

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, May 7, 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 Richard Durst.

Mayor Hartill called the meeting to order at 7:33 pm. and opened the public comment period. Richard Durst stated his concern with the speeding traffic on Cayuga Heights Road. He hasn't seen any Sheriff patrolling Cayuga Heights Road. Durst wondered if speed bumps would help slow down the traffic since they seem to work at Cornell. Mayor Hartill will call the Sheriff and State Police to see if they will patrol Cayuga Heights Road. The Mayor stated that they have been stopping many speeders on Oakcrest Road. Don stated that the biggest problem right now is that people cut down Cayuga Heights Road to avoid the water main construction on East Shore Drive. Don stated that speed bumps are problematic. There is a liability concern and a maintenance issue. Speed humps are a little better, but from the Mayor's perspective they are a last resort option. Don stated that we could also put the 'speed sign back up on Cayuga Heights Road to try and slow motorists down. Unfortunately, speed cameras are not allowed in New York State. John O'Neill stated that they are legal if your population is more than one million people.

Motion-To Close the Public Comment Period

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

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

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

2012 Organizational Meeting

RESOLUTION #5841-Appointment of Member to Planning Board

Be it RESOLVED, that the Board of Trustees hereby appoints Mario Tomei as Planning Board Chair for a term that will expire at the end of the Village's official year in 2017.

Trustee Baker moved to appoint Mario Tomei to the Planning Board. 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

RESOLUTION #5842-Appointment of Jonathan Kanter as an Alternate Member to Planning Board for a Period of One Year

Be it RESOLVED, that the Board of Trustees hereby appoints Jonathan Kanter as an Alternate member of the Planning Board for a one-year term.

Trustee O'Rourke moved to appoint Jonathan Kanter as an alternate to the Planning Board. 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

RESOLUTION #5843-Appointment of Member to Board of Zoning Appeals

Be it RESOLVED, that the Board of Trustees hereby appoints Patrick Gillespie as a member of the Board of Zoning Appeals for a five-year term that will expire at the end of the Village's official year in 2017.

Trustee Baker moved to appoint Patrick Gillespie to the Board of Zoning Appeals. 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

RESOLUTION #5844-Appointment of Dolores Adler to BZA as a Replacement for David Newman Until May 2015

Be it RESOLVED, that the Board of Trustees hereby appoints Dolores Adler as a Member of the Board of Zoning Appeals until May 2015

Trustee O'Rourke moved to appoint Dolores Adler as a member of the Board of Zoning Appeals. 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

Since Dolores was moved to a permanent member of the BZA, the alternate position is available. Roy Hogben of 35 Janivar drive offered to fill that position.

RESOLUTION #5845-Appointment of Roy Hogben as Alternate Member to Board of Zoning Appeals for a Period of One Year

Be it RESOLVED, that the Board of Trustees hereby appoints Roy Hogben as an Alternate member of the Board of Zoning Appeals for a one-year term.

Trustee Baker moved to appoint Roy Hogben as an alternate to the Board of Zoning Appeals. 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 thanked Roy for volunteering.

RESOLUTION #5846-Appointment of Phil Dankert as Recreation Partnership Board Member for a Period of Two Years

Be it RESOLVED, that the Board of Trustees hereby appoints Phil Dankert as Recreation Partnership Board Member for a Period of Two Years

Trustee O'Rourke moved to appoint Phil Dankert as Recreation Partnership Board Member. 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 Village is still looking for someone to fill the Alternate Recreation Partnership Board Member position for a period of two years.

RESOLUTION #5847-Appointment of John Dennis to the Tompkins County EMC for a Period of One Year

Be it RESOLVED, that the Board of Trustees hereby appoints John Dennis to the TCEMC for a one-year term.

Trustee Baker moved to appoint John Dennis to the TCEMC. 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 next item was to select an official newspaper. The Mayor stated that unfortunately the only choice is the Ithaca Journal. He is not happy with the coverage of this paper. He sent a press release to the Ithaca Journal on the budget and the reported called the Clerk/Treasurer to find out what was cut to lower the tax rate from \$1.21 to \$.99 per \$1,000 of assessed value. After the Clerk/Treasurer told him that there were no program cuts he was very surprised. The Mayor feels that since there wasn't any bad news to report he didn't place an article in the paper.

