

Minutes  
Zoom Meeting ID # 4118425407



Wednesday, September 16, 2020  
7:00 p.m.

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

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

**2a. Approval of Meeting Minutes: July 15, 2020 (Exhibit 2020-220)**

**Resolution # 8668**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves the July 15, 2020 meeting minutes as presented.

*Motion:* Trustee McMurry

*Second:* Trustee Salton

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

*Nays:* none

*Abstentions:* none

**Motion Carried**

**2b. Approval of Meeting Minutes: August 19, 2020 (Exhibit 2020-221)**

**Resolution # 8669**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves the August 19, 2020 meeting minutes as presented.

*Motion:* Trustee Marshall

*Second:* Trustee Rennekamp

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

*Nays:* none

*Abstentions:* Biloski and McMurry

**Motion Carried**

**2c. Approval of Meeting Minutes: September 4, 2020 (Exhibit 2020-222)**

**Resolution # 8670**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves the September 4, 2020 meeting minutes as presented.

*Motion:* Trustee Robinson

*Second:* Trustee McMurry

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

*Nays:* none

*Abstentions:* Biloski, Rennekamp, and Salton

**Motion Carried**

**3. Report of Fire Superintendent Tamborelle: Submitted Report (Exhibit 2020-223)**

- Fire Superintendent Tamborelle states that the Cayuga Heights Fire Department Annual Recruit Dinner will take place on September 19, 2020.
- Fire Superintendent Tamborelle states that the 2007 Chevrolet Suburban declared as surplus was sold at auction for \$12,500 yesterday.

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

**5. Report of Treasure Mangione: Submitted Report (Exhibit 2020-224)**

- Treasurer Mangione states that the annual internal audit performed by INSERO Accounting Firm will begin next week.
- Treasurer Mangione states that the Environmental Facilities Corporation (EFC), which is a public benefit corporation that provides our financing for the Wastewater Treatment Plant (WWTP), is taking a new look at interest rates. A decision on issuing a new rate to the Village will take place in December. Currently we have a low interest Bond for the Phosphorus Treatment Filters project at the Village Wastewater Treatment Plant. The remaining amount the Village owes is \$400,000.
- Treasurer Mangione also states that the Village Finance Committee met to discuss Bolton Point’s decision to raise water rates 3.5%. The committee recommendation is to pass that 3.5% increase onto the consumer without an additional Village surcharge.
- Trustee Salton would like to see some of the other local municipalities’ water rates for comparison. Mayor Woodard states that she can provide that information and also reminds the Board that our rate seems high because we pay some of our staff from the water and sewer accounts. However, our sewer rates are much lower than most other local municipalities.
- Trustee Rennekamp would like to see sewer rates for those municipalities. Mayor Woodard has provided the requested comparison below:

Municipality	Water Rate	Sewer Rate	Total	Min Consumption	Minimum Bill
Cayuga Heights	10.57	2.90	13.47	5000	67.35
Town of Dryden	7.51	6.00	13.51	5000	67.55
Town of Ithaca	7.97	5.16	13.13	5000	65.65
Town of Lansing	6.20	6.72	12.92	5000	64.6
Village of Lansing	8.11	5.70	13.81	5000	69.05
City of Ithaca	11.59	7.75	19.34	8976	173.64

•Mayor Woodard asks Treasurer Mangione if she knows how much money is needed to fund the Wastewater Treatment Plant for the 2021-2022 fiscal year. She states there is no way to determine that number. The Finance Committee is recommending a combined increase of water and sewer rates by 5%.

•Trustee Salton asks for clarification on what effect our new proposed water and sewer rates have on the debt service for the Wastewater Treatment Plant. Treasurer Mangione explains that the current grants will cover all expenditures until the job is completed and the Village will only have to make interest payments on the expenditures outside of the grants.

•Mayor Woodard states that it makes sense to build a sewer account fund balance and the other municipalities that utilize our WWTP have been informed that this year there will be a larger rate increase.

•Trustee Rennekamp states that it looks like a large sewer rate increase because the Village's sewer rate was so low to begin with.

•Trustee Robinson states that over the last several years the Village has not raised the sewer rates more than a few cents so it makes sense to make a larger increase now.

**Resolution: 8671**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves Mayor Woodard to increase the annual water rate from \$10.57 to \$10.77 per 1000 gallons consumed starting January 1, 2021.

*Motion:* Trustee Biloski

*Second:* Trustee Salton

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

*Nays:* none

*Abstentions:* none

**Motion Carried**

**Abstract # 4**

**Resolution: 8672**

**Approval of Abstract:**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves Abstract #4 for FYE2021 consisting of TA vouchers 28-38 in the amount of \$19,867.28 and Consolidated Fund vouchers 212 - 297 in the amount of \$819,043.37 and the Treasurer is instructed to make payments thereon.

