

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, March 20, 2006, in the Village Office.

Present: Mayor Donald Hartill; Trustees, Larry Fresinski, Lynn Leopold, John O’Neill and Frank Moore; Clerk/Treasurer Jodi Dake; Attorney David Dubow; and TG Miller Engineer David Putnam.

Mayor Hartill called the meeting to order at 7:41P.M. and opened the public comment period.

Tony Nekut of 844 Cayuga Heights Road stated that he called Steve Eidt of the NYS DEC regarding the intermunicipal sewer issue and the current Town plans for sewer service and a sewer main to run through the Village. Tony reported that Steve indicated that he had never heard the option of a stand-alone sewer plant for the Town of Lansing and that other local plants have been funded under this Bond Act money. Steve also told Tony that there was no pressure to pursue the intermunicipal approach and that if a stand-alone plant were built it wouldn’t jeopardize the currently earmarked Bond Act money. Tony also looked into intermunicipal results and a small amount of money went to Dryden for them to have their sewage go to the Ithaca Plant and he sees no other regional cooperation in place. The idea of a regional plant is an idea of the past. He indicated that the Rural Future Committee states that there is now a push for local plants. There is a move towards decentralization and local plants are no longer looked upon with disfavor. The original TG Miller study stated that the local option was always the cheapest. The operating costs are also less with a local plant than with a regional solution. The public opinion poll that the Lansing Star is doing suggests that over 50% are not in favor of the regional solution. Tony feels that to get people on board there must be a cost-effective solution. Tony feels there is an apparent lack of communication and a lot of contention between the Town and Village of Lansing. Lastly, Tony feels that many of the issues that precipitated the original formation of the Village have been addressed and it may be time to consider combining the Town and Village.

Mayor Hartill stated that the last conversation he had with Steve Eidt a year ago and the comments from Tony regarding his recent telephone conversation with Steve are very different. The Mayor indicated that when he last spoke with Steve he was told that the remaining original funding would be lost if a decision were made to proceed with a local plant as opposed to the intermunicipal approach. The Mayor indicated further that these issues would be brought up at the upcoming previously scheduled March 22<sup>nd</sup> meeting with Steve Eidt. The meeting will take place at the Town Hall at 5pm. Anyone may go but questioning will be limited to the municipal officials.

Motion-To Close the Public Comment Period

Trustee Fresinski moved to close the public comment period. 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		

Dave Putnam gave the engineer’s report. He reported that with respect to the North Triphammer Road project Suit Kote will begin work April 3<sup>rd</sup>, and G. DeVincentis & Son will be in the following week to finish up the utilities.

Dave also reported that on 2/28/06 there was a Warren Road Utilities meeting and there will be another on 3/28/06. At that meeting they stated that Tompkins County would like to put the project out to bid and get half of it done this construction season. They want to do the part that runs through the Village, but Dave doesn’t think it will be possible. As far as the Village is concerned, there isn’t anything to do other than raise a few manhole covers.

Don asked if Dave has made any progress with the HSBC bus stop issue. Dave will remind Rich Brauer of this and also leaving the curb cuts in by the sidewalk at Graham Road and other outstanding issues.

Jodi informed the Board that there are two Village residents that have requested their penalties be removed from their water bill due to problems with the postal service. Both have always been on time with their payments in the past.

Resolution#5222 - To Remove the Following Water/Sewer Penalties:  
Account N1787-Sudan at 810 Cayuga Heights Rd. in the amount of \$7.21.  
Account #N1745-Phillips at 29 Highgate Circle in the amount of \$6.62

Trustee Fresinski moved to remove the penalties. Trustee Leopold 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 approval of minutes from February 16<sup>th</sup> and March 6<sup>th</sup>.

Motion - To Approve the Minutes from February 16, 2006

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 O'Neill seconded the motion. A vote was taken:

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

Motion - To Approve the Minutes from March 6, 2006

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 Frank
Moore- Aye	Trustee John O'Neill-Abstain		
	Trustee Lynn Leopold-Aye		

The next item on the agenda was to discuss fees charged by Tompkins County for regulatory services. It was decided that this would be discussed in executive session since it may involve potential litigation.

