

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, April 2, 2012, in the Village Office.

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

Mayor Hartill called the meeting to order at 7:37 pm. and opened the public comment period. John Wisor, 9 Leifs Way, was present to talk about the standing water and drainage issues in Lansing Trails Subdivision. John knows that Marty Moseley, Brent Cross and Larry Frabboni have all been out to look at the swale that Ivar Jonson installed behind Leif's Way neighbors on the east side. John Wisor thinks it needs to be cleaned out. Wisor stated that Roy Hogben at 35 Janivar Dr. who is next to the Greenway Path has standing water on both sides of the swale. John doesn't believe this was looked at by Ivar and the engineer. The retention pond behind Robert Swartout's home at 13 Leifs Way has silted up and has been overtaken by vegetation. It needs to be cleaned out. Mayor Hartill stated that it sounds like a maintenance issue. Don is unsure what kind of access we have in that area. Dubow added that he is not sure if all these areas in question have been officially dedicated to the Village. Mayor Hartill will have John Courtney look at these areas. Don stated that there has been some communication with Ivar Jonson and that the Village would follow up and look into it again. John Wisor wondered if storm drains might be the way to solve the water problem in their neighborhood. Don stated that there is a meeting with Ivar Jonson on Wednesday on other issues. One issue is finishing off the road that connects Janivar to Bomax.

Motion-To Close the Public Comment Period

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

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

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

The next item on the agenda was a Public Hearing for Proposed Local Law B (2112), Amendment to Village of Lansing Code-Sign Law.

Motion-To Open the Public Hearing On Proposed Local Law B (2112), Amendment to Village of Lansing Code-Sign Law.

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

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

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

Dubow explained that it is the purpose and intent of this local law to (i) clarify, modify and elaborate certain current provisions of the Village Sign Law, including the use of pictorial images and symbols; (ii) provide certain additional provisions to be incorporated in the Village Sign Law related thereto; and (iii) amend Chapter 115 (entitled “Signs”) of the Village of Lansing Code accordingly. The Planning Board has spent lengthy efforts to address concerns which were a result of a particular sign request. It’s largely a clarification.

No one from the public spoke.

Motion-To Close the Public Hearing

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

The next item on the agenda was a Public Hearing for Proposed Local Law C (2112), Amendment to Village of Lansing Code-Zoning Law.

Motion-To Open the Public Hearing On Proposed Local Law C (2112), Amendment to Village of Lansing Code-Zoning Law.

Trustee O’Rourke moved to open the 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 Patricia O’Rourke-Aye

Dubow introduced Local Law C. It is the purpose and intent of this local law to amend Chapter 145 (entitled “Zoning”) of the Village of Lansing Code so as to:

- (i) clarify that the “Alteration to Building or Improved Site with no Change in Use and no Change in Applicable Parking Space Requirements” use within the Commercial Low Traffic District (CLT) will be a permitted use that is not subject to special permit review and approval;
- (ii) clarify that the “Alteration to Building or Improved Site that Results in a Change in Use or a Change in Applicable Parking Space Requirements” use within the Commercial Low Traffic District (CLT) will be a permitted use that is subject to special permit review and approval;
- (iii) add new and specific provisions regarding amendments to previously approved special permits and the procedures related thereto; and
- (iv) amend accordingly the provisions in Sections 145-42 [entitled “Commercial Low Traffic District (CLT)”] and 145-59 [entitled “Special Permits”] of said Chapter 145 of the Village of Lansing Code.

Dubow stated that Tompkins County Planning has reviewed the proposed law and still wants to require the Village to do a 239 Review for both major and minor amendments to previously approved special permits.

No one from the public spoke.

Motion-To Close the Public Hearing

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

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

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

A SEQR Short Environmental Assessment Form was reviewed and completed on Proposed Local Law B and the following resolution was presented:

Resolution #5828- SEQR Review of Proposed Local Law B (2012)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law B (2012), intended to be designated Local Law 2 (2012) upon its adoption, to (i) clarify, modify and elaborate certain current provisions of the Village Sign Law, including the use of pictorial images and symbols; (ii) provide certain additional provisions to be incorporated in the Village Sign Law related thereto; and (iii) amend Chapter 115 (entitled "Signs") of the Village of Lansing Code accordingly; 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 April 2, 2012, 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 Baker moved this resolution. Trustee O’Neill seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

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

Mayor Hartill entertained a motion to adopt Proposed Local Law B as Local Law 2 of 2012.

Resolution #5829- To Adopt Proposed Local Law B as Local Law 2
(2012)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law B (2012), intended to be designated Local Law 2 (2012) upon its adoption, to (i) clarify, modify and elaborate certain current provisions of the Village Sign Law, including the use of pictorial images and symbols; (ii) provide certain additional provisions to be incorporated in the Village Sign Law related thereto; and (iii) amend Chapter 115 (entitled “Signs”) of the Village of Lansing Code accordingly; 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 March 5, 2012, the Village of Lansing Board of Trustees preliminarily discussed the purposes and intent of Proposed Local Law B (2012), and thereupon scheduled a public hearing thereon for April 2, 2012; and
- D. On April 2, 2012, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) Proposed Local Law B (2012), (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 April 2, 2012, 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 April 2, 2012, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law B (2012), (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:

The Village of Lansing Board of Trustees hereby adopts the attached Proposed Local Law B (2012), intended to be designated Local Law 2 (2012).

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

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

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

The following is a copy of Local Law 2:

AMENDMENT TO VILLAGE OF LANSING CODE - SIGN 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 (i) clarify, modify and elaborate certain current provisions of the Village Sign Law, including the use of pictorial images and symbols; (ii) provide certain additional provisions to be incorporated in the Village Sign Law related thereto; and (iii) amend Chapter 115 (entitled “Signs”) of the Village of Lansing Code accordingly.

SECTION II. AMENDMENTS TO THE VILLAGE OF LANSING CODE.

