

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

Present: Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, Szekely; Supt. Cross, Ass't Supt. Frisbie, Chief Boyce, Fire Supt. Tamborelle, Clerk Manning, Attorney Marcus

Absent: Trustee Staley

Others: Gerald Gladstein, Sandra Stein, Lisa Duggan, Sarah Hatcher, Kate Supron, Chris Anagnost, Sherene Baugher, Karen Kaufmann, Douglas Fowler, Charlene Temple, Hazel Brampton, Joseph & Alexandra Girodano, Linda Bors, Jack Young, Michelle Kiefer, Guy & Mary Tabacchi, Mindy Mindlin, Stephen Wagner, Carole Shiffman, Mabel Bergin, Rita Saresky.

Mayor Gilmore called the meeting to order at 7:00 PM and asked the Trustees and Department Heads to introduce themselves. He then asked the Board to approve the minutes of November 17, 2008.

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

Move to pass Resolution 6412 approving the minutes of November 17, 2008 with corrections as noted.

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

Privilege of the Floor – The Mayor then opened the Privilege of the Floor.

For purposes of this section of the minutes, the initials “VCH” will refer to a Village of Cayuga Heights resident and “OV” will refer to individuals living outside the Village of Cayuga Heights.

- Karen Kaufman (VCH) spoke on the deer issue. She is morally opposed to culling the deer. She urged the Board to slow down and move forward carefully and correctly.
- Charlene Temple (VCH) also spoke in opposition of the culling method that has been suggested by the DRAC. She asked about the number of car accidents in 2007-2008. How many cases of lyme disease have occurred? DRAC Chairperson Kate Supron answered that she would like to wait until the DRAC meeting scheduled for Thursday, December 18 to answer those questions. Chief Boyce has answers to the car accidents question, and will address that at Thursday’s meeting.
- Jack Young (VCH) spoke on the Planning Board issue. He wanted to support the idea of an Independent Planning Board. He noted that this was on the platform for the Community Party and would be very surprised if the idea doesn’t pass unanimously.
- Carole Shiffman (VCH) also spoke in support of the Independent Planning Board. She is interested in serving on such a board as she is worried about the future of Community Corners. She then distributed to the Board for their review an original booklet regarding Community Corners that she was able to obtain.
- Gerald Gladstein (OV) stated that he is against shooting the deer.

-Mary Tabacchi (VCH) stated that she is not comfortable with the recommendation of the DRAC. {Note: There has not been a formal recommendation by the DRAC as of this date.} She is worried about safety and slaughtering of animals.

-Hazel Brampton (OV) said that she has a herd of deer on Christopher Circle where she has lived for many years. We all need to live and let live. She is pro-life for both people and animals. She also asked why male deer are not operated on...just female.

-Kate Supron, Chair of DRAC, asked the Trustees to authorize money to be spent on a website so information can be available to the public. She then encouraged all to attend the DRAC meetings.

-Trustee Riesman then addressed Kate Supron's request. It is the recommendation of both Trustee Riesman and Clerk Manning (who both oversee the website) that the Village website is not the place to put deer information until a recommendation is made by the DRAC to the Village trustees. Hence, Kate's request for funds to start a DRAC website.

-Sherene Bauer (OV) – archaeologist at Cornell University – also voiced her opposition to the idea of slaughtering deer. She also asked the Board not to rush to a decision. She stressed living in harmony with the deer. She noted that Peter Trowbridge worked with the Plantations at Cornell formulating beautiful deer friendly gardens. She wished the Village to know that the Village is on a “slippery slope” if they decide to cull. What will the Village do about all the other species that are a nuisance to individuals...cull them?

-Lisa Duggan (OV) of Friendship Donations – opposes shooting the deer. It is possible that the meat gotten from these deer are harmful due to all the pesticide ridden plants they are eating.

-Catherine Stein (VCH) – appalled at the bait and shoot idea.

-Mayor Gilmore – reiterated to the public there is no plan to eradicate the deer.

-Alexandra Giordano (OV) – lives on Christopher Circle and her neighborhood watch is the deer. She, along with her children, watch the deer grow and multiply and are part of the landscape of this area. She would tend to support any other way than a slaughter to control the population.

-Jack Young (VCH) – in favor of a natural environment but this isn't “natural” anymore. There are too many deer and because of the high number, other species are being decimated.

-Kate Supron urged the audience to come to DRAC meetings. CayugaDeer.org has not been willing to meet with DRAC despite invitations to come to the table for a discussion. There was some discussion about people wanting to post on the website, resident or not. It was stated that the purpose of the website was to disseminate information, and was not to be used as a “blog”.

