

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, June 4, 2012, in the Village Office.

PRESENT: Mayor Donald Hartill;; Trustees Patricia O'Rourke, Lynn Leopold, Julie Baker, and John O'Neill; Clerk/Treasurer Jodi Dake; Attorney David Dubow; Planning Board Member Richard Durst.

Mayor Hartill called the meeting to order at 7:38 pm. and opened the public comment period. Yasamin Miller asked if the Board had done anything more with the Comprehensive Plan. Mayor Hartill stated that the Board has been assigned sections and is still doing their homework. Yasamin asked if any further NRP submissions had been made and if they asked for a letter of support from the Village. The Mayor stated that they have not. Lastly, Yasamin handed out the "Guidelines of Conduct During a Political Process Befitting the Village of Lansing, NY." She submitted this on behalf of The Voice of the People Party. Yasamin would like this to become part of public record. John O'Neill asked if this could be included in the minutes. Jodi stated that she would include it in the minutes if Yasamin submitted it to her via email. (Yasamin emailed Jodi but it was not the same letter that she presented to the Board so it is not included. This will be discussed at a future meeting.)

Motion-To Close the Public Comment Period

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

Mayor Donald Hartill -Aye	Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye	Trustee Julie Baker-Aye
Trustee Patricia O'Rourke-Aye	

The next item on the agenda was a public hearing to Increase the Planned Sign Area (PSA) for the Shops at Ithaca Mall. The legal ad did not get published seven days before the hearing so it was rescheduled.

Resolution #5874 -To Set a Public Hearing to Increase the Planned Sign Area (PSA) for the Shops at Ithaca Mall for Monday June 18, 2012 at 7:35pm.

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

Mayor Donald Hartill -Aye	Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye	Trustee Julie Baker-Aye
Trustee Patricia O'Rourke-Aye	

Jay Boulanger was present to discuss allowing the use of crossbows in the Village and to update the Board on the proposed NYSDEC changes and how it would affect the Village. Jay feels the Village should allow the use of crossbows. He questioned why the Village historically has not allowed them. Mayor Hartill stated that the Village has followed the NYS Game Laws. The range of a crossbow is no further than a regular bow. An advantage of a crossbow is that it takes less strength to use which would allow handicapped hunters to hunt. Crossbows are a bit more user friendly. There is more control with the shot since it has a scope like a rifle. The one disadvantage is that skilled hunters are more efficient and can take more shots than with a regular bow. Cornell allows crossbows. The Village would have to pass a local law to allow crossbows which would now be in line with the current State Law. O'Neill asked if the crossbow is more accurate. Jay stated that there is no difference; it depends on the shooter's skill.

A member of the public, Lowell Garner, asked why it has taken the NYSDEC this long to approve the use of crossbows. Jay stated that traditionally it was against deer poaching. It is an old law on the books with a lot of myths associated with it. Mayor Hartill asked if the season was the same as the regular hunting season. Jay stated that you can only use a crossbow during gun and muzzleloader season. Mayor Hartill asked the Board to think about this issue and they would discuss it again at the June 18th meeting.

The next topic was discussion of the proposed DEC regulations for deer management. The following are the proposed changes

- two week extension of the season into January
- increasing the take of deer to 2 deer per hunter per day
- hunters would be able to download permits online
- The Village would no longer hand out DMAP permits

Mayor Hartill stated that an advantage of handing out DMAP permits is we can monitor the hunters. There is a concern that with this new system there would be more trespassers. Julie Baker questioned whether we would still have control over who hunts on the land in the Village. Jay commented that the DEC is getting a lot of complaints also. People feel that being able to take two deer a day will diminish the deer population for future hunting. Jay explained that Virginia has done this and had no problems. Jay has attended scientific committee meetings and they are talking about bringing in Market Hunting (unrestrictive). The deer management focus area would include the Village of Lansing. The focus area extends into the Town of Lansing.

Yasamin asked if Jay had a sense of what the impact would be of more hunters. Jay stated that it is not the number of hunters; it's the number of properties that can be hunted. Yasamin asked if this would just make deer move to safe areas. Jay stated that this is always a risk but as we spread out the hunt we'll do a better job. Deer don't stay in one geological area, they move.

Mayor Hartill stated that one gage that we use as a Village is the number of deer we remove from the road that have been hit by a car. In the past we've removed 30-40 a year, but this past year there have only been 15 removed. This is a strong indicator that the hunt is working. Hunting in the Village does more good than harm. Lynn stated that there aren't that many hunters any more. Julie clarified that it is up to property owners to give permission to hunt on their land through the DMAP Program. Lynn asked Jay if the one third of the funding that comes

from CALS is enough to keep the hunt going. Lynn is concerned with the loss of the science part. Jay stated that it is enough to keep the hunt going, but it is also up to the scientists to go out and get grant money for research. Jay stated that we are in a maintenance stage now. They have already sterilized most of the deer population on Cornell grounds. They have noticed that there are an increased number of bucks on campus and a decrease in does and fawns. This may cause them to reevaluate the Earn a Buck Program where a hunter must first take two does before they can shoot a buck. This fall they may consider decreasing it to one doe before they can shoot a buck. The Cornell program has been around for five years.

