



COMMON COUNCIL AGENDA

Date: Wednesday, February 01, 2023
 Time: 6:00 P.M.
 Location: City Hall, 108 E. Green Street 3rd Floor, Council Chambers
 Watch Online: <https://www.youtube.com/@CityofIthacaPublicMeetings>

ITEM	Voting Item?	Presenter(s)	Time Allotted
1. Call to Order 1.1 Agenda Review 1.2 Reports of Municipal Officials 1.3 Proclamations and Awards	No	Mayor Laura Lewis	10 Min
2. Special Order of Business 2.1 Oath of Office – Alderperson Vacancy Appointment	No	Mayor Laura Lewis	5 min
3. Petitions and Hearings of Persons Before Council 3.1 Statements from the Public The public can provide short statements during this portion of the meeting. 3 minutes is the maximum time allotted, but the chair reserves the right to modify the amount of time per individual at the start of the meeting. Only the first hour of the meeting is set aside for Public Comment. <i>*Written comments submitted will be compiled and entered into the record.</i> 3.2 Privilege of the Floor – Mayor and Council	No	Sign up for public comment here: https://tinyurl.com/7ts9zmku *Submit written comments here: https://tinyurl.com/mr9kdhw8	40 Min
4. Special Presentation 4.1 “GND Update”	No	Rebecca Evans	15 Min
5. Consent Agenda 5.1 DPW – Amendment to Personnel Roster – Resolution 5.2 IFD – Approval of Grant and Budget Amendment – Resolution 5.3 IAWWTF – Approval of Boiler Replacement – Resolution 5.4 Finance/Chamberlain – Amendment to Personnel Roster – Resolution 5.5 DPW – Approval of Hector Street over Linderman Creek Culvert Rehabilitation – Resolution 5.6 DPW – Approval of N. Cayuga Street Bridge over Fall Creek Project – Resolution	Yes	Common Council	5 Min
6. City Administration Committee 6.1 Attorney – Approve Amended and Restated Dev. and Maint. Agreement with City Harbor - Resolution 6.2 IAWWTF – Approval of Plant to Plant Agreement and Multijurisdictional Agreement - Resolution 6.3 Planning, Building – Approve Amendments to the Energy Code Supplement - Resolution 6.4 City Controller’s Report	Yes	V Kessler/M Thorne C Brock, Alderperson L Nicholas/R Fell-deWalt S Thayer, Controller	10 Min 10 Min 10 Min 10 Min

ITEM	Voting Item?	Presenter(s)	Time Allotted
7. Executive Session 7.1 Executive Session to discuss a personnel matter	Yes	Mayor Laura Lewis	30 Min
8. Reports from Council and Staff 8.1 Reports of Special Committees 8.2 Reports of Common Council Liaisons 8.3 Report of City Clerk 8.4 Report of City Attorney	No		10 Min
9. Meeting Wrap-Up 9.1 Next Meeting Date: March 1, 2023 9.2 Adjourn	No Yes		5 Min
		Meeting Length Estimate	160 Min

Hybrid Meetings

Common Council has resumed meeting in person; however, due to limited seating capacity in Common Council Chambers, city staff and members of the public are encouraged to participate remotely if they would like to.

How to Participate in Public Comment Virtually Email Common Council Through the Agenda Link

Written comments can be submitted to Common Council using this form:

<https://tinyurl.com/mr9kdhw8>

5.1 Amendment to Personnel Roster – DPW – Administrative Staff

WHEREAS, budget reductions during the COVID-19 pandemic reduced the number of administrative and financial staff in the Department of Public Works, creating a significant increase in workload and responsibility for three Financial Management Assistants (FMAs) in the Water & Sewer, Streets & Facilities, and Engineering/Parking Divisions; and

WHEREAS, in April 2021, in recognition of the increased workload and responsibility, the FMAs (Grade 6 Admin Unit) were promoted to Administrative Assistant (Grade 8 Admin Unit) using available funds at the time; however, the workload and responsibility for these three employees still exceeds the level expected from an Administrative Assistant position; and

WHEREAS, at Streets & Facilities and City Hall, the Administrative Assistants are currently performing work that is typically performed by Administrative Coordinators in other City departments; and

WHEREAS, at Water & Sewer, the Administrative Assistant currently supervises two other administrative staff along with managing an increased workload and responsibilities, which is typically performed by an Office Manager in other City departments; now therefore be it

RESOLVED, that the personnel roster of the Department of Public Works be amended as follows, effective June 14, 2023:

Add: one (1) Office Manager

Add: two (2) Administrative Coordinators

Defund: three (3) Administrative Assistants

and be it further

RESOLVED, that the Administrative Assistant positions shall remain on the DPW personnel roster in an unfunded capacity until such time as the employees successfully complete the civil service examination process for the new positions, at which time the Administrative Assistant positions shall be abolished, and be it further

RESOLVED, that the above changes shall be funded by using existing funds in the 2023 DPW budget, derived from currently vacant funded positions in accounts A5651, A5111, F8311, and G8111.

