

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, June 21, 2004, in the Village Office.

Present: Mayor Donald Hartill; Trustees Lynn Leopold, Larry Fresinski, John O'Neill; Attorney David Dubow; Clerk/Treasurer, Jodi Dake; TG Miller Engineer, David Putnam.

Mayor Hartill called the meeting to order at 7:43P.M. and opened the public comment period. There was no public comment.

Motion-To Close the Public Comment Period

Trustee Fresinski moved to close the public comment period. Trustee O'Neill seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Larry Fresinski- Aye	Trustee
Lynn Leopold-Aye	Trustee John O'Neill-Aye	

John Bailey was present to give a brief summary of the main elements of our insurance coverage. The Village is currently with Selective Insurance. Our Property Coverage is for both building and contents on a blanket replacement value basis in the amount of \$929,231. The Commercial General Liability policy provides \$1 million for bodily injury and property damage arising out of the operations of the Village. The automobile policy covers all owned, non-owned and hired automobiles used by the Village. This policy is also for \$1 million. The Mayor asked John who would cover an accident that we had with a Village of Cayuga Heights truck or vice versa. John explained that coverage follows the vehicle. The claim would go to the primary insurer first and then to the insurer for the party that borrowed the vehicle. In addition to all these coverages, we also have a \$3 million Umbrella policy that provides excess liability coverage over the primary limits of liability on the General Liability, Public Officials Liability and Automobile Liability. This amount was increased in 1999 from \$1 million to \$3 million. The other coverages include Boiler & Machinery, Owners & Contractors Protective Liability, Public Officials Liability and Crime Coverage. John presented a premium summary of costs. Our total annual premium for 2004-05 is \$18,477. The Village is in good shape since we have not had many claims.

Dave Putnam reported that Kline Road Bypass bids were opened last Wednesday. The bids came in under the engineer's estimated cost. Bat-Con Inc. was the lowest bidder of \$96,246. This price does not include the sewer meter because Dave couldn't get sufficient clarification from the City of Ithaca as to the specs for the meter. Dave reported that Bat-Con Inc. is a reputable utility contractor who is easy to work with and has previously done work for the Village. They are based out of Marcellus. The most recent big project they did in the area was the water lines on Route 366 in Dryden. The Mayor has sent a letter to Mayor Walter Lynn at the Village of Cayuga Heights authorizing them to accept the bid from Bat-Con on behalf of the Village of Lansing. The Village of Cayuga Heights should be authorizing the Mayor to sign the contract this evening. Don commented that it is nice to finally have gotten this project to the point of the work being authorized. Bat-Con will start after NYSEG moves their gas lines.

Next on the agenda was the approval of "The Hamlet Stage II" subdivision as a minor amendment to the Shannon Park Planned Development Area. In accordance with the provisions of section 401.10 of the Village Zoning Law, the Planning Board has completed its review of the amendment to the Shannon Park PDA subdivision referred to as "The Hamlet Stage II" and forwarded the matter to the Board of Trustees as required. The Board had previously received a copy of the Planning Board's "Resolution for Final Approval" and the "Conditions for Final Approval" referred to as "Schedule A". Steve Cardamone, the developer, and Jim Finnegan, from Hunt Engineers, were present.

Jim gave a brief presentation with the final plat, maps and plans. The proposed subdivision and development is for 16 townhouse units in 8 buildings. Jim explained that the Wedgewood Drive extension serving the Hamlet I townhouses

would be further extended a short distance as a public road with a snowplow turn around. The road would then continue as a private road as part of the planned gated community. The extension of Wedgewood Drive and the snow going into a retention pond should help the current drainage issues in the area. Water will be part of the public water system. In the event of repairs to the water lines, the Village/Bolton Point will be responsible only for the repairs and back-filling of the private road, paving and detention ponds being part of the Homeowners Association responsibilities. Sewer will be a private line within the development to be connected to the existing public line in Beckett Way. Landscape screening was a concern dealt with by the Planning Board. The required landscape plan proposed white pines along the backyards. In all, 110 new trees will be planted. They will keep some of the large trees that are already there. There will be a private trail that runs through the development and connects at Beckett Way. There will be a no trespassing sign posted there.

There was discussion regarding the gated entry. Jim Finnegan explained that KNOX is the system being considered. They have a key driven override for police and fire. There was a question as to an ambulance company not having a key. John O'Neill was very concerned with this, indicating that in the event of an emergency, seconds count.

