

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, July 7, 2014, in the Village Office.

PRESENT: Deputy Mayor Lynn Leopold; Trustees John O’Neill, Patricia O’Rourke and Gerald Monaghan; Clerk/Treasurer, Jodi Dake; Attorney David Dubow; Deborah Dawson, Planning Board member .

Deputy Mayor Leopold called the meeting to order at 7:31pm and opened the public comment period. There were no comments

Motion-To Close the Public Comment Period

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

Deputy Mayor Lynn Leopold-Aye Trustee Gerry Monaghan-Aye
Trustee Patricia O’Rourke -Aye Trustee John O’Neill –Aye

Since it was not yet 7:35pm for the opening of the Proposed Local Law 2 public hearing, the Board went on to discuss the Dairy One Stormwater Management Agreement in conjunction with the Planning Board’s special permit approval and the stormwater requirements as a condition of that approval. Lynn stated that basically this agreement provides for stormwater management obligations on the part of Dairy One, and Dubow further explained that this Agreement also allows the Village to go onto the Dairy One property and maintain the stormwater facilities if they fail to do so.

Dubow has prepared a final version of the Storm Water Control Facility Maintenance Agreement to be considered for approval by the Board of Trustees and Dairy One. Dubow noted that Schedule A consists of an attachment describing the stormwater management area, that now being the most recent “Layout Plan” provided by Napierala Consulting Professional Engineer, P.C. This version of the Agreement (with the Schedule A document) was provided to Jamie Zimmerman of Dairy One for his final sign-off.

Dubow has also prepared a resolution for Board of Trustee consideration. Once the resolution is adopted by the Board, several originals of the Agreement executed by Lynn Leopold on behalf of the Village will then go to Dairy One to be executed. An original copy of the fully executed Agreement will then need to be filed and recorded at the County Clerk’s Office as the Agreement provides in Section 11.

Dubow stated that the proposed Agreement and approval resolution evolve from the project’s stormwater management obligations. In some instances the Village will chose to assume liability for stormwater facilities, but we don’t do this if we don’t have to. This Agreement has been going back and forth for some time in an effort to ensure the Village’s protection. What is now being proposed is to authorize the execution of the

agreement on the part of both parties. The following resolution was presented:

Resolution # 6077-Accept Dairy One Stormwater Management Agreement

WHEREAS:

- A. Special Permit No. 2808 has been previously approved by the Planning Board of the Village of Lansing (the "Village") for the construction by Dairy One Cooperative, Inc. ("Dairy One") of a new building and related improvements on property known as 720 Warren Road, in the Village of Lansing, County of Tompkins and State of New York, such property being identified as Tax Map Parcel Nos. 46.1-7-4.2 and 46.1-7-3.6 (it being intended that Tax Parcel No. 46.1-7-3.6 will be consolidated with Tax Map Parcel No. 46.1-7-3.7), which Special Permit approval included several conditions, one of which being an agreement to be entered into by and between the Village and Dairy One providing for stormwater management obligations and requirements to be undertaken by Dairy One and to be enforced by the Village; and
- B. The Village and Dairy One, after their cooperative efforts, have now reached a tentative understanding with Dairy One (the "Proposed Storm Water Agreement") pursuant to which (i) Dairy One will undertake such required stormwater management obligations and requirements and (ii) the Village will exercise its enforcement provisions as deemed necessary and appropriate, all as set forth in the Proposed Storm Water Agreement; and
- C. The Proposed Storm Water Agreement has been prepared to the satisfaction of both parties and is now being submitted to each party for final and formal 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 the sole action of executing the Proposed Storm Water 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 Storm Water Agreement, a copy of which has been submitted to the Board and reviewed prior to or at this meeting; and

3. The Village of Lansing Board of Trustees hereby authorizes the Mayor to execute such Proposed Storm Water Agreement on behalf of the Village, in substantially the form presented to the Village Board of Trustees, subject to further final approval of the Mayor and the Attorney for the Village as to form and content, and to take such further action as may be necessary and appropriate to give full force and effect to this resolution; and
4. The Village Board of Trustees hereby authorizes and requests that the Mayor, Clerk/Treasurer, Zoning and Code Officer and Attorney for the Village take such steps as may be necessary, desirable and/or appropriate to effectuate the intent of the foregoing resolutions; and
5. Any and all actions heretofore or hereafter taken by the Mayor, Clerk/Treasurer, Zoning and Code Enforcement Officer, and 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 O'Rourke moved this resolution. Trustee Gerry Monaghan seconded the motion. A vote was taken:

Deputy Mayor Lynn Leopold-Aye	Trustee Gerry Monaghan-Aye
Trustee Patricia O'Rourke -Aye	Trustee John O'Neill -Aye

The following is a copy of the agreement:

**VILLAGE OF LANSING – DAIRY ONE COOPERATIVE, INC.
Storm Water Control Facility Maintenance Agreement**

This Agreement is made effective this 7th day of July, 2014, by and between Dairy One Cooperative, Inc. (the "Owner"), and the Village of Lansing, a municipal corporation of the State of New York, having offices in the Village of Lansing with an address at 2405 North Triphammer Road, Ithaca, New York 14850 (the "Village").

WHEREAS, the Owner holds title to certain property known as 720 Warren Road, in the Village of Lansing, County of Tompkins and State of New York, such property being identified as Tax Map Parcel Nos. 46.1-7-4.2 and 46.1-7-3.6 (it being intended that Tax Map Parcel No. 46.1-7-3.6 will be consolidated with Tax Map Parcel No. 46.1-7-3.7), all as described and set forth on Schedule A attached hereto and made a part hereof (the "Property"); and

WHEREAS, in accordance with Chapter 124 of the Village of Lansing Code (titled "Stormwater Management, Erosion and Sediment Control Law"), the Village and Owner are, as required, desirous of entering into an agreement to provide for the long term maintenance and continuation of storm water control measures at the Property approved by the Village for the following development: Dairy One New Facility (the "Project"); and

WHEREAS, the Village and Owner agree that all storm water control measures shall be built by Owner in accordance with the approved Project plans and issued Storm Water Pollution Prevention Plan (the "SWPPP"), and thereafter shall be maintained, cleaned, repaired, replaced and continued by Owner or its permitted successors in order to ensure optimum performance of the components of the system as defined in the SWPPP, all as provided for and required as part of the Project as authorized and approved by the Village.

