

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, December 20, 2010, in the Village Office.

Present: Mayor Donald Hartill; Trustees John O'Neill, Lynn Leopold, Julie Baker and Patricia O'Rourke; Attorney David Dubow; Clerk/Treasurer, Jodi Dake; Planning Board Member, Lisa Schleelein.

Mayor Hartill called the meeting to order at 7:35 pm and opened the public comment period. Levon Brewer and his wife Joan Pike were present to discuss the signage that has recently been installed up on Warren Road, Route 13 and in the Business and Technology Park for the Park Grill Café located in the Business and Technology Park. Levon stated that he knows now that he should have gone to the Village before having the signs installed, and he was asking forgiveness for putting them up. The Tompkins County Highway Department put the signs up for them. A picture was submitted by Marty Moseley, the Village Zoning and Code Enforcement Officer, showing the signs were added under the current Marriot way finding signs. Marty was aware of three signs that were in issue. David Dubow gave a history on this sign situation. David explained that it is an unusual situation in that the sign prohibition isn't directly covered by the Village Sign Law but instead by the Zoning Law. The Zoning Law specifically states that no signage of any kind for that specific use is allowed. Originally there was a concern with there being a food service operating in the B&T Park. The Village wanted certain provisions which are listed in Section 145-60n. The Café Grill signs are unlawful and Marty Moseley, Village Code & Zoning Officer, issued a Notice of Violation and Order to Remedy. It was explained that the way the Village Code enforcement provisions are written, Marty needs authorization from the Board of Trustees to remove the signs. Marty has written a letter to the Trustees asking for their direction. The Village needs to look at the provisions to see if they need to be reevaluated. Mayor Hartill feels that times have changed. Originally there was a concern with heavy traffic in the B&T Park, but now with N. Triphammer & Warren Roads both being reconstructed, Don feels that the Planning Board should review our current laws and make a recommendation to the Trustees. Don recommended that the Village allow Park Grill Café to leave the three signs in question up while this is being reconsidered. Levon stated that there has been a breakdown in communication with their partners in California and they would like to correct it and move in the right direction. Lynn added that the Planning Board began discussion on this at their last meeting but it has not been completed. The issue is if times have changed and the complete prohibition of signage is no longer necessary, what would an appropriate amendment be? It may have been a perceived problem a number of years ago that never materialized. The Café has about 50-60 customers a day.

Dan Veanor asked about the situation with the County not approving the IDA Funding for the Lansing Meadows PDA. Dan questioned why they would vote against it even though the Village and Town of Lansing are in favor of it. Dan asked what the next step would be. Don stated that the Village would just wait and see how the process all plays out.

Motion-To Close the Public Comment Period

Trustee O'Neill 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 John O'Neill -Aye
Trustee Patricia O'Rourke-Aye

Jay Boulanger and Bernd Blossy were present to give a report on how the DMAP Program went this year. This year 41 deer have been taken to date, not including the 10 on the Miller Property. Last year they took 33 deer. There were no problems this year with deer ending up in areas where they weren't supposed to be. There were 17 hunters who took deer plus 8 others who were not successful. Legally, each hunter can take 2 deer on DMAP tags or a total of 9 with all of their other hunting tags. Steve Jewel is the new incoming Wildlife Manager in Region 7 and appears to be committed to deer management efforts. The number of deer per acre is still way too high and they are considering raising the allowable number from two to four DMAP tags per hunter. The Shannon Park residents are upset with all the deer that are in their front yards. In the future we should consider also making Village owned properties available for hunting. Currently, these efforts in residential areas pose problems and restrictions unless the State reduces the discharge range from 500 ft. to a shorter distance such as 150 ft.

Bernd and Jay suggested that the Village consider also getting DEC Nuisance Permits for outside of the regular hunting season. Bernd recommended that this be between September 1st and March 30th for antlerless deer only. To get these damage permits the DEC would send someone out to check the damage of the landscape. Don stated that there are no longer seedlings left in Twin Glens which means there will be no regrowth of the forest. The ideal way for this program to work would be to have 4-5 designated hunters come in and hunt for 2 days and then leave for four weeks. Don asked Bernd to contact Steve Jewel to see how to go about getting a Nuisance Permit for the Village.

