

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

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

Others: Sarah Hatcher, Linda Bors, Mindy Midland, Jenny Stein, James LaVeck, Eric Huang, Eric Pritz, Frank Collyer, Carole Shiffman, Peter Bortorff

Mayor Gilmore called the April 20 meeting of the Board to order at 7:10 pm.

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

Move to pass Resolution 6462 approving the minutes of March 16, 2009 with corrections as noted.

**Mayor Gilmore, Trustees Bors, Donner, Riesman and Szekely voted YES.
Trustees Andolina and Supron ABSTAIN.**

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

Move to pass Resolution 6463 approving the minutes of March 23, 2009 with corrections as noted.

**Mayor Gilmore, Trustees Bors, Donner, Riesman and Szekely voted YES.
Trustees Andolina and Supron ABSTAIN.**

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

Move to pass Resolution 6465 approving the minutes of March 31, 2009 with corrections as noted.

**Mayor Gilmore, Trustees Bors, Donner, Riesman and Szekely voted YES.
Trustees Andolina and Supron ABSTAIN.**

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

Move to pass Resolution 6466 approving the minutes of April 6, 2009 with corrections as noted.

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

The request by James LaVeck brought up at the March 16 meeting to amend the September 2008 minutes with his revised statement was again discussed. There was much discussion on minutes in general. It was noted for the record that the Board was not in favor of changing minutes from several months earlier.

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

Move to pass Resolution 6467 resolving not to amend the minutes of September 08, but to add to both the September 08 and March 09 minutes a copy of James LaVeck's statement submitted to the Clerk in February.

**Mayor Gilmore, Trustees Bors, Donner, Riesman, and voted YES.
Trustees Andolina, Supron, and Szekely ABSTAINED.
Resolution passed.**

PRIVILEGE OF THE FLOOR

Eric Pritz of 106 Brook Lane spoke on the deer situation saying that he is tired of the propaganda that has been written. The deer population needs to be brought back into balance. He is in favor of culling and cited issues of Lyme disease, chronic wasting disease and traffic issues as a few of his reasons. He asked what it will take for the Village to take action to cull. Trustee Supron, in her capacity as Chair of the Deer Committee said that the Committee is currently working on a recommendation. She hopes to have a proposal in the Board's hands in May.

Peter Botorff stated that he is glad the motion to amend the September 08 minutes was left up in the air. He agreed the minutes should not be amended and he left some documents for the board to read. He felt that someone is trying to manipulate the official record of the Board and would like the Board to move on. He doesn't feel there is a need for a survey.

Carol Shiffrin spoke. She lives in former Mayor Fred Marcham's house and spoke in favor of the Independent Planning Board. She feels it is crucial for the Village by bringing it in line with the future. She feels it is important to protect and preserve the character and quality of the Village, and she feels that lately there have been changes to Community Corners that doesn't preserve the character. She gave the Board a pamphlet entitled, Progress Report, June 1947, the Corners Community Center, which reported the "progress on the community service center which has been planned and on which construction will start immediately." She would like the Village to maintain the character that is described in this pamphlet, and urges the trustees to read it.

James LaVeck wished to talk about the decision not to amend the minutes of September 2008. He stated that no responsibility was taken to change the items that were written incorrectly. He had the meeting on videotape, and videotapes don't lie.

John Colt, 3yr. resident of the Village also spoke on the deer issue. He stated that Cayuga Heights is a managed ecosystem and should be managed fully. Primary control of deer presently is by car and starvation....is that better than culling?

Privilege of the floor was closed at 8:00 pm.

Report of the Fire Superintendent – Report on file

Supt. Tamborelle stated that all officers of the Fire Department were installed at the Fire Banquet held the previous Saturday evening. Tamborelle commented about the question raised last month when he was asked about the money brought in from last year's fire company yard sale and how the money was going to be spent. Tamborelle stated that when the fire company next meets on May 3, the fire company will discuss purchasing a new defibrillator (Life Pak 15) with both the yard sale and donation letter proceeds. Josh Engel, the fire company president, will speak to the Board of Trustees either in June or July. The present number of volunteers was stated at 46 responding members and 10 support staff.

Report of the Police Chief – Report on file

Mayor Gilmore asked about the P.D. new part time police officer. Chief Boyce stated that he is presently going through the training process. There was discussion on a one-day seminar on grant funds that was attended, arrests in the monthly report, and the presence of the speed radar vehicle.

