

Minutes
Zoom Meeting ID # 4118425407

VILLAGE OF CAYUGA HEIGHTS
BOARD OF TRUSTEES
MONTHLY MEETING



Wednesday, October 21, 2020
7:00 p.m.

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 7:02 p.m.

2a. Approval of Meeting Minutes: September 16, 2020 (Exhibit 2021-001)

Resolution # 8756

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

Motion: Trustee Robinson

Second: Trustee McMurry

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

Nays: none

Abstentions: none

Motion Carried

2b. Approval of Meeting Minutes: October 7, 2020 (Exhibit 2021-002)

Resolution # 8757

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves the October 7, 2020 meeting minutes as presented.

Motion: Trustee McMurry

Second: Trustee Robinson

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

Nays: none

Abstentions: none

Motion Carried

3. Report of Fire Superintendent Tamborelle: Submitted Report (Exhibit 2021-003)

•Fire Superintendent Tamborelle states that Kendal of Ithaca has confirmed that there is one resident who has tested positive for COVID-19.

•Fire Superintendent Tamborelle states that when the new CHFD ladder is finished being built, he will complete a virtual inspection of the truck instead of traveling to Florida.

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

5. Report of Treasure Mangione: Submitted Report (Exhibit 2021-004)

•Treasurer Mangione states that she was able to complete the August and September financials for tonight’s meeting.

•Treasurer Mangione states that Abstract #4 Voucher 240 was approved with the rest of Abstract #4 at the September 16, 2020 Board of Trustees meeting for \$36,624.50. It has been identified as a duplicate payment from the Capital Fund account H8130.410 Wastewater Treatment – Contractual to Matco Electric Corp. Removal of this amount adjusts the total of Abstract #4 to \$779,418.87.

Abstract # 5

Resolution: 8758

Approval of Abstract:

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves Abstract #5 for FYE2021 consisting of TA vouchers 39-48 in the amount of \$18,919.20 and Consolidated Fund vouchers 298-390 in the amount of \$505,721.40 and the Treasurer is instructed to make payments thereon.

Motion: Trustee Salton

Second: Trustee Marshall

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

Nays: none

Abstentions: none

Motion Carried

6. Report of Mayor Woodard:

a. Public Hearing on a Local Law to amend the Annual Sewer Rate in accordance with Section 226-29 of the Village of Cayuga Heights Code.

Mayor Woodard opens the Public Hearing at 7:12 p.m.

•No members of the public wish to speak.

Mayor Woodard closes the Public Hearing at 7:12 p.m.

•Trustee McMurry asks for the Board’s feedback on other ways to include the public participation for our Public Hearings. Clerk Walker states that the legal notice does give directions for the public to submit comments through email.

•The Board discusses also adding a notice on the website and Enewsblast as an additional method of notifying the public. Clerk Walker agrees that it is a good idea to add the additional notifications.

•Mayor Woodard states that she has already notified the other local municipalities affected by the new water and sewer rate change.

Resolution: 8759

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees adopts the proposed increase of the annual sewer rate rates in accordance with Section 226-29 and 226-30 of the Village of Cayuga Code as Local Law #1 of 2020.

A LOCAL LAW TO AMEND THE ANNUAL SEWER RATES IN ACCORDANCE WITH SECTION 226-29 OF THE VILLAGE OF CAYUGA HEIGHTS CODE

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

Section I. PURPOSE

The purpose of this Local Law is to establish annual sewer rates of \$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 of the Village of Cayuga Heights Code.

Section II. AUTHORITY

This Local Law is enacted pursuant to the grant of powers of local governments provided for in (i) Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law, (ii) General Municipal Law Article 14-F, (iii) General Municipal Law Sections 451 and 452, and (iv) Village Law Article 14.

Section III. ESTABLISHMENT OF SEWER RATES

As of January 1, 2021, annual sewer rates shall be established at a rate of \$3.36/1,000 gallons used for treatment of wastewater originating from properties located within the Village and a rate of \$5.05/1,000 gallons used for treatment of wastewater originating from properties located outside of the Village.

Section IV. SUPERSEDING EFFECT

All Local Laws, 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.

Section V. VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

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.

•Village Attorney R. Marcus informs the Board of Trustees that this is a Type II action under SEQRA section 6.17.4B(26)

Motion: Trustee Biloski

Second: Trustee Robinson

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

Nays: none

Abstentions: none

Motion Carried

b. “Old Village” Sewer Billing: A portion of users in the “old Village” has their sewage diverted and sent to the the Ithaca Area Wastewater Treatment Facility (IAWWTF) rather than the Village’s Wastewater Treatment Plant. These users then pay the Village sewer rates, although their sewage is not being teated at the Village’s wastewater treatment plant.