It was reported that in the Village there are least three properties where the occupants are illegally feeding deer. Lowell Gardner, who joined the meeting during the deer discussion, stated that he sees them all the time. He also has seen hunters around on and around the Roy Park properties. The Mayor indicated that he will send a letter with respect to these issues.

The next item on the agenda was to consider the water rate increase proposed by Bolton Point. The Mayor reported that the Town of Lansing, one of the five Commission members, originally voted it down; it then went back to the SCLIWC for further evaluation and was left at the same rate increase, but without the originally proposed capital reserve account. To increase the rate all Commission members have to agree on rate increases, and the Town has now done so. The Towns of Dryden and Ithaca and the Village of Cayuga Heights have also now already approved the rate. Mayor Hartill

introduced the following resolution prepared by David Dubow for the Board's consideration:

RESOLUTION # 5683- TO APPROVE THE AMENDMENT TO THE SOUTHERN CAYUGA LAKE INTERMUNICIPAL WATER COMMISSION AGREEMENT INCREASING THE WATER RATE CHARGES AND TO ESTABLISH SUCH AMENDED WATER RATE CHARGES FOR THE VILLAGE OF LANSING

WHEREAS, the Village of Lansing entered into an agreement of intermunicipal cooperation with several other municipalities creating the Southern Cayuga Lake Intermunicipal Water Commission ("SCLIWC") and authorizing the construction by such Commission of the Bolton Point water treatment plant and related transmission and other facilities, which agreement was restated as of June 5, 1979, and which agreement has been subsequently amended from time to time (such agreement as so amended being hereinafter referred to as the "SCLIWC Agreement"); and

WHEREAS, the SCLIWC Agreement included a schedule of the water rates to be charged, which schedule has been amended from time to time; and

WHEREAS, the parties to the SCLIWC Agreement wish to amend the Agreement to increase the water rates, and a copy of the proposed amendment has been submitted to this Board for its approval; and

WHEREAS, the Village of Lansing Board of Trustees finds it is in the best interests of the Village of Lansing and its citizens to affect the proposed water rate increases;

NOW, THEREFORE, BE IT

RESOLVED, that the Village of Lansing Board of Trustees, in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR") and 6 NYCRR Section 617.5, hereby determines that adoption of said proposed amendment and the establishment of water rates constitute a Type II action, constituting "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment," and thus may be processed without further regard to SEQR; and be it further

RESOLVED, that the Village of Lansing Board of Trustees hereby authorizes on its behalf the execution of the proposed amendment to the SCLIWC Agreement submitted to this meeting, approving thereby the amendment to the rate schedule so as to increase the water rates to be charged under the SCLIWC Agreement generally from \$2.65 per thousand gallons of water to \$2.87 per thousand gallons of water; and be it further

RESOLVED, that upon the approval by all required parties of the proposed amendment to the SCLIWC Agreement setting the increased rate of \$2.87 per thousand gallons of water, and concurrently with the effective date of such amended rate as provided for in the approved amendment to the SCLIWC Agreement, the Village of Lansing Board of Trustees hereby establishes the foregoing increased rate as the base rate chargeable to each owner of property that is provided with water service by connecting to the Village of Lansing Water System, all such water service charges being subject to the additional water rate surcharge imposed by the Village from time to time by resolution of the Village Board of Trustees.

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

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

David Dubow has also prepared a proposed local law to increase the sewer rent for non-Village water customers. Sewer rates are based on a percentage of the water charge. A public hearing is required. Don, Lynn & Julie all stated that they will not be present for the January 3rd meeting, and it was pointed out that there will also not be meeting on January 17th due to the Martin Luther King holiday.

Resolution #5684-Set Public Hearing to Consider Proposed Local Law A (2011) Amendment to Village of Lansing Code-Sewer Rents for February 7, 2011 at 7:35pm

Trustee Baker moved to set a public hearing. Trustee O'Neill seconded the motion. A vote was taken:

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

Since we will not have a quorum for the first meeting in January, the Mayor proposed the following resolution:

Resolution #5685-To Cancel the January 3, 2011 Board of Trustees Meeting Due to Lack of Quorum

Trustee Leopold moved to cancel the meeting. Trustee O'Rourke seconded the motion. A vote was taken:

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

Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

The next item on the agenda was to approve the December 6th minutes. Patricia stated that on the last page David's name was spelled incorrectly. It was corrected to Robertshaw.

