and provisions for the collection of sewer rents for the purpose of producing revenue, such revenue to be used as hereinafter provided. The Village hereby finds and determines that the most equitable manner of collecting funds from the various properties within the Village served by its sewer system is to charged based upon the consumption of water on the premises connected to and served by the Village sewer system. The sewer system or the part or parts of the sewer system for which such rents shall be established and imposed are as follows:

- (a) The sewage treatment and disposal works with necessary appurtenances including pumping station, and the extension, enlargement, or replacement of or additions to such sewage treatment plant; and

(b) The operation, maintenance, and repairs of the entire Village of Cayuga Heights sewer system, including the sewage treatment plant and the collection system.

Section II. AUTHORITY.

This Local Law is enacted pursuant to the grant of powers to 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. AMENDMENT OF ARTICLE XII, SEWER RENTS.

As of the effective date of this Local Law, Article XII of the Village's Articles shall be deleted in its entirety and replaced with the following language:

SECTION 1. Establishment of Rents and Amounts

The Village hereby establishes and imposes sewer rents for the use of the sewer system or for any part or parts thereof and establishes and imposes a minimum sewer rent charge. The manner of collecting funds from various properties within the Village served by the sewer system is to be based upon the consumption of water, as measured by the Village or its agent by water meter or similar device, on the premises connected to and served by the Village's sewer system. Pursuant to the aforementioned laws, the Village Board shall, from time to time, set by resolution such sewer rents and charges. Such resolutions shall be adopted after a public hearing upon five days' public notice.

SECTION 2. Minimum Charge

There shall be a minimum base charge for regular quarterly bills in an amount equal to the sewer rents based upon 10,000 gallons of water consumption, regardless of actual usage. For the treatment of trucked or hauled waste, there shall also be imposed a minimum base charge equal to the sewer rents based upon 10,000 gallons of water consumption, regardless of the size of the deposit. Any such treatment must be separately permitted by the Village Board and comply with all rules and regulations of the Village.

SECTION 3. Cooperation by owner of real property

The Village Engineer may require each owner and/or occupant of real property within the Village connected to the Village sewer facilities to furnish such information as may be necessary and reasonable in order to carry out the provisions of this Article. Any duly authorized officer, employee, contractor, or agent of the Village or other person duly authorized by the Village, including employees or other persons associated with the Southern Cayuga Lake Intermunicipal Water Commission, shall be permitted to enter on any property at reasonable hours for the purpose of reading meters, inspecting, disconnecting, repairing or for any other purposes reasonably necessary to carry out the provisions or purposes of this Article.

SECTION 4. Payment and collection; liens for unpaid sewer rents

A. All rents and charges due hereunder shall be payable quarterly together with the billing for water service and shall be due and payable on the following dates each year: Feb 1st for billing period Oct 16th – Jan 15th, May 1st for billing period Jan 16th – Apr 15th, Aug 1st for billing period Apr 16th – Jul 15th, and Nov 1st for billing period Jul 16th – Oct 15th. Sewer rents and charges shall be paid to the Village Clerk at the Village Offices at 836 Hanshaw Road, Ithaca, New York, except for such rents and charges which are due and payable to any other entity to whom billing authority for sewer rents has been given or delegated by the Village.

B. The Village Clerk or other person authorized by the Village Board shall keep a record of all properties within the Village which are connected to the Village water system and the Village sewer system, and sewer bills shall be mailed to the owner or any other person to whom a water bill is addressed, billed, or mailed by the Village or other entity performing water billing services for the Village, and at the address appearing on said water bill.

If property is connected to the Village sewer system but not to the Village water system, unless the property owner has directed the Village in writing to use a different address, the sewer rent bill shall be sent to the address to which real estate tax bills for the property are sent. The failure of any owner or other user to receive a bill shall not excuse nonpayment thereof, nor shall it operate as a waiver of the penalty herein prescribed. Notwithstanding any other provision in this Article, all sewer rents, surcharges or other fees or charges relating to sewer service, shall be a charge against the owner of the premises connected to the Village sewer system, and such owner shall be liable for the payment of all such rents and charges, including penalties and interest.

C. In the event any sewer rent is not paid within 30 days of the date of the bill, there shall be added a penalty of 10% for late payment.

