

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, November 16, 2009, in the Village Office.

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

Mayor Hartill called the meeting to order at 7:34 P.M. and opened the public comment period. Dan Veanor asked if there was a reason why the advance left turn arrow off N. Triphammer Rd. onto the north entry road to The Shops at Ithaca Mall is out of service on an intermittent basis. Larry explained that the light is not in fact out of service and that the left turn arrow is activated only when a certain number of vehicles are stacked in the lane for that left turn.

Lowell Garner spoke to the Board about the ongoing natural gas drilling public meetings and various issues that he was hoping the Village was taking an active interest in. A discussion ensued regarding the environmental issues that have been raised with respect to the newly proposed horizontal drilling and hydrofracking procedures under consideration, the NYS DEC Supplemental Generic Environmental Impact Statement for which public comment is being taken, and certain local matters such as possible water contamination and road preservation. Don stated that the Village is concerned with the impact that the traffic will have and that local road issues are essentially the only matter over which the Village has control since the NYS DEC has preempted the permit approval process. He also emphasized that raising issues without full knowledge as to relevant and underlying technical and scientific information may not be an effective approach. Lynn indicated that she had just recently attended a meeting of the Water Resource Council of which she is now a representative and that there is significant concern as to local issues related to the gas drilling. It was acknowledged that several intermunicipal efforts are underway and that the Village will continue to keep itself updated and informed so that it can protect its local interests.

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 John O'Neill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Larry Fresinski-Aye

The next item on the agenda was a public hearing on Proposed Local Law D, Amendment to Village of Lansing Code-Sewer Rents.

Motion-To Open the Public Hearing on Proposed Local Law D

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

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Larry Fresinski-Aye

David Dubow explained that we have one property that is not on Village water but is connected to the Village sewer system. The charge for sewer for Village property owners who are connected to the Village water system is 30% of their water usage. This proposed law updates Section 111-22 of the Code to reflect the increased water rate approved by the SCLIWC and the Village resulting in a sewer charge increase for non-Village water customers to \$0.80/1,000 gallons of water used with a minimum charge of \$8.00 for each quarterly billing. There were no comments from the public.

Motion-To Close the Public Hearing

Trustee Leopold moved to close the public hearing. Trustee Baker seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Larry Fresinski-Aye

Resolution #5577 -To Adopt Proposed Local Law D (2009) as
Local Law 4 (2009)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law D (2009), to be designated Local Law 4 (2009) upon its adoption, to amend subsection A of Section 111-22 [entitled "Rents for property owners not connected with Village of Lansing water system"] of Article II [entitled "Sewer Rents"] of Chapter 111 [entitled "Sewers"] of the Village of Lansing Code so as to increase the annual sewer rent charged to each owner of property who is not connected to the Village of Lansing water system to match the increase (resulting from the water rate increase) in the annual sewer rent charged to each owner of property who is connected to the Village of Lansing water system; and
- B. On November 2, 2009, the Village of Lansing Board of Trustees preliminarily discussed the purposes and intent of Proposed Local Law D (2009), and thereupon scheduled a public hearing thereon for November 16, 2009; and
- C. On November 16, 2009, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and

reviewed (i) Proposed Local Law D (2009), (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and

D. On November 16, 2009, the Village of Lansing Board of Trustees determined that the approval of the proposed action is a Type II action, and thus may be processed without further regard to Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"); and

E. On November 16, 2009, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law D (2009), (ii) all other information and materials rightfully before the Board, and (iii) 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 FOLLOWS:

1. The Village of Lansing Board of Trustees hereby adopts the attached Proposed Local Law D (2009), to be designated Local Law 4 (2009).

Trustee Leopold moved to adopt Local Law 4. Trustee Baker seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Larry Fresinski-Aye

The following is Local Law 4 (2009):

Amendment to Village of Lansing Code-Sewer Rents

SECTION I. PURPOSE & INTENT.

