

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, May 21, 2012, in the Village Office.

PRESENT: Deputy Mayor Lynn Leopold; Trustees Patricia O'Rourke, Julie Baker, and John O'Neill; Clerk/Treasurer Jodi Dake; Attorney David Dubow; Planning Board Member Phil Dankert.

Deputy Mayor Leopold called the meeting to order at 7:30 pm. and opened the public comment period. Phil Dankert asked the Trustees to consider banning smoking in all Village Parks. Phil stated that Chapter 98 of the Codification states the rules & regulations for public parks in the Village. He feels the Village should consider a ban on smoking because there are a lot of children in the park and second hand smoke is not good for anyone. Also there is a problem with smokers leaving their cigarette butts lying on the ground. There are no receptacles for them to discard their butts into. Patricia O'Rourke stated that this situation also creates a risk of fire. One of the issues would be how to enforce it. It was suggested that we have a sign by the entrance and then people using the park can communicate to those violating the rule and ask them to stop smoking in the Village Park. Lynn stated that this is a policy issue that will need to be discussed with the Mayor and then be incorporated into the park rules listed in the codification.

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:

Deputy Mayor Lynn Leopold-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 on Proposed Local Law D. Dubow explained that this proposed law is an effort to amend the Codification to be consistent with the Village of Cayuga Heights new way of billing for sewer by consumption rather than the previous billing based on units. The sewer charge, that was basically a pass through to the VCH, use to appear on the Village tax bill. However, now that it will be based on consumption, it will appear as a usage charge on the quarterly water/sewer billing. The language has been changed to be a user fee verses a unit fee. The local law also incorporates a more user friendly way to change rates by Public Hearing and then a resolution instead of having to pass a local law every time the sewer rate changes.

Motion-To Open the Public Hearing on Proposed Local Law D (2012) to Amend the Village of Lansing Code-Sewer Rent

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

Deputy Mayor Lynn Leopold-Aye  
Trustee Julie Baker-Aye

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

There were no comments from the public.

Motion-To Close the Public Hearing on Proposed Local Law D (2012)

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

Deputy Mayor Lynn Leopold-Aye  
Trustee Julie Baker-Aye

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

Resolution #5871-To Adopt Proposed Local Law D as Local Law 4  
(2012)

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law D (2012), to be designated Local Law 4 (2012) upon its adoption. 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

- B. On May 7, 2012, the Village of Lansing Board of Trustees preliminarily discussed the purposes and intent of Proposed Local Law D (2012), and thereupon scheduled a public hearing thereon for May 21, 2012; and
- C. On May 21, 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 D (2012), (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board’s deliberations; and
- D. On May 21, 2012, the Village of Lansing Board of Trustees determined that the approval of the proposed action is a Type II action, and thus may be processed without further regard to Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”); and
- E. On May 21, 2012, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law D (2012), (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board’s deliberations;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

- 1. The Village of Lansing Board of Trustees hereby adopts the attached Proposed Local Law D (2012), to be designated Local Law 4 (2012).

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

Deputy Mayor Lynn Leopold-Aye  
Trustee Julie Baker-Aye

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

The Following is a copy of Local Law 4 (2012), Amendment to Village of Lansing Code-Sewer Rents:

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

**SECTION I. PURPOSE AND INTENT.**

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 accordingly:

- (i) subsection A of Section 111-21 [entitled “Rents for property owners connected with Village of Lansing water system”] of Article II [entitled “Sewer Rents”] of Chapter 111 [entitled “Sewers”] of the Village of Lansing Code; and
- (ii) subsection A of Section 111-22 [entitled “Rents for property owners not connected with Village of Lansing water system”] of Article II [entitled “Sewer Rents”] of Chapter 111 [entitled “Sewers”] of the Village of Lansing Code.

Furthermore, the result of the foregoing intended action as set forth above and below will be to (i) eliminate the current annual sewer unit charge imposed upon Village of Lansing property owners attributable to such owner’s use of the Cayuga Heights sewer system, which charge is currently included on such property owner’s annual Village property tax bill; (ii) replace such unit based sewer rent charge for use of the Village of Cayuga Heights sewer system with an annual water consumption based sewer rent charge (consistent with the water consumption based sewer rent charge currently imposed by the Village of Lansing on its property owners for use of the Village of Lansing sewer system) to be paid quarterly and to be integrated with the quarterly water bills issued to Village of Lansing property owners, which quarterly water bills currently include, and will continue to include, the water consumption based sewer rent bill amount attributable to a Village property owner’s use of the Village of Lansing sewer system; and (iii) simplify and clarify the procedural manner in which sewer rent charges are established and modified by the Village Lansing Board of Trustees.

