

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

Present: Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, Szekely and Staley; Supt. Cross, Ass't Supt. Frisbie, Chief Boyce, Fire Supt. Tamborelle, Treasurer Silber, Clerk Manning, David Dubow, attending for Randy Marcus of Barney, Grossman, Dubow & Marcus (BGD&M)

Others: Arthur Ruoff, Enid Ruoff, Linda Bors, Sarah Hatcher, Mindy Mindlin, Abby Cohn, Sally Grubb, Elizabeth Mount, Chris Anagnost, Anita Watkins

Mayor Gilmore called the meeting to order at 7:03 PM and asked the Trustees and Department Heads to introduce themselves. The Mayor then asked the Board to approve the minutes of September 15, 2008.

The Mayor asked for a revision on page 9 of the minutes under his report.

**Motion by Trustee Bors
Seconded by Trustee Donner**

Move to pass Resolution 6392 approving the minutes of September 15, 2008 with corrections as noted.

**Mayor Gilmore, Trustees Bors, Donner, Riesman and Staley voted YES.
Trustees Collyer and Szekely ABSTAINED.**

The Mayor then introduced Trustee Bors, who gave an overview of the Revised Guidelines for the Privilege of the Floor, effective with this meeting. A copy of these guidelines are on file with the Clerk.

Privilege of the Floor – The Mayor opened the Privilege of the Floor at 7:10 P.M. Enid Ruoff spoke on the deer issue, citing an article from the New York Times regarding deer and the destruction of the ecosystem.

Sally Grubb spoke regarding her continued concern with the Mayor's commitment to good communication. She is also concerned that the Mayor does not fully understand the importance of the Open Meetings Law. Regarding the Deer Committee, Ms. Grubb wonders why the Mayor is presenting reports and not the Chair of the Committee. Ms. Grubb would like a greater effort put forth to notify residents of meetings and meeting date changes. She would like to know if the Mayor will use the Ithaca Journal to announce meetings. What have been the Village's legal expenditures since our new legal contract was signed? Is it in line with what the administration thought it would be? What will the Mayor use his personal budget line item for? Will it cover any advertising costs for Deer Committee announcements? Will it pay for some of the documents relating to deer control from the May 2001 "Report of the Deer Committee to the Board of Trustees" to be posted on the Village's website? The Mayor responded that he would answer some of Ms. Grubb's questions, and thanked her for sharing her thoughts.

Abby Cohn voiced her concern about the lack of safe ways for students living in Cayuga Heights to walk to Boynton Middle School and Ithaca High School despite both being within close walking distance to the Village. At this time, the Ithaca School District provides a courtesy bus for students since most of the Village falls within the 2 mile distance radius to be eligible for regular bus transportation, but this was threatened to be canceled a few years ago. More to the point, it would be great for our kids to be able to walk to school. As we think about healthy lifestyles for our students, and the number of school age children continues to grow, this is a critical issue for our community. This is an issue that is shared by many residents of this community. Ms. Cohn raised this issue with Trustee Riesman, and Trustee Riesman asked Ms. Cohn to present this at a Board meeting. She has been talking to many residents and there is a group looking into other ideas that will help the situation. They are also looking at programs which provide community support, such as the Safe Way to School Initiative. The group would like to come before the Board in the next couple of months with some suggestions. Supt. Cross encouraged Ms. Cohn to contact him with more specific thoughts.

Art Ruoff then spoke on lyme disease and deer ticks.

The Mayor responded about the cost of the legal services in the Village, stating that the Village had gone from a retainer fee to an hourly fee with the new administration. The issue will be discussed again at a later meeting.

The Mayor closed the Privilege of the Floor at 7:35 P.M.

New Business – (New section in the Agenda.) A new agenda with time limits for all speakers will be introduced. Also, new meeting procedures will be reviewed. The Board will attempt to only meet once/month, however, if more time is needed in a meeting which would bring the end time past 10:00 P.M., another meeting will be scheduled for the first Monday of the following month. At this time, all Planning Board issues will be held separate from the regular Board of Trustees meetings.

