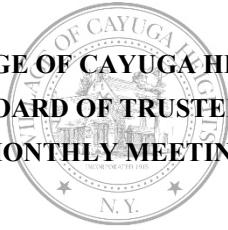


Minutes
Zoom Meeting ID # 653845973

VILLAGE OF CAYUGA HEIGHTS
BOARD OF TRUSTEES
MONTHLY MEETING

Wednesday, April 15, 2020
7:00 p.m.



Present: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, Robinson, and Salton; Police Chief Wright; Village Engineer Cross; Director of Public Works Wiese; Treasurer Mangione; Clerk Walker; Attorney Marcus

1. **Call to Order:** Mayor Woodard calls the meeting to order at 7:02 p.m.
2. **a. Approval of Meeting Minutes: February 18, 2020 (Exhibit 2020-164)**

Resolution # 8612

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves the February 18, 2020 meeting minutes as presented.

Motion: Trustee Salton
Second: Trustee McMurry
Ayes: Mayor Woodard; Trustees: Friend, McMurry, and Salton
Nays: none
Abstentions: Trustees Biloski, Marshall, and Robinson

Motion Carried

2. **b. Approval of Meeting Minutes: March 16, 2020 (Exhibit 2020-165)**

Resolution # 8613

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves the March 16, 2020 meeting minutes as presented.

Motion: Trustee Robinson
Second: Trustee Marshall
Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, Robinson, and Salton
Nays: none
Abstentions: Trustee McMurry

Motion Carried

3. **Report of Fire Superintendent Tamborelle: Submitted Report (Exhibit 2020-166)**

•The Village Fire Department held their annual election and the Board will need to approve the slate of officers.

Resolution # 8614

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees approves the following Cayuga Height Fire Department Slate of Officers as voted on by the Cayuga Heights Fire Company and approved by the Cayuga Heights Fire Department Fire Council on April 6, 2020.

Fire Chief George Tamborelle

Assistant Fire Chief Joe Price

Assistant Fire Chief John Putnam

Assistant Fire Chief Mike Garrett

Lieutenant Brendan Bloodnick

Lieutenant Sophie Janowsky

Lieutenant Nick Supron

Lieutenant Josh Lachs

Motion: Trustee Salton

Second: Trustee McMurry

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

Nays: none

Abstentions: none

Motion Carried

•Fire Superintendent Tamborelle states that the CHFD sprinkler system compressor has failed. The cost to replace it is \$7,150. The money will come out of the fire department maintenance fund.

•The overall call volume at the department has declined as a result of the students leaving campus in mid-March.

•The Fire department has a box of masks to hand out to Village employees that might not already have one.

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

•Village Attorney Marcus informs the Board that all televideo meetings have to be recorded and transcribed, although there may be future guidance come from the state in the future that modifies this requirement.

5. Report of Mayor Woodard:

a. Public Hearing on Proposed Local Law A of 2020 -Tax Cap

Mayor Woodard opens the Public Hearing at 7:20 p.m.

•No members of the public wish to speak.

Mayor Woodard makes a motion to close the Public Hearing at 7:20 p.m.

Resolution # 8615

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees authorizes and approves Mayor Woodard's motion to close the Public Hearing on Proposed Local Law -A of 2020.

Motion: Trustee Salton

Second: Trustee McMurry

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

Nays: none

Abstentions: none

Motion Carried

- Mayor Woodard states that the Village did not need to exceed the tax cap for the upcoming fiscal year but, as a matter of home rule, the Board will set into law the right to override the tax levy limit.
- Trustee Salton would like clarification on why we need to pass this law if we will not exceed the tax cap.
- Village Treasurer Mangione states that New York State has relaxed previous limitations on municipalities for exceeding the tax cap.
- Village Attorney Marcus states that this is a Type II action exempt under SEQR 617.4c 26 - routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.
- Trustee Robinson states that if we do not need to override the tax levy limit as part of the budget process then we should table this proposed local law.
- Village Treasurer Mangione states that she will need to inform New York State of the Village’s intentions.
- Mayor Woodard proposes to table proposed Local Law A of the year 2020.

Resolution # 8616

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees will table the consideration of Proposed Local Law -A of 2020.

Motion: Trustee Salton

Second: Trustee Robinson

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

Nays: none

Abstentions: none

Motion Carried

VILLAGE OF CAYUGA HEIGHTS

PROPOSED LOCAL LAW A OF THE YEAR 2020

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW §3-C**

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

Section 1 Legislative Intent: It is the intent of this local law to allow the Village of Cayuga Heights to adopt a budget for the fiscal year commencing in 2019 that requires a real property tax levy in excess of the tax levy limit as defined by General Municipal Law §3-c.

