

## Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, March 1, 2010, in the Village Office.

Present: Mayor Donald Hartill; Trustees John O'Neill, Lynn Leopold and Julie Baker; Clerk/Treasurer, Jodi Dake; Attorney David Dubow; Planning Board Chairman Ned Hickey and Planning Board members Mario Tomei and Maria Stycos.

Mayor Hartill called the meeting to order at 7:33 P.M. and opened the public comment period. There were no comments.

### Motion-To Close the Public Comment Period

Trustee Baker moved to close the public comment period. Trustee O'Neill seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Julie Baker-Aye

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

The next item on the agenda was a public hearing on Proposed Local Law A (2010) - Amendment to Village of Lansing Code-Zoning Law-Planned Development Area. Dubow stated that this proposed law provides for re-enactment of Planned Development Area authority in the Village Zoning Law. There is framework for one PDA that is currently in the Village, the Shannon Park Development that was approved before the original Zoning Law PDA provisions were eliminated. About a year and a half ago discussions by both the Board of Trustees and Planning Board took place regarding the re-enactment of new PDA provisions. The Planning Board spent a significant amount of time discussing and evaluating the benefits and detriments of PDA's, and worked with Dubow in the drafting of the new PDA provisions. This zoning procedure encourages flexibility and creativity. One of the changes from the original PDA is that the Board of Trustees is involved in the beginning of the process. Dubow reiterated that this proposed local law is not related to a specific development proposal, but is intended as a land use tool providing substantive and procedural provisions applicable to all PDA proposals. It's a mechanism to evaluate different and creative designs that wouldn't otherwise be permitted under the Village's Zoning Law.

It was explained that copies of this proposed law were sent to Tompkins County Planning and all neighboring municipalities. Jodi received a letter from the Town of Dryden stating that both the Town and Village of Dryden are considering similar incentive development standards and are pleased to observe a neighboring community moving in a similar direction. The Tompkins County Planning Department had two recommended modifications that the Village Planning Board reviewed at their 2/23/10 meeting. First, the TC Planning Department supports the idea of allowing increased density in residential areas and mixed use within a Planning Development Area, but recommended including a provision in the local law stating that the approval process for the PDA must require a

finding that the proposed PDA is in conformance with the Village Comprehensive Plan. The second recommendation was that the predominate land use in a Planned Development Area should conform to the uses permitted in the original zoning district. The Planning Board, after discussion at its last meeting, found that the recommendations were without merit and have provided their determination in that regard by written communications to the Board of Trustees. The recommendation that Local Law A should be in conformance with the Village of Lansing Comprehensive Plan is redundant because that relationship is already mentioned in several parts of Local Law A. The Planning Board felt that the recommendation that "the predominate land use in the PDA should conform to the uses permitted in the original zoning district" is without merit because the purpose of the use of the PDA zoning technique is to allow development of a tract of land in a comprehensive unified manner allowing a combination of land uses on single parcel. These land uses may include commercial, residential, recreational and open space on a single parcel. To limit the flexibility and creativity that the PDA is intended to achieve in land use by anchoring the uses to the original land use, defeats the purpose of the PDA. Ned added that there are five places in the proposed local law where references are made to a PDA being consistent with the Village's Comprehensive Plan.

Dubow explained that this proposed law is establishing a procedure. He talked at length about the SEQR Short Environmental Assessment Form that the Board of Trustees will be reviewing and completing as part of the environmental review of Proposed Local Law A.

**Motion-To Open the Public Hearing for Proposed Local Law A (2010),  
Amendment to Village of Lansing Code-Zoning Law- Planned  
Development Areas**

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

Mayor Donald Hartill-Aye  
Trustee Julie Baker-Aye

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

Dan Veaner asked what triggers this process. Don stated that when someone comes to the Village and wants to do something that doesn't fit our zoning this would be an option. A proposed project would be submitted to both the Board of Trustees and Planning Board, and the Board of Trustees would make the initial determination as to whether the project and related zoning changes might be acceptable. If such an initial determination is made, the Planning Board will proceed with the preliminary review of the proposed development in an effort to determine with the developer the requirements that are to be agreed upon before recommending the project to the Board of Trustees. Don reminded the public that this is restricted to parcels that are five or more acres. John O'Neill added that we have a small number of parcels in the Village that are that size. Mario Tomei stated that the Planning Board didn't think that the original PDA provisions in the Zoning Law were sufficiently set forth and the Planning Board wanted to proactively provide

new provisions that clarify and elaborate the PDA process rather than undertaking a reactive process if and when anyone approached the Village with a project proposal.

Lynn stated that she was concerned at first, but concluded that it is in the best interests of the Village to have the PDA flexibility while still having the authority to say no to a developer if the proposed zoning change is not what the Village wants or needs. This law allows us to work with developers to satisfy our needs in the Village. John O'Neill likes the fact that it goes back and forth between the Board of Trustees and Planning Board several times so everyone is involved in the process from the beginning. Ned suggested that there be a joint meeting of both boards in the beginning of any PDA process.

No one else from the public spoke.

