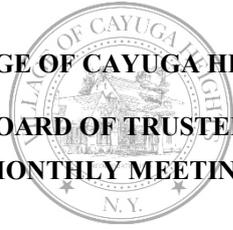


Minutes  
2018

Ronald E. Anderson Fire Station

VILLAGE OF CAYUGA HEIGHTS  
BOARD OF TRUSTEES  
MONTHLY MEETING



Monday, June 18,

7:00 p.m.

**Present:** Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, Robinson, and Salton; Police Chief Wright; Superintendent of Public Work Cross; Assistant Superintendent of Public Works Wiese; Treasurer Mangione; Deputy Clerk Johnson; Attorney Marcus

**Call to Order:** Mayor Woodard calls the meeting to order at 7:01 p.m.

**1. Approval of Meeting Minutes: May 15, 2018 (Exhibit 2019-025)**

**RESOLUTION # 8239**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves the May 15, 2018 meeting minutes as presented.

*Motion:* Trustee Salton

*Second:* Trustee Marshall

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**2. Approval of Meeting Minutes: June 6, 2018 (Exhibit 2019-026)**

**RESOLUTION # 8240**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves the June 6, 2018 meeting minutes as presented.

*Motion:* Trustee Marshall

*Second:* Trustee Robinson

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**3. Report of the Fire Superintendent Tamborelle: Submitted Report (Exhibit 2019-027)**

An emergency repair is needed to the flat rubber roof on the fire station.

**RESOLUTION # 8241**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes Mayor Woodard approve an expenditure not to exceed \$5000.00 for an emergency repair of the Village of Cayuga Heights Fire Department rubber roof.

*Motion:* Trustee Friend

*Second:* Trustee McMurry

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**4. Privilege of the Floor: No members of the public wished to speak.**

**5. Report of Mayor**

**a. Public Hearing on Proposed Local Law E- 2018 (Exhibit 2019-028)**

Mayor Woodard opens the Public Hearing at 7:15 p.m. and closes the Public Hearing at 7:15 p.m.

**RESOLUTION # 8242**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees adopts Proposed Local Law E as Local Law # 5 of 2018.

**VILLAGE OF CAYUGA HEIGHTS  
PROPOSED LOCAL LAW E OF THE YEAR 2018  
A LOCAL LAW TO AMEND  
ARTICLE XIII OF THE ARTICLES OF  
THE VILLAGE OF CAYUGA HEIGHTS**

**CONCERNING THE REGISTRATION AND USE OF BICYCLES**

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 eliminate the requirements concerning registration of bicycles of Article XIII, "Registration and Use of Bicycles," of the Articles (the "Articles") of the Village of Cayuga Heights (the "Village"), as said Article XIII had been amended by Local Law 3 of 1990 (as so amended, "Article XIII"). It is also the intent of this Local Law to establish rules allowing bicycles, and other wheeled equipment, to be used on Village sidewalks by persons with disabilities and by children age twelve (12) and younger. The Village's Board of Trustees has determined that the requirements of Article XIII related to the registration of bicycles have not been enforced and are not necessary. The Village's Board of Trustees further has determined that, to promote the use of bicycles and other wheeled equipment in a safe manner by persons with disabilities and by children age twelve (12) and younger, persons with disabilities and children age

twelve (12) and younger should be permitted to operate bicycles and other wheeled equipment on the Village's sidewalks. The purpose of this Local Law is to delete in their entirety the requirements of Article XIII, and establish by this Local Law that persons with disabilities and children age twelve (12) and younger shall be permitted to operate bicycles and other wheeled equipment on the Village's sidewalks.

**SECTION II            AUTHORITY**

This Local Law is enacted pursuant to the grant of powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal home Rule Law, and pursuant to the grant of powers to local governments provided in Section 180 of the General Municipal Law to regulate the use of bicycles on the public highways, streets, avenues, walks, parks and public places.

**SECTION III            TITLE OF THIS LOCAL LAW**

This Local Law shall be known as the Bicycle Use Law.

