



[Zoom Link 4118425407](#)  
**Village of Cayuga Heights**  
Board of Trustees Monthly Meeting  
October 18, 2023 7:00 p.m.

	<b>EXHIBIT/PAGE</b>
<b>1. Call To Order</b>	
2. a. Approval of September 20, 2023 Meeting Minutes	2024-090 pgs. 2-45
b. Approval of October 4, 2023 Meeting Minutes	2024-091 pg. 46
<b>3. Report of the Fire Superintendent Tamborelle: Submitted Report</b>	2024-092 pg. 47
a. Cayuga Heights Fire Company Letter	2024-093 pg. 48
b. CHFD F-150 Declare as Surplus	2024-094 pg. 49
<b>4. Privilege of the Floor:</b>	
<b>5. Report of Treasurer Dolch: Submitted Report</b>	2024-095 pgs. 50-51
<b>6. Report of Mayor Woodard:</b>	
a. Public Hearing on Proposed Local Law E of 2023- Short Term Rental	2024-096 pgs. 52-53
b. Public Hearing on Proposed Local Law G of 2023-Annual Sewer Rate	2024-097 pgs. 54-55
c. Property Maintenance Task Force Appointments	
d. 317 E. Upland 911 Address Resolution	2024-098 pg. 56
<b>7. Report of The Trustees:</b>	
a. Performance Review Update:	
b. Cargill Salt Mine Request For Action Resolution	2024-099 pgs. 57-59
<b>8. Report of Superintendent of Public Works Cross: Submitted Report</b>	
<b>9. Report of Police Chief Wright: Submitted Report</b>	2024-100 pgs. 60-61
<b>10. Report of Director of Public Works Wiese: Submitted Report</b>	2024-101 pgs. 62-63
<b>11. Report of Clerk Walker: Submitted Report</b>	2024-102 pgs. 64-72
<b>12. Report of Attorney Marcus:</b>	
<b>13. Adjournment</b>	

**EXHIBIT 2024-090**

**Zoom ID # 4118425407**

**VILLAGE OF CAYUGA HEIGHT  
BOARD OF TRUSTEES  
MONTHLY MEETING**

**September 20, 2023  
7:00 p.m.**

**Present:** Mayor Woodard via Zoom at 300 Iroquois Rd. Trustees: Biloski, Hubbard, Marshall, Rennekamp, Robinson, Salton; Village Engineer B. Cross; Director of Public Works Wiese; Police Chief Wright; Attorney Marcus; Clerk Walker

Absent: Treasurer Dolch

- 1. Call to Order:** Mayor Woodard calls the meeting to order at 7:01 p.m.
- 2. Approval of the August 16, 2023 Meeting Minutes (Exhibit 2024-076)**

**Resolution: 9483**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves the August 16, 2023, Board Meeting Minutes as presented.

Motion: Trustee Marshall

Second: Trustee Salton

Ayes: Mayor Woodard; Trustees: Bilsoki, Hubbell, Marshall, Rennekamp, Salton

Nays: none

Abstentions: Robinson

**Motion Carried**

**3. Report of Fire Superintendent Tamborelle: Submitted Report (Exhibit 2024-077)**

•Fire Superintendent Tamborelle states that the department had a busy afternoon. One two-car head-on accident on Pleasant Grove Road and an arborist was struck in the head by a falling tree on Berkshire Road. That individual was flown down to Robert Packer.

•Fire Superintendent Tamborelle states that the department is holding the annual recruitment dinner tomorrow night and is expecting around fifty to sixty people.

•Mayor Woodard states that Fire Superintendent Tamborelle has supplied her with information on the number of calls to Cornell University this past three years to complete a request for financial support for the new firetruck from Cornell University. The request is now on an online form and we are asking for \$100,000 over the next four years.

•Mayor Woodard states that four years ago Cornell University provided \$10,000 for four years towards the previous fire truck.

Trustee Salton inquiries about the amount of money the Town of Ithaca provides to the Cayuga Heights Fire Department.

•Mayor Woodard states that the Town of Ithaca's contribution is based on the property tax value in the district the department covers. It is also based on the expenses of the fire department for that given year.

•Mayor Woodard states that the contract with the Town of Ithaca is up for renewal this year and we do not foresee any changes.

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

**5. Report of Treasurer Dolch: Submitted Report** (Exhibit 2024-078)

•Village Treasurer Dolch is absent from tonight's meeting due to the fact she is attending the NYCOM fall training school.

**a. CSI Budget Line:** The Public Works Committee and the Finance Committee discussed the request from the Community Science Institute to contribute \$2500 per year to aid in their efforts to monitor stormwater that flows in, through, and out of the village. This was not budgeted for in the 2023-2024 fiscal year.

•Mayor Woodard states that this money would have to come from contingency.

**Resolution: 9484**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves the creation of an expense account A8140.44 – Stormwater CSI Contribution with a budget amount of \$2,500 from the Contingency Account.

Motion: Trustee Rennekamp

Second: Trustee Biloski

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

Nays: none

Abstentions: none

**Motion Carried**

**Approval of Abstract 4:**

**Resolution: 9485**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves Abstract #4 for FYE2024 consisting of TA vouchers 19-26 in the amount of \$14,483.34 and Consolidated Fund vouchers 207-288 in the amount of \$871,060.09 and the Treasurer is instructed to make payments thereon.

Motion: Trustee Biloski

Second: Trustee Hubbell

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

Nays: none

Abstentions: none

### **Motion Carried**

•Mayor Woodard states that Treasurer Dolch is in Lake Placid attending the Fall NYCOM Training.

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

#### **a. Public Hearing on Proposed Local Law D of the year 2023- Intermunicipal Pretreatment Agreement.**

•Mayor Woodard states that part of the Plant-to-Plant Agreement is the local law that specifically addresses the restrictions of chemicals for our industrial users to mirror the City of Ithaca's plant restrictions.

-Mayor Woodard opens the Public Hearing at 7:14 p.m.

-Mayor Woodard closes the Public Hearing at 7:15 p.m.

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

### **Resolution: 9486**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees determine that this proposed local law D of the year 2023 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 actions on this list.

Motion: Trustee Salton

Second: Trustee Marshall

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

Nays: none

Abstentions: none

## **Motion Carried**

### **Resolution: 9487**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees adopts Proposed Local Law D of the year 2023 as Local Law 4 of the year 2023.

## **VILLAGE OF CAYUGA HEIGHTS PROPOSED LOCAL LAW D OF THE YEAR 2023**

### INTRODUCTORY STATEMENT

A portion of the Village of Cayuga Heights' sanitary sewer collection system collects sewage from the portion of the Village referred to as the "Old Village." The infrastructure of the Village's collection system can enable the sewage from this portion of the Village to be diverted to the Ithaca Area Waste Water Treatment Facility (the "Ithaca Area POTW") for pollution control treatment, rather than being combined with sewage collected in other portions of the Village of Cayuga Heights, and in the Village of Lansing, the Town of Lansing, the Town of Ithaca and the Town of Dryden, for treatment at the Village of Cayuga Heights Waste Water Treatment Plant (the "Village POTW").

Because the sewage from the "Old Village" can be diverted to, and treated at, the Ithaca Area POTW, such sewage must be subject to provisions that are no less stringent than and are as broad in scope as the uniform pretreatment sewer use laws of the Ithaca Area POTW Owners (City of Ithaca Code Chapter 264; Town of Ithaca Code Chapter 216; Town of Dryden Code Chapters 222 and 257). Among other things, some limits may be more restrictive than the limits that have been approved for the process at the Village POTW.

As a result, and among other things, entities located within the Old Village that discharge sewage that qualifies as an Industrial Discharge may be regulated through a permit issued by the Village for compliance with both the Ithaca Area POTW and the Village POTW Industrial User limits, in accordance with this Local Law.

### ARTICLE I – GENERAL PROVISIONS

#### **1. Purpose and Applicability**

A. The purposes of this law are the following:

(1) To set forth uniform requirements for contributors into the wastewater collection and treatment system currently owned jointly by the City of Ithaca, the Town of Ithaca, and the Town of Dryden (hereinafter collectively referred to as the "Municipalities"), and to enable the Village of Cayuga Heights ("Village") and Municipalities to comply with all applicable requirements under New York and federal law, including, without limitation, the Clean Water Act of 1977, as amended, and the General Pretreatment Regulations promulgated thereunder at 40 C.F.R. Part 403.

(2) To prevent the introduction of pollutants into the Municipalities' publicly owned treatment works "Ithaca Area POTW") which will:

(a) interfere with its operations, including interference with the use or disposal of

municipal sludge;

- (b) Pass Through or otherwise be incompatible with the Ithaca Area POTW;
- (c) limit opportunities to recycle and reclaim municipal and industrial wastewaters and sludges; or
- (d) endanger the health or safety of Ithaca Area POTW workers.

(3) To prevent new sources of infiltration and inflow and, to the extent possible, eliminate existing sources of infiltration and inflow; and

- (4) To provide for equitable distribution and recovery of the cost of the municipal wastewater system.

B. This law shall apply to all Users of the Ithaca Area POTW that are located in the Village. Such Users must also comply with Village Code Chapter 226 (Sewers) Parts 1-3, because their wastewater discharges are capable of flowing to either the Ithaca Area POTW or the Village of Cayuga Heights' wastewater treatment plant. Where provisions of this law and provisions of Chapter 226, Parts 1-3, are in conflict, the more stringent provisions shall take precedence. For an abundance of clarity, this law shall not apply to Users located in the Village the wastewater discharges from which are capable of flowing only to the Village of Cayuga Heights' wastewater treatment plant.

## 2. Administration

Except as otherwise provided herein, the Village Board of Trustees and its representative, the Village Engineer, shall have the authority to administer, implement, and enforce the provisions of this law. To the extent practicable and consistent with the requirements of the General Pretreatment Regulations set forth at 40 C.F.R. Part 403, the Village Engineer shall consult with and keep the Ithaca Area POTW, Special Joint Committee, and officials in the City of Ithaca, Town of Ithaca, and Town of Dryden reasonably informed of implementation and enforcement activities involving Users located in the Village.

## 3. Definitions and Word Usage

### A. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this law, shall have the meanings hereinafter designated:

(1) Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq., and the regulations promulgated thereunder, as amended from time to time.

(2) Approval Authority. The Regional Administrator of the EPA, unless and until New York State receives EPA approval of a state pretreatment program. Once New York State receives such approval, then the Approval Authority will be the Commissioner of the DEC.

(3) Authorized Representative. An authorized representative of an Industrial User shall be: (1) a responsible corporate officer, if the User is a corporation, provided that the responsible corporate officer is: (a) a president, vice-president, secretary, or treasurer of the corporation in charge of a principal business function, (b) any other person who performs similar policy- or decision-making functions for the corporation, or (c) the manager of a facility or facilities

employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), provided that the manager has received the authority to sign documents in accordance with corporate procedures; (2) a general partner or proprietor, if the User is a partnership or sole proprietorship, respectively; (3) a member of the governing board or executive office of a governmental entity, if the User is a governmental facility, or (4) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility from which the industrial discharge originates, or has overall responsibility for environmental matters for the company, provided, however, that the authorization is made in writing by the individual described above, and the written authorization is submitted to the Village Engineer.

(4) Five Day Biochemical Oxygen Demand (“BOD<sub>5</sub>”). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20° centigrade, expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(5) Bypass. The intentional diversion of wastestreams from any portion of an Industrial User’s treatment facility. For the purposes of this law, the Village’s intentional diversion of wastestreams from the Village’s wastewater collection system to the Ithaca Area POTW in accordance with this law shall not be deemed to be a 40 C.F.R. § 403.17 Bypass.

(6) Categorical Pretreatment Standard. A National Pretreatment Standard which applies to a specific industrial subcategory and is published at 40 C.F.R. Chapter I, Subchapter N.

(7) Chief Operator. The person appointed by the City of Ithaca to supervise the operation of the Ithaca Area POTW, or his or her duly-authorized representative, including the Pretreatment Coordinator. The Chief Operator and his or her representatives shall be the Special Joint Committee’s and municipalities’ authorized agents and representatives.

(8) Cooling Water. The water discharged from any use, such as air conditioning, cooling, or refrigeration, to which the only pollutant added is heat.

(9) C.F.R.. Code of Federal Regulations.

(10) DEC. The New York State Department of Environmental Conservation.

(11) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of New York or of the United States.

(12) Discharge. See Indirect Discharge.

(13) Domestic Source. Any residence, building, structure, facility, or installation from which there is or may be discharged to the Ithaca Area POTW only sanitary sewage.

(14) EPA. The U.S. Environmental Protection Agency.

(15) Garbage. The solid waste from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(16) Indirect Discharge. The introduction of pollutants into the Ithaca Area POTW from any source, other than a Domestic Source, regulated under section 307(b), (c), or (d) of the Act.

(17) Industrial User. A source of Indirect Discharge.

(18) Industrial Waste. Any liquid, gaseous, or solid waste substance, or a combination thereof, resulting from any process of industry, manufacturing, trade, or business, from any process related to services or activities performed by any public or private institution or facility, or from the development or recovery of any natural resources.

(19) Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the Ithaca Area POTW, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the Ithaca Area POTW's SPDES Permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal by the Ithaca Area POTW in accordance with applicable federal, state, or local statutes and regulations or permits issued thereunder, as set forth in 40 C.F.R. § 403.3(i).

(20) Municipalities. The City of Ithaca, Town of Ithaca, and Town of Dryden, collectively, as well as any other municipalities which may in the future become owners of the Ithaca Area Wastewater Treatment Facility.

(21) National Pretreatment Standard, Pretreatment Standard, or Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act which applies to Industrial Users, including prohibitive discharge limits established pursuant to 40 C.F.R. § 403.5, and Categorical Pretreatment Standards.

(22) New Source. Any building, structure, facility, or installation, as described in 40 C.F.R. § 403.3(k), from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.

(23) Pass Through. A Discharge which exits the Ithaca Area POTW into waters of New York State or the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Ithaca Area POTW's SPDES Permit (including an increase in the magnitude or duration of a violation).

(24) Person. Any individual, partnership, firm, company, public or private corporation or authority, association, joint-stock company, trust, estate, governmental entity, agency or political subdivision of a municipality, of the State of New York, or of the United States, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

(25) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(26) Pollutant. Any element or property of sewage, agricultural, industrial, commercial or municipal waste, leachate, heated effluent, dredged spoil, solid waste, incinerator residue, garbage, chemical wastes, biological materials, radioactive materials, rock, sand, and cellar dirt which is discharged into the Ithaca Area POTW.

