

MINUTES

Village of Cayuga Heights
Board of Trustee Meeting
July 21, 2008
Cayuga Heights Fire Station

Trustees Present: Ron Bors, David Donner, Diana Riesman, Frank Collyer
Trustee Excused: Ann Antil and Roy Staley
Mayor Present: James Gilmore

Other Officials Present: Jeffrey Silber, Brent Cross, Elena Flash, George Tamborelle,
Thomas Boyce, Jeffrey Frisbie and Mary Jane Neff

Guests: Jerry Hook, Stearns & Wheler; Chris Anagnost, Mindy Midlin, Wies VanLeuken,
Sarah Hatcher, Andrew Sternglass, Elizabeth Mount, Sally Grubb, Anita Watkins, Linda
Bors, Ron Schmidt and Carol Felton-Schmidt

The meeting was called to order at 7:03 PM by Mayor Gilmore.

The minutes of June 9, 2008 were presented. A question was asked if Planning Board
minutes could be approved at a Board of Trustees meeting. Attorney Flash stated that
they could approve Planning Board minutes since the Board of Trustees serves as the
Planning Board.

On a motion by Trustee Collyer, seconded by Trustee Bors the following was
unanimously passed:

RESOLUTION NO. 6362
APPROVE PLANNING BOARD MINUTES OF JUNE 9, 2008

**RESOLVED, that the minutes of June 9, 2008 Planning Board are
hereby accepted with the adding of the absent trustee, Roy Staley.**

Trustees Bors, Collyer, Donner and Riesman APPROVED.

The minutes of June 16, 2008 Board of Trustees was presented. Trustee Bors stated
that he had given some spelling and insignificant word changes to the Clerk.

RESOLUTION NO. 6363
APPROVE BOARD OF TRUSTEES MEETING MINUTES OF
JUNE 16, 2008

**RESOLVED, that the minutes of June 16, 2008 are hereby accepted
with Trustee Bors' corrections.**

Trustees Bors, Collyer, Donner and Riesman APPROVED.

Engineer Cross introduced Jerry Hook of Stearns & Wheler. Mr. Hook gave an overview
of the bid results for Wastewater Treatment Plant's Phosphorus Treatment Project. The
low bidders were as follows:

General Contract had four bidders. The lowest Bid was from C.O. Falter Construction Corporation, 403 West Bear Street, Syracuse, New York 13204. The bid was \$1,647,101.

Electrical Contract had three bidders. The lowest bid was from Matco Electric Corporation, 320 North Jensen Road, Vestal, New York 13850. The bid was \$179,000.

Heating & Ventilating Contract had two bidders. The lowest bid was from Climate Control Technologies, Inc. 33 Brookside Ave., Endwell, New York 13760. The bid was \$64,590.

Plumbing Contract had one bidder. The bidder was King and King Mechanical, Inc. 16 Fairway Drive, Auburn, New York 13021. The bid was \$27,900.

Mr. Hook stated that Stearns & Wheler has examined the bid documents and found them to be in order; they have contacted the bidders' references and find that the bidders are knowledgeable and capable to complete the project per the specifications. Jerry Hook on behalf of Stearns & Wheler recommends that the Village accept the bids of the lowest bidders and the only bidder for its Wastewater Treatment Plant Phosphorus Removal Upgrade Project.

Mr. Hook explained that they had negotiated a price with the manufacturer of the cloth media filter system. This system is designed to treat from 2 million gallons per day to 5 million gallons per day.

Trustee Bors asked about one of the recommended contractor's performances. Jerry Hook stated that it was a concern, but they had discovered that there were some problems with the other contractors on that project.

Mindy Midlin asked if performance bonds or guarantees were required by the contracts. Mr. Hook responded that they were required in the contracts.

There being no more comments or questions Mayor Gilmore thanked Mr. Hook for the presentation and recommendation.

Mayor Gilmore opened the meeting to "privilege of the floor". Mindy Midlin thanked Trustee Bors for being prepared for the meetings. She asked if the environmental test results had been received for the Ciaschi project and if the results have been received would they be put on the village website. Engineer Cross responded that the test results had been received, but since they were provided to the contractor and not the Village that he would have to check to see if it was a document that the Village could publish on its website. There was a discussion about the costs involved with putting a document that size on the website. The consensus of the Board was that they would look into the legality of putting the document on the Village website and at least put a notice on the website that it has been received and is available at the Engineer's office for review.