*Motion:* Trustee Biloski

*Second:* Trustee Robinson

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

*Nays:* none

*Abstentions:* none

**Motion Carried**

•Clerk Walker states that the Board will need to schedule a Public Hearing to seek public comment on a local law to amend the annual sewer rates in accordance with section 226-29 and 226-30 of the Village of Cayuga Heights Code.

**Resolution: 8673**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees hereby schedules a Public Hearing on the proposed increase of the annual sewer rate rates to \$3.36/1,000 gallons consumed for inside users and a rate of \$5.05/1,000 gallons used for outside users, in accordance with Section 226-29 and 226-30 of the Village of Cayuga Code. The hearing will be held on October 21, 2020 at 7:05 p.m.

*Motion:* Trustee Salton

*Second:* Trustee McMurry

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

*Nays:* none

*Abstentions:* none

**Motion Carried**

**6. Report of Mayor Woodard:**

**a. Community Science Institute (CSI) Request (Exhibit 2020-226):** Mayor Woodard received in the mail a letter asking for a donation as described in Exhibit 2020-226.

•Trustee McMurry states that it would seem strange to spend taxpayer's money in this fashion.

•B. Cross states that CSI does a variety of fee-for-service work in the area. In fact, their company is currently doing monthly testing of phosphorus at the Village Wastewater Treatment Plant.

•The Board agrees that they have not donated money to not-for-profit organizations in the past and do not see a reason to do so now.

**b. 2020 Cayuga Lake Watershed Membership (Exhibit 2020-227)** This organization unites local government to address water quality issues on Cayuga Lake.

•Mayor Woodard states that this is a budgeted expense and that membership in the Cayuga Lake Watershed Intermunicipal Organization (CLWIO) is something we have paid for in past years.

•Trustee Marshall inquires if anyone has seen a copy of the Cayuga Lake Watershed Annual Report. B. Cross informs the Board that a member of the Village's Planning Board might be active with the CLWIO meetings and could give the Board an update.

**Resolution: 8674**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves the 2020 annual membership fees for representation in the Cayuga Lake Watershed Intermunicipal Organization for implementation of the Watershed Restoration & Protection Plan in the amount of \$900.

*Motion:* Trustee Marshall

*Second:* Trustee Biloski

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

*Nays:* none

*Abstentions:* none

**Motion Carried**

**c. Cayuga Heights Fire Co. Letter:** The Cayuga Heights Fire Company is requesting Board approval to mail an annual fund-raising letter to Village residents.

**Resolution: 8675**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves the Annual Cayuga Heights Fire Company fund raising letter to be sent to Village residents as presented in Exhibit 2020-228.

*Motion:* Trustee Biloski

*Second:* Trustee McMurry

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

*Nays:* none

*Abstentions:* none

**Motion Carried**

**d. Short-Term Rental Refund Request:** Village resident, D. Waddell, is requesting his short-term rental permit fee be refunded since he was unable to rent his home since Cornell graduation was cancelled due to COVID-19.

- Mayor Woodard states that Mr. Waddell's rental log shows that he rents more than just graduation weekend.
- Trustee McMurry states that the resident is essentially operating a business for which we require a permit. The Village still has administrative costs associated with the issuance of the permit regardless of how successful or unsuccessful a listing will be.
- Trustee Rennekamp agrees and feels that the short-term rental market was very busy during COVID-19 and maybe it was his choice not to rent during the health pandemic.
  - The Board therefore determines that a refund is not appropriate in this case.
- Trustee Salton would like to view the Village list of individuals currently operating an Airbnb site in the Village.
- Mayor Woodard informs the Board that the County is willing to pay for a short-term rental monitoring service once more municipalities pass short-term rental laws.

**e. Financial Update: First quarter reports will be ready next month.**

- Mayor Woodard states that the County is looking at a 5% property tax increase and predicting a sales tax revenue loss of 20%.

- As a cost-savings measure to the Village, as well as staff, Mayor Woodard proposes eliminating the Non-Bargaining Village Legal Benefit. The Non-Bargaining Unit employees were not opposed to this idea, but the Police Department union felt they did not need to break the current contract for this benefit change. It turns out dissolving the legal benefit coverage has to be all members or no members, and therefore we will have to keep the legal benefit for all.

- Mayor Woodard states that it looks like the Village will end up saving around \$30,000 this year from the 6 Non-Bargaining Unit employees who were asked to change their Excellus Platinum Plan to a high deductible Excellus Gold Plan.

- Trustee Salton states that the Greater Tompkins County Municipal Health Consortium (GTCMHIC) Board of Directors has voted to give a one-month (in December) premium waiver which represents a \$40,000 savings to the Village and to our employees.

