

Village of Cayuga Heights
Meeting of the Board of Trustees

Present: Mayor Gilmore, Trustees Bors, Donner, Riesman, Supron and Szekely, Attorney Marcus, Supt. Cross, Treasurer Silber, Fire Supt. Tamborelle, Clerk Manning

Absent: Trustee Andolina

Others: Sarah Hatcher, Mindy Mindlin, Lee Donner, Catherine Stein, June Silberman, Linda Bors, Elizabeth Mount, Sally Grubb, Thomas Alexander, Angie Baker, Pat Shea, Claire Lunny, Salas Lunny, Judy Keil, Joe Romano, James LaVeck

The meeting was called to order at 7:00 pm by Mayor Gilmore.

The minutes of October 19, 2009 were then presented for approval.

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

Move to approve the minutes of October 19, 2009 as amended.

**Mayor Gilmore, Trustees 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.

Mindy Mindlin – Thanks to Dan Potter and Rich Arsenault of the DPW for their service “above and beyond” and to Sally Grubb and Elizabeth Mount for their efforts in pursuing a new fence ordinance. Everyone has a constitutional right to protect their own property and she hopes the Board acts accordingly. Urges Board to reject unnecessary expenses, abandon addition to Marcham Hall, and act upon an alternative plan to utilize 825 Hanshaw Road for Court and Police.

June Silberman – In favor of fencing and the new proposal by S. Grubb and E. Mount

Joe Romano – Speaks to culling – Community is divided, silencers are disturbing pursuant to safety issues and the issue is fiscally irresponsible.

Sally Grubb – Presented a proposal for new fence ordinance in the Village. She is already considering changes in response to Community input. Basically proposing that the residents be allowed to extend 4’ high fences on property lines to 8’ provided the fencing material is 90% open. The Board will discuss fencing later in the meeting.

Elizabeth Mount – She and Sally attended the Town Board meeting regarding the new fence proposal and were delighted to see there was no opposition to the Town’s new proposal. Thinks an improved fencing ordinance will clear up any confusion that is out there now.

Linda Bors – At the October meeting, the memorializing of residents was discussed. She asked our current gardeners, Doug and Melanie, what they thought. They both agreed that the garden is attractive as it is and there is no need to re-design it. Anything that would be done to the gardens should wait until after the renovation project is complete, lest any of the gardens are impacted in any way by the renovation.

Scott Teal – Regarding the deer remediation project, the Village is proposing to kill something that he loves dearly. Consider the feelings of those who are against the killing. Would the Village change it's mind if it knew that most of the residents were against the plan? He wants a debate.

Angie Baker – In order for gardens to be destroyed by deer, all the plants need to be plants that the deer like. There are others available.

Pat Shea – Animal lover point of view – We are all challenged to treat animals that we have displaced with compassion. She hates the idea of violence and an accident with a gun would be horrific.

Ann Searling – Was encouraged in previous meetings when it looked like fencing was an option. The remediation plan is preposterous, unsafe and irrational.

Catherine Stein – Works in international and national media. We are being followed outside our community. Our enlightened community will be affected by the way we are perceived and our tourism will be affected.

James LaVeck – Rhetorical question – When purchasing groceries, do you feel like an outsider when walking around Ithaca? If addressed as such, how do you feel? This speaks of a devious attitude that is prevalent. Damage is being done to our community. People will feel violated by what the Village does with the deer.

Child (name unknown) – Deer have feelings too.

Shereen xxxxx – Wanted to speak about fences. Is appalled that there have been no statistics, no scientific data, no actual count on the deer. Hopes the Village approaches scientifically the fence issue. Move ahead with fences instead of killing deer. Applauds the Town of Ithaca for modifying their fence law.

End of Privilege of the Floor

Fire Supt. Report – Report on File – Supt. Tamborelle asked the Board to authorize the sale of the 1995 Jeep (#242).

**Motion by Trustee Donner
Seconded by Mayor Gilmore**

Approve Resolution 6576 authorizing the Clerk to advertise for the sale of the 1995 Jeep Grand Cherokee, CHFD #242.

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

Report of the Clerk – Clerk Manning reported that the sealed bids for the 2002 Dodge Durango were opened earlier in the day. The winning bid was from Nicholas Sherwood for \$3101.

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

Approve Resolution 6577 authorizing the sale of the 2002 Dodge Durango, VIN 1B4HS38N72F173073 to Nicholas Sherwood at a price of \$3101.

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

Report of the Mayor – Thank you to Linda Bors for her work on the greenhouse and all who take care of the gardens outside.

Memorial Issue – The Mayor has received three requests for memorials at the Village Hall, each at \$1000-\$1500 donation amount. Does the Village want a mechanism for memorials? Who would administer this? The trustees discussed in detail the issue of memorials in the Village. Atty. Marcus reminded the trustees that the Village can accept gifts, but once the gifts are accepted, they are an asset of the Village and only the Board can decide how to use the gift. The following resolution was offered.

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

**Approve Resolution 6578 as follows:
While the Village of Cayuga Heights will accept unrestricted monetary contributions, it will not accept restricted gifts for the purpose of memorializing individuals.**

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

825 Hanshaw Road – The painting of the outside of the Village’s house at 825 Hanshaw Road and the replacement of the windows has already been approved, however, both Supt. Cross and the Mayor feel that there is more to do. The back porch needs to be brought back to a safe level and the concrete steps need to be repaired or replaced. A contractor came up with an estimate of \$1600 labor and \$700 materials. The DPW will handle the demolition. Any other tasks will be deferred to next year.