Section 2 Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c which expressly authorizes a local governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3 Tax Levy Limit Override: The Board of Trustees of the Village of Cayuga Heights, County of Tompkins, is hereby authorized to adopt a budget for the fiscal year commencing in 2019 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4 Severability: If a court determines that any clause sentence paragraph subdivision or part of this local law or the application thereof to any person firm or corporation or circumstance is invalid or unconstitutional the court order or judgment shall not affect impair or invalidate the remainder of this local law but shall be confined in its operation to the clause sentence paragraph subdivision or part of this Local Law or in its application to the person individual firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5 Effective Date: This Local Law shall take effect immediately upon filing with the Secretary of State.

b. Public Hearing on Proposed FYE 2020-2021 Village Budget.

Mayor Woodard opens the Public Hearing at 7:35 p.m.

•No members of the public wish to speak.

Mayor Woodard requests a motion to close the Public Hearing at 7:35 p.m.

Resolution # 8617

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees will close the Public Hearing on Proposed FYE 2020-2021 Village Budget.

Motion: Trustee Robinson

Second: Trustee Friend

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

Nays: none

Abstentions: none

Motion Carried

•Mayor Woodard states that (on the topic of budgets), Cornell University announced last week that they are going to freeze hiring and salaries for the coming year.

•Trustee Marshall states that Cornell University did not have a choice given that the revenue stream has changed and asks if there is something happening that will affect the Villages revenue for the coming year?

•Mayor Woodard states that the Village portion of the County sales tax revenue will be down for the next year.

•Mayor Woodard states that the Board will be discussing a possible sewer rate increase at next month's Board of Trustees Meeting.

•Trustee Salton states that the Board did a thorough job of evaluating the tentative budget and he feels good about where the Village is positioned going into the new fiscal year.

Mayor Woodard requests a motion to accept and vote on the FYE 2020-2021 Budget.

Resolution # 8618

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees authorizes and approves the FYE 2020-2021 Village Budget.

Motion: Trustee Robinson

Second: Trustee Biloski

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

Nays: none

Abstentions: none

Motion Carried

c. Water and Sewer Bills: Given the current situation with COVID-19 and people out of work, does the Village want to eliminate late fees for the next few water/sewer periods?

•Clerk Walker states that the Village has less than 15 percent of the residents that pay their bills late.

•Trustee McMurry states that we don't get a lot of people that are delinquent as a matter of course. So, if they are delinquent now then that may be a sign of distress, and therefore we should waive the fee.

•Trustee Robinson suggests that the Board allow Mayor Woodard to make that determination for waiving any late fees at the request of the property owners on a case by case basis and Trustees Biloski, Marshall, and Salton agree. The Village will publicize that the process for requesting waivers has been streamlined in the next eBlast.

Resolution # 8619

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees authorize and approve Mayor Woodard to approve the waiver of any water and sewer late fees for Village residents who provide proof they are having financial difficulty making that payment.

Motion: Trustee Robinson

Second: Trustee Marshall

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

Nays: none

Abstentions: none

Motion Carried

d. Brush and Bulky Trash Pickup: Director of Public Works Weise will be able to have the DPW staff begin picking up brush piles after garbage collection on Tuesdays and Thursdays. The Village is still working on setting

a date for a bulky trash collection. Director Weise will work directly with property owners who appear unaware of the pause in bulky trash collection.

e. Airbnb: A Village resident sent B. Cross an email asking about a refund for their short-term rental permit because Cornell has canceled their graduation ceremony.

•Trustee Salton states that the Board of Trustees should be open to any refund requests, and the Board agreed.

-At this time Mayor Woodard invites GHD staff Nick Hatala and Howard Lafever to join the meeting and answer any questions about the design report for Phase 2 of the WWTP.

•B. Cross states that the Village has received the final draft of the design report for Phase 2 of the Village Wastewater Treatment Plant from GHD.

•Trustee Marshall states that he would like to know if the cost analysis of Phase 2 has changed given the current situation we are in with COVID-19. GHD’s Nick Hatala states that there have been no changes; but GHD could see an accelerated design schedule if the Village wanted to move forward with the Phase 2 report tonight.

•Trustee Salton states asks, “Given the current situation of construction what is the timeframe to start bids?” Nick Hatala suggests that, even with an accelerated schedule, the bidding process wouldn’t take place until late winter for a spring start.

•B. Cross states that the Board of Trustees will need to accept the final GHD design report of Phase 2 of the WWTP

Resolution # 8620

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees authorizes and approves the GHD Design Report for Phase 2 of the Village Wastewater Treatment Plant and authorizes the Mayor to sign the contract dated April 20, 2020 in connection therewith.