The next item on the agenda was to approve the Tax Warrant. Mayor Hartill entertained the following motion:

Resolution #5875- To Approve the 2012-13 Tax Warrant

WARRANT TO TREASURER TO COLLECT TAXES

To: Jodi L. Dake
Treasurer of the Village of Lansing

YOU ARE HEREBY COMMANDED to receive and collect from the several names in the assessment roll, hereunto annexed, the several sums named in the last column thereof opposite their respective names, altogether a total of \$466,355.59, for the following purposes:

For the General Fund	431,226.81
For the Special Assessment-Sewer Collector Fund	18,193.03
For Delinquent Water Rents	13,935.13
For Delinquent Sewer Rents	3,000.62
For Cayuga Heights Sewer Rents	.00

YOU ARE HEREBY COMMANDED to receive as much thereof as may voluntarily be paid to you from June first to and including July second of this year, without additional charge, and after expiration of the time mentioned to proceed forthwith to collect the residue of the sums not so paid in as aforesaid, with five per centum charge for the first month and an additional one per centum charge for each month and fraction thereof thereafter, and you are to file the tax roll and warrant in your office on or before the 15th day of November 2012, at which time the taxes will be returned to the County tax roll.

Trustee Leopold moved to approve the Tax Warrant. Trustee O'Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill -Aye	Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye	Trustee Julie Baker-Aye
Trustee Patricia O'Rourke-Aye	

Mayor Hartill noted that his tax bills have gone down by a significant amount.

The next item on the agenda was to approve the minutes from May 17th & 21st, 2012.

Motion- To Approve the Minutes from May 17, 2012

Trustee O'Neill moved to approve the minutes. Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill -Aye	Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye	Trustee Julie Baker-Aye
Trustee Patricia O'Rourke-Aye	

Motion- To Approve the Minutes from May 21, 2012

Trustee O'Rourke moved to approve the minutes. Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill -Abstain	Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye	Trustee Julie Baker-Aye
Trustee Patricia O'Rourke-Aye	

The next item on the agenda was to discuss the pending SCLIWC Projects. Jack Rueckheim had previously sent an email of the proposed Supplement to the Agreement of Municipal Cooperation relating to the construction of the proposed 900,000 gallon Burdick Hill water tank (New Tank No.1). The Village Board and the boards of the other SCLIWC member municipalities must approve this Supplement in order for the Commission to proceed with construction.

The Commission proposes to finance the tank via a twenty-year bond. Each member municipality must approve the financing. We have suddenly come to the point where timing is critical. Each municipality should soon be hearing from Doug Goodfriend, the Commission Attorney's bond consultant. He will provide the required resolutions for each board along with the related procedural steps such as public hearings, permissive referendum, estoppel period, and required advanced advertising of these items.

Past projects like this have been handled by tying the approval of the AMC supplement with the approval of bonding to streamline the process as much as possible, and this is what the Commission would like to accomplish with this project.

The Commission has received a favorable bid for tank construction and would like to award the bid at its July 5 meeting so that the contractor will honor his bid and to avoid construction in inclement weather. This means that all of the municipal approvals for bonding must be in place by the end of June. All of the municipalities must approve the bonding before the Commission can award the contract.

Mayor Hartill stated that the current tank is rusty and there are structural issues with the roof of the tank. The plan is to construct a sister tank to the east of that tank. The cost of this is around

\$1 million so it would have to be bonded. This is subject to permissive referendum in the case of the Village. The Commission is anxious to get started.

Dubow added that the second project (estimated at \$800,000) is for the North Triphammer Road Main. The projects will have a not to exceed amount of \$2 million. The bond documents reflect both projects. The projects can not go forward until all five member municipalities have approved. Dubow explained that the discussion of this whole project started back in 2009. The Commission has now approved the project. The bonding process is “a jungle”. The requirements are different between Villages and Towns. For Villages, there is no public hearing requirement. The Board can adopt a bond resolution, but then they are subject to a 30 day permissive referendum period. Towns do have to have a Public Hearing. Timing is very difficult. There appears to be an issue with a debt limit with one municipality which required revised documentation. Otherwise, the process would likely include getting permission from the Comptroller to exceed the debt limit. The Commission wants to get the tank done as soon as possible. This will be new additional infrastructure.

Lynn asked what our bond responsibility would be. Don stated that there would not be an additional bond payment by the Village. Payment of the bond will be based on consumption. We do not directly pay our share of the bond, it is paid for out of the rate that is charged by SCLIWC for water consumption. This is the reason we can't just pay the Village's share with current reserve moneys. Don thinks that the water rate will increase at most 10%.

David Dubow presented the Supplement Agreement to the Trustees. He explained that this has to be done because we are adding new infrastructure. (the tank) The replacement of the N. Triphammer Rd. main is maintenance. Even if the Village approves this, it will not be approved until all municipalities agree and their bonding has been approved.

