

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, July 7, 2008, in the Village Office.

Present: Mayor Donald Hartill; Trustees, Larry Fresinski, Lynn Leopold, and Julie Baker; Clerk/Treasurer Jodi Dake; Attorney David Dubow.

Mayor Hartill called the meeting to order at 7:33 P.M. and opened the public comment period. There were no comments.

Motion-To Close the Public Comment Period

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

Mayor Donald Hartill-Aye	Trustee Lynn Leopold-Aye
Trustee Julie Baker-Aye	Trustee Larry Fresinski-Aye

Motion-To Open the Public Hearing on Proposed Local Law C(2008)-Amendment to Village of Lansing Code-Zoning Law-Religious Facility Use in Commercial High Traffic District and Mixed Use in Commercial High Traffic District,

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

Mayor Donald Hartill-Aye	Trustee Lynn Leopold-Aye
Trustee Julie Baker-Aye	Trustee Larry Fresinski-Aye

David Dubow explained that Proposed Local Law C was presented at the last meeting. It came to the attention of the Planning Board that there is a disparity in the Village's Zoning Law with respect to where "Religious Facilities" are permitted with special permit. Currently, they are permitted in the Low Density, Medium Density and High Density Residential Districts and in the Commercial Low Traffic District, but not in the Commercial High Traffic District. An application has come to the Village for possible use for a religious facility in the old Bishops store in the Small Mall. Larry again asked if anyone has figured out why a religious facility is not a permitted use in the Commercial High Traffic District. It is still unknown why it wasn't included. Mayor Hartill thinks that it probably was a pure oversight. This proposed local law provides for the amendment of the Village Code/Zoning Law so as to permit a "religious facility" use in the Village's Commercial High Traffic District (CHT) areas. This change requires an amendment to section 145-43 of the Village Code which covers CHT permitted uses and related dimensional provisions, and also an amendment to section 145-81 wherein

the Chart of Uses sublisting for “Religious facility” will need to be revised to include the CHT as an additional District in which this religious facility use is permitted with Special Permit/General Conditions.

David also pointed that there is a second clean up provision which includes an additional amendment to section 145-81 providing for a similar revision in the Chart of Uses as to the “Mixed use” sublisting to reflect that this mixed use is permitted in the CHT with Special Permit/General and Additional Conditions. He explained that in the process of preparing this local law which is focused on the religious facility use, he discovered that Local Law 9 (2007), which was adopted last December and which provided for the addition of “Mixed Use” in the CHT, did not specifically provide for the related change in the section 145-81 Chart of Uses. Accordingly, he has incorporated that amendment into this local law.

David indicated that the proposed local law was referred to the County Planning Department for General Municipal Law section 239-1 and -m review and they have determined that it has no negative intercommunity, or county-wide impacts.

#### Motion-To Close the Public Hearing

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

Mayor Donald Hartill-Aye  
Trustee Julie Baker-Aye

Trustee Lynn Leopold-Aye  
Trustee Larry Fresinski-Aye

The Mayor stated that we will come back to this issue later in the meeting.

John Bailey of the George B. Bailey Insurance Agency was present to give his annual brief summary of the Village’s insurance coverage.

### VILLAGE OF LANSING COVERAGE DESCRIPTIONS

#### PROPERTY

Coverage will continue to be written, for both building and contents, on a blanket replacement value basis in the amount of \$1,523,082. This amount is an increase from last year’s amount of \$1,460,370 due to the purchase of new equipment. This means that \$1,523,082 would be available to replace any structure and its contents, listed in the policy. By providing coverage in this manner, the Village would be assured of having enough coverage to replace any structures and contents, owned by the Village. A property deductible is \$1,000 per occurrence.

Coverage is provided for any direct physical loss to buildings or contents, subject to specific standard

exclusions in the policy, i.e. Flood, Earthquake, Law or Ordinance, etc.

### GENERAL LIABILITY

The Commercial General Liability policy provides liability coverage for Bodily Injury and Property Damage arising out of the operations of the Village. It also covers the existence hazards of streets and roads that the Village is responsible for maintaining.

The premium is based upon the expenditures in the budget and the road miles that the Village is responsible for maintaining. John explained that the Village is only negligent if the clerk has received a written notice of problem and nothing is done about it after the Village was made aware of the problem. He also explained that the total General Liability the Village has is \$4 million because we have a \$3 million umbrella policy.