**SECTION IV            AMENDMENT ARTICLE XIII OF THE ARTICLES OF THE VILLAGE**

- A. The text of Article XIII of the Articles of the Village is hereby deleted in its entirety.
- B. The following requirements shall govern the operation of bicycles and other wheeled equipment, including skateboards, roller blades, roller skates, scooters, wheelchairs and adult tricycles (collectively referred to herein as "bicycles and other wheeled equipment"). For the purposes of this Local Law, "bicycles and other wheeled equipment" shall not include baby strollers or carriages or other conveyances for children not able to walk. For the purposes of this Local Law, "persons with disabilities" shall mean individuals who require the use of a bicycle or other wheeled equipment as a means of transportation or mobility.
  - 1. Persons with disabilities and children age twelve (12) and younger shall be permitted to ride, drive or operate bicycles and other wheeled equipment on the Village's sidewalks.
  - 2. Other than as specified in subsection (1) above, no person shall ride, drive or operate a bicycle or other wheeled equipment on any sidewalk in the Village.
- C. In any case that a person is riding, driving or operating a bicycle or other wheeled equipment on a Village sidewalk, such person shall yield the right of way to any pedestrian using the sidewalk.

- D. In the event of a violation of the requirements of this Local Law by a child age thirteen (13) through fifteen (15), the summons for such violation shall be issued to the parent or guardian of such child. In the event of a violation of the requirements of this Local Law by any person age sixteen (16) or older, the summons for such violation shall be issued to such person.

**SECTION V SUPERSEDING EFFECT**

All Local Laws, Articles, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect. Without limiting the foregoing, to any extent that the terms of the Zoning Law of the Village of Cayuga Heights are deemed to be in conflict with the requirements of this Local Law, the terms of this Local Law shall govern and control.

**SECTION VI 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 VII EFFECTIVE DATE.**

This Local Law shall be effective immediately upon filing in the office of the New York State Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

*Motion:* Trustee McMurry

*Second:* Trustee Robinson

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**b. Public Hearing on Proposed Local Law F- 2018. (Exhibit 2019-029)**

Mayor Woodard opens the Public Hearing at 7:16 p.m.

•No members of the public had any comments

Mayor Woodard closes the Public Hearing at 7:16 p.m.

**RESOLUTION # 8243**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees adopts Proposed Local Law F as Local Law # 6 of 2018.

**SECTION 1.0**  
**STATUTORY AUTHORIZATION AND PURPOSE**

**1.1 FINDINGS**

The Board of Trustees of the Village of Cayuga Heights finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Cayuga Heights and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

**1.2 STATEMENT OF PURPOSE**

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify for and maintain participation in the National Flood Insurance Program.

**1.3 OBJECTIVES**

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;

- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

## **SECTION 2.0 DEFINITIONS.**

Unless specifically defined below, words or phrases used in this document shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this document its most reasonable application.

**“Appeal”** means a request for a review of the Local Administrator's interpretation of any provision of this Local Law.

**“Basement”** means that portion of a building having its floor subgrade (below ground level) on all sides.

**“Building”** see "Structure"

**"Cellar"** has the same meaning as "Basement".

**“Crawl Space”** means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent

exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

**“Development”** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

 **Federal Emergency Management Agency**” means the Federal agency that administers the National Flood Insurance Program.

**“Flood” or “Flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

**“Floodplain” or “flood prone area”** means any land area susceptible to being inundated by water from any source (see definition of "Flood").

**“Floodproofing”** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**“Historic structure”** means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (i) by an approved state program as determined by the Secretary of the Interior or
  - (ii) directly by the Secretary of the Interior in states without approved programs.

**“Local Administrator”** is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions.

**“Manufactured home”** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

**Person** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

**“Start of construction”** includes substantial improvement and means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading, and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers, and building materials. For manufactured homes the "actual start" means affixing of the manufactured home to its permanent site.

