

Minutes
Marcham Hall

VILLAGE OF CAYUGA HEIGHTS
BOARD OF TRUSTEES MONTHLY MEETING

Monday, December 21, 2015
7:00 p.m.

Present: Mayor Supron; Trustees: Biloski, Friend, Marshall, Robinson, and Woodard; Police Chief Steinmetz; Superintendent of Public Works Cross; Clerk & Treasurer Mangione; Attorney Marcus

Not in attendance: Trustee Salton (arrived at 8:45 p.m.), Fire Superintendent Tamborelle

Call to Order: Mayor Supron called the meeting and the public hearing to order at 7:00 p.m.

1. Approval of Board of Trustee Meeting Minutes: November 16, 2015

Resolution #7729

BE IT RESOLVED THAT: Minutes of the November 16, 2015 Village of Cayuga Heights Board of Trustees Meeting are approved as written in Exhibit FYE2016-085.

Motion: Trustee Biloski

Second: Trustee Woodard

Discussion: none

Ayes: Trustees Biloski, Friend, Marshall, Robinson, and Woodard

Nay & Abstentions: none

Motion carried

2. Approval of Board of Trustee Meeting Minutes: November 18, 2015

Resolution #7730

BE IT RESOLVED THAT: Minutes of the November 18, 2015 Village of Cayuga Heights Board of Trustees Meeting are approved as written in Exhibit FYE2016-086.

Motion: Trustee Biloski

Second: Trustee Woodard

Discussion: none

Ayes: Trustees Biloski, Marshall, Robinson, and Woodard

Nay & Abstentions: Friend and Robinson

Motion carried

3. Report of Fire Superintendent Tamborelle: (Exhibit 2016-087)

There were no comments or questions regarding this report.

4. Privilege of the Floor (PoF):

Note: Page 1 (lines 1 – 11) of the sign-in sheet is blank.



Village of Cayuga Heights

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Kathryn D. Supron, Mayor
Joan M. Mangione, Clerk & Treasurer
Angela M. Podufalski, Deputy Clerk
Brent A. Cross, Engineer

Board of Trustees Meeting – Privilege of the Floor

December 21, 2015 – Marcham Hall

PLEASE PRINT Name/Anonymous	Address	Do you wish to speak? Indicate Yes or No
12. DENISE RAMZEY/ ALEX MERCOLD	511 KLINE RD	YES
13. _____	_____	_____

Ms. Ramzy and Alex Mergold signed up to speak, however it is suggested that they may wish to delay comment until the Board reaches the Mayor's Report section regarding their property and all parties agree.

5. New Village of Cayuga Heights' Website Presentation

The application necessary to present the redesigned website is not compatible with the operating system on the office laptop making it impossible to project the new website for group viewing. Options are for trustees to schedule time for Information Aide Johnson to guide them through the site or to allow the website to go live enabling trustees and department heads to test it and report any needed changes. It is agreed to upload the website as soon as possible. Nixle®, a community engagement and emergency notification application is discussed. It is no cost to public safety agencies and will allow police, fire, and office staff to load and publish public alerts to the website as needed. A marque with the most current alerts or announcements will display on the homepage. It is also possible for a text message or email message to be sent to all who have signed up for the service. The webpage will feature options for sign-up for eblast and/or Nixle®.

6. Report of the Mayor:

This section's agenda items are addressed in reverse order.

