

EXHIBIT 2016-023

Minutes  
Marcham Hall

VILLAGE OF CAYUGA HEIGHTS  
BOARD OF TRUSTEES MONTHLY MEETING

Monday, May 18, 2015  
7:00 p.m.

**Present:** Mayor Supron; Trustees: Biloski, Friend, Robinson, Salton, and Woodard; Superintendent of Public Works Cross; Police Chief Steinmetz; Clerk & Treasurer Mangione; Attorney Marcus  
**Absent:** Trustee Crooker; Fire Superintendent Tamborelle

**Call to Order:** Mayor Supron called the meeting to order at 7:00 p.m.

1. **Approval of Minutes:**

**Resolution #7612**

**BE IT RESOLVED THAT:** Minutes of the April 4, 2015 Village of Cayuga Heights Board of Trustees Meeting are approved with revisions as written in Exhibit FYE2015-013.

*Motion:* Trustee Salton

*Second:* Trustee Friend

*Ayes:* Biloski, Friend, Robinson, Salton, and Woodard

*Nays & Abstentions:* none

**Motion carried**

2. **Report of Fire Superintendent Tamborelle:** (Exhibit FYE2015-014)

Superintendent Tamborelle was not able to attend; there were no questions on his submitted report.

3. **Privilege of the Floor (PoF):**

The following sign-in sheet (page #2 of page #1 was left blank) was printed with the previous month's date in error.



**Village of Cayuga Heights**  
MARCHAM HALL  
838 HANSHAW ROAD  
ITHACA, NEW YORK 14850  
(607) 257-1238  
fax (607) 257-4910

Kathryn D. Supron, Mayor  
Joan M. Mangione, Clerk & Treasurer  
Angela M. Podufalski, Deputy Clerk  
Brent A. Cross, Engineer

**Board of Trustees Meeting – Privilege of the Floor**  
April 15, 2015 – 7:00 PM – Marcham Hall

PLEASE PRINT Name/Anonymous	Address	Do you wish to speak? Indicate Yes or No
12. Elizabeth Ambrose	207 Cayuga Hts Rd.	yes
13. Chris Gartlein	350 Hill Rd. Ithaca	yes
14. Lee Dean	Greenwood Rd	yes
15. _____	_____	_____
16. _____	_____	_____

Elizabeth Ambrose, of 207 Cayuga Heights Road, introduced Chris Gartlein of S&S Tree Service. Her house is opposite Sunset Park. One of eleven Silver Maples considered for removal is in the Village's right-of-way in front of her home. She expressed her concern about the removal of the several trees along Cayuga Heights Road. She distributed copies of a photo of the tree identified as tree #7 and asked for an assessment from an additional expert. Mr. Gartlein and his business partner Jack Simrell took a look at the tree and they believe that the tree could last another five years with trimming to lessen the weight load. Mr. Simrell's opinion is that the tree is losing vigor however he saw no sign of disease.

Mayor Supron expressed her opinion that there is no one with better credentials than Lee Dean who the Village contracted to assess these eleven Silver Maples. During an earlier telephone conversation between the Mayor and Ms. Ambrose, it was explained that the trees had been marked for assessment, not necessarily for removal. There have been complaints related to the marking of the trees with large orange Xs. Criticism has been received due to the lack of personalized communication between Village Administration and property owners. Documents from attorney Robert Holdsworth with whom Ms. Ambrose has been in contact, along with a photo of the tree in question, a statement of the tree's condition by S&S Tree Service and a letter from property owner, Colleen Colbert were presented for inclusion to public record.



# Tompkins County Clerk Recording Page

**Return To**  
HARRIS BEACH LLP

**Aurora R. Valenti, County Clerk**  
Tompkins County Clerk  
320 North Tioga Street  
Ithaca, NY 14850  
(607) 274-5431

Document Type: **DEED**

Receipt Number: 13-41111

<b>Grantor (Party 1)</b>
VACCARINO, DONALD X

<b>Grantee (Party 2)</b>
AMBROSE, ELIZABETH CLASSEN

Fees	
Recording Fee	\$20.00
Pages Fee	\$25.00
State Surcharge	\$20.00
TP-584 Form Fee	\$5.00
RP-5217 Form Fee	\$125.00
State Transfer Tax	\$2,300.00
County Transfer Tax	\$1,150.00
<b>Total Fees Paid:</b>	<b>\$3,645.00</b>

Transfer Amt: \$575,000.00
Instrument #: 2013-13261
Transfer Tax #: 000414

Property located in **Town of Ithaca**

State of New York  
County of Tompkins

Recorded on September 30th, 2013 at 3:44:31 PM  
with a total page count of 5.

Tompkins County Clerk

WARRANTY DEED  
WITH LIEN COVENANT

THIS INDENTURE made this 30<sup>th</sup> day of September, 2013,

Between: **DONALD X. VACCARINO and JOSEPHINE  
R. BURNS**, both of 1552 Milvia Street, Berkeley,  
CA 94709,

parties of the first part

and **ELIZABETH CLASSEN AMBROSE**, of 207  
Cayuga Heights Road, Ithaca, NY 14850,

party of the second part,

WITNESSETH, that the parties of the first part, in consideration of One and 00/100 Dollar (\$1.00), lawful money of the United States, and other good and valuable consideration, paid by the party of the second part, do hereby grant and release unto the party of the second part, her heirs, executors, successors, distributees and assigns forever,

ALL THAT TRACT OR PARCEL OF LAND situate in Village of Cayuga Heights, Town of Ithaca, County of Tompkins, State of New York, and being more particularly described on Schedule "A" annexed hereto and made a part hereof.

TOGETHER with the appurtenances and all the estate and rights of the parties of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, her heirs, executors, successors, distributees and assigns forever.

AND said parties of the first part covenant as follows:

FIRST: That the party of the second part shall quietly enjoy the said premises.

SECOND: That said parties of the first part will forever warrant the title to said premises.

THIRD: That, in Compliance with Section 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of

the same for any other purpose.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

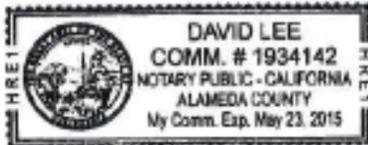
IN PRESENCE OF:

  
DONALD X. VACCARINO

  
JOSEPHINE R. BURNS

STATE OF CA  
COUNTY OF ALAMEDA ) ss.:

On the 27 day of September, in the year 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared **DONALD X. VACCARINO** and **JOSEPHINE R. BURNS**, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.



  
Notary Public

Property Address: 207 Cayuga Heights Road, Ithaca, New York 14850  
Tax Parcel Number: 13.-2-10

SCHEDULE A

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Cayuga Heights, Town of Ithaca, County of Tompkins and State of New York, more particularly bounded and described as follows:

BEGINNING at a point marked by an iron pipe in the east line of Cayuga Heights Road, which point is located North 85 degrees 03 minutes 08 seconds East a distance of 23.4 feet, more or less, from a point in the centerline of Cayuga Heights Road, which centerline point is located southerly along the centerline of Cayuga Heights Road a distance of 156 feet, more or less, from the intersection of the centerline of Cayuga Heights Road with the centerline of Hanshaw Road;

thence running North 85 degrees 03' 08" East along the south line of premises now or formerly owned by Kozen (611/718) and Lambert (438/590) a distance of 250.32 feet to a point marked by a found fence post;

thence running South 05 degrees 16' 59" West, along the west line of premises now or formerly owned by Pollock (690/040) a distance of 150.06 feet to a point marked by a found pipe;

thence running South 84 degrees 35' 24" West, along the north line of premises now or formerly owned by Swank (565/634 and 464/984) a distance of 235.40 feet to a point marked by a found utility pole in the east line of Cayuga Heights Road;

thence running North 00 degrees 27' 53" West along the east line of Cayuga Heights Road a distance of 150.03 feet to the point or place of beginning, containing 0.828 acres of land more or less.

SUBJECT TO the restrictions as set forth in the deed from Jared T. Newman, et al., to Harriet M. Martin dated October 6, 1910 and recorded October 18, 1910 in the Tompkins County Clerk's Office in Liber 174 of Deeds at Page 271 as follows:

"That along the Cayuga Heights Road adjacent to the premises hereby conveyed, a strip of land 15 feet in width is to be treated in harmony with the general scheme of the highway and so as to be uniform as far as the several owners deem practicable, to the end that the highway may have the appearance of an avenue 80 feet in width and retain substantially the grade and location of the sidewalk as now indicated on said land", insofar as said restrictions may be effective.

