

Zoom ID # 4118425407

VILLAGE OF CAYUGA HEIGHT  
BOARD OF TRUSTEES  
MONTHLY MEETING

May 15, 2024  
7:00 p.m.

**Present:** Mayor Woodard; Trustees: Biloski, Conway, Hubbell, Rennekamp (Zoom), Robinson, and Salton; Police Sergeant Manning; Treasurer Dolch; Attorney Marcus; Superintendent of Public Works B. Cross; Director of Public Works M. Wiese; Clerk Walker.

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

**2.** Approval of the April 17, 2024 Meeting Minutes (Exhibit 2025-016)

**Resolution: 9645**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves the April 17, 2024 Board Meeting Minutes as presented.

Motion: Trustee Biloski

Second: Trustee Salton

Ayes: Mayor Woodard; Trustees: Biloski, Conway, Hubbell, Robinson, and Salton

Nays: none

Abstentions: none

**Motion Carried**

**3. Report of Fire Superintendent Tamborelle: Submitted Report (Exhibit 2025-017)**

•Fire Superintendent Tamborelle states that the manufacturer's timeline for ordering fire trucks is now extending out several years.

•Fire Superintendent Tamborelle states that the only thing he needs Board approval for tonight is the waiving of parades and special events permit fee for hosting a summer movie night at the fire station.

**Resolution: 9646**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves waiving the permit fee requirement for Parades and Special events to the Cayuga Heights Fire Council to hold weekly movie nights during July and August 2024.

Motion: Trustee Robinson

Second: Trustee Hubbell

Ayes: Mayor Woodard; Trustees: Biloski, Conway, Hubbell, Robinson, and Salton

Nays: none

Abstentions: none

## **Motion Carried**

- Mayor Woodard states that she will be putting in a payment request from Cornell University for financial support to the Village of Cayuga Heights Fire Department when she meets with S. Reley next week.
- Trustee Conway states that he would like to know what it takes to place an order for a new fire truck. Is there capital put in upfront?
- Fire Superintendent Tamborelle states that there is no capital upfront. Just a purchase order which will allow the vendor to place the materials order but this year we will have to sign a contract that states if there is an increase in the engine cost the buyer agrees to pay that increase.

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

## **5. Report of Treasurer Dolch: Submitted Report (Exhibit 2025-018)**

- Treasurer Dolch states that the April 2024 month-end bank-to-book reconciliation is complete and has been signed off by Deputy Treasurer Rennekamp.
- Treasurer Dolch states that there is an interest-only payment due for the WWTP that we did not budget for in FYE 2024, therefore it will come from sewer contingency.

## **Resolution: 9647**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves using \$20,298.25 from Sewer Fund Contingency ( G1991.400 ) to expense to Sewer Fund Debt Interest Payment ( G9790.710 )

Motion: Trustee Robinson

Second: Trustee Salton

Ayes: Mayor Woodard; Trustees: Biloski, Conway, Hubbell, Robinson, and Salton

Nays: none

Abstentions: none

## **Motion Carried**

- Treasurer Dolch states that the only other action item tonight is the approval for Abstract 12.

## **Approval of Abstract 12:**

## **Resolution: 9648**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves Abstract #11 for FYE2024 consisting of TA vouchers #86-92 in the amount of \$6,238.12 and Consolidated Fund vouchers #842-930 in the amount of \$792,910.52 as corrected and the Treasurer is instructed to make payments thereon.

Motion: Trustee Biloski

Second: Trustee Salton

Ayes: Mayor Woodard; Trustees: Biloski, Conway, Hubbell, Robinson, and Salton

Nays: none

Abstentions: none

## **Motion Carried**

### **6. Report of Mayor Woodard**

#### **a. Continued Public Hearing for Proposed Local Law B of the year 2024 – Property Maintenance Law**

*Village resident P. Walsh states that he has provided the Board with a red-lined copy of the Property Maintenance Draft with his suggestions.*

*P. Walsh states that he appreciated being able to share notes with Village Attorney R. Marcus. P. Walsh requests that a sentence be added to the term “Common Areas” to give clarity on the intent of the use of this wording.*

*Mayor Woodard states that she took all of his comments and incorporated them into this final draft except for the last statement about the filing of this local law to New York State.*

*P. Walsh states that he inserted the word exterior into the definition of unregistered motorized vehicles to ensure that one could have several as long as they were inside a structure.*

*P. Walsh states that one option to define a driveway would be to state any surface that is intended to prevent foot traffic or vehicles from sinking into the ground.*

*P. Walsh states that lastly, he has a problem with the filing with the Secretary of State language and how it is written in this proposed local law.*

*Village Attorney R. Marcus states that language has always been part of every law passed by the Village, even before his time.*

*Village Attorney R. Marcus states that he will explore this topic further.*

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*Village resident J. Barr states that if you have a boat, then you should have a place to store it. Cars and boats should not be left out on the lawns.*

