

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, August 5, 2013, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees Lynn Leopold, John O’Neill and Patricia O’Rourke; Clerk/Treasurer, Jodi Dake; Attorney David Dubow; Code & Zoning Officer, Marty Moseley.

Mayor Hartill called the meeting to order at 7:32pm and opened the public comment period. Meredith Mickelson stated that she spoke with Jodi regarding waiving her late fees on her water/sewer bill. Originally, Meredith had called Bolton Point and they told her that she couldn’t prepay her water/sewer bill. She didn’t go any further. Meredith explained that she had been out of town and didn’t make it home to pay her bill on time. On returning home she called Jodi who told her it was possible to pay in advance. The payment would show as a credit on one’s account until it was used up. Since Bolton Point gave her incorrect information, Meredith is looking to have the late fees waived. Hartill agreed that since Meredith was given misinformation from Bolton Point that the Board should agree to waive the late fees. Jodi volunteered to put this information about prepaying in the Village newsletter again to remind residents of this option.

Resolution #5988- To Waive the Late Fee of \$13.83 on Account N3821

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 Patricia O’Rourke-Aye	Trustee Lynn Leopold-Aye

There were no more public comments.

Motion-To Close the Public Comment Period

Trustee Leopold moved to close the public comment period. Trustee O’Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee John O’Neill-Aye
Trustee Patricia O’Rourke-Aye	Trustee Lynn Leopold-Aye

The next item on the agenda was to discuss the deer hunting in the Village. Jay Boulanger was in attendance to present the proposal to open up the Cornell hunt on Village property for the fifth year. Lynn stated that she has not had a chance to talk about the rest of the hunting program with Bernd. Hartill stated that the hunting program will be business as usual with no changes except maybe adding some more properties to the hunt. Bernd has sent a report via email to Lynn which she will forward to the Board.

There were 65 deer taken in the 2012-13 season, which is the same as 2011. Last year we had our first January deer harvest. This allowed taking of an unlimited number of does. The deer management focus area allowed us to pick up an additional 19 deer. These numbers do not include the 9 deer taken on the Miller property. The State is doing that additional hunt in January again this year.

Jay reported that Forest Home is now considering doing something there also. Veanor asked if we were taking enough deer. Jay replied no. We are still concerned with the impact that deer are having on us. The number of deer that the Village removes due to being hit by cars has lowered significantly. This is probably a result of our hunt. Lynn had a conversation with Kate Supron, the Mayor of Cayuga Heights, and she said that they sterilized 140 deer. This spring residents reported that they actually had tulips this year and less browse. Jay did not feel this was a result of the sterilization. Cornell has some funding from the Village of Cayuga Heights to do ten surgeries each year.

Crossbow was not voted on by the State. There is a push to have it State wide. It remains to be seen if it will come into play.

Dubow stated that the same procedures would be followed as last year for the Cornell Deer Research Program. The Board must complete a SEQR Review. Dubow has provided the Short EAF and usual resolution forms.

Jay addressed the new CU deer season. They got Cornell counsel and risk management involved and had it green lighted. A limited nuisance deer program that uses bow hunting on CU campus lands in between hunting areas in the sterilizing zones was approved. They handpicked hunters and took 11 deer. They had full DEC support. CU will be doing it again this year, but will start earlier. They baited and used tree stands. There was no negative feedback from the community.

The Mayor and Trustees went through the SEQR Form and found that there would be no negative significant environmental impacts.

Resolution#5989 -Village of Lansing Board of Trustees 2013 SEQR
Related to Authorization of Limited Bow Hunting Within the Village
Pursuant to Cornell University Integrated Deer Research and Management
Program for 2013-14

WHEREAS:

- A. This matter involves consideration of the following proposed action: Authorization for limited bow hunting for deer in the Village of Lansing within the areas situated south of Route 13 and east of Brentwood Drive (Zone A11), and designated on the map attached to the Cornell University correspondence dated July 12, 2013 in conjunction with the Cornell Integrated Deer Research and Management Program for 2013, which program is to be

authorized by the Village Board of Trustees in accordance with Chapter 67 (entitled "Firearm and Bow Safety") of the Village Code, and specifically Section 67-6 of said Chapter 67; and

- B. The 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 August 5, 2013, 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 O'Rourke seconded the motion. A vote was taken:

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

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

The Mayor signed the SEQR EAF Part 3.