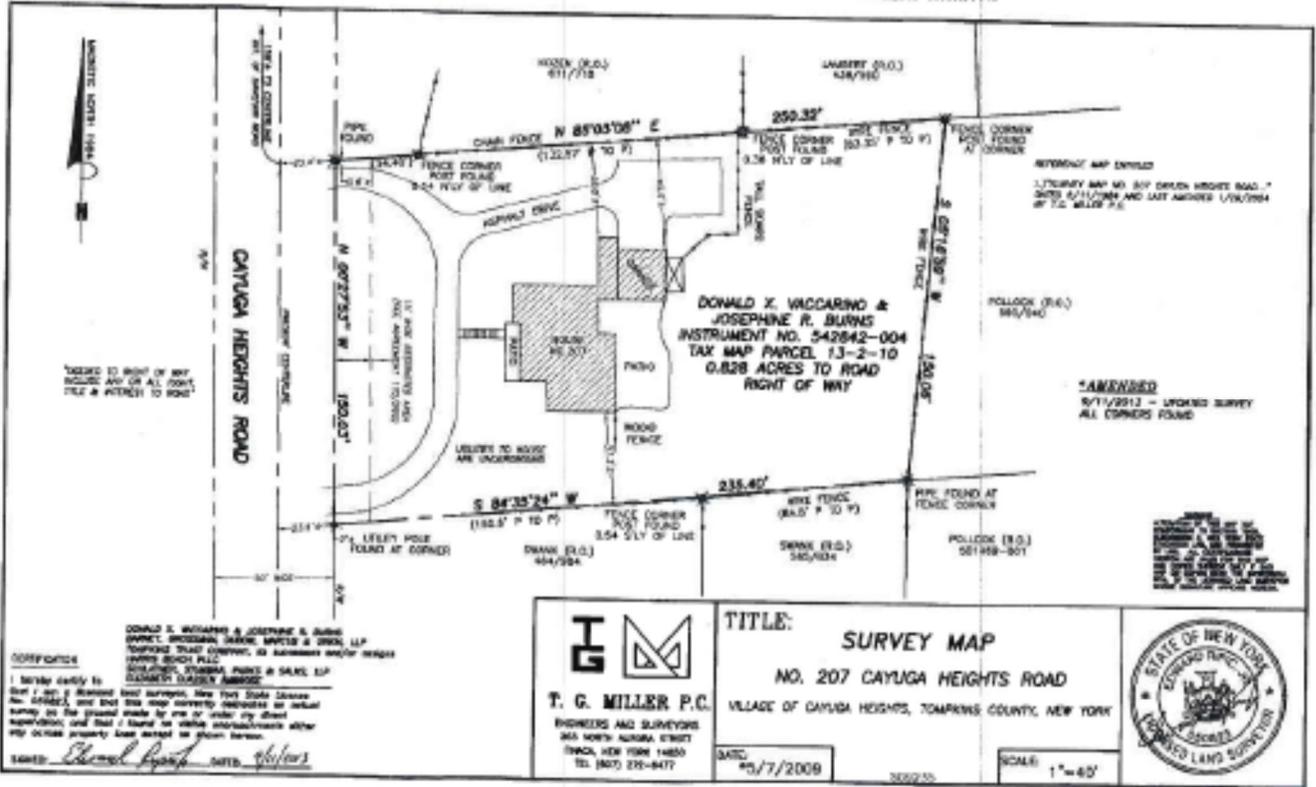
TOGETHER WITH all right, title and interest of the grantors herein in the premises extending westerly from the above described premises to the center line of Cayuga Heights Road.

The above premises are described in accordance with a survey map entitled "SURVEY MAP NO. 207 CAYUGA HEIGHTS ROAD, VILLAGE OF CAYUGA HEIGHTS, TOMPKINS COUNTY, NEW YORK," dated May 7, 2009 and revised September 11, 2013, made by Edward Ripic, Jr, LS# 050823 of T.G. Miller, P.C., Engineers and Surveyors a copy of which is attached hereto and made a part hereof.

Being the same premises conveyed to Donald X. Vaccarino and Josephine R. Burns by deed dated June 1, 2009 and recorded June 1, 2009 in the Tompkins County Clerk's Office as Instrument #542842-004.

2812-1281

05/08/2012 03:44:21 PM



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the lands of Nathaniel L. Derling and wife, on the west by the Cayuga Heights Road; on the north by the Cayuga Heights Manshaw Corners Road; and on the east by the center line of the proposed unopened driveway which borders the premises owned by Charles H. Blood individually on the west. This conveyance is made, however, subject to the following reservations, restrictions and conditions to run with the land as follows:- FIRST:- This conveyance is made subject to the present rights and easement of the Ithaca Street Railway constructed along the line of and south of the Cayuga Heights Manshaw Corners Road, the ultimate fee in said land as used by the Ithaca Street Railway Company in the event of reverter by abandonment to revert to the party of the second part herein. It being the intent that the party of the second part acquires all the rights of the parties of the first part in and to the land occupied by contracts of the Ithaca Street Railway, upon the premises hereby conveyed. SECOND:- Any building or structure constructed upon the premises hereby conveyed, within a period of ten (10) years from this date, although not necessarily expensive, shall be artistic in design. THIRD:- The parties above named do hereby mutually covenant and agree each with the other, that along the Cayuga Heights Road adjacent to the premises hereby conveyed, a strip of land 15 feet in width on each side of said road is to be treated in harmony with the general scheme of the highway and so as to be uniform as far as the several owners deem practicable, to the end that the said highway may have the appearance of an avenue 80 feet in width and retain substantially the grade and location of sidewalk as now indicated on said land. With the appurtenances, and all the Estate, Title and Interest therein of the said parties of the first part. And the said Jared T. Newman and Charles H. Blood do hereby covenant and agree to and with the said party of the second part, her heirs and assigns, that the premises thus conveyed in the quiet and peaceable possession of the said party of the second part her heirs and assigns they will forever WARRANT and DEFEND, against any person whatsoever lawfully claiming the same or any part thereof. IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Jared T. Newman	L.S.
Jane E.W. Newman	L.S.
Charles H. Blood	L.S.
Louise M. Blood	L.S.

State of New York :  
 County of Tompkins : ss.

City of Ithaca : On this 14th day of October in the year one thousand nine hundred ten before me, the subscriber, personally appeared Jared T. Newman & Jane E.W. Newman Charles H. Blood & Louise M. Blood to me personally known to be the same person described in and who executed the foregoing instrument, and they severally acknowledged to me that they executed the same.

Frederica Andrus, Notary Public.

Recorded Oct. 18, 1910 at 4:40 P.M.

*Att. Frederick Andrus*

Last Will & Testament  
 of  
 Mary Rainey

LAST WILL AND TESTAMENT, I, Mary Rainey of the City of Ithaca, in the County of Tompkins and State of New York, being of sound mind and memory, do make, publish and declare

LIBER 174 OF DEEDS  
AT PAGE 271 271

foregoing instrument, and they acknowledged to me that they executed the same.

Frederice Andrus, Notary Public.

Recorded Oct. 15, 1910 at 4:40 P.M.

*Alfred Overachery Clerk*

Jared T. Newman, et al  
to  
Harriet M. Martin

THIS INDENTURE, Made the 6th day of October in the year of our Lord one thousand nine hundred and ten, BETWEEN Jared T. Newman, and Jane E.W. Newman, his wife, and Charles H. Blood and Louise M. Blood, his wife, all of the City of Ithaca, County of Tompkins, New York,

parties of the first part, and Harriet M. Martin, party of the second part, WITNESSETH, That the said parties of the first part, in consideration of the sum of One Dollar and other good and valuable consideration (\$1.00), to duly paid, have sold, and by These Presents, do grant and convey to the said party of the second part, her heirs and assigns, ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Ithaca, County of Tompkins and State of New York, located on Cayuga Heights and being a part of Lot #88 in said Town and bounded and described as follows; to-wit;-Commencing in the east line of Cayuga Heights Road and at the north-west corner of premises conveyed by the parties of the first part to Nathaniel L. Darling and wife by deed dated July 25th, 1910, and recorded in Tompkins County Clerk's Office in Liber 174 of Deeds at page 184, said point being about 192.5 feet northerly from the Junction of the north line of the Wyckoff Road with the east line of Cayuga Heights Road measured northerly in a straight line but following the curve of the road; running thence along the east line of Cayuga Heights Road as the western boundary of the premises hereby conveyed to a point formed by the Junction of the Cayuga Heights Road with the south line of the Hanshaw Corners Road; thence extending easterly along the south line of the Cayuga Heights Hanshaw Corners Road along the north boundary of the premises hereby conveyed to a point in said road, intersected by the center line of a so called proposed driveway 14 feet wide, duly surveyed but unopened and bordering the land conveyed to Charles H. Blood by deed of Jared T. Newman and wife dated April 19, 1909 and recorded in said Clerk's Office in Book 170 of Deeds at page 263, the east line of said proposed driveway as surveyed by F.A. Barnes, surveyor, is marked by iron monuments located as follows; The first monument being south 2 degrees 42 minutes east 362.2 feet from an iron monument forming the northwest corner of said lands owned by Charles H. Blood individually, near the intersection of Overlook Road with the said Hanshaw Corners Road, said last mentioned monument being about 56 feet from the center of said Hanshaw Corners Road, and said first monument on the east line of said unopened driveway, being also 60 feet from the center of said Hanshaw Corners Road measured along a line running from said center south 45 degrees 21 minutes east. The other monuments on the east line of said unopened 14 foot driveway being located at the angles of the following courses and distances from said last mentioned monument as so surveyed by said Barnes; south 17 degrees 6 minutes east 81 feet; thence south 7 degrees 27 minutes west 123.9 feet; thence south 14 degrees 45 1/2 minutes west 201.4 feet thence south 10 degrees 54 minutes west 125.2 feet; thence south 0 degrees 48 minutes west 171.4 feet; thence south 17 degrees 46 minutes east 111. feet to the last iron monument located on the north side of Wyckoff Road, and being north 76 degrees 12 minutes west 20.4 feet from the middle of the north end of a culvert across Wyckoff Road. Said boundaries and the curve of said driveways being as indicated on a map of said lands made by F.A. Barnes, Engineer, dated April 19, 1909, in Tompkins County Clerk's Office. The east line of said premises hereby conveyed being the center line of said proposed unopened driveway bordering the premises so owned by Charles H. Blood individually and extending from the



207 Cayuga Heights Road  
tree #7

RE: tree @ 207 Cap Hts rd 5/18/15

Dear Elizabeth Ambrose,

Chris Gartlein and I both studied the X'ed silver maple in your front yard. In our opinion the tree will last another five year and possibly longer if the crown is reduced to lighten the longer limbs. Although the tree is losing vigor, there are no signs of disease to which a tree of this age is susceptible.