NOW, THEREFORE, in consideration of the above and in furtherance of the public purposes and benefits of providing adequate storm water retention and the maintenance thereof, the Village and Owner agree as follows:

1. This Agreement shall bind the Village and Owner, and their respective successors and assigns, to all of the requirements depicted and set forth herein and in the approved Project plans, and consistent with the SWPPP issued and on file with the Village.
2. The Owner shall construct, maintain, clean, repair, replace and continue the storm water control measures as necessary and required (including all such measures as may be required now and in the future by any and all applicable federal, state local laws, rules and regulations) to ensure optimum performance of the measures to design specifications and all other applicable requirements. The storm water control measures shall include, but shall not be limited to, the following: drainage ditches, swales, drop inlets, pipes, culverts, and retention ponds. In addition, the Owner shall (i) perform such other inspections, maintenance and repair as may be reasonably required by the Village's Code and Stormwater Officer in order to assure the continued operation of the measures as intended and designed, and (ii) comply with all Village stormwater operations, maintenance and or reporting obligations as they now exist or are hereafter added or amended.
3. The Owner shall be responsible for all expenses related to the foregoing inspections, maintenance, repairs and other obligations of the Owner with respect to the storm water control measures.
4. The Owner shall provide for annual inspections of the storm water control measures to determine the condition and integrity of the measures consistent with the approved project plans and SWPPP, which inspections shall be performed by a qualified professional as determined by the New York State Department of Environmental Conservation ("NYSDEC"), including, but not limited to, a Certified Professional in Erosion and Sediment Control ("CPESC") or a Professional Engineer licensed by the State of New York. The inspecting qualified professional so designated shall, within 30 days of the inspection, prepare and submit to the Village Stormwater Management Officer ("SMO") a written report of findings, including recommendations for those actions necessary for the continuation of the storm water control measures in conformity with the specifications of the signed, accepted Project plans and the originally issued SWPPP. The SMO may, at his or her discretion, designate the specific time period for the required annual inspection and the specific deadline for the 30 day period in which the required report and findings are to be submitted to the SMO.

5. The Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the storm water control measures, except in accordance with written approval of the Village.

6. The Owner shall undertake all necessary repairs and replacement of the storm water control measures consistent with the approved Project plans and SWPPP and implement any final recommendations of the annual inspection report subject to the direction of the Village in accordance with the recommendations of the Village's Code and Stormwater Officer and the Village's inspecting engineer.

7. The Owner hereby grants to the Village a permanent easement and right-of-way for access to and onto the Property as follows: The Owner agrees that the Village may enter upon the Property or any portion thereof for the purposes of observing and inspecting the storm water measures at any time and from time to time as may be deemed appropriate, necessary or desirable by the Village, the Village's Code and Stormwater Officer, engineers and/or other officers, employees, agents, contractors and authorized consultants of the Village, and to make repairs to the measures as set forth below. If maintenance deficiencies are found as a result of such inspections, the Village will notify the Owner in writing, and the Owner shall cause needed repairs to be made within the number of days set forth in such notice. If the Owner fails to complete the repairs to the satisfaction of the Village within the required period, the Village reserves the right (but does not have the obligation) to have the repairs made, and will charge the Owner for the cost of such repairs. The Owner agrees to pay for such repairs within 10 days after demand thereof. Notwithstanding the foregoing, if an emergency exists requiring immediate action, the Owner hereby authorizes the Village, its officers, employees, agents, contractors and authorized consultants to enter upon the Property and effect emergency repairs to any portion of the measures in the event of a threat to the safety of the measures, the Project, the Property and/or adjacent or downstream properties, with the cost of such repairs to be reimbursed by the Owner to the Village within 10 days of demand thereof. When any portion of any measure is located off-site or on the property of a third party, the Owner, at its sole cost and expense, shall obtain easements and rights-of-way thereto acceptable to the Village. The Village will use its reasonable best efforts to provide prior notice to the Owner of its intent to exercise its rights under this Section 7. If such prior notice is not given, the Village will use its reasonable best efforts to provide notice as soon as possible after it exercises its rights hereunder. Under any and all circumstances and notwithstanding anything to the contrary herein, the failure to provide either of the foregoing notices shall not be deemed to be a breach of this Agreement by the Village and the Village shall have no liability related thereto.

8. This Agreement shall hereafter be recited in or referred to in each deed constituting a conveyance of real property covered by the SWPPP. The obligations and duties imposed by the originally issued SWPPP and all approved amendments thereto shall constitute a burden upon the lands benefited by the SWPPP unless and until altered, abandoned, modified or terminated pursuant to Section 5 above.

9. In the event the Village makes repairs and the Owner fails to reimburse the Village for the cost of said repairs within 10 days after the demand thereof, then such unpaid costs, expenses and interest at the per annum rate of 9% incurred from the date of repair shall constitute a lien upon the Property and the land on which the storm water measures are located until such time as the owner provides in writing to the Village proof of full payment at which time the lien shall be released. The Village may bring a legal action or proceeding to collect such costs, expenses, interest, and recoverable attorney's fees, or to foreclose such lien. As an alternative to the maintenance of any such action, the Village may file a certificate with the Tompkins County Department of Assessment stating the costs and expenses incurred and interest accruing as aforesaid, together with a statement identifying the Property and the Owner so that the Tompkins County Department of Assessment shall in the preparation of the next assessment roll assess such unpaid costs, expenses and interest upon the Property. Such amount shall be included as a special ad valorem levy (administered as a tax) against the Property, shall constitute a lien, and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as are provided by law for collection and enforcement of real property taxes in the Village. The Owner agrees that the assessment of such costs, expenses and interest shall be effective even if the Project and the Property would otherwise be exempt from some or all of the applicable real estate taxation. In any action or proceeding brought hereunder, the prevailing party shall be entitled to recover from the other party its reasonable costs in prosecuting or defending any action, including reasonable attorneys' fees. The prevailing party shall be established by the court determining the matter. "Prevailing party" shall mean the party which is awarded all or substantially all of the relief demanded by such party.

