

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, October 18, 2010, in the Village Office.

Present: Mayor Donald Hartill; Trustees Lynn Leopold, Patricia O'Rourke (arrived late) and Julie Baker; Clerk/Treasurer, Jodi Dake; Attorney David Dubow; Planning Board Member, Phil Dankert

Mayor Hartill called the meeting to order at 7:40 pm 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 Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Julie Baker-Aye
Trustee Lynn Leopold-Aye	Trustee Patricia O'Rourke-Absent

The next item on the agenda was a Public Hearing on Proposed Local Law C (2010), Amendment to Village of Lansing Code-Zoning Law-Ground Cover Requirements

Motion-To Open the Public Hearing on Proposed Local Law C (2010)

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

Mayor Donald Hartill-Aye	Trustee Julie Baker-Aye
Trustee Lynn Leopold-Aye	Trustee Patricia O'Rourke-Absent

David Dubow explained that Marty Moseley, the Village Zoning and Code Enforcement Officer, had expressed a concern with the clarity of the ground cover provisions in the Village Zoning Law. In response to this, the Planning Board recommended adding a new section 145-11 to more clearly state the ground cover requirements. Section 45-83 B was also modified for clarity purposes. Dubow stated that earlier this morning Jodi forwarded the County Planning Department's 239 review letter dated October 15th regarding Proposed Local C (2010) to the Board. The Planning Department's determination was that the proposed local law may have negative inter-community or county-wide impacts and included a recommendation for more extensive language regarding developed property having ground cover in a natural state. As has been explained in the past, and as the County letter indicates, when the County makes such a determination regarding potential negative inter-community or county-wide impacts the Village Board must (i) approve the proposed action by a supermajority vote (i.e., a majority plus one) to override the County's response, and (ii) provide a written response to the County as to the reasons for such Board action. In addition, David also indicated that if a change is made to a

proposed local law after a public hearing and that change is considered to be substantive and material, a further public hearing is required.

David stated that he had spoken with Marty Moseley and they both were a bit perplexed by the County's response. As presently prepared, proposed Local Law C includes amendments regarding two sections of the Village Code/Zoning Law – section 145-11 and section 145-83, subsection B. The major amendment is the new addition of section 145-11. The amendments to subsection B of section 145-83 are largely for clarification purposes. That proposed subsection has included and continues to include a “natural state” ground cover option with the only condition being that any such natural state area is to be “properly maintained in a sightly and well-kept condition,” that determination to be made in the discretion of the Zoning and Code Enforcement Officer or possibly the Planning Board if special permit approval is required. Given that language in subsection B of section 145-83, both Marty and David concluded that the recommended language from the County appears to be duplicative and unnecessary. At David's suggestion, Marty spoke with Ed Marx this morning to try to get a better understanding as to their intent, and reported back that he didn't get much of an explanation other than an indication that the County thought a clarification was appropriate. Marty wasn't sure if the County focused only on the section 145-11 amendment and possibly failed to note the “natural state” language in subsection B of section 145-83.

After discussing all of this with Marty, David indicated that they concluded that the County's recommended language is not necessary and that Proposed Local Law C as currently drafted is sufficiently clear and accurately reflects the purpose and intent of the proposed amendments as previously determined by Marty and the Planning Board. He again reminded the Board that if it chooses to proceed with adoption of this proposed local law, four (4) votes will be required.

Lynn Leopold stated that the County's response didn't make sense since it appears that we are tightening up the language.

Motion-To Close the Public Hearing on Proposed Local Law C (2010)

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

Mayor Donald Hartill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Patricia O'Rourke-Absent

Don entertained a motion to open up the next public hearing on Proposed Local Law D (2010), Amendment to Village of Lansing Code-Firearm and Bow Safety Law. Trustee O'Rourke arrived.

Motion-To Open the Public Hearing on Proposed Local Law D (2010)

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

Mayor Donald Hartill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Patricia O'Rourke-Aye

David explained that this proposed law arose about six weeks ago as a result of a question raised by Lynn in conjunction with the annual deer control review in the Village. As part of the DMAP permit program, bow hunting is prohibited within 500feet of a dwelling. State regulations provide for certain exceptions to that regulation and those exceptions are now being proposed to be incorporated into the Village Firearm and Bow Safety Law. This proposed law will create a little more flexibility. It was noted that the State is also considering dropping the 500 foot requirement.