Chief Boyce asked the Board to approve the purchase now of a 2009 Dodge Durango 4x4 to replace the 2002 Durango (126) for delivery after June 1.

**Motion by Trustee Bors
Seconded by Trustee Andolina**

Move to pass Resolution 6468-a approving the purchase of a 2009 Dodge Durango 4x4 not to exceed \$23,000 for delivery after June 1, 2009.

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

The Chief further asked the Board for their approval to purchase 2 tasers for the department. There was discussion about tasers and their use in the Cayuga Heights Police Dept.

**Motion by Trustee Donner
Seconded by Trustee Supron**

Move to pass Resolution 6468-b approving the purchase of 2 tasers for the Cayuga Heights police department for the current year budget at a cost not to exceed \$3500.

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

Report of the Ass't. Supt. of Public Works – Report on file

Ass't. Supt. Frisbie said that leaf collection has been completed, and Kendal field has been cleaned. Atty. Marcus asked why we clean Kendal field. Frisbie said that the Village utilizes the field for staging equipment. The land belongs to Kendal, but they give the Village permission to use it in this way. Marcus suggested that something be put in writing stating that Kendal allows the Village to use the lot for this purpose. Atty. Marcus will get with Supt. Cross to work on this.

Ass't. Supt. Frisbie asked the board for approval to purchase a new 2009 Ford F250 to replace the 2003 Ford F250.

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

Move to pass Resolution 6469 approving the purchase of a 2009 Ford F250 4 WD under New York State contract from VanBortel Ford not to be delivered before June 1, 2009. Price not to exceed \$34,500.

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

Report of the Mayor – Report on file

Mayor Gilmore asked the trustees to spread the word on the Village's quest for a Village historian, as well as a representative for the University Neighborhood Council (UNC), and discussed ways to make items like this public. The website will be used, as well as The Courier. The Mayor also distributed a "summary of the wastewater treatment of drill water" written by both the Mayor and Supt. Cross, and a brief synopsis of TCCOG's Health Consortium with relation to the health care agreement.

Trustee Privilege of the Floor

Discussion of the Independent Planning Board. The Mayor discussed Section C of the proposed law which states a limitation on the appointment of members. The trustees discussed the pros and cons of leaving that section in the law. Trustee Riesman felt that there was no reason to include it in the vote on the IPB, that it should be a separate discussion and doesn't belong in the law. Trustee Supron felt that it is an issue that if examined, should be done separate from the law. Trustee Szekely said that in the issue of expediency, it is time the trustees make a decision as this has been discussed for 3 months now. Without Section C, the law can be voted on. A motion was then made.

**Motion by Trustee Supron
Seconded by Trustee Szekely**

Move to pass Resolution 6470 approving Local Law #2 of 2009 without Section C.

Trustee Donner felt that Trustee Riesman should abstain from voting due to conflict of interest. Attorney Marcus discussed conflict of interest and the definition of it. There was discussion on the default mechanism on bringing in members of the IPB as the trustees can object to individuals who want to be on the IPB before they are seated. Mayor Gilmore stated that he is in favor of the IPB, but not without Section C. There being a motion on the floor to pass Local Law #2 of 2009 without Section C, a vote was called.

**Trustees Andolina, Donner, Riesman, Supron and Szekely voted YES.
Mayor Gilmore and Trustee Bors voted NO.
Resolution passed with 5 votes YES, 2 votes NO.**

Trustee Szekely suggested a mailing to the residents with information regarding the IPB vacancies along with the Village historian and UNC vacancies. Appointments to the IPB need to happen soon, as the Macenas subdivision is looming in the near future.

Sarah Hatcher asked the Board for permission to add another issue of The Courier to the 3 issues that she is presently preparing. The timing of the issues would be June (beginning of the new year for the Village), September, December and March (in time for elections). The cost is approximately \$1100/issue.

**Motion by Trustee Andolina
Seconded by Trustee Riesman**

Move to pass Resolution 6471 allocating funds up to \$1100 for publication of another issue of The Courier.

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

Trustee Riesman spoke on the possibility of erecting a sign in front of the Village Hall similar to the sign in front of the Village of Lansing. Supt. Cross will contact a sign maker and Trustee Riesman will send the trustees some photos she and Cross took of the Village of Lansing sign.