•The Village first informed the Town of Ithaca about this situation in 2012 but no action was taken by the town. Mayor Woodard states that she recently received an email from the Town of Ithaca Director of Public Works, Joe Slater, stating that the Village now owes the Town of Ithaca over \$800,000 in back sewer payments. Mayor Woodard informed the Town of Ithaca that she did not believe the Village is obligated to pay this amount due to the Town’s awareness of the issue and failure to act in the past. Mayor Woodard stated that the Village is willing to compensate the Town for payments from this year only.

•Trustee Robinson asks for clarification on how this works. Mayor Woodard states that she has two thoughts.

•Village Engineer Cross informs the Board that the Intermunicipal Sewer Agreement was developed to the benefit of the Village and Town of Lansing. There is a Klinewoods Road bypass valve that could be shut off and therefor nothing would go to the IAWWTF. The bypass was originally opened in 2005 when there were concerns about capacity at our Wastewater Treatment Plant. Since that time, the amount of flow to our plant has decreased . Engineer Cross feels that our plant could now handle the increased flow if we decided to close that bypass.

•Trustee Salton states that the real issue will be in determining the inflow and infiltration calculations and he is also concerned that once that bypass is closed it will remain closed.

•If the bypass was closed, it could still be opened on an as-needed basis (only under wet conditions). Mayor Woodard will propose this to the Town with the suggestion that the flow be metered and charged accordingly.

•Mayor Woodard suggests that the Board might need to enter into another memo of understanding with all parties involved depending on how this is resolved.

•Trustee Robinson states that we have tested the bypass under dry conditions and now need to test it under a significate rain event.

c. Quarterly Financials: Mayor Woodard has converted the budget accounts into an Excel worksheet and has distributed them to the Board and Village Department Heads.

- Mayor Woodard states that going forward this will be updated quarterly. The key item to watch will be the monthly sales tax revenue from the County.

- Sales tax was down 33% in June, and is down 22% year to date.

- Treasurer Mangione states that if you look at the budgeted projection, the Village is only down 11-12% on sales tax revenue.

- Mayor Woodard states that the Village has saved money is with the Non-Bargaining Unit (NBU) employees who were converted to the Excellus Gold Plan. The premium saving to the Village is about \$31,000 per year.

- Clerk Walker also reminded Mayor Woodard that there will be a premium holiday in November for NBU and PBA members which will provide an additional savings of \$36,000.

- Mayor Woodard states that she would like to propose a “bonus” of 10% back to the NBU employees who, in an effort to save the Village money, were transitioned to the Excellus Gold Plan in January.

- Other savings going forward will include eliminating the Sieba Flexible Savings Account that currently has only one employee enrolled, and not heating the Marham Greenhouse over the winter

d. LED Update and NYSEG Street Light Bill: The September NYSEG Street Light bill now reflects the new rate for owning the Street Lights.

- Mayor Woodard states that we are saving about \$1500 a month and that savings will pay for the LED installation and fixtures.

e. Harassment and Discrimination Policy: This Policy is an addition to the annual Sexual Harassment Policy established to be reviewed annually by all employees.

Resolution: 8760

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees adopts the proposed policy as written in Exhibit 2021-007.

Motion: Trustee McMurry

Second: Trustee Biloski

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

Nays: none

Abstentions: none

Motion Carried

f. Greater Tompkins County Municipal Health Insurance Consortium MCA: Approval of the 2020 and 2021 Amendments to the Municipal Cooperative Agreement.

- Trustee Salton states that the Consortium is changing its governing structure to accommodate the growth to 50 members. Noncontiguous counties can now join which will allow for even more growth. Bylaws require the Consortium to update the MCA every time a new member joins the GTCMHIC.

Resolution: 8761

WHEREAS, the Village of Cayuga Heights is a Participant in the Greater Tompkins County Municipal Health Insurance Consortium (the "Consortium"), a municipal cooperative organized under Article 47 of the New York Insurance Law, and

WHEREAS, the municipal participants in the Consortium, including this body, have approved and executed a certain Municipal Cooperation Agreement (the "Agreement"; effective date of October 1, 2010) and the 2020 and 2021 Amendments that provide for the operation and governance of the Consortium, and

WHEREAS, Article 47 of the New York Insurance Law (the "Insurance Law") and the rules and regulations of the New York State Department of Financial Services set forth certain requirements for governance of municipal cooperatives that offer self-insured municipal cooperative health insurance plans, and

