

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, September 19, 2005, in the Village Office.

Present: Mayor Donald Hartill; Trustees, Lynn Leopold, Larry Fresinski, John O'Neill and Frank Moore; Attorney David Dubow; Planning Board Member, Ned Hickey; TG Miller Engineer David Putnam.

Mayor Hartill called the meeting to order at 7:35P.M.and opened the public comment period. Ann Furry asked about the curb on N. Triphammer Rd. as part of the ongoing improvement project. Currently it doesn't go up to Brook Drive and she wondered why it stopped south of that intersection. Dave Putnam stated that there would be no curb between Craft and Brook Drive. At one of the cost saving meetings, it was decided to end the curb at Craft Road. The concrete sidewalk will go to Brook Drive with a ditch between the road and the sidewalk. Ann stated that she was mainly present to hear the discussion regarding the proposed Town sewer line through the Village that was on the agenda. Don stated that he spoke with Town of Lansing Supervisor Steve Farkas and he is willing to delay their push to have a decision on the sewer line location from October until November. Don also reported that he was scheduled to meet again with Steve on Friday. Future connection fees or the surcharges on water/sewer bills must cover any improvements the Village makes in conjunction with the Town project. The source of funding can also come from reserves. The Village will be looking at the cost to connect to sewer. The Mayor feels that it is currently low compared to the Town of Lansing and the Village will revisit this issue. The cost to put a foot of pipe in the ground is at best \$60 a foot unless it is in rock, in which case it would be more like \$100 per foot. The collector system is quite an expensive proposition. Th State has a rule of thumb that the total cost of service to a property owner for sewer is approximately \$800. Frank stated that it is also the homeowner's expense to connect. Currently the Kline Rd. bypass is complete, and therefore we are no longer under a sewer moratorium. This bypass diverts sewer from the Village of Cayuga Heights plant to the intermunicipal Ithaca Plant. Don expects to have 10-15 dwelling units continue to be built in the Village per year.

Sorel Gottfried thought that the Kline Road bypass covered the Lansing Trail II sewer needs. Sorel also asked who pays for transmission costs through the Village. Don responded that the Town of Lansing would be responsible unless we use part of the system, in which case the Village would expect to pay a proportionate cost of what we use. Actual dollar amounts will depend on the implementation of sewers in the areas of the Village that are currently not sewered. These areas are very spread out. For example, if Murry Estates wanted to develop they would have to provide the entire infrastructure in that development.

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 thought we were done with utility work on N. Triphammer Rd. until he found that there was a slight snag with a water main, but this should be rectified by tomorrow. Except for the City installing the flow meter, the Kline Rd. Bypass is complete. The survey is complete for Northwoods. The preliminary engineering drawings will be started. A meeting will then be set up with the Mayor and Integrated. Don explained that this involves the split road problem in this area. There is currently a public road that is accessed by a private road, and that is not a good thing. We are going to be solving this problem by the acquisition of the currently private Northwood road. Don stated that Warren Road is going to be reconstructed in the near future. The Post Office and Bomax Drive intersection will eventually have a traffic light. Currently the intersection of Dart Drive and Warren Rd. is a dangerous intersection. With this reconstruction, eventually the end of Dart Dr. will be a cul-de-sac with a new intersection further north. Warren Rd. reconstruction will probably take place in the 2006 construction season. This may be an issue because the

N. Triphammer Road project will not be completed until half way through the 2006 construction season. On Triphammer, the paving at the north end is complete. We will be finishing the paving on the north ramp of the bridge, which will make this a seven lane wide road to Pyramid Dr. We may or may not get the paving done on the south side of the bridge. It depends on the weather. The rest of the project will be completed in 2006. The contractors have been outstanding. Suit Kote has gone out of their way to keep traffic flowing. Don has heard many positive comments. Larry Fresinski has done a fabulous job of keeping the public informed through daily emails.

Next on the agenda was the sewer discussion. Lynn stated that she and Frank have been attending the sewer meetings involving the Town committee. The Town of Lansing has done several presentations on the three proposed routes. The pros and cons of each are listed in a spreadsheet, which Lynn handed out. They have walked and driven the routes to try and understand the problems that each presents. There is no simple choice.

