

Village of Cayuga Heights
Meeting of the Board of Trustees

Present: Mayor Supron, Trustees Andolina, Crooker, Karns, Riesman, and Szekely,
Attorney Marcus, Supt. Cross, Ass't. Supt. Frisbie, Fire Supt. Tamborelle, Sgt.
Steinmetz, Clerk Manning

Absent: Treasurer Silber, Police Chief Boyce,

Others: Mindy Mindlin, Barbara Lynn, David Donner, Lee Donner, Linda Bors,
Charlene Temple, Curt Ashman, Peter Hirtle, Ann Ashman, Sally Grubb, Michael
Hostetler, Petru Petrina, Joe Cowan, Mary Berkelman, Karen Kaufmann, M. Jackson,
Nishi Rassvick, Richard Kittredge, Ann Gray, Mary Anne & Brian Pitzer, Steve Flash,
Barbara Shulman, Regina Moravek, Elizabeth Edmondson, Sherene Baugher, Martin
Harms, Mary Tabacchi, Guy Tabacchi, David Alelly, Suzanne VanDeMark, Mark Eisner,
Paula Eisner, Patrick Fish, Kirk Sigel, Kathryn Dimiduk, Elizabeth Mount, Pete Bottorff,
Sarah Hatcher, Walter Lynn, Jim Gilmore, Ronald Bors, Anita Watkins, Jean Balliett,
Barbara Eden, Brian Eden, John Martin, Joyce Putnam, Richard Putnam, June Silberman,
Helen Swank, Robert Silberman, R.W. Nesbitt, Christina Lacey, Roseanne Moresco,
Graham Gillespie, Leonard Rosenfield

Mayor Supron opened the meeting of August 9, 2010 at 7:00 PM and asked for approval
of the minutes of July 19, 2010.

Approval of Minutes

**Motion by Trustee Riesman
Seconded by Trustee Crooker**

**Move to approve the minutes of the joint meeting with Board of Trustees and the
Planning Board on June 21, 2010 as submitted.**

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

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

Move to approve the minutes of July 19, 2010.

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

Public Hearing

Mayor Supron then opened the Public Hearing on the proposed Local Law amending
Section 9 of the Village of Cayuga Heights Zoning Ordinance to permit "temporary deer

fences” explaining that everyone will have 2 minutes to speak with Village residents speaking first, then non-residents,

- * P. Bottorff – Fencing will drive deer from fenced property to non-fenced property. Concerned that the fence ordinance will weaken the overall deer remediation plan.
- * W. Lynn – Put a law in place that allows villagers to erect legal and reasonable fencing. The current proposal does neither. Instead of passing the proposed local law, the Village elected body should come up with a law that permits property owners to protect their property and that allows everyone to enjoy the gardens.
- * J. Gilmore – thanks to the Board for serving. It has taken 3 Mayors to reach the March 31, 2010 deer plan. Objects to temporary fencing as it detracts from the actual deer plan to be put into place.
- * R. Bors – 35 year resident of VCH. The proposed law will satisfy the minority of Villagers who feel their needs are more important – deer will go to some one else’s yard instead of mine. Consequences of the law will be worse than the law itself.
- * A. Watkins – speaking for herself and husband, Don Campbell. They are opposed to taller fences, permanent or temporary. If people fence, deer will be forced to non-deer areas, including streets which will result in car-deer accidents. Keep eye on deer remediation.
- * M. Mindlin – temporary fencing law is being pursued as a means to deny fences to people in the Village. Shooting deer will not happen as all neighbors within 500 ft of a shoot site have to agree. The law on the books has been ignored for the last 15-18 years and **now** Brent is going to enforce it.
- * L. Bors – letter from Charlene Miller on Texas Lane – 90 year old widow, resident of VCH for 55 years. Deer have gone from none to un-manageable. Doesn’t have the means to fence her yard – others doing so will drive deer into her yard.
- * C. Ashman – his fence is not only to keep out deer, but to protect his property. Neighbors have complimented his fence. Doesn’t want to send deer to other yards. We need to consider other factors other than deer.
- * S. Grubb – 20+ resident of VCH. Discussion is the location of the fences. Applauds the Board for their efforts – too bad it’s only temporary. Need to consider the front yard setback. No definition of a fence is stated. How will residents know if their fence is in compliance? Who will decide? What happens to the 35% of residents who don’t have the front yard setback?
- * M. Hostetler – 1 ½ years ago his neighbor put up a fence. Deer population has grown in his yard over that time. Good luck with the decision.
- * K. Kaufman – Commends Board. Supports prospect of peripheral fencing. People should be able to protect however the front yard fencing needs to be looked at further. The temporary 5 year provision will allow the PB to work out issues of definition. Temporary perimeter fencing ordinance will allow us to work more on the deer problem.
- * A. Gray – doesn’t have a front yard and is not interested in putting up an 8’ fence but doesn’t mind if neighbor wants to. Doesn’t agree with logic that temporary fencing will derail the deer project. Need to deal with the here and now. Doesn’t understand the fence regulations. Prohibition against fences are medieval.
- * B. Pitzer – has a fence cited as possibly in violation. Fence or no fence, get on with the deer management problem.
- * S. Flash – opposed to fencing. It’s not a deer remediation. Kicks the problem down the road. Is unworkable. Wants to focus on deer remediation plan. Temporary becomes permanent. Pits neighbor against neighbor and is unsightly.