WHEREAS, the Agreement sets forth in Section Q2 that continuation of the Consortium under the terms and conditions of the Agreement, or any amendments or restatements thereto, shall be subject to Board review on the fifth (5th) anniversary date and upon acceptance of any new Participant hereafter, and

WHEREAS, by motion nos. 005-2020 and 008 of 2020 the Consortium's Board of Directors recommends approval of the 2020 and 2021 amended agreements based on review of the document by the Governance Structure/MCA Review Committee, the New York State Department of Financial Services, and the Consortium's legal counsel, and

WHEREAS, the Municipal Cooperative Agreement requires that amendments to the agreement be presented to each participant for review and adopted by its municipal board,

WHEREAS, the Village of Cayuga Heights is in receipt of the proposed amended Agreement(s) and has determined that it is in the best interest of its constituents who are served by the Consortium to amend the Agreement as set forth in the attached 2020 and 2021 Amended Municipal Cooperative Agreements, now therefore be it

RESOLVED, that the Village of Cayuga Heights approves and authorizes the Chief Executive Officer to sign the 2020 and 2021 Amendments to the Municipal Cooperative Agreement of the Greater Tompkins County Municipal Health Insurance Consortium, and

RESOLVED, further, that the Clerk of the Village of Cayuga Heights is hereby authorized to execute this Resolution to indicate its approval, transmit a copy thereof to the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium, and take any other such actions as may be required by law.

Motion: Trustee Marshall

Second: Trustee Salton

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

Nays: none

Abstentions: none

Motion Carried

g. Reconsideration of the Community Science Institute (CSI) Request: CSI submitted a letter requesting a donation since they lost their funding from Tompkins County due to budget cuts. B. Cross would like to inform the Board that the Community Science Institute actually provides services to the Village.

•B. Cross reports that CSI provides sample/testing services that are required for various environmental regulation, one specifically being the compliance of the village to NYSDEC stormwater outfall testing. These services have

been covered in the past by funding from Tompkins County which is withdrawing \$28,000 from their annual budget.

- Several other municipalities have sent a letter requesting the County place that money back into the budget. Trustee McMurry suggest that the Village draft a similar letter to the County before we approve sending CSI a check or payment for monthly services.

- Mayor Woodard will bring this up at the next Tompkins County Council of Governments (TCCOG) meeting.

- Trustee Robinson suggests that the Village find out if this is a temporary or permanent funding cut. B. Cross will follow-up with the Board at the November meeting.

h. Gold Plan: Mayor Woodard covered this topic in the quarterly financial report.

i. 5G Cellular Service: In June a Verizon representative approached the Village about placing small cell infrastructure for 5G.

- Mayor Woodard and Trustee Marshall attended a webinar today. From that meeting, they have ascertained that FCC guidelines give municipalities very limited power. The Village has no power to consider health or environmental impacts of new towers. The Village is only allowed to consider the safety and aesthetics of what is installed and that would need to be completed prior to an application submitted to the Village.

- B. Cross can confirm that Verizon has not attempted to submit any application to do any work in the Village.

- Trustee McMurry asks what type of infrastructure Verizon is planning on putting in. Trustee Marshall states that it is not clear and the proposal that Village Attorney R. Marcus has reviewed lacks those details as well.

- B. Cross believes that Verizon is planning on using the NYSEG Telephone poles which are on Village property and would therefor compensate the Village in some form.

7. Report of the Trustees:

a. Walking Safe Cayuga Heights Project Update. The NYS Department of Transportations has reviewed the design options for the sidewalk and has now informed the Committee that the Lake View Cemetery no longer qualifies for funding as part of the project.

- Trustee McMurry states that the funding originally budgeted for the Lake View Cemetery portion of the route can be used on the overall sidewalk project.

- The Village DPW staff will take the lead and complete the original work proposed in the cemetery, which will likely be far more cost effective.

- The Fisher and Associates design plans shown in Exhibit 2021-009 represents two proposals that the Committee will be presenting for public feedback. B. Cross states that he has met with the property owners of 511 Kline Road and they were willing to support the project moving forward essentially as designed.

- Trustee McMurry states that the website will be up for public comment up in the next week. There will be a public feedback meeting before Thanksgiving and prior to final approval from the NYSDOT. The public feedback meeting will take place at the Cayuga Heights Fire House.

- There is another TAP grant opportunity which will likely be announced in the next few weeks. The Village could piggyback on the Climate Smart Rightsizing Culvert Grant that is currently taking place on Cayuga Heights Road and apply for funding for a sidewalk on Cayuga Heights Road.

