

**Village of Cayuga Heights
Meeting of the Board of Trustees**

Present: Mayor Lynn, Trustees Antil, Bisogni, Collyer, Kaplan, Mount, Staley, Chief Boyce, Ass't. Supt. Frisbie, Supt. Cross, Fire Supt. Tamborelle, Attorney Tyler, Treasurer Silber

Others: Anita Watkins, Chris Anagnost, David Donner

At 7:00 P.M., Mayor Lynn opened the Public Hearing on Stormwater Management and Erosion and Sediment Control. The Mayor gave an overview on the subject. Written comments were submitted by Dooley Kiefer and discussed. Attorney Tyler reported that since the Village is already built out, the Local Law need not be excessively elaborate. The proposal that is being discussed meets the qualifications as the law intended. Trustee Staley asked how this law would impact the proposed E. Upland Road project. Mayor Lynn said that the Village is already requesting certain things relevant to this law from the owner of the E. Upland Road project. Attorney Tyler indicated the project would need to be reviewed under this proposed local law, if enacted.

There being no public comment, the public hearing was adjourned until 8:30 P.M. when Supt. Cross would be in attendance to further discuss this issue.

Mayor Lynn then explained that hereafter a Draft Agenda would be distributed with the packet every month, enabling the Board to add or change the items up to the start of the Board meeting. Then, he will ask for a motion to approve the Agenda as it stands at the outset of each meeting. The draft Agenda for each meeting will be put on the web page shortly before that meeting. The Minutes of the preceding meeting will be posted when they have been approved generally at the following month's meeting.

Motion by Trustee Antil

Motion to pass Agenda as distributed.

Trustees Antil, Bisogni, Collyer, Kaplan, Mount and Staley voted YES.

Trustee Mount commented that she wanted to be sure that the fence pictures she had submitted would be shown at this meeting. The Mayor said that they would be shown during the discussion of the proposed fence ordinance.

Trustee Collyer asked about the proposed changes to the Corners Community Center and the service station property. Mr. Ciaschi attended a Board meeting early in the year where he spoke of his tentative plans and showed a drawing of his property. Is the tentative plan still the same plan that he is going to proceed with? The Mayor said that nothing has happened since that meeting as far as the Village is concerned. A letter was sent after that meeting asking Mr. Ciaschi to come back to the Board after plans evolved further, but the Village has heard nothing. The Board is awaiting notification of Mr. Ciaschi's plans, informal or otherwise. Trustee Collyer asked the Mayor to write Mr. Ciaschi to ask him to attend a Board meeting and update the Trustees on his plans.

Motion by Trustee Antil

Motion to pass the minutes of November 19 as distributed.

**Trustees Bisogni, Collyer, Kaplan, Mount and Staley voted YES.
Trustee Antil abstained.**

No one wished to speak at Privilege of the Floor.

Report of the Police Chief – Report was distributed and is on file. The past month was busy, but everything is running smoothly.

Report of the Fire Supt. – Report was distributed and is on file. There was more discussion on mutual aid, and new discussion on a suggestion to use biodiesel fuel for the trucks. More information and more discussion to come.

Report of the Ass't. Supt. of Public Works – Report was distributed and is on file. The leaf season has ended as of 12/15/07. The temps will be released as of Friday, December 21, 2007.

A letter was received from residents on N. Triphammer Road suggesting that the Village salt sidewalks. The maintenance of the sidewalks is the responsibility of the resident under the current law and policies, not the Village. Trustee Mount read an article that she put in the Courier last year regarding Sidewalk Services, Ice and Snow. Attorney Tyler stated that the Village doesn't want to get into the business of keeping the sidewalks free of ice. Ass't. Supt. Frisbie will talk to one of the residents who wrote about the ice on the sidewalk and explain the Village's stand on this issue.

Ass't. Supt. of P.W. Frisbie spoke to the Trustees about the open Laborer position. An applicant has been chosen who has a great deal of experience, and would be able to drive the trucks, and do some of the work that an M.E.O. does. This person would not get out of title pay for any time he worked out of his title, as the contract states that only Sr. M.E.O.'s get out of title pay. Attorney Tyler asked how this would be affected by the Teamster contract. An agreement would have to be written stating this and the fact that no precedent is being set. Atty. Tyler suggested that Ass't. Supt. Frisbie check with Laurie Johnston, the Village's Human Resource Attorney, before a hire offer is made to this individual. Also, a full background check as well as a drug test will be performed. Mayor Lynn asked if there were any objections, and if not, a motion to approve was requested. Trustee Mount asked about the drive time to Cayuga Heights from the applicant's Candor home at call-in times. The D.P.W. employees have a 45 minute window to get to the Village when called in, and Mr. Arsenault assured Ass't. Supt. Frisbie that that is enough time for him to get to the Village.

Motion by Trustee Kaplan

Move to pass Resolution 6304 approving the hiring of Richard M. Arsenault for the position of Laborer at a hire rate of \$12.92/hour subject to the approval of Laurie Johnston, Human Resources Attorney for the Village of Cayuga Heights.

