

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, August 21, 2000, in the Village Office.

PRESENT: Mayor Don Hartill; Trustees Lynn Leopold, Larry Fresinski, Frank Moore;

Steve Halevy, Planning Board Member.

Mayor Don Hartill called the meeting to order at 7:35P.M. and opened the public comment period. The Mayor stated that since Bob Batterman is out of town the Board needs to appoint John Dennis as an active member for this evenings Board of Zoning Appeals hearing.

Motion- To Change John Dennis's Status from Alternate to Active Member of the Zoning Board until Bob Batterman Returns.

Trustee Lynn Leopold moved to change John Dennis's status from alternate to an active member of the Zoning Board. Trustee Larry Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill - Aye Trustee Frank Moore- Aye

Trustee Larry Fresinski- Aye Trustee Lynn Leopold –Aye

There was no public present to make any additional comments.

Motion- To Close Public Comment Period

Trustee Larry Fresinski moved to close the public comment period.

Trustee Lynn Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill - Aye Trustee Frank Moore- Aye

Trustee Larry Fresinski- Aye Trustee Lynn Leopold –Aye

Motion- To Open the Public Hearing to Consider Accepting Janivar Drive

Extension

Trustee Lynn Leopold opened the public hearing and Trustee Frank Moore seconded the motion. A vote was taken:

Mayor Donald Hartill - Aye Trustee Frank Moore- Aye

Trustee Larry Fresinski- Aye Trustee Lynn Leopold –Aye

There are a number of issues associated with this. The original reason for proceeding with this had to deal with snow removal issues. It turns out that it is now more of a financial issue for Mr. Jonson. The problem is that during the first year the road fell apart. The side treatment which was done involved sealing with topsoil and clay which created a closed swimming pool situation. Mr. Jonson is going to have the edges removed and will be filling them with porous material so water will drain to the ditches. There is also a matter of finishing the road. Brent Cross has recommended that the estimated cost to finish the road is \$20,000. This doesn't include anything for a major rebuild of this road. Frank stated that according to our criteria, the warranty must be 25% of the value. The Mayor had spoken with Dennis and he thought it would be approximately \$50 per foot to tear up the road and redo it. There is about 500 feet of road

which means another \$25,000 in addition to the \$20,000. This would be difficult for Mr. Jonson.

The Board discussed their concerns. The Mayor was unsure if the road should be topped this year. There is a time issue since our next Board Meeting isn't until September 18 because of Labor Day. Steve Halevy stated that the road will be a construction road and if Jonson uses it the Village is responsible. There was a concern because there will be heavy equipment on that road until the area is built out. Frank felt that \$20,000 isn't enough because it could be a substantial cost to the Village. The Board was interested in how Randy feels this should be handled. The Mayor agreed that he didn't want the Village to get stuck. Larry suggested going half way. It's Mr. Jonson's problem and it's ok to be sympathetic but why should we take it on. The situation isn't nice and clean. The road was fine until the grading was done. Past performance with Mr. Jonson has been positive so Larry is leaning to the more lenient approach. The problem is that the houses can't sell until the road is done.

Motion- To Close the Public Hearing to Consider Accepting Janivar Drive

Extension

Trustee Lynn Leopold Close the public hearing and Trustee Frank Moore seconded the motion. A vote was taken:

Mayor Donald Hartill - Aye Trustee Frank Moore- Aye

Trustee Larry Fresinski- Aye Trustee Lynn Leopold –Aye

Resolution #3698-Subject to Further Input from the Engineer and Attorney Marcus that Provided There is a Satisfactory Path of Some Combination of Warranty or Money in Addition to the \$20,000 then the Village Would Accept Dedication of the Janivar Drive Extension.

Trustee Larry Fresinski accepted this resolution and Trustee Frank Moore seconded the motion.

Frank stated that it's ok if everyone sees the problem in the same way. Due to the time constraints this seems to be a good approach. Lynn is a little uncomfortable because she doesn't want to set precedent. The Mayor stated that this resolution enables a decision before our next meeting. The Mayor will consult the Board before making a decision.

A vote was taken:

Mayor Donald Hartill - Aye Trustee Frank Moore- Aye

Trustee Larry Fresinski- Aye Trustee Lynn Leopold –Aye

During the Janivar Drive Extension discussion Richard Ripple of 57 Highgate Circle entered the meeting explaining that he had a problem and would like to speak to the Board.

The Mayor suggested the Public Comment Period be reopened.

Motion- To Reopen the Public Comment Period

Trustee Lynn Leopold moved to reopen the public comment period.