**“Structure”** means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**“Substantial damage”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**“Substantial improvement”** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start

of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

**“Variance”** means a grant of relief by a community from the terms of a flood plain management regulation.

**“Violation”** means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations.

## **SECTION 3.0 ADMINISTRATION**

### **3.1 Permitting Official**

The Code Enforcement Officer, hereinafter referred to as the “Local Administrator,” is responsible for receiving applications, examining the plans and specifications and issuing permits for any proposed construction or development.

### **3.2 Permit Requirements**

No person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure without first obtaining a separate permit for each building or structure from the Local Administrator.

No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the Local Administrator for each change.

No manufactured home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the Local Administrator.

### **3.3 Application**

To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the Local Administrator before the issuance of a permit will be considered.

### **3.4 Permitting Procedures**

- (1) As part of the issuance of any permit, the Local Administrator shall require any measures which are necessary to meet the minimum requirements of this document.
- (2) The Local Administrator shall review any proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) The Local Administrator shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall be referred to the Planning Board for Site Plan Review pursuant to Article 17 of the Zoning Law. The Local Administrator shall further require that all such new construction: (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) be constructed with materials and utility equipment resistant to flood damage and (iii) be constructed by methods and practices that minimize flood damage;
- (4) The Planning Board shall review subdivision proposals pursuant to Article 18 of the Zoning Law, and other proposed new development pursuant to Article 17 of the Zoning Law, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;
- (5) The Local Administrator shall require within flood prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and
- (6) The Local Administrator shall require within flood prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

**SECTION 4.0**  
**REVIEW AND VARIANCE PROCEDURE**

**4.1 Review Procedure**

- (1) In areas where flooding may be a concern, property owners shall apply to the Village's Planning Board for review in accordance with the procedures set forth in Articles 17 (for Site Plan Review) and 18 (for Subdivision Approval) of the Zoning Law. As part of this review, the Planning Board shall hear and decide requests for modifications of the requirements of this local law.
  
- (2) In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
  - (i) the danger that materials may be swept onto other lands to the injury of others;
  
  - (ii) the danger to life and property due to flooding or erosion damage;
  
  - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  
  - (iv) the importance of the services provided by the proposed facility to the community;
  
  - (v) the necessity to the facility of a waterfront location, where applicable;
  
  - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  
  - (vii) the compatibility of the proposed use with existing and anticipated development;
  
  - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  
  - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;

(xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

- (3) Upon consideration of the factors of Section 4.1(2) and the purposes of this local law, the Planning Board may attach such conditions to the granting of Site Plan or Subdivision Approval as it deems necessary to further the purposes of this local law.
- (4) The Local Administrator shall maintain the records of all Site Plan and Subdivision review applications, including technical information and report any modifications to the Federal Emergency Management Agency upon request.

## **4.2 Appeals and Conditions for Variances**

### **(1) Appeals**

The Village's Zoning Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this local law in accordance with the procedures set forth in Article 20 of the Zoning Law. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.

- (2) Variances to this Local Law shall be based upon a hardship that runs with the land and shall not be issued for economic or other personal hardships.
- (3) (i) Variances shall be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in significant hardship, and (c) a determination that the variance will not result in increased flood risks, create nuisances, cause fraud or victimization of the public or conflict with existing local laws and ordinances.  
  
(ii) Variances to this Local Law shall be consistent with requirements for variances to other Local and State law, code or regulation.

- (4) Those aggrieved by a decision of the Planning Board or the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

*Motion:* Trustee Biloski

*Second:* Trustee McMurry

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**c. Vote on Proposed Local Law C-2018 (Exhibit 2019-030)**

The Public Hearing was conducted at the May Board Meeting. The Vote was invalidated because the Village failed to notify the County under MGL 239. The County did respond after the May meeting with No Comment.

**Resolution # 8244**

**BE IT RESOLVED THAT:** The Village of Cayuga Heights Board of Trustees adopts Proposed LL C-2018 -to amend the Village of Cayuga Heights Zoning Law Section 6.2.B.1 as Local Law # 3 of 2018.