-Guy Tabacchi (VCH) – has a pond behind his house where dying deer end up. Is concerned that this will get worse if deer are culled (shot). Trustee Szekely asked where Mr. Tabacchi lived. He answered 705 The Parkway.

The Mayor then closed the Privilege of the Floor stating that all letters handed to the Clerk during this Privilege of the Floor will become attached to these minutes.

New Business

Report of the Fire Supt. – Report is on file. The Chief commented that Lt. Joe Lisi has been doing some in-house training, saving some money for the department. The Fire Company is voting to replace carpet in the Ready Room. The Spring Recruit Class will be small this time...approximately 10 people. The Spring Banquet is scheduled for April 18 at the Country Club on Pleasant Grove Road.

Report of the Mayor – Mayor Gilmore stated that upon the opinion of our attorneys and attorneys at NYCOM, it is not legal for the Village to hold a referendum on deer. It is up to the Trustees to take the recommendation that DRAC will propose, gauge public opinion, and make a decision. Attorney Dubow wrote a memo to the Trustees to this effect. Trustee Szekely asked if a survey could be conducted. Attorney Marcus answered questions in the following way:

The law is very explicit on what you can and cannot conduct a referendum about. You cannot use a referendum to gauge public opinion. The Village can gather public opinion by public hearings but you can not do so by expending public funds. The Village can't conduct a survey to gather public opinion. The Village can use a regularly published newspaper (such as The Courier) to add a questionnaire to it as long as there is no cost involved to print the questionnaire. No municipal employees can participate in this process of a survey. No space (Village offices) can be used. The result of the opinion gathering can not serve as a basis for action. Results cannot be the decision making tool. A village wide survey is prohibited by NYS law.

The question was asked that at a public hearing, can there be a "ballot" box saying "yay or nay"? Attorney Marcus answered that it was not acceptable. Again, the only way to gauge public sentiment is by a public hearing.

Treasurer Silber said that a ballot box is problematic because you don't have any control over how many people are voting. He addressed Atty. Marcus saying that other municipalities have sent out surveys. Atty. Marcus said that the further you are away from the decision point, the closer you are to following the guidelines.

Kate Supron said that it should be the residents to make the decision, not the people outside the Village. Atty. Marcus said that it is not the residents who make the decision; it is the government structure of elected officials who make the decision. The best way to go about this is use public hearings as an information gathering tool.

Trustee Bors asked if an extra page was put into The Courier, could there be a prepaid card inserted? Mayor Gilmore stated that private citizens can do that, not government. That would be expending money, i.e. postage (prepaid card). There is a possibility of dedicating a page of The Courier to welcome written comments.

Mayor Gilmore further stated that regarding the ongoing issue of a revised fence ordinance, it doesn't seem feasible to spend time on it until the deer issue is solved. There are quite a few non-compliant fences in the community.

Trustee Riesman then introduced Michelle Kiefer, who spoke on behalf of the Cayuga Heights Association. Michelle gave a short presentation on the history of the past Association. She is trying to garner support from the residents to bring it back to life. It is a private non-profit corporation with an existing bank account of approximately \$3000. She would like to start a steering committee to get the Association back in service. Could she put a survey in The Courier? Treasurer Silber said that that would be addressed shortly. There was discussion on projects that could be done by the Association if it becomes active again. Something that was mentioned was having a get-together to honor the employees/staff, inviting all residents, and at this occasion, kick off ideas about the Community Association. Trustee Riesman stated that the Courier is not scheduled to be published again until March, and Atty. Marcus said that the problem with the Village putting something into The Courier regarding the Association is that the Village funds should not be spent on an independent association. Treasurer Silber spoke on the NorthEast Sr. Citizens Group that the Village previously supported. Trustee Bors asked if there could be flyers made up and left in the Clerk's office. These are all questions that will need to be discussed. Michelle closed by welcoming all support on this endeavor.

Trustee Privilege of the Floor

Trustee Donner wished to thank the Mayor for taking the time to be interviewed recently on the radio and support his practice of being available and responsive to the media.

Trustee Riesman wished to respond. Regarding responding to inquiries from residents and the press, she feels that Kate Supron as Chair of the DRAC should be the point person. Trustee Riesman also said, "There should be one voice answering all inquiries. It is confusing on a radio interview when the Mayor speaks, as his words take on a political aspect. In the last radio interview that was conducted, it came across that culling was at the top of the list. There seems to be no division between the Trustees and the DRAC. There is a fear that the waters are getting muddy. Perception is important and the public perceives that there is a prescribed agenda being played out."