- Mayor Woodard states that with this type of savings, the Village should stay in good financial shape going forward. One thing she would like the Board to consider is a 10% pay reduction for herself and the Board members. Trustee Robinson states we should wait until next year to determine a need for further cuts.

- Director of Public Works Wiese states that his budget from sale of assets for this current fiscal year is \$27,000 and to date he has recouped \$40,000 which is a savings of \$13,000 back into the General Fund.

**f. Tree Planting:** The Tree City Grant application approved by the Village Board last month lacked application materials and missed the deadline for submission. Cayuga Landscape Company owner D. Fernandez apologized for not fulfilling his commitment for the application and would like to donate a tree to the Village that would have been provided if the grant application had been successful.

- Mayor Woodard states that the tree will be a flowering crab that will be planted in front of Marcham Hall. The Mayor hopes that when they plant the tree, they will also address the ground vine weed that is taking over and choking out the Marcham Hall landscaping.

- Trustee Marshall suggests that Cayuga Landscape gives us a proposal for managing the landscape around Marcham Hall.

- Clerk Walker states that Cayuga Landscaping was servicing the Marcham Hall gardens but with the onset of COVID-19 they could not keep up with monthly weeding.

**g. Village Certificate of Deposit (C.D.) Update:** The annual renewals were due last month.

- Treasurer Mangione states that the \$400,000 Village Sewer C.D. was extended for 3 months. The \$1,050,000 C.D. was broken down into the following: \$50,000 (which is the interest on the \$1,000,000), back to the general fund, \$400,000 in a 24- month C.D. \$500,000 in a 12-month and \$100,000 in a 6-month C.D.

- Mayor Woodard states that since it looks like the Village will not have to pay any cost for the Village Wastewater Treatment Plant (WWTP) construction this year why not put the Village Sewer C.D. into a one-year C.D.

- Treasurer Mangione will look take a closer look at the WWTP expenditures going forward and make a recommendation at the next Board meeting.

**7. Report of the Trustees:** No Reports at this time.

**8. Report of Police Chief Wright: Submitted Report (Exhibit 2020-230)**

- Chief Wright states that the month was pretty consistent, although traffic tickets were up mainly because of speeding tickets.
- There were two public health law calls responded to by our officers; one was a noise complaint and the other was a small group of kids playing basketball at the elementary school. The police department is responsible for answering any public health law complaints and report their findings to the County Health Department.
- Chief Wright opens the discussion on the body worn cameras (BWC) and offers an option to the Board of purchasing two car cameras verses the body worn cameras previously discussed by the Public Safety Committee. The BWC's cost comes down to data storage and he recommends the Village go with the Axon Pro Plan and not the Unlimited Plan for this reason. Chief Wight states that the department is comfortable with either the Axon BWC Pro Plan or the two Axon car cameras.
- Trustee McMurry asks Chief Wright if, since the Public Safety Committee did not discuss car cameras, the TRIAD Foundation would be willing to modify their funding from BWC to car cameras? Chief Wright states that he has mentioned the possibility of other uses the department might have for that grant money and he would need to justify that in writing.
- Trustee Salton states that if there was a choice between one or the other we should undoubtedly go with the body-worn cameras. Mayor Woodard and Chief Wright agree. Chief Wright understands that this an unbudgeted expense and is a concern to the Village Board, that is why wanted to show another option of protection which would be better than no cameras at all.
- Trustee McMurry states that the TRIAD Grant covers the first year of the BWC pro plan and the Public Safety Committee discussed with Chief Wright that he would be able to use current staff to manage the database storage. She also explained to the Board that the department has put the work into making this logistically and financially feasible and recommends going with the Axon BWC Pro Plan.
- Trustee Salton asks Chief Wright to explain what he had learned from communicating with Ithaca College and their experience with BWC's and data storage. Chief Wright states that he spoke with Lieutenant Harmon at I.C. and they have had their plan since 2017 and have not exceeded data storage even though they are a much larger law enforcement agency.
- Trustee Salton asks Village Attorney R. Marcus if he has any thoughts on whether the Village should follow up with other manufactures of BWC and obtain quotes to satisfy the Village Procurement Policy. Village Attorney R. Marcus states that there is no downside to obtaining other quotes.
- Mayor Woodard expresses her concern with the financial impact of this commitment, and she would like other manufactures researched before we move forward with Axon BWC Pro Plan.
- Trustee McMurry states that it is her understanding that all of the other local municipalities use Axon and there are significant advantages to having our system compatible with theirs. Chief Wright directs the Board's attention to the fact that every police computer that the Village has is connected to a product called Spillmen which is tied into every law enforcement agency in the County. The Village Police department also already owns Axon Tasers which would be compatible with the BWC from Axon. There are plenty of justifications to go with Axon.