10. The Owner may assign all rights and delegate all obligations hereunder to a successor to the Owner. Such assignment and delegation shall be required to be in writing, signed and notarized by the assignor/Owner with the assignee, and such assignment shall be promptly recorded in the Tompkins County Clerk's Office with specific reference to this instrument, with a copy provided to the Village. The Owner shall provide the Village with documentary proof of the recording and referencing of this instrument as indicated above within 10 days after recording.

11. This Agreement is effective as of the date designated above and shall be recorded at the Owner's expense in the Tompkins County Clerk's Office within 15 days of execution, and when recorded shall be referenced to the deeds for all parcels constituting the Property. The Owner shall provide the Village with documentary proof of the recording and referencing of this instrument as indicated above within 10 days after recording.

12. The Owner agrees to indemnify and hold harmless the Village and its officers, employees, agents, contractors and authorized consultants for all damages, losses and claims that arise out of the Owner's actions or failures to act under or pursuant to this Agreement. In addition thereto, and in the event that the Village rightfully exercises its rights and/or obligations to enter upon the Property pursuant to this Agreement, the Owner agrees to indemnify and hold harmless the Village and its officers, employees, agents, contractors and authorized consultants for all damages, losses and claims that

arise out of the Village's such actions. Such indemnity obligations of the Owner in favor of the Village shall include the costs of the Village in defending any action, including reasonable attorney fees, expert fees, and other litigation costs imposed upon the Village.

13. Where the Village Board finds that, due to the special circumstances of a particular case, a waiver of certain requirements in this Agreement is justified, a waiver may be granted. In all cases, no waiver shall be granted unless the Village Board finds and records in its minutes that: (1) granting the waiver would be in keeping with the intent and spirit of this Agreement, and is in the best interests of the community; (2) there is no adverse effect upon the character, appearance, or welfare of the neighborhood and any watercourses, watersheds, or surface waters; (3) there are special circumstances involved in the particular case; (4) denying the waiver would result in undue hardship, provided that such hardship has not been self-imposed; and (5) the waiver is the minimum necessary degree of variation from the requirements of this Agreement.

14. This Agreement (i) shall be governed by the laws of the State of New York, (ii) constitutes the entire Agreement between the parties hereto with respect to the subject matter hereof, (iii) supersedes all prior agreements, understandings and arrangements, both oral and written, between the parties hereto with respect to such subject matter, and (iv) may not be modified in any way unless by a written instrument executed by all parties. The waiver by any party hereto of a breach or violation of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach or violation. If any court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, the other provisions of this Agreement will remain in full force and effect. Any provision of this Agreement held invalid or unenforceable only in part or degree will remain in full force and effect to the extent not held invalid or unenforceable. The parties hereto agree to execute and deliver such other documents and to perform such other acts as may, from time to time, be reasonably required to give full force and effect to the intent and purpose of this Agreement. Each party executing this Agreement represents and warrants that (i) he or she has the specific authority to bind the party on whose behalf he or she is signing this Agreement, (ii) the consent of any third parties is not required to perfect such authority, (iii) the party on whose behalf he or she is signing this Agreement has undertaken all actions required to enter into this Agreement, and (iv) his or her signature represents the binding obligation of such entity.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

The Board went back to the public hearing on Proposed Local Law 2 (2014) to Amend the Village of Lansing Code –Zoning Law-Temporary Commercial Activities-Seasonal Use. This proposed law expands the time duration of a “Seasonal Use” to be extended from the current May 1st to September 30th time duration to the lengthened period of May 1st to November 30th. This proposed law has been reviewed by the Planning Board and recommended to this Board for their review, and this Board is comfortable with that small change from September 30th to November 30th. This affects outdoor sales such as the farmers market, auto and outdoor flower sales.

Motion- To Open the Public Hearing on Proposed Local Law 2 (2014)

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

Deputy Mayor Lynn Leopold-Aye
Trustee Gerry Monaghan-Aye

Trustee John O'Neill-Aye
Trustee Patricia O'Rourke-Aye

There was no public comment.

Motion- To Close the Public Hearing

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

Deputy Mayor Lynn Leopold-Aye Trustee Gerry Monaghan-Aye
Trustee Patricia O'Rourke -Aye Trustee John O'Neill -Aye

Dubow stated that given the sole intent of only the calendar change provided for in this proposed local law, the matter doesn't require a SEQR Review.

Resolution #6078- To Adopt Proposed Local Law 2 as Local Law 2(2014)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law 2 (2014), to be designated Local Law 2 (2014) upon adoption, to amend the "Temporary Commercial Activities" provisions of the Village of Lansing Code, specifically the overall time limitation applicable for any one calendar year for a "Seasonal Use" activity, such permitted overall time duration of a "Seasonal Use" to be extended from the current May 1st to September 30th time duration to the lengthened period of May 1st to November 30th; provided that all other current "Seasonal Use" time limits and other provisions and restrictions set forth in subsection "C" (entitled "Temporary commercial activities") of Section 145-58 (entitled "Additional conditions for building/land use permits") of Chapter 145 [entitled "Zoning"] of the Village of Lansing Code (including the Temporary Commercial Activities" matrix included as part of said Section 145-58) shall continue to apply; and
- B. 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 approval; and
- C. On June 2, 2014, the Village of Lansing Board of Trustees preliminarily discussed the purposes and intent of Proposed Local Law 2 (2014), and thereupon scheduled a public hearing for July 7, 2014; and

- D. On July 7, 2014, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) Proposed Local Law 2 (2014), (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board’s deliberations; and
- E. On July 7, 2014, the Village of Lansing Board of Trustees determined that the approval of the proposed action is a Type II action, and thus may be processed without further regard to Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”); and
- F. On July 7, 2014, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law 2 (2014), (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board’s deliberations;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The Village of Lansing Board of Trustees hereby adopts the attached Proposed Local Law 2 (2014), to be designated Local Law 2 (2014).