(27) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Ithaca Area POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 C.F.R. § 403.6(d).

(28) Pretreatment Requirement. Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.



(29) Publicly Owned Treatment Works, Ithaca Area POTW, or Ithaca Area POTW. The treatment works, as defined by Section 212 of the Act, owned by the Municipalities and known as the Ithaca Area Wastewater Treatment Facility. This definition includes any devices and systems owned by the Municipalities used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes those sewers, pipes, and other conveyances owned by one or more of the Municipalities which convey wastewater to the Ithaca Area POTW's Treatment Plant.

(30) Ithaca Area POTW Treatment Plant. That portion of the Ithaca Area POTW designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(31) Sanitary Sewage. Liquid and water-carried human and domestic wastes from residences, commercial buildings, industrial plants and institutions, exclusive of ground, storm and surface water and exclusive of industrial wastes.

(32) Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

(33) Septage. Human and domestic wastes, including both liquids and solids, in and removed from septic tanks, holding tanks, cesspools, or chemical toilets, including but not limited to those serving private residences, commercial establishments, industries, and institutions. Septage shall contain only sanitary sewage.

(34) Sewer. A pipe or conduit that carries wastewater.

(35) Sewerage System. Any device, equipment, or works used in the transportation, pumping, storage, treatment, recycling, and reclamation of wastewater.

(36) Significant Industrial User. All Industrial Users subject to Categorical Pretreatment Standards, and any other Industrial User that discharges an average of 25,000 gallons per day or more of process wastewater to the Ithaca Area POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the Ithaca Area POTW treatment plant; or is designated as such by the Village Engineer on the basis that the Industrial User has a reasonable potential for adversely affecting the Ithaca Area POTW's operation or for violating any Pretreatment Standard or Requirement. Upon a finding that an Industrial User meeting the foregoing criteria has no reasonable potential for violating any Pretreatment Standard or Requirement or for adversely affecting the Ithaca Area POTW's operation, the Village Engineer may at any time, upon his or her own initiative or in response to a petition received from an Industrial User, and in accordance with 40 C.F.R. § 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User. Such a determination may not be made, however, if the Industrial User is subject to a Categorical Pretreatment Standard.

(37) Sludge. Waste containing varying amounts of solid contaminants removed from water, sanitary sewage, wastewater or industrial wastes by physical, chemical, or biological treatment.

(38) Slug. Any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or non-customary batch discharge.

(39) SPDES Permit. A State Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and Article 17 of the New York Environmental Conservation Law.

(40) Special Joint Committee. A committee established by the Municipalities and charged with oversight of the Ithaca Area POTW, as provided for by agreement among the City of Ithaca and Towns of Ithaca and Dryden. This committee currently consists of representatives from the City of Ithaca and Towns of Ithaca and Dryden, and may in the future include representatives from other municipalities which become joint owners of the Ithaca Area POTW.

(41) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering in accordance with the current Standard Methods.

(42) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by EPA under section 307(a) of the Act, or other Acts, or in regulations promulgated under New York State law.

(43) User. Any Domestic Source or Industrial User which discharges wastewater to the Ithaca Area POTW.

(44) Village. The Village of Cayuga Heights.

(45) Village Engineer. The Person appointed to that position by the Village Board of Trustees. The Village Engineer shall be the Village's authorized agent and representative in the administration and enforcement of this law.

(46) Wastewater. The liquid and water-carried industrial, non-domestic or domestic wastes, including sewage, industrial waste, other wastes, or any combination thereof, from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into the Ithaca Area POTW.

(47) Wastewater Discharge Permit or Permit. The document issued to Industrial Users by the Village Engineer for the discharge of wastewater, as set forth in Section 15 of this law.

(48) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, border upon, or are within the jurisdiction of the State.

B. Word Usage.

“Shall” is mandatory; “may” is permissive.

## ARTICLE II – REGULATION OF WASTEWATER DISCHARGES

### 4. General Discharge Prohibitions

A. No User may introduce into the Ithaca Area POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in Section 5 of this law apply to each User introducing pollutants into the Ithaca Area POTW whether or not the User is subject to National Pretreatment Standards or any other national, state, or local Pretreatment Requirements.

B. An Industrial User shall have an affirmative defense in any action brought against it alleging Pass

Through or Interference where the Industrial User can demonstrate that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference, and either (1) the Industrial User was in compliance with the Ithaca Area Wastewater Treatment Facility local limits for each pollutant that caused Pass Through or Interference directly prior to and during the Pass Through or Interference, or (2) if no Ithaca Area Wastewater Treatment Facility local limits for the pollutant(s) which caused Pass Through or Interference have been developed, the Industrial User's discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the Ithaca Area POTW was regularly in compliance with its SPDES permit requirements and applicable requirements for sewage sludge use or disposal.

## 5. Specific Discharge Prohibitions

In addition to the provisions of Section 4 above, the following discharges to the Ithaca Area POTW by any User are specifically prohibited:

(A) Storm and surface waters, roof runoff, and subsurface drainage. These discharges shall be made only to such sewers as are specifically designated by the Village Engineer as storm sewers, or directly to waters of the State, as may be permitted under an applicable SPDES permit. All existing discharges to the Ithaca Area POTW of such waters shall be disconnected within one hundred and twenty (120) days of the effective date of this law. Groundwater and noncontact cooling water may be discharged to the Ithaca Area POTW only if so authorized by a Wastewater Discharge Permit, and only if the Chief Operator determines that sufficient hydraulic reserve capacity exists at the Ithaca Area POTW to accommodate such discharges. Authorization for such discharges may be revoked by the Chief Operator in his discretion at any time if he or she determines that the Ithaca Area POTW's reserve capacity is no longer sufficient or is needed for other potential discharges, or that such discharge is detrimental in any way to the Ithaca Area POTW. Existing unpermitted discharges of groundwater and noncontact cooling water shall be disconnected within one hundred and twenty (120) days of the effective date of this law.

(B) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause a fire or explosion hazard in the Ithaca Area POTW or be injurious in any other way to the Ithaca Area POTW, its operation, or the health or safety of the Ithaca Area POTW's workers. At no time shall a User discharge a wastestream with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 C.F.R. § 261.21. Unless specifically authorized to do so by permit, no User shall discharge any quantity of the following materials: gasoline, kerosene, naphtha, benzene, toluene, xylene, fuel oil, ethers, ketones, aldehydes, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, dry cleaning fluids, and any other substance which the Village Engineer, Chief Operator, DEC, or the EPA has notified the User is a fire hazard or explosive hazard to the system. The preceding list of substances is not a comprehensive list of prohibited substances. If a substance meets the general criteria set out in the first two sentences of this subparagraph, it is prohibited.

(C) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the Ithaca Area POTW including, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, rubber, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(D) Wastewater having a pH less than 5.5 standard units, or greater than 11.0 standard units, or wastewater having any other corrosive or caustic property capable of causing damage or hazard to structures, equipment, and/or personnel at the Ithaca Area POTW. Wastewater having a pH greater than 9.5 standard units, but in no case greater than 11.0 standard units, may be discharged to the Ithaca Area POTW only if so authorized by a Wastewater Discharge Permit, and only if the Chief Operator determines that the wastewater will not pose a hazard to or harm the Ithaca Area POTW or treatment plant workers, will not cause Pass Through or Interference, and will not raise the costs of operating the Ithaca Area POTW.

(E) Wastewater containing pollutants in sufficient quantity or concentration to cause the discharge of toxic pollutants in toxic amounts from the Ithaca Area POTW into its receiving waters, or to exceed the limitations set forth in a National Pretreatment Standard, in a Pretreatment Requirement, including the pollutant limitations referenced herein at Section 6, or in a Wastewater Discharge Permit issued pursuant to this law.

(F) Any pollutants which, either singly or by interaction with other wastes, result in the presence of toxic gases, vapors, or fumes within the Ithaca Area POTW in a quantity that may cause Ithaca Area POTW worker health and safety problems, or which create a public nuisance, or which create conditions sufficient to prevent entry into the sewers or other portions of the Ithaca Area POTW for maintenance and repair.

(G) Any substance which may cause the Ithaca Area POTW's effluent or other product of the Ithaca Area POTW such as residues, sludges, or scums, to be unsuitable for disposal in any manner permitted by law or for reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the Ithaca Area POTW cause the Ithaca Area POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; or with any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or state criteria applicable to the sludge management method being used.

(H) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the Ithaca Area POTW.

(I) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(J) Heat in amounts which will inhibit biological activity in the Ithaca Area POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F).

(K) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits necessary to comply with applicable state or federal regulations.

(L) Any sludges or deposited solids resulting from an industrial pretreatment process. Sludges from food processing pretreatment processes may be discharged only if specifically allowed by permit.

(M) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.

(N) Any trucked or hauled pollutants (septage or industrial waste), except at discharge points at the Ithaca Area POTW as designated by the Ithaca Area POTW; such discharges must comply with the laws and requirements enacted by the Ithaca Area POTW and Municipalities.

## **6. Specific Pollutant Limitations**

In addition to the discharge prohibitions set forth in sections 4 and 5 above, the Ithaca Area POTW has developed specific discharge limitations, referred to in this law as the Ithaca Area Wastewater Treatment Facility local limits, to prevent Pass Through and Interference, to protect the safety and health of Ithaca Area POTW workers, and to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges. In no case shall a User's discharge to the Ithaca Area POTW violate the Ithaca Area Wastewater Treatment Facility local limits, as they may be amended from time to time, and which are set forth below. Because Users' wastewater discharges are capable of flowing to either the Ithaca Area POTW or the Village of Cayuga Heights' wastewater treatment plant, Users must also comply with Village Code § 226-6, to the extent Village Code § 226-6 contains more stringent limits, limits pollutants that are not listed below, or limits pollutants using a different time period over which to measure maximum concentrations.

The following Ithaca Area Wastewater Treatment Facility local limits shall apply at each point of discharge to the public sewerage system. In no case shall a User's discharge to the Ithaca Area POTW violate the following specific limitations:

<b>Pollutant</b>	<b>Maximum Concentration, 30-Day Average</b>	<b>Maximum Concentration, 24-Hour Average</b>
	<b>(mg/l)</b>	<b>(mg/l)</b>
Arsenic		0.6
Barium	80	240
Cadmium	2.5	7.5
Chromium, total	8	24
Chromium, hexavalent	1	3
Copper	2	6
Cyanide	0.2	0.6
Iron	180	540
Lead		20
Manganese	8	24
Mercury	1.5	4.5
Nickel		10
Silver	6	18
Zinc	20	35

**Discharge Limit, Instantaneous**

<b>Pollutant</b>	<b>(ppm)</b>
Oil and grease (petroleum-based)	50

**7. Categorical Pretreatment Standards**

Categorical Pretreatment Standards which EPA has promulgated for specific industrial subcategories are hereby incorporated by reference. Where Categorical Pretreatment Standards are more stringent than the Ithaca Area POTW local limits, Industrial Users in those subcategories shall comply with the more stringent Categorical Pretreatment Standards in accordance with the compliance timetables for each Categorical Pretreatment Standard mandated by EPA. If EPA modifies an existing Categorical Pretreatment Standard or promulgates a new Categorical Pretreatment Standard for a particular industrial subcategory, and that modified or new Categorical Pretreatment Standard contains limitations more stringent than the Ithaca Area POTW local limits, then upon its effective date the modified or new Categorical Pretreatment Standard shall immediately supersede, for Industrial Users in that subcategory, the Ithaca Area POTW local limits. The Village Engineer shall notify all affected Industrial Users of the applicable requirements under the Act, as well as of all requirements imposed by subtitles C and D of the Resource Conservation and Recovery Act.

## **8. Modification of Categorical Pretreatment Standards**

A. Pursuant to 40 C.F.R. § 403.7, where the Ithaca Area POTW achieves consistent removal of pollutants limited by a Categorical Pretreatment Standard, the Special Joint Committee may apply to the Approval Authority for modification of the discharge limits for a specific pollutant covered in the relevant Categorical Pretreatment Standard in order to reflect the Ithaca Area POTW's ability to remove said pollutant. The Special Joint Committee may modify pollutant discharge limits contained in a Categorical Pretreatment Standard only if the requirements of 40 C.F.R. § 403.7 are fulfilled and prior approval from the Approval Authority is obtained.

B. Pursuant to 40 C.F.R. § 403.13, an Industrial User may apply to the Approval Authority for a fundamentally different factors variance from an applicable Categorical Pretreatment Standard if the factors relating to its discharge are fundamentally different from the factors considered by EPA in establishing the Standard. Such a variance can not be granted without the approval of the Approval Authority.

## **9. State Requirements**

Requirements and limitations on discharges set by the DEC shall apply in any case where they are more stringent than federal requirements and limitations or Ithaca Area Wastewater Treatment Facility local limits.

## **10. Right of Revision**

When the Municipalities revise their codes, local laws or ordinances to establish more stringent limitations or requirements on discharges to the Ithaca Area POTW to comply with the objectives presented in Section 1(A) of this law, the Village will revise its laws accordingly. The Village Engineer or Chief Operator also has the right to require a specific Industrial User to comply with more stringent limitations or requirements than appear in this or other laws if deemed necessary to comply with the objectives presented in Section 1(A) of this law. No variances from the limitations or requirements in this or other local laws will be allowed without approval of the Village Engineer, Chief Operator and the Approval Authority.

## **11. Dilution Prohibited in Absence of Treatment**

Except where expressly authorized to do so by an applicable Pretreatment Standard or Pretreatment Requirement, no Industrial User shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with either a Pretreatment Standard or Pretreatment Requirement.

## **12. Alternative Discharge Limits**

A. Where appropriate, the Village Engineer may impose mass limitations, concentration limitations, or both types of limitations on an Industrial User's discharge. Mass limitations shall not be less stringent than the equivalent concentration-based limitations set forth in any applicable Pretreatment Standard or Pretreatment Requirement.

B. Where wastewater from a process regulated by a Categorical Pretreatment Standard is mixed prior to treatment with wastewaters other than those generated by the regulated process, the Village Engineer may fix alternative discharge limits applicable to the mixed effluent. Such alternative discharge limits shall be derived by using the combined wastestream formula as specified in 40 C.F.R. § 403.6(e).