Report of the Clerk

Clerk Manning discussed the establishment of another meeting during the month to pay bills and hear department reports, freeing up the Monday night meeting for matters that take time and discussion. A noon meeting was proposed on the 2nd Monday of the month, along with the evening meeting on the 3rd Monday of the month.

**Motion by Mayor Gilmore
Seconded by Trustee Riesman**

Move to pass Resolution 6472 changing the monthly Board of Trustees meetings from one to two....a noon meeting on the second Monday of the month, and the regular 7:00 PM meeting on the third Monday of the month. The noon meeting would keep a strict agenda with no intention of any Privilege of the Floor.

**Mayor Gilmore, Trustees Andolina, Donner, Riesman, Supron and Szekely voted YES.
Trustee Bors ABSTAINED.**

The need for Attorney Marcus to be present at the noon meeting was discussed. Supt. Cross stated that he would put off action items to the Monday evening meeting so it would not be imperative for the attorney to be present at the noon meeting. No decision was made on this.

The discussion of minutes was deferred to the May meeting.

Report of the Treasurer

Treasurer Silber distributed resolutions for consideration. The first one was to designate the Village of Cayuga Heights as lead agency for the water system improvement, the second was the classification of the water system improvements as a SEQRA Type II action, and the third was the bond resolution for the water system improvements.

**Motion by Mayor Gilmore
Seconded by Trustee Szekely**

Move to pass Resolution 6473 designating itself, the Village of Cayuga Heights Board of Trustees, as Lead Agency for review of any potential environmental impacts as required by NYCRR617 SEQRA, of the proposed Water System Improvements – 2009 Project.

**Mayor Gilmore, Trustees Andolina, Bors, Riesman, Supron and Szekely voted YES.
Trustee Donner ABSENT.**

**Motion by Trustee Szekely
Seconded by Trustee Supron**

Move to pass Resolution 6474 stating that as the Lead Agency, the Village of Cayuga Heights Board of Trustees hereby classifies the proposed Water System Improvements 2009 Project to be a Type II Action as defined by NYCRR 617.5.c.5. Therefore, no further environmental review is required.

**Mayor Gilmore, Trustees Andolina, Bors, Riesman, Supron and Szekely voted YES.
Trustee Donner ABSENT.**

**Motion by Trustee Bors
Seconded by Trustee Andolina**

MOVE TO PASS RESOLUTION 6475 DATED APRIL 20, 2009.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE CONSTRUCTION OF IMPROVEMENTS TO THE WATER DISTRIBUTION SYSTEM, IN and for THE VILLAGE OF CAYUGA HEIGHTS, TOMPKINS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,520,000 AND AUTHORIZING THE ISSUANCE OF \$1,400,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, will not result in any significant environmental effects; and

**WHEREAS, it is now desired to authorize such capital project and it's financing;
NOW, THEREFORE, BE IT**

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Cayuga Heights, Tompkins County, New York, as follows:

Section 1. The construction of improvements to the water distribution system, in and for the Village of Cayuga Heights, Tompkins County, New York, consisting primarily of the replacement of water mains, as well as incidental improvements and expenses in connection therewith, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$1,520,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid \$1,520,000 maximum estimated cost is as follows:

- a) by the issuance of \$1,400,000 serial bonds of the Village hereby authorized to be issued therefore, pursuant to the provisions of the Local Finance Law; and**
- b) by the appropriation of \$120,000 of available funds.**

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Cayuga Heights, Tompkins County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or**
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or**
- 3) Such obligations are authorized in violation of the provisions of the Constitution.**

Section 8. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Village, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. Pursuant to the provisions of Section 36.00 of the Local Finance Law, this resolution is adopted subject to permissive referendum. The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

**Trustee Andolina VOTING Aye
Trustee Bors VOTING Aye
Trustee Donner VOTING Aye
Trustee Riesman VOTING Aye
Trustee Supron VOTING Aye
Trustee Szekely VOTING Aye
Mayor Gilmore VOTING Aye**

The resolution was thereupon declared duly adopted.

Treasurer Silber presented the transfers and asked for approval.