Trustees Antil, Bisogni, Collyer, Kaplan, Mount and Staley voted YES.

At this time, Trustee Antil left the meeting.

Report of the Mayor -

Mayor Lynn reported that he, Attorney Tyler and 3 Trustees (Mount, Kaplan and Collyer) attended a 2 hour Planning and Zoning Board training session at the City of Ithaca. This 2 hour training went towards the mandatory 4 hour training session required for the Trustees as the Planning Board.

The owner of 205 N. Sunset Drive has asked for an address designation of 205A N. Sunset Drive for his new addition on to his house. The Trustees need to approve this address designation.

**Motion by Trustee Antil
Seconded by Trustee Bisogni**

Motion to assign the address of 205A N. Sunset Drive to the apartment addition at 205 N. Sunset Drive.

Trustees Bisogni, Collyer, Kaplan, Mount and Staley voted YES.

The SCLIWC Employee Contract was presented to the Trustees for their approval. There was discussion on the salary percentage increase in the contract. Mayor Lynn asked the Board for their approval on the new contract. After further discussion, there was a

**Motion by Trustee Bisogni
Seconded by Trustee Antil**

Move to pass Resolution 6305 approving the SCLIWC Employee Contract as presented.

Trustees Bisogni, Collyer, Kaplan, Mount and Staley voted YES.

Trustee Mount asked about the recent newspaper article “Court Says Bolton Point Fees Unlawful.” Mayor Lynn explained that the headline was written poorly, and explained the “story behind the headline,” how the Appellate Court upheld the lower courts’ determination of improper methodology of charging fees by the County Health Department to Bolton Point.

Mayor Lynn discussed the modification of the Village web page. The Mayor, Trustee Mount and Village Clerk met with Tim Kessler to discuss an upgrade of our web page to

make it more user friendly, i.e. search engine for existing information, etc. Mr. Kessler estimated that it would take approximately 4 hours of work to accomplish this upgrade at \$80/hour. Clerk Manning will contact Mr. Kessler to have him talk to Treasurer Silber, the current administrator of our website to discuss particular issues such as hosting the website rather than touching the firewall to our network.

At 8:30, after Supt. Cross had arrived, the Stormwater Hearing was reopened. Supt. Cross specifically addressed Dooley Kiefer's letter. Five years ago, Supt. Cross, in his initial recommendation on this upcoming law, felt that it would be in the best interest of the Village to coattail onto the expertise from the Town of Ithaca and incorporate their stormwater management law into ours. But, as time passed, Supt. Cross's experience then persuaded him to think that other areas of the County need more comprehensive stormwater regulations than the Village does. Atty. Tyler said that the State "model" proposal that the Village is considering can be made more stringent if the Village needs it to, but the Village is not required to do that. Supt. Cross thinks that the State law is technically correct...we cannot go more simple, but we can get more elaborate. With the three projects that the Village has been recently involved in, the Warren building, the Macenas (E. Upland Road Subdivision) project, and the Cornell Childcare project, all three are already meeting this model law. Atty. Tyler asked if the Village would seem arbitrary and capricious if it changes the site plan review to match the project. Supt. Cross said no because all the projects are different. The Village law only affects the Village, not any other municipality. Neither the Village of Lansing nor the Town of Dryden used the Stormwater Coalition model.

The Stormwater Management Officer should be Supt. Cross because of his Engineer's training.

Trustee Kaplan asked about maintenance of stormwater projects. They are maintained by the developer, no matter who owns the property.

At 9:05 P.M., the Public Hearing was closed. The Trustees had only received the proposed local law draft late last week, less than the usual 7-10 days in advance of passage.

Attorney Tyler then explained that General Municipal Law has a provision in it that states that the Village can pass a law immediately if the Mayor certifies that it is necessary with 2/3 of the full Board strength voting in favor. The document needed for this is referred to as a Certificate of Necessity. The Mayor certifies why this law must be passed tonight, December 17, 2007, and signed the Certificate of Necessity, which was handed to the Clerk.

A short form SEQR, which was required for the passage of this law, was then performed by the Trustees.

**Motion by Trustee Bisogni
Seconded by Trustee Staley**

Move to pass Resolution 6306 to confirming that adoption of Local Law #2 will not have any adverse significant environmental impacts and the Mayor is authorized to sign this SEQR form.

Trustees Bisogni, Collyer, Kaplan, Mount and Staley voted YES.

**Motion by Trustee Staley
Seconded by Trustee Kaplan**

Motion to pass Resolution 6307 to approve Local Law #2 of 2007 entitled Local Law for Stormwater Management and Erosion and Sediment Control as submitted with the condition that the Village Attorney and Village Engineer review for technical revisions, legal aspects, and further, this law adopts as its finding of fact those findings set forth in Article 1, Section 1 of the Proposed Local Law.