### **13. Pretreatment**

Each Industrial User shall provide necessary wastewater treatment as required to comply with the requirements of this law, including all National Pretreatment Standards and Pretreatment Requirements. Any facilities required to pretreat wastewater to a level which will achieve compliance with this law shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Village Engineer for review, and shall be acceptable to the Village Engineer before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent which complies with the provisions of this law, including compliance with Pretreatment Standards or Pretreatment Requirements. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Village Engineer prior to the User's initiation of such changes. Bypasses are prohibited, except as allowed by 40 C.F.R. § 403.17.

### **14. Accidental Discharges**

A. Plans and Procedures. All permitted Industrial Users, and all other Industrial Users which store or use on-site any substance which, if discarded, would be considered hazardous waste, as that term is defined by the Resource Conservation and Recovery Act and its regulations, shall undertake measures to prevent the accidental discharge to the Ithaca Area POTW of prohibited materials or other substances regulated by this law. Facilities to prevent the accidental discharge of prohibited materials and other substances shall be provided and maintained at the Industrial User's own expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Village Engineer for review, and shall be approved by the Village Engineer before construction of the facility. All existing Industrial Users required to undertake accidental discharge prevention measures shall submit such a plan within sixty (60) days of the effective date of this law. No Industrial User which commences discharging into the Ithaca Area POTW after the effective date of this law and required to submit such a plan shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Village Engineer. Review and approval of such plans and operating procedures shall not relieve the Industrial User of the responsibility to modify the User's facility as necessary to meet the requirements of this law.

B. Telephone Notice. In the case of an accidental discharge by any Industrial User, it is the responsibility of the Industrial User to telephone immediately and notify both the Village Engineer and Chief Operator of the incident. The notification shall include location of discharge, type of waste, concentration and volume of pollutants and wastewater, and any and all corrective actions taken by the User.

C. Written Notice. Within five (5) days following an accidental discharge, the Industrial User shall submit to the Village Engineer and the Chief Operator a detailed written report describing the cause of the discharge and the measures which have been and shall be taken by the User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Ithaca Area POTW, fish kills, or any other damage to persons, animals, aquatic life, property, or natural resources; nor shall such

notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this law or other applicable law.

D. Notice to Employees. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause or allow such a discharge to occur, or who may know or have reason to know thereof, are advised of the emergency notification procedures.

## ARTICLE III – WASTEWATER DISCHARGE PERMITS

### 15. Permit Required

All significant Industrial Users shall obtain and maintain current Wastewater Discharge Permits. All Industrial Users whose discharges are of a type specifically identified in this law as requiring a Wastewater Discharge Permit (such as, for example, a discharge with a pH greater than 9.5 standard units, or a discharge of noncontact cooling water) shall also obtain and maintain current Permits. Existing Industrial Users which are required to but do not have a current Wastewater Discharge Permit as of the effective date of this law shall apply to the Village Engineer for such a Permit within thirty (30) days after the effective date of this law. Existing Industrial Users which are not required as of the effective date of this law to obtain such a Permit, but which thereafter become required to obtain such a Permit, shall file an application for said Wastewater Discharge Permit with the Village Engineer within thirty (30) days of notification by the Village Engineer that the User must obtain a Permit. All Industrial Users which are required to have such a Permit and which propose to begin discharging wastewater to the Ithaca Area POTW after the effective date of this law shall obtain a Wastewater Discharge Permit before commencing such a discharge. An application for said Wastewater Discharge Permit shall be filed with the Village Engineer at least ninety (90) days prior to the proposed connection or discharge to the Facility. The requirement to obtain said Industrial Wastewater Permits shall be in addition to the requirements to obtain sewer connection or other permits which may be set forth in other laws.

### 16. Permit Application Requirements

To obtain a new Wastewater Discharge Permit, or to renew an expiring Permit, the Industrial User shall complete and file with the Village Engineer an application in the form prescribed by the Village Engineer, and accompanied by the appropriate fee as indicated on the application. In support of the application for a Wastewater Discharge Permit, the Village Engineer may require the Industrial User to submit, in units and terms appropriate for evaluation, the following information:

(A) Name, address, and location of the User (if different from the address);

(B) SIC number with at least three (3) digits according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(C) Wastewater constituents and characteristics, including, but not limited to, the concentrations of pollutants referenced in Section 6 of this law, as determined by a New York Department of Health-certified analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(h) of the Act and contained in 40 C.F.R. Part 136, as amended, and results of said sampling and analysis, identifying the nature and concentration of regulated pollutants contained in each regulated discharge stream, shall be attached as Exhibits to the application;

(D) Time and duration of discharges;



(E) Average daily and maximum daily wastewater flow rates, identified separately by regulated discharge streams, and including daily, monthly, and seasonal variations, if any;

(F) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by size, location, and elevation;

(G) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged;

(H) Where known, the nature and both daily maximum and average concentrations of any pollutants in the discharge which are limited by any applicable National Pretreatment Standards or Pretreatment Requirements, and a statement regarding whether or not any applicable Pretreatment Requirement or Pretreatment Standard is being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the Industrial User to meet the applicable Pretreatment Standard or Pretreatment Requirement;

(I) If additional pretreatment and/or O&M will be required to meet the above-described Pretreatment Standards or Pretreatment Requirements, the shortest schedule by which the Industrial User will provide such additional pretreatment or O&M, which shall not be later than the compliance date established for the applicable Pretreatment Standard or Pretreatment Requirement;

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Pretreatment Standard or Pretreatment Requirement (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, attaining and maintaining compliance, etc.).

2. No increment referred to in Paragraph 1 shall exceed nine (9) months.

3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Village Engineer including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Village Engineer.

(J) Each product produced by the User, if any, by type, amount, process or processes and rate of production;

(K) Type and amount of raw materials processed by the User (average and maximum per day);

(L) Number and type of User's employees, User's hours of operation and proposed or actual hours of operation of pretreatment system;

(M) Completed New York State Industrial Chemical Survey;

- (N) Name, title, and telephone number of the Authorized Representative of the Industrial User;
- (O) A list of any environmental control permits held by or for the User;
- (P) Any other information as may be deemed by the Village Engineer to be necessary to evaluate the permit application.

The Village Engineer shall evaluate the data furnished by the Industrial User and may require additional information. After evaluation and acceptance of the data furnished, the Village Engineer may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

#### **17. Permit Conditions**

Wastewater Discharge Permits shall be expressly subject to all provisions of this law and all other applicable laws and regulations established by the Village. In addition, Wastewater Discharge Permits may contain the following:

- (A) The unit charge or schedule of User charges and fees for the wastewater to be discharged to the Ithaca Area POTW;
- (B) Limits on average and maximum wastewater constituents and characteristics, based on applicable National Pretreatment Standards and Pretreatment Requirements.
- (C) Limits on average and maximum rate and time of discharge, and requirements for flow measurement, regulation, and equalization;
- (D) Requirements for installation and maintenance of pretreatment facilities and of inspection and sampling facilities;
- (E) Specifications for monitoring programs which may include specification of pollutants to be monitored, sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules;
- (F) Compliance schedules for the installation of pretreatment equipment and performance of O&M (but in no event may a compliance deadline in a Permit be later than a National Pretreatment Standard compliance deadline);
- (G) Requirements for submission of reports, including technical reports and discharge reports;
- (H) Requirements for maintenance and retention of records relating to wastewater discharges and pretreatment equipment operation and maintenance records for a minimum of three (3) years, and affording the Village Engineer and Chief Operator access thereto for inspection and copying;

(I) Requirements for advance notification to the Village Engineer of any change in operations, and for advance approval by the Village Engineer of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater disposal system;

(J) Requirements for immediate notification to the Village Engineer and Chief Operator of all discharges that could cause problems to the Ithaca Area POTW, including any slug discharges and any other accidental discharges;

(K) A statement of the Village Engineer's and Chief Operator's right to enter Industrial Users' premises and inspect their facilities and operations;

(L) A statement of Permit duration in accordance with § 19 hereof, and in no case more than five (5) years;

(M) A statement of Permit transferability in accordance with § 20 hereof;

(N) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Pretreatment Requirements, and of any applicable compliance schedule;

(O) A statement that the Industrial User's wastewater discharges at times will flow to the Ithaca Area POTW, a description of the notifications the Industrial User must submit to the Ithaca Area POTW as required by this law, and a statement that the Chief Operator, Ithaca Area POTW and Municipalities have certain inspection, sampling and enforcement rights pursuant to this law.

(P) Other conditions as deemed appropriate by the Village Engineer to ensure compliance with this law and the Act.

## **18. Permit Modifications**

Wastewater Discharge Permits may be modified by the Village Engineer upon thirty (30) days notice to the permittee. Modifications may be made for the following, or other similar, reasons:

- A. Promulgation of or changes to a Pretreatment Standard or Pretreatment Requirement;
- B. Changes in processes used by the permittee, or changes in discharge volume or character;
- C. Changes in design or capability of any part of the Ithaca Area POTW;
- D. Changes to the Ithaca Area POTW's SPDES permit; and
- E. Discovery that the permitted discharge causes or contributes to Pass Through or Interference at the Ithaca Area POTW or poses a risk to Ithaca Area POTW worker health or safety.

Any modifications or amendments to the Wastewater Discharge Permit which include more stringent limitations than those contained in the prior Permit may include a reasonable time schedule for compliance therewith, but no compliance deadline therein shall be later than the deadline for compliance with an applicable Categorical Pretreatment Standard.

## **19. Duration of Permits**

Wastewater Discharge Permits shall be issued for a specified time period not to exceed five (5) years. A Wastewater Discharge Permit may be issued for a period less than a year or may be stated to expire on a specific date. An Industrial User shall apply for Wastewater Discharge Permit reissuance, on a form prescribed by the Village Engineer, at least one hundred eighty (180) days prior to the expiration of the User's existing Permit. If a timely and complete application is made for Permit reissuance, and the Permit is not reissued before the existing Permit expires, then the terms of the User's existing Permit shall remain in effect after its expiration date until the Permit is reissued.

## **20. Permit Transfer**

Wastewater Discharge Permits are issued to a specific Industrial User for a specific operation. A Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a new owner, new User, or be applicable to different premises or to a new or changed operation without the approval of the Village Engineer, which must be obtained in writing at least thirty (30) days in advance of the proposed transfer date. No such approval shall be granted absent submission to the Village Engineer of a written agreement between the existing and proposed new permittee which sets forth the date for and terms of the transfer of the Wastewater Discharge Permit and all responsibilities, obligations, and liabilities thereunder. Any succeeding owner or User shall comply with the terms and conditions of the existing Wastewater Discharge Permit and all of the terms and requirements of this law.

## **21. Permit Decisions**

A. The Village Engineer shall provide the Chief Operator and all interested persons with notice of decisions concerning the issuance, modification, or transfer of Wastewater Discharge Permits. Any person, including the Industrial User to whom the Wastewater Discharge Permit was issued, may petition the Village Board of Trustees for review of the Wastewater Discharge Permit issuance, modification, or transfer decision within twenty (20) days of the date on which the decision was issued. Failure to submit a timely petition for review shall be deemed to be a waiver of Wastewater Discharge Permit review, and the Village Engineer's decision shall become final.

B. A petition for review must set forth the Wastewater Discharge Permit provisions or decision objected to, the reasons for the objection, and the alternative provisions, if any, which the petitioner seeks to have included in the Wastewater Discharge Permit.

C. The effectiveness of a Wastewater Discharge Permit shall not be stayed pending the Village Board's review of the petition. The Village Board's decision concerning the petition for review shall be a final administrative action.

#### **ARTICLE IV – REPORTING REQUIREMENTS, MONITORING, AND INSPECTIONS**

##### **22. Reporting Requirements**

All Industrial Users must submit the reports required by 40 C.F.R. Part 403 and any other reports required by the Village Engineer. The Village Engineer shall specify the content of such reports to the Industrial Users.

These reports include the following:

A. Baseline monitoring reports, to be submitted by existing Industrial Users subject to Categorical Pretreatment Standards within one hundred eighty (180) days after the effective date of the Categorical Pretreatment Standard. These reports are to be submitted by New Sources and sources that become Industrial Users after the promulgation of an applicable Categorical Pretreatment Standard, at least ninety (90) days prior to commencement of discharge. These reports shall contain the information required in 40 C.F.R. § 403.12(b), including a statement whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional O&M and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements. This statement shall be reviewed by an Authorized Representative of the Industrial User and certified to by a qualified professional.

B. Report on compliance with Categorical Pretreatment Standards, to be submitted by existing sources within ninety (90) days following the date for final compliance with an applicable Categorical Pretreatment Standard, or in the case of a New Source, following commencement of the introduction of wastewater into the Ithaca Area POTW. This report shall contain the information required in 40 C.F.R. § 403.12(d), including the nature and concentration of all pollutants in the discharge from each regulated process, and the average and maximum daily flow for these process streams. This report further shall state whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional O&M and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements. This statement shall be reviewed by an Authorized Representative of the Industrial User and certified to by a qualified professional.

C. Periodic reports on continued compliance, to be submitted by all permitted Industrial Users subject to Pretreatment Standards or Pretreatment Requirements after the compliance date of such Standard or Pretreatment Requirement, or, in the case of a New Source, after commencement of the discharge into the Ithaca Area POTW. All such Industrial Users shall submit such reports to the Village Engineer during the months of June and December, unless required more frequently or at different times in the Pretreatment Standard, Pretreatment Requirement, or by the Wastewater Discharge Permit. All Industrial Users must include in such reports all sampling results for pollutants limited by a Pretreatment Standard, Pretreatment Requirement, or Wastewater Discharge Permit, if the sampling and analyses were performed in accordance with § 24 of this law, even if the sampling was performed more frequently than required by the Pretreatment Standard, Pretreatment

Requirement, or Wastewater Discharge Permit. In addition, such reports shall include a record of measured or estimated average and maximum daily flows for the reporting period.

D. Compliance Schedule Reports, to be submitted by all Industrial Users required to submit compliance schedules or who have compliance schedules imposed on them by the Village Engineer.

E. Notification in advance of any substantial change in the volume or character of pollutants in an Industrial User's discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification pursuant to § 22(K) of this law, to be submitted by all Industrial Users. No Industrial User shall introduce new wastewater constituents or substantially change the volume or character of its wastewater constituents without such advance notification and advance written approval of the Village Engineer.

F. Notification of change in production level, to be submitted by Industrial Users operating under a permit incorporating equivalent mass or concentration limits calculated from a production based standard. These notifications shall be submitted to the Village Engineer within two (2) business days after the Industrial User has a reasonable basis to know that the production level will significantly change within the next calendar month.