Chief Boyce responded that he sends an email answer to any emails he receives, thanking them for sharing their thoughts and invites them to attend the next DRAC meeting.

Trustee Donner feels that the public will sort it all out. It has not been voted on yet.

Report of the Clerk – Clerk Manning distributed the new election schedule for 2009 Village elections, specifically noting that in 2009, the elections will be held on **Wednesday**, March 18 due to St. Patrick's Day falling on Tuesday, March 17 (which would normally be Election Day).

Renovation of Marcham Hall – Chair of the Committee, Clerk Manning, introduced Supt. Cross and both gave a brief synopsis of the issues that need to be addressed with the use of the existing "house" known as the Village Hall. Without listing them all, some of the major deficiencies include handicap accessibility to the Clerk's office, inadequate space for the Engineers Office, and various unmet regulatory program requirements in the Police and Court spaces. Twice in the past, the Village hired professional planners and architects to address these issues. In both cases, the program to meet everyone's needs resulted in an estimated cost that stopped the project from going forward. Now we still have the same/more of the unresolved issues. The latest effort by the Building Renovation Committee (formerly known as the Space Committee) is to find a level of renovation/addition that will be acceptable to the Trustees. Once we establish that level, then the Committee can take the next step to figure out which needs can be met within the limits of the approved budget. The Building Renovation Committee has developed preliminary budget estimates which address both renovations to the existing Village Hall and a two-story addition to the back of the Village hall. The preliminary estimated cost of the project would be approximately \$600,000. This number is made up of approximately 25% for the existing infrastructure, approximately 50% cost for a new building (addition), and approximately 25% cost for accessibility/critical deficiencies.

It is the Committee's wish to know if the Trustees are in favor of moving forward with this preliminary plan at this cost. If so, the Committee will spend the time to fine tune this preliminary plan and bring a workable sketch to the Trustees with a list of specifics that would be included in this project. A preliminary budget estimate was then presented and discussed. Funding would be a combination of fund balance and bonding. The bonding authority has already been completed, with bonding terms around 20-30 years in the 4% range.

Both Clerk Manning and Supt. Cross had a conference telephone call with Trustee Staley who was not going to be in attendance at this meeting. Trustee Staley wanted the Board to know that he is excited about what he is hearing about the project and feels that there is no better time to move on this than now.

Treasurer Silber was asked to prepare for the next meeting a potential financial package with details regarding a 2 story and a 1 story building. Trustee Bors asked Treasurer Silber to calculate the impact on the tax rate of a \$600,000 project.

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 Treasurer - Treasurer Silber commented on the following:

- The abstract for this meeting was distributed in advance. Financial reports for June-November have also been distributed electronically.
- January kicks off the budget cycle. The process for budget was outlined.
- Additional accounts will be established to improve accountability (separating fines from bail) and provide a separate account for the Acting Justice as required by New York State. The Justice and the Treasurer will be responding to the recent Court audit and ensuring that the necessary changes, which are “housekeeping changes”, are made. Treasurer Silber asked for a resolution authorizing two additional bank accounts –

**Motion by Trustee Bors
Seconded by Trustee Collyer**

Motion to pass Resolution 6413 authorizing the opening of two additional bank accounts on behalf of the Village Court.

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

-Treasurer Silber distributed HR policies which were developed at the request of one of our insurers. These policies have been reviewed by our labor counsel and need to be approved by the Board. Some small changes were suggested by the department heads and will be incorporated into the documents.

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

Motion to pass Resolution 6414 approving the Personnel Policies on ADA, Equal Opportunity, handling Complaints, Salary Administration, performance Reviews, and Employee Interview and Hiring, with changes discussed, which shall be applicable to all Village employees. The Village Clerk is requested to include these items in the Employee Handbook.

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

-Treasurer Silber stated that all toner cartridges are recycled and computer disposal is handled by scrapping with cleaned disks.

Silber then presented the transfers as follows and asked for a resolution to approve same.

