

EXHIBIT 2018-063 page 1 of 15
VILLAGE OF CAYUGA HEIGHTS
BOARD OF TRUSTEES
MONTHLY MEETING

Minutes
Marcham Hall

Monday, August 21, 2017
7:00 p.m.

Present: Mayor Woodard; Trustees: Biloski, Friend, McMurry, Marshall, Robinson, and Salton; Fire Superintendent Tamborelle; Superintendent of Public Works Cross; Assistant Superintendent of Public Works Wiese; Clerk & Treasurer Mangione; Deputy Clerk Walker; Attorney Marcus; Historian Szekely; Planning Board Chair: Fred Cowett.
Absent: Police Chief Steinmetz

Call to Order: Mayor Woodard calls the meeting to order at 7:03 p.m.

1. Approval of Meeting Minutes: April 17, 2017 (Exhibit 2018-019)

Resolution #8061

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

Motion: Trustee Friend

Second: Trustee Robinson

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

Nays: none

Abstentions: Biloski

Motion carried

2., 3., 4. May 15, June 19, July 17, 2017 Meeting Minutes not yet transcribed; meeting recordings and notes are available in the Clerk's office.

5. Approval of Meeting Minutes: August 4, 2017 (Exhibit 2018-046)

Resolution #8062

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves the August 4, 2017 Board of Trustee Meeting Minutes as presented in Exhibit 2018-046.

Motion: Trustee Salton

Second: Trustee McMurry

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

Nays: none

Abstentions: none

Motion carried

6. August 11, 2017 Meeting Minutes Meeting Minutes not yet transcribed; meeting recordings and notes are available in the Clerk's office.

7. Report of Fire Superintendent Tamborelle (Exhibit 2018-050a, b)

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

The heavy storms that blew through the Village kept the firefighters busy. A downed tree on Highland caused a fire when it hit a powerline. Cayuga Heights Police were at the scene redirecting traffic. NYSEG arrived and restored service.

Recruiting for the Fall Training Class has started; there is a planned session for candidates on September 21st at 7:00 p.m.

The new Chevy Tahoe is in. It will be a helpful addition to the fire department fleet.

Excavation on the retaining wall at 825 Hanshaw Road is being performed by the DPW. The back-entrance stairs are also in need of repair. The Sorenson's are moving at the end of August after two years of residence at 825. First Lieutenant Devin Savoy has been approved as the next tenant by the CH Fire Council. It is customary for the Board of Trustees to approve the new renter. Mayor Woodard tables the resolution until later in the meeting.

8. Public Hearing: Proposed Local Law 2017-B to Reestablish and Modify the Method for Calculation of Sewer Rents is Scheduled to begin at 7:30 p.m. Other Agenda items are addressed until that time.

9. Privilege of the Floor (PoF) (copy of the PoF sign-in sheet appears on page 2 of this document)

Ms. Nina Kohn describes how important rental income is to some homeowners. Limiting short-term rentals to owner occupied dwellings is suggested as a way to reassure those who are concerned. Ms. Kohn asks that a way to permit short-term rentals be included in the revised Zoning Ordinance.

Mr. Jeff Milder speaks in favor of short-term rentals. He suggests flexibility in rental regulations, such as limiting short-term rentals to owner occupied homes or allowing rentals over one (1) week but under a month in duration.

Ms. Hickory Lee voices her support for short-term rentals.

Privilege of the Floor is closed.



Village of Cayuga Heights

MARCHAM HALL
836 HANSHAW ROAD
ITHACA, NEW YORK 14850
(607) 257-1238
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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
August 21, 2017 – 7:00 PM – Marcham Hall

PLEASE PRINT Name or Anonymous*	Address (optional)	Do you wish to speak? Indicate Yes or No
1. <u>Nina Kohn</u>	_____	<u>yes please</u>
2. <u>Jeff Milder</u>	<u>113 E Upland Rd.</u>	<u>Yes</u>
3. _____ <u>Hickory Lee</u>	_____	<u>yes</u>
4. _____	_____	_____

10. Report of the Mayor (Exhibits 2018-051 through 2018-053)

- a. **Resignation of Patricia Longoria as Deputy Historian:** Mayor Woodard recognizes Village Historian Bea Szekely, who informs the Board that Pat Longoria has resigned as Deputy Historian. Ms. Longoria devoted much skill, time, and effort to capturing historical data for the enlightenment and enjoyment of current and future history enthusiasts.

