

EXHIBIT 2018-038 page 1 of 6
VILLAGE OF CAYUGA HEIGHTS
BOARD OF TRUSTEES
MONTHLY MEETING

Minutes
Marcham Hall

Monday, June 19, 2017
7:00 p.m.

Present: Mayor Woodard; Trustees: Biloski (7:38 p.m. arrival), Friend, Marshall, Robinson, and Salton; Superintendent of Public Works Cross; Assistant Superintendent of Public Works Wiese; Clerk & Treasurer Mangione; Attorney Marcus; Planning Board Chair: Fred Cowett. **Absent:** Trustee McMurry, Fire Superintendent Tamborelle, Police Chief Steinmetz

Call to Order: Mayor Woodard calls the meeting to order at 6:55 p.m.

1. Approval of Meeting Minutes: April 4th, 2017 (Exhibit available on the website)

Resolution #8037

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves the April 4, 2017 Board of Trustee Meeting Minutes as presented in Exhibit 2018-007.

Motion: Trustee Friend

Second: Trustee Marshall

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

Nays: none

Abstentions: none

Motion carried

2. Approval of Meeting Minutes: April 10, 2017 (Exhibit available on the website)

Resolution #8038 not voted on

Quorum of attendees necessary for approval are not present; item tabled until a future meeting.

3. Approval of Meeting Minutes: April 17, 2017 (Exhibit available on the website)

Resolution #8039

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves the April 17th, 2017 Board of Trustee Meeting Minutes as presented in Exhibit 2018-019.

Motion: Trustee Salton

Second: Trustee Marshall

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

Nays: none

Abstentions: none

Motion carried

4. Approval of Meeting Minutes: May 15, 2017 (Exhibit 2018-029 available, not complete at time of meeting)

5. Report of Fire Superintendent Tamborelle (Exhibit 2018-030)

There are no questions or comments on the Fire Superintendent's report.

The Fire Council Yard Sale was held last Saturday. There was a large crowd and most items were sold. A few unsold items were held over for sale on the internet.

The Fire Department will be holding a movie night again this year. Permission is sought from the Board of Trustees to hold "Movies at the Station" from June 27, 2017 until August 15, 2017, skipping July 4th. Movie nights start at 1800 hours at the station. The Board is asked to waive the permit fee for this function.

Resolution #8040

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves the Cayuga Heights Fire Department request to hold "Movies at the Station" during the requested date range. The permit fee is waived for this function.

Motion: Trustee Robinson

Second: Trustee Salton

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

Nays: none

Abstentions: none

Motion carried

6. Privilege of the Floor (PoF)

Candidate for Tompkins County Legislature, District 10, Deborah Dawson introduces herself. Cayuga Heights is in District 10. Dooley Kiefer has held this seat since 1994 and has decided not to run again.

Ed Lavigne, Lansing Town Supervisor, is in attendance. He is looking forward to working with the mayor and the board.

7. Report of the Mayor (Exhibits 2018-021 through 2018-024)

a. Colbert Water and Sewer Question:

The following was received by the Board of Trustees and is entered here into the record.

Timothy J. Colbert



June 7, 2017

The Board of Trustees
Village of Cayuga Heights
836 Hanshaw Rd.
Ithaca, NY 14850

Dear Trustees,

On February 20, 2017 I sent the enclosed letter to the Mayor, Linda Woodard, regarding excessive water consumption at our home at 207 Iroquois Road. At the time the letter was written, I did not know the source of the excessive water consumption, but we had not occupied our home since October, 2016. Thus, our water usage should have been negligible. We had Bolton Point and our plumber inspect our home in our absence on two occasions, trying to find the source of the leak, but no leaks were found.

As stated in my letter to the Mayor in February, the water invoice in question was in the amount of \$2,433.16 for the period of 10-16-16 to 1-15-17. The prior year, our water bill was \$289.88 for the same period of time. Along with this letter, I included a check in the amount of \$300, which was in excess of a typical water bill for this time of year.

I did not receive a response to my letter from the Mayor, or anyone else that had been copied on it. My check was deposited by the Village, so I assumed the matter was settled.

