

Village of Cayuga Heights
Meeting of the Board of Trustees

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

Others: Sarah Hatcher, James LaVeck, Eric Huang, Jon Shu, Charlotte Shull, Sally Grubb,
Elizabeth Mount, Linda Bors, Lee Donner, Domiinick LaCapra, Susan Benich, Krisy Gashler,
Gary Brodhead, Adelaid Gomer, Ann Gray, Arnie & Meara Hamlin, Bete Bottorf, Charlene
Temple, Gabrielle Vehar, Meghan Beeby, Karen Kaufmann, Leskie Danks Burke, Ariel Gold,
Sean Lunny, Bill Patchen, Claire Lunny, Jack Young, Pat Shea, Gabriel McArthur, Hazel
Brampton, Margaret Marchaterre, Birginia Briant, Joe Romano, Anita Watkins

Mayor Gilmore called the meeting of the Board to order at 7:03 pm.
Supt. Cross made an announcement that the capacity limit for the Village Hall was 50, and
since he thought that the capacity would be reached, he was officially putting the Village Hall
on fire watch. This meant that he had a radio with direct contact to Emergency Control in case
of an emergency. If that were to happen, everyone would need to exit the building.

The minutes of August 24, 2009 were then presented for approval.

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

Move to approve the minutes of August 10, 2009 as amended.

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

Privilege of the Floor

The Mayor reminded the public of the rules about Privilege of the Floor....that each person is
limited to 2 minutes, total POF is 30 minutes, and Cayuga Heights residents will speak first.

Elizabeth Mount – Interested in the process of controlling the deer, not the nuts and bolts of
how things work, and what happens if they don't. Board needs to answer questions before they
pass a plan. (see attached)

Sally Grubb – Fences are an issue, many out of compliance. She and E. Mount are working on
a fencing proposal and will share it with the Board in October.

Gary Broadhead – living with deer for many years. Encourages Board to continue with the
project.

Ann Gray – lived next to Princeton, NJ where a culling project was enacted. Opposes entire
project. Villagers are not under threat due to deer. It won't work.

Peter Bottorf – cost would amount to \$50/year. OK with that if it reflects deer management.

Jack Young – for every extra deer we see today there are 10-15 birds or other small animals that perish – bring under control for environmental aspect. Ithaca Times full page ad was submitted anonymously.

Margaret Marchaterre – Ithaca Times article brought her here. Deer are decimating her yard. Small price to pay for deer remediation.

Joe Romano – against discharging firearms in VCH. Plan shouldn't even be considered because of that. Against accepting drillwater.

Dominick LaCapra – amazed that we can control without making this a gated community. \$1 million is too costly, property taxes are already too high – dangerous plan – can't prevent accidents. Totally unrealistic and ineffective.

Adelaide Gomer – Board is creating a split community. Met with Mayor months ago and he knew she had people who would help pay for a No Kill plan. Offer still stands.

Karen Kaufmann – logistical questions, \$ questions, not the time to do this, not the time to spend money needlessly.

John Paul – 3 refinements – kill all the deer, require all members of DRAC to witness culling, authorize new signage saying “VCH, Incorporated 1915, Cleansed 2009.

Angie Baker – someone said last month “shooting the deer is noble” – watch the animal channel to see how noble.

Privilege of the Floor ended at 7:45 PM.

Presentation of Fences – Supt. Brent Cross

This past summer, Hannah Wingate, summer intern with Supt. Cross, was directed to photograph every fence in the Village. She took over 300 pictures, and Supt. Cross whittled those 300 down to approximately 40 fences that are illegal according to our fence ordinance. Supt. Cross gave a slide presentation of those 40 fences and asked the Board to only look at the pictures with no addresses given, and save discussion for another time. The slides showed some temporary fences, along with permanent ones. Supt. Cross asked the Board to think about what they would like him to do about the proliferation of the different types of fences being erected in the Village. There was no change to the fence ordinance taking place at this meeting. Any language change would wait until Elizabeth Mount and Sally Grubb made their fence presentation at the October Board Meeting. Supt. Cross reviewed the steps to be followed if/when a change to the law is decided.

Trustee Bors asked how many fence permits exist. Supt. Cross answered that in his tenure at the Village, there have been less than 12 permits issued for fences.

Some general questions from Trustee Riesman followed regarding permits, setbacks, etc.

Trustee Szekely asked Attorney Marcus if she should recuse herself from discussion on the fences since a fence under review is at her house. Atty. Marcus said that if the vote or discussion is specific to her fence or property she should recuse herself from that discussion, but not on fencing in general.

Szekely also commented that she was delighted that Martin Harms, Chair of the Planning Board, was in the audience and hopes that fencing will be part of the Comprehensive Plan.

