

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, December 18, 2006, in the Village Office.

Present: Mayor Donald Hartill; Trustees, Larry Fresinski, Lynn Leopold, John O’Neill and Frank Moore; Clerk/Treasurer Jodi Dake; Attorney David Dubow; Planning Board Chairman Ned Hickey; Planning Board Alternate Member Mario Tomei.

Mayor Hartill called the meeting to order at 7:35 P.M. and opened the public comment period. Larry Bieri of Oakcrest Road feels the new streetlights on North Triphammer Road are brighter. Mayor Hartill stated that he was driving through Dryden last night and those lights are blinding. Don was surprised as to Mr. Bieri’s comments on the streetlights because they are directed downward. Mr. Bieri also thinks that the new lights at Target are not as shaded as the other Pyramid lights. He also asked about light pollution from neighboring houses. Don suggested checking the Zoning Law online or calling Ben. Ned Hickey stated that for light pollution to occur it must spill over property the line. Lastly, Mr. Bieri stated that the lights next door on the Jamex building are very bright.

Motion-To Close the Public Comment Period

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

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

The next item was a public hearing on Proposed Local Law F.

Motion- To Open the Public Hearing on Proposed Local Law F (2006) to Consider Amending the Village Codification-Village of Lansing Elderly Persons’ Real Property Partial Tax Exemption Law as Local Law 6, 2006.

Trustee Leopold moved to open the public hearing. Trustee Fresinski seconded the motion. A vote was taken:

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

Don explained that this is to implement the most recent State amendments to the provisions of Section 467 of the Real Property Tax Law of the State of New York and to update our codification on this issue. The State authorized income levels have changed, and this Local Law will therefore increase the income levels at which the partial tax exemption will apply. The Board, at their last meeting, also decided that they didn’t want changes to these provisions in the Village Code to happen automatically, so the existing language in the Code providing for such automatic changes is to be deleted. There were no comments from the public.

Motion- To Close the Public Hearing

Trustee O’Neill moved to open the public hearing. Trustee Fresinski seconded the motion. A vote was taken:

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

Next on the agenda was approval of minutes from December 4th and 14th, 2006. Jodi explained that the minutes for

last Thursday's meeting have not been completed because she was out sick.

Motion - To Approve the Minutes from December 4, 2006

Trustee O'Neill 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-
Abstain	Trustee Lynn Leopold-Aye	Trustee John O'Neill-Aye

The Board discussed the deer problem. Frank was asked at the last meeting to come up with a resolution for the Board to consider. The following is a copy of Frank's Draft Resolution:

DRAFT OF DEER RESOLUTION

The Trustees of the Village of Lansing strongly endorse the Cayuga Heights resolution of 27 Nov. 06, which urged establishment of a Countywide program of whitetail deer control. However, the Council of Governments, not being either a legislative or executive body, can hardly "establish and implement" such a program. We assume this should be a County government initiative, with the Council of Governments helping to assure participation of all County municipalities.

Deer control should be an ongoing program, not a one-time eradication effort, because the purpose would be to take the place of steady predation which occurred in the past, leaving a tolerable steady population. We offer the following additional thoughts for your consideration:

The only feasible means would seem to be culling by encouraging hunting or use of marksmen, followed by charitable donation of resulting venison. Sterilization seems impractical at present. Many municipalities in New York State are now engaged in aggressive culling programs, as reported in a recent NY Times article----

Opposition to such an ongoing control program can be expected on humanitarian and cost grounds. Therefore we recommend a study be made, focusing on the actual costs of deer damage in the County; results would more powerfully support a control program than would anecdotal opinions which, however true, are subject to argument. Costs, which could be quantified, include

1. Damage to residential plantings and lawns
2. Road accidents, causing vehicle damage and personal injury
3. Agricultural damage (loss of crops and livestock forage)
4. Forest degradation; loss of seedlings means old slow-growing trees are not replaced, and the ecology of woodlands suffers. Irreparable damage is now underway.

We would welcome the opportunity to participate in a countywide program of deer control to mitigate deer-inflicted losses.

