

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

**Present:** Mayor Gilmore, Trustees Bors, Collyer, Riesman, and Szekely, Supt. Cross, Ass't Supt. Frisbie, Chief Boyce, Sgt. Steinmetz, Treasurer Silber, Fire Chief Tamborelle, Justice Galbreath, Clerk Manning, Attorney Marcus

**Absent:** Trustees Donner and Staley

**Others:** Stephen P. Locey, Locey & Cahill, Sarah Hatcher, Linda Bors, Lee Donner, Jack Young, Nancy Green, Douglas Fowler, Ilene Lambiase, Karen Kaufmann, Mindy Midland, Bob Andolina, Jenny Stein, James LaVeck

\*\*\*\*\*

Mayor Gilmore opened the continuation of the Public Hearing at 7:03 PM on the proposed local law concerning the establishment of an independent Planning Board. Mayor Gilmore and Trustee Riesman spoke briefly on what was discussed at the previous month's public hearing. Since there were two trustees not in attendance, 4 out of the 5 in attendance needed to vote affirmatively to pass a resolution. Therefore, in order for the proposed Local Law #2 of 2009 to pass, four trustees have to vote affirmative. Mindy Mindlin spoke on two concerns of hers. The Planning Board has always been elected officials, but by the Mayor appointing the Independent Planning Board (IPB), the board would not be an elected body. It is important that when the new IPB votes, they are sure that standards are discussed and the process is followed. Atty. Marcus pointed out that the law does not set out the standards, it states the process. Residence is a state law. The Mayor would typically accept statements of interest for those wanting to be on the IPB. Mayor Gilmore said that he personally has no desire to personally pick the individuals...he would like to have a process for the Board to be involved in. Mindlin asked if the IPB would have any authority. The Planning Board is different from a planning committee. It has a set of specific authorities – approval of subdivision and site plan approval. Changes to the zoning laws are developed by the Planning Board but enacted by the Board of Trustees. Trustee Riesman stated that there is no addition to the infrastructure. The terms of the Planning Board members are staggered per NYS law. The costs/training are no different than as it is now. There still has to be compliance with NYS laws. The question at hand was whether to keep or delete Section C of Section III of the proposed law. (Note, Section C states a Limitation on the Appointment of Members.) There was discussion at the February board meeting to remove Section C. Mindlin thought that it should stay in. Jack Young was in favor of taking Section C out. Ithaca is a difficult place to have a law with that section in as spouses can't volunteer where their spouses are volunteering. That restricts the number of people eligible to serve. Mindlin said that it is important for the Village to reach out to individuals to increase awareness of positions available in the Village. Douglas Fowler asked if the Board has looked for individuals with expertise in planning.

The Public Hearing was closed at 7:35 pm.

Discussion of the Independent Planning Board continued among the trustees.

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

**Move to pass Resolution 6440 removing Section C, Limitation of the Appointment of Members, from the proposed Local Law #1 of 2009.**

Trustee Riesman said that the appearance of conflict of interest is negligible as duties are often shared. Trustee Bors said that he respects the opinions of Trustee Szekely and Trustee Riesman, but he disagrees. He feels that having two people from the same household on both the Board of Trustees and the IPB is a case of undue influence. Trustee Collyer agreed with Trustee Bors. Mayor Gilmore also agrees that this puts undue influence on the board and asks why put future Board's in a position for problems. Mayor Gilmore stated that his business background dictates this feeling of his. Trustee Riesman stated that the Village is not a business. That is one comparison that does not work. The individuals involved are volunteers and no pay exists.

Treasurer Silber commented that nothing in NYS law prohibits having related trustees, nor do we have policies in the Village about employees being related as long as they don't supervise them. Zoning Board members do not have these rules. Mayor Gilmore said that if Section C stays in Local Law #2 of 2009, the Zoning Board might need to change its makeup.

Trustee Szekely said this doesn't pertain to the ZBA. There are many individuals who have the same direction by their education. Trustee Bors asked who would police the situation if there was undue influence by related individuals. Trustee Riesman asked Trustee Bors for an example of his concern. Trustee Bors said that his is a philosophical feeling as stated by he and Trustee Collyer.

A vote was called on the motion made by Trustee Szekely.