Report of the Mayor

Mayor Gilmore stated that the Village has not taken any Marcellus Shale Drillwater. However, the Village has been asked to support the request that the NYSDEC extend the public comment period for review of the draft supplemental generic environmental impact statement for horizontal drilling and high volume hydraulic fracturing to develop the Marcellus Shale and other low-permeability gas reservoirs. The following resolution was offered:

**Motion by Trustee Szekely
Seconded by Trustee Andolina**

Move to pass Resolution 6549 as follows: Public Comment Period for Review of the Draft Supplemental Generic Environmental Impact Statement for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs.

Whereas, during the summer of 2008, Governor Paterson directed the New York State Department of Environmental Conservation (NYSDEC) to supplement the existing 1992 Generic environmental Impact Statement governing drilling to specifically address the techniques used to tap the natural gas in the Marcellus Shale, and

Whereas, on February 6, 2009, the NYSDEC Division of Mineral Resources, Bureau of Oil and Gas Regulation, released the Final Scope for Draft Supplemental Generic Environmental Impact Statement (dSGEIS) on the Oil, Gas, and solution Mining Regulatory Program: Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs, and

Whereas gas production from the Marcellus Shale is expected to be done using horizontal hydraulic fracturing (“fracking”), a technique that requires pressurized injection of millions of gallons of water containing certain proprietary chemicals into the underground shale to release the gas, but the 2005 energy Policy Act exempted hydro-fracking from monitoring and regulation under the Safe Drinking Water Act, and

Whereas groundwater and surface water is a resource having an impact on the public’s health, and

Whereas, preparation and review of the dSGEIS involves complex technical and regulatory concepts,

Therefore Be It Resolved:

That the Village of Cayuga Heights requests that the NYSDEC extend the public comment period following promulgation of the dSGEIS to ninety (90) days.

SEQR Action: Type 11

The Board of Trustees of the Village of Cayuga Heights adopted the resolution at its regular meeting on September 21, 2009.

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

The repainting and repairing 825 Hanshaw Road was then discussed. Do we paint or put on vinyl siding? Trustee Riesman said that the house is in disrepair, is one of the first houses you see when you come into the center of the Village, and needs to be fixed up. Trustee Bors wants more information on the options. Quotes from various construction companies were shared with the Board, and the consensus was to scrape, repair and repaint the house and replace the windows with vinyl windows at a cost of \$8175.00.

A resolution was presented as follows:

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

Move to pass Resolution 6550 approving the scraping, repair and repainting of 825 Hanshaw Road along with the replacement of windows with vinyl windows by Beaver Dam Construction at a cost of \$8175. If there are any additional expenses, the approval of the Board is needed before those expenses are incurred.

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

After much discussion about the date and location of the Public Hearing scheduled for October 1 at the Cayuga Heights Fire Station, the following resolution was offered:

**Motion by Trustee Szekely
Seconded by Trustee Andolina**

Move to pass Resolution 6551 cancelling the public hearing scheduled for October 1 at the Cayuga Heights Fire Station until further notice.

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

Trustee Supron then went over the changes to the draft deer remediation plan. She discussed the fact that the Village will return to the document that DRAC suggested, and that is the document that SEQR will be performed on. The change to the earlier DRAC plan was due to the fact that the Village has to have a plan to review before it enters into a SEQR review, and the Village should use the plan that has the most in it. You can then back off on some of the aspects of the plan, but you can't add to it after SEQR is performed. There was then a discussion on the differences in cost between the plans. The following motion was offered:

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

Move to pass Resolution 6552 retracting the approval of the previous Deer Plan approved on August 24.

**Mayor Gilmore, Trustees Andolina, Bors, Riesman, Supron and Szekely
Voted YES.
Trustee Donner ABSTAINS**

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

Move to pass Resolution 6553 accepting the 9/21/09 draft deer proposal for the purpose of conducting the Village's SEQR review.

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

The public hearing and its location was then discussed. All activity at the Cayuga Heights Elementary School (CHES) has to be finished by 9:00 PM. CHES is the first location of choice. A new date needs to be decided on with the venue to be determined.

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

Move to pass Resolution 6554 setting up the date of October 28, 2009 from 7:00 – 10:00 pm for the Public Hearing to hear comments on the draft deer plan. Venue to be determined.

**Mayor Gilmore, Trustees Andolina, Bors, Riesman, Supron and Szekely
Voted YES.
Trustee Donner ABSTAINS.**

A date for SEQR review was then discussed.

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

Move to pass Resolution 6555 setting up the date of November 3, 2009 at 7:00 pm for the Village of Cayuga Heights SEQR Review of the draft deer plan dated 9/21/09.

**Mayor Gilmore, Trustees Andolina, Bors, Riesman, Supron and Szekely
Voted YES.
Trustee Donner ABSTAINS.**

Mayor Gilmore reported that he received a check for performing a wedding and asked that the check be made out to the Cayuga Heights Association. Trustee Riesman reported that the Cayuga Heights Association is in the process of disbanding.

