

**Present:** Mayor Supron, Trustees: Hamilton, Riesman, Szekely, Andolina, Attorneys: Marcus, Gutenberger, Treasurer Mangione, Superintendent Cross, Asst. Superintendent Frisbie, Police Chief Boyce, Fire Superintendent Tamborelle, Clerk Mills  
**Absent:** Trustees: Crooker, Karns

Mayor Supron called the meeting to order at 7:05PM and advised there are changes to the order of the agenda. Superintendent/Fire Marshall Cross indicated the fire safety rules for the room.

**Motion: Trustee Szekely**  
**Second: Trustee Riesman**

**Resolution #7003** to enter into executive session in the CHPD conference room to discuss possible litigation with Attorneys Marcus and Gutenberger at 7:09PM.

**All approve – no nays – Motion carried**

Exit from executive session and returned to the meeting room at 7:40 PM

Mayor Supron read the Privilege of the Floor (PoF) guidelines

G. Vehar – spoke against the proposed local law “J”

M. Leitzes – questioned if the Village received a mandate on the issue to kill the deer; did part of the mandate include shooting deer within 500 feet of homes. Is there a proactive program to educate the public on the types of vegetation people should be putting in their yards.

A. Gilewski – spoke against the proposed local law “J”

#4 – read a statement of character definitions

M. Mindlin – based on the injunction and pending March election, she asked the Village not to enter into a contract with White Buffalo, nor a contract for the construction of Marcham Hall and spoke against proposed local law “J” (see a copy of a statement in appendix A)

M. Solomon – spoke against the proposed local law “J”

M. Tabacchi – read a statement from M. Berezin against proposed local law “J” (see a copy of a statement in appendix A)

S. Wagner – recommended suspending the PoF speaking limit of 30 minutes to allow everyone to speak and spoke against proposed local law “J”

J. Stein – reflected on the campaign platform from the 2011 election; spoke against the deer management plan.

J. Romano – spoke against the proposed local law “J” and expressed his opinion about what Open Government means.

S. Tiwari – spoke against proposed local law “J” and against the PoF time limit

L. Rosenfield – spoke in favor of the proposed local law “J”

K. Chimiento – spoke against the proposed local law “J”

G. Warhaft – spoke against the proposed local law “J” and suggested a reduction in the speed limit

S. Elbert – spoke against deer remediation

J. Newton – spoke against the proposed local law “J”

I. Lesky – spoke against deer management program and associated costs

Z. Warhaft – spoke against the PoF process and wanting a discussion to take place; spoke against the proposed local law “J” and asked about the size of the deer population recommending fencing as appropriate to the problem.

K. Kaufmann – spoke against the proposed local law “J”.

Mayor Supron closed PoF 8:16PM

Mayor Supron explained that the primary purpose of the monthly meetings of the Board of Trustees is to conduct Village business. A public discussion would make that difficult. Privilege of the Floor is an opportunity for the public to share their views with the Board, not a time for interaction with it. The Board agenda is full. At every meeting the Mayor encourages the audience to contact any member of the Board either in person, by letter or email in order to have discussion. The Village election will be March 20<sup>th</sup> and petitions can be picked up from the Board of Elections at 128 E Buffalo St.

Treasurer Mangione voiced her opinion to say that many individuals contact the Village office by e-mail with messages saying keep up the good work; we are behind you; we want you to succeed. The vocal minority at the Board meeting doesn't mean you are the majority of the 3700 residents of the Village.

J. LaVeck – gave his opinion that he has never seen a Board just walk out leaving people waiting and then not hear everyone who is present. He read a statement from Catherine Stein: spoke about the preliminary injunction.

A discussion of proposed local law “J” will be next on the adjusted agenda.

Attorney Marcus provided information about Privilege of the Floor (PoF), which is not required of the Board but rather offered as a privilege. At public hearings there is no 30 minute time limit.