a. 511 Kline Road: Introduction

It is not the Mayor's intent to discuss and settle the issue during this meeting, but to share facts surrounding it and to allow the board time to familiarize themselves with the history and contributing opinions involved. Superintendent Cross as Code Enforcement Officer issued a building permit for the property at 511 Kline Road based on submitted original project plans during 2014. As the project progressed, a revised set of plans was requested and provided. The original permit was for interior work only; Supt. Cross did not consider the portion of the documentation related to additional exterior changes. The homeowners believed that all revisions were thereby approved and moved forward with the work. An element of the modification includes an overhang which extends into the village right-of-way. As the work progressed it became apparent that the walkway overhang was not in compliance with set-back requirements and observance of the right-of-way. These compliance questions require deliberation by both the Zoning Board of Appeals (ZBA) and the Board of Trustees (BOT). The BOT elected to have the ZBA hear the appeal first. The ZBA approves the portion of the overhang that sits on private property. The ownership of the right-of-way is in public hands and is to be dedicated solely for the public benefit. Therefore the only remedy that could be granted is a revocable license which gives the village the right to revoke the license. The overhang is skewed and extends into the right-of-way by varying amounts and is eight (8) feet above the ground. The only local law directly effecting parking is the no overnight parking regulation. Parking is not allowed between the curb and the sidewalk. There is currently no sidewalk in this area.

The property owners addressed the BOT sharing their concerns and willingness to cooperate with the village. They did not realize that there is an issue as they have worked to improve the property. The trellis and mailbox that are part of the problem were in place when they purchased the home. They are attempting to protect their property with the construction of the overhang. They offer their professional architectural expertise to the village. Supt. Cross referenced the "Safe Route to School" grant funds that become available on a three year cycle. The Town and City of Ithaca would be involved in any application; the assumption is that they would be supportive if the Village takes the lead on a project. Involvement in a sidewalk project is a potential way these homeowners and the village could work together.

b. Discussion of a Draft of Proposed Local Law 2016-A A Local Law to Establish Solar Energy Collector

Requirements: (Exhibit 2016-088)

The proposed law is discussed; minor changes are made. It is determined that a hearing can be scheduled for the public's input.

Resolution # 7731

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees approve scheduling a Public Hearing preceding the January 19, 2016 Monthly Board Meeting at 7:00 p.m. for comment on proposed Local Law 2015-D To Establish Solar Energy Collector Requirements modified from Exhibit 2016-088 as follows:

**A LOCAL LAW TO ESTABLISH
SOLAR ENERGY COLLECTOR REQUIREMENTS**

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 facilitate the use of solar energy collectors to encourage the development of renewable energy sources, but also to recognize that regulation of the installation, location maintenance and operation of solar collectors are matters of public importance involving issues of safety, neighborhood character, and possible depreciated property values by reason of improperly installed, located, maintained or operated collectors. The purpose of this Local Law is to establish

requirements for the installation, location, maintenance and operation of solar collectors on properties in 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 GENERALLY APPLICABLE STANDARDS

- A. All solar energy collectors installed in the Village shall be subject to the following requirements:
1. Solar energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through net metering or net billing or a similar program in accordance with New York Public Service Law 66-J or similar State or federal statute; and
 2. Solar collectors shall be designed, located, and tilted to minimize reflective glare toward vehicles on adjacent roads and to the extent practicable toward inhabited buildings on adjacent properties; and
 3. Solar energy collectors shall be located in locations and configurations that mitigate their visibility from surrounding properties to the extent practicable; and
 4. Solar energy collectors shall be considered structures for the purpose of compliance with Village laws and ordinances, shall require a building permit and certificate of occupancy issued by the Village's Code Enforcement Officer, and shall comply in their design, construction, and operation with all other Village laws and ordinances, unless specifically excluded by this Local Law.
- B. Roof mounted solar collectors are permitted in all zoning districts in the Village, subject to the following requirements:
1. The area covered by collectors shall not exceed eighty (80%) percent of the entire roof area;
 2. There shall be a minimum set back from all roof edges in accordance with New York State Building Code;
 3. On a pitched roof, collectors shall be mounted no more than twelve (12) inches above the nearest adjacent roofing surface to which they are affixed and shall not extend beyond the highest point of the roof; and
 4. On a flat roof, collectors shall be installed in a manner and to a maximum height not to exceed three (3) feet above the nearest adjacent roofing surface that minimizes their visibility from surrounding properties and roads, without hindering energy production.
- C. Ground-mounted solar collectors are permitted as an accessory use in all zoning districts of the Village, subject to the following requirements:
1. Collectors shall be located in side or rear yards;
 2. Collector locations shall meet all applicable setback requirements of the zoning district in which they are located;
 3. The height of any collector and any mount shall not exceed 15 feet from ground elevation at any point when oriented at maximum tilt;
 4. The total footprint on the ground of all such collectors on any one lot shall not exceed 500 square feet;
 5. The area beneath any collector shall be included in the calculation of lot area coverage;
 6. No collector may be sited within a riparian streamside buffer or any buffer required for some other conservation purpose;

