

Village of Cayuga Heights  
Meeting of the Board of Trustees

Present: Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely, Attorney Marcus, Treasurer Silber, Supt. Cross, Fire Supt. Tamborelle, Police Chief Boyce, Clerk Manning

Absent: Trustee Karns, Ass't. Supt. Frisbie

Others: Joe Cowan, Susan Benish, Peggy Petrillose, Sarah Hatcher, Elizabeth Mount, Christina Lacey, R.W. Nesbitt, Mindy Mindlin, Mary Tabacchi, Guy Tabacchi, Cliff Pollock, Dominick LaCapra, Charlene Temple, Lee Donner, Scott Teel, Jenny Stein, James LaVeck, Eric Huang, Catherine Stein.

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Mayor Supron opened the meeting and Public Hearing at 7:00 PM to hear public comment on the proposal of Local Law #6 of the Year 2010 reenacting a moratorium on the enforcement of a portion of Section 9 of the Village of Cayuga Heights Zoning Ordinance. The following comments were heard: Dominick Lacapra – is in favor of the moratorium and in favor of a change in the height limit on fences. The fences he sees in the Village are well done and may be a way to resolve the controversy of deer culling.

Guy Tabacchi – questions on fencing dealing with definition of fencing, what constitutes a fence, height, fencing for pools, privacy, security.

Elizabeth Mount – favors the idea of extending the moratorium until the fence ordinance is changed.

Mary Tabacchi – in favor of extending the moratorium and looks forward to allowing residents to do whatever they want in their yards with a fence.

Katy Stein – the esthetics of fencing seems to be a problem with people.

There being no further comments, the Public Hearing was closed.

**Approval of Minutes**

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

**Move to approve the Minutes of May 10, 2010.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**

**Privilege of the Floor**

Suzanne Vandemark – Re: TCAT bus route 30 – has now collected 260 petition signatures against Rt. 30 route passing thru the school area. Thank you to Trustees Riesman and Szekely, along with Mayor Supron for meeting with TCAT. Still waiting for TCAT to meet on the issue, while the risk is increasing. If request is not acted on, the Board should pass a resolution asking TCAT to move back to E. Upland Rd.

Cliff Pollock – spoke on a deer incident that happened at his residence. His dog was attacked by a deer and killed. Dog was 30 lbs and blind. Tagged deer #131 attacked the dog. He has noticed that the deer have changed their behavior over the past 18 years.

Mary Tabacchi – this speaks to the idea of fences if people find the deer intrusive.

Dominick LaCapra – doesn't understand "bizarre behavior". Thinks the deer are tame animals. Did the dog go into the deer and was the deer just protecting himself?

Angie Baker – walks dogs regularly and frequently passes deer. One dog wants to get at the deer and the deer usually run. She thinks that what happened to Mr. Pollock's dog was an anomaly.

Charlene Temple – glad fencing laws are being revisited. As psychotherapist, the push/pull attitude is not good. A structural change may allow people to keep their point of view. She likens a structural solution as parallel to the fencing issue.

Sherene Bauer – in favor of new fence ordinance – would cut down on animosity in the Village. Allow each property owner the right to decide how to protect their property.

James LaVeck and Jenny Stein– read a statement against deer culling on behalf of 5 individuals. Statement on file.

Guy Tabacchi – since August 1977 he has had no problems with deer. How many deer belong to the Village? When was the last deer census? Who paid for it? Any responses to any RFP's?

Katy Stein – deer culling will increase taxes, fencing will not.

End of Privilege of the Floor

### **Report of the Mayor**

The Board discussed the proposed Local Law #6. The term of the extension is 90 days. The Planning Board is looking to review the current ordinance so it makes sense now to extend it.

The process is in place now. Trustee Andolina asked if the Board is of the mind that we will have something definite within the 90 days. Everyone is moving toward that. Trustee Riesman said that there needs to be a deadline that the Board is working towards. The PB is waiting to hear from the Board of Trustees for a specific direction to work toward.

This action is SEQR exempt – 617, sub#27 and #30.

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

**Move to approve Resolution 6676 approving the passage of Local Law #6 of 2010 which re-enacts a moratorium on the enforcement of a portion of Section 9 of the Village of Cayuga Heights Zoning Ordinance.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**

### **TCCOG Health Consortium**

Thanks to Don Barber for attending the Board meeting to answer questions from the Board. The remaining issue with the health insurance is the financing of the reserve fund. How does the Consortium get the money it needs? There are different mechanisms on how to get the money. The State requires that we have 17% of our premium on reserve and a 5% contingency fund. This totals \$5 million. Currently, the Consortium is \$2.2 million short. A surety bond could possibly be taken out, but the State Insurance Fund has not made a decision on this yet. The County is having a problem coming up with their money (they are \$1 million short). The County would like to take 3-5 years to pay off their reserve, but the State is not in favor of this. Trustee Andolina asked about the time frame. Barber answered that when the funds are in place, the Consortium can move forward. \$1 million must be received by the end of the year. Trustee Szekely asked what would happen if during the first year there are great demands on insurance? Barber said that data shows that a "run on the bank" is minimal.

