

Present: Mayor Woodard; Trustees Friend, Marshall, McMurry, Robinson; Superintendent of Public Works Cross; Assistant Superintendent of Public Works Wiese; Fire Superintendent Tamborelle; Police Chief Steinmetz; Clerk & Treasurer Mangione; Deputy Clerk Walker; Attorney Marcus; **Absent:** Trustees Salton, Biloski

Call to Order: Mayor Woodard calls the meeting to order at 7:02 p.m.

1. Approval of Meeting Minutes: April 10, 2017 (Exhibit 2018-008)

Resolution #8051

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves the April 10, 2017 Board of Trustee Meeting Minutes as presented in Exhibit 2018-008.

Motion: Trustee Friend

Second: Trustee Marshall

Ayes: Mayor Woodard, Trustees Friend, Marshall, McMurry

Nays: none

Abstentions: Robinson

Motion carried

2. Approval of Meeting Minutes: May 15, 2017

Resolution #8037 not voted on

3. Approval of Meeting Minutes: June 19, 2017

Resolution #8038 not voted on

4. Guest Speaker: Laurie Konwinski, Deputy Director of Catholic Charities serving Tompkins and Tioga Counties (CCTT), which is celebrating twenty years of service in Tompkins County, is taking the opportunity to visit as many elected officials as possible. By familiarizing officials with CCTT's programs they can answer questions from constituents, friends, and family. Ms. Konwinski clarifies that although CCTT is affiliated with the Diocese of Rochester Catholic community, they serve everyone, regardless of belief, identity, or color of skin. They are best known for providing emergency financial assistance. They serve thousands of people a year who are struggling with long and short-term poverty. They help provide housing, transportation, and medical costs. They provide clothing and daily household supplies. They have a shelter program for single women who are homeless or need a place to stay. Assistance with signing up for SNAP, formerly known as Food Stamps, is provided. The family empowerment program helps young dads or stepfathers understand the roles of parenting. The ten-year's old Immigrant Services program offers help for individuals on the path to U.S. Citizenship, and can also provide aid to bring family members to the United States. The U.S. State Department has approved CCTT's Refugee Resettlement program. Lastly, they have a Justice in Peace Ministry, which centers on public policy work benefiting low-income people and immigrants. There is an open house on July 18, 2017 to celebrate 20 years of offering care to the community members of Tompkins County. Trustee Friend comments on positive community "buzz" related to the CCTT offering for free legal counsel to immigrants. Chief Steinmetz suggested CCTT could offer a handout listing their services and contact information. Officers who come in contact with individuals who might need assistance, could provide them with the handout.

5. Report of Fire Superintendent Tamborelle (Exhibit 2018-039)

The Fire Department had a very busy month with the Yard Sale, Movie Nights, and residents' basement flooding due to recent storms.

The old 1998 Chevy pickup is no longer used. Although it passes NYS inspection the CHFDD does not consider it safe for some of the younger, less experienced drivers in the department.

Resolution #8052 (Exhibit 2018-040)

WHEREAS, the Village of Cayuga Heights Fire Department fleet has a 1998 Chevy Responder, VIN# 1GCHK33R9WF041712, and;

WHEREAS, repair costs on the vehicle have been determined as not cost-effective, and;

WHEREAS, the vehicle does not meet the driver safety standards of the Cayuga Heights Fire Department, and;

WHEREAS, a new replacement vehicle has been ordered and will be delivered this season,

THEREFORE, BE IT RESOLVED the Village of Cayuga Heights Board of Trustees considers 1998 Chevy Responder, VIN# 1GCHK33R9WF041712, as a surplus vehicle and authorizes its sale.

Motion: Trustee Robinson

Second: Trustee McMurry

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

Nays: none

Abstentions: none

Motion carried

Superintendent Tamborelle shares that the Yard Sale net after expenses was around \$3500 to \$4000. There were no other questions for Fire Superintendent Tamborelle.

6. Privilege of the Floor (PoF)



Village of Cayuga Heights

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Linda Woodard, Mayor
Joan M. Mangione, Clerk & Treasurer
Jeffrey Walker, Deputy Clerk
Brent A. Cross, Engineer

Board of Trustees Meeting – Privilege of the Floor

July 17, 2017 – 7:00 PM – Marcham Hall

PLEASE PRINT		
Name or Anonymous	Address	Do you wish to speak? Indicate Yes or No
1. RONALD BORS	121 TEXAS LN.	YES
2. LAURIE KONWINSKI	302 Cascadilla St Ithaca	YES
3. _____	_____	_____

Resident Ronald Bors addressed the Board about Friday's flooding near Texas Lane. He had become concerned when he checked on the walking path and holes the water had caused. He called Tompkins County dispatch to ask for the Cayuga Heights' officer on duty call him. Sgt. Wright called him approximately 45 minutes later. The Sergeant had already put hazard cones around the damaged area and was reporting back to Mr. Bors. He concluded that it's one more example of how things can go, when everything goes right. Sergeant Wright is to be commended.