Trustee O’Rourke moved to adopt Local Law 2. Trustee Monaghan seconded the motion. A vote was taken:

Deputy Mayor Lynn Leopold-Aye
Trustee Gerry Monaghan-Aye

Trustee John O’Neill-Aye
Trustee Patricia O’Rourke-Aye

The following is a copy of Local Law 2 (2014).

**AMENDMENT TO VILLAGE OF LANSING CODE – ZONING
LAW – TEMPORARY COMMERCIAL ACTIVITIES –
SEASONAL USE**

Be it enacted by the Board of Trustees of the Village of Lansing as follows:

SECTION I. PURPOSE & INTENT.

It is the purpose and intent of this local law to amend the “Temporary Commercial Activities” provisions of the Village of Lansing Code, specifically the overall time limitation applicable for any one calendar year for a “Seasonal Use” activity, such permitted overall time duration of a “Seasonal Use” to be extended from the current May 1st to September 30th time duration to the lengthened period of May 1st to **November 30th**; provided that all other current

“Seasonal Use” time limits and other provisions and restrictions set forth in subsection “C” (entitled “Temporary commercial activities”) of Section 145-58 (entitled “Additional conditions for building/land use permits”) of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code (including the Temporary Commercial Activities” matrix included as part of said Section 145-58) shall continue to apply.

SECTION II. AMENDMENT TO THE VILLAGE OF LANSING CODE.

Subsection C [entitled “Temporary commercial activities”] of Section 145-58 [entitled “Additional conditions for building/land use permits”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code (including the Temporary Commercial Activities” matrix included in such subsection C of Section 145-58) is hereby amended so as to (i) reflect the purpose and intent indicated above; (ii) incorporate the intended lengthening of the permitted annual Seasonal Use activity period such that it will be May 1st to November 30th as opposed to the current May 1st to September 30th and so noted in the Seasonal Use – Time Duration matrix section; and (iii) be read in its entirety as follows:

- C. Temporary commercial activities. Permitted with written permission of owner of property; driveways and parking areas must be adequate for proposed use; all other district regulations must be complied with; written approval for temporary sign design and placement must be obtained from the Zoning Officer, although no sign permit is required. Please reference Temporary Commercial Activities matrix below for applicable uses and time limitations in the designated districts.

Temporary Commercial Activities	Zoning Districts	Time Duration
Special Events ⁽¹⁾⁽²⁾⁽⁴⁾⁽⁵⁾ defined as an activity or event, the primary purpose of which is not the sale of goods or services.	CLT,CHT,BTD,HHSD, RSH, PDA ⁽⁶⁾	Maximum of 5 consecutive days and no more than 21 days per year.
Carnivals and Circus ⁽¹⁾⁽⁴⁾⁽⁵⁾	CLT,CHT, PDA ⁽⁶⁾	Maximum of 10 consecutive days and no more than 21 days per year.
Seasonal Use ⁽¹⁾⁽³⁾⁽⁴⁾⁽⁵⁾ defined as Farmers Market and like uses	CLT, CHT, PDA ⁽⁶⁾	Between May 1 st and November 30 th . Maximum of 2 consecutive days and no more than 1 event per week.
Holiday Sales ⁽¹⁾⁽⁴⁾⁽⁵⁾ such as Christmas tree sales, Halloween pumpkin sales, and other like uses	CLT, CHT, PDA ⁽⁶⁾	Maximum of 42 days per year per this general use category.
Temporary outdoor sale ⁽¹⁾⁽³⁾⁽⁴⁾⁽⁵⁾ defined as any temporary outdoor use that is not classified as a special event, seasonal use, holiday sales, or food vender	CLT,CHT, PDA ⁽⁶⁾	Maximum of 120 days per year per tax parcel. This excludes accessory outdoor sales of 120 square feet or smaller, which is applicable to the current stores in the Village of Lansing
Stationary Food Vendor ⁽¹⁾⁽²⁾⁽⁴⁾⁽⁵⁾ defined as food vendors with temporary structures that are stationary at one location	CLT, CHT, PDA ⁽⁶⁾	Maximum of 5 consecutive days and no more than forty two days per year.

- 1 Tents and membrane structures having an area in excess of 200 square feet and canopies in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the code enforcement official.
- 2 If used less than eight hours per week no permit is required.
- 3 Requires Special Permit Approval
- 4 Approved by Zoning and Code Officer
- 5 No more than one in any single category per tax parcel at any one point in time
- 6 This is only applicable to the Lansing Meadows Planned Development Area, Area A

BTD-Business and Technology District
CLT- Commercial Low Traffic District
CHT-Commercial High Traffic District
HHSD- Human Health Services District
RSH- Research District
PDA-Planned Development Area

SECTION III. SUPERSEDING EFFECT.

All local laws, resolutions, rules, regulations and other enactments of the Village of Lansing in conflict with the provisions of this local law are hereby superseded to the extent necessary to give this local law full force and effect.

SECTION IV. VALIDITY.

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

SECTION V. EFFECTIVE DATE.

This Local Law shall be effective upon (i) its filing in the office of the Secretary of State and (ii) ten (10) days after publication and posting as required by law; provided, however that it shall be effective from the date of service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

The next item on the agenda was the public hearing on Proposed Local Law 3 (2014) to Amend the Village of Lansing Code –Zoning Law-To Rezone a Portion of the Business and Technology District Situated South of NYS Route 13 to the Existing and Adjoining Human Health Services District, and to Thereby Amend the Village of Lansing Zoning Map Accordingly.

