

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, April 16, 2007, in the Village Office.

Present: Mayor Hartill; Trustees, Larry Fresinski, John O'Neill and Frank Moore; Clerk/Treasurer Jodi Dake; Attorney David Dubow; Planning Board Chairman Ned Hickey.

Mayor Hartill called the meeting to order at 7:45 P.M. and opened the public comment period. The Mayor apologized for getting started late but there were some issues that needed to be discussed with legal counsel. 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 Frank Moore- Aye	Trustee Larry
Fresinski Aye	Trustee John O'Neill-Aye	

Motion-To Open the Public Hearing on the Proposed 2007-08 Budget

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

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

Mayor Hartill explained that one modification that needs to be made to the budget has to do with the Northwoods Project. He explained that \$270,000 was in the 2006-07 budget to complete this project, but due to issues out of our control, this project will not go out to bid until our next budget year. Therefore, this amount will be rolled into the appropriated fund balance and added to the appropriations line item A5112.2, Permanent Improvements, Capital Outlay. When we originally started the budget process we thought it would be out to bid by now. The design is complete and looks very nice. However, there has been a delay in getting the road dedication finalized so it can't go out to bid until that is complete.

Don asked if anyone came in to look at a copy of the proposed budget. It was confirmed that no one has had any questions on our proposed budget and tax decrease. It was acknowledged that Larry had written a nice article on the budget for the newspaper. Don stated that through the years we have looked very closely at the cost of projects and judged our need. The only debt the Village has is a bond for the Sewer Collector System from 1986. We looked into refinancing this indebtedness, but in the long run it would cost the Village more money to do so. The Village does a good job of managing on a cash basis.

Motion-To Close the Public Hearing on the Proposed 2007-08 Budget

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

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

Resolution#5315- To Adopt the 2007-08 Proposed Budget as the Official Budget with the Modification of Increasing line item A5110.2 and Increasing the Appropriated Cash Surplus By \$270,000 in the

General Fund

Trustee Fresinski moved to adopt the budget. 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		

Mayor Hartill explained that Dave Putnam was unable to make it tonight to give the engineers report. Don spoke with him and his only comments were on the Northwood Road Project, which we already discussed. Don, John Courtney & Dave toured Dart Road to see what the best solution would be for sidewalks. It was decided that the sidewalk will run down the south side of Dart Drive and be separated by a small area from the driver's lane. The north side ditch will be filled in with a drainage structure. There will be no curbing, similar to the new section of N. Triphammer Road in the Town of Lansing. TG Miller's workload is too large, so one of the ideas is to have them do the sketch design and then have someone else do detail drawings. Frank questioned whether there is a safety issue with no curb between the road and the sidewalk. Don will check into this. The project will go down as far as Swartout. Ned Hickey asked if the sidewalk would go in front of the empty land on Dart Drive. It will, and if they decide to build there they will be responsible for maintaining it in its original state. Another problem with no curbing is that people drive in the yard and then you have a maintenance issue. Frank thinks curbing on both sides slows down traffic because there is a sense of a more urban road rather than a county road. Ned feels that curbs on both sides of the road also help to better maintain the condition of a road. Don pointed out that base and drainage are key to a road lasting longer. John O'Neill thought we should review speed control methods such as moving the curbs out slightly and then back in. The problem with this is snow plowing. Don promised that we will find an appropriate solution.

Next on the agenda was the approval of minutes from March 15 & 19, 2007.

Motion - To Approve the Minutes from March 15 & 19, 2007

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 Moore seconded the motion. A vote was taken:

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

The next item on the agenda was to consider accepting the Northwoods dedication map. The mayor explained that because this is not ready it will have to be placed on the May agenda.

It was reported that Diane Schmidt has agreed to serve on the Youth Commission.

Resolution#5316-To Appoint Diane Schmidt to the Tompkins County Youth Commission

Trustee Fresinski moved this resolution and 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	

Ned Hickey stated that the Planning Board has recommended Richard Durst as the Alternate Member for the Planning Board. Richard is a retired professor who lives on Cayuga Heights Road. Frank stated that Richard was appointed to the sewer committee when it was formed. So as to coordinate his appointment with the Village's official year, it was decided that the Board would appoint him at the May Organizational Meeting.

A new State requirement for Board members is that they have four hours of training. The Planning Board has already started this. Ned stated that they have already done training on porous surfaces for parking lots, green living roofs and a course given by Trowbridge & Wolf on sidewalks. Three Planning Board members have already completed their four

hours of training. If a member of the Board goes to training and then comes back with the material and trains the other Board members, this would be equal to a training session. Jodi is keeping a log of all training completed.

David Dubow stated that in the last 2-3 years he has done a training session for the BZA on their duties and responsibilities. Zoning and variance issues are more specific. Mayor Hartill suggested that since the BZA is paid on a per meeting basis, a training session would equal a meeting for compensation purposes.