#### Motion-To Close the Public Hearing

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

Mayor Donald Hartill-Aye  
Trustee Julie Baker-Aye

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

Jay Franklin, Director of the Tompkins County Assessment Office, was present to talk about the Assessment Department. Jay stated that the County is unique in that since 1970 it has been the only countywide assessing unit in New York State. By consolidating this service, it has been estimated that it has saved the residents of Tompkins County about \$312,000/yr by not having individual assessors for each governmental entity. In the past there has not been much of a presence at local municipalities but Jay would like to see this change. The Assessment Department is available to us. The Assistant Director of Assessment is Irene Kehoe. She is also in charge of doing assessments for the Town and Village of Lansing. The goal of the Assessment Department is to have 100% fair market value each year. Jay stated that there are about 34,500 parcels in Tompkins County so obviously they can't review each property every year. Don questioned how they dealt with sales that did not go through a realtor and Jay explained the process that they use.

Jay stated that the Village of Lansing has only a very minimal business improvement exemption as compared to the Town of Lansing and a number of other municipalities. He didn't know if the Board was aware of this or if they wanted to consider a change. Don asked if this was the same as the "payment in lieu of taxes" procedure that is done through the IDA. Jay responded that this is something different. It was also acknowledged that several Village businesses in the Business and Technology District area are part of the Empire Zone and already receive a discount. Jay also pointed out some key dates. Jay reiterated that his office is available to the Village if they have any questions and the Board thanked Jay for his presentation.

Bernd Blossey was present to report on the Village DMAP program and the results of the deer control efforts within the Village. Jay Boulanger was also present to discuss deer

management issues at Cornell. The following is a copy of Bernd's 2009 report which he reviewed with the Board:

### **Background**

Continued deer browsing damage to garden and natural area vegetation and complaints by village residents about the size of the local deer herd resulted in attempts to reduce the local herd through bow hunting. In collaboration with the regional DEC office the village decided to attempt deer reduction though application for DMAP permits (Deer Management Assistant Permits). During the first two hunting seasons in 2007 and 2008 only a single property (Leopold's, East Shore Drive) was available and deer harvests were low (11 in 2007 and 7 in 2008). 2009 was the first season that hunts could be conducted on multiple properties and in addition to the Leopold property residents at Cedar Lane (Lempert) and Oakcrest Road (Bieri/Adelson) allowed access. Consequently, deer harvest numbers increased dramatically, in part due to the Oakcrest location, which borders extensive shrub and fields that are used by enormous numbers of deer.

### **2009 Deer Harvest statistics:**

A total of 17 different hunters participated in the 2009 season and a total of 33 deer were harvested. Hunters filled 18 village DMAP permits and for the remaining 15 deer hunters used their own tags.

#### Deer Harvested (DMAPS used):

Leopold: 5 (4)

Lempert: 7 (6)

Bieri/Adelson: 21 (8)

#### Age and sex distribution:

Adult bucks: 2

Adult does: 27

Doe fawns: 1

Buck fawns: 3

The overall age and sex distribution is exceptionally good and the vast majority of harvested deer were adult does. Assuming that all does would be bred and give birth in the spring to 1-2 fawns (although I have seen multiple does with triplets) 30 to almost 60 fewer fawns will be born this spring. While this appears an enormous number, the village deer population is probably 2-300 based on our observations, and thus a much more significant reduction is essential to alleviate pressure on vegetation and result in a significant reduction of the deer herd in the village. Many hunters kept track and reported the number of deer seen and even late in the season large groups were reported at the hunting locations. Largest number of deer seen in any 2-3 hour hunting period was 17 in early December at Leopold's, >20 in early December at Lemperts and 27 in late November at the Oakcrest location.

A more quantitative assessment of deer abundance is the so-called bow hunter observation log that the DEC developed, where each bow hunter records time spent hunting and the number of deer seen. This is only conducted during the bow season due to similarities in the way bow hunters act and the fact that as gun season starts, deer largely become night active where hunting pressure exists. Deer abundance is usually reported as the number of deer/1000 hrs. Here is a quick comparison (for 2009) of two areas (my own property in Richford and the village of Lansing) that I personally hunted. In about 40 hrs I saw a total of 7 deer in Richford while I saw well over 200 deer in the village in approximately the same number of hours hunted. I consider deer numbers in Richford too high for forest regeneration, so this is just a snapshot of how far deer numbers are out of control. Overall, hunters probably spent about 200 hours hunting in the village, which amounts to about 6hrs needed to kill a deer. This is still a significant effort but it compares favorably with effort in the Cornell program where in 2008 hunters spent about 56 hrs for each deer killed.

## **Problems encountered and recommendations for 2010**

### 1. Hunting season limitations

The most productive times for hunters were the first few weeks of the season up to the first week in November (season started on 17 October 2009). Early in the season, deer were frequenting acorn crops, lawns and fruit trees predictably. As the season progressed these food sources became less important. In the early season deer were in predictable travel routines from bedding to feeding areas that were established throughout the summer. Scouting for these travel routes provides prime opportunities to locate good tree stand locations. Most deer in urban areas (according to radio collared deer work done at Cornell) have extremely small home ranges (40-100acres) and the majority of their time maybe spent in a 20 acre area. The local deer that have predictable travel routes thus were killed quickly. If prime food sources can be located (such as mass acorn crops or apple trees) harvest opportunities would increase but much of the food is already depleted when the season starts in mid October. Most deer were also shot while traveling in groups, thus there is some level of “education” to the survivors who may begin avoiding certain spots despite hunters allowing for recovery times.

As soon as the rut kicked in, sightings of big bucks cruising through the area increased but doe harvest opportunities declined dramatically. Does were either hiding or driven at a fast pace through the area. This phenomenon is typical and most hunters do not complain because sightings and harvest opportunities for big bucks increase – but it is not a good time to do doe management. Towards the end of the hunting season in mid December, deer settled into a more predictable pattern but activity overall declined substantially.