Recognition of Patricia Longoria’s Service to the Village of Cayuga Heights

Resolution #8063

IN APPRECIATION FOR OUTSTANDING PUBLIC SERVICE BY PATRICIA LONGORIA

WHEREAS, Patricia Longoria served the Village of Cayuga Heights as a local history researcher in the year 2015 and as Deputy Historian from April 2016 to July 2017, providing the Village with enormous contributions of historical research, paper and web-based publications, records management, and public outreach and,

WHEREAS Patricia Longoria has maintained a standard of excellence in the quality of everything she has done whether, for example, working with the Public Works Department to place donated map cabinets in the jury room; working the Village Historic Preservationists to update The Cayuga Heights History Project website; working with the Village Historian to prepare presentations and publications such as a recent one on “Cayuga Heights and Sunset Park,” or whether working by herself during countless hours of research and,

WHEREAS Patricia Longoria has engaged in outreach within the Village, for example, by a presentation made to a fourth-grade class the Cayuga Heights Elementary School, by offering a workshop on deed research for local house historians, and by conducting oral history interviews and compiling information about architects and builders in various Village neighborhoods and,

WHEREAS Patricia Longoria has represented the Village with the Historian and Historic Preservationists in activities of area municipal historians coordinated by the County Historian, served as a docent for Historic Ithaca annual old house tours, served as initial coordinator for the Tompkins County Names on the Land project, attended a regional and an annual meeting of the Association of Public Historians of New York State, input historical census data for The History Center in Tompkins County's HistoryForge data mapping project, and contributed to the successful application for the American Association for State and Local History Leadership in History award received by The Cayuga Heights History Project in 2016 and,

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby commend Patricia Longoria for dedication and outstanding public service given to the Cayuga Heights community.

Motion: Trustee McMurry

Second: Trustee Friend

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

Nays: none

Abstentions: none

Motion carried

b. Resignation of Michael Pinnisi as a Member of the Zoning Board of Appeals (ZBA)

c. Appointment of Michael Pinnisi as an Alternate on the ZBA

Due to his inability to attend at least 65% of ZBA meetings as is required, Michael Pinnisi has offered his resignation as a member. Mayor Woodard appoints him as an alternate. Jack Young, ZBA Chair, is aware of all proposed changes to ZBA membership.

Resolution #8064

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees accepts Michael Pinnisi's resignation as a member of the Zoning Board of Appeals and approves Mayor Woodard's appointment of him as an alternate on the Zoning Board of Appeals.

Motion: Trustee Robinson

Second: Trustee Salton

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

Nays: none

Abstentions: none

Motion carried

d. Appointment of Lucy Staley as a Member of the Zoning Board of Appeals for the remainder of Kirk Sigel's Term

Mayor Woodard appoints Lucy Staley to as a Member of the Zoning Board of Appeals for the remainder of Kirk Sigel's (Michael Pinnisi's) term

Resolution #8065

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves Mayor Woodard's appointment of Lucy Staley as a Member of the Zoning Board of Appeals for the remainder of Kirk Sigel's (Michael Pinnisi's) term

Motion: Trustee Robinson

Second: Trustee Friend

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

Nays: none

Abstentions: none

Motion carried

e. Paid Family Leave

Starting January 1, 2018, the New York State Paid Family Leave Program will provide New Yorkers job-protected, paid leave to bond with a new child, care for a loved one with a serious health condition or to help relieve family pressures when someone is called to active military service. The Family Leave Program will be financed by

employee payroll deductions. Municipal employers have the option of participation in the program. Before a decision is made, additional information will be gathered.

8. Public Hearing: Proposed Local Law 2017-B to Reestablish and Modify the Method for Calculation of Sewer Rents (Exhibit 2018-047)

Mayor Woodard opens the Public Hearing at 7:31 p.m. and briefly explains why clarifying language is necessary. Prior to 2012, sewer was billed annually by unit.

Starting in January 2012, sewer began to be billed based on water consumption. Bolton Point began preparing residents' sewer bills with the quarterly water bills. Cayuga Heights prepares invoices quarterly for other municipalities whose property owners' structures are connected to the Village's Wastewater Treatment Plant. It is confusion, caused by Local Law wording changes, on the part of another municipality that makes modification necessary.

Historian Szekely adds some information about early decisions made in the Village regarding sewers. Four days before the stock market crash in 1929, the Village decided to build underground sewer pipes. To finance the construction, a \$30,000 bond was issued. The Village was able to pay off the bond issue within the next six to seven years, which was quite a feat during the prevailing economy of the times.

The Public Hearing is closed at 7:34 p.m. when no speakers come forward.

Report of the Mayor continues.

h. SCLIWC Resolution to Set Water Rate Schedule

There was no rate increase for 2017; this proposed rate is approximately 2%. Fixed costs comprise 75% of the SCLIWC budget.

Resolution #8066

**SOUTHERN CAYUGA LAKE INTERMUNICIPAL WATER COMMISSION
BOLTON POINT WATER SYSTEM
AGREEMENT TO CHANGE WATER RATE SCHEDULE**