Resolution #5876 -Approval of Supplement to Agreement of Municipal Cooperation for Construction, Financing and Operation of an Intermunicipal Water Supply and Transmission System Relating to 2012 Burdick Hill Tank Project (New Tank No. 1)

WHEREAS, the Southern Cayuga Lake Intermunicipal Water Commission is an Intermunicipal organization formed under General Municipal Law Article 5-G for the purpose of providing public water service to designated areas of the Commission's municipal members and other adjacent municipalities; and

WHEREAS, the Village is one of the five member municipalities of the Commission, such other members being the Town of Ithaca, Town of Lansing, Town of Dryden and Village of Cayuga Heights; and

WHEREAS, the Commission and the Village have determined that it would at this time be in the best interests of the Commission and the five member municipalities to proceed with the proposed addition of a new water Tank at the current Burdick Hill Road location at which an existing tank is located; and

WHEREAS, a proposed Supplement to the Commission Agreement of Municipal Cooperation has been prepared setting forth the terms and provisions for the proposed New Tank Project, which Supplement is being presented to the governing boards of the member municipalities of the Commission for approval;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Lansing Board of Trustees hereby approves the Proposed Supplement to the Commission Agreement of Municipal Cooperation, a copy of which is attached hereto and has been submitted to the Board and reviewed at this meeting; and
2. The Village of Lansing Board of Trustees hereby authorizes the Mayor to execute such Proposed Supplement on behalf of the Village, in substantially the form presented to the Village Board of Trustees, 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; and
3. The Village hereby authorizes and requests that the Mayor, Village Clerk/Treasurer and the attorney for the Village take such steps as may be necessary, desirable and/or appropriate to effectuate the intent of the foregoing resolutions; and
4. Any and all actions heretofore or hereafter taken by the Mayor, Village Clerk/Treasurer and the attorney for the Village within the terms and in conformity with the intent and purpose of the foregoing resolutions hereby are in all respects ratified, confirmed and approved as the proper and authorized acts and deeds of the Village.

Trustee Leopold moved to approve the Supplement to Agreement of Municipal Cooperation. Trustee O'Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill –Aye
Trustee Lynn Leopold-Aye
Trustee Patricia O'Rourke-Aye

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

A copy of the agreement is at the end of the minutes.

Dubow stated that if the Board would like to proceed with the Bond Resolution they can approve it this evening. It would be subject to a 30 day permissive referendum. The Village's estimated bonding responsibility would have a not to exceed amount of \$387, 000. Dubow stated that this is a very unique arrangement given the manner of the original formation of the Commission. It is the only entity of this kind in New York State. Because of its unique nature, the Commission almost always uses Doug Goodfriend as bond counsel because he is aware of how the Commission operates and how the bonding is handled. Once this is done we must do a certification form, notice of adoption publication in the Ithaca Journal and a certification of

posting in six places. All five of the involved municipalities will have the same Bond Resolution approval. In addition to this, the Village of Lansing has agreed to contribute \$100K to this project which was budgeted for in this year's budget. Don stated that this is because we will use that tank instead of the tank that was located behind the Village Office. The new tank will be a concrete tank. The tank that is currently at the Burdick Hill site there will either be repaired or replaced with a new tank. Julie Baker stated that we definitely need these improvements.

Resolution #5877- AUTHORIZING THE ISSUANCE OF \$2,000,000 JOINT SERIAL BONDS OF THE VILLAGE OF LANSING, THE VILLAGE OF CAYUGA HEIGHTS AND THE TOWNS OF LANSING, ITHACA AND DRYDEN, ALL IN THE COUNTY OF TOMPKINS, NEW YORK, TO PAY THE COST OF WATER SYSTEM IMPROVEMENTS FOR BURDICK HILL ROAD TANK/N. TRIPHAMMER ROAD WATER MAIN PROJECT.

WHEREAS, the Board of Trustees of the Village of Lansing, Tompkins County, New York, in conjunction with the Village of Cayuga Heights, and the Towns of Lansing, Dryden, and Ithaca, has determined and agreed to participate in the provision of a joint water project for construction of a new water tank at Burdick Hill Road and construction of a new water transmission main at North Triphammer Road and to contract joint indebtedness therefor in accordance with Section 15.00 of the Local Finance Law pursuant an Agreement of Municipal Cooperation for Construction, Financing and Operation of an Inter-Municipal Water Supply and Transmission System (the "Intermunicipal Agreement"); and

WHEREAS, the capital project hereinafter described has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, it has been determined will not result in any significant environmental effects; and

WHEREAS, all other conditions precedent to the financing of the capital project hereinafter described, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Board of Trustees of the Village of Lansing, Tompkins County, New York, if the within resolution in substantially identical form is adopted, approved and made effective by the other participants in the aforescribed Intermunicipal Agreement as follows:

Section 1. For the specific object or purpose of paying the cost of water system improvements consisting of (i) the construction of a new water tank at Burdick Hill Road; and (ii) the construction of a new water transmission main at North Triphammer Road; there are hereby authorized to be issued \$2,000,000 joint serial bonds of the Village of Lansing, Tompkins County, New York, together with the Towns of Ithaca, Dryden and Lansing and the Village of Cayuga Heights, all of the County of Tompkins, New York, pursuant to the provisions of Section 1 of Article VIII of the Constitution of the State of New York as amended and of Title 1A of the Local Finance Law.