**Trustees Riesman and Szekely voted YES  
Mayor Gilmore and Trustees Bors and Collyer voted NO  
Vote resulted in No Action.**

Due to the fact that there were not 4 votes in either direction, this vote resulted in a non-action. This will be discussed again with the new board after the organizational meeting on April 6.

**Approval of the Minutes of February 17, 2009**

Some corrections were noted on the minutes of the February meeting.

**Motion by Trustee Szekely  
Seconded by Trustee Bors**

**Move to pass Resolution 6441 approving the minutes of February 17, 2009 with corrections as noted.**

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

Clerk Manning asked the Board to consider amending the minutes of January 23, 2009. Karen Kaufmann was left out of the Privilege of the Floor and wished to be put on record as having spoken as follows:

Karen Kaufmann (VCH) – strongly opposes any proposal to cull deer. Is opposed to a rush to judgment and an arbitrary deadline on this issue. She questioned the Village's legal

obligations and the need for environmental impact assessment, the costs, the Village's firearms ordinance, and liability insurance.

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

**Move to pass Resolution 6442 amending the minutes of January 26, 2009 with information regarding Karen Kaufmann speaking at Privilege of the Floor.**

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

Clerk Manning was also contacted by James LaVeck of CayugaDeer.org asking for the September 15, 2008 minutes to be amended. Mr. LaVeck felt that the information that was stated regarding Mr. LaVeck's statements during Privilege of the Floor were misleading and asked that they be clearer. He also gave the Clerk a copy of his verbatim statement, which the Clerk read to the Board. After discussion, it was decided that any changes will be tabled until the April Board of Trustees meeting.

**Tompkins County Municipal Health Insurance Consortium**

Mayor Gilmore introduced Stephen Locey of Locey & Cahill, LLC, who gave a presentation on the proposed Tompkins County Municipal Health Insurance Consortium. Mr. Locey distributed an initial overview of the meetings held with governing bodies in the County. This information is part of the official file for this Board meeting. Some topics of discussion by the board were: explanation of indemnity style plan; when will rates and coverage be available and how many years will they be set for; when is the proposed start up date.

At this time, 8:30 PM, the Privilege of the Floor was opened. Regarding the insurance consortium, Mindy Mindlin asked where the pool of funds that bills are paid from will come from. The answer is that all of the membership will go to one municipality responsible for getting all the monies. Trustee Szekely asked if there were prior conditions. Answer was no.

Mayor Gilmore thanked Mr. Locey for his presentation and the board looks forward to hearing from him again.

James LaVeck addressed the board about the modification of September's minutes, which he gave to the Clerk in writing. He stressed the need to set the record straight, as there has been a campaign of rumor and innuendo waged to discredit the efforts of LaVeck and others with respect to the deer issue.

Jenny Stein then spoke. She also gave the Clerk her written statements. Ms. Stein's statement addressed false accusations made by the board and asked that they stop. She also presented the Clerk with signed, notarized statements by her, and James LaVeck stating among other things, that they are not in the employ of Ms. Adelaide Gomer. Another statement presented was signed by Adelaide Gomer and notarized, stating that she has never employed Mr. LaVeck and Ms. Stein, and has never directed their efforts in any matter concerning the Cayuga Heights deer situation.

Ms. Mindlin spoke to Mr. LaVeck and Ms. Stein stating that they are trying to intimidate the public with their tactics. Mayor Gilmore asked that statements be address to the board and not to others in the audience.

Karen Kaufmann said that she is troubled with how the deer conflict has divided our Village. She stated that the innuendos and misconceptions are bad, and we all need to move forward in a more civil manner.

Privilege of the Floor ended at 8:50 PM.

Report of the Fire Superintendent – Supt. Tamborelle thanked Trustees Collyer and Staley for all of their help. He then presented his monthly and annual report, which is on file. The Fire Company elections will be held on April 5, the day before the Organizational Meeting. The Clerk will get the slate of officers as voted on by the Company on Monday morning, April 6. The Board will be asked to vote on this slate later on in the evening. The officers will be sworn in at the Fire Company banquet on April 18.

Report of the Justice Court – Judge Galbreath distributed his annual report, which is on file. He reviewed the report, and stated that the work on the handicap accessibility grant into the Court room will begin soon.