One option is having a forced main come down Cayuga Heights Road, but there are problems with all the construction for a pretty settled residential area, a pump station and some of the technical issues that go along with a forced main that has to go quite a ways along Cayuga Heights Rd. before it then becomes a gravity system joining the existing line on Cedar Lane, and from there going down the old railroad bed and down to the VCH wastewater treatment plant.

The Village is also trying to understand the problems coming in on the old railroad bed, which is not as heavily populated but is completely on private property. Our committee has looked at this and they feel there are serious concerns that haven't been answered. One is the necessary restoration of the unique natural area (UNA). Another engineering problem is that there will need to be a lot of fill brought in to cross one of the streams.

The third option going down Route 34 seems to be the best choice for the Village, but the Town doesn't like it because of the cost. It would be difficult to stage construction on Route 34. However, it is all in the public domain. Frank and Lynn feel that there is still a lot that must be presented to them about how a line coming down Route 34 could work. They aren't clear about where a pump station would need to be located.

Lynn doesn't feel at this point that she could make any recommendation. She would like public input. The Town would like to do this project for the least amount of money since they are funding it with State grant money. The Village needs to think of the impact of each of these lines, and which would cause the fewest problems and involve the least cost to the Village. All three routines would be assessable to future development in the northwest part of the Village. We have land in the Village called the Bolton Estate that belongs to the Crossmore family. The Town of Lansing's transmission line will come through that property, regardless of what happens at the top of East Shore Drive. There will likely be a subdivision of that property as a result of the sewer main going through.

Don feels we need a much better cost estimate. Frank stated that the Town has not done engineering estimates on how they would do any of these three routes. They are just rough-cut and are telling us to chose. He feels we can't make an intelligent decision without the details. Frank feels we won't get it either because we are asking them to spend more money on their engineering work. This is especially true of the Route 34 option. In the preliminary stages they didn't spend much time on this route because they were surprised that the State said they could go that route. Because of the requirements that go along with this East Shore Drive alternative, the Town felt it would be too expensive to go this route. Frank thinks that if we want to go this route we may need to spend some money on an engineering study.

Lynn stated that if we don't do anything they might just go ahead and make their decision in a preemptive way and opt for the least cost alternative, which is the railroad bed. Because this is private property they will have to deal with condemnation issues. This could make it a much more complex and expense project for them. John asked if there had been any informal contact with property owners. Lynn has not made any such contact. She first wanted to wait until the Board knew what their next step would be. John felt that if we find out their level of acceptance or resistance it might be a good indicator of how to proceed.

Franks think the Village may want to consider having our engineers research the details that we are concerned about with Route 34. Don feels that the Town has already decided that they want to go down the railroad bed and they will demonstrate that this is the correct way. One of the problems is that there are no conceptual designs for any of these routes. The Town has general taken a rule of thumb approach and used that to reach their conclusions and the attached

estimated costs for each of the three proposed alternatives. Lynn commended the Town on trying to include the Village in this process. In the end it is not the Village's choice as to the route. The Township has the right of eminent domain. If Route 34 were chosen, then traffic would have to be diverted. Route 34 is downhill from all parts of the Village, and therefore, in terms of our long-term exposure to costs, it eliminates force mains. It would also preserve the existing environment and be much easier for maintenance access. The railroad route is going to be a maintenance headache unless you build a road through there. Larry feels we need to pay for a study that proves our case. The Board discussed what would come from the study. The Board thought a study would be a good defensive move for the Village. It was a question as to what scale it should be done. This is something that we need to ask the public.

If the Town chooses the old railroad bed route they would most likely have to go through the costs of eminent domain, a process that is very time consuming and expensive. There will need to be structures built to hold back erosion from all the trees that they will have to remove. Don feels that these types of things have been underestimated by the Town.

John asked why we wouldn't go back to the option of the Town of Lansing building their own sewage treatment plant. The problem is that funding would be lost if that were its choice, and in addition, a new plant has already been rejected as an alternative by the State. The Board discussed the lack of logic with the whole sewer project.

Don stated that the next step needs to be decided upon. He suggested that at the 1st meeting in November we set aside 1.5 hrs. to discuss what we think the costs will be. Don asked Dave Putnam to do this. A letter will be sent out to each adjacent property owner to inform them of the issues.

