

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

Present: Mayor Jim Gilmore, Trustees, Andolina, Bors, Donner, Riesman, Supron and Szekely.

Others: Supt. Brent Cross, Ass't Supt. Jeff Frisbie, Treasurer Jeff Silber, Fire Supt. George Tamborelle, Atty. Randy Marcus, Police Chief Tom Boyce, Police Sgt. Steinmetz

Guests: Steve Locey, Sarah Hatcher, Lee Donner, Sally Grubb, Linda Bors, Guy & Mary Tabacchi, Mindy Mindlin, Sandy Tiwari, Diane Colman, Patrick Fish, Sheree Baugher, Leslie Kungweil, Pat Shea, Elisabeth Lga, Ann Druyan, Martin Harms, Julia Felice, Sean Lunny, Frank Marilba, Claire Lunny, Amie Hamlin, James LaVeck, Eric Huang, Jenny Stein, Helen Slottje, Karen Kaufmann, Bill Patchen, Guy Gerard, Peter Bottorf, Anita Watkins, Judy Keil

Meeting was called to order at 7:00 PM by Mayor Gilmore.

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

Move to pass Resolution 6531 approving the minutes of July 20, 2009 as amended.

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

Trustee Riesman asked to read a statement as stated below.

For the past 11 months, the Trustees and Mayor of Cayuga Heights have devoted a generous amount of time listening to numerous residents and non-residents speak openly about their concerns regarding the deer population in the Village. This includes many hours of Privilege of the Floor at board meetings, as well as a number of public hearings on the deer issue. We are now repeatedly hearing the same statements from the same individuals.

After this sufficiently long period of verbal comments and public hearings, and in the interest of dealing properly with a myriad of other issues facing the Village, which deserve our time and attention, we have limited public comment on the deer to written communication for a period of 60 days. And through written comments, we will continue to be open to public opinion and support freedom of speech.

On another note, the Trustees and Mayor of Cayuga Heights are appalled at the recent tactics of cayugadeer.org and change.org, which include the mis-representation of the facts, distortions of the truth and the doctoring of photographs of the Village's trustees on their websites. Dead deer carcasses and sharp-shooters super-imposed behind photos of the individual trustees are an example of what cayugadeer.org and change.org apparently deem to be acceptable. While we have no problem receiving e-mails written in a civilized manner, we strongly take exception to the correspondence that crosses the line from civilized discourse into something which includes personal attacks and inflammatory statements which are not at all constructive. It is cayugadeer.org and change.org which should be ashamed.

After Trustee Riesman's statement was read, the following resolution was proposed:

**Motion by Mayor Gilmore
Seconded by Trustee Bors**

Move to pass Resolution 6532 limiting the Privilege of the Floor to 30 minutes total beginning with this (August 24) meeting.

**Mayor Gilmore, Trustees Donner, and Bors voted YES.
Trustees Supron and Szekely voted NO.
Trustee Riesman and Andolina ABSTAINED.**

Motion Failed.

At this time, the trustees discussed the decision made at the previous meeting to limit Privilege of the Floor to non-deer related issues. It was the consensus of the Board that the residents of the Village should be heard. Was it possible to give priority to Village residents with whatever they wanted to speak about, even deer? A motion was put on the floor to that effect.

**Motion by Trustee Andolina
Seconded by Mayor Gilmore**

Move to pass Resolution 6533 limited the Privilege of the Floor to 30 minutes total with each speaker limited to 2 minutes on any topic with Village residents speaking first.

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

Privilege of the Floor

Sally Grubb – delighted that some of the ideas she sent to the Mayor were passed. She has spoken to Trustee Riesman regarding a change in fence rules.

Annie Druyan – happy to see the deer and loves the area. What is wrong with the pictures that the Trustees are unhappy about? They are reality of what the Board is proposing.

Anita Watkins – supports the recommendations of DRAC and urges the Board to move forward. If the Village were allowed to take a survey, she is sure the majority would agree.

Lee Donner – agree with the DRAC plan and wants to move forward.