- A. Section 115-3 (entitled “Definitions”) of Chapter 115 (entitled “Signs”) of the Village of Lansing Code is hereby amended so as to add at the end of the current definition of *Sign area* two additional sentences reading as follows:

In the event that a pictorial image or symbol is displayed on an awning, roof-like cover or canopy of a building or other structure and the color and shade of such pictorial image or symbol do not, in the determination of the Village Zoning Officer, exceedingly contrast with the main color and shade of the awning, roof-like cover or canopy, the pictorial image or symbol shall (i) not be deemed to be a sign (see definition in this §115-3) and (ii) not be included as part of the sign area. In the event that the Village Zoning Officer determines that such proposed pictorial image or symbol may exceedingly contrast with the main color and shade of the awning, roof-like cover or canopy, the Zoning Officer shall thereupon refer the matter to the Planning Board as provided for in §115-7.2 B.

- B. The title of Section 115-7.2 of Chapter 115 (entitled “Signs”) of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

Permitted signs with a permit and Planning Board approval in Commercial and Business and Technology Districts, and in a commercial area included in an authorized Planned Development Area.

- C. Subsection 115-7.2 (to be entitled “Permitted signs with a permit and Planning Board approval in Commercial and Business and Technology Districts, and in a commercial area included in an authorized Planned Development Area”) of Chapter 115 (entitled “Signs”) of the Village of Lansing Code is hereby

amended so as to add a new and additional subsection “B” reading its entirety as follows:

- B. Building-mounted pictorial image or symbol displayed on an awning, roof-like cover or canopy of a building, the color and shade of such pictorial image or symbol having been determined by the Village Zoning Officer to require approval of the Planning Board (see definition of “Sign area” in § 115-3).**
- 1. Prior to the issuance of the required permit for such pictorial image or symbol, the proposed pictorial image or symbol must be approved by the Planning Board of the Village of Lansing.**
 - 2. Upon receipt of a completed permit application for such pictorial image or symbol, such application shall be referred by the Zoning Officer to the Planning Board Chairperson, whereupon (i) the application shall be scheduled for review by the Planning Board within thirty-one (31) days following the receipt of the application by the Planning Board Chairperson (or such subsequent meeting date to which the Planning Board Chairperson and applicant may agree); and (ii) the applicant shall be notified by the Zoning Officer of such scheduled meeting date. No public hearing shall be required. The Planning Board’s determination shall be made within thirty-one (31) days following the meeting at which the application is reviewed by the Planning Board; provided, however, that the time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board. In the event that such proposed pictorial image or symbol being referred to the Planning Board is governed by an approved Planned Sign Area and is determined to be an amendment to the Planned Sign Area, the Planning Board’s determination in such case shall be deemed to be a recommendation to the Board of Trustees as to such amendment (see § 115-10 F).**
 - 3. No determination as to such pictorial image or symbol will be made by the Planning Board unless all of the following requirements are met:**
 - (a) such pictorial image or symbol will not obstruct or impair vision or traffic, or in any way create a nuisance, hazard or otherwise be detrimental to or endanger the public health, safety or general welfare;**
 - (b) such pictorial image or symbol will not be injurious to the use and enjoyment of other property in the vicinity;**

- (c) such pictorial image or symbol is generally appropriate in appearance and generally in harmony with the architecture and signage in the vicinity; and
- (d) all other applicable provisions of the Village Sign Law have been complied with.

D. Section 115-13 (entitled “Role of Planning Board”) of Chapter 115 (entitled “Signs”) of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

It is the intent of this chapter that the Planning Board, whenever any matter is referred to it hereunder, must act as an advisory board except as provided for in § 115-7.2.

SECTION III. SUPERSEDING 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 superseded 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.

A SEQR Short Environmental Assessment Form was reviewed and completed on Proposed Local Law C and the following resolution was presented:

Resolution #5830- SEQR Review of Proposed Local Law C (2012)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law C (2012), intended to be designated Local Law 3 (2012) upon its adoption, to (i) clarify that the “Alteration to Building or Improved Site with no Change in Use and no Change in Applicable Parking Space Requirements” use within the Commercial Low Traffic District (CLT) will be a permitted use that is not subject to special permit review and approval; (ii) clarify

that the “Alteration to Building or Improved Site that Results in a Change in Use or a Change in Applicable Parking Space Requirements” use within the Commercial Low Traffic District (CLT) will be a permitted use that is subject to special permit review and approval; (iii) add new and specific provisions regarding amendments to previously approved special permits and the procedures related thereto; and (iv) amend accordingly the provisions in Sections 145-42 [entitled “Commercial Low Traffic District (CLT)”] and 145-59 [entitled “Special Permits”] of said Chapter 145 of the Village of Lansing Code; 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 April 2, 2012, 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 this resolution. Trustee O'Neill seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

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

Mayor Hartill entertained a motion to adopt Proposed Local Law C as Local Law 3 of 2012.

Resolution #5831 - To Adopt Proposed Local Law C as Local Law 3
(2012)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law C (2012), intended to be designated Local Law 3 (2012) upon its adoption, to (i) clarify that the "Alteration to Building or Improved Site with no Change in Use and no Change in Applicable Parking Space Requirements" use within the Commercial Low Traffic District (CLT) will be a permitted use that is not subject to special permit review and approval; (ii) clarify that the "Alteration to Building or Improved Site that Results in a Change in Use or a Change in Applicable Parking Space Requirements" use within the Commercial Low Traffic District (CLT) will be a permitted use that is subject to special permit review and approval; (iii) add new and specific provisions regarding amendments to previously approved special permits and the procedures related thereto; and (iv) amend accordingly the provisions in Sections 145-42 [entitled "Commercial Low Traffic District (CLT)"] and 145-59 [entitled "Special Permits"] of said Chapter 145 of the Village of Lansing Code; 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
- F. On March 5, 2012, the Village of Lansing Board of Trustees preliminarily discussed the purposes and intent of Proposed Local Law C (2012), and thereupon scheduled a public hearing thereon for April 2, 2012; and
- G. On April 2, 2012, 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 (2012), (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
- H. On April 2, 2012, 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 April 2, 2012, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law C (2012), (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 (2012), intended to be designated Local Law 3 (2012).