Trustee Privilege of the Floor

Trustee Riesman reported that she and Supt. Cross will meet with TCAT on Tuesday regarding bus stops.

Also, at the next meeting, Riesman will present a proposal to have Chris Lowe build a sign in front of Marcham Hall. Carol Schiffman is working on the lettering on the sign.

The Planning Board held its first meeting 10 days ago. Professor Rolf Pendall attended, as did some of his students who are working on the Village of Cayuga Heights. The regularly scheduled meetings of the Planning Board will be every second Wednesday of the month at 7:00 pm.

Trustee Szekely thanked Sarah Hatcher for the great job she did on the latest issue of The Courier.

Trustee Donner commended Lt. David Openshaw for receiving a commendation for rendering first aid at the Grass Roots Festival this past summer.

Report of the Clerk

The noon Board meeting scheduled for October 12 will be held on October 13 due to a Village holiday on the 12th.

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

Move to pass Resolution 6556 changing the date of the October 12 Board meeting to October 13 at noon due to a Village holiday on October 12.

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

Report of the Police Chief

The 2002 Durango is ready for sale.

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

Move to pass Resolution 6557 authorizing the Clerk to advertise former Police Dept. #126 (2002 Durango – VIN 1B4HS38N72F173073) for sale.

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

Chief Boyce then asked the Board for approval to hire Lisa Withrow as the new Police Clerk to take the place of Jean Eaton who retires at the end of November. There was much discussion on the amount of training time that Chief Boyce was asking for this new hire. He asked that she begin work on 9/28/09 and train until 11/27/09, at which time Jean Eaton will retire. Some Trustees felt that the 8 weeks was an excessive time for training in this position, and that 4 weeks was sufficient, especially since Ms. Withrow had police office experience. It was suggested that if the 8 weeks was approved, it would be a good idea for Ms. Withrow to spend some time with the Village Clerk when she had her job requirements under control. Chief Boyce said that he did not think that would not happen as she would need the full 8 weeks of training on the Police Clerk job. At this time, it was suggested that the Board accept the resignation of Mrs. Eaton.

Motion by Trustee Donner

Seconded by Trustee Supron

Move to pass Resolution 6558 accepting the resignation/retirement of Jean Eaton effective 11/27/09.

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

The following resolution was offered:

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

On the recommendation of the Police Chief and the Public Safety Committee, the Board of Trustees of the Village of Cayuga Heights passes Resolution 6559 resolving to hire Lisa Withrow as the full-time Police Clerk, contingent on a satisfactory background check, and on the receipt by the Village Clerk of the retirement letter from the position incumbent. Starting date shall be 09/28/09 and rate of pay \$15.00/hour. As of 11/27/09, on the retirement of the present Police Clerk and on satisfactory work performance, the rate shall increase to \$18.00/hour. Upon completion of the Civil Service requirements for permanent appointment to the position the rate of pay shall increase to \$20.00/hour. All rates are exclusive of health supplement and other benefits.

**Mayor Gilmore, Trustees Andolina, Bors, Donner, Szekely Voted YES
Trustee Riesman Voted NO
Trustee Supron ABSTAINED**

An amendment to the above resolution was suggested shortening the training period to 4 weeks instead of 8 weeks. This amendment was not supported.

The following amendment was then offered:

**Motion by Trustee Supron
Seconded by Mayor Gilmore**

A training manual will be produced during the 8 week training period of the Police Clerk.

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

Report of the Supt. of Public Works

Supt. Cross asked the Board to authorize the Mayor to sign the renewal contract with Hess gas left over from last month's meeting. The contract date is February 1, 2010 to January 1, 2012. It locks in the fixed price of today's price of \$8.19/dekatherm.

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

Pass Resolution 6559-1 authorizing the Mayor to sign the Hess Gas Contract Renewal for February 1, 2010 to January 1, 2012.

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

Supt. Cross asked the Board to authorize Ass't Supt. of Public Works Frisbie to attend a public Works Training School in October.

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

Motion to pass Resolution 6560 approving Ass't. Supt. of Public Works Jeff Frisbie to attend the Public Works Training School in Canandaigua, NY on October 19-22.

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

Supt. Cross asked the Board to approve the purchase of a Bobcat Model 337 mini-excavator per the quotes received.

**Motion by Trustee Szekely
Seconded by Trustee Andolina**

Motion to pass Resolution 6561 approving the purchase of the Bobcat Model 337 per bid received and opened on 9/14/09 at a cost of \$46,970. This price includes the upgrade to Model 337 and the thumb attachment.

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

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

**Motion to pass adjourn the meeting at 10:35 pm.
Mayor Gilmore, Trustees Andolina, Bors, Donner, Riesman, Supron and Szekely
Voted YES.**