Report of the Fire Supt. – Report is on file. Things have not slowed down in the past month. Last training session will be held next week. Trustee Szekely asked how the calls in the Village are split. Supt. Tamborelle said that they are pretty evenly split 50 % between Fire and EMS. Trustee Bors asked what our net gain is with the new recruits. Supt. Tamborelle said that we usually lose some students when Cornell graduates, but when we put on a new class, we end up ahead in our numbers. Trustee Bors asked what is different about hybrid car training. Supt. Tamborelle responded that the hybrid cars have much higher voltage cables and are in different parts of the vehicles. Supt. Tamborelle wished to offer his support to the water system replacement which Supt. Cross will be presenting in his report. It is needed to increase the water flow in the pipes in the lower part of the Village. Trustee Collyer asked about the new 800 mgh radio system. The Chief said that it is up and running in the County, except for Cornell and the Ithaca City Fire Dept. Trustee Staley asked about some specifics with the operating channels. Trustee Bors asked about the call at the new Cornell Childcare Center. Supt. Tamborelle said that the place is a fantastic facility and the department is trained on all the specifics of the facility.

The Mayor introduced the Chair of the Public Safety Committee, Trustee Donner, who gave the following report: Deer Committee representatives will be visiting Irondequoit on Tuesday, October 21 to meet with their municipal officers and observe where the town is culling their deer. Adelaide Park has made a remediation proposal to the Mayor who has asked the Deer Advisory Committee to assist in analyzing its practical application before bringing it to the Board of Trustees. The Deer Committee will meet Thursday, October 23 at 7:30 pm to continue our work in the open meeting setting.

A question was asked if this was a Public Safety Report. Mayor Gilmore stated that the deer issue is wrapped around safety, which is why Trustee Donner gave the report.

Report of the Mayor – Ratification of the Police Contract. The Mayor and Chief Boyce were authorized to negotiate the new contract. A contract of 3 years has been negotiated with a 3.5% increase across the Board for each of the 3 years, along with a change in insurance to the Teamsters Health Insurance, representing several thousands dollars of savings with a better insurance. There is a slight increase in shift differential pay, (6 cents for 3-11 and 15 cents for 11-7, which will begin in 2010, and another change allows shifting to a comparable health insurance plan under certain circumstances. The County is working on a consortium health plan that may be favorable to the Village at some time. Retiree health insurance will begin after 15 years of service instead of 10 with all new hires, with the exception of disability retirement. Personal pagers will be eliminated for all officers.

**Motion by Trustee Donner
Seconded by Trustee Collyer**

Motion to pass Resolution 6393 authorizing the Mayor to sign the P.B.A. contract effective June 1, 2008 and expiring May 31, 2011.

Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, Staley and Szekely voted YES.

All of the officers have ratified this agreement as well. As a result of the police coming onto the Teamsters insurance, the DPW contract was extended another 2 years at an increase of 3.5%/year.

NYCOM – Mayor Gilmore and Mary Jane Neff attended the conference in September. A report from the Mayor and Mary Jane will be forthcoming.

Accept Elizabeth Mount on the Deer Remediation Advisory Committee –

**Motion by Trustee Szekely
Seconded by Trustee Riesman**

Motion to pass Resolution 6394 accepting Elizabeth Mount as the Mayoral appointee to the Deer Remediation Advisory Committee.

Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, Staley and Szekely voted YES.

Upon the loss of Trustee Ann Antil, Mayor Gilmore has appointed Bea Szekely to finish the balance of the term of Ann Antil, which ends in May 31, 2009. Bea is a 30 year resident, and a Cornell retiree.

The draft fence ordinance that was offered to be under review at this meeting is not ready yet. It should be available at the November board meeting.

The Bolton Point suggested rate increase will be brought before the Board at the November meeting. The Mayor pointed out various accomplishments of Bolton Point lately.

The Mayor, at this time, apologized to the Trustees and to all of the Villagers who felt left out of the recent deer resolution efforts and discussions. "I assure everyone in this room that your opinions matter. My enthusiasm to resolve the issue and my sense that there really is a solution led me to try to get the matter resolved as soon as possible. It also led me to lay out a plan once I realized it could be done. I take responsibility for my actions to date. My background in running a successful nonprofit as well as various private business enterprises brings me to want to get things done. Once I saw a solution I felt driven to go towards it. I now realize that I moved too quickly for Village government and for some of my peers on the board. I apologize. The majority of the Village will now have to come together for a common solution to solve the problem."