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

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

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

The following is a copy of Local Law 3:

AMENDMENT TO VILLAGE OF LANSING CODE – ZONING 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 145 (entitled "Zoning") of the Village of Lansing Code so as to:

- (v) clarify that the "Alteration to Building or Improved Site with no Change in Use and no Change in Applicable Parking Space Requirements" use within the Commercial Low Traffic District (CLT) will be a permitted use that is not subject to special permit review and approval;

- (vi) clarify that the “Alteration to Building or Improved Site that Results in a Change in Use or a Change in Applicable Parking Space Requirements” use within the Commercial Low Traffic District (CLT) will be a permitted use that is subject to special permit review and approval;
- (vii) add new and specific provisions regarding amendments to previously approved special permits and the procedures related thereto; and
- (viii) amend accordingly the provisions in Sections 145-42 [entitled “Commercial Low Traffic District (CLT)”] and 145-59 [entitled “Special Permits”] of said Chapter 145 of the Village of Lansing Code.

SECTION II. AMENDMENTS TO THE VILLAGE OF LANSING CODE.

- A. Subclause “(6)” of Subsection “(B)” [entitled “Permitted Uses”] of Section 145-42 [entitled “Commercial Low Traffic District (CLT)”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

(6) Alteration to Building or Improved Site with no Change in Use and no Change in Applicable Parking Space Requirements.

- B. Subclause “(1)(m)” of Subsection “(D)” [entitled “Permitted with Special Permit”] of Section 145-42 [entitled “Commercial Low Traffic District (CLT)”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

(m) Alteration to Building or Improved Site that Results in a Change in Use or a Change in Applicable Parking Space Requirements.

- C. Subclause “(1)” of Subsection “C” [entitled “Exemptions”] of Section 145-59 [entitled “Special Permits”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

(1) Any change in uses which does not involve any new structure or building or addition thereto, nor any structural alterations that could result in a substantial change to the exterior appearance and/or aesthetic characteristics of an existing building.

- D. Subclause “(7)” of Subsection “D” [entitled “Special Permit procedures”] of Section 145-59 [entitled “Special Permits”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

(7) Decisions on Special Permit applications. The Board authorized to decide upon (i) a Special Permit application or

(ii) an application to amend a previously approved Special Permit shall do so within sixty-two (62) days after the close of the required public hearing; provided, however, that in the case of a “minor” amendment to a previously approved Special Permit for which a public hearing is not required (in accordance with §145-59 F below), the Board authorized to decide upon such matter shall do so within sixty-two (62) days after the Board meeting at which the Board commenced its review of the proposed Special Permit amendment. The time within which the authorized Board must render its decision may be extended by mutual consent of the applicant and the authorized Board. The decision of the authorized Board on the Special Permit application shall be filed in the office of the Village Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant at that time. The decision shall be deemed to have been rendered as of the date that the final vote has been taken by the authorized Board on the Special Permit application.

E. Section 145-59 [entitled “Special Permits”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to add a new subsection “F” to read in its entirety as follows:

F. Amendments to Previously Approved Special Permits.

The following provisions shall govern the approval of amendments to a previously approved Special Permit (excepting amendments to a previously approved Special Permit for a Telecommunications Facility for which such amendments shall be governed by § 145-60 K.)

(1) No amendment(s) to a previously approved Special Permit shall be made unless and until (i) the party seeking such amendment(s) submits an application therefor setting forth information and materials regarding such proposed amendment satisfactory to the Village Code and Zoning Officer, together with a fee in an amount consistent with the applicable required fee for a building/land use or Special Permit as set forth in §145-57 D above; and (ii) the Planning Board or the Board of Trustees (whichever Board shall be responsible for approval of such Special Permit) has approved such amendment(s) as provided for in subsection F(2) below.

- (2) Upon the Village Code and Zoning Officer having received a complete and satisfactory application for the proposed amendment(s) to a previously approved Special Permit as provided for above, and upon its referral to the Planning Board or the Board of Trustees (whichever Board shall be responsible for approval of such Special Permit), the applicable Board shall make an initial determination as to whether such proposed amendment(s) is/are deemed to be “minor” or “major”. Such determinations shall be made in the sole discretion of the applicable Board. Except as may otherwise be provided in this subsection F, (i) if the proposed amendment(s) is/are determined to be “major”, approval thereof shall be in accordance with all Special Permit provisions and procedures set forth in § 145-57 and this § 145-59, and, if applicable, referral of the proposed major amendment(s) to the Tompkins County Planning Department and neighboring municipalities in accordance with General Municipal Law Sections 239 -l, -m and -nn will be required; and (ii) if the proposed amendment(s) is/are determined to be “minor”, approval thereof shall be in accordance with all Special Permit provisions and procedures set forth in § 145-57 and all provisions and procedures set forth in this §145-59 except for subsections 145-59 D(3), 145-59 D(4), and 145-D(5)(b), and, if applicable, referral of the proposed minor amendment(s) to the Tompkins County Planning Department and neighboring municipalities in accordance with General Municipal Law Sections 239 -l, -m and -nn will be required.