Guy Tabacchi – what are the chemicals the Village is putting into the WWTP? Regarding deer, he has a mural of the Village from 1949 and there are very few houses and many deer. So, who was here first?

Elizabeth Lyon – gardener and resident – with due respect to all the work done, she does not support the DRAC recommendation and has spoken to many people who do not agree with it either. Controlling deer will not necessarily control lyme disease.

Helen Slottje – concerned about the well drilling water being sent to Cayuga Lake.

Diana Coleman – tired of all the focus on the deer population....We are all overlooking the wild cat population. Gardens are being overridden by wild cats. What do we propose to do about them?

Dion Crusini – Trustees should read the book about public office and leadership entitled, "Getting to Yes"...all conflicts can be turned into a win-win solution.

Patrick Fish – contracted lyme disease and spoke about the life cycle of tics. If the trustees don't like the pictures, realize that you decided to be in public office and you did something unpopular. That is what happens.

Mary Tabacchi – thanked the Board for the opportunity for everyone to speak.

James LaVeck – thank you for allowing everyone to speak. However, the trustees keep saying that so much time has gone by, when in actuality, there has been only one meeting between when the plan was released to now. It seems that the trustees have lost their perspective. The trustees are trying to shut down discussion...there is a pattern of "no discussion".

Guy Gerard – the deer are a great attraction in the area. It is very different from seeing wild dogs in New York City. The deer are part of the quality of life here, the beauty of nature here. Why impact the nature, why irradiate it? We should integrate nature into our everyday life.

Karen Kaufmann – implores the Village to consider moral, collegiate and monetary issues in its decision. Consider the safety dimensions. Consider carefully what the next step will be.

Frank Muller – consider the impact on the children in Cayuga Heights. As a child growing up, he loved wildlife. Don't take that away from our children.

Mayor Gilmore wanted to reply to some of the comments. The Village is no longer taking drillwater and has not been doing so for several months. He also commented that the trustees never said that they were going to irradiate the entire population of deer in the Village.

Report of the Fire Supt. – Supt. Tamborelle reported that the Cayuga Heights Fire Department Open house is scheduled for October 17. The recruit drive has begun for the fall. If the board approves the replacement of 243, the Hanselman trust money will pay for it over time, or he can hold off until 2010 to procure a vehicle when the new state contact comes out. Repainting and all accessories of the old PD 126 will cost 2x what the vehicle is worth.

Report of the Mayor – Since Steve Locey is present at the meeting, the Mayor would like him to talk about the plan to join the Tompkins County Health Consortium for the 2010 plan year. The Village has 4 different groups to consider: the Teamsters are one arrangement (Teamster insurance), the Police Dept. is another (Teamster insurance), the Non-Bargaining Unit Employees are another (Teamster insurance) and the Retirees (both Teamster and BC/BS insurance). Discussion of moving those currently on BC/BS (approximately 15 employees) to the consortium plan. This move would save the Village over 24%. There is a possibility that the Teamsters will keep the ancillary benefits and forgo membership in health insurance for those employees. TCCOG will continue to work with the unions relative to the Teamsters program. Different rates were then discussed. The underlying participation agreement has already been reviewed by Village Counsel.

A resolution was then presented as follows:

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

Move to pass Resolution 6534 authorizing the Mayor to sign the agreement with TCCOG Health Care Consortium to provide health insurance for Village retirees effective January 1, 2010 subject to Board's final review.

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

Planning Board Review – Thanks to Trustee Riesman for pushing the issue of an independent Planning Board, and for her diligence and work she did on this. There were 12 candidates interviewed and the Board will now vote on their appointment.

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

Move to pass Resolution 6535 entering into Executive Session at 8:30 pm for the appointment of a particular Board.

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

**Motion by Trustee Andolina
Seconded by Trustee Donner**

Move to pass Resolution 6536 coming out of Executive Session at 9:50 pm.

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

The following individuals were appointed by the Board of Trustees to serve on the Independent Planning Board. The votes of the Trustees follow each individual's name.