5.2 IFD - Approval of Grant and Amendment to Authorized Budget

WHEREAS, The Ithaca Fire Department is responsible for responding to and mitigating hazardous material incidents; and

WHEREAS, the Ithaca Fire Department is the designated Hazardous Materials Response Team for Tompkins County; and

WHEREAS, the Ithaca Fire Department has specialty hazardous materials detection equipment that has reached the end of its useful lifespan and is no longer supported by the manufacturer; and

WHEREAS, the estimated cost to replace the specialty hazardous materials detection equipment is \$50,990; and

WHEREAS, the Ithaca Fire Department applied for and was awarded \$45,900 through the 2022 Tompkins County Community Recovery Funds Grant; and

WHEREAS, the Ithaca Fire Department receives New York State Division of Homeland Security Hazardous Materials Grant Funding to pay for the balance of the cost of the hazardous materials detection equipment; now, therefore be it

RESOLVED, That Common Council authorize the Ithaca Fire Department to accept the Tompkins County Recovery Fund Grant for \$45,900 to purchase specialized hazardous material detection equipment, and be it further

RESOLVED, that Common Council authorizes the City Controller to amend the authorized City Fire Department Budget to purchase the hazardous materials meter at a total cost of \$50,990 as follows:

Increase Revenue Account A3410-4089 Federal Funds	\$50,990
Increase Appropriations Account A3410-5225 Other Equipment	\$50,990

5.3 Resolution for Ithaca Area Wastewater Treatment Facility (IAWWTF) – Phase 3 Boiler Replacement

WHEREAS, on June 8, 2022, the Special Joint Committee (SJC) recommended to its municipal boards the approval of emergency funding for the Phase 1 replacement of the non-functional IAWWTF cast iron boiler, for a cost, with contingencies, not to exceed, Six Hundred and Fifty Thousand Dollars (\$650,000), and

WHEREAS, municipal partners approved funding for the boiler replacement project on: July 6, 2022 by the City of Ithaca; August 18, 2022 by the Town of Dryden; and August 8, 2022 by the Town of Ithaca, and

WHEREAS, the IAWWTF received a contractor's price proposal dated June 6, 2022 through Gordian, the accounting firm for the eziQC program, in the amount of \$601,580.56, and

WHEREAS, a purchase order was issued to J.W. Danforth, the approved contractor through the eziQC program, in the amount of \$351,580.56 for mobilization, purchase of the new boiler to ensure that the order would arrive before winter, demolition, and disposal, and

WHEREAS, remaining allowances for the labor, incidental materials, piping modifications, and boiler installation was granted by the SJC on October 12, 2022 in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000), which has since been referred to as "Phase 2", and

WHEREAS, J.W. Danforth has provided a Phase 2 cost proposal in an amount, not to exceed \$223,180.16, and

WHEREAS, work will be authorized for Phase 2 leaving a fund balance, of \$75,239.28, and

WHEREAS, during Phase 1 construction, Danforth has discovered many age, process, and quality issues with existing infrastructure, and

WHEREAS, a Phase 3 cost proposal in the amount of \$289,306.97 has been provided by J.W. Danforth outlining this additional work, which includes, pump replacements, boiler exhaust flue modifications, enhancements to combustion air intakes, glycol feeder improvements, automated controls, plumbing modifications for heat control, bonding, and engineering services, and

WHEREAS, staff endorses the funding of Phase 3 improvements, in the interests of better plant operational efficiency, and longevity, and

WHEREAS, in its January 11, 2023 meeting, the Special Joint Committee recommended that its municipal boards expand the Boiler Replacement Project Scope to include pump replacements, boiler exhaust flue modifications, enhancements to combustion air intakes, glycol feeder improvements, plumbing modifications for heat control, and automated controls, for a cost, with contingencies, not to exceed Two Hundred Fifty Five Thousand Dollars (\$255,000); now, therefore, be it

RESOLVED, that Capital Project CP 423J, Boiler Replacement Project, be hereby amended by an amount not to exceed \$255,000 for the purposes of funding said replacements, modifications and improvements for a new total project authorization of \$905,000, and, be it further

RESOLVED, that the City of Ithaca share of the approved amount will be One Hundred Forty Five Thousand Seven Hundred and Seven Dollars (\$145,707), and, be it further

RESOLVED, that funds necessary for said contract amendment be derived from the following sources as determined by the City Controller: operating funds, fund balance serial bonds, capital reserves, grants and Federal stimulus funds.