Treasurer Silber asked how excess contribution capital is viewed. It is not accepted as investment policy. It is viewed as prepaid premiums for several years. Treasurer Silber recommended that the Village pay \$33,405, our pro rata share of total reserves. All but our Teamsters should be in the Consortium in rapid order once it gets started. We will see a modest savings at first, but over the long run, the savings will grow. The Board then thanked Don Barber for attending and answering the Board's questions.

Trustee Andolina reiterated that there are two entities that have very large funding obligations and we smaller municipalities are trying to help them. There was discussion on the difficulties of getting the dollars for the reserve. The Village spends over \$300,000/year on health insurance. Treasurer Silber's reluctance to give more capital is because of the uncertainties of the reserve that is outstanding. Trustee Andolina didn't think it made sense to craft a resolution for our share now. However, Treasurer Silber thinks that we should commit our pro-rata share now.

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

**Move to pass Resolution 6677 authorizing the pre-payment of the premium for the purpose of pro-rata share of total reserves in the amount of \$33,405 from our reserve fund to the Tompkins County Municipal Health Insurance Consortium.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**

**Fencing**

Mayor Supron addressed her deer proposal, which is to stick to our current fence ordinance, tighten up the terminology, and allow a total of 8 ft over the 4 ft fence with total visibility using temporary extensions. This proposal is in conjunction with deer population control and I would bring the number of non-compliant fences into compliance. The Planning Board will wait to hear from the Board on how to proceed, then, with the advice of the attorney, draft an ordinance taking the Board's suggestions into play. Trustee Szekely supports the Mayor's proposal. It deals with passively ignoring the out of compliance fences over the years. People have the right to protect their property. It does not stop the deer remediation program. **Originally people thought we needed to protect the park-like vistas in the Village. However, far fewer park-like vistas exist today than in the past.**

Diana said that her thoughts have evolved over time. While fencing avails the property owner to protect their property, it doesn't stop deer remediation. However, she is not in favor of extensions in the front of the property. She has a safety concern - tall spaces at the end of sidewalks - visibility concerns and esthetic concerns.

Bob felt the same as Diana. He also has an issue with front yard setback. By allowing a full inclusion of property, we are forcing more animals onto the streets. Kids also have less release from the roadways. Esthetics is somewhat of an issue, too. Also, affordability is an issue. Those who cannot afford fencing will have to absorb the deer into their lots.

Chris was trying to work through the issue. He has no problem with zoning. Which will break first? If there is a rush to put fences in, it will force the deer into other yards and roadways. He feels this might just be a band aid on the problem. He likes the concept of fitting the solution around the deer remediation. What happens if your front yard is not 25 feet? ( You can request a variance from the ZBA.)

Kate said that she doesn't "see" the deer mesh fencing. If mesh fences are well constructed, they are nearly invisible. With the deer population control, in 5 years fencing may not be necessary. Randy said that there are still lots of people who would prefer not to have any type of fencing on their property.

So, now how do we proceed? The PB has been talking about this issue, but they are waiting for the Board to tell them how to move forward. Chris said that the Board doesn't agree on what to tell the PB.

Maybe we should ask them to come up with two ideas -- one to clear up the definitions, and one to keep the 25 ft setbacks. The PB should draft *something* for the Board to consider. Maybe they should leave the existing fence ordinance alone and do a 5 year plan on temporary fences.

There are lots of complications of the non-complying fences. The subject of compliance is a problem. How do you inventory all non-compliant fences? Brent said that the current list of non-compliant fences is not as dismal as some are making it sound. The list is quite comprehensive in the legal sense because it was taken from the public way - the only way he can see the fences unless he receives a direct complaint on a specific fence.

Bob still thinks that redirecting the animals is a bigger problem. He said that if we do deer remediation right, in 3-5 years deer fences won't be such an issue. We have articulated some of the issues that are at the core of the problem. We should think about this and vote on something at the next meeting. Diana said that it might be good to meet for a working session before the July meeting, which brought up the possibility of vacations getting in the way of the July meeting. Since trustees will be away the week of the Board meeting (July 12), it was decided to move the July meeting to the next Monday, July 19.