7. Such installations should employ where practicable vegetative landscape screening and man-made screening methods which harmonize with the character of the property and surrounding neighborhood to minimize collector and mount visibility from adjacent properties and roads;
8. Installations should minimize view blockage from and shadow impacts on neighboring properties;
9. Installations must be performed by a qualified solar installer;
10. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of Tompkins County and other applicable laws and regulations;
11. If a collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities by no later than ninety (90) days after the end of the twelve (12) month period; and
12. For a project that requires site plan approval, and which also includes the installation of ground-mounted solar collectors, the site plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of any proposed collector.

SECTION IV APPEAL

In the event that any owner of any property located in the Village determines that they are aggrieved by the requirements of this Local Law, said owner may apply to the Village's Board of Zoning Appeals to seek an area variance for the construction of a solar collecting facility on their property, and the Board of Zoning Appeals shall review such appeal in accordance with the procedural and substantive requirements of an area variance appeal.

SECTION V PENALTIES FOR OFFENSES AND ENFORCEMENT

Any person who, themselves or by an agent or employee, shall violate any of the provisions of this Local Law, shall be guilty of a violation and subject to a fine of not less than \$100 and not more than \$500 per offense. Each day's violation shall constitute a separate offense. The terms of this Local Law will be enforced by the Village's Code Enforcement Officer.

SECTION VI 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 Ordinance 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 VII 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 VIII 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 Marshall

Second: Trustee Friend

Ayes: Trustees Biloski, Friend, Marshall, Robinson, and Woodard

Nays and Abstentions: none

Motion carried

If proposed Local Law 2015-D is not found to be exempt from SEQR, the form can be completed by the Board of Trustees at a subsequent meeting.

7. Report of the Trustees:

A summary of the actions taken by the Information Technology Committee is given by Trustee Woodard. Several local internet and phone service providers were contacted. The quality and content of their responses and proposals were reviewed. Municipal references for Finger Lakes Technology Group were checked with very positive results in their favor. It is

recommended that even though the monthly fee is higher than the combined current land line and internet service that the quality and expansion of internet service to the Department of Public Works justifies endorsement of the expenditure.

Resolution # 7732

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees approve retention of Finger Lakes Technology Group as internet and phone system and service provider for a monthly fee of \$1,742.49.

Motion: Trustee Robinson

Second: Trustee Marshall

Ayes: Trustees Biloski, Friend, Marshall, Robinson, and Woodard

Nays and Abstentions: none

Motion carried

8. Report of Chief Steinmetz: (Exhibit FYE2016-089a, b, c)

It has been necessary to revise Police Department hiring procedures. Procuring polygraph testing for the two new part-time officers is not possible due to scheduling.

A letter has been received from Michael E. Lane, Chair of the Tompkins County Legislature and Svante Myrick, Mayor of the City of Ithaca. It informs that their respective organizations recently agreed to pursue State funds to study the consolidation or greater integration of their police agencies. It also extends an invitation to village police agencies and governments with a similar interest to join in the study. Trustee Biloski and Chief Steinmetz will participate on behalf of the Village. The objective of maintaining the current level of service is a priority, however if there is a way to accomplish that and have cost savings then participation would be beneficial.

