

**Meeting of the Ithaca Town Board  
Monday, February 25, 2019 at 4:30 p.m.**

**Agenda**

1. Call to Order
2. Consider setting a public hearing regarding a Proposed Water Improvement for the Town of Ithaca, Tompkins County, New York, pursuant to Article 12-C of the Town Law, to be known as the Town of Ithaca Winthrop Drive Water Main Water Improvement, and establishing the Town of Ithaca Winthrop Drive Water Main Water Improvement Area
3. Discuss the Conservation Board's 2018 Accomplishments Report to the Board
4. Discuss authorization for the Supervisor to sign an addendum to the MOU with the Ithaca Babe Ruth League for two week-long summer camps
5. Committee Reports
  - a. COC
  - b. P&O
  - c. Planning
  - d. Public Works
  - e. Budget
  - f. Other – Short Term Rentals/Sidewalk
8. Consider Consent Agenda items
  - a. Approval of Town Board Minutes
  - b. Town of Ithaca Abstract
9. Review of Correspondence

Adjournment

**Meeting of the Ithaca Town Board  
Study Session  
Monday, February 25, 2019**

**Minutes**

**Board Members Present:** Pamela Bleiwas, Rod Howe, Pat Leary Rich DePaolo, Tee-Ann Hunter, Eric Levine

**Staff Present:** Susan Ritter, Director of Planning; Bruce Bates, Director of Code Enforcement; Mike Solvig, Director of Finance; Judy Drake, Director of Human Resources; Jim Weber, Highway Superintendent; and Debra DeAugustine, Deputy Town Clerk

1. **Ms. Bleiwas called the meeting to order at 4:35 p.m.**
2. **Consider setting a public hearing regarding a Proposed Water Improvement for the Town of Ithaca, Tompkins County, New York, pursuant to Article 12-C of the Town Law, to be known as the Town of Ithaca Winthrop Drive Water Main Water Improvement, and establishing the Town of Ithaca Winthrop Drive Water Main Water Improvement Area**

**TB Resolution 2019-029: Order Setting a Public Hearing Regarding a Proposed Water Improvement for the Town of Ithaca, Tompkins County, New York, pursuant to Article 12-C of the Town Law, to be known as the Town of Ithaca Winthrop Drive Water Main Water Improvement, and establishing the Town of Ithaca Winthrop Drive Water Main Water Improvement Area**

Present: Pamela Bliewas, Rod Howe, Pat Leary, Rich DePaolo, Tee-Ann Hunter, Eric Levine

Moved: Rich DePaolo                      Seconded: Tee-Ann Hunter

Whereas, a map, plan and report, including an estimate of cost, have been duly prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Ithaca, Tompkins County, New York, relating to the establishment and construction, pursuant to Article 12-C of the Town Law, of water system improvements to be known and identified as the Town of Ithaca Winthrop Drive Water Main Water Improvement, (the “Improvement”), to provide such water Improvement to the present Town water system, such water system Improvement to be constructed and owned by the Town of Ithaca; to serve a benefitted area in said Town to be known as the Town of Ithaca Winthrop Drive Water Main Water Improvement Area (the “Water Improvement Area”); and

Whereas, said map, plan and report, including estimate of cost, were prepared by a competent engineer, duly licensed by the State of New York and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any person or persons interested in the subject matter thereof; and

Whereas, the area of said Town determined to be benefitted by said Town of Ithaca Winthrop Drive Water Main Water Improvement Area consists of the entire area of said Town excepting therefrom the area contained within the Village of Cayuga Heights; and

Whereas, the Improvement proposed in connection with the establishment of the Water Improvement Area consists of the replacement of approximately 3,510 LF of existing 6” water main with new 8” water main under Winthrop Drive from Warren Road to the Town border with the Village of Cayuga Heights, and other related ancillary facilities, at an initially determined maximum estimated cost to said Water Improvement Area of \$700,000; and

Whereas, said \$700,000 maximum estimated cost, which is the cost of the project, shall be authorized to be financed at the option of the Town, by temporary financing under use of available reserves or a bond anticipation note, and upon maturity of a bond anticipation note, the issuance of serial bonds with a maximum maturity not in excess of the forty (40) year period prescribed by the Local Finance Law, or directly by the issuance of such bonds; and