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

Move to pass Resolution 6476 approving the transfers dated 4/20/09 as listed below:

From:		To:		Amount
A01990.410	General Fund Contingency	A01320.410	Audit Contr Exp	890
A01990.410	General Fund Contingency	A01410.410	Attorney Contr Exp	5,000
A01410.410	Clerk Contr Expense	A01460.200	Records Management Eqpt	3,000
A01990.410	General Fund Contingency	A01460.200	Records Management Eqpt	1,000
A09554.900	Capital Fund Transfer	A01620.410	Village Hall Contr Exp	5,000
A01990.410	General Fund Contingency	A01620.440	Village Hall Utilities	300
A01640.100	Central Garage Personnel	A01640.150	Central Garage Personnel – OT	130
A08160.200	Refuse Eqpt	A01640.410	Central Garage Contr Exp	5,000
A01990.410	General Fund Contingency	A01640.440	Central Garage Utilities	1,400
A03410.410	Fire Dept Contr Exp	A03410.480	Fire Dept Station Maint	100
A05142.100	Snow Personal Service	A05010.100	Street Admin Pers Serv	2,500
A08160.100	Refuse Personal Service	A05110.100	Streets Pers Serv	12,000
A05142.200	Snow Cap Eqpt	A05110.410	Streets Contr Exp	100
A08160.410	Refuse Cont Exp	A05110.490	Streets Eqpt Maint	700
A05142.100	Snow Personal Service	A05112.100	Cap Impr Pers Serv	20
A08160.410	Refuse Cont Exp	A05142.410	Snow Contr Exp	530
A05142.100	Snow Personal Service	A05142.150	Snow Pers Serv – OT	540
A08160.200	Refuse Eqpt	A08160.490	Refuse Eqpt Maint	5,000
A01990.400	General Fund Contingency	A09050.800	Benefits: Unemployment	1,200
G08130.410	WWTP Contr Exp	G08130.490	WWTP Eqpt Maint	4,000
Sewer Fund Balance		G09554.900	Transfer to WWPT Project	300,000

**Mayor Gilmore, Trustees Andolina, Bors, Donner, Riesman, Supron 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 spending accordingly.

The Treasurer asked for approval of the abstract of vouchers.

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

Move to pass Resolution 6477 approving the Abstracts of Audited Vouchers Dated 4/20/09 and any amendments below thereof in the amount of \$321,733.49, plus the following 6 items, and instruct that the Treasurer make payments thereon.

S-1	Gannett Central NY Newspapers	Legal Notice - Water bid invitation	38.18	CLERK: Contr Exp	A0.1410.410
S-2	Beaver Dam Water Control & Construction Co.	Repairs and painting at Village Hall	1,550.00	VIL HALL: Contr Exp	A0.1620.410
S-3	Griffith Energy	Unleaded gasoline	589.00	CENT GAR: Fuel Facility	A0.1640.460
S-4	Caskey's Garage	Freight charges on part	10.00	STREET Equip Maint	A0.5110.490
S-5	New York Leak Detection, Inc.	Utilities location service	1,200.00	WATER SYSTEM: Contr Exp	F0.8350.410
S-6	Reed's Seeds	Lawn seed for water projects	1,078.00	WATER SYSTEM: Contr Exp	F0.8350.410
S-7	Weitsman, Ben & Son., Inc.	Steel pieces	304.00	WWT PLANT: Contr Exp	G0.8130.410
		Total	4,769.18		

**Mayor Gilmore, Trustees Andolina, Bors, Donner, Supron and Szekely voted YES.
Trustee Riesman ABSTAINED.**

Treasurer Silber stated that next month he would discuss with the trustees the possibility of giving monetary support to the Northeast Senior's Unit as has been done in the past.

Report of the Supt. of Public Works

Supt. Cross discussed the upcoming handicap entry project and talked about the floor in the front hallway. Cross is discussing with a mason if it is possible to re-use the stone presently on the floor. As soon as the weather gets better, the project can be started. It may take a week if it can be done for many consecutive hours, but realistically it will take about a month. The manner of entry in and out of the Village Hall will be discussed before the project is begun.

**Motion by Trustee Supron
Seconded by Trustee Donner**

Move to pass Resolution 6478 entering Executive Session at 10:12 PM to discuss personnel issues.

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

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

Move to pass Resolution 6479 coming out of Executive Session at 10:44 PM.

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

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

Motion to pass Resolution 6480 the meeting at 10:44 PM

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