David Dubow gave a brief overview of the history of the Shannon Park Planned Development Area and how the present project has reached this point of presentation to the Board of Trustees. In the late 1990's the Village adopted a law to do away with Planned Development Areas, which local law provided that the PDA provisions in the Village Zoning Law would continue to apply to Shannon Park. David explained that the Shannon Park PDA as originally approved back in the mid 1980's provided for 32 apartments. The current plan for 16 new townhouse units, when combined with the 8 existing units, is a total of 24 units. Since this is a reduction of density and therefore a minor amendment, the whole PDA approval is not needed. There has been a thorough review of the project by the Planning Board. The concern of the gated community would be part of the Homeowners Association documents and Policies, all of which would be subject to approval by the Village as part of the conditions attached to the final plat approval. Steve Cardamone explained that he is trying to create a very exclusive gated community. David indicated that he had prepared and presented to the Board for its consideration a resolution that provides a summary of the Planning Board proceedings and actions and provides for action by this Board.

Resolution #4073- Approval of Minor Amendment to Final Development Plan
For Shannon Park Planned Development Area

WHEREAS:

- A. This matter involves consideration of the following proposed action: A proposed amendment of the Shannon Park Planned Development Area by Steve Cardamone pertaining to the parcel referred to in the Shannon Park Planned Development Area as "The Hamlet" (Tax Parcel # 47.1-6-58.1) (the "Hamlet Stage 2 Subdivision/Shannon Park PDA Amendment") The proposal involves the subdivision of the parcel into smaller parcels for the sale to individual owners of 16 town house units with a small amount of land attached to each unit and residual land and infrastructure owned in common; and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Planning Board is an involved agency, and 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"), on November 10, 2003, the Planning Board 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
- C. On November 10, 2003, the Village of Lansing Planning Board held a public hearing on the preliminary plat for the Hamlet Stage 2 Subdivision/Shannon Park PDA Amendment, and thereafter (i) reviewed and analyzed the preliminary plat and all accompanying documents and materials, (ii) reviewed and analyzed the issues raised during the public hearing and otherwise raised in the course of its deliberations, (iii) addressed such issues and appropriate remedial measures related thereto, including possible conditions that might be imposed in conjunction with any preliminary approval to be granted for such plat, and (iv)

unanimously granted preliminary plat approval subject to the conditions and requirements enumerated in such preliminary approval;

- D. On May 25, 2004, the matter of the Hamlet Stage 2 Subdivision/Shannon Park PDA Amendment again came before the Village of Lansing Planning Board, at which time the Board held a public hearing on the Hamlet Stage 2 Subdivision/Shannon Park PDA Amendment final plat, and thereafter (i) reviewed and analyzed all new issues raised during the foregoing public hearing on the final plat, (ii) addressed such issues and appropriate remedial measures, if any, related thereto, (iii) reviewed the aforesaid final plat (revised May 13, 2004) and supporting materials submitted with such plat, (iv) determined that certain conditions are to be imposed in conjunction with any final approval to be granted for such plat, and (v) directed that certain additional information be provided and that the final plat be resubmitted reflecting changes and additions as required;
- E. On June 14, 2004, the matter of the Hamlet Stage 2 Subdivision/Shannon Park PDA Amendment again came before the Village of Lansing Planning Board, at which time the Planning Board (i) further reviewed the final plat (revised June 2, 2004) and supporting plans and documents, (ii) confirmed that all required additional information and materials had been provided, (iii) confirmed all conditions to be attached to the approval of the final plan, (iv) granted approval of the final plat (revised June 2, 2004) for the Hamlet Stage 2 Subdivision/Shannon Park PDA Amendment, subject to the conditions and requirements set forth on the Schedule A attached to its resolution of approval (the "June 14, 2004 Resolution"), and (v) authorized and directed as part of the June 14, 2004 resolution that the Planning Board Chairperson refer the final plat and appropriate supporting materials to the Village Board of Trustees for its approval of the final plat as a minor amendment to the previously approved Planned Development Plan for the Shannon Park Planned Development Area; and
- F. On June 21, 2004, the Village of Lansing Board of Trustees (i) reviewed the June 14, 2004 Resolution together with the final plat for which approval was granted by the Village Planning Board, and (ii) determined that the proposed subdivision constituted a reduction in the density of the previously approved Final Development Plan for the Shannon Park Planned Development Area, the area in question having been originally approved for 32 apartments, and the new subdivision proposal (16 townhouse units) approved by the Planning Board, when combined with the previously approved and developed 8 Hamlet Stage 1 townhouse units, now totaling 24 units;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