Motion- To Open the Public Hearing on Proposed Local Law 3 (2014)

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

Deputy Mayor Lynn Leopold-Aye Trustee Gerry Monaghan-Aye
Trustee Patricia O’Rourke -Aye Trustee John O’Neill –Aye

Dubow stated that this involves taking the Human Health Services District and extending that district into the Business and Technology District on the lower side of Route 13. This was originally done 8-9 years ago. Because it has now been determined that a portion of the area previously rezoned cannot be developed due to wetland issues, the request was made to extend the current Human Health Services District further into the Business and Technology District. Given the now identified non-developable property, the intent is to provide the previously contemplated Human Health Services development in what is now the Business and Technology District. This proposed law has been reviewed by the Planning Board and recommended to this Board for their further review. The Village has agreed to proceed with this law. SEQR Review is required. Integrated Acquisition & Development, Inc., as the party requesting the Zoning Law amendment, has completed Part I of the SEQR Review for the Board’s review, and the Village may now review that Part 1 and complete Part 2.

Monaghan asked if there was a scope of what the development would look like. Dubow stated that a traffic study was done back in 2007 as part of the previous re-zoning approved by the Board, and it indicated that there was no significant impact. Herman Sieverding stated that when the first buildings were approved by the Planning Board road improvements were required and completed. For disclosure purposes, Monaghan stated that his wife has two practices in that development. It was asked if Cayuga Medical would be going in there. Integrated is the entity developing the area and it is possible that Cayuga Medical could be a tenant.

Dawson stated that question #2 of Part I asks if the proposed action requires a permit, approval or funding from any other government agency. "Yes" was checked, but the correct answer would be "No" because this is being completed by the Village and that is the only permit required. The Board then completed the SEQR Review Part 2 for Proposed Local Law 3.

Resolution #6079-Adopt SEQR Review for Proposed Local Law 3 (2014)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law 3 (2014), to be designated Local Law 3 (2014) upon its adoption, to amend the Village of Lansing Zoning Law and Zoning Map so as to reflect the extension to the east of the existing boundary of the portion of the Human Health Services District (HHSD) currently situated to the east of Warren Road and the south of NYS Route 13, it having been determined that (i) the additional area to be added to the Human Health Services District (HHSD) is required and appropriate to better serve the purposes of that District, and (ii) the addition of such area to the Human Health Services District (HHSD) will not have any undue adverse effects on the Business and Technology District (BTD); 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 July 7, 2014, 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 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), and (iii) completed the Short EAF, Part 2;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. The Village of Lansing Board of Trustees, based upon (i) its thorough review of 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) 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 2, 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 3, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

Trustee Monaghan moved to approve this resolution. Trustee O’Neill seconded the motion. A vote was taken:

Deputy Mayor Lynn Leopold-Aye	Trustee Gerry Monaghan-Aye
Trustee Patricia O’Rourke -Aye	Trustee John O’Neill –Aye

Motion- To Close the Public Hearing

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

Deputy Mayor Lynn Leopold-Aye	Trustee Gerry Monaghan-Aye
Trustee Patricia O’Rourke -Aye	Trustee John O’Neill –Aye

Resolution #6080- To Adopt Proposed Local Law 3 as Local Law 3(2014)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law 3 (2014), to be designated Local Law 3 (2014) upon its adoption, to amend the Village of Lansing Zoning Law and Zoning Map so as to reflect the extension to the east of the existing boundary of the portion of the Human Health Services District (HHSD) currently situated to the east of Warren

Road and the south of NYS Route 13, it having been determined that (i) the additional area to be added to the Human Health Services District (HHSD) is required and appropriate to better serve the purposes of that District, and (ii) the addition of such area to the Human Health Services District (HHSD) will not have any undue adverse effects on the Business and Technology District (BTD); and

- B. The Village of Lansing has received a rezoning request as provided for and set forth above, and for the purpose of the proposed action set forth above; and
- C. The Village of Lansing Planning Board has reviewed the proposed action and referred it to the Village of Lansing Board of Trustees with a favorable recommendation; and
- D. On June 2, 2014, the Village of Lansing Board of Trustees preliminarily discussed the proposed action and the purposes and intent of Proposed Local Law 3 (2014), and thereupon scheduled a public hearing for July 7, 2014; and
- E. On July 7, 2014, the Village of Lansing Board of Trustees held a public hearing regarding the proposed action, and thereafter discussed and reviewed (i) Proposed Local Law 3 (2014), (ii) the Village of Lansing Planning Board's recommendation in favor of the proposed action, (iii) all other information and materials rightfully before the Board [including comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-l and -m], and (iv) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations(v); and
- F. On July 7, 2014, the Village of Lansing Board of Trustees determined that the proposed action constitutes 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 the 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 July 7, 2014, the Village of Lansing Board of Trustees completed its review of (i) the proposed action, (ii) Proposed Local Law 3 (2014), (iii) the Village of Lansing Planning Board's favorable recommendation of the proposed action, (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 [including comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-l and -m];

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Lansing Board of Trustees hereby approves the proposed action and adopts the attached Proposed Local Law 3 (2014), to be designated Local Law 3 (2014).

Trustee Monaghan moved to adopt Local Law 3. Trustee O'Neill seconded the motion. A vote was taken:

Deputy Mayor Lynn Leopold-Aye Trustee Gerry Monaghan-Aye
Trustee Patricia O'Rourke -Aye Trustee John O'Neill -Aye

Dubow added that Proposed Local Law 3 did go to the Tompkins County Planning Department for General Municipal Law 239 -l and -m review. They determined that it has no negative inter-community or county-wide impacts.

The following is a copy of Local Law 3 (2014).

AMENDMENT OF THE VILLAGE OF LANSING CODE/ZONING LAW TO REZONE A PORTION OF THE BUSINESS AND TECHNOLOGY DISTRICT SITUATED SOUTH OF NYS ROUTE 13 TO THE EXISTING AND ADJOINING HUMAN HEALTH SERVICES DISTRICT, AND TO THEREBY AMEND THE VILLAGE OF LANSING ZONING MAP ACCORDINGLY

Be it enacted by the Board of Trustees of the Village of Lansing as follows:

SECTION I. PURPOSE AND INTENT.