Sincerely, Jack Smiley  
S+S Tree Service  
347-4639

Colleen Colbert

I was born and raised in Ithaca and I many of my siblings live in the Village of Cayuga Heights. I am very concerned about the Village issues and I am a concerned member of the village community. I have loved the trees in question and seen them to be the gates of Cayuga heights since I was a child. I was shocked to see these historical trees had been defaced and would be so easily been given up on. I realize and support that safety is an issue regarding trees, which may have significant weakness or damage. I would like to be apart of a discussion and study of this issue so that we, as a Village could act appropriately. I have several objections to the way this matter has been handled by the village and I hope to offer constructive suggestions and assistance.

- 1- I object to the way The Shady Tree committee was made, with no tree expert included
- 2- I object to the way this neighborhood was targeted without assessing overall village tree conditions and planning removal in various sections of the village rather than all in one.
- 3- I object to the large neon green X's painted on the tree's. There are many other ways to mark targeted trees.
- 4- I object to not having the neighborhood committee contacted and involve in the discussion regarding this plan for a drastic change in our neighborhood.
- 5- I object that an expert would never have been included if I had not inquired to Brent Cross, Village Engineer regarding the large painted X's and the haphazard decision process which did not involve a tree expert.
- 6- I am very concerned that the newly planted trees are very small and many are dying. No expert has been consulted regarding the choice and planting of these trees.

Some suggestions of mine:

- 1- I asked for another meeting on this issue that I will be able to attend as I have professional and personal issues, which make it impossible to go to the May 18<sup>th</sup> meeting.
- 2- I suggest that the pathology reports done by the tree expert could be carefully reviewed prior to our next meeting on this topic. (I have consulted 4 other arborists who believe that almost every marked tree is healthy enough to safely remain standing with only a few branches requiring removal)
- 3- I ask that only those trees that present immediate danger should be removed. It is expensive and would be very unfortunate to take down beautiful trees

that cannot be replaced for many decades. It is unfair to only target this neighborhood when there are many other Silver Maples including those near Sunset Park, which are in a similar condition, also many pines along the parkway. A full assessment should be done of all of these trees to prioritize which are most in need of removal rather than focusing only on this one section of Cayuga Heights.

- 4- I would like to be included on the Shady tree committee, as I have worked hard to identify a haphazard process, which would have unnecessarily removed healthy and beautiful trees.
- 5- I would like tree removal in Cayuga Heights to be approached in a more reasonable professional manner.
- 6- I would like the neon X's which permanently mark our neighborhood to be carefully painted over with a color similar to the bark. Trees slated for removal certainly can be remarked in a less obtrusive manner. Many arborists as well as the Cornell cooperative extension have suggested that this painting over in a similar color would be the only way to remedy the defacement of neon orange of these trees. Brent Cross, Village engineer had personally placed a covering of mud over a portion of this paint to improve the defacement but he says this is only temporary.
- 7- I have consulted a well-known tree expert in Rochester New York, Chris Uhly who works on urban tree preservation. I would like the Village to consider his review of the pathology reports and recommendations.

I respectfully submit my objections and suggestions and request that The Village hold off on making a decision until the pathology reports can be reviewed and I and others can attend a meeting.

Mr. Gartlein feels that the problems with the tree are somewhat static at this point and that with trimming of the long branches the relatively safe life of the tree can be extended. There are some serious things going wrong with it and it doesn't have twenty years but could get five. He related a situation a few years ago concerning a tree on the same property that did fall into the road.

#### 4. Report of the Mayor:

##### a. Street Tree Management

Lee Dean of New England Tree Consulting & Diagnostics Services; Andre Bensadoun, Village Forester; and Fred Cowett, who sits on the Shade Tree Advisory Committee (STAC) and conducted a village-wide tree survey in 2009 were introduced. Mayor Supron went on to provide background on the Village's Street Tree Management program. Silver Maples, which were frequently planted by developers because they are fast growing, are not a preferred street tree species. They do not have the same life-span as Oak trees for example. Silver Maples throughout the Village were slated for gradual replacement in order to preserve the future tree canopy. This year the STAC discussed the possibility of replacing diseased trees on a faster cycle in order to get a different species of street trees established. The purpose is not to reduce the number of street trees but to have healthy, hardy easier to maintain trees in place. The speed with which tree replacement can take place is determined by available funds in the Village's annual budget. This evening the Board will entertain the topic of how to proceed with replacement of eleven trees identified as potentially hazardous to people and property. New England Tree Consulting & Diagnostics Services was contracted to assess these eleven trees and a Tree Risk Assessment Report has been received. Mayor Supron asked that Lee present a global view of the issue of Silver Maples.

Lee Dean is a Board Certified Master Arborist, Certified Tree Climber Specialist and qualified Tree Risk Assessor through the International Society of Arboriculture with 25 years of experience. He has been the Lead Arborist for the Cornell Plantations, a position he has held for over eleven years. His focus is tree preservation however there comes a time when safety risks outweigh the usefulness of preservation efforts.

Mr. Dean explained that Silver Maples have been declining in urban plantings for years because they are weak and tend to break in storms. They prefer alluvial soil found in river bottoms and that is where they stay healthy longer. The failure pattern is from long branches with weak attachment. These trees tend to have a short trunk and branch out with long leader arms and several branches that extend far and wide. Multiple points of

attachment are a poor form in general for street trees. There are four stages in a tree's life: immature, semi-mature, mature, and senescent. Once a tree moves into the mature and senescent stages it is known to decline in tangible benefits of water shed, evapotranspiration, and carbon storage while increasing the cost of maintenance in the urban forest. These are documented facts not just opinion. All of the eleven trees examined are showing results of urban stresses such as excessive heat, soil compaction, roadways, mowing, and damage to the root system from mowing. One of the trees even has blacktop poured right up to the main stem of the tree which is adding to the decline of the tree. The Board will have to perform a cost/benefit analysis for each of the trees in order to determine how to spend budgeted funds for maximum results to the village as a whole.

He then focused on tree #7 which was addressed during Privilege of the Floor. There are three levels of tree assessment. These are described on page 2 of the Tree Risk Assessment Report (EXHIBIT 2016-015). He is of the opinion that a layperson would be able to visually inspect this tree and see huge dead branches, wide open cavities, and that at least 75% of the leaves are not coming out. He performed a Level Three assessment and identified coalescing decay throughout the tree. This tree poses high risk for failure in weather conditions common in this area; he views it as a danger to safety.

Of the eleven assessed trees, five have been recommended for removal. Of the others, he cannot guarantee how long they could last with proper trimming and cabling. An estimated cost for this work which would need to be monitored annually is \$500 per tree. Certain factors cannot be assessed such as how much stress Community Factors are causing each tree. Lack of moisture, carelessness when mowing and salt exposure are some factors that can lead to acceleration of tree failure.

Trustee Woodard, who has a Master's Degree from the Yale University School of Forestry, asked if Silver Maples are still planted in urban settings. Both Mr. Cowett and Mr. Dean answered that it is widely known that these trees are problematic and expensive to maintain. They are rarely planted for these reasons and are known to aggressively invade water and sewer pipes as do Willow trees. From a Public Works perspective, Supt. Cross added that these trees are considered a hazard and technically should have guard rail installed along the roadway to protect motorists.

In order to help reduce tax affiliated cost, in this era of tax freeze and tax cap legislation, the community can assist in the maintenance of any remaining trees. The trees should be mulched with care taken to avoid letting the mulch pile up near the trunk. Sufficient watering needs to occur with these thirsty trees. Driveways should be cut away from the roots and trunk.

The Village is in receipt of estimates for removal of the trees. The lowest bid is for \$10,000 to remove all eleven Silver Maples currently in question. Ms. Ambrose agrees that no one wishes to see harm to persons or property yet reiterated her wish to delay a determination on the removal of these trees. The Mayor, Trustees Robinson and Salton raised points on the legal obligation of the administration to protect the public. The Risk Assessment was performed in a completely nonbiased manner. It allows the Board to prioritize removal and further maintenance of the trees based on available budget funding. Re-estimates will be requested for removal of the recommended five trees separately for pruning and cabling the rest. Mr. Cowett shared that the Shade Tree Committee had met the previous Friday and are in favor of staging replacement of Silver Maples if possible. His opinion is that previous Boards and previous Mayors have ignored street tree maintenance. He is in favor of saving trees whenever possible but spending money on preserving these senescent Maples may not be the best use of Village funds. Tree #7 has an additional issue; NYSEG is using the tree to guy an electric cable. This practice is no longer allowed. NYSEG will need to guy off the cable to an anchor. Supt. Cross does not believe that NYSEG will need to install a utility pole to replace the tree. That determination will be made by the utility company.

Attorney Marcus cautioned the Board that with the expert's recommendation relating to the safety of the community that they have the responsibility of preserving and protecting, if a determination would be made not to follow the recommendation the Board would be open to significantly greater liability than otherwise. This is not simply the recommendation of the Shade Tree Committee, but the opinion of a highly qualified consultant.