G. Notification of discharges that could cause potential problems to the Ithaca Area POTW, including slug loadings and accidental discharges, to be submitted by all Industrial Users to the Village Engineer and Ithaca Area POTW immediately when the slug loading or discharge containing the potential problem occurs. If the immediate notification is oral, a written notice specifying the nature and cause of the discharge, and steps taken to eliminate the cause, must be submitted to the Village Engineer and Ithaca Area POTW within five (5) days.

H. Notification of violation, as described in § 24 below.

I. Upset notifications, to be submitted by Industrial Users subject to Categorical Pretreatment Standards. Such an Industrial User may avail itself of the upset provisions of 40 C.F.R. § 403.16 only where there is an exceptional incident in which there is unintentional and temporary noncompliance with the Categorical Pretreatment Standard because of factors beyond the reasonable control of the Industrial User. The upset notification must be submitted to the Village Engineer within twenty-four (24) hours of the Industrial User's becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days), and the Industrial User must comply with all requirements of 40 C.F.R. § 403.16.

J. Bypass notification, to be provided by all Industrial Users in advance of the Bypass, if possible, or within twenty-four (24) hours from the time the Industrial User becomes aware of the Bypass, if the Bypass is unanticipated. The Industrial User must further comply with all of the requirements regarding Bypass set forth in 40 C.F.R. § 403.17.

K. Notification of hazardous waste discharge:

(i) (a) All Industrial Users shall notify the Village Engineer, Ithaca Area POTW, the EPA Regional Waste Management Division Director, and the Director of DEC's Division of Hazardous Substance Regulation in writing of any discharge into the Ithaca Area POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification shall include the name of the hazardous

waste as set forth in 40 C.F.R. Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the Ithaca Area POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months.

(b) All existing Industrial Users shall have filed such notifications by February 19, 1991. All Industrial Users who commence discharging after August 23, 1990, shall file the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this section need be submitted only once for each hazardous waste discharged. However, all Industrial Users must notify the Village Engineer in advance, in accordance with § 22(E) of this law, of any change in their wastewater discharges. The notification requirement set forth herein does not apply to any pollutants already reported under the self-monitoring requirements set forth in Sections 22(A), (B), and (C) above.

(ii) Industrial Users are exempt from the requirements of Section 22(K)(i) during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. § 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. § 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

(iii) In the case of any new regulations under Section 3001 of the Resource Conservation and Recovery Act identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the Village Engineer, Chief Operator, the EPA Regional Waste Management Waste Division Director, and the Director of DEC's Division of Hazardous Substance Regulation of the Discharge of such substance within ninety (90) days of the effective date of such regulations.

(iv) In the case of any notification made under this Section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

### **23. Signatory Requirements**

All reports required to be submitted to the Village Engineer shall include the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my

knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

This certification statement shall be signed by an Authorized Representative of the Industrial User.

## **24. Monitoring and Analysis**

A. If the Industrial User’s sampling indicates a violation, the User shall notify the Village Engineer within twenty-four (24) hours of becoming aware of such violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Village Engineer within thirty (30) days after becoming aware of the violation. The Industrial User is not required to resample, however, if the Village Engineer performs sampling at the Industrial User’s facility at a frequency of at least once per month, or if the Village Engineer performs sampling at the Industrial User’s facility between the time when the Industrial User performs its initial sampling and the time when said User receives the results of the sampling.

B. The frequency and location of monitoring shall be prescribed in the Wastewater Discharge Permit and shall not be less frequent than prescribed in Section 22(C). At the discretion of the Village Engineer, the required monitoring and analysis may be performed by the Village Engineer in lieu of the Industrial User, in which event the Industrial User is not required to submit the report or compliance certification required therein.

C. All analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(h) of the Act and contained in 40 C.F.R. Part 136 and amendments thereto, or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA and shall be performed in such a manner and at such a time that the resulting analytical data is representative of conditions occurring during the reporting period. Samples of the Industrial User’s wastewater discharges shall be collected at each point of discharge to the public sewerage system. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Village Engineer or other parties, approved by the EPA.

## **25. Recordkeeping Requirements**

A. All Industrial Users shall maintain records of all information resulting from any monitoring activities of wastewater discharges. Such records shall include for all samples:

- (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (ii) The dates analyses were performed;
- (iii) Who performed the analyses;
- (iv) The analytical techniques/methods used; and



- (v) The results of such analyses.

All Industrial Users shall also maintain records regarding pretreatment equipment operation and maintenance.

B. All Industrial Users shall keep copies of all such records and reports of operation and maintenance, and monitoring activities and results, for a minimum of three (3) years. The records and reports of monitoring activities and results shall be maintained regardless of whether such monitoring activities are required by this law or the Act. Each Industrial User shall make all records required to be maintained available for inspection and copying by EPA, DEC, the Chief Operator, and the Village Engineer. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or Ithaca Area POTW, or when requested by EPA, DEC, the Chief Operator, or the Village Engineer.

## **26. Monitoring Facilities**

The Village Engineer may require any Industrial User to provide, operate and maintain, at the Industrial User's own expense, sampling, monitoring and/or metering facilities at the point or points in the facility selected by the Village Engineer to allow inspection, sampling, and flow measurement of discharges to the sewerage system and/or internal piping systems. Sampling and monitoring facilities may be located as approved by the Village Engineer to allow direct access by Village or Ithaca Area POTW personnel without the necessity of notice to the Industrial User. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The sampling and monitoring facilities shall be provided in accordance with the Village Engineer's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification to the Industrial User by the Village Engineer that such facilities must be built.

## **27. Inspection and Sampling**

A. The Village Engineer may inspect the facilities of any Industrial User to ascertain whether the purposes and requirements of this law and the Act are being met. The Chief Operator may attend all inspections of Users. In addition, the Chief Operator may, as it deems necessary and with notice to the Village Engineer, conduct inspections and sampling at any Industrial User's facility. Persons or occupants of premises where wastewater is created or discharged, or where records pertaining to such discharges are kept, shall allow Village and Ithaca Area POTW representatives ready access at all times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or the performance of any of their other duties. The Chief Operator, Village Engineer, EPA, and DEC shall have the right to set up without notice on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, metering operations, and records copying. Where a User has security measures in force which would require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Village, Ithaca Area POTW, EPA, and DEC, or their designated agents, will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

B. Where so requested in advance by an Industrial User, and when taking a sample of industrial wastewater, the Village or Ithaca Area POTW representative shall gather sufficient volume of sample when practicable so that the sample can be split into two equal volumes. One of the volumes shall be given to the Industrial User, and the other shall be retained by the Village or Ithaca Area POTW representative for analysis.

## **28. Slug Control Plans**

At least once every two years, the Village Engineer shall evaluate whether each Significant Industrial User needs a plan to control slug discharges. The Significant Industrial User shall comply with the provisions of any such slug control plan which the Village Engineer determines to be necessary, including, but not limited to:

- (A) A description of discharge practices, including non-routine batch discharges;
- (B) A description of stored chemicals;
- (C) Procedures for immediately notifying the Village and Ithaca Area POTW of slug discharges, including any discharge that would violate a prohibition under 40 C.F.R. § 403.5(b), with procedures for follow-up written notification within five (5) days; and
- (D) If necessary, procedures to prevent adverse impact from accidental spills, including those procedures set forth in 40 C.F.R. § 403.8(f)(2)(v)(D).

## **29. Confidential Information**

A. In accordance with 40 C.F.R. § 403.14, any information and data concerning a User which is contained in or obtained from reports, questionnaires, Permit applications, Permits, monitoring programs, and inspections shall be available to the public and governmental agencies without restriction, unless the User specifically claims, and is able to demonstrate to the satisfaction of the public official with custody of the records, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User. Any such claim of confidentiality must be asserted at the time of submission in the manner prescribed on the application form or instructions or by stamping or writing the words “CONFIDENTIAL BUSINESS INFORMATION” on each page containing such information. If no claim is made, such public official may make the information available to the public without further notice.

B. Notwithstanding any claim of confidentiality, any information and data provided to the Chief Operator and/or Village Engineer which is effluent data, as defined at 40 C.F.R. § 2.302 (including, but not limited to, wastewater constituents and characteristics), shall be available to the public without restriction. All other information and data shall be available to the public at least to the extent provided by 40 C.F.R. § 2.302. All information and data collected and maintained by the Village regarding Users located in the Village shall be made available without limitation to the Chief Operator and Municipalities.

C. Information determined by the public official with custody of the records to be confidential shall not be made available for inspection by the public, except as provided by 40 C.F.R. § 2.302, but shall be made available upon written request to governmental agencies for uses related to this law and the Ithaca Area POTW’s SPDES Permit. Information determined to be confidential shall be available for use by the State or any state agency, the Village, Municipalities, the Special Joint Committee, the Ithaca Area POTW, and/or or by the United States or EPA in criminal or civil judicial or administrative enforcement proceedings involving the User.

## **ARTICLE V – ENFORCEMENT**

### **30. Imminent Endangerment**

The Village Engineer may immediately halt or prevent any discharge of pollutants which reasonably appears to present an imminent endangerment to the health or welfare of persons. In the event that the Village Engineer determines that a discharge of pollutants reasonably appears to present an imminent endangerment to the health or welfare of persons, the Village Engineer shall provide informal (oral or written) notice of said determination to the User. Said User shall immediately stop or eliminate such discharge and shall submit written proof of the elimination of the discharge to the Village Engineer within forty-eight (48) hours of receipt of notice of the Village Engineer's determination. If said User fails voluntarily and immediately to halt such a discharge, the Village Engineer shall take such actions as he or she deems necessary to prevent or minimize endangerment to the health or welfare of persons. Such actions include, but are not limited to, seeking ex parte temporary injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, severance of the sewer connection, suspension of wastewater disposal service, suspension or revocation of a Wastewater Discharge Permit, and institution of a legal or special proceeding. After such discharge has been halted, the Village Engineer may take such other and further actions provided under this Section as may be necessary to ensure elimination of said discharge and compliance with the terms of this law and Wastewater Discharge Permits issued hereunder. If the User provides satisfactory written proof that it has eliminated the cause of the conditions creating the imminent endangerment, the Village Engineer may reinstate the Permit, restore the sewer connection and wastewater disposal service, and perform other activities to allow the User to commence discharging again.

### **31. Other Harmful Discharges**

The Village Engineer may also halt or prevent any discharge of pollutants which:

- (A) Presents or may present an endangerment to the environment;
- (B) Threatens to interfere with the operation of the Ithaca Area POTW;
- (C) Threatens to Pass Through the Ithaca Area POTW; or
- (D) Threatens to cause sludge contamination.

In the event of such a discharge, the Village Engineer must deliver a written notice to the User describing the problems posed by the discharge and offering the User an opportunity to respond. If the User does not respond in writing to the Village Engineer within twenty-four (24) hours after delivery of such written notice, then the Village Engineer may undertake such actions, including those described in Section 30, as he or she deems necessary to prevent or minimize the effects of such a discharge. If the Industrial User does respond in writing within twenty-four (24) hours, then no immediate suspension of service or of a Wastewater Discharge Permit shall occur, unless the Village Engineer reasonably believes that the User's discharge continues to present or may present an endangerment to the environment or threatens to cause Interference or Pass Through at the Ithaca Area POTW. If the User thereafter provides satisfactory written proof that it has eliminated the cause of the conditions creating the harmful discharge, then the Village Engineer may perform activities to allow the User to commence discharging again.

### **32. Emergency Action by Municipalities**

In addition to the provisions of Sections 30 and 31 above, the Municipalities or their designees may take emergency action, whenever they deem necessary, to stop or prevent any discharge to the Ithaca Area POTW which presents, or may present, an imminent danger to the health or welfare of humans, which reasonably appears to threaten the environment, or which threatens to cause Interference, Pass Through, or sludge contamination at the Ithaca Area POTW. For emergency actions involving a wastewater discharge capable of flowing to the Ithaca Area POTW, the Municipalities will notify the User (if applicable and known) and the Village of Cayuga Heights Assistant Director of Public Works. In the event that the Municipalities are not able to reach the Village's Assistant Director of Public Works, then the Municipalities will notify the Village of Cayuga Heights Police Department 24-hour emergency response number for immediate corrective action. The Village shall then immediately take the necessary steps to control the emergency and report the corrective efforts back to the Municipalities within two hours of receiving notification of the emergency. In the event that the Village is unable immediately to perform the work or will not be performing the work immediately for any other reason, the Village authorizes the Municipalities to undertake the emergency action.

### **33. Publication of List of Violators**

The Village Board of Trustees shall annually publish in the largest local daily newspaper a list of the Industrial Users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable Pretreatment Standards or Pretreatment Requirements. For purposes of this provision, an Industrial User is in significant noncompliance if its violation meets one or more of the criteria set forth at 40 C.F.R. § 403.8(f)(2)(vii).

### **34. Compliance Orders**

The Village Engineer may issue compliance orders to Industrial Users not complying with any Pretreatment Standards, Pretreatment Requirements, Wastewater Discharge Permits, or any other provisions of this law or the Act. Such orders may, among other things, direct said Industrial User to:

- (A) Comply immediately with Pretreatment Standards, Pretreatment Requirements, Wastewater Discharge Permit provisions, this law, or the Act;
- (B) Comply with Pretreatment Standards, Pretreatment Requirements, Wastewater Discharge Permit provisions, this law, or the Act in accordance with a time schedule set forth by the Village Engineer;
- (C) Increase the frequency of sampling and analysis of the Industrial User's wastewater; and/or
- (D) Undertake appropriate remedial or preventive action to prevent the possibility of violations in the future.

The issuance of or compliance with an order under this Section shall not relieve the Industrial User of liability for violations which occur before the order is issued or while the order is effective.

### **35. Suspension and Revocation of Permit**

A. This Section shall govern the ability of the Village to suspend or revoke any Wastewater Discharge Permit to any Industrial User in all situations except those described in Sections 30 and 31 of this law regarding discharges which present imminent endangerment or which constitute harmful discharges. In all other situations, the Village may suspend or revoke a Wastewater Discharge Permit if it determines that a violation of any provision of the Permit, the Act, or this law exists. Violations which may lead to such suspension or revocation include, but are not limited to, the following:

- (i) Failure of an Industrial User to accurately or timely submit the information required in any report;
- (ii) Failure of an Industrial User to allow access to its premises for the purposes of inspection, monitoring, sampling, or records examination or copying by the Village, Municipalities, Ithaca Area POTW, EPA, DEC, the United States, or the State;
- (iii) Failure of an Industrial User to report significant changes in its operations or the constituents, characteristics, or volume of its wastewater; or
- (iv) Violation of conditions of the Industrial User's permit.