5.4 Amendment to Personnel Roster – City Chamberlain’s Office

WHEREAS, the Chamberlain’s Office is planning for the anticipated retirement of the Deputy City Chamberlain in 2023, and

WHEREAS, the succession plan includes hiring a temporary second Deputy City Chamberlain by May 2023 for the remainder of the year to ensure the smooth transition of information and duties; and

WHEREAS, the Chamberlain’s Office is working closely with HR; and the Ithaca Civil Service Commission will review the proposed addition of the temporary second Deputy City Chamberlain position at their February 15, 2023 meeting; now, therefore, be it

RESOLVED, that subject to the approval of the Ithaca Civil Service Commission, the Personnel Roster of the City Chamberlain’s Office be amended as follows:

Temporarily Add: One (1) Additional Deputy City Chamberlain 40 hours

and be it further

RESOLVED, that the funding for this change shall be derived from monies authorized in Restricted and Unrestricted Contingency as part of the 2023 Authorized Budget and shall not exceed \$52,000, and be it further

RESOLVED, that Common Council hereby directs the Controller to move funds from Restricted and Unrestricted Contingency to the Chamberlain’s Office as necessary to account for said roster amendment.

5.5 Hector Street over Linderman Creek Culvert Rehabilitation Resolution authorizing implementation and funding in the first instance 100% of the federal aid-eligible costs and State “Marchiselli” program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore

WHEREAS, a Project for the Hector Street over Linderman Creek Culvert Rehabilitation, P.I.N. 375701 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the City of Ithaca desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering/Design; and

WHEREAS, preliminary engineering and design are exempt from further environmental review as Type II actions, now, therefore, the Common Council, duly convened does hereby

RESOLVED, that the Common Council hereby approves the above-subject project, subject to further environmental review of construction; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Ithaca to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering/Design work for the Project or portions thereof, and it is further

RESOLVED, that the sum of \$150,000 is hereby appropriated from the issuance of serial bonds and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that Common Council hereby creates Capital Project # 921, Hector Street over Linderman Creek Culvert Rehabilitation, to include the Project costs of \$150,000, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Ithaca shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and it is further

RESOLVED, that the Mayor of the City of Ithaca be and is hereby authorized to execute all necessary Agreements, and the Superintendent of Public Works is hereby authorized to execute all necessary certifications or reimbursement requests for Federal Aid on behalf of the City of Ithaca 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 municipality’s first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, That this project be undertaken with the understanding that the final cost of the Project to the City of Ithaca will be roughly 20% of said portion, currently estimated at \$30,000 of the \$150,000 authorized for this portion of the project, in monies and in-kind services as managed by the Superintendent of Public Works and monitored by the City Controller, and be it 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 the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

5.6 N Cayuga Street Bridge Project-Resolution

WHEREAS, a project for the replacement of the North Cayuga Street Bridge over Fall Creek, P.I.N. 375700 (“the Project”) is eligible for funding under Title 23 U.S. Code as administered by the Federal Highway Administration (FHWA), as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the City of Ithaca desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of Scoping, Preliminary Design, and Final Design and

WHEREAS, this project has been determined to be a Type I Action under the City of Ithaca Environmental Quality Review Ordinance (“CEQRO”) §176-4 B Item (1) (m) and the State Environmental Quality Act (“SEQRA”) §617.4 (11), however the action at hand (engineering and design) is not subject to environmental review and the project will not proceed to construction until environmental requirements have been met, and

WHEREAS, on December 14, 2022, \$450,000 (80% Federal and 20% non-Federal) project funding for the project made available by the New York State Department of Transportation to cover the cost of participation in Scoping, Preliminary Design, and Final Design; now therefore, the Common Council, duly convened does hereby

RESOLVED, that the Common Council hereby authorizes the City of Ithaca to pay in the first instance 100% of the Federal and non-Federal share of the cost of Scoping, Preliminary, and Final design thereof; and be it further

RESOLVED, that the sum of \$450,000 is hereby appropriated from Capital Project #XXX and made available to cover the cost of participation in the above phases of the project; and it is further

RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, Common Council of the City of Ithaca shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

RESOLVED, That funds needed for said project shall be derived from the issuance of Serial Bonds with the City’s estimated share of the project cost not to exceed 20% or \$90,000; and it is further

RESOLVED, That the Mayor of the City of Ithaca of the County of Tompkins be and is hereby authorized to sign all necessary Agreements with New York State Department of Transportation to secure Federal Aid and Marchiselli Aid on behalf of the City of Ithaca and the Superintendent of Public Works is authorized to sign all necessary construction documents, contracts, certifications and reimbursement requests, and be it further

RESOLVED, That the Superintendent of Public Works be and is hereby authorized to administer the above project, and be it 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 the Project, and it is further

RESOLVED, That this Resolution shall take effect immediately



CITY OF ITHACA

108 East Green Street, Ithaca, New York 14850-6590

DEPARTMENT OF PUBLIC WORKS

Michael J. Thorne, P.E.

Superintendent

Telephone: 607/274-6527

Fax: 607/274-6587

MEMORANDUM

TO: City Administration Committee
FROM: Addisu Gebre, PE, PMP, Bridge Systems Engineer
DATE: December 20, 2022
RE: North Cayuga Street Bridge over Fall Creek Replacement Project

Please find attached a resolution seeking Common Council authorization to pay 100% of the Federal and non-Federal share of the project cost in the first instance.

On December 14, 2022, \$450,000 in Federal funding for the project was made available by the New York State Department of Transportation to cover the cost of participation in Scoping, Preliminary Design, and Final Design. The City of Ithaca will be reimbursed for 80% of the eligible project cost up to \$360,000 as a Federal share. Based on fund availability, the City of Ithaca could be reimbursed up to 15% of the eligible project cost (\$67,500) as a State share.

The project will include the following:

- Replacing the existing bridge to eliminate structural deficiencies.
- Enhancing pedestrian and bike facilities, and
- Reconstructing the immediate approaches.

Construction is scheduled for spring 2025, and a public information meeting will be scheduled later next year.

If you have any questions, please call me @ 607-274-6530 or email me agebre@cityofithaca.org

cc: Tim Logue, Director of Engineering Services

6.1 A Resolution to Approve an Amended and Restated Development and Maintenance Agreement Between the City of Ithaca and City Harbor, LLC

WHEREAS, City Harbor, LLC (“City Harbor”) is the owner of certain real property located at 101 Pier Road (the “Property”) within the City of Ithaca, and

WHEREAS, City Harbor is in the process of developing the Property into a mixed-use residential project, and

WHEREAS, a Development and Maintenance Agreement between the City of Ithaca and City Harbor was executed on May 28, 2021 (“2021 Agreement”) which, among other things, obligated City Harbor to convey certain easements, obtain certain approvals, and to construct and maintain certain improvements at its own expense for the benefit of the public such as street improvements, pedestrian walks, and improvements relating to the Newman Municipal Golf Course, and

WHEREAS, since the approval of the 2021 Agreement, City Harbor has met various obligations set forth therein, including by recording certain easements, incorporating design requirements and staff approvals, and obtaining site plan approval from the City’s Planning and Development Board reflected in resolutions dated August 25, 2022 and October 25, 2022, and

WHEREAS, the City of Ithaca and City Harbor wish to amend and restate the 2021 Agreement for the purpose of reflecting these and other completed items, clarifying the outstanding obligations of the parties, incorporating the most up-to-date drawings and plans, and setting forth a prospective timeline and workplan for completion of the improvements, now, therefore, be it

RESOLVED, that the Common Council does hereby approve the execution of an Amended and Restated Redevelopment Agreement Between the City of Ithaca and City Harbor, LLC, regarding development of the Property and City Harbor’s construction and maintenance of related improvements, and be it further

RESOLVED, that the Mayor of the City of Ithaca, subject to review by the City Attorney, is hereby authorized to execute the above referenced agreement in a form substantially in conformance with the draft attached hereto.