THIS AGREEMENT to change Water Rate Schedule is made as of the 1st day of January, 2018, between the TOWN BOARD OF THE TOWN OF DRYDEN, Tompkins County, New York, on its own behalf and on behalf of all water districts in the TOWN OF DRYDEN served by the Southern Cayuga Lake Intermunicipal Water Commission, (hereafter referred to as "Dryden"), the TOWN BOARD OF THE TOWN OF ITHACA, Tompkins County, New York (hereinafter referred to as "Ithaca"), the TOWN BOARD OF THE TOWN OF LANSING, Tompkins County, New York, on its own behalf and on behalf of the Town of Lansing Consolidated Water District and the Town of Lansing Consolidated Water District Extension #1 & #2 (the Town of Lansing and such districts are hereinafter collectively referred to as "Lansing Town"), VILLAGE OF LANSING, on its own behalf and as successor to LANSING WATER DISTRICT 1, Tompkins County, New York, (hereinafter referred to as "Lansing Village"), and VILLAGE OF CAYUGA HEIGHTS, Tompkins County, New York, (herein after referred to as "Cayuga Heights"), all of the parties hereto sometimes collectively or individually referred to hereinafter as "Municipalities" or "Municipality",

WITNESSETH:

WHEREAS, the above named municipalities have entered into an amended, supplemental, restated and consolidated agreement of municipal cooperation for construction, financing and operation of an intermunicipal water supply and transmission system dated as of June 5, 1979 as the same has been amended from time to time (the "Agreement"); and

WHEREAS, pursuant to the Agreement each municipality agreed to pay to the Southern Cayuga Lake Intermunicipal Water Commission (hereinafter referred to as "Commission"), water revenues based upon, in part, a water rate schedule annexed as Exhibit I of Schedule A to the Agreement; and

WHEREAS, based on changes in costs, the Commission believes it is advisable to adopt a new water rate schedule in the form annexed to this modification agreement; and

WHEREAS, Schedule A of the Agreement provides that the water rate schedule may not be changed by the Commission without the written agreement to such change of all the parties; and

WHEREAS, Exhibit I of Schedule A to the Agreement has been amended from time to time since the initial date of the Agreement; and

WHEREAS, the parties believe it is necessary to amend Exhibit I of Schedule A further; and

WHEREAS, the parties are willing to agree to such change;

NOW, THEREFORE, in consideration of the premises and the mutual undertakings of the parties pursuant to the Agreement, the parties hereby agree that Exhibit I of Schedule A annexed to the Agreement be amended effective January 1, 2018 to read as set forth on the Exhibit I annexed hereto, and such exhibit is adopted as Exhibit I, the water rate schedule, for all purposes under the Agreement.

This modification agreement may be executed in multiple counterparts which, when taken together, shall constitute a complete document even though each of the counterparts may not bear the signatures of all of the parties.

IN WITNESS WHEREOF, the parties have executed this agreement to become effective as of the day and year set forth above.

EXHIBIT I
SCLIWC - BOLTON POINT WATER SYSTEM
2018 WATER RATE SCHEDULE
EFFECTIVE JANUARY 1, 2018
RATE STRUCTURE:

The flat rate charge per 1,000 gallons shall be non-fluctuating and equal to four dollars and fifty three cents (\$4.53). This rate is equal to three dollars and thirty nine cents (\$3.39) per 100 cubic feet. The foregoing rate will be the rate charged for all regular quarterly bills sent after January 1, 2018. Actual or base consumption may occur prior to January 1, 2018.

MINIMUM BASE CHARGES:

Notwithstanding the foregoing rate structure, the following minimum base charges shall be applicable to the meter size indicated below, for regular quarterly bills sent after January 1, 2018. The table below shows the amount of water consumption that is permitted before the minimum base charge would be exceeded:

<u>METER SIZE</u> <u>(INCHES)</u>	<u>BASE</u> <u>CONSUMPTION</u> <u>(GALLONS)</u>	<u>MINIMUM BASE</u> <u>CHARGE</u> <u>(DOLLARS)</u>
3/4	10,000	45.30
1	30,000	135.90
1-1/2	45,000	203.85
2	90,000	407.70
3	140,000	634.20
4	200,000	906.00
≥6	350,000	1,585.50

Multiple Housing and mobile home parks of over two dwelling units, using a master meter, will be computed as follows: The quarterly master meter reading will be divided by the number of dwelling units and the water charge will be figured on this number as if the unit was individually metered. The water charge will then be multiplied by the number of units on the master meter and this will be the billing rendered. If the calculation of the water consumed per dwelling unit is less than the allowable consumption for a three-quarter inch meter, then the billing will be calculated by multiplying the number of units on the master meter times the minimum base charge for a three-quarter inch meter (e.g., if there were 20 dwelling units on the master meter, and total water consumption shown by the master meter was 100,000 gallons, the Commission billing would be \$906.00 (20 units times \$45.30) rather than \$453.00 (100,000 gallons at \$4.53/1000 gallons))

An annual charge for each fire protection main serving a fire suppression system will be billed along with the first quarterly water bill of the calendar year.

Motion: Trustee Friend

Second: Trustee Biloski

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

Nays: none

Abstentions: none

Motion carried

f. SCLIWC Resolution to set Water Rate Billing Structure

This agreement reduces the quarterly minimum consumption from 10,000 gallons to 5,000 gallons. This change has been discussed for several years and encourages water usage reduction. In order to keep the change in minimum consumption, revenue neutral, the following rate changes are necessary. Village users will experience the effect of the change on their February 2018 water and sewer bills. The majority of residential users will see a reduction in their water cost.