No deductible applies to General Liability claims.

### AUTOMOBILE

The Automobile policy covers all owned, non-owned and hired automobiles used by the Village. A coverage amount of \$1,000,000 is provided for Bodily Injury and Property Damage liability. Collision and Comprehensive are provided on the 2005 Chevrolet and 2007 Chevrolet, 2008 Chevrolet with \$250 deductibles.

### CONTRACTORS EQUIPMENT FLOATER (Inland Marine Coverage)

This policy covers contractor's equipment owned by the Village. It includes such items as lawn mowers, backhoes, tractors and larger vehicles like dump trucks. The deductible applicable to losses on this policy is \$250 per occurrence. The rates are more favorable to have the dump truck listed under this policy instead of under the Automobile policy.

### UMBRELLA

The Umbrella policy provides excess liability coverage of \$3,000,000 over the primary limits of liability on the General Liability, Public Officials Liability and Automobile Liability. This combines to provide the Village a total of \$4,000,000 of coverage for any judgments related to the above policies. The Village increased the coverage amount from \$1,000,000 to \$3,000,000 in 1999.

### BOILER & MACHINERY

The policy covers a wide range of equipment including breakdown of such things as mechanical or electrical equipment, boilers and pressure vessels, air conditioning and refrigeration equipment, computer and communication systems. This policy has a \$1,000 deductible.

### OWNERS & CONTRACTORS PROTECTIVE LIABILITY (OCP)

An OCP policy is provided in the amount of \$1,000,000 for special hauling and work permits

required by the State of New York and Tompkins County.

#### PUBLIC OFFICIALS LIABILITY

This policy covers Village Officials for civil claim or claims first made against the Village because of a “wrongful act” rendered in discharging their duties on behalf of the Village. A “wrongful act” means any alleged or actual breach of duty, or violation of federal, state, or local civil rights, by an insured while acting within the scope of his/her duties as a public official. This provides \$1 million coverage. A \$2,500 deductible applies per claim.

#### PUBLIC EMPLOYEE BOND

This coverage protects the Village for the dishonest acts of its employees. \$100,000 of coverage is provided per employee should they be involved in stealing property or money from the Village. An additional \$15,000 of coverage is applicable to those individuals occupying the position of Mayor and Village Clerk. \$70,000 of additional coverage is applicable to the person occupying the position of Tax Collector. A \$1,000 deductible applies to this policy.

The Board wondered if this amount was high enough. John will get back to the Village as to the cost to increase it.

#### SELECTIVE INSURANCE COMPANY PREMIUM SUMMARY

COVERAGE	2007-2008	2008-09
General Liability	\$6,508	\$7,010
Automobile	\$2,490	\$3,282
Inland Marine	\$600	\$ 686
Property	\$2,442	
\$2,547		
Umbrella	\$3,329	\$3,266
OCP (Owners and Contractors Protective)	\$255	\$ 255
Public Employee Bond	\$385	\$ 385
Public Officials Liability	\$3,429	\$3,443
Boiler & Machinery	INCL.	INCL.
TOTAL ANNUAL PREMIUM	\$19,438	\$20,874

Larry asked John Bailey if we should have flood insurance. John stated that he doesn't recommend it unless you're in a flood zone. The Village doesn't have that exposure. Larry also asked if there would be significant savings if we were to increase our deductible on the Inland marine coverage. John stated that due to the size of our premium, it would not be worthwhile as there would only be an approximate

savings of \$30 annually. David inquired of John as to his opinion on whether the Village's liability coverage (including the umbrella policy) is still sufficient. Larry followed up with a question as to whether in the last 30 years any municipality in the area has increased its coverage. John thinks that the highest umbrella in the area is in the \$5 million range but that is generally for municipalities with more vehicles, larger geographic areas and/or police departments. Larry feels that there is no reason to go higher based on this comparison. John stated that he is confident in the Village's insurance carrier and the amount of coverage we have. He explained that we are presently in a soft market so rates are flat or have even lowered slightly. John will get the Village some real numbers as to what the cost would be per million to increase the umbrella policy coverage. He appreciates the fact the Village staff keeps him informed. Don stated that we have also been pleased with their service.

The Board went back to the matter of Proposed Local Law C (2008) and proceeded with the completion of the SEQR Short Environmental Assessment Form, hereupon it found that the proposed Zoning Law amendment would not result in any significant adverse environmental impacts.