We sold our home on Iroquois Road on May 22, 2017 after 34 years in this home and have relocated to Charleston, South Carolina. To my surprise, just days prior to closing, I was informed of a lien on our home for a water bill delinquency in the amount of \$2,283.76. This, in combination with our \$300 prior payment would imply that a late charge of \$150.60 had been applied to our account. In order for the closing to take place, the lien was cleared and the full amount was paid at closing. Prior to the sale of our home, we discovered the water consumption was caused by a defective furnace-mounted humidifier. Apparently, this unit was allowing water to pass through the humidifier and went directly down the condensate drain. Thus, there was no apparent leak. We replaced the humidifier prior to the closing.

Being a resident of the Village of Cayuga Heights for the past 34 years, I am extremely disappointed that I was not given the courtesy of a response to my letter by the Mayor. Further, to have our check deposited, but not be informed that a balance still existed demonstrates very questionable business practices by the Village of Cayuga Heights. Finally, to have a lien placed on our home was insulting and outrageous, to say the least.

Although the water invoice has been paid in full I ask the Board of Trustees to consider providing a rebate to me for the following reasons:

1. Since the water that was consumed went directly through our humidifier, it did not require treatment. Thus, we should not be charged sewer usage on this.
2. The late charges imposed on our invoice should be forgiven as the Village was negligent in not responding to my letter and we were never informed of a delinquency.
3. An accommodation should be made for some portion of the water consumed, as we were not in residence during the winter of 2016/2017.

I thank you for your consideration and respectfully request a response to my inquiry.

Sincerely,

Timothy J. Colbert

Cell: 607 [REDACTED]

Cc: Linda Woodard, Mayor

Randy Marcus, Esq.

Joan Mangione, Treasurer

Brent Cross, Supt. of Public Works

Mayor Woodard explains that the Colberts subsequently discovered that their humidifier was malfunctioning and was stuck at “on”. Therefore, the water was used and was processed as wastewater. The question of the Village’s receipt of a \$300.00 check, which in Mr. Colbert’s mind satisfied the water/sewer bill, is discussed. It is common for residents to remit partial payment on a water/sewer bill. Hence, when the Colbert’s check was received with no accompanying explanation, it was processed as any other partial payment. The Colbert home sale coincided with the Village’s annual relevy of outstanding water/sewer payments onto the Real Property Tax bills which caused the lien.

Resolution #8041

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves a refund of the penalty portion of the Colbert’s water/sewer bill and authorizes the Treasurer to make payment in the amount of \$150.60 on same.

Motion: Trustee Robinson

Second: Trustee Friend

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

Nays: none

Abstentions: Salton

Motion carried

- b. **Sunset Park – Fencing and Signage:** Mayor Woodard has been informed that every time the black construction fencing is put up at the park, it is pulled down. To avoid needless time and expense, the fence has been removed. It will be reinstalled on Monday, July 3rd, prior to the fireworks display for Independence Day. The Cayuga Heights Historians have requested that the fence be in place for their “Walk and Talk” event on July 8th. A short talk on the history of Sunset Park will be presented by Village Historian Bea Szekely with a description of the natural area by Fred Cowett, and followed by a talk on former and current residents near the park by Deputy Historian Pat Longoria. To take the place of the unpopular fencing, signs will be erected to warn park visitors about the steep slope. The Board is invited to give their opinion on sign design, size, and number. Comments from residents have been received by village staff and administration that signs are preferable to fencing.
- c. **Sewer Billing:** The water and sewer analysis, conducted by Mayor Woodard, vis a vis billing minimums, has revealed a flaw in the Village’s quarterly sewer billing process to outside municipalities. Bolton Point provides the files used to produce outside sewer billing. Meter size is not a field in these files. There is also a problem if the number of sewer units does not equal the number water units. For example, if an apartment building has 50 units, the quarterly minimum is not the lesser of 10,000 gallons or actual metered gallons, it is 50 units times 10,000 gallons or the actual metered gallon amount. This miscalculation has cost Cayuga Heights between \$2,500 to \$6,000 per quarter per municipality.

Trustee Biloski arrives at 7:38 p.m.

- d. **Village Seal:** There are three variations to choose from. The consensus is the seal labeled B on Exhibit 2018-031 in the Agenda packet. The new seal will be used on all Village documents where appropriate.
- e. **Zoning:** The Board will cover the remaining Agenda items and return to the revised Zoning Law.

8. Report of the Trustees:

Trustee Friend follows up on the Village’s Resolution #8028 on April 17, 2017 adopting the NYS Climate Smart Communities Pledge. The Pledge lists benchmarks that the Village can measure and make efforts to improve energy efficiency measures against. Ms. Skye Hart from Cornell Cooperative Extension worked with her and Deputy Clerk Walker to set energy usage benchmarks for all village buildings.