Resolution #8067

**SOUTHERN CAYUGA LAKE INTERMUNICIPAL WATER COMMISSION
BOLTON POINT WATER SYSTEM
AGREEMENT TO CHANGE WATER RATE BILLING STRUCTURE**

THIS AGREEMENT to change Water Rate Billing Structure is made as of the 1st day of January, 2018, between the TOWN BOARD OF THE TOWN OF DRYDEN, Tompkins County, New York, on its own behalf and on behalf of all water districts in the TOWN OF DRYDEN, (hereafter referred to as “Dryden”), the TOWN BOARD OF THE TOWN OF ITHACA, Tompkins County, New York (hereinafter referred to as “Ithaca”), the TOWN BOARD OF THE TOWN OF LANSING, Tompkins County, New York, on its own behalf and on behalf of the Town of Lansing Consolidated Water District and the Town of Lansing Consolidated Water District Extension #1 & #2 (the Town of Lansing and such districts are hereinafter collectively referred to as “Lansing Town”), VILLAGE OF LANSING, on its own behalf and as successor to LANSING WATER DISTRICT 1, Tompkins County, New York, (hereinafter referred to as “Lansing Village”), and VILLAGE OF CAYUGA HEIGHTS, Tompkins County, New York, (herein after referred to as “Cayuga Heights”), all served by the Southern Cayuga Lake Intermunicipal Water Commission, all of the parties hereto sometimes collectively or individually referred to hereinafter as “Municipalities” or “Municipality”,

WITNESSETH:

WHEREAS, the above named municipalities have entered into an amended, supplemental, restated and consolidated agreement of municipal cooperation for construction, financing and operation of an intermunicipal water supply and transmission system dated as of June 5, 1979 as the same has been amended from time to time (the “Agreement”); and **WHEREAS**, pursuant to the Agreement each municipality agreed to pay to the Southern Cayuga Lake Intermunicipal Water Commission (hereinafter referred to as “Commission”), water revenues based upon, in part, a water rate billing structure based on a 10,000 gallon minimum; and

WHEREAS, the Commission believes it is advisable to adopt a new water rate billing structure based on a 5,000 gallon minimum; and

NOW, THEREFORE, in consideration of the premises and the mutual undertakings of the parties pursuant to the Agreement, the parties hereby agree to amend the Agreement effective January 1, 2018.

This modification agreement may be executed in multiple counterparts which, when taken together, shall constitute a complete document even though each of the counterparts may not bear the signatures of all of the parties.

IN WITNESS WHEREOF, the parties have executed this agreement to become effective as of the day and year set forth above.

**SCLIWC - BOLTON POINT WATER SYSTEM
2018 WATER RATE BILLING STRUCTURE
EFFECTIVE JANUARY 1, 2018**

MINIMUM BASE CHARGES:

The flat rate charge per 1,000 gallons shall be non-fluctuating and equal to four dollars and ninety six cents (\$4.96). The foregoing rate will be the rate charged for all regular quarterly bills sent after January 1, 2018. Actual or base consumption may occur prior to January 1, 2018. The following minimum base charges shall be applicable to the meter size indicated below, for regular quarterly bills sent after January 1, 2018. The table below shows the amount of water consumption that is permitted before the minimum base charge would be exceeded:

<u>METER SIZE (INCHES)</u>	<u>BASE CONSUMPTION (GALLONS)</u>	<u>MINIMUM BASE CHARGE (DOLLARS)</u>
3/4	5,000	24.80
1	15,000	74.40
1-1/2	22,500	111.60
2	45,000	223.20
3	70,000	347.20
4	100,000	496.00
≥6	175,000	868.00

Multiple Housing and mobile home parks of over two dwelling units, using a master meter, will be computed as follows: The quarterly master meter reading will be divided by the number of dwelling units and the water charge will be figured on this number as if the unit was individually metered. The water charge will then be multiplied by the number of units on the

master meter and this will be the billing rendered. If the calculation of the water consumed per dwelling unit is less than the allowable consumption for a three-quarter inch meter, then the billing will be calculated by multiplying the number of units on the master meter times the minimum base charge for a three-quarter inch meter (e.g. if there were 20 dwelling units on the master meter, and total water consumption shown by the master meter was 50,000 gallons, the Commission billing would be \$496.00 (20 units times \$24.80) rather than \$248.00 (50,000 gallons at \$4.96/1000 gallons)).

Motion: Trustee Biloski

Second: Trustee Marshall

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

Nays: none

Abstentions: none

Motion carried

**f. Proposed Local Law 2017-B to Reestablish and Modify the Method for Calculation of Sewer Rents (Exhibit 2018-047)
Resolution #8068**

VILLAGE OF CAYUGA HEIGHTS

PROPOSED LOCAL LAW B OF THE YEAR 2017

A LOCAL LAW TO RE-ESTABLISH AND MODIFY THE

METHOD FOR CALCULATION OF SEWER RENTS

AND TO REPLACE LOCAL LAW #8 OF 2011

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 provide a mechanism for the calculation of sewer charges (hereinafter referred to as "sewer rents") for the use by various types of users of the sewer treatment system owned and operated by the Village of Cayuga Heights (the "Village").

