

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, March 15, 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. John O’Neill of 53 Janivar Dr. thanked the Board for their intervention with the Triad lighting issue. He reported that the matter has been resolved and the residents are happy.

Motion-To Close the Public Comment Period

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

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

Dave Putnam was present to give an engineer’s report. He has contacted Suit Kote and they will be fixing the ripples on Sheraton Drive. He was also here to answer any budget questions the Board may have. Dave will also be here Wednesday for the North Triphammer Road meeting with Fisher Associates.

Next item on the agenda was the approval of the minutes for February 11th and March 1st, 2004.

Motion-Approval of Minutes for February 11, 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 Moore seconded the motion. A vote was taken:

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

Motion-Approval of Minutes for March 1, 2004

Trustee Fresinski 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 Moore seconded the motion. A vote was taken:

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

The Mayor gave the following explanation regarding the proposed extension of the existing Schuyler County Empire Zone to include additional properties in Tompkins County, including certain designated properties within the Village: The New York State Empire Zones offers an opportunity for certain Village properties in the Research and Technology Park to be included in the existing Schuyler County Empire Zone. New York State picks up the local taxes so local municipalities have no tax hit. This proposed plan would grandfather the Village properties into a single package. It means a 5-10% increase in our tax base. The Village of Lansing makes up 40% of the Empire Zone

Opportunity.

Denise Sanderson, the Director of Marketing and Development for Tompkins County Area Development, was present to answer questions. She commented as follows: Schuyler County is not fully utilizing their zone. Only the footprints of the buildings are included, not the whole property because Schuyler County is only allowed to allot 13.76 acres to Tompkins County. One of the reasons this would be a benefit to Schuyler County is that Tompkins County employees 25% of Schuyler County's work force, and therefore a healthy business and technology environment in Tompkins County ensures jobs for Schuyler County inhabitants. It's also a way of keeping other areas from stealing businesses from this area. Dubow mentioned an article that was in the Ithaca Journal on March 3rd on this subject.

It was further explained that Barbara Halpin is the Empire Zone Program Coordinator and they have hopes of having this all finalized by May 7th. Jodi reported that Barbara had called the Village Office earlier that afternoon and stated that the Village could not act on the resolution of support until the April 5th meeting because the proposed Local Law had not yet been adopted by the Schuyler County legislature. Dubow suggested the Board could pass a resolution of support and concurrence with slight wording changes referring to the proposed local law Denise requested that the Board also pass a resolution to approve the Empire Zone Boundary Revision Agreement.

Resolution #4031-Resolution of Support and Concurrence with the Schuyler County Empire Zone Revision

WHEREAS, New York State has created the Empire Zone program to encourage economic development in selected municipalities across the State, and

WHEREAS, Schuyler County, as an eligible municipality, received designation of an Empire Zone, and

WHEREAS, Schuyler County intends to revise the County Empire Zone boundaries to encourage economic development, and

WHEREAS, the Village of Lansing is committed to the development of new business within the Empire Zone, and

WHEREAS, in any event that any project fails to be materially completed within a reasonable time, as determined by Zone Administrative Board (ZAB) policy, the Zone Board desires to remove the site of such project from the Zone; and

WHEREAS, in the event the ZAB submits to the Commissioner of Economic Development a request to revise the boundaries of the Zone to remove the site of any Project that that fails to be materially completed in a reasonable time, the Concurring Municipality desires to concur with such action;

WHEREAS, the Village of Lansing wishes to support and concur with the proposed Schuyler County Local Law NO. 2 of the year 2004.

NOW, THEREFORE, be it resolved that the Village of Lansing Board of Trustees, in its capacity as governing body of the Village, does hereby support and concur with the Board of Trustees with the Schuyler County Empire Zone revision application.

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

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

The Board also passed the following resolution:

Resolution #4032-To Authorize the Mayor to Sign the Following Empire Zone
Boundary Revision Agreement.

EMPIRE ZONE BOUNDARY REVISION AGREEMENT

THIS AGREEMENT made this ____ day of _____, 2004 by and between the SCHUYLER COUNTY PARTNERSHIP FOR ECONOMIC DEVELOPMENT, a public-private partnership duly formed and validly existing under the laws of the State of New York having an office for the transaction of business at 2 North Franklin Street, Watkins Glen, New York 14891 ("SCOPED"), and _____, a municipal corporation of the State of New York having an office for the transaction of business at _____ (the "Concurring Municipality");

W I T N E S S E T H:

WHEREAS, SCOPED has received and considered applications for projects [A, B, C, etc.] (the "Projects" or individually the "Project"), which are proposed to be undertaken within the Concurring Municipality, requesting that the Projects be included within the Schuyler County Empire Zone (the "Zone"); and