Sally Grubb asked about the cost of maintaining the website. Mayor Gilmore responded that he thought it was about \$80 per hour and that the Village needs to prioritize what is available on the Village's website. He also stated that Trustee Riesman and Clerk Manning will review when Clerk Manning returns from vacation.

Elizabeth Mount asked about the deer committee. Trustee Donner responded that a committee had not been formed yet, but that the Board is discussing the formation of the committee, who should serve on the committee and what the committee will be asked to do. Anita Watkins stated that Cornell University had done numerous studies and had collected lots of data. They would be the best source of information for the Village.

The monthly report of the Fire Department was presented by Chief Tamborelle and he was available for any questions. Chief Tamborelle updated the Board on the new 900 megahertz radio system that the County is implementing. All the radios have been received and the mobile radios will be installed in the trucks tomorrow. He also reported that the new system provides clear transmission from almost anyplace in New York State and that it is planned to come on line throughout Tompkins County over the next two months. Mayor Gilmore excused Chief Tamborelle from the meeting.

Mayor Gilmore gave the Mayor's Report as follows:

A few Cornell employees have approached the Village about a bike lane on Pleasant Grove Road. The cost of the project could be between \$60,000 and \$120,000 depending on whether the bike lane is 3-feet wide or 5-feet wide. Since Pleasant Grove Road is the planned capital road project this year it is possible to have a 3-foot bike lane without the requirement of additional engineer work. Funding is the main issue and if Cornell University agrees to using their grant funds for a bike lane on Pleasant Grove Road and if the funding is available soon so that the project can be completed in this construction year, then a 3-foot bike lane will be constructed during the reconstruction of Pleasant Grove Road.

Trustee Antil asked the Mayor if the Village space planning efforts could be reintroduced. The Village did a study one or two years ago and another one was done in 2005. Mayor Gilmore reported that the plans will be reviewed and that a discussion will be done at a future meeting.

Mayor Gilmore reported that the trim on Village hall had been painted and some minor carpenter work had been done. He also reported that the roof had been examined by a contractor who indicated that the Village Hall roof was in need of repairs. The contractor estimated that it would cost approximately \$33,000. Mayor Gilmore stated that a project of that size will need to be bid.

Mayor Gilmore reported that due to the recent heavy rainfalls he had been requested to look at a property on East Upland Road. He reported that he had met with Engineer Cross and Assistant Superintendent of Public Works Frisbie to look at the problem. Engineer Cross explained that this has been an ongoing problem which became a major concern with the residents during the public hearings on the Mecnas-Ciaschi subdivision. The Board of Trustees had approved up to \$10,000 for an engineer study on the drainage issue in that area. Engineer Cross stated that he had reviewed the area about a year ago and had found that drainage pipe under the driveway at 400 East Upland Road was only 18" and the pipe going into that driveway pipe is 24". This could be the cause of the flooding during a heavy rainfall. Mr. Cross further stated that he had sent a letter to the owner that the Village would replace the driveway pipe if the owner would buy the pipe. He has not heard back from the owner. He also reported that his investigation showed that the marsh area behind 400 East Upland Road was filling in and could not store the volume of water created during a heavy rainfall. A discussion followed on possible changes that the Village could do. Attorney Flash reminded the Board that they cannot use tax payer money to improve a personal property. Therefore they could not dredge the marsh area to create a larger storage area and the Village could not replace the driveway pipe at no cost since the Village

requires the owners to buy the pipe with the Village to install. The Village will continue to work on a drainage plan for that area. Engineer Cross also stated that the Upland Road Subdivision will neither alleviate nor elevate the drainage problem in that area of East Upland Road.

Last the Mayor presented the resolution to approve the Cable Access budget for 2008-2009. Mayor Gilmore introduced Weis VanLeuken, the Village representative to Tompkins County Cable Commission. Ms. VanLeuken stated that she would answer any questions that the Village board and audience may have regarding the proposed budget. Mayor Gilmore explained that the Village's part of the cost for the operation of the Cable Access is one of the amounts on the residents' cable bill. No funds are appropriated from the Village's budget.

