

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

Present: Mayor Gilmore, Trustees Bors, Donner, Riesman, Supron and Szekely, Supt. Cross, Ass't Supt. Frisbie, Chief Boyce, Treasurer Silber, Clerk Manning

Absent: Trustee Andolina, Fire Supt. Tamborelle

Others: Sarah Hatcher, Mindy Mindlin, James LaVeck, Jenny Stein

Mayor Gilmore called the meeting of the Board to order at 12:00 noon.

The minutes of June 8 were presented for approval.

**Motion by Trustee Bors
Seconded by Trustee Supron**

Move to approve the minutes of June 8 as amended.

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

Report of the Treasurer

Treasurer Silber reported on an article he read in the New York Times, which he will forward to the trustees regarding rising pension costs. He is concerned that the rise in costs could be significant. His concern continues about cost pressures in general. Our labor costs are fixed due to labor contracts but other costs are rising due to market fluctuations. The Mayor asked about other ways to offer retirement benefits other than NYS Retirement. Treasurer Silber said that the Village could go to a 401K type retirement program and opt out of NYS Retirement, but he is not aware if this is permissible.

A bond resolution was then presented approving Bolton Point to construct a road in connection with settlement of a lawsuit. The Village's share is approximately \$70,000. Mayor Gilmore gave an overview of the land issue in question, and explained how it pertained to the building of the road. Repayment from the Village will come through water rates, i.e. the amount the village pay's Bolton Point per gallon will go up slightly. The road will become part of the Village of Lansing's infrastructure, built to their specs, so it will be maintained by the Village of Lansing.

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

Move to pass Resolution BOND RESOLUTION #6510

At a Regular meeting of the Board of Trustees of the Village of Cayuga Heights, Tompkins County, New York, held at the Village Hall, in Cayuga Heights, New York, in said Village, on the 13th day of July, 2009, at 12:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Mayor Jim Gilmore, and upon roll being called, the following were present: Trustees Bors, Donner, Riesman, Supron and Szekely.

Absent: Trustee Andolina

BOND RESOLUTION #6510 DATED July 13, 2009.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$750,000 JOINT SERIAL BONDS OF THE VILLAGE OF CAYUGA HEIGHTS, THE VILLAGE OF LANSING AND THE TOWNS OF LANSING, ITHACA AND DRYDEN, ALL IN THE COUNTY OF TOMPKINS, NEW YORK, TO PAY THE COST OF THE VILLAGE'S SHARE OF A STIPULATION AND AGREEMENT.

WHEREAS, the Board of Trustees of the Village of Cayuga Heights, Tompkins County, New York, in conjunction with the Village of Lansing, and the Towns of Lansing, Dryden, and Ithaca, has heretofore determined and agreed to participate in the provision of a joint water project and to contract joint indebtedness therefor in accordance with Section 15.00 of the Local Finance Law pursuant to an Agreement of Municipal Cooperation for Construction, Financing and Operation of an Inter-Municipal Water Supply and Transmission System (the "Intermunicipal Agreement"); and

WHEREAS, the project hereinafter described has been determined to be an Unlisted 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, it has been determined will not result in any significant environmental effects; and

WHEREAS, all other conditions precedent to the financing of the capital project hereinafter described, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;
NOW, THEREFORE, BE IT

RESOLVED, by the Board of Trustees of the Village of Cayuga Heights, Tompkins County, New York, if the within resolution in substantially identical form is

adopted, approved and made effective by the other participants in the aforescribed Intermunicipal Agreement as follows:

Section 1. For the specific object or purpose of paying the cost of (i) the reconstruction of the existing road; and (ii) and construction of new extension thereto at Bolton Point to be known as Bolton Road pursuant to a Stipulation and Settlement Agreement in settlement of the matter of **Crossmore v. Town of Ithaca, Town of Lansing, Town of Dryden, Village of Lansing, Village of Cayuga Heights and Southern Cayuga Lake Intermunicipal Water Commission**, Index No. 04-0752, Supreme Court, County of Tompkins in accordance with Opinions of the State Comptroller 82-354, 86-43 and 86-87 and Opinions of the Attorney General Inf. 81 (1968), such cost being in addition to that to be paid with \$600,000 reserve fund monies of the Southern Cayuga Lake Intermunicipal Water Commission and thus constituting the maximum estimated cost to this municipality, being a maximum estimated cost of \$750,000; there are hereby authorized to be issued \$750,000 joint serial bonds of the Village of Cayuga Heights, Tompkins County, New York, together with the Towns of Ithaca, Dryden and Lansing and the Village of Lansing, all of the County of Tompkins, New York, pursuant to the provisions of Section 1 of Article VIII of the Constitution of the State of New York as amended and of Title 1A of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of the \$750,000 joint serial bonds authorized to be issued pursuant to this bond resolution. The total amount of joint indebtedness to be contracted for said improvements is \$750,000 and the amount initially estimated to be allocated and apportioned to the Village of Cayuga Heights is \$69,525.