RESOLUTION #5848-Official Newspaper of the Village

Be it RESOLVED, that the Ithaca Journal is hereby established as the official paper for the publication of legal notices for the Village of Lansing.

Trustee O'Neill moved to establish the Ithaca Journal as the Village's official newspaper. 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

The following are the Official Holidays for 2012-13.

Sept 6 Labor Day
Sept 17-Rosh Hashanah
Oct 8-Columbus Day
Jan 21 Martin Luther King Day
Feb 18 Presidents Day

RESOLUTION #5849-Establishment of Meeting Days

Be it RESOLVED, that the 1st and 3rd Mondays of the month, at 7:30PM, and the second Thursday, following the first Monday of the month, at 12:00 noon are hereby established as regular meeting days for the Board of Trustees of the Village of Lansing with the exception of Federally Acknowledged Holidays and Major Religious Holidays.

Trustee O'Rourke moved to establish the meeting days. 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

RESOLUTION #5850-Roberts Rules of Order

Be it RESOLVED, that the Board of Trustees hereby adopts Roberts Rules of Order as a procedural guideline for Village meetings.

Trustee Baker moved to adopt Roberts Rules of Order as the procedural guidelines for Village meetings. 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

Municipal Law 77-b, authorizes municipal officials and employees to attend schools, conferences, seminars, ect. conducted for the benefit of the local government. However, such attendance is not authorized, nor can reimbursement be applied for, unless prior approval of the board of trustees is obtained. It would be appropriate at the organizational meeting to adopt a resolution authorizing certain individuals, by position, to attend meetings.

RESOLUTION #5851- Authorization for Clerk/Treasurer to Attend NYCOM Fall Training School

Be it Resolved, that the Board of Trustees hereby grants permission for the Clerk/Treasurer, Jodi Dake, to attend the NYCOM Fall Training School in September, 2012

Trustee O'Rourke moved to have the Clerk/Treasurer attend the NYCOM Conference. 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

RESOLUTION#5852-Code & Zoning Officer to Training

Be it Resolved, that the Board of Trustees hereby grants permission for the Code & Zoning Officer to attend the Planning Federation & SToba Conferences

Trustee Baker moved to authorize the Code & Zoning Officer to attend the listed conferences. 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

RESOLUTION#5853-Supt. of Public Works to Training

Be it Resolved, that the Board of Trustees hereby grants permission for the Supt. of Public Works to attend Highway School June 11-13 at a cost of \$100.

Trustee O'Rourke moved to have the Supt. of Public Works attend Highway School. 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

It was asked if Adam LaLonde should also attend the Conference because of his new position. The Board agreed that he should go next year.

RESOLUTION #5854-Authorization to Pay Claims prior to Audit

WHEREAS the Board of Trustees has determined to authorize payment in advance of audit of claims for public utility services, postage, freight and express charges, and

WHEREAS all such claims shall be presented at the next regular meeting of audit,

Be it RESOLVED, that the Village Clerk/Treasurer is hereby authorized to pay claims for utilities, postage, insurance, debt service and Bolton Point's charges for the quarterly water bills prior to audit by the Board of Trustees.

Trustee Baker moved to authorize the Clerk/Treasurer to pay the above stated bills prior to audit by the Board of Trustees. 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

RESOLUTION #5855-Salary for Board of Trustees

Be it RESOLVED, that the salaries for the Board of Trustees and the Mayor are hereby set at \$5,000 for each member of the Board of Trustees and \$12,500 for the Mayor for the 2012-2013 fiscal year.

Trustee O'Rourke moved to establish the salaries for the Board of Trustee members at \$5,000 and for the Mayor at \$12,500. 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

RESOLUTION #5856-Compensation for Planning Board

Be it RESOLVED, that the compensation paid to Planning Board members is hereby set at \$7,000 for the chairman and \$3,500 for each of the four members for the fiscal year 2012-2013.