The purpose and intent of this Local Law is to amend the Village of Lansing Zoning Law and Zoning Map so as to reflect the extension to the east of the existing boundary of the portion of the Human Health Services District (HHSD) currently situated to the east of Warren Road and the south of NYS Route 13, it having been determined that (i) the additional area to be added to the Human Health Services District (HHSD) is

required and appropriate to better serve the purposes of that District, and (ii) the addition of such area to the Human Health Services District (HHSD) will not have any undue adverse effects on the Business and Technology District (BTD).

SECTION II. AMENDMENTS.

The Village of Lansing Zoning Law and Zoning Map are hereby amended so as to (i) provide for the extension further to the east of the currently existing easterly boundary of the portion of the Human Health Services District (HHSD) situated to the east of Warren Road and the south of NYS Route 13; (ii) provide for the similar extension to the east of the existing westerly boundary of the adjoining Business and Technology District (BTD); (iii) revise the Brentwood Drive area and thereby providing further access to the newly established additional Human Health Services and incorporating a small rectangular portion of the existing Business and Technology District; (iii) reestablish and confirm the relocated easterly boundary line of the Human Health Services District (HHSD) and the westerly boundary of the adjoining Business and Technology District (BTD); and (iv) reestablish and confirm the location of the boundaries of the newly designated and expanded Human Health Services District (HHSD). Accordingly, the boundaries of the newly established and added Human Health Services District (HHSD) area being provided by this local law and incorporated into the foregoing established amendment to the Village of Lansing Zoning Map are hereby specifically described as follows:

Beginning at a point on the southerly boundary of NYS Route 13 marking the northeasterly corner of the currently existing portion of the Human Health Services District (HHSD) situated to the east of Warren Road and the south of NYS Route 13; thence North 87 degrees 50 minutes east a distance of 993 feet along the southerly boundary of NYS Route 13 to a point; thence South 02 degrees 40 minutes east a distance of 410 feet to a point; thence North 87 degrees 13 minutes east a distance of 130 feet to a point; thence South 02 degrees 47 minutes east a distance of 60 feet to a point; thence South 87 degrees 07 minutes west a distance of 926 feet to a point; thence on a curve to the left having a chord direction of South 48 degrees 03 minutes west, a chord distance of 252 feet, a radius of 237 feet, and an arc length of 266 feet to a point; thence North 02 degrees 55 minutes west a distance of 642 feet along the currently existing easterly boundary of the portion of the Human Health Services District (HHSD) situated to the east of Warren Road and the south of NYS Route 13 to the point or place of beginning; the above described parcel being 11.2 acres, and the total area of the Human Health Services District (HHSD) after consolidation of the parcel described above being 45.84 acres.

The above referenced parcel to be reclassified from its existing Business and Technology District (BTD) zoning designation to a new Human Health Services District (HHSD) designation, and the aforesaid description of the boundaries of the Human Health Services District (HHSD) incorporating such reclassified parcel, are depicted on a certain map entitled "Zone Map Showing Proposed Parcel to be Re-Zoned Human Health

Services District Village of Lansing, Tompkins County, New York,” dated May 23, 2014, prepared by T.G. Miller, P.C., Engineers and Surveyors, a copy of which is on file with the Village of Lansing.

SECTION III. SUPERSEDING EFFECT.

All local laws, resolutions, rules, regulations and other enactments of the Village of Lansing in conflict with the provisions of this local law are hereby superseded to the extent necessary to give this local law full force and effect.

SECTION IV. VALIDITY.

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

SECTION V. EFFECTIVE DATE.

This Local Law shall be effective ten (10) days after publication and posting as required by law, except that it shall be effective from the date of service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

The next item on the agenda was to consider preliminary accepting the Offer of Dedication of Northwoods Road and to set a public hearing. The Trustees had previously been emailed information relating to this item. Dubow explained that there are two steps. The first is to accept an offer of dedication of Northwood Road. Mayor Hartill has looked at this very carefully. The Board previously discussed conditions at the April 17, 2014 meeting. The process is as follows: an offer is made, the municipality accepts the offer, and then the Board has to have a Public Hearing after that initial acceptance. There is then a reaffirmation resolution required if the Board still wants to proceed. This is a slightly unusual road dedication situation given the long history of this manner and the various provisions and conditions involved. There are some restrictions on what the Village can or cannot do following the conveyance of the road, all of which the Mayor has indicated are acceptable.

Dawson asked if there will now be two means of ingress or egress. The reason for previous concern was that we have a private road that is currently not connected to another public road. One of the conditions is that there will be no inter-connectivity to Lansing Trails, however limited emergency access will be provided. With all of the lessening of the traffic as a result of limiting further connectivity, the Northwood Road boulevard design should serve as two means of ingress and egress. Dubow stated that this will address the long-standing issues in that area, and the Mayor has indicated that he is satisfied with the proposed plans, conditions and arrangements and believes that this will solve a lot of problems. Leopold feels that once we bought the center Dart Drive property it helped in solving a lot of issues.

Bill Klepack stated that they have lived in the Coventry Walk area since 1989. Dubow stated that all of Northwood Rd. will be dedicated to the Village. The proposed plans provide that it will be designed as a boulevard. The Village will now own and maintain the road. There is a plan that was proposed as to how it will be developed. Dubow went on to explain that Integrated use to own the property and we were very close to completing the road dedication process back 2007, but then it was sold to the current owners. When it was sold we had to start all over. There was a development issue that had everyone in the area concerned. What we are doing now is what the Board wanted to do 10 years ago. Dubow stated that the Village never had the ability to control that road, but now they will. Sidewalks will be added. TG Miller had a plan many years ago. There is now a current plan that TG Miller has created that has more detail. The conveyance of the road to the Village will provide the necessary control of the road and the connectivity to Woodthrush Hollow Road and Coventry Walk. It will also address the long-standing issues of municipal road connectivity, an acceptable means of ingress and egress, the Village's purchase of the middle portion of the remaining Dart property for open space and park land, and emergency access to Lansing Trails.