B. Before the Village may suspend or revoke an Industrial Wastewater Permit, it must give the Industrial User a hearing in accordance with the procedures set forth at Section 37 below. The final decision as to whether to suspend or revoke a Permit shall then be made by the Village Board of Trustees and shall be a final administrative action.

### **36. Notice of Violation**

A. Whenever the Village Engineer determines that any Industrial User has violated or is violating any Pretreatment Standard, Pretreatment Requirement, its Wastewater Discharge Permit, or any other provision of the Act or this law, he or she may serve upon such User, either personally or by certified mail, return receipt requested, a written Notice of Violation stating the nature of the violation. The Village Engineer may include with the Notice of Violation a Compliance Order directing the User to take specified actions to correct the violations. The Village Engineer may also include with the Notice of Violation an Order to Show Cause before the Village Board of Trustees as to why the User's Wastewater Discharge Permit should not be suspended or revoked, or why civil administrative penalties should not be assessed by the Village against the Industrial User for said violations. Any such Show Cause hearing shall be conducted in accordance with the provisions of § 37 of this law.

B. Within thirty (30) days of the date of the Notice, the User shall submit to the Village Engineer a written explanation of the reasons for the violations and a plan for the satisfactory correction thereof consistent with any Compliance Order which the Village Engineer may issue.

C. Neither the issuance of a Notice of Violation, nor the submittal of or compliance with a plan of correction or Compliance Order, shall relieve the Industrial User of any liability for violations of any Pretreatment Standards, Pretreatment Requirements, Wastewater Discharge Permit, the Act, or this law, nor is the issuance of such a written notice required before the Village may take any other type of enforcement action against the Industrial User.

### **37. Show Cause Hearing**

A. Notice Requirements. A notice from the Village Engineer shall be served on the User specifying the time and place of a hearing to be held by the Village Board of Trustees regarding the violation, the proposed action to be taken, the reasons why the action is proposed, and directing the person to show cause before the Village why the proposed action should not be taken. The notice of the hearing shall be served personally or by certified mail, return receipt requested, at least ten (10) days before the hearing. Service must be made on an Authorized Representative of the Industrial User.

B. Conduct of the Hearing. The Village Board of Trustees shall conduct the hearing and take the evidence, or may designate any of its Village Board members or the Village Engineer to:

(i) Issue in the name of the Village Board of Trustees notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village Board of Trustees for action thereon; and

(iv) Take any further necessary action as permitted by this law or applicable contracts or agreements.

C. Testimony Recorded Under Oath. At any hearing held pursuant to this law, testimony taken must be under oath and recorded, either stenographically or by voice recording. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

D. Orders. After the Village Board of Trustees has reviewed the evidence, it may issue an order suspending or revoking an Industrial Wastewater Discharge Permit, or assessing civil administrative penalties, and the timing for their payment to the Village, against the Industrial User. The issuance of such an Order shall be a final administrative action.

E. Settlement. At any time after notice of the Show Cause hearing has been served and before the Village Board of Trustees has issued its order regarding permit suspension or revocation or penalty assessment, the Village may enter into a Settlement Agreement with the Industrial User to resolve the issues raised by the Order to Show Cause.

### **38. Legal Action**

If any person violates the provisions of this law, the Act, any applicable Pretreatment Standards or Pretreatment Requirements, the conditions and requirements of any Wastewater Discharge Permit issued hereunder, or any order of the Village Engineer or Village Board of Trustees, counsel for the Village may commence an action for appropriate legal and/or equitable relief, including, but not limited to, injunctive relief, penalties, and fines, in either state or federal court. The Village, Municipalities, Special Joint Committee, or Ithaca Area POTW may also ask appropriate officials at the local, state, or federal levels to investigate and bring a criminal action against any Industrial User or person associated with an Industrial User believed to have violated the criminal provisions of this law, the Act, or any other law.

### **39. Enforcement by Municipalities**

In the event the Village fails to adequately implement this law or fails to take adequate enforcement action against noncompliant Users on a timely basis, the Municipalities or their designees may take such action on behalf of and as agent for the Village, pursuant to the procedures described in this law. The Village shall remit any penalties, costs and all other sums collected from such Users in connection with such enforcement action to the Municipalities.

## **ARTICLE VI – PENALTIES AND COSTS**

### **40. Civil Penalties**

A. Any person who violates an Order of the Village Engineer or Village Board of Trustees, or fails to comply with any provisions of this law, the Act, Pretreatment Standards or Pretreatment Requirements, or Wastewater Discharge Permits issued hereunder, may be assessed by the Village a civil administrative penalty not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per day for each violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

B. Any person who violates an Order of the Village Engineer or Village Board of Trustees, or fails to comply with any provisions of this law, the Act, Pretreatment Standards or Pretreatment Requirements, or Wastewater Discharge Permits issued hereunder, may be assessed a civil judicial penalty not to exceed Five Thousand Dollars (\$5,000.00) per day for each violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

C. All civil administrative or civil judicial penalties recovered hereunder shall be paid to Village. After reimbursing itself for the expenses of prosecution, the Village shall pay to the City of Ithaca Joint Activity Fund for the Ithaca Area POTW the amount of the Municipalities' expenditures as well as all damages, fines and costs the Municipalities incurred in connection with or as a result of the violation, or in connection with or as a result of the failure of the Village of Cayuga Heights to comply with this law or with any multijurisdictional pretreatment agreement between the Village and Municipalities. In addition to the penalties provided herein, the Village may recover court costs, court reporters' fees, and other expenses of litigation, as well as recoverable attorneys' fees, in an appropriate legal action against the person found to have violated this law or limitations or conditions of a Wastewater Discharge Permit issued thereunder.



D. Nothing in this section shall preclude the Village or Municipalities from bringing an action against a User for liability incurred as a result of damage to the Ithaca Area POTW, fish kills, or any other damage to persons, animals, aquatic life, property, or natural resources.

#### **41. Criminal Fines and Imprisonment**

A. Any person who knowingly violates any requirement of this law or of any Wastewater Discharge Permit condition or limitation implementing the requirements of this law, shall be guilty of a misdemeanor and upon conviction thereof shall, if the person is not a corporation, be punished by a fine not exceeding Ten Thousand Dollars (\$10,000.00) per day of violation, or by imprisonment for a term of not more than one year, or by both such fine and imprisonment; and if the person is a corporation shall, upon conviction, be punished by a fine not exceeding Twenty Thousand Dollars (\$20,000.00) per day of violation.

B. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this law or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this law, shall be guilty of a misdemeanor and upon conviction thereof shall, if the person is not a corporation, be punished by a fine not exceeding Ten Thousand Dollars (\$10,000.00) per day of violation, or by imprisonment for a term of not more than one year, or by both such fine and imprisonment; and if the person is a corporation shall, upon conviction, be punished by a fine not exceeding Twenty Thousand Dollars (\$20,000.00) per day of violation.

## **ARTICLE VII – FEES**

### **42. Charges and Fees**

It is one of the purposes of this law to provide for the recovery of costs from persons who use the Ithaca Area POTW, in order to implement the programs established herein. Charges and fees may include:

- (A) fees for reimbursement of the costs of setting up and operating the Ithaca Area POTW's pretreatment program and the Village's pretreatment program as it relates to the Ithaca Area POTW;
- (B) fees for monitoring, sampling, inspections, and surveillance procedures;
- (C) fees for reviewing accidental discharge procedures and construction;
- (D) fees for Permit applications and modifications;
- (E) fees for consistent removal (by the Ithaca Area POTW) of pollutants otherwise subject to National Categorical Pretreatment Standards;
- (F) fees for sludge disposal;
- (G) other fees as the Village may deem necessary to carry out the requirements contained herein.

### **43. Assessment of Charges and Fees**

The charges or fees for the items enumerated in Section 42 above relate solely to the matters covered by this local law and shall be set from time to time in the Village's Schedule of Charges and Fees in accordance with procedures permitted by applicable laws.

## **ARTICLE VIII – SEVERABILITY; REPEALER; EFFECTIVE DATE**

### **44. Severability**

If any provision, paragraph, word, section, or Article of this law is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and Articles shall not be affected and shall continue in full force and effect.

### **45. Repealer**

All regulations, ordinances or local laws, and any parts thereof, which are inconsistent or conflict with any part of this law are hereby repealed to the extent of such inconsistency or conflict.

**46. Effective Date**

This law shall become effective upon filing with the New York State Secretary of State.

*Motion:* Trustee Marshall

*Second:* Trustee Robinson

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

*Nays:* none

*Abstentions:* none

**Motion Carried**

**b. Proposed Local Law E of the year 2023 - Short-Term Rental Law Discussion:** Last Month the Village Board of Trustees revisited the definitions within this local law. Village Attorney R. Marcus has modified the language in the Village Code to remove the requirement that the property owner obtain a permit before advertising the rental.

•Mayor Woodard states that we will need to schedule a Public Hearing at the next Board meeting.

**Resolution: 9488**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees hereby schedules a Public Hearing on Proposed Local Law E of the year 2023 Short Term Rental Law for October 18, 2023, at 7:05 p.m.

*Motion:* Trustee Biloski

*Second:* Trustee Robinson

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

*Nays:* none

*Abstentions:* none

**Motion Carried**

**c. Proposed Local Law F of the year 2023 - Property Maintenance Discussion:**

•Mayor Woodard states that Village Attorney R. Marcus has drafted a Proposed Local Law removing the section on property maintenance (ecode 305-95) from the Village Zoning Law.

•Village Attorney R. Marcus states that he took the feedback from the Board at last month’s meeting and changed the number of days to (15) that a property owner would have to either comply with the notice of violation or appeal the violation notice to Brent.

•Village Attorney R. Marcus states that the new law would shorten the response time for property owners to mow their lawns and eliminate the need for court intervention. The penalty sequence was discussed, with breaches resulting in written notices to property owners, who then have 15 days to either comply or appeal. If

the property owner fails to comply within 15 days, the village would impose fines and give an additional 10 days to remedy the situation.

- Village Attorney R. Marcus states that the fines would be initially \$100 and \$150 for every subsequent 10 days the resident fails to comply.
- Trustee Salton states that sections containing maintenance of exterior lots need to be discussed thoroughly. He suggested a committee should discuss these issues and bring them back to the Board.
- Mayor Woodard states that she would expect some Village residents to want to have an option that would fall into a subcategory of "lawn" in the future. This would allow the Village to know of a particular property and their "intent" of how they plan to keep their lawn, such as a pollinator garden or wildflower garden.
- Village Attorney R. Marcus states that he addressed the Board's concerns and re-wrote the sections defining a lawn.
- Trustee Marshall states that there needs to be a reasonable and objective timeframe for violations. As presented there will be 25 days before a violation might be addressed and issued a fine.
- Village Attorney R. Marcus states that NYCOM counsel suggested that the Village could even reduce the number of days for the property owner to cure a violation to five.
- Trustee Salton states that please also take a look at the chimney and construction equipment section of property maintenance section 8.
- B. Cross states that there will be a learning curve on how he enforces this local law.
- B. Cross inquires as to what will happen if there is a violation and they refuse to pay the fine.
- Village Attorney R. Marcus states that the fine will be relieved on the property owners' taxes.
- Trustee Salton states that he has one more comment about the Village Right-of-Way and the street. He would like to have some clear language for who is responsible for what when it comes to the right-of-way.
- Mayor Woodard states that she agrees and would like to establish a task force to work on this proposed local law.
- Trustee Salton states that he will join this task force.

**d. Water Rates & Sewer Rates:** Bolton Point has set the 2024 water rate with a 5% increase. The Village of Cayuga Heights then has to accept this percentage and then establish its own. In the past, the Village percentage has been 92% of Bolton Points increase.

- Director Wiese states that the Board should take into account the increased cost of materials and the age of

our water infrastructure.

- Trustee Salton states that if there was a year for a symbolic equivalency this would be the year and votes for a 100% increase to Bolton Points.
- Trustee Marshall states that he agrees with this increase.

**Resolution: 9489**

**WHEREAS**, the Village of Cayuga Heights is served by the Southern Cayuga Lake Intermunicipal Water Commission; and

**WHEREAS**, the Village of Cayuga Heights has entered into an amended, supplemental, restated, and consolidated agreement of municipal cooperation for the construction, financing, and operation of an inter-municipal water supply and transmission system dated as of June 5, 1979, as the same has been amended from time to time (the "Agreement"); and

**WHEREAS**, pursuant to the Agreement, the Village of Cayuga Heights agreed to pay to the Southern Cayuga Lake Intermunicipal Water Commission (hereinafter referred to as "Commission"), water revenues based upon, in part, a water rate billing structure based on a quarterly 5,000 gallon minimum; and Bolton Point rate is \$6.33 per 1000 gallons, and the Village of Cayuga Heights surcharge is \$6.33 per 1000 gallons.

**WHEREAS**, in consideration of the premises and the mutual undertakings of the parties pursuant to the Agreement, the parties agreed to amend the Agreement effective January 1, 2024.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Village of Cayuga Heights Board of Trustees authorizes and approves the new Village of Cayuga Heights water rate to \$12.66 per 1000 gallons of water consumed effective January 1, 2024.

Motion: Trustee Robinson

Second: Trustee Biloski

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

Nays: none

Abstentions: none

**Motion Carried**

**d. Sewer Rate and Local Law:** The Village sets the sewer rates through the passage of a local law. The 2024 proposed rate will be \$4.64/1000 gallons consumed for inside users and \$6.96/1000 gallons for outside users.

- Trustee Robinson states that the rate is a significant increase. Part of this increase to the outside municipality is due to the request of other users of the WWTP to build in the cost for the GHD I & I Study and other I & I work.

- Mayor Woodard states that with the closer of the Kline Road Bypass, the Village is saving around \$125,000 a year.

•Mayor Woodard states that the City of Ithaca has not billed the Village yet for 2023 even though she has reminded them.

**Resolution: 9490**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees hereby schedules a Public Hearing on Proposed Local Law G of the year 2023 – Annual Sewer Rate for October 18, 2023, at 7:10 p.m.

Motion: Trustee Salton

Second: Trustee Robinson

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

Nays: none

Abstentions: none

**Motion Carried**

**e. Introduction of Justice Kathleen Bergin:** Kathy has been our Associate Justice since the Village Organization Meeting in April. She has replaced retired Justice Kline.

•Mayor Woodard states that our Village Justice Glenn Galbreath will be retiring in March 2024 and Kathy is a Justice for the Town of Ithaca and lives just outside the Village and is interested in taking over that role.

