

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Thursday, August 17, 2017, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees John O'Neill, Ronny Hardaway, Patricia O'Rourke and Gerry Monaghan; Clerk/Treasurer, Jodi Dake; Supt. of Public Works, John Courtney; Nolan Hatfield and Chris Zavaski, MEO; Steve Franco, Bailey Insurance.

Mayor Hartill called the Board of Trustees meeting to order at 12:17pm.

Steve Franco, Bailey Insurance was present to answer any questions that may arise from the Selective Insurance Audit. A couple of weeks ago Selective did an audit here at the village. After the audit there were two recommendations given to the Village. The first was to implement LENS and the second was to have a Prior Written Notice of Defect Procedure.

We are encouraged by Selective Insurance Company to implement their recommendations, as not implementing them could increase the potential for loss and may have an adverse effect on our continued insurance coverage. There is no cost for LENS and it will alert us if any of our drivers have issues. We would receive emails whenever one of our drivers has an issue so if everyone obeys the law and is safe, it won't be much work at all. It only is protecting the Village. Employee handbook would also need to be updated to state how you will deal with the information.

Franco stated that the LENS program would provide information about the three DPW drivers that we already check licenses upon hiring and yearly at renewal. He sees it most commonly with municipalities and fire department. The information that is provided includes notifying the municipality when someone has an expired license, suspension of a license, changes, class, reportable accidents and training course. This information is used by insurance companies to reduce premiums. Franco doesn't care if the Village does this or not. It was recommended because it is probably a good idea to know if you have a driver that is not allowed to drive. Franco understands the concern is a privacy issue. DWI or speeding concerns are most common. He also pointed out that if in your position you kill someone, and they have a DWI then you have to explain why you didn't agree to use the LENS program. Franco feels it's a prudent risk management piece. Many Public entities chose to use this free recommended service.

Hardaway asked how quickly infractions are reported. Franco stated that there is an automatic notification the next day. Hardaway read that there are over 500 violations that are tracked and reported. Franco stated that there are 300 different traffic infractions. Franco suggested that if we participate in the LENS program that the Village also take a step further to state in the employee handbook what you will do with the information. He recommended that the Village doesn't take any action unless the insurance provider takes action. Hardaway feels the only action we would want to know is if they can drive

legally. Franco will check to see if there is a way to get that information only. The Village would also need to specify who receives the information and what do we do after that. The main concern was an invasion of privacy. The only argument was if we have the ability to get the information and we don't, then we can have a problem because we didn't do our job. Bailey Insurance can only tell the Village if a driver is insurable or not. LENS provides real time data so you wouldn't have to wait until policy renewal to find out if a driver is eligible to drive.

Courtney asked if Franco's office could increase their frequency of checks. Franco feels this would be tough to do and then it would put the liability on them if they don't pull the information and then it is their issue.

Hartill asked Franco to find out if the reports could be restricted to certain categories. He feels it is too broad and has concerns with privacy issues.

Franco feels it is a smaller issue since the Village only has three drivers. He feels it isn't as critical with a municipality this size. Franco also suggested that if we don't do the LENS program that we should add to our handbook that it is mandatory that if someone's license is revoked or suspended they must report this.

Adam Robbs asked if he drives his own vehicle and get mileage paid by the Village, how does that affect him if he is operating his own vehicle and not a village truck. The Village has liability coverage if an employee is on official business. The Village is very well protected. It was asked if we need to run drivers licenses on everyone that works for the Village. Franco suggested that only the DPW because they drive village vehicles.

Franco stated that only getting two recommendations was great. Normally, there are 20 violations. Great job Village!

It was suggested that the following also be added to the Village Employee Handbook- "Village follows the underwriting guidelines by the insurance company." If the Village does decide to use LENS then it needs to be determined and in writing who receives the information, where it is stored and who the information is shared with. Make it mandatory for employees to inform the village if gets a suspended license.

O'Rourke asked if any of us are driving our own car for village business, are we still covered for liability. Franco stated that physical damage is covered by one's personal insurance policy. Liability is not a proactive coverage. You have to be sued.

Franco will get the requested information to Jodi. Franco left the meeting.

Dake stated that no matter what the Board decides to do, an official resolution needs to be passed on both recommendations and this information has to be reported to Selective.

Hartill stated that the other recommendation that we have to consider is having a prior written notice procedure. Having a specific procedure minimizes the Village's exposure.

