

Minutes
Marcham Hall

DRAFT

VILLAGE OF CAYUGA HEIGHTS
BOARD OF TRUSTEES
MONTHLY MEETING

Monday, October 17, 2016
7:00 p.m.

Present: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, Robinson and Salton; Police Chief Steinmetz; Superintendent of Public Work Cross; Clerk & Treasurer Mangione; and Attorney Marcus (Trustee Friend arrival at 7:18 p.m. and Trustee Biloski arrival at 7:23 p.m.)

Absent: Fire Superintendent Tamborelle

Call to Order: Mayor Woodard calls the meeting to order at 7:00 p.m.

1. Approval of Meeting Minutes: September 19, 2016 (Exhibit 2017-062)

Resolution #7902

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves the Meeting Minutes from September 19, 2016 as presented in Exhibit 2017-062.

Motion: Trustee Salton

Second: Trustee Marshall

Ayes: Mayor Woodard; Trustees Marshall, McMurry, and Salton

Nays: none

Abstentions: Trustee Robinson

Motion carried

A decision is made to move to Agenda item #4.b.

4. Report of the Mayor

- b. Presentation: Labor and Employment Attorney

Oliver N. Blaise, partner with the law firm Coughlin & Gerhart LLP, is introduced. Their firm was founded in the 1890s and their primary office is in Binghamton. They have satellite offices throughout the region including Ithaca since 2002. They perform labor employment work including municipal and municipal labor employment work across NY State. Earlier in the year, Attorney Blaise worked with Police Chief Steinmetz on an officer's NYS GML 207c claim. GML 207c defines workers' compensation for police officers injured in the line of duty. It provides extra benefits and protections; it is considered a specialized type of legal work. Police or paid firefighters may have their 207 benefits defined in their collective bargaining agreements. Coughlin & Gerhart represent several municipalities as general counsel as well as in labor employment matters. The firm takes a team approach to requests and will consign it to the appropriate individual. A Proposal for Legal Services (Labor and Employment) had been forwarded to Trustees in March of 2016; it proposes billing on a "straight hourly rate" basis and those rates are based on an individual's position within the firm. After review of the proposal, the Board decides to move ahead as follows.

Trustee Friend arrives at 7:18 p.m.

Resolution #7903

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves the appointment of the law firm, Coughlin & Gerhart LLP as Labor Employment Attorneys for the remainder of the official year ending April 3, 2017.

Motion: Trustee Salton

Second: Trustee Robinson

Ayes: Mayor Woodard; Trustees Marshall, McMurry, and Salton

Nays: none

Abstentions: Trustee Friend

Motion carried

A decision is made to move to Agenda item #5. b.

5. Report of the Trustees

- b. **Planning Board Update on Cayuga Medical Office Building**

Fred Cowett, Planning Board Chair, starts by thanking the Board for their approval of funds for the Fisher Associates peer review of the applicant's traffic study. Mr. Tim Faulkner of Fisher Associates presented results of the review to the Planning Board at their last meeting. On the topic of Traffic, minor inconsistencies were noted in traffic study volumes; in general, it did not affect the analysis. F-rated intersections are still f-rated. The use of a background growth rate projection of 0.25% instead of 1% was criticized. There is general agreement that there will be an increase in traffic and in wait times. The question of significance in wait time should be examined on a case by case basis. Each community should decide for itself what is significant or meaningful. The International Traffic Engineers'

methodology was used by the applicant's traffic engineer, Mr. Stephen Ferranti of SRF Associates. Mr. Faulkner agrees this is a correct approach to generate the tables used for analysis.

Trustee Biloski arrives at 7:23 p.m.

Regarding Parking, the applicant's traffic engineer had used the correct Urban Land Institute shared parking methodology to model the estimates. However, he was criticized for not collecting observed parking data to validate the estimates. Mr. Cowett had collected nine days of peak time parking data and shared that information with Mr. Faulkner and SRF Associates. Based on that, Mr. Faulkner believes there is adequate parking. His assessment is based on the entire lot. Surveying the site plan, some areas of the lot are not easy to access. A suggestion was made at the Planning Board meeting that perhaps those parking spaces should be considered differently. Mr. Faulkner stated that all parking areas should be considered as part of one shared lot. There are currently approximately 288 spaces and the project is increasing the number to 298.

Since last November, when the applicant first applied and submitted plans showing the building blocking access to Pleasant Grove Road, it has been made clear that reducing Pleasant Grove Road access is problematic. It has been suggested since March that the building may be too large in that context. The Zoning Board of Appeals will address two variances at their meeting this Wednesday. Based on that meeting's outcome the project will come back to the Planning Board or be rejected as it is currently proposed. Mr. Faulkner would like to see access to Pleasant Grove Road kept open. He suggests that it could be maintained to allow right turns only. Additionally, he does not like the fact that the shopping center wants to limit access to Carriage House Apartments to emergency vehicles only. It should be kept open for all vehicles.