### 2. Lack of access to remaining deer

While we had good success picking off local deer on travel routes, we saw abundant deer travel on adjacent properties or just outside bow range, or landowner boundaries approved for hunting. This is a further indication that deer travel is highly predictable and individualistic but to achieve harvest goals it would be ideal to be able to adjust to seasonally changing travel patterns or to intercept remaining individuals traveling just

outside shooting range or property boundaries (for example by having the ability to move tree stand locations).

### 3. Constraints on harvest opportunities (state regulations)

DMAPs are limited to two permits/hunter/year, thus greatly limiting the ability of the most dedicated and successful hunters to help achieve village deer reduction goals. Particularly early in the season, hunters could fill their allotted tags within a few days. Not all hunters possessed all other available tags (the DEC required purchase of DMP tags for \$10 and many hunters refused to pay extra in addition to license fee increases). Thus, we lost a number of hunters early in the process due to lack of additional tags. An attempt to get approval from DEC in 2007 to allow for more than 2 DMAPs to be filled per hunter was denied (B. Blossey interacting with Marie Kautz, DEC). There is an option to ask for permission for more harvests/hunter but under what conditions this could be approved is unclear. If the village asks for this “variance” instead of a hunter it may be granted.

Understandably, not all landowners will agree on allowing multiple or many hunters on their properties. The limit of two DMAP tags/hunter/year puts severe restrictions on the ability to manage deer effectively if only a limited number of hunters are involved.

DMAP permits are also restricted to antlerless deer only. While this is good management long term, the immediate goal of the deer reduction efforts in the village is to decrease the feeding damage – and all deer, regardless of age and sex feed on vegetation. Hunters passed up a dozen or more young bucks (spikes to small six points) all of which now continue to browse in the neighborhood. Most hunters, while having buck tags, were not willing to shoot (and thereby “waste” a permit) a small buck and hoped for bigger deer.

Current regulations require hunting locations (discharge of bow or firearm to be correct) to be located at least 500 feet from any occupied building unless permission is obtained. In most instances, we have neighbors within this radius and permission is obtained before the hunting season. However, in times of disagreement about the need for deer management, this rule allows neighbors to block deer hunting on some properties. The DEC is aware of this issue, and regulations may change in the future. Such limits maybe appropriate for firearms but not for bows discharged from an elevated location. Other states, for example, CT or SD, do not have distance restrictions for urban bow hunts.

### 4. Hunter (time) constraints

The season, although running from mid October to mid December is short given the many responsibilities hunters have. Very few hunters are able or willing to spend significant time during the relatively short hunting season. An extended hunting season would allow more hunters to meet many time demands.

### 5. Neighborhood relations

Most deer that were shot collapsed within 50-70 yards (quite a few within 20 yards) from the point of impact. However, and it is not clear what the reasons for the differences in behavior are, some ran off the approved properties and died on neighboring properties.

Despite efforts to inform and alert neighbors to such possibilities before the hunting season started, in two instances neighbors were offended and in one instance it resulted in temporary suspension of hunting activities.

## **6. Coordination**

Coordination of access and hunters on the 3 properties was a significant time demand during the hunting season. And while it was fun (I was on sabbatical this fall and thus did not mind it), this model may not be successful if a large number of additional properties would become available for hunters to access. The village needs to consider how to best achieve management goals using volunteers.

## **Recommendations for the 2010 season**

### **1. Consider application for nuisance permits (Deer Damage Permits, DDPs, see Appendix 2) instead of Deer Management Assistant Permits (DMAP, see Appendix 1) and petition DEC to include bucks in harvests**

One of the most important aspects of increasing or maximizing harvest opportunities for participating hunters is an extension of the season and the ability to harvest more than 2 deer/hunter/year on DMAP permits. DDP, or as they are traditionally known, nuisance permits, would allow hunting outside of the regular bow and gun hunting season, basically year round (but the village can set their own regulations; see #2 below). DDP have no limit on the number of deer harvested/hunter although names of participating hunters would need to be specified to the DEC.

### **2. Consider allowing deer hunting in the Village from September 1st to March 30th**

In many states across North America, bow hunting seasons are far more extensive than in New York and often they begin in early September and last well into spring. My recommendations to allow hunting to start in early September is based on the fact that at this time deer are in very predictable movement pattern from bedding areas to food sources. Furthermore, fawns have matured enough that they survive should the doe be killed. Use of DDP's would not be allowed during the regular bow and gun hunting seasons (although the DEC may allow this for village hunts since there is no other hunting allowed within the village) from mid October to mid December. However, hunters could also use their own regular tags to continue to harvest deer during that time. An extension of the season into March would allow harvesting deer that are very predictable in their winter travel and feed mode. I recommend stopping harvest in March as does reach later stages of pregnancies.

### **3. Approach larger landowners for permission to hunt**

The largest limiting factor is lack of hunting opportunities beyond the 3 properties currently participating. I have heard of the willingness of additional landowners to allow hunting on their properties but a more coordinated approach to increase participation in the program by village residents could greatly aid in achieving management goals. As outlined earlier, deer with very small home ranges and predictable travel patterns are killed rather quickly. However, we observed large numbers of deer that travel within sight but outside of bow range. To be able to harvest individuals from these different

groups, access to their travel or feeding areas are needed. I encourage the village to consider approaching individual landowners with sufficiently large properties (we have identified a preliminary list, see tax parcel maps below) exploring the opportunities for their participation in the deer management program. I am willing to consider facilitating landowner contacts and arrangements with hunters but this initial approach should come from the village and not a hunter. I am also willing to provide potential write-ups or the creation of a brochure to initiate contacts. These properties should be strategically placed throughout the village to maximize intercepting different deer “subherds”.

