

Village of Cayuga Heights
Meeting of the Board of Trustees

Present: Mayor Supron, Trustees Andolina, Crooker, Karns, Riesman, and Szekely,
Attorney Marcus, Treasurer Silber, Police Chief Boyce, Ass't. Supt. Frisbie, Fire Supt.
Tamborelle, Clerk Manning

Absent: Supt. Cross,

Others: P. Davis, M. Mindlin, R. Levine, P. Petrillose, S. Benish, J. Stein, J. LaVeck E.
Huang, C. Temple, T. Siliciano, L. Donner, J. Cowan, C. Stein, L. Bors, S. Hatcher, S.
Grubb, A. Serling, M. Milstein, J. Putnam, R. Putnam, S. Kuruvilla, P. Salton.

Mayor Supron opened the meeting of September 13 at 7:00 PM and asked for approval of
the minutes of August 9, 2010 and the Special Meeting of September 7, 2010.

Approval of Minutes

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

**Move to approve the minutes of the August 9, 2010 meeting with Board of Trustees
as submitted.**

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

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

Move to approve the minutes of the Special Meeting of September 7, 2010.

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

Privilege of the Floor

B. Davis – enforcing the fence ordinance is a great waste of taxpayers dollars. Supt.
Cross needs to focus on the Village – sidewalks on N. Triphammer need repair, the rise
on the pavement at Kendall crosswalk needs work, the culverts are not whitewashed, no
ice melt in winter. All the above should take a higher priority over the fences.

J. Siliciano – has great respect for the Village. Concerned about the fence ordinance
being a terrible diversion of the Board and the staff. Ordinance is difficult to find and

read. Was passed 30 years ago so doesn't deal with current problems. The current solution is not a workable solution. It is a terrible energy drain. Spend your energy on fixes just referred to above instead of fence issues.

W. White – concerned about fence ordinance. Last 7 years deer population has gotten more severe. Poor use of tax dollars for fence removal. Supports to continue fence moratorium.

K. Stein – regarding the current deer plan, how much in taxes that will be levied to fund the deer killing? What about the Cornell researchers who were contracted by the Village for \$275,000 with no written record of any discussions regarding the work they were contracted for.

M. Mindlin – thanks Mayor and Board for putting on the agenda time to address the problems of the Zoning Board. Also, why didn't the Sept. 7 Special Meeting get the proper advertisement? No notice in the newspaper.

C. Temple – advocates some sort of fencing for the residents. Doesn't agree with deer killing.

Privilege of the Floor was closed at 7:20 pm.

Attorney Marcus commented on Ms. Mindlin's comments on the lack of advertisement for the Special Meeting of Sept. 7. The notice of a sign on the door to Marcham Hall was totally appropriate due to the short notice of the special meeting.

Mayor Supron commented on Ms. Stein's comment of \$275,000 being contracted to Cornell for deer remediation. There was no dollar amount of that nature approved by the Board for deer remediation. Treasurer Silber said that he was not present at any meeting where a discussion took place on research with Cornell and Paul Curtis. He has a conflict with his employment with Cornell and does not get involved with Cornell and deer remediation. Mayor Supron said that she also was not at a meeting on this subject.

Report of the Mayor -

Mayor Supron gave a brief update on the deer plan. Tim Miller & Associates are working on the Environmental Impact Statement. The Mayor and Trustee Szekely met with the group and an initial draft of the EIS will be sent to the Board in approximately 4 weeks.

TCAT – The Mayor's letter was sent to TCAT in advance of their August board meeting, as the August meeting was cancelled. The full board has not yet had a chance to discuss the letter. The Dispute Remediation Center has an open case on this dispute.

Health Consortium – Treasurer Silber spoke on the savings the Village would see by joining the Health Consortium. Our retirees would be transferred to the Consortium effective January 1, 2011, saving both them and the Village money. The Consortium insurance provides the same type of coverage that the retirees are getting now. There are still a few minor "holes" to have plugged in the side by side comparisons before the information goes to the retirees. The Village joining the Consortium, which is what the trustees are being asked to do tonight, and changing the retirees' insurance is a 2-step process. The question was asked if signing the Consortium agreement commit the Village to spend the funds. Yes it does, and the capital payment will come back to the Village over the next three years. It was asked if there is anything that can impact the

savings expected. Treasurer Silber said that he was not sure at this point, but the Village definitely looks good for next year. This will have to be looked at on a year by year basis. It was again stressed that January 2, 2011 will be the rollover date with ONLY the retirees going in at that time, not any active employees.

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

Move to pass Resolution #6714 authorizing the Mayor to sign the Municipal Cooperation Agreement dated 9/20/10.