Trustee Privilege of the Floor - Trustee Bors would like to commend the DPW for their solution on the sunken manhole on N. Triphammer Rd. in front of Kendal. The crew went out and did a terrific job of repairing the issue.

Trustee Donner would like to report a significant milestone in the history of the Village – Jeff Silber becoming a 25 year member of the Fire Dept. He is now a life member of the Fire Company. Congratulations Jeff.

Trustee Szekely’s comments – “Thank you Jim for your confidence in appointing me to fill out Ann’s term. My intent is to do the best job I can, learning as fast as I can what I need to know. I am reading all the material given to me and will speak with each Trustee and the professional staff of the Village. Jim has accepted my resignation from UNC, Steve Gordon carries on.

I look forward to working with the Village residents, learning of their concerns and bringing their concerns to the table.”

Trustee Riesman – Regarding Abby Cohn’s comments – Trustee Riesman received many calls from residents who are concerned about the way to get to the schools. Ms. Cohn is doing research and will talk to Brent. We look forward to her presentation next month or December. It’s definitely something the Board will be hearing more about. Trustee Riesman thanked the Mayor for his words on the Deer Committee. She was the trustee who wrote regarding the concerns. The Deer Committee is an advisory committee and Trustee Donner as chair should speak on behalf of the committee. She hopes to move in the direction of more separation between the Mayor and the committee. Trustee Staley agrees that things just got out of order in the beginning and would like things to get back on track.

Report of the Clerk – The Mayor asked the Clerk to prepare a brief timeline on the Village Office building renovation plans done a few years ago. That timeline was distributed to the Board. Trustee Szekely asked if there were any trustees on the “Space Committee”. The answer was no. Why didn’t it move forward? Most likely it was due to the potential high costs involved. Trustee Staley concurred that the problem was financing. Clerk Manning said that there were a lot of numbers tossed back and forth, and maybe a better way to proceed would be for the Board to give the Committee a dollar amount, and then the Committee would work within that budget to try to come up with a solution, instead of the other way around. The Clerk reminded the Board that in 2005 the Board endorsed the Schickel plan at \$650,000. The Clerk also reminded the Board that handicap accessibility is first and foremost in her mind for renovation to this building. Supt. Cross reiterated how the committee explored the different plans, Schickel and QPK Architects. They started out with blank pieces of paper and the projects just got too big. The idea of setting a figure first that the Board would be willing to get behind, then move into that figure was talked about but not necessarily brought to the Board. Supt. Cross said that he, as an Engineer, would be willing to put together a plan on paper within a specified amount of money. The Mayor said that this issue has to move forward in some manner and had made the suggestion that he, Brent and the Clerk sit and discuss this, then bring some suggestions before the Board. Trustee Riesman suggested that the Board discuss the issue now. She has spent much time in the Clerk’s office, and has seen things stuffed under desks, in the bathrooms, etc., as well as watching the elderly try to make it up the stairs; however, she does not want to see anything happen to the integrity of Marcham Hall. She agrees that the Board could come up with some kind of figure that the Board would be willing to entertain, and then some kind of a plan could be devised using that figure. She is against forming another committee, but we may have to revisit the dept. heads again. Trustee Szekely asked if the Clerk could go back and come up with an Executive Summary stating what each department head needs. Supt. Cross said that we have done that twice. Trustee Szekely asked if we could look at these specs again now. Supt. Cross said that we aren’t going to get what everyone thought they needed...we did that before. He said that in a very broad concept, he could draw up a “vanilla 2-story box” out in the back of the building. If the cost of that is within reason, then we go to each dept. and see if we can fit our needs in to that. Treasurer Silber said that instead of inventing a new committee, we could call together a group of the old committee including Treasurer Silber and Chief Boyce. He thinks we could come back with a reasonable number with some concepts to price out. Many things have changed since 2006 economically. We are now tonight talking about a million dollar water project. There was also some opposition last time to spending money on the building. Let’s get together with the people who use the space and see what we can do for the least amount of money. Trustee Szekely said that the Historic Preservation Group at the College of Architecture at Cornell might like to work on this project pro-bono. Supt. Cross said that one of the projects that was big on everyone’s mind back in 2005 was an engineering firm saying that we needed to spend aprox. \$6 million over a short time on the roads. We have since come up with a different program that is working well, and we are not talking about spending \$6 million any more. Trustee Bors brought up the fact that the Village has been able to keep a low tax increase over the past few years due to the sales tax revenue. He would hate to see us go through a lot of work and then find that it would end up in a tax increase that would be difficult to sell to the public. Supt. Cross said that at that time we had a considerable amount of money in reserve that we were going to use out of that fund. Treasurer Silber said that everyone is right on all the pieces, but some of the needs now are greater and some of the costs are greater. He will be watching the cost factor as the project tries to move forward. He thinks that we all recognize that we are not looking at a million dollar project at this time. There is no one at this table who does not believe that something has to be done to