It has come to the attention of the Village that when Local Law #8 of 2011 was enacted, and thereby Article XII of the Village's Articles was deleted in its entirety, Section 3 of said Article XII should not have been deleted, because said Section 3 provided a mechanism for the calculation of the number of sewer units that is attributable to the use by various types of user, which has been the basis for calculation of sewer rents. Further, the Village has determined that the method for the calculation of sewer rents provided in said deleted Section 3 of Article XII is not an appropriate measure of the use of the sewer system and should be modified.

Additionally, the Village has determined that certain other terms of Local Law #8 of 2011 could be improved to more clearly and completely describe the bases, procedure and mechanisms for calculation and collection of sewer rents and related matters.

The Village finds and determines that the most equitable manner of collecting funds from users of the Village's sewer system is to charge for such usage on the basis of the consumption of water by such users of the Village's sewer system. Sewer rents are to be established and imposed for the use of the Village's sewage treatment and disposal facilities and the appurtenances thereto, including the pumping station, and the extension, enlargement and replacement of, and addition to, such facilities, and the operation, maintenance and repair of the Village's entire sewer system, including the Village's waste water treatment plant and sewer collection system.

Consequently, the Village has determined that the entirety of Local Law #8 of 2011 should be replaced. Therefore, the purpose of this Local Law is to replace Local Law #8 of 2011 to re-establish and modify the method for calculating sewer rents for different types of users of the Village's sewer treatment system and to more clearly and completely state the bases, procedure and mechanisms for calculation and collection of sewer rents and related matters, in order to produce revenue to be used as referenced herein.

SECTION II AUTHORITY.

This Local Law is enacted pursuant to the grant of powers to local governments provided in (i) 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, (ii) General Municipal Law Article 14-F, (iii) General Municipal Law Sections 451 and 452, and (iv) Village Law Article 14.

SECTION III REPLACEMENT OF LOCAL LAW #8 OF 2011.

As of the effective date of this Local Law, the entirety of Local Law #8 of 2011, is hereby deleted and replaced by the following terms and provisions:

SECTION 1. Establishment of Rents and Amounts.

The Village hereby establishes and imposes sewer rents for the use of the Village's sewer system or any part or parts thereof. The calculation of sewer rents to be paid by all users the Village's sewer system shall be based upon the consumption of water on the premises served by the Village's sewer system. Pursuant to the aforementioned laws, the Village Board shall from time to time by local law establish the rate at which such sewer rents are calculated. Such local laws shall be adopted after a public hearing upon five days' public notice.

SECTION 2. Calculation of the Sewer Rent for Various Types of Users of the Village's Sewer System.

- A. The charges for sewer rents shall equal the current rate charged by the Village for sewer usage multiplied by the quantity of sewer usage calculated for different types of users of the Village's sewer system as follows:
 1. Any property improved by not more than one single-family residential structure connected, or to be connected, to the Village's sewer system shall be charged for a quantity of sewer usage equal to the quantity of water usage that is attributed to such property for billing purposes in accordance with the formula employed by the Southern Cayuga Lake Inter-Municipal Water Commission ("SCLIWC"), *including* the formula's method for calculating the minimum base charge for water usage, but *excluding* the component of such formula relating to meter size;
 2. Any property improved by a two-family residential structure, an apartment building or buildings or any other multiple residential dwelling, other than a fraternity house, sorority house or dormitory, connected, or to be connected, to the Village's sewer system shall be charged for a quantity of sewer usage equal to the quantity of water usage that is attributed to such property for billing purposes in accordance with the formula employed by the SCLIWC, *including* the formula's method for calculating the minimum base charge for water usage, but *excluding* the component of such formula relating to meter size, except that such charges for sewer usage will be calculated for *each* dwelling unit on such property,

notwithstanding that SCLIWC's formula for billing purposes treats residential properties with two dwelling units as having one dwelling unit; and

3. Any other property, including but not limited to any property improved by a fraternity house, sorority house, dormitory, or any commercial, business or industrial property, including but not limited to any school, place of worship, office, gas station or store, shall be charged for a quantity of sewer usage equal to the quantity of water usage that is attributed to such property for billing purposes in accordance with the formula employed by SCLIWC, *including* the formula's method for calculating the minimum base charge for water usage, but *excluding* the component of such formula relating to meter size, and excluding any portion of the property's waste water that is not discharged into the Village's sewer system in accordance with a special permit for such property.

SECTION 3. Cooperation by Owners and Occupants of Real Property and Other Users of the Village's Sewer System.