*Village resident R. Bors states that he would like to commend the Board for incorporating the comments from last month’s Public Hearing.*

*Village resident R. Bors states that he hopes that this new law will be easy to implement, and he appreciates all the work that went into developing this law.*

*Village resident D. Burrows states that he appreciates the time as well that the committee and Board have put into this ordinance.*

*D. Burrows states that his concern focuses on three things. 1. The current ordinance focuses almost exclusively on health and safety and the new ordinance injects what are inherently subjective aesthetic criteria. 2. The fine structure is excessively punitive. 3. Insufficient appeal rights or a process that is spelled out of the ordinance beyond the ability to talk to the Code Enforcement Officer and Board.*

*D. Burrows states that his requests are to strip out any subjective language, reduce the fines to \$50 or less, and have a meaningful appeal beyond the Board's determination especially since the Board can put a lean on the property if fines are determined.*

*D. Burrows states that the rationale for engaging in this effort was boiled down to like 6 people in the entire village. and to draft propose a new ordinance that was in response to 6 people, or 6 properties unnecessary. The challenge with the current ordinance seems to be the ability of the Board to meaningfully enforce it. Given the timelines that were in question. So if the timelines were simply truncated to track what's in the proposed ordinance.*

*D. Burrows states that he feels like that would accomplish what you're looking to do without engaging in what effectively is overreach concerning subjective terms, in language including the ordinance, and what I consider to be punitive finds.*

*B. Cross states that when it comes to lawn length, 10 inches is 10 inches. We didn't grab this number out of the air. It is a commonly used number in municipal maintenance ordinances.*

*Trustee Conway states that he is looking for feedback on what D. Burrows considers subjective changes from the current legislation to this newly drafted legislation.*

*D. Burrows states that it's about the enforcement of fines that could create a lean on the property that has to do with aesthetics, not health and safety.*

*Trustee Conway states that the way he reads this legislation is to offer guidance and a resource to show residents the variety of landscapes that can be used.*

*D. Burrows states that subsection (2) section(B) does show a few examples of things that pose a health and safety risk, for example, Appliances or vehicles in disrepair. On the other hand, other things listed may seem tacky or trashy but do not, and yet property owners will be fined.*

*Trustee Salton states that D. Burrows should look at the common law of nuisance.*

*Village Attorney R. Marcus states that the Village does have the authority to regulate in this fashion. Most municipalities that have property maintenance laws are more restrictive than what our proposed local law states.*

*D. Burrows states that the complaint that was raised by the board in the last public meeting was that there was felt the penalty structure and enforcement structure neutered the law of any sort of efficacy because of the timelines involved resulting in basically the season running out and everybody's lawns dying so that you couldn't*

*get anybody to mow their lawn during the season. That was his understanding of what was primarily driving that in that, according to the mayor's statement.*

*D. Burrows states that in his view this is an overreach with what you should be allowed to tell people what they can or cannot do with their property.*

*Trustee Salton states the first step is to approach the Code Enforcement Officer, and the Village is not in the business of fining residents.*

*Mayor Woodard states that we respect your comments, but we will move on from this discussion at this point.*

*D. Burrows states that he seriously requests the Board reconsider the punitive penalty structure of this legislation.*

*Village Attorney R. Marcus states that the word punitive is appropriate, you might want to use the words, cautionary or warning as a way to take notice. There is an appeal process and this legislation lays out that process just as if this legislation was still part of the Village Zoning Law.*

*D. Burrows states that he is asking for the Board to consider whether or not the Board should have this type of legislation in the form that is currently presented.*

*Village resident L. Laben states that she appreciates the changes that were incorporated from last month's meeting, but she still has discomfort and difficulty with the imprecision of some of the terms and requirements.*

*L. Laben states that the definitions still seem slippery as it is right now quite imprecise and vague right now. With this in mind, we have to trust that the Code Enforcement Officer (B. Cross) will be fair and reasonable. What will happen after the Board changes and B. Cross retires how can we trust that the next person will be reasonable and not aggressive?*

*L. Laben states that the goal of this law should be objective and not depend on reasonableness and enforced objectively,*

*Mayor Woodard states that this whole discussion started last summer when several residents just decided to stop mowing their front lawns. Attempts were made to bring those residents into compliance. Several of those residents responded that they were creating a pollinator garden or meadow for wildlife.*

*Mayor Woodard states that this new legislation is designed to accommodate the whole spectrum of lawn choices but also make it easier for us to enforce. The Village is not in business to write tickets. This is going to be an experiment even though it is a local law.*

*L. Laben states that she wonders if the Board considered just passing a law that more specific definitions of what is allowed and what is not.*

*Mayor Woodard states that as our laws are written now, if a certain definition or use is not listed it is prohibited.*

*J. Barr states that the Village is a charming place to live and if people want meadows they can move to the*

country. How you respect your home reflects upon the Village of Cayuga Heights.

- Mayor Woodard closes the Public Hearing at 7:55 p.m.