Based upon an increase in the water rates to be charged to owners of property that are provided with water service by connecting to the Village of Lansing Water System, and to maintain equity between such property owners and the owners of property that are not connected with and do not receive water from the Village of Lansing Water System, it is the purpose and intent of this local law to amend subsection A of Section 111-22 [entitled "Rents for property owners not connected with Village of Lansing water system"] of Article II [entitled "Sewer Rents"] of Chapter 111 [entitled "Sewers"] of the Village of Lansing Code so as to increase the annual sewer rent charged to each owner of property who is not connected to the Village of Lansing water system to match the increase (resulting from the water rate increase) in the annual sewer rent charged to each owner of property who is connected to the Village of Lansing water system.

SECTION II. AMENDMENT TO THE VILLAGE OF LANSING CODE.

Subsection A of Section 111-22 [entitled “Rents for property owners not connected with Village of Lansing water system”] of Article II [entitled “Sewer Rents”] of Chapter 111 [entitled “Sewers”] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

- A. Each property owner who is not connected with and does not receive water from the Village of Lansing Water System shall be charged, and shall be obligated to pay, an annual sewer rent charge equal to eighty cents (\$0.80) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, [with a minimum charge of \$8.00 for each quarterly billing (as provided in subsection “C” below)].**

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 its filing in the office of the Secretary of State.

The next item on the agenda was to approve the minutes from October 15th and November 2nd.

Motion - To Approve the Minutes from October 15, 2009

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 O’Neil seconded the motion. A vote was taken:

Mayor Donald Hartill-Abstain
Trustee John O’Neill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Abstain
Trustee Larry Fresinski-Aye

Motion - To Approve the Minutes from November 2, 2009

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 Baker seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Lynn Leopold-Abstain

Trustee Julie Baker-Aye
Trustee Larry Fresinski-Aye

Tompkins County Assessment sent the Village a letter informing us that the New York Legislature has increased the maximum income level for eligibility for the "Persons 56 years and older" and the "Persons with disabilities and limited income" which the Board reviewed at its November 12th meeting. In the past the Village has usually followed whatever the Town of Lansing did. Both the County and the Town of Lansing are not going to increase their current level. Jodi called down to Tompkins County Assessment to find out what the net effect would be on the Village. To increase the Senior exemption from \$27,000, which it is currently, to \$28,000 would lower the amount of taxes the Village collects by about \$100. To go to \$29,000 it would lower the amount of taxes by approximately another \$200. Currently the Village doesn't offer a "Persons with Disabilities and Limited Income" tax exemption. This exemption would only affect 4 people on the Village Tax Roll and would lower the amount of taxes the Village collects by about \$300. The Mayor is inclined to provide these types of tax relief to those who would benefit so he recommends that the Board increase to the maximum income levels allowable by the NY Legislature for both senior's and those with a disability and limited income. The Board agreed. David will prepare a law for next meeting so that the Board can then set a public hearing. Jodi added that we will have to add a chapter to our codification for persons with disabilities and limited income.

The next item on the agenda was for the Board to decide if they would like to have Halsted Communications do an audit of our cable franchise fees. The board agreed to have Halsted do the audit as long as it wasn't too much of a burden on the Village Clerk. Larry stated that it will not cost the Village anything unless Halsted finds some unpaid franchise fees, in which case they will split the amount recovered with the Village. If they find nothing they don't get paid. Jodi doesn't think it will be a problem but would like to get the contact information from Larry first so that she can find out exactly what they need.

