

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, August 15, 2005, in the Village Office.

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

Mayor Hartill called the meeting to order at 7:32P.M.and opened the public comment period. Larry stated that there was quite a traffic backup today due to N. Triphammer Rd. construction. There was a wait to get out on Craft Rd. The Graham Rd. light area was a problem because cars were blocking the intersection. It was suggested that we also control the Graham Road light manually during times like this.

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 Frank Moore-
Aye	Trustee Lynn Leopold-Aye		
	Trustee John O’Neill-Aye		

Dave Putnam reported that he has been busy with the N. Triphammer Road Project. Verizon said they would be out by the first of August but it doesn’t look like that will happen. Don will call Verizon in Binghamton to see if anything can be done to expedite the process. Don will also stop in to talk to Byron about this issue.

The Kline Road Sewer Bypass is complete except for the installation of the flow meter. Final payment will be made once Dave Putnam and the contractor have a chance to discuss the final bill. The Kline Road Bypass line is diverting approximately 110-120,000 gallons a day.

The Planning Board has recommended that the Board of Trustees adopt “The Municipal Tree Program”. The program provides for the inspection, protection and replacement of the existing trees on municipal land as well as those that will be planted in the next couple of years along N. Triphammer Road. This program is, in part, based on the “Municipal Tree Inventory” that was completed in 2004 and has been reviewed and is supported by the Superintendent of Public Works.

After reviewing the program, Larry suggested that buffer strips be added in the purpose section of the program. There is quite a long Village owned buffer strip that runs down Brook Drive. It was asked if the Village had any leverage with private property. Lynn stated that we can’t dictate what is done on private property. The unique natural areas have been developed which come into play any time someone submits a building permit for private property. For instance, anything that is built within 200 ft. of a stream must first go before the Planning Board. Another example was that Mr. Remillard had to come before the Planning Board to get a special permit to add a library because the area of proposed construction was within a unique natural area. Dubow added that this program is intended to apply to all trees on Village property.

Dooley Keifer asked who the Village forester was. Don stated that we do not have a forester, but Lee Oplinger did our original tree inventory. The Village intends to contract this out every three years.

The Board determined that the program should include the additional buffer strip language as proposed by Larry.

Resolution #5179-Adopt the Following Municipal Tree Program as a Village Policy

## Village of Lansing Municipal Tree Program

### Introduction

The Village of Lansing consists of about 3,000 plus acres and is located north of the city of Ithaca, bounded by Cayuga Lake on the west, by the Town of Lansing on the north and by the Town of Dryden on the east. The village's convenient location to the City of Ithaca and Cornell University combined with its outstanding natural beauty have made the village an attractive location for residential and commercial development. As a result, the village has been one of the fastest growing communities in Tompkins County.

The vegetation in and around the village is a mixture of eastern deciduous hardwoods and northern conifer forests. This shifting mosaic forest is typical of Central New York and contains numerous species, which are an important component of the Village's natural environment.

Trees benefit the village in many ways. They take in carbon dioxide and give off life-sustaining oxygen. They also remove pollutants from the air and help to slow soil erosion and water runoff particularly along the steep slopes above Cayuga Lake on the western edge of the village. Shade from trees help cool the air, streets, buildings and people. Property values increase when trees are planted and properly maintained. They serve as a transition zone from commercial zones to residential districts acting as buffers against wind, light and noise. The urban forest along the western slopes of the village is a haven for both resident and transitory wildlife and a recreational area for village residents.

### Purpose

The municipal tree program focuses on identifying, inventorying and locating all of the trees that currently exist in the parks, buffer strips and other municipal lands of the Village. The program also outlines the procedures for planting and care of newly planted trees as well as the periodic inspection of the Village's forested areas. The basic copy of the tree inventory has been filed with the Village Clerk and an additional copy provided to the Superintendent of Public Works who is responsible for the management of the municipal tree program.

### Care of the Municipal Forest

The inventory of the municipal forest was completed in 2004. In order to ensure the health of the forest, an inspection of the forest will be conducted by a professional arborist that will update the tree inventory, perform any necessary tree pruning and identify any trees that should be removed. This inspection will be conducted every three- (3) years beginning in the year 2006. All changes to the tree inventory will be reported to the Village Clerk for posting to the tree inventory. The Superintendent of Public Works will make arrangements for all necessary tree removals.