- Village Attorney R. Marcus states that for the record the Village determines that this is a Type II action under 617.5 (c ) (26) - routine or continuing agency administration and management, not including new programs or major reordering of priorities and (33) adoption of regulation, policies, procedures and local legislative decisions in connection with any action on this list.

- B. Cross states that he has received the GML-239 response from the Town of Ithaca- No significant impact.

**Resolution: 9649**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees adopts Proposed Local Law B of the year 2024 as Local Law 2 of the year 2024.

**A LOCAL LAW TO AMEND THE VILLAGE OF CAYUGA HEIGHTS CODE TO DELETE ARTICLE XIII, "PROPERTY MAINTENANCE" FROM CHAPTER 305, "ZONING," AND TO CREATE A NEW CHAPTER OF THE VILLAGE OF CAYUGA HEIGHTS CODE TO BE ENTITLED, "PROPERTY MAINTENANCE"**

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

**SECTION I INTRODUCTION**

The Village of Cayuga Heights occupies a small area above Cayuga Lake and the City of Ithaca that was founded, among other things, to be a neighborhood that takes advantage of its elevations, natural features, and planned land and streetscapes. This Local Law is intended to give residents of the Village and those who enforce our Local Laws a framework that clarifies policies and procedures necessary to address certain conditions, situations, and nuisances that may affect all of us as neighbors.

We want to encourage property owners to maintain a vibrant, flourishing landscape, considering as much as possible evolving ideas about creative, ecologically sensitive landscapes in a neighborhood of smaller residential lots.

Against this backdrop, it falls to the Village of Cayuga Heights to enforce the rules below. It must be emphasized that it is the purpose of this Local Law that our residents will always have notice and an opportunity to discuss with the appropriate Village official(s) their individual property situations. It is not our intent to require or encourage residents to convert areas that are not currently lawns into lawn areas. We strongly encourage discussion before any other actions become necessary.

We want to strike a balance between the rights of residents to choose how their properties look while being part of a community with a shared vision. This Introduction shall be deemed an integral part of Local Law B of the Year 2024 and shall be explicitly considered by any person, board, or court who or may interpret this Local Law.

**PURPOSE AND INTENT**

Currently, the requirements for maintenance of property in the Village of Cayuga Heights are found in the Village's

Zoning Law (specifically, Article XIII, "Property Maintenance," of Chapter 305, "Zoning" of the Village Code, the "Current Property Maintenance Law"). The Village's Board of Trustees has determined that the Current Property Maintenance Law should be substantially revised to better serve the interests of the Village's residents and officials and to better preserve and protect the quality of life in the Village that derives from the physical and visual manner in which Village properties are maintained. This Local Law is intended to give the Village's residents and the officials who enforce the Village's laws more detailed guidance to understand what is or is not, permitted on the exterior of a lot, and a more streamlined mechanism for enforcing those requirements.

In cases that a property owner may violate this Local Law, this Local Law is intended to provide enforcement procedures that give the property owner adequate notice and the opportunity to discuss their situation with the appropriate Village officials. By deleting the Current Property Maintenance Law from the Village's Zoning Law, the Village will be able to implement the less procedurally complex and more expeditious enforcement provisions of this Local Law.

The Village Board of Trustees recognizes that violations of property maintenance requirements may threaten the health, safety, and welfare of Village residents, may create fire hazards, may endanger the environment and groundwater, may lead to infestation by insects, vermin, or rodents, may cause depreciation of property values, and may cause a blighting effect upon the neighborhood and community. Therefore, the Village Board has determined that such violation may constitute a public nuisance. To address the foregoing points, the purpose of this Local Law is to modify the Village Code to delete Chapter 305, Article XIII, and to create a new chapter that will outlined in greater detail the requirements for property maintenance.

**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            DELETION FROM THE VILLAGE CODE OF ARTICLE XIII, "PROPERTY MAINTENANCE," OF CHAPTER 305, "ZONING"**

Article XIII, "Property Maintenance," of Chapter 305, "Zoning," of the Village Code, is hereby deleted in its entirety.

**SECTION IV            ESTABLISHMENT OF VILLAGE CODE CHAPTER 209, "PROPERTY MAINTENANCE"**

**Chapter 209**

**PROPERTY MAINTENANCE**

**§ 209-1. Purpose.**

The purpose of this chapter is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of all property in the Village of Cayuga Heights. The further

purpose of this chapter is to ensure compliance with all provisions of this chapter by providing equitable, expeditious and effective administration and enforcement and to provide penalties for violations of this chapter.

## § 209-2. Definitions.

For the purposes of this chapter, the following terms shall have the following definitions. In the event of a conflict between a definition provided below and a definition of the same term or word elsewhere in the Code of the Village of Cayuga Heights, the definition provided below shall provide the meaning and govern the use of such term or word in this chapter of the Code.