Trustee Larry Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill - Aye Trustee Frank Moore- Aye

Trustee Larry Fresinski- Aye Trustee Lynn Leopold –Aye

Mr. Ripple had an urgent matter to discuss with the Board. He explained that there are three parts to his story. Mr. Ripple originally lived in the Town of Lansing and was against the formation of the Village at first. But because the Town was so distant and impersonal he eventually joined the group which formed the Village so he would get intimate service. The following paragraph is a paraphrase of Mr. Ripple's additional remarks.

Part two-On Friday at 4:30 he left his home. At 7:30 he opened his door and was confronted with methane fumes. There was 3-6 inches of sewage floating on his floor. Sewage had exploded out of his toilet and shower. Mrs. Ripple got in touch with Dennis and he gave her a number of someone to get ahold of to help the next day. Dennis apologized to Mrs. Ripple and told her that it was the Village's fault and the Village would make it right. They called hotels but since the freshmen are in there were no rooms in Ithaca. Mrs. Ripple called the Mayor and he suggested they open windows and get the fumes out. They also called Public Health Services and they were absolutely no help. That night they stayed in the house on the 3<sup>rd</sup> floor. Mr. Ripple had an appointment in Rochester the next day concerning his cancer so Mrs. Ripple stayed home to deal with the situation. Drain Brain came and had the mess cleaned up by 7pm Saturday evening. The gentleman from Drain Brain said they had never seen it so bad. Apparently what had happened was there was a plug across the road at the Gardner's and the pipe dumped the sewage in his house and also blew the cover off the manhole in the Garner's backyard. On Monday Mrs. Ripple called the Bailey Agency and Select Insurance and they told them to get a lawyer because it wasn't the Village's fault and they must prove negligence. They also told him to call his private insurance. Mr. Ripple told his wife not to get a lawyer and he was now before the board asking what to do now and where do we go from here. He didn't know if he needed to file a claim. He spoke with Ben Curtis. Where's that personalized help he has come to expect from the Village? Dennis came out to the house Monday morning and did a 180. Dennis had assured him on Friday evening that the Village was responsible and then turned his story around and now Mr. Ripple does not trust him.

Frank suggested Mr. Ripple talk to his insurance company. Mr. Ripple will do that tomorrow. Mr. Ripple asked if there was a minimum standard for checking the sewer. He feels there must be a design flaw.

The last part of his story is he is concerned with three things-money to fix this, their health and is it going to happen again. He believes the Village is responsible. He wants what is fair and just.

John Bailey was present and stated that Mr. Ripple did a good job of explaining what has happened. John had been out to the house but the Mayor or Trustees didn't come. John stated that as the Insurance Agent he was representing the Village and he is in a sense a representative of the Board. John has called Selective Insurance. They are sending a person out to investigate and find out what happened. The process is underway. Mr. Ripple stated that there is some cause and it is not his. John stated that the investigator would try and find a gray area in this situation and try to find out why this happened.

The Mayor spoke with a very emotional Mrs. Ripple Friday around Midnight and after getting off the phone with her he had no name or address. He drove down Highgate Circle on Saturday afternoon to see if he could spot the cleaning vans but didn't see any.

Dave Putnam was surprised that the sewage came up in his house first before it came up in the manhole. The Mayor was told there was a timber over the manhole cover. Mr. Ripple said there was only plastic over the cover. Dave remembered having to dig up that manhole to get to it when they did inspections. The only other thing could be that his basement is lower than the manhole cover so back-up flow would naturally be first into the basement. The flow is rapid in that area. Mr. Ripple also stated that what came out of the manhole was running into the stream. Lynn asked how long it gushed out of the manhole.

The Mayor stated that he wants everyone to be happy and he wants to understand why this happened. The sewers were inspected 2 years ago and there were no problems. He doesn't know how it will get straightened out and he guaranteed that the Ripple's would not be stiff-armed. Mr. Ripple stated that he did not expect a commitment tonight. He has mistrust now.

John Bailey assured Mr. Ripple that there will be a fairly quickly resolution. The Mayor stated that whether it is insurance or the Village sewer fund, it will be paid for in some way. Lynn asked if Environmental Health had

contacted them. They had and were coming out on Tuesday. Nobody from there seems to care it's been four days since it occurred. Mr. Ripple thanked the Board for listening and gave the Board his phone number before leaving.