*M Eisner – has a non-compliant fence. Property was fenced when he bought the property. Deer jumped the 4 ft fence – put up 2 ft. of mesh on top of 4 ft. fence. Will be out of compliance with the new ordinance. 2 things – temporary fencing would get in way with deer remediation and will concentrate deer.

*P. Fish – Step in right direction. Too bad it didn't happen 10 years ago. 2-step program. Deer don't respect boundaries. Look at total expenses.

*K. Siegel – newest ZB member – supports proposed ordinance. Would like to relax front yard setbacks to make them less than 25 ft.

*E. Mount – listening to number against fencing – we already have a fence ordinance. Question is where do we put the fences? No longer has a front yard setback. Uncomfortable with the word “temporary”. Will they actually be temporary? Can go with temporary as a step in the right direction.

*D. LaCapra – In our minds the fencing issue is connected. Any initiative will be divisive. We are not a gated community therefore the rules must be flexible on fencing. Re” deer issue – why do we think professionals are always right? There is a good chance that an accident will happen. Sterilization if done correctly is as effect as killing the deer.

*M. Tabacchi – not going to put up a fence but those who want to should have the right. We all should live together. Strongly supports fencing permanent and temporary. Focus on other important aspects of government.

*B. Shulman – wide variety of property sizes in the Village. Setbacks need to be addressed. We should work from existing fence ordinance. Can't be bothered with deer psychology, only that people with small setbacks be able to fence.

*B.Eden – Has grown vegetables for 40 years. Would like to see our society grow more food. No fencing proposed will address deer in gardens. Nothing less than 10 ft chain link fence will be effective. Deer will continue to go in deer and non-deer areas. This is not a solution.

*M. Eisner – are 4 ft fences legal independent of setbacks? Yes they are.

*C. Temple – does not advocate deer killing but does advocate fencing. Thank you, Board, for your time and patience.

*S. Baugher – in favor of temporary fence ordinance and would love to see it become permanent. Town of Ithaca neighbors live peacefully. They have a history of allowing fencing.

Public Hearing closed at 8:05 PM.

The Mayor opened the Public Hearing at 8:06 on a proposed Local Law amending Section 2 of the Village of Cayuga Heights Zoning Ordinance regarding residence district occupancy regulations.

No one wished to speak at this Public Hearing.

Privilege of the Floor

S. Vandermark – still very concerned about TCAT Rt. 30. TCAT ignored the Board's resolution. Pam Mackesy said that they have spent too much time on this and they have done their due diligence. Susie passed around a copy of a slide that TCAT said was due diligence. The Village should now pass a law stronger than your resolution.

A. Wagner – the route is unsafe. Spoke about kids on the Parkway and a near accident he saw. The Board’s action in the upcoming months will set a precedent in the Village.

