

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

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

Absent: Trustees Donner and Supron

Others: Sarah Hatcher, Fred Antil, Suzanne Van DeMark, R.W. Nesbitt, C.J. Lacey, James LaVeck, Eric Huang, Jenny Stein

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

The minutes of January 11 were presented for approval.

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

Move to approve the minutes of January 11, 2009 with corrections as noted.

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

Report of the Treasurer – Treasurer Silber distributed the annual audit for the Village. He will ask for a resolution accepting the audit at the February 15 Board meeting, giving the trustees the week to read and absorb the audit.

The transfers were then presented to the Trustees for approval as follows:

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

Move to pass Resolution 6608 approving the transfers as follows:

From:		To:		Amount:
A1990.400	General Contingency	A1210.410	Mayor contr Exp	\$ 200
A1990.400	General Contingency	A3620.400	NYSUFBC:Cont Exp	\$ 100
A5142.100	SNOW: Pers Serv	A5142.150	SNOW: Pers Serv-OT	\$ 5,000
A8160.200	REFUSE: Eqpt	A5142.490	Snow: Eqpt Maint	\$ 5,000
A1990.400	General Contingency	A9050.800	Emp Ben: Unemployment	\$10,000
A1990.400	General Contingency	A8560.400	Comm Env: Shade Tree	\$ 600

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

The abstract of vouchers was then presented for approval.

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

Move to pass Resolution 6609 approving the Abstract of Audited vouchers dated 2/8/10 in the amount of \$97,173.87 minus voucher #51, and the supplement of two vouchers, and instruct that the Treasurer make payments thereon.

There was much discussion regarding voucher #51, payment to Fred Cowett for tree inventory. Trustee Bors prefers that the policy modifying the Purchasing Policy be discussed first, then the voucher will be brought up again for payment. Trustee Szekely said that the Village has an obligation to pay this invoice, and it should be paid now. Treasurer Silber said that the project this voucher is paying for was authorized 2 years ago, the work was done during the summer, and the services have been delivered to the Village. A policy discussion is not retroactive. A "conflict" issue is about something being done before the action is taken and the action was already taken and the work was done. Policy development is irrelevant to work that was previously done. There was then discussion on where the policy change should go...the Purchasing Policy or the Code of Ethics. Treasurer Silber said that the change should go into the Ethics Policy. Trustee Riesman, wife of Fred Cowett, offered a chronology of the events leading up to this voucher. A vote was then taken -

**Mayor Gilmore, Trustee Bors Voted YES.
Trustees Andolina and Szekely Voted NO.
Trustee Riesman ABSTAINED.
Motion Failed.**

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

Move to pass Resolution 6610 approving the Abstract of Audited vouchers dated 2/8/10 in its entirety.

Treasurer Silber went thru the minutes of 2008 and pointed out where Mayor Lynn approved and asked for the tree inventory to go into the budget.

**Mayor Gilmore, Trustees Andolina, Bors, and Szekely
Voted YES.
Trustee Riesman ABSTAINED.
Motion Passed.**

Treasurer Silber told the trustees that at the February 15 meeting, a date will be set for a budget workshop. What more information does the Board want? Silber went over everything he has given the Board so far...is there anything else? Trustee Andolina said that the info the Board has received is sufficient. The key items to focus on are the elements that come in the April Board meeting. The Finance Committee will discuss whether the budget meeting should be held before or after the tentative budget is filed.

Report of the Supt. Public Works – Supt. Cross reported that Randall Nesbitt recently applied for a permit/variance for a project that included an 8' high fence which was mostly on his property, but partially on a neighbor's property (with written consent). Since variances are granted to properties (not individuals or discrete projects), he was required to make two separate applications, which resulted in him paying for two zoning permit applications at \$25 each and two zoning variance fees of \$100 each. When the first request

(on his property) was denied by the ZBA, he immediately withdrew the request for the variance on the neighbor property.

He inquired with me about getting a refund for the fees for the second request. I indicated that I don't have the authority to grant such a request, but he could seek such approval from the Trustees. Subsequently, he has made his request, in the attached letter addressed to me. If you are inclined to grant a refund, I suggest that the amount should be a total of \$125.

Mr. Nesbitt's request is for \$150 on the basis that no building permit (no fee) was required for a fence in the first place. He is correct that no *building* permit is required, but in fact he was charged the \$25 application fees for a *zoning* permit. The confusion about this issue is inherent in the zoning ordinance language that says that "...this ordinance shall not apply to fences not over four feet in height...". This language leads people to believe that fences do not require a zoning permit. I think this issue will be addressed by the new proposed ordinance that requires a zoning permit for fences of all heights.

Mayor Gilmore asked if the Nesbitt's wanted to add anything. Mr. Nesbitt said that money wasn't the issue; and the entire process was very painful. Points raised by the Zoning Board were not germane to the fencing request, but to deer issues. Mr. Nesbitt offered to talk to the Board at sometime and show them his powerpoint presentation of 11 slides if they were interested.

The following motion was offered -

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

Move to pass Resolution 6611 approving the amount of \$125 be returned to Mr. Nesbitt.

**Mayor Gilmore, Trustees Andolina, Bors, Riesman and Szekely
VOTED Yes**

Report of the Clerk – Trustee Andolina said that he was pleased with the call report that the Clerk and Deputy Clerk made up and distributed to the Trustees. The Clerk's office will continue this report on a monthly basis.

Ass't.Supt. Frisbie presented his report which is on file. Trustee Riesman asked about he yellow "caution" tape on the railing in the entryway of the Village Hall. Supt. Cross answered that the railing needs to be code compliant and that is being done now. The tape will soon be removed.

The Mayor told Frisbie that the Village has come under criticism by a few residents regarding the "high" speed that the operator of the sidewalk plow is operating the plow. Ass't Supt. Frisbie addressed the situation by mechanically slowing down the speed of the plow and by painting it a different color.

Mayor Gilmore also asked if Frisbie would consider whether or not the Village can cut down on salt usage by not salting on straight roads only on intersections. Supt. Cross said that he would take this suggestion to the Public Works Committee.

Report of the Police Chief – The Police report is on file. Chief Boyce made a correction to his overtime hours – from 101.5 to 112 hours.

Trustee Bors asked what the role of our P.D. is in child safety seats in cars. Chief Boyce said that the County P.D. takes care of checking safety seats in cars, but as a public relations aspect, our P.D. is getting training (which is lengthy) so they can check safety seats in cars.

The Chief then commented that the officers are monitoring the TCAT bus change on the Northway and things are running smoothly.

Report of the Mayor – Mayor Gilmore tabled the TCCOG update until the February 15 evening meeting.

Trustee Privilege of the Floor – Trustee Szekely reported that she enjoyed updating the Village Clerk’s job position with Clerk Manning. All that is left in the process is to add qualifications to the description. The Mayor has a copy, both the Clerk and Trustee Szekely will meet with him, then the Trustees will see the complete job description.

Trustee Szekely wanted to remind everyone that the census is coming up and it is very important that everyone in the Village, especially the students, be counted. This number will impact the sales tax that the Village ultimately receives.

**Motion by Trustee Bors
Seconded by Trustee Riesman**

Move to adjourn the meeting at 1:45 pm.

Mayor Gilmore, Trustees Andolina, Bors, Riesman and Szekely