Next on the agenda was to discuss codification. David Dubow distributed Proposed Local Law D (2005) to the Mayor and Trustees. Don explained to the students in attendance at the meeting that codification means that we are trying to get all of our laws, ordinances, rules, etc. of the Village into a form that is easily accessible. Our current zoning book is very difficult to use. Our codification will be indexed. We hired a consultant to do the original draft and then the Board and Attorney went through to make sure it is correct. We have completed this and are now ready to set a public hearing. David indicated that the materials he was distributing included a proposed resolution to hold a public hearing, a proposed notice of public hearing to go in the newspaper, and the actual local law that the Board would pass to adopt the codification. The process includes giving the County and the surrounding municipalities notification.

Resolution #5185-To Set a Public Hearing on Proposed Local Law D for
October 17, 2005 at 7:35pm.

WHEREAS the Board of Trustees of the Village of Lansing has entered into a project for the codification of local laws, ordinances, and certain resolutions, regulations, policies and codes of the Village of Lansing for the purpose of increasing the effectiveness of Village governmental administration, providing for greater public awareness of and access to Village legislation, better protecting the health, safety and welfare of Village inhabitants, and generally improving the services provided by the Village to the public.

WHEREAS the proposed codification has been printed in loose-lease form and the Board of Trustees now desires to formally effect the adoption of said codification by enactment of a local law;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held by the Board of Trustees with respect to enactment of the following local law, such public hearing to be held on the 17th day of October, 2005 at 7:35 p.m., in the Village Offices, 2405 North Triphammer Road, Ithaca, New York. The proposed local law to be considered is as follows:

PROPOSED LOCAL LAW D-2005

A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS, REGULATIONS, POLICIES AND CODES OF THE VILLAGE OF LANSING INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE VILLAGE OF LANSING"

Copies of the text of the above-named local law shall be filed in the office of the Village Clerk

AND BE IT FURTHER RESOLVED that the Village Clerk is hereby directed and authorized to cause public notice of said hearing to be given in accordance with the Municipal Home Rule Law, the Open Meetings Law and the Village Law of the State of New York.

Trustee Fresinski moved this resolution and Trustee O'Neill seconded the motion.

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

Larry stated that the proposed zoning is on the webpage. The following is the legal ad, which will appear in the paper.

VILLAGE OF LANSING
NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW D-2005

PLEASE TAKE NOTICE that, for the purpose of adopting a codification of the local laws, ordinances, and certain resolutions, regulations, policies and codes of the Village of Lansing, said codification to be known as the "Code of the Village of Lansing," a public hearing will be held by the Board of Trustees in the Village Office of the Village of Lansing, on the 17th day of October, 2005 at 7:35 p.m., to consider the enactment of the proposed local law described and summarized below:

PROPOSED LOCAL LAW D-2005

A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS, REGULATIONS, POLICIES AND CODES OF THE VILLAGE OF LANSING INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE VILLAGE OF LANSING"

This local law:

1. States the legislative intent of the Board of Trustees in adopting the Code.
2. Provides for the designation of the local laws, ordinances, and certain resolutions, regulations, policies and codes of the Village of Lansing as the "Code of the Village of Lansing."
3. Repeals local laws, ordinances, and certain resolutions, regulations, policies and codes of a general and permanent nature not included in the Code, except as provided.
4. Saves from repeal certain local laws, ordinances, resolutions, regulations, policies and codes and designates certain matters not affected by repeal.
5. Retains the meaning and intent of previously adopted local laws, ordinances, resolutions, regulations, policies and codes.
6. Provides for the filing of a copy of the Code in the Village Clerk's Office.
7. Provides for certain changes in or additions to the Code.
8. Prescribes the manner in which amendments and new legislation are to be incorporated into the Code.

9. Requires that the Codebooks be kept up-to-date.
10. Provides for the sale of Codebooks by the Village and supplementation thereof.
11. Prohibits tampering with Codebooks, with offenses punishable by a fine of not more than two hundred fifty dollars (\$250.00) or by imprisonment for not more than fifteen (15) days, or both.
12. Establishes severability provisions with respect to the Code generally.
13. Provides that this local law will be included in the Code as Chapter 1, Article I.
14. Adopts the “Code of the Village of Lansing,” the Table of Contents of which is as follows:

Part I Administrative Legislation

Chapter

1 General Provisions

7 Conservation Advisory Council. (Repealed)

11 Defense and Indemnification

15 Ethics, Code of

20 Investment Policy

30 Planning Board and Board of Zoning Appeals

34 Procurement Policy

38 Salaries and Compensation

Part II General Legislation

50 Animals

62 Electrical Standards

67 Firearms and Bows

71 Fire Lanes

76 Fire Prevention and Building Construction

94 Parking, Handicapped

98 Parks and Recreation Areas

105 Records, Public Access to

111 Sewers

115 Signs

119 Smoking

121 Solid Waste

123 State Environmental Quality Review Act

125 Subdivision of Land

129 Taxation

135 Vehicles and Traffic

141 Water

145 Zoning

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Disposition List

Copies of the local law described above and of the Code proposed for adoption thereby are on file in the office of the Village Clerk of the Village of Lansing, where the same are available for public inspection during the Village Clerk's regular office hours.

PLEASE TAKE FURTHER NOTICE that all interested persons will be given an opportunity to be heard on said proposed local law at the place and time aforesaid.

NOTICE IS HEREBY GIVEN, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Board of Trustees of the Village of Lansing will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed local law described above and, as deemed advisable by said Board, taking action on the enactment of said local law.

DATED: September 27, 2005

JODI DAKE

VILLAGE CLERK

Larry stated that this is a very exciting time for the Village because they have been working on the codification for many years. It started in the late 80's.

The next issue on the agenda was the proposed water agreement for 134 Burdick Hill Road. Don stated that the reason this is coming before the Board is because the house is actually located in the Town of Lansing but it has frontage in the Village. David Dubow stated that the Town can't provide water service because there is no water district there. A draft agreement has been drawn up; the property owner has reviewed it. It tracks what we've done historically in those limited situations where the Village has agreed to provide water service to properties outside its boundaries. We currently have four other outside water users. The Village has the statutory authority to extend water services outside its boundaries, but it is not obligated to do so. The Town will also have to sign this agreement. This agreement guarantees that the Village of Lansing isn't taking on any risk by providing water. The Village will collect for the water bill and bill the property owner directly for any special assessment that would normally appear on a resident's tax bill. If the property owner should default in any way, the payment obligation would go to the Town of Lansing. The Board is willing, in principal, to do this. Once the agreement is finalized, it will come back to the Board for final approval.

Based upon the Board's previous discussion regarding the recently executed 1 Highgate Circle easement encroachment agreement, Dubow brought up the issue of possibly charging the property owner for legal fees associated with drawing up this new water service document. The Board felt that the issue was complete and that unless the property owner came back with further changes, there would not be any fee charged.

Resolution #5186- Approve in Principal the Water Agreement for 134
Burdick Hill Road

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

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

The Mayor reminded the Board that the October 3rd meeting was canceled during our organizational meeting in May due to Rosh Hashanah. The Thursday October 13th staff meeting falls on Yom Kippur, which is another Jewish holiday. The 13th date slipped through because we changed the Wednesday meetings to Thursdays. Don will be out of town on the 13th.

Resolution #5187- To Reschedule our Thursday October 13, 2005 meeting
for Wednesday October 12, 2005

Trustee Leopold moved this resolution and Trustee Moore 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 | | |

Our next regular meeting will be October 17, 2005.

As to the Mayor's comments agenda item, Don indicated that he had already made enough comments. He did comment that the Village was moving into some interesting times with the new Town sewer proposals and related issues.

Frank announced that the next sewer meeting is the 28th. Frank needs to know what our expected actions will be. Don will write a newsletter article tonight that will inform the public of where we are going with sewers. Don indicated once again that he would be meeting with Steve Farkas on Friday.

Lynn brought up the issue of truck brakes. Don stated that the Village could certainly pass a noise ordinance. John stated that even in his area you can hear the engine brakes on Route 13. Lynn stated that a lot of communities are banning these brakes except for emergencies. Lynn feels that the noise is getting very bad on East Shore Drive. Lynn asked if we could request for the State to lower the speed limit down that hill to 45mph. Don stated that it was possible to ask them. There is a sign in Newfield that says no engine breaks except in emergency.

Dubow reported that the encroachment agreement that was previously approved has been completed, the \$300 for expenses has been paid, and the agreement has been recorded.

Motion- To Adjourn

Trustee Fresinski moved for adjournment. 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 meeting adjourned.

Dake

Jodi
Clerk/Treasurer