•Justice Bergin states that this would be a great fit and opportunity for her. She would be happy to serve or run on the Ballot for this coming spring.

•Justice Bergin is aware of the Village Law that states a Village Justice has to reside in the Village. Since she lives just outside the Village, she has contacted our State Legislature who can put forth a bill to seek to expand the residence requirements to fit our needs. This issue comes up a lot in smaller municipalities where there are no qualified people who would serve.

•Mayor Woodard states that she will contact Leah Webb and Anna Kelles to introduce legislation in the next Assembly in January to amend the law allowing for a town justice outside of the village.

**f. Cayuga Heights Road Sidewalk Project Grant Resolution:** The Cayuga Heights Road Sidewalk Grant has been returned to be renewed with some new language in the supporting resolution. The Board will need to pass this new resolution and submit the contracts back to NYSDOT.

-Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of transportation federal-aid project, and appropriating funds therefore.

**Resolution: 9491**

**WHEREAS,** a project for the TAP 2022 Cayuga Heights Road Sidewalk Connections, P.I.N. 395086 "the Project" is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

**WHEREAS,** the Village of Cayuga Heights desires to advance the project by making a commitment of 100% of

the non-federal share of the costs of engineering, ROW, and construction.

**NOW, THEREFORE**, the Village of Cayuga Heights Board of Trustees, duly convened and does hereby

**RESOLVED**, that the Village of Cayuga Heights Board of Trustees hereby approves the above-subject project; and hereby further

**RESOLVED**, that the Village of Cayuga Heights Board of Trustees approves and authorizes Mayor Woodard to pay in the first instance 100% of the federal and non-federal share of the cost of engineering, ROW, and construction work for this project or portion thereof; and it is further

**RESOLVED**, that the sum of \$2,739,979.00 is hereby appropriated from project number 395086 and is made available to cover the cost of participation in the above phase of the project; and is further

**RESOLVED**, that in the event the full federal and non-federal share costs of the project exceed the amount appropriated above, the Village of Cayuga Heights Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Village thereof, and it is further

**RESOLVED**, that the Mayor Woodard of the Village of Cayuga Heights is hereby authorized to execute all necessary agreements, certification, or reimbursement requests for federal aid and or Marchiselli Aid on behalf of the Village of Cayuga Heights with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the municipalities first instance funding of the project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs within appropriation therefore that is not so eligible, and further

**RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with this project and it is further

**RESOLVED**, this resolution shall take effect immediately.

Motion: Trustee Biloski

Second: Trustee Robinson

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

Nays: none

Abstentions: none

### **Motion Carried**

**g. Cayuga Heights Road Sidewalk Project Consulting Firm Selection:** The Village Consultant Selection Committee has completed its evaluations for this project and has recommended Hunt EAS as the preferred consultant for the Cayuga Heights Road Sidewalk Project.

•B. Cross states that all consultants had to submit a qualification statement. The key factor for this selection was that Hunt EAS will bring T.G. Miller into the project as a sub-consultant.

**Resolution: 9492**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorize and approve accepting the Village Cayuga Heights Road Consultant Committee recommendation to select Hunt EAS for the Cayuga Heights Road Sidewalk Project and further authorizes them to prepare the contract for Board review at the October meeting.

Motion: Trustee Robinson

Second: Trustee Biloski

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

Nays: none

Abstentions: none

**Motion Carried**

**h. Walking Safe Sidewalk Project Bid Schedule Update:** The NYSDOT has approved the updated Fisher and Associated bid schedule for the Walking Safe Cayuga Heights Sidewalk Project.

The new timeline is set for bids to be advertised on October 10, 2023, and opening the bids on November 2, 2023.

•B. Cross states that with this news he will have Clerk Walker send in the legal notices for the bid schedule out to the Ithaca Journal and Binghamton Press.

**h. NYPA Final Inspection Report Signoff:** The New York Power Authority has completed all components of the Village Street Light LED Project. The Village will have to sign off on the final inspection report to close this part of the project.

**Resolution: 9493**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves Mayor Woodard signing the NYPA Energy Services Program Final Inspection Report for the Village LED Streetlight project.

Motion: Trustee Salton

Second: Trustee Rennekamp

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

Nays: none

Abstentions: none

**Motion Carried**

**7. Report of the Trustees:**

**a. Performance Review Procedures:**



- Trustee Biloski states that the Village HR Committee has spent some time reviewing job descriptions and has streamlined the performance review process.

- Trustee Biloski states that this year we will conduct reviews in November.

**b. GTCMHIC Update:**

- Trustee Salton states that he sits on the Executive Committee and reports that the GTCMHIC Board of Directors meets tomorrow. There is a proposed 8% increase for 2024. The projected increase going forward is expected to be around 7%.

- Trustee Salton states that we need to be aware of the industry and trends that are going up. The high-cost claims are what can drain the reserves. We currently cover 6800 lives and a few high-cost claims can impact the financial health of the group.

**c. Cayuga Heights Elementary School:**

- Trustee Robinson reports that he has spoken to the Cayuga Heights Elementary School Principal and the storage containers that the Board has asked about are now empty and will be removed soon. The downside to this is that rumor has it that the storage company does not have a place to move them to.

**d. WWTP Sludge Issue:**

- Trustee Robinson states that Yaw's was informed by the IAWWTF that we can no longer send our sludge to the Ithaca Plant.

- Trustee Robinson reports that Mike Albro is a huge asset to the Village. Within days Mike was able to line up the Cortland and possibly the Auburn WWTP's to take our sludge.

- Trustee Robinson states that it was unacceptable the way the IAWWTF handled this decision and is yet to explain why they can no longer accept our sludge.

- Trustee Salton states that we are all together on the southern end of the lake and he would not want to "burn any bridges" over this situation.

- Trustee Robinson states that there is now a question of risk and dependency with the IAWWTF that we cannot completely trust that we will be in this position again.

**e. Sunset Park Update:**

- Trustee Marshall states that the park was treated to remove the invasive species called Ailanthus Altissima or the common name of Tree of Heaven.

- Trustee Marshall states that Trustee Marshall states that at some point in December, we should receive the results

of our grant application.

**f. Cayuga Lakes Watershed Intermunicipal Organization Update:**

•Trustee Hubbell states that the organization is still waiting for a new successor to the vacant manager’s position.

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

**a. WWTP Phase 2 Change Order:**

•B. Cross states that the WWTP Phase 2 is almost complete, and the general contractor Blue Heron is owed some money. This results in an overall combined contract change of \$12,012.28 (G-003)

•B. Cross states that there will be a couple more at the end of the job, specifically approximately \$300,000 due to the reduction in sludge hauling.

•B. Cross states that the next step is for the Environmental Facilities Corporation (EFC) to determine what our long-term loan amount and payment will be. The Village is hoping to move our project to the next round of financing since we are not close to finishing Phase 2.

**Resolution: 9494**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves Mayor Woodard signing the General Contract Change order number G-003 for \$12,012.28.

Motion: Trustee Marshall

Second: Trustee Robinson

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

Nays: none

Abstentions: none

**Motion Carried**

**9. Report of Police Chief Wright: Submitted Report (Exhibit 2024-086)**

•Chief Wright states that the departments have been concentrating on training modules through Lexapro. This program has proven to be a helpful tool that saves time and money.

•Chief Wright states that vehicle 126 is still waiting to get in the shop for outfitting.

•Mayor Woodard asked how the Pleasant Grove Road accident happened.

•Chief Wright states that the driver admitted to being distracted by her cell phone and crossed the road hitting another vehicle.

- Chief Wright states that they will be doing a grant-driven distracted driving detail tomorrow.

**a. Homelessness Discussion:**

- Mayor Woodard states that she is not sure everybody on the Board understands what's going on. You've all seen the emails from Village Prosecutor, Tom Kramer, who is concerned that the Village might run into a problem with homelessness. I don't agree with that, but it was a topic she thought was worth discussing.

- Mayor Woodard states she invited him to join the meeting tonight if the Board felt it was necessary.

- Village Attorney R. Marcus states that this all began when Village Prosecutor T. Kramer was in a conundrum about how the Village could prosecute someone who was found to be camping on Village property.

- Trustee Salton states that he feels that there might be a conflict of interest. We (the Village) have not hired him to defend the Village on this subject.

- Village Attorney R. Marcus states that he believes T. Cramer is acting in the best interest of the Village. T. Cramer's concern that he wanted to point out was that the current Village laws might be inadequate.

- Mayor Woodard states she offered this as a courtesy to T. Cramer and the Board. She could have just told him no, I disagree with you, but thought it was important enough that the entire Board should weigh in on this topic.

- Trustee Salton states that he opposed hearing T. Cramer speak on this topic.

- Trustee Marshall inquires if anyone from the Village asked T. Cramer to do this or if have there been any other laws that T. Cramer has initiated at similar inquiry into advocacy or research in his capacity as Village Prosecutor.

- Mayor Woodard states that we did reach out to him on some of the property maintenance law issues. She also states that he is our prosecutor and has some standing on this topic and I don't see a problem with letting him talk to the Board.

- Trustee Salton states that Village Prosecutor T. Cramer does not have the standing to approach the Board and shouldn't be allowed to do it, this is a conflict of interest.

- Village Attorney R. Marcus states that T. Cramer as acting Village Prosecutor is in a position of attempting to enforce the Villages Laws. If the laws are inadequate, then they will not be enforceable.

- Trustee Biloski states that she doesn't think there is a need since the Village has trespassing laws and a full-time police department.

- Mayor Woodard states that the City of Ithaca has a problem, and the Village of Lansing has a small problem. We do not have a problem.
- Trustee Hubbell states that we as the legislative body have a responsibility to collect information. He is not empowered to change how we decide our laws, but we should take into consideration what he says.
- Trustee Robinson states that Trustee Salton has had a separate discussion with T. Cramer. The Board has seen all the emails between Mayor Woodard and T. Cramer on this subject. Therefore, it doesn't seem like we need more information.
- Village Attorney R. Marcus states that he can call T. Cramer and tell him that the Board is fine at this point and does not need to have a client/attorney session.
- Mayor Woodard states that no one authorized T. Cramer to do any of this.
- The Board declined to meet with Village Prosecutor T. Cramer at this time.
- B. Cross reminded the Board that as a Village resident, T. Cramer could come before the Board at any Public Meeting during privilege of the floor.

#### **10. Report of Director of DPW Wiese: Submitted Report (Exhibit 2024-087)**

- Director Wiese states that they were able to complete all paving for the year last week. The streets were painted and lined for the year as well.
- Director Wiese states that the crew has been working on the Village house in preparation for the new CHFD tenant.
- Director Wiese states that the lead water service material project has finished for the season. We were able to identify the material for 81 homes with 66 homes left to be discovered. Out of the 81 discovered we found 11 to be material needing to be replaced. This material consisted of galvanized or lead. Work to identify the remaining services will continue in the spring.
- Director Wiese states that the I Trackers have now been installed with cellular connections and T.G Miller will be assisting us on placement.
- Trustee Salton states that he wants to publicly thank Director Wiese for the work our subcontractor has been doing on the excavation work associated with the water curve valve boxes.
- Director Wiese states that the crew pulled an all-nighter work detail on a water main break in a Bolton Point transmission main on Pleasant Grove Rd. Just another thank you to the guys for their hard work.
- Village Attorney R. Marcus states that he heard that the City of Ithaca is preparing to begin a significant

reconstruction project of the Stewart St Bridge and is curious if there has been any contact with Director Wiese as this will affect the flow in and out of the Village.

- Director Wiese states that he has not been notified of anything from the City of Ithaca.
- Trustee Salton states that he remembers the last time they did work on this bridge and cannot believe that work only lasted ten years,
- B. Cross will also follow up to get up to speed on this new news.

**11. Report of Clerk Walker: Submitted Report (Exhibit 2024-088)**

•Clerk Walker states that he held a Zoom meeting with all the Village Retirees to discuss the new healthcare plan changes for 2024.

**12. Report of Attorney R. Marcus:**

Village Attorney R. Marcus states he does not have anything additional to report.

**13. Adjournment:** Mayor Woodard adjourns the meeting at 9:30 p.m.

**EXHIBIT 2024-091**

**Zoom ID # 4118425407**

**VILLAGE OF CAYUGA HEIGHT  
BOARD OF TRUSTEES  
SPECIAL MEETING**

**October 4, 2023  
9:45 a.m.**

**Present:** Mayor Woodard; Trustees: Biloski, Marshall, Robinson, Village Engineer B. Cross; Director of Public Works Wiese; Clerk Walker

**Absent:** Trustees, Hubbell, Rennekamp, and Salton

**1. Call to Order:** Mayor Woodard calls the meeting to order at 9:45 a.m.

**2. Privilege of the Floor:** No members of the public were present.

**3. Village DPW Laborer position offer to Brian Newhart:**

•Director Wiese states that B. Newhart has his Commercial Driver’s License and has experience with heavy equipment as well as some mechanic training.

•Director Wiese states that he would like him to start on October 10, 2023 and his starting rate will be at the contract rate of laborer with a CDL.

**Resolution: 9495**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves hiring Brian Newhart to fill of Laborer with a CDL at the contracted rate to start on October 10, 2023 subject to a successful background check.

Motion: Trustee Biloski

Second: Trustee Robinson

Ayes: Mayor Woodard; Trustees: Biloski, Marshall, and Robinson

Nays: none

Abstentions: none

**Motion Carried**

**4 Adjournment:** Mayor Woodard adjourns the meeting at 9:50 a.m.

## EXHIBIT 2024-092

### Monthly Report September 2023

We were right back at it in September with 58 runs for the month! We had 44 calls in the Village of Cayuga Heights, 13 calls in the Town of Ithaca and 1 mutual aid request. There were 41 EMS calls and 17 fire responses. As busy as the month was, there were no calls that stood out for special recognition. This was a routine month for the department and this many calls got those who have been away for the summer break back into the swing of things.

Training this month focused on the initial setup, attack, and rescue at structure fires. The first training of the month focused on the initial response and water supply setup at a fire scene. The next training was centered on hose line deployment and the initial attack. The last fire training of the month was on ventilation, building entry and primary search for victims. All these tasks are done in conjunction with each other during an actual fire. We drill on all these skills and put it all together in a training in October at the tower to do all the tasks at once. Our interior firefighters would focus on the initial attack, ventilation, and search while our exterior members would focus on water supply and getting the attack and back up lines deployed to the door.