**VILLAGE OF CAYUGA HEIGHTS**

**LOCAL LAW 3 OF THE YEAR 2018**

**A LOCAL LAW TO AMEND**

**THE VILLAGE OF CAYUGA HEIGHTS ZONING LAW**

**SECTION 6.2.B.1, PERMITTED PRINCIPAL USES**

**IN THE MULTIPLE HOUSING ZONE**

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 correct, revise and clarify the limits imposed on the occupancy of dwelling units in buildings that contain three (3) or more dwelling units located in the Village's Multifamily Housing Zone. The purpose of this Local Law is to delete and replace the text of Section 6.2.B.1 of the Zoning Law (the "Zoning Law") of the Village of Cayuga Heights (the "Village").

**SECTION II                    AUTHORITY**

This Local Law is enacted pursuant to the grant of powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal home Rule Law.

**SECTION III AMENDMENT OF ZONING LAW ARTICLE 6, SECTION 6.2.B.1**

A. The current text of Zoning Law Article 6, Section 6.2.B.1 is hereby deleted in its entirety, and such text is hereby replaced with the following text:

§ 6.2.B.1 Buildings containing three (3) or more dwelling units, with

a. Any dwelling unit to contain no more than four (4) bedrooms, and

b. Any dwelling unit to be occupied by:

i. One (1) family, or

ii. In the case of any dwelling unit in such buildings that contains one (1) bedroom, up to two (2) unrelated occupants, or

iii. In the case of any dwelling unit in such buildings that contains two (2) bedrooms, up to four (4) unrelated occupants, or

iv. In the case of any dwelling unit in such buildings that contains three (3) bedrooms, up to six (6) unrelated occupants, or

v. In the case of any dwelling unit in such buildings that contains four (4) bedrooms, up to eight (8) unrelated occupants.

**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 the Zoning Law of the Village of Cayuga Heights are deemed to be in conflict with the requirements of this Local Law, the terms of this Local Law shall govern and control.

**SECTION 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.

Zoning Law Section 6.2.B.1 is hereby deleted in its entirety and replaced with the following text.

*Motion:* Trustee Robinson

*Second:* Trustee Marshall

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**d. Vote on Proposed Local Law D-2018 (Exhibit 2019-031)**

The Public Hearing was conducted at the May Board Meeting. The Vote was invalidated because the Village failed to notify the County under MGL 239. The County did respond after the May meeting with No Comment.

**RESOLUTION # 8245**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees adopts Proposed Local Law D as Local Law #4 of 2018

**VILLAGE OF CAYUGA HEIGHTS**

**LOCAL LAW 4 OF THE YEAR 2018**

**A LOCAL LAW TO AMEND**

**THE VILLAGE OF CAYUGA HEIGHTS ZONING LAW**

**SECTIONS 17.4.E.1, 19.4.E.1 AND 20.3.C.1**

**IN REGARD TO THE REQUIREMENTS FOR**

**MAILING OF NOTICES OF PUBLIC HEARINGS FOR, RESPECTIVELY,**

**SITE PLAN REVIEW, SPECIAL USE PERMITS AND**

**ZONING BOARD OF APPEALS APPLICATIONS**

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 revise the requirements for the mailing of notices of certain public hearings, as set forth in the Zoning Law (the “Zoning Law”) of the Village of Cayuga Heights (the “Village”). The Village’s new Zoning Law, adopted as of February 6, 2018, added a requirement that notices of public hearings for site plan review, special use permits, and Zoning Board of Appeals applications must be mailed by certified mail, return receipt requested, with the return receipts provided to the relevant Board in advance of the hearing. The Village’s Board of Trustees has determined that these requirements result in an unnecessary burden on the Village, both in terms of cost of such mailings and the time required to complete such mailings. The purpose of this Local Law is to eliminate these requirements by deleting the last sentence of each of Zoning Law Sections 17.4.E.1, 19.4.E.1 and 20.3.C.1.

**SECTION II                    AUTHORITY**

This Local Law is enacted pursuant to the grant of powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal home Rule Law.