Frank believes that our local animal warden is the Sheriff. If a bear is terrorizing our innocent village, whom would we call? Frank thinks it would be the Sheriff because highway safety is involved as well as property safety. If there were a culling program, would not the Sheriff manage it? Frank feels that the County, through the Sheriff's Department, is responsible for the protection of its citizens against dangers and damages presented by wild animals, and therefore should take the initiative in solving the vexing problem of deer over-population. Lynn stated that it would be the DEC Conservation Officer since wildlife is under the control of the State. Frank feels this is a County problem not a State problem. Lynn stated that she spoke with Dooley Keifer. Don said that the State has policies in place. Frank feels culling has to be done in areas that don't have hunting to be effective. He also thinks that a quantitative evaluation is the key.

John O'Neill asked if we could have someone from the DEC come in and talk to us. Lynn mentioned that Paul Curtis is the deer specialist at Cornell, and she will contact him to see if he will also come talk to speak to the Village Board. John will call the Regional DEC. Don feels we need to go to the County level to resolve the deer problem and maybe even involve our sister counties.

Frank stated that Oneonta has a different problem than we do in that they don't have enough deer, and questioned why. O'Neill stated that there is also the danger of wasting disease. The Board decided to put this resolution aside until we have some people come in and talk to us on the subject. Don would like to be more informed about what to put in a resolution.

It was acknowledged that on December 7th Steve Farkas, Town of Lansing Supervisor, sent Mayor Hartill a letter regarding South Lansing Sewer District Draft Memorandum of Understanding for the Construction of a Sewage Transmission System. The letter stated that the Town Sewer Committee has been working on revisions to the Draft MOU that the Mayor presented to them earlier this summer. Steve is asking the Trustees to consider just addressing the sewer routes and general description of sewer facilities that will be built within the Village, and that any Memorandum of Understanding to be agreed upon at this time be limited to those issues. Don stated that he still has not received the engineering documents that he has requested. One thing he has trouble with is the Sun Path gravity main because he doesn't have drawings to see if that is in the Village. It was agreed that the Board cannot respond to this letter in a fully informed manner until they see the engineering plans.

Frank stated that at the last sewer meeting they wanted a joint committee to look at the costs. Frank feels that it is too early in the process to get a committee involved. He also expressed that a committee would need very specific goals and legal counsel, and questioned who that legal counsel might be -- the Village's attorney, the Town's attorney, or a neutral attorney. He indicated that he believes that there are too many rough issues at this time to have a committee. Don would be willing to have a group of people who are intimate with the issue, preferably made up of the Mayor, Frank, the Town Supervisor and probably Bud Shattuck. Larry asked about this situation from a legal perspective. Dubow stated that generally municipalities resolve the "business" aspects of a proposed arrangement, and then work on trying to reduce the understanding to a legal agreement. It is up to the principals to decide what the agreement will be. David feels that a meeting of the parties involved is likely to be more productive than writing back and forth. We may want counsel to sit in on such a meeting to listen to the discussion and thereby be better able to understand the parties' intentions and reflect those intentions in a written agreement.

It was discussed that if there is going to be any infrastructure in a Village right-of-way there must be Board approval to proceed. The Town could get property owners to give them their property so it wouldn't be in the Village right-of-way, however there was doubt expressed as to the likelihood that Village residents would do so. Frank stated that we are more focused on local impact than the Town is. Don will write a letter to Steve Farkas letting him know that we can't respond until we receive the engineering plans.

The next item on the agenda is to consider Proposed Local Law A (2007), Amendment to Zoning Law Front Yard and Side Yard Definitions. Dubow explained that this came about when a proposal to build on an irregular lot in the Village came to the Code & Zoning Officer and the issue of the required front yard setback was addressed. Dubow drew a picture to give the Board a visual aid. The purpose of this law is to revise the definitions of the terms "Yard, front" and "Yard, side" so as to provide for the exercise of discretion by the Zoning Officer in determining the location of the side yard(s) and front yard(s) in the case of irregular lots, such revisions to include additional language consistent with the language (in the definition of "Yard, rear") granting similar discretion to the Zoning Officer as to the location of rear yards in the case of such irregular lots. Though there aren't many such irregular lots, this change would apply to all of them.

Resolution #5293-To Set a Public Hearing to Consider Proposed Local Law A (2007), Amendment to Zoning Law Front Yard And Side Yard Definitions for February 5, 2007 at 7:35pm.