Dake informed the Board that our insurance company has advised us that we need to have a Prior Notice law on the books. We currently have a complaint log that we keep track of complaints in a less formal manner. After some research, it was found that villages do not need to enact a separate local law regarding notice of defect as it is included in State statute. This statute states that notice of a defective condition must be in writing and given to the Village Clerk. Any notice of defect given to municipal departments other than the Clerk does not comply with the statutory notice requirements. The Board had previously stated that they would also like to have our Supt. of Public Works as a recipient of complains but that doesn't comply with the State statute. Dake has put together a draft procedure using the examples provided by NYCOM and other municipalities.

Prior Written Notice of Defect Procedure

Municipalities are protected from liability through prior notice of defect requirements when an injury occurs on municipal property. Prior written notice statutes provide that to maintain a cause of action against a municipality for a defect in streets or sidewalks, for example, the municipality must receive prior written notice of the defect and an opportunity to correct the defective condition within a "reasonable" time after the receipt of such notice. What is "reasonable" will depend on the facts and circumstances of the particular situation.

Notice of the defective condition must be in writing and given to the Village Clerk. Any notice of defect given to municipal departments other than the Clerk does not comply with the statutory notice requirement. Staff will advise complainants that notice should be made pursuant to the law and that the municipality will not accept notice in any other manner, such as a telephone call or a verbal communication. Local laws requiring prior written notice of defect on streets and sidewalks must be strictly enforced as a precondition for municipal liability.

The Village Clerk will maintain the original records of all written notices of defect indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. An official "Village of Lansing Written Notice of a Defect" form will be used.

This written notice will include the following:

- Date and time of receipt of the notice;
- Type of defect and its location;
- Name, address and phone number of the person from whom the notice is received;
- Follow-up procedure (who, when and how);
- The date, time and method of repair;
- If no action was needed, the reason why must be clearly stated;
- If the repair could not be done immediately, other corrective actions (warning or restriction) taken to protect the public must be noted;
- Accurate recording of follow-up activity.

The Village Clerk will report notices of defect to the Village Board of Trustees at its next meeting following the receipt of such notice or within 10 days, whichever is earlier. The

record of each notice must be preserved for five years from the date of receipt. A copy of the written notice of complaint will be forwarded to the Department of Public Works Superintendent for immediate action. The superintendent will report to the clerk's office after an inspection has been completed, and again after corrective action has been taken.

The Superintendent of Public Works (*or his staff*) will:

- Inspect the location and assess the conditions;
- Have immediate repairs of small defects made;
- Have temporary repairs suitable to correct the condition when time is needed to purchase supplies, or when weather or other urgent jobs cause a delay;
- Restrict pedestrian traffic in the area when repairs can't begin immediately;
- Advise Clerk of the date, time and method of repair.

The following is a copy of the form to be used

Written Notice of a Defect
to the Village of Lansing Clerk
2405 N Triphammer Rd., Ithaca NY 14850

This notice form has been prepared to allow for complaints and observation of defects to be forwarded to the Village Clerk, so that corrective action can be taken.

Date _____ Time _____

Does this complaint or defect require emergency action? _____yes _____ no

Type of Complaint/Defect (X)

___Sidewalk ___Roadway ___Parks ___Parking Lot ___ Storm sewer ___Trees ___Other

Detailed Description With Exact Location:

Submitted By: _____

Printed Name

Address

Phone #

For Office Use Only:

Received By Village Office on _____ Date
by _____ Office Staff Name

Corrective Action taken on _____ Date
by _____
Employee and Division

Detailed Description of Action Taken:

Resolution #6417- To Adopt the Above Stated Prior Written Notice of Defect Procedure and Submission Form

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

Mayor Donald Hartill-Aye Trustee Ronny Hardaway-Aye
Trustee John O'Neill-Aye Trustee Patricia O'Rourke-Aye
Trustee Gerry Monaghan-Aye

John Courtney reported that they starting the Northwood project. Cinema Drive needs to be paved but they will wait until after Cayuga View does all their work in the Village road and right-of-way. At Northwood Park they are waiting on stormwater plan for the park so we can order catch basins. We are still getting fill coming in. Millcroft was paved. A new paving company, Seneca Paving, was used instead of Suit Kote. They are part of Seneca stone. They used a lime stone mix that works really well.