Section 2. The maximum estimated cost of said water system improvements is \$2,000,000, which improvements are hereby authorized at said cost, and the plan for the financing thereof is by the issuance of the \$2,000,000 joint serial bonds authorized to be issued pursuant to this bond resolution. The total amount of joint indebtedness to be contracted for said improvements is \$2,000,000 and the amount initially estimated to be allocated and apportioned to the Village of Lansing is \$387,000.

Section 3. For the purposes of Section 15.10 of the Local Finance Law relating to the allocation of joint indebtedness, the amount of joint indebtedness to be apportioned and allocated to each of said Towns and Villages, shall be in the same proportion as the consumption of water in each of the Towns of Dryden, Ithaca, and Lansing and the Villages of Cayuga Heights and Lansing shall bear to the total consumption of water for the entire joint water distribution facility, which is estimated to be, and for purposes of determining gross indebtedness of each of said municipalities in their respective debt statements pursuant to Section 15.10 of the Local Finance Law and therefore the

amount to be allocated for the purpose of ascertaining each of the respective municipalities' debt contracting powers, shall be as follows:

Dryden	\$ 76,600	3.83%
Ithaca	\$1,056,400	52.82%
Lansing (Town)	\$ 302,200	15.11%
Cayuga Heights	\$ 177,800	8.89%
Lansing (Village)	\$ 387,000	19.35%

Nothing in this section shall be deemed to be in conflict with or to supersede the provisions of Section 5 of this resolution relating to the annual apportionment of the amount of principal and interest on the bonds herein authorized to be issued as among said Towns and said Villages, nor the manner of collection and payment of the amounts of annual debt service provided to be apportioned annually by said Section 5. The Supervisors of said Towns and the Treasurers of said Villages are hereby authorized and directed to act jointly to make application to the State Comptroller for the allocation and apportionment of said joint indebtedness in accordance with the provisions of this section and to perform all acts and furnish all information required in connection with such application.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 5. Subject to the provisions of the Local Finance Law and this section, the power to authorize the issuance of and to sell joint bond anticipation notes in anticipation of the issuance and sale of the joint serial bonds herein authorized, including renewals thereof, is hereby delegated to the Supervisor of the Town of Ithaca, the chief fiscal officer of said Town acting on his own behalf and on behalf of the chief fiscal officers of the Towns of Dryden and Lansing and the Villages of Cayuga Heights and Lansing. Such joint bond anticipation notes shall be of such terms, form and contents and shall be sold by said Supervisor in such manner as may be prescribed by a

bond anticipation note certificate, as authorized by Section 30.00 of the Local Finance Law; provided, however, that any bond anticipation notes so issued shall be the joint indebtedness of said Towns and said Villages and shall be executed in the names of the Town of Dryden, the Town of Ithaca, the Town of Lansing and the Village of Cayuga Heights and the Village of Lansing, and shall be signed by the Supervisor of the Town of Dryden on behalf of said Town and shall have affixed thereto the seal of the Town of Dryden, attested by the Town Clerk of said Town; shall be signed by the Supervisor of the Town of Ithaca on behalf of said Town and shall have affixed thereto the seal of the Town of Ithaca, attested by the Town Clerk of said Town; shall be signed by the Supervisor of the Town of Lansing on behalf of said Town and shall have affixed thereto the seal of the Town of Lansing, attested by the Town Clerk of said Town; shall be signed by the Treasurer of the Village of Cayuga Heights on behalf of said Village and shall have affixed thereto the seal of the Village of Cayuga Heights, attested by the Village Clerk of said Village, and shall be signed by the Treasurer of the Village of Lansing on behalf of said Village and shall have affixed thereto the seal of the Village of Lansing, attested by the Village Clerk of said Village. The chief fiscal officer of the Town of Ithaca to whom is hereby delegated the power to authorize the issuance of and to sell such joint bond anticipation notes, shall file an executed copy of each such bond anticipation note with the finance board of each of the aforesaid municipalities prior to the issuance of the bond anticipation note or notes authorized by such certificate.

Section 6. The faith and credit of said Town of Dryden, Tompkins County, New York; said Town of Ithaca, Tompkins County, New York; said Town of Lansing, Tompkins County, New York; said Village of Lansing, Tompkins County, New York, and said Village of Cayuga Heights, Tompkins County, New York, are hereby jointly pledged for the payment of the principal of and interest on said joint bonds as the same become due and payable. The principal of said joint bonds and the interest thereon shall be apportioned annually among said Towns and said Villages in accordance with the Intermunicipal Agreement hereinabove referred to in the recitals of this

resolution, on the ratio which the consumption of water from the system in each of said municipalities bears to the full consumption from the entire inter-municipal water distribution facility, such ratio to be annually determined in accordance with the aforesaid Intermunicipal Agreement, the share of said principal and interest to be borne by the aforesaid Towns, shall be annually assessed, levied and collected within said Towns as follows:

- a) From the several lots and parcels of land in each of the Water District Nos. 1, and Snyder Hill, Monkey Run, Hall Road, Turkey Hill and Royal Road Water Districts of the Town of Dryden, in the manner provided by law.
- b) From the several lots and parcels of land in the Town of Ithaca Burdick Hill Road Water Tank and N. Triphammer Road Water Main Water Improvement Areas newly created hereby in proportion as nearly as may be to the benefit which each lot or parcel of land therein will derive therefrom.
- c) From the several lots and parcels of land in the Consolidated Water District (including Consolidated Water District Extensions #1 and #2) in the Town of Lansing, at the same time and in the same manner as other Town charges.