The Village Engineer may require each owner and/or occupant of real property within the Village connected to the Village's sewer system, as well as any other user of the Village's sewer system, to furnish such information as may be necessary and reasonable in order to carry out the provisions of this Local Law. Any duly authorized officer, employee, contractor, or agent of the Village or other person duly authorized by the Village, including employees and contractors of, and persons authorized by, the Southern Cayuga Lake Intermunicipal Water Commission, shall have authority to enter upon any property connected to the Village's sewer system, or any property the waste from which is transported through the Village's sewer system or treated at the Village's waste water treatment plant, at reasonable hours for the purpose of reading meters, inspecting, disconnecting or repairing such meters or connections to the Village's sewer system, or for any other purposes reasonably necessary to carry out the provisions or purposes of this Local Law.

SECTION 4. Payment and Collection; Liens for Unpaid Sewer Rents.

- A. All sewer rents and charges due in accordance with this Local Law shall be payable to the Village quarterly and shall be delivered to the Village Clerk at the Village Offices at 836 Hanshaw Road, Ithaca, New York 14850, except for such rents and charges which are due and payable to any other entity to whom billing authority for sewer rents or other charges 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. The Village Clerk, or such other authorized person, also shall keep a record of the connections to the Village's sewer system that exist to transport or treat waste water generated on properties outside of the Village. The Village shall mail sewer bills to the owner of such properties within the Village, or to such other person to whom a water bill for such properties is

addressed, billed, or mailed by the Village or other entity performing water billing services for the Village, at the address appearing on said water bill. For usage of the Village's sewer system to transport or treat waste water generated on properties outside of the Village, the Village shall mail sewer bills to the municipality in which such properties are located. If a property is connected to the Village's sewer system but is not connected to the Village operated water system, unless the property owner has directed the Village in writing to use a different address, the Village shall mail the sewer rent bill 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 Local Law, all sewer rents, surcharges or other fees or charges relating to sewer service shall be a charge against the owner of the premises connected with the Village's 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 thirty (30) days of the date of the bill, there shall be added a penalty of ten percent (10%) for late payment.
 - D. If sewer rents or other charges payable hereunder are not paid within sixty (60) days from the date on which they are due, the Village Clerk or other person designated by the Village Mayor may cause a notice to be delivered or mailed to the owner, or to any other person designated by the owner, addressed to the address to which bills are to be sent, and to the occupant of the premises, addressed at the premises, stating the amount due and demanding payment thereof within a period of not less than ten (10) days of the date of the notice and stating that if such payment is not made, the sewer service shall be discontinued, without further notice, and, at the expiration of such period, the Village Clerk, or any employee or officer of the Village designated by the Village Mayor, or the Village Board, or any person referred to in Section 3 above, may enter on said premises and cause the sewer service to be disconnected.
 - E. 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.
 - F. The Village may bring an action (1) 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 (2) 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 at the same time as the Village or County tax in accordance with the
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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 Village's sewer system or otherwise for which the owner of any property served by or connected with the Village's sewer system is obligated under this Local Law 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 Local Law, and shall be a lien upon the property and enforceable in accordance with the provisions of this Local Law, or any other applicable provision of law.

SECTION 6. Charges for Trucked or Hauled Waste.

The Village shall charge for treatment of trucked or hauled waste accepted for treatment and disposal at the Village's waste water treatment plant on the basis of the actual quantity of such waste, however, if such actual quantity is less than 10,000 gallons, then there shall be imposed a minimum charge equal to sewer rents calculated on the basis of 10,000 gallons of water consumption. Any such treatment of trucked or hauled waste must be separately permitted by the Village Board and must comply with all rules and regulations of the Village and the State of New York.

SECTION 7. Correction of errors.

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, he or she 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's Board of Trustees, which may refund all or part of such sewer rent. Any such application shall be filed within sixty (60) days of the time the applicant learns of the claimed error, and in any event within four (4) 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 demonstrate that 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 8. Sewer Rent Fund.

Any revenues derived by the Village from 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 Local Law, 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 9. Applicability.

This Local Law shall apply to all properties in the Village as well as to all users of the Village's sewer system and the municipalities in which such users are located. Sewer rents shall not be charged against properties granted special permit under Article VIII of the Village's Articles or against properties connected to any other municipal system, except against those properties where the Village pays the rent of such a connection.

SECTION IV 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 Local Law #8 of 2011 of the Village of Cayuga Heights are deemed to be in conflict with the terms of this Local Law, the terms of this Local Law shall govern and control.

SECTION V 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 VI 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.

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves Proposed Local Law 2017-B to Reestablish and Modify the Method for Calculation of Sewer Rents (Exhibit 2018-047)

Motion: Trustee Salton

Second: Trustee Robinson

Discussion: Attorney Marcus advises the Board that as a SEQR Type II Action, listed in Section 617.5.c, there is no requirement to prepare a determination of significance. The action is a combination of list items (20) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment and (27) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

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

Nays: none

Abstentions: none

Motion carried

i. Future Management of the Wastewater Treatment Plant (WWTP)

Mayor Woodard, Trustee Robinson, and Supt. Cross update the Board regarding future management of the WWTP. During their meeting with Jerry Smith's widow and John McGraff, concern was expressed regarding Yaws' ability to continue without Mr. Smith, meet DEC regulation compliance, and satisfy the level of communication that is necessary moving forward. The Yaws Environmental contract with the Village is in an automatic renewal state. The Village is the largest of Yaws' customers. Trustee Salton suggests that having a Village employee on site at the WWTP every day might be beneficial. That employee would need to be a high-level employee with wastewater treatment experience and licensing. Four potential options for future management are proposed by Mayor Woodard: Have the Town of Ithaca manage the plant (they have offered); Staff the plant with Cayuga Heights employees; continue with Yaws; or contract with another company to perform plant management.