Another qualifying benchmark is adoption of the New York State Unified Solar Permit. The New York State Energy Research and Development Authority, known as NYSEERDA, promotes energy efficiency and the use of renewable energy sources. It has developed a Unified Solar Permit which local governments can pass legislation to adopt. The New York State Unified Solar Permit (USP) is recommended as a way to reduce costs and delays for solar projects in the jurisdiction. In his role as Building Code Enforcement Officer, Superintendent Cross uses a checklist and is of the opinion that use of the USP will slow down the approval process. Trustee Friend suggests that perhaps the contractor should fill out the form. The submission deadline is at the end of July. Information about the USP and a copy of the form will be circulated prior to the July meeting, at which time a vote will be held.

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Mayor Woodard raises the concern that a quorum may not be available for the July and/or August meeting(s). She explains that discussion of the rewritten Zoning Law Draft is critically important to future village conditions. It is preferable to have as many trustees in attendance as possible and to be able to inform residents which sections of the Zoning Law Draft will be addressed at each meeting.

9. Report of Police Chief Steinmetz (Exhibits 2018-032a, b, c)

Chief Steinmetz is not in attendance, his monthly reports are in the Agenda.

10. Report of Assistant Superintendent of Public Works Wiese (Exhibits 2018-033)

Inclement weather hindered completion of Texas Lane; it is now finished. The recently purchased loader has arrived. Josh Randall, who has worked with the DPW in the past, started today, June 19th. His background check was performed by CHPD; it returned no undesirable information.

Resolution #8042

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves the hiring of Josh Randall to the position of Laborer at the rate of \$15.00/hour commencing June 19, 2017 and continuing through leaf season (approx. December 15, 2017). No additional benefits are associated with the position of Laborer. His background check is complete.

Motion: Trustee Salton

Second: Trustee Biloski

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

Nays and Abstentions: none

Motion carried

11. Report of Superintendent of Public Works Cross (Exhibits 2017-034)

1, 2, 3. As SPW Cross explains in his report, GHD USA provided a quote of \$27,000 to the Village for a comprehensive plant-wide analysis of the WWTP approximately six (6) months ago. The Village does not qualify for grant funding that is available for the project types to be planned by GHD through the Governor's office, due to the median household income level of the population served by the WWTP. There is a strong likelihood that if the Village contracts with GHD for an Engineering Study that it would qualify for monies available through the NYS Environmental Facilities Corporation (NYSEFC). As the financial arm of the DEC, the NYSEFC has a five (5) year \$1.15 billion grant program. The WWTP would be given a ranking on their Intended Use Plan. With a shovel ready project, the Village could apply for a grant next year. GHD's initial proposal was for \$27,000. Since that time, analysis on a portion of the Headworks project was contracted with GHD for \$4,500 which represents a portion of the analysis that would have been completed with the original proposal. As of today, they have quoted a price of \$23,000 to complete the full engineering study.

Resolution #8043

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves and authorizes Mayor Woodard to sign a contract with GHD USA to perform a comprehensive Planning Study of the Headworks process at the Village's Waste Water Treatment Plant, not to exceed \$27,000.

Motion: Trustee Salton

Second: Trustee Robinson

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

Nays and Abstentions: none

Motion carried

10. A proposed Memorandum of Understanding (MOU) between Cayuga Heights and the Town of Lansing is explained in Item #4 in the Engineer's Report (Exhibit 2018-034).

Resolution #8044

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves and authorizes Mayor Woodard to sign a Memorandum of Understanding with the Town of Lansing to grant a maximum metered volume of 33,050 gallons per day of additional wastewater processing.

Motion: Trustee Robinson

Second: Trustee Friend

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

Nays and Abstentions: none

Motion carried

Attorney Marcus mentions that when this MOU becomes a contract, the matter of a SEQR will need to be addressed.

11. **& 6.** Superintendent Cross reviews the remaining topics covered on his report.

Mayor Woodard has arranged to bring the six (6) parties of the Intermunicipal Sewer Agreement together on June 30, 2017. The meeting will be held at Marcham Hall.

12. Report of Clerk & Treasurer - Submitted reports (Exhibits 2017-035 a, b, c)

Resolution #8045

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees authorizes the adoption of the Computer Breach Notification Policy.