The Village of Cayuga Heights shall annually levy and collect a tax sufficient to pay the share of said principal and interest to be borne by said Village, as the same may become due and payable, and the Village of Lansing shall annually levy and collect a tax sufficient to pay the share of said principal and interest to be borne by said Village, as the same may become due and payable.

If not paid from the aforesaid sources, all the taxable real property in said Town of Dryden, and all the taxable real property in said Town of Ithaca, and all the taxable real property in said Town of Lansing, and all the taxable real property in said Village of Cayuga Heights, and all the taxable real property in said Village of Lansing shall be jointly subject to the levy of an ad valorem tax, without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same become due and payable.

Section 7. The validity of such joint serial bonds and joint bond anticipation notes may be contested only if:

- 1) Such joint bonds are authorized for an object or purpose for which said Towns and said Villages are not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or
- 3) Such joint bonds are authorized in violation of the provisions of the Constitution.

Section 8. Upon the adoption of this resolution by each of the aforesaid Towns and the aforesaid Villages, and the publication thereof with the notice provided for herein, the Clerks of each such Town and each such Village shall file with the Clerk of each of the other Towns and of the Villages a certified copy of this resolution and a printer's affidavit or affidavits, as the case may be, of publication thereof with the required notice or notices, as the case may be.

Section 9. Pursuant to Section 15.00(m) of the Local Finance Law, the powers and duties of advertising such joint bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor of the Town of Ithaca, Tompkins County, New York, who on his own behalf and on behalf of the chief fiscal officers of the Towns of Dryden and Lansing and the Villages of Cayuga Heights and Lansing shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the aforesaid Towns and Villages; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of said Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money. All other matters except as provided herein relating to the joint serial bonds herein authorized

including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same shall be determined by the Supervisor of the Town of Ithaca on behalf of the chief fiscal officers of the Towns of Ithaca, Dryden and Lansing and the Villages of Lansing and Cayuga Heights. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as said Supervisor shall determine consistent with the provisions of the Local Finance Law. Such joint serial bonds shall be in fully registered form and shall be signed in the name of each Town and Village by the manual signature of each respective chief fiscal officer and a facsimile of the corporate seal of each Town and Village shall be imprinted thereon and shall be attested by the manual signatures of each respective Town or Village Clerk. It is hereby determined that it is to the financial advantage of each of the Towns and Villages not to impose and collect from registered owners of such joint serial bonds charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent.

Section 10. Any obligation issued under authority of this resolution shall contain on its face a recital in substantially the following form: “This obligation evidences the joint indebtedness of the Town of Ithaca, Tompkins County, New York, the Town of Dryden, Tompkins County, New York, the Town of Lansing, Tompkins County, New York, the Village of Lansing, Tompkins County, New York, and the Village of Cayuga Heights, Tompkins County, New York.”

Section 11. Upon this resolution taking effect in and with respect to this Village, and the adoption and taking effect of similar resolutions of the respective Town Boards and Village Board of Trustees of the aforesaid Towns and Villages, the same shall be published in full in the Ithaca Journal, the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 36.00 of the Local Finance Law and Article 9 of the Village Law.

Moved By Julie Baker
Seconded by John O'Neill

A roll call vote was done:

John O'Neill-Aye
Julie Baker-Aye
Donald Hartill-Aye
Patricia O'Rourke-Aye
Lynn Leopold-Aye

Don stated that the tax bills no longer have a sewer unit charge on them related to the Cayuga Heights sewer charges for transmission and treatment through their sewer lines and plant. The sewer unit charge was basically a pass thru to the Village of Cayuga Heights. This charge, which will now be based on water consumption, will appear on the water/sewer bill starting with the October Billing. Jodi stated that there is a short time from June 1-15th which would appear on the July water/sewer billing. The Board needs to decide if it wants to adjust the sewer rate to calculate what it would cost for those fifteen days or just leave the current rate until the October billing and take the money that we will need to pay the Village of Cayuga Heights for that time period out of our operating budget. We do have \$10,000 contingency in the sewer budget so it shouldn't be a problem to pay for those fifteen days out of the current 30% surcharge that we charge for sewer.

Resolution #5878- To Pay the June 1-15, 2012 Sewer Fees to the Village of Cayuga Heights out of the Sewer Operating Expenses and not Charge the Increased Sewer Rate of \$4.17 per 1,000 gal. Until the October Water/Sewer Billing.