Whereas, it is proposed that the cost of the aforesaid improvements shall be borne by the real property in said Water Improvement Area by assessing, levying upon and collecting from the several lots and parcels of land within such Water Improvement Area, outside of any village, which the Town Board shall determine and specify to be especially benefited by the improvements, an amount sufficient to pay the principal and interest on serial bonds and bond anticipation notes issued in anticipation of the issuance of serial bonds, as the same become due and payable; and

Whereas, it is now desired to call a public hearing for the purpose of considering said map, plan and report, including estimate of cost, and the providing of the Improvement, and to hear all persons interested in the subject thereof concerning the same, all in accordance with the provisions of Section 209-q of the Town Law;

Now, therefore, it is hereby ordered, by the Town Board of the Town of Ithaca, Tompkins County, New York, as follows:

Section 1. A public hearing shall be held by the Town Board of the Town of Ithaca, Tompkins County, New York, at the Town Hall, 215 North Tioga Street, in Ithaca, New York, in said Town, on the 11th day of March, 2019, at 5:30 o’clock P.M., Prevailing Time, to consider the aforesaid plan, report and map, including estimate of cost, and the question of providing the Improvement, and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as is required by law.

Section 2. The Town Clerk is hereby authorized and directed to publish a Notice of Public Hearing regarding the aforesaid Improvement to be published once in the official newspaper, and also to post a copy thereof on the town signboard maintained by the Town Clerk, not less than ten (10) nor more than twenty (20) days before the day designated for the hearing as aforesaid, all in accordance with the provisions of Section 209-q of the Town Law.

Section 3. This Order shall take effect immediately.

The question of the adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

The Order was thereupon declared duly adopted.

**3. Discuss the Conservation Board's 2018 Accomplishments Report to the Board**  
(Attachment 1)

Ms. Ritter said the conservation board put this together for themselves to see what they accomplished in 2018. Since they don't have a lot of regular communication with the town board, this seemed like a good way to let you know what they've been working on.

Ms. Hunter asked whether they inventoried the blue birds in the blue bird boxes.

Ms. Ritter responded that they've cleaned them out and fixed them because some were in disrepair, but she doesn't know about monitoring.

Mr. Weber said he doesn't think they do a count on how many boxes are used by blue birds. Regarding maintenance, if the openings in the boxes get too big, the birds won't come back.

Ms. Ritter added that the board has now installed steel rings inside the openings of the boxes to keep the holes from enlarging.

**4. Discuss authorization for the supervisor to sign an addendum to the MOU with the Ithaca Babe Ruth League for two week-long summer camps**

Mr. DePaolo asked if there is any indication that the fields are being used regularly during that time of year or if they're typically vacant. From his experience, there's generally nobody there outside the Babe Ruth league.

Mr. Weber responded that people who rent the pavilion also have a right to use the fields. We try to keep it open as much as possible, but we don't keep use numbers. At certain times of the day, there's nobody there; at other times, toward the end of his work day in the summer, he sees people using it. It's probably more heavily used on weekends, so there shouldn't be conflict with the league. Our current agreement with them identifies practice sessions and games, and they are looking to expand that to include camps. We have a few dates set aside for rainouts; this gives them flexibility to reschedule games.

Mr. Levine said Babe Ruth's use of the field is probably the best use, and he's happy they want to use it.

Mr. DePaolo said his feeling is that the field is underutilized, anyway, so this is fine.

**TB Resolution 2019-030: Authorizing the Town Supervisor to sign an addendum to the MOU between the Town and the Ithaca Babe Ruth League to allow two week-long summer camps**

Whereas the Town of Ithaca and the Ithaca Babe Ruth League have an MOU allowing the use of Valentino Field for baseball games, and

Whereas the Ithaca Babe Ruth League would like to hold two week-long summer baseball camps this summer, now therefore be it

Resolved that the Town Board authorizes the Town Supervisor to sign an addendum to the existing MOU with the Ithaca Babe Ruth League for said camps.