#### **4. Implement indicator species monitoring in natural areas/landowners (use high school or volunteers for monitoring). Work with Cornell (Blossey) on research**

A frequently asked question is whether deer numbers are indeed too high in the village or the area. Unfortunately, other than what gardeners, or the heavy visible browse are telling us, there are few good data to show how transformative deer browse is in the village. In fact, I consider it a good likelihood that tree regeneration has come to a complete standstill and probably a couple of decades of lack of recruitment has already occurred. This would in the end doom all forest regeneration unless individual trees or areas are fenced. Moreover, this has important consequences for many other native plants and animals such as birds, amphibians and invertebrates that may depend upon such habitats and their structure for feeding and raising young. I have developed a new approach to assess deer damage and I have tested this on the Leopold property this last season. This includes planting of indicator species (currently oaks) protected or exposed to deer herbivory. I would expect that in the village (as on the Leopold property), most unprotected seedlings would be eliminated within a few weeks. Such information and potential participation by village residents could be important to continue resident support for the deer reduction efforts. It could also aid in assessing whether deer numbers continue to be too high and serve as evidence for negotiations with DEC in setting hunting goals and times.

#### **5. Depending on landowner participation, develop materials and a course for hunter participation**

Depending on the willingness of additional landowners to participate, we may need to recruit additional hunters for the 2010 season, particularly if DDP's are approved. This may require a formal education effort. The Land Trust and the Cornell hunting program have already implemented such short courses and I anticipate that similar efforts, plus a standardized reporting form may need to be developed if hunting is expanded in the future.

##### **Associated Activities**

The opportunities to hunt in the village and the number of deer encountered and harvested provides many wonderful teaching opportunities. It has been my goal to increase participation and education of “ecological hunters” (in contrast to trophy hunters). Most people do no longer have the opportunities to simply “tag along” and experience a hunt and consequently the lack of such opportunities creates barriers for recruitment. Moreover, even fewer people have the knowledge or skill to then further process their deer after it has been killed. In an effort to increase participation in bow

hunting and suburban hunting skills, most of the tree stand locations allowed a nonhunting observer to be in the same tree, which allows me to interact and explain the processes. During the last field season 10 different observers spent at least one 3 hour period with me during a hunt. Many of these had an opportunity to watch or participate in field dressing (often not done in the field) and 9 different people participated in “butchering clinics” learning how to skin and butcher a deer.

Bernd stated that the number of deer in the Village of Lansing has surpassed the number on Cornell Campus. This is due to the Village being a protective haven. There has been no hunting in the Village, except through the DMAP process, for the last four years.

Mayor Hartill added that our forests are dying because the deer are eating all of the undergrowth in our forests. Jay Boulanger suggested calling the NYSDEC and having them send out a biologist to observe in the Village to see if there is a need for a Nuisance Permit. The best way to control deer is to take does.

The Board thanked both Bernd and Jay for their presentation and the materials that were provided.

The next item on the agenda was to set the date, time, location and compensation for the Village of Lansing Elections.

Resolution # 5597-To Set the Village Election for April 27, 2010 from 12pm to 9pm at the Village of Lansing Office at 2405 N. Triphammer Rd. and to Set the Compensation for the Election Inspectors at \$100 Each.

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

Mayor Donald Hartill-Aye  
Trustee Julie Baker-Aye

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

Jodi has contacted the Tompkins County Personnel office and asked what was needed to move Adam from a laborer's position to a Motor Equipment Operator. Anna informed Jodi that all that needed to be done was a Reclass Short Form. This will reclassify our vacant laborer position into an MEO position so the Village will now have two MEO positions and two laborer positions.

Resolution #5598 -To Reclassify the Village of Lansing Laborer Position Held by Adam LaLonde to a Motor Equipment Operator Position.

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

Mayor Donald Hartill-Aye  
Trustee Julie Baker-Aye

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

Next on the agenda was to approve the minutes from January 13<sup>th</sup>, February 1<sup>st</sup> & 11<sup>th</sup>. January 13<sup>th</sup> could not be approved without Larry being present.

Motion - To Approve the Minutes from February 1, 2010

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 Baker seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye  
Trustee John O'Neill-Abstain

Motion - To Approve the Minutes from February 11, 2010

Trustee Baker 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  
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye  
Trustee John O'Neill-Aye

The next item on the agenda was the proposed Village of Lansing/ Village of Cayuga Heights/ Town of Lansing Warren Road Sewer District Extension Intermunicipal Wastewater Transportation and Treatment Agreement. Don stated that this has been through many cycles. The Village of Cayuga Heights and the Town of Lansing have both approved this agreement. This agreement deals with the area up by UPS which has many failing septic systems. This agreement will allow them to transport through our sewer system.

Jodi questioned number 8A of the agreement because the way it was explained was not the way it was actually done with the Cherry Road Sewer District. After much discussion the Board agreed to approve this agreement with changes to this section. Because of these changes, the agreement would have to be reapproved by both the Town of Lansing and Village of Cayuga Heights.

Resolution #5599 -To Approve the Proposed Village of Lansing/Village of Cayuga Heights/Town of Lansing Warren Road Sewer District Extension Intermunicipal Wastewater Transportation and Treatment Agreement.