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

The Mayor then spoke about alternate members of the Zoning Board. It appears that the Village never enacted a local law for alternate members of the Zoning Board of Appeals and while preparing that local law, it was decided to expand the role of alternate members of the Planning Board. After some discussion about the wording of the proposal local law, the following Resolution was passed.

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

Move to pass Resolution 6715 scheduling a Public Hearing for October 12 at 7:00 pm to hear comment on and consider a Local Law amending Local Law 3 of the Year 2009 and Section 21 of the Village of Cayuga Heights Zoning Ordinance Regarding Appointment of Alternate Members to the Planning Board and Zoning Board of Appeals.

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

Another local law was then proposed adding “Veterinary Clinic” to the list of permitted uses in the Village’s Commercial District.

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

Move to pass Resolution 6716 scheduling a public hearing for October 12 at 7:05 pm to hear comment and consider a local law amending Section 4 of the Village of Cayuga Heights Zoning Ordinance to add “Veterinary Clinic” to the list of permitted uses in the Village’s Commercial District.

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

The Mayor then introduced Martin Harms, Chairman of the Planning Board, to report on the progress being made with the Comprehensive Plan. Harms explained that the charette that is being performed has focused on the Village Green and the Community Corners area. Phase 1 (data gathering) is completed, and Phase 11 (establishing visions, goals and objectives) is well underway. The PB is very hopeful that the residents of the Village will participate. As these 2 phases are completed, Phase III (draft comprehensive plan) will be brought to the trustees for their feedback. The tentative time period for this to happen is Spring 2011. The charette, which is a revisioning of the Corners and the strengthening of the Village Center, is being rescheduled from October to April/May 2011. It is a community focused event which will stretch out over 3-4 days. The steering committee consists of the Planning Board and the residents of the Village. One of the issues to get this underway is the cost. How is this funded? Some dollars are left over from the first phases of the Comprehensive Plan, but it is a small drop in the bucket. Fund raising may not be legally possible. Chairman Harms asked the Board's approval to return in October with a detailed plan for the amount of money needed to move forward. The Board said they will look forward to that.

The Mayor then reported that Supt. Cross was out of the office and therefore not in attendance at the meeting due to illness. PW Chair/Trustee Szekely presented an update on the fence enforcement issue.

Supt. Cross prepared a detailed piece for The Courier on how the Village will move forward. The process in which the law will be enforced will be spelled out in this article. On the day that Supt. Cross deems a fence out of compliance, a letter will be mailed out to the homeowner. At this point, the process of enforcement has begun. Trustee Szekely wanted to stress that the Village is moving forward with this enforcement and nothing is slowing it down.

Report of the Fire Superintendent

Steve Felker, member of the Cayuga Heights Fire Company, presented the Board with a copy of this year's donation letter for their approval. Trustees Szekely and Riesman sent Felker some suggestions for changes to the letter.

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

Move to pass Resolution 6717 authorizing the fund raising of the Cayuga Heights Fire Company donation letter subject to final approval by the Mayor.

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

Fire Supt. Tamborelle and Treasurer Silber then spoke on the purchase of the new fire engine. Treasurer Silber's expectation is that a portion of the acquisition will be covered through Bonds and/or Bond Anticipation Notes. To facilitate this process he is requesting two resolutions. The first is to engage Bond Counsel.

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

Move to pass Resolution 6718 authorizing the Treasurer to engage Orrick, Herrington & Sutcliffe to serve as bond counsel at a cost not to exceed \$4500 in association with the financing for the 2011 Rescue Pumper Acquisition.

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

The following resolution was then offered.

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

BOND RESOLUTION DATED SEPTEMBER 13, 2010.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE PURCHASE OF A FIRE ENGINE FOR THE VILLAGE OF CAYUGA HEIGHTS, TOMPKINS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$375,000 AND AUTHORIZING THE ISSUANCE OF UP TO \$350,000 SERIAL BONDS OF SAID VILLAGE TO PAY PART OF THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Cayuga Heights, Tompkins County, New York, as follows:

Section 1. The purchase of a fire engine for the Village of Cayuga Heights, Tompkins County, New York, including apparatus and incidental costs, is hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$375,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is as follows:

- a) By the issuance of up to \$350,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; and**
- b) By the appropriation and expenditure of no less than \$25,000 available funds.**

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Cayuga Heights, Tompkins County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the

ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together

with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

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

This resolution is subject to permissive referendum in accordance with state law. The Village is in negotiation with the Town of Ithaca regarding how much of a down payment to make. This will affect the total financed. As such the resolution has been written to finance an amount not-to-exceed \$350,000. We are hoping that the amount will be considerably less. Discussion ensued between Trustee Andolina and Treasurer Silber on the financing.

Treasurer Silber distributed a copy of the Court Audit for the year ending December 31, 2009 and asked the Trustees to pass a resolution acknowledging such. Trustee Andolina asked if there were any concerns that affected the audit itself. Treasurer Silber answered no.