- A. **Front yard** means, as defined in the Village Zoning Law, the yard between the front lot line and the front facade of the principal building, extended from each rearmost exterior corner of the front façade, parallel to the front façade, to the adjacent side lot line. In addition, any yard that abuts a public or private street shall be considered a front yard for the purposes of this chapter; as a result, any corner lot, and any other lot with frontage on more than one public or private street, shall have a front yard adjacent to each street.
- B. **Garden** means a cultivated area dedicated to growing vegetables, fruits, annual and/or perennial plants, ornamental grasses and/or ground cover in a well-defined location.
- C. **Lot** means, as defined in the Village Zoning Law, any area of land bounded by property lines which is not divided into parts by a public street or railroad. Each part of any area so divided by a street or railroad is considered an individual lot.
- D. **Meadow** means an open habitat or field, 0.1 acre or larger, composed of one or more regionally native herbaceous plant communities, consisting mainly of grasses and other non-woody plants not including noxious and/or invasive weeds.
- E. **Environmentally sensitive areas** include areas with steep slopes, streams, wetlands, drainage swales and protective buffer areas.
- F. **Native plants** means those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses) and forbs (flowering broadleaf plants) that are regionally native. Native plants do not include noxious weeds.
- G. **Noxious weeds** means any plant listed or otherwise identified, but not limited to, on a list of invasive species by New York State or by Tompkins County as being a weed.
- H. **Ornamental grasses and groundcovers** means species used for such purposes but does not include turf grasses or noxious weeds.
- I. **Planned natural landscaping** means intentional and maintained plantings of regionally native species. Planned natural landscaping does not include any species of turf grasses and is not intended to allow a property owner to ignore lawn care, or any other property maintenance requirements.
- J. **Street right-of-way** means, as defined in the Village Zoning Law, the lands under and bordering the travelled portion of a public street, road, or highway owned and maintained by the Village, to the width owned by the Village or otherwise as prescribed by applicable law.
- K. **Rain garden** means a garden composed of regionally native plants that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, rivers and lakes.
- L. **Unmanaged plant growth** means any grass, hay, noxious weeds, brush or other vegetation which has grown to a height of over ten inches but does not include:
  - (1) Gardens and rain gardens, ornamental grasses and ground covers;
  - (2) Plants located on agricultural land;



- (3) Plants located on shoreland within 35 feet of the ordinary high-water mark;
  - (4) Plants located within environmentally sensitive areas such as steep slopes, drainageways, stream and wetlands, and protective buffer areas;
  - (5) Planned natural landscaping that is wholly contained within the parcel on which it is planted and maintained; or
  - (6) Environmentally Sensitive areas
- M. Yard means, as defined in the Village Zoning Law, an open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise permitted under applicable law.
- N. Paved means any ground surface covered by a material or combination of materials intended to prevent foot traffic or vehicular traffic from sinking into the soil. Paving includes but is not limited to asphalt, concrete, brick, gravel whether crushed or bank run, bluestone, cobblestones, sett (otherwise known as Belgian block) and perforated steel planking.
- O. Unimproved surface means any ground surface that is not occupied by a garden, meadow, planned natural landscaping, rain garden, or paved.
- P. Lawn area means and shall include all areas at ground level of any property that are not occupied by (a) man-made improvements or structures (including driveways and parking areas that are paved, (b) trees or shrubs, (c) ornamental grasses and groundcovers (d) gardens and rain gardens, (e) regionally native plants, nor (f) planned natural landscaping or environmentally sensitive areas. The term "lawn area" shall include, but shall not be limited to, (g) any area on which is growing any variation of turf grass, (h) any area on which has been allowed to grow noxious weeds or unmanaged plant growth.

**§ 209-3. Maintenance of Yards.**

A. The owner of any lot in the Village shall be responsible for maintaining the yard of such lot free of litter and all nuisances and hazards to the safety of owners, tenants, occupants, pedestrians and other persons having authorized access to the lot, and free of unsanitary conditions, and the owner shall promptly remove and abate any of the foregoing. Hazards shall include, but not be limited to, the following:

- (1) Refuse consisting of broken glass, garbage, trash and debris of any description, excepting brush piles so long as they are located in the back yard and are not visible from a public street or sidewalk;
- (2) Natural growth consisting of dead or dying trees or parts thereof and other natural growth which, by reason of age, rotting or deteriorating conditions or storm damage, are dangerous to persons and vehicles in the street right of way;
- (3) Overhangings consisting of loose, overhanging, and projecting objects and accumulations of ice and snow, which, by reason of location above ground level, constitute dangers to persons and vehicles in the street right of way;
- (4) Accumulation of stormwater other than in locations and to the extent designed for same in a stormwater management plan; and
- (5) Sources of infestation of any insects, rodents, or other pests.

