

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, August 7, 2006, in the Village Office.

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

Mayor Hartill called the meeting to order at 7:35P.M. and opened the public comment period. There was no public 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 Frank Moore- Aye	Trustee John
O'Neill-Aye	Trustee Lynn Leopold-Aye	
Trustee Larry Fresinski-Aye		

The next item on the agenda was a public hearing to consider proposed Local Law D, Amendment to Village of Lansing Code – Zoning Law Telecommunications Facility Special Permit Additional Conditions.

Motion-To Open the Public Hearing on Proposed Local Law D- Amendment to Village of Lansing Code – Zoning Law Telecommunications Facility Special Permit Additional Conditions

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

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

There were no public comments.

Motion-To Close the Public Hearing

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

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

At this point the Mayor did a quorum check to see who would be attending the next two meetings. Don will be out of town for both the Thursday noon meeting and the Monday August 21<sup>st</sup> meeting. All Trustees indicated that they will be in attendance at the two upcoming meetings.

Since there was still time before the next scheduled public hearing was to begin, the Mayor entertained a motion to go ahead and approve the minutes from June 5th, July 13<sup>th</sup> and July 17<sup>th</sup>.

Motion - To Approve the Minutes from June 5<sup>th</sup> and July 17<sup>th</sup>

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

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

Motion - To Approve the Minutes from July 13<sup>th</sup>

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

Don stated that the next big action on N. Triphammer Rd. would be the lowering of Pyramid Drive next week. Denny informed him that they would be transporting out about 143 loads of material to adjust the grades at this intersection. It was estimated that it should only take two days to complete this work. Don had asked Suit Kote to complete this before the students get back. The sidewalks on the east side are near completion. There is an example of the stamped concrete at the corner of Graham Road and N. Triphammer Rd. Phil Dankert asked what would be done with the steep embankment at that corner. Jodi stated that they had started constructing a stone wall that day. It was also reported that there will be a left turn light south bound into Cayuga Mall, but it won't be activated until after the final paving is completed at the end of August or early September. The last step will be getting the streetlights working. Don feels we are making good progress. He plans an opening ceremony in late September.

Larry asked if there will be double left turn lanes coming off of north bound Route 13 onto N. Triphammer. Don explained that the problem is that both lanes must handle an 18-wheeler according to NYSDOT standards and that exit and intersection will not accommodate the necessary turning radius. The stacking problem usually happens on the bridge, but with two left turn lanes now going into Pyramid Drive this problem should be taken care of.

Motion- To Open the Public Hearing on Proposed Local Law E, Amendment to Village of Lansing Code – Zoning Law Buffer Strip Requirements

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

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

Don explained that this zoning change would provide the Planning Board with greater flexibility and discretion in approving buffer strips in situations where flexibility may be appropriate. There was no comment from the public.

Motion- To Close the Public Hearing

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

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

Trustee Larry Fresinski-Aye

Next on the agenda was a Public hearing to consider the offer of dedication of Bomax Drive.

Motion- To Open the Public Hearing Regarding the Offer of Dedication of Bomax Drive

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

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

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

Don explained that originally one of the concerns was that the financial arrangements for this new road construction would set a precedent, but this issue was addressed at the last Board meeting. The minutes of the last meeting at which the offer of dedication was formally received and accepted provide a good explanation of this situation and show the rational for our decision. Don indicated that he drove down Bomax Drive yesterday and that there is base material down which looks good. It tapers in nicely. The road has more base material than any other road in the Village. There is also adequate room for a sidewalk area. Next year Don would like John to have some drainage installed that is similar to the drainage that the County did on the east side of N. Triphammer Road in the Town of Lansing. It would be a concrete gutter with under drainage. This would also get rid of the ditch along Bomax.

Motion- To Close the Public Hearing on Bomax Drive

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

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

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

The Bomax Drive offer of dedication having been previously made and accepted, and the required public hearing having provided no information contrary to the Board's previous action, the Board proceeded with a further resolution to reaffirm its decision to accept the road.