Resolution #5466- To Adopt the SEQR Negative Declaration

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law C (2008), to be designated Local Law 3 (2008) upon its adoption, to: (i) amend Section 145-43 [entitled "Commercial High Traffic District (CHT)"] of Chapter 145 (entitled "Zoning") of the Village of Lansing Code by adding under subsection 145-43D(1) thereof "Religious facility" [as defined in section 145-3 (entitled "terms defined") of the Village of Lansing Code] as a permitted use with Special Permit, General Conditions; (ii) amend Section 145-81 (entitled "Chart of Uses") of the Village of Lansing Code so as to have the sublisting "Religious facility" reflect such use as being permitted, with Special Permit, General Conditions in the Village's Commercial High Traffic District (CHT) in addition to it currently being so permitted in the Village's Low Density Residential District (LDR), Medium Density Residential District (MDR), High Density Residential District (HDR) and Commercial Low Traffic District (CLT); and (iii) amend Section 145-81 (entitled "Chart of Uses") of the Village of Lansing Code so as to have the sublisting "Mixed Use" reflect such use as being permitted with Special Permit, General and Additional Conditions, in the Village's Commercial High Traffic District (CHT) in addition to it being so permitted in the Village's Commercial Low Traffic District (CLT), such amendment of Section 145-81 having been inadvertently omitted from previously adopted Local Law No. 9 (2007); and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Board of Trustees is an involved agency for the purposes of environmental review; and
- C. On July 7, 2008, the Village of Lansing Board of Trustees, 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”), (i) thoroughly reviewed the Short Environmental Assessment Form (the “Short EAF”), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:**

1. The Village of Lansing Board of Trustees, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“**NEGATIVE DECLARATION**”) in accordance with SEQR for the above referenced proposed action, and determines that neither a Full Environmental Assessment Form, nor an Environmental Impact Statement will be required; and:
2. The Responsible Officer of the Village of Lansing Board of Trustees is hereby authorized and directed to complete and sign as required the Short EAF, Part III, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

Trustee Leopold moved accept this resolution. Trustee Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Julie Baker-Aye

Trustee Lynn Leopold-Aye  
Trustee Larry Fresinski-Aye

The Board then proceeded with action on the adoption of Proposed Local Law C (2008), to be designated Local Law 3 (2008).

Resolution #5467- To Adopt Proposed Local Law C (2008), to be  
designated Local Law 3 (2008)

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law C (2008), to be designated Local Law 3 (2008) upon its adoption, to: (i) amend Section 145-43 [entitled “Commercial High Traffic District (CHT)”] of Chapter 145 (entitled “Zoning”) of the Village of Lansing Code by adding under subsection 145-43D(1) thereof “Religious facility” [as defined in section 145-3 (entitled “terms defined”) of the Village of Lansing Code] as a permitted use with Special Permit, General Conditions; (ii) amend Section 145-81 (entitled “Chart of Uses”) of the Village of Lansing Code so as to have the sublisting “Religious facility” reflect such use as being permitted, with Special Permit, General Conditions in the Village’s Commercial High Traffic District (CHT) in addition to it currently being so permitted in the Village’s Low Density Residential District (LDR), Medium Density Residential District (MDR), High Density Residential District (HDR) and Commercial Low Traffic District (CLT); and (iii) amend Section 145-81 (entitled “Chart of Uses”) of the Village of Lansing Code so as to have the sublisting “Mixed Use” reflect such use as being permitted with Special Permit, General and Additional Conditions, in the Village’s Commercial High Traffic District (CHT) in addition to it being so permitted in the Village’s Commercial Low Traffic District (CLT), such amendment of Section 145-81 having been inadvertently omitted from previously adopted Local Law No. 9 (2007);
- B. The Village of Lansing Planning Board has (i) performed a review of the proposed action and (ii) referred such proposed action to the Village of Lansing Board of Trustees with a recommendation for its approval; and
- C. On June 16, 2008, the Village of Lansing Board of Trustees preliminarily discussed the purposes and intent of Proposed Local Law C (2008), and thereupon scheduled a public hearing thereon for July 7, 2008; and
- D. On July 7, 2008, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) Proposed Local Law C (2008), (ii) the Village of Lansing Planning Board’s recommendation of the proposed action, (iii) all other information and materials rightfully before the Board, and (iv) all issues raised during the public hearing and/or otherwise raised in the course of the Board’s deliberations; and
- E. On July 7, 2008, the Village of Lansing Board of Trustees determined that the proposed action is an Unlisted Action for which the Board is an involved agency, and thereupon, 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”), the Board (i) thoroughly reviewed the Short Environmental Assessment Form (the “Short EAF”), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and

its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part 2; and (iv) 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