Section 3. For the purposes of Section 15.10 of the Local Finance Law relating to the allocation of joint indebtedness, the amount of joint indebtedness to be apportioned and allocated to each of said Towns and Villages, shall be in the same proportion as the

consumption of water in each of the Towns of Dryden, Ithaca, and Lansing and the Villages of Cayuga Heights and Lansing shall bear to the total consumption of water for the entire joint water distribution facility, which is estimated to be, and for purposes of determining gross indebtedness of each of said municipalities in their respective debt statements pursuant to Section 15.10 of the Local Finance Law and therefore the amount to be allocated for the purpose of ascertaining each of the respective municipalities' debt contracting powers, shall be as follows:

Dryden	\$ 27,975	3.73%
Ithaca	\$392,925	52.39%
Lansing (Town)	112,500	15.48%
Cayuga Heights	69,525	9.27%
Lansing (Village)	143,475	19.13%

Nothing in this section shall be deemed to be in conflict with or to supersede the provisions of Section 5 of this resolution relating to the annual apportionment of the amount of principal and interest on the bonds herein authorized to be issued as among said Towns and said Villages, nor the manner of collection and payment of the amounts of annual debt service provided to be apportioned annually by said Section 5. The Supervisors of said Towns and the Treasurers of said Villages are hereby authorized to act jointly to make application to the State Comptroller for the allocation and apportionment of said joint indebtedness in accordance with the provisions of this section and to perform all acts and furnish all information required in connection with such application.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(c) 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 5. Subject to the provisions of the Local Finance Law and this section, the power to authorize the issuance of and to sell joint bond anticipation notes in anticipation of the issuance and sale of the joint serial bonds herein authorized, including

renewals thereof, is hereby delegated to the Supervisor of the Town of Ithaca, the chief fiscal officer of said Town acting on his own behalf and on behalf of the chief fiscal officers of the Towns of Dryden and Lansing and the Villages of Lansing and Cayuga Heights. Such joint bond anticipation notes shall be of such terms, form and contents and shall be sold by said Supervisor in such manner as may be prescribed by a bond anticipation note certificate, as authorized by Section 30.00 of the Local Finance Law; provided, however, that any bond anticipation notes so issued shall be the joint indebtedness of said Towns and said Villages and shall be executed in the names of the Town of Dryden, the Town of Ithaca, the Town of Lansing and the Village of Lansing and the Village of Cayuga Heights, and shall be signed by the Supervisor of the Town of Dryden on behalf of said Town and shall have affixed thereto the seal of the Town of Dryden, attested by the Town Clerk of said Town; shall be signed by the Supervisor of the Town of Ithaca on behalf of said Town and shall have affixed thereto the seal of the Town of Ithaca, attested by the Town Clerk of said Town; shall be signed by the Supervisor of the Town of Lansing on behalf of said Town and shall have affixed thereto the seal of the Town of Lansing, attested by the Town Clerk of said Town; shall be signed by the Treasurer of the Village of Lansing on behalf of said Village and shall have affixed thereto the seal of the Village of Lansing, attested by the Village Clerk of said Village, and shall be signed by the Treasurer of the Village of Cayuga Heights on behalf of said Village and shall have affixed thereto the seal of the Village of Cayuga Heights, attested by the Village Clerk of said Village. The chief fiscal officer of the Town of Ithaca to whom is hereby delegated the power to authorize the issuance of and to sell such joint bond anticipation notes, shall file an executed copy of each such bond anticipation note with the finance board of each of the aforesaid municipalities prior to the issuance of the bond anticipation note or notes authorized by such certificate.