Trustee O'Neill moved to set a public hearing. Trustee Moore seconded the motion. A vote was taken:

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

Don stated that a long standing Planning Board Member is resigning. Doris Brown has written a letter to Ned Hickey, Planning Board Chairman, stated that she will be resigning from the Planning Board as of December 31, 2006. She has served on the Planning Board since 1982. Ned stated that even before that she transcribed the minutes for the Planning Board. Ned said Doris was a team player, very dedicated and interested in preserving forests. She will be greatly missed. Ned suggested that Mario Tomei, the current Planning Board Alternate, be appointed to fill the remainder of Doris' term, which ends May 2007. Lynn stated that she goes to the Planning Board meetings and Mario has been a wonderful quick study. He has gone to training sessions and she thinks he will be a good addition to the Planning Board.

Resolution #5294-To Appoint Mario Tomei as a Member of the Village of Lansing Planning Board to Fill the Remainder of Doris Brown's Appointment Until May 2007.

Trustee Leopold moved that Mario Tomei be appointed. Trustee O'Neill seconded the motion. A vote was taken:

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

It was acknowledged that a new Alternate Member will need to be appointed. The Board will continue to work on this. Dubow suggested that an Alternate member be appointed as soon as possible so as to better insure that a full Board is present at meetings, As an example, he explained that a County 239 response on a proposed project in some instances requires that approval of that project be by the vote of a majority plus one. It was generally acknowledged that it is best to have a full Board and there are many meetings were at least one regular member in unable to attend.

Cathy Wilsea, Tompkins County Planning, has contacted Jodi and asked if the Board would like to reappoint John Dennis to the EMC. His term is up and he has agreed to continue.

Resolution #5295- To Reappoint John Dennis as the Village of Lansing Representative to the Tompkins County Environmental Management Council for Another Two-Year Term

Trustee Leopold moved that John Dennis be reappointed. Trustee O'Neill seconded the motion. A vote was taken:

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

Lynn asked if we could get John Dennis to come in and give a report.

Dubow asked if the Board would like to go back and vote on Proposed Local Law F.

Resolution #5296- To Adopt Proposed Local Law F (2006) Amending the Village Codification-Village of Lansing Elderly Persons' Real Property Partial Tax Exemption Law as Local Law 6, 2006.

Trustee Fresinski moved to adopt Local Law 6. Trustee O'Neill seconded the motion. A vote was taken:

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

LOCAL LAW 6 (2006)
AMENDMENT TO VILLAGE OF LANSING CODE-VILLAGE OF LANSING ELDERLY PERSONS' REAL PROPERTY PARTIAL TAX EXEMPTION LAW

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

SECTION I. PURPOSE AND INTENT.

The purpose of this Local Law is to amend Chapter 129 (entitled "Taxation"), Article II (entitled "Senior Citizens Tax Exemption," and known as the "Village of Lansing Elderly Persons' Real Property Partial Tax Exemption Law"), Section 129.17 (entitled "Schedule of partial exemption") of the Village of Lansing Code so as to amend the Village of Lansing Elderly Persons' Real Property Partial Tax Exemption Law [originally enacted as Local Law 3 (1990), and thereafter amended by Local Law 13 (1990), Local Law 14 (1990), and Local Law 4 (2000)], and to specifically (i) amend subsection "A" of said Section 129.17 to implement the most recent amendments to the provisions of Section 467 of the Real Property Tax Law of the State of New York, to the extent such provisions affect the "sliding scale" of maximum income levels and corresponding percentages of assessed valuation that shall be exempt from real property tax, such amendment of subsection "A" of said Section 129.17 to be made in accordance with the current subsection "C" of said Section 129.17, and (ii) delete subsection "C" of said Section 129.17, thereby eliminating the previously adopted procedure pursuant to which amendments to the provisions of Section 467 of the New York State Real Property Tax Law concerning the "sliding scale" of income levels for the Elderly Persons' Real Property Partial Tax Exemption are automatically adopted by the Village.

SECTION II. AMENDMENT.