Moved: Tee-Ann Hunter

Seconded: Rod Howe

**Vote**

Ayes: Bleiwas, Howe, Leary, DePaolo, Hunter, Levine

**5. Amabel issue**

Ms. Ritter said it sounded like this could be handled by attorneys, but today she got a flurry of emails from Guy Krogh, Sue Cosentini, and Nels Bohn from the city. The issue is that there's a three-acre parcel that Amabel was purchasing from the city to make the project work. They had all the paperwork to make the sale, when Ms. Cosentini's attorney found that there were issues with the title. In 1999, two properties owned by the town were used as park substitute land for the southwest parkland, which the city has not built on yet. The 22-acre parcel on the east side of the flood control channel was parked, but the three acres on the other side of the inlet that Ms. Cosentini wants to incorporate into Amabel were not. Mr. Bohn feels comfortable that they aren't established as a park and that the city could sell them. The problem is that the deed (for both parcels) for the town to sell the land in 1999 said this: "The grantee agrees that unless the grantor otherwise agrees in writing, grantee will use the property solely only for passive parkland purposes." This needs to be undone by the town board; the condition needs to be resolved in writing. We're still looking for the town board resolution authorizing the conveyance from the town to the city.

Mr. Levine said we can make a new resolution approving it *nunc pro tun*, or "now for then."

Ms. Ritter said that's what was suggested: if the town board is agreeable to providing relief to the condition that the city needs to use the land for park purposes, perhaps this language could be added to the resolution.

Mr. DePaolo asked whether we have the capability of relieving the park burden on the parcel in question and leaving it in effect on the other.

Ms. Ritter said it was one conveyance, but we could say we're just resolving it for the three-acre parcel on the west side of the canal. The other side is supposed to be used for parkland: the Negundo Woods and the Black Diamond Trail.

Ms. Hunter asked whether the city would be required to give us some parkland in exchange.

Ms. Ritter said the other side is parked and it does have a plan; the three acres weren't officially parked as part of the city's plan. It's because they're on different sides of the canal and the railroad tracks. Her guess is that it came as one parcel, but the three acres didn't make sense to have it part of the Negundo Woods Southwest Park area. If the town clerk's office can't find the resolution, we'll have to do what Mr. Levine suggested.

## 6. Committee Reports

### COC

Mr. Levine said there's a proposal to redraft the noise ordinance. There are issues that make it hard to enforce.

Ms. Leary said we decided against going back to decibels. We're using the reasonable person standard and exempting certain things like air conditioners. We're looking at the city's revised ordinance, but there are certain things the city allows that we still don't want to allow. It's more of a tweak than a wholesale revision. We had a whole discussion about what domestic noise is. Industrial noise tends to be louder. There was a distinction in there already, like for domestic saws you use at home. We considered noise within apartment complexes and decided to not leave that up to the landlord to regulate.

Mr. Bates asked: Do they have as much a right to run their air conditioner as you have a right to not hear it? That's where the reasonable person part comes in.

Mr. DePaolo asked if there have been any complaints about domestic air conditioners.

Mr. Bates responded that there have been in a development project with apartments right next to each other. The woman claims she needs it to breathe, but it's under the window of someone who likes to sleep with her window open. It's not a window unit; it was put in when the project was developed. We can't regulate neighbors getting along.

Mr. DePaolo suggested the neighbor screen the sound without affecting the unit's efficiency. The newer units are quieter. There should be some attempt at mitigation instead of some sort of blanket amnesty for people with ancient air conditioners.

Ms. Ritter said the intent is to take air conditioners out of the ordinance; currently we don't have generators and a lot of other things in there.

Mr. Bates said the air conditioner in this complaint is fully shielded: it's got vegetation and a fence around it, but it vents up and the person on the second story gets the noise.

Ms. Ritter said that by taking air conditioners out of the law, it doesn't mean you can't complain to the town that there's noise.

### P&O

Ms. Bleiwas said we're in the process of renting out space in the basement for the health consortium and we're planning on having public works staff here for a while during the reconstruction. Ms. Carrier-Titti is setting up the IT for that. We're considering leasing space to the History Center for storage and to the county for voting machines. We've been asked by the Board of Elections for use of our lobby as one of two early voting sites in the county. The committee was in favor of this proposal and has asked Mr. Bates to look into it to see if the setup will meet code requirements. She noted a new apprenticeship program. Three people have been hired to cycle through the county, town, and city over nine months, with a three-month rotation through each municipality. All candidates have no experience in a public works type job.