this facility. Clerk Manning stressed that handicap accessibility is a big topic and we have to take that issue very seriously. The Mayor said that he hears a charge and the committee needs to get a recommendation together for the Trustees. The Clerk will reorganize the Space Committee again.

Report of the Ass't. Supt. of Public Works – Report was distributed and is on file. The smaller parts of the Pleasant Grove Road project are being completed. Everything is on schedule. No temps seem to be needed at this time. Treasurer Collyer asked about salt for the roads, and specifically inquired about the need to stockpile materials for anticipated use this coming winter so we don't run out like last year. Ass't Supt. Frisbie said that he will mix the salt with sand this year. What is the cost? \$27/ton....same at the moment as last year. What happens if we don't use all the salt? We truck down to Town of Ithaca to keep until needed the next year. We increased the amount this year from last year. Mayor asked how the new staff is working out. Everything is working out well. They come with experience.

Copies of leaf schedule were distributed.

Trustee Staley asked about computerized software for sewer maps that was discussed last year? Didn't we budget for software and/or hiring someone to do the work? Ass't. Supt. Frisbie needs to work with Supt. Cross further on this. He has just learned from DSNY that all underground services need to be located. The project, which needs GIS software, needs to be researched further. Treasurer Silber said that the money was not budgeted for this. Clerk Manning said that there could be a possibility that through NYS Archives, a grant might be available to archive these records. Cross will meet with Town of Ithaca Eng. Dept for suggestions as how to proceed.

Report of the Supt. of Public Works – Phosphorous Improvement Project at the Wastewater Treatment Plant – The Village has received a contract from NYSDEC to formalize the terms and conditions under which they are willing to provide grants of \$1,020,000 toward the construction of the Phosphorous Improvement Project at the WWTP. A resolution is required to authorize the Mayor to sign the contract, which commits the Village to completing the project (already under contract). Supt. Cross gave a brief background of the project. Attorney Dubow briefly went over the agreement with the Trustees. Reminder that the Village is mandated by the D.E.C. to do this project.

**Motion by Trustee Bors
Seconded by Trustee Donner**

Motion to pass Resolution 6395 authorizing the terms listed below pursuant to the Bond Acts enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as well as federal grant awards available for such projects.

WHEREAS, the Village of Cayuga Heights herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental conservation law (“ECL”) authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES

- 1. That Jim Gilmore, Mayor or such person’s successor in office, is the representative authorized to act in behalf of the Municipality’s governing body in all matters related to State assistance under ECL articles 17, 51 and 56 and /or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality’s governing body in all matters related to the Project and to State assistance;**
- 2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project’s field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;**
- 3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation, and**
- 4. That this resolution take effect immediately.**

Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, Staley and Szekely voted YES.

The Village will make up a difference of \$950,000 on this project.