SECTION III. SUPERSEDING 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 superseded 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 next item on the agenda was to consider the Planning Board's recommendation regarding signage for SUMO Japanese Hibachi Sushi Restaurant in Cayuga Mall Planned Sign Area. Dubow explained that Cayuga Mall has a very old Planned Sign Area (PSA) which hasn't been updated in a long time. SUMO is trying to replicate another sign in Utica for the same restaurant located there. Currently under the PSA they are allowed 30 square feet for signage and they requested 60 sq. ft. After careful consideration the Planning Board recommended that 45 sq. ft. be permitted for SUMO. John O'Neill asked if TOPS has different sign rules in their PSA. Dubow confirmed that they do. The SUMO sign will be on the store front. Julie asked if it would be a lighted sign. Dubow stated that it would be lit. Julie feels that this request is very reasonable.

Resolution #5832-To Amend the Cayuga Mall Planned Sign Area to Allow SUMO Japanese Hibachi Sushi Restaurant to Have a 45 Square Foot Sign

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

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

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

Don Hartill added that we will probably be looking at a whole new sign proposal for the Cayuga Mall in the near future.

Don stated that he wanted to skip ahead in the agenda to discuss the UAW Contract since Judy Drake, Human Resource Manager for the Town of Ithaca and Bolton Point, was present. Don stated that currently the operators are under a contract and now the clerical staff would like to be part of the UAW Local 2300. Don asked Judy to explain the contract. Judy stated that she did that at the March 19th meeting and asked the Board if they had any questions after having a chance to review the UAW contract which was emailed to the Board. Since there were no questions, Mayor Hartill entertained the following resolution:

Resolution #5833 -To Approve the Contract with the United Auto Workers (UAW) Local 2300 for the Non-Management Technical, Office and Clerical Staff of the Southern Cayuga Lake Intermunicipal Water Commission

WHEREAS, August 1, 2011 the Southern Cayuga Lake Intermunicipal Water Commission's (Commission) received a letter requesting recognition of the non-managerial technical, office and clerical employees to be represented by the

United Auto Workers (UAW) Local 2300 for the purposes of collective bargaining; and

WHEREAS, the Commission, in good faith, on August 4, 2011 recognized UAW Local 2300 as the exclusive representative for collective bargaining purposes of all Account Clerk Typist(s) and Technical Services Coordinator, excluding all seasonal or temporary employees; and

WHEREAS, on February 27, 2012, the Commission's negotiating team reached tentative agreement on a contract with the UAW's negotiating team; and

WHEREAS, the employees in the bargaining unit ratified the tentative contract on March 5, 2012; and

WHEREAS, the Commission reviewed and approved the tentative contract at the March 8, 2012 meeting of the Commission; and

WHEREAS, the Board of Trustees has reviewed the tentative contract and determined it to be acceptable;

NOW, THEREFORE, BE IT

RESOLVED, the Village of Lansing Board of Trustees does hereby approve the tentative contract between the UAW Local 2300 and the Commission; and, be it further

RESOLVED, the Village of Lansing Board of Trustees authorizes the Commission's negotiating team to sign the contract as presented.

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

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

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

The next item on the agenda was to continue budget discussions. Jodi explained that she has taken the previously provided information and incorporated it into the "Proposed Budget" that is being presented to the Board. The Trustees received a copy of the updated budget with the changes highlighted in yellow. The following changes were made to the budget after the March 19th discussion:

A1620.2 Equipment-increased from \$15,000 to \$30,000 per Vince's advice to use good quality modular furniture in the new office.

A1910.4 Unallocated Insurance increased from \$50,000 to \$55,000 due to purchasing more equipment

A9089.8 Longevity-Jodi double checked the number of years of service for everyone and 2 people went to the next level so this increased from \$1,800 to \$2,200

A2850 Transfer from Reserve was increased to \$549,651 to offset above changes

Julie stated that at the last meeting there was a question about the Youth Programs, Contractual, A7310.4. Pat O'Rourke stated that she still has not received the information that she requested. Our contract is up this year and they are asking for a five-year renewal. Mayor Hartill stated that we don't have to make a decision yet about renewing the contract. He sees this as a place holder. When it is time to sign a contract the Board will look at it very carefully before agreeing to it.

Mayor Hartill also sees the \$75,000 for Traffic control, A3310.2 as a place holder. Don stated that he has been approached by a private company to share in the cost of a Traffic signal at the intersection of N. Triphammer Rd. and Craft Rd. Since this is a major thoroughfare, there would first need to be a traffic study and a determination by the NYS Department of Transportation as to whether a signal is warranted.

John O'Neill asked if we really needed a \$45,000 wood chipper. Don stated that the Highway Department is talking with the Town of Lansing to see if the Village could take care of some of our brush issues using the Town's Gradall equipment. If the Town agrees to that arrangement, then instead of spending the \$45,000 on a wood chipper we would like to look into a track skidster. We currently have a regular wheel skidster but we want one that is the right width for our sidewalks.

O'Neill asked what A5410.2, Sidewalk, Equipment \$24,000 was for. Don stated that it was for a new lawn mower that would also be used for snow plowing.

Mayor Hartill stated that the new Village Office would cost around \$700,000. We will make the building as green as possible. It will be heated by natural gas, geothermal is not feasible. It will be paid for with money from the General Capital Reserve. We currently have a healthy reserve which has built up over the years with the anticipation of building N. Triphammer Rd. Reconstruction, a new garage and Village Office. We are in good financial shape and he is very comfortable with lowering the General tax rate from \$1.21 to \$.99/\$1,000. This results in A1001, Real Property Taxes being lowered to \$431,227. Don added that we are one of the lowest rates in New York State. O'Neill feels that we will need to repair N. Triphammer Rd. in the next couple of years. Don stated that roads last about 10 years. The Village has been very conscious of repairing about 1 ½ miles of road each year.

Jodi confirmed with the NYS Comptrollers Office that since April 15th fell on a Sunday that the Budget Public Hearing could be held on April 16th.

Resolution #5834 -To Set a Budget Public Hearing for Monday April 16, 2012 at 7:35pm

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

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

Don added that some residents in the Town of Lansing actually pay more taxes than Village residents because of the additional special districts they are in.