- Chief Wright is comfortable presuming other quotes to satisfy the Village Procurement Policy.
- Trustee Robinson asks Chief Wright if there are other cost factors involved with implementing BWC's. Chief Wrights states that he will utilize current staffing and that yes, after the initial five years, there will still be a maintenance contract. That amount is not known at this time, but he will apply for another grant from the TRIAD Foundation each year to help offset costs.
- Mayor Woodard would like the Public Safety Committee to review a proposed BWC Operational policy then present it to the Board. Chief Wright states that most policing policies are developed through law enforcement committees. Our policy will probably mirror the County's BWC policy; however, given the current police reform requirements from New York State, there is language that involves getting input from the residents on policy and procedures. Any input will be useful and is welcome, states Chief Wright.
- The Governor's directives is to engage the general public for feedback on proposed police procedures. Trustee McMurry feels that BWC are politically desirable given the current climate of our Country. BWC will protect the Village from liability and enable our officers to do their job more effectively.

**Resolution: 8676**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves the acceptance of the TRIAD Foundation Grant in the amount of \$25,000 to be used to purchase Body Worn Cameras for the Cayuga Heights Police Department.

*Motion:* Trustee Salton

*Second:* Trustee McMurry

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

*Nays:* none

*Abstentions:* none

**Motion Carried**

- Trustee Marshall states that having a proposed policy on the October Board of Trustees agenda does qualify as an outreach to our Village residents.

**9. Report of Director of DPW Wiese: Submitted Report (Exhibit 2020-232)**

- Director Wiese states that the DPW has completed all paving projects for the year and the staff is working on replacing the sidewalk on East Upland Road.
- Director Wiese states that the leaf pickup will begin on October 15<sup>th</sup>, 2020.

**10. Report of Village Engineer Cross:**

- B. Cross informs the Board that today the underground sewer pipes were dug up at the WWTP and moved from the old building to the new building. In the process, a small overflow of sewage occurred which prompted a call to the NYSDEC. There was no off-site contamination, but as a safety precaution, the plant will be staffed overnight.



•Trustee Marshall asks if this is an incident that could have been foreseen and by whom? B. Cross states that it could, but it still needs to be determined and investigated.

•B. Cross states that to follow-up on the TAP Grant, Fisher and Associates have prepared two proposed site plans for the sidewalk. Unfortunately, the version that would show the sidewalk on the Northside of the road came in at such a high cost that it did not make sense for us to pursue that option. Trustee McMurry informs the Board that NYSDOT requires the two alternatives (with the sidewalk on either the north or south side of Kline Road) must be presented to the public for input.

•Trustee Salton wants to make it clear that he does not support a sidewalk in front of 511 Kline Road and that locating the sidewalk on the south side of the road infringes on the rights of the property owner.

•Village Attorney R. Marcus states that the municipality owns the right of way within which the sidewalk is located, and it would be hard for someone to argue any differently.

•Since some of the Board members have not seen the project proposals, Trustee McMurry will forward them to the Board after the meeting.

•B. Cross states that since we are talking about sidewalks, T.G. Miller will begin surveying the Cayuga Heights Road culvert pipe road crossing which falls under the scope of work for the Climate Smart Grant - Rightsizing Culverts.

#### **11. Report of Clerk Walker:**

•Village Clerk Walker states that the Village Election turnout was light. A total of 51 people turned out to vote in person. Absentee ballots will be counted, and we should have the official number from the Tompkins County Board of Election by the end of the month.

•Clerk Walker did receive confirmation that there will be only one polling location for the November General Election: The First Congregational Church. Kendal of Ithaca will not be open for voting this year.

•Village Clerk Walker states that, since we have had our Village Election, the Board we will need to set the Village Organizational Meeting date.

•Village Clerk Walker also states that Mr. Mark Mecnas contacted him and wanted to relay to the Board that he is still interested in continuing the discussion on his Upland Heights Project.

#### **Resolution: 8677**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees hereby schedules the Annual Village of Cayuga Heights Organizational Meeting to be held on October 7<sup>th</sup>, 2020 at 7:00 p.m.

*Motion:* Trustee Marshall

*Second:* Trustee McMurry

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

*Nays:* none

*Abstentions:* none

#### **Motion Carried**

**12. Report of Attorney Marcus:** Attorney Marcus states that he would like to hold an executive session.

**13. Executive Session**

**Resolution # 8678**

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

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

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

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

*Motion:* Trustee Robinson

*Second:* Trustee Marshall

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**Resolution # 8679**

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

*Motion:* Trustee Marshall

*Second:* Trustee Salton

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

*Nays:* none

*Abstentions:* none

**Motion carried**

**14. Adjournment:** Mayor Woodard adjourns the meeting at 10:38 p.m.