WHEREAS, the Projects have significant potential for business development and job creation, which would enhance the economic revitalization of Schuyler County and the regional corridor running between it and the populations of the City of Ithaca and surrounding municipalities, and provide job opportunities for its residents; and

WHEREAS, SCOPED desires to include the sites of the Projects in the Zone as part of its current boundary revision process; and

WHEREAS, SCOPED desires to submit to the Commissioner of Economic Development a request to revise the boundaries of the Zone to include the sites of the Projects therein; and

WHEREAS, the Concurring Municipality desires to concur with SCOPED's submission to the Commissioner of Economic Development of a request to revise the boundaries of the Zone to include the sites of the Projects within the Concurring Municipality in the Zone; and

WHEREAS, in the event that any Project fails to be materially completed on or before the second anniversary of the execution of this Agreement (the "Agreed Completion Date"), SCOPED desires to remove the site of such Project from the Zone; and

WHEREAS, in the event that SCOPED submits to the Commissioner of Economic Development a request to revise the boundaries of the Zone to remove the site of any Project that fails to be materially completed on or before the Agreed Completion Date, the Concurring Municipality desires to concur with such action.

NOW, THEREFORE, in consideration of the foregoing, the mutual agreements herein contained and other good and valuable consideration to each of the parties hereto, the receipt and sufficiency whereof is hereby acknowledged, and intending to be bound hereby, it is hereby mutually covenanted and agreed as follows:

Section 1: (a) In reliance on the descriptions of the Projects contained in the applications submitted to it, copies of which are attached hereto as Exhibit A, SCOPED shall submit to the Commissioner of Economic Development a request to revise the boundaries of the Zone to include the sites of the Projects therein.

(b) In the event that any Project fails to be materially completed on or before the Agreed

Completion Date, SCOPED may, at its discretion exercised in good faith, take such action as may be necessary to remove the site of any such Project from the Zone.

Section 2: (a) The Concurring Municipality shall concur with SCOPED's request to the Commissioner of Economic Development to revise the boundaries of the Zone to include the sites of the Projects therein.

(b) In the event that any Project fails to be materially completed on or before the Agreed Completion Date, the Concurring Municipality shall concur with any action taken by SCOPED pursuant to Section 1(b) of this Agreement to remove the site of any such Project from the Zone.

Section 3: This Agreement shall be a contract made under the laws of the State of New York and for all purposes shall be governed by and interpreted in accordance with the laws of the State of New York (except to the extent the same are superseded by federal law).

Resolution No.
Exhibit A

Area	Acreage
Area 104 55 Brown Road	0.42
Area 105 95 Brown Road	0.965
Area 106 35 Thornwood Drive	0.81
Area 107 33 Thornwood Drive	0.46
Area 108 37 Thornwood Drive	0.69
Area 109 9 Brown Road	0.57
Area 110 53 Brown Road	0.528
Area 111 10 Brown Road	0.459
Area 112 22 Thornwood Drive Expansion	0.48
Area 113 22 Thornwood Drive	0.41
Area 114 36 Thornwood Drive	0.688
Area 115 15 Thornwood Drive	0.41
Area 116 30 Brown Road	0.528
Area 117 2353 North Triphammer	0.29

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

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

Next on the agenda was a budget discussion. The Mayor stated that the problem is how to budget for the N. Triphammer Road project. Last Wednesday he and Fisher Associates met with the NYSDOT in Syracuse to get a final cost estimate and a schedule. The hang up was the NYSDOT wanting two right turn lanes off the southbound ramp off of Route 13, which is part of the expanded project. NYSDOT has delayed the project while this issue is reviewed and resolved. We still plan to send the project out to bid in June and start this summer. We still also have some pavement and water/sewer line issues that need to be resolved before the project can be approved. Another issue was how we would deal with the pedestrian traffic during the project. Jodi has spoken with Pete Bartolotto at NYSDOT and we will be receiving Marchiselli Funds for the project. This means that the Village will only be paying 5% of the project costs. In this years budget we allotted \$658,000 for the N. Triphammer Road Project and this money will be transferred to the General Capital Reserve Fund. That is why it appears that there is a large transfer to the General Capital Reserves. When we do the project the monies will come from the General Capital Reserve Fund. They are then put into the Capital Projects Fund and accounted for there. In the end, any money that is left over will go back into the General Capital Reserve Fund. The Mayor thinks that the original cost estimate has only increased approximately \$800,000 since it was first estimated in 1996.

Originally, the Mayor thought that there would be an increase in the taxes but after reviewing the budget he feels we

can remain at the same tax rate as last year of \$1.80 per \$1,000 of assessed value. As the Board discussed the budget they felt that was appropriate. Jodi had given a list of proposed changes for the budget the Mayor first prepared and the changes are reflected in the tentative budget that was handed out.