**SECTION III                    AMENDMENT OF ZONING LAW SECTIONS 17.4.E.1, 19.4.E.1 AND 20.3.C.1**

The last sentence of each of Zoning Law Sections 17.4.E.1, 19.4.E.1 and 20.3.C.1, “Notices shall be mailed certified mail, return receipt requested, and all return receipts shall be provided to the [Planning Board, in the case of Sections 17.4.E.1, 19.4.E.1, Zoning Board of Appeals, in the case of section 20.3.C.1] prior to the public hearing,” is hereby deleted in its entirety.

**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 the Zoning Law of the Village of Cayuga Heights are deemed to be in conflict with the requirements of this Local Law, the terms of this Local Law shall govern and control.

**SECTION 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.

*Motion:* Trustee Salton

*Second:* Trustee Friend

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**e. Zoning Amendment:**

The Board will draft language to define what brush is classified as firewood in the zoning draft.

**f. WWTP Resolution with GHD:**

This is the design services proposal for phase 2 of the Headworks project.

**RESOLUTION # 8246**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes Mayor Woodard to sign a contract with GHD for the design phase of the Headworks project not to exceed \$130,000.00

*Motion:* Trustee Robinson

*Second:* Trustee Marshall

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**g. Trustee Pay:**

In the 2018-2019 fiscal year, the Board agreed to compensate the trustees an annual amount of \$3500.00.

**RESOLUTION # 8247**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes Mayor Woodard to establish the Trustee pay schedule as the first pay period in July and the first pay period in January. The total amount split between the two periods is \$1750.00.

*Motion:* Trustee Robinson

*Second:* Trustee Salton

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**h. Police Contract:** June 1, 2018 to May 31, 2023

**RESOLUTION # 8248**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes Mayor Woodard to sign the new Village of Cayuga Heights PBA contract commencing on June 1, 2018 through May 31, 2023.

*Motion:* Trustee Salton

*Second:* Trustee Friend

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**i. The fence on the corner of Hanshaw Rd. & Forest.**

At the time the fence was installed it was not subject to a permit and the seller has a \$500.00 check held in escrow and that check will not be released until the Village agrees to allow the fence to remain.

**RESOLUTION # 8249**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees grants the license to allow the fence to remain in the Village Right of Way located at 725 Hanshaw Road.

*Motion:* Trustee Salton

*Second:* Trustee Robinson

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**j. Tree Inventory Resolution:**

Andre Bensadoun, the Village Forester, would like to submit a Tree Inventory grant application on the Villages behalf.

**RESOLUTION # 8250**

**WHEREAS,** the Village of Cayuga Heights Forester; Mr. Andre Bensadoun, on behalf of the Village of Cayuga Heights is applying to the New York State Department of Environmental Conservation for a project grant under the Urban and Community Forestry Program to be located in the Village of Cayuga heights NY 14850, a site located within the territorial jurisdiction of this Board;

**NOW, THEREFORE,** be it resolved that the Board of Trustees of the Village of Cayuga Heights hereby does approve and endorse the application of Village Forester, Mr. André Bensadoun for a grant under the Urban and Community Forestry Program for a project known as “Village of Cayuga heights Tree inventory and Community Forest Management Plan” and located within this community.

*Motion:* Trustee McMurry

*Second:* Trustee Salton

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**RESOLUTION # 8251**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes appointing Trustee Marshall to the Shade Tree Committee.

*Motion:* Trustee Salton

*Second:* Trustee Robinson

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

*Nays:* none

*Abstentions:* Marshall

**Motion carried**

**k. Chickens:** Tabled

**l. NYSEG Confidentiality and Assurance Agreement: (Exhibit 2019-034)**

The Board has to sign this agreement in order to find out what the buyout will be for the Village street lights.

**CONFIDENTIALITY AND ASSURANCE AGREEMENT**

This Agreement is entered into this 18 day of June, 2018 by and between New York State Electric and Gas Corporation, a corporation organized and existing under the laws of the State of New York (hereinafter "NYSEG" or "Company") and the Village of Cayuga Heights, a municipality organized and existing under the laws of the State of New York (hereinafter "VILLAGE").