- 1. The Village of Lansing Board of Trustees, based upon all of its foregoing review and determination, and in accordance with section 401.10 of the Village of Lansing Zoning Law, hereby grants approval of the final plat (revised June 2, 2004) for the Hamlet Stage 2 Subdivision/Shannon Park PDA Amendment as a minor amendment to the previously approved Final Development Plan for the Shannon Park Planned Development Area, subject to the conditions and requirements set forth on Schedule A attached to the June 14, 2004 Resolution of the Village of Lansing Planning Board.
- 2. The Mayor of the Village of Lansing, for the purpose of confirming the approval of the Village Board of Trustees granted by this resolution, is hereby authorized and directed to sign such final plat following its signing by the Chairperson of the Village Planning Board upon compliance with all of the conditions and requirements of the June 14, 2004 Resolution of the Village Planning Board and Schedule A attached thereto.

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

Mayor Donald Hartill-Aye	Trustee Larry Fresinski- Aye	Trustee Lynn Leopold-
Aye	Trustee John O'Neill-Aye	

Next on the agenda was the proposed Computel settlement for the remaining NYSEG issue. David indicated that the settlement document may need revision before final approval by the Board. David suggested that since Dennis has been involved in this matter for several years and is most familiar with the issues involved, he should be included in the discussion at our next Wednesday staff meeting. There are two issues. The first has to do with charges,

amortization and depreciation associated with the removal of poles, and the other involves charges for Highgate subdivision poles which have been billed as being over 16 feet when in actuality, if measured from the ground, they are under that height. The proposal is to permit NYSEG to continue to bill at over 16 feet, and also continue to not charge for the base/foundation of the pole, although permitted to do so by tariff. NYSEG is not changing policy and will settle for \$25,000. The difficulty is in the language of the agreement. David advised the Board that he spent considerable time on the phone with NYSEG’s attorney trying to accomplish what he thought were minor amendments of clarification. Further discussions with NYSEG’s counsel and Computel will be necessary. There is no deadline for resolving this issue. Discussion will be continued at the July 14th noon meeting.

Next item on the agenda was the approval of the minutes for June 7, 2004

Motion-Approval of Minutes for June 7, 2004

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

Aye	Mayor Donald Hartill-Aye Trustee John O’Neill-Aye	Trustee Larry Fresinski- Aye	Trustee Lynn Leopold-
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The Mayor, as part of his report to the Board, commented that the Kline Road Bypass progress was the most important item, which has already been mentioned. We still have a number of steps before all is wrapped up with the intermunicipal sewer business. The group of six is now meeting monthly. In the fall, most of the agreements will be in draft form. We still need to work out the routing of the transmission line through the Village.

Last Wednesday there was a meeting with Fisher regarding the final North Triphammer Road Project process. One piece of this is to advertise in the New York State Contract Reporter. This can only be done if you are a subscriber. Jodi has done an online submission and it should take 7 days to receive an email from them. Rich Brauer is also looking into seeing if we can do this through the County. This needs to be done by July 1st so that an ad can be placed by July 9th. Due to the size of the project, we must have a three-week wait until bid opening. Once a contractor is selected, this season the utilities will be moved and some drainage infrastructure will be done. The Mayor hopes to get as much of the underground work done as possible before putting a topcoat over N. Triphammer Rd. Although, it seems to be an unnecessary expenditure since the road is being rebuilt, the road will not make it through another winter.

In the mail today, the Village received a Supplemental Agreement and sample resolution for construction, construction inspection and supervision for the above-mentioned project from NYSDOT. David Dubow pointed out that the proposed resolution provides that the Village will appropriate \$4,532,640 and make that amount available to cover the cost of participation in the Project. Don will contact Steve Vetter to find out if in fact we have to have \$4.5 million, which is the Federal Part. With this in mind, the Mayor presented the following resolution:

Resolution #4074-Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State “Marchiselli” Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor.

WHEREAS, a Project for the North Triphammer Road Reconstruction, P.I.N 375279 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Village of Lansing desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction, construction inspection and supervision.