WHEREAS:

A. The Village of Cayuga Heights has for many years operated a wastewater treatment plant and sewer collection system for the benefit of its property owners and residents; and

B. The Village of Lansing owns and operates a sewer collection system for the benefit of its property owners and residents which system connects to the Village of Cayuga Heights system pursuant to separate agreements between the Village of Lansing and Village of Cayuga Heights for the receipt, transportation and treatment of wastewater from the Village of Lansing sewer system; and

C. The Town of Lansing has formed a sewer district known as the "Town of Lansing Warren Road Sewer District Extension," (the "District") and (i) is constructing, at its own cost and expense, a sewer collection system, including manholes, pump station(s) and other appurtenances within the District, (ii) is proposing to enter into an agreement with the Village of Lansing to connect the District sewer collection system to the Village of Lansing sewer collection system at approved location(s) for transportation of its wastewater to the Village of Cayuga Heights Wastewater Treatment Plant, (iii) is proposing to enter into an agreement with the Village of Cayuga Heights providing that the Village of Cayuga Heights will receive, transport and treat wastewater from the District at the Village of Cayuga Heights Wastewater Treatment Plant; and (iv) is proposing that the District would pay fees to the Village of Cayuga Heights and the Village of Lansing related to such agreements for the receipt, transportation and treatment of District wastewater; and

D. The Village of Cayuga Heights, Village of Lansing and Town of Lansing (on behalf of the District), together with their respective engineering consultants and other parties deemed appropriate, have separately and jointly considered, evaluated and discussed additional arrangements and contractual terms pursuant to which the Village of Lansing would receive and transport wastewater from the District to the Village of Cayuga Heights sewer system, the Village of Cayuga Heights would receive, transport and treat wastewater from the District, and the District would pay fees to the Village of Cayuga Heights and the Village of Lansing related thereto; and

E. The Village of Lansing believes that it has been and continues to be in the best interests of the Village of Lansing to transport wastewater from users outside of the Village of Lansing to the Village of Cayuga Heights Wastewater Treatment Plant in order to (i) more efficiently use existing unused capacity in the Village of Lansing sewer system and at the Village of Cayuga Heights Wastewater Treatment Plant and (ii) to derive revenue therefrom, and further believes that it is in the best interests of the Village of Lansing, as well as the Village of Cayuga Heights and the Town of Lansing, to work together in their efforts to reach an agreement that will enable the parties to permit the Village of Cayuga Heights to receive, transport and treat wastewater from the District; and

F. The Village of Lansing also has recognized and continues to recognize that such intermunicipal agreements and cooperative efforts are provided for and encouraged under the laws and policies of the State of New York; and

G. After extensive efforts, the Village of Lansing, Village of Cayuga Heights, and Town of Lansing (on behalf of the District) have reached a tentative understanding as to the terms and provisions of a proposed new agreement in furtherance of the foregoing, a copy of which proposed agreement (the "Proposed Agreement") has been presented to the Village of Lansing Board of Trustees for its review and approval;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Lansing Board of Trustees hereby determines, pursuant to Part 617 of the Implementing Regulations pertaining to Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act ("SEQRA"]), that execution of the Proposed Agreement as provided for herein is a Type II action, constituting "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment," and thus may be processed without further regard to SEQRA; and
2. The Village of Lansing Board of Trustees hereby approves the Proposed Agreement, a copy of which has been submitted to the Board and reviewed at this meeting, provided that subsection 8A of the Proposed Agreement is revised to read as set forth in the Attachment to this resolution; and
3. The Village of Lansing Board of Trustees hereby authorizes the Mayor to execute such Proposed Agreement on behalf of the Village, in substantially the form presented to the Village Board of Trustees and with the Attachment hereto as provided above, subject to the final approval as to form and content of the Mayor and the Attorney for the Village, and to take such further action as may be necessary and appropriate to give full force and effect to this resolution.

**ATTACHMENT TO**

**VILLAGE OF LANSING BOARD OF TRUSTEES RESOLUTION  
ADOPTED ON MARCH 1, 2010 REGARDING THE APPROVAL OF  
PROPOSED VILLAGE OF LANSING/VILLAGE OF CAYUGA  
HEIGHTS/TOWN OF LANSING WARREN ROAD SEWER DISTRICT  
EXTENSION INTERMUNICIPAL WASTEWATER  
TRANSPORTATION AND TREATMENT AGREEMENT**

Revised subsection 8A:

8. Payments to VCH and VOL for the above-described services shall be based upon the following formulae and requirements:

- A. The District shall pay to the VOL a transportation fee for the use of its mains, lines, and sewer appurtenances, calculated as the sum of the following components:
1. Capital Improvement Debt Retirement: based on the current ad-valorem formula used by the VOL for fees charged by the VOL to the TOL for the Lansing Cherry Road Sewer District: for example for this coming VOL fiscal year it will be \$0.06 per \$1,000 of assessment value, plus, \$13.30 per Unit (as determined by the VOL and VCH), multiplied times the VOL outside user surcharge rate of 1.50; plus
  2. Operation and Maintenance: one half of the then current VOL sewer surcharge rate (see Section 111-21A of the Village of Lansing Code), it being specifically agreed that this same surcharge is to be applied to the Lansing Cherry Road District in the same manner as it is applied to the District herein;
  3. If the VOL formula changes, then the formula and fee payable by the District shall change accordingly, subject to the notice requirements of this Agreement.