Marty Moseley and Mario Tomei would like to attend the New York State Planning Federation Conference in Saratoga Springs on April 16th & 17th. This conference is usually in the fall but has been moved to the Spring.

Resolution #5835-To Authorize the Code & Zoning Officer and Planning Board Chairman to Attend NYS Planning Federation Conference in Saratoga Springs on April 16th & 17th.

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

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

The next item on the agenda was to authorize the Mayor to sign an Undertaking for the Benefit of NYSDOT. Trustee Baker thought that this was strange wording. Jodi stated that Courtney was supposed to present this to the Board at their noon meeting so that he could explain it. Jodi explained that the NYSDOT has revised its Undertaking form; therefore, current Undertakings with the NYSDOT may not be used for further permit issuance. They will not be able to process any new Highway Work Permit Applications without a new Undertaking being obtained. In order to obtain a new Undertaking the Village needs to return the completed Perm 1 Undertaking form along with a Clerk Certified Copy of the resolution authorizing the Undertaking.

Mayor Hartill stated that the Route 13 bridge deck and the ramps will be milled and repaired this summer. Don explained to the Board how spending \$1 for infrastructure repair would generate \$5 economically. He feels that repairing our infrastructure is the biggest multiplier. He has also suggested that we fund projects with gas tax. Many MPO highway projects are being delayed. The Cayuga Heights Road Bridge over Route 13 is one of them.

Resolution #5836-To Authorize the Mayor of the Village of Lansing to Sign the Undertaking For the Benefit of New York State Department of

Transportation In Connection with Work Affecting State Highways
(NYSDOT PERM 1)

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 Patricia O'Rourke-Aye	Trustee Julie Baker-Aye

The next item on the agenda was to approve the minutes from March 5th, 15th & 19th.

Motion- To Approve the Minutes for March 5, 2012

Trustee O'Neill moved to approve the March 5, 2012 minutes. Trustee Baker seconded the motion. A vote was taken:

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

Motion- To Approve the Minutes for March 15, 2012

Trustee O'Rourke moved to approve the March 15, 2012 minutes. Trustee Baker seconded the motion. A vote was taken:

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

Motion- To Approve the Minutes for March 19, 2012

Trustee Baker moved to approve the March 19, 2012 minutes. Trustee O'Neill seconded the motion. A vote was taken:

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

Mayor Hartill explained that the next item is a proposed intermunicipal agreement that has been worked out with Bolton Point to convey to the Village the remaining portion of the lake access road west of the "T Intersection" with Blackchin Blvd. The proposed agreement provides that Bolton Point will plow the gravel access road and the Village of Lansing will maintain the gravel road. This road will become part of our trail system. There has been some concern with the juvenile and other trespassing activities in that area. The Sheriff has started patrolling and the Village will consider lighting enhancement or surveillance cameras. Julie stated that she drove down there one sunny day and there were skateboarders. Don stated that he has asked John Courtney to set 15-20 ton boulders on both sides of the current chain restricting vehicular access to discourage four-wheeling in that area. The curb stones that were previously placed in

those areas have been moved without authorization.

Dubow has prepared a draft approval resolution providing for approval of the proposed Intermunicipal Village/SCLIWC Access Road conveyance agreement. Don and Jack Rueckheim at Bolton Point have both confirmed their satisfaction with the agreement. Dubow believes Jack is intending to have the agreement on the Commission's agenda for their next meeting on Thursday, April 5th.

Resolution #5837-Approval Resolution for an Intermunicipal Agreement by and between the Southern Cayuga Lake Intermunicipal Water Commission (the Commission") and the Village of Lansing (the "Village") Providing for the Commission to Convey to the Village the Remaining Portion of the Lake Access Road West of the "T Intersection," with Blackchin Boulevard, and the Related Turn-Around Area, and Extending to the Commission Intake and Pumping Facilities and Related Improvements in and Adjacent to Cayuga Lake

WHEREAS, as indicated above, the Commission is an Intermunicipal organization formed under General Municipal Law Article 5-G for the purpose of providing public water service to designated areas of the Commission's municipal members and other adjacent municipalities; and

WHEREAS, the Village is one of the five member municipalities of the Commission, such other members being the Town of Ithaca, Town of Lansing, Town of Dryden and Village of Cayuga Heights; and

WHEREAS, ownership of the Lake Access Road west of the "T Intersection," including the turn-around area, extending to the Commission's intake and pumping station facilities and related improvements in and adjacent to Cayuga Lake continues to be held by the Commission (or its designee); and

WHEREAS, the Commission and the Village have determined that it would at this time be in the best interests of both parties for the Commission to convey to the Village the remaining portion of the Lake Access Road west of the "T Intersection," including the turn-around area, extending to the Commission's intake and pumping station facilities and related improvements in and adjacent to Cayuga Lake, all as further set forth hereinafter; and

WHEREAS, the Village is authorized and permitted by law to acquire real property for municipal and intermunicipal purposes, and to enter into agreements related thereto; and

WHEREAS, at the request of both the Commission and the Village, a proposed written Intermunicipal Agreement by and between the Commission and the Village has been prepared setting forth the terms and provisions for (i) the conveyance of the Lake Access Road to the Village as provided above, and (ii) the subsequent obligations and

benefits of the parties, which Intermunicipal Agreement is being presented to the governing boards of the Commission and the Village respectively for review and final approval;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Lansing Board of Trustees hereby determines, pursuant to Part 617 of the Implementing Regulations pertaining to Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act [“SEQRA”]), that execution of the Proposed Agreement as provided for herein is 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 SEQRA; and
2. The Village of Lansing Board of Trustees hereby approves the Proposed Intermunicipal Agreement, a copy of which is attached hereto and has been submitted to the Board and reviewed at this meeting; and
3. The Village of Lansing Board of Trustees hereby authorizes the Mayor to execute such Proposed Agreement on behalf of the Village, in substantially the form presented to the Village Board of Trustees, subject to the final approval as to form and content of the Mayor and the Attorney for the Village, and to take such further action as may be necessary and appropriate to give full force and effect to this resolution; and
4. The Village hereby authorizes and requests that the Mayor, Village Clerk/Treasurer and the attorney for the Village take such steps as may be necessary, desirable and/or appropriate to effectuate the intent of the foregoing resolutions; and
5. Any and all actions heretofore or hereafter taken by the Mayor, Village Clerk/Treasurer and the attorney for the Village within the terms and in conformity with the intent and purpose of the foregoing resolutions hereby are in all respects ratified, confirmed and approved as the proper and authorized acts and deeds of the Village.