At this time, Mayor Gilmore thanked Trustee Collyer for his 8 terms as a trustee, and Trustee Staley for his 3 terms as a trustee. He then read resolutions prepared for both of the outgoing trustees:

**BE IT HERBY RESOLVED that Trustee Frank Collyer is respectfully acknowledged as faithfully volunteering 16 years of service as Trustee to the Village of Cayuga heights as a valued steward of our taxpayer’s resources and further recognized as an individual of the highest character.**

**BE IT HEREBY RESOLVED that Trustee Roy Staley has hereby served 3 terms as a valued trustee, graciously offering his knowledge, commitment and expertise to maintaining and improving the Village’s services to the taxpayers.**

Thank you to Trustee Collyer and Trustee Staley from all of the Trustees.

Report of the Police Chief – Chief Boyce thanked Trustees Collyer and Staley for all their hard work and time on the Board of Trustees. He presented his Annual Report, which also thanked Trustee Antil for her hard work and time on the Board. He also thanked the new trustees for their help. Trustee Collyer complimented the Chief for keeping overtime low throughout the years. The Chief said that he had to give all the credit to his police officers, who work together with him to keep overtime low.

The Chief then informed the Board of a federal government stimulus plan entitled “COPS Hiring Recovery Plan.” It enables municipalities to hire a police officer now, and have the federal government pay the initial salary for the first 3 years. On the 4<sup>th</sup> year, the municipality takes over all of the costs. He wanted to let the Board know about it, and would talk further about it at the Organizational Meeting on April 6.

Report of the Ass’t Superintendent of Public Works – Ass’t Supt. Frisbie also thanked Trustees Collyer and Staley from the whole department. They have been highly respected by the DPW over the years.

Ass’t. Supt. Frisbie distributed his report which is on file. Spring cleanup has begun and everything is running on schedule.

Trustee Bors commented that he read that the City is starting their street cleaning program and asked if we do that. Frisbie said that when we clean, we subcontract cleaning where the City of Ithaca does their own. Money wasn’t budgeted for street sweeping, but he will try to have the DPW work on some cleaning whenever there is time. Attorney Marcus, asking as a Village resident, asked about the muddy situation on Hanshaw Road where work was done. Frisbie answered that “ground rolling” should start soon, with topsoil delivered next month and seeding should be done by the end of April.

Report of the Mayor – TCCOG Update – The Mayor has been impressed and challenged by the number of things that have passed by his desk. He will try to delegate more to the trustees. He appointed Trustee Donner to act as an alternate on TCCOG.

The Mayor explained that he asked for an administrative assistant position in this year's budget. This person will help both the Mayor and Supt. Cross with their administrative tasks.

The Mayor would like Paul Tunison of Bolton Point to join him in giving a short update at an upcoming board meeting. Don Hartill, Mayor of the Village of Lansing, is putting together a "white paper" to analyze the alternatives should the City of Ithaca decide to join Bolton Point. A Memo of Understanding (MOU) has been given to the City. The trustees will be kept up to date on all developments.

The deer meeting held on March 12 was very informative. Another forum is scheduled for March 31 at Kendal.

Regarding the upcoming elections, Kendal has requested some help getting their people into the Village Hall from 12-3 pm. The Mayor would like the DPW to lend a hand.

### **Trustee Privilege of the Floor**

Trustee Riesman acknowledged Trustees Collyer, Staley and Antil. She said that their presence on the Board made such a difference to the incoming trustees, and thank them for all their help.

Trustee Bors discussed advertising meetings. A number of residents have expressed interest in hearing more about meetings instead of reading legal notices. There was discussion with Trustee Riesman regarding the web site and blast emails. Blasts are items of an emergency nature. There is a fine line between being informed and inundated with information. As it stands now, Board of Trustee meetings will be advertised as legal notices and put on the website. Planning Board meetings will be handled the same way. Zoning Board meetings will be advertised as a legal notice and a notice will be sent to residences within a 200 ft radius of the property in question. Trustee Bors said that there is no question that the Village is meeting legal requirements, he just feels that we should be doing more. Treasurer Silber commented that using email as a notice is a dangerous procedure to implement. It was then suggested that the Village erect a sign post similar to the Village of Lansing where meeting signs can be hung.