Section 6. The faith and credit of said Town of Dryden, Tompkins County, New York; said Town of Ithaca, Tompkins County, New York; said Town of Lansing, Tompkins County, New York; said Village of Lansing, Tompkins County, New York, and said Village of Cayuga Heights, Tompkins County, New York, are hereby jointly pledged for the payment of the principal of and interest on said joint bonds as the same become due and payable. The principal of said joint bonds and the interest thereon shall be apportioned annually among said Towns and said Villages in accordance with the Intermunicipal Agreement hereinabove referred to in the recitals of this resolution, on the ratio which the consumption of water from the system in each of said municipalities bears to the full consumption from the entire inter-municipal water distribution facility, such ratio to be annually determined in accordance with the aforesaid Intermunicipal Agreement Supplement, the share of said principal and interest to be borne by the aforesaid Towns, shall be annually assessed, levied and collected within said Towns as follows:

- a) From the several lots and parcels of land in each of Water District No. 1, and Snyder Hill, Monkey Run, Hall Road, Turkey Hill and Royal Road Water Districts of the Town of Dryden, in the manner provided by law.
- b) From the several lots and parcels of land in the existing Town of Ithaca Water Improvement Area in proportion as nearly as may be to the benefit which each lot or parcel of land therein will derive therefrom.
- c) From the several lots and parcels of land in the Consolidated Water District, in the Town of Lansing at the same time and in the same manner as other Town charges.

The Village of Cayuga Heights shall annually levy and collect a tax sufficient to pay the share of said principal and interest to be borne by said Village, as the same may become due and payable, and the Village of Lansing shall annually levy and collect a tax sufficient

to pay the share of said principal and interest to be borne by said Village, as the same may become due and payable.

If not paid from the aforesaid sources, all the taxable real property in said Town of Dryden, and all the taxable real property in said Town of Ithaca, and all the taxable real property in said Town of Lansing, and all the taxable real property in said Village of Lansing, and all the taxable real property in said Village of Cayuga Heights shall be jointly subject to the levy of an ad valorem tax, without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same become due and payable.

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

- 1) Such joint bonds are authorized for an object or purpose for which said Towns and said Villages are 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 publication, or
- 3) Such joint bonds are authorized in violation of the provisions of the Constitution.

Section 8. Upon the adoption of this resolution by each of the aforesaid Towns and the aforesaid Villages, and the publication thereof with the notice provided for herein, the Clerks of each such Town and each such Village shall file with the Clerk of each of the other Towns and of the Villages a certified copy of this resolution and a printer's affidavit or affidavits, as the case may be, of publication thereof with the required notice or notices, as the case may be.

Section 9. Pursuant to Section 15.00(m) of the Local Finance Law, the powers and duties of advertising such joint bonds for sale, conducting the sale and awarding the

bonds, are hereby delegated to the Supervisor of the Town of Ithaca, Tompkins County, New York, who on his own behalf and on behalf of the chief fiscal officers of the Towns of Dryden and Lansing and the Villages of Lansing and Cayuga Heights 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 the aforesaid Towns and Villages; 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 said Supervisor 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. All other matters except as provided herein relating to the joint 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 shall be determined by the Supervisor of the Town of Ithaca on behalf of the chief fiscal officers of the Towns of Ithaca, Dryden and Lansing and the Villages of Lansing and Cayuga Heights. 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 said Supervisor shall determine consistent with the provisions of the Local Finance Law. Such joint serial bonds shall be in fully registered form and shall be signed in the name of each Town and Village by the manual signature of each respective chief fiscal officer and a facsimile of the corporate seal of each Town and Village shall be imprinted thereon and shall be attested by the manual signatures of each respective Town or Village Clerk. It is hereby determined that it is to the financial advantage of each of the Towns and Villages not to impose and collect from registered owners of such joint serial bonds charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and,

accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent.

Section 10. Any obligation issued under authority of this resolution shall contain on its face a recital in substantially the following form: “This obligation evidences the joint indebtedness of the Town of Ithaca, Tompkins County, New York, the Town of Dryden, Tompkins County, New York, the Town of Lansing, Tompkins County, New York, the Village of Lansing, Tompkins County, New York, and the Village of Cayuga Heights, Tompkins County, New York.”

Section 11. Upon this resolution taking effect in and with respect to this Village, and the adoption and taking effect of similar resolutions of the respective Town Boards and Village Board of Trustees of the aforesaid Towns and Villages, the same shall be published in full in, the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Mayor Gilmore VOTING Aye

Trustee Bors VOTING Aye

Trustee Donner VOTING Aye

Trustee Riesman VOTING Aye

Trustee Supron VOTING Aye

Trustee Szekely VOTING Aye

The resolution was thereupon declared duly adopted.

Treasurer Silber reported that transfers will be presented at a later time after year-end closing.

The abstract of vouchers was presented.

**Motion by Trustee Bors
Seconded by Trustee Supron**

Move to pass Resolution 6511 approving Abstract of Audited Vouchers dated 7/13/09 and any amendments in the amount of \$587,153.80 and instruct the Treasurer to make payments thereon.

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

Treasurer Silber presented a grant application from Justice Galbreath for the Board's approval. The application asks for 5 filing cabinets at a cost of \$2284.80.