At the time of this report the new pick-up truck is being outfitted at the shop in Danby and we hope to have it back soon. When we get the truck into the station, we will declare the old truck surplus and put it up for auction. Also, at the time of this report the roofers are noisily working over my head on the roof. The plan for the contractor is to stay on the project with a crew of 12 roofers to get the roof cleared and covered as quickly as possible. He will then start working on the gutters. He has a good plan to remove the gutters, reline them and put them back in place with tie back to prevent them from moving.

We held our fall recruit informational dinner at the station on September 21<sup>st</sup>. We had 61 people come to the dinner to learn about the fire department. After laying out the expectations for members we had 55 applications for 20 spots. We were able to cut 55 applicants down to 35 for interviews. Things that disqualified applicants for the interviews are time left in Ithaca and distance from the fire station. We do not take juniors and seniors due to training requirements and we do not take those who live too far from the station to make it to calls in time. We took an entire afternoon on September 27<sup>th</sup> and the interview committee met with all the applicants one at a time. We were able to roster the current class of 20 recruits. We took in 11 women and 9 men. All the recruits are freshmen or sophomores at Cornell. We did contact all of those not taken in this class and gave them clear reasons for not making this cycle. Many of those not chosen were excellent candidates who had other commitments on the training days and understood that we would defer them to the spring class. We did keep all the applications for those deferred.

We had 2 bunker rooms available in September. We had two members who are twin brothers living at the station. They are PhD candidates at Cornell working in robotics. The commitment of bunking and their program made them decide to leave the bunker area. We were able to fill the rooms with two interior firefighter/EMTs, one of them also being an apparatus operator. These members will make an amazing addition to the bunking staff.

We are all very excited to welcome our new members and start the cycle of training for another fall.

Sincerely,

George Tamborelle  
Fire Chief/Fire Superintendent

EXHIBIT 2024-093

**CAYUGA HEIGHTS FIRE CO., No. 1, INC**  
P.O. Box 4262, Ithaca, NY 14852 (607) 257-2377  
*Responding from 194 Pleasant Grove Road, Village of Cayuga Heights*  
*In emergency, Dial 9-1-1*



Dear Neighbor,

October, 2023

Greetings from the Cayuga Heights Fire Company.  
It is an honor to serve our community, and to have the assurance in your support!

For me, this marks 20 years at CHFD (with 8 years prior out-of-state). It has been a remarkable journey, and I cannot express enough my appreciation of our personnel and especially our leadership. The officer corps of CHFD is second to none.

As you read this, we have a new recruit class in progress - It is such a remarkable and heart-warming thing to see women and men from all walks of life making the commitment to serve their neighborhoods, learn new skills, and give of their time and energy to make our community a safer and more secure place.

This letter seeks your support for the Fire Company. Your tax dollars support the durable capital costs of the Cayuga Heights Fire Department, meaning the community fire station, firefighting apparatus, and core equipment.

The Cayuga Heights Fire Company is a 501(c)3 non-profit organization. We supply secondary resources, such as fitness equipment, furnishings for the station, event-related meals, community events, and public education materials for children and adults. It is on behalf of the Fire Company I am writing today. We'd love your encouragement and support.

Please make your tax-deductible check payable to Cayuga Heights Fire Co., No. 1 and return it in the enclosed envelope.

In keeping with our appreciation of your support, I need to make a note about our annual Open House. The need for a new roof and related construction on the station will take us into late Fall, and we will not have a safe place to host the community. We are grateful for the care of the building, but regretfully have to cancel the Open House for this year. We are looking forward to the day when we can bring you in again!

Thank you for reading this and for your support.  
Sincerely yours,

Steven Felker, member since 2003; for the Cayuga Heights Fire Company



**EXHIBIT 2024-094**

**RESOLUTION:**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves the sale of the surplus 2013 Cayuga Heights Fire Department Ford F-150 VIN # FTFW1EF2DKE31798 using Teitsworth Auctioneers.

**EXHIBIT 2024-095**

**VILLAGE OF CAYUGA HEIGHTS  
TREASURER'S REPORT  
October 2023**

**Revenues and Expenses:**

September month end bank-to-book reconciliation is complete and has been signed off by Deputy Treasurer Rennekamp. The treasurers report from Williamson is attached to this report.

**AUD:**

The Annual report due to the state has been submitted on time. **Audit:** The 2022-2023 audit has been pushed back. New date TBA.

**Reserves/Special Grants:**

The Hanselman donations account was rolled into Fund Balance in FY\$2021-2022 and 2022-2023. I'd like to propose that we move all Hanselman income into a newly created Special Grants Fund (CD 232-Fire Department Donations). The previous balance of \$21499.08 will be moved from Fund Balance and \$1916.60 will be moved from A2705H to better manage and track these donations. Money from this new account will be kept in NYClass. All new Hanselman money will be deposited directly into the special Grants savings account.

**BE IT RESOLVED THAT:** The Village of Cayuga Heights Board of Trustees authorizes and approves creation of CD 232 (Fire Department Donations) and for the treasurer to fund this account with \$21,499.08 from Fund Balance and \$1916.60 from A2705H.

**Budget:**

F8350.410 (water system – contractual) has encountered some water valve replacement issues which has driven the budget over the anticipated amount. We will need to move \$10,000 from the water contingency account to cover the overage and the upcoming vouchers for this abstract.

**BE IT RESOLVED THAT:** The Village of Cayuga Heights Board of Trustees authorizes and approves \$10,000 from the Contingency budget (F1990.400) to Water System – Contractual (F8350.410).

**Approval of Abstract 5:**

**BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees authorizes and approves Abstract #5 for FYE2024 consisting of:

- TA vouchers #27-34 in the amount of \$14,644.76 and
- Consolidated Fund vouchers #289-367 in the amount of \$574,452.55

and the Treasurer is instructed to make payments thereon.

Respectfully Submitted

*Laura W. Dolch*

Laura W. Dolch  
Treasurer

## MONTHLY REPORT OF TREASURER

**TO THE VILLAGE BOARD OF THE VILLAGE OF CAYUGA HEIGHTS:**

The following is a detailed statement of all moneys received AND disbursed BY me during the month of September, 2023:

DATED: October 10, 2023

\_\_\_\_\_  
TREASURER

	Balance 08/31/23	Increases	Decreases	Balance 09/30/23
<b>A GENERAL FUND - VILLAGE</b>				
CASH - CHECKING	1,751,343.60	1,001,030.77	821,455.58	1,930,918.79
CASH - SAVING	126,611.38	5.21	0.00	126,616.59
CERTIFICATE OF DEPOSIT	414,125.88	1,448.03	0.00	415,573.91
NYCLASS GENERAL	2,895,485.69	312,786.39	600,000.00	2,608,272.08
PETTY CASH	450.00	0.00	0.00	450.00
<b>TOTAL</b>	<b>5,188,016.55</b>	<b>1,315,270.40</b>	<b>1,421,455.58</b>	<b>5,081,831.37</b>
<b>CD SPECIAL GRANT FUND</b>				
CASH	4,471.89	20,324.98	20,155.00	4,641.87
CASH - POLICE COMP TIME RESERV	25,369.10	0.00	0.00	25,369.10
CASH - ARPA FUNDS 2021	31,615.51	0.00	1,060.00	30,555.51
CASH - ARPA Funds 2022	159,117.64	0.00	0.00	159,117.64
CASH - JCAP COURTROOM SEATING	445.17	0.00	0.00	445.17
CASH - POL TRIAD GRANTS	11,440.68	0.00	2,995.00	8,445.68
CASH - BEAUTIFICATION SPECIAL	2,921.86	2,093.47	0.00	5,015.33
CASH - CULTURAL & HISTORIANS R	93.47	0.00	93.47	0.00
CASH - DONATIONS FOR BODY CAME	13,353.67	0.00	169.98	13,183.69
RESERVE FOR BANK INTEREST	3,821.75	1,304.75	0.00	5,126.50
CASH - GENERAL POLICE DONATION	60,672.18	15,000.00	16,100.00	59,572.18
<b>TOTAL</b>	<b>313,322.92</b>	<b>38,723.20</b>	<b>40,573.45</b>	<b>311,472.67</b>
<b>F WATER FUND</b>				
CASH - CHECKING	121,113.68	25,556.10	39,157.70	107,512.08
NYClass - Water	255,812.45	1,099.39	0.00	256,911.84
<b>TOTAL</b>	<b>376,926.13</b>	<b>26,655.49</b>	<b>39,157.70</b>	<b>364,423.92</b>
<b>G SEWER FUND</b>				
CASH - CHECKING	469,619.35	108,589.35	186,889.57	391,319.13
NYCLASS SEWER	305,166.29	1,311.49	0.00	306,477.78
<b>TOTAL</b>	<b>774,785.64</b>	<b>109,900.84</b>	<b>186,889.57</b>	<b>697,796.91</b>
<b>H CAPITAL FUND</b>				
CASH - CHECKING	-1,951,737.49	0.00	268,547.04	-2,220,284.53
<b>TOTAL</b>	<b>-1,951,737.49</b>	<b>0.00</b>	<b>268,547.04</b>	<b>-2,220,284.53</b>
<b>TA TRUST &amp; AGENCY</b>				
CASH - CHECKING	14,125.00	0.00	0.00	14,125.00
<b>TOTAL</b>	<b>14,125.00</b>	<b>0.00</b>	<b>0.00</b>	<b>14,125.00</b>
<b>TOTAL ALL FUNDS</b>	<b>4,717,596.69</b>	<b>1,652,328.65</b>	<b>2,120,560.00</b>	<b>4,249,365.34</b>

**EXHIBIT 2024-096**

**VILLAGE OF CAYUGA HEIGHTS  
*DRAFT*  
PROPOSED LOCAL LAW E OF THE YEAR 2023**

**A LOCAL LAW TO AMEND THE CODE OF  
THE VILLAGE OF CAYUGA HEIGHTS  
CHAPTER 305, "ZONING," ARTICLE V, "RESIDENCE ZONE,"  
SECTION 305-17, "PERMITTED ACCESSORY BUILDINGS AND USES"  
TO REMOVE THE PENALTY FOR ADVERTISING A SHORT-TERM RENTAL  
PRIOR TO OBTAINING A CURRENT REGISTRATION PERMIT**

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

**SECTION I            PURPOSE AND INTENT**

The Village's Board of Trustees (the "Board") has been advised that the terms of Village Code Chapter 305, Article V, Subsection 305-17(I)(5)(d) may not be enforceable under the First Amendment and Commerce Clause of the Constitution. The intent of this Local Law is to remove this potentially unenforceable Subsection and to relabel the subsequent subsections. The purpose of this Local Law is to revise the text of Village Code Chapter 305, Article V, Subsection 305-17 to delete Subsection 305-17(I)(5)(d) and to relabel Subsections 305-17(I)(5)(e) and 305-17(I)(5)(f) accordingly.

**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            AMENDMENT OF ZONING LAW ARTICLE V, "RESIDENCE ZONE," SECTION 305-17, "PERMITTED ACCESSORY BUILDINGS AND USES"**

In Chapter 305 of the Village Code, "Zoning," Article V, "Residence Zone," Subsection 305-17, "Permitted Accessory Buildings and Uses," Subsection (I)(5)(d), is hereby deleted. As a result, the former Subsection (I)(5)(e) shall hereinafter be referred to as Subsection (I)(5)(d) and the former Subsection (I)(5)(f) shall hereinafter be referred to as Subsection (I)(5)(e).

**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

**EXHIBIT 2024-097**

**VILLAGE OF CAYUGA HEIGHTS  
*DRAFT*  
PROPOSED LOCAL LAW G OF THE YEAR 2023**

**A LOCAL LAW TO AMEND THE ANNUAL SEWER RATES, AS DEFINED IN ARTICLE XII, SEWER RENTS, OF THE VILLAGE OF CAYUGA HEIGHTS ARTICLES**

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 \$4.64/1000 gallons consumed for inside users and a rate of \$6.96/1000 gallons used for outside users, as defined in articles XII, Sewer Rents, of the Village of Cayuga Heights Articles.

This is an exemption action under 617.5C section 26 & 33; the adoption of a local law in connection with continuing agency administration and management.

**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, 2024, annual sewer rates shall be established at a rate of \$4.64/1000 gallons used for treatment of wastewater originating from properties located within the Village and a rate of \$6.96/1000 gallons used for treatment of waste water 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.

**EXHIBIT 2024-098**

Robert and Sharon Buote have requested Board approval establish their street address as 317 E. Upland Road.

**WHEREAS**, the Tompkins County Department of Emergency Response (DoER) oversees emergency dispatch and communications systems that allow residents to dial 911, and;

**WHEREAS**, 911 is the number to report a police, fire, or medical emergency that requires the immediate presence of police officers, fire fighters, or emergency medical personnel, and;

**WHEREAS**, new address designations are approved by a municipality's governing body.

**NOW, THEREFORE, BE IT RESOLVED THAT:** the Village of Cayuga Heights Board of Trustees approves 317 E. Upland Road as the designated address in the Village of Cayuga Heights.