Motion-To Close the Public Hearing on Proposed Local Law D (2010)

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

Mayor Donald Hartill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Patricia O'Rourke-Aye

The Board of Trustees then completed the SEQR Environment Assessment Form for Proposed Local Law C and then adopted the following resolution:

Resolution #5663- SEQR Review Negative Declaration Related to
Proposed Local Law C (2010)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law C (2010), to be designated Local Law 5 (2010) upon its adoption, to clarify and confirm the requirements for the establishment of ground cover on parcels in the Village of Lansing on which construction and/or development occurs, and to amend Chapter 145 (entitled "Zoning") of the Village of Lansing Code accordingly so as to:
- (i) provide such ground cover requirements in Section 145-11 of Article III (entitled "General Use Regulations") of Chapter 145, which ground cover requirements are intended to be applied and enforced in conjunction with and consistent with all provisions of the Village of Lansing Code related thereto, including, but not limited to, (i) such Article III of Chapter 145 of the Village of Lansing Code; (ii) subsection B (entitled "Landscaping") of Section 145-83 (entitled "Performance standards") of Chapter 145 of the Village of Lansing Code; and (iii) all applicable provisions of Chapter 124 (entitled "Stormwater Management, Erosion and Sediment Control Law") of the Village of Lansing Code; and
 - (ii) revise Subsection B (entitled "Landscaping") of Section 145-83 [entitled

“Performance Standards”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code to be consistent with the new provisions in such Section 145-11.; 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 October 18, 2010, 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 FOLLOWS:

- 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 to approve this resolution. Trustee Baker seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Patricia O’Rourke-Aye

Resolution #5664- Adopt Proposed Local Law C (2010) as Local Law 5

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law C (2010), to be designated Local Law 5 (2010) upon its adoption, to clarify and confirm the requirements for the establishment of ground cover on parcels in the Village of Lansing on which construction and/or development occurs, and to amend Chapter 145 (entitled “Zoning”) of the Village of Lansing Code accordingly so as to:
- (iii) provide such ground cover requirements in Section 145-11 of Article III (entitled “General Use Regulations”) of Chapter 145, which ground cover requirements are intended to be applied and enforced in conjunction with and consistent with all provisions of the Village of Lansing Code related thereto, including, but not limited to, (i) such Article III of Chapter 145 of the Village of Lansing Code; (ii) subsection B (entitled “Landscaping”) of Section 145-83 (entitled “Performance standards”) of Chapter 145 of the Village of Lansing Code; and (iii) all applicable provisions of Chapter 124 (entitled “Stormwater Management, Erosion and Sediment Control Law”) of the Village of Lansing Code; and
 - (iv) revise Subsection B (entitled “Landscaping”) of Section 145-83 [entitled “Performance Standards”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code to be consistent with the new provisions in such Section 145-11.; and
- 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 September 20, 2010, the Village of Lansing Board of Trustees preliminarily discussed the purposes and intent of Proposed Local Law C (2010), and thereupon scheduled a public hearing thereon for October 18, 2010; and
- D. On October 18, 2010, 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 (2010), (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 October 18, 2010, 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 October 18, 2010, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law C (2010), (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 FOLLOWS:

1. The Village of Lansing Board of Trustees hereby adopts the attached Proposed Local Law C (2010), to be designated Local Law 5 (2010).

Trustee Baker moved to adopt Local Law 5 (2010). Trustee O’Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Patricia O’Rourke-Aye

The following is a copy of Local Law 5 (2010) Amendment to Village of Lansing Code-Zoning Law-Ground Cover Requirements:

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

SECTION I. PURPOSE & INTENT.