The Mayor reported that in the Water and Sewer Funds we are going in the hole. There are two ways that the water fund is financed. The first is through a usage surcharge and the second is Bond Anticipation Notes. BAN's are typically used for capital projects. In the sewer fund we also receive revenue from connection fees. Presently we have 40 sewer units that may be connected due to our efforts to constantly repair and monitor the condition of our sewer lines. The surcharge is presently at 33% for both water and sewer and the Mayor proposed we increase it to 50% for each. The Mayor indicated that the current rate is below the rate charged by other municipalities. This will increase the water/sewer bill by approximately 15%. The water surcharge can be increased by resolution but the sewer increase would need a public hearing because it is part of the sewer law. With the increase in water rate and surcharge, the amount to be paid by Village residents would still paying be less than in 1988. The Village needs to keep up with its costs and continue to be aggressive with I&I.

In the water fund we will have to defer the installation of 3 pressure release valves along N. Triphammer Rd. until the next budget year. These PRV's were to be installed so that we can take down the water tank behind the Village office. The following are budget suggestions:

Water

F8320.41	Slight increase to reflect the increase in electric costs
F8320.44	Reflects increased water rate -\$371,531
F8340.2	\$203,000 is allotted for N. Triphammer Road Betterment's and the 20% not Federally funded for a total of \$238,000.
F9730.6	Principal on BAN-\$30,000
F9730.7	Interest on BAN-\$890

Sewer

G2120	Sewer Rents increased to reflect increase surcharge
G2122	Connection Charge reflects Ben thinking we will probably sell 20 units
G2374	Pass through for Village of Cayuga Heights sewer charge. This item equals G8189.4 expense
G8120.22	\$154,000 includes \$22,000 for N. Triphammer Road Betterment, 20% of N. Triphammer and the rest for usual sewer maintenance

The Village will need to fund the Kline Road Bypass through Sewer Capital Reserve Funds. This project will cost approximately \$300,000. At some point we will be reimbursed for a portion of this.

General Fund

A1001	Property tax will remain at \$1.80 and will generate \$529,182
A1130	Utility Gross Receipts has been lowered to reflect actual numbers.
A1170	Cable franchise has increased from 1% to 3% so this number has increased.
A2401	Interest was lowered due to the continuation of low rates.
A3005	Mortgage Tax received was increased due to the activity that has occurred with the low interest rates.
A3501	Highway aid was large last year because it reflected two years of activity. Dennis has suggested \$45,000.
A1330.42	With the federal funding of N. Triphammer Rd., a special audit will need to be completed so \$3,000 was added for that. Money is no longer needed for GASB 34.
A5112.22	\$302,000 was allocated to do the Northwood project that will extend the south roadway to Coventry Walk and Highgate Circle Shoulder work.
A5142.4	Snow removal includes \$25,000 contract agreement plus the difference in cost of last winters plowing of \$28,250 and \$1,500 for snow removal done by the village.
A5410.2	This will include moving the bus shelter on Graham Road
A5410.41	After speaking with Frank, \$3,000 was added for this line item. The board feels that constant maintenance is needed on our Greenway. There are places that are washed out on our new trail from

Northwood to Graham Rd. It was badly engineered, spots need resurfaced and small culverts are needed. The detention pond in Lansing Trails needs to be cleaned up also.

A0962.21 \$50,000 will be transferred to the Park & Recreation Capital Reserve Fund

Our General Fund revenues are made up of 1/3 from sales tax, 1/3 from property taxes and 1/3 from other revenues. Salaries for staff were increased by 3%. The Board's and Mayor's salaries remain the same. The Mayor suggested a budget public hearing be set for our first meeting in April. It was pointed out that this is the first night of Passover. The Board decided to cancel the April 5th meeting and reschedule it for March 31, 2004.

Resolution#4033-To Cancel the Monday, April 5, 2004 Board of Trustees meeting and Reschedule a Special Meeting for Wednesday March 31, 2004 at the Village Office, 2405 N. Triphammer Road at 7:30pm.

Trustee Fresinski moved this resolution and Trustee Leopold seconded. A vote was taken:

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

Resolution#4034-To Set a Public Hearing for Wednesday March 31, 2004 at 7:35pm, in the Village Office, 2405 N. Triphammer Road, on the Proposed Budget for Fiscal Year 2004-2005.

Trustee Leopold moved this resolution and Trustee Fresinski seconded. A vote was taken:

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

Next on the agenda was the codification. Our legal consultants still have not resolved the question of how Part I Administrative Legislation will be treated. The Mayor and Larry have not finished reviewing their sections. They will continue to work on their issues and the Board will discuss it again at their next meeting.