The following resolution was proposed:

Resolution #5990- Authorization of Limited Bow Hunting Within Village Pursuant to Cornell University Integrated Deer Research and Management Program for 2013-2014

WHEREAS:

- A. This matter involves consideration of the following proposed action: Authorization for limited bow hunting for deer in the Village of Lansing within the areas situated south of Route 13 and east of Brentwood Drive (Zone A11), and designated on the map attached to the Cornell University correspondence dated July 12, 2013 in conjunction with the Cornell Integrated Deer Research and Management Program for 2013, which program is to be authorized by the Village Board of Trustees in accordance with Chapter 67 (entitled "Firearm and Bow Safety") of the Village Code, and specifically Section 67-6 of said Chapter 67; and
- B. The Village of Lansing Board of Trustees has performed a review of the proposed action and the documents and materials submitted with respect thereto, including, but not limited to the correspondence from Cornell University (and attachments thereto) dated July 12, 2013 requesting the proposed action and confirming Cornell University's agreement to comply as required to the terms, provisions, requirements and restrictions provided for in Chapter 67 (entitled "Firearm and Bow Safety") of the Village Code, and specifically Section 67-6 of said Chapter 67; and
- C. On August 5, 2013, 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

- D. On August 5, 2013, the Village of Lansing Board of Trustees completed its review of the proposed action, all information and materials rightfully before the Board related thereto, and all issues raised in the course of the Board's deliberations related thereto;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Lansing Board of Trustees, pursuant to Chapter 67 (entitled "Firearm and Bow Safety") of the Village Code, and specifically Section 67-6 of said Chapter 67, hereby grants authorization and approval for the proposed action in accordance with and subject to the correspondence from Cornell University (and attachments thereto) dated July 12, 2013, requesting the proposed action, and confirming Cornell University's agreement to comply as required to the terms, provisions, requirements and restrictions provided for in said Chapter 67 and Section 67-6.

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

Mayor Donald Hartill-Aye

Trustee Patricia O'Rourke-Aye

Trustee John O'Neill-Aye

Trustee Lynn Leopold-Aye

Dubow stated that historically the Village has had an issue with prior ownership of the Cayuga Mall regarding the Village's rights for a snow plowing turn around area behind the Mall. The primary issues related to the area not being maintained properly. Brixmor, the current owners of Cayuga Mall, got a special permit and that process offered the opportunity to get formal access rights and a formal agreement. It took a while to get wording worked out, and the last issue was an agreed upon dispute resolution procedure. Dubow had previously received an e-mail from Patrick C. Bennison, Esq., the Brixmor attorney, confirming that Brixmor has agreed to the latest version of the Access Agreement that we have been working on as part of the pending Cayuga Mall Special Permit approval and the conditions attached to that approval. John Courtney and Marty Moseley are both in accord with this latest version of the proposed Agreement. The Agreement was previously sent to the Trustees to review. The Board needs to authorize Don to execute it on behalf of the Village. Once this is completed, Dubow will then send four originals of the signed Agreement to Mr. Bennison for execution on behalf of Brixmor with the understanding that that the multiple originals will be signed and acknowledged at their end and that two fully executed originals will be returned to David for his and the Village's files. The Mayor entertained a motion to approve the Access Agreement and authorize the Mayor to sign it.

Resolution #5991 -To Authorize Mayor to Sign Access Agreement with Brixmor/IA Cayuga Plaza, LLC

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

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

There are two Change Orders on the new Office Building project that have been presented to the Board for approval. Change Order #1 pertains to additional undercutting due to unsatisfactory soil conditions on site. The description of work is undercut footing from column A to E at the east side of building due to low bearing pressure. Nicole Newman of QPK Design has prepared an official Change Order form, which will have to be signed by an authorized individual with the Village. O'Neil questioned why we had to pay for this. Marty explained that the soil was too weak and wasn't discovered until the site work was commenced. Dubow explained that the Change Order was being presented on the basis of what appears to be an unforeseen situation. The contractor is basing it on the architect plans. Marty stated that there was also a lot of infrastructure in that area and you can't know what the fill condition is until site work is commenced.