WITNESSETH

WHEREAS, COMPANY and VILLAGE (individually a "Party" and jointly, the "Parties") desire to enter into certain discussions which are likely to lead to the disclosure of information which is confidential, proprietary and/or commercially sensitive (hereinafter "Information"); and

WHEREAS, COMPANY and VILLAGE desire to reach an understanding with respect to the disclosure of such Information;

Based on the forgoing, COMPANY and VILLAGE agree as follows:

1. The Parties agree that the Information shall consist of oral and written communications between the Parties, identified or expressly designated as "Confidential", which pertain to the transactions contemplated hereunder. Such Information is proprietary and the property of the disclosing Party. The Party receiving such Information shall keep secret such Information using the same degree of care the receiving Party uses in protecting its own proprietary information of a like kind. Such Information shall not be sold, traded, published or otherwise disclosed by the receiving Party to anyone in any manner whatsoever, or photocopied or reproduced in any way, without the prior written consent of the disclosing Party, except as provided herein.

2. The disclosing Party agrees to coordinate and control the disclosure with the receiving Party's representative and to mark Information with the disclosing Party's restrictive legend. If Information is not marked with this legend or is disclosed orally, the disclosing Party agrees to

identify Information as confidential at the time of disclosure, and to provide the receiving Party with written confirmation within five (5) business days.

3. Each Party shall have sole reasonable discretion as to what Information will be disclosed to the other Party. This Agreement shall not obligate either Party to disclose any Information to the other Party. Each Party acknowledges the proprietary rights of the other Party in and to the Information.

4. Information may be in the form of documents, magnetic tape, computer disks, or any other form. Information furnished by the disclosing Party shall be used exclusively by the receiving Party in connection with the request for acquisition of various street lights in the Village of VILLAGE (the "Acquisition").

5. Subject to paragraph 11, each Party may disclose, discuss or use Information only with those

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employees, attorneys or consultants who are directly involved in planning the infrastructure needs of the Acquisition. The receiving Party shall not use the Information for any other purpose or publish, disclose, or otherwise divulge the Information to any person at any time without the prior written consent of an officer of the disclosing Party, except as expressly provided herein. In the event the Information is the subject of a Freedom of Information Law request, the receiving Party shall consult with the disclosing Party, however, the Party subject to the Freedom of Information Law request shall have the final determination of disclosure under the Freedom of Information Law.

6. If required by an order of a court of law, governmental or judicial body, each receiving Party may release to such body Information required by such order, provided that it shall use its best efforts to cause that body to treat such Information in a confidential manner and prevent such Information from becoming part of the public domain. Upon receiving a request for any Information from any court of law, governmental or judicial body, or from any party in any action or proceeding pending before any court of law, governmental or judicial body, each Party shall provide the other Party with notice of said request for Information as soon as reasonably practicable. Each Party shall reasonably cooperate with the other Party in exercising any applicable rights to oppose the disclosure of Information in any such action or proceeding before any such body.

7. Each receiving Party shall, within one (1) month after receiving written notice from the other Party requesting the return of the Information: (a) return to the other Party all Information, including copies made of such Information; and (b) cause to be destroyed all work papers, reports, or other information, in whatever form, including but not limited to documents, magnetic tape, or any other medium, which use or incorporate in any manner whatsoever the Information; however, each Party shall not destroy any Information in violation of any NYS statute, including but not limited to, Arts & Cultural Affairs Law §57-A (The Local Government Records Law).

8. Each Party shall employ procedures to prevent the unauthorized disclosure or use of the Information disclosed hereunder. These procedures shall include those described in paragraph 11 and shall be no less restrictive than the procedures used by each Party to protect its own Information.

9. The provisions of paragraphs 2-8 shall not apply to any Information: (a) which was in the public domain at the time of disclosure hereunder; (b) which thereafter passes into the public domain by acts other than the acts of or caused by the Party receiving said Information; (c) which is disclosed to the receiving Party by a third party, provided that the receiving Party does not know (or has no reasonable basis to know) that the information was received or disclosed unlawfully; (d) which the disclosing Party authorizes disclosure of in writing; or (e) which the receiving Party already possesses.