On a motion by Trustee Bors, seconded by Trustee Collyer, the following was unanimously passed:

RESOLUTION NO. 6364
APPROVE THE TIME WARNER CABLE AND VILLAGE OF CAYUGA HEIGHTS
CABLE ACCESS BUDET – 2008-2009

Whereas the Franchise Agreement between Time Warner Entertainment, the City of Ithaca and the Village of Cayuga Heights signed in 2003 authorizes Time Warner Entertainment to collect \$0.15 per subscriber per month to be used for the purchase of equipment for the PEG Access Studio; and

Whereas the total capital budget for the life of the ten-year agreement was estimated to be \$200,000;

Whereas the Franchise Agreement outlines the creation of an Access Oversight Committee which shall be responsible for approving the timing, use and amount of PEG access equipment acquired each year over the term of the agreement; and

Whereas the Access Oversight Committee has approved a 2009 capital budget in the amount of \$19,800; and

Whereas the Franchise Agreement states that participating municipalities, including the Village of Cayuga Heights, must adopt the annual PEG Access Studio budget by June 30 of the preceding year; now therefore be it

Resolved that the Village of Cayuga Heights adopts the 2009 PEG Access Studio budget in the amount of \$19,800 as approved by the Access Oversight Committee, and

IT IS HERBY FURTHER RESOLVED, that the Village of Cayuga Heights is not liable for additional expenses beyond its prorated portion of the existing \$.015 charge per month per subscriber, whereby the \$19,800 will be deducted from all participating municipalities' share, and

FURTHER RESOLVED, that the Mayor is hereby authorized to sign this resolution on behalf of the residents of the Village of Cayuga Heights.

Trustee Donner requested that Trustee Riesman be added to the Public Safety Committee. The Board so approved.

Attorney Flash stated that she did not have anything to report this evening.

Deputy Clerk Neff reported on behalf of Clerk Manning who is on vacation. She requested permission to register, pay for the registration fee and to pay mileage for Planning Board members and Zoning Board of Appeal members that want to attend training that will meet his or her training requirement. The board discussed and would like the opportunity to approve overnight travel, but day trips would not need approval for individual members.

On a motion by Trustee Bors, seconded by Trustee Riesman the following was unanimously passed:

RESOLUTION NO. 6365
APPROVE TRAINING COSTS FOR DAY ATTENDANCE AT TRAINING CLASSES
THAT WILL MEET THE TRAINING REQUIREMENTS OF THE PLANNING AND
ZONING BOARD MEMBERS

RESOLVED, that the Clerk is hereby authorized to register Planning and Zoning Board members at training classes that do not require overnight accommodations, and

BE IT FURTHER RESOLVED, that the Village of Cayuga Heights will pay the registration fee and mileage at the IRS mileage rate.

Chief Boyce presented the Police report for the month of June 2008 and gave an overview of the department's activity.

Chief Boyce informed the Board that the new police car was here and that it would be put in service later this week. The Board discussed with him the plan for the old vehicle. Chief Boyce stated that the car will need to be put out for sale. The Board asked why it couldn't be done at this time. Chief Boyce stated that the radios and other equipment were in the process of being changed over and that the decals need to be removed before it can be sold.

On a motion by Trustee Donner, seconded by Mayor Gilmore, the following was unanimously passed:

RESOLUTION NO.6366
DECLARING THE 2006 DODGE POLICE CAR TO BE EXCESS EQUIPMENT AND TO
AUTHORIZE THE SALE

RESOLVED, that the 2006 Dodge police car is hereby declared to be excess equipment, and

FURTHER RESOLVE, that Chief Board is authorized to advertise for the sale of the vehicle and bid opening for the vehicle on a date and at a time to be determined by him.

Assistant Superintendent of Public Works Frisbie presented the report for the Department of Public Works. He explained that this is the time of the year for the majority of the Village's road work. Two to three crews are working daily on completing the scheduled road work. He asked for permission to close Pleasant Grove Road for three to four days for the replacement of the drainage pipe. He also asked where the bike lane stood with Cornell University.

It was the consensus of the Board to authorize the closing of the village's portion of Pleasant Grove Road for the replacement of the drainage pipe and that the project should be scheduled so that it may be completed in this construction season.