An additional monthly meeting of the Public Works Committee will be held specifically to discuss the WWTP. The regular meeting is already very long and does not provide adequate time for discussion concerning the WWTP.

GHD consultants are regularly on-site at the WWTP gathering data for ongoing projects for the Village. Management performance is not a metric which is currently under review by GHD.

Yaw's current operators have been instructed to report all maintenance issues allowing Village leaders to make "repair or replace" equipment decisions. In the past, Yaws repaired equipment repeatedly in an attempt to save the Village money. This has led to a situation that the DEC finds questionable, with equipment on the verge of failure. The additional focus on the WWTP should yield different and improved results.

11. Reports of the Trustees:

Trustee McMurry announces that changes to the right-of way agreement with Lakeview Cemetery suggested by the NYS DOT were passed by the Lakeview Cemetery Board. Attorney Marcus incorporated the changes into the agreement and is satisfied with it.

Resolution #8069

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves and authorizes Mayor Woodard to sign the revised Lakeview Cemetery Right-of-Way Agreement. (Exhibit 2018-054)

Motion: Trustee Salton

Second: Trustee Marshall

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

Nays: none

Abstentions: none

Motion carried

Trustee McMurry reports that a meeting of the Bike-Ped Committee was held to discuss maintenance of Sunset Park. The steep hillside presents a maintenance challenge. It is proposed that a four-foot-wide diagonal path could be cut to provide safer access for public works. The DPW will try this after frost when the number of ticks is reduced. It is approximately 70' across the slope. It is noted that in 1928 there was a path down the hillside. A switch-back on the path may be helpful to reduce the slope's steepness. There are existing deed restrictions which specify what is allowed on the property. The Committee will meet again once the restrictions are known.

An example of a program from a Village that had held a "Show" celebrating all manner of fun competitions among its residents, similar to a municipal fair. Some examples are: largest pumpkin, prettiest garden, or feats of strength. The program will be kept in the Clerk's office so that anyone interested can access it there.

Trustee Friend is pleased to convey that the Unified Solar Permit application has been accepted by NYSERDA. The grant of \$2,500 will be remitted to the Village. There is not enough information available to the Board for a determination concerning changes to Street Lighting for energy efficiency and cost savings.

Trustee Salton is the Village's representative on the Executive Committee and the Audit and Finance Committee of the Greater Tompkins County Intermunicipal Health Insurance Consortium. He reports that the 2018 premium increase will be 4%.

12. Report of Police Chief Steinmetz (Exhibits 2018-055a, b, c)

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

13. Report of Assistant Superintendent of Public Works (ASPW) Wiese (Exhibits 2018-056)

Temporary signs have been placed at Sunset Park. ASPW Wiese presents examples of permanent signage for the Board's selection. It is agreed that signs with both a graphic and worded component are preferred.

Two heavy rain events during July caused damage throughout the Village. Roadside washouts required road closures; they are very time consuming to repair. Damage on North Triphammer was the most severe.

The DPW worked with the FD on the downed tree on Highland.

Brush pick-up has become problematic. Residents are not observing the rules in terms of the length and diameter of branches that will be removed from the roadside. Snarled piles of branches slow down the crew. It is often difficult to clear all the brush during the full day scheduled for the effort. An attempt to improve communication about brush pick-up with residents through use of the eNewsBlast and the website are planned.

The Village has a camera for checking sewer lines for blockages. It is useful on smaller lines. The owner/operator of Brain Drain has been brought in to video the lower section of Hanshaw Road where there are concerns. The equipment owned by Brain Drain is sophisticated; it provides a GPS location of identified problems. Consideration is given to the suggestion to have Brain Drain video all or sections of the Village sewer lines periodically. Valuable knowledge on the state of the wastewater infrastructure will be gathered. Municipalities utilizing the Village's WWTP are encouraged to identify water infiltrating their infrastructures to reduce I and I as much as possible.

Rental Property at 825 Hanshaw Road

The small Village-owned house at 825 Hanshaw Road is ready for a new volunteer firefighter resident. The CH Fire Council has approved First Lieutenant Devin Savoy as an appropriate tenant. The Board discusses the rent which has been set at \$800/month for the last two years. The Village pays all utilities. The benefit of having the tenant pay utilities is reviewed. The Board agrees to raise the rent to \$825/month and to continue payment of electric, gas, and water.

Resolution #8070

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves leasing the Village owned property at 825 Hanshaw Road to Volunteer Firefighter Devin Savoy for a monthly sum of \$825.00 for a term of one (1) year. The Village will pay electric, gas, and water charges.