7. Report of the Mayor (Exhibits 2018-041 through 2018-042)

- a. Mayor Woodard explains that the SCLIWC Agreement of Municipal Cooperation (AMC) has been held up due to Attorney Susan Brock's (Town of Ithaca) concerns. Attorney Marcus remembers signing off on AMC revisions almost a year ago. Mayor Woodard confirms that this is the same resolution presented to the Board in January. Exhibit 2018-041 relates to the change to the water rate schedule and not to the AMC.

Resolution #8053

Approval of the Revised Southern Cayuga Lake Intermunicipal Water Commission Agreement and Authorization of the Mayor to sign as an Act of the Village Board

WHEREAS, the Village entered into an agreement of intermunicipal cooperation with several other municipalities creating the Southern Cayuga Lake Intermunicipal Water Commission and authorizing the construction by such Commission of the Bolton Point water treatment plant and related transmission and other facilities, which agreement was restated as of June 5,

1979 and which agreement has been subsequently amended from time to time (such agreement as so amended being hereinafter referred to as the "Agreement"); and

WHEREAS, the parties to the Agreement wish to revise the Agreement to streamline and clarify certain sections as well as incorporate the various amendments made over the years; and

WHEREAS, a copy of the proposed revised Agreement has been submitted to this Board; and

WHEREAS, this Board finds it is in the best interests of the Village and its citizens to affect the proposed revisions; now, therefore, be it

THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Cayuga Heights hereby determines, pursuant to Part 617 of the Implementing Regulations pertaining to Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act ["SEQRA"]), that adoption of said proposed revisions is a Type II action, constituting "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment: and thus may be processed without further regard to SEQRA; and,

BE IT FURTHER RESOLVED, that the Village Board of the Village of Cayuga Heights hereby adopts the revised Southern Cayuga Lake Intermunicipal Agreement; and,

BE IT FURTHER RESOLVED, that the Village Mayor sign such revised agreement as the act of the Village and the Village Board.

Motion: Trustee Friend

Second: Trustee Robinson

Discussion: none

Ayes: Mayor Woodard, Friend, Marshall, McMurry, and Robinson

Nays: none

Abstentions:

Motion carried

The resolution on water rate structure inadvertently included in the Agenda Packet is tabled until the August meeting of the Board.

- b. Superintendent Cross received a complaint about 213 Highgate Road, a two-family dwelling. One of the tenants was receiving/selling wholesale automotive parts from the residence (a depot). The tenant was informed that using a residence as a depot constitutes a zoning violation. He agrees to halt sales from the property. The tenant asked if parking his personal vehicle (pickup truck) which has the name of the business on it, is permitted on the property. He has been informed that he can park his vehicle in the residence's driveway. Trustee Marshall has not observed any reduction in activity or traffic since Superintendent Cross visited the residence. Mayor Woodard suggests additional communication with the tenant advising him of the Village's expectations and informing him that a fine of \$100 per day can be enjoined.
- c. Mayor Woodard explains sewer billing from the Village of Cayuga Heights to other municipalities is based on a minimum of 10,000 gallons of water consumption per sewer unit. All municipalities including Cayuga Heights set the number of water and sewer units to be the same, except for the Village of Lansing. This is most apparent with multiple housing units. Properties with multiple units have been underbilled for several years. The Town of Ithaca and Town of Lansing have agreed to pay the difference in calculated billing using the 10,000 minimum since the beginning of the calendar year.. The Village of Lansing has not confirmed whether or not it will pay the difference.

Bolton Point was not providing enough information to allow one to observe the discrepancy in the number of sewer units to the number of water units in the Village of Lansing.

- d. The six-municipal waste water agreement, signed in 2003, was developed so the City/Town of Ithaca plant and the Village plant would plan to have enough capacity to cover a greater service area. Both plants have issues with infiltration and inflow (I and I); all are looking to reduce I and I and are discussing solutions. Heavy rain events cause problems for both plants. In the future, Lansing's growth could cause more dry flow, meaning wastewater produced with no added stormwater, than the Village plant could handle on its own. One potential solution to this future shortfall is to build a connector line between the plants. Upgrades to one or both plants are also under consideration. In order to estimate relative cost, T.G. Miller has been asked to prepare a proposal providing an estimated cost to build the connector line between the plants.

Trustee Robinson leaves the meeting at 8:03 p.m.