## EXHIBIT 2024-099

### Resolution Requesting Action on the Cargill Salt Mine

**WHEREAS** Cayuga Lake is an economic driver for those living within the watershed providing drinking water and recreational activities to many, and drawing tourists from around the world, and

**WHEREAS** the salt mine currently owned by Cargill produces rock salt (known as sodium chloride) and has been in operation since 1916 mining salt from under Cayuga Lake—not the surrounding land--via a contract with NYS, and

**WHEREAS** in 1975 the New York State Environmental Quality Review Act (SEQRA) established a process for systematically considering environmental factors early in the planning stages of projects that are directly undertaken, funded or approved by local, regional and state agencies the purpose of which is to provide early environmental review that ensures that projects will be vetted, and modified as needed, to avoid adverse impacts on the environment, but due to act becoming law after the salt mine was established, the Cargill mine has not yet been required to undergo this review, and

**WHEREAS** under SEQR, if an action is determined to have potential impacts to the environment, an Environmental Impact Statement (EIS) must be prepared for public review to identify ways to avoid or reduce adverse impacts, and

**WHEREAS** the Cargill salt mine was never required by the DEC to have full environmental review including an Environmental Impact Statement (EIS) that would properly identify potential environmental risks from mining in general and in particular from the geologic anomalies that are situated in the rock above the region currently being mined and below the bottom of the lake, and

**WHEREAS** the risk of hydrogeologic connections between the salt mine and Cayuga Lake—particularly in the area of these geologic anomalies--would be better understood if an EIS were completed, and

**WHEREAS** the salt vein of the mine under the Cayuga Lake is deepest at the south end of the lake and rises closer to the bottom of the lake as it extends north and finally surfaces near Syracuse, and

**WHEREAS** the DEC has permitted salt mining operations to occur further and further north on the lake, away from the safest mining area and closer to the lakebed and under geologic anomalies near the towns of Ulysses, Lansing, Genoa, and Covert, and

**WHEREAS** the damage from a breakthrough of the lake to the mine includes the risk of subsidence of surrounding lands, salinization of the lake, and potential harm to miners as seen in the Akzo-Retsof mine south of Rochester under the Genesee River in 1994 which salinized a freshwater aquifer, and the 2020 roof collapse of the Avery Island salt mine in Louisiana which killed 2 workers and a subsequent closure of that mine, and

**WHEREAS** a hydraulic connection between a freshwater lake and a salt mine occurred on November 20, 1980, when a Texaco drilling rig connected Lake Peigneur in Louisiana to the Diamond Salt Mine about 1500 feet below and as a result of that accident Lake Peigneur has subsequently been a brackish lake with chloride levels reported in 1998 ranged from 800 to 1200 mg/L chloride or 3.2-4.8X the EPA drinking water standard for chloride of 250mg/liter, and

**WHEREAS** salinity of Cayuga Lake is already at least twice as high as 9 of the other Finger Lakes (excluding Seneca Lake which also has salt mining activities impacting its salinity), and

**WHEREAS** as salinity increases in the lake, freshwater species including amphibians, fish, invertebrates, and plants, begin to decline, and

**WHEREAS** seawater has an average chloride content of 19,400 mg/L and runoff from the salt mine operations into Cayuga at SPDES Outfall 001 sampled on July 24, 2023, was found by the Community Science Institute to contain chloride at 34,070 mg/L, and

**WHEREAS** a full environmental review and EIS would also outline a closure plan for the mine once enough salt is extracted to make the mine no longer economically viable, and

**WHEREAS** the likelihood of an environmentally detrimental mine/lake connection would be less likely if mining occurred under land instead of water, where the risk of flooding is smaller because overlying rock is more resistant to collapse and there would have fewer or no direct pathways to the lake, but obtaining permits from landowners is more time-consuming and expensive than using the single permit granted by New York State that allows mining under Cayuga Lake, and

**WHEREAS** over time salt pillars are gradually compressed by the weight of the overlying water and rock, causing the mine ceiling to sag and land nearby to subside which can destabilize foundations, roads, and bridges (see photos below), and

**WHEREAS** Cargill has monuments to track subsidence and may now be using LIDAR but has not shared this data with property owners, but a Cornell-affiliated researcher found using INSAR satellite data indications of up to 8 cm/year of subsidence over the Hampton Corners Salt Mine in Livingston County, and

**WHEREAS** Cargill currently has the mine for sale—possibly to an investment firm with little mining experience, but this sale would be unlikely to trigger SEQR and the subsequent Environmental Impact Statement.

**THEREFORE, BE IT RESOLVED** that the Cayuga Lake Watershed Intermunicipal Organization (CWIO) is requesting the NYS DEC and Governor of New York require a full environmental review under SEQRA including an Environmental Impact Statement (EIS) and

**RESOLVED** that the bond required for the mine be increased from \$3.5 million to \$1 billion+ as connectivity between the lake and the salt mine would have catastrophic effects on drinking water for 50,000+ residents, and

**RESOLVED** that the SPDES permit (State Pollutant Discharge Elimination System) be revised to reduce the levels of salt allowed to flow into Cayuga Lake from Cargill's Portland Point surface operations to the 250mg/liter chloride level that existed on the Cargill SPDES permit in the early 1980s, and

**RESOLVED** that NYS should clarify its jurisdiction over the salt mine as Cargill has never recognized the state's authority to fully regulate its underground mining operations, which has led to a lack of both oversight and protection of state resources, and

**RESOLVED** that the NYS Office of General Services, which must consent to a sale, deny the sale request until an EIS is conducted, and

**RESOLVED** that NYS develop legislation to protect communities from short and long-term mining-related damages since NYS does not have these laws in place, and

**RESOLVED** that the DEC require Cargill to collect and provide subsidence data to property owners within the subsidence zone of the Cayuga Salt mine, and

**RESOLVED** that the mine facility should have an adequate closure plan, and

**RESOLVED** that any company without mining experience should not be allowed by the NYSDEC to continue mining under Cargill's permits and any company purchasing Cargill's salt assets should be fully apprised of the potential financial liability that a collapse would pose for the restoration of the adjacent private and public properties as well as the natural resource ecology of the Lake.

**EXHIBIT 2024-099**



**Village of Cayuga Heights  
Police Department**

Jerry L. Wright  
Chief of Police

10/13/23

To: The Honorable Mayor Woodard  
Members of the Board of Trustees  
Village of Cayuga Heights

Re: Report of the Police Department for September 2023

In the month of September, the police department received 379 calls for service. In addition to these calls, 133 uniform traffic tickets were issued, and four parking violations were cited. A breakdown of the calls for service is as follows:

A Felony arrest was made for Criminal Contempt 1<sup>st</sup> after investigation of a Domestic Dispute was conducted. When officers arrived at the scene, they observed an individual in violation of an order of protection. A Felony incident of Grand Larceny was reported by an individual stating their purse, containing a credit card, was taken from their place of business.

Eight Penal Law Misdemeanors were handled. During the above-mentioned Domestic Dispute, officers arrested the same individual on charges of Criminal Obstruction of Breathing and Tampering with a Witness 4<sup>th</sup>. Another Misdemeanor arrest was made during a traffic stop after officers found the two occupants having an order of protection between them. The deponent in the order was arrested for Criminal Contempt 2<sup>nd</sup>. Another individual was arrested on charges of Aggravated Harassment 2<sup>nd</sup> following the investigation of a Harassment Complaint. A Fraud complaint was made after a business owner discovered a fake business web site had been made by an unknown subject. The complainant had already made a report to the FBI and needed a local police report to support the web site being removed from the internet. A second report of Fraud was made by a resident stating that they had disclosed personal information, including their social security number, to a business purporting to be Pay Pal. No loss of money or property has occurred; the resident was advised to update online account passwords and to keep a close watch for any suspicious activity on their accounts. A larceny complaint was made by a resident stating that they had a generator taken from their unsecured vehicle. The investigation of this case is on-going.

The investigation of 11 Traffic Stops led to 14 Vehicle and Traffic Misdemeanor charges. 10 for Suspended Registration and 3 for Aggravated Unlicensed Operation of a Motor Vehicle 3<sup>rd</sup> and 1 for AUO 2<sup>nd</sup>.

One arrest charge for a Penal Law Violation was handled. This charge was also part of the Felony arrest made during the investigation of the previously mentioned Domestic Dispute.

Five complaints of Local Law Violations were investigated. One complaint of noise was made for a barking dog which also falls under the Dog Control ordinance. Upon the officer's arrival the dog had been taken inside the home. The dog owner apologized for leaving the dog out too long. A second noise complaint was made involving loud construction type noise being made in the late evening. The on-duty officer responded to the area and was able to make contact with the resident making the noise. They were advised of the quiet hours and ended their task immediately. A final noise complaint was

made for loud music coming from Sunset Park. Upon the officer's arrival to the park, it was determined that the music was coming from an area outside of the village. Two incidents of people being in Sunset Park after hours was handled. In both incidents the responding officer informed the subjects of the village ordinance, and they left the area without further incident.

Two warrant arrests were executed by officers. The wanted subjects were taken into custody and turned over to the CAP for arraignment.

The following 22 arrest charges were filed, 1- Criminal Contempt 1<sup>st</sup>, 1-Criminal Obstruction of Breathing, 1-Tamperin with a Witness, 1-Ciminal Contempt 2<sup>nd</sup>, 1-Aggravated Harassment 2<sup>nd</sup>, 1-Harassment 2<sup>nd</sup>/Physical Contact, 1- Aggravated Unlicensed Operation of a MV 2<sup>nd</sup>, 3-Aggravated Unlicensed Operation of a MV-3<sup>rd</sup>, 10-Suspended Registration, 2-Execute Warrant of Arrest,

Four Motor Vehicle Accidents were handled, including one with injuries. A personal injury accident occurred at 166 Pleasant Grove Rd. The remaining 3 accidents involving property damage occurred at 1- 194 Pleasant Grove Rd., 2-the intersection of Triphammer Rd. and Hanshaw Rd. and 3- the intersection of Devon Rd. and Strawberry Ln.

There were no incidents involving deer reported.

Seven calls for service were completed under the Tompkins County Mutual Aid Agreement involving CHPD officers assisting other agencies while there were no calls involving another agency assisting CHPD.

Over the course of the month, Officers took part in the following training and/or events: On the 12<sup>th</sup>, 16<sup>th</sup>, 21<sup>st</sup> and 26<sup>th</sup> Officers took part in Special Traffic Details to meet requirements of the annual Patrol Traffic Safety Grant. On the 20<sup>th</sup>, Officer Miller hosted a tour of CHPD for BOCES Students. On the 22<sup>nd</sup> Officers Barr and Langlois conducted a Commercial Vehicle Safety Inspection Detail, assisted by NYS DOT.

The full-time officers worked a total of 50 hours of overtime and the part-time officers worked a total of 191 hours.

Sincerely,

Chief Jerry Wright

**EXHIBIT 2024-100**

**Village of Cayuga Heights  
Mike Wiese – B.O.T Report  
October 18<sup>th</sup>, 2023**

**Code Enforcement –**

Code training was attended on September 20<sup>th</sup> which completes annual requirement of 24 hours of training per calendar year.

Year to date – 116 Building permits have been submitted for review

Year to date – 76 Building permits issued

10 Zoning permits issued

11 Right of Way permits issued

**Street –**

Exploring drainage replacement solutions for failing culvert on Iroquois Place. We discovered a gas line was installed at a height which will impact the installing of the properly sized drainage pipe. We are coordinating with NYSEG to find a resolution. Until then the road will remain closed. NYSEG has determined that they can eliminate this gas main and reroute it down Triphammer road. They are currently designing the project. UPDATE: NYSEG has begun their work to move the gas main out of the way of the culvert pipe so the new pipe can be installed. UPDATE: Culvert project has been pushed back for North Triphammer Street lights

DPW was notified in September that all street lights between Texas Lane and Winthrop drive were not working. Upon further investigation it was found that the power disconnect feeding these street lights had water within the breaker panel. The breaker was replaced only to find this was not the cause. There appears to be a short within the line which we scheduled to replace next spring however due to the safety issue we have moved this project to the top of our list.

Cleared sidewalks which will allow a clear pathway for sidewalk snow removal.

Worked with Brent to help coordinate street closures and work with DDS along Hanshaw Road

Investigated new Roadway Excavation Quality Assurance Act which was implemented by Governor Hochul. This process requires a utility company sub contractor who is working within the Village right of way to be paid by the Prevailing Wage Rate schedule. We are still attempting to understand these requirements further.

The DPW was notified of a sidewalk panel that posed a danger to pedestrians due to the raised panel edge. Upon investigation it was confirmed that the panel was raised and the panel was removed. The crew followed up with reinstalling a new concrete block.

Continue to trim around the roadsides and intersections.

**Water –**

Received a call on September 19<sup>th</sup> at 6:45pm informing the Village of a water break on Pleasant Grove Road. Upon arrival we discovered the leak to be on the Transmission main. A crew was called in to start repair work along with a NYSEG crew who helped stabilize a nearby telephone pole. A 16” repair clamp was used however the clamp did not solve the leak. A piece of new pipe had to be spliced in. The crew worked all night to repair the leak.

Discovered a water main break on Warwick Place. This leak was found to be a small crack on the main and was repaired.

Discovered a water main break on Cambridge Place. This leak was found to be a small crack on the main and was repaired.

Sewer –

6 Sump Pump inspections were performed in September. Of the 6 that were inspected one was found to be illegally connected. The connection was relocated to the proper location and the line was reinspected.

Coordinated with Eastech to implement portable sewer meters. These meters are now cellular activated and can be read remotely. With the meters installed we are now working with TG Miller to monitor the flow rate.

Personnel –

In a specially scheduled board meeting on 10/4 it was approved to hire Brian Newhart as a laborer with a CDL. Brian started on Tuesday 10/10 and due to a better opportunity, he decided to leave his position at the Village.

I would now like to offer Jacob Hall the laborer position with a start date of October 30, 2023.

Maintenance –

The crew spent time repairing the wood landing and stairway into 825 Hanshaw Road. The new landing was replaced with concrete. The crew then installed two new exterior doors, a new bathroom vanity, repaired a pocket door and repaired drywall on the ceiling.

**EXHIBIT 2024-101**

# Clerk’s Report:

**Property Tax Update:** This is the last month we will be collecting any outstanding property taxes. At the November Board Meeting we will relevy the remaining amounts onto the their County Property Tax Bill.

10-17-23 12:20:42		<b>Village of Cayuga Heights                      2023 - 2024 Village Taxes                      All Unpays Effective - 10-17-2023 - by Bill #                      ALL SWIS CODES</b>				
Bill #	Tax Map #	Name	Unpaid Amount	(8.00%) Penalty	Late Fee	Total Due
16	1.-2-3.3	Derya Leyla	\$2,520.00	201.60		\$2,721.60
77	2.-5-8	Dennis Mary X	\$3,180.34	254.43		\$3,434.77
220	4.-3-23	Hollenbeck Edmund V	\$1,790.14	143.21		\$1,933.35
259	5.-2-3	Schell Susan L	\$1,291.50	103.32		\$1,394.82
291	5.-3-15.22	Demissie Rahel Bezu	\$2,425.50	194.04		\$2,619.54
515	8.-2-6	Depue Richard	\$4,347.00	347.76		\$4,694.76
911	14.-7-8	Renison Douglas Y	\$1,995.14	159.61		\$2,154.75
931	15.-4-10	Mapes Kathryn	\$2,268.00	181.44		\$2,449.44
<b>Total Swis Code 503001 (8 properties)</b>			<b>\$19,817.62</b>	<b>\$1,585.41</b>	<b>\$0.00</b>	<b>\$21,403.03</b>
<b>Grand Total (8 properties)</b>			<b>\$19,817.62</b>	<b>\$1,585.41</b>	<b>\$0.00</b>	<b>\$21,403.03</b>

**Pride of Place:** With the lack of any painting contractors available over the last two years and the estimates well over the \$20,000 mark, I decided to take on the job of scraping, caulking, and painting Village Hall. This project has made a huge difference in the appearance of our Village hall. The little amount of painting remining will have to be completed in the spring.

**Before:**













After:





