

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, Fire Supt. Tamborelle, Clerk Manning

Others: Sarah Hatcher, Mindy Mindlin, Lee Donner, Linda Bors, Tomo Shibata, Scott Teel

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

The minutes of November 16, 2009 were then presented for approval.

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

**Move to approve the minutes of November 16, 2009 as amended.**

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

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After introductions by the Board, the Mayor opened 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 – hopes that the 5 open positions for this March’s election will be listed in the next issue of The Courier. Also would like to see the minutes section of the website brought up to date.

Peter Bottorf – happy to see the Planning Board report at this meeting. He had an opportunity to attend the PB meeting when the presentation was given by the CRP students and was disturbed at their plans for the Village that they presented, especially the plan where the homes on N. Triphammer Rd. were turned into rental property.

Tomo Shibata – spoke on Cyber-bullying

Scott Teal – How does the Village gauge opinions on the deer issue? He is willing to debate others on the subject. Would like to be contacted to set something up.

Angie Baker – Would like the Village to use forward thinking and progressiveness instead of shooting. If a shooter misses his mark, the deer are horribly maimed. Consider an alternative method.

End of Privilege of the Floor at 7:15 PM.

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Fire Supt. Report – Report on File –Busy month. Discussion on 2 fires in the Village. Trustee Bors asked about the engine replacement in the 1998 p/u truck (Fire truck #243) Should maintenance procedures be changed? Supt. Tamborelle assured him that he is on top of maintenance on all fire vehicles. Trustee Andolina asked about the training class in the spring. Will it be smaller? There are presently 50 members.

Supt. Tamborelle explained that the department has run one officer short (#264) for many years. Lt. Joe Lisi recently moved out of the station. He was a bunker for many years, and the rules state that no bunker will hold an officer position. He is now eligible to become an officer. The Fire Company recently voted Joe into the position of #264. This was approved by the Fire Council. Joe has been bunker for 6 years, a lieutenant for 7 years, and a member of the Cayuga Heights Fire Dept. for 8 years. He is well qualified for the position and is an asset to the department. Tamborelle asked that the following resolution be moved and passed.

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

**Approve Resolution xxxx approving the appointment of Joe Lisi to Assistant Chief, Cayuga Heights Fire Department position #264, elected by the members of the Cayuga Heights Fire Company and approved by the Fire Council of the Cayuga Heights Fire Department.**

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

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The Mayor then introduced Martin Harms, Planning Board Chairman. Chmn. Harms spoke briefly on the work the PB has been doing over the past few months. He will come to the evening board meeting every month or so to present updates to the Board. His main reason for speaking at this meeting, however, was to request funding from the Board for the Comprehensive Plan. The money spent on the Comprehensive Plan will be a long term investment in the Cayuga Heights community. Chmn. Harms then elaborated on the following topics - (from his handout presented as printed below)

**What the Planning Board has done so far.**

1. The "what and "why" of comprehensive planning
2. What's in a comprehensive plan?

The Planning Board has spent some time in reviewing in detail what should be included in the Plan and how to go about the process involved in its development and completion. These are the phases we anticipate:

- Data Gathering and Analysis:

Assemble an inventory of the village's existing physical, economic and social conditions from a variety of sources including county-held statistical data, GIS maps etc, followed by an assessment of those conditions. Review and evaluate existing village laws, codes and zoning ordinances as these may affect positively or negatively the future of the community. Interview members of village boards, staff and departments

- Public Participation:

Design, conduct and evaluate a phone or mail survey of residents' opinions about a range of issues impacting the present and future condition of the village. Hold a public visioning event including break out focus groups to address specific areas (e.g. transportation). Conduct a

design “charrette” to establish alternative strategies for re-vitalizing the Community Corners commercial and civic center area.

- Vision, Goals and Objectives

Establish a set of plan visions, goals and objectives based on the analyses involved in the foregoing steps

- Plan Draft

Preliminary draft of plan alternatives followed by assessment and draft of the preferred alternative including an implementation strategy. Public comments and/or hearing and Trustee Board approval followed by Final Plan draft, presentation, revisions, and adoption by Trustee Board and all other necessary approval bodies. Proofing, printing and distribution of Comprehensive Plan document.

- Assessment  
On-going monitoring of results and impact

### 3. Some advantages to a Trustee Board of having a comprehensive plan in place

- Takes much of the ambiguity out of the decision making process
- Knowledge in the community that the village has an overall mission and a clear set of guidelines can reduce the number and types of inquiries needing a response
- Provides a blueprint for prioritizing expenditures consistent with community desires

### 4. What the Board has done so far

Since its establishment in September 2009, the Planning Board has met for four monthly meetings and two workshop sessions. It has carried out the following pre-comprehensive plan preparation activities:

- Reviewed our charge, and state-level legal, ethical and procedural recommended guidelines; adopted rules of procedure
- Received guest presentations from Mayor Jim Gilmore, Jack Young, Brent Cross, Joan Jurkowich (TCP Dept), Carole Schiffman (Friends of the Corners), Fred Cowett (landscape specialist), Rolf Pendall (Cornell CRP Prof) and George Frantz (Cornell visiting lecturer).
- Identified some key issues the plan should address
- Brainstormed a variety of topics including possible resources, phasing, plan time horizons and project timelines
- Reviewed comprehensive plan documents from neighboring jurisdictions
- Drafted preliminary list of possible database categories
- Researched village-related historic preservation issues
- Investigated a possible response to the national American Institute of Architects’ 2010 Sustainable Design Assessment Team request for proposals (a team from Ithaca one of ten eventual awardees)
- Set up a Planning Board website
- Individually attended training sessions (planning & zoning boards; TC affordable housing)
- Attended Cornell City & Regional Planning Dept student Village of Cayuga Heights/Village of Lansing class project final presentation

### 5. Why are we requesting funding?

Developing and completing a high quality comprehensive plan is complex and time consuming, even for the smallest jurisdictions. When municipalities are large enough, this function is typically carried

out by their own, full time planning staff. When they are not, outside planning consultants are typically hired for the task. We have researched a number of Tompkins County examples in both categories.

The Village of Cayuga Heights Planning Board is made up of individual volunteers with credentials in land use planning and/or in closely related areas. This expertise will be valuable in formulating and guiding the planning process. However, there are specific attributes and skills that regularly practicing planning consultant's offer that can provide greater levels of efficiency and precision. Moreover, most of the Planning Board members have full time jobs. While we have investigated in detail a variety of ways to carry out the task in the most cost effective way, including the partial involvement of individual members, we are now firmly convinced it cannot be properly executed without securing the services of an outside planning consultant.

In doing so, the village would insure that the Planning Board retains an important level of objectivity in assessing plan alternatives and recommendations as these are developed throughout the process. There is potential conflict of interest when board members present ideas and possible solutions, then proceed to evaluate them. Though the Board of Trustees has the ultimate power to assess and adopt, we think it's vitally important the Planning Board is also free to exercise its independent judgment before it presents its final recommendation to the Trustees.

#### 6. How did we arrive at our specific request for funding?

We looked first at George Frantz's graduate student workshop class proposal made to the Board of Trustees in summer 2009, priced at \$12,500. While directly useful for our purposes, we concluded the deliverables being proposed were insufficient on their own to form the basis of a complete comprehensive plan for the village.

We then developed a spreadsheet that costed a common set of tasks against a set of three alternative scenarios: a "various sources" version with partial involvement of Planning Board members; George Frantz's Cornell CRP student workshop class version with a "various sources" add-on; and a full service, outside consultancy version.

We received estimates from two separate consultancy firms in the third category. One gave a range between \$65,000 and \$100,000, the other between \$30,000 and \$50,000. Estimates in the first two categories resulted in figures similar to each other. Both were around \$24,000.

Based on our analysis of those two latter estimates and using a slightly more detailed scope of services description, we then solicited separate estimates from George Frantz. The first involved his workshop class to be taught in Spring 2010 with a full service add-on by him in his separate capacity as a professional consultant, and a full service version by him in this latter capacity.

We now have his estimate for the full service version. However, the estimated cost of the combined student class/full service add-on version won't be available till Monday (Dec 21). This is due to an administrative delay at Cornell in determining whether any overhead charges will be added to the student workshop cost.

For this reason, the specifics of our actual request for funding are not included here. They will be part of our presentation to your board at the meeting on Monday evening. Suffice to say, we are confident the cost figure for what we propose will be comparable with the earlier "various sources" estimates referred to above.

Please note that a preliminary **time frame** of 20 months for the planning process was used as the base line for all the above estimates. Assuming a start in January 2010, the process would end in August 2011. Its probable this duration time might have to be adjusted somewhat as more specifics about the

process come to light. In any event, it's important to recognize that the cost of the project need not be attributed to one fiscal year but spread over the up to three likely occurring during the project's duration.

Questions from the Board as follows:

Trustee Szekely asked about Prof. Frantz's class and the \$12,500 cost. The Mayor asked if there was a cost without the class being involved.

Trustee Szekely asked which option, with or without the class involvement, would be better. Chmn. Harms thinks the students can be very helpful in the process. H. Richardson said the use of the students for the front end work (data gathering) is very useful. It would also fall naturally into Cornell's Land Use classes.

Trustee Supron asked if timing to get this approved was critical. Harms said timing wasn't as critical now as he had originally thought, but the sooner the Village acted, the better.

Supt. Cross – did the PB consider taking Joan Jurkevitch (Town of Ithaca) up on her help on a baseline Comp. Plan? Chmn. Harms said that he did talk to Joan. Her offer was for to provide information on a data plan. But then, what do you do with that information? It is not possible to use the Town's Planning Dept. to do the analysis of the information. Cross said that he thought the Village of Lansing's Comp. Plan was partially prepared by the County. Atty. Marcus said that the V of Lansing hired a consultant who they didn't like, and had to find another that they did like. Atty. Marcus thinks this PB has done their homework on the background of their proposed plan. All zoning is supposed to be based on the Comp. Plan of the Village. If the Village has a single document that addresses all issues, it makes it easier to make changes to zoning laws and to withstand challenges. Having a Comp. Plan is necessary if you want to move forward with Zoning Law changes.

Trustee Riesman said since the public will be involved, the Trustees will hear about all the issues from the residents – what they want and what they don't want. A positive about George Frantz is that he is local and has a true interest in the Village, along with knowing a good deal about the area.

Supt. Cross spoke in Treasurer Silber's absence about spreading the cost out over a few years – any dollars spent this year needs to be paid this year.

Trustee Andolina said that he appreciates the work put in so far and appreciated the point about the PB members needing to juggle their time with full time jobs; however, he doesn't recall any talk about getting others to do the work. He thought the PB would do all the work. He would like to know how we got from the PB doing the work to hiring a consultant to do the work. Chmn. Harms answered that the number of tasks goes way beyond data gathering. Talking to the public is critical and would involve many focus sessions, etc. He is not convinced this could be done just with a class.

Trustee Bors asked if a Comp Plan is required by NYS law. Atty. Marcus said that there isn't a statute that specifically says that, but there is a statute that says that zoning must be based on a Comp. Plan. If you are a Village and you have zoning, your zoning must be based on a Comp. Plan.

Mayor Gilmore said that it sounded like the PB is not as concerned with zoning, it's more of getting a collaborative idea together.

Trustee Szekely said it sounded like the PB is asking to insert another layer to be objective, but the Board of Trustees wanted the PB to be the ones to give their input on how the Village should look in reference to a Comp. Plan.

H. Richardson stated that the role of the PB is to help frame the questions that the consultants will tackle, and then review the answers. That is a very critical role for the PB to play.

Trustee Bors is concerned that we are reinventing the wheel. Why start from scratch? Can't we get a municipality that is close to ours and tweak their plan? Chmn. Harms said that

is absolutely the wrong way to go. Bors continued that the impression of consultants is not terribly positive. Harms said that it is a judgment call. The PB's job was to zero in on the right type of person, and they did that, and now are making a recommendation to the Board.

Supt. Cross remarked that zoning is the application of the Comp. Plan, our Village is built out and zoning has served us well. A consultant based Comp. Plan is for communities that have lots of land available to be developed.

Trustee Riesman stated that redevelopment is a big issue. Buildings will go up for sale. People care about Community Corners, walkability, traffic issues, etc. To say we are built out is untrue... a lot can and will change. The Comp. Plan will seek the input to look down the road.

G. Gillespie commented that there are threats to the Village out there...Cornell, Village of Lansing...what is they going to do to the Village is the Village has no "plan" in place? But back to Trustee Andolina's point. The PB needs help with the grunt work. They also need some expertise. There are particular tasks associated with a Comp. Plan that will benefit from someone who has already done one and is familiar with the process. We should be looking for a filter, a sounding board to play off the PB's strengths and vice versa. When you think of the funds needed, think about planning for the future. A one time expenditure is good for 20-30 years.

M. Morris said that neither a consultant nor a class will deliver a Comp. Plan to the Village. The Planning Board will.

Trustee Supron said that the Board of Trustees liked George Frantz in the past but wanted the PB to ask for him. Now they are and we should be listening.

Mayor Gilmore said that the value of the cost seems reasonable.

Chmn. Harms thank the Board for their time and reiterated that G. Frantz is very anxious to work with us.

Mayor Gilmore asked if Chmn. Harms could negotiate the final rate with Cornell and get the amount back to the Board. January 11 was the next Trustee meeting. Was that too late?

Chmn. Harms asked if the Board could vote on the \$26,000 and he would get back to the Board as to which of the two ways they should proceed with. He wants to be sure of the amount, but feels that January 11 is too late. Trustee Andolina said that the Board should give the Planning Board the financial flexibility to do whatever they think is appropriate, and to solidify the number for the student proposal. Discussion on indirect costs of approximately \$7,000 which might be added to the \$12,500. Cornell may waive indirect costs. The Board should write a letter to Cornell saying that the Village will not pay indirect costs.

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

**Authorize Resolution xxxx as follows: The Board of Trustees approves the Independent Planning Board to proceed in negotiating a contract for an amount NTE \$12,500 between the Village and Cornell University to have George Frantz's class in CRP prepare background information for production of a Comprehensive Plan as directed by the Independent Planning Board during the Spring Semester of 2010.**

After discussion on the wording of this resolution, an amended Resolution was offered:

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

**Whereas the Board intends to complete a Comprehensive Plan, and the first phase is the collection of data,**

**Therefore be it resolved that the Board of Trustees approves the Independent Planning Board to proceed in negotiating a contract for an amount NTE \$12,500 between the Village and Cornell University to have George Frantz's class in CRP prepare background information for production of a Comprehensive Plan as directed by the Independent Planning Board during the Spring semester of 2010.**

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

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Report of the Supt. of Public Works –

Supt. Cross reported on the following:

“Close-Out” of contracts for the Phosphorus Project at the WWTP – documents need to be gathered which have an impact on payment to the contractors. Over the next month, incremental payments will be made to the contractors.

Review and approve MATCO change order 1-E.

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

**Move to pass Resolution xxxx approving the MATCO Change Order**

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

Discussion of vacant MEO position. DPW is down an MEO. This will greatly affect snow removal as teams are set up for plows, trucks, etc. Jeff Ellis (Mechanic) has stepped in to the rotation for the snow teams, and now there is no back-up if someone is sick. This situation needs to be resolved.

Marcham Hall project – Schedule another meeting to discuss further. Any questions regarding the plan specifics, please see Brent before the next meeting.

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

**Move to pass Resolution setting a special meeting of the Board for 1/6/2010 to discuss Marcham Hall Renovation plans.**

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

The proposed fence moratorium law will be forthcoming at the next meeting.

**Motion by Trustee Andolina**

**Seconded by Trustee Bors**

**Move to pass Resolution xxxx entering into Executive Session at 9:53 PM for discussion on pending litigation.**

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

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

**Move to pass Resolution xxxx entering into Executive Session at 10:30 PM for discussion on pending litigation.**

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

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

**Move to pass Resolution xxxx to authorize payment of CO #9G for \$26,662.29 subject to approval by the Village Attorney.**

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

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

**Move to pass Resolution xxxx requesting payment to C.O. Falter for payment of CO 13 as modified by Stearns and Wheler for \$52,094.48.**

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

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**Trustee Privilege of the Floor**

Trustee Donner stated that the election of Joe Lisi as Assistant Chief of the CHFD is a well deserved promotion. Joe is a long-serving, hard working member of the Fire Dept. who has taken on all kind of jobs and has done them well.

Trustee Szekely asked if there was any progress on the Newman paper sale. Atty. Marcus said he is moving forward on the paperwork.

Trustee Andolina told the Board that they should start thinking about a vehicle to tackle the fence issue. He wants the subject on the January agenda for discussion on the proposed moratorium. Supt. Cross asked if the Planning Board should be asked for their input on fencing. Trustee Andolina will talk to Trustee Riesman and the Planning Board about this.

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**Report of the Mayor**

Mayor Gilmore gave a TCCOG update pertaining to the Health Insurance. Approximately 40 union members withdrew due to contract requirements of need for advance notice leaving 2023 members still planning to sign up by 3/31/10. The Consortium is waiting for a Certificate of Authority from New York State. New York State's concern is that the consortium does need Union voting representation on the Board vs. just municipal and elected officials. Approximately a dozen unions are involved. TCCOG's consultant and steering committee recommend unions maintain non-voting seats on the Board. NYS is also reviewing TCCOG's financial reserve with regards to forthcoming COA (17% vs. 25% of premiums vs. letter of credit).

The Mayor also gave a Gas Drilling update. All TCCOG members passed a resolution for the DEC indicating the DEC Supplemental Generic Impact Statement is critically lacking and should be re-done to better address environmental quality concerns with regard to underground and above ground water sources, safe sustainable handling of frackwater, road maintenance, and numerous other areas of concern. There is a TCCOG resolution to be delivered to DEC in Albany with 200 page verbatim summary of the 11/19/09 public hearing sponsored by TCCOG. Don Barber, Chair and Martha Roberts, board member, will deliver the resolution to DEC and visit the Governor's office on environmental quality. On behalf of TCCOG, the Mayor asked the Village and Board's support to contribute \$200 to help offset the \$1800 total cost of the 11/19/09 public hearing cost to rent the State Theatre and hire the court reporter who recorded the event. Other municipalities are also contributing.

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

**Move to pass Resolution xxxx authorizing payment of \$200 to TCCOG to help offset the \$1800 total cost of the 11/19/09 public hearing cost to rent State theatre and hire the court reporter who recorded the event.**

Discussion ensued concerning the lack of policy in place regarding payments to TCCOG.

**Trustee Bors withdrew his motion until the January 11, 2010 Board meeting.**

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

Supt. Cross stated that he will let the Board know when there is a ribbon cutting ceremony at the Phosphorous Treatment Plant.

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Clerk's Report – In the Treasurer's absence, the Clerk asked for approval to pay 2 invoices outside the normal payment cycle.

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

**Move to pass Resolution xxxx authorizing payment outside of the normal payment cycle to Staples and Beaver Dam Construction.**

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

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

**Move to adjourn the meeting of the Board of Trustees at 11:15 PM.**

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