Dan Veanor asked why it is happening now. Dubow stated that it was an evolving plan to try to address multiple issues. When we bought the middle Dart property attitudes changed. The plan is for a park to be developed on part of that now Village owned property which will have a design similar to Dankert Park. The Village is in need of a park on this side of Route 13. A portion of the property is in Town School District and another part is in the Ithaca School District. The Lansing School District portion is intended for the propose park and the other area will probably remain wild.

The following resolution was presented:

RESOLUTION #6081- To Accept Offer of Dedication of Northwood Road

WHEREAS, the Village of Lansing has received an Offer of Dedication from Dirk A. Galbraith, Esq., as counsel to, and authorized agent for, Northwood 10, LLC and Northwood 16, LLC, for the existing private road designated as Northwood Road in the Village of Lansing, together with and subject to any and all related and existing improvements (including, but not limited to, water mains and other utility infrastructure located within the bounds of such road right-of-way premises), rights and obligations set forth on the survey map attached hereto entitled "Survey Map Showing Lands to be Conveyed to the Village of Lansing, 700 Warren Road, Village of Lansing, Tompkins County, New York"; and

WHEREAS, the Village of Lansing wishes to accept the Offer of Dedication, subject, however, to certain additional conditions as set forth below;

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Lansing as follows:

1. The Village of Lansing hereby accepts the Offer of Dedication made by

Northwood 10, LLC and Northwood 16, LLC, subject to full and complete satisfaction of each of the following conditions:

- a. Conclusion of the required public hearing to be held in reference to the dedication of the subject property in accordance with Sections 6-612 and 6-614 of the Village Law of the State of New York;
 - b. Confirmation from the Village's Engineer that acceptance of the road right of way and existing improvements is recommended to the Village;
 - c. Delivery to, review by, and approval of the Village Attorney of original and executed copies of each and every document required in order to complete transfer and conveyance of the subject property and related improvements in accordance with all applicable provisions of the State of New York and Village of Lansing laws, rules and regulations;
 - d. Receipt by the Village Attorney from Northwood 10, LLC and Northwood 16, LLC of one or more satisfactory and fully updated abstract(s) of title and all related title and transfer documents to confirm that the premises and related improvements will be conveyed free and clear of all liens and encumbrances other than customary public utility easements of record and such additional easements and/or rights-of-way provided for on the foregoing Survey Map attached hereto; and
 - e. Recording and filing of the required deed(s) and related transfer and conveyance documents for the subject property and related improvements to the Village of Lansing, and recording and filing of any other documentation necessary to complete the conveyance and transfer of such property free and clear of all liens and encumbrances other than customary public utility easements of record and such additional easements and/or rights-of-way provided for on the foregoing Survey Map attached hereto.
2. A public hearing shall be conducted in regard to this Offer of Dedication at the regularly scheduled meeting of the Board of Trustees of the Village of Lansing, on July 21, 2014, at 7:35 PM, all in accordance with the provisions of Sections 6-612 and 6-614 of the Village Law of the State of New York.

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

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

Deputy Mayor Lynn Leopold-Aye	Trustee Gerry Monaghan-Aye
Trustee Patricia O'Rourke -Aye	Trustee John O'Neill –Aye

Craig Christopher, Cayuga Sign, was here to present a few sign ideas. The 21”x42” LED Sign he proposed has a WIFI connection, software, full color, with brightness and temperature sensors. The sign can be programmed months in advance. If you have no announcements to post, you can just have the time and temperature displayed. The transformer and parts have a five year warranty. The sign will be mounted between 2-6”x6”x8’ treated posts painted green. The existing oval sign will be mounted above it with lighting. To light the sand carved sign, he proposed to wrap it with aluminum that has LED inside the oval. Leopold liked this idea because there wasn’t any uplighting. This would give a halo effect over the whole sign. We would have the ability to turn down the brightness on this sign. Leopold stated that when these signs are scrolling and blinking they are very distracting. Craig stated that that can all be controlled by the operator. The Board would like to see an example of what it would actually look like. They will contact Craig to go up and see his sign on Asbury Road. The Board feels this could be light pollution.

O’Neill likes the plastic sign with changeable panels. He feels the LED sign at around \$10,000 is too expensive. Craig suggested that if the Village goes with that type of sign, they get green with white letters.

The Board asked Dake what she thought of one sign versus the other. The advantage she sees with the LED sign is that you can post more information other than just the meetings. You can have information about taxes or water payments being due, budget public hearings, brush pick up, things of that nature. Neither sign is labor intensive as suggested in another meeting. It comes down to the look you want for the Village. In the past, the Board has not wanted the LED signs in the Village. If the Village had a sign like that, would it start a trend with other businesses wanting the same? Is that what the Village wants? The Board will go look at Craig’s sign and then discuss this further.

The next item on the agenda was to complete a SEQR review for the proposed joint Village/SCLIWC Route 13 Water Main Project. The Commission has taken the position that each municipal member should confirm their approval of the project and undertake their respective SEQR environmental review. The Village’s SEQR review will cover the Village individually and as a separate member of the Commission, in each case on the basis of an independent and uncoordinated review.

A SEQR review was prepared for the Route 13 Water Main Crossing by TG Miller. Parts 1 and 2 were completed and submitted to the Board. The Board reviewed the information and proposed answers.

Resolution #6082 - Adopt SEQR Review of Village/SCLIWC Joint
Water Main Project

WHEREAS:

- A. This matter involves consideration of the following proposed action: This project is a joint water project for a new water main crossing under NYS Rte 13 and connection of the new main to the existing Southern Cayuga Lake Intermunicipal Water Commission (SCLIWC). In addition, the Village of Lansing will be replacing approximately 1,650 lineal feet of existing water main. The project involves uncoordinated environmental reviews by the Village of Lansing and any other involved agencies. SCLIWC will use the new water main on a temporary emergency basis in the event that the existing crossing cannot be used. The Village of Lansing will own the new water crossing to service the Village of Lansing water system; 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 July 7, 2014, 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 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), and (iii) completed the Short EAF, Part 2;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

- 1. The Village of Lansing Board of Trustees, based upon (i) its thorough review of 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) 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 2, 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 3, confirming the foregoing **NEGATIVE DECLARATION**, which fully

completed and signed Short EAF shall be attached to and made a part of this Resolution.