#### **Resolution # 7613**

**WHEREAS**, the Village of Cayuga Heights has had a program of Street Tree Management in place since 2009 when a complete tree survey was conducted, and

**WHEREAS**, the safety and wellbeing of persons and property is a primary focus of the Village of Cayuga Heights Board of Trustees, and

**WHEREAS**, Silver Maples are known to be a tree species prone to failure and are not recommended for use as street trees, and

**WHEREAS**, eleven (11) Silver Maples along Cayuga Heights Road in the Village right-of-way are identified to be in varied but advanced stages of maturity and senescence. Trees in this stage are known to decline in tangible

benefits of water shed, evapotranspiration, and carbon storage while increasing the cost of maintenance in the urban forest, and

**WHEREAS**, the Village of Cayuga Heights has been recognized as a *Tree City USA* by the Arbor Day Foundation for its commitment to effective urban forest management, and

**WHEREAS**, a thorough Risk Assessment of the aforementioned trees was conducted by a Board Certified Master Arborist, Certified Tree Climber Specialist and qualified Tree Risk Assessor through the International Society of Arboriculture, and

**WHEREAS**, five (5) of the trees were recommended for removal due to identified advanced decline including but not limited to crown and branch death, deep trunk decay, and poor attachment of branches. The remaining six (6) trees may be able to be pruned and cabled to delay removal.

**NOW, THEREFORE, BE IT RESOLVED THAT:** The Board of the Trustees of the Village of Cayuga Heights hereby approves the removal of five (5) trees identified as #2, #3, #4, #7 and #8 in the Tree Risk Assessment Report presented by New England Tree Consulting & Diagnostics Services which pose the greatest hazard to pedestrians and motorists at a cost not to exceed \$10,000.

*Motion:* Trustee Salton

*Second:* Trustee Woodard

*Discussion:* Supt. Cross will request quotes for removal as well as pricing for pruning. He will also need to contact NYSEG to have cabling to one of the trees relocated. Trustee Salton instructs the Clerk to make all the tree assessments part of the public record. He would like future actions to follow a process that will bring proposed actions to the Board with more lead time.

*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard

*Nays or Abstentions:* none

**Motion carried**

Mayor Supron requests that Supt. Cross obtain quotes for actions on the remaining six trees to be brought to the Board of Trustees Meeting on June 15, 2015. Forester Bensadoun reminded those present that two Silver Maples per year have been being removed per the Street Tree Management Program. He put forth the idea that perhaps by replacing those trees which must be removed with larger specimen trees the loss will be less impactful.

Mayor Supron thanked all those in attendance for sharing their opinions and expertise.

The full Tree Risk Assessment Report will be made available on the Village website as soon as possible.

**b. Annual Deer Population Analysis**

Deer density has dropped from 125 per square mile in January 2013 to 58 per square mile which is a 55% reduction in just over two years. In addition to posting the full report on the website, the Mayor will write an article to be included in the upcoming newsletter to residents. It will highlight the results and plainly state the manner in which the deer were harvested. All the resultant meat was donated to the Food Bank.

The full report by Cornell University is available on the Village website at [www.cayuga-heights.ny.us/deer.html](http://www.cayuga-heights.ny.us/deer.html)

**Population Analysis for White-tailed Deer  
in the Village of Cayuga Heights, New York**

April 2015

Paul D. Curtis and Michael L. Ashdown

Department of Natural Resources

Cornell University, Ithaca, NY 14853

**Introduction**

Many communities face overabundant populations of white-tailed deer (*Odocoileus virginianus*) in suburban areas and a concomitant increase in human-wildlife conflicts (DeNicola and Williams 2008, DeNicola et al. 2000, DeNicola et al. 2008). Knowing the abundance and distribution of white-tailed deer is important for making population management decisions, and estimates of population size before and after a management action is how the success of a management program is often judged (Lancia et al. 1994).

Camera-trapping has been used to estimate population size for big cats (Karanth and Nichols 1998) and free-ranging deer (Jacobsen et al. 1997, Koerth et al. 1997). This method has the advantage that physical recapture of animals is

not needed to get reliable data to use with capture-recapture models. Curtis et al. (2009) documented that using infrared triggered cameras and the program NOREMARK (White 1996) was a reliable method for estimating abundance of suburban white-tailed deer herds. Data gathered during earlier deer studies conducted in Cayuga Heights were used to validate this technique and models.

The capture and tagging of deer during December 2012 and 2013 in the Village of Cayuga Heights provided a known, marked population of deer necessary for an abundance estimate using mark-recapture analyses. By conducting a photo survey with infrared-triggered cameras after the deer tagging and sterilization was completed, we were able to estimate herd size in the community with good confidence in the results.

## **Methods**

During 2015, the Village of Cayuga Heights (1.8 square miles) was again divided into 12 equally-sized sections by overlaying a grid of approximately 100-acre blocks over a map of the community. We made an effort to use the same properties and camera sites in all three years. Twelve infrared-triggered, digital cameras (Cuddeback, Non Typical, Inc. Green Bay, WI) were deployed over bait piles on properties with a high probability of deer activity within each block. It was intended that each camera would capture a large sample of the deer population for that 100-acre block. In accordance with our NYSDEC permit, technicians were granted permission by each landowner before setting up the cameras and putting out bait for deer.

Camera sites were pre-baited daily with approximately 14 pounds of dry, shelled corn for several days prior to the camera deployment on 6 January 2015. Once the cameras were operating, the bait was increased to as much as 30 pound per day at sites with higher deer activity, and less than 14 pounds if there was bait left from the previous day. The cameras were set to run continuously for 24 hours per day, with a preset delay of 5 minutes between pictures. Every other day during the field survey, the memory cards in the cameras were changed so that technicians could confirm the cameras were functioning properly. On 13 January 2015, the photo survey was completed, and cameras were removed. A sufficient number of pictures were taken in 7 days ( $n = 2,162$  photos) with all 12 cameras functioning to run the statistical analysis for population estimation.

After the cameras were removed from the field, all the pictures containing deer were sorted by site and numbered. Each picture was then closely studied, and any legible ear tag number was recorded. We also recorded the total number of deer, the number of unmarked deer, and the number of unidentifiable marked deer for each photo. The number of bucks was recorded in each picture, but these data were not completely reliable, as some bucks had shed their antlers by early January. From these photographic data, the total number of times each identifiable, marked deer was observed was entered into the program NOREMARK (White 1996), along with the total number of unmarked deer, and the total number of marked deer known to be alive in the population during the survey.

## **Results**

The total number of marked deer that were identifiable in the pictures was 86 (Table 1). The potential total number of marked deer in the Village of Cayuga Heights used for analysis was 120 (Table 1). For deer that were not collared, and not moving with a radio-collared deer, it was impossible to know for certain if they were still in the community and alive (Table 2). Because of this uncertainty, we decided to run the analysis three times. The upper population bound included all the possible live deer within the analysis, whether the deer were observed or not in the camera survey. The lower population bound included only the tagged deer observed on camera and known to be alive during the survey. There were two tagged female deer (C70, C141), and one male deer (H04) observed while

supporting the White Buffalo, Inc., operations in February and March 2015 that did not appear during the January 2015 camera survey.

Since deer capture and tagging were completed in December 2012, there have been 43 recorded deaths for marked deer through 1 April, 2015 (Tables 3, 4, and 5). This total does not include the 48 deer removed by White Buffalo, Inc., via the NYSDEC Deer Damage Permit (see below, Table 6). Sixteen of those 43 deer (37.2%) died as a result of deer vehicle collisions. Fifteen of the 43 deer (34.9%) were legally killed by hunters on Cornell University lands. Seven deer (16.3%) died from other causes. One deer (2.3%) died shortly after release in 2012, and this animal was presumed to have succumbed from complications associated with either capture or surgery. It was not possible to determine the cause of death for four deer (9.3%) because their carcasses were too decomposed when found.

Deer population estimates generated by program NOREMARK were conducted in three ways. The first population estimate ( $n = 116$ ) and associated 95% confidence interval (109-123) included all deer known to be alive (via photo confirmation) in the area during the time of the camera survey in January 2015. The second population estimate ( $n = 161$ ) and 95% confidence interval (148-176), includes an additional 34 deer that may potentially be alive in the community (Table 1), but that did not appear on photographs during the camera survey. We ran the analysis a third time using tagged deer observed during the 2013 and 2014 photo surveys, but that were missed in 2015. This third population estimate ( $n = 137$ ) and 95% confidence interval (127-148) provides the most reasonable estimate of deer abundance in Cayuga Heights. It is also very close to the midpoint (138 deer) between the upper and lower possible bounds for population estimation. So deer density in January 2015 was approximately 76 deer per square mile based on the most likely population estimate of 137 deer. This is much lower than the 125 deer per square mile (based on a total of 225 deer) calculated in January 2013. Sterilization surgery with 98% of female deer treated, and observed mortality rates, resulted in about a 39% population decline over two years.

The Village contracted with White Buffalo, Inc., staff to remove deer from the area under a NYSDEC Deer Damage Permit (DDP) during late winter 2015. The Village police approved use of crossbows for deer removal at selected sites. Landowner permission was obtained by the Village for each site as required by the NYSDEC permit. A total of 48 deer were removed, including 26 tagged deer, and 22 untagged deer (Table 7). Twenty-five of the 26 tagged deer removed were females (Tables 8 and 9), which is not surprising given the low number of bucks initially tagged in the Village.