Mayor Gilmore appoints the following:

Martin Harms as Chair for a term of 5 years – ending May 31, 2014
Votes: Szekely/Yes – Bors/Yes – Donner/Yes – Supron/Yes
Andolina/Yes – Riesman/Yes – Gilmore/Yes

Henry Richardson for a term of 4 years – ending May 31, 2013
Votes: Szekely/Yes – Bors/Yes – Donner/Yes – Supron/Yes
Andolina/Yes – Riesman/Yes – Gilmore/Yes

Graham Gillespie for a term of 3 years – ending May 31, 2012
Votes: Szekely/Yes – Bors/Yes – Donner/Yes – Supron/Yes
Andolina/Yes – Riesman/Yes – Gilmore/Yes

Fred Cowett for a term of 2 years – ending May 31, 2011
Votes: Szekely/Yes – Bors/No – Donner/No – Supron/Yes

Andolina/Yes – Riesman/Recuse – Gilmore/No
Cowett's appointment fails

Mark Morris for a term of 2 years – ending May 31, 2011

Votes: Szekely/Yes – Bors/Yes – Donner/Yes – Supron/Yes
Andolina/Yes – Riesman/Yes – Gilmore/Yes

Janet Nan Shure for a term of 1 year – ending May 31, 2010

Votes: Szekely/Yes – Bors/Yes – Donner/Yes – Supron/Yes
Andolina/Yes – Riesman/Yes – Gilmore/Yes

Sean Cunningham (Alternate) for a term of 1 year – ending May 31, 2010

Votes: Szekely/Yes – Bors/Yes – Donner/Yes – Supron/Yes
Andolina/Yes – Riesman/Yes – Gilmore/Yes

Trustee Riesman asked that it be stated for the record why someone who is currently serving on another advisory committee was not accepted on this committee. The Mayor stated that two members in the same household provides for undue influence in government. It invites a potential for problems. Fred Cowett, who is Trustee Riesman's husband is, however, on the Zoning Board. Trustee Riesman wants it in the public record as to why the board voted against him. Trustee Donner said that Cowett on the Board would give an appearance of impropriety. Trustee Szekely said that the Board has lost someone whose qualifications outweigh such concerns.

Draft Deer Plan - The Mayor then stated that the draft deer plan must be approved before the Board can go to SEQR. The Board then reviewed the steps in the draft plan which was distributed to the Board in their packets.

Trustee Donner made the following statement:

Like horses, deer are creatures of panic and flight. To trap and hold them for hours or days in claustrophobic cages or nets is inhumane and to follow this with the unnecessary and unnatural surgery of sterilization is likewise inhumane. I will oppose any plan that involves sterilization. I ask for a swift and honorable death for the deer just as I do for horses and all animals.

The Mayor then explained that the Board needs to approve something to go to SEQR. The plan can be subject to some modification. Trustee Supron was surprised at the figure of \$1 million over 10 years and asked the Treasurer for his comments. He said that the important thing to note is \$1million over 10 years is \$100,000/year, and that \$100,000/year translates to a 5% tax increase. The Board has to think about the funding...there is no offset to the dollars that will need to be spent. Trustee Reisman cautioned the Board that they have to be cognizant of the fact that if that huge amount of money is spent, how will other projects be impacted, i.e. renovation of Marcham Hall. Trustee Szekely stated that at the last election, there was a strong mandate to remediate the deer, there was only minor talk about Marcham Hall.

The most effective action (DRAC recommendation) is the most costly. The Mayor came up with a draft proposal so the board could vote on it and move towards SEQR. Plan A is the plan of choice.

The following resolutions were offered for vote:

Motion by Trustee Andolina

Seconded by Trustee Szekely

Move to pass Resolution 6537 proposing the draft plan outlined in Mayor Gilmore’s memo of August 20 to the Board with Budget A as the timeline for the purposes of the Board’s SEQR review for potential action.

Trustee Riesman asked if the Board is selecting this plan as the concrete plan or only to take us to SEQR. The answer is that it is being selected to only take us to SEQR.

**Mayor Gilmore, Trustees Andolina, Bors, Riesman, Supron and Szekely voted YES.
Trustee Donner voted NO.**

**Motion by Trustee Andolina
Seconded by Mayor Gilmore**

Move to pass Resolution 6538 identifying the potential action as stated in the Mayor’s memo is subject to SEQR.