**Trustee Kaplan – Aye; Trustee Bisogni – Aye; Trustee Staley – Aye;
Trustee Mount – Aye; Trustee Collyer – Aye; Mayor Lynn – Aye
Voted Yes**

A discussion and review of the proposed fence ordinance was next on the agenda, which had been the subject of a public hearing at the October Trustees meeting.

Mayor Lynn recapped the public comments set forth at the Public Hearing in October and received thereafter. Trustee Mount took approximately 25 pictures of fences throughout the Village. These pictures were viewed by the Trustees, with Trustee Mount giving a short synopsis of where the fences were on the properties (not the addresses). Mayor Lynn asked the Trustees for their comments. Both Supt. Cross and Atty. Tyler agreed that the current fence ordinance is not clear as to what needs a permit and what doesn't. There also was much discussion on the definition of "natural grade". The Anagnost fence was discussed, as were issues of fence permanency, regulation of fences, and neighbor notification. Trustee Collyer felt that all this discussion on fences is aimed at protection from the deer, and could be avoided if the deer issue was solved. He feels that the only solution to the deer problem is the culling of the deer. That is a subject that needs to be addressed separate of the fence issue. There was no decision made on fence ordinance modification, and the subject will be put back on the agenda at the next Trustee meeting.

Report of the Treasurer – Treasurer Silber presented his report.

New purchasing cards have been requested from a new program with Citibank, under a NYS Contract.

Treasurer Silber stated that a resident wishes to make a donation of stock to benefit the fire department, and a resolution is required to open a brokerage account so that the Village may receive and liquidate the gift. The funds will be retained in the Trust and Agency account on the Fire Department's behalf.

**Motion by Trustee Kaplan
Seconded by Trustee Staley**

Motion to pass Resolution 6308 authorizing the Treasurer to establish a brokerage account with Invest Financial Corporation to receive donations of stock to benefit Village departments. The Village Clerk is authorized to execute the Brokerage Firm's Standard Corporate Resolution.

Trustees Bisogni, Collyer, Kaplan, Mount and Staley voted YES.

The Treasurer presented the transfers.

**Motion by Trustee Collyer
Seconded by Trustee Kaplan**

Motion to pass Resolution 6309 approving the transfers dated 12/17/2007 as listed below.

From:		To:		Amount
A08160.200	Refuse Equipment	A05110.200	Streets Equipment	6,960
A08160.200	Refuse Equipment	A05142.200	Snow Equipment	6,960
A08160.200	Refuse Equipment	A08160.490	Refuse Equipment Maintenance	3,000
F01990.400	Water Contingency	F08350.200	Water Equipment	8,860
G08130.200	Sewer Plant Equipment	G08120.200	Sewer Lines Equipment	6,960
G01990.400	Sewer Contingency	G08120.410	Sewer Lines Contr Exp	6,000
G01990.400	Sewer Contingency	G08130.100	Sewer Plant Pers Serv	4,000
G01990.400	Sewer Contingency	G08130.150	Sewer Plant Pers Serv – OT	1,000

Trustees Bisogni, Collyer, Kaplan, Mount and Staley voted YES.

**Motion by Trustee Staley
Seconded by Trustee Bisogni**

Motion to pass Resolution 6310 approving the Abstract of Audited Vouchers dated 12/17/07 in the amount of \$246,272.69, and instruct that the Treasurer make payments thereon.

Trustees Bisogni, Collyer, Kaplan, Mount and Staley voted YES.

Report of the Attorney – Attorney Tyler reported on the following:

- There has been an initiative by the Industrial Development Authority to tighten up funding on projects in the City of Ithaca.
- The Trustees need to think about training sessions to fulfill the mandate by the State of New York for 4 hours/year of training.
- There has been a petition put before the ZBA on Supt. Cross’s interpretation of Chris Anagnost’s fence.
- The snow fell earlier than expected, pushing back work on Mrs. Wadach’s project until the Spring.
- December 15 was the deadline for Mr. Tien to remove the debris behind his house. Supt. Cross will inspect the area to see if this was done.
- There are still unanswered questions on the lack of water flow in the north end of the Village. Supt. Cross said that he has to identify the location of the unknown restrictions and request a pipe cleaning demonstration for the Trustees. Attorney Tyler said that the Village needs to continue addressing this problem.
- The area around our Department of Public Works on Sheldon Road was recently surveyed and it was discovered that the Village is significantly encroaching upon private lands with its waste. This situation needs to be tended to.
- A meeting has been scheduled with Cathy Valentino and Don Hartill to discuss the change in the Kline Road Bypass issue, and also to discuss Intermunicipal Agreements.

- A letter from Verizon indicates that they are prepared to file litigation within the next 2-3 weeks against the Village on alleged damage to its fiber-optic cable.
- Mayor Lynn reported that after the water tank on Sheldon Road near the D.P.W. has been repaired. All the tree replacements that the Village requested will be installed.

Report of the Clerk – The Clerk had nothing to report.

**Motion by Trustee Bisogni
Seconded by Trustee Staley**

Move to adjourn the meeting at 10:35 PM.

Trustees Bisogni, Collyer, Kaplan, Mount and Staley voted YES.