10. The burden of demonstrating that any Information was in fact disclosed in violation of this Agreement and the date of such disclosure shall rest with the Party asserting a breach of this Agreement. The burden of demonstrating the applicability of any of the exceptions to the

confidentiality requirements of this Agreement shall rest with the Party claiming that such exception applies.

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11. Each person who will review or discuss the Information on behalf of the receiving Party, other than those individuals designated in paragraph 1 above, shall, prior to such review or discussion, execute an agreement in the form attached hereto as Appendix A and promptly return the signed agreement to the other Party pursuant to paragraph 12. After complying with the provisions of paragraph 7 concerning the return and destruction of Information, the Party so returning and/or destroying Information shall provide the other Party with a verification duly signed by one of its officers in the form attached hereto as Appendix B.

12. Notices to be given pursuant to this Agreement shall be in writing and shall be delivered by certified mail, return receipt requested to NYSEG, addressed as follows:

Attn: Ron E. Foster  
Manager – Marketing & Sales NYSEG/RGE  
P.O. Box 136 18  
Link Drive  
Binghamton, NY 13902-5224

Or to the VILLAGE OF CAYUGA HEIGHTS, addressed as follows:

Attn: Linda Woodard Mayor  
Village of Cayuga Heights 836  
Hanshaw Rd  
Ithaca, New York 14850

13. This Agreement shall be governed by and construed in accordance with the law of the State of New York. For purposes of conflicts of laws issues, this Agreement was negotiated, made, and executed in the State of New York. With respect to any disputes regarding the interpretation or enforcement of, or performance under, this Agreement, each Party consents to the exclusive jurisdiction of the federal and state courts of the State of New York.

**RESOLUTION # 8252**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approve and authorize Mayor Woodard to sign the confidentiality agreement with NYSEG as written.

*Motion:* Trustee Friend

*Second:* Trustee Marshall

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

*Nays:* none

*Abstentions:* none

Trustee Salton exits the meeting at 8:24 p.m.

**Motion carried**

## **6. Report of the Trustees:**

### **a. Tap Resolution: (Exhibit 2019-036)**

#### **RESOLUTION # 8253**

##### TRANSPORTATION ALTERNATIVES PROGRAM MATCH ASSURANCE

**WHEREAS**, the Village of Cayuga Heights has long recognized the need to reduce the number of vehicles on Village streets and create a more pedestrian and bicycle friendly environment; and

**WHEREAS**, the Village is also concerned with ensuring the safety of Village pedestrians including children attending Cayuga Heights Elementary School, Boynton Middle School, and Ithaca High School; and

**WHEREAS**, The New York State Department of Transportation is making funding available to support bicycle, pedestrian, multi-use path and non-motorized transportation-related projects as well as programs and projects that reduce congestion and improve air quality through the State through the Transportation Alternatives Program (TAP); and

**WHEREAS**, the TAP program provides reimbursement of up to 80 percent of project-related costs with the remaining 20 percent provided by project sponsors; and

**WHEREAS**, the Village wishes to apply for TAP funding to support the construction of new sidewalks along Kline Road (from Highland Road to Cayuga Heights Road) and Wyckoff Road (from Cayuga Heights Road to the entrance to Lakeview Cemetery) and to improve the pathways within the cemetery, which project has been named Walking Safe: Cayuga Heights; and

**WHEREAS**, the Village estimates the total project cost to be \$640,000;

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Village of Cayuga Heights Board of Trustees does hereby resolve to apply for TAP funding for the Walking Safe: Cayuga Heights project and commits to meet the

project match requirement by providing funding in the amount of \$128,000 through a combination of in-kind services and direct financial contributions.

*Motion:* Trustee Marshall

*Second:* Trustee Friend

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

*Nays:* none

*Abstentions:* none

**Motion carried**

Trustee Salton Returned at 8:35 p.m.

**b. Parking in the Right of Way: (Exhibit 2019- 035)**

Trustee Robinson would like to open a discussion on what is permitted in the Right of Way (ROW). Submitted Photos.