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

Mayor Donald Hartill-Aye Trustee Lynn Leopold-Aye
Trustee Julie Baker-Aye Trustee John O'Neill-Aye
Trustee Patricia O'Rourke-Aye

During the Mayor's comments, Hartill stated that Vince from QPK emailed this afternoon asking about bid documents. It looks like the Village will be moving the utilities this year but not starting the new building until next year. Lynn asked if NYSEG would be moving the poles. Don stated that they will move the poles as they did for the N. Triphammer Rd. Project.

Cayuga Heights Road is torn up for the completion of the 2011 Water Project. That road is probably one of the best built roads in the county. Suit Kote did a core sample and found that there is over a foot of road material. It will be a couple of weeks until this project is completed. We will finish stormwater on Dart Drive later in the summer.

John O'Neill stated that he is worried about N. Triphammer Rd. deteriorating. Don feels we will probably need to do a 1-2" skim coat in the next year or two. Don sees no structural issues or significant cracking. The road has a very good base. John is concerned with the sinking driving lanes in the section from Oakcrest Road to Craft Road. Don has not noticed anything but will examine it more carefully.

Lynn asked if we were going to discuss the letter that all the Trustees received from Ben Curtis regarding his retirement insurance. The Mayor has asked John O'Neill to review what he said and the Board will discuss it at their next meeting.

Jodi stated that Marty has asked her to get the Board's opinion on the wording that appears on the current building permits. The current permit states "Hours of construction discernible from adjoining properties shall be limited to 7am to 7pm Mon.-Sat." Marty has contacted the previous Code/Zoning Officer to see where this is written in the Codification. It is not in the Codification, and therefore Marty doesn't think he can continue to list this as a condition on the Building Permit. If this is something that the Board would like to see enforced than it would need to be added to the Codification. Trustee Baker and Mayor Hartill are both reluctant to limit the time and days. Jodi pointed out that many residents do their home projects on Sundays. O'Neil would like to see a limit. He would like to limit commercial activity but allow for residential activity. This is a subject that needs to be discussed further. Marty has already been challenged on this with someone wanting to roof on Sunday. There is no legal basis for this and no way to enforce. Mayor Hartill suggested that this be removed from the building permit. The Board needs to have a good discussion on this topic. O'Neill thinks we should discuss this at next Thursdays meeting and get some kind of rule on the books.

Motion- To Adjourn

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

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye
Trustee Patricia O'Rourke-Aye

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

The meeting adjourned at 9:05 pm.

Jodi Dake
Clerk/Treasurer

**SUPPLEMENT TO AGREEMENT OF MUNICIPAL COOPERATION FOR
CONSTRUCTION, FINANCING AND OPERATION OF AN INTERMUNICIPAL
WATER SUPPLY AND TRANSMISSION SYSTEM RELATING TO 2012 BURDICK
HILL TANK PROJECT
(NEW TANK NO. 1)**

THIS SUPPLEMENT TO AGREEMENT of municipal cooperation, dated as of the ____ day of _____, 2012, by and among the Town of Dryden, Tompkins County, New York, on its own behalf and on behalf of all of the water districts in the Town of Dryden served by the Southern Cayuga Intermunicipal Water Commission ("SCLIWC") water treatment plant and transmission mains (the Town of Dryden and such districts are hereinafter collectively referred to as "Dryden"), the Town of Ithaca, Tompkins County, New York (hereinafter referred to as "Ithaca"), the Town of Lansing, Tompkins County, New York, on its own behalf and on behalf of the Town of Lansing Consolidated Water District and the Town of Lansing Consolidated Water District Extension #1 and #2 (the Town of Lansing and such district are hereinafter collectively referred to as "Town of Lansing"), the Village of Lansing, Tompkins County, New York (hereinafter referred to as "Village of Lansing") and the Village of Cayuga Heights, Tompkins County, New York (hereinafter referred to as "Cayuga Heights"), all of the parties hereto sometimes collectively referred to herein as the "Municipalities" or individually as a "Municipality."

WITNESSETH

WHEREAS, Dryden, Ithaca, Town of Lansing (acting at that time for Lansing Water District 1, McKinney's Water District and for itself) and Cayuga Heights, prior to the incorporation of the Village of Lansing, entered into an Agreement of Municipal Cooperation for Construction, Financing and Operation of an Inter-Municipal Water Supply and Transmission System dated as of February 25, 1974 (the "Original Agreement"), which Original Agreement was modified by a Modification of Agreement of Municipal Cooperation for Construction, Financing and Operation of an Inter-Municipal Water Supply and Transmission System dated as of December 16, 1974, and by a Written Agreement as to Water Rates Schedule dated as of December 1, 1976, and by an Amended, Supplemental, Restated and Consolidated Agreement of Municipal Cooperation for Construction, Financing and Operation of an Inter-Municipal Water Supply and Transmission System dated as of June 5, 1979, and by further amendments adopted thereafter from time to time (the foregoing agreements are together referred to hereinafter as the "Existing Agreement"); and