Attorney Marcus commented that the Village should think about doing something about property specific matters. He also endorses Treasurer Silber's concern about using email blasts to inform the public where there is already a legal procedure in place. It is important that everything is handled in an even way. One concern in broadcasting ZBA meetings to the general public is that people not really interested in the subject at hand may use the meeting as a platform for their agenda, making the meeting unmanageable. Before using the email blast for these types of purposes, try to grow the list more via The Courier or webpage. The Mayor asked Trustee Riesman to pull together all these thoughts and formulate a communication plan for the new Board to address.

Trustee Szekely stated that the Village needs to fill the UNC spot vacated by Steve Gordon, as he cannot serve on this committee any longer.

### **Report of the Clerk**

Clerk Manning reported that the planning for proposed renovation of Marcham Hall is in progress. She believes that in the budget process, there is a placeholder for this project. Also, the Organizational Meeting is scheduled for April 6 with the swearing in of new trustees occurring before the meeting.

**Report of the Treasurer**

Treasurer Silber presented the transfers and asked for approval.

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

**Move to pass Resolution 6443 approving the transfers dated 3/16/09 as listed below:**

From:	To:	Amount
A01990.410 General Fund Contingency	A01410.410 Attorney Contr Exp	8,000
A09554.900 Capital Fund Transfer	A01620.410 Vil Hall Contr Exp	2,500
A01990.410 General Fund Contingency	A01620.440 Vil Hall Utilities	2,000
A01990.410 General Fund Contingency	A01640.410 Cent Gar Contr Exp	3,000
A01990.410 General Fund Contingency	A01640.440 Cent Gar Utilities	4,000
A03410.410 Fire Contr Exp	A03410.480 Fire Station Maint	1,000
A08160.100 Refuse Pers Serv	A05010.100 Street Admin Pers Serv	3,000
A08160.100 Refuse Pers Serv	A05110.100 Street Pers Serv	6,000
A05110.410 Street Contr Exp	A05110.490 Street Eqpt Maint	3,100
A05142.100 Snow Pers Serv	A05142.150 Snow Pers Serv – OT	3,200
A01990.410 General Fund Contingency	A05142.410 Snow Cont Exp	3,700
A01990.410 General Fund Contingency	A05142.490 Snow Cont Exp	300
A08160.410 Refuse Contr Exp	A08160.490 Refuse Eqpt Maint	400
F01990.400 Water Contingency	F08320.420 Water Purchase/lthaca	1,800
G08130.410 WWT Plant Cont Exp	G08130.490 WWT Plant Eqpt Maint	15,000
G01990.400 Sewer Fund Contingency	G09710.710 Debt Service/Interest	3,900

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

Treasurer Silber reminded the department heads that there are two months left in the fiscal year, with bills generally lagging by one month, and many accounts are exhausted. Department heads must manage

The Treasurer asked for approval of the abstract of vouchers.

**Motion by Trustee Bors  
Seconded by Trustee Szekely**

**Move to pass Resolution 6444 approving the Abstracts of Audited Vouchers Dated 03/16/09 and any amendments below thereof in the amount of \$632,998.78, and instruct that the Treasurer make payments thereon.**

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

The Treasurer then presented the tentative budget to the Clerk. There was discussion on the budget, and the process, and a public hearing was set for 7:00 PM on April 6 before the Organizational Meeting

Treasurer Silber stated that we have been paying down WWTP financing using the sewer water balance with no bonds as of yet. We are also in a holding pattern with the EFC to see if we qualify for subsidized financing. We may not qualify for recovery money, but people above us may get money freeing up financing for others.

Treasurer Silber will take care of short term financing before the end of the fiscal year.

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

**Move to pass Resolution 6445 setting the Public Hearing on the budget for 7:00 PM on April 6 before the Organizational Meeting.**

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

A working budget session was scheduled for March 23<sup>rd</sup> at 5:00 PM. The Clerk will advertise this meeting.

Supt. of Public Works – Supt. Cross presented a review of T.G. Miller’s 2-phase study of water main deficiencies. Phase 1 was completed in 2007. Plans are 95% ready for Phase 2. The Board needs to pass a resolution authorizing T.G. Miller to advertise our water main project for bids, and authorize the treasurer to engage bond counsel for the purpose of financing the Phase 2 Water System Improvements of 2009 project.

