

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, April 17, 2000, in the Village Office.

PRESENT: Mayor Don Hartill; Trustees Lynn Leopold, Larry Fresinski, Frank Moore and John Bailey; Planning Board Member Carol Klepack; Village Attorney Randy Marcus, Village Engineer David Putnam, Part-time Clerk Carol Willard and 3 members of the public.

Mayor Don Hartill called the meeting to order at 7:38P.M.

Pledge of Allegiance.

The Mayor opened the public comment period. There were no comments.

Motion- To Close Public Comment Period

Trustee John Bailey moved to close the public comment period.

Trustee Frank Moore seconded the motion. A vote was taken:

Mayor Donald Hartill - Aye

Trustee Lynn Leopold -Aye

Trustee John Bailey- Aye

Trustee Frank Moore-Aye

The first item on the agenda was the Public Hearing for the Proposed Budget for Fiscal Year 2000-2001. Trustee Leopold opened the Public Hearing. Mayor Hartill summarized the three funds – general, water and sewer. The general fund supports line items such as personnel and highway maintenance/improvements. The proposed budget does not include any major equipment for road maintenance in the forthcoming year although there is a significant amount for maintenance and improvement of the roadway systems in the Village. Slightly over ½ million is proposed for resolving the private to public street in the Edelman Subdivision, and improvements on other roads. The bottom line for the general fund is \$1,618,164 which will increase the property tax from the current \$1.57 per thousand to \$1.64 per thousand, again largely due to the road maintenance costs. Mayor Hartill stated the water and sewer funds are basically pass-through accounts. [Trustee Fresinski entered the meeting.] The public questioned what percent of the budget is comprised of salaries and Mayor Hartill responded that it is approx. 10%.

Motion – Closing of Public Hearing

Trustee Bailey moved that the Public Hearing be closed and Trustee Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill - Aye

Trustee Larry Fresinski - Aye

Trustee Franklin Moore - Aye

Trustee John Bailey - Aye

Trustee Lynn Leopold - Aye

Trustee Fresinski then introduced the following:

Resolution # 3656 – Adoption of Budget for Fiscal Year 2000-2001

Be it RESOLVED, that the Proposed Budget for Fiscal year 2000-2001 is hereby adopted as the official budget for Fiscal Year 2000-2001 with a tax rate of \$1.64 for the General Fund.

Trustee Fresinski moved that this resolution be adopted and Trustee Leopold seconded the motion. A vote was

taken:

Mayor Donald Hartill - Aye
Trustee Larry Fresinski - Aye
Trustee Franklin Moore - Aye

Trustee John Bailey - Aye
Trustee Lynn Leopold - Aye

Trustee Bailey wished to publicly commend Mayor Hartill and the Trustees for establishing a fiscally responsible budget. He also commended Mayor Hartill for involving each Trustee in the process, as it was a very beneficial exercise.

Motion-Approval of Minutes for April 3, 2000

Trustee Lynn Leopold moved that the amended meeting notes are hereby adopted as the official minutes. Trustee Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Larry Fresinski-Aye
Trustee Frank Moore-Aye

Trustee John Bailey -Aye
Trustee Lynn Leopold -Aye

Motion-Approval of Minutes for April 12, 2000

Trustee Lynn Leopold moved that the amended meeting notes are hereby adopted as the official minutes. Trustee Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Larry Fresinski-Aye
Trustee Frank Moore-Aye

Trustee John Bailey -Aye
Trustee Lynn Leopold -Aye

Mayor Hartill revised the agenda so the Engineer's Report was next. Dave Putnam reported he has not heard back from Cornell University on Cornell's proposal to connect the Lake Source Cooling Project to the Village's sewer system. Regarding Uptown Road, the bid documents should be received by the end of May and the Board can act on them at the first meeting in June. Putnam is awaiting a response from the county regarding the entrance to the apartments at 600 Warren Rd. The traffic light at the intersection with Arrowwood Drive will be done first and then the entrance to the apartments may be changed to Uptown Rd. rather than Warren Rd. Mayor Hartill stated he would like to see the curb cut done at the same time as this road upgrade. This road way will be the same as Oakcrest Rd. with 4' paved shoulders in addition to the existing 20' wide pavement, and the inside of both 90 degree corners will be curbed and have sidewalks. Klepack stated she is not in favor of the paved shoulders but would prefer to see sidewalks throughout the entire stretch of road. Mayor Hartill responded that it is an economic concern and with the need for granite curbing and storm sewers the cost for adding sidewalks would be prohibitive. Sidewalks will be installed along both sides of N. Triphammer Road and around the shopping areas where there is more pedestrian traffic.