- Parking in the ROW has been an issue for many years. Now to prevent people from parking in the ROW residents are placing obstacles in the ROW to prevent parking in the ROW.

- Granite curbing would solve the problem but is not affordable.

- Mayor Woodard is in favor in modifying the current law and prohibit parking in the ROW all together.

- The Board agreed to have the Police department issue warning tickets. The next Village E-news blast will have a section devoted to parking in the ROW.

- There is a section in the property maintenance zoning code there is a section that makes the property owners responsible for maintaining the ROW.

**c. Chickens:** The Board opens the discussion of creating a law to allow chickens in the Village.

- Mayor Woodard proposes the Village allow chickens, but the owners must inform the neighbors, and chickens should be allowed to have free range in the back yard.

**RESOLUTION # 8254**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes Mayor Woodard to reinsert the provisions on chickens into the current zoning law and schedule a Public Hearing on August 21, 2018 at 7:00 p.m. for Proposed Local Law -G of 2018.

*Motion:* Trustee McMurry

*Second:* Trustee Robinson

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**7. Report of Sergeant Wright: Submitted Report (Exhibit 2019-037)**

**8. Report of Assistant Superintendent of Public Works Wiese: Submitted Report (Exhibit 2019-038)**

a. No Parking on W. Remington Road.

- There is no real safe place to park on W. Remington Rd.

- The Village will need to schedule a Public Hearing to pass a local law prohibit parking on W. Remington Rd.

Drainage issues have been the biggest issues this month, there are sinkholes are showing up everywhere.

**9. Report of Superintendent of Public Works Cross:**

- There have been a lot of political signs showing up in the Village right of way. B. Cross will not have time to remove them.

- On the subject of portable sheds, B. Cross believes it was left out of the current zoning law. He will report on what he finds out at the next Board meeting.

**9. Report of the Treasurer Mangione: Submitted Reports (Exhibit 2019-039)**

- Treasurer Mangione has started reducing her work hours to 30 per week.

Approval of Year End Budget Modifications:

**RESOLUTION # 8255**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes the Treasurer to make final budget modifications as necessary to bring any overdrawn expenditure accounts to zero.

*Motion:* Trustee Salton

*Second:* Trustee Robinson

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**June Abstracts:**

**RESOLUTION # 8256**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves Abstract #13 for FYE2018 consisting of TA vouchers 135 - 142 in the amount of \$2,905.11 and Consolidated Fund vouchers 969 - 1040 in the amount of \$372,434.80 and the Treasurer is instructed to make payments thereon.

*Motion:* Trustee Salton

*Second:* Trustee Robinson

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**RESOLUTION # 8257**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves Abstract #1 for FYE2019 consisting of TA voucher 1 in the amount of \$14,012.58 and Consolidated Fund vouchers 1 - 25 in the amount of \$332,126.54 and the Treasurer is instructed to make payments thereon.

*Motion:* Trustee Salton

*Second:* Trustee Friend

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**10. Report of Clerk Walker: Submitted Report. (Exhibit 2019-40,41)**

Clerk Walker was absent from this meeting.

**11. Report of Attorney Marcus:** The Board should authorize the Mayor to sign a temporary easement to install a 50-foot section on sidewalk on the west side of Lake Street for the pedestrian sidewalk.

**RESOLUTION # 8258**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes Mayor Woodard to sign a temporary easement with the Town of Ithaca to install pedestrian sidewalk over a culvert on West Lake Street.

*Motion:* Trustee McMurry

*Second:* Trustee Friend

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

*Nays:* none

*Abstentions:* none

**Motion carried**

## **12. Executive Session:**

### **Resolution # 8259**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees enter into Executive Session for the purpose of discussing 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

*Second:* Trustee

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

*Nays:* none

*Abstentions:* none

**Motion carried**

### **Resolution # 8260**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees exit from Executive Session and return to the open meeting.

*Motion:* Trustee

*Second:* Trustee

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

*Nays:* none

*Abstentions:* none

**Motion carried**

## **13. Adjournment**