

**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, Clerk Manning,
Attorney Marcus

Absent: Treasurer Silber

Others: Sarah Hatcher, MJ Parthasarathy, Rama Parthasarathy, Elizabeth Mount, Steven
Felker, Dave Maley, Brian Maley, Sally Grubb, Mindy Mindlin, Lee Donner, Linda Bors

Mayor Gilmore called the meeting to order at 7:07 PM and commented that he is looking into a head table change – possibly a change to add two tables to either end so no one has their backs to the audience. More to come. The Mayor then asked the Trustees and Department Heads to introduce themselves. He then asked the Board to approve the minutes of October 20, 2008.

**Motion by Trustee Szekely
Seconded by Trustee Donner**

Move to pass Resolution 6405 approving the minutes of October 20, 2008 with corrections as noted.

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

Privilege of the Floor – The Mayor then opened the Privilege of the Floor. Elizabeth Mount asked the Board who would be taking minutes at the DRAC meetings. Also, she would like to see more people on the committee with opposing points of view. Ms. Mount offered Karen Kaufman to be on the committee. Ms. Kaufman is very interested in deer management and would bring a new aspect to the Committee. Chairman Kate Supron has Ms. Kaufman's information.

Mr. Parthasarathy of 701 The Parkway spoke regarding the pipe work being done on Hanshaw Road. He was not happy with a 10 ft. ditch, soil on their lawn, and a new fire hydrant, claiming that he had not been informed of the work. Supt. Cross explained why the work was being done, why there was a new hydrant, and when the trench would be completed. Supt. Cross responded that he had met with Mr. Parthasarathy on two previous occasions and offered to be available for any future questions.

Sally Grubb commented that at last month's board meeting, she asked the mayor about the Village's legal bills. The mayor replied to Sally's concerns and she wanted to thank him for that. She also commented that she is glad that the DRAC is considering widening their members to have a broader point of view.

New Business

Report of the Fire Supt. – Report is on file. Fire Supt. Tamborelle reported that the month has been steady. The department is averaging above 50 calls/month. Trustee Bors asked how many calls in a typical month are Cornell related. Tamborelle said that it depends on timing...10-20 calls/month. Trustee Szekely asked if Cornell contributes to the fire department. Tamborelle said no, however they contributed to the building of the fire station. While speaking to Herb Engman, Mayor Gilmore offered Fire Supt. Tamborelle to talk to him about volunteers. Tamborelle said that he would enjoy doing that.

Steve Felker of the CHFD was then introduced. Felker presented the proposed donation letter to be sent to the Fire District by the Cayuga Heights Fire Company for board approval. Trustee Szekely expressed a problem with the narrative in the first paragraph. She will email Felker after the meeting with her suggestions as Felker stated that time was of the essence.

Motion by Trustee Donner Seconded by Trustee Szekely

Move to pass Resolution 6406 approving the Fire Company letter presented to the Board of Trustees and as amended by Trustee Szekely.

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

Trustee Staley asked if there was a specific project in mind that the Company was raising money for. Mr. Felker said that there had been discussion within the Company regarding radios, flashlights, etc. There are already funds available in the bank now, however. Trustee Riesman asked how much money was in the bank. Felker did not have that answer. Mayor Gilmore will ask Treasurer Silber to get in touch with the Fire Company treasurer to check their figures.

Report of the Mayor - The Mayor stated that he is looking forward to working with Treasurer Silber and the department heads during the upcoming budget season. He is interested in looking at government costs “from the ground up”. He will be asking questions as the process moves forward.

Mayor Gilmore asked Trustee Staley to fill the vacancy of Chair of the Public Works Committee left vacant by the death of Ann Antil. Trustee Staley has accepted.

Mayor Gilmore stated that the DRAC has officially accepted Trustee Donner’s resignation from the Committee. If a trustee is interested in serving on the Committee, he/she should let the Mayor know. Based on suggestions, the Mayor said that the Clerk or Deputy Clerk will take minutes at the DRAC meetings. Clerk Manning asked the Mayor to discuss this with her at a later time. It was suggested that it be discussed at this time. The Mayor said that he would sit down with the Clerk and the Treasurer and discuss any compensation issue later. Trustee Szekely commented that compensation for minute taking could come out of the \$50,000 set aside for deer issues. Mindy Mindlin, in the audience, reminded the Board that there is no budget for deer remediation at this time.

