

EXHIBIT 2015-079

Minutes
Marcham Hall

VILLAGE OF CAYUGA HEIGHTS
BOARD OF TRUSTEES MEETING

Monday, January 12, 2015
7:00 p.m.

Present: Mayor Supron; Trustees: Friend, Hamilton, Robinson, Salton, and Woodard; Fire Superintendent Tamborelle; Asst. Superintendent of Public Works Frisbie; Chief of Police Steinmetz; Superintendent of Public Works Cross; Clerk & Treasurer Mangione; Attorney Marcus.

Absent: Trustee Crooker

Call to Order: Mayor Supron called the meeting to order at 7:03 p.m.

1. Approval of Meeting Minutes: December 8, 2014

Resolution # 7549

BE IT RESOLVED THAT: Minutes of the December 8, 2014 Village of Cayuga Heights Board of Trustees Meeting are approved as written in Exhibit FYE2015-068.

Motion: Trustee Robinson

Second: Trustee Salton

Discussion: Draft minutes had been modified prior to the meeting. Corrected minutes are presented in Exhibit 2015-068.

Ayes: Trustees Friend, Hamilton, Robinson, Salton, and Woodard

Nays: none

Abstentions: none

Motion carried

2. Report of Fire Superintendent Tamborelle (Exhibit FYE2015-069)

2014 was a busy year, response calls were up over the previous year. A turbine fire at Milliken Station took 3 6 4 hours of firefighter time. A possible plane incident at the airport required a response as well. The annual Installation Dinner will be held April 11, 2015 at the usual venue; invitations will be forthcoming.

3. Report of Asst. Superintendent of Public Works Frisbie (Exhibit FYE2015-070)

Leaf season was completed in December. All possible outside projects have been completed. Long awaited plaster work in Marcham Hall was done by DPW staff; it is hoped that roof repairs which took place a few weeks ago will prevent future plaster damage.

4. Privilege of the Floor

Brian Eden, the Village's appointed member of the Tompkins County Environmental Management Council (EMC), is a board member of Solar Tompkins. This past year more than 400 families entered into contracts for solar installations. Next year Solar Tompkins is kicking off a two-year program unlike the current one. It will focus on energy retrofits which include air sealing and added insulation combined with air and ground-source heat pumps. It is anticipated that there will be fewer installations due to less consumer understanding of this type of heating. The program will be rolled out by mid-summer. Promoting various on-site energy sources leads to lower municipal infrastructure costs as demand is met by alternate renewable resources.

Mr. Eden is one of five members of the County Ethics Advisory Board. The Village has produced in five pages what they wrote in eleven pages. An audit by the state approximately three years ago, advised some changes to the County's Code. The changes were made and adopted in July 2013. He believes that the Village's proposed Code of Ethics meets all the criteria set forth by the state; it avoids some complexities.

He concluded by encouraging the Board of Trustees to sign on to the group of municipalities opposing expansion of the Crestwood LPG gas storage facility. The EMC and Tompkins County each passed resolutions to support the group of municipalities opposing the expansion. It is believed by these groups that tourism and agribusiness are negatively affected by the Crestwood facility.

Superintendent of Public Works Cross added that five or six solar systems were permitted in the Village. One of the systems was ground mounted; it was treated as other structures would be vis à vis setbacks.

Dooley Kiefer, the Village's elected Tompkins County Legislator commended the Village for signing on to the Freedom from Domestic Violence resolution passed by the County Legislature. Regarding the Code of Ethics, Ms. Kiefer believes the Disclosure Statement should not be confidential. She suggested a revision to Section 3 that would provide an exception for elected officials whose purpose is to represent the interests of their constituents.

Mark Mecenias asked for an update on the likely date for a draft document from the Zoning Review Committee. Both Mayor Supron and Superintendent of Public Works Cross estimate that two months additional work (roughly four meetings) will be necessary to prepare the draft to present to the Board. Attorney Marcus will review the document as well

as assist the Board through the SEQR process. Mr. Mecenias voiced his opinion that the process was not serving those stakeholders with an interest in developing the Community Corners area.

5. Report of the Mayor

a. Lighting Proposal presented by Village Historian, Beatrice Szekely:

Along with Village Preservationists, Historian Szekely has been partnering with several groups in the area. Historic Ithaca on the house tour happening on June 15th; the County's geographic information system technicians assisting with the interactive mapping for the walking tour on hand-held devices; and Municipal Historians of Tompkins County to mention a few. A \$750.00 grant was received from the Tompkins County Office of Tourism to partially fund the Speakers Series.