Billing and payment of the foregoing transportation fee shall be in the same manner as the fee currently billed to and paid for by the Lansing Cherry Road Sewer District, the provisions and procedures for which are incorporated herein by reference.

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

Mayor Donald Hartill-Aye  
Trustee John O'Neill-Aye

Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

The Board went back to Proposed Local Law A(2010). Dubow pointed out that a SEQR Short EAF for Proposed Local Law A (2010) had to be completed. This is a somewhat unusual situation in that Proposed Local Law A simply provides for the inclusion in the Village Zoning Law of a new set of PDA provisions that enable the Board of Trustees to legislatively authorize a PDA and thereby create an overlay zoning district that supersedes the otherwise applicable zoning requirements for the property in question. Because there are no proposed changes in allowable uses in any particular zoning district and no specific PDA/project to be reviewed, the Proposed Local Law does not really lend itself to the customary SEQR environmental review and the use of the standard SEQR Environmental Assessment Forms.

David has done some review and research as to how best to address this issue, and has also discussed this matter at some length with the NYS DEC Counsel's office, the result of which appears to be that there is little or no clear guidance. Ultimately, the DEC

attorney to whom David spoke (who also did some research and discussed the matter with others in his office) agreed with his conclusion that it would be somewhat illogical (and virtually impossible) to do an extensive SEQR review given that the “action” to be reviewed is for all intents and purposes limited to the granting to the Board of Trustees of discretionary PDA authorization. He also agreed that this could fairly be classified as an “unlisted action” under the SEQR regulations, and therefore a Short EAF should suffice. Those being our conclusions, and in an effort to address what might be considered “generic” issues related to the proposed adoption of PDA authority, David has completed Part I of the Short EAF so as to emphasize the non-specific nature of the review, including a separate Attachment which incorporates some language from Proposed Local Law A as to the overall benefits (as opposed to adverse impacts) that could be derived from the PDA land use planning flexibility. David’s intent is to have the Attachment that the Board previously received serve as supplemental confirmation as to the factors that have lead the Board to supporting the adoption of PDA authority, and also to explicitly confirm that both the Planning Board and Board of Trustees have in fact evaluated the overall PDA issues quite extensively, ultimately leading to (i) the determination that it offers the opportunity to achieve favorable land use/environmental results and (ii) the inclusion in Proposed Local Law A of extensive procedural and substantive terms and provisions that provide significant protections and safeguards. Part II of the EAF was completed by the Board of Trustees. Some of the impact assessments were not applicable for the reasons indicated above.

Resolution #5600- SEQR Review of Proposed Local Law A  
(2010)

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law A (2010), to be designated Local Law 3 (2010) upon its adoption, to reenact as part of the Village of Lansing Zoning Law (being Chapter 145 of the Code of the Village of Lansing) procedures and requirements for the establishment and mapping of planned development areas (also known as planned unit developments) as zoning districts, and to thereby provide a legislative zoning procedure that supersedes and replaces the otherwise applicable provisions of the basic zoning district(s) in which a proposed planned development area is to be located; and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Board of Trustees is an involved agency for the purposes of environmental review; and
- C. On March 1, 2010, the Village of Lansing Board of Trustees, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”), (i) thoroughly reviewed the Short Environmental Assessment Form (the “Short EAF”), Part I, and any and all other documents prepared and submitted

with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;

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

1. The Village of Lansing Board of Trustees, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“**NEGATIVE DECLARATION**”) in accordance with SEQR for the above referenced proposed action, and determines that neither a Full Environmental Assessment Form, nor an Environmental Impact Statement will be required; and:
2. The Responsible Officer of the Village of Lansing Board of Trustees is hereby authorized and directed to complete and sign as required the Short EAF, Part III, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

Trustee Leopold moved this resolution. Trustee Baker seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee John O'Neill-Aye

Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

After the negative declaration, Don presented the following resolution to adopt Proposed Local Law A (2010) as Local Law 3 (2010).

Resolution #5601 -Adopt Proposed Local Law A as Local Law 3 (2010)

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law A (2010), to be designated Local Law 3 (2010) upon its adoption, to reenact as part of the Village of Lansing Zoning Law (being Chapter 145 of the Code of the Village of Lansing) procedures and requirements for the establishment and mapping of planned development

areas (also known as planned unit developments) as zoning districts, and to thereby provide a legislative zoning procedure that supersedes and replaces the otherwise applicable provisions of the basic zoning district(s) in which a proposed planned development area is to be located; and

- B. The Village of Lansing Planning Board and the Village of Lansing Board of Trustees, over an extended period of time and prior to the preparation of Proposed Local Law A (2010), separately and jointly reviewed and evaluated the merits of the proposed action as an effective and valuable land use regulation and zoning tool which will benefit the Village and its residents; and
- C. The Village of Lansing Planning Board has (i) performed a review of the proposed action and (ii) referred such proposed action to the Village of Lansing Board of Trustees with a recommendation for its approval; and
- D. On February 1, 2010, the Village of Lansing Board of Trustees preliminarily discussed the specific purposes and intent of Proposed Local Law A (2010) and related matters and thereupon scheduled a public hearing thereon for March 1, 2010; and
- E. On March 1, 2010, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) Proposed Local Law A (2010), (ii) the Village of Lansing Planning Board's recommendation of the proposed action, (iii) the February 18, 2010 Tompkins County Department of Planning review letter submitted in accordance with Section 239 -l and -m of the New York State General Municipal Law, (iv) all other information and materials rightfully before the Board, and (v) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- F. On March 1, 2010, the Village of Lansing Board of Trustees determined that the proposed action is an Unlisted Action for which the Board is an involved agency, and thereupon, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), the Board (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part 2; and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action and determined that an Environmental Impact Statement would not be required; and