Resolution#5992-To Authorize Change Order Request#1 for Footer Undercut Due to Low Bearing Pressure

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

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

QPK has also sent over Change Order Request#2 to install 250 LF of perimeter drain around the building for an additional \$3,936. Marty stated that there are underdrains coming from this building which would eventually cause issues in the new building. It is better to take preventative measures now instead of later. Nicole Newman of QPK suggested that the Board approve an amount up to \$3,936 since Herrick has not had a chance to approve the cost.

Resolution#5993-To Authorize Change Order Request#2 to Install 250 LF of Perimeter Drain Around the Building for an Additional Cost Up to \$3,936

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

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

Moseley stated that the Lansing Fire Station located at 119 Oakcrest Drive, has requested a Temporary Certificate of Compliance be issued. Typically, the applicant is required to

pay a minimum fee of two hundred and fifty dollars (\$250) and is required to provide the Village with an approved sum of money to be escrowed until such time that the final Certificate of Compliance has been issued. Previously, the Village has waived all fees associated with the building permit for the Fire Department project. Marty is asking if the same would apply to the minimum fees and the escrow amount for the Lansing Fire Station thus allowing him to issue the Temporary Certificate of Compliance without the minimum fees and escrow. They will be placing trucks in the building, but there will not be any occupants yet. There are 5 rooms that will eventually house volunteers.

Resolution#5994-To Authorize the Code & Zoning Officer to issue a Temporary Certificate of Compliance to the Lansing Fire Station at 119 Oakcrest Road and Waive All Fees and Escrow Deposits

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 Patricia O'Rourke -Aye
Trustee Lynn Leopold-Aye

We have waived all building and electrical fees for the Fire Station.

Moseley stated that one of the things that the Village needs to decide is how the new office will be keyed. The contract will have a contractor core which they will remove and a new lock set will be added when they turn the building over to the Village. The Board decided that there was no reason to key each office separately. Hartill asked Moseley to find out if there is a good electronic system available. Marty will get them to provide some options. The Board would like to see one key to get into the building and then all the offices will be locked separately. O'Neill asked about a security system. This will be considered after the building is complete.

Hartill stated that things are going along smoothly. Our new administration building should be enclosed by the time the snow flies. Stormwater runoff is still an issue with our parcel. We are working with Dave Herrick at TG Miller who is coming up with three different scenarios which will go to Edgar Enterprises, Inc. for pricing. Marty Moseley stated that the plan will integrate some kind of porous pavement to get a credit. It looks like we will have four rain gardens. We tried to get away from not doing it but we must follow code. It will get coordinated into our landscape plan as well. Herrick told Moseley that there are grasses that they have had luck with at Ithaca College which are deer resistant. The Village is looking for a plan that will be low maintenance.

Hartill stated that there will be a Water Commission meeting Thursday afternoon. They are currently going through the budget process. Water rate will probably be increased by inflation. We've had two dramatic increases in the past and they don't want to do that again.

Lynn stated that Ed Marx was going to come talk to us August 19 on the County's efforts to solarize, however, the meeting on September 16th would work better for him. Mayor Hartill stated that he will not be here for the August 19th meeting so that worked better for him also.

O'Neill stated that he and Leopold attended the information forum and public statement hearing held by the New York State Public Service Commission at the Lansing Middle School Auditorium on whether the coal-fired Cayuga generating station in Lansing should be "repowered" by converting the facility to natural gas, or NYSEG should be directed to implement transmission solutions to help ensure electric system reliability. There were 130 people who signed up to speak at this meeting but many left before they had an opportunity to speak or to hear all of the speakers. The meeting lasted six hours. Since it was a public hearing the panel did not respond. August 16th is the deadline for public comment. The Public Service Commission will make a decision before the end of the year. Veanor heard NYSEG'S presentation and gave his thoughts on the public hearing. Nick Vaczek also attended the meeting and gave his comments on the meeting. John O'Neill received a print out at the meeting and will copy it to all the Trustees and Dubow.

Motion- To Go Into Executive Session for Purpose of Real Estate Acquisition Issues

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

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

The Board went into executive session at 8:41pm.

Motion- To Come Out of Executive Session

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

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

The Board came out of executive session at 8:54pm.

Motion- To Adjourn

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

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

Trustee Patricia O'Rourke -Aye
Trustee Lynn Leopold-Aye

The meeting adjourned at 8:55pm.

Jodi Dake
Clerk/Treasurer