

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, June 7, 2004, in the Village Office.

Present: Mayor Donald Hartill; Trustees Lynn Leopold, John O'Neill, Frank Moore, Larry Fresinski; Attorney David Dubow; Clerk/Treasurer, Jodi Dake.

Mayor Hartill called the meeting to order at 7:33P.M.and opened the public comment period. Lucy Barcelo was present but had no comment.

Motion-To Close the Public Comment Period

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

	Mayor Donald Hartill-Aye	Trustee Larry Fresinski- Aye	Trustee Lynn Leopold-Aye
	Trustee Frank Moore-Aye		
	Trustee John O'Neill-Aye		

Next item on the agenda was the approval of the minutes for April 19th and May12th, 2004. John O'Neill had one additional correction to the May 12th meeting which was incorporated.

Motion-Approval of Minutes for April 19, 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-Aye	Trustee Larry Fresinski- Aye	Trustee Lynn Leopold-Aye
Aye	Trustee Frank Moore-Aye		
	Trustee John O'Neill-Aye		

Motion-Approval of Minutes for May 12, 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- Aye	Trustee Lynn Leopold-Aye
Aye	Trustee Frank Moore-Aye		
	Trustee John O'Neill-Aye		

Jodi explained that for New York State Retirement reporting purposes, the Board had to establish a standard workday for the new Electrical Inspector position.

Resolution #4068-Set Electrical Inspectors Standard Work Week for New York State & Local Retirement System

BE IT RESOLVED, that the Village Board hereby establishes a standard workday of 8 hours for two days a week for the position of Electrical Inspector for the purpose of determining days worked reportable to the New York State and Local Employees' Retirement System:

Trustee Fresinski moved to set these standard workdays. Trustee O'Neill seconded the motion. A vote was taken:

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

Trustee John O'Neill- Aye
Trustee Lynn Leopold- Aye

Next on the agenda was an update on the codification. We are still waiting on Randy Marcus to get some answers on how to proceed with section I. Mayor Hartill has not completed his review of the Water/Sewer Sections. Larry brought up the question of whether we need to have all our signs listed as part of the Traffic Rules and Regulations. David explained that this is consistent with New York State law and the manner in which the Village has previously handled its traffic control signage. He also explained that although the Traffic Rules and Regulations have been amended by way of resolutions in the past, including them in the codification will necessitate future amendments being accomplished by local law. Because the code will be adopted by local law, it will have to be similarly amended in the case of any changes. He indicated that in general this is the safest way to do it. Don explained that there are advantages and disadvantages to having a codification. The advantage is that all laws will be in one place. The disadvantage is that some things could have been done more simply by passing a resolution whereas now since it is part of the codification a public hearing will have to be held and a local law passed to modify the document.

Jodi asked about the issue Dennis presented to the Board on April 26th of changing the road construction specs for concrete guttered roads. The Mayor recalled that Dennis or Dave Putnam was going to go ahead and change this as proposed.

Jodi reported that Barbara Halpin called Jodi earlier and said that we could go ahead and pass the resolution of support and concurrence with the Schuyler County Empire Zone revision application. The resolution was previously passed on March 15th but she is concerned with the date it was approved. David Dubow spoke with Barbara and she reported that they have received preliminary approval from the State and is concerned that the approvals of all involved municipalities be dated after this preliminary approval. Barbara would therefore prefer that it be reapproved.

Resolution #4069- To Reconfirm Approval of the Resolution of Support and Concurrence Which was Previously Passed on March 15, 2004 as Resolution #4031

VILLAGE OF LANSING
RESOLUTION OF SUPPORT AND CONCURRENCE
WITH THE SCHUYLER COUNTY EMPIRE ZONE
REVISION APPLICATION

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 the 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 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. Trustee Leopold seconded the motion. A vote was taken:

	Mayor Donald Hartill-Aye	Trustee Larry Fresinski- Aye	Trustee Lynn Leopold-
Aye	Trustee Frank Moore-Aye		
	Trustee John O'Neill-Aye		

Mayor Hartill has received emails from Barry Schwartz of the Law Department in the Office of the Corporation Counsel of the City of New York requesting the Village's written support of the Collateral Source Bill (S.622/A.3483). The bill would remedy the current inequitable situation where it is only the public employer which, when sued by one of its employees in a personal injury action, must pay what amounts to a double recovery to the employee for lost future earnings. David Dubow stated that his firm also represents the Village of Dryden and they have previously passed this resolution of support. Other supporters are the County of Tompkins; the City of Ithaca; the Towns of Dryden, Enfield, Ithaca and Lansing; and the Villages of Cayuga Heights and Groton.