Subsequent to hearing from the traffic consultant, the Planning Board completed the NY State Environmental Quality Review short form (SEQR). One question that required discussion is #5 Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, bike or walkway? Everyone agrees that there will be an increase in traffic. In SEQRA terminology, is it a small impact or a moderate to large impact? If the categorization is moderate to large, procedurally it triggers a draft environmental impact statement and likely another traffic study unless there is reasonable and feasible mitigation. Local law has a greater sensitivity to the impact of traffic while SEQRA is an environmental law which does not consider social or economic impacts. NYS DOT guidelines say that if a project will add an additional 100 cars per hour to an intersection then they would categorize the change as significant. The Planning Board could not quantify the increase as that large and therefore decided to characterize the impact as small. This decision yielded a negative SEQRA declaration. The Zoning Board of Appeals will make its determination based on their fairly limited set of criteria.

2. Report of Fire Superintendent Tamborelle (Exhibit 2017-063)

The Superintendent's report indicates that the company has been very busy. There is a full recruit class for Fall Training classes.

3. Privilege of the Floor

No members of the public are in attendance.

4. Report of the Mayor (continued)

- a. Mayor Woodard appoints herself as Alternate to the Greater Tompkins County Municipal Health Insurance Consortium Board of Directors for the remainder of Kate Supron's term of one official year. (4/2017)
- b. Item already addressed.
- c. Intermunicipal Shared Services Agreement: Highway Departments (Exhibit 2017-065)
Attorney Marcus reviewed the agreement and his clarifying revisions have been accepted by the Tompkins County Highway Department. Equipment sharing between municipalities has been the norm. This agreement should be signed each year, although it has not been renewed regularly. The Village tends to share intermunicipally with the Town of Ithaca and the Village of Lansing. The agreement offers more advantages than disadvantages and it is assumed that all municipalities within the County participate.

Resolution #7903

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees authorizes Mayor Woodard to sign the Tompkins County Highway Department Intermunicipal Shared Services Agreement.

Motion: Trustee Salton

Second: Trustee Friend

Ayes: Mayor Woodard; Trustees Biloski, Friend, Marshall, McMurry, Robinson, and Salton

Nays and Abstentions: none

Motion carried

- d. City of Ithaca Proclamation: Equal Access to Abortion Coverage in Health Insurance (EACH) Woman Act Resolution (Exhibit 2017-066)
The City of Ithaca has passed a proclamation urging Congress and President Obama to support and reinstate insurance coverage for abortion services for women enrolled in public insurance programs by enacting the EACH Woman Act. It is agreed that this is an important and controversial topic. Setting personal opinions aside, the Board does not believe that it can speak for the Village on this issue.
- e. TWC 6 Access Oversight Committee Request (Exhibit 2017-067)
The Access Oversight Committee (AOC) is looking into reasons for the poor quality of the public access channels. The AOC sees it as a technical problem that needs to be solved. TWC management thinks this is a question for their lawyers. The AOC's chair, Rich DePaolo, is drafting a letter to Chris Mueller, Director for Governmental Affairs, who has an office in Binghamton, to seek a solution. He would like to write it, not only on behalf of the AOC, but also on behalf of the Franchise Administrators, which for the Village of Cayuga Heights is the Board of Trustees (Section 17(g) of the Village's Franchise Agreement).

Resolution #7904

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees authorizes Mayor Woodard to sign a letter to be written by the Access Oversight Committee Chair Rich DePaolo to Time Warner Cable's Director of Governmental Affairs, Chris Mueller asking him investigate and address the issue of poor quality on the Public Access channels and to enforce the terms of the franchise agreement.

Motion: Trustee Salton

Second: Trustee McMurry

Ayes: Mayor Woodard; Trustees Biloski, Friend, Marshall, McMurry, Robinson, and Salton

Nays and Abstentions: none

Motion carried

5. Report of the Trustees

- a. TAP/CMAQ Grant: Update (Exhibit 2017-068)
Trustee McMurry reports that Fred Cowett and Brent Cross attended the TAP Workshop. A pre-application was submitted by Jenny Leijonhufvud on behalf of the Village. A pre-application conference call with the Region 3 coordinators took place. It was learned that the pool of money is only \$3 million and the process will be extremely competitive. The Bike-Ped Committee decided to scale back the project which now consists of the Kline, Wyckoff, Lakeview Cemetery portion. The Cayuga Heights Road section may be considered a future Phase II. The cost of the redefined project is approximately \$600,000. The Committee is making progress toward submission of the grant application. It is advisable that both the Lakeview Cemetery Right of Way Agreement and the Intermunicipal Police Services Agreement with the Town of Ithaca be fully executed. These are scheduled to be signed in the next few days. The submission goal is to be one or two days before the deadline since the online system could be swamped with applications on that day causing a delay. The cover letter (Exhibit 2017-068) will be signed by Mayor Woodard and attached to the completed application.

6. Report of Police Chief Steinmetz - Submitted reports (Exhibits 2017-069 a, b, c)

There was one deer incident on the Route 13 overpass. It was actually outside the Village but no other officers were available to dispatch the animal.

Chief Steinmetz has applied to the Triad Foundation for a grant for additional specialized equipment.