**Mayor Gilmore, Trustees Andolina, Bors, Riesman, Supron and Szekely voted YES.
Trustee Donner voted NO.**

This action does not involve a federal agency, but does involve another agency, the D.E.C.

**Motion by Trustee Supron
Seconded by Trustee Andolina**

Move to pass Resolution 6539 stating that the potential action will be classified as an unlisted action.

**Mayor Gilmore, Trustees Andolina, Bors, Riesman, Supron and Szekely voted YES.
Trustee Donner voted NO.**

The lead agency will need to perform the SEQR. The DEC stated in the past that the DEC did not want to be the lead agency, but the Village will ask them to confirm that fact, making the Village of Cayuga Heights the lead agency. The long form EAF will be used. A copy of the long form will be sent to the trustees for them to review. A date will have to be set for SEQR. The Board will decide on whether to hold a public hearing before SEQR. It is optional.

The process for SEQR is that the Board asks and answers the questions on the SEQR long form in an open meeting.

Trustee Privilege of the Floor – Trustee Riesman stated that she was approached by Sally Grubb and Elizabeth Mount regarding a presentation they would like to make to the Board on deer fencing (10 minutes in length). Trustee Riesman would like to propose that the Board puts Elizabeth and Sally on the October 19th Board meeting agenda. Regarding the new Planning Board, how should the applicants be notified, email or regular mail. It was decided that both would work. Trustee Riesman will share the emails and

names of the new board with the trustees. Chairman Harms will set up the first meeting. The trustees will be informed of this date.

Report of the Police Chief – Chief Boyce asked the Board to approve and authorize the Mayor to sign the LETSS Agreement.

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

Move to pass Resolution 6540 authorizing the Mayor and Police Chief to sign the Law Enforcement Technology Shared Services (LETTSS) Agreement between Nine Partner Agencies in Tompkins County.

Trustee Andolina asked about any funding over \$50,000.

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

Twenty eight candidates were approved by Tompkins County Personnel to be considered for the Police Clerk position which will be opening up soon. More to come.

Report of the Clerk – Clerk Manning asked for authorization to attend the NYCOM School in Albany from September 22-24.

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

Move to pass Resolution 6541 authorizing the Clerk to attend the NYCOM Fall School in Albany from September 22-24.

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

Report of the Supt. of Public Works – Supt. Cross asked for approval to attend the NY Bldg. Code Conference Sept. 9-11 in Alexandria Bay.

**Motion by Trustee Andolina
Seconded by Trustee Supron**

Move to pass Resolution 6542 authorizing the Supt. of Public Works to attend the NY Building Conference in Alexandria Bay from September 9-11.

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

Supt. Cross also asked permission to sell the F250 p/u at Teitsworth Auction on September 12, 2009.

Motion by Trustee Andolina

Seconded by Trustee Supron

Move to pass Resolution 6543 approving the sending of the 2002 DPW Ford F-250 Pick-Up truck, VIN 1FTNF21F92EC06930 to Teitsworth Auction on September 12, 2009.

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

WWTP Update - Phosphorous Project – Structurally things are pretty well completed. We are on schedule for testing, a start-up during the Fall and on line completely by end of the calendar year. There has been less than \$20,000 to date for all change orders. All reports are positive.

Trustee Szekely commented that the water main project is going very well. She complimented Larry Sharpsteen on his work as “Clerk of the Works”.

Report of the Treasurer – There were 2 vouchers that didn’t make it on the August 10 abstract and the Treasurer asked for approval to pay.

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

Move to pass Resolution 6544 approving the payment of \$400.55 for 2 additional vouchers to be paid.

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

Treasurer Silber also reported that he will be absent from the September 21, 2009 meeting.

At this time (11:30 PM), Supt. Cross stated that although he was supposed to do a fence presentation, he would like to postpone it until next month (September) as he needs time to do it and it is too late in the evening. All agreed and his presentation will be put on the September agenda for the meeting on the 21st.

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

Motion to adjourn the meeting at 11:40 PM.

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