Trustee Baker moved to set the compensation rate for the Planning Board at \$7,000 for the chairman and \$3,500 for each member. 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

RESOLUTION #5857-Compensation for Board of Zoning Appeals

Be it RESOLVED, that the compensation paid to BZA members is hereby set at \$60 per meeting for each of the five members for the fiscal year 2012-2013.

Trustee O'Rourke moved to set the compensation rate for the BZA members at \$60 per meeting for each member. 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

RESOLUTION #5858-Appointment of Elected Member to the Southern Cayuga Lake Intermunicipal Water Commission

Be it RESOLVED, that Donald Hartill is hereby appointed as an elected Village representative to the Southern Cayuga Lake Intermunicipal Water Commission.

Trustee O'Rourke moved to appoint Donald Hartill as the elected S.C.L.I.W.C representative. 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

RESOLUTION #5859-Appointment of Non-elected Member to the Southern Cayuga Lake Intermunicipal Water Commission

Be it RESOLVED, that Michael Newman is hereby appointed as non-elected Village representative to the Southern Cayuga Lake Intermunicipal Water Commission.

Trustee Baker moved to appoint Michael Newman as the non-elected S.C.L.I.W.C representative. 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

RESOLUTION #5860-Mileage Reimbursement Rate

Be it RESOLVED, that the mileage reimbursement rate to Village employees using personal cars for Village business shall be the federally approved mileage reimbursement rate.

Trustee Baker moved to set the mileage reimbursement rate at the federally approved mileage reimbursement rate. 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

The current rate is \$.555 per mile.

RESOLUTION #5861-Procurement Policy

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

WHEREAS, the Villages procurement policy which was approved on January 7, 1992 states that there will be an annual review of the policy, therefore

Be it RESOLVED, that the Board of Trustees have reviewed the current procurement policy and do hereby adopt the procurement policy

Trustee O'Rourke moved to adopt the Procurement Policy. 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

RESOLUTION#5862-Investment Policy

Be it RESOLVED, that the Board of Trustees have reviewed the current investment policy and do hereby adopt the investment policy

Trustee Baker moved to adopt the Investment Policy. 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

RESOLUTION #5863-Designation of Depositories

WHEREAS the Board of Trustees has determined that Village Law 4-412(3)(2) requires the designation of banks or trust companies for the deposit of all village monies;

NOW THEREFORE BE IT RESOLVED:

Section 1. That the Board of Trustees does hereby designate the following institutions as depositories of all moneys received by the Village Treasurer, Clerk, and Receiver of Taxes.

Tompkins Trust Company

Section 2. That this resolution shall take effect immediately.

Trustee O'Rourke moved to adopt 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

RESOLUTION#5864 -Capital Assets Policy

Be it RESOLVED, that the Board of Trustees hereby adopt the Capital Assets Policy

Trustee Baker moved to adopt the Capital Assets Policy. 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

RESOLUTION#5865-Workplace Violence Policy & Incident Reporting

Be it RESOLVED, that the Board of Trustees has reviewed the Violence Policy & Incident Reporting Form and reappoints Mayor Donald Hartill as the Designated Contact Person.

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 next item on the agenda was to approve the minutes from April 12 and 16, 2012

Motion- To Approve the Minutes for April 12 and 16, 2012

Trustee O'Rourke moved to approve the April 12 and 16, 2012 minutes.
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

Mayor Hartill stated that we have been trying since before the N. Triphammer Road Reconstruction Project to get an easement to construct a sidewalk beside the ExxonMobil gas station up to Friendly's and then on to the Cayuga Mall. It has been a long struggle. Dubow stated that we now have an easement that both parties are in agreement with, and if the Board approves the easement document and the resolution to move forward, the easement document can be circulated for execution.