Chief Steinmetz made a statement concerning the necessity to handle a personnel issue during the previous week. He worked with Village HR Attorney Laurie Johnson. Ms. Johnson will no longer be acting in that capacity since she has accepted a position at Cornell University. The Chief went on to publicly praise her for her outstanding assistance and guidance through the years.

Lastly, he presented a \$10,000 check from the Triad Corporation to Treasurer Mangione. A request had been submitted to them for grant funds to be used to support the purchase of electronic equipment which has not been possible to acquire due to budget constraints. Some equipment that would be in this category is night vision goggles to be used to locate suspects or missing persons or children. An additional portable electronic radar sign would also be beneficial.

9. Report of Superintendent of Public Works Cross: (Exhibit FYE2016-90)

Regarding the "Safe Routes to School" grants, the village may need to retain a consultant to assist in application preparation.

A Certificate of Occupancy was issued on three of the four new buildings at Kendal. It will not affect the upcoming tax year but this action moves that result closer to fruition.

Superintendent Cross mentioned that the roofing contractors have been on site for the last week and a half. He feels that the effort will produce the anticipated quality result.

The Village's sewer collection system all runs through a concrete "cattle tunnel" which was built by NYS DOT prior to Supt. Cross's 21 year tenure. It has not been inspected during that time. Following ventilation, with the help of Brain Drain, a video of the tunnel was recorded. A redundant pipe as back-up to this system should be planned.

Following much deliberation, the Durant subdivision was approved by the Village of Cayuga Heights Planning Board.

It is anticipated that the new dump truck ordered during the last fiscal year may be delivered by the end of the year. Fortunately the weather has not been snowy which would have made the delayed delivery of the truck problematic.

Trustee Salton arrived at this juncture.

10. Report of Clerk & Treasurer Mangione (Exhibits 2016-091a, b)

a. Board of Trustee Meeting Schedule

At the Organizational Meeting on April 6, 2015 it was decided to schedule monthly meetings on the third Monday of each month instead of the second Monday. The January and February meetings were erroneously left on the respective Monday without accounting for a holiday on each of those dates. The new meeting dates are to be noticed in the Ithaca Journal.

Resolution #7733

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees establishes the date for the January meeting as Tuesday the 19th. This meeting will be held at the Ronald E. Anderson Firestation located at 194 Pleasant Grove Road starting at 7:05 p.m. or immediately following the Public Hearing scheduled for 7:00 p.m.

Motion: Trustee Salton

Second: Trustee Biloski

Ayes: Trustees Biloski, Friend, Marshall, Robinson, Salton, and Woodard

Nays & Abstentions: none

Motion carried

Resolution #7734

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees establishes the date for the February meeting as Tuesday the 16th. This meeting will be held at the Ronald E. Anderson Firestation located at 194 Pleasant Grove Road starting at 7:00 p.m.

Motion: Trustee Biloski

Second: Trustee Friend

Ayes: Trustees Biloski, Friend, Marshall, Robinson, Salton, and Woodard

Nays & Abstentions: none

Motion carried

The matter of late charges on a villager's water and sewer bill was discussed. It is determined that no refund of these fees will be made.

Resolution #7735

BE IT RESOLVED THAT: Abstract #7 for FYE2016 consisting of TA vouchers 56 - 63 in the amount of \$16,031.06 and Consolidated Fund vouchers 458 - 551 in the amount of \$160,291.14 is approved and the Treasurer is instructed to make payments thereon.

Motion: Trustee Robinson

Second: Trustee Biloski

Discussion: none

Ayes: Trustees Biloski, Friend, Marshall, Robinson, Salton, and Woodard

Nays & Abstentions: none

Motion carried

The Mayor mentioned that two additional applications for the open Assistant Superintendent of Public Works have been received. Advertising for the position will continue and be listed in the Cortland Standard as well.

11. Report of the Attorney:

No additional topics to discuss.

The meeting of the Village of Cayuga Heights Board of Trustees is adjourned by Mayor Supron at 8:58 p.m.