It is the purpose and intent of this local law to clarify and confirm the requirements for the establishment of ground cover on parcels in the Village of Lansing on which construction and/or development occurs, and to amend Chapter 145 (entitled “Zoning”) of the Village of Lansing Code accordingly so as to:

- (v) provide such ground cover requirements in Section 145-11 of Article III (entitled “General Use Regulations”) of Chapter 145, which ground cover

- requirements are intended to be applied and enforced in conjunction with and consistent with all provisions of the Village of Lansing Code related thereto, including, but not limited to, (i) such Article III of Chapter 145 of the Village of Lansing Code; (ii) subsection B (entitled “Landscaping”) of Section 145-83 (entitled “Performance standards”) of Chapter 145 of the Village of Lansing Code; and (iii) all applicable provisions of Chapter 124 (entitled “Stormwater Management, Erosion and Sediment Control Law”) of the Village of Lansing Code; and
- (vi) revise Subsection B (entitled “Landscaping”) of Section 145-83 [entitled “Performance Standards”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code to be consistent with the new provisions in such Section 145-11.

SECTION II. AMENDMENTS TO THE VILLAGE OF LANSING CODE.

- A. Section 145-11 [currently identified as “Reserved”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

§ 145-11 Ground cover.

Where a parcel of land has been disturbed by construction and/or development, appropriate ground cover shall be established and maintained on such parcel as provided for in this Chapter 145, and, if applicable, as provided for in Chapter 124, such ground cover being intended for the purposes of (i) preventing soil erosion and maintaining sediment control, and (ii) maintaining sightly and well-kept conditions.

- B. Subsection B (entitled “Landscaping”) of Section 145-83 [entitled “Performance Standards”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

B. Landscaping and Groundcover. All required yards and undeveloped open space areas must either be open landscaped and green areas or left in a natural state. If any such yards and/or undeveloped open space areas are to be landscaped, they must be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state must be properly maintained in a sightly and well-kept condition. Parking areas must also be maintained in a sightly and well-kept condition.

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.

The Board of Trustees then completed the SEQR Environment Assessment Form for Proposed Local Law D and then adopted the following resolution:

Resolution #5665- SEQR Review Negative Declaration Related to
Proposed Local Law D (2010)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law D (2010), to be designated Local Law 6 (2010) upon its adoption, to amend Chapter 67 (entitled "Firearm and Bow Safety") of the Village of Lansing Code so as to modify the restriction in Section 67-6 (entitled "Exceptions") that prohibits the discharge of a longbow within five hundred (500) feet of any dwelling house, farm building or farm structure actually occupied or used, school building, school playground, or occupied factory or church, the modification thereof to provide exceptions to such restriction and prohibition applicable to a dwelling house, such exceptions to permit such discharge within five hundred (500) feet of a dwelling house under certain limited conditions consistent with the provisions of New York State Environmental Conservation Law Section 11-0931, subsection 4.b.(1); it having been determined that the foregoing modification and amendment will better serve the overall purposes of Chapter 67

as stated therein; 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 October 18, 2010, 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 FOLLOWS:

- 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:
- 3. 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 Baker moved to approve this resolution. Trustee O’Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Patricia O’Rourke-Aye

Resolution #5666- To Adopt Proposed Local Law D (2010) as Local Law 6 (2010)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law D (2010), to be designated Local Law 6 (2010) upon its adoption, to amend Chapter 67 (entitled “Firearm and Bow Safety”) of the Village of Lansing Code so as to modify the restriction in Section 67-6 (entitled “Exceptions”) that prohibits the discharge of a longbow within five hundred (500) feet of any dwelling house, farm building or farm structure actually occupied or used, school building, school playground, or occupied factory or church, the modification thereof to provide exceptions to such restriction and prohibition applicable to a dwelling house, such exceptions to permit such discharge within five hundred (500) feet of a dwelling house under certain limited conditions consistent with the provisions of New York State Environmental Conservation Law Section 11-0931, subsection 4.b.(1); it having been determined that the foregoing modification and amendment will better serve the overall purposes of Chapter 67 as stated therein; and
- B. On September 20, 2010, the Village of Lansing Board of Trustees preliminarily discussed the purposes and intent of Proposed Local Law D (2010), and thereupon scheduled a public hearing thereon for October 18, 2010; and
- C. On October 18, 2010, 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 (2010), (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 October 18, 2010, 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

E. On October 18, 2010, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law D (2010), (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 (2010), to be designated Local Law 6 (2010).