Resolution#5866- To Authorize the ExxonMobil Sidewalk Easement

WHEREAS:

- A. As part of the previously completed North Triphammer Road Reconstruction Project, the Village of Lansing (the "Village") obtained easement rights associated with certain project components, including sidewalks; and
- B. The Village was not previously able to obtain an easement for a proposed sidewalk extension/connection across property fronting on North Triphammer Road and upon which a Mobil fuel and repair station operates; and
- C. The Village, after significant and extended efforts over the last several years, has now obtained from the required party the necessary consent for (i) the construction of the sidewalk extension/connection as originally sought and (ii) the necessary easement rights related thereto; and
- D. A proposed written Easement document has been prepared setting forth the terms and provisions pursuant to which the Village can construct, repair and maintain a sidewalk on the granted easement property, which Easement is now being submitted to the appropriate parties for final review and 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 Easement 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 Easement, a copy of which 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 Easement 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 Board of Trustees 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 Baker moved this resolution. 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

The Following is a copy of the easement:

**PERMANENT EASEMENT
For
Sidewalk Extension**

THIS EASEMENT is made as of the ____ day of _____, 2012 by and between 2311 TRIPHAMMER RD LANSING LLC, with an address of 702 Hamilton Street, Suite 203, Allentown, Pennsylvania 18101 ("Grantor"), and the VILLAGE OF LANSING, a New York municipal corporation having offices at 2405 North Triphammer Road, Ithaca, New York 14850 ("Grantee" or the "Village").

WHEREAS, Grantor holds beneficial and fee title to property situated at 2309 North Triphammer Road (Tax Parcel No. 47.1-3-8.1) in the in the Village of Lansing, County of Tompkins and State of New York (the "Grantor's Property"); and

WHEREAS, the Village wishes to extend a sidewalk across Grantor's Property in accordance with a plan entitled "Cayuga Mall Entrance Sidewalk" prepared by Fisher Associates Engineers and Surveyors, dated June 2004 (the "Plan"), the Plan being attached hereto as Exhibit A, incorporated herein and made a part hereof, and Grantor has expressed its willingness to permit such sidewalk extension across Grantor's Property as provided for herein; and

WHEREAS, Grantor and Grantee hereby provide for the necessary easement rights as so provided by the Plan;

NOW, THEREFORE, in consideration and furtherance of the above, and for the mutual premises set forth herein and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Grantor and Grantee hereby agree as follows:

1. Grantor hereby grants and releases to Grantee, its successors and assigns, a permanent easement for access over and across, and use of, portions of Grantor's Property as may be necessary or appropriate for the installation, construction, reconstruction, use, operation, maintenance, alteration, repair, removal, replacement or relocation of the sidewalk extension as situated and set forth on the Plan. The rights granted hereby shall include the right to trim and/or remove trees, shrubs, other vegetation or natural materials within the easement area as may be necessary and appropriate to exercise the foregoing rights.

2. The easement area shall consist of the area designated on and more particularly set forth on the Exhibit A Plan.

3. The rights granted hereby shall include the right of reasonable access over the easement areas and the public roads, private roads, driveways, parking areas and other areas adjoining said easement areas granted by Grantor or such other necessary parties for the purposes of Grantee exercising the rights granted herein.

4. Grantor warrants and covenants that (i) Grantor shall not alter the improvements, facilities and utilities installed and constructed within the easement area in accordance with the rights granted hereby, and (ii) no buildings, structures or improvements shall be constructed or erected within the easement area or any adjoining areas that may interfere with the exercise of Grantee's rights hereunder or with Grantee's access to the easement area.

5. All of the covenants, terms, conditions and restrictions set forth in this easement shall be binding upon and inure to the benefit of the parties hereto and their

respective successors and assigns, and this easement shall run with the land of Grantor in perpetuity.

6. Grantor shall reimburse Grantee for any and all costs Grantee may incur, including, but not limited to, reasonable attorney's fees, arising out of Grantee's enforcement of this easement against the Grantor. The terms of this section shall survive any termination of this easement.