A. The schedule provided in subsection A of Section 129.17 (entitled "Schedule of partial exemption") of Chapter 129 (entitled "Taxation"), Article II (entitled "Senior Citizens Tax Exemption," and known as the "Village of Lansing Elderly Persons' Real Property Partial Tax Exemption Law") of the Village of Lansing Code is hereby deleted in its entirety and replaced with the following amended schedule intended to reflect the maximum income levels of eligibility in accordance with the most recent amendments to subsections (1), (2) and/or (3) of Section 467 of the New York State Real Property Tax Law, which amendments modify the annual income limits to be calculated in accordance with said subsections:

ANNUAL INCOME OF OWNER OR COMBINED ANNUAL INCOME OF OWNERS	PERCENTAGE ASSESSED VALUATION EXEMPTION FROM TAXATION
Up to \$26,000.00	50%
More than \$26,000.00, but less than \$27,000.00	45%
\$27,000.00 or more, but less than \$28,000.00	40%
\$28,000.00 or more, but less than \$29,000.00	35%
\$29,000.00 or more, but less than \$29,900.00	30%
\$29,900.00 or more, but less than \$30,800.00	25%
\$30,800.00 or more, but less than \$31,700.00	20%
\$31,700.00 or more, but less than \$32,600.00	15%
\$32,600.00 or more, but less than \$33,500.00	10%
\$33,500.00 or more, but less than \$34,400.00	5%

B. Subsection C of Section 129.17 (entitled "Schedule of partial exemption") of Chapter 129 (entitled "Taxation"), Article II (entitled "Senior Citizens Tax Exemption," and known as the "Village of Lansing Elderly Persons' Real Property Partial Tax Exemption Law") of the Village of Lansing Code is hereby deleted in its entirety.

SECTION III. SUPERCEDING EFFECT.

All local laws, resolutions, rules, regulations and other enactments of the Village of Lansing in conflict with the provisions of this local law are hereby superceded to the extent necessary to give this local law full force and effect.

SECTION IV. VALIDITY.

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

SECTION V. EFFECTIVE DATE.

This Local Law shall be effective upon (i) its filing in the office of the Secretary of State and (ii) ten (10) days after publication and posting as required by law; provided, however that it shall be effective from the date of service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

Don reported that he had met with Steve Farkas and the Lansing School Superintendent to judge the logo contest for the August 26, 2007 First Harbor Festival at Meyers Park. There were only two responses and as a result they will combine the two for the poster. The Lansing Community Council is sponsoring the festival. There will be booths and activities. Parking will be at the School District property and attendees will be bussed down to the park.

Don stated that he has had many positive comments on N. Triphammer Road. Concerns have been expressed as to turning into the Mobil Station and HSBC by southbound vehicles Don reported that he has been told that the double bubbles are equal to a double yellow line, and it is therefore legal to turn over them into a driveway. Don will write a letter to the Ithaca Journal and thank travelers for their patience through the whole reconstruction process and point out the features of the road and how to use it.

Lynn stated that people don't know that there is a double right turn off the Route 13 ramp when you are heading south. The traffic was awful last Friday and Lynn feels there must have been a failure with the timing of the traffic lights. Don thinks that the pedestrian light has an affect on the timing. Don is meeting with NYSDOT tomorrow so he will bring this up and have them look into it. It was explained that the traffic lights are controlled by the State. The only one the Village controls is the one at Graham Road. Ned thinks that people don't realize they can get into the Mall by going down to Catherwood or Graham Road. The Board was unsure if something is not working correctly or if it was just pure volume. O'Neill thinks this may be an inconvenience that only happens a few times a year. Don thinks there may be a problem. Don feels we are doing a lot better this year than in the past.

O'Neill asked if Don has heard any more on water tank painting. Don stated that first they are in the process of upgrading the pumps by 30%. The water system is radio operated. We are getting very close to being a totally automated stand-alone system.

Don announced that the annual Christmas Party at his home is December 20th at 5:30 pm.

Motion- To Adjourn

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

Mayor Donald Hartill-Aye
Aye Trustee Frank Moore- Aye

Trustee Larry Fresinski-Aye
Trustee John O'Neill-Aye

Trustee Lynn Leopold-

The meeting adjourned at 8:55 PM.

Jodi Dake

Clerk/Treasurer