### Tree Planting and Site Selection

1. Open planting sites in areas with little or no shade shall be given priority over shaded streets.
2. If a property owner does not want a tree in front of his or her property, an effort shall be made to change his or her mind if the site is a high-priority spot. However, if this fails, the tree should not be planted and the site revisited at a later date.
3. All property owners should be given notification of planned planting, so that there is ample time for reaction.
4. Based on research, planting of bare-root trees should continue to be the main method of planting. Evergreens or large trees should be planted balled and burlapped.
5. All newly planted trees should have irrigation bags and mulch during their first growing season.
6. After the first year, the mulch should be renewed and/or low expandable tree truck guard placed around the bases of young trees until they reach 6" caliper.
7. Species should not be overplanted. As a rule, no one species should make up more than 5% of the total population.
8. Species should be used that:
  - a. are tolerant of site conditions.
  - b. have few management problems.

- c. meet functional and esthetic needs.
- 9. The recommended tree list for the Village of Lansing should be updated periodically, as new information becomes available.
- 10. Tree staking and guying should be used only where tree size and location warrant it, and then, removed when no longer necessary.
- 11. Requests from private citizens that new or additional street trees be planted in the Village's "right of way" shall be made to the Superintendent of Public Works.

### Tree Removal

- 1. Trees shall be removed on the basis of safety first and foremost. Hazardous trees shall be the highest priority.
- 2. If the tree is not an imminent hazard, notice of its removal should be given at least two weeks before removal. The property in front of and adjacent to the tree and the tree itself should be posted.
- 3. Replanting after removal should take place within a year if replacement is warranted.
- 4. Every effort shall be made to explain the need for a tree's removal when questioned by the owners of adjoining properties.
- 5. All tree removal will be conducted under the supervision of the Superintendent of Public Works.
- 6. No tree or shrub on municipal land shall be removed or caused to be removed without the prior written approval of the Superintendent of Public Works. Any tree or shrub on municipal land that is removed, or is caused to be removed, by any person other than a Village employee or its representative, shall be replaced as follows: such replacement shall meet the standards, size, species and placement as directed by the Superintendent of Public Works. The cost of such replacement, to include its planting, shall be borne by the individual(s) causing the tree or shrub removal.

### Notes

- 1. Much of the material in this paper came from "Ithaca, the Forest City", City of Ithaca Master Plan, Appendix A & B. No date.
- 2. Mr. Lee Oplinger, City of Ithaca Assistant Forester performed the initial tree inventory for the Village of Lansing in 2002.

Trustee Leopold moved this resolution. Trustee Fresinski seconded the motion.

The Board continued to discuss the issue of private trees and whether or not we owned the trees in an easement area. It was acknowledged that the Village generally does not own the trees in an easement area, and if someone wants to take a tree down on their property we really have no control over this unless such control has been granted to the Village by the property owner or is otherwise available to the Village by law. Lynn reiterated that the Planning Board is very sensitive to this issue.

A vote was taken:

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

David Dubow had presented the Board with a proposed Encroachment License Agreement between the Village of Lansing and Rahn & Vicki Pitzer of 1 Highgate Circle. The issue is that the Pitzer's current deck now encroaches onto the Village of Lansing sewer easement crossing their property and their new proposed driveway will encroach as well. The Pitzers purchased the property in July from David Easley & Maureen O'Hara. There is a previous easement for the construction and maintenance of a sanitary sewer line that runs through their property. A portion of the rear deck of the house encroaches into the easement area. The Pitzer's have also applied for a building permit to construct a new detached garage on the premises. The proposed driveway would cross over and encroach upon the easement area. This agreement would allow them to have the deck remain where it is and to permit the driveway encroachment until the Village feels it needs to be removed, in which case it would be removed by the property owner at the property owner's

sole cost no later than six months following written notice from the Village. The Agreement also grants the Village the right to remove the encroachments in case of emergency and charge the cost back to the property owner. This agreement also holds the Village harmless from any lose, injury or damage arising out of the use of the easement area.