8. Report of the Trustees:

Trustee McMurry addresses the debriefing session in which she participated, relating to the DOT Transportation Alternatives Program (TAP) Safe Routes to School grant. She is encouraged by the positive comments about the grant application. The DOT representatives encourage the Village to try again when additional grant monies become available. Some wording in the Lake View Cemetery Right of Way Agreement caused concern. It is recommended that the Agreement state that it will remain in effect for at least five (5) years once monies are received. Lengthening the hours that the cemetery is open to cover afterschool activities, ideally 24-hour access is advised. In practice, the cemetery is open 24 hours a day. These changes should strengthen a future grant application. Chief Steinmetz suggests lighting might be needed since it can be very dark for walking. Liability still falls on the cemetery if a pedestrian should be injured. The changes will be discussed with the Lake View Cemetery Board. Attorney Marcus will draft the recommended changes and forward the document to Trustee McMurry. A new grant application may be able to be submitted as early as later this year.

Trustee Friend reminds the Board that as was presented during the June meeting, a qualifying benchmark of the NYS Climate Smart Communities Pledge is adoption of the New York State Unified Solar Permit (USP). The New York State Energy Research and Development Authority, known as NYSERDA has developed a Unified Solar Permit which local governments can adopt by resolution. The USP is recommended to reduce costs and delays for solar projects in a jurisdiction. Superintendent Cross has been aware of the USP process from the state for about five years. A village application process is already in place however, some municipalities do not and the state has established a method for those who need one. Funding is available for those who pass a resolution to adopt the Unified Solar Application. Superintendent Cross is committed to using the USP in order for the Village to receive grant funds and to further the Village's efforts to become a Climate Smart Community.

Trustee Robinson rejoins the meeting at 8:20 p.m.

Resolution #8054 (Exhibit 2018-042)

RESOLUTION TO ADOPT THE NEW YORK STATE SOLAR PERMIT PROCESS

WHEREAS, the New York State Energy Research and Development Authority ("NYSERDA"), together with the New York Power Authority ("NYPA") and City University of New York ("CUNY"), developed a New York State Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes, and;

WHEREAS, municipalities across the state that adopt the New York State Unified Solar Permit are eligible to receive between \$2,500 and \$5,000 depending on population size through the New York State Cleaner, Greener Communities Program, and;

WHEREAS, the Village of Cayuga Heights wants to promote the streamlining of the application process for small-scale photovoltaic system installations by adopting the New York State Unified Solar Permit application form and implementing the new procedures;

NOW THEREFORE, BE IT RESOLVED that the Village of Cayuga Heights adopts the New York State Unified Solar Permit and the document titled "Understanding Solar PV Permitting and Inspecting in New York State;" and

IT IS FURTHER RESOLVED that the Village of Cayuga Heights Code Enforcement Officer is hereby directed to use the New York State Unified Solar Permit application form and procedures in issuance of building permits for the installation of small-scale solar photovoltaic systems; and

IT IS FURTHER RESOLVED that the fee for solar installations is set by resolution of the Village of Cayuga Heights Board.

Motion: Trustee McMurry

Second: Trustee Marshall

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

Nays and Abstentions: none

Motion carried

- e. Review of the Following Topics Contained in the Revised Zoning Ordinance:
Article 16. Administration and Enforcement, Article 17. Site Plan Review, Article 18. Subdivisions, Article 19. Special Use Permits and Article 20. Zoning Board of Appeals

Compared to other sections, the framework of these provisions is drawn most closely from NYS State law. The requirements of these sections are not creative or unique to the Village. A notable addition to current zoning is a

provision for the Special Use Permit process. The Zoning Review Committee (ZRC) recognized the need for a Special Use Permitting process that would be simpler than Site Plan Review for instances when a change of use that would not trigger a full Site Plan Review. Current zoning calls for special uses, such as restaurants and gas stations to be presented to the Board of Trustees. The Planning Board will now hear requests for a Special Use Permit. Both Site Plan Review and Special Use Permitting require SEQR and potentially a Public Hearing. ZRC Chair Cowett lists the sections to which Special Use permitting applies. (*The sections mentioned by Mr. Cowett have been renumbered since the July 17, 2017 meeting. In the DRAFT dated October 16, 2017, they are now numbered: § 5.2.K, §6.2.4, and § 7.3*). This process allows for greater scrutiny than was previously recognized. The Planning Board can deliberate the impact of what is being proposed e.g. it can take compatibility with the nature of the neighborhood into consideration. A Special Use permit is concerned with occupancy, not the physical nature of the property.

Mayor Woodard asks about fines and penalties. Superintendent Cross states that there has only been one case prosecuted in twenty-three years. He believes there has nearly always been compliance with zoning issues once they have been addressed with the home owner. As Zoning Officer, he can issue a violation. The property owner would appear before the Village Justice; the decision to levy a fine or dismiss the violation if the property condition has been remedied remains with the Justice. Mayor Woodard suggests that language in the Zoning laws needs to allow for fines.