The next item on the agenda was to discuss the proposed use of a Village drainage easement by Omnipoint Communications/T-Mobile. Dubow explained that this has to do with the recently approved (by the Planning Board and BZA) telecommunications facility to be placed on the McDonald's property. One of the conditions of those approvals is the Board of Trustees' granting the authority for Omnipoint/T-Mobile to install underground utilities within a limited portion of an existing drainage easement granted to the Village in 1983. Dubow indicated that he would like to obtain the go-ahead from the Board so that he can proceed to pursue this further with the understanding that the formal agreement will be brought back to the Board for final approval. The final utility locations and specifications, including this intended agreement with Omnipoint/T-Mobile, will also be reviewed and approved by Brent Cross who assisted both boards in their respective review. Dubow explained that what is being proposed is a very small encroachment. John O'Neill stated that it seems like it has been well engineered. There were no objections. Dubow will prepare an agreement to present to the Board.

Lynn Leopold asked the Board to consider passing a resolution on joining the Stormwater Coalition. This resolution would enable the Village to join other involved municipalities and parties in trying to form a more formal coalition.

Right now they call themselves “a group”. Once this is done they will start working on by-laws. The resolution provides for the coalition to exist for a limited term that expires 3/31/08, which is the date we are supposed to have our Stormwater Law in place. Frank asked what this group would do for us. Lynn stated that they help with projects, grant writing, pay for workshops among other things. This group has nothing to do with the Intermunicipal Organization (IO). They too are also interested in stormwater run off as it relates to creeks and the lake, but they are more concerned with the lake and receive their funding from a different source. We currently contribute \$900 to the IO. Lynn stated that our Stormwater Annual Report will be very sparse this year because we have not done much in the Village. Don asked if posting on our web page would be considered outreach. Lynn indicated that it would since its purpose is to exchange information. Lynn feels this coalition would be very beneficial to the Village. In the past the group has helped us with our annual report. She did not have a clean copy of the proposed agreement creating the coalition, but will email the marked up copy to David and Jodi. The Board will revisit this at the April 3<sup>rd</sup> meeting.

The Board then addressed the tentative 2006-2007 budget. It was acknowledged that the first draft of the tentative budget had been reviewed at the Board meeting on March 6<sup>th</sup>. In furtherance of that initial review, the following was presented and discussed.

The taxable assessed value for the 2006-07 budget year is \$351,425,800. The following issues were discussed and changed by the Board for the tentative budget:

A1001-Real Property tax was originally entered at this year’s rate of \$1.65 per thousand. Since the assessed value of the Village has gone up, this rate was decreased to \$1.59 per thousand. The inflation rate is 3% and with this rate our expenditures go up a little less than three percent.

A2665-Sale of Equipment changed from \$15,000 to 0. There had been previous conversations at the last meeting that we may want to consider keeping the old dump truck. After much discussion the Board decided to keep the truck on a trial bases for one year to see if it is economical and will help the work load in the highway department.

A1620.44-Village Office-this line only has \$1,000 listed. Jodi got an estimate for installing cabinets along the back wall of the conference room, which is approximately \$5,000. This line item was increased to \$6,000.

A1910.4-Unallocated Insurance-This year it was \$34,000 so this amount was increased from \$32,000 to \$36,000.

A5112.2-Capital Outlay Permanent Improvements is \$330,000 for Northwood Dr. and \$170,000 for N. Triphammer Rd. betterments.

A5410.41 Greenway-Increased to \$8,000 in anticipation of resurfacing the trails from Votapka to Janivar Drive and Leifs Way to the bridge.

A5142.2 & .4 amounts need to be switched. A5142.4 includes the \$25,000 snowplowing contract we have with the Town of Lansing. All budget line items ending in “.2” are equipment/capital outlay. \$15,000 is allocated for a compact tractor for sidewalk snow removal.