There was an extensive conversation to determine what dollar amount should be provided for in paragraph "9" of the Agreement as to the consideration, if any, to be payable to the Village by the Pitzers for the license rights. John O'Neill feels that the Pitzer's should pay the full amount of the costs and expenses incurred by the Village related to the agreement. After further discussion, Larry & Don thought that a 50/50 split would be more appropriate. It was acknowledged that there are certain expenses that a government has in providing general services to the community as a whole and there are other expenses that are tied to individual residents and specific situations involving problems that may have been created by such residents. The Board was worried about setting precedents. This situation is unique because they are asking for relief from the Village. Dubow stated that this is not a common situation in our Village. It is purely a policy decision for the Board. Frank stated that the Village is totally protected by this agreement. After much discussion, John O'Neill stated that because of the uniqueness of the situation he would agree to the 50/50 sharing of expenses suggestion and a \$300 amount was decided upon.

Resolution #5180-To Authorize the Mayor to Sign the Village of Lansing/Pitzer Encroachment License Agreement with the Licensee Paying the Village the Sum of \$300 in Consideration of the Costs and Expenses Incurred with Respect to the Preparation and Execution of the Agreement Given the Uniqueness of this Particular Situation.

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

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

The TCAD Empire Zone Resolution was tabled until the September 15<sup>th</sup> meeting. The Mayor indicated that Barbara Blanchard contacted him that day to set up a meeting to discuss this matter, so the Board felt they should wait until after that discussion before proceeding further.

The next item on the agenda was to approve the minutes from July 14<sup>th</sup> & 18<sup>th</sup>.

Motion-Approval of Minutes for July 14, 2005

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 Moore seconded the motion. A vote was taken:

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

Motion-Approval of Minutes for July 18, 2005

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

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

The Mayor stated that he would be attending the engineering meeting Thursday regarding the proposed Warren Rd. Project. The flow meter at Kline Road still needs to be installed. On Saturday Don went up Bomax Drive and had a conversation with Ivar Jonson. Ivar is moving right along with his recently approved Lansing Trails II cluster subdivision and has one foundation in and another surveyed out. Don has not heard from the Fire Department regarding the possible relocation and construction of a new station.

John O'Neill stated that the Fire District is putting together an assessment of construction or reconstruction of their existing building. Jodi had provided him with information that was faxed over from NYCOM on the issue. Dubow briefly explained the "balancing of public interests" test now being applied to situations where one governmental entity is proposing to proceed with a project within the jurisdiction of another governmental entity. Basically, the courts generally now require in these situations that the public interests involved be evaluated to determine the nature and extent of the interests of the respective governmental entities and if the local laws of the "host" governmental entity should or should not apply. One somewhat unresolved question is who does the balancing test in the first instance. Generally, it is the "intruding" agency that wants to proceed with the initial determination, although local "host" municipalities have challenged that approach. Ultimately, it is a court that will determine the proper balancing of public interests in disputed cases.

This afternoon Tim Joseph contacted the Mayor regarding the cell tower located at the Public Safety Building. Apparently it is not strong enough and needs to be relocated. Don provided the Board with a copy of Tompkins County Proposed Resolution No. P, which was an amendment to the Capital Program and appropriation from the contingent fund for relocation of the communication tower located at the Public Safety Building to Snyder Road. The County also agrees that this action is subject to local zoning as stated in their proposed Resolution No. Q-Balancing Test Analysis Regarding Construction of Tower in the Village of Lansing.

It was explained that there still is an outstanding problem with the proposed new tower location in that Verizon doesn't feel the new location is adequate because the signal doesn't go over the hill. Dooley Keifer stated that the Legislature was intending to vote on this issue the following evening. Dooley stated that alternate areas that may be considered are the Agway area or up around Borg Warner.

A gentleman that arrived late to the meeting asked if he could speak. Richard Flaville lives at 38 Sheraton Drive. He expressed his concern that drivers do not stop when he is crossing the street using the crosswalk on Sheraton Drive. It was suggested that a sign be posted that says "New York State Law to Stop for Pedestrians". Universities have formal policies that state you must yield to pedestrians. This issue will be referred to John Courtney, the Village's Superintendent of Public Works, to see what can legally be done. The Mayor explained that the Village does not have a police force and that having one would dramatically increase Village taxes. The Mayor will investigate to see what can be done. The Village may need to amend its traffic law.

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 Frank Moore-
Aye	Trustee Lynn Leopold-Aye		
	Trustee John O'Neill-Aye		

The meeting adjourned at 9:00PM.

Dake

Jodi  
Clerk/Treasurer