Trustee Baker moved to adopt Local Law 6 (2010). Trustee O'Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Patricia O'Rourke-Aye

The following is a copy of Local Law 6 (2010), Amendment to Village of Lansing-Firearm and Bow Safety Law:

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

SECTION I. PURPOSE & INTENT.

It is the purpose and intent of this local law to amend Chapter 67 (entitled "Firearm and Bow Safety") of the Village of Lansing Code so as to modify the restriction in Section 67-6 (entitled "Exceptions") that prohibits the discharge of a longbow within five hundred (500) feet of any dwelling house, farm building or farm structure actually occupied or used, school building, school playground, or occupied factory or church, the modification thereof to provide exceptions to such restriction and prohibition applicable to a dwelling house, such exceptions to permit such discharge within five hundred (500) feet of a dwelling house under certain limited conditions consistent with the provisions of New York State Environmental Conservation Law Section 11-0931, subsection 4.b.(1); it having been determined that the foregoing modification and amendment will better serve the overall purposes of Chapter 67 as stated therein.

SECTION II. AMENDMENT TO THE VILLAGE OF LANSING CODE.

- A. Subclause (7) of Subsection A of Section 67-6 (entitled "Exceptions") of Chapter 67 (entitled "Firearm and Bow Safety") of the Village of Lansing Code is hereby amended so as to modify the restriction in Section 67-6 (entitled "Exceptions") that prohibits the discharge of a longbow within five hundred (500) feet of any dwelling house, farm building or farm structure actually occupied or used, school building, school playground, or occupied factory or church, such that Subclause (7) of Subsection A of Section 67-6 shall read in their entirety as follows:

- (7) Such longbow discharge may not (i) occur within five hundred (500) feet of any dwelling house, farm building or farm structure actually occupied or used, school building, school playground, or occupied factory or church, or (ii) result in the arrow passing over a public highway or any part thereof; provided, however, that the prohibition above as to a longbow discharge within five hundred (500) feet of a dwelling house shall not apply to the owner or lessee of the dwelling house, or members of his immediate family actually residing therein, or a person in his employ, or the guest of the owner or lessee of the dwelling house acting with the consent of the owner or lessee; provided further, however, that nothing herein shall be deemed to authorize such persons to discharge a longbow or any other firearm within five hundred (500) feet of any other dwelling house or a farm building or farm structure actually occupied or used, school building, school playground, or occupied factory or church;

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.

Next on the agenda was to approve the minutes from September 16th and October 4th.

Motion - To Approve the Minutes from September 16, 2010

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 O'Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Julie Baker-Abstain

Trustee Patricia O'Rourke -Aye
Trustee Lynn Leopold-Aye

Motion - To Approve the Minutes from October 4, 2010

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 Julie Baker-Aye

Trustee Patricia O'Rourke -Aye
Trustee Lynn Leopold-Aye

Mayor Hartill stated that everything is going smoothly in the Village. Dart Drive Stormwater Phase I is now completed. That is about 1/3 of the drainage that needs to be installed. Before starting work, a letter went out to all the residents informing them of what was going to be happening. Residents were very happy to be informed. Bolton Point water rates will be going up next year to help generate capital reserve funds for SCLIWC.

Lynn reported that she attended the Water Resource Council meeting this afternoon. EPA is proposing to place an enormous burden on areas within the State of New York that are in the upper Susquehanna watershed, for the purpose of reducing the amount of nitrates, phosphorous and sediment from entering the Chesapeake Bay drainage. They are proposing another unfunded mandate that could put a lot of farms out of business.

For the purpose of having an attorney- client privileged discussion on a pending matter with the attorney for the Village, the Mayor requested that the Board go into private session.

Motion- To Go Into Private Session with Counsel

Trustee Leopold moved to go into private session. Trustee Baker seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

Trustee Patricia O'Rourke -Aye
Trustee Lynn Leopold-Aye

The Board went into private session at 8:23pm.

