

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, June 1, 2009, in the Village Office.

Present: Mayor Donald Hartill; Trustees Julie Baker, Lynn Leopold, John O'Neill and Larry Fresinski. Clerk/Treasurer Jodi Dake; Attorney David Dubow; Planning Board Member, Richard Durst

Mayor Hartill called the meeting to order at 7:30 P.M. and opened the public comment period. There were no comments.

Motion-To Close the Public Comment Period

Trustee Baker moved to close the public comment period. Trustee O'Neill seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Julie Baker-Aye

Trustee Larry Fresinski -Aye
Trustee Lynn Leopold-Aye

Tony Nekut, 844 Cayuga Heights Road, the Village's representative on the Environmental Management Council (EMC), was present to give a report on the Council's activity. Tony indicated that in January he got involved with the EMC because he thought it would be a good way to get better access to County government with respect to environmental issues. It was explained that the Council was created based upon State enabling legislation. Tony feels that there is a loose linkage between the EMC and the County government. Tony is very interested in biomass development so he volunteered to be the committee chair for the energy committee. His experience thus far is that EMC members are somewhat independent and getting his committee together to meet has been a bit difficult. He does have one person from Cornell with whom he which is working on sustainable forest management. They would like to see tax suspension or another type of abatement program for renewable energy installation. One of the projects he is pursuing is a pellet plant. He would like to see biomass heating instead of fossil fuel. Don asked what level of interaction is taking place at the EMC level. Tony stated that they meet once a month and half of the meeting is usually a speaker which is then followed by administrative tasks. At the next meeting there will not be a speaker. They will be discussing what to do with the problem of getting committees to meet. Lynn sees the EMC as a way to get communication from advisors to the County. Tony feels there is not much leadership. Lynn asked if there was any help from the County Planning Department. Tony stated that there seemed to be one guy involved. Amy Riser is currently the EMC chair. There are renewable energy projects going on at Cornell, but Tony is not seeing and interaction with the County. Tony is involved with a landowner coop in Danby which receives an agricultural exemption to grow energy crops.

Next on the agenda was to consider the approval of the minutes for May 14th & 18th.

Motion - To Approve the Minutes from May 14 & 18th, 2009.

Trustee Baker 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 John O'Neill-Aye
Trustee Julie Baker-Aye

Trustee Larry Fresinski -Aye
Trustee Lynn Leopold-Aye

Lynn presented the Village's Annual Stormwater Report. The Board members were given the following Executive Summary:

Executive Summary

2008-2009 Annual Report for Phase II SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) Village of Lansing, June 1, 2009 Public Presentation

This Annual Report has been prepared in compliance with the NYS Department of Environmental Conservation permitting requirements for small (Municipal Separate Storm Sewer Systems (MS4s), which includes the Village of Lansing. The Village has been required to meet the new EPA Phase II Stormwater regulations since 2003 and has been working toward full permit compliance. This Annual Report documents the progress that the Village made toward compliance, covering the period from March 10, 2008 through March 9, 2009. Below is a summary of the six Minimum Control Measures (MCMs), which include:

- Public Education and Outreach on Stormwater Impacts
- Public Involvement/Participation
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management
- Pollution Prevention/Good Housekeeping for Municipal Operations

MCM 1: Public Education/Outreach on Stormwater Impacts

The Village is represented on the Stormwater Coalition of Tompkins County, which has coordinated many public education and outreach opportunities for Stormwater education. Efforts include: providing trainings for local officials, contractors and others on controlling Stormwater. Other entities, such as the Cayuga Lake Watershed Intermunicipal Organization, of which the Village is a member, Tompkins County Soil and Water Conservation District, and the Cayuga Lake Watershed Network, provide stormwater educational programs, such as the Floating Classroom, Lake Fest, training for local officials, contractors and builders. A list of these activities is in the Annual Report.

MCM 2: Public Involvement/Participation

As with MCM 1, the Village has benefited from the efforts of many organizations and agencies to include public in stormwater activities, such as litter clean-ups, stream bank stabilizations, trash and hazardous waste management and volunteer monitoring of local

streams and the Lake, Floating Classroom tours for school children and adults. See the Annual Report for more detail.

MCM 3: Illicit Discharge Detection and Elimination

The Village has not yet adopted required legislation to control illicit discharges to Village waterways and storm sewers, but hopes to have this done this summer. Illicit discharges, such as dumping wastewater directly into the Village's storm sewers, are already prohibited under the Tompkins County Sanitary Code. Other discharges, such as dumping waste oil or other pollutants into the storm sewer system, ditches or streams, must be prohibited by Village law. Department of Public Works staff routinely inspect and repair, if needed, stormwater conveyance and treatment systems within the Village.