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

Mayor Donald Hartill-Abstain
Trustee Julie Baker-Aye

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

The following is a copy of the agreement which Mayor Hartill is now authorized to sign:

**SOUTHERN CAYUGA LAKE INTERMUNICIPAL WATER COMMISSION --
VILLAGE OF LANSING INTERMUNICIPAL AGREEMENT**

THIS AGREEMENT (the "Agreement") is made effective the 2nd day of April, 2012, by and between:

The SOUTHERN CAYUGA LAKE INTERMUNICIPAL WATER COMMISSION, an Intermunicipal organization formed under General Municipal Law Article 5-G, being comprised of municipal signatories, including the Village of Cayuga Heights, the Village of Lansing, the Town of Dryden, the Town of Ithaca and the Town of Lansing, with offices at 1402 East Shore Drive, Ithaca, New York 14850 (the "Commission");

and

The VILLAGE OF LANSING, a municipal corporation in the County of Tompkins, New York, with offices at 2405 North Triphammer Road, Ithaca New York 14850 (the "Village").

WITNESSETH:

WHEREAS, as indicated above, the Commission is an Intermunicipal organization formed under General Municipal Law Article 5-G for the purpose of providing public water service to designated areas of the Commission's municipal members and other adjacent municipalities; and

WHEREAS, the Village is one of the five member municipalities of the Commission, such other members being the Town of Ithaca, Town of Lansing, Town of Dryden and Village of Cayuga Heights; and

WHEREAS, on or about _____, 2006, in conjunction with then pending litigation involving road and access rights and obligations related to certain property owned by the named plaintiffs in such litigation (the "Bolton Property"), (the Commission and its five member municipalities being the named defendants in such action), the involved parties entered into and executed a certain Stipulation and Settlement Agreement (the "Stipulation and Settlement Agreement"), a copy of which is attached hereto as **Exhibit 1**, incorporated herein and made a part hereof), such Stipulation and Settlement Agreement providing for, among other matters, the Commission's continued and uninterrupted rights of ingress and egress across plaintiffs' property to and from the Commission's property and facilities at the terminus of the Lake Access Road (as so identified in the Stipulation and Settlement Agreement and depicted on Exhibit A thereto), such access rights to be along the portion of the Lake Access Road not dedicated to the Village as a public road; and

WHEREAS, following the execution of the Stipulation and Settlement Agreement, final subdivision approval was granted prior hereto by the Village for the Bolton Property (the "Bolton Estate Subdivision"), and the Final Subdivision Plat, as amended, (the "Final

Plat”) has been filed at the Tompkins County Clerk’s Office, a copy of which is attached hereto as **Exhibit 2**, incorporated herein and made a part hereof; and

WHEREAS, development of the Bolton Estate Subdivision has been undertaken and advanced, including dedication and conveyance of certain parcels of property to the Village for public road purposes, including a portion of the original Lake Access Road as incorporated into the Subdivision, Loop Road (as so identified in the Stipulation and Settlement Agreement and depicted on Exhibit A thereto, and also as specifically depicted on the Final Subdivision Plat as “Blackchin Boulevard”); and

WHEREAS, ownership of the remaining portion of the original Lake Access Road west of the “T Intersection,” including the turn-around area, (as so identified in the Stipulation and Settlement Agreement and depicted on Exhibit A thereto, and also as specifically depicted on the Final Subdivision Plat as “Existing Gravel Drive” and “Access Road”) extending to the Commission’s intake and pumping station facilities and related improvements in and adjacent to Cayuga Lake continues to be held by the Commission (or its designee); and

WHEREAS, the Village is authorized and permitted by law to acquire real property for municipal and intermunicipal purposes, and to enter into agreements related thereto; and

WHEREAS, the Commission and the Village have determined that it would at this time be in the best interests of both parties for the Commission to convey to the Village the remaining portion of the Lake Access Road west of the “T Intersection,” including the turn-around area, (as so identified in the Stipulation and Settlement Agreement and depicted on Exhibit A thereto, and also as specifically depicted on the Final Subdivision Plat as “Existing Gravel Drive” and “Access Road”) extending to the Commission’s intake and pumping station facilities and related improvements in and adjacent to Cayuga Lake, all as further set forth hereinafter;

NOW, THEREFORE, in consideration of the promises, covenants, and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which being hereby acknowledged, the Commission and the Village hereby agree as follows:

1. Conveyance. The Commission shall convey to the Village the remaining unimproved privately held portion of the Lake Access Road and turn-around area (as specifically depicted on the Final Subdivision Plat as “Existing Gravel Drive” and “Access Road”) extending to the Commission’s intake and pumping station facilities and related improvements in and adjacent to Cayuga Lake, the conveyed property to be utilized as a limited use non-public thoroughfare and turn-around area for the joint intermunicipal purposes of providing (i) continued limited and private vehicular and pedestrian access, as reasonably needed, by the Commission and its employees, agents, invitees and other authorized parties; and (ii) limited and authorized pedestrian access in the general nature of a trailway and intended for lawful recreational purposes, including access, if and as properly granted, to the lake front property (also intended for lawful

recreational purposes) conveyed to the Village in conjunction with the Bolton Estate Subdivision approval and the conditions attached thereto, (such property being identified in the Stipulation and Settlement Agreement and depicted on Exhibit A thereto, and also specifically depicted on the Final Subdivision Plat as "To Be Conveyed To The Village of Lansing").