A8140.4 MS4 Stormwater. With the grant program we can be reimbursed matching funds for preparing a law. With this in mind, the board increased it to \$3,000.

There were other changes related to personnel matters that were reviewed took place during executive session that will be reflected in the tentative budget.

Resolution #5223-To Set a Public Hearing on the tentative budget for April 3,2006 at 7:35pm.

Trustee Fresinski moved to set the public hearing. Trustee Leopold 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		

David Dubow brought up the issue of Cyber Security Citizens Notification. He explained that back in December of 2005, the New York Information Security Breach and Notification Act was adopted by the State and that this new legislation requires that every local government individually adopt its own notification policy within 120 days of the State law's effective date (being December 7, 2005), thereby requiring the Village of Lansing to adopt such a policy no later than April 6, 2006. David prepared for the Board’s consideration a resolution intended to adopt such a policy and

to amend Part I of the Village Code by adding a new Chapter 25. Larry stated that this is a minor point for the Village, since very little protected personal information is retained in the Village's records, but this new legislation may have a much greater effect on big companies with much more personal information.

Resolution #5224- Adoption of Cyber Security Citizens' Notification Policy

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: A proposed amendment to the Village of Lansing Code so as to add a new Chapter 25 (entitled "Cyber Security Citizens' Notification Policy") under Part I (entitled "Administrative Legislation") of the Code wherein such Cyber Security Citizens' Notification Policy is set forth at length as required by the recently enacted Information Security Breach and Notification Act of the State of New York (State Technology Law Section 208); and
- B. Such recently enacted Information Security Breach and Notification Act of the State of New York (State Technology Law Section 208) requires that every local government must individually adopt its own notification policy within 120 days of the State law's effective date (being December 7, 2005), thereby requiring the Village of Lansing to adopt such a policy no later than April 6, 2006; and
- C. The New York State Conference of Mayors ("NYCOM") has recommended to its member cities and Villages that such local governments base their local policies on the Cyber Security Citizens' Notification Policy that has been drafted by the State's Office of Cyber Security and Critical Infrastructure Coordination ("CSCIC"); and
- D. Chapter 1 (entitled "General Provisions"), Section 1.7 (entitled "Amendment to Code"), subsection "B," of the Village of Lansing Code provides in part as follows:

"All local laws, ordinances, resolutions, regulations, policies and codes as set forth in the Code may be deleted, amended, supplemented or repealed from time to time as the Board of Trustees deems desirable. In each case and to any extent that prior to its incorporation into the Code, any Article, Chapter, section or provision of the Code could have been deleted, amended, supplemented or repealed by resolution of the Board of Trustees (rather than by adoption of a local law), such Article, Chapter, section or provision may continue to be so deleted, amended, supplemented or repealed by resolution of the Board of Trustees, and such deletion, amendment, supplementation or repeal shall not require the adoption of a local law;" and

- E. The adoption by the Village of Lansing of policies such as the proposed Cyber Security Citizens' Notification Policy provided for in this resolution could have been and was in fact accomplished by resolution (rather than by adoption of a local law) prior to the incorporation into the Code of the various policies set forth in the Chapters included in Part I of the Code; and
- F. It is hereby determined that the adoption of the Cyber Security Citizens' Notification Policy as herein provided and its inclusion in the Village Code as Chapter 25 under Part I thereof may be accomplished by resolution (rather than by adoption of a local law) of the Village of Lansing Board of Trustees; and
- G. It is hereby determined in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, by the Village of Lansing Board of Trustees, that the proposed action is a Type II action, and thus may be processed without further regard to SEQR;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:**

1. The Village of Lansing Board of Trustees hereby adopts the attached “Cyber Security Citizens’ Notification Policy” as and for its notification policy as required by the recently enacted Information Security Breach and Notification Act of the State of New York (State Technology Law Section 208); and
2. Such Cyber Security Citizens’ Notification Policy shall be included as a new Chapter 25 (entitled “Cyber Security Citizens’ Notification Policy”) under Part I (entitled “Administrative Legislation”) of the Village of Lansing Code, set forth in full in a new section designated as “Section 25-1” (entitled “Notification Policy”), and such Code shall thereupon be deemed amended accordingly.