Putnam stated that Bell Atlantic is still interested in the Airport Elevated Tank site near the Airport for a tower but needs more time to think it through, especially the removal of the tank which is there now. CBord also had not yet provided a schedule of dates to allow for the removal of the tank.

Regarding the Bond Act Funding. Mayor Hartill provided some background to the Trustees. He stated that the application to NYS Clean Air, Clean Water Bond Act requested 11-13 million dollars in funds of which 7.5 million dollars was approved. The Joint Intermunicipal Sewer Committee began with a joint application to improve the phosphorus level and for infrastructure at the City of Ithaca Plant for a cost of 21 million dollars. The article in the newspapers a few weeks ago stated there was 4.1 million dollars allotted but this appears to be a previous installment and nothing additional. Mayor Hartill stated that \$330,000 would be needed for the Kline Rd. by-pass, which will satisfy the needs of the Village but will leave the Town of Lansing in a lurch. Mayor Hartill will continue to discuss this and will report back at a later date. He will also approach Mayor Anderson regarding additional sewer units for the McDonalds relocation.

Next on the agenda was N. Triphammer Rd Property acquisition. Attorney Marcus presented the Board with a resolution to authorize a public hearing to consider the acquisition by eminent domain of property located at 2310 N. Triphammer Road. He explained that the public hearing will be the first step in the condemnation proceedings. He stated that there is no other mechanism to acquire the Ramada Inn property although the owners of the other 28 properties have agreed to provide conveyance of the strip along N. Triphammer Road to the Village for the appraised value.

Under the Eminent Domain Procedural Law, the first step is to conduct a Public Hearing to consider the public purpose for the eminent domain taking. Then, the Board would consider the findings of public need. The next step is to adopt the findings, and then make a formal offer based on the appraised value of the property. Attached to the offer is a form of purchase agreement. Mr. Homik could then accept or not accept it. If he does not accept the offer, that does not mean he does not have to convey the property to the Village but that he is challenging the dollar amount. From then, the Village will give him a 90 day time period to respond to the offer. Then there is an application to the court saying the Village of Lansing has followed the procedural steps and requests the court to provide an order granting the Village permission to file a map of the taking with the County Clerk. Mr. Homik can then file an Article 78, which might stall the process. This must be filed within 30 days of the Village taking action. Mayor Hartill stated that he can not proceed on the engineering design until the Village has all the necessary property titles. Attorney Marcus recommended the adoption of the resolution to set the Public Hearing, and also request that the Board review the other documents he distributed. He also recommended a long-form of the SEQR Review for the entire N. Triphammer Road Project be completed after the Public Hearing. This action is not exempt from SEQR as a turning lane is being added; if the reconstruction did not involve adding a new travel lane, it would be an exempt, Type II action. Attorney Marcus will provide a draft of the form to Mayor Hartill prior to the Public Hearing. Trustee Moore then introduced the following:

Resolution # 3657 – Public Hearing in Accordance with the Provisions of Article 2 of the Eminent Domain Procedure Law

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

WHEREAS, in order to improve traffic safety, improve traffic flow, better provide for multi-modal means of transportation, including pedestrian and bicycle travel, and enhance the aesthetic characteristics of the Village's primary thoroughfare, the Village has developed plans for the reconstruction of North Triphammer Road between the Village's south line and Craft Road; and

WHEREAS, in order to execute these plans, the Village must acquire additional property adjacent to the east and west sides of North Triphammer Road between the Village's south line and Craft Road, particularly in connection with the development of pedestrian sidewalks, bicycle lanes and green space in these areas; and

WHEREAS, the Village's acquisition of these parcels shall involve conveyance of fee title to portions of twenty-nine individual properties along North Triphammer Road between the Village's south line and Craft Road, which parcels in each case constitute strips of land approximately fifteen feet (15') in width adjacent to the existing street line of North Triphammer Road; and

WHEREAS, the Village had obtained appraisals of each of these parcels, and had provided to the owners of such parcels offers for the Village's purchase of such parcels based upon the appraised values thereof; and

WHEREAS, in response to the Village's offer, most property owners have indicated to the Village their willingness to sell, transfer and convey fee title to such parcels to the Village in consideration of the appraised value offered by the Village; and

