

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, February 2, 2004, in the Village Office.

Present: Mayor Donald Hartill; Trustees Janet Beebe, Lynn Leopold, Frank Moore, Larry Fresinski; Attorney David Dubow; Clerk/Treasurer, Jodi Dake

Mayor Hartill called the meeting to order at 7:40P.M.and opened the public comment period. There were no comments.

Motion-To Close the Public Comment Period

Trustee Fresinski moved to close the public comment period. Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Larry Fresinski- Aye	Trustee
Janet Beebe-Aye	Trustee Lynn Leopold-Aye	
Trustee Frank Moore-Aye		

Motion-To Open the Public Hearing to Consider the Offer of Dedication of a Portion of Sapsucker Woods Road

Trustee Leopold moved to open the public hearing. Trustee Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Larry Fresinski- Aye	Trustee
Janet Beebe-Aye	Trustee Lynn Leopold-Aye	
Trustee Frank Moore-Aye		

Motion-To Close the Public Hearing to Consider the Offer of Dedication of a Portion of Sapsucker Woods Road

Trustee Leopold moved to close the public hearing. Trustee Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Larry Fresinski- Aye	Trustee
Janet Beebe-Aye	Trustee Lynn Leopold-Aye	
Trustee Frank Moore-Aye		

David Dubow explained that Village Law is complicated in that a resolution has to be passed by the Board of Trustees to accept a road and then a public hearing needs to be held. After this a new resolution has to be adopted to reaffirm the previous resolution passed to accept the road. There were no public comments.

Motion-To Close the Public Hearing to Consider the Offer of Dedication of a Portion of Sapsucker Woods Road

Trustee Fresinski moved to close the public hearing. Trustee Moore seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Larry Fresinski- Aye	Trustee
Janet Beebe-Aye	Trustee Lynn Leopold-Aye	
Trustee Frank Moore-Aye		

Resolution #4021- To Reaffirm the Acceptance of a Portion of Sapsucker Woods with Conditions

WHEREAS, the Village of Lansing and Cornell University entered into a certain Agreement to Dedicate Brown Road Extension dated June 18, 2001 (the "Village/Cornell Agreement"), providing for certain terms, provisions, requirements and conditions governing the new construction and relocation of Sapsucker Woods Road and Brown Road Extension in conjunction with the construction of a new Laboratory of Ornithology facility, which project is located partially in the Village of Lansing and partially in the Town of Dryden; and

WHEREAS, in accordance with the Village/Cornell Agreement, the Village of Lansing, has received from Cornell University a written offer of dedication by letter dated May 14, 2003 (together with the proposed deed attached to said letter), for the portion of the newly constructed Sapsucker Woods Road (formerly, in part, Brown Road Extension) in the Village of Lansing (the "Offer of Dedication"); and

WHEREAS, the Village Engineer has recommended that the Offer of Dedication be accepted by the Village of Lansing; and

WHEREAS, the Village of Lansing wishes to accept the Offer of Dedication, subject to the satisfaction of certain conditions;

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Lansing as follows:

1. The Village of Lansing hereby accepts the Offer of Dedication made by Cornell University, subject to full and complete satisfaction of each of the following conditions:
  - a. Delivery to, review by and approval by the Village Attorney of original, executed copies of each and every document required in order to complete conveyance of the subject property in accordance with (i) the Village/Cornell Agreement and (ii) all applicable provisions of the State of New York and Village of Lansing laws, rules and regulations; and
  - b. Recording and filing of the bargain and sale deed conveying the subject property to the Village of Lansing, and recording and filing of any other documentation necessary to complete the conveyance of such property free and clear of all liens and encumbrances (except as expressly provided for in the Offer of Dedication), and receipt by the Village Attorney from Cornell University of all required funds sufficient to effect such recording and filing; and
  - c. Receipt by the Village Attorney of a satisfactory updated abstract of title and title search for the subject property confirming the conveyance of such
  - d. Compliance with all terms, provisions, requirements and conditions of the Village/Cornell Agreement; and
  - e. Satisfactory conclusion of the public hearing to be held in reference to the dedication of the subject property.
2. A public hearing was conducted in regard to this Offer of Dedication

and no comments from the public were received.