Motion - To Approve the Minutes from December 6, 2010 with Provided Corrections

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 Lynn Leopold-Aye
Trustee Julie Baker-Aye

Trustee John O'Neill -Aye
Trustee Patricia O'Rourke-Aye

Mayor Hartill stated that the garage building expansion project is making good progress. Don stated that he hasn't heard back from the Town of Lansing regarding the subcommittee that was created to address his issues with the Town budget. The Mayor indicated that the proposed State Property Tax Cap would have no influence on the Village since our attitude has consistently been to mandate a tax levy at or below inflation. He also indicated that the Village outsources everything we can and we have a very efficient staff.

The dog licensing activities previously performed by the State have now been passed down to Town of Lansing, and the Town will now perform all of those responsibilities and their previous responsibilities within and the Town and the Village. There will no longer be a statewide register system which may cause some problems with dogs that are lost outside of their own Town.

Don stated that the Board needs to pass a resolution to address the three specific signs that the Park Grill Café has posted and of which the Village is now aware. The Board agreed that they would at this time temporarily allow those three identified signs to remain for a limited period of time during which the Planning Board will have time to review the situation and make a recommendation to the Trustees.

Resolution #5686-To Allow Only the Three Specifically Identified Park Grill Café Signs that are Mounted Below the Marriott Way-Finding Signs to Temporarily Remain While the Planning Board Reconsiders This Sign Issue, Reserving the Right of the Village Zoning and Code Enforcement Officer to the Remove and Any Other Unlawful Signs

Trustee O'Neill moved this resolution 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 John O'Neill-Aye
Trustee Lynn Leopold-Aye

The next issue the Board needed to address was the temporary signage that was outside the new Ciaos Restaurant. It was explained that the Planning Board is working on making changes to the Sign Law which are coming to the Board in the form of a proposed local law. One of the changes is to allow the Code & Zoning officer to remove signs without having to first get approval from the Board of Trustees. Another is to allow for these types of temporary signs if an application is submitted and a nominal fee is paid. The Board agreed that they wanted to work with Ciao Restaurant and allow them to file for a temporary permit at this time. The restaurant is doing great business and the Village wants to maintain a good relationship with them.

Resolution #5687-To Authorize the Clerk/Treasure to Contact Ciao Restaurant and Advise Them That a Temporary Sign Permit and Fee Must Be Paid to The Village of Lansing to Allow for a Temporary Sign According To the New Proposed Sign Law Changes. However, If This Application and Fee is Not Received By 12/24/10 Then the Code & Zoning Officer is Authorized to Remove the Signage

Trustee Leopold moved this resolution and Trustee Baker seconded the motion. A vote was taken:

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

Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

Copies of Proposed Local Law B (2011) incorporating all of the Planning Board's recommended amendments to the Sign Law were provided to the Mayor and Trustees. It was explained that the proposed amendments cover a number of issues within the current Sign Law provisions. There is nothing substantial to these proposed sign law changes with many of them being for clarification purposes. The Planning Board's goal was to react to issues and problems raised by Marty Moseley and to update our laws to better reflect current conditions.

Resolution #5688-To Set a Public Hearing for Proposed Local Law B (2011), Amendment to Village of Lansing Code-Sign Law for February 7, 2011 at 7:40pm

Trustee Baker moved to set this public hearing and Trustee O'Neill seconded the motion. A vote was taken:

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

Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

Jodi will send the proposed local law to Tompkins County for a General Municipal Law 239 Review.

Lynn stated that there has been a Village representative on the Water Resource Council Member for two years. We do not have an Environmental Management Council (EMC) representative. Tony Nekut use to do it. The EMC is an advisory board to the Tompkins County Legislature. Don requested that if anyone knew of someone who would be interested to let him know. Lynn stated that Dan Lam and Carol Chaulk went to the EPA hearings in Binghamton. Lisa Jackson is the new EPA Administrator and she knew nothing about fracking. The EPA will fund a two year study.

The last issue was that it was reported that McDonalds is now leaving their parking lot lights on all night. Jodi will advise Marty so that he can check on the situation.

Motion- To Adjourn

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

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

Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

The meeting adjourned at 9:03 pm.

Jodi Dake
Clerk/Treasurer