Resolution #5317-Establishing Mandatory Training for Planning Boards
& Zoning Boards of Appeal

WHEREAS, the adoption and implementation of Local Land Use decisions have a profound effect on the character of a community and the well being of its citizens; and

WHEREAS, well considered and timely decisions, consistent with those laws and regulations attract quality community development, result in fewer lawsuits and generally decrease the discord within the community; and

WHEREAS, the Board of Trustees desires to provide, for the benefit of its citizens, a well trained and knowledgeable body of officials to administer the Local Land Use process.

NOW THEREFORE BE IT RESOLVED, as follows:

1. Pursuant to the provisions of Village Law Sections 7-712 and 7-718 all Planning Board and Zoning Board of Appeals members shall be required to complete at least four (4) hours of suitable training per year.
2. The authority to determine suitable training is hereby delegated from the Board of Trustees to the Planning and Zoning Board chairs, who shall note annually in Board minutes the selected training.
3. The training requirement may be satisfied by educational activities substantially devoted to planning, zoning or other land use issues, such as 1) attending conferences, seminars or workshops; 2) participating in on-line training or tutorials; 3) attending college courses; 4) reading journal articles or books; or 5) any other educational activities considered acceptable by the respective Board chair. Training may be offered by a municipality, regional or county planning office or commission, county, regional or state planning federation, state agency, statewide municipal association, college or university or other similar entity.
4. A record of annual completion of training shall be maintained by the Village Clerk, and a copy provided to the Board of Trustees prior to considering a Planning Board or Zoning Board member for reappointment. Eligibility for reappointment to these Boards shall be conditioned upon completion of training prior to the end of each official year.
5. Suitable training in excess of four (4) hours per year may be accumulated and carried over into the succeeding year for the purpose of satisfying these training requirements.

Trustee Fresinski moved this resolution and 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	

Jodi has previously forwarded to the Board members the three proposed local laws prepared by Dubow. The Proposed Local Law covering the sewer and water surcharge rates is designated "D," which might appear out of sequence since the Board has only considered thus far this year Local Law A (which was adopted as Local Law 1). The explanation was as follows: David just presented to the Planning Board Proposed Local Laws B and C providing for amendments to the Village Code/Zoning Law as to certain steep slope conservation combining district matters and certain SEQR/environmental review matters that have been discussed by the Planning Board over the last few months. Both of these Proposed Local Laws were approved by the Planning Board, and a resolution was adopted favorably recommending both to the Board of Trustees.

Dubow explained that Proposed Local Laws B & C are clean up type amendments. They are for residential areas only, and were initiated by Ben Curtis, Code & Zoning Officer. We are trying to clarify and leave less to interpretation.

Proposed Local Law B (2007) has to do with Steep Slope Conservation Combining District provisions in the Village Zoning Law. The intent is to provide a more accurate and clarified description of the dimensions and boundaries of those areas of the Village of Lansing that are to be deemed included as part of one or more Steep Slope Conservation Combining Districts, and so as to further provide for those instances when Special Permit approval and environmental review by the Planning Board are not required for a proposed use in a Steep Slope Conservation Combining District within the Village.

Dubow explained that if a large lot has a small area with a steep slope in one area that does not affect a different area being considered for a proposed project, then the Village engineer can determine that there will be no adverse environmental effects and it will not require a Special Permit. This will help to avoid unnecessary work and proceedings before the Planning Board by having the engineer make the initial determination.

Proposed Local Law C (2007) provides for certain amended provisions applicable to the Conservation Combining District SEQR and environmental review requirements. This law will provide in each case clarification as to the applicability of the State Environmental Quality Review Act (SEQRA) or other local environmental review procedures on the granting of Special Permits, including those for uses within a Drainage Way Conservation Combining District, a Steep Slope Conservation Combining District and/or a Unique Natural Area Conservation Combining District. Dubow explained that Proposed Local Law C cleans up language on environmental review. Most of this has come up during the Planning Board's review of Special Permit applications.

Proposed Local Law D (2007) provides for amendments to the appropriate Village Code sections so as to reduce (from 50% to 30%) the sewer surcharge for those Village property owners connected to the Village water system as well as those Village property owners not connected to the Village water system (i.e., Morse Chain).

The Mayor entertained a motion to set three public hearing for the first meeting in May.

Resolution #5318- To Set a Public Hearing for Proposed Local Law B (2007), Amendment to Village of Lansing to Consider Amending the Village Zoning Law Steep Slope Conservation Combining District Provisions for Monday May 7, 2007 at 7:35pm

Trustee Fresinski moved this resolution and 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

Resolution #5319- To Set a Public Hearing for Proposed Local Law C (2007), to Consider Amending the Village Zoning Law Conservation Combining District SEQR and Environmental Review Provisions for Monday May 7, 2007 at 7:40pm

Trustee Fresinski moved this resolution and 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

Resolution #5320- To Set a Public Hearing for Proposed Local Law D (2007), to Consider Amending the Village Code-Sewer Rents for Monday May 7, 2007 at 7:45pm

Trustee Fresinski moved this resolution and 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

Pursuant to our recent discussions regarding the anticipated reductions in the water and sewer surcharges resulting from the proposed 2007 – 2008 Village budget, a proposed resolution providing for the same proportionate reduction in the water surcharge was also distributed to the Board.