WHEREAS, the owner of the premises located at and known by the address of 2310 North Triphammer Road and identified as Village of Lansing Tax Parcel No. 47.1-1-20.2, currently developed and operated as the "Ramada Inn" (the "Ramada parcel") has indicated to the Village that said owner shall not voluntarily convey

to the Village title to the approximately fifteen foot (15') parcel along the easterly boundary of the Ramada Property; and

WHEREAS, the Village's acquisition of the Ramada Parcel is a necessary component of the Village's plans for the North Triphammer Road reconstruction project; and

WHEREAS, as a consequence, on March 13, 2000, the Village Board resolved that it shall be necessary to proceed in accordance with the requirements of the Eminent Domain Procedure Law ("EDPL") to acquire title to the Ramada Parcel in order to complete the Village's acquisitions as necessary for execution of the North Triphammer Road reconstruction project;

NOW, THEREFORE, BE IT

RESOLVED that, in order to inform the public and to review the public use to be served by the proposed North Triphammer Road reconstruction project, and the impact on the environment and the residents of the locality where such project will be constructed, the Village Board of Trustees shall conduct a public hearing in accordance with the provisions of Article 2 of the EDPL at 7:35 p.m. Daylight Savings Time on May 1, 2000 at the Village offices, 2405 North Triphammer Road, Ithaca, New York; and

RESOLVED, that the Village shall give notice to the public of the purpose, time and location of this public hearing in accordance with the terms of Section 202 of the EDPL by causing such notice to be published in at least five (5) successive issues of the Ithaca Journal at least ten (10) days prior to said May 1, 2000 public hearing.

Trustee Moore moved that this resolution be adopted and Trustee Bailey seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Larry Fresinski-Aye
Trustee Frank Moore-Aye

Trustee John Bailey -Aye
Trustee Lynn Leopold -Aye

Next on the agenda was Mayor's Comments. Mayor Hartill stated he would not be present at the May 1st organizational meeting. Mayor Hartill will be attending a meeting this week and will request that Dave Herrick call James Seward to get an answer regarding sewer. Since there is not a state budget in place, it may be difficult to get answers. Regarding water, the last meeting was cancelled so no progress has been made and it is still amongst the other parties' lawyers. The City of Ithaca is concerned about the liabilities incurred prior to the agreement. Cornell University has concerns regarding leasing the plant.

Mayor Hartill stated that the recent proposed charges to property assessments will impose a large impact on current vacant landowners. This is counter to preserving open spaces as some may be unable to continue to pay the taxes and will begin selling off lots, leading to urban sprawl. Municipal leaders presented the County Board with a resolution regarding how properties were reassessed although the County has no real authority over the Assessment Department. The proposed reconciliations for those who have talked with the Assessment Department will be out May 1st and formal grievances for Village of Lansing residents will then be held in May in the Town of Lansing. After that meeting, the tax rolls are finalized.

The Census return rate was discussed. The Village is lower than anticipated but so is every other municipality in the county.

Attorney Marcus thanked Carol Willard for her hard work and dedication on delivering the Codification to him for further review.

Trustee Fresinski introduced the following:

Motion- Adjournment

Trustee Fresinski moved that the meeting be adjourned and Trustee Bailey seconded the motion. A vote was taken:

Mayor Donald Hartill- Aye
Trustee Larry Fresinski- Aye
Trustee Frank Moore-Aye

Trustee John Bailey- Aye
Trustee Lynn Leopold-Aye

The meeting adjourned at 9:20 P.M.

Carol Willard
Clerk, part-time

Mayor Hartill reconvened the meeting at 9:28 P.M. Attorney Marcus stated part-time Clerk Carol Willard and Trustee Fresinski realized there was an insufficient number of days in order to advertise the Public Hearing referenced in Resolution # 3657. Trustee Fresinski introduced the following:

Resolution #3658 – Modification to Resolution # 3657

Trustee Fresinski modified Resolution # 3637 to make the Public Hearing May 15 rather than May 1. Seconded by Trustee Leopold. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Larry Fresinski-Aye
Trustee Frank Moore - Aye

Trustee John Bailey -Aye
Trustee Lynn Leopold -Aye

Trustee Fresinski introduced the following:

Motion- Adjournment

Trustee Fresinski moved that the meeting be adjourned and Trustee Bailey seconded the motion. A vote was taken:

Mayor Donald Hartill- Aye
Trustee Larry Fresinski- Aye
Trustee Frank Moore-Aye

Trustee John Bailey- Aye
Trustee Lynn Leopold-Aye

The meeting adjourned at 9:30 P.M.

Carol Willard
Clerk, part-time