Ms. Drake added that each municipality is funding its part of the program. This is in addition to our seasonal employees. If the program works out well, we'll budget for it future years. We don't always use all of our seasonal money. They will be paid \$15.10 per hour.

## **Planning**

Mr. DePaolo said we went through a redlined version of the Chain Works PDZ. Staff and project sponsors will reconcile the suggestions the committee made based on Ms. Brock's language and will come back with an edited document. The committee indicated it's done with their review. We also looked at documentation related to the conservation easement on the Mallon property on Bostwick Road, and recommended that the town board consider it at its next meeting.

## **Budget**

Mr. Levine said we've changed the meeting to the 4th Monday of the month at noon. We discussed the preliminary financial report for the year ending 2018. The year ended well: we covered all our expenses and our fund balance is very healthy. We're considering getting rid of the separate lighting districts and combining them into one. There are nine lighting districts and all of them together in 2018 spent \$13,000, so the difference in how much each one is spending would amount to pennies in the difference on taxpayers' bills. Sales tax collections for 2018 were 6.4 percent over sales tax from the year before, which was 6 percent over the year before. The bond issue for 2018 was \$4.15 million at 2.99 percent interest for 15 years. We're considering a potential bond of \$2.2 million for water main work in 2019. We'll propose funding public works building renovations with fund balance instead of bonding. Since interest rates on deposits are rising, Mr. Solvig is proposing moving some money from low interest savings to short term CDs, which would earn the town \$200,000 of extra interest in 2019.

Mr. DePaolo asked about the sales tax formula. The money comes back to the county from the state and is distributed to entities outside the city. Is it determined on the basis of population or on assessed valuation?

Ms. Hunter thinks it's a combination of both. Each county throughout the state has the authority to negotiate a unique sales tax contract with the municipalities.

Mr. DePaolo said he was trying to figure out whether every entity outside the city saw the same increase or whether that's as a result of, say, Maplewood being added to the assessment roles.

Mr. Solvig said it didn't have anything to do with Maplewood. We don't receive detailed information from the state that would provide that kind of information. He offered to send the last report to the board. Regarding AIM payments, the state was originally going to get rid of the payments to those municipalities whose AIM payments amounted to less than 2 percent of their total expenditures in 2017, and that would have eliminated the AIM payment from all the municipalities in Tompkins County, except for the city. That was met with a lot of opposition, so the governor proposed replacing the \$59 million with some sales tax revenue from another source: the internet. He has no information on exactly how that's going to work; whether it will replace what we got dollar for dollar.

## **Other – Short Term Rentals/Sidewalk**

Ms. Leary said we talked about having local sidewalk districts and focusing on Forest Home for starters. She thinks the boundaries are the same as the lighting district.

- 8. **Consider Consent Agenda Items**
  - a. Approval of Town Board Minutes
  - b. Town of Ithaca Abstract

**TB Resolution 2019-031: Adopt Consent Agenda**

**Resolved**, that the Town Board of the Town of Ithaca hereby approves and/or adopts the following Consent Agenda items:

- a. Approval of Town Board Minutes
- b. Town of Ithaca Abstract

Moved: Rich DePaolo                      Seconded: Eric Levine

**Vote**

Ayes: Bleiwas, Howe, Leary, DePaolo, Hunter, Levine

**TB Resolution 2019-031a: Approval of Minutes of January 7, January 28, and February 11, 2019**

**Whereas**, the draft Minutes of the January 7, January 28, and February 11, 2019 meetings of the Town Board have been submitted for review and approval, now therefore be it

**Resolved**, that the Town Board hereby approves the submitted minutes as the final minutes of the meetings January 7, January 28, and February 11, 2019 of the Town Board of the Town of Ithaca.

**TB Resolution No. 2019-031b: Town of Ithaca Abstract No. 1 for FY-2019**

**Whereas** the following numbered vouchers have been presented to the Ithaca Town Board for approval of payment; and

**Whereas** the said vouchers have been audited for payment by the said Town Board; now therefore be it

**Resolved** that the governing Town Board hereby authorizes the payment of the said vouchers in total for the amounts indicated.