- G. On March 1, 2010, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law A (2010), (ii) the Village of Lansing Planning Board's recommendation of the proposed action, (iii) the February 18, 2010 Tompkins County Department of Planning review letter submitted in accordance with Section 239 –l and –m of the New York State General Municipal Law, (iv) all other information and materials rightfully before the Board, and (v) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- H. On March 1, 2010, the Village of Lansing Board of Trustees determined that it did not intend to incorporate the recommended modifications made by the Tompkins County Department of Planning in its February 18, 2010 review letter submitted in accordance with Section 239 –l and –m of the New York State General Municipal Law [having concluded that the first recommended modification was in fact sufficiently incorporated in the text of Proposed Local Law A (2010) and therefore not necessary, and the second recommended modification was not consistent with the purposes and intent of the proposed action], and thereby acknowledged that adoption of Proposed Local Law A (2010) would require a vote of a supermajority (being a majority plus one) of all members of the Village of Lansing Board of Trustees;

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

1. The Village of Lansing Board of Trustees hereby adopts the attached Proposed Local Law A (2010), to be designated Local Law 3 (2010).

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

Mayor Donald Hartill-Aye  
Trustee John O'Neill-Aye

Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

The next item on the agenda was to start budget discussions. The Board went line by line through the budget and the following is a summary of what is included in the budget:

**2010-2011 Budget Preliminary Discussions**

Auditor

A1320.4

Originally the accountant requested \$7,800. After speaking with the Town of Lansing, Jodi called to see why our bill is this high compared to Town that pays \$10,000 for being there 3 weeks when they are here at the village for 4 days. Accountants came back with a proposal for \$4,000 for a review that includes everything the original audit did except for an opinion. The Board agreed to have a review done this year for \$4,000.

Clerk

A1410.2

\$2,000 Fire proof filing cabinet

A1410.4	\$7,500 Contractual includes all office supplies, postage, legal ads, maintenance contracts and training
<u>Engineer</u>	
A1440.4	\$10,000-lowered from last years \$35,000
<u>Village Office</u>	
A1620.44	\$10,000- includes \$7,780 for solar panels plus shingling roof before installing panels (This could be reported as part of our "Go Green effort")
A1670.4	\$0 central printing was for newsletter mailing, now under clerk contractual
<u>Buildings-Garage</u>	
A1640.2	\$2000 -need to replace roof on main shop but will be doing new garage and office building with capital project funds left over from the N. Triphammer Road Project
A1640.4	\$5000 misc shop
<u>Special Items</u>	
A1910.4	\$45,000-Unallocated Ins. (Increase in the amount of equipment we own) <ul style="list-style-type: none"> <li>\$19,000-Workers Comp</li> <li>\$ 2,000-Lovell W.C.</li> <li>\$24,000-Insurance</li> </ul>
A1920.4	\$4,600 Municipal Dues <ul style="list-style-type: none"> <li>\$1,956- NYCOM</li> <li>\$ 900- IO</li> <li>\$1,500- Stormwater Coalition</li> <li>\$ 200-Planning Federation</li> </ul>
<u>Traffic control</u>	
A3310.2	\$50,000 ½ Warren Road Traffic Light which was budgeted last year and never completed by County. Amount will be rolled into appropriated fund balance and reallocated in 2010-2011
A3310.4	\$10,000 traffic signal repair and led lights. Convert all existing incandescent bulbs to LED (light emitting diodes). This includes maintenance funds to cover a third traffic signal. (This could be reported as part of our "Go Green effort")
<u>Code</u>	
A3620.11	One month of Ben's Salary plus his accumulated PTBA time which is probably (½ here & ½ Code -A8010.1)
A3620.14	½ of Marty salary
A3620.2	\$2,500 Equipment-Plan file similar to the one we got in 05-06
A3620.4	\$7,000 contractual plus Marty training, Ben back on contract bases if needed, Pat to update permit program
<u>Street maintenance</u>	
A5110.12	Increase extra allowance for snow plowing overtime
A5110.13	Increase extra allowance for snow plowing overtime
A5110.2	\$30,000 2 Trailers and used mini excavator <ul style="list-style-type: none"> <li>We rented the mini-excavator last year for just under \$2K. Used mini for \$12-20K. Will also use for storm on Dart Dr. to set drainage structures with little impact to traffic and more versatility.</li> </ul>
A5110.4	\$115,000

\$16,000 crack seal  
 \$50,000 striping on Triphammer  
 \$5,000 street sweeping  
 \$20,000 gas & truck/equipment maintenance  
 \$24,000 Misc. road repair & highway expenses

#### Permanent Improvements

A5112.2 \$435,000  
 In 2009-10 budget there is still \$274K which will roll that over to appropriated cash surplus (ACS)  
 \$65,000 Dart an additional Tentative overlay projects which we would sub out-
 

1. Oakcrest Rd 1500 tons @ 2" \$150,000
2. St. Josephs Lane/Votopka 305 tons @ 2" = \$30,500
3. Burdick Hill Rd 1900 tons @ 2" = \$190,000

 For a total 3,705 tons @ \$100.00 turn-key = \$370,500  
 Suit-Kote expects prices to be equal to last year, I used \$100.00 per ton to allow for over run and escalation.