Restoration of the lighting fixtures is an affirmation of the Village's heritage. By happy coincidence the Village's Centennial coincides with Cornell University's Sesquicentennial this year. Cayuga Heights is considered to be the quintessential college residential community. Dorothy Cornell, granddaughter of Ezra, built the house which was renamed Marcham Hall after a long-time village mayor. "Miss Dorothy", as Historian Szekely likes to refer to her had these lighting fixtures in her studio which currently functions as the court and board room. It's possible that the rewired fixtures will cast enough light to solve the long-time problematic lighting situation. Helen Binkerd Young, wife of George Young, Jr. first Dean of Architecture at Cornell, may have been the architect. As a woman, she could not sign her plans.

The Board discussed the expenditure at length. During the discussion the following positions were exchanged. Marcham Hall is no longer a residence and as the seat of government the building should not be turned into a museum. A lighting solution is necessary for the court room; lighting experts have indicated that these old fixtures could provide sufficient illumination. Recent modifications to Marcham Hall have been done with respect to the architectural integrity of the structure. It is important to be careful with public funds; it is also reasonable to use public funds to enhance public buildings.

Resolution # 7550

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees authorizes an expenditure not to exceed \$2,000 for cleaning, polishing, rewiring and reassembling two light fixtures, as well as hanging them in their original locations suspended from the ceiling of the courtroom in Marcham Hall, the Village of Cayuga Heights municipal building at 836 Hanshaw Road, in time for the June 2015 Cayuga Heights Centennial Celebration as detailed in Exhibit 2015-071.

Motion: Trustee Friend

Second: Trustee Woodard

Discussion: none

Ayes: Trustees Friend, Hamilton, Robinson, and Woodard

Nays: Salton

Abstentions: none

Motion carried

b. Declaration of Appreciation:

Resolution # 7551

WHEREAS, the Village of Cayuga Heights is celebrating its centennial year; and

WHEREAS, the Village Historian and Village Preservationists have arranged a Centennial Speaker Series as part of celebrations commemorating the centennial year; and

WHEREAS, a Tompkins County Community Celebrations grant has been awarded to the Village to support this event; and

WHEREAS, a postcard has been prepared announcing the event to the residents of Cayuga Heights; and

WHEREAS, Terry Marcus has applied her skills as a graphic artist to this effort.

NOW, THEREFORE, BE IT RESOLVED THAT: The Board of Trustees of the Village of Cayuga Heights expresses their appreciation to Terry Marcus for the application of her fine skills to the betterment of the Centennial Celebration.

Motion: Mayor Supron

Second: Trustee Salton

Discussion: none

Ayes: Trustees Friend, Hamilton, Robinson, Salton, and Woodard

Nays: none

Abstentions: none

Motion carried

c. Declaration of Freedom from Domestic Violence as a Human Right:

Resolution # 7552

NOW, THEREFORE, BE IT RESOLVED THAT: The Board of the Trustees of the Village of Cayuga Heights hereby formally states its abhorrence of domestic violence and its support for Resolution #2014-214 adopted by the Tompkins County Legislature öDeclaring Freedom from Domestic Violence as a Human Right.ö We join with other governmental and non-governmental organizations in Tompkins County, New York State, and the United States of America to prevent all forms of domestic violence, to assure that it is recognized when it occurs, to respond to it quickly and decisively, and to treat both victims and perpetrators so that wounds are healed, families are made whole, and violence ends.

Motion: Mayor Salton

Second: Trustee Friend

Discussion: none

Ayes: Trustees Friend, Hamilton, Robinson, Salton, and Woodard

Nays: none

Abstentions: none

Motion carried

The Report of the Mayor's agenda items are to be addresses in a different order than on the published agenda.

d. Code of Ethics Policy:

The Village's Code of Ethics has undergone review by the Board of Trustees, Department Heads, Attorney Johnston and Mayor Supron. It was confirmed that under the Code it is acceptable for any municipal officer, official or employee to use the exercise room located in the Village owned fire station. The opinion of County Legislator Dooley Kiefer put forth during Privilege of the Floor, that the Disclosure Statement should not be confidential was discussed. Although some of the information on the form is publicly available, additional asset holdings are not. Attorney Marcus and Attorney Johnston hold the position that simply by virtue of being a public official should not require one to make this type of public disclosure. If these documents were to be the subject of a FOIL request, it can be asserted that release of this information is an unwarranted invasion of privacy. To keep the annual disclosure from becoming unduly burdensome, multiple lines for signature if none of the information has changed will be added to the Disclosure Statement. Another point raised by Legislator Kiefer is the question of representation of a constituent's interest. The resultant conversation concluded that clarification to Section 3 is warranted and was made.