6.2 Resolution to approve of the Plant to Plant Agreement and Multijurisdictional Pretreatment Agreement between the City of Ithaca, Town of Ithaca, Town of Dryden and Village of Cayuga Heights

WHEREAS, the Ithaca Area Wastewater Treatment Facility (IAWWTF), which is owned and operated by the IAWWTF Owners, treats municipal wastewater originating from the City and Town of Ithaca, as well as portions of the Town of Dryden, pursuant to a Joint Sewer Agreement dated December 31, 2003, as it may be amended; and

WHEREAS, the Village of Cayuga Heights Wastewater Treatment Plant (VCHWWTP), which is owned and operated by the Village of Cayuga Heights, treats municipal wastewater from the Village of Cayuga Heights as well as portions of the Towns of Ithaca, Dryden, Lansing, and the Village of Lansing under the terms of individual agreements with the Village of Cayuga Heights and their respective sewer use laws and ordinances; and

WHEREAS, the four municipalities believe that it is in their best interests to make full use of existing community assets before building new or expanding existing facilities, provided any proposed agreement makes allowance for future demands within those municipalities during the agreement period, and that the costs are distributed in accordance with the benefits received, including avoided costs; and

WHEREAS, because their mission is to serve the aforementioned municipalities, there is a history of cooperation between the owners of the two wastewater treatment plants focused on protecting the environment by cooperating in the treatment of sewage; and

WHEREAS, the municipalities' Intermunicipal Wastewater Agreement dated December 31, 2003, endorses the concept of the Village of Cayuga Heights' utilization of excess IAWWTF capacity to leverage the efficient treatment of waste without causing an environmental emergency and/or to comply with DEC point discharge regulations; and

WHEREAS, the IAWWTF Owners must implement and enforce a pretreatment program to control discharges from all IAWWTF industrial users pursuant to requirements set out in 40 CFR Part 403; and

WHEREAS, the Village of Cayuga Heights agrees to adopt a sewer use law that subjects the industrial users within its boundaries whose wastewater discharges are capable of flowing to the IAWWTF to the necessary pretreatment controls, and to implement and enforce that sewer use law, and

WHEREAS, the Special Joint Committee of the IAWWTF (SJC), at its meeting of January 11, 2023, voted to recommend to its municipal boards to approve the two agreements attached hereto (including any non-substantive changes made for clarity by the SJC Chair and Attorney): (A) Plant to Plant Agreement Between City of Ithaca, Town of Ithaca, Town of Dryden and Village of Cayuga Heights, and (B) Multijurisdictional Pretreatment Agreement Between City of Ithaca, Town of Ithaca, Town of Dryden and Village of Cayuga Heights, contingent on approval of both agreements by the City of Ithaca, Town of Ithaca, Town of Dryden and Village of Cayuga Heights with further recommendation that the effective date of the two agreements be as of August 15, 2021, now, therefore be it

RESOLVED, that the City of Ithaca Common Council approves the two agreements attached hereto (including any non-substantive changes made for clarity by the SJC Chair and Attorney): (A) Plant to Plant Agreement Between City of Ithaca, Town of Ithaca, Town of Dryden and Village of Cayuga Heights, and (B) Multijurisdictional Pretreatment Agreement Between City of Ithaca, Town of Ithaca, Town of Dryden and Village of Cayuga Heights, contingent on approval of both agreements by the City of Ithaca, Town of Ithaca, Town of Dryden and Village of Cayuga Heights; and be it further

RESOLVED, that the effective date of the two agreements be as of August 15, 2021.

6.3 A Resolution to Approve Amendments to the Ithaca Energy Code Supplement

WHEREAS, Article VII of Chapter 146 of the Ithaca City Code (“Article VII”) authorized the establishment and implementation of the Ithaca Energy Code Supplement and Ithaca Energy Code Supplement Reference Manual (collectively “IECS”), and

WHEREAS, the purpose of Article VII is to reduce greenhouse gas emissions from new construction and renovation of buildings, advance best practices in the design of affordable buildings, and facilitate a rapid and orderly transition to supply building energy needs from non-fossil fuel sources, and

WHEREAS, the IECS was adopted and implemented in May 2021, and

WHEREAS, periodically amending the IECS to ensure that it is clear and up-to-date is necessary to further the purposes of Article VII, and

WHEREAS, Section 146-57 requires Common Council approval for certain types of amendments to the IECS, including substantive changes to point values, and

WHEREAS, Common Council finds that updating the definitions contained in the IECS, making dormitories eligible to earn density points, adjusting point values to further incentivize the development of electric vehicle parking spaces, and making certain other changes will further the purposes of Article VII, now, therefore, be it

RESOLVED, that the Director of Planning and Development or her designee are hereby authorized to amend the IECS to implement the changes to definitions, OP1 Development Density, OP3 Electric Vehicle Parking Spaces, OP6 Custom Energy Improvement, and any and all other changes outlined in the memorandum submitted in connection with this resolution.