MCM 4: Construction Site Stormwater Runoff Control

Developers in the Village must abide by the Stormwater law of 2007 when designing and implementing developments that disturb one acre of land or more. New developments must submit Stormwater Pollution Prevent Plans, which the Village Planning Board/Engineer reviews. Construction sites must be monitored by licensed engineers who are trained in stormwater management.

MCM 5: Post-Construction Stormwater Management

This requirement is much like the previous one, except that once the development is finished, the area must be monitored to ensure that stormwater does not cause erosion that will carry sediment off the site. These activities are now covered under our local law.

MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations

The Village complies with stormwater regulations in its own municipal operations, such as highway, bridge, park, rights-of-way and building maintenance. We already have many measures in place to ensure that pollutants are properly managed and not allowed to enter our waterways. Examples: road salt is stored in its own closed building, retention basins and storm sewers checked and cleaned annually, streets swept in spring to remove sand and grit. DPW staff are responsible for inspecting and maintaining all Village stormwater conveyances and structures, as well as all outfalls, culverts and ditches.

In April, 2008, the DEC issued the new General SPDES Permits for stormwater [Construction Activities, GP-0-08-001 and the SPDES General Permit for Discharges from Municipal Separate Storm Sewer Systems (MS4s), GP-0-08-002], which covers construction activities, from May 1, 2008—April 30, 2010. The following activities relevant to our area are covered under the new permit:

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;
2. *Construction activities* involving soil disturbances of less than one (1) acre

where the Department has determined that a *SPDES* permit is required for stormwater discharges based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants* to *surface waters of the State*.

The point of this effort: the south end of Cayuga Lake is a 303 (d) listed waterbody of concern, according to the US EPA. Stormwater control efforts are meant to improve water quality by reducing sediment and pollution currently entering the lake.

Lynn offered to answer any questions regarding the foregoing Summary. She stated that we are in the first year of Phase 3. The only outreach we've done as a Village is through articles in our newsletters, although, we do have many joint activities with the Stormwater Coalition. We still need to do our Illicit Discharge Detection and Elimination Law. Lynn also handed out a copy of our Notice of Intent (NOI) which is considered to be our Stormwater Management Plan. She reported that Ben Curtis, Code officer, has enforced some issues. Mainly, the issues are found when Ben or our DPW guys are out working in the Village. We have started placing plaques on our storm drains but still have a lot to do in that regard, this work being done when the DPW has time. Lynn stated that we are four years into this program and we still have not seen any grant money or other promised funding come in. Craig Scott of Soil & Water told the coalition members that money will be coming.

Resolution #5544- To Authorize the Mayor to Sign the 2009 Annual Stormwater Report

Trustee O'Neill moved that we authorize the Mayor to sign the report and Trustee Baker seconded the motion.

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Julie Baker-Aye

Trustee Larry Fresinski -Aye
Trustee Lynn Leopold-Aye

Don stated that the next item on the agenda was to consider changing the minimum amounts in the Village's Procurement Policy. This issue comes up periodically. There are State bidding requirements for amounts over \$10,000 for purchase contracts and \$20,000 for public works contracts. Currently, the procurement policy threshold starts with 2 verbal quotes at \$500. At the organizational meeting the Board questioned whether these amounts should be increased. John O'Neill stated that things are more expensive and he feels the amounts should be increased. It was decided to increase the amounts to \$1,000 - \$5,000 for 2 verbal quotes and \$5,000 to \$10,000 for three written quotes on Purchase contracts and \$1,000 - \$5,000 for 2 verbal quotes and \$5,000 to \$20,000 for three written quotes for Public Works contracts. David Dubow also identified some other minor changes that needed to be done to the policy.

Resolution #5545- To Update the Procurement Policy as Follows:

PROCUREMENT POLICY FOR THE VILLAGE OF LANSING

- *Policy first adopted 1/7/92 resolution #2461.
- *Policy Amended 5/6/02 by Resolution#3865
- *Policy Amended 5/1/09 by Resolution#5545
- *Reviewed annually at organizational meeting.**

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, comments have been solicited from all officers in the Village involved in the procurement process, now, therefore, be it

RESOLVED, that the Village of Lansing does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE VILLAGE OF LANSING

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000; emergency purchases; certain municipal hospital purchases; goods purchased from correctional institutions; purchases under State and County contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This document may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. The purchase of all goods and services not subject to competitive bidding pursuant to Section 103 of the General municipal Law will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided.

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

| <u>Estimated Amount of Purchase Contract</u> | <u>Method</u> |
|--|---|
| \$1,000- \$5,000 | 2 verbal quotations |
| \$5,000- \$10,000 | 3 written/fax quotations or written responses to the Village's request for proposal |

| <u>Estimated Amount of Public Works Contract</u> | <u>Method</u> |
|--|---|
| \$1,000- \$5,000 | 2 verbal quotations |
| \$5,000- \$20,000 | 3 written/fax quotations or written responses to the Village's request for proposal |

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.
5. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This document will include an explanation of how the award will achieve savings or how the lowest offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.
6. Pursuant to General Municipal Law Section 104-b(2)(g), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Lansing to solicit quotations or document the basis for not accepting the lowest proposal:
 - a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Board of Trustees shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performances of the

services; and (c) whether the services require a personal relationship between the individual and the municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare or review plans, maps, and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software.