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

Move to pass Resolution 6415 approving the transfers dated 12/15/08 as listed below:

| From: | To: | Amount |
|---------------------------------|------------------------------------|--------|
| A03410.410 Fire Contr Exp | A03410.450 Fire Training | \$200 |
| A05110.200 Street Capital Equip | A05110.410 Street Contr Exp | 1,200 |
| A05110.490 Street Equip Maint | A05110.410 Street Contr Exp | 3,300 |
| A08160.410 Refuse Contr Exp | A03410.490 Refuse Eqpt maint | 1,000 |
| F01990.400 Water Contingency | F08320.420 Water Purchase/Ithaca | 700 |
| F08350.410 Water Contr Exp | F08350.200 Water Capital Eqpt | 9,730 |
| G08120.410 Sewer Line Contr Exp | G08120.200 Sewer Line Capital Eqpt | 9,730 |

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

Treasurer then presented the Abstract of Vouchers with an attached addendum listed below:

| | | | | | |
|------|--|-------------------------------------|-----------|-------------------------|-------------|
| A-1 | Absolute Emergency Vehicles & Equipment, LLC | Annual pumper testing - Truck #202 | \$ 880.00 | FIRE: Equip Maint | A0.3410.490 |
| A-2 | Andritz Separation Inc. | Replacement screen for WWTP process | 12,043.68 | WWT PLANT: Equip Maint | G0.8130.490 |
| A-3 | Angelo Dry Cleaners | Uniform cleaning | 17.85 | FIRE: Contr Exp | A0.3410.410 |
| A-4 | Applied Industrial Technologies | Ball bearing | 212.12 | WWT PLANT: Equip Maint | G0.8130.490 |
| A-5 | CDW Government, Inc. | Toner cartridges | 118.00 | CLERK: Contr Exp | A0.1410.410 |
| A-6 | Churchville Fire Eqpt. | Flares | 158.00 | FIRE: Contr Exp | A0.3410.410 |
| A-7 | Cross, Brent | Mileage reimbursement | 198.63 | SPW: Contr Exp | A0.1440.410 |
| A-8 | Cross, Brent | Mileage reimbursement | 459.81 | NYSUFPCB: Contr Exp | A0.3620.400 |
| a-9 | Griffith Energy | Unleaded gasoline (493 gal) | 709.77 | CENT GAR: Fuel Facility | A0.1640.460 |
| A-10 | Hess Corporation | Utilities - natural gas supplier | 1,363.28 | FIRE: Utilities | A0.3410.440 |
| A-11 | Southern Tier Building Officials Assn. | Annual dues | 40.00 | NYSUFPCB: Contr Exp | A0.3620.400 |

| | | | | | |
|------|----------------------------------|--|---------------------|--------------------|-------------|
| A-12 | Stafford Chevrolet | NYS Inspection - 98 Chevy Truck | 21.00 | FIRE: Equip Maint | A0.3410.490 |
| A-13 | Staples | pads, surge outlet, appointment book, planner | 46.16 | JUSTICE: Contr Exp | A0.1110.410 |
| A-14 | Staples | copy paper, desk calendar, desk pad calendar | 54.05 | POLICE: Contr Exp | A0.3120.410 |
| A-15 | T.G. Miller, P.C. | Engineering Services - Water System Impro. Proj. | 12,421.78 | WATER SYS: Cap Exp | H0.8350.200 |
| A-16 | Tops Market, LLC #522 | Propane exchange | 23.75 | FIRE: Contr Exp | A0.3410.410 |
| A-17 | Tyler Fire Equipment Service Co. | Red lens | 19.09 | FIRE: Equip Maint | A0.3410.490 |
| | | Total for Addendum | \$ 28,786.97 | | |
| | | Main Abstract | \$290,392.32 | | |
| | | Grand Total for Abstract | \$319,179.29 | | |

Motion to pass Resolution 6416 approving the Abstracts of Audited vouchers dated 12/15/08, the amendments thereof in the amount of \$319,179.29, and one other bill to Mobil Oil for \$66.78 and instruct the Treasurer to make payments thereto in the amount of \$319,246.07.

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

The request by Kate Supron, Chair of the DRAC, was addressed for monies to build a simple website plus funds to get information out to the public.

**Motion by Trustee Bors
Seconded by Trustee Collyer**

Motion to pass Resolution 6417 allocating \$1100 of the monies previously allocated for deer control to be used by DRAC for development of a website and dissemination of materials.

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

Report of the Ass't. Supt. of Public Works – Ass't. Supv. Frisbie presented his report, which is on file. Leaf pickup is now finished and went very well. The temporary employee who was helping with the leaf pickup will be leaving by Christmas. Snow plowing throughout the Village during the snowstorms has and will continue to go well.