R. Duffy Moravic – Not a safe path that TCAT is traveling – relayed a near accident with TCAT bus.

N. Waznik – pays attention to the speed of the bus as she lives at 106 Northway. Alarmed with the speed of the buses and is becoming alarmed with the opening of school. Better speed checks should be in place.

P. Salton – while he was away a resolution was passed sending the busses back to Upland. Sympathizes with others, but buses happen. We need to have a regulated approach to where the buses can and can’t go.

F. DeWolf – Thank you Board. TCAT feels it can go anywhere in the Village they want and when they want. Would residents not on a bus travelled street want a bus on their street?

D. LaCapra – Have a CH police car posted where the buses are raveling and cite for reckless endangerment as well as speeding.

Privilege of the Floor closed.

Report of the Mayor

The Trustees spoke on the proposed Local Law on residency district occupancy.

Trustee Karns – asked if the Village received approval from the County. (Yes, the County approved the proposed local law.) This small change to the law is a step in the right direction.

Attorney Marcus – the purpose of this change was to clarify the existing language - solely to create clarification where there was ambiguity. Enactment of this local law is categorized as exempt from SEQR under Section 27.

Trustee Riesman – sees the change as a clarification of the language.

Motion by Trustee Riesman Seconded by Trustee Szekely

Move to pass Resolution 6702 amending Section 2 of the Village of Cayuga Heights Zoning Ordinance regarding residence district occupancy regulations.

**Mayor Supron, Trustees Andolina, Crooker, Karns, Riesman and Szekely
VOTED Yes.**

There was discussion on the proposed temporary deer fence law.

Trustee Szekely – at the September 2009 meeting, she asked if she should recuse herself from discussion the fence issue and Attorney Marcus said that unless the issue was specifically about her fence, she didn’t have to.

Trustee Karns – thinks temporary fencing is a good compromise and supports 10 ft. setback in the front.

Trustee Riesman – in favor of individual rights. The Village currently allows fencing. She is opposed to high fencing but in the spirit of looking at concerns of residents, she has moved to side and back fencing at 8 ft. She is opposed to front yard fencing at the

property line. Wishes we could have enforced the law as it stood a long time ago. Can live with 8 ft. side and back, but 25 ft. setback in front.

Trustee Crooker – intrigued and interested in the comments heard tonight and has not moved off his position. Is opposed to the change in the ordinance as it's not correcting the problem that needs to be addressed. To push this out another 5 years is not the right answer.

Trustee Szekely – has had a difficult time trying to think thru this issue. Can not compromise. Given the damage done by deer, we have to allow the residents to fence – allow anyone to put up a deer fence anywhere they like.

Trustee Andolina – Thought about this issue many times. Can't predict what is going to happen in 5 years. Large part of what we are doing is what the fencing will look like in the Village in the future. The Village's responsibility is to throw energy on deer remediation. We've got our best guess that the cure is deer remediation. Get the plan in place and done. Enforce the fence ordinance as it stands now. He does, however, respect everyone else's view point.

Mayor Supron – Hears Trustee Andolina's issues and points. Not a black and white issue. She hears and respects Trustees Szekely and Karn's issues also.

Supt. Cross – since the Town of Ithaca passed their law, there weren't many permits issued. He thinks it would be less confusing if we either left the front yard setback as it is now or take it to zero. The deer program is moving forward – nothing is preventing us from moving forward.

Trustee Karns asked about the second moratorium law. It was noted that due to an administrative oversight, the law extending the moratorium was filed too late with New York State.

How would the Village move forward with compliance with the current law if the proposed law did not pass? A formal study of the fences across the Village would have to be done, with a comprehensive list compiled. Results will vary greatly. Supt. Cross doesn't see it as a long and involved process – taking no longer than 30 days. Mayor Supron thinks the process of enforcement is going to take a lot of time – it is a tremendous undertaking.

Trustee Karns is against grandfathering in any fences.

Trustee Crooker said we have to enforce the laws we have or change them. There should be NO selective enforcement.

Mayor Supron said that there seemed to be a lot of opposition to the temporary nature of the proposed law.

There was discussion on whether or not to vote. A short SEQR will need to be performed before the vote is taken. Trustee Crooker said that the Board should vote at this time.

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

Move to enter Executive Session to discuss possible litigation at 9:15 PM.