Secondly, the proposed local law “J” has been discussed, maybe not recently, but has been discussed as being a necessity for two reasons, one Chief Boyce will clarify, the other being in connection with the deer management plan – there being the possibility of the discharge of weapons is necessary. This is an administration change to allow for the plan to go forward, it is not the undertaking of the Village but of an action. It is a change to what is allowed in the Village.

Chief Boyce added that Proposed Local Law J prohibits the firing of bows in the Village, which is not currently the case in the current firearms law.

Mayor Supron noted in sum that if the proposed local law is passed – bows will be included as a weapon prohibited for discharge in the Village. With regard to whether White Buffalo or any other contractor can proceed with the deer remediation program in the Village at present the answer is “no” because the Village can not proceed while there is an injunction. Local Law J would make it illegal for anyone to discharge a weapon unless that person is under contract with the Village and carrying out the Village’s deer management program in accordance with the DEC permit and guidelines, and meeting the 500 foot discharge weapon law of the State of New York.

**Motion: Trustee Andolina**  
**Second: Trustee Hamilton**

**Resolution #7004** to approve proposed local law “J” – A Local Law Amending Article I, Firearms and Other Dangerous Weapons, of the Village of Cayuga Heights Articles.

Discussion: In response to privilege of the floor comments Trustee Szekely stated that the process by which Local Law J has been brought to vote should come as no surprise as it has been a protracted one dating to the recommendation from the Deer Remediation Advisory Committee that met for over a year, during which time all meetings were open to the public with much discussion. Additionally, public hearings have been held on the deer program, which has also been discussed during Village election forums and door-to-door campaigning. The process has been an open one in compliance with the law.

Attorney Marcus advised that the Village Board’s completion of its Environmental Impact Statement, over a nine month period, focused primarily on the shooting of deer. No other alternatives than killing deer by firearms have been considered to date.

Trustee Hamilton stated that this proposed local law is necessary for the Village to proceed with implementation of the previously adopted plan. The injunction has stalled the Village’s plan as previously stated but once this matter works its way through the courts this change in local law “J” in will then allow us to then implement the plan. Trustee Andolina agrees with Trustee Hamilton.

**All approve – no nays - Motion carried**

Mayor Supron stated that although Trustees Karns and Crooker had other obligations that kept them from the meeting, they were also in agreement to pass local law “J” – even if they were not officially part of the vote.

Mayor Supron continued by noting that in response to public requests for a question and answer forum on deer management, she is working on convening a panel in February that following on the heels of two such forums held in February and March 2009 will include herself, Paul Curtis, someone from the DEC and its enforcement division, as well as Police Chief Boyce.

### **Approval of Minutes – December 12, 2011**

**Motion: Trustee Riesman**

**Second: Trustee Szekely**

**Resolution #7005** to approve December 12, 2011 minutes as amended.

Discussion: a typo at the end of the report was noted and has been included in the submitted minutes.

**All approve – no nays - Motion carried**

### **Report of Fire Superintendent Tamborelle**

- Submitted report – read part of his report that included the December 13<sup>th</sup> the Lansing FD was dispatched to an industrial facility on Dutch Mill Rd and 16<sup>th</sup> the Lansing FD was dispatched to the Village of Lansing apartment fire on Graham Rd with people trapped fires and their results.

### **Report of Asst. Superintendent of Public Works Frisbie**

- Submitted report

### **Report of Mayor Supron**

- A newsletter mailing in lieu of the former Courier publication is in the mail concerning the new fencing law and the upcoming election on March 20; the Village continues to look for a new Courier editor.
- Update on Marcham Hall – Superintendent Cross has received a detailed cost estimate from Larry Sharpsteen shared with a meeting of the Building Committee. His cost estimate is \$120,000, which includes taking advantage of DPW labor to do the excavating and the foundation construction.

There may be a potential cost savings once the projects begins and cost effective items become apparent. Superintendent Cross would like a motion to begin the project with a project cost of \$120,000.