Resolution# 5321- To Approve the Decrease in the Surcharge for Water Services Imposed by the Village of Lansing

WHEREAS, the Village of Lansing has heretofore imposed and collected a surcharge of fifty percent (50%) for water services in addition to the water rates charged for water services; and

WHEREAS, based upon the Village of Lansing's consideration of a variety of fiscal and budgetary factors, the Village has determined that such water surcharge should appropriately be decreased from fifty percent (50%) to thirty percent (30%);

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Lansing as follows:

1. The water rate surcharge imposed and collected by the Village of Lansing shall be equal to thirty percent (30%) of the water rate charges payable by each owner of property that is provided with water service by connection to the Village of Lansing Water System.
2. All water rents and rate schedules adopted by the Village of Lansing prior hereto not inconsistent with the terms and provisions of this resolution shall continue to be binding and effective.
3. The surcharge on water rates set forth in this resolution shall be effective for the Bolton Point quarterly billing on July 1, 2007, and thereafter until otherwise modified by the Village of Lansing as permitted and required by law.

Trustee O'Neill moved this resolution and 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	

Jodi stated that when a person presents a check to the Village and it is returned for insufficient funds, there is a \$10 or \$19 charge from our banks. Jodi called M&T Bank and they told her that a NSF fee is \$19. The Tompkins County Trust Company charges \$10.00. The Village of Lansing in turn charges the offender a \$20 fee for bouncing a check. Carol has pointed out that the last documentation she can find is from 1990 that states we only charge \$15. Instead of spending a lot of time looking for this documentation, Jodi suggested the Board consider passing another resolution. Jodi confirmed with NYCOM that General Municipal Law 85 authorizes municipalities to impose a maximum fee of \$20. In 1990 the maximum was \$15.00. Larry asked if this \$20 fee was usual for what may be a \$40 water payment check from a resident. Jodi stated that the last most recent two bounced checks were over \$7,000. John asked how many bounced checks are received. Jodi stated that there aren't many, maybe two a year. John noted that there is also time that is spent by our Clerk to rectify the problem and thought \$20 was appropriate.

Res#5322-To Set the Charge for a Returned for Insufficient Funds Check at \$20

Whereas, General Municipal Law 85 provides that a governing body of a municipal corporation may by resolution, impose an appropriate fee, not to exceed Twenty and no/100 (\$20.00) Dollars to be added to any account owing to the municipal corporation where a tendered payment of such account was by a check or other written order which was returned for insufficient funds and to thereafter require future payments to be tendered in cash or by certified or cashier's check;

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Trustees of the Village of Lansing does hereby adopt a service charge in the amount of Twenty and no/100 (\$20.00) Dollars to be added to any account owing to the Village of Lansing where a tendered payment of such account was by check or other written order returned for insufficient funds; and be it further

RESOLVED, whenever the account owing to the Village of Lansing is for a tax, special ad valorem levy or special assessment, the service charge authorized by this Resolution shall be included on whatever list of delinquent accounts is prepared for the enforcement of any lien associated with such tax, special ad valorem levy or special assessment; and be it further

RESOLVED, any such service charge shall be collected in the same manner prescribed by law for the collection of the account for which the check was tendered; and be it further

RESOLVED, that in the event such service charge is hereafter imposed against any payer, the Village of Lansing may require future payments by such payer to be tendered in cash or by certified or cashier's check; and be it further

RESOLVED, that 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 Frank Moore- Aye	Trustee Larry
Fresinski Aye	Trustee John O'Neill-Aye	

During general discussion John O'Neill informed the Board that he would be contacting DEC this week regarding deer hunting. Mayor Hartill asked Dubow what the Village could do to indemnify this enterprise. John will also raise this question with DEC. Don wants to be very clear in what we can legally do.

The next intermunicipal sewer meeting is at the end of the month. They are now trying to meet every two weeks. The question of a municipality owning sewer lines in another municipality came up. Jodi will contact NYCOM and see if they can answer that question.

Mayor Hartill stated that the estimate for the cost of the Crossmore appraisal has come in and is higher than first expected. The Mayor asked the Board to authorize the Village of Lansing to spend up to \$7,000.

Resolution #5323-To Amend the Dollar Amount in Resolution # 5312 to Authorize the Village to Pay for an Appraisal of Crossmore Property of an Amount Not To Exceed \$7,000.

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

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

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 John O'Neill-
Aye	Trustee Frank Moore- Aye	

The meeting adjourned at 9:00 PM.

Jodi Dake

Clerk/Treasurer