Dart Dr widening 10' x 3500' x 3" = 650 tons/\$100 for an additional \$65,000. Last year I figured for both sides, this will include only one More included in storm A8140.4

May find other roads of greater priority and will notify Mayor if Changes are necessary. I did not figure for any additional contractor for trucking or equipment that may need to be used.

#### Snow

A5142.4 \$55,000 1200 tons includes price increase, early to get a solid number. To date have purchased 850 tons of salt and the shed is chock-full.

#### Street lighting

A5182.4 \$50,000 same as last year. Not including 11 more lights at Bolton Estates but should be ok with this #.

#### Sidewalks

A5410.4 \$7,000 misc sidewalk repair (Graham Rd.)

A5410.41 \$20,000 resurface blacktop walk/trail at Chateau Claire 2800'x5'x 1 1/2" - 2" (Contract job)

#### Public Transportation

A5680.4 \$6,500 Gadabout

#### Playgrounds

A7140.4 \$4,000 Park repairs, parking lot bumpers, baseball backstop repair, tree & old park structure removal/cleanup

#### Adult Recreation

A7630.4 \$1,000- Currently, \$2,000 is allocated for Northeast Seniors but hard to justify when less than a fifth of their members are from the Village and their total budget last year was \$1,881.47. We are the only municipality that contributes.

#### Zoning

A8010.1	One month of Ben's Salary plus his accumulated PTBA time (1/2 here ½ Code -A3620.11)
A8010.11	½ of Marty's salary
<u>Planning</u>	
A8020.41	\$26,000 Legal is already at \$18,100 for 09-10
A8020.44	\$4,000-Contractual, Ned wants to send 3 Board members to training.
<u>Storm</u>	
A8140.4	\$50,000 North or South side (\$46,000 still in budget for 09-10 for 1 side of Dart Storm Sewer. John wants to use \$10,000 of that for Bush-could be another \$36,000 to ACS)

We plan to begin storm on Dart Dr, with hopes to complete at least one side. We can install type 3 binder to match in with the current shoulder grade. Once all storm sewer is completed we can overlay the entire roadway. Material to complete the entire project should cost around \$100,000 not including the blacktop.

1. Structures 45 @ \$550=\$25,000
  2. 3500' of 15" pipe @ 6.28 per ft=\$22,000
  3. 3500' of 18" pipe @ 9.30 per ft=\$33,000
  4. 2000 tons of #2 stone and item 4 gravel=\$20,000
- Total of \$100,000 for both sides

#### Employee Benefits

A9010.8	\$46,402 Retirement( If adding salary add salary x 11.2%)
A9060.8	\$55,000- \$40,000 for current employees & retiree but adding a highway worker must increase to \$11,500 for family plus Adam may go to family
A9089.8	\$2,400 longevity bonus

#### Transfer to Capital reserve

A9962.2	General Reserve balance is very healthy so nothing added \$75,000 Park balance at end of 2010 budget will be ~\$897,000
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#### Income

A1011	The tax rate will stay the same at \$1.21 per \$1,000 of assessed value
A1120	Sales tax revenue has increased slightly due to cost of energy
A1560	\$10,400 directly related to Electrical Inspectors salary
A2401	\$6,000 with the economy there is not much interest income
A2818	\$15,000 Transfer from water to General increased to cover cost of mini excavator buying that is used for water repairs

#### Sewer

G8189.4	John request the same numbers as previous year, unless Dave Putnam decides to change anything. Plan to replace a few more manhole frames and lids. This is for infiltration and standardization.
G9710.6	\$442,311-VCH Unit if stays at \$183/unit
G9710.7	\$18,700-Bond Principal

Don stated that we may want to discuss decreasing the surcharge on sewer in the future.

<u>Water</u>	
F8340.2	\$606,000 Water Main Replacement \$283,000 Burdick Hill replacement of water line from approximately #94 Burdick Hill Rd, west toward Rt. 34.
	\$323,000 Cayuga Heights Rd from Hampton Hills North to the end of the houses. These areas are experiencing frequent breaks. (\$378K still in 2009-10 budget because didn't remove tank or install new tank. (ACS)
F8340.4	\$25,000 remain the same
F9901.9	\$15,000 Transfer to General increased for mini excavator
F2140	\$738,300 Meter Sales new rate \$2.65 plus increase surcharge from 30% to 50%
F2401	\$1,700 Bank interest earnings
F5031	\$79,700 Transfer from Capital-2 water mains replaced

Don will be away for the next 2 meetings but email communications will work. Don will meet with Jodi tomorrow morning to incorporate the new salaries and changes so that she can have that ready to present to the Board on Monday March 15<sup>th</sup>. Hopefully at that meeting the Board can set a public hearing on the budget for April 5<sup>th</sup>.

Lynn asked if anyone was planning on attending the Emergency Training given by Tompkins County on March 30<sup>th</sup>. Julie plans to attend.

Don stated that an executive session was needed to discuss salaries for budget.

#### Motion- To Go Into Executive Session for Personnel Issues

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

Mayor Donald Hartill-Aye  
Trustee John O'Neill-Aye

Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

The Board went into executive session at 10:30pm.

#### Motion- To Come out of Executive Session

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

Mayor Donald Hartill-Aye  
Trustee Larry Fresinski-Aye

Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

The Board came out of executive session at 10:53 pm.

**Motion- To Adjourn**

Trustee Baker moved for adjournment. Trustee Leopold seconded the motion to adjourn. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Larry Fresinski-Aye

Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

The meeting adjourned at 10:54 pm.

Jodi Dake  
Clerk/Treasurer