Resolution #5265-To Reaffirm Actions Taken in Resolution # 5262 Adopted on July 17, 2006  
Authorizing the Village to Accept the Offer of Dedication of Bomax Drive

WHEREAS, by Resolution No. 5262 adopted on July 17, 2006, the Village of Lansing Board of Trustees (i) conditionally accepted the Offer of Dedication made by Bomax Properties, LLC, a New York limited liability company, for the extension of Bomax Drive westerly from the end of the existing Bomax Drive to the easterly boundary of property known as the "Lansing Trails II Subdivision" in the Village of Lansing, as well as any water and sewer mains located within the bounds of such premises, and (iv) directed that a public hearing be conducted in regard to the foregoing actions at the next regular meeting of the Board of Trustees of the Village of Lansing, on August 7, 2006, at 8:00 PM; and

WHEREAS, such public hearing was held on August 7, 2006 as required, at which time the Board heard no sufficient expressions of opposition to the Board proceeding as resolved in Resolution No. 5262; and

WHEREAS, the Board therefore wishes to reaffirm the actions provided for in Resolution No. 5262;

NOW, THEREFORE, in accordance with Sections 6-610, 6-612 and 6-614 of the Village Law of the State of New York, and for the purpose of reaffirming its previous action as provided for in Resolution No. 5262 adopted on July 17, 2006, be it resolved by the Board of Trustees of the Village of Lansing as follows:

The Village of Lansing hereby reaffirms its acceptance of the Offer of Dedication made by Bomax and the conditions and obligations to be satisfied by the Village and upon which the Offer has been made, subject to full and complete satisfaction of each of the following conditions:

Confirmation from the Village Engineer that (i) all required work with respect to the proposed road right of way and related improvements has been completed as required and (ii) acceptance of the road right of way and related improvements is thereby recommended;

Delivery to, review by and approval of the Village Attorney of original and executed copies of each and every document required in order to complete conveyance of the subject property in accordance with all applicable provisions of the State of New York and Village of Lansing laws, rules and regulations;

Receipt by the Village Attorney from Bomax of a satisfactory and fully updated abstract of title and all related title and transfer documents to confirm that the premises will be conveyed free and clear of all liens and encumbrances other than customary public utility easements of record; and

Recording and filing of the warranty 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 other than customary public utility easements of record.

2. The Village of Lansing's acceptance of the Offer of Dedication is expressly subject to the above-stated conditions, and such acceptance shall not become effective until each of said conditions has been satisfied in full.

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

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

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

David Dubow indicated that once the road is completed and approved by the Village Engineer and all necessary title documents are delivered, the deed will be recorded. It was also indicated that the Jonsons will not be paid until the road is completed to Village standards.

Mayor Hartill advised that he had prepared the following Draft Memorandum of Understanding (MOU) between the Town of Lansing and the Village of Lansing for the proposed Town sewer project. The Mayor explained that this MOU covers the proposed construction and operation of a forced sewer main for the transportation of sewage from the Town of Lansing through the Village of Lansing to the Cayuga Heights Wastewater Treatment Plant, with some of the capacity of that main being used by the Village of Lansing.

Construction of the transmission main:

The construction of the forced main would be along the east side of Cayuga Heights Road beginning at the intersection of Cayuga Heights Road and Route 34 and continuing to the existing Village of Lansing gravity main at the intersection of Cayuga Heights Road and Cedar Lane. The forced main would then empty into the gravity main at this

point. The existing gravity main would be replaced with a larger diameter pipe from this intersection to the Cayuga Heights Treatment Plant to accommodate the increased flow from the Town of Lansing.

To accept sewage flow from the residents in the Village of Lansing that could be served by this line, a parallel gravity and small forced main system would be placed in the same excavation. The Village would pay for the increased cost of the excavation and for the materials and installation of the parallel system. The Village would also pay for a fraction of the installation of the forced main and the operation of the additional pump station required to implement this solution. The Village would not pay for the upgraded gravity main from Cedar Lane and Cayuga Heights Road to the Cayuga Heights Plant since the current main has sufficient capacity for all future Village needs including areas of the Village not currently served by municipal sewer.

Because the forced main is going through a quiet residential area which has had significant problems with breaks in the water main that was installed in the late 1960's on the west side of Cayuga Heights Road, the installation and materials used for the forced main must be of the highest standards. The final design will have to be approved by the Village's engineering consultant and the installation inspection must also be signed off on by the Village's engineering consultant. The Village's engineering consultant would also be available for interaction with the design engineers during the design phase. The costs for the Village's engineering consultant would be paid by the Village.

Odor control and abatement will be an essential part of the construction, especially at the junction of the forced main and the gravity main and at the pump station located near the Bolton Point Water Treatment Facility. Again, the final design must be approved by the Village's engineering consultant.

