

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, September 18, 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 Planning Board Chair, Ned Hickey.

Mayor Hartill called the meeting to order at 7:40 P.M. and opened the public comment period. Don welcomed Town of Ithaca Supervisor Cathy Valentino. There were no comments from the public.

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:

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

Don explained that Dave Putnam would not be able to attend tonight's meeting because he has a stomach bug. Don reported that he has asked Dave to produce a full-scale map of the property lines along the east boundary of the Village Office property, which should be dropped off by Thursday. We will use this topography map to help deal with the fire station planning.

Don reported that we are slowly coming to a close on the North Triphammer Road Project. All base paving is complete and the final topcoat will be in the next two weeks. There is still a lot of landscaping to be completed, lights to install and finish work to be done. Trees will go in this fall. It is actually the best time to plant trees. They are still discussing finishing the signage decorative walls. Don plans on having a ribbon cutting in late October. It was asked when our driveway would be paved and if it is part of the North Triphammer Project. Don stated that the first 25 feet is part of the project, and then Suit Kote would be doing the remainder of the driveway and the Village would pay for that portion of the work.

With respect to the proposed Town sewer project, Don reported that we are still waiting for design documents from the Town of Lansing. Don had previously submitted a Draft MOU to the Town, but he has not received a response from them. Frank feels the Town is in disbelief of what will happen. They are figuring costs with the highest rate of build out. Larry is in favor of reviewing the situation every five years. Don explained that once he gets a response on the Draft MOU, the next step will be to pursue more specific terms and provisions regarding this project. The Board discussed a newspaper article that dealt with EDU's.

Ned Hickey introduced Dominic Frongillo. Dominic is an intern for the Tompkins County Planning Department who was hired by the Planning Board to do work for the Village related to recreational land acquisitions and planning. This all stemmed from the Planning Board's recent work related to the Greenway update. The Planning Board was looking at the method it uses to exact recreational lands as part of subdivision approvals. He explained that the Planning Board has been working with David Dubow to tighten up the recreational land exaction procedures. The Planning Board asked Dominic to take the legal findings requirements that David Dubow had developed for the Planning Board, and then develop a model and apply it to the Dart Property. Dominic explained the legal findings he created for this hypothetical subdivision project and presented several different options for exaction of land for trails and a park. The total acreage was 4.2, which represents 6% of the total 71 acres in the Dart Subdivision area. Dubow explained that this is somewhat complicated because the Dart parcel has been divided between the three Dart children. The Planning Board is attempting to come up with a plan that takes into consideration an overall view of the possible development of the entire property. The intent is to determine what the Village might need and want before the owners of the parcels come in for subdivision approval. We now have a good start and a lot of options. Ned stated that they the

Planning Board will be updating the Village map to show all the sidewalks and current inventory of trails. Currently we have approximately three miles of trails.

Tim Joseph (who had joined the meeting) and Cathy Valentino gave a presentation on the Tompkins County Council of Government (TCCOG). Tim is the County Legislature chairman and Cathy is the Supervisor at the Town of Ithaca. They explained that this concept was developed mainly as a vehicle for the local municipalities to communicate directly with the County. They feel that if local governments could work together they could reduce costs to the residents. The TCCOG is intended to be an association of local governments organized to provide a forum for discussion, study and negotiation on leading to agreements for a more efficient, improved or more cost effective delivery of government services.

It was explained that TCCOG votes would be non-binding. If a municipality so chooses, it will have no obligation to participate. Each municipality is equal in that they all receive one vote no matter what their size. Each municipality selects an elected official as a designated representative and will also indicate an alternate member to attend if the designated representative is unavailable. It was explained that they are currently working on a health care consortium. Don asked if there were other services that they were thinking about. Tim stated that they are thinking about shared road services, public safety and affordable housing. They have talked about sales tax issues as well. The main purpose is to have a good place to talk and share information. It will enable all of the participating parties to talk to the County and talk to each other so that they can better understand and deal with common issues.

Frank asked if Ithaca College and Cornell would be included. It was indicated that they have not been approached at this point. Don reported that he has spoken with the long term planning group at Cornell. He learned that over a 20-year period the University is anticipating an increase of less than 10%. Therefore, he further indicated that if there were to be a big growth in this area it would probably be lead by Cornell, and they don't predict that at the present time.

Lynn asked if the group could apply for grants. Tim and Cathy responded that they can and are currently applying for a grant to work on health insurance.

Tim and Cathy indicated that the Village of Lansing, Danby and Newfield are the only three municipalities in Tompkins County that haven't joined. TCCOG meets once a month. Tompkins County provides staff support. Don stated that this sounds very reasonable and the Board will discuss it further.