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

Deputy Mayor Lynn Leopold-Aye Trustee Gerry Monaghan-Aye
Trustee Patricia O'Rourke -Aye Trustee John O'Neill -Aye

Dubow prepared the following resolution today when Dake requested that the Board authorize the transfer of monies from the Water Capital Reserve Fund as directed by the 2014-15 Budget. Since we are using reserve money, there is a 30 day permissive referendum requirement. The Bid opening for the Project is scheduled for August 5th. We don't know the exact numbers for the project until after the bid opening. The numbers we are using in this resolution are from the Budget. In the Budget, the cost of the entire joint Water Main Project was estimated at \$350,000 (i.e., not reflecting a portion of that estimated amount being payable by the Commission), and the amount of reserve money we were going to use was \$251,314. Dubow believes that since we are doing this project jointly with SCLIWC, the cost to the Village will be significantly less. The plan is to have an intermunicipal agreement which will include the agreed upon allocation of costs. The following resolution approves the project and the spending of Water Capital Reserve Funds.

Resolution#6083- Village of Lansing – SCLIWC Route 13 Joint Water Main Project Capital Reserve Expenditure Authorization and Project Approval

WHEREAS:

- A. This project is a joint water project (the "Joint Project") for a new water main crossing under NYS Route 13 and connection of the new main to the existing Southern Cayuga Lake Intermunicipal Water Commission (SCLIWC). In addition, the Village of Lansing will be replacing approximately 1,650 lineal feet of existing water main. The Joint Project involves uncoordinated environmental reviews by the Village of Lansing and any other involved agencies. SCLIWC will use the new water main on a temporary emergency basis in the event that the existing crossing cannot be used. The Village of Lansing will own the new water crossing to service the Village of Lansing water system; and
- B. On July 7, 2104, 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 1, any and all other documents prepared and submitted with respect to the Joint Project and its environmental review; (ii) completed its thorough analysis of the

potential relevant areas of environmental concern to determine if the proposed joint project 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) completed Part 3 and made a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQR for the Joint Project and determined that an Environmental Impact Statement would not be required; and

- C. The Village has obtained engineering and related plans for the Joint Project, including estimated and projected shared costs and expenses to be incurred by the Village and SCLIWC in the aggregate amount of \$396,500, such initial shared costs (and future additional costs) intended to be included in an intermunicipal agreement to be executed by and between the Village and SCLIWC; and
- D. The Village Board of Trustees has, in anticipation of the Joint Project being undertaken, maintained a Water Capital Reserve Fund so as to set aside funds for projects such as the Joint Project and other authorized Village water expenditures; and
- E. The Village Board of Trustees has, in anticipation of the Joint Project being undertaken, provided for additional budgeted funds, if necessary, intended for the Joint Project; and
- F. The Village Board of Trustees wishes to authorize the expenditure of funds for its shared cost for the Joint Project from the Village Water Reserve Fund in an amount not to exceed the amount of \$251,314, any additional required balance of the Joint Project costs for which the Village is responsible to be provided by other than reserve funds;
- G. The Village Board of Trustees hereby expresses its approval of the Joint Project and its intent to enter into the necessary intermunicipal agreement for the Joint Project between the Village and SCLIWC;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The Village Board of Trustees hereby authorizes (i) the Joint Project to proceed, (ii) the completion and execution of the intended intermunicipal agreement by and between the Village and SCLIWC, (iii) the expenditure by the Village of its shared costs for the Joint Project from the Village Water Reserve Fund in an amount not to exceed the amount of \$251,314, and (iv) further payment by the Village of any additional and required shared costs for which the Village is responsible and for which any and all further required authorizations are obtained; and

2. Within ten (10) days after the adoption of this resolution, the Village Clerk shall, as set forth in Article 9 of the Village Law, post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of such portion of this resolution concisely stating the purpose and effect of the capital reserve funds authorized, which notice shall specify that only such portion of the resolution providing for the capital reserve funds was adopted subject to a permissive referendum; and
3. The specific authorization for the expenditure of the capital reserve funds as provided for in this resolution shall take effect thirty (30) days after the adoption of this resolution unless a referendum is requested, in which event it shall take effect, if approved at such referendum, upon such approval; and
4. The specific authorization for the expenditure of the capital reserve funds as provided for in this resolution is adopted subject to a permissive referendum as required by law.

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

Deputy Mayor Lynn Leopold-Aye	Trustee Gerry Monaghan-Aye
Trustee Patricia O'Rourke -Aye	Trustee John O'Neill -Aye

During general discussion, Deborah Dawson asked about the Hydrilla flyers on the table. Leopold stated that she had brought them. She informed the Board of a meeting that was taking place tomorrow evening at Stewart Park. The Hydrilla Task Force of the Cayuga Lake Watershed will discuss their plan for treatment. Herbicide application will happen in July and then again later in the summer. They are trying to educate people.

The Lansing Star did an article on hogweed that has gone viral. Hogweed looks like Queen Anne's Lace on steroids. It can hurt you or even kill you if you come into contact with it. This week, Giant Hogweed was spotted along Salmon Creek at both Myers Park and Salt Point, and in Ludlowville. A single stock of Giant Hogweed can grow as high as 15 feet on thick, hollow stems that grow from two to four inches in diameter. The stems have dark reddish raised spots and stiff, bristly hairs. Coarse white hairs grow at the base of the leaf stalk.

Monaghan stated that a Norma Abram has set up a fund for Amanda Bush, the bartender killed by the tractor trailer that ran into Simeon's on The Commons. Amanda grew up in Lansing. The fund has collected almost \$25,000. Monaghan wanted to commend Norma for doing this.

Motion- To Adjourn

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

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

Trustee Gerry Monaghan-Aye
Trustee John O'Neill -Aye

The meeting adjourned at 9:07pm.

Jodi Dake
Clerk/Treasurer