Trustee Friend wonders, for what period of time does a site plan approval stay in effect? Trustee McMurry and Chair Cowett concur that the approval expires if it not used; the related language is within the Sub-division section. Further discussion leads to the conclusion that once the Planning Board authorizes a site plan, it does not expire unless the proposed construction changes considerably. Superintendent Cross states that a building permit does expire in a year. A reapplication for a permit is permissible in that case.

Trustee Friend asked for a definition of the Complete Streets Concept. Chair Cowett will add it in.

Mayor Woodard asks if lot shape formulas are used, Chair Cowett confirms that yes, although the formulas are complex, they are used. The Board discusses the mayoral authority to nominate and/or ask for resignation of Planning and Zoning Board members.

Chair Cowett suggests adding language to the section on maximum driveway grades in the article for off-street parking. Restrictions should apply only to the commercial zone and multiple housing units, not residential. Trustee Marshall asks whether a Flag Lot is correctly worded and if they are discouraged. The Planning Board and Zoning Board have authority to determine a variance and apply conditions if necessary.

8. Report of Police Chief Steinmetz (Exhibits 2018-043 a, b, c)

Chief Steinmetz is asked to explain Obstruction of Governmental Administration as an additional charge when an individual refuses to comply with an officer's directions. The instance which occurred during June involved an individual who claimed he was from a sovereign nation and does not recognize US laws. This differs from Resisting Arrest which requires the act of pulling away from an officer.

The LESS (Law Enforcement Shared Services) initial draft is available for review by Village officials only.

Chief Steinmetz would like guidance on hiring a part-time individual without open interviews. He has a qualified individual who he would like to offer a part-time position. County Personnel confirms that there is no need to have open interviews. Attorney Marcus does not recall any Village policy which would preclude hiring in this instance.

9. Report of Assistant Superintendent of Public Works Wiese

The Village Hall brick walkway was completed with a few small issues. Rain runoff from the roof is washing the sand away. The worst damage from Friday's rain storm was to North Triphammer Road, the sidewalk next to the Kendal bus stop was washed out. There were also a few brief road closures.

The DPW is sweeping debris and stones off roadways and sidewalks. Knotweed prevention testing is taking place, Chair Cowett and DPW are trying different ways to eradicate the plant.

10. Report of Superintendent of Public Works Cross

Superintendent Cross reports that GHD is sending five engineers, starting on August 1, 2017, to perform a complete WWTP evaluation. Summer Intern W. Sigel will manage a manhole mapping program with use of a new iPad. Superintendent Cross informed the Board that he has received a few complaints from residents this month, One is about a short-term rental parking & traffic issue. The other is a complaint about a home-based computer business in a resident's garage. The ZBA will hear a few cases this month; the Brian Warren subdivision and request for a change to a condition placed on the 903 Hanshaw Cayuga Medical Center Project. The residents of 914 Highland Road have hired an attorney to attempt to negotiate a compromise on their fence removal due to a perceived roadway encroachment onto their property. Superintendent Cross is waiting for a quote for a new gutter system for Village Hall.

11. Report of the Clerk & Treasurer - Submitted reports (Exhibits 2018-044 a, b)

The Fire Truck BAN Balance is \$233,000 and not \$230,000. The Village will finance the remaining \$168,000. Tompkins Financial will finalize the paperwork before the due date of July 27, 2017.

Resolution #8055

BE IT RESOLVED THAT: Abstract #02 for FYE2018 consisting of TA vouchers 7-14 in the amount of \$16,027.08 and Consolidated Fund vouchers 22-103 in the amount of \$195,070.89 is approved and the Treasurer is instructed to make payments thereon.

Motion: Trustee Robinson

Second: Trustee Marshall

Discussion: none

Ayes: Mayor Woodard, Trustees Friend, Marshall, McMurry, Robinson

Nays & Abstentions: none

Motion carried

13. Report of the Attorney

There are no questions for Attorney Marcus.

14. Executive Session

Resolution #8056

WHEREAS, The NYS Open Meeting Law §105 prescribes matters for which a public body may conduct an executive session; and,

WHEREAS, Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered; and,

WHEREAS, The conduct an executive session for these enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:

THEREFORE, BE IT RESOLVED THAT, An Executive Session of the Village of Cayuga Heights Board of Trustees is conducted for the purposes of subsection (d) discussions regarding proposed, pending or current litigation; (f) 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 or corporation.

Motion: Trustee Robinson

Second: Trustee Marshall

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

Nays and Abstentions: none

Motion carried

Resolution #8057

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees ends Executive Session and returns to an open meeting.

Motion: Trustee Friend

Second: Trustee McMurry

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

Nays and Abstentions: none

Motion carried

15. Adjournment

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