Mayor Supron added that previous Village Boards has discussed renovations for Marcham Hall at much greater costs. This is a smaller project but it needs to be done and done right. Trustee Riesman would like to see the project move forward with ongoing cost review.

Trustee Riesman added that the front door of Marcham Hall need to be replaced with an automatic door to enhance the opening to handicap access, or the new back door entrance

could be automatic. Trustee Andolina suggested keeping the authorized expense at \$100,000 and asking Supt. Cross to return to the Board for any excess costs, but then agreed to the \$120K authorization total.

**Motion: Trustee Andolina**  
**Second: Trustee Riesman**

**Resolution # 7006** to amend authorization for Superintendent Cross to enter into contracts for the Marcham Hall renovation construction not to exceed \$120,000 and funds will come from unappropriated general funds.

Discussion: no other discussion (clarification of wording - there is not a fund called general fund surplus as originally stated by Trustee Andolina)

**All approve – no nays or abstains – Motion carried**

#### **Report of Police Chief Boyce**

- Submitted report

#### **Report of Superintendent of Public Works Cross**

- Discussion has already taken place on the items in his report
- He is working with NYSEG regarding installation of the light fixture at the south end of the new traffic island at the Kendal cross walk.
- The Village's work on the Pleasant Grove Rd bus shelter has been done.
- Fencing update – the DPW committee met and developed a timeline for the compliance of the new Fencing law. Trustee Szekely for the Committee outlined the projected schedule:
  - Feb 1<sup>st</sup> – A letter will be sent in the first week of February outlining the terms of the new fencing law.
  - March 1<sup>st</sup> – A mailing will be sent to homeowners with illegal fences asking them to advise Supert'd Cross what they will be doing by March 31<sup>st</sup>.
    - Options include taking down a , modify it, deem it seasonal or, or seek a variance from the Zoning Board of Appeals
  - April 2<sup>nd</sup> – an appearance ticket will be issued to those owners who have not responded to the March 1<sup>st</sup> letter.

**Motion: Trustee Szekely**  
**Second: Trustee Andolina**

**Resolution # 7007** authorizes Superintendent Cross to waive the \$25.00 application fee for existing fences that are in compliance with the passing of local law 9 of 2011 with a fee waiver until 12/31/2012.

Discussion: no other discussion

**All approve – no nays or abstains – Motion carried**

**Report of Clerk Mills**

- Submitted report
- Martin Luther King Jr holiday – The Village will recognize this federal holiday by closing the office to the public. The DPW contract will need to be looked at for the future.

**Motion: Trustee Hamilton**  
**Second: Trustee Riesman**

**Resolution #7008** pending Mayor Supron's conversation with Labor counsel, the Board authorizes the Mayor to grant an additional holiday, Martin Luther King Jr., January 16, 2012 to full-time, non-bargaining employees for 2012.

Discussion: This is to be a one time authorization and will be addressed at the April 2012 organizational meeting for future holidays.

**All approve – no nays or abstains – motion carried**

**Report of Treasurer Mangione**

- Submitted report
- Submitted abstract

**Motion: Trustee Andolina**  
**Second: Trustee Hamilton**

**Resolution #7009** to approve the Abstract dated January 9, 2012 in the amount of \$333,270.94 and instruct that the Treasurer make payments thereon.

Discussion – Supert'd Cross – A8160 – is there a breakdown available? Treasurer Mangione will attempt to modify the sub-coding.

**All approve – no nays - Motion carried**

Treasurer Mangione continued by asking for a recommendation the question of the handling of Court funds and an appropriate procedure – Justice Klein provided information that the State Comptroller states that the Justice is personally responsible for monies received by the Justice Court. Any and all monies need to be under the direct supervision of the Justice who has collected the fines and bail. No one in the Village directly reports directly to the Justices – Treasurer Mangione suggests closing the 3 current Justice accounts under the Village and then the 2 Justices will open their own accounts and will be responsible for the distributions from these accounts. They will continue to provide reports on a monthly basis and a check that covers those amounts that need to be paid to the State and retained to the Village. This will allow the Village to meet audit and State requirements for the handling of these funds.