Courtney stated that he met with Dondi this morning for two and a half hours. They discussed the issue with water that is coming up on Bush Lane. Rizzo Construction, the contractor that replaced the water main on that road, agreed that they severed a pipe when they were working there. They will be back to fix it. We have done topsoil and park seeding. Whitmore Fence will be doing fence repairs. Signs were placed in the park that tells the public that the area is temporarily closed. Courtney's goal is to start Northwood sidewalk from Woodthrush and the water line from Yardley Green. However, he had some questions on the design of the sidewalk. He would like to get rid of the boulevard curb and just have a grass median. That way they wouldn't have to repair the curb if the snowplow accidentally hit it. It would save the Village approximately \$60-70,000 if they did not install a curb. Granite curb is expensive. On the north side he would like to install concrete curbing and integrate the sidewalk in. The entrance sign at Northwood also has

to be addressed. Courtney wondered if they should widen the curbs at the entrance. Hartill suggested we get the Northwood Apartments property manager involved in the discussion. Courtney will get a hold of Liz Frisbee. Courtney would like to get the north side of the project done as soon as possible. The sidewalk will connect to the crosswalk at Warren Rd. and then run back to the Wakefield Trail. Hartill reminded everyone that the boulevard is required as part of the stipulations for us receiving Northwood Road. Courtney will meet with Robbs to determine if there is a certain blacktop pavement width required. Robbs stated that NYS Fire Code dictates accessibility. Minimum widths and heights are based on fire vehicles. The Board was ok with doing whatever is the best value. Hardaway stated that the initial investment and also the maintenance should be considered.

Hartill and Courtney will get together to talk about street lighting. O'Neill asked if the LED lights we previously purchased have been installed. Courtney stated that they haven't installed them yet. He wants to do that project on dark mornings. A few of the LED's on Brentwood and Arrowwood will be contracted out. Shisler Electric has a bucket truck to do this.

Courtney met with Ted Palmer from NYSEG and they figured meter rates for energy only and at KWH. It is cheaper to pay minimum service charge then converting all the panels. We get a discount for having LED. Courtney has to hand in a cut sheet and they will calculate it out.

Gerry Monaghan asked Courtney if he had spoken with Cayuga Landscape regarding planting trees in the boulevard on Highgate. The trees that are currently there are overgrown and need to be removed. Courtney feels that installing rubberized material there would be maintenance free. Courtney will meet with Monaghan to discuss this further. Monaghan also asked if anything has been done with regards to lights on Uptown Road. Courtney doesn't think solar is the way to go. It takes too much charge time. Monaghan feels we need an overall approach for lighting. He is also concerned with the path from Highgate to the apartments because it is long and dark. Courtney would like the Greenway Committee to generate ideas on this. They really helped Courtney with the park. Hardaway stated that he will need to get specific information from Courtney. It would be nice to have one design for all lights in the Village.

Ronny Hardaway asked about the park legal ad. Dake will send a request to the Ithaca Journal whenever it is finalized. Hardaway thinks it is ready to go out. Bid specifications will be available in Courtney's office.

Nolan Hatfield had nothing to report. Chris Zavaski stated that the only other thing was they have been mowing grass.

John O'Neill stated that he attended the Board meeting at the Town of Lansing yesterday. Burdick Hill pump station should be up and running by September 15th. The Town of Lansing Draft Comprehensive Plan will be out by next week. The Planning Board still needs to hold a public hearing on the Comprehensive Plan before it goes to the Town

Board. O'Neill asked if anything has been done with benches. Hardaway stated that he will get with Courtney to talk about it.

Adam Robbs reported that at the last Planning Board meeting on July 29th, the Planning Board opened a public hearing on the Bomax Drive Apartment project. There was little outcry other than the Jonson/Bonniwell. This public hearing is still open. The hearing will continue at the next meeting and the plan is to do the SEQR. Park Grove has sent information and wants to continue to move ahead at their own risk. Eric Goetzmann also did a formal presentation on a proposed multistory 30 unit residential concept for the Lansing Meadows Planned Development Area. The Planning Board voted this to be a major change and informed Eric that he would have to start over. His special permit did not cover this. Eric is weighing his options at this point. He is thinking about going back to the originally proposed cottages.

The August 14th Planning Board meeting was canceled due to lack of agenda items. There have been no BZA meetings to report on. Robbs continues to work through building permits as they come in.