WHEREAS, in accordance with the Existing Agreement, the municipalities are members of the Southern Cayuga Lake Intermunicipal Water Commission ("SCLIWC"); and

WHEREAS, SCLIWC has determined that there is a need to remove the existing Burdick Hill tank from service for repair or replacement, which process cannot be accomplished without a new sister tank as more fully set forth below in the proposed project description; and

WHEREAS, the Municipalities and SCLIWC are in receipt of a map, plan and report (collectively, the "report") prepared by T.G. Miller Engineers, professional engineers duly licensed by the State of New York, which describe the proposed project; and

WHEREAS, the Municipalities concur in the determination of SCLIWC that there is a need for the proposed project; and

WHEREAS, the Municipalities, pursuant to the authority contained in Article 5G of the General Municipal Law of the State of New York and in Title I-A of the Local Finance Law and pursuant to the authority granted generally to municipalities and water districts wish to provide for the construction, operation, maintenance and financing jointly of the improvements to the water supply system described in the report (the "SCLIWC 2012 Burdick Hill Tank Project"); and

WHEREAS, the Municipalities believe that the benefits to be conferred by the construction and operation of the SCLIWC 2012 Burdick Hill Tank Project shall assure adequate water supply for the Municipalities and their respective needs and in general shall accomplish the goals stated in the Existing Agreement; and

WHEREAS, the SCLIWC 2012 Burdick Hill Tank Project consists substantially of a new 900,000 gallon concrete water storage tank (the "New Tank") 60 feet in diameter with a liquid height of 42 feet (with a total height of 50.2 feet, 46.2 feet of which will be above grade), such New Tank to be constructed on the site of the Commission's existing 37± year old 1,500,000 gallon welded steel water storage tank (the "Existing Tank") just east of the intersection of North Triphammer and Burdick Hill Roads in the Town of Lansing; (ii) a 20 inch ductile iron main running from the Commission's existing transmission main; and (iii) provisions for overflow of the New Tank in the form of a drainage system and discharges to a swale in the northeast corner of the site, all such construction collectively hereinafter referred to as the "Project;" and

WHEREAS, the maximum amount necessary to construct these improvements is estimated as being \$1,200,000 for the New Tank Project; and

WHEREAS, the Municipalities intend to finance the expense of said construction by issuance of joint and several serial bonds in an amount not to exceed \$1,200,000 to mature in annual installments over a period not to exceed twenty (20) years, such bonds to be paid from water rent revenue receipts collected from all users of the SCLIWC water supply facility in proportion to the amount of water consumed; and

WHEREAS, it is the intention of the Municipalities and SCLIWC that SCLIWC contract for and oversee the construction of the aforesaid improvements and administer the operation, maintenance and repair of said improvements, and that the Municipalities delegate to SCLIWC all such power and authority as is necessary in order to accomplish same; and

WHEREAS, the Municipalities wish to supplement the Existing Agreement to reflect the, foregoing circumstances and to set forth the terms and provisions of their agreement concerning the development, implementation, construction, operation, administration, maintenance, repair and financing of the SCLIWC 2012 Burdick Hill Tank Project.

NOW, THEREFORE, it is agreed among the parties hereto as follows:

1. SCLIWC, in so far as is permitted by law, shall have all of the powers and duties delegated to SCLIWC by the Municipalities as stated in Section 1 of the Original Agreement in regard to Projects I and II, as defined therein, in connection with all aspects of the development, implementation, construction, operation, administration, financing, maintenance and repair of the SCLIWC 2012 Burdick Hill Tank Project. Without limiting the foregoing, SCLIWC, acting through its duly elected Chairperson or Vice-Chairperson, and with the assistance of the General Manager, shall have the authority to contract, on behalf of the Municipalities, for the construction of the SCLIWC 2012 Burdick Hill Tank Project and to solicit bids and enter into construction contracts for same, and the Treasurer of SCLIWC shall have all the authorities of a chief financial officer of any member Municipality in connection with the issuance of indebtedness including the authority to negotiate for a private sale of statutory installment bonds on behalf of the Municipalities, and the authority to arrange for the issuance of any bond anticipation notes or similar instruments.

2. (a) The costs of construction of the SCLIWC 2012 Burdick Hill Tank Project shall be financed by the issuance of not more than \$1,200,000 of joint indebtedness for such project for which the joint faith and credit of the Municipalities shall be pledged. The obligation for such indebtedness shall be allocated among the parties hereto as stated below. Each of the Municipalities shall take all steps necessary to provide for repayment of such obligations, including, without limitation, authorization of appropriate resolutions by each of the respective governing boards of each of the Municipalities, the raising of the appropriate funds by taxation or otherwise and all related matters. It is the intention of the Municipalities that the payment of principal and interest on said obligations shall be made by SCLIWC from its operating revenues as generated by the collection of water rents at the current, uniform water rates, to the extent that such revenues are available during the payment term. If the current operating revenues are insufficient in any one year to make the payments of principal and interest, each of the Municipalities shall pay its proportionate share of the principal and interest in proportion to the amount of water consumed in each municipality during the last twelve-month period for which figures are available as of September 15 each year. Until SCLIWC determines otherwise, the allocation shall be in accordance with the schedule provided below. Such payment shall be made to the Treasurer of SCLIWC at such times as SCLIWC shall determine, in order that payments are timely made on the principal and interest of the indebtedness incurred to finance the SCLIWC 2012 Burdick Hill Tank Project. The funds so received by the Treasurer of SCLIWC shall be paid to the bond holders or to the paying agent for the bond holders.