**Motion by Trustee Szekely  
Seconded by Trustee Crooker**

**Move to pass Resolution 6678 moving the July Board meeting from July 12 to July 19 at 7:00 PM to be held at the Cayuga Heights Fire Station.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**

It was decided to have an evening work session for a fence proposal on Monday, June 21 at 7 pm. Kate is inviting the PB and Kristen Gutenberger to attend.

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

**Move to pass Resolution 6679 to schedule a work session between the Board of Trustees and the Planning Board on Monday, June 14 at 7:00 PM at Marcham Hall for the purpose of discussing the possible change to the Village's fence ordinance.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**

Along with that, the Board voted to approve formally asking the PB, with the assistance of the attorney, to amend Article IX, Section 2 of the Village Zoning Ordinance to better defend the terms used. The PB wished to have the Board formally request their help.

### **Pegasys**

The Cable Access Oversight Committee asked the Board of Trustees to pass a resolution approving the recommendations for the 2011 PEGASYS Capital Budget.

**Motion by Trustee Crooker  
Seconded by Trustee Szekely**

**Move to pass Resolution 6680 adopting the 2011 PEG Access Studio Capital Budget**

**Whereas the Franchise Agreement between Time Warner Entertainment and the Village of Cayuga heights authorizes Time Warner Entertainment to collect \$0.15 per subscriber per month to be used for the purchase of equipment for the PEG Access Studio; and**

**Whereas the total capital budget for the life of the ten-year agreement was estimated to be \$200,000;**

**Whereas the Franchise Agreement outlines the creation of an Access Oversight Committee which shall be responsible for approving the timing, use and amount of PEG access equipment acquired each year over the term of the agreement; and**

**Whereas the Access Oversight Committee has approved a 2011 capital budget in the amount of \$28,500; and**

**Whereas the Franchise Agreement states that participating municipalities, including the Village of Cayuga Heights, must adopt the annual PEG Access Studio budget by June 30 of the preceding year; now therefore be it**

**Resolved that the Board of Trustees of the Village of Cayuga Heights adopts the 2011 PEG Access Studio budget as approved by the Access Oversight Committee.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**

Mayor Supron then appointed Jane Powers as the Village's Representative to the Youth Services Board for 2010-2011.

**Motion by Trustee Andolina  
Seconded by Trustee Crooker**

**Move to pass Resolution 6681 approving the appointment by Mayor Supron of Jane Powers as the Village of Cayuga Heights' representative to the Youth Services Board for 2010-2011.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**

### **Miscellaneous**

Mayor Supron, along with Trustees Riesman and Szekely met with Joe Turcotte to continue conversations about TCAT Bus Route 30. They have asked TCAT to reconsider the bus route and change it back to Upland Road. They have not given the Village an answer yet. It was suggested that the Board propose a resolution asking to have the route changed back, but it was decided that the Mayor and some board members meet with Frank Proto to discuss the situation first. Trustee Crooker would like any changes to be made by the first day of September. Attorney Marcus suggested that the Board think about a compromise – part of the day (off peak) on the Northway and the other times on Upland.

### **Report of the Fire Superintendent**

Supt. Tamborelle reported that the Triad Foundation is donating \$10,000 to the Cayuga Heights Fire Department.

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

**Move to pass Resolution 6682 accepting the donation of \$10,000 by the Triad Foundation to the Cayuga Heights Fire Department.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely**

**Voted YES.**

There was then discussion on the Clerk's request to purchase an AED (Automatic External Defibrillator) for Marcham Hall at a cost of approximately \$2500. The Treasurer said that these types of expenses should be discussed at budget time, not after the budget is passed. The Village should also look at the bigger picture before acting on impulse.

In the meantime, Supt. Tamborelle will talk to the CHFD Rescue Director to spec out what it would take to get one for the building. There is also a protocol that needs to be followed and he will get that information to the Clerk.

**Report of the Supt. of Public Works**

Supt. Cross reiterated that there should be nothing hanging from the track lighting fixtures, referring to the CayugaDeer.Org pictures.

Supt. Cross asked for authorization to hire Hannah Wingate, a college student who worked with Cross last summer, to come back this summer to again help him.

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

**Move to pass Resolution 6683 authorizing the hiring of Hannah Wingate as Project Assistant to Supt. of Public Works Brent Cross at a rate of \$13.20/hour for the period of June 15 through August 31, 2010.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**

Supt. Cross then presented the Annual Stormwater Report to NYSDEC to the Clerk as completed by Supt. Cross. The Clerk will advertise the report in The Ithaca Journal and put it on the Village's website.