**Motion by Trustee Collyer  
Seconded by Trustee Szekely**

**Move to pass Resolution 6446 authorizing TG Miller to advertise our water main project for bid and furthermore authorize the treasurer to engage bond counsel for the purpose of financing the Phase 2 Water System Improvements 2009 Project.**

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

Discussion then ensued regarding the Wastewater Treatment Plant receiving gas well water article as appeared in the Ithaca Journal the previous week. In addition to the IJ article, there have been a couple of public meetings in which the response was in opposition of this activity. The public is concerned that the Village is not handling this properly. The background of this is as follows: the topic came up first in January 2008. Yaws, the company managing the WWTP, has connections with a trucking company that was trucking the water further away than us. We were asked if we would accept the water. Questions were asked, research was done, and the DEC was contacted. The DEC had not yet established a set of guidelines for local municipalities. There was discussion about the chemical nature in the water which does not cause interference with the plants ability to meet our permit compliance, but this is not to say there wasn’t anything in it that people didn’t like. The village should not worry about being in violation.

A proposal was made by Yaws to pay half of 4.5 cents/gallon to treat the water. The trustees approved a contract in March 08. The potential revenue is in 6 figures per year. From June 2008 to present, we have received \$138,000. Attorney Marcus asked if the Village’s treatment of the water remove all of the questionable elements. The answer is yes to some and no to others. Certain things in this type of water can be filtered out and certain things will never be filtered out. Whatever we are supposed to treat, we do. We can’t treat everything. Supt. Cross and yaws recommended to the Board that the Village could handle the water and the DEC agreed. Since then, the Village has been in contact with the DEC. Yaws tests daily, and reports to DEC the results of the checks on a monthly basis. The DEC continues to support our contract to receive this water.

Supt. Cross said that on December 22, 2008 the Village received an important document (dated 12/8/08) from the DEC taking a position on advising municipalities on how to handle this issue. The Village is currently working on complying with the new DEC guidelines. The Village has contacted S&W to do a “headworks analysis”, which is to

look at the capacity of the plant to treat gas well water to the head of the plant. The question is how much we can take. The most important part of the document is the DEC decided that the way to regulate gas well water is to call it industrial waste with pre-treatment process. The WWTP is already approved as a mini pre-treatment facility. In this process we would treat gas well water just like we treat Borg Warner's industrial waste. We test it monthly and report results to DEC.

Supt. Cross has requested through Yaws for a site visit to the well sites. Current locations of wells are throughout the Corning area. Treasurer Silber said that the Village of Lansing gets the best benefit by this as they are our biggest customer and they get the benefit of lower costs.

The Planning Board will meet on March 31 at 9:00 am to discuss a minor subdivision of lot 10.-3-5.2 into two lots. This land is owned by Neil Olver. The Clerk will advertise this meeting in the legal notice of the Ithaca Journal.

### **Report of the Attorney**

Attorney Marcus spoke on the proposed Local Law #1, A Local Law amending Village of Cayuga Heights Local Law No. 2 of 1981, "Enactment under Provisions of Chapter 277,1981 New York Session Laws Relating to the Furnishing of Legal Counsel and Indemnification of Employees", to provide for the defense and indemnification of officers and employees. This law gives equal protection to all board members, committee members, and employees, providing legal defense to be paid for by the Village. It further indemnifies the officers and employees for punitive damages assessed by a court as punishment. A resolution was needed to set a public hearing to consider this law.

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

**Move to pass Resolution 6447 setting a Public Hearing to consider Local Law #1 of 2009, A Local Law amending Village of Cayuga Heights Local Law No. 2 of 1981, "Enactment under Provisions of Chapter 277,1981 New York Session Laws Relating to the Furnishing of Legal Counsel and Indemnification of Employees", to provide for the defense and indemnification of officers and employees. This Public Hearing is set for 7:15 PM on April 6 before the Organizational Meeting.**

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

A resolution was also needed to set a public hearing to set the sewer rates.

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

**Move to pass Resolution 6448-1 setting a Public Hearing at 7:10 pm on April 6, 2009 to consider Local Law #3 of 2009, to set the Sewer Rates for 2009-2010.**

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

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

**Motion to adjourn the meeting at 11:35 PM**

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