Trustee Riesman asked the Mayor if he was going to distribute the memo that Attorney Marcus wrote to the Mayor and Board of Trustees on the open meetings law as it pertains to committees, specifically the DRAC. The Mayor felt that parts of the memo are proprietary – subject to client privilege as drafted. He wants to discuss this with the attorney before distributing it to anyone else. Attorney Marcus said that the memo is considered legal advice from attorney to client, with the client being the Village of Cayuga Heights. The Board has the opportunity to waive attorney/client privilege. If the Mayor wants some part of the memo made public, he should talk to the attorney. The Mayor said that he supports sharing the memo, but wishes to amend parts of it.

Mayor Gilmore distributed to the Board a fence ordinance update, stating that he will entertain comments at the December board meeting. Sally Grubb asked for a copy. The Mayor said he would take her request under advisement.

There is a need for a new light pole on Sunset Park Drive. Supt. Cross discussed the installation of new poles with NYSEG. The process is quite simple...the Village calls NYSEG if we decide to move forward, and NYSEG sets up everything. The Village pays for one more light. Trustee Szekely asked if the light would be LED. Not at this time. Trustee Collyer commented that 15 years ago, there was a policy that whenever a light burned out, it would be replaced with a yellow bulb. This is not being done. Supt. Cross will ask NYSEG if LED bulbs can be used for all replacements. Trustee Bors asked what the increase in cost to the Village would be. Supt. Cross answered that it is approximately \$50/year. Does the Village have standards for minimum lighting level? Supt. Cross said no, there is no official policy. The police department monitors and evaluates lighting throughout the Village. Has the Village contacted all the Villagers in the area of the new light? The Mayor will send a letter to those affected. Bors then asked if the Village has looked at trying to save money by owning our own lights. Cross answered that it has been talked about in the past and it has been determined to not be feasible. Supt. Cross will move forward with the new light pole.

For purposes of disclosure, Mayor Gilmore wanted to inform the Board that Lansing Village Mayor, Don Hartill, asked that the Board support Supt. Cross as the Engineering Consultant for the Bolton Point-Crossmore Subdivision Road Project. Since Cross will be assisting Bolton Point, the Village of Lansing, the Town of Ithaca and the Village of Cayuga Heights, he is ideally suited to protect all our interests. The Board asked Supt. Cross how much time he will be spending on this project, and Cross answered that whatever time is spent, will be done outside of Village hours, i.e. lunch hours or before or after work.

Mayor Gilmore thanked Trustee Staley for attending the Bolton Point meetings in his place.

The Mayor then presented the Southern Cayuga Lake Intermunicipal Water Commission Agreement to Change Water Rate Schedule. He summarized the history of Bolton Point water rates. This increase will change the rate from \$2.32 to \$2.55/thousand gallons, an 11% increase. This rate is the same rate as 1996.

**Motion by Trustee Donner
Seconded by Trustee Szekely**

Move to pass Resolution 6407 approving that the Mayor sign the SCLIWC Water Rate Schedule for 2009 creating an 11.3% increase in our wholesale water rate which will be passed on to our residents.

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

The DEC had asked the village to modify our WWTP municipal permit, and then pulled the request. Stormwater road runoff may be an issue for a plant such as ours.

The Mayor thanked Ass't. Supt. Frisbie and his crew for their help with some recent sewer backups and problems.

The Mayor commented that it might be nice to appoint an "Energy Czar"... someone to oversee how the Village could be more environmental. He suggested possible Roger Segelken, who is presently our representative to the Environmental Management Commission (EMC).

A new draft municipal agreement has been prepared by the Tompkins County Council of Governments. A copy of the draft will be distributed by the Mayor for the review of the Attorney and the Trustees.

Trustee Privilege of the Floor - Trustee Riesman asked that the concept of an independent Planning Board be put on the December agenda. She would like an in depth discussion, then a decision on whether the Board wants to move forward or not. Riesman stated the following reasons for an Independent Planning Board:

- Inclusion
- Residents with greater expertise with specific planning ideas
- Land use issues, master plan, development
- Numerous villages of this size have separate Planning Boards
- Take away heavy workload on trustees
- Need for more expertise in planning
- Members would be willing to commit time and effort

Trustee Szekely asked if there was anything the Trustees could read that would talk about municipalities with separate Planning Boards. Discussion on master plans. Attorney Marcus said that every Village with a zoning law is required to have a comprehensive plan, although not every Village has produced a master plan. The Village of Lansing has regularly gone through a comprehensive plan process and updated it every 5 years. Trustee Riesman just wanted the Board to be aware that this subject would be discussed in December.

Trustee Szekely commented that she has heard from some walkers who are concerned about the brush over-reaching onto the sidewalks, making it difficult to walk. Supt. Cross explained the way this situation is enforced.