VOUCHER NOS.    204 - 267

General Fund Town Wide	41,148.71
General Fund Part-Town	7,328.35
Highway Fund Town Wide DA	22,437.30
Highway Fund Part Town DB	6,597.29
Water Fund	3,131.62
Sewer Fund	6,963.86
Gateway Trail – H8	
State Route 96b Sidewalk – H7	
Park Lane Water Main Improv – H11	

Sapsucker Woods Water Main – H12	
Christopher Circle Water Main – H13	
Ellis Hollow Water Tank – H10	
Trumansburg Water Tank Replace – H9	
Risk Retention Fund	216.32
Fire Protection Fund	266,000.00
Forest Home Lighting District	
Glenside Lighting District	
Renwick Heights Lighting District	
Eastwood Commons Lighting District	
Clover Lane Lighting District	
Winner’s Circle Lighting District	
Burleigh Drive Lighting District	
West Haven Road Lighting District	
Coddington Road Lighting District	
Trust and Agency	50,000.00
Debt Service	
<b>TOTAL</b>	<b>403,823.45</b>

## 9. Review of Correspondence

### **Christopher Circle Trees issue:**

Mr. Weber said the email he saw was from the property owner who initiated the conversations before the board and public works committee relating to the town’s ability to maintain and our rights regarding easements. After a number of discussions, his understanding is that we have the right of access for clearing over our main. Staff will remove trees and stumps, then regrade and restore the property to a usable condition. The water main was installed before the subdivisions were developed and the trees were planted on top of the water main. We’ve had the easements since before the homes were built. He had not seen any other emails. Ms. Hunter offered to forward him emails the board had received.

Mr. DePaolo said we’ve established that we have a right to be there; he asked Mr. Weber what our need to be there is now. Is there an issue with the main or are we preparing for the eventuality that there might be in the future?

Mr. Weber responded that this is one of our older mains. If we have any issues, we’d have no choice except to close valves to shut that line off until we could remove trees. We’ve done work on Christopher Circle to switch over for some pressure issues and also to address breaks on the lines. We will be seeing breaks sooner rather than later. Staff would prefer to do the work while the ground is frozen.

Mr. DePaolo said they’re asking the service to be relocated to save the trees. Have they offered an easement on the other side of their property, for example?

Mr. Weber said that we have not received an offer and have not entered into any agreements about relocating it; that would be all their cost. Joe Slater has had five or six conversations with them since they voiced these objections. He’s provided them with the original subdivision maps that dedicate the easements and the information on what we can do on our easements.

Mr. DePaolo commented that the trees are primarily mature pines; they don't last forever.

Ms. Leary said one of the property owners admitted that there are dead trees they want to keep because they provide habitat to birds. But any tree will do that. There's nothing that says you can never remove a tree.

Mr. Howe said we never decided whether we'd give them money to plant in another location.

Ms. Hunter said the public works committee didn't want to open up that possibility. It's complicated: the trees have grown because of our lack of maintaining the right of way, so people bought these properties with trees on them. Now we want to clear cut. It's startling to some people. She understands the property owners writing to see if there's another way to go about doing this.

Mr. Weber said we're taking them down at our cost and not theirs.

Ms. Hunter said it's not their responsibility to be taking them down; it's our responsibility, which we did not do. It's not cut and dry.

Mr. DePaolo asked what would happen if the water main broke. Would you have to cut trees?

Mr. Weber responded that if it broke, we'd have to shut the water main down until we could get a contractor in with a bucket truck to take the trees down. Then we'd bring in our excavators to drive over the easement to excavate the area of the break. That main serves Kay, Orchard, and Roat streets.

Mr. DePaolo asked if we now prefer to install water mains in the public rights-of-way.

Mr. Weber said that's our preference whenever we have a road, but when we have to go from subdivision to subdivision for looping and extensions, easements are common. Mr. Slater has scheduled the work for Thursday because the contractor is available. We're trying to be as proactive as we can with our older infrastructure. We would prefer to get it done while the ground is frozen or hard.