- F. On July 7, 2008, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law C (2008), (ii) the Village of Lansing Planning Board’s recommendation of the proposed action, (iii) all other information and materials rightfully before the Board, and (iv) all issues raised during the public hearing and/or otherwise raised in the course of the Board’s deliberations;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:**

1. The Village of Lansing Board of Trustees hereby adopts the attached Proposed Local Law C (2008), to be designated Local Law 3 (2008).

Trustee Fresinski moved accept this resolution. Trustee Baker seconded the motion.  
A vote was taken:

Mayor Donald Hartill-Aye	Trustee Lynn Leopold-Aye
Trustee Julie Baker-Aye	Trustee Larry Fresinski-Aye

Jodi stated that there were only three Trustees at the June 12<sup>th</sup> meeting, one of which was John O’Neill. In light of John’s recent illness and the uncertainty as to when he might return, Dubow stated that under those circumstances the Board could approve the minutes with the other two Trustees since John will be unavailable for an extended period of time.

Motion - To Approve the Minutes from June 12<sup>th</sup>, 2008.

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 Baker seconded the motion. A vote was taken:

Mayor Donald Hartill-Abstain	Trustee Julie Baker-Aye
Trustee Larry Fresinski-Abstain	Trustee Lynn Leopold –Aye

Motion - To Approve the Minutes from June 16<sup>th</sup>, 2008.

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:

Mayor Donald Hartill-Aye  
Trustee Larry Fresinski-Aye

Trustee Julie Baker-Aye  
Trustee Lynn Leopold –Aye

The next item on the agenda was to create a Code Committee. Mayor Hartill explained that this has to do with the New York State Building Code. Dubow stated that currently we are nonconforming as of the end of 2006 with the requirement for adoption of a modified Code Administration local law. He explained that our current Village Code includes provisions as to the administration of the Building Code and that Ben Curtis has struggled with the consolidation of those existing provisions and certain additional provisions and requirements provided for in the State model law and has finally completed a first draft of a proposed local law for the Village. Don would like a group to review this new proposed law and work with Ben to complete the process. Julie Baker has already volunteered and has met with Ben. David Dubow has also gotten a copy from Ben and will be reviewing. Lynn stated that she would be happy to help since she is the liaison to the Planning Board. David Dubow stated that this is a little like the Stormwater Management local law that the Village adopted at the end of 2007. It was acknowledged that one of the issues in the Code Enforcement law is the imposition of certain new fees. Don stated that he is a little reluctant to charge fees if we haven't in the past. Electrical fees that the Village is currently collecting are intended to cover our expense to hire Floyd to do the inspections. He would like us to look at the other proposed fees from this same point of view. Don would like this resolved by fall.

Don stated that Bolton Point has recoupled the old pump in the portion of the building adjacent to the Village offices and it is now remotely controlled. They plan to only run the big pumps outside of work and meeting hours. During the day they will run the 125HP pumps. Don asked Jodi to send Paul a list of all our meetings so he can make sure that the pumps are off during those times.

The Mayor stated that he had gone to visit John O'Neill in the hospital before the meeting and he seems to be in good spirits. He is having trouble communicating but he understands others. Don thinks he will return as a Trustee, but is unsure when. The community is working together to get his wife home from the hospital every evening since she doesn't drive. Julie stated that Karen Hayes is scheduling this. Don stated that he will take over the deer hunt issue in John's absence. He is in communication with Ken Horowitz regarding this matter.

At the Water Commission meeting Don learned that there is a proposal for an area in the Town near the used car dealer to have a housing development with a package sewer treatment plant. The property is owned by Ron Seacord. The developer would install the plant and then it would be turned over to the Town of Lansing to be maintained. John O'Neill had been attending the Town meetings, so Don plans on attending the next one. Don has not had any interaction with the Village of Cayuga Heights Mayor. He understands that he is very busy negotiation with two unions right now.

Larry stated that he still has not heard anything from Time Warner Cable on our internet service.

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 Julie Baker-Aye  
Trustee Lynn Leopold –Aye

The meeting adjourned at 8:40 PM.

Jodi Dake  
Clerk/Treasurer