B. The owner of any lot in the Village shall store, place or maintain the below specified items, property or materials only in accordance with the terms of this subsection B:

- (1) The following items, property or materials are not permitted to be stored, placed or maintained in any exterior location on any lot:
  - (a) abandoned appliances; and
  - (b) more than one (1) unregistered motor vehicle;

(2) The following items, property, materials or growth are not permitted to be stored, placed or maintained in any front yard of any lot:

- (a) unstacked firewood for more than two weeks (*stacked* firewood is permitted to be stored in a front yard);
- (b) compost piles and brush piles;
- (c) furniture that is not lawn furniture;
- (d) building materials, commercial and industrial goods, equipment, and tools shall not be stored at any location in the front yard, except while construction is occurring on the lot;
- (e) motor vehicles on an unimproved surface;
- (f) boat, utility, vehicle or camping trailers on an unimproved surface;
- (f) storage units (including "PODS") and shipping containers for longer than thirty (30) days; and
- (g) meadows.

C. The owner of any lot in the Village shall be responsible for performing the following maintenance activities on an ongoing basis:

(1) Trees and other natural growth shall be kept pruned or trimmed in order that such trees and natural growth do not constitute a hazard, as described above. Other than such required pruning and trimming, trees and other natural growth are permitted without maintenance, unless otherwise required in accordance with any other provision of this chapter.

(2) All lawn areas shall be kept mowed such that the height of growth in any lawn area does not exceed 10 inches.

(3) Drainage systems, facilities and features shall be maintained in good operating condition and so as to prevent accumulation of stormwater, except in locations and to the extent designed for same in accordance with a stormwater management plan for the lot.

(4) Vegetation or lawn areas between the edge of pavement of any public street and the property line of the lot shall be maintained in the same manner and to the same standards as vegetation or lawn area within the adjacent lot, notwithstanding that this area is within the public street right-of-way; however, the Village shall be responsible for maintenance of any street trees in this area. Notwithstanding the foregoing, if any portion of these areas consist of a steep slope or other configuration that is reasonably likely to cause performance of such maintenance to constitute a hazard or danger, the owner of the lot may request assistance with such maintenance from the Village of Cayuga Heights Department of Public Works. The lot owner shall not install any hard surface in this area other than a connection between the edge of pavement of the adjacent public street and the driveway providing vehicular access to the lot, and then only as authorized in writing by the Code Enforcement Officer.

(5) Vegetation on a lot along a public street right-of-way or public sidewalk, or on areas between the edge of pavement of any public street and the property line of the lot (as described in subsection (4) above), shall be kept from becoming a hazard or nuisance to users of the public street or sidewalk. If such vegetation exists in areas between the edge of pavement of any public street and the property line of the lot, and if any portions of these areas consist of a steep slope or other configuration that is reasonably likely to cause performance of such maintenance to constitute a hazard or danger, the owner of the lot may request assistance with such maintenance from the Village of Cayuga Heights Department of Public Works.

(6) The exterior of all buildings shall be kept in good repair. Chimneys and flue and vent attachments shall be maintained in structurally sound and good operating condition.

#### § 209-4. Enforcement.

A. General enforcement provisions. In the event that any owner of property in the Village is found to be in violation of this chapter, the Code Enforcement Officer and the Board of Trustees of the Village are responsible for enforcement. The Board of Trustees may from time to time enact amendments to this chapter, or additional chapters, that govern the Code Enforcement Officer's actions.

B. Code Enforcement Officer.

(1) The Village's Code Enforcement Officer shall have the authority to administer and enforce all provisions of this chapter.

(2) In the event the Code Enforcement Officer is unable to serve as such for any reason, the Village's Board of Trustees may appoint an individual to serve as Acting Code Enforcement Officer.

C. Violations and Complaints. The Code Enforcement Officer shall review and investigate complaints that allege or assert the existence of conditions or activities that fail to comply with this chapter. The Code Enforcement Officer shall respond to a complaint or violation by taking the following steps as appropriate:

(1) Performing an inspection of the conditions and/or activities alleged to be in violation and documenting the results of such inspection.

(2) If a violation is found to exist, providing the owner of the affected property with notice of the violation and opportunity to remedy, abate, correct, or cure the violation, or otherwise to achieve compliance with the applicable provision of this chapter. The notice shall be either hand-delivered to the owner or sent certified mail, return receipt requested, to the last known address of the owner, as it appears on the current tax records of the Village. The notice shall state the requirements for remediation set forth in subsection D immediately following this subsection C.

(3) In consultation with the Village's attorney, pursue such legal actions and proceedings as may be necessary to enforce this chapter.

D. Remediation. In any event that the Code Enforcement Officer determines that a violation of this chapter exists, and the Code Enforcement Officer shall so notify the owner in accordance with subsection C above, then:

(1) the owner is required to remedy, abate, correct, or cure the violation, or otherwise to achieve compliance within ten (10) business days of the date of the notice.

(2) the owner has the opportunity to have a meeting with the Code Enforcement Officer within such ten (10) business day cure period.

(3) if no agreement as to a resolution is reached, the owner can request a hearing with the Board of Trustees, and the ten (10) business day cure period shall be extended through the date ten (10) business days following the date of the Board of Trustees' decision.

(4) After the hearing, the Board of Trustees will reach a decision which shall be final.