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

Approve Resolution 6579 authorizing the Mayor to sign the contract for work on 825 Hanshaw Road to be performed by Beaver Dam Construction which will require approximately \$700 in material to construct a new porch and stoop and \$1600 in labor for same.

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

Report of the Supt. of Public Works

Fences – Supt. Cross has a number of fences that have been erected without permits and possibly in violation of our current ordinance. An option was to consider a moratorium as well as enforcement on the fences. Supt. Cross needs feedback on this issue now. There was much

discussion on enforcing the present law until such time that the law is changed, and have the residents obtain a permit for all fencing. How did we get to this position, where there were illegal fences erected without them being cited? Have they been erected over time? The Board has been saying for some time that the fence ordinance needed to be reviewed. A moratorium would just delay the existing ordinance. Supt. Cross answered the question of why we haven't adhered to the law. It stems back to Mayor Anderson. A small number of fences had cropped up and Mayor Anderson never told Supt. Cross to enforce them. When there were only a few, Anderson didn't seem to want Cross to spend time on such a small issue. However, over time and throughout the terms of the past two Mayors, fences have increased making the problem what it is today. Cross can no longer pretend that it is not a big issue. It is, and throughout the terms of office of the past two mayors, fences have increased in number, making the problem what it is today. Mayor Gilmore doesn't think we should change the fence ordinance until the Village deals with deer remediation. Trustee Bors thinks the fence situation has been made more complex with the growing deer population. He finds Trustee Riesman's permit idea interesting. "If we change the law, we would have to distinguish between property line fencing and individual plant fencing," Bors said. Atty. Marcus said that an amendment would be required to our zoning law with a public hearing on any change. Trustee Szekely is concerned with the divisive nature of this issue. A moratorium would put fences on hold for a period of time. A formal complaint regarding a potentially illegal fence has already been received by Supt. Cross, and this will likely trigger other complaints. Supt. Cross said that out of compliance fence owners would receive a letter asap alerting them that they may have a fence that needs action. Trustee Supron asked how we can enforce a moratorium while we haven't enforced our own law? Atty. Marcus said that the Board seems receptive to making permits for all fences mandatory. While a moratorium could last from 90-180 days, the Board has to spend time during that period acting and digesting the issue. Trustee Supron said that there is no way to put this off any longer.

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

Approve Resolution 6580 authorizing Attorney Marcus to draft an amendment to our local law amending our existing zoning ordinance for a 90 day moratorium on enforcement of action on existing fences and requiring a permit for all fences. Attorney Marcus will have the draft available before December 14.

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

Supt. Cross will get a letter out to all illegal fence owners. Trustee Riesman stated that the Village should not get itself in this position again. If the Village has an unenforceable ordinance, the Village should change it. The Planning Board Comprehensive Plan should identify this.

Cross asked if the Board wanted to discuss specific proposals on fencing in more detail. The Board decided to wait for a future meeting.

Headworks Analysis (for natural gas drilling waste at the WWTP)– Having not incurred any fees from Sterns & Wheler to date on the headworks analysis, Supt. Cross suggested that given the current environmental review process for legislation on drill water, that the Village will not do a headwork analysis now, but wait until the DEC has new regulations ironed out.

Atty. Marcus said that there is no value in pursuing the analysis now as we do not know what the DEC will require in the future. Supt. Cross thinks that the Village knows that the plant is still operating at its full capacity and there have been no violations of the SPDES permit. The

headworks analysis will only tell us the ability of our plant to treat the drillwater. Deciding not to the headworks analysis now will not stop us from doing it in the future.

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

Approve Resolution rescinding the prior resolution to perform the headworks analysis at the WWTP.

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

Supt. Cross then spoke on the change orders on the phosphorous project and asked for resolutions to approve same.

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

Approve Resolution 6581 approving Change Order 4-G to provide concrete landing at top of stairwell in new tertiary filter building at a cost of \$5,874.50 and Change Order 5-G to provide stilling well at the new filter pump station wet well for proper insertion of required level transducer at a cost of \$2,329.56.

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

Trustee Privilege of the Floor – Nov. 11, Trustee Riesman met with Cayuga Sign to go over the sign specifics, wording, color, etc. and officially placed the order.

Trustee Donner presented a commendation for Police Clerk Jean Eaton who is retiring later in the month.

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

Move to pass Resolution 6582 as follows:

We, the Mayor and Trustees of the Village of Cayuga heights, wish to express our appreciation to Jean Eaton for her 20 years of effective, competent, helpful and diligent service as Police Clerk of the Cayuga Heights Police Department.

Police Chiefs, Fire Chiefs, Mayors, Trustees and other Village staff have come and gone over these 20 years but Jean has remained an island of stability amid a sea of change. For many visitors, their first and perhaps only impression of the Village has been their contact with Jean and we thank her for carrying out this and her myriad of other responsibilities with true professionalism. Jean, we thank you and wish you a happy retirement.

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

Trustee Szekely stated that the appraisal for the Newman papers has been delayed. Trustee Bors is concerned that the owner of the papers, Mr. Hornbrook, actually owns what he is selling the Village. Treasurer Silber said that if the owner warrants that he owns the house and its contents, it provides the Village of a warranty that he owns the property and can sell it to the Village. Trustee Bors is satisfied with that. When Trustee Szekely gets the appraisal, she will let the Board know.

The Cayuga Lake Watershed is looking for someone to be on the Committee from the Village.

Treasurer Silber said that at the last noon meeting, Trustee Andolina was looking for more information about a subject, and he would like to go into executive session to discuss the information.

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

Move into Executive Session at 9:45 to discuss King & King bill and to discuss legal personnel matters.

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

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

Move out of Executive Session at 10:15 pm.

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

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

Adjourn meeting at 10:16 pm.

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