Trustee Fresinski moved to approve this resolution. Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Larry Fresinski- Aye	Trustee
Janet Beebe-Aye	Trustee Lynn Leopold-Aye	
Trustee Frank Moore-Aye		

Next on the agenda was to set a public hearing for a municipal subdivision of the New Plan Excel Realty Trust Property. Dubow explained the following: There is a driveway to the north of the FSBC Bank property and owned by New Plan Excel Realty Trust, Inc., a 75-ft. piece of which the Village is acquiring as part of the N. Triphammer Road Project. The additional property will allow the Village to have a driveway off of Mrs. Kim's property onto this roadway and eliminate access onto North Triphammer Road. As with all the other property acquired for this project, this will create a subdivision. The Village previously adopted a local law providing for the procedure, including a public hearing, to approve such minor subdivisions by the Board of Trustees. All of the other properties previously acquired for the North Triphammer Project were done under one public hearing. A public hearing on this municipal subdivision is therefore required.

Motion-To Set a Public Hearing for a Municipal Subdivision of the New Plan Excel Realty Trust Property for Wednesday February 11,2004 at 12:05 at the Village Office.

Trustee Beebe moved to set the public hearing. Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Larry Fresinski- Aye	Trustee
Janet Beebe-Aye	Trustee Lynn Leopold-Aye	
Trustee Frank Moore-Aye		

Next item on the agenda was the approval of the minutes for January 5, 2004

Motion-Approval of Minutes for January 5, 2004

Trustee Beebe moved that the draft meeting notes, as reviewed and revised by the Clerk/Treasurer and the Board, are hereby adopted as the official minutes. Trustee Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill-Abstain	Trustee Larry Fresinski- Aye	Trustee Janet Beebe-Aye
Trustee Lynn Leopold-Aye		
Trustee Frank Moore-Abstain		

Motion-Approval of Minutes for January 14, 2004

Trustee Leopold moved that the draft meeting notes, as reviewed and revised by the Clerk/Treasurer and the Board, are hereby adopted as the official minutes. Trustee Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill-Abstain	Trustee Larry Fresinski- Aye	Trustee Janet Beebe-
Aye	Trustee Lynn Leopold-Aye	
Trustee Frank Moore-Aye		

The Board needed to surplus the TV/VCR that is no longer used since we purchased our new video recording system.

Resolution#4022- To Surplus the Samsung TV/VCR

Trustee Leopold moved that the TV/VCR be surplusd and Trustee Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Larry Fresinski- Aye	Trustee Janet
Beebe-Aye	Trustee Lynn Leopold-Aye	
Trustee Frank Moore-Aye		

Jodi stated that Ben Curtis was interested in buying the TV/VCR for \$50.

Resolution#4023- To Sell the Surplused TV/VCR to Ben Curtis for \$50.

Trustee Leopold moved this resolution and Trustee Beebe seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Larry Fresinski- Aye	Trustee Janet
Beebe-Aye	Trustee Lynn Leopold-Aye	
Trustee Frank Moore-Aye		

The Board was advised that Earl Westbrook had previously been appointed to the County Youth Board at the October 20, 2003 Board of Trustees meeting however, he was appointed for two years and the term is for three years. To rectify this situation the Board passed a new resolution to replace resolution #4003.

Resolution#4024- To Reappoint Earl Westbrook to Serve on the County Youth Board for a Three-year Term Ending December 31, 2006.

Trustee Fresinski moved this resolution and Trustee Moore seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Larry Fresinski- Aye	Trustee Janet
Beebe-Aye	Trustee Lynn Leopold-Aye	
Trustee Frank Moore-Aye		

Next on the agenda was the matter of Computel/NYSEG agreement. Dubow reported that he received a call about a week and a half ago from Computel explaining why they feel it is appropriate for the Village to sign this document. He was told that NYSEG had prepared this agreement for over 60 municipalities. He was also advised that they understand our position and concerns regarding the broad release and waiver language, and that they would have the attorneys for NYSEG, who prepared the agreement, contact him. Frank had no problem with this agreement after the email he received from Computel. Dubow ask Computel if not signing this agreement jeopardizes our other claim and he was told no. Larry thought that we should wait to hear from the New York City Attorney representing NYSEG. Frank feels there is a small likelihood that anything would happen. Dubow indicated that it is really up to the Board to decide how it wishes to proceed. The Board was still not agreeable with the all inclusive release language as to "any and all claims," finding that language very unreasonably broad and offensive. Larry questions why we even had to sign a contract for monies that are due us anyway. Dubow's response was that they would likely say that they are not acknowledging they owe the Village anything, but will pay the settlement amount to resolve the pending claim. The Board will wait for the response from NYSEG's attorney.

Next on the agenda was the codification. It is in its final draft for the Board to review and give corrections. Jodi handed out a list of questions for the Board to answer as they reviewed the document. The document was divided up between Board members:

Hartill-	Water & Sewer
Leopold-	Subdivision