(5) if, within the ten (10) Business day cure period, the owner fails to remedy, abate, correct, or cure the violation and the owner fails to obtain, following a hearing before the Code Enforcement Officer, a written extension of the cure period or withdrawal of the notice of violation, the Code Enforcement Officer shall send the owner a second notice in the manner described in subsection C above, which notice shall advise the owner of the consequences and penalties described below.

(6) if the owner fails to remedy, abate, correct, or cure the violation, or otherwise to achieve compliance within ten (10) business days of the date of the second notice, the Village shall impose and the owner shall be obligated to pay an initial fine in the amount of one hundred fifty and no/100 (\$150.00) dollars, and additional fines for every subsequent period of ten (10) Business days during which the owner has failed to achieve compliance, each in the amount of an additional one hundred fifty and no/100 (\$150.00) dollars.

(7) if the owner does not deliver payment to the Village of such fines within thirty (30) days of the date that any such fine has been imposed, such fines shall be charged and assessed against said property, shall constitute a lien and charge on the real property on which such lien is levied until paid or otherwise satisfied or discharged, and if not paid by such time, shall be collected in the same manner and at the same time as other Village charges against such real property as part of the Village's tax next due and payable. In addition, the Village may commence any other action or proceeding available to collect such fines, together with the costs and expenses incurred by the Village as a result of such action or proceeding.

(8) if the Code Enforcement Officer determines that a violation exists, the Code Enforcement Officer also may determine that the violation is or may become ongoing or recurring, such as the failure to maintain the height of growth in a lawn area, in which event such ongoing or recurring violation shall be subject to the additional fines described in subsection D(6) above, on an ongoing basis, without further notification to the property owner. These additional fines shall constitute a lien on the subject property and shall be collected as provided in subsection D(7) above.

(9) The remediation of any violation of the requirements of this chapter by the Village or its agents shall not operate to excuse the owner from properly maintaining any property as required by this chapter, and such owner shall, notwithstanding such action, be subject to any other penalties provided for herein.

#### E. Recordkeeping.

(1) The Code Enforcement Officer shall keep permanent records of all activities undertaken in connection with enforcement of the requirements of this chapter, including records of:

- (a) All inspections performed and investigations conducted;
- (b) All statements and reports issued;
- (c) All complaints received;
- (d) All other activities specified in or contemplated by this chapter; and
- (e) All fees charged and collected.

(2) All such records shall be public records open for public inspection during normal business hours and subject to the terms of the New York State Freedom of Information Law, including the exemptions provided therein.

### **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.

- Trustee Conway states that he appreciates all the efforts that went into this discussion.
- Trustee Salton states that there was a lot of debate and different points of view and he reacted similarly to the way Mr. Burrows has reacted and as the committee worked through things, he realized that we need to give this law a try.

Mayor Woodard thanks the efforts of the Property Maintenance Taskforce.

Motion: Trustee Robinson

Second: Trustee Biloski

Ayes: Mayor Woodard; Trustees: Biloski, Conway, Hubbell, Robinson, and Salton

Nays: none

Abstentions: none

**Motion Carried**

**b. Mayor Hours of Service:** Mayor Woodard would like to formally set the number of hours her position requires.

- Mayor Woodard states that several years ago when Mayor Supron was elected the Board passed a resolution giving the ability to the elected Mayor to decide how many hours he or she would work.
- Mayor Woodard states that when she was appointed, she just decided that fifteen (15) hours a week. Now after eight years, she can tell us that she works more than 15 hours a week.
- Mayor Woodard states that she is uncomfortable with the fact that when a new mayor is elected, they get to write their ticket. Therefore, she would like to propose twenty (20) hours a week.
- Trustee Robinson states that Mayor Woodard should keep track of her hours and report this to the Village HR Committee for review.

**c. Tim Eighmey Resolution:** As Village Working Supervisor he will be retiring at the beginning of June.

**Resolution: 9650**

**RECOGNITION OF THE PAST AND CONTINUED OUTSTANDING  
PUBLIC SERVICE OF TIM EIGHMEY**

**WHEREAS,** Tim has served the Village of Cayuga Heights since November of 2006; and

**WHEREAS,** Tim has brought respect, honor, and integrity to his role within the Village Department of Public Works; and

**WHEREAS,** Tim was quickly promoted to Senior Motor Equipment Operator in the summer of 2007; and

**WHEREAS**, Tim has been the DPW Working Supervisor since 2016 and will retire with that important role; and

**WHEREAS**, Tim has consistently applied his skills to go above the standards in the Village of Cayuga Heights,

**NOW, THEREFORE, BE IT RESOLVED**, that the Cayuga Heights Board of Trustees does hereby commend Tim Eighmey for his dedication, commitment, and outstanding past and continued public service to the Village of Cayuga Heights.

Motion: Trustee Robinson

Second: Trustee Hubbell

Ayes: Mayor Woodard; Trustees: Biloski, Conway, Hubbell, Robinson, and Salton

Nays: none

Abstentions: none

### **Motion Carried**

**d. Gang of Six Update:** The city/ Town of Ithaca, Town/ Village of Lansing, and Town of Dryden are considered a regional resource for the Village WWTP.