**Mayor Supron, Trustees Andolina, Crooker, Karns, Riesman and Szekely
VOTED Yes.**

**Motion by Trustee Riesman
Seconded by Trustee Karns**

Move to exit Executive Session at 9:32 PM.

**Mayor Supron, Trustees Andolina, Crooker, Karns, Riesman and Szekely
VOTED Yes.**

Mayor Supron explained that the Board will go thru the SEQR review and then the Board will vote on the proposed fence law. The short form SEQR was then completed by the Board.

**Motion by Trustee Crooker
Seconded by Trustee Karns**

**Move to pass Resolution 6703 stating a negative declaration on the short SEQR
form.**

**Mayor Supron, Trustees Andolina, Crooker, Karns, Riesman and Szekely
VOTED Yes.**

It was also noted at this time that the County planning dept. has responded that they have no comment on Article 239M General Municipal Law.

**Motion by Trustee Karns
Seconded by Trustee Andolina**

**Move to pass Resolution 6704 proposing Local Law amending Section 9 of the
Village of Cayuga Heights Zoning Ordinance to permit "Temporary Deer Fences".**

**Mayor Supron, Trustees, Karns, and Riesman VOTED Yes.
Trustees Andolina, Crooker and Szekely VOTED No.
NO ACTION TAKEN**

The Board discussed passing a resolution again to file the local law (which was not filed on time) on extending the fence moratorium. It was decided that there is no need to extend the moratorium now since the proposed fence law will not go into effect. The current fence law will remain and enforcement of that law will begin.

Mayor Supron then spoke about the decision of the consultant to prepare an Environmental Impact Statement for deer remediation. Five proposals were received and those 5 were narrowed down to 2 – C.T. Male and Associates with a cost of \$35,000 and Tim Miller Associates with a cost of \$24,000. There was some discussion on the proposals, stating that both firms understand how far the Trustees have come and appreciate the work that has been done.

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

Move to pass Resolution 6705 accepting the bid to prepare an Environmental Impact Statement to Tim Miller Associates at a cost of \$24,000.

**Mayor Supron, Trustees Andolina, Crooker, Karns, Riesman and Szekely
VOTED Yes.**

The next item up for discussion was the appointment of a ZBA alternate to fill the open position left vacant by the resignation of Alison Smith.

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

Move to pass Resolution 6706 approving the appointment of Mark Eisner as ZBA alternate.

**Mayor Supron, Trustees Andolina, Crooker, Karns, Riesman and Szekely
VOTED Yes.**

TCAT – Mayor Supron would like to write a letter to TCAT stating that the Village does not think that there was any due diligence done before the decision was made to move bus 30 to the Northway, and both the Village and TCAT should look for some kind of mediation. She would also like to have a traffic study performed at The Parkway and Northway.

Trustee Crooker said that TCAT moved the bus at the Mall from in front of Target to the Sears entrance because they were asked to. He finds that troubling. He keeps thinking of keeping the public safe and the public trust.

Supt. Cross spoke about the original quote from SRF (transportation study) when the Village was going to look at traffic control devices in 2007. There is no professional assessment that there is a safety issue at The Parkway/Northway intersection. The scope for performing another study should be as comprehensive as possible. Sgt. Steinmetz offered that the Village should widen the scope to E. Upland/Hanshaw Road where it goes past CHES so the study is done on all the roads near the school. Atty. Marcus said we need to need to know the safest outcome. The Village needs to get all of the answers. Nancy Oltz was present at this meeting. The Mayor asked her what she thought about the Village asking TCAT to be involved in remediation. Ms. Oltz couldn't comment – the decision is at TCAT's board level.

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

Move to pass Resolution 6707 approving the funding for a traffic study at a cost not to exceed \$5850 (from contingency) and authorize Supt. Cross to negotiate the scope of services and the cost.

**Mayor Supron, Trustees Andolina, Crooker, Karns, Riesman and Szekely
VOTED Yes.**

Report of the Fire Supt. – Report distributed and on file.

Supt. Tamborelle stated that the bid packets for the fire truck were opened by the Clerk, given to the Treasurer and will be reported/discussed at the September board meeting.