D. Sewer rents and any other charges payable hereunder shall constitute a lien on the real property served by the sewer system. The priority of such lien and the enforcement thereof shall be in accordance with Article 14-F of the General Municipal Law which presently provides that the lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge enforced by or for the state or a political subdivision or district thereof.

E. The Village may bring an action a) as upon contract, for sewer rents, surcharges thereto, and all other charges incurred by the owner of property in connection with sewer service, which are in arrears, together with interest and penalties thereon, or b) to foreclose liens for such sewer rents and surcharges. Also, in the alternative, the Village Board may cause any unpaid sewer rents, surcharges, or other charges to be levied and collected in the same manner and in the same time as the Village tax in accordance with the provisions of Article 14-F (Subdivision 4 of § 452) of the General Municipal Law, or any amendment thereof.

SECTION 5. Collection of other costs.

Any costs and expenses or other charges other than those hereinbefore described, incurred by the Village because of any repair or other work to the sewer system or otherwise for which the owner of any property served by or connected to the sewer system is obligated under this Article or any other local law, ordinance, statute or provision of law, shall be collected in the manner provided for the collection of sewer rents in this Article, and shall be a lien upon the property and enforceable in accordance with the provisions of this Article, or any other applicable provision of law.

SECTION 6. Correction of errors.

For the period in which no water meter is installed and operating on any property or cannot be installed thereon, or if such water meter has ceased to register or has registered inaccurately, the charge for the use of the sewerage facilities shall be based on such equitable basis as the Village may determine, which shall take into account previous usage and charges, if any, and all other pertinent information and factors in the discretion of the Village.

If any owner of real property on which a sewer rent has been imposed deems himself or herself aggrieved because such real property is not served by the sewer system or an error has been made in computing such sewer rent, the owner may file an application for a refund of all or part of such sewer rent. Such application shall be verified by the owner and shall set forth the amount of refund sought and the grounds therefor. Such application shall be presented to the Village Board of the Village, which may refund all or part of such sewer rent. Any such application shall be filed within 60 days of the time the applicant learns of the claimed error, but not later than four months of the date of the bill claimed to be in error. The Village Board may, for good cause shown, extend the time for the filing of such application if circumstances show the charges are patently unfair and that the applicant had a reasonable basis for not timely filing the application for correction of the error.

SECTION 7. Sewer Rent Fund.

Any revenues derived by the Village from the sewer rents, including penalties and interest, shall be deposited in a special fund to be known as the "Sewer Rent Fund." Monies in such fund shall be used for the payment of the necessary management, maintenance, operation, repair and financing of any sewer improvement or service provided by the Village, including any payment required to be made by the Village to any contracting municipality for such purposes, including interest and penalties. Except as otherwise stated in this Article, at any time, any surcharges on said sewer rents shall be used for the costs of sewer operations as above defined and shall be specifically designated for such purpose in the Sewer Rent Fund. Moneys in the fund shall be used to pay the Village's share of the operating and maintenance costs and capital costs, to the extent authorized by law and the Village Board, related to collection, transmission and treatment of sewage and for any other purpose authorized by General Municipal Law § 453 as the same may be amended from time to time.

SECTION 8. Applicability.

This Article shall apply to all properties in 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 superceded 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 as of June 1, 2011

Privilege of the Floor - 2 minute limit/person – 30 minutes total
VCH Residents speak first, balance of time to general public

Report of the Fire Chief – 5 minutes**Report of Ass't Superintendent of Public Works – 5 minutes**

Update on work in progress
Monthly Report for Jan 2011

Report of the Mayor – 60 minutes

- discuss local laws on table
- update/progress of FEIS
- Deputy Clerk position update
- TCAT update
- consideration of proposed local law on Fences
- approve Bolton Point contract
- consideration of consolidation of Clerk and Treasurer positions

Report of the Police Chief – 5 minutes**Report of Superintendent of Public Works – see report submitted****Report of the Clerk – 5 minutes**

- Forum on March 9th – Location Kendal
- Election March 15th – Location Kendal Conference Room A

Report of the Treasurer – 5 minutes**Report of the Attorney – 5 minutes**

- consideration of Agreement with City of Ithaca for Building Inspection Services

Trustee Privilege of the Floor – 10 minutes

- Add Martin Luther King Day as an Official holiday on the Village Calendar