825 Hanshaw Road – Discussion ensued about painting vs. siding 825 Hanshaw Road. What is the long term plan for the house? Should there be a building inspection done to properly look at the condition overall? The Mayor mentioned the things that have already been done with the house. Supt. Cross said that the 3 iron columns in the front could be replaced with wood at a cost of \$450. What about some hedging? The Trustees were in favor of painting the house now.

**Motion by Trustee Andolina  
Seconded by Trustee Crooker**

**Move to pass Resolution 6684 authorizing the painting of 825 Hanshaw Road by Beaver Dam at a cost of \$4500, replace the 3 posts in the front of the house with wood posts at a cost of \$450, and any roof repair NTE \$6000 with funds from a transfer from contingency.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**

Supt. Cross reported that a traffic consultant to study the moving of the Kendal crosswalk would cost \$3900. Trustee Szekely sent an email to the Trustees on May 11 in support of moving the crosswalk at Kendal. Trustee Crooker stated that this issue was on his top 3 list of issues that needed to be addressed when he became trustee. Since he came into office, there has been 3 crosswalks with questions. He doesn't understand why the Village should pay \$3900 to paint a crosswalk where there clearly should be one. Supt. Cross doesn't think the crosswalk should be moved at all. Trustee Riesman said that there are other crosswalks that could be done – could a study do them all at one time for the same amount or a

little more? Supt. Cross said that if you added more crosswalks to the study, you add much more money to the cost of the study. This issue will be further discussed in July.

### **Report of the Police Chief**

Chief Boyce asked for resolutions regarding the hiring of a part time Police Clerk, and regarding the purchase of a new police vehicle.

**Motion by Trustee Andolina  
Seconded by Trustee Crooker**

**Move to pass Resolution 6685 authorizing the purchase of a 2010 Ford Expedition 4 x 4 Special Service Vehicle from Warnock Fleet through State Contract #PC64893 at a cost of \$27,926 per specs. This vehicle will replace the current Police Vehicle #125.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**

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

**Move to pass Resolution 6686 authorizing the recommendation by the Police Chief and the Public Safety Committee to hire Lindsay Whitcombe as the part-time Police Clerk contingent on a satisfactory background check. The starting date shall be 6/16/10 at a rate of \$14.08 for 7 hours/week or as needed. The official work day for this position for New York State Retirement purposes is 7 hours.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**

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**Motion by Trustee Andolina  
Seconded by Trustee Crooker**

**Move to pass Resolution 6687 authorizing the transfer of the current Police Vehicle #125, a 2007 Dodge Durango, to the Police Chief for his vehicle in place of the chief's 2006 Dodge Durango, Police Vehicle #121, which will be advertised for sale at a later date.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**

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**Motion by Trustee Andolina  
Seconded by Trustee Crooker**

**Move to pass Resolution 6688 authorizing the consignment of 3 Mini-14 Rugers to Camo Hut, who will sell them for the Village at a price of \$450/gun rather than a trade-in for \$350/gun.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**

Note: Camo Hut is owned and run by a Village retiree, Ken Lansing.

### **Report of the Clerk**

Since the Board had already discussed the proposed purchase of an AED, Clerk Manning had nothing further to report that wasn't already on her report.

## **Report of the Treasurer**

The Abstract was presented by the Treasurer.

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

**Move to pass Resolution 6689 approving the Abstract of Audited Vouchers dated 6/14/10 in the amount of \$397,497.34 and instruct that the Treasurer make payments thereon.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**

Trustee Andolina asked if time spent preparing FOIL requests was being tracked. It isn't at this time, but it could be. The Trustees asked the Treasurer to track it. Treasurer Silber estimated that the Village spends approximately \$3000-\$5000/year preparing FOIL requests.

## **Report of the Attorney**

Attorney Marcus said that with the issue of fencing, the Board should formally ask the Planning Board to address the issue.

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

**Move to pass Resolution 6690 formally asking the Planning Board, with the attorney's assistance, to amend Article IX, Section 2 of the Village Zoning Ordinance to better define the terms used.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**

## **Trustee Privilege of the Floor**

Trustee Riesman would like the Planning Board to start looking at the sign ordinance over the summer. Trustee Andolina said that Trustee Riesman should ask Chairman Harms if he wants a resolution stating her request. She will do that.

Trustees Szekely, Reisman and Mayor Supron attended the dedication for Mark Kaplan at Cayuga Heights Elementary School. It was very moving and the field looked marvelous.

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

**Motion to close the meeting at 11:10 PM.**

**Mayor Supron, Trustees Andolina, Crooker, Riesman, and Szekely  
Voted YES.**