7. Grantor warrants and covenants to Grantee that Grantor is the beneficial and fee owner of Grantor's Property containing an easement area, and such title is not encumbered in any manner other than with usual and customary utility easements and subordinate mortgages and use restrictions aiding in the development of Grantor's Property, none of which prevent, prohibit or interfere with Grantor's grant to Grantee of the rights set forth herein or Grantee's exercise of such rights. The party executing below on behalf of Grantor represents and warrants that such party has the specific authority to do so and that this document represents the binding obligation of Grantor. Grantor reserves all rights accruing from Grantor's ownership of beneficial and fee title to Grantor's Property containing the easement area, except to any extent that the exercise of such rights and Grantor's use of Grantor's Property conflicts with the terms of this easement.

8. Grantor and Grantee respectively agree to indemnify and hold harmless the other party and its respective officers, employees, agents, permittees, contractors and other authorized parties, against any property damages, personal injury claims, causes of action, judgments, liabilities, costs or damages (including reasonable attorneys fees) arising out of the negligence or willful misconduct of the responsible indemnifying party and its respective officers, employees, agents, permittees, contractors and other authorized parties.

9. Grantee shall cause this easement and related required documents to be recorded and filed in the office of the Clerk of Tompkins County, New York, the cost thereof to be paid by Grantee.

10. This easement (i) shall be governed by the laws of the State of New York, (ii) constitutes the entire agreement between the parties hereto with respect to the subject matter hereof, (iii) supersedes all prior agreements, understandings and arrangements, both oral and written, between the parties hereto with respect to such subject matter, and (iv) may not be modified in any way unless by a written instrument executed by all parties. The waiver by any party hereto of a breach or violation of any term or provision of this easement 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 easement invalid or unenforceable, the other provisions of this easement will remain in full force and effect. Any provision of this easement held invalid or unenforceable only in part or degree will remain in full force and effect to the extent not held invalid or unenforceable. The parties hereto 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 easement. Each party executing this easement 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 easement, (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 easement has undertaken all actions required to enter into this easement, and (iv) his or her signature represents the binding obligation of such entity.

11. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same document. The exchange of copies of this Agreement and of signature pages by facsimile transmission or electronically shall constitute effective execution and delivery of this Agreement as to the parties and may be used in lieu of the original Agreement for all purposes. Signatures of the parties transmitted by facsimile or electronically shall be deemed to be their original signatures for all purposes.

IN WITNESS WHEREOF, Grantor and Grantee have executed this easement as of the date first set forth above.

The next item on the agenda was to consider Proposed Local Law D to Amend the Village of Lansing Code-Sewer Rent. It was explained that based upon the Village of Cayuga Heights having implemented, by local law, a new water consumption method (as opposed to its previous unit method) for establishing and collecting sewer rents from its property owners as well as property owners of outside municipalities (including the Village of Lansing) for which the Village of Cayuga Heights provides sewer system transmission and treatment services, such new sewer rent method having been determined by the Village of Cayuga Heights to be the most equitable manner of collecting such sewer rents, it is the purpose and intent of this proposed Local Law D of 2012 of the Village of Lansing to revise the manner in which the Village of Lansing establishes and collects sewer rents and related sewer charges attributable to (i) Village of Lansing properties that are provided with water service by connecting to the Village of Lansing Water System and (ii) Village of Lansing properties that are not provided with water service by connecting to the Village of Lansing Water System. As a result of such action by the Village of Cayuga Heights, it is the further purpose and intent of this local law to amend the Village of Lansing Sewer Law provisions related to the manner in which the Village of Lansing charges and collects sewer rents from its property owners for use of the Village of Cayuga Heights sewer system, the objective being to coordinate and consolidate the processes by which the Village of Lansing establishes and collects sewer rents for use by Village of Lansing property owners of the Village of Lansing sewer system and the Village of Cayuga Height sewer system, in each case based upon water consumption only; and more specifically, to amend the Village Sewer law accordingly.

Resolution #5867-To Set a Public Hearing for Proposed Local Law D (2012) to Amend the Village of Lansing Code-Sewer Rent for May 21, 2012 at 7:30pm

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

The next item on the agenda was to consider a Permissive Referendum to Transfer \$549,651 from General Capital Reserve to Pay for the Construction of the New Village Hall. Dan Veaner asked why only \$549,651 was being taken out when the whole project costs \$771,000. Mayor Hartill explained that we are using part of our General operating funds to pay for part of the project and the rest will be taken from the General Capital Reserve. Durst asked if we would have to bring that balance back up after this expenditure. Mayor Hartill stated that our reserve funds are healthy and that will not be necessary. Dubow explained the legal requirements regarding the expenditure of capital reserve funds, and specifically the requirement that any such action is subject to a permissive referendum as provided for in the proposed resolution that is before the Board.