## **Discussion**

Based on our photo survey and discussions with A. DeNicola concerning the untagged female deer removed, we believe that there may have been 11 untagged, transient deer removed from the community by White Buffalo, Inc., staff during the deer removal effort in March 2015. It is impossible to know for certain if these 11 deer in the Village were transient, but it is very likely. Untagged deer in these groups did not show up on our camera survey in January, nor did they appear at the bait sites during more than a month of pre-baiting prior to the deer removal efforts. These deer arrived in the Village during early March after more than six weeks of deep persistent snow, and several were in wooded areas on the west side. We saw similar movements of deer into the Village during a severe winter about a decade ago while we were radio-tracking animals during the initial deer fertility-control study.

Consequently, White Buffalo, Inc., staff likely removed 37 (26 tagged and 11 untagged) deer that may have been present in the Village during the time of the camera survey in January 2015 (plus the 11 additional untagged transient deer). Subtracting these probable 37 resident deer from the population estimate of 137 deer in January, leaves a

residual population of about 100 deer in the Village (56 deer per square mile) by late March 2015. This is a 55.6% reduction in deer numbers since the original camera survey was conducted in January 2013. Combining lethal removal with sterilization surgery rapidly reduced the deer population because much of the deer mortality was additive. Removal alone would have been less effective without prior sterilization because the remaining female deer would likely have produced enough fawns to offset the removals if those deer were still breeding.

Current deer densities are still more than double the proposed Village goal of 20 deer per square mile. Additional deer removal will be needed to achieve this goal in future years. It will be very important to target immigrating, untagged female deer that would likely provide a new cohort of fawns. Given the sites available for deer removal this year, there were pockets of the Village with very few deer removed. It will be necessary to expand the number of sites available for deer removal in future years and conduct these efforts over a longer time period.

In the White Buffalo, Inc., 2015 report there was a concern raised about the quality of the corn bait used. We have used the same locally-grown corn from Cornell University Farm Services for our deer camera surveys on campus for many years with no apparent problems or issues. Also, the same bait source has been used for deer camera surveys in the Village for the past three years, and for baiting during deer capture efforts for sterilization surgery in 2012 and 2013. However, if corn quality is an issue, it is important to know this to improve the success of future deer program efforts in the Village and on the Cornell University campus. With the severe winter weather in February 2015, NYSDEC extended our Cornell Deer Damage Permit for an additional two weeks (until April 15<sup>th</sup>). This provided an opportunity for us to conduct a preliminary field trial to compare corn quality and deer preference between Cornell-grown corn, and corn purchased at Ithaca Agway (locally-grown in Lansing, NY).

The moisture content of the corn from Agway and CU Farm Services was checked on the afternoon of 7 April, 2015. Two bins of corn from CU Farm Services were tested separately with moisture readings of 13.3% and 13.1%. One bag of corn purchased from Agway was tested at 12.8% moisture. Equal measures of each corn were weighed for comparison, and the corn purchased from Agway tended to be slightly lighter, which was most likely accounted for by the difference in percent moisture.

We selected six deer-removal sites on the Cornell campus and provided two piles of corn bait at each location (one from CU Farm Services and the other from Agway) about a yard apart during April 7 to 14 (Table 10). Initial bait position (left or right side) was selected randomly, and corn location was switched back and forth each time both piles were completely consumed. Sites were baited late afternoon each day during the trial, and usually 7 pounds of each corn type was placed at the site. For sites with very high deer use (Hawthorn Thicket and Arboretum initially), 14 pounds of each corn type was used. Sites were checked the next day during late afternoon, and the proportion of corn consumed from each pile was estimated to the nearest 5%. It was impossible to gather and weigh remaining corn because it was sometimes trampled into the soil and would have collected moisture. The total weight of corn consumed was calculated based on the weight put out and proportion remaining.

We saw no predictable or significant differences in deer consumption of corn bait from Agway versus CU Farm Services (Table 10). On a few days deer did take slightly more Agway corn, but during most days and at most sites, the consumption of the two corn types was not different. At the end of the trial, deer consumed 185.1 of the 203 pounds (91.2%) of the Agway corn provided, and 175.2 of the 203 pounds (86.3%) of the CU Farm Services corn provided. This difference was not great enough for us to switch corn sources for deer research on campus. Also, using the bulk corn from CU Farm Services reduced camera survey and pre-baiting costs in the Village by nearly \$500 versus purchasing bagged corn from the local farm supply store. So we believe that other deer behavior factors were likely responsible for lower early success with deer removal by White Buffalo, Inc., staff.

Continued monitoring of the deer herd via a survey with infra-red triggered cameras will be critical to document the impacts of the program. It may not be necessary to do a camera survey and population estimate every year.

However, camera surveys should be conducted at least every other year to document that the deer population trajectory continues toward goal density. Maintaining a marked component of deer in the community will be important for reliable photo surveys, unless we shift to another method using branch antlered bucks as the marked population. Within a few years, it may be possible to achieve the goal density and shift to a maintenance program targeting primarily immigrating female deer. Much will depend on obtaining additional removal locations on private lands in the Village to access deer that did not use the current bait sites.

It would also be helpful to have a standardized measure of deer impact reduction over time. It is really the impacts that are important to community members, not the number of deer. Do numbers deer-vehicle collisions in the Village decrease over time? Are reports of plant damage reduced? Is there a way to track the number of cases of tick-borne diseases in the Village? We would strongly encourage developing one or more of these metrics to document success of the program, and show that the time and funding expended were reasonable.

### **Recommendations**

Based on the current population analysis and knowledge of deer behavior, we make the following recommendations:

1. During summer, the DPW crew and others in the community should watch for spotted fawns, and note their locations. That should help focus follow-up removal efforts in areas where immigrant, reproducing female deer have established home ranges.
2. Continue to record locations of dead, tagged deer. The Village Police and DPW staff have been very helpful in providing us with the location and tag numbers for known deer mortalities. This will continue to help us with future population estimation.
3. Determine if follow-up sterilization surgeries are warranted. Given that current deer removal sites only cover a portion of the Village, immigrating pregnant deer may establish home ranges in areas that are currently not accessible for deer removal. If additional removal sites are not found, it may be necessary to tag, capture, and sterilize these immigrating deer to prevent population growth that would offset removal efforts.
4. Plan for follow-up deer removal in winter 2016. Removal efforts should focus on immigrant, untagged does, and female fawns. Discussions should occur with A. DeNicola, P. Curtis, and DEC staff (C. LaMere, DEC Region 7, Cortland, NY) to plan for follow-up deer removal efforts and LCP renewal.
5. Develop ways to document reductions in deer-related impacts. The Village Board should discuss and determine ways to assess the success of the ongoing deer management program. Impact indicators could include reports of deer-vehicle collisions, reported cases of Lyme disease, and damage to natural plants or ornamentals. Such measures will be important for maintaining community support for the deer program.

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Table 1. Potential total number of marked deer alive in the Village of Cayuga Heights at the time of the photo survey conducted during 6 January through 13 January, 2015.

Marked female deer observed in the camera survey	85
Marked male deer observed in the camera survey	1
Marked deer not observed in the village (with no mortality report)	31
Marked deer observed in the village but not during the camera survey	3
<b>Potential total marked deer in the Village</b>	<b>120</b>

Table 2. Deer that were not observed in the 2015 photo survey, not seen during the 2015 DDP effort by White Buffalo, Inc., and have no recorded mortality information ( $n = 31$ ). Without functioning radio-collars, it is difficult to determine if these deer are alive, or still residing in the Village.

<b>Tag #</b>	<b>Photo Survey 2013</b>	<b>Observed December 2013</b>	<b>Photo Survey 2014</b>	<b>Photo Survey 2015</b>
<b>C06</b>	Yes	No	No	No
<b>C07</b>	Yes	Yes	Yes	No
<b>C08</b>	Yes	No	No	No
<b>C18</b>	No	No	No	No
<b>C33</b>	No	No	No	No
<b>C35</b>	Yes	No	No	No
<b>C37</b>	Yes	No	No	No
<b>C45</b>	Yes	Yes	Yes	No
<b>C53</b>	Yes	No	No	No
<b>C54</b>	Yes	No	No	No
<b>C64</b>	Yes	No	No	No
<b>C65</b>	Yes	Yes	Yes	No
<b>C71</b>	Yes	No	No	No
<b>C78</b>	Yes	No	No	No
<b>C79</b>	Yes	No	No	No
<b>C86</b>	Yes	Yes	No	No
<b>C88</b>	No	Yes	No	No
<b>C96</b>	No	No	No	No
<b>C97</b>	No	No	No	No
<b>C98</b>	Yes	No	No	No
<b>C99</b>	Yes	No	No	No
<b>C100</b>	Yes	No	No	No
<b>C113</b>	Yes	No	No	No
<b>C117</b>	No	No	No	No
<b>C118</b>	Yes	No	No	No
<b>C122</b>	No	Yes	No	No
<b>C129</b>	Yes	Yes	Yes	No
<b>C130</b>	Yes	Yes	Yes	No
<b>C136</b>	Yes	No	No	No
<b>C144</b>	N/A	Yes	Yes	No
<b>C145</b>	N/A	Yes	Yes	No

Table 3. Known mortality of tagged deer ( $n = 15$ ) in Cayuga Heights during December, 2012 through May 1, 2013.