Mr. Levine thinks we need to get in there and clear it out. We should be engaging in conversation to let the property owners know when and why we're doing this and that we would not do it if it we didn't need to.

Ms. Hunter asked how many properties will have trees cut down.

Mr. Weber said five trees will be taken down on the two properties that straddle the easement.

Mr. Bates noted that one property is owned by a deceased person, and we don't know who has the legal jurisdiction to dispose of the property. It had a fire and the roof is still wide open. You're not affecting that parcel. The neighboring property owner is the one complaining about the trees.

Mr. Howe pointed out that the recent emails are from neighbors, not property owners.

Mr. Weber said staff cleared easements on Christopher Lane last year, including taking trees down. During the course of the year, we'll be on maybe 15 to 20 properties; some of that will be removing trees. Properties on Kay Street aren't affected because they do not have trees within the easement.

Ms. Hunter said the consensus of the public works committee was that we should go forward with this and that we weren't going to open a discussion about compensation.

Mr. Weber said town staff will do the restoration: seed it, remove the debris, give property owners the chips if they want them. His interpretation of Susan Brock's opinion and a similar opinion from Guy Krogh is that we have ample documentation to support the easement and our right to maintain it. He offered to delay the project.

Ms. Hunter asked what might change if we delay. Delay and do the same thing?

Ms. Bleiwas said delaying is a PR thing. It's been talked about for months. We've decided against offering to replace trees.

Ms. Leary said that if we delay, we risk getting into the nesting season. It's better to get it done now. We could make phone calls to the people who wrote emails before Thursday to better explain why it needs to be done. There doesn't seem to be a point in delaying it.

Mr. DePaolo said there's nothing we can do short of saying we're not going to take down the trees until the water main breaks. There's no compromise to be had: we either take the trees down in as efficient a manner as possible or we literally wait until the water main breaks when there is no ambiguity that something needs to be done because the people won't have water. Then it will be easier to justify, but waiting could result in days of delay before repair.

Ms. Bleiwas asked how many homes would be out of water if the water main breaks.

Mr. Weber said at least 50. He offered to pen a response to the emailers before Thursday.

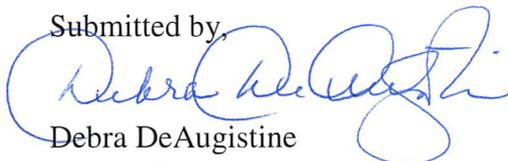
### **Other Business**

Mr. Bates reported that within the last two weeks, we've had two fires put out by sprinklers, so the sprinkler law is working. At 362 King Road West, we've had our first meth lab. The building has been condemned and we're waiting for word on how it will be cleaned up.

### **Adjournment**

On a motion by Ms. Hunter, seconded by Mr. Levine, the board voted to adjourn at 5:52 p.m.

Submitted by,



Debra DeAugustine  
Deputy Town Clerk

## **Town of Ithaca Conservation Board Activities & Accomplishments for 2018**

- Awarded its Richard B. Fischer Environmental Award to Anthony Ingraham & Elizabeth Bauman and held the associated tree planting ceremony in Tutelo Park;
- Environmental Review Committee continued to provide comments for site plan and subdivision projects;
- Participated in meetings of the Town's Deer Management Committee;
- Continued to update and monitor the Conservation Board Facebook page (<http://www.facebook.com/IthacaConservationBoard>);
- Participated in an Earth Day event (set up table) as part of the Sustainable Tompkins event;
- Hosted a hand-on introduction to some of Ithaca's invasive plant species at Tutelo Park as part of the NYS's Invasive Species Awareness Week;
- Invited Mark Whitmore (Forest Entomologist, Department of Natural Resources, Cornell University) to a meeting to discuss research to assess the effectiveness/suitability of various biocontrol agents of Hemlock Woolly Adelgid;
- Provided a letter to Thomas F. O'Mara regarding the Task Force on Lyme and Tick-Borne Diseases and the relationship with deer;
- One member attended the 2018 Agriculture, Food & Environment Systems In-Service held at Cornell;
- Have continued to monitor and clean the Bluebird boxes along the Town trails;
- Scenic Resources Committee has started layout and design for the 3<sup>rd</sup> scenic view sign proposed for Pine Tree Road.