Resolution # 7553

NOW, THEREFORE, BE IT RESOLVED THAT: The Board of the Trustees of the Village of Cayuga Heights adopts the Code of Ethics Policy as written in Exhibit 2015-075 with such changes as agreed during the meeting held on January 12, 2015.

**Village of Cayuga Heights
Code of Ethics**

The purpose of this Code of Ethics is to require officials of the Village of Cayuga Heights (the öVillageö), whether elected, appointed or employed, whether full time or part time, to avoid any action which will result in, or give the appearance of, unethical conduct.

Section 1 – Declaration of Policy

Pursuant to New York General Municipal Law §806, the Board of Trustees of the Village of Cayuga Heights recognizes rules of ethical conduct for public officials, officers and employees must be observed to maintain a high degree of ethical conduct and public confidence in our local unit of government. Public officers, officials and employees must be independent, impartial and responsible to the people. They must ensure that government decisions and policy are made in the proper channels of the governmental structure, that public office is not used for personal gain, observe in their official acts the highest ethical standards and discharge faithfully the duties of their office regardless of personal consideration. It is the purpose of this code, approved by resolution by the Board of Trustees, to provide rules of ethical conduct for the officers, officials and employees of the Village of Cayuga Heights. In the event of any conflict between the provisions of this code and New York General Municipal Law, the latter shall control.

Section 2 – Definitions

A. öMunicipal Officer, Official or Employeeö means an officer, official or employee of the Village of Cayuga Heights whether paid or unpaid, including members of any administrative board, commission, committee or other agency thereof. No person shall be deemed to be a municipal officer, official or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

- B. "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.
- C. "Conflict of Interest" means no official, officer or employee of the Village shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, that is in conflict with, might reasonably tend to conflict with, might be perceived to present a conflict of interest with the proper discharge of his duties for the Village.

Section 3 – Representation of Private Interests

No official, officer or employee of the Village shall represent private interests before any department, board, office or agency of the Village nor represent private interests in any action or proceeding against the interests of the Village or in any litigation to which the Village is a party, if such representation results in a benefit to the official, officer or employee.

Section 4 – Disclosure of Interest

- A. Any official, officer or employee of the Village, whether paid or unpaid, who has a direct or indirect financial or other private interest in any matter being considered by the Village of Cayuga Heights Board of Trustees, or by any other official or agency, officer or employee of the Village, and who participates in discussions before or gives opinions to the Board, agency or individuals, shall publicly disclose on the official record the nature and extent of such interest.
- B. Any official, officer or employees of the Village, whether paid or unpaid, who has knowledge of any matter being considered by any board, agency, officer or employee of the Village in which he/she has any direct or indirect financial or other private interest, shall be required to disclose, in writing his/her interest to such board, agency, officer or employee and the nature and extent thereof.
- C. A copy of every disclosure required under subsection A and B above, including a copy of any transcript of such disclosure, shall be promptly provided to the Village Clerk who shall maintain and file the disclosure as a public record.

Section 5 – Interests in Conflict with Official Duties

- A. Any official, officer or employee of the Village shall abstain from making personal investments in enterprises which he/she has reason to believe may be directly affected in decisions to be made by him/her or which will otherwise create conflict between his/her public duty and his/her private interest. Further he/she shall refrain from discussion of any questions in which he/she or a member of his/her immediate family has an interest.
- B. An elected official shall not vote on any proposal or action where that official has expressed an interest in property which will be affected by the adoption of the proposal or action, unless the official provides proof to the Village Clerk that he/she has notified the owner or agent of property of the termination of that interest.
- C. Public officials and employees, whether full time or part time, must avoid any action, which will result in or create the appearance of using public office for private gain, and/or the giving of preferential treatment to any person.
- D. Public officials, whether full time or part time, must avoid any action which will adversely affect the confidence of the public in the integrity of its municipal government or the public officials involved.