Next on the agenda was the Computel issue. Dubow stated that three days ago he received from the attorney for NYSEG an e-mail regarding revisions to the previously submitted NYSEG/Computel agreement. The attorney for NYSEG has agreed to make a small change to the agreement to clarify that the Village's waiver and release of claims would be limited to only those having to do with matters that are under the jurisdiction of Public Service Commission. The Board agreed to accept the settlement of \$3,000, the amount to the Village being \$1,500, with the remaining \$1,500 to be paid to Computel in accordance with its Agreement with the Village.

Resolution # 4035-To Approve the Settlement and Release Agreement by and Between NYSEG and the Village of Lansing

WHEREAS, the New York State Public Service Commission instituted formal proceedings to consider past billings and other issues, claims or disputes in connection with the rendition of street lighting services by New York State Electric & Gas Corporation ("NYSEG"); and

WHEREAS, the Village of Lansing intervened in such proceedings; and

WHEREAS, the Village of Lansing engaged Computel Consultants ("Computel"), to represent the Village of Lansing in such proceedings and to negotiate on its behalf in regard to all issues, claims, or disputes pertaining to street lighting services rendered by NYSEG to the Village of Lansing, including, but not limited to, its past NYSEG street lighting bills; and

WHEREAS, negotiations between NYSEG and Computel have resulted in a settlement and release agreement between NYSEG and the Village of Lansing covering certain of the claims and issues in dispute as set forth in the agreement for the period through and including July 31, 2000, which settlement and release agreement, in accordance with paragraphs "5" and "6" thereof expressly excludes certain other claims and/or rights, including, but not limited to, the Village's pending Complaint No. 907303, which the Village may continue to prosecute; and

WHEREAS, Computel has recommended the acceptance of such settlement and release agreement;

NOW, THEREFORE, BE IT

RESOLVED, that the Village of Lansing Board of Trustees hereby authorizes on it's behalf the execution of the proposed Settlement and Release Agreement (with the corrections and amendments noted thereon) and it's delivery to NYSEG, approving thereby the terms and provisions set forth therein, it being fully understood that such Settlement and Release Agreement shall not prejudice in any way the Village of Lansing's continuing right, as provided in such Agreement, to continue to prosecute any claims not covered by such Agreement, including, but not limited to, it's pending street lighting Compliant No. 907303 with the New York State Public Service Commission for all periods before or after July 31, 2000.

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

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

The Mayor reported on the North Triphammer Road project. Rich Brauer of Fisher Associates has submitted a formal response to NYSDOT's latest comments. We are still waiting to hear back on that. It looks as if we will be leaving out the sidewalk on the east side, which will force the pedestrians to use the west side. This is because we are running out of right-of-way. Lynn commented that we shouldn't be making it harder for pedestrians. The Mayor commented that it is actually better because people won't have to cross the additional lanes at the Route 13 ramp.

The Mayor reported that there will be a final meeting of the group of 6 on Thursday. The Intermunicipal Sewer Group will hopefully wrap up final details on time lines for agreements among the various parties for the transfer of the Town of Ithaca's sewage and the issues to be resolved by the Village, the Town of Lansing and the Village of Cayuga Heights.

Ben Curtis, the Village Zoning/Code Enforcement Officer, has requested two temporary certificates of occupancy for 4 & 8 Ayla Way. John Roy is constructing the houses and they are substantially complete except for establishing ground cover and minor site work. Drainage and erosion control measures are in place, but the lawn will have to wait until later in the spring. Ben is confident that John Roy will complete these projects as required in a timely manner. Ben has requested that a nominal security of \$4000 be required for each house. As always, issuance of the Temporary Certificates will be contingent upon satisfaction of all other code and life safety issues.

Resolution #4036- To Issue Temporary Certificates of Occupancy for 4 & 8 Ayla Way with a \$400 Security Deposit for Each Property and an Expiration Date of September 15, 2004.

Trustee Fresinski moved this resolution and Trustee Beebe seconded. A vote was taken:

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

Janet stated that the Board needs to vote on having Barbara Nosanchuk be the Recreation Partnership Representative for the Village. Janet will have a proposal at the next Board meeting.

Motion- To Go Into Executive Session for Matters Relating to Personnel

Trustee Fresinski moved to go into executive session. Trustee Leopold seconded the motion. A vote was taken:

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

Motion- To Come Out of Executive Session

Trustee Fresinski moved to come out of executive session. Trustee Leopold seconded the motion. A vote was taken:

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

Motion- To Adjourn

Trustee Fresinski moved for adjournment. Trustee Leopold seconded the motion. A vote was taken:

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

The meeting adjourned at 10:04pm.

Jodi Dake
Clerk/treasurer