Next on the agenda was a discussion on the Stormwater Coalition. Lynn explained the Memorandum of Agreement to Create the Coalition of Tompkins County. The Town of Ithaca will manage. They might even consider getting grants. Don stated that he is tired of unfunded mandates.

Resolution#5274 -Authorize Mayor to Sign Memorandum of Agreement to Create the Coalition of Tompkins County and the Expenditure of \$1,500 for the Annual Membership Fee

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

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

The following is a copy of the MOA:

**MEMORANDUM OF AGREEMENT TO CREATE
THE STORMWATER COALITION OF TOMPKINS COUNTY**

WHEREAS, the United States (U.S.) Environmental Protection Agency (EPA) promulgated the Phase II Stormwater regulations (regulations) in 1999 that require owners and operators of small Municipal Separate Storm Sewer Systems (MS4s) in urbanized areas to obtain a permit to discharge Stormwater to the waters of the U.S.; and

WHEREAS, the EPA requires MS4s in New York State to obtain permit coverage under the New York State Pollutant Discharge and Elimination System (SPDES) General Permit for Stormwater Discharges from MS4s (GP-02-02); and

WHEREAS, to maintain coverage under GP-02-02, regulated MS4s must prepare and implement a Stormwater management program that includes the six minimum control measures as described in GP-02-02, or demonstrate that the program provides at least equivalent protection; and

WHEREAS, the MS4s in Tompkins County receiving GP-02-02 coverage have been meeting since October 2003 to identify common elements and collaborate on the implementation of their Stormwater management plans, and

WHEREAS, by working collaboratively and cooperatively to meet the requirements of GP-02-02, MS4s can make more efficient use of resources allocated to meet the requirements of GP-02-02; and

WHEREAS, Article 5-G of the New York State General Municipal Law authorizes municipal corporations to enter into agreements for the performance of their respective functions, powers and duties on a cooperative basis; and

WHEREAS, this Memorandum of Agreement (Agreement) among the regulated MS4s will create the Stormwater Coalition of Tompkins County (Coalition); and

WHEREAS, the members of the Coalition will work collectively to meet the requirements of the U.S. EPA Phase II Stormwater regulations (40 C.F.R. Sections 122 and 123) and the New York State Department of Environmental Conservation's (NYSDEC) SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02), and any amendments thereto;

NOW, THEREFORE BE IT RESOLVED, that in consideration of the mutual covenants and agreements hereinafter set forth, members of the Coalition agree as follows:

1. **TERM.** The term of this agreement shall commence on the date of the first signature and terminate on March 31, 2008, so as to coincide with the terms of GP-02-02, unless otherwise extended, renewed, or revised by a writing signed by all parties, except nothing herein shall authorize more than a five (5) year term for any initial or renewal term of this agreement.
2. **PURPOSE.** The purpose of the Coalition is to:
 - A. Exchange information and foster cooperation among MS4s to assist MS4s in complying with the EPA Phase II Stormwater regulations;
 - B. Facilitate the use of resources to assist MS4s in meeting the requirements of the U.S. EPA Phase II Stormwater regulations and the permit conditions of GP-02-02 issued by the NYSDEC;
 - C. Identify funding mechanisms to meet the financial needs of complying with the Phase II Stormwater regulations and GP-02-02;
 - D. Protect and/or improve local water quality in accordance with Federal, State, County, and local water quality regulations, planning documents and policies; and,
 - E. Facilitate consistency of Stormwater management and regulations across municipal boundaries.
3. **MEMBERSHIP**
 - A. The members of the Coalition shall be the municipal corporations that are signatories to this agreement.
 - B. Each member shall designate a representative and one or more alternates to serve on the Coalition. These representatives will act on behalf of the Coalition members on matters such as facilitating the payment of the annual membership fee, making decisions about financial matters related to the activities of the Coalition within the parameters set out in this agreement, and other administrative matters.
 - C. The Coalition may admit non-permitted MS4s and municipalities as members at the discretion of the Coalition so long as these members agree to undertake all rights and responsibilities included in this Agreement and sign this agreement, and further conditioned upon payment of the full annual membership fee for that calendar year.
 - D. The Coalition may also approve ex officio non-voting representatives of agencies that provide technical or

advisory assistance to the MS4s in meeting these regulations.

- E. The Coalition shall adopt by-laws relating to the conduct of its proceedings and such other administrative matters as it may deem appropriate.