Resolution #4070-VILLAGE OF LANSING BOARD OF TRUSTEES
 RESOLUTION FOR SUPPORT OF PROPOSED SENATE
 BILL S.622/ASSEMBLY BILL A.3483 ADOPTED ON
 JUNE 7, 2004

WHEREAS:

- A. There has been introduced before the New York State Senate and the New York State Assembly a bill known as S.622/A.3483 entitled: "An act to amend the civil practice law and rules, in relation to equalizing the treatment of collateral sources in tort actions, to repeal subdivisions (a) and (b) of section 4545 of such law and rules relating to collateral sources in certain tort actions and to repeal subdivisions (d) and (e) of rule 4111 of such law and rules relating to itemized verdicts in certain tort actions"; and
- B. This bill will equalize the treatment of collateral sources in tort actions against public defendants by applying the same standard used in cases against private defendants and allowing collateral sources to offset damage awards for future costs or expenses in actions against public employers, thereby preventing double recoveries;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The Board of Trustees of the Village of Lansing hereby expresses its support for the enactment of New York State Senate Bill S.622/New York State Assembly Bill A.3483; and
- 2. Certified copies of this resolution be delivered to Honorable Joseph Bruno, Majority Leader, New York State Senate; Honorable Sheldon Silver, Speaker, New York State Assembly; Honorable Richard Platkin, Counsel to the Governor; Honorable Barbara Lifton, Assembly Member for the 125th District; Honorable Michael Nozzolio, Senator for the 54th District.

Trustee Fresinski moved this resolution. Trustee O'Neill seconded the motion. A vote was taken:

	Mayor Donald Hartill-Aye	Trustee Larry Fresinski- Aye	Trustee Lynn Leopold-
Aye	Trustee Frank Moore-Aye		
	Trustee John O'Neill-Aye		

David went on to explain that this will reduce an award that a municipality would have to pay in the case of a tort action. Larry summarized it by saying it simply prevents double dipping. Copies of this resolution will be sent to Michael Nozzolio, State Senate 54th District; Honorable Richard Platkin, Counsel to the Governor; Honorable Joseph L. Bruno, Majority leader, New York Senate; and Honorable Sheldon Silver, Speaker, New York State Assembly. A copy will also be faxed to Barry Schwartz.

Mayor Hartill stated that NYSDOT has approved the North Trihammer Road Project preliminary design with three minor

changes.

1. Add the phone number for their Hauling Permit Engineer to our Maintenance and Protection of Traffic Notes.
2. Remove all references to bicycle lanes on the project and replace them with shared roadway signs.
3. Add the typical "Shared Roadway" signs at the Route 13 exit ramps to alert traffic approaching Triphammer Road of this condition.

There will be a meeting with Fisher Associates on June 16th at 9am. Hopefully, the project can go out to bid shortly thereafter. Rich Brauer of Fisher had mentioned that he needs a signature on an "Undertaking Agreement". Jodi will call him to see what he is looking for and if he still needs it.

Next the Mayor gave an update on the sewer issues. There is a concern on the part of the Village of Cayuga Heights regarding the billing with the Kline Road Bypass and lost revenue. What Don thinks will happen is that an agreement will be made between the Town of Ithaca, Village of Cayuga Heights & the City of Ithaca to add two valves to control the flow. Once Kline Road is complete one valve will be opened that will serve the 10 residence that will flow to the Ithaca Plant. Then at the start of the Town's new fiscal year on January 1, 2005, the other valves will be opened. DEC now wants a full approval of this project, not just from John Andersson at the County Health Department, but from Mr. Ike as well. Once this project is complete we will be out from under the moratorium.

On the good water front, the Mayor advised the Board that the Commission has written a letter to the City of Ithaca stating that they will either sell them water or they can join on the same terms as everyone else presently in the Southern Cayuga Lake Intermunicipal Water Commission. The City needs to either join SCLIWC or build another water plant.

John O'Neill asked if street sweeping was going to be done on the Route 13 bridge. Don explained that the bridge is owned by the State. Lynn agreed that the bridge area really is an eye sore. Don will be meeting with people from the State on Tuesday so he will suggest a clean up be done or at least give the Village permission to do it.

John also commented that many street signs are leaning. Don suggested that this be a good topic for our Wednesday noon meeting.

While in the Netherlands, John noticed that on their trail paths they used some sort of epoxy over hard gravel. This is used in Minnesota as well with great results. John will get more details on costs.

Larry reported on the meeting he attended last Wednesday. It was a meeting to discuss the findings of the subgroups that have been working on opportunities for reducing the property tax burden or improving governmental efficiency without increasing costs in an effort called "Mutual Benefits". They discussed cost sharing and looked at safety and road issues. Don explained that the main reason he asked Larry to attend was the road issues. About a year and a half ago Tompkins County talked about cost saving and wanted to formalize the process of sharing equipment and services by and among governmental entities. They also are looking at telecommunications and related cost savings measures. As an example, he reported that they had looked into video arraignments for the various local courts, but didn't find this cost effective.

Motion- To Adjourn

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

Aye	Mayor Donald Hartill-Aye Trustee Frank Moore-Aye Trustee John O'Neill-Aye	Trustee Larry Fresinski- Aye	Trustee Lynn Leopold-
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The meeting adjourned at 8:45pm.

Jodi
Dake

Clerk/treasurer