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

Move to pass Resolution 6496 authorizing the Mayor to sign the 2009 Justice Court Assistance Program grant application for a six vertical file 5 drawer letter w/lock filing cabinets at an amount of \$2284.80.

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

Report of the Police Chief – Report on file

Chief Boyce presented his report. Trustee Bors asked about the status of the tasers that were purchased for the Police Dept.. Chief Boyce said that a training module is being developed and when everyone is trained, he will advise the Board. The Mayor would like to have the Chief share the use of the tasers with the Board.

Trustee Riesman commented on the speed of cars/trucks/buses on Triphammer Road between Hanshaw Road and Cornell campus. She would like to see a digital speed sign permanently installed. Boyce said that the Village has the temporary speed trailer that is moved throughout the Village, but she would like to see a permanent fixture. The Chief cautioned that large trucks and buses look like they are going faster on small roads than they really are, but he will look into the cost of a permanent fixture and report back to the Board.

Mayor Gilmore asked Chief Boyce to make a presentation at the August 10 meeting on how he manages the full/time and part/time officers and how he fills the gaps between them.

Chief Boyce then reported on the status of the police clerk position. Jean Eaton, Police Clerk for the past 20 years, has decided to retire at the end of October. The Chief will make a full presentation at the July 20 Board meeting. His tentative plan is to fill the position in July, hire by August 10 and get the person on board by September 1 for a 2 month training period. Trustee Riesman asked about the need for an 8 week training period saying that she felt it was excessive. She asked what the customary training time is for this type of position. Though there is no Village policy on training time, Chief Boyce stated that a long period of training is needed for this position and feels that 2 months is adequate for the training that is needed. Trustee Donner said that he did not think 2 months was too long. The issue of training in general was then discussed by the trustees. Trustee Szekely asked if there was a training manual for the police clerk position. The answer was no. There was discussion on creating a manual and Treasurer Silber said that this would be a good time to develop one for the position. It was decided that the 2 month training period would be discussed again.

Report of the Fire Superintendent – Report on file. In Fire Supt. Tamborelle’s absence, Treasure Silber advised the Board that there may be a slight change in the amount of money originally discussed for the Baltimore Fire Expo due to some items left out of the original discussion.

Joe Lisi, Lieutenant in the CHFD has agreed to take the lights down off the big tree in the front of Marcham Hall.

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

Ass’t. Supt. Frisbie reported that the DPW is working to control any storm water damages...ditches, water off roads, etc. Crack sealing has been performed on some Village roads. The dept. is keeping up with trimming brush back off the roads and is keeping up on mowing. Trustee Szekely asked about any drainage damage, and Ass’t Supt. Frisbie said that there hasn’t been much damage.

When Frisbie was on vacation, Tim Eighmey, in his capacity of acting Ass’t. Supt. of PW, asked the Mayor to talk to Kendal about the stream on their property as there was a lot of growth in and around it. Upon his return from vacation, Frisbie walked the stream and has determined that the growth will not become a problem. The Mayor will talk with Frisbie about this further.

There is currently water leaking in the private property part of the parking lot of Marcham Hall, which belongs to Dr. Rubenstein . It will be repaired on Tuesday.

Ass’t. Supt. Frisbie has board approval to advertise a bid spec for a sidewalk plow and mini-excavator.

Report of the Supt. of Public Works – Supt. Cross reported that the water main project is in progress, and Larry Sharpstein is on site to answer any questions from property owners.

The DPW was visited by the DEC for an inspection of our fuel tanks and two tanks are in need of registration renewal along with a spill prevention plan. The Village needs to hire someone to form a spill prevention plan, and Supt. Cross would like to hire an Engineer for under \$2500 to do this.

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

Move to pass Resolution 6512 authorizing Supt. Cross to seek a consulting engineer at a cost not to exceed \$2500 to form a spill prevention plan, and authorize the Mayor to sign the contract.

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

Jerry Smith, Yaws, on behalf of the Village of Cayuga Heights, applied for an energy efficiency rebate for approximately \$1500.

Report of the Clerk - Due to absences of trustees for the regularly scheduled August meeting, the date will be changed from August 17 to August 24.

**Motion by Trustee Riesman
Seconded by Trustee Supron**

Move to pass Resolution 6513 changing the August 17 Board Meeting to August 24 at 7:00 PM at the Village Hall.

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

This will be advertised in both the Legal Notices and put on the website, as well as signed in the Village.

Trustee Szekely commented about the request by Bolton Point that she replaced her water meter, which resulted in a charge to her.

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

Motion to adjourn the meeting at 1:40 PM

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