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

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

Since there were no further issues for general discussion the Mayor proposed the following motion:

Motion- To Go Into Executive Session to Discuss Personnel and Potential Litigation

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

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

The Board went into executive session at 9:40pm.

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:

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

The Board came out of executive session at 10:32pm.

Resolution # 5225- To Commence Legal Proceedings Against Tompkins County Regarding Fees Charged For Regulatory Services

WHEREAS, the Southern Cayuga Lake Intermunicipal Water Commission (the “Commission”) is charged fees by Tompkins County (the “County”) for regulatory services provided by the County’s Health Department to assure water quality and the Commission’s conformance with applicable water quality and processing laws and regulations; and

WHEREAS, until 2003 the annual fee charged for such services was \$600; and

WHEREAS, the County unilaterally, without consultation with the Commission, increased the fee charged in 2004 to \$6730 and in 2005 to \$7920, or more than 13 times the amount charged in 2003; and

WHEREAS, other smaller water system operators pay fees as little as \$120 per year; and

WHEREAS, the Commission has been advised that regulatory fees charged by a County need to bear some correlation to the cost of the regulating activities; and

WHEREAS, the County has stated that formula for calculating its fee structure is not based upon the cost to the County of providing the services to each class of water system operator, but rather upon the number of customers served by each water system operator; and

WHEREAS, the County's own materials indicated that the cost of providing regulatory services to the Commission is not anywhere near 66 times greater than the cost of providing the service for a small operator, yet the fee charged the Commission is 66 times more than the fee charged smaller operators; and

WHEREAS, the Commission has met with County officials and the County Health Department Board and expressed its concern with the fee structure and the illegality and unfairness of the structure, and requested a change in the fees; and

WHEREAS, the County has, to date, refused to rectify the inequities and illegalities of the fees being charged and does not show any evidence that it will, in the future, reduce the inequities in its fee structure; and

WHEREAS, to date the Commission has refused to pay the charges assessed against it; and

WHEREAS, if no action is taken by the Commission, the unpaid charges will continue to accumulate and the Commission's ability to challenge such charges may become time barred; and

WHEREAS, because of the County's refusal to entertain changes to its fee structure, it appears the only way for the Commission to rectify the situation is to seek a determination of a court as to the legality of the charges assessed by the County; and

WHEREAS, the Commission has authorized the Commission's attorneys to commence a legal proceeding against the County for relief from the County's fee structure; and

WHEREAS, if the fee structure is not altered, this municipality will, through expense deductions in the Commission's budget, be required to pay its proportionate share of such improper regulatory fees;

NOW THEREFORE, IT IS RESOLVED, that this Board concurs with the Commission's institution of a legal proceeding seeking the alteration of the County fee structure for regulatory services performed by the County for the Commission and authorizes the institution of such a proceeding; and it is further

RESOLVED, that the Village of Lansing join in the suit as a petitioner-plaintiff and authorizes the firm of Barney, Grossman, Dubow & Marcus to represent such municipality in such proceeding; and it is further

RESOLVED, that this Board authorizes the Mayor and Clerk to take such further actions, and to sign, individually and on behalf of this municipality, any affidavits, pleadings, or other documents deemed by either of them to be necessary or desirable to prosecute such legal proceeding and to effectuate the intent of the foregoing resolutions.

Trustee Leopold moved this resolution and Trustee Fresinski 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

Motion- To Adjourn

Trustee O'Neill moved for adjournment. Trustee Leopold 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	

The meeting adjourned at 10:35PM.

Dake

Jodi  
Clerk/Treasurer