John Bailey stated that Selective didn't tell Mrs. Ripple to get a lawyer but told her she may want to get advise from her attorney because she was seeking what to do. John said that Dennis called him Saturday morning but he was out of town. He returned late Sunday night and went to the Ripple's house on Monday. John stated that unfortunately this is not a clear-cut situation. It has to be negligence of some sort. The Village has done all it can do and it's in process. Dave Putnam said he would go back and look at previous lateral breaks downstream from the Ripples. Mayor Hartill said we feel obligated but he can't legally spend the Village's money out of the sewer fund for this. The Boards biggest interest was to prevent this from happening again.

Motion- To Close Public Comment Period

Trustee Larry Fresinski moved to close the public comment period.

Trustee Lynn Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill - Aye Trustee Frank Moore- Aye

Trustee Larry Fresinski- Aye Trustee Lynn Leopold -Aye

Dave Putnam then gave an engineer's report. United Asphalt started Uptown Road on August 14<sup>th</sup> and the Verizon strike may delay the completion of the work at the Warren Road intersection. It won't impact the signal. They have been working late and Dave yelled at them tonight for being there after 7pm.

The County has completed their work preparing the intersection of Warren Rd. and Uptown Rd., however talks between the County and the owners of Warrenwood Apartments regarding the driveway relocation have stalled and Ward Hungerford is unavailable until August 28<sup>th</sup>.

Another draft of the Lake Source Cooling agreement was received and reviewed. Two changes were suggested and it was returned to Cornell with a copy to Attorney Marcus on August 1<sup>st</sup>.

The elevated tank removal has been getting put off. The specs to get it out to bid are half written. The Mayor ask Dave to get him the square footage on all parcels on N. Triphammer Rd.

Next on the agenda was the approval of minutes.

Motion-Approval of Minutes for July 24, 2000

Trustee Lynn Leopold moved that the draft meeting notes, as reviewed and revised by the Board, are hereby adopted as the official minutes. Trustee Larry Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill- Aye Trustee Lynn Leopold-Aye

Trustee Larry Fresinski- Aye Trustee Frank Moore-Abstain

Motion-Approval of Minutes for August 7, 2000

Trustee Lynn Leopold moved that the draft meeting notes, as reviewed and revised by the Board, are hereby adopted as the official minutes. Trustee Larry Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill- Aye Trustee Lynn Leopold-Abstain

Trustee Larry Fresinski- Aye Trustee Frank Moore-Aye

Resolution #3699-Transfer of Funds From the General Capital reserve Fund to the Capital Projects Fund in an Amount not to Exceed \$500,000 for Purpose of Property Acquisition.

Trustee Larry Fresinski moved that we accept this resolution. Trustee Lynn Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill- Aye Trustee Lynn Leopold-Aye

Trustee Larry Fresinski- Aye Trustee Frank Moore-Aye

The Mayor explained that this resolution was subject to permissive referendum.

Next on the agenda was the Mayor's comments. Don hopes to engage an engineering consultant in the fall for N. Triphammer Road. We will work with them very carefully. Peter Novelli worked for Dryden and did a very good job of keeping traffic flowing. There is a sewer meeting tomorrow and they will do a project scope. He hopes to do 2 versions; one with the entire Kline Road Bypass as part of the EIS and another which would include most of Kline Road Bypass but leave out a small piece of it as a maintenance item. If the first item occurs it will be a year before we get any more sewer units. Then on Friday there is a meeting with DEC as lead agency to give them the scope.

Joint water is still in the lawyer's hands. Don is still working on getting another Trustee. Don still needs to get together with the Colbert's again to discuss Kensington. Ned projects traffic will be less because of another exit.

Lynn asked the Board for a letter of support for Cayuga Lake IO to support the grant application so they may go into the 3<sup>rd</sup> year.

Resolution #3700-To Write a Support Letter as a IO Member for Clean Water/Clean Air Bond Act and Environmental Protection Fund

Trustee Frank Moore moved that we write this letter of support. Trustee Larry Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill- Aye Trustee Lynn Leopold-Aye

Trustee Larry Fresinski- Aye Trustee Frank Moore-Aye

The Board also thought a letter of support should be sent to Matt Shulman of the Lansing Community News, which has recently folded.

Carol had reported to the Mayor that she spoke with the Elmira Census Coordinator and they said the Village has 100% coverage.

Motion- To Adjourn

Trustee Larry Fresinski moved adjournment. Trustee Lynn Leopold seconded the motion.

Mayor Donald Hartill- Aye Trustee Frank Moore- Aye

Trustee Larry Fresinski- Aye Trustee Lynn Leopold-Aye

The meeting adjourned at 10:00 P.M.

Jodi Dake

Village Clerk