Larry Frabboni, Lansing Trails II engineer, has requested six building permits for a sixplex up on Nor Way. After doing some research, Robbs stated that we can't issue all the permits based on Lansing Trails II Schedule A. The schedule states that they have to install lights to Park Way Road. There are 6-7 lights that need to be installed. They argue that the lights were never approved. Because this is a Planning Board resolution in legal text they have to come to the Planning Board if they want this amended. The Village can issue them one permit but they need six for the project. They have all sorts of reasons why the lights weren't in. We do have escrow for lights. They want to have one year to get lights in before they are issued any CO's. Courtney stated that their biggest obstacle is they don't have a single conduit run. There are a couple of items that still need to be done. Courtney questioned whether they needed approval from the Planning Board or the Trustees. The Planning Board needs to approve lighting. They also need to hand over park land to the Village. They don't want to do the walkways because they would have to work around them during construction. Courtney also asked if the park behind the Bakers had been dedicated to Village. No trails have been turned over to the Village but it is due to be done before any CO's are issued in Lansing Trails. Dubow is also researching to see if there is anything more.

Robbs stated that he met with the new owners of the Shops at Ithaca Mall. They will be coming to the Trustees with some new ideas and a possible subdivision of the property. Their feeling is that if company own their buildings they are less likely to close. Graham Road West is still questionable. Target already has a separate tax parcel. They are trying to revitalize the mall. They have plans for an extended stay hotel behind the Ramada. Hardaway suggested that when they come to talk to us we should use Graham Road West as a leverage point.

Robbs attended the Soil and Water Coalition meeting yesterday. They have a mapping system used to map our culverts and storm information. They have interns doing pictures

and recording lots of information on the culverts including latitude and longitude, size and capacity. Each municipality will be able to pull up the map and add photos. The initial phase in the Village of Lansing is mostly complete. They are being categorized based on a Cornell Model. This will also tell which culverts need replaced. This will be a great tool to use for budgeting. We will be able to update the information that is already there. With the information that is coming out we will be able to calculate problems or areas of concern. They also have a grant program for a hydro seeder and a blower to make the socks for erosion control. They have a compost pile to use as fill for the socks. Courtney stated that the hydro machine is only good for roadside ditching. It's been broken down all season. Courtney stated that he already knew about it. They provide the seed and spreader we only provide a driver.

Patricia O'Rourke asked if Benedict's request to clean up the area at the corner of Lansing Trails has been done. Nolan stated that they have been mowing the area.

John Gillott has resigned from the Planning Board due to other time consuming commitments. The Board decided to appoint Carolyn Greenwald, the current alternate, to replace him.

Resolution#6418-To Appoint Carolyn Greenwald as a Planning Board Member Replacing John Gillott Until May 2018.

Trustee Monaghan moved this resolution. Trustee Hardaway seconded the motion. A vote was taken:

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| Mayor Donald Hartill-Aye | Trustee Ronny Hardaway-Aye |
| Trustee John O'Neill-Aye | Trustee Patricia O'Rourke-Aye |
| Trustee Gerry Monaghan-Aye | |

Mayor Hartill stated that we have a sewer collaboration with the Town of Lansing. The Town has two projects in need of sewers. The Town was thinking about coming down the west side of Triphammer Road but the owner said no. Hartill thinks that a good route to expanding the sewer system may be to going down Waterwagon Road and then on the east side of East Shore Drive since the water lines are on the west side. His concern is the current minimum lot size for 30,000 square feet. He thinks that if we increase the minimum lot size to 45,000 square feet that would alleviate the concern. There is a meeting again next Wednesday. Courtney reminded the Mayor that NYSEG want to revisit the gas line size. Doing this would be no value to the Village.

Mayor Hartill left the meeting. 1:45pm.

Deputy Mayor Hardaway entertained a motion to approve the vouchers.

Resolution #6419- Abstract of Audited Vouchers

Be it RESOLVED, that Abstract of Audited Vouchers No. 3 for the General Fund, in the amount of \$31,726.10, is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 3 for the Sewer Fund, in the amount of \$190,392.43, is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 3 for the Water Fund, in the amount of \$1,259.258, is hereby approved for payment.

Trustee Hardaway moved that the foregoing Abstract of Audited Vouchers resolutions be adopted and Trustee O'Neill seconded the motion. A vote was taken:

Trustee Ronny Hardaway-Aye
Trustee Gerry Monaghan-Aye

Trustee Patricia O'Rourke-Aye

Monaghan stated that a discussion regarding the July 14th rain storm is on the agenda for Monday. Shannon Park residents are concerned and would like to talk with the Board. Monaghan feels we need a different stormwater design in the area behind the mall. Monaghan will contact Brent Cross regarding possible resolutions.

Motion- To Adjourn

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

Trustee Ronny Hardaway-Aye
Trustee Gerry Monaghan-Aye

Trustee Patricia O'Rourke-aye

The meeting adjourned at 1:48pm.

Jodi Dake, Clerk/Treasurer