Hanshaw Road Project – Bids have been received for the Hanshaw Road water main replacement project between The Parkway and Forest Drive due to caustic soil on the pipes. The “mini” bid for materials was larger than expected, i.e. \$42,776.85. Installation came in at \$15,150.00, slightly less than anticipated. The total for these amounts plus some contingency amounts equals \$66,000. The amount budgeted for this project was \$50,000. Question to Treasurer was how could we move forward with this project? Treasurer Silber answered that the Village would transfer some funds from general fund unappropriated fund balance to the water fund for this project.

**Move by Trustee Donner
Seconded by Trustee Bors**

Motion to pass Resolution 6396 authorizing Supt. Cross to submit a P.O. to Martisco Pipe for materials at \$45,000 and hire Chicago Construction for \$18,180 totalling \$63,180 to be funded in part with a \$25,000 transfer from the general fund unappropriated fund balance.

Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, Staley and Szekely voted YES.

T.G. Miller – Three years ago the Village hired T.G. Millers to perform a study of the water system in the lower Village due to low water pressure in hydrants. This project was broken down into two projects. The first phase was the replacement of hydrants in the

summer of 2007, on East Upland Road North. The Village has received an engineering proposal from TG Miller Engineers to provide design services for the Phase II Water Improvement project. Phase 2 is a recommendation to install a larger water main off from the Sheldon Road water tank grid on the following roads: Replacement main on The Parkway and Highgate Road between Upland Road and Highgate Place; New main on Highgate Road between Berkshire Road and Highland Road; New main on Remington Road between Sunset Drive and Cayuga Heights Road; and replacement main on Cayuga Heights Road between Remington Road and Highgate Road. The original study identified 7820 lf of pipe that needs to be replaced. The preliminary cost estimate at \$125/lf is \$1,125,000 (including 15% contingency). They are currently proposing to provide computer modeling, surveying, engineering design, bidding and construction administration. Their services would be billed on an hourly basis with a total fee not to exceed \$98,000. They are prepared to begin in a week or two, have construction drawings ready to go to bid in January 09, make our decision whether to contract with them as early in 2009 as possible.

**Move by Trustee Riesman
Seconded by Trustee Bors**

Motion to pass Resolution 6397 authorizing the Mayor to sign the agreement dated October 7, 2008 with T.G. Miller Engineers for an amount not to exceed \$98,000 to be funded by a \$100,000 transfer from the general fund unappropriated fund balance.

**Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, and Staley voted YES
Trustee Szekely ABSTAINS**

Trustee Collyer asked if this will take care of the whole Village. Supt. Cross said that the lower Village was covered from E. Upland Road South by Phase 1, Phase 2 will cover everything from E. Upland Road North.

Neil Olver has requested that his new building have a different address of 414 E. Upland Road.

**Move by Trustee Collyer
Seconded by Mayor Gilmore**

Motion to pass Resolution 6398 assigning the address of 414 E. Upland Road to Neil Olver's new building.

Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, Staley and Szekely voted YES

Report of the Police Chief – Chief Boyce presented his report, which is on file. Trustee Bors asked about the overtime. Is the Chief's overtime figure a combination of full and part-time officers? The Chief answered no, just full-time. Some of the overtime hours are due to the officers attending various schools. There being no further questions, Chief Boyce reported on the following:

Part-time officer Ryan Mayo offered his resignation to the Chief effective October 10. Chief Boyce needs authorization to advertise and interview for a replacement.

**Move by Trustee Donner
Seconded by Trustee Riesman**

Motion to pass Resolution 6399 accepting Ryan Mayo's resignation effective October 10, 2008 and authorize Chief Boyce to advertise and interview for another part time officer.

Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, Staley and Szekely voted YES

Chief Boyce asked the Board to authorize him to hire Brenda Armstrong for a part time Police Clerk to be hired at a rate of \$13.24.

**Move by Trustee Riesman
Seconded by Trustee Donner**

Motion to pass Resolution 6400 authorizing Chief Boyce to hire Brenda Armstrong as part time Police Clerk at a rate of \$13.24/hour for up to 17.5 hours/week, with authorization to work more hours during the time that the full time clerk is out of the office.

Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, Staley and Szekely voted YES

Chief Boyce noted that effective Sept. 24, the County went over to the 800 mgh system. All is working very well.