Tag#	Age at capture	Recovery Codes*	Recovery Date
C13	F	HH	1/30/2013
C21	10+	DVC	4/25/2013
C58	5.5	DVC	2/4/2013
C82	3.5	DVC	2/26/2013
C94	1.5	ND	4/16/2013
C95	1.5	ND	3/24/2013
C116	5.5	CM	12/18/2012
C119	1.5	HH	3/20/2013
C124	2.5	DVC	3/26/2013
35	>3.5	OC	1/22/2013
59	>4.5	OC	2/27/2013
73	>3.5	DVC	4/12/2013
H01	F	DVC	12/21/2012
H08	2.5	DVC	2/17/2013
H14	F	ND	4/2/2013

\*HH= hunter harvest; DVC= deer-vehicle collision; ND= not possible to determine; CM= capture-related mortality; OC= other causes.

Table 4. Known mortality of tagged deer ( $n = 18$ ) in Cayuga Heights during May 1, 2013 through April 1, 2014.

Tag#	Age at capture	Recovery Codes*	Recovery Date
131	8+	OC	1/2/2014
C04	A	DVC	1/13/2014
C23	A	DVC	7/29/2013
C56	4.5	HH	3/7/2014
C62	8.5	DVC	7/26/2013
C92	1.5	HH	1/14/2014
C93	1.5	HH	10/19/2013
C105	1.5	HH	2/4/2014
C108	2.5	HH	2/4/2014
C109	3.5	DVC	11/21/2013
C115	3.5	DVC	8/19/2013
C125	3.5	HH	3/7/2014
C132	2.5	HH	1/5/2014
C134	4.5	HH	3/17/2014
C135	4.5	HH	3/17/2014
H05	F	HH	11/5/2013
H16	F	HH	11/18/2013
H28	F	HH	12/13/2013

Table 5. Known mortality of tagged deer ( $n = 10$ ) in Cayuga Heights during April 1, 2014 through April 1, 2015, not including deer removed with the NYSDEC Deer Damage Permit.

Tag #	Age at capture	Recovery Codes*	Recovery Date
H03	F	ND	5/7/2014
C10	F	DVC	6/6/2014
C12	F	DVC	6/6/2014
C50	2.5	DVC	6/6/2014
C01	A	O	6/19/2014
C66	6.5	O	9/30/2014
C84	2.5	O	10/2/2014
C15	A	HH	10/7/2014
C14	5.5	O	1/26/2015
C28	3.5	DVC	3/17/2015

\*HH= hunter harvest; DVC= deer-vehicle collision; ND= not possible to determine; CM= capture-related mortality; OC= other causes.

Table 6. Causes for total tagged deer mortality in Cayuga Heights during December 2012, through April 1, 2015.

Cause of Death	Total	Percent*
Deer vehicle mortality (DVC)	16	23.2%
Hunter harvested (HH)	15	21.7%
Other mortality causes (O)	7	10.1%
Capture-related mortality (CM)	1	1.4%
Not determinable mortality (ND)	4	5.8%
Deer damage permit (DDP)	26	37.7%
<b>Total known deer mortality (male and female)</b>	<b>69</b>	

\*Percent of total known mortality for tagged deer, including the 48 deer taken as part of the deer removal effort via the NYSDEC Deer Damage Permit.

Table 7. Deer removed by White Buffalo, Inc., staff with a deer NYSDEC deer damage permit (DDP) in the Village of Cayuga Heights, New York, during late winter of 2015.

Marked female deer removed	25
Marked male deer removed	1
Total marked deer	26
Unmarked female deer removed	14
Unmarked male deer removed	8
Total unmarked deer	22
<b>Total deer removed during late winter of 2015</b>	<b>48</b>

Table 8. Marked female deer removed via the NYSDEC Deer Damage Permit (DDP) in Cayuga Heights, New York, during late winter 2015.

<b>Tag#</b>	<b>Recovery Date</b>
C05	3/11/2015
C09	3/11/2015
C11	3/11/2015
C16	3/6/2015
C19	3/6/2015
C27	3/8/2015
C34	3/13/2015
C43	3/8/2015
C44	3/14/2015
C48	3/6/2015
C55	3/12/2015
C57	3/8/2015
C60	3/13/2015
C63	3/13/2015
C67	3/11/2015
C80	3/12/2015
C81	3/8/2015
C83	3/6/2015
C107	3/14/2015
C121	3/9/2015
C128	3/11/2015
C133	3/7/2015
C140	3/11/2015
C141	3/13/2015
C147	3/14/2015
<b>Total</b>	<b>26</b>

**Marked females harvested**

Table 9. Marked male deer recovered with NYSDEC deer damage permit (DDP) in Cayuga Heights, New York, during late winter 2015.

<b>Tag#</b>	<b>Recovery Date</b>
H02	3/07/2015
<b>Total</b>	<b>1</b>

**Marked males harvested**

Table 10. Comparison of the percent of corn consumed during a 24-hour period for bulk corn procured from Cornell University's Farm Services, and bagged corn purchased from Ithaca Agway, during April 2015.

Date	Agway			Cornell		
	*Corn provided	% consumed	Pounds consumed	*Corn provided	% consumed	Pounds consumed
4/7/2015	14	100%	14	14	100%	14
4/7/2015	7	100%	7	7	98%	6.9
4/7/2015	7	100%	7	7	100%	7
4/7/2015	7	100%	7	7	100%	7
4/7/2015	14	100%	14	14	100%	14
4/7/2015	7	100%	7	7	98%	6.9
4/8/2015	7	95%	6.7	7	40%	2.8
4/8/2015	7	100%	7	7	100%	7
4/8/2015	7	25%	1.8	7	25%	1.8
4/8/2015	7	95%	6.7	7	50%	3.5
4/8/2015	14	70%	9.8	14	70%	9.8
4/8/2015	7	100%	7	7	100%	7
4/10/2015	7	100%	7	7	100%	7
4/10/2015	7	85%	6	7	85%	6
4/10/2015	7	95%	6.7	7	95%	6.7
4/10/2015	7	100%	7	7	99%	6.9
4/10/2015	14	100%	14	14	100%	14
4/10/2015	7	80%	5.6	7	80%	5.6
4/14/2015	7	100%	7	7	100%	7
4/14/2015	7	100%	7	7	60%	4.2
4/14/2015	7	30%	2.1	7	40%	2.8
4/14/2015	7	98%	6.7	7	90%	6.3
4/14/2015	14	100%	14	14	100%	14
4/14/2015	7	100%	7	7	100%	7
<b>Totals</b>	203		185.1	203		175.2

\*Corn provided the previous late afternoon and available overnight. Pounds consumed are calculated from the estimated percentages.

**Resolution #7614**

**BE IT RESOLVED THAT:** The Board of the Trustees of the Village of Cayuga Heights hereby accepts the Population Analysis for White-tailed Deer in the Village of Cayuga Heights, New York, dated April 2015 and presented by Paul D. Curtis and Michael L. Ashdown, Department of Natural Resources, Cornell University, Ithaca, NY 14850.

*Motion:* Trustee Friend

*Second:* Trustee Robinson

*Discussion:* none

*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard

*Nays or Abstentions:* none

**Motion carried**

Looking forward to the program for the next year, it will be important to keep the percentage of sterilized deer high. Hopefully the cost of the program will continue to drop. It is possible that it may be reduced by as much as 50% by alternating the population study with population control measures.

**c. Repeal of Local Law 2015-1**

**A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c**

Repeal of the local law will allow Village residents to receive funds designated by NYS Governor Cuomo for property owners in those municipalities that do not exceed the allowable tax cap.

**Resolution #7615**

**BE IT RESOLVED THAT:** The Board of the Trustees of the Village of Cayuga Heights hereby repeals Local Law 2015-1 to override the tax levy limit established in General Municipal Law §3-c.

*Motion:* Trustee Salton

*Second:* Trustee Woodard

*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard

*Nays & Abstentions:* none

**Motion carried**

**d. Tompkins County Solid Waste (TCSW) Food Scrap Recycling (EXHIBIT 2016-017)**

Meetings have been held with TCSW. There is no cost to the Village. Other municipalities have already established collection sites and report that no problems or complaints have been received.

The type of signage planned is not addressed in the building code. Signage is expected to be sandwich-style and set up temporarily on collection days only.

**Resolution #7616**

**WHEREAS,** Tompkins County Solid Waste (TCSW) in partnership with the Village of Cayuga Heights seeks to site a food scrap recycling drop spot in Cayuga Heights, to expand food scrap recycling options for residents, and

**WHEREAS,** food scrap recycling is proven to reduce waste entering land fill sites, and

**WHEREAS,** the drop spot will operate every Sunday beginning June 7, 2015. Hours of operation will be from 11 am to 3 pm, with staffing from 10:45 am to 3:15 pm for set-up and tear-down. Staffing for the site will include one Drop Spot Attendant, funded by Tompkins County. TCSW will provide staff training to ensure a consistent message across all drop spots, and

**WHEREAS,** the program's success will be monitored, staff will count how many users drop off materials during operating hours. Cayuga Compost will provide data on the weight of food scraps recycled per collection. Staff will also collect and track information from users who receive free caddies and transportation containers from TCSW.

**WHEREAS,** TCSW will provide outreach materials to be used at the site, and will promote the program through social media and communication efforts to target users in the village, and

**WHEREAS,** equipment is to be supplied by TCSW for use at the drop spot. These materials will be stored on site in a shed between events in a location to be determined.