4. FINANCIAL OBLIGATION

- A. Each MS4 Coalition member shall pay an annual membership fee, which will be used to help fulfill the requirements of GP-02-02, such as training, grant applications, and other activities consistent with those listed under Section 2 above. The initial fee schedule is detailed in the "Proposal to Fund the Tompkins County Stormwater Working Group in 2006 (approved by the Stormwater Working Group on August 24, 2005)", which is attached as Exhibit A. Future fee schedules shall be proposed by the Coalition pursuant to the by-laws for the Coalition and shall be approved by the members.
- B. The Coalition shall submit an invoice for the fee to each Coalition member annually.
- C. The Coalition shall designate and authorize the fiscal officer of one of its members to hold and manage separate accounts on behalf of the Coalition, where the annual fees and other funds shall be deposited. These accounts shall be created explicitly for the use of the Coalition. Such designation shall be reviewed and re-authorized on an annual basis.
- D. The Coalition's budget shall be approved by the members. The fiscal officer of the member with custody of the Coalition's funds shall be authorized to make expenditures on audit pursuant to the procedures of the member of which he or she is the fiscal officer.
- E. The Coalition shall not incur any financial obligations in excess of the funds available to the Coalition.
- F. Any Coalition member may withdraw from this Agreement upon adoption of a resolution by its legislative body and upon 60 days written notice to the full membership of the Coalition.

5. TERMS AND CONDITIONS

- A. This Agreement may be modified or amended only by writing duly executed by all Coalition members.
- B. Each Coalition member shall be solely responsible and liable for its own activities under this Agreement, for obtaining and maintaining its permit coverage under the SPDES General Permit for Stormwater Discharges from MS4s (GP-O2-O2), and for the preparation, implementation, operation and maintenance of its own Stormwater management program including, but not limited to, the required minimum control measures.

6. MISCELLANEOUS

- A. This Agreement constitutes the entire Agreement among and between the Coalition members and supersedes any and all prior Agreements between the parties hereto for the services herein to be provided. The Agreement shall be governed by and construed in accordance with the laws of New York State.
- B. If any provision, paragraph, sentence, or clause of this agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such shall not affect the remainder of this Agreement and this Agreement shall be construed and enforced, consistent with its expressed purposes, as if such invalid and unenforceable provision, paragraph, sentence, or clause had not been contained herein.
- C. If any member withdraws from the agreement pursuant to Section 4 above, the Agreement remains binding for remaining members.
- D. Each Coalition member represents and warrants to the Coalition, and to the other Coalition members, that it has been fully authorized to execute and to perform this Agreement, and that its execution and performance of this Agreement will not violate any legal duty or restriction.

7. EXECUTION

IN WITNESS WHEREOF, this Agreement is signed by the duly authorized representatives of the regulated MS4s on the date written below.

Lynn mentioned that the Village has started working on the required Stormwater local law but she doesn't know how to proceed further. Dubow stated that he thought one of the primary reasons that the Village joined the Stormwater group was so that it would cut down on the individual work that each municipality needed to do and would hopefully facilitate the development of a common and generic law. It was suggested that we start with the State Law and then incorporate it with our Village Code. Don suggested that Lynn also get together with Ned and get copies of the Town

of Lansing's and Town of Dryden's local laws.

Next on the agenda was approval of minutes from August 7, 17 & 21, 2006.

Motion - To Approve the Minutes from August 7, 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:

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

Motion - To Approve the Minutes from August 17th and 21st, 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:

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

The Mayor stated that not much has changed since the Thursday meeting. He and John O'Neill met with representatives from the fire department to discuss the initial drawings they submitted for a new fire building to be located behind the Village office. The Mayor was concerned with the proposed placement. The fire department representatives stated that visibility was the issue for volunteer purposes. There are still questions on topography and when the water tank will be removed. They will meet again on September 28th. Don believes it will probably go forward.

It was reported that there is a lot of turbulence with the Bomax Drive situation. Efforts are continuing to complete the road dedication and conveyance. Once that process is completed, the Village should be in a position to issue certificates of occupancy. The sewer extension is complete and satisfactorily tested. With this in mind, and recognizing that the Board of Trustees will not be meeting next until mid-October, the following resolution was proposed.

Resolution # 5275- To Authorize the Mayor on Behalf of the Board to Approve the Village Code & Zoning Officer's Recommendation for Issuing a Temporary Certificate of Occupancy For a Unit in Lansing Trails II Upon Such Recommendation Being Presented by the Village Code & Zoning Officer to the Mayor, such Temporary Certificate of Occupancy to Include the Customary Conditions and Such Other Conditions Recommended by the Village Attorney

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

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

David Dubow explained that the extension certain new and redirected sewer lines are being proposed in conjunction with the new Homewood Suites construction. The lines will eventually be dedicated to the Village. The easement documents are currently being worked on. Again, because the Board of Trustees will not be meeting next until mid-October, the following resolution was proposed.