Resolution # 5868-New Office Building Capital Reserve
Expenditure Authorization

WHEREAS:

- A. The Village of Lansing (the "Village") has for all of its existence cohabitated within its current building with water service equipment of the Southern Cayuga Lake Intermunicipal Water Commission; and
- B. The Village has over the last several years contemplated a new Village office building being constructed to more effectively house Village employees and to better provide services to the public and meet the needs of the citizens of the community; and
- C. The Village has, in anticipation of a new Village office building being constructed, maintained a general capital reserve fund so as to set aside funds for such office building project; and
- D. The Village has obtained architectural, engineering and related plans for such project, and has also obtained necessary approvals and authorizations related thereto, including, but not limited to, a SEQR negative declaration from the Village Planning Board, as lead agency for such project, confirming that such project will not result in any significant environmental effects; and
- E. The Village has determined to proceed with such project and has been provided with an estimate of the anticipated costs of completing such project in the amount of \$740,000; and
- F. The Village wishes to authorize the expenditure of funds for such project such that (i) a portion of the estimated \$740,000 project cost be covered by a transfer

of \$549,651 from the General Capital Reserve Fund to the Capital Projects Fund, and (ii) the balance to be transferred from the General Fund to the Capital Projects Fund;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village Board of Trustees hereby authorizes (i) the Village office building project to proceed and (ii) the expenditure of funds for such project such that a portion of the estimated \$740,000 project cost be covered by a transfer of \$549,651 from the General Capital Reserve Fund to the Capital Projects Fund, and the balance to be to be transferred from the General Fund to the Capital Projects Fund; and
2. Within ten (10) days after the adoption of this resolution, the Village Clerk shall, as set forth in Article 9 of the Village Law, post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of this resolution, concisely stating the purpose and effect thereof. Such notice shall specify that such resolution was adopted subject to a permissive referendum; and
3. This resolution shall take effect thirty (30) days after its adoption, unless a referendum is requested, in which event it shall take effect, if approved at such referendum, upon such approval; and
4. This resolution is adopted subject to a permissive referendum as required by law.

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

It was next explained that the 2011-2012 Budget allotted for a transfer of \$86,162 from the Water Capital Reserve to the Water Fund to help pay for the 2011 Water System Improvement Project. However, with change orders, the project being extended and the decrease in water usage, all these factors require the need for an addition \$35,000 to be transferred to the Water Fund to cover the 2011 Water System Improvement Project expenses. The Mayor explained that the project has increased in cost. The contractor got a late start last year and left a mess along Cayuga Heights Road. The water line will now be moved into the road and the water line replacement now continues further down Cayuga Heights Road. We have received a schedule from the contractor and the project is scheduled to be completed by June.

Resolution #5869-To Authorize a Water Capital Reserve Expenditure of \$121,162 for the 2011 Water System Improvement Project for the Water Main Replacement on Burdick Hill Road and Cayuga Heights Road

WHEREAS:

- A. The Village of Lansing (the “Village”) has undertaken the previously approved 2011 Water System Improvement Project for the Water Main Replacement on Burdick Hill Road and Cayuga Heights Road (the “Project”), such Project having been commenced in 2011 and being continued in 2012; and
- B. The Village has prior hereto obtained engineering and related plans for the Project, and has also obtained necessary approvals and authorizations related thereto; and
- C. The Village prior hereto determined to proceed with the Project at an initial cost of \$526,253; and
- D. Due to unanticipated circumstances and other related issues, causes and determinations, and following consultation with the Village’s engineers, the Village and the general contractor agreed to a change order to the initial agreement for the Project, the result thereof being to increase the contract cost to \$623,668; and
- E. The Village, having agreed to and approved the foregoing change order and increase in the contract cost for the Project, and having further determined the appropriate budgetary manner in which the Project costs should be funded, now wishes to authorize the transfer of funds in the amount of \$121,162 from the Water Capital Reserve Fund to the Water Fund, with the balance of the increased contract cost to be expended from the Water Fund;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The Village Board of Trustees hereby authorizes the expenditure of funds for the Project such that a portion of the current \$623,668 contract amount be covered by a transfer of \$121,162 from the Water Capital Reserve Fund to the Water Fund, with the balance of the increased cost to be expended from the Water Fund; and
- 2. Within ten (10) days after the adoption of this resolution, the Village Clerk shall, as set forth in Article 9 of the Village Law, post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of this resolution, concisely stating the purpose and effect thereof. Such notice shall specify that such resolution was adopted subject to a permissive referendum; and

3. This resolution shall take effect thirty (30) days after its adoption, unless a referendum is requested, in which event it shall take effect, if approved at such referendum, upon such approval; and
4. This resolution is adopted subject to a permissive referendum as required by law.

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

During the Mayor's comments he stated that last Thursday at the SCLIWC meeting at Bolton Point they voted to approve the transfer of the water plant Access Road to the Village of Lansing. The Mayor reported that it was questioned why SCLIWC was responsible for plowing the road in the winter. Mayor Hartill explained that the original agreement with the landowners involved the Commission having to build the road to Village of Lansing specifications which would have cost ~\$4 million. The final agreement among the various parties, including the Village of Lansing, was to build a ring road as part of the development of the subdivision with the remaining Access Road to be used by the Commission for its purposes and by the Village as part the trail system which will provide safe access to Poison Ivy Point. Based upon that arrangement, it was also agreed upon that the Village of Lansing will do general maintenance on the road and the Commission would be responsible for snow plowing to enable them to reach the water plant. . Once this agreement is finalized and the conveyance of the road completed, the Mayor will contact the railroad company to see if we can get access to walk across the tracks. Currently, the only legal way to reach the point is from the lake side or possibly by way of any existing easement or right-of-way available to the Village. The Mayor also reported that there have been a number of complaints regarding partying and improper activities in that subdivision area. Unfortunately, the only thing that the Mayor thinks will solve that problem will be for the neighborhood to build out and have a neighborhood watch program. John O'Neill asked if John Courtney had gotten the large rocks to place by the fence to keep people from driving around it to go down the road. The Mayor stated that he was down there this past week and there is one boulder and two pavers still there.

The Mayor stated that he attended the TCAD breakfast on Thursday morning. There was a rumour circulating that the senior housing that goes along with BJ's will not be done. Don assured them that it is still moving forward and that it may possibly be expanded to include more residential units. There has been some discussion about doing a wetland swap. They should be attending the next Planning Board meeting to discuss this possibility.

John O'Neill stated that there is an Art Show at the Lansing Town Hall this weekend. The farmers market will also open for the season on June 9th.

Lynn had circulated an email to the Board members regarding a complaint from a biker who was concerned with the bridge over Route 13 and the dirt. This is a State issue which O'Neill will talk to Courtney about. Mayor Hartill stated that once the State completes paving they will restripe the bridge and this will no longer be an issue. The reason that there currently isn't the proper striping is because a truck hit the bridge and part of it was changed for safety reasons.

Patricia O'Rourke stated that she spoke with Amie Hendrix about supplying us with Youth Board information. Amie has been very busy but Patricia should receive that information at the next meeting on May 29th. Patricia will also contact Janice.

Motion- To Go Into Executive Session to Discuss Potential Real Estate Transaction/Negotiations and Values That May be Adversely Affected

Trustee Baker moved to go to executive session. 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

The Board went into executive session at 8:32pm.

Motion- To Come Out of Executive Session

Trustee O'Rourke moved to come out of executive session. 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

The Board came out of executive session at 9:07pm.

Motion- To Adjourn

Trustee Baker moved for adjournment. 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

The meeting adjourned at 9:07 pm.

Jodi Dake
Clerk/Treasurer