2. Conveyance Documents. The conveyance of such property shall be accomplished with customary and standard real property conveyance documents and forms for this type of transaction, such documents to be recorded and filed as required in the Tompkins County Clerk's Office. The property so conveyed shall be subject to existing water lines and related equipment and improvements situated above and/or below ground on the conveyed property, and any and all existing easements and rights of way related thereto. The foregoing rights of ingress and egress in favor of the Commission over the Access Road to be conveyed to the Village as provided for above shall be included in the deed to be delivered by the Commission to the Village, and such rights shall thereby be deemed as easement rights exercisable by the Commission for the intended purposes above, which easement rights shall run with the land. The ownership rights of the Village and the easement rights of the Commission shall, to the extent applicable at any future time, be subject to their respective obligations and restrictions under the Stipulation and Settlement Agreement as attached hereto as **Exhibit 1.**

3. Obligations of Village and Commission. The Commission and the Village shall utilize the Access Road only for the joint intermunicipal purposes set forth in Paragraph 1 above, and further agree to work cooperatively and in good faith regarding their collective rights and obligations. Each party shall exercise and coordinate its efforts so as to reasonably avoid interfering with the other party's rights and intended use of the Access Road. Upon the conveyance of the Access Road as provided for herein, the Village shall assume the responsibility for the limited and seasonal maintenance and repair of such Access Road (i) in a manner similar to and consistent with the prior maintenance and repair by the Commission, and (ii) to the extent deemed reasonably necessary for such Access Road's intended uses. Notwithstanding the foregoing, the Commission shall continue to be responsible for snow and ice removal in a manner similar to and consistent with the prior snow and ice removal practices of the Commission. Both parties agree that use of the Access Road by tractor trailer trucks and similar large vehicles and equipment shall not be permitted except in the case of emergency or other extenuating circumstances. The Commission and the Village shall delegate to each other further temporary and/or permanent obligations as jointly determined and agreed upon in writing, such writing to be deemed as an amendment hereto and attached to this Agreement.

4. Railroad Crossing/Access Rights. To the extent that either party now has or hereafter acquires rights to cross over the railroad tracks at the terminus of the Access Road and to thereby gain access to its respective lakeside property, the party having such crossing rights shall use its best efforts to lawfully extend such rights to enable the other party to access its respective lakeside property.

5. Indemnification. The Village shall indemnify, hold harmless, and defend the Commission, its officers and employees, agents and elected officials for injury or death to any person or persons or damage to property arising out of performance of this Agreement by the Village, its employees, subcontractors, or agents, except for all actions and claims arising out of the negligence of the Commission. Similarly, the Commission shall indemnify, hold harmless, and defend the Village, its officers and employees, agents, and elected officials for injury or death to any person or persons or damage to property arising out of performance of this Agreement by the Commission, its employees, subcontractors, or agents, except for all actions and claims arising out of the negligence of the Village.

6. Insurance. The Commission and the Village shall maintain the following minimum limits of insurance or equivalent self-insurance:

- (A) Workers' Compensation and New York Disability – Statutory coverage Employer's Liability – Unlimited.
- (B) Commercial General Liability including contractual, independent contractors, products/completed operations – Occurrence form required:

Each Occurrence	\$1,000,000
General Aggregate	\$3,000,000
Products/Completed Operations Aggregate	\$3,000,000
Personal and Advertising Injury	\$1,000,000
Fire Damage Legal	\$ 100,000
Medical Expenses	\$ 5,000
- (C) Business Vehicle Coverage - Liability for owned, hired and Non-Owned vehicles: \$1,000,000 Combined Single.
- (D) Umbrella Liability/Excess Liability - Each Occurrence \$3,000,000.
- (E) Both parties shall maintain "additional insured" coverage upon a primary and non-contributory basis for the officers, elected officials, employees and agents of the other party.

Upon reasonable request by the other, the Commission and the Village will provide one or more certificates of insurance evidencing the coverage's required by this Agreement.

7. Dispute Resolution: Should any dispute arise between the parties respecting the terms of this Agreement and written notice thereof be given by one party to the other (such written notice to provide a brief summary of the dispute), the parties hereby agree that for a period of sixty (60) days following such written notice they will negotiate in good faith as to the disputed matter. In the event that such good faith negotiations are unsuccessful and the parties are thereby unable to reach agreement on all required matters

within the sixty (60) day period provided for above, (i) any matters upon which the parties have agreed shall be reduced to a written agreement executed by the parties, and (ii) any unresolved matter(s) shall be submitted to the American Arbitration Association (the "AAA") for binding arbitration in accordance with the following procedure:

(i) Within thirty (30) days after the expiration of the (60) day negotiation period provided for above, the parties shall, in conjunction with AAA, agree upon one arbitrator to resolve the disputed matter(s); provided, however, that if the parties hereto cannot agree on an arbitrator within such thirty (30) day period, AAA shall select the arbitrator. The arbitrator so designated shall have expertise in municipal and contractual matters, and shall not have previously provided services to either the Village or the Commission.

(ii) Within such time as may be provided in AAA rules and regulations, the arbitrator and the parties shall meet, at which time the parties shall provide the arbitrator with any written documents executed by the parties as indicated above providing for the matters upon which the parties have agreed, and shall be further required to set forth in writing all disputed issues and their respective proposed determination on each such issue.

(iii) Following such preliminary meeting, the arbitrator shall set a date for a hearing which shall be no later than thirty (30) days after the submission of written proposals pursuant to subparagraph (ii) above. Each such party shall have the right to be represented by counsel at such hearing. The arbitration shall be governed by the rules of AAA; provided, however, that the arbitrator shall have the sole discretion with regard to the admissibility of testimony and other evidentiary materials.