**WHEREAS,** a collection location is to be sited in the parking lot of Marcham Hall.

**NOW, THEREFORE, BE IT RESOLVED** that the Village of Cayuga Heights Board of Trustees approves a partnership with Tompkins County Solid Waste to site a food scrap recycling drop spot in Cayuga Heights to expand food scrap recycling options for residents. The Board further authorizes Mayor Supron to sign the Memo of Understanding as written in Exhibit 2016-017 and for signage and placement of storage to be agreed to by Supt. Cross.

*Motion:* Mayor Supron  
*Second:* Trustee Woodard  
*Ayes:* Trustees Biloski, Friend, Robinson, and Woodard  
*Nays:* Trustee Salton  
*Abstentions:* none  
**Motion carried**

**e. Tompkins County Council of Governments (TCCOG) Shared Services Agreement**

The TCCOG sub-committee that is working on the shared services initiative introduced by Governor Cuomo has identified savings which meet the 1% criteria required by that legislation. These savings are generated by the recertification of dependent eligibility of employees covered under the Greater Tompkins County Municipal Health Insurance Consortium plans and changes in co-payments under the County's plan. Tompkins County will submit one joint plan on behalf of all municipalities in Tompkins County. The sub-committee is continuing to explore other opportunities for savings.

**Resolution # 7617**

**ENDORING THE DEVELOPMENT AND SUBMISSION OF A SINGLE, COUNTYWIDE GOVERNMENT EFFICIENCY PLAN, ESTABLISHING TOMPKINS COUNTY AS LEAD ENTITY IN THE DEVELOPMENT OF THE PLAN**

**WHEREAS**, the State of New York enacted legislation creating a Property Tax Freeze Credit as a part of the 2015 State Budget; and

**WHEREAS**, the new law encouraged local governments to generate long-term property tax relief by sharing services, consolidating or merging, and implementing operational efficiencies; and

**WHEREAS**, the law provides a "freeze credit" to qualified homeowners that is equal to the increase in property taxes levied by a taxing jurisdiction that limits any increase in its tax levy to a property tax cap set by State law and develops and implements a Government Efficiency Plan ("Plan") determined to be compliant by the New York State Division of Budget; and

**WHEREAS**, to be determined compliant by the State, a Government Efficiency Plan must document actions that have been, or will be, taken that will result in a sustained three-year savings, beginning in 2017, that are equivalent to at least 1% of the combined 2014 property tax levies of all signatories to the Plan; and

**WHEREAS**, in year one of the program, homeowners received a Freeze Credit if their local government stayed within the property tax cap; and

**WHEREAS**, in year two of the program, homeowners will receive the Freeze Credit for taxes from any taxing jurisdiction that stays within the property tax cap and that also puts forward a compliant Government Efficiency Plan; and

**WHEREAS**, while allowing local governments to submit individual Plans, the State has encouraged local governments to submit a single, countywide plan that achieves a savings of at least 1% of the combined property tax levies of all of the participants; and

**WHEREAS**, the State will recognize only savings associated with actions implemented after January 1, 2012; and

**WHEREAS**, prior to 2012, local governments in Tompkins County pioneered shared services, mergers, and consolidations including the centralization of the property tax assessment function, a fully consolidated public safety dispatch and interoperable communication system, a consolidated public transit system, a two-county community college and, most recently, an inter-municipal health benefits consortium that continue to generate multiple millions of dollars in annual savings for taxpayers within Tompkins County; and

**WHEREAS**, in response to the State's directive, the Tompkins County Council of Governments (TCCOG) formed a shared services committee that continues to explore a variety of prospective shared services, but recognizes that time and careful thought is required to ensure that any shared service initiative will result in lower costs and higher quality; and

**WHEREAS**, it is now estimated that savings well in excess of 1% of the \$88.4 million levied by all local governments within Tompkins County in 2014, including the County itself, will be achieved and sustained during the period 2017-2019 by a combination of savings associated with a dependent eligibility certification process undertaken by every municipal member of the Health Benefits Consortium and changes made by Tompkins County to the cost structure of its health benefit plan and

**WHEREAS**, additional efficiencies may be identified by participating municipalities that may also be included in a countywide plan; and

**WHEREAS**, in a resolution enacted April 23, 2015, the Tompkins County Council of Governments found that a consolidated countywide Plan that documents savings in excess of 1% of the combined 2014 property tax levies of all local governments within the County is the most efficient and effective way to respond to the State's directive and has therefore endorsed the development and presentation of a single countywide Government Efficiency Plan that includes all local governments within Tompkins County;

**NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Cayuga Heights endorses the designation of Tompkins County as lead entity in the development and submission of the Government Efficiency Plan and agrees to be a signatory to that Plan.

*Motion:* Trustee Salton

*Second:* Trustee Biloski

*Discussion:* none

*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard

*Nays & Abstentions:* none

**Motion carried**

**f. Ground Solar Installations**

Village of Cayuga Heights Zoning and Building Code are silent on ground mounted solar installations. One such installation is present on Cayuga Heights Road; the permit treated it as if it were a building such as a shed or garage. It meets lot coverage and setback under that provision. It is not the intent of the Mayor to halt all ground solar arrays, however time is needed to include regulations on their placement and size. Other municipalities have addressed ground mounted solar in differing ways. The Town of Caroline which has numerous solar installations has no zoning. The Town of Ithaca does regulate placement stipulating that no front-yard installations are allowed. Attorney Marcus prepared a draft local law putting a moratorium on ground solar until such time as the Zoning Review Committee can address the topic.

**VILLAGE OF CAYUGA HEIGHTS**

**Proposed Local Law B of the year 2015**

**A LOCAL LAW TO ESTABLISH A MORATORIUM ON THE INSTALLATION OF SOLAR ENERGY FACILITIES ON THE GROUND**

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

**SECTION I** **PURPOSE AND INTENT**

The purpose of this Local Law is to establish a moratorium on the installation, construction or development on property in the Village of Cayuga Heights (the "Village") of solar energy facilities located on the ground of such property; this moratorium shall not be applicable to the installation, construction or development on property in the Village of solar energy facilities located on the roofs of existing improvements. The intent of this Local Law is to provide a temporary, interim measure to halt the further development of ground solar facilities until such time as the Village has had an opportunity to research the options for regulation of such facilities and to develop, consider and enact a local law establishing regulations for the installation of ground solar facilities. The Village desires to enact such a local law in order to preserve and protect the aesthetic and visual resources of, and the property values within, the Village by providing certain regulations and restrictions on the location, size and siting of ground solar facilities within the Village, while enabling such facilities to be developed in the interest of promoting the development and use of renewable energy sources. During the period in which the moratorium established by this Local Law is in effect, the Village will evaluate the restrictions concerning ground solar facilities that are necessary or appropriate to so preserve and protect the aesthetic and visual resources of, and the property values within, the Village.

**SECTION II** **AUTHORITY**

This Local Law is enacted pursuant to the grant of powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal home Rule Law.

**SECTION III** **DEFINITIONS**

As used in this Local Law, the following terms shall have the meanings indicated:

- A. Ground solar facility** - Structures, facilities, systems and/or equipment, or any combination thereof, including, but not limited to, solar panels and the hardware with or on which such panels are mounted, the purpose of which is to collect, absorb, concentrate or direct solar energy, which structures, facilities, systems and/or equipment, or any combination thereof, are located, installed, constructed or developed on the ground of a parcel, or on a pad or base substantially on grade with the ground. Ground solar facilities shall not include structures, facilities, systems and/or equipment, or any combination thereof, that are located, installed, constructed or developed on or above the roof of an existing improvement.

**SECTION IV MORATORIUM, RESTRICTIONS AND PROHIBITIONS**

From the effective date of this Local Law forward, until the next to occur of (i) the repeal of this Local Law, (ii) the enactment of a local law by the Village regulating ground solar facilities, or (iii) the date one (1) year from the date of enactment of this Local Law, it shall be unlawful for any person to install, construct or develop a ground solar facility on any property in the Village.

**SECTION V APPEAL**

In the event that any owner of any property located in the Village determines that they are aggrieved by the moratorium imposed by this Local Law, said owner may apply to the Village's Board of Zoning Appeals to seek an area variance for the construction of a ground solar facility on their property, and the Board of Zoning Appeals shall review such appeal in accordance with the procedural and substantive requirements of an area variance appeal.

**SECTION X PENALTIES FOR OFFENSES**

Any person who, themselves or by an agent or employee, shall violate any of the provisions of this Local Law, shall be guilty of a violation and subject to a fine of not less than \$100 and not more than \$500 per offense. Each day's violation shall constitute a separate offense.

**SECTION XI SUPERSEDING EFFECT**

All Local Laws, Articles, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect. Without limiting the foregoing, to any extent that the terms of the Zoning Ordinance of the Village of Cayuga Heights, including, but not limited to, the terms of Section 2 thereof, are deemed to be in conflict with the moratorium imposed by this Local Law, the terms of this Local Law shall govern and control.

**SECTION XII PARTIAL INVALIDITY.**

In the event that any portion of this Local Law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

**SECTION XIII EFFECTIVE DATE.**

This Local Law shall be effective immediately upon filing in the office of the New York State Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

**Resolution # 7618**

**BE IT RESOLVED**, that the Board of Trustees of the Village of Cayuga Heights directs a Public Hearing to be scheduled at 7:00 p.m. on June 15, 2015 covering Local Law 2015-B the purpose of which is to establish a moratorium on the construction of ground solar facilities.