There is an update on an officer's ongoing health condition which Chief Steinmetz will present when the Board enters Executive Session in order to protect the officer's privacy.

7. Report of the Superintendent of Public Works Cross (Exhibit 2017-070)

The Village's insurer approved payment of the Waste Water Treatment Plant claim at 100%.

Cayuga Heights Road is at the top of the list of streets due for repaving. Construction of sidewalks on the road is now to be considered with walkability improvements Phase II and a next round of TAP grants will most likely not be available for another three years. Superintendent Cross wants the Board to be aware of this scheduling challenge ahead of fiscal year ending 2018 budget planning.

Around the beginning of the school year, several temporary TCAT bus stop signs popped up around the Village. No permission was asked for or granted for the placement of these signs. TCAT will need to apply to the Board for a license agreement once they determine if the temporary sign locations are suitable for permanent sign placement.

8. Report of the Clerk & Treasurer Mangione (Exhibits 2017-071a, b and Exhibit-2017-072)

Former Mayor Supron wishes to purchase the Apple MacBook Air that she used while she was serving the Village. Three sales of similar used laptops have been reviewed. It is currently designated as surplus equipment in inventory.

Resolution #7905

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees authorizes the sale of a surplus Apple MacBook Air to Kate Supron at the established fair market price of \$233.

Motion: Trustee Marshall

Second: Trustee Robinson

Discussion: Trustee Salton disagrees with charging former Mayor Supron for ownership transfer of the used laptop. He wishes to go on record as stating that after six years as mayor, she should be given the surplus equipment at no charge.

Ayes: Mayor Woodard; Trustees Biloski, Friend, Marshall, Robinson, and McMurry

Nays: Trustee Salton

Abstentions: none

Exhibit 2017-072 is a letter from ServPro informing resident George Tamborelle of the \$1,000 he owes following his insurance company's payment for water damage cleanup. The damage was caused when a Village owned water main located near his residence rusted from the outside and burst. Mr. Tamborelle is requesting reimbursement of this \$1,000 deductible. General Municipal Law stipulates that a municipality is not liable for damages unless negligence can be proven or there has been prior written notice of a problem.

Resolution #7906

BE IT RESOLVED THAT: Abstract #005 for FYE2017 consisting of TA vouchers 33 - 41 in the amount of \$14,966.66 and Consolidated Fund vouchers 332 - 416 in the amount of \$219,151.08 is approved and the Treasurer is instructed to make payments thereon.

Motion: Trustee Salton

Second: Trustee Robinson

Ayes: Mayor Woodard; Trustees Biloski, Friend, Marshall, McMurry, Robinson, and Salton

Nays and Abstentions: none

Motion carried

9. Report of the Attorney

Attorney Marcus has no additional topics to discuss at this time.

10. Executive Session

Resolution #7907

WHEREAS: The NYS Open Meeting Law §105 prescribes matters for which a public body may conduct an executive session; and,

WHEREAS: Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered; and,

WHEREAS: The conduct an executive session for these enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:

THEREFORE, BE IT RESOLVED THAT: An Executive Session of the Village of Cayuga Heights Board of Trustees is conducted for the purposes of 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 Friend

Second: Trustee McMurry

Ayes: Mayor Woodard; Trustees Biloski, Friend, Marshall, McMurry, Robinson, and Salton

Nays and Abstentions: none

Motion carried

Resolution #7908

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees ends its Executive Session and returns to an open meeting.

Motion: Trustee McMurry

Second: Trustee Robinson

Ayes: Mayor Woodard; Trustees Biloski, Friend, Marshall, McMurry, Robinson, and Salton

Nays and Abstentions: none

Motion carried

Resolution #7909

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees waives the Special Event Application Fee for Boy Scout Troup #4 celebrating its centennial at Marcham Hall on Sunday, October 23, 2016.

Motion: Trustee McMurry

Second: Trustee Robinson

Ayes: Mayor Woodard; Trustees Biloski, Friend, Marshall, McMurry, Robinson, and Salton

Nays and Abstentions: none

Motion carried

Resolution #7910

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees authorizes a salary of \$75,000 to be paid to Michael Weise as Assistant Superintendent of Public Works, contingent upon approval by Village Labor Attorney Blaise on the increase in salary from that which was advertised.

Motion: Trustee Marshall

Second: Trustee Friend

Ayes: Mayor Woodard; Trustees Biloski, Friend, Marshall, McMurry, Robinson, and Salton

Nays and Abstentions: none

Motion carried

Resolution #7911

BE IT RESOLVED THAT: The Village of Cayuga Heights Board of Trustees authorizes accrual of vacation credit at the rate of three weeks per year to Clerk/Treasurer Mangione upon completion of five years of employment, contingent upon approval by Village Labor Attorney Blaise.

Motion: Trustee Friend

Second: Trustee Salton

Ayes: Mayor Woodard; Trustees Biloski, Friend, Marshall, McMurry, Robinson, and Salton

Nays and Abstentions: none

Motion carried

Mayor Woodard adjourns the meeting at 10:05 p.m.