Motion: Trustee Robinson

Second: Trustee Marshall

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

Nays: none

Abstentions: none

Motion carried

14. Report of Superintendent of Public Works Cross (Exhibits 2017-056)

Supt. Cross states that he feels compelled to clarify terms which he believes were mischaracterized in statements made in regard to their use in the Village's local zoning law. The word occupancy is used in the definition; however, it says, "occupants residing in the building". It does not say occupants of the building. Occupants can be either long-term or short-term. Residents are always long-term.

The Village is a member of the Municipal Electric & Gas Alliance (MEGA). MEGA is a non-profit, community-based, energy cost savings program that complies with all public bidding requirements for energy purchases. The Village has followed MEGA's advice in the past, purchasing natural gas supplies from HESS Corp. which was bought out by Direct Energy. During 2017, NYSEG took over supplying natural gas as well as delivery to the Village. Direct Energy remains a supplier of natural gas through MEGA and entering into a contract with them will generate significant future savings. Former Trustee Ron Bors suggests that the PSC website Power to Choose (www.chooseenergy.com/ny) may be a helpful source of information. The topic is deferred until additional research is carried out.

The Bicycle-Pedestrian (Bike-Ped) Committee met and recommends formalizing a crosswalk used at the end of the Hanshaw Road sidewalk where it meets and crosses to the Cayuga Heights Road sidewalk. This location is frequently used. Addition of striping and crosswalk signs will alert drivers to look for pedestrians.

GHD is continuing with its projects at the Wastewater Treatment Plant. In response to a status request, a three-page project summary report was provided. They are working concurrently on analysis of the plant's headworks as recommended by the DEC and a planning study of the whole plant. GHD has recommended that these two studies should be combined with an eye toward a grant application in 2018.

EXHIBIT 2018-063 page 15 of 15

The Medical Office Building Project is moving ahead. Conditions required by the Planning Board are near completion. Documents to that effect will be presented to the Planning Board at their next meeting.

Letters have been exchanged between the lawyer for the owners of 914 Highland Road and Village Attorney Marcus during the last week of June. It is agreed that the fence must be removed by the end of August.

15. Report of Clerk & Treasurer - Submitted reports (Exhibits 2017-057 a, b, c)

Following a brief update on Real Property Taxes collected and completion of a Bond Anticipation Note (BAN) refinance, the following monthly abstract resolution is offered.

Resolution #8071

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees approves Abstract #03 for FYE2018 consisting of TA vouchers 15 - 26 in the amount of \$17,561.63 and Consolidated Fund vouchers 104 - 205 in the amount of \$348,889.54 and the Treasurer is instructed to make payments thereon.

Motion: Trustee Robinson

Second: Trustee Marshall

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

Nays & Abstentions: none

Motion carried

Report of the Mayor (continued)

Before the discussion on zoning starts, Mayor Woodard brings up the subject of parking in the Village right-of-way (ROW). Illegal parking in the ROW is a common practice which is not strictly enforced by the CHPD. A particularly problematic location is on Hanshaw Road in front of the Cayuga Heights Elementary School (CHES). When children are being dropped off or picked up by vehicle, the grassy area between the sidewalk and the roadway is rutted up and is causing drainage problems. The DPW regularly attempts to repair the area. Chief Steinmetz, who is not in attendance, reports that he believes it is a hazardous situation. He would like "No Parking" signs erected in that area. It is Supt. Cross' opinion that there is sufficient property on the school grounds to reconfigure parking and expand areas for drop off and pickup. Trustee McMurry will contact the CHES Principal to arrange a meeting which she and the mayor will attend.

Draft Zoning Ordinance Review:

Article 5. Residence Zone

Mayor Woodard explains that she believes that operation of a bed and breakfast (b and b) is a business. Businesses are not allowed in the Residential or Multiple Housing zones. Trustee Salton is not troubled by the possibility of b and bs operating in the Village but they would need to be regulated. The trustees explore the differences between a 'b and b' and short-term rentals (aka Airbnb). There have been recent complaints about short-term rentals in the village. Town of Ithaca administrative officials have also reported that multiple problems have been caused by short-term rentals in various neighborhoods. It is observed that short-term renters tend to be on vacation and will keep different hours from neighbors of the rental, leading to a higher possibility of disturbance. There is a shortage of housing in Tompkins County, accessory apartments are one of the sources of affordable housing. By removing accessory apartments from housing inventory, the scarcity of long term affordable rentals is exacerbated. From a code enforcement perspective, why wouldn't a short-term rental require the same inspections and regulations as a traditional b and b or hotel? Nationally, building code associations have made no revision to the definitions of long and short term as the terms relate to rentals. More than thirty (30) days is the time span used to differentiate the two. Due to the lateness of the hour, discussion is suspended.

The Public Hearing on the Zoning Ordinance is not scheduled. Additional topics have yet to be addressed.

16. Report of the Attorney and 17. Executive Session

No further topics to discuss.

18. Adjournment

Mayor Woodard adjourns the meeting at 10:40 p.m.