- b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
- c. Purchases of surplus and second-hand goods from any source other than a governmental entity. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
- d. Goods or services under \$1,000. The time and documentation required to purchase through this policy may be more costly than the item and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. This policy shall go into effect January 1, 1992 and will be reviewed annually.

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

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Julie Baker-Aye

Trustee Larry Fresinski -Aye
Trustee Lynn Leopold-Aye

Dubow presented Proposed Local Law C (2009) regarding amendments to the Village Sign Law with respect to directional signage. This proposed law addresses the matters that were discussed at the joint Board of Trustees/Planning Board meeting on May 18 and the follow-up discussion of the Planning Board at their meeting this past Tuesday, at which meeting the Planning Board passed a resolution recommending the proposed Sign Law amendments to the Board of Trustees. This proposed law was emailed to the Trustees this morning and copies have been distributed to each Trustee. After reviewing

the proposed law, the Board of Trustees decided to schedule a public hearing for their next meeting on June 15th.

Resolution #5546- To Set a Public Hearing for Proposed Local Law C, 2009-Amendment To Village of Lansing Code - Sign Law Local Tourist-Oriented Directional Signs and Human Health Services Identification and Directional Signs for June 15, 2009 at 7:35 at the Village of Lansing Office, 2405 N. Triphammer Rd.

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

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Julie Baker-Aye

Trustee Larry Fresinski -Aye
Trustee Lynn Leopold-Aye

Dubow went on to explain that for Homewood Suites to have this type of way-finding sign they would have to first come to the Village Board of Trustees for a license agreement to get permission to place such a sign in our road right of way.

Don reported that they have begun staging for the N. Triphammer Rd. Bridge repair project. It is anticipated that there will be one lane of southbound traffic on Route 13 under the bridge during this project. The driving lanes on the bridge have also been narrowed.

The Public Works Department has excavated the playground area in Dankert Park and is getting ready to have the new playground structure installed. The new trail through the Edelman property is almost complete. We have done a lot of work on the trails in Lansing Trails and have had many complements on it.

The water commission is concerned with some bonding issues for the planned Burdick Hill Water Tank project. Dubow has been working on this.

Dave Putnam thinks we are making progress with regard to having Northwood road conveyed to the Village. It is hopeful that we will have documentation by the end of the summer. Larry stated that he was in that area this weekend and they have paved the road leading out of Northwood.

Don stated that he would not be present for the June 15th meeting.

John O'Neill reported on the Town of Lansing meeting he attended. John handed out copies of their current policy on health insurance for retirees and a new resolution for a proposed development project that the Town would be considering on August 1st. John suggested that the Board members might want to review the retirement health insurance policy to the extent that the Village might want to explore such a policy for its employees. There was a town meeting on May 19th which he was not able to attend. He

suggested we get the minutes from that meeting. There is a Fire Commission meeting on June 10th which John O'Neill will attend.

Lynn suggested that we have Karen Veanor come in to do a presentation on the Lansing Community Council and Harbor Fest. Lynn will contact Karen to invite her.

Motion- To Go Into Executive Session to Discuss financial issues and possible or proposed litigation

Trustee Fresinski moved to go into executive session. Trustee Leopold seconded the motion to adjourn. A vote was taken:

| | |
|--------------------------|------------------------------|
| Mayor Donald Hartill-Aye | Trustee Larry Fresinski -Aye |
| Trustee John O'Neill-Aye | Trustee Lynn Leopold-Aye |
| Trustee Julie Baker-Aye | |

The Board went into executive session at 8:52pm.

Motion- To Come Out of executive session

Trustee Fresinski moved to come out of executive session. Trustee Leopold seconded the motion to adjourn. A vote was taken:

| | |
|--------------------------|------------------------------|
| Mayor Donald Hartill-Aye | Trustee Larry Fresinski -Aye |
| Trustee John O'Neill-Aye | Trustee Lynn Leopold-Aye |
| Trustee Julie Baker-Aye | |

The Board came out of executive session at 9:27pm.

Motion- To Adjourn

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

| | |
|--------------------------|------------------------------|
| Mayor Donald Hartill-Aye | Trustee Larry Fresinski -Aye |
| Trustee John O'Neill-Aye | Trustee Lynn Leopold-Aye |
| Trustee Julie Baker-Aye | |

The meeting adjourned at 9:28pm.

Jodi Dake
Clerk/Treasure