Motion: Trustee Salton

Second: Trustee Robinson

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

Nays: none

Abstentions: none

Motion Carried

•B. Cross states that the Village Board of Trustees will need to approve the Engineering Joint Counsel Document Contract which will allow GHD to begin work on the final design phase which will cover the bidding and negotiation phase for the Village Wastewater Treatment Plant. (Exhibit 2020-172).

Resolution # 8621

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves and authorizes Mayor Woodard to sign the scope of services proposal from GHD Engineering Joint Consul Document Contract not to exceed \$640,000 (design and bidding phases) pending final review and approval by attorney Marcus.

Motion: Trustee Robinson

Second: Trustee Marshall

Ayes: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, Robinson, and Salton
Nays: none
Abstentions: none

Motion Carried

•B. Cross states that several months ago Blue Heron, the general contractor working on the Village wastewater treatment plant encountered bedrock during excavating. Additional services were needed to remove that rock and a contract change order (Exhibit 2020-174) was created in the amount of \$21,851.02

Resolution # 8622

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves and authorizes Mayor Woodard to sign the official change order No. 1-02 for general contractor Blue Heron in the amount of \$21,851.02.

Motion: Trustee Salton

Second: Trustee McMurry

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

Nays: none

Abstentions: none

Motion Carried

•B. Cross states that GHD has provided miscellaneous services associated with the Village Wastewater Treatment Plant and industrial wastewater pretreatment program administration including writing the industrial discharge permit. A company that has taken over the former Macom location (Odyssey) is seeking a discharge permit. Amendment No. 2 (Exhibit 2020-173) describes the new scope of services GHD will provide.

•Trustee Robinson would like to see a written agreement binding Borg Warner and Odyssey for the costs associated with seeking the industrial wastewater discharge permit.

Resolution # 8623

WHEREAS, GHD Consulting Services Inc. (ENGINEER) and the Village of Cayuga Heights, NY (OWNER) entered into an Agreement dated November 2, 2015 to perform miscellaneous services associated with the Cayuga Heights WWTP and industrial wastewater pretreatment program administration, including developing and issuing an industrial wastewater discharge permit to MACOM; and,

WHEREAS, the services under Task 1 were successfully completed with a permit issued to MACOM; and,

WHEREAS, ENGINEER has performed similar services in assisting the Village related to permitting for Borg-Warner in Amendment No. 1; and

WHEREAS, OWNER has requested additional services to complete permitting with Borg-Warner and a new industrial discharge facility, Odyssey Semiconductor.

NOW, THEREFORE, ENGINEER and OWNER agree to amend the Agreement as follows.

SCOPE OF SERVICES

Add:

1. **Task 5 - Borg-Warner Permitting Assistance.** Assist OWNER in review, preparation, and issuance of a revised/new industrial wastewater discharge permit to Borg-Warner in accordance with local sewer use law and State and Federal regulations under the Village's Mini Industrial Wastewater Pretreatment Program, administered through the New York State Department of Environmental Conservation (NYSDEC). Services shall also include any follow up coordination with the Borg-Warner, in support of, and as requested by the OWNER to complete the permitting process.
2. **Task 6- Odyssey Semiconductor Assistance.** Assist OWNER in review, preparation, and issuance of a new industrial wastewater discharge permit to Odyssey Semiconductor in accordance with local sewer use law and State and Federal regulations under the Village's Mini Industrial Wastewater Pretreatment Program, administered through the NYSDEC. Services shall also include any follow up coordination with the Odyssey Semiconductor, in support of, and as requested by the OWNER to complete the permitting process.

SCHEDULE

ENGINEER will complete the Scope of Services within 180 days of authorization to proceed.

FEE

The Scope of Services described above will be completed on an hourly basis for a cost not to exceed \$10,000 without prior authorization by OWNER, and as further defined below.

1. Task 5 - Borg-Warner Permitting Assistance
2. Task 6 - Odyssey Semiconductor Permitting Assistance

Motion: Trustee Marshall

Second: Trustee Robinson

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

Nays: none

Abstentions: none

Motion Carried

f. Health Care Coverage: Mayor Woodard states that The Greater Tompkins County Municipal Health Insurance Consortium (GTCMHIC) has informed us that Excellus will pay 100% of claims related to any employees who have any COVID-19 related claims.

g. Planning Board Alternate Appointment: There is a vacant seat on the Village Planning Board.

Mayor Woodard would like to appoint Village resident Kirk Siegal to the position of alternate member of the Village of Cayuga Heights Planning Board.