Resolution#5578-To Enter Into An Agreement with Halsted Communications to do an Audit of Our Cable Franchise Fees Contingent Upon the Clerk's Further Research of Necessary Paperwork and her approval of the Agreement

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

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Larry Fresinski-Aye

It was reported that Candace Cima has approached Ben Curtis, Code & Zoning Officer, about the Village taking over the detention pond at the corner of N. Triphammer Rd. and Bush Lane. Ben has collected information pertaining to this and it was previously distributed to the Board. Candace would like to dedicate this 220' x 100' retention pond area to the Village so that she might sell the rest of the property sometime in the near future. This pond is a legacy from a long time ago. The pond was originally installed as a result of Stormwater run-off from land development in the Town of Lansing. Because the project was constructed prior to current Stormwater regulations, no Stormwater management was required by the Town. Therefore, it appears that the developer installed the pond in the Village as a way to protect the downstream property owners in the Village. Don stated that he still has mixed emotions on accepting the detention pond. He is nervous about setting a precedent. It was asked if we had access to the pond from the road. Lynn stated that she went to look at the pond and it is very overgrown. She stated that there is a swale that she walked down with a little bridge you have to go over. We would not be able to get equipment over this bridge. The pond is totally hidden. David Dubow stated that there is a potential conflict issue with him being involved in this matter because his office has represented the Cimas for many years. David stated that the Final Plat from 1985 showed an intention to have a fence around the pond. There is no fence and the pond has not been maintained. Dubow suggested that we may want to look back through the minutes to see what was intended back then when subdivision approval was granted for the Horizons development. The current stormwater management regulations are different than those that might have applied to this detention pond back in 1985. At that time the Village did not acquire title to the properties on which required stormwater management facilities were located, although the Village now generally requires that a property owner or developer convey the property. The question is do we want to have control over this and similar areas with stormwater facilities. John O'Neill stated that there are other detention ponds in the Village that aren't ours and he asked if we were required to take them over. Lynn stated that we are not required to take over the detention ponds, but it is in the interest of stormwater management to do so. There is always a cost that goes along with maintenance. The Cima pond is not built to our current standards and it is unclear as to whether it would need to be modified in any way. The culvert is undersized and that is an issue. However, the pond has worked for years and there is some thought that "if it isn't broken, don't fix it". Dubow stated that Brent Cross had suggested at a previous Planning Board meeting that he encourages having an inventory and a schedule for maintenance for the Village's stormwater facilities, just like we have for roads. The Board agreed to get more input from Brent Cross, John Courtney and possibly Dave Putnam before making any decisions.

Mayor Hartill reported that Bolton Point took the water tank behind the office off line to do tests to see the effect of taking that tank down. They think that with adding a pressure release valve in the pump room next door we will be able to decommission the tank. This

means that we will be contributing to the cost of putting up the proposed Burdick Hill new tank down the road.

John O'Neill asked when the traffic signal would be installed on Warren Road by the Post Office. Don stated that the remaining work on Warren Rd. would not be done until next construction season.

Don stated that he still hasn't heard from the State on when the work on the N. Triphammer Rd, Bridge will be completed. Last he knew they were still waiting on parts to come in. He feels this could be a safety issue if it isn't done before we start plowing snow, and he will continue to follow up on this.

Jodi stated that at the last meeting the Board agreed to adopt the amended Tompkins County Consortium's Federal Motor Carrier Safety Administration Drug and Alcohol Testing Program. After reviewing the minutes, David Dubow has suggested that an official resolution be adopted to state this approval.

Resolution#5579- To Approve the Revised Tompkins County Consortium's Federal Motor Carrier Safety Administration Drug and Alcohol Testing Program Policy and Authorization for Mayor Hartill to Sign the Statement of Acceptance to Verify That the Village of Lansing Desires to Continue as a Member Through December 31, 2010

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

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Larry Fresinski-Aye

Lynn stated that she had been appointed to the Water Resource Council. There are 10 different working committees and at this point she is unsure which ones she will be on.

Motion- To Adjourn

Trustee Fresinski moved for adjournment. Trustee Leopold seconded the motion to adjourn. A vote was taken:

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Larry Fresinski-Aye

The meeting adjourned at 8:53 pm.

Jodi Dake
Clerk/Treasurer