- Mayor Woodard states that she presented to the group a PowerPoint presentation (**1:08:55 of the Zoom Recording**) showing the sewer flow rates over the last year.

- Mayor Woodard states that the village also discussed the need for infrastructure improvements, the timing of potential impacts, and the importance of convincing the public of steps being taken to reduce water usage. The ongoing issue of inflow and infiltration ( I & I ), the growth in housing and population, and the expiration of the agreement in 2025 are all concerns for future sewage management.

- Trustee Hubbell asks what the IAWWFT's capacity is per day.

- Mayor Woodard states that the IAWWFT has a capacity of twenty (20) million gallons per day.

- Mayor Woodard states that we all have the capacity when there are no rain events.

- Trustee Salton states that right now is a good time to start planning for future renegotiations.

- Trustee Robinson states that the presentation shows that we are running close to our capacity too often and need the other municipalities to step up and start responding to the concerns of I & I.

**e. WWTP Solar Project:** The Village is getting closer to signing a contract to have solar panels installed on the roofs of the Village WWTP.

- Mayor Woodard states that this money is coming from the NYSERDA Grants that the Village has been awarded for Clean Energy Community (CEC) initiatives. The total cost of this project will be around \$78,000.

- Climate Smart Community Taskforce Chair A. Wagenknecht-Weisner states that the Village has earned a \$10,000 grant and is close to having enough points from previous CEC campaigns to receive a \$50,000 grant.

- Mayor Woodard states that the project could be started in early October.

### **Resolution: 9651**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves accepting the Clean Energy Communities Grant in the amount of \$10,000 for a solar panel installation at the Village WWTP and authorizing Mayor Woodard to sign any documentation associated with this award.

Motion: Trustee Biloski

Second: Trustee Hubbell

Ayes: Mayor Woodard; Trustees: Biloski, Conway, Hubbell, Robinson, and Salton

Nays: none

Abstentions: none

### **Motion Carried**

**f. Parks and Trails Grant Update:** Once again the Village was successful and will be awarded \$5000 for sidewalks restoration in Sunset Park.

- Mayor Woodard states that this submission was for replacing the old sidewalk that is at the beginning of the entrance. The Village would utilize DPW staff to complete this work.

**g. Appointment of Justice Clauson as the Village Associate Justice:** Newly elected Justice Bergin has requested that Mayor Woodard appoint an Associate Justice to serve in her absence.

- Mayor Woodard states that she met with Justice Clauson from the Town of Dryden to discuss his interest in serving as our Associate Justice.

- The Board agreed to discuss this topic in Executive Session at the end of this meeting.

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

- Trustee Robinson states that the Phase 2 WWTP construction project is nearing completion.
- Trustee Robinson states that Phase 2.1 has begun, and the trickling filter pumps have been installed.
- Trustee Robinson states that NYSEG is trying to eliminate the double utility poles within the Village.
- Trustee Robinson states that we are still waiting for Bridge New York to announce if we were selected to receive funding for the Renwick Brook Culvert Project. The timing of this is critical with the construction of the Cayuga Heights Rd. Sidewalk Project.
- Trustee Hubbell states the Cayuga Lake Watershed Intermunicipal Organization (CLWIO) will meet in person later this month to meet with the new manager.
- Trustee Biloski states that the Administrative Committee met and discussed the following. The court office was

cleaned and painted by Sergeant Manning and Clerk Walker. The first Village Court was held on May 2, 2024.

Bank accounts have been updated, a Meeting room microphone was added to ensure all could hear online, Zoom training for the Deputy Clerks was completed and an article was submitted to the eNewsblast on wild animals.

- Trustee Biloski states that the committee will be discussing an insert for the Village tax bills that will be going out on June 1, 2024.

- Trustee Salton states that the Village Public Safety Committee did not meet this month.

- Trustee Rennekamp states that the Village Finance Committee did not meet this month but will discuss next month's sewer revenues and expenditures and wrap up the ARPA fund expenditures.

## **8. Report of Superintendent of Public Works Cross:**

- B. Cross states that he has seen NYSEG taking care of some poles.

- B. Cross states that the Walking Safe Cayuga Heights Sidewalk curbing has been completed. The next step is the sidewalks themselves and wrap up the project by the end of the month.

- B. Cross states that Fisher and Associates have been doing a great job overseeing this project. This is a great turnaround from what we were concerned about in the beginning.

- B. Cross states that the Public Informational Meeting was hosted on May 8, 2024 at 7:00 p.m. [Zoom Meeting](#)

## **9. Report of Police Chief Wright: Submitted Report (Exhibit 2025-021)**

- Chief Wright was absent from tonight's meeting and Sergeant Manning presented the monthly report.