Report of the Supt. of Public Works - Supt. Cross reported on two items. The first was the Phosphorous Filter Project at WWTP. The contractor ran into 2 “unforeseen” conditions on the project that will require additional cost. Stearns & Wheler has reviewed both of them and has recommended that the Village approve the change orders. Supt. Cross asked the Trustees to authorize the Mayor to sign the change order.

Motion by Trustee Donner

Seconded by Trustee Bors

Motion to pass Resolution 6418 authorizing the Mayor to sign the following change orders to the Phosphorous Filter Project at the WWTP:

- a. Increase the size of the lift pumps to allow for operation during the “backwash” process. The lump sum value of this change is \$4,372.80 with no change in completion date.**
- b. Remove bedrock in the location of the pump station. Since there was no unit price option in the contract, the contractor has provided a lump sum quote of \$10,260.**

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

The second item on Supt. Public Works Cross’s report was the Phase II Water main Project. In designing the new water main in the Parkway, TG Miller is looking for a subsurface data that will provide accurate information about things like the presence of bedrock and other “unforeseen” conditions. This is typically done by a drilling contractor. In seeking quotes for this service on our behalf, TG Miller produced a RFP (no advertisement needed under \$10K) which was sent out to 4 contractors. All 4 contractors provided quotes and Atlantic Testing Laboratory was the lowest bidder at \$4,752.00. Supt. Cross asked the Trustees to authorize the Mayor to sign the contract with ATL.

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

Motion to pass Resolution 6419 authorizing the Mayor to sign the contract with ATL at a cost of \$4,752.00 to drill for subsurface data that will provide accurate information about things like the presence of bedrock and other “unforeseen” conditions for the designing of the new water main in the Parkway.

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

Report of the Police Chief – Chief Boyce presented his report, which is on file. The Chief spoke about potential funding with LETS (Law Enforcement Technical Service). A funding program will be developed by the County for all law enforcement communities in the County. The work will be shared with County IT. Treasurer Silber said that the County may take the approach that they will charge a fee per police department. More to come.

Report of the Attorney_– Attorney Marcus had nothing to report.

OLD BUSINESS

At this time, Trustee Riesman brought before the Board the issue of a separate Planning Board. She stated that this was the third evening that the Board will have discussed the topic, and would like to move forward with the idea of forming a separate Planning Board. It was noted that a “Planning Board” is the decision maker on site plan review. That is

their only decision making issue. Trustee Bors said that he is concerned about giving up the control that the Board has now. The independent Planning Board, though, has to follow the existing zoning laws. There was also concern about a “runaway” Planning Board. It was stated that the Planning Board can recommend changes to the zoning laws to the Board of Trustees, but they can’t change the laws themselves. Question was asked how the members would be chosen. The members would be appointed positions by the mayor with approval by the Trustees. It is important to have that input as you want to appoint the best people who have the knowledge and interest to do this kind of work. Trustee Riesman stressed that the Independent Planning Board should be an independent group of people...there should be a separation between the Planning Board and the Board of Trustees, similar to an Advisory Committee. It was then decided that Attorney Marcus would prepare an amendment to the current local law establishing an independent Planning Board and have the clerk advertise for a public hearing for comment on this proposed change.

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

Motion to pass Resolution 6420 authorizing the Attorney to prepare an amendment to Local Law #2 of 1992: Establishment of Planning Board, Section II, first paragraph that would establish a separate Planning Board, and authorize the Clerk to advertise a public hearing for February 17 at 7:00 PM before the regularly scheduled Board Meeting to hear public comment on the proposed amendment to Local Law #2 of 1992.

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

Trustee Szekely commented that she would expect all work done by a separate Planning Board be done pro bono.

Supt. Cross commented that he endorses a separate Planning Board as there are people in our community with the knowledge and interest to do this kind of work. He also stated that he is happy that lately all planning board issues have been held outside of the regularly scheduled Board Meetings. Cross further commented that the Planning Board has no authority to take action on issues other than site plan review/subdivisions. The Board of Trustees has the final say on any action to be taken otherwise.

Atty. Marcus said that there are other municipalities who give their Planning Board an allocated budget. It’s entirely within the Board of Trustee’s control what the Planning Board spends money on. A plus to the idea of an independent Planning Board would be a board that has a reactive function to the applicant, and an opportunity to be proactive in addition to being reactive to an applicant.

At the late time of 11:35 pm, the Board of Trustees meeting ended.

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

Motion to pass adjourn the December Board of Trustees meeting at 11:35 pm.

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