*Motion:* Trustee Woodard

*Second:* Trustee Friend

*Discussion:* none

*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard

*Nays & Abstentions:* none

**Motion carried**

Supt. Cross raised the question of how gas powered generators should be handled. This topic will be discussed by the Zoning Review Committee.

**g. Trustee Resignation and Appointment (addition to the agenda)**

Christopher Crooker has found it necessary to submit his resignation from his position as trustee due to business matters. Mayor Supron accepts his resignation. She appoints James Marshall to fill the seat for the remainder of Mr. Crooker's term until April 4, 2016. Mr. Marshall is a long time Town of Ithaca resident and has lived in the Village for a year. He served for twelve years on the City of Ithaca Zoning Review Board and is willing to work with the Zoning Review Committee on its efforts to rewrite the Village's Zoning Code. He has particular interest in the planting of street trees and use of the right-of-way.

**Resolution # 7619**

**BE IT RESOLVED**, that the Board of Trustees of the Village of Cayuga Heights approves the appointment of James Marshall to sit on the Board of Trustees filling the vacancy until the next organizational meeting.

*Motion:* Trustee Woodard

*Second:* Trustee Friend

*Discussion:* none

*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard

*Nays & Abstentions:* none

**Motion carried**

**h. Procurement Policy**

Tabled until the June meeting.

**5. Report of the Trustees:**

Trustee Salton reported that Jason Leifer, a local attorney with an understanding of local civil law is interested in representing the Village as Prosecutor. Trustee Salton will ask Attorney Leifer to submit a proposal.

**6. Report of Chief of Police Steinmetz: (EXHIBIT FYE2016-019a,b,c)**

- a. Police Department firearms are being replaced due to problems experienced during annual firearms qualification. The vendor will take the old firearms in exchange for part of the cost of newer model handguns.
- b. All Quality Assessments have been completed for all part-time officers.
- c. Part-time Officer Anthony Bellamy has resigned due to personal reasons.
- d. The Chief asks for permission to begin the search to fill the part-time position.

**Resolution # 7620**

**BE IT RESOLVED**, The Board of Trustees of the Village of Cayuga Heights authorizes Police Chief Steinmetz to begin the process to fill the part-time officer vacancy in the Cayuga Heights Police Department.

*Motion:* Trustee Biloski

*Second:* Trustee Robinson

*Discussion:* none

*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard

*Nays & Abstentions:* none

**Motion carried**

e. An Evacuation Drill was held at the Cayuga Heights Elementary School. It was very successful.

f. Purchase approval for FYE2016 expenditures in order to place purchase orders.

**Resolution # 7621**

**BE IT RESOLVED**, that the Board of Trustees of the Village of Cayuga Heights authorizes Police Chief Steinmetz to place an order for a replacement vehicle for the Cayuga Heights Police Department at NYS approved pricing.

*Motion:* Trustee Salton

*Second:* Trustee Robinson

*Discussion:* none

*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard

*Nays & Abstentions:* none

**Motion carried**

**Resolution # 7622**

**BE IT RESOLVED**, that the Board of Trustees of the Village of Cayuga Heights authorizes Police Chief Steinmetz to place the order ammunition needed by Cayuga Heights Police Department at NYS approved pricing.

*Motion:* Trustee Biloski

*Second:* Trustee Robinson

*Discussion:* none

*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard

*Nays & Abstentions:* none

**Motion carried**

- g. Chief Steinmetz brought to the Board's attention the difficulties that are experienced by users of Marcham Hall's server and internet. There have been difficulties periodically that the Village's IT services provider, Sherpa, has been unable to debug.

**8. Report of Superintendent of Public Works Cross**

- a. NYS DEC requires entities designated as a Municipal Separate Storm Sewer System (MS4) to prepare an annual report with self-certification to be presented in a public forum to the governing body. Supt. Cross presented the Stormwater System Report to the Mayor. There are six (6) criteria of self-assessment covered in the report; they

are referred to as minimum control measures. The first four are fulfilled by virtue of the Village's participation in the Tompkins County Stormwater Coalition which works on behalf of its members; they relate primarily to public education. Minimum control measure #5 is related to planning and regulatory efforts conducted through the Planning Board and #6 commonly referred to as good housecleaning, addresses how well the Village DPW cleans the streets and assurances on controlling water run-off. Mayor Supron signed the report cover page and Supt. Cross will forward the report to the DEC.

**b. Wastewater Treatment Plant (WWTP) inspection:**

The Syracuse office of the DEC found the plant to be in proper working order during its annual inspection. Supt. Cross credits this to the Village's contractor YAWS Environmental. They understand the scientific methodology behind keeping the plant functioning properly.

**c. Position of Assistant Superintendent of Public Works**

**Resolution # 7623**

**BE IT RESOLVED**, the Board of Trustees of the Village of Cayuga Heights authorizes posting the position of Assistant Superintendent of Public Works with Tompkins County Personnel at a salary range between \$58,000 - \$62,000 pending final approval of an amended position description.

*Motion:* Trustee Salton

*Second:* Trustee Robinson

*Discussion:* none

*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard

*Nays & Abstentions:* none

**Motion carried**

**d. Seasonal Employee at the Department of Public Works**

**Resolution # 7624**

**BE IT RESOLVED**, the Board of Trustees of the Village of Cayuga Heights authorizes posting the position of Seasonal Laborer at the Department of Public Works with Tompkins County Personnel at an hourly rate of \$15.00 not to exceed twenty weeks.

*Motion:* Trustee Salton

*Second:* Trustee Robinson

*Discussion:* none

*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard

*Nays & Abstentions:* none

**Motion carried**

**e. Tree Root Removal Costs**

Village property owner Shirley Samuels has requested reimbursement for costs expended for clearing roots from a sewer line and sewer main found to be the problem.

**Resolution # 7625**

**BE IT RESOLVED**, the Board of Trustees of the Village of Cayuga Heights authorizes reimbursement of 50% of costs incurred by Shirley Samuels to have obstructing tree roots removed from a sewer line to her home and the sewer main from the point of the manhole at a cost not to exceed \$400.00.

*Motion:* Trustee Salton

*Second:* Trustee Robinson

*Discussion:* none

*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard

*Nays & Abstentions:* none

**Motion carried**

The Board discussed how to proceed with court room lighting modifications. It is agreed that the mock-up can be removed. The track lighting will have to stay in place until a different solution is approved.

**10. Report of Clerk & Treasurer Mangione (Exhibit FYE2016-020)**

**Resolution #7626**

**BE IT RESOLVED THAT:** The Village of Cayuga Heights Board of Trustees will hold a special meeting on May 28, 2015 at 9:00 a.m. at Marcham Hall for the purpose of approving Abstract #17 for fiscal year ending May 31, 2015.

*Motion:* Trustee Salton

*Second:* Trustee Woodard  
*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard  
*Nays & Abstentions:* none  
**Motion carried**

**Resolution #7627**

**BE IT RESOLVED THAT:** Abstract #16 for FYE2015 consisting of TA vouchers 103 - 111 in the amount of \$16,001.11 and General Fund vouchers 859 - 934 in the amount of \$ 218,263.65 is approved and the Treasurer is instructed to make payments thereon.

*Motion:* Trustee Robinson  
*Second:* Trustee Woodard  
*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard  
*Nays & Abstentions:* none  
**Motion carried**

**Resolution #7628**

**BE IT RESOLVED THAT:** The Village of Cayuga Heights Board of Trustees authorized the Treasurer to credit the water and sewer account of Amber Kubesch for \$9.94 in penalties assessed in February 2015.

*Motion:* Trustee Salton  
*Second:* Trustee Robinson  
*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard  
*Nays & Abstentions:* none  
**Motion carried**

The Finance Committee will meet and review the Procurement Policy draft and present it at the June 15, 2015 Board of Trustees meeting.

**9. Report of Attorney Marcus**

A private attorney client session is advised by Attorney Marcus.

**Resolution # 7629**

**BE IT RESOLVED THAT:** A private session of the Village of Cayuga Heights Board of Trustees with Village Attorney Marcus is deemed necessary.

*Motion:* Trustee Robinson  
*Second:* Trustee Friend  
*Discussion:* none  
*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard  
*Nays and Abstentions:* none  
**Motion carried**

**Resolution # 7630**

**BE IT RESOLVED THAT:** A private session of the Village of Cayuga Heights Board of Trustees with Village Attorney Marcus is ended and returned to Open Session.

*Motion:* Trustee Robinson  
*Second:* Trustee Friend  
*Discussion:* none  
*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard  
*Nays and Abstentions:* none  
**Motion carried**

Attorney Marcus advised that the Board to consider whether or not a SEQR review is warranted relating to removal of trees in the Village. Following a discussion the following resolution was put on the floor.

**Resolution # 7631**

**NOW, THEREFORE, BE IT RESOLVED THAT:** The Board of the Trustees of the Village of Cayuga Heights makes a reaffirming designation that Resolution #7613 approving removal of five (5) trees from Cayuga Heights Road conforms to NY& SEQRA Type II 617.5 9 (c)(20) "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" definition and thereby does not require further SEQR review.

*Motion:* Trustee Salton

*Second:* Trustee Robinson

*Discussion:* no further discussion

*Ayes:* Trustees Biloski, Friend, Robinson, Salton, and Woodard

*Nays or Abstentions:* none

**Motion carried**

Meeting of the Village of Cayuga Heights Board of Trustees was adjourned by Mayor Supron at 10:25 p.m.