Report of the Clerk – Clerk Manning attended a symposium on electronic records on November 14. She explained the importance of everyone knowing that a record is "any

information kept in any physical form whatsoever” and that emails are records subject to FOIL (Freedom of Information Laws) ... whether it is public solely depends on its content. Government at the Federal, State, County and Local level is struggling how to manage their records, specifically emails. The easiest answer is to save all incoming and outgoing emails; however, that will become cumbersome and difficult for retrieval. There needs to be a system and procedures in place to apply the same record retention policies for electronic communication as other records.

The Clerk and the Treasurer will discuss this situation. More to come.

There was discussion regarding email addresses for the trustees on the Village website. The following trustees wish their Village emails to be listed for the public to see... Trustees Szekely, Riesman, Staley and Bors.

Clerk requested an Executive Session to discuss matters concerning the employment of a particular person.

**Motion by Trustee Riesman
Seconded by Trustee Donner**

Move to pass Resolution 6408 entering Executive Session at 9:30 pm for the purpose of discussing a matter of employment related to a specific person regarding the DRAC.

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

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

Move to pass Resolution 6409 coming out of Executive Session at 9:55 pm.

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

**Motion by Trustee Bors
Seconded by Trustee Riesman**

Move to pass Resolution xxxx stating that the Trustees and the Mayor will charge the DRAC to take their own minutes once/month and not employ the Clerk or Deputy Clerk to take the minutes.

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

Report of the Ass't. Supt. of Public Works – Report was distributed and is on file. October was spent preparing for leaf season. The department is on schedule with its pickups.

The stormwater extension has been completed on N. Triphammer Road.

Trustee Collyer stated that he has seen a lot of leaves raked into the gutters. Ass't. Frisbie said that the crew can get close to the gutter and will clean them out completely on occasion. A short note should be written up about this in The Courier or the website.

The use of temporary employees may lessen depending on the amount of work that is being done in the Village. They have been picking up the leaves while the Hanshaw Road project has been occurring. That project will be finished by Thanksgiving.

Report of the Supt. of Public Works – Supt. Cross has no Board actions tonight. He wanted the Board to know that the Village saved between \$60,000 and \$70,000 on the Hanshaw Road project.

Report of the Police Chief – Chief Boyce presented his report, which is on file. Mayor Gilmore wished to thank the Chief for all his hard work on the deer committee.

Report of the Attorney – Mayor Gilmore commented that the legal bills are less than they were earlier. The hourly rate has been tracked at an average of \$155/hour in August and September (which was the first month of the new attorneys' contract). He would like to thank Attorney Marcus for not charging the Village for some things listed on his bill.

Attorney Marcus stated that the easement for the sidewalk encroachment at the new Chemung Canal Trust Company is finished. Trustee Bors asked what it was about. Marcus explained that the sidewalk encroaches a small amount on Village land and Chemung will provide an easement to the Village for this.

Report of the Treasurer - Treasurer Silber was absent from this meeting; however his report was presented. The field work for the Village's annual independent audit was completed the week before this meeting. A draft report for the Court audit for 2006 and 2007 has been received and is being reviewed by the Justice and the Treasurer.

A resolution for transfers was presented.

**Motion by Trustee Szekely
Seconded by Trustee Donner**

Move to pass Resolution 6410 approving the transfers dated 11/17/08 as listed below:

From:	To:	Amount
A01990.400 Contingency	A03120.200 Police Equipment	1,220
A01990.400 Contingency	A03120.410 Contr Exp	3,690
A01990.400 Contingency	A03410.200 Fire Equipment	19,300
A08160.410 Refuse Contr Exp	A08160.490 Refuse Eqpt Maint	2,000
A09015.800 Emp Ben: Police Retirement	A09010.800 Emp Ben: Retirement	7,200
A09015.800 Emp Ben: Police Retirement	A01990.410 Contingency	16,700
G01990.400 Sewer Contingency	G09710.710 Debt: Interest	350

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

A Resolution to approve the Abstract was presented.

Motion to pass Resolution 6411 approving the Abstracts of Audited vouchers dated 11/17/2008 and the amendments thereof in the amount of \$298,339.60 and instruct the Treasurer to make payments thereon.

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

Treasurer Silber wished to have stated at the meeting that the PD and FD transfers are for radio equipment to supplement the (much larger) county purchase. These items were approved by the board last year, but because of late delivery the appropriation lapsed. The transfer is to reappropriate the previously approved funds.

**Move by Trustee Riesman
Seconded by Trustee Szekely**

Motion to pass adjourn the November Board of Trustees meeting at 10:35 pm.

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