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

Move to pass Resolution 6719 acknowledging that an audit of the Village of Cayuga Heights Justice Court was performed and received for the year ending December 31, 2009.

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

The abstract was presented for approval along with a supplemental abstract. Treasurer Silber asked for a resolution approving same.

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

Move to pass Resolution 6720 approving the abstract of vouchers dated 8/9/10 in the amount of \$278,995.15 and the supplemental abstract for \$815.48 and authorize the Treasurer to make payments.

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

Treasurer Silber, acting on Supt. Cross's request, asked the Board to approve a refund to a resident, Phil Hutchings, who purchased a sewer permit to relocate the existing sewer

lateral at 309 E. Upland Road. This relocation was necessitated by the neighbor who was of the understanding that the sewer lateral ran across his property before entering the Village ROW. Upon commencement of the work, it was determined that the sewer lateral did not cross the neighbor's property. As a result, no work was done that required Mr. Hutchings to have a permit. Therefore, he has written the attached note, requesting a refund of the \$50 fee he paid for the permit.

Since the Village records were unable to avoid the resulting confusion, I recommend that the Trustees authorize the refund of \$50 to Phil Hutchings for the unnecessary permit.

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

Move to pass Resolution 6721 authorizing the refund of a \$50 fee to Phil Hutchings for the payment of an unnecessary permit at 309 E. Upland Road.

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

Report of the Ass't. Supt. of Public Works – Report on File

Trustee Karns asked when the Parkway paving will be completed. Frisbie answered that hopefully by Friday if he hasn't gone over budget. He is trying to get all the figures straightened out. Trustee Szekely said that she is concerned about Suit-Kote's timing. Is the Village the "low man on the totem pole"? Are they fulfilling their obligations to the Village? Frisbie stated that Suit-Kote was supposed to make us #1 but they got involved with other major projects and couldn't free up time. The question was asked if the Village is saving money to come under the County contract with Suit-Code, or should the Village have our own contract? Frisbie said the Village can do their own work, but needs to get the supplies from Suit-Kote. Only one more day is needed to finish up the project. It is less expensive for the Village to do smaller projects than Suit-Kote.

Trustee Riesman asked about the painting of the fire lanes in front of Marcham Hall...when will it be completed? J. Frisbie said that Supt. Cross needs to give him the directive to complete the project. Riesman also asked to have the crosswalk on Triphammer repainted – it is very faint.

Ass't. Supt. Frisbie asked the Board to approve the emergency funds for the culvert project on N. Sunset Drive. The following resolution was offered:

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

Move to pass Resolution 6722 ratifying actions previously taken to enter into a time and materials contract with Paolangeli Contractors to provide emergency demolition of culvert/headwall on N. Sunset Drive

Whereas, a large concrete headwall over a culvert on N. Sunset Drive (within the Village ROW) was deteriorating and began to lean towards falling into the deep ravine below, and

Whereas, to prevent the headwall from falling into the adjacent ravine and causing both an environmental impact, and a difficult and expensive repair/recovery, the Village needed to take action on an emergency basis to remove the headwall as soon as possible,

Whereas, the Village DPW does not have the equipment necessary to safely perform the work of removing such a large piece of concrete that extends about 20' down into the ravine, and

Whereas, Paolangeli Contractor is a local firm with equipment and expertise in the handling of heavy construction projects, and was available to begin work on this project immediately on a time and materials basis, with an estimated cost of \$25,000 to \$35,000, and

Now Therefore, the Board of Trustees of the Village of Cayuga Heights hereby deem the removal of the N. Sunset Drive Culvert/Headwall to be an emergency, which does not require the use of standard procurement process, and

Therefore, the Trustees hereby authorize Paolangeli Contractor to perform the emergency work on time and materials basis for equipment and labor upto an amount not to exceed \$35,000, and that an amount equivalent to the cost of this contract shall be transferred from A1990.410 Contingency to A5110.410 Streets Contract Expenditures.

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

Trustee Andolina asked Treasurer Silber about the actual cost. Silber said that the final numbers weren't in yet, but believes that we are in the ball park.

Report of the Police Chief – report on file

Chief Boyce stated that there will be training this week for 3 days for Spillman training. It is training for the new dispatch/mobile system that Tompkins County is changing to. Trustee Andolina asked how overtime was going to be impacted by this training. The Chief said it would be impacted but he would try to keep overtime down.

There was no report of the Attorney.

There was no Trustee Privilege of the Floor.

After a 5 minute break, the following motion was made.

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

Move to enter Executive Session at 8:58 PM for a personnel issue and potential litigation.

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

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

Move out of Executive Session at 10:50 PM.

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

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

Move to adjourn the meeting at 10:58 PM.

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