(b) For the purposes of debt allocation as required by the Local Finance Law, the joint debt for the financing of the SCLIWC 2012 Burdick Hill Tank Project shall be allocated annually among the Municipalities in proportion to the water consumed by each of them from the SCLIWC water supply facilities during the last twelve (12) month period for which figures

are available as of September 15 of each year. The allocation shall be determined by SCLIWC based upon such figures. Until SCLIWC determines otherwise, the debt allocation shall be as follows:

<u>NAME OF MUNICIPALITY</u>	<u>PERCENTAGE OF DEBT</u>
Town of Dryden	3.83%
Town of Ithaca	52.82%
Town of Lansing	15.11%
Village of Cayuga Heights	8.89%
Village of Lansing	19.35%

3. Annually, on or before September 15 of each year, SCLIWC shall prepare a budget for the operation and maintenance costs of the SCLIWC 2012 Burdick Hill Tank Project which shall be filed with SCLIWC's Treasurer and with the fiscal officers of each of the Municipalities. SCLIWC shall also ascertain the amounts of water from the SCLIWC water supply facilities used in each municipality during the last twelve (12) month period proceeding September 15 for which such figures are available. The operating costs of the SCLIWC 2012 Burdick Hill Tank Project shall be paid out of the operating revenues of SCLIWC. If such operating revenues are insufficient to pay the operating costs of the Project, SCLIWC shall allocate the costs of operation and maintenance of the SCLIWC 2012 Burdick Hill Tank Project for the next year among the Municipalities based upon such water usage during such preceding twelve (12) month period. The Municipalities shall then pay their respective shares of such costs to the Treasurer of SCLIWC, who shall in turn pay the operating and maintenance costs out of the funds so received. The payments due to the Treasurer shall be made on January 1 following the September 15 date upon which the calculation is based, unless SCLIWC and the Treasurer consent in writing to a different date. Until SCLIWC determines otherwise, the allocation of the operating costs shall be in the proportions set forth in paragraph 2(b) above.

4. Except as expressly stated to the contrary in this Supplement to Agreement, each of the terms and provisions of the Existing Agreement in regard to the Projects as defined therein, shall apply to the SCLIWC 2012 Burdick Hill Tank Project and to the relationship among the Municipalities in connection with the SCLIWC 2012 Burdick Hill Tank Project. Except as expressly amended by the terms and provisions of this Supplement to Agreement, the Existing Agreement shall remain in full force and effect and shall be binding upon the parties thereto in accordance with the terms thereof.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date and year set forth above.

TOWN BOARD OF THE TOWN OF DRYDEN ON BEHALF OF THE TOWN OF DRYDEN AND ON BEHALF OF THE WATER DISTRICTS IN THE TOWN OF DRYDEN SET FORTH ON SCHEDULE A ATTACHED

By: _____
Town Supervisor

Councilperson

Councilperson

Councilperson

Councilperson

TOWN BOARD OF THE TOWN OF TOWN OF ITHACA ON BEHALF OF THE TOWN OF ITHACA

By: _____
Town Supervisor

Councilperson

Councilperson

Councilperson

Councilperson

Councilperson

Councilperson

TOWN BOARD OF THE TOWN OF LANSING ON BEHALF OF THE
TOWN OF LANSING AND ON BEHALF OF THE TOWN OF
LANSING CONSOLIDATED WATER DISTRICT

By: _____
Town Supervisor

Councilperson

Councilperson

Councilperson

Councilperson

VILLAGE OF LANSING

VILLAGE OF CAYUGA HEIGHTS

By: _____
Mayor

By: _____
Mayor

STATE OF NEW YORK :
: ss.:
COUNTY OF TOMPKINS :

On the ____ day of _____ in the year 2012 before me, the undersigned,
personally appeared _____

_____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

STATE OF NEW YORK :
: ss.:
COUNTY OF TOMPKINS :

On the ____ day of _____ in the year 2012 before me, the undersigned,
personally appeared _____

_____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

STATE OF NEW YORK :
: ss.:
COUNTY OF TOMPKINS :

On the ____ day of _____ in the year 2012 before me, the undersigned,
personally appeared _____

_____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

STATE OF NEW YORK :

COUNTY OF TOMPKINS : ss.:
:

On the ____ day of _____ in the year 2012 before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

STATE OF NEW YORK :
: ss.:
COUNTY OF TOMPKINS :

On the ____ day of _____ in the year 2012 before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

SCHEDULE A
WATER DISTRICTS IN THE TOWN OF DRYDEN
_____, 2012

Dryden Water District #1-Varna area
Snyder Hill Water District
Monkey Run Water District
Hall Road Water District
Turkey Hill Water District
Royal Road Water District