- B.Cross has reached out to Michele Palmer of Templeton Landscape Architecture & Planning to manage and submit this TAP Grant application on the Village’s behalf. B. Cross would like the Board to accept the proposal in case there is an application deadline before the next Board meeting.

- Trustee Robinson would like to remind the Board that there will be a significant Village financial commitment as T.G. Miller has projected this project would cost around \$1.6 million and the Village would be obligated for 20 percent.

- Trustee McMurry points out that this expense is likely a year or two in the future even if we applied for the funding this year

Resolution: 8762

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves and authorizes Michele Palmer of Templeton Landscape Architecture and Planning to prepare and submit a Transportation Alternatives Program (TAP) Sidewalk grant application for Cayuga Heights Road. The work associated with this grant submission is not to exceed \$5,400.

Motion: Trustee McMurry

Second: Trustee Marshall

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

Nays: none

Abstentions: none

Motion Carried

8. Report of Police Chief Wright: Submitted Report (Exhibit 2021-010)

- Chief Wright states that the month was pretty consistent.

- Chief Wright states that exhibit 2021-011 is a letter that was sent out to all County legislators and all County Law Enforcement Departments in an effort to bring to everyone’s attention the need for reform when police are dealing with mental health illness.

- Trustee Salton states that there is a health and wellness court in Ithaca. There is definitely a need for training for all first responders in a mental health situation.

- Chief Wright states that the more training law enforcement officers get the better. Law Enforcement officers are bound under NYS Mental Health Law to respond and de-escalate a situation for first responders.

- Fire Superintendent Tamborelle states that in his job as a full time EMS first responder for Bangs Ambulance, he has witnessed how well the Village of Cayuga Heights police officers handle mental crises and commends their ability to calm a situation.
- Chief Wright has complied with the Village Procurement Policy regarding Body worn Cameras and has determined the AXON 5-year proposal is the most suitable for our Village Police Department. The Village Public Safety Committee approves of this action as well.
- Trustee Salton states that he commends Chief Wright’s efforts in this process, as well as all the others involved.

Resolution: 8763

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees authorizes and approves the purchase of 8 AXON Body Worn Cameras under purchase order #6004 issued on October 22, 2020

Motion: Trustee Salton

Second: Trustee McMurry

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

Nays: none

Abstentions: none

Motion Carried

- Chief Wright closes with an announcement that the Tietsworth auction sold the old 2014 Ford Explore and Radar trailer for a total of \$6776.00.

9. Report of Director of DPW Wiese: Submitted Report (Exhibit 2021-012)

- Director Wiese states that the DPW had an employee family member get notified of possible exposure. Our employee was tested and that test was negative.
- Director Wiese states that the Marcham Hall gutter drainage project should be completed this week.
- Director Wiese would like the Board’s approval to sell the Village’s 1992 Neil Paver to the Town of Ithaca. The paver would then be under the Town’s insurance. It is not a piece of equipment that the Village uses very often and the sale represents a good use of shared services. The Town of Ithaca does a lot for the Village and this would strengthen our working relationship.
- Director Wiese Director Wiese will draft a letter and bill of sale for Village Attorney R. Marcus to review.

Resolution: 8764

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees authorizes and approves the sale of the 1992 Neil Paver to the Town of Ithaca for (1) one dollar.

Motion: Trustee Robinson

Second: Trustee Salton

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

Nays: none

Abstentions: none

Motion Carried

10. Report of Village Engineer Cross: (Exhibit 2021-13)

- B.Cross states that the WWTP is in the final stages of Phase one and that Phase two is in the design phase. GHD should be providing architectural and code compliance drawings soon. B. Cross has reminded GHD that the Village requested an accelerated design to get the plans out to bid in the beginning of the new year.
- B.Cross states that T.G. Millers has designed manholes for the 2 new sewer flow meters.
- Trustee Robinson states that since Phase I of the WWTP renovation is almost complete, he would like to invite the Board and also invite the other municipalities that utilized the WWTP down for a tour.
- B.Cross states that there is a current Village Code Enforcement Case that was in front of the Village Justice. The property owner failed to show up. The next court date will be November 4th, 2020.

11. Report of Clerk Walker:

- Village Clerk Walker states that Williamson Law Book, who provides all of our Accounting, Tax, and Water/Sewer software, is now offering a cloud-based version. Clerk Walker will contact them for pricing and share that with the Administrative Committee.
- The NYSIF Worker Compensation Audit resulted in a premium adjustment of \$4500.

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

13. Executive Session

Resolution # 8765

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 # 8766

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 Robinson

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 10:43 p.m.