#### Cost sharing:

Since the system is being designed for a twenty-year time horizon with a total capacity of 1-MGD determining the cost sharing between the Village and the Town will require some approximations. Probably the most conservative approach would be to take the accelerated development scenario in environmental impact statement and use the ratio that appears in Table 23. The number of new dwelling units projected for the Village is 265 and for the Town is 1300. At least half of the growth in the Village will be in areas currently served by municipal sewers and would not use the forced main. Of the current residences along Cayuga Heights Road only about ten could use the forced main. The residences from the top of the hill on Cayuga Heights Road and the existing residences along Oakcrest Road would use the parallel small forced main and gravity system that would be funded by the Village. The bottom line is that the Village will be responsible for about 7% of the cost of installation and operation of the forced main system.

#### Ownership of the Forced Main and Bolton Point Pump Station:

The Village would own the forced main facilities within the boundaries of the Village. The Village would manage the construction of the facilities and the Town would pay the Village for their share of the costs. The Village would be responsible for all environmental impact matters and the Town would pay their share of any costs incurred as part of this process. Maintenance and repair of the forced main facilities within the Village would be the responsibility of the Village and the Town would pay their share of the costs in the above ratio.

Don explained that the MOU is intended to reflect the spirit of how the Town and the Village will go forward with this proposed project. Larry asked if the Town would be surprised because the MOU provides for less of a financial contribution from the Village than previously discussed. Don explained that the only way to determine an appropriate amount for the Village's contribution is from the projected dwelling units as summarized in the original Draft Environmental Statement. Don handed out charts reflecting that information for the Board to review. Don went on to explain that the forced main and gravity system piece would flow north. There are dwelling units on Route 34 and a couple on Autumn Ridge (about 10 houses) that would use the full piece of that system plus whatever will be the growth in that area. At most, he indicated that we're talking about 200 Village units that would benefit. Frank stated that future sewer districts in the Town are not established. The only basis we have is current implementation. Frank suggested that we incorporate language into the MOU that phases the calculation of our commitment so as to reflect current reevaluations of the relative growth factors in the Village and the Town based upon all factors involved, including possible zoning changes. Larry would like to add that this would be revisited every 5 years under any

circumstances.

It was asked who would manage this project. Don stated that by law he believed we have to manage the project in the Village. There was a concern that all of the Town's sewage would be flowing through the Village and that we would be responsible for that. Don stated that we are responsible but the Town will pay for about 95% of that cost.

David Dubow explained that this MOU is intended to summarize the broad principles of the project and that later there will have to be a more comprehensive legal document. He suggested that the MOU be viewed as a general outline of "business" deal between the parties and we shouldn't get too involved in legal details at this stage. It focuses on transactional issues. He suggested looking at it as a working document.

There are two issues that Don wants to make very clear. The first is that the Bond Act funding will be uniformly applied to the whole project. And secondly, that the gravity system has to be upgraded to 24" line at their cost because the present line works for us.

Lynn asked Frank if he had heard anything from the Town of Lansing regarding rezoning. If the Town is considering rezoning the south part of Lansing to high density residential use to accommodate cluster housing, then the Planning Boards for both the Town and the Village should discuss coordinating zoning in the respective border areas. Don thinks that the Village Board of Trustees, Town Board and the Planning Boards from the Village and Town should get together. Don will also add to the MOU that if major rezoning changes are made, the percentage sharing of costs should be reassessed. Frank would also like to see "Board must approve" language added to the MOU in addition to our engineering consultant. Don will revise the MOU and email it to the Board tomorrow. He will then present it to Steve Farkas who in turn will present it to the Town sewer committee this Wednesday. Frank thinks they will be happy with this.

Don explained that this MOU is only with the Town of Lansing and that there is a whole separate set of issues with the Village of Cayuga Heights, Town of Ithaca and the Lansings that will need to be addressed. There is still the Remington Road Project to also be taken care of.

John O'Neill informed the Board that the Lansing Fire District had contacted him to get the contact information for Fisher Associates. Their concern is how the entrance of the driveway looks. John will email Ned Hickey, the Planning Board Chairperson, regarding this issue.

Motion- To Adjourn

Trustee O'Neill moved for adjournment. Trustee Fresinski seconded the motion. A vote was taken:

Aye	Mayor Donald Hartill-Aye Trustee John O'Neill-Aye Trustee Larry Fresinski-Aye	Trustee Lynn Leopold-Aye	Trustee Frank Moore-
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The meeting adjourned at 9:00PM.

Dake Jodi  
Clerk/Treasurer