The new traffic pattern at Cayuga Heights Elementary School is going very well.

Report of the Treasurer. Treasurer Silber presented his report, which is on file.

The Annual Financial Report for FY08 has been filed with the Office of State Comptroller and is available on the website.

The annual independent audit will begin the second week of November

Due to a quirk in our particular Workers Compensation plan, the Village needs to specifically request a resolution stating that we have coverage for all elected and appointed municipal officers, which coverage is under Section 54, subdivision 6 of the NYS Workers Compensation Law. The Village has always had the coverage, and we have been paying for it, but we need to file a specific form thereby needing this resolution.

**Move by Trustee Szekely
Seconded by Trustee Donner**

Motion to pass Resolution 6401 resolving that the Village of Cayuga Heights elects to provide all Elected and Appointed Municipal Officials with coverage under Section 54, subdivision 6 of the New York State Workers' Compensation Law, as amended.

Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, Staley and Szekely voted YES

Treasurer Silber presented summaries of proposed budget transfers for the current 2008 – 2009 fiscal year dated 10/20/08 and the 2007 – 2008 year end dated 5/31/08, and gave a brief explanation.

**Move by Trustee Bors
Seconded by Trustee Donner**

Motion to pass Resolution 6402 approving the transfers dated 10/20/08.

From:	To:	Amount
A01990.400 Contingency	A01420.410 Attorney Contr Exp	10,000
A01440.410 Clerk Contr Exp	A01460.410 Records Mgmt Contr Svc	100
A01990.400 Contingency	A01620.410 Village Hall Contr Exp	6,000
A03410.410 Fire Contr Exp	A03410.450 Fire Training	2,500
A05110.410 Streets Contr Exp	A05112.410 Streets Cap Improvement Contr Exp	2,020

**Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, Staley and Szekely voted
YES**

**Move by Trustee Collyer
Seconded by Trustee Bors**

**Motion to pass Resolution 6403 approving the year end transfers dated 5/31/08 as
listed below:**

<u>Line Item</u>	<u>Account #</u>	<u>From</u>	<u>To</u>
JUSTICE: Contr Exp	A0.1110.410		\$60
CLERK: Pers Serv	A0.1410.100		1560
SPW: Pers Serv	A0.1440.100		420
VIL HALL: Contr Exp	A0.1620.410		1240
VIL HALL: Utilities	A0.1620.440		860
BUILDINGS: 825 Hanshaw	A0.1620.450		330
CENT GAR: Pers Serv	A0.1640.100		8250
CENT GAR: Contr Exp	A0.1640.410		1400
CENT GAR: Utilities	A0.1640.440		1010
CENT GAR: Fuel Facility	A0.1640.460		650
POLICE: Pers-Non Sworn	A0.3120.120		1630
POLICE: Contr Exp	A0.3120.410		7130
POLICE: Utilities	A0.3120.440		40
FIRE: Contr Exp	A0.3410.410		4060
FIRE: Training	A0.3410.450		100
FIRE: Station Maintenance	A0.3410.480		1330
FIRE: Equip Maint	A0.3410.490		2080
NYSUFPBC: Pers Serv	A0.3620.100		190
STREET ADMIN: Pers Serv	A0.5010.100		6230
STREET: Pers Serv	A0.5110.100		10860
STREET: Pers Serv-OT	A0.5110.150		100
STREET: Contr Exp	A0.5110.410		2910
STR CAP IMPR: Contr Exp	A0.5112.410		15630
REFUSE: Tipping Fees	A0.8160.460		3050

REFUSE: Equip Maint	A0.8160.490		60
EMP BEN: Unemployment	F0.9050.800		300
SPECIAL: Insurance	G0.1910.430		550
SWR LINES: Pers Serv	G0.8120.100		2480
EMP BEN: Retirement	G0.9010.800		670
EMP BEN: FICA	G0.9030.800		330
EMP BEN: Unemployment	G0.9050.800		730
EMP BEN: Health	G0.9060.800		1290
SPECIAL: Contingency	A0.1990.400	\$71180	
SPECIAL: Contingency	F0.1990.400	850	
SPECIAL: Contingency	G0.1990.400	5500	
Total		\$77530	\$77530

Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, Staley and Szekely voted YES

**Move by Trustee Donner
Seconded by Trustee Staley**

The Abstracts of Audited Vouchers were then considered. Various questions were asked regarding different budget line items. Treasurer Silber answered these questions. Trustee Riesman then commented specifically about the high amount of the current legal bill. She understood that a good portion of it could be due to the new relationship between the attorney and the new administration; and though she feels that we should never hesitate to contact our attorneys, she asks that we monitor whether to continue on an hourly rate basis vs. retainer. Treasurer Silber commented that Atty. Marcus was very fair in listing some “no charge” start up meetings that he had with various staff, and the Village should NOT hesitate to contact the attorney when we need him, however we should be sure we need him before we contact him. There are various times that the staff may have an answer to a specific question, knowing the answer due to their position in the Village, or because they may have already looked up the same question for someone else. Supt. Cross asked if the billing for the Village could be itemized clearer to identify just how much time was allocated to each Trustee/staff person. Attorney Dubow said that he would raise that issue with Atty. Marcus, but felt that they may not be able to change the manner in which they bill. They generally bill by day, not by the individual that contacted the attorney. Mayor Gilmore stated that he thought the attorney’s bill could be lower if the attorney was not copied on everything that he had been copied on, making the bill high due to Atty. Marcus reading everything sent to him. If the Board could improve their communication among themselves, and trust each other to speak straight with each other, we wouldn’t have to pull the attorney into everything. Clerk Manning disagreed stating that Atty. Marcus needs to be copied on all Village matters. The Mayor said it will cost a fortune if that happens. Trustee Riesman said the attorney needs to be kept informed as that is the only way he can represent us. Attorney Dubow stepped in at this point and said that both are good points. Keeping the attorney informed is a very valuable asset for the Village. To stop doing that to try to keep the bill down may not be in the best interest of the Village. The question is how does the attorney respond after being copied on an informative basis when he or she believes that something needs to be discussed further.

Often, having input from the attorney earlier as opposed to later may be more cost effective. This will have to be a work in progress to come to terms with how Village communications are handled. The attorney is sensitive to the amount of money the Village has budgeted for legal fees and will work within those boundaries. The Mayor still feels that the attorney was involved in too many things. Trustee Riesman feels that for the Clerk to work effectively, and for the attorney to be aware of everything going on, and for him to be able to answer questions at Board meetings, he must know the big picture. Trustee Bors asked Trustee Riesman to clarify her position, as she says that the bill is too high. Trustee Riesman repeated that she felt the bill was higher than legal fees in the past, but is not saying that it is high because the Village tries to keep Atty. Marcus informed. Maybe in the future we should look at a retainer vs. hourly rate. But, we certainly shouldn't stop sending information because we think the bill is too high. Treasurer Silber said that we should give this some time. We should ask the attorney how he handles an email that he is copied on. Does he just take 30 seconds to glance at the dialogue, see that all is ok, and move on? Treasurer Silber thinks that that may be the case. Atty. Dubow thinks that the Village should have this discussion with Atty. Marcus to discuss the balance of information needed to keep the Village protected. Some kind of arrangement should be worked out personally with Atty. Marcus.

Regarding the Beaver Dam bill, the Mayor feels that he and Supt. Cross should move Beaver Dam along. He said that Beaver Dam has done work at his home, and he feels they are capable, but then tend to be slow. Supt. Cross said that he thinks he is just about finished.

Motion to pass Resolution 6404 approving the Abstracts of Audited vouchers dated 10/20/08 in the amount of \$87,572.49 along with the additional items as listed below and instruct the Treasurer to make payments thereon.

Rubinstein, Elliott	Fiber Right of Way Annual Payment	\$100 – Info Tech Contr Exp	A01680.410
Miller Mayer, LLP	Labor Relations Services	\$3469.50 – Attorney Contr Exp	A01420.410

Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, Staley and Szekely voted YES

**Move by Trustee Bors
Seconded by Trustee Collyer**

Motion to pass adjourn the October Board of Trustees meeting at 10:03 pm.

Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, Staley and Szekely voted YES