Section 6 – Standards of Conduct

Every officer, official or employee of the Village of Cayuga Heights shall be subject to and abide by the following standards of conduct:

- A. Gifts – He/she shall not directly or indirectly solicit any gift, or accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part. This restriction does not apply to gifts valued at \$25 or less in any one calendar year or the informal voluntary practice of Village residents providing Village employees with a holiday gratuity.
- B. Confidential information – He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.
- C. Outside employment
 - i. He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict of interest with or impairs the proper discharge of his/her official duties.

- ii. The Mayor and members of the Board of Trustees may not be considered for employment with the Village of Cayuga Heights while holding such positions and for a one-year period after leaving such office, whether by expiration of term, resignation or otherwise.
 - iii. He/she shall not, after the termination of service or employment with the Village of Cayuga Heights, appear before any board or agency of the Village of Cayuga Heights in relation to any case, proceeding or application in which he/she personally participated during the period of his/her service or employment or which was actively under his consideration for a period of two years.
- D. Use of village employees or public property
- i. Village employees and property may not be used for private interest. This shall not preclude any official, officer or employee from voluntarily performing service or work outside of the hours during which he/she is assigned to perform duties for the village.
 - ii. No official, officer or employee of the village shall request or permit the use of village owned vehicles, equipment, materials, or property for personal convenience or profit, except where such services are available to the village public or are provided as village policy for the use of such officer or employee.
- E. Purchasing - The Village will not purchase labor, services, goods or materials from any current Village Board member, officer or employee, or from any member of such person's immediate family, or from any entity that is owned, in whole or in part, or managed or controlled by, any such person or any member of such person's immediate family, except in the case that a majority of the members of the Board of Trustees vote in favor of doing so, with full disclosure of the relationships, in advance of engaging in the transaction.

The Village Purchasing Policy be revised to read "All transactions shall be in accordance with the Village's Code of Ethics as may be amended from time to time."

Section 7 - Distribution

The Mayor of the Village of Cayuga Heights shall cause a copy of this code of ethics to be distributed to every official, officer and employee of the Village within five (5) days after the effective date of this resolution. Each official, officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. Each official, officer and employee shall upon receipt of a copy of this code indicate his/her understanding and agreement with the provisions of this code by affixing their signature to a form indicating the same. This form will be kept by the Clerk. Additionally, each official, officer and employee shall complete and submit to the Clerk, a confidential Disclosure Statement annually within thirty (30) days of the beginning of the Village Official Year.

Section 8 – Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Section 9 – Exception

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal official, officer or employee of any claim, account, demand or suit against the Village of Cayuga Heights, or any agency thereof on behalf of him/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section 11 – Effective Date

This resolution shall take effect January 12, 2015.

Motion: Trustee Woodard

Second: Trustee Salton

Discussion: none

Ayes: Trustees Friend, Hamilton, Robinson, Salton, and Woodard

Nays: none

Abstentions: none

Motion carried

In order to lessen Attorney Johnston's time in attendance; the remainder of the Report of the Mayor is postponed until after an Executive Session.

6. Executive Session

Resolution # 7554

BE IT RESOLVED THAT: An Executive Session of the Village of Cayuga Heights Board of Trustees is deemed appropriate by virtue of §105 of the NYS Open Meeting Law subsection (f) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Motion: Trustee Salton

Second: Trustee Robinson

Discussion: none

Ayes: Trustees Friend, Hamilton, Robinson, Salton, and Woodard

Nays and Abstentions: none

Motion carried

Resolution # 7555

BE IT RESOLVED THAT: An Executive Session of the Village of Cayuga Heights Board of Trustees is ended and returned to Open Session.

Motion: Trustee Hamilton

Second: Trustee Robinson

Discussion: none

Ayes: Trustees Friend, Hamilton, Robinson, Salton, and Woodard

Nays and Abstentions: none

Motion carried

The Report of the Mayor is resumed at 9:05 p.m.

e. GTCMHIC Municipal Cooperative Agreement Renewal (Exhibit 2015-074):

On the fifth anniversary of the effective date and on each subsequent fifth anniversary the Municipal Cooperative Agreement (MCA) of the Greater Tompkins County Municipal Health Insurance Consortium provides for renewal. Trustee Salton who represents the Village on the GTCMHIC Board of Directors and Finance Committee will review the MCA and advise the Village Board of Trustees at the regular meeting on February 9, 2015.

f. Schuyler County LPG Storage Facility (Exhibit 2015-075):

The Board discussed whether or not to join thirteen local municipalities that have stated their opposition to gas storage near Seneca Lake by passing resolutions. Joining the coalition that is seeking party status at the DEC Issues Conference in February 2015 gives the municipalities a voice. Whether or not this situation qualifies as a home rule issue was deliberated. The Board believes that there are multiple reasons that groups oppose the expansion of the current storage facility. The general conclusion was not to pursue the question because not enough information is available and the issue is not germane to the Village of Cayuga Heights.