NOW, THEREFORE, the Village Board, duly convened does hereby

RESOLVED, that the Village Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Village Board hereby authorizes the Village of Lansing to take what action may be required in the future to provide for payment in the first instance of 100% of the federal and non-federal share of the cost of construction, construction inspection and supervision work for the project or portions thereof; and it is further

RESOLVED, that the sum of \$4,532,640 is the sum which will need to be appropriated and made available to cover the cost of participation in the above phase of the Project prior to the recovery of Federal and New York State Aid; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount above, the Village Board of the Village of Lansing shall convene as soon as possible to take what further actions may be required to authorize and provide for said excess amount immediately upon the notification by the NYSDOT thereof, and it is further

RESOLVED, that the Mayor of the Village of Lansing be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Village of Lansing with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

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

Mayor Donald Hartill-Aye	Trustee Larry Fresinski- Aye	Trustee Lynn
Leopold-Aye	Trustee John O'Neill-Aye	

The following is the Supplementary Agreement.

Supplemental Agreement Schedule No.1 to Master Agreement (Comptroller's Contract No. DO17515)

This Agreement, effective this _____-day of _____ 2004, is by and between the New York State Department of Transportation ("NYSDOT"), having its principal office in the Administration and Engineering Building, 1220 Washington Avenue, State Campus, Albany, NY 12232, on behalf of New York State ("State"), and the Village of Lansing (the "Municipality") acting by and through the Mayor with its office at 2405 N. Tripphammer Road, Ithaca, NY 14850.

The agreement supplements or amends the existing Master Agreement between the parties that consists of the agreements titled MASTER Federal Aid & Marchiselli Aid Project Agreement – MM1 dated 3/20/02; in the following respects only:

- Adds a supplemental Schedule A, numbered as Schedule A1, in accordance with the provisions of such Master Agreement for such Supplemental Schedules;
- Amends a previously adopted Schedule A by amending the scheduled funding and the phase completion date

-Amends a previously adopted Schedule B: Phases, Subphase/Tasks, and Allocation of Responsibility

IN WITNESS WHEREOF, THE PARTIES HAVE CAUSED THE AGREEMENT TO BE EXECUTED BY ITS DULY AUTHORIZED OFFICIALS AS OF THE DATE FIRST ABOVE WRITTEN.

Ben has provided the Trustees with a letter requesting a Temporary Certificate of Occupancy for 12 Ayla Way. John Roy has substantially completed the house except for establishing ground cover and minor site work. The lawn will have to wait until late in the summer. Ben recommended that the Trustees approve a Temporary CO for 12 Ayla Way, which would expire September 15, 2004 with a nominal security deposit of \$400. As always, issuance of the Temporary CO will be contingent upon satisfaction of all other code and life safety issues.

Resolution #4075-Authorize the Code & Zoning Officer to Issue a Temporary Certificate of Occupancy to 12 Ayla Way with a \$400 Security Deposit and an Expiration Date of September 15, 2004.

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

Mayor Donald Hartill-Aye Trustee Larry Fresinski- Aye Trustee Lynn
Leopold-Aye Trustee John O'Neill-Aye

Lynn explained that Darby Kiley, the Project Manager for Cayuga Lake Watershed Intermunicipal Organization, is writing a grant for continued funding and would like a letter of support. It was unclear exactly what she wanted funding to do. Lynn will contact Darby to get this information included in the letter, whereupon the Board is authorizing the Mayor to sign the letter of support.

Resolution #4076-Authorizing the Mayor to Sign a Letter of Support to Cayuga Lake Watershed Intermunicipal Organization Including the Use of the Grant Spelled out.

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

Mayor Donald Hartill-Aye Trustee Larry Fresinski- Aye Trustee Lynn
Leopold-Aye Trustee John O'Neill-Aye

Lynn has the final Open Space Plan, which was done by Trowbridge & Wolf. She has reviewed it and will leave it in the office if anyone else would like to look at it. We now need to decide what we are going to do with this document. It is also on CD if anyone would rather have it that way. It's also possible to put this on the web page.

John O'Neill met Andy Zepp at a State Planners meeting. He had good ideas regarding the Finger Lakes Land Trust. John will see if he would come in and talk to us about different tools that can be utilized.

Lastly, John asked who would be the project manager for the N. Triphammer Rd. Project. Don stated that Fisher has a formal NYSDOT employee that would run the project.

Motion- To Adjourn

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

Mayor Donald Hartill-Aye Trustee Larry Fresinski- Aye Trustee Lynn
Leopold-Aye Trustee John O'Neill-Aye

The meeting adjourned at 9:20pm.

Jodi Dake
Clerk/treasurer