**Motion: Trustee Andolina**  
**Second: Trustee Szekely**

**Resolution #7010** to authorize the Treasurer to close three (3) Village of Cayuga Heights accounts at Tompkins Trust Company used by Justices Galbraith and Klein for Fines and Forfeited Bail.

**All approve – no nays - Motion carried**

**Report of Attorney Gutenberger**

- On January 3<sup>rd</sup> the Governor signed a new Open Government law requiring certain documents that are discussed in public meetings to be made available on a website or otherwise. These reports are to be made available as soon as practical. The Village has the right to charge \$.25 per page for any an all copies requested.
- Challenge of the Privilege of the Floor Guidelines – with regard to terminating speaker remarks, the Committee on Open Government has suggested the inclusion in the guidelines of a standard of courtesy and good taste, such that a speakers remarks may be terminated that are judged to be:
  - Repetitive
  - Profane
  - Boisterous
  - Threatening
  - Unruly

**Motion: Trustee Szekely**

**Second: Trustee Andolina**

**Resolution #7011** to adopt the change language of the Privilege of the Floor Guidelines and incorporate the addition of a standard of courtesy and good taste definition to read:

**“Speakers are requested to observe standards of courtesy and good taste and may be asked to terminate remarks at any time by the Mayor or another presiding officer if the speaker’s language is repetitive, profane, boisterous, threatening, offensive, or unruly.”**

Discussion: none

**All approve – no nays - Motion carried**

**Trustee Privilege of the Floor**

- Trustee Szekely spoke about the recognized need to review the presentation of the Village Ordinances and Articles on the Village web site and in any other form of publication in order to incorporate individual laws within articles and to remove superseded portions. Supt. Cross noted that this process is called recodification. Trustee Szekely and Clerk Mills will look into the project. Clerk Mills will contact Clerk/Treasurer Jodi Dake at the Village of Lansing and Attorney David DuBow for suggestions.

**Mayor Supron adjourned the meeting at 10:00 PM**

**Submitted by  
Clerk Mills**



Village of Cayuga Heights

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Kathryn D. Supron, Mayor  
Mary E. Mills, Clerk  
Angela M. Korbel, Deputy Clerk  
Steven M. Greenberg, Treasurer  
Brent A. Cross, Engineer

Board of Trustee Meeting – Dec 12, 2011 – 10AM – Marcham Hall

PLEASE PRINT

Name (optional)	Address	Privilege of Floor Speak/No Speak
1 Gabrielle Vekar	509 Lake St, Ithaca	✓ 1
2 Lowell Garner	10 Pembroke La, Ithaca	✓ 1
3 Charlene Temple	246 Renwick Dr.	✓ 1
4 Dr. Abdul Wood	512 Cayuga Ht Pl	✓ 1
5 Aaron Wagner	308 The Parkway	✓ 1
6 Vandemaek	107 Northway Rd.	✓ 1
7 Molly Shukmaber	104 Northway Rd.	✓ 1
8 Danielle Pappasiel	112 Warwick Pl	✓ 1
9 <del>Kate</del> Kate Stein		✓ 1
10 James LaVeck		✓ 1
11 Mary Tabacchi	705 The Parkway	✓ 1
12 Mindy Mindlin	112 Midway	✓ 1
13 DIMITRIOS FAWCZ	231 HIGHTGATE	✓ 1
14 NANCY GREENW	231 HIGHTGATE	✓ 1
15 Betsy Root	18 Prospect Trng	✓ 1
16 Hazel Brampton	131 Christopher	1
17 Dominick LaCAPRA	624 Highland	✓

Police Dept. & Village Administration  
OFFICE HOURS  
9 AM – 4:30 PM

<http://www.cayuga-heights.ny.us>