7. Report of the Trustees

The trustees had nothing additional at this point in the meeting.

8. Report of Police Chief Steinmetz (Exhibit FYE2015-077a,b,c)

A felony indictment has been filed in Tompkins County Court and the defendant has entered a not guilty plea in the murder which took place at Thanksgiving in the Village. Multiple agencies coordinated evidence collection; CHPD has now taken the lead in the case. Chief Steinmetz updated the Board on a recent incident in the county that did not involve the Village in response to a question by a trustee. A man had barricaded himself in his house, shot his long gun at a police officer and subsequently was found to have committed suicide.

Part-time officer Hillary Forney has completed field training and is on the road on her own. She is technically on probation until May 2015, a year after hire.

Distribution of updated police policies and procedures is going well. A few of the part-time officers have not received the data storage device containing the Handbook simply due to coordination challenges.

Security concerns surrounding protections necessitated by the Village's Violence in the Workplace program and vandalism at the DPW facility prompted quote requests for a camera system. A quality audio/visual system needs a higher bandwidth than is currently available through the dial-up connect from the DPW barn to Marcham Hall and the police department. One option is for a system that will work with the current internet connectivity and be upgradeable. Optimally, the camera feeds would be viewable from Marcham/Police Department.

9. Report of Superintendent of Public Works Cross

NYS DEC Audit of the Village's Stormwater Management Plan: The NYS DEC audit resulted in a list of concerns; some concerns are addressed by revisions in the Village's Stormwater Management Plan (SMP). Local Law #2 of 2007 for Stormwater Management, Erosion, and Sediment Control and Local Law #1 of 2008 Elimination of Illicit Discharge and Detection contain six (6) topic areas for which provisions are required. The SMP describes how the municipality functions to satisfy these laws. No public notice or hearing is necessary to make changes to the SMP. The Stormwater Coalition of Tompkins County Plan, dated December 8, 2014 was drawn from to formulate changes to the Village's SMP. Superintendent Cross acknowledges for the public record that the modified SMP is available to the public and will be posted to the Village website. The SMP requires annual review. A cover letter will be prepared. The audit response is required by the end of January 2015.

New Building Code Laws Effective as of January 1, 2015:

NYS has passed the Truss Law that includes single-family home construction or renovation using any engineered wood product that has the potential to fail during a fire event. The code enforcement officer must inform the fire superintendent via certified mail in those instances when these products are used. The property owner and contractor must indicate their knowledge of the product's use during the building permit process. A sticker indicating that a structure contains an engineered wood truss must be affixed to the building's exterior; it is suggested that the sticker could be provided with the building permit and the cost of obtaining the sticker added to the permit fee.

E-waste must no longer be discarded as part of regular landfill waste. A public awareness campaign to educate residents that all e-waste needs to be held and placed curbside on bulky trash collection days will take place. The DPW will then segregate and deliver it appropriately.

Notification was received that modification of the Village's SPEDES permit has been approved.

Installation of more permanent pipe insulation in the server room has been completed. An unintended but welcome side-effect of unwrapped basement heating pipes has been dryness throughout the building's lower level.

An issue related to a trellis and roof overhang on Kline Road was discussed and will be addressed by Superintendent Cross.

10. Report of Clerk & Treasurer Mangione (Exhibits FYE2015-078a,b)

Resolution # 7556

BE IT RESOLVED THAT: Abstract #8 for FYE2015 consisting of Trust and Agency vouchers 58 - 70 in the amount of \$16,524.01 and Consolidated Fund vouchers 517 - 585 in the amount of \$148,932.47 is approved and the Treasurer is instructed to make payments thereon.

Motion: Trustee Hamilton

Second: Trustee Salton

Discussion: none

Ayes: Trustees Friend, Hamilton, Robinson, Salton, and Woodard

Nays and Abstentions: none

Motion carried

11. Report of Attorney Marcus

No report.

12. Adjournment:

Meeting of the Village of Cayuga Heights Board of Trustees was adjourned by Mayor Supron at 10:20 p.m.