Motion- To Come Out of Private Session with Counsel

Trustee Leopold moved to come out of private session. Trustee Baker seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

Trustee Patricia O'Rourke -Aye
Trustee Lynn Leopold-Aye

The Board came out of private session at 9:40pm.

The Board discussed the bid opening for the Village Garage expansion project. Present

for this discussion were John Courtney, Highway Department Superintendent, Dave Putnam of T.G. Miller, engineer for the Village, and George Breuhaus, architect for the project. The bid opening occurred on Thursday October 14, 2010 with only one bidder, McPherson Builders, Inc. of 129 W. Fall Street, Ithaca, NY 14850. Because the bid amount exceeded the original estimate, efforts have been made with the sole bidder to modify the project cost to fit within the Village's intended budget which resulted in a project cost of \$477,077. The Board discussed the revised project cost reduction and concluded that the proposed cost savings were acceptable. It was also confirmed that the project funding source will be from the Village's Capital Projects Fund.

Trustee Leopold moved the following resolution to accept the modified bid of McPherson Builders, Inc, the sole bidder, at a reduced project cost of \$477,077. Trustee Baker seconded the motion.

Resolution #5667- Accept Bid and award contract of \$477,077 for
Addition to Maintenance Garage & Shop Project

- A. WHEREAS, the Village of Lansing (the "Village"), after thorough consideration of the various aspects of the proposed DPW garage expansion project (the "Project"), has prior hereto authorized the Project and the preparation of plans and documents related thereto; and
- B. WHEREAS, the Village Board of Trustees is aware of approximately \$600,000 presently in the Village Capital Projects Fund, such monies being excess funds left over after the recently completed North Triphammer Road Improvement Project; and
- C. WHEREAS, the Village Board of Trustees wishes to apply a portion of such excess Capital Projects Fund monies to cover the Project cost; and
- D. WHEREAS, bids for the Project were solicited by the Village and a bid opening was held on October 14, 2010, at which time only one bid was submitted, such bid being in excess of the estimated cost of the Project; and
- E. WHEREAS, efforts have been made with the sole bidder to modify the project cost to fit within the Village's intended budget, which efforts resulted in a project cost of \$477,077 acceptable to the Village Board of Trustees; and
- F. WHEREAS, the Village Board of Trustees, has determined that the sole bid is in conformance with all applicable requirements and that such bidder is the sole qualified bidder for the Project with fully a fully completed bid submission; and
- G. WHEREAS, the Village Board of Trustees has reviewed the bid materials, bid tabulations, bid modification and the recommendations from the Village DPW Supervisor, Project engineers and Project architect for the bid award to the sole bidder; and

H. WHEREAS, the Village Board of Trustees has determined that it is in the best interests of the Village, its inhabitants and all other parties who will benefit from the Project that the Village undertake the actions necessary and execute the documents necessary to proceed with the Project; and

I. WHEREAS, the Village Board of Trustees has further determined that it is in the best interests of the Village, its inhabitants and all other parties who will benefit from the Project for the Village to award the bid to the sole and lowest and qualified bidder with fully completed bid submissions as recommended by the Village DPW Supervisor, Project engineers and Project architect;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village Board of Trustees hereby (i) confirms its authorization for and approval of the Project with an expected total cost not to exceed \$500,000, the source of the Project funding to be a transfer of excess Capital Project Fund monies remaining from the Triphammer Road Improvement Project; and
2. The Village Board of Trustees hereby approves and authorizes the award of contract for the Project to McPherson Builders, Inc. in the amount of \$477,077; and
3. The foregoing award of contract is contingent upon full compliance with all contract requirements and related Project documents and requirements; and
4. The Mayor of the Village of Lansing is hereby authorized to take such steps and to execute such further documents as may be necessary, desirable, and/or appropriate to effectuate the purpose and intent of the foregoing resolutions.

A vote was taken:

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

Trustee Patricia O'Rourke -Aye
Trustee Lynn Leopold-Aye

Motion- To Adjourn

Trustee Baker moved to adjourn and Trustee O'Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

Trustee Patricia O'Rourke -Aye
Trustee Lynn Leopold-Aye

The meeting adjourned at 9:45 pm.

Jodi Dake
Clerk/Treasurer