Engineer Cross and Assistant Public Works Supervisor Frisbie was requested to get the work schedule made and if Cornell agrees to pay for the bike lane soon the modifications can be made prior to the paving of Pleasant Grove Road.

Assistant Public Works Supervisor Frisbie stated that he had received the resignation/retirement letter from Dave Lanning effective July 13, 2008.

RESOLUTION NO.6367
ACCEPTED DAVID LANNING'S RESIGNATION

RESOLVED, that the resignation of David Lanning effective 7/13/08 is hereby accepted.

Trustees Bors, Collyer, Donner and Riesman APPROVED.

Assistant Public Works Supervisor Frisbie also stated that while they were interviewing for the laborer position created by the resignation of Glenn Barrows and promotion of Rich Arsenault, they had selected two applicants because they knew that Dave was going to retire soon. It was a little sooner than anticipated. He would like to recommend Timothy Diller for the vacant Laborer's position. The Board thanked him for thinking forward which saved the Village the advertising costs.

RESOLUTION NO.6368
APPROVE THE HIRING OF TIMOTHY DILLER TO FILL THE LABORER'S POSITION
VACATED BY DAVID LANNING

RESOLVED, that Timothy Diller is hereby appointed to fill the position of Laborer at the Teamster's contract rate of \$11.41 per hour, plus the \$.50 per hour Village Health plan, and

BE IT FURTHER RESOLVED, that Timothy Diller's start date will be July 22, 2008, and

IT IS FURTHER RESOLVED, that this appointment is subject to a probationary period of one year.

Trustees Bors, Collyer, Donner and Riesman APPROVED.

Engineer Cross presented the proposed resolution to award the contracts for the Phosphorus upgrade project at the wastewater treatment plant (WWPT). The Board asked about the funding. Treasurer Silber explained that one million dollars would come from a NYS grant and that one plus/minus million would have to be borrowed.

On a motion by Trustee Bors, seconded by Trustee Collyer the following was unanimously passed:

RESOLUTION NO.6369
AUTHORIZE THE ENGINEERS TO PREPARE THE CONTRACT DOCUMENTS AND
AUTHORIZE THE MAYOR TO SIGN THE CONTRACTS
FOR THE CONSTRUCTION OF A TERTIARY PHOSPHORUS REMOVAL UPGRADE
AT THE WWTP

WHEREAS, the Village hired Stearns and Wheler to prepare Construction documents for the new phosphorus removal Project at the WWTP, and

WHEREAS, the plans and specification were duly advertised, and separate bids were received for General, Electrical, Heating and Ventilation, and Plumbing contract, and

WHEREAS, Stearns & Wheler has reviewed the bids, and has recommended that the Village enter into contracts with the low bidders, and

WHEREAS, the total of all the low bids are within the previously approved budget and bonding for this project, and now

THEREFORE RESOLVE, that the Trustees hereby instruct Stearns & Wheler to prepare contracts for each of the separate construction contractors as follows:

- 1. General Construction Contract with C.O. Falter Construction Corporation for \$1,647,101.**
- 2. Electrical Contract with Matco Electric Corporation for \$179,000**
- 3. Heating and Ventilation Contract with Climate Control Technologies, Inc. for \$64,590.**
- 4. Plumbing Contract with King & King Mechanical, Inc. for \$27,000**

And

THEREFORE BE IT FUTHER RESOLVED, that the Trustees hereby authorize the Mayor to sign each contract, upon review by the Village Attorney.

Engineer Cross explained that the Village WWTP is required to renew its SPEDES permit every 5 years and that annually the Village provides a report on the daily, weekly

and monthly tests which shows what the WWTP needs to treat. The Federal Environmental Protection Agency (EPA) is implementing a change where they are reviewing the testing every 10 years to determine if the testing process needs changing. The Village was selected for additional testing this year and some of the test will cost up to \$2,000. He also reported that the test results are being forwarded to Stearns & Wheler to anticipate new EPA testing requirements. He will keep the Board updated on the findings, etc.

At the Board's last meeting, Engineer Cross had offered to study the traffic flow at the intersection of Hanshaw, Triphammer and Pleasant Grove Road, to determine what is needed, and how to improve the traffic flow at that intersection especially during peak traffic times. He reported that he is working on it and that he should have a presentation for the next Trustees' meeting.