Motion: Trustee Salton

Second: Trustee Robinson

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

Nays and Abstentions: none

Motion carried

Resolution #8046

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees authorizes the Treasurer to make budget transfers as necessary to close Fiscal Year Ending May 31, 2017.

Motion: Trustee Friend

Second: Trustee Robinson

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

Nays & Abstentions: none

Motion carried

Resolution #8047

BE IT RESOLVED THAT: Abstract #013 for FYE2017 consisting of TA vouchers 112 - 116 in the amount of \$1,935.38 and Consolidated Fund vouchers 1014 - 1113 in the amount of \$340,564.43 is approved and the Treasurer is instructed to make payments thereon.

Motion: Trustee Biloski

Second: Trustee Marshall

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

Nays & Abstentions: none

Motion carried

Resolution #8048

BE IT RESOLVED THAT: Abstract #01 for FYE2018 consisting of TA vouchers 1 - 6 in the amount of \$20,117.23 and Consolidated Fund vouchers 1 - 21 in the amount of \$304,664.41 is approved and the Treasurer is instructed to make payments thereon.

Motion: Trustee Salton

Second: Trustee Biloski

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

Nays & Abstentions: none

Motion carried

Report of the Mayor (continued)

Draft Zoning Ordinance Review:

Mayor Woodard goes over essential points of procedure. The Board is advised by Attorney Marcus that at this point in the process the draft Zoning Ordinance belongs to them. Chair of the Zoning Review Committee (ZRC), Fred Cowett agrees to maintain the document and make changes to it when consensus is reached by the Board that a revision is to be made.

Article 10. Signs

Superintendent Cross, a ZRC member, shares that there is NYS Law covering items that cannot be regulated, such as "For Sale" signs. The ZRC referenced the James A. Coon Local Government Technical Series Publications for guidance on this topic. After discussion on §10.3.J and agreement that it is vague and subjective, it is agreed that the section prohibiting "exterior signs containing excessive product or service advertising or trade names" is to be removed and subsequent sections renumbered. The Board questions who will decide what is "appropriate" and why there should be "no more than two typefaces" on a sign. Mr. Cowett explains that if something is not addressed in the Code, it cannot be

regulated. These sections introduce an esthetic component into the Code. As a guiding principle for the ZRC, unless otherwise specified, the draft document is written as a permissive law. Anything that the municipality wants to allow property owners to do, must be stated. The absence of any statement is a prohibition. A lot of the sign section is boilerplate and the decision is, to leave it as is. The fee schedule is referenced throughout the document. The Board reviews that separately; it has not been reviewed for twenty-three (23) years.

Article 11. Lighting

The Board considered whether it should address the question “blue” light effects on vision health. Since LED lights are more energy efficient than florescent lights and the Village has just adopted the NYS Climate Smart Communities Pledge this causes uncertainty. Brian Eden, Village representative to the Environmental Management Council, shared his concerns about “blue” lighting via email prior to the meeting. Sections covering exterior lighting need attention.

Article 12 Off-Street Parking

There is confusion regarding on-street parking. On-street parking is technically a Public Safety issue and is not a zoning question. Local Law requires at least four (4) feet between the roadway and a parked car. Any failure to obey zoning law does not trigger ticket issuance by a Village Police Officer. The Code Officer must issue an appearance ticket to enforce adherence to zoning law. Regulations which set statutes on driving surfaces, conform to uniform building standards set by industry experts.

Article 13 Property Maintenance

Brush piles and accumulation of stormwater are reviewed and found to be reasonable as is.

Article 15 Solar Energy Collectors

Local Law 2016-1 to establish solar energy collector requirements is incorporated here.

Review of the Draft Zoning Ordinance will continue in July covering Articles 16 – 21 and in August, Articles 4 – 9.

A pilot program to study methods to control Japanese Knot Weed within the Village has started.

13. Report of the Attorney

14. Executive Session

Resolution #8049

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 (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 Biloski, Friend, Marshall, McMurry, Robinson, and Salton

Nays and Abstentions: none

Motion carried

Resolution #8050

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

Motion: Trustee Marshall

Second: Trustee Robinson

Ayes: Mayor Woodard; Trustees Marshall, Robinson, and Salton

Nays and Abstentions: none

Motion carried

15. Adjournment

Mayor Woodard adjourns the meeting at 10:35 p.m.