Resolution # 8624

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees authorizes and approves the appointment of Kirk Siegal to the position of alternate member of the Village of Cayuga Heights Planning Board effective April 15, 2020.

Motion: Trustee McMurry

Second: Trustee Marshall

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

Nays: none

Abstentions: none

Motion Carried

h. LED Update: Mayor Woodard states that New York Power Authority is still working on the design report for the Village Street Lights LED Project.

6. Report of the Trustees:

a. Walking Safe Grant Update: Trustee McMurry states that the NYS DOT has determined this project is essential construction so this project will continue as scheduled.

- Trustee Salton States that in Phase 4 of the CARES Act there will be legislation to support local municipalities.
- Trustee Friend mentioned that there are still supply shortages for essential employees serving on the front lines in NYC.

7. Report of Police Chief Wright: Submitted Report (Exhibit 2020-169)

- Chief Wright states that this month was active. All NYS Executive Orders are being followed within the police department headquarters and when officers are dealing with the public.
- Trustee McMurry expressed her concern that the Ithaca City School District has refused to give the Cayuga Heights Police Department a key fob to give them access to Cayuga Heights Elementary School. Trustee McMurry will discuss this with Ithaca City School District Superintendent Brown and Deputy Superintendent Talcott.
- Trustee Salton states that this is a huge public safety issue.
- Trustee McMurry stated that as for the “playground closed” signage, she recommends Mayor Woodard bring up the issue of signage verses caution tape to prevent people from playing on the playground with the County before we discuss this with the school board.

8. Report of Director of DPW Wiese: Submitted Report (Exhibit 2020-170)

- Director Wiese states that the newly hired laborer, Thomas Collins, will be starting on May 4th, 2020. There is no plan to bring on a summer helper due to the current COVID-19 situation.
- Director Wiese states with the current executive orders it will be hard to bring all of the staff back to work and maintain social distancing.

- The Village Hall bike rack is ready to be placed when Marcham Hall is open to the public.
- Director Wiese states that the 2007 dump truck that went to auction sold for \$17,600, which is about \$4,000 less than expected. With the current situation, Director Wiese states that there is no benefit to keep it, and we should accept the offer.

9. Report of Village Engineer Cross: Submitted Report (2020-171)

- B.Cross states that Weathermasters can do the gutters on Marcham Hall for \$53,940 which is \$3,940 over the capital fund balance for this project. B. Cross will confirm that the project is considered either essential construction or an emergency repair, and will provide a start date at next Board meeting.

Resolution # 8625

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees authorize and approves the transfer of \$3,940 from the contingency account to the Marcham Hall maintenance fund account (A162.410) to cover the final quote from Weathermasters.

Motion: Trustee Salton

Second: Trustee Robinson

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

Nays: none

Abstentions: none

Motion Carried

- B.Cross informed the Board that as a result of the executive orders, the local code enforcement officer is in charge of zoning enforcement. Since that is the case, he is issuing construction permits only in emergency situations.
- Attorney Marcus states that as a result of NYS law not providing any mechanism of enforcement of executive orders, by default those individuals on the local level serve as the enforcement. The Village does not have any liability for failure to enforce an executive order.
- B.Cross states the Matco Electric might have to fix some LED lighting at the Village Wastewater Treatment Plant. The repair would qualify for reimbursement through the EFC Grant. Another issue at the wastewater treatment plant is the noise the new boiler makes. After a service call WWTP staff were told “that is just how they are made,” which Engineer Cross finds to be an unacceptable answer. The Village will hold the last payment to Evoqua Water Technologies until this issue is resolved.

10. Report of Treasurer Mangione: Submitted Report (Exhibit 2020-176)

Resolution # 8626

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves Abstract #11 for

FYE2020 consisting of TA vouchers 100-108 in the amount of \$16,642.03 and Consolidated Fund vouchers 737 - 801 in the amount of \$291,717.93 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

•Trustee Friend noticed a tree stand in the Lake View Cemetery. Mayor Woodard confirms that the Town of Ithaca owns that property and the Town of Ithaca has an active deer management program.

11. Report of Clerk Walker: Submitted Report (Exhibit 2020-177)

•Village Clerk Walker states that the office has been functioning well given the current situation. Villagers are very appreciative of all the services and ability to have someone in the office on a daily basis.

12. Report of Attorney Marcus: No report

13. Adjournment: Mayor Woodard requests a motion to adjourn the meeting at 10:10 p.m.

Resolution # 8627

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves Mayor Woodard's motion to adjourn the April Board of Trustees Meeting at 10:10 p.m.

Motion: Trustee Friend

Second: Trustee McMurry

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

Nays: none

Abstentions: none

Motion carried