Report of the Supt. of Public Works – Supt. Cross was recently contacted by the Village of Groton, which is doing a WWTP improvement project. Since their project involves working on a digester, they must remove the existing septage to allow the work to be done. Therefore, they have asked if we will treat the septage for them. This would be done at our WWTP without special processing or operational changes. The septage will be added to our digesters and be processed as part of our normal sludge production.

Yaws Environmental, WWTP operator, has spoken to the NYSDEC and received verbal approval to accept the Groton septage.

Although this activity is on a limited basis in the spirit of Intermunicipal cooperation, we will receive compensation at the market rate of \$0.07/gallon. There is an estimated quantity of approximately 52,000 gallons.

Since this is a one time arrangement, Cross is asking for a resolution to authorize the cooperation with the Village of Groton.

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

RESOLUTION # 6708 - ACCEPT SEPTAGE FROM THE VILLAGE OF GROTON WWTP TO BE TREATED AT VILLAGE OF CAYUGA HEIGHTS WWTP

Whereas, the Village of Groton is in the process of upgrading their WWTP and have approximately 52,000 gallons of septage (liquid sludge) that needs to be disposed, and

Whereas, the Village of Cayuga Heights WWTP operator has reviewed the chemical analysis of the Groton septage and deemed it to be acceptable at the Village WWTP, and

Whereas, the NYSDEC has approved the Village to take the septage from Groton, and

Whereas, it has been determined that the value of the septage treatment is \$0.07/gallon, and now

Therefore, the Village of Cayuga Heights hereby agrees to accept septage from the Village of Groton WWTP to be treated at the Village WWTP, and

Therefore, the Village WWTP will accept up to 52,000 gallons of septage to be charged to the Village of Groton at \$0.07/gallon.

Supt. Cross then reported that he has had a request for a Vet Clinic in the Commercial District. We may need to add a Vet Clinic to our list of allowable uses in the Commercial District.

Cross also reported that the emergency culvert repair on N. Sunset Rd. is under budget at this time.

Report of the Ass't Supt. of Public Works – Report on file. No questions.

Report of the Police Chief – Chief Boyce was absent, Sgt Steinmetz attended in his absence. Report on file. No questions.

Report of the Clerk – Clerk Manning asked for a resolution allowing Deputy Clerk Neff to attend the NYCOM Fall Training School September 20-24.

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

Move to pass Resolution 6709 approving the attendance of Deputy Clerk Mary Jane Neff at the NYCOM Fall Training School to be held September 20-25, 2010 at a cost not to exceed \$500.

**Mayor Supron, Trustees Andolina, Crooker, Karns, Riesman and Szekely
VOTED Yes.**

Clerk Manning had a request from Mr. Petru Petrina of 906 Triphammer Road for an address for his apartment at the same address.

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

Move to pass Resolution 6710 approving the address of 906-B Triphammer Road for the apartment at 906 Triphammer Road built by Mr. Petru Petrina.

**Mayor Supron, Trustees Andolina, Crooker, Karns, Riesman and Szekely
VOTED Yes.**

Report of the Treasurer – **Report on file.** Treasurer Silber was absent. No questions from the Board.

**Motion by Trustee Riesman
Seconded by Trustee Crooker**

Move to pass Resolution 6711 approving the abstract of vouchers dated 8/9/10 in the amount of \$162,080.87 and the supplemental abstract for \$25,505.14, and instruct that the Treasurer make payments thereon.

**Mayor Supron, Trustees Andolina, Crooker, Karns, Riesman and Szekely
VOTED Yes.**

**Motion by Trustee Crooker
Seconded by Trustee Riesman**

**Motion to enter Executive Session at 11:00 pm to discuss proposed litigation.
Mayor Supron, Trustees Andolina, Crooker, Karns, Riesman and Szekely
VOTED Yes.**

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

Motion to exit Executive Session at 11:14 pm.

**Mayor Supron, Trustees Andolina, Crooker, Karns, Riesman and Szekely
VOTED Yes.**

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

Motion to adjourn the meeting at 11:15 pm.

**Mayor Supron, Trustees Andolina, Crooker, Karns, Riesman and Szekely
VOTED Yes.**