(iv) The arbitrator shall use his or her reasonable best efforts to rule on the disputed issues within thirty (30) days after the completion of the hearing described in subparagraph (iii) above. The determination of the arbitrator as to the resolution of any disputed issues shall be in writing, delivered to all parties hereto, and binding and conclusive upon all parties hereto. Each party agrees to proceed in accordance with such determination, including taking all actions necessary to give full force and effect thereto. Any arbitration determination may be entered in and enforced by any court having jurisdiction thereof, and the parties hereby consent and commit themselves to the jurisdiction of such court for purposes of the enforcement.

(v) In connection with any arbitration proceeding hereunder, each party shall be responsible for its respective costs and expenses, including, but not limited to, attorneys' fees, unless the arbitrator, for good cause, directs otherwise in his or her written determination.

8. Notice: Whenever in this Agreement it shall be required or permitted that notice or demand be given or served by either party to this Agreement, such notice or

demand shall be given in writing to the Commission General Manager or the Village Mayor, as the case may be, at the addresses for the Commission and the Village indicated above and in the following manner: All such notices shall be (i) delivered in person with written and notarized proof thereof, and in such case shall be effective as of the date of such personal delivery; or (ii) sent by certified or registered mail, return receipt requested, and in such case shall be effective as of the date three (3) days following the date upon which such mailing is deposited; or (iii) sent by a nationally recognized overnight courier, and in such case shall be effective one (1) day after the date of delivery to such courier. The address of either party may be changed from time to time by such party providing written notice as required in this paragraph.

9. Term: This Agreement and the terms hereof shall be for an initial term commencing as of the effective date indicated above and ending on December 31, 2012, and shall then continue year to year from January 1 to December 31, unless terminated by the written consent of both parties. Any such termination of this Agreement, unless otherwise agreed in writing, shall not relieve either party from its respective obligations arising prior to such termination.

10. Miscellaneous: This Agreement (i) shall be governed by the laws of the State of New York, (ii) constitutes the entire agreement between the Commission and the Village with respect to the subject matter of this Agreement, (iii) supersedes all prior agreements, understandings and arrangements, both oral and written, between the Commission and the Village with respect to such subject matter, and (iv) may not be modified in any way unless in writing signed by both parties. The waiver by any party of a breach or violation of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach or violation. If any court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, the other provisions of this Agreement will remain in full force and effect. Any provision of this Agreement held invalid or unenforceable only in part or degree will remain in full force and effect to the extent not held invalid or unenforceable. Any other term, provision or requirement that is imposed or required by law, rule or regulation shall be deemed incorporated into this Agreement as so required, and the parties shall cooperate to execute a formal amendment to so include such term, provision or requirement in writing. If such added or amended term, provision, or requirement affects the value or cost of any goods or services provided hereunder, the parties shall cooperate in good faith to adjust the compensation and/or consideration due under this Agreement to or from either party. The Commission and the Village agree to execute and deliver such other documents and to perform such other acts as may, from time to time, be reasonably required to give full force and effect to the intent and purpose of this Agreement. Each party executing this Agreement represents and warrants that (i) he or she has the specific authority to bind the party on whose behalf he or she is signing this Agreement, (ii) the consent of any third parties is not required to perfect such authority, (iii) the party on whose behalf he or she is signing this Agreement has undertaken all actions required to enter into this Agreement, and (iv) his or her signature represents the binding obligation of such entity.

11. This Agreement may be executed (i) in counterparts, such counterparts

together comprising a single, binding agreement, and (ii) by facsimile or electronic signatures, which signatures shall be accepted as if they were original execution signatures.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

During the Mayor's Comments Don stated that he wanted to clarify that the letter he had previously provided in support of the Lansing Reserve PDA was very vanilla. It had language that the developer proposed with respect to an agreement for a PILOT or similar tax program. He indicated that he now understands that the Village alone can't initiate such a program and that it was not his intent to do so. He apologized for any confusion that may have occurred. He clarified that the Village in no way has agreed to a PILOT or similar program, and indicated that such a program is established through Tompkins County and the State, and is often a component of State funded affordable housing projects. All we can do as a Village is to support it.

Mayor Hartill stated that he is pleased with the Northeast Planning Group's interaction. He stated that it appears that the least expensive option for access has been rejected but he looks forward to reviewing the final proposals that come to the Board of Trustees.

Julie Baker stated that the third meeting will be in May. The committee members are now going back to their residents to get their feedback on the different alternatives. Julie went to talk to Tom LaVigne, Cornell Real Estate, because one of the options was to go through their property to Bomax Road and she felt that he should be involved in the process. Tom was happy that Julie got him involved and he stated that Cornell would look at it and would consider something that made sense.

Mayor Hartill stated that the Village needs to arrange a joint meeting with the Town of Lansing Board to better understand the Village/Town relationship. Julie stated that she has spoken with some of the Town Board members and they agreed that it would be good to get together.

John O'Neill handed out the information he collected from the last Town Board Meeting. At this meeting they talked about the water and sewer project for Warren Rd. The Lansing Sewer Committee continued gathering information on funding for the Town stand-alone sewer plant that is under consideration. The proposed sewer is now at the phase where the cost to district residents will make or break the project. The proposed site for the plant is down by Cargill. John also handed out a report that Pat Pryor, Tompkins County Legislator, had presented to the Town of Lansing Board. Lastly, John stated that Steve from Foodnet has decided that he doesn't need to come to the Village to talk about games of chance. However, this may be something that the Village wants to look at in the future.

Mayor Hartill told O'Neill how much the Board appreciates his interface with the Town of Lansing and Tompkins County.

Motion- To Adjourn

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

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

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

The meeting adjourned at 9:03 pm.

Jodi Dake
Clerk/Treasurer