Engineer Cross discussed with the Board the status of Pleasant Grove Road. It was the consensus of the Board to authorize the Department of Public Works to go forward with the Pleasant Grove Road project.

Treasurer Silber reported that he will be working in the office later this week to work on the year end closing process, to work on the financing options for the WWTP project and to work on replacing the computers per the Villages 3-year cycle. He also reported that he had ordered a new printer, fax and copier for the police department which is similar to the printer, fax, copier that is in the Clerk's office. He also reported that he was following up on several items to determine if there was a way to reduce costs. Lastly, Treasurer Silber presented the July Abstract to the Board. He noted that there were two changes in the draft abstract. One is O'Hara's total should be \$50.58 more and that Professional Underwriters total should be \$1,468.70 more. This changes the total amount of the July 2008 Abstract to \$174,653.86.

On a motion by Trustee Bors, seconded by Trustee Collyer the following was unanimously passed:

RESOLUTION NO.6370
AUTHORIZE THE TREASURER TO PAY THE INVOICES LISTED ON THE JULY 2008
ABSTRACT

RESOLVE, that the Treasurer is hereby authorized to pay the invoices listed on July 2008 abstract totaling \$174,653.86.

Trustee Donner requested and the Board so agreed that the following memoriam be entered into the minutes:

IN MEMORY OF MARIAN KIRA

Marian Kira, a nine-term member of this Board, died in Dover, Delaware on May 12 of this year. Some of us will remember her gracious, welcoming and helpful presence on this Board and in other community activities. She was a long-time Chairwoman of the Village's Public Safety Committee and

her service to the Cayuga Heights Fire Department is memorialized on the bronze plaque at the entrance of the Fire Station.

I, David Donner, along with many others in our community, will miss her.

The Mayor requested an executive session to discuss compensation, employment package, and qualifications of our current and applicant lawyers to represent the Village.

The Mayor excused the Deputy Clerk and the Department Heads for the remainder of the meeting. The meeting will be reconvene and then adjourn.

On a motion by Trustee Bors, seconded by Trustee Donner the following was unanimously passed:

RESOLUTION NO.6371
MOVE AT 9:32 PM TO ENTER INTO EXECUTIVE SESSION TO DISCUSS
COMPENSATION, EMPLOYMENT PACKAGE, AND QUALIFICATIONS OF OUR
CURRENT AND APPLICANT LAWYERS TO REPRESENT THE VILLAGE.

On a motion by Mayor Gilmore, seconded by Trustee Donner the following was unanimously passed:

MOTION TO MOVE OUT OF EXECUTIVE SESSION AT 10:01 PM AND REOPEN THE
REGULAR MEETING OF THE BOARD OF TRUSTEES.

MOTION BY TRUSTEE BORS
SECONDED BY TRUSTEE COLLYER

MOTION TO PASS RESOLUTION 6372 APPOINTING RANDY MARCUS AND
BARNEY, GROSSMAN, DUBOW AND MARCUS AS NEW GENERAL COUNSEL FOR
THE VILLAGE OF CAYUGA HEIGHTS EFFECTIVE 9/1/08-8/31/09.

The Board's primary conclusion was that Randy Marcus and his firm provided very significant municipal law experience, very competitive hourly rates, and their willingness to support the village's decision to switch from a retainer to an hourly fee system was noted. The Board further concluded that Miller Mayer's Atty. Laurie Johnston would continue until further notice as the Village Labor Relations Attorney on an hourly as needed basis. Trustee Collyer commented how nowadays it seems lawyers have become so much more involved in Village trustee work than in years past. Trustees Donner and Bors emphasized the desire to try an hourly fee system vs. a retainer with the hopes of lowering our costs over the next year. Trustee Riesman commented that she could support the recommendation of Randy Marcus, but wished to point out that Elena Flash of Miller Mayer had really stepped up and was especially helpful during the transition period since the March election and the Community Party's desire to no longer work with David Tyler.

Trustees Bors, Collyer, Donner and Riesman APPROVED

MOTION BY TRUSTEE RIESMAN

MOVE TO ADJOURN THE MEETING AT 10:12 PM.

Trustees Bors, Collyer, Donner and Riesman APPROVED

Respectfully submitted

Mary Jane Neff, Deputy Clerk