- Sergeant Manning states that the Cayuga Heights Police Department was awarded \$67,900 in NYS Funding for upgrading police equipment. Overall, NYS set aside \$127,000,000 of funding for 378 law enforcement agencies.

- Sergeant Manning states that the two big ticket items for our department will be new radios and surveillance cameras, both mobile and fixed.

## **10. Report of Director of Public Works Wiese: Submitted Report (Exhibit 2025-022)**

- Director Wiese states that the crew has also been working on finding I & I in some of the off-road areas in the Village. Precision Piping is currently in the Village and is lining 16 manholes. They have stated that each one has been proven to have significant I & I issues.

- Trustee Biloski asked how long this lining will last.

- Director Wiese states that he thinks around seventy years old but will double-check that and get back to the Board.



- Director Wiese states that his department has had an intern from TST Boces at the Village DPW for the last few weeks. That intern is now interested in becoming our summer seasonal helper.
- Director Wiese states that he will be asking for Board approval at the June Meeting.
- Director Wiese states that the Village is down to 16 curve value boxes to inspect. To date, we have 32 undetermined materials boxes that are either galvanized, brass, or steel.
- Director Wiese states that he has found an applicant for the Motor Equipment Operator position that the department has open. He would like to offer James Thomas DeAveiro Jr. who is currently a Heavy Motor Equipment Operator for the Town of Liberty.

**Resolution: 9652**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves and authorizes hiring Thomas DeAveiro Jr. for the position of Village Motor Equipment Operator at the proper Teamsters Union Contract rate subject to a successful background investigation.

Motion: Trustee Biloski

Second: Trustee Hubbell

Ayes: Mayor Woodard; Trustees: Biloski, Conway, Hubbell, Robinson, and Salton

Nays: none

Abstentions: none

**Motion Carried**

- Director Wiese states that he will be moving the staff to a four-day ten-hour work week starting on June 10, 2024.
- Trustee Salton states that he does not agree with the theory that more work gets done within a four-ten-hour work week. He would like to see a rotation of guys, so someone is here every day of the week.
- Mayor Woodard shares another graph of sewer flows from the Village WWTP (2:20:24) [Zoom Meeting](#)

**11. Report of Clerk Walker: Submitted Report (Exhibit 2025-023)**

- Clerk Walker states that he was approached by Village resident R. Nesbitt this afternoon to discuss a water leak on his property. Bolton Point alerted R. Nesbitt of an increase in water consumption at his residence. It turns out to be a water irrigation line broke and was leaking water in the yard.
- Clerk Walker states that R. Nesbitt would like to Board to consider sewer charges relief since this water did not enter into the sanitary sewer line.
- Trustee Robinson states that in the past we used some method to calculate an average.
- Mayor Woodard states that she recommends taking the average of the last year.

**Resolution: 9653**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves waiving \$169.91 of sewer charges from the May 2024 billing cycle for water that did not enter into the sanitary sewer line from a water line leak in the yard area of account J2211 property.

Motion: Trustee Robinson

Second: Trustee Salton

Ayes: Mayor Woodard; Trustees: Biloski, Conway, Hubbell, Rennekamp, Robinson, and Salton

Nays: none

Abstentions: none

**Motion Carried**

•Clerk Walker states that we will need to change the meeting date for the June Board of Trustees meeting since June 19, 2024, is a holiday.

•Trustee Robinson states that Tuesday, June 18, 2024 will work.

**Resolution: 9654**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves changing the June Board of Trustees meeting date from June 19, 2024, to June 18, 2024.

Motion: Trustee Robinson

Second: Trustee Salton

Ayes: Mayor Woodard; Trustees: Biloski, Conway, Hubbell, Rennekamp, Robinson, and Salton

Nays: none

Abstentions: none

**Motion Carried**

•Clerk Walker states that he has finally found a mason to do the work on Marcham Hall. Reilly Masonry has presented a proposal for \$17,000 and can complete the work this August.

**12. Report of Attorney R. Marcus:** Attorney R. Marcus requests an Executive Session at 9:06 p.m.

**13. Executive Session:**

**Resolution: 9655**

**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 under 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 noaction by formal vote shall be taken to appropriate public money:

**THEREFORE, BE IT RESOLVED THAT** An Executive Session of the Village of Cayuga Heights Board of Trustees is conducted for subsection (F) 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 Robinson

*Second:* Trustee Salton

*Ayes:* Mayor Woodard; Trustees: Biloski, Conway, Hubbell, Robinson, and Salton

*Nays:* none

*Abstentions:* none

**Motion Carried**

•The Board of Trustees exits Executive Session at 10:05 p.m. and returns to an open meeting.

**Resolution: 9656**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees return to an open meeting.

*Motion:* Trustee Robinson

*Second:* Trustee Biloski

*Ayes:* Mayor Woodard; Trustees: Biloski, Conway, Hubbell, Robinson, and Salton

*Nays:* none

*Abstentions:* none

**Motion Carried**

**14. Adjournment:** Mayor Woodard adjourns the meeting at 10:05 p.m.