**SECTION II. AMENDMENT TO THE VILLAGE OF LANSING CODE.**

- A. Subsection A of Section 111-21 [entitled “Rents for property owners connected with Village of Lansing water system”] of Article II [entitled “Sewer Rents”] of Chapter 111 [entitled “Sewers”] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

**A. Each owner of property that is provided with water service by connecting to the Village of Lansing Water System shall be charged for, and shall be obligated to pay, a total annual sewer rent amount comprised of the following:**

- (1) an annual sewer rent charge for use of the Village of Lansing sewer system, such charge to be equal to ninety-five cents (\$0.95) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of \$9.50 for each quarterly billing (as provided in subsection “B” below); and**
- (2) an annual sewer rent charge for use of the Village of Cayuga Heights sewer system, such charge to be equal to three dollars and twenty-two cents (\$3.22) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of \$32.20 for each quarterly billing (as provided in subsection “B” below).**

**Each of the above amounts shall be individually calculated, and thereafter consolidated and collected for all quarterly billings commencing with the Southern Cayuga Lake Intermunicipal Water Commission/Bolton Point quarterly billing after July 1, 2012; each such amount shall thereafter continue until such amount is otherwise modified from time to time by resolution adopted by the Village of Lansing Board of Trustees as permitted and required; and, in each case such resolution shall be preceded by a public hearing held on no less than five (5) days notice as required by law.**

**B. Subclause “(1)” of Subsection B of Section 111-21 [entitled “Rents for property owners connected with Village of Lansing water system”] of Article II [entitled “Sewer Rents”] of Chapter 111 [entitled “Sewers”] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:**

- (1) Such annual calculated and consolidated sewer rent charges as provided above shall be billed and payable quarterly together with the billing for water service, and shall be due and payable on the following dates: January 1, April 1, July 1 and October 1.**

- C. Subclause “(2)” of Subsection B of Section 111-21 [entitled “Rents for property owners connected with Village of Lansing water system”] of Article II [entitled “Sewer Rents”] of Chapter 111 [entitled “Sewers”] of the Village of Lansing Code is hereby deleted in its entirety.
- D. Subsection A of Section 111-22 [entitled “Rents for property owners not connected with Village of Lansing water system”] of Article II [entitled “Sewer Rents”] of Chapter 111 [entitled “Sewers”] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:
- A. **Each owner of property that is not provided with water service by connecting to the Village of Lansing Water System shall be charged for, and shall be obligated to pay, a total annual sewer rent amount comprised of the following:**
- (1) an annual sewer rent charge for use of the Village of Lansing sewer system, such charge to be equal to ninety-five cents (\$0.95) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of \$9.50 for each quarterly billing (as provided in subsection “C” below); and**
  - (2) an annual sewer rent charge for use of the Village of Cayuga Heights sewer system, such charge to be equal to three dollars and twenty-two cents (\$3.22) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of \$32.20 for each quarterly billing (as provided in subsection “C” below).**

**The amount charged for use of the Village of Lansing sewer system shall be individually calculated, and thereafter collected by the Village of Lansing for all quarterly billings commencing with the Southern Cayuga Lake Intermunicipal Water Commission/Bolton Point quarterly billing after July 1, 2012. The amount charged for use of the Village of Cayuga Heights sewer system shall be individually calculated, and thereafter collected by the Village of Lansing or such other party designated by the Village of Cayuga Heights, for all quarterly billings commencing with the Southern Cayuga Lake Intermunicipal Water Commission/Bolton Point quarterly billing after July 1, 2012. Each such amount shall thereafter continue until such amount is otherwise modified from time to time by resolution adopted by the Village of Lansing Board of Trustees as permitted and**

**required; and, in each case such resolution shall be preceded by a public hearing held on no less than five (5) days notice as required by law.**

E. Subsection C of Section 111-22 [entitled “Rents for property owners connected with Village of Lansing water system”] of Article II [entitled “Sewer Rents”] of Chapter 111 [entitled “Sewers”] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

**C. Such annual calculated sewer rent charges for use of the Village of Lansing sewer system as provided above shall be billed and payable quarterly, and shall be due and payable on the following dates: January 1, April 1, July 1 and October 1. Such annual calculated sewer rent charges for use of the Village of Cayuga Heights sewer system as provided above shall be billed and payable quarterly, and shall be due and payable on the following dates: January 1, April 1, July 1 and October 1; provided, however, that if such charges for use of the Village of Cayuga Heights sewer system are billed and collected by a party other than the Village of Lansing as so designated by the Village of Cayuga Heights, such charges shall be billed and payable quarterly on dates established by the Village of Cayuga Heights and the party designated by the Village of Cayuga Heights for billing and collection.**

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 its filing in the office of the Secretary of State.

Jodi stated that Dave Putnam was not present for the engineer’s report but has left a Notice of Award for Sewer Main Replacement-Shops at Ithaca Mall for the Board to approve. Dycon Northeast, LLC of 1841 Pennsylvania Ave., Pine City, New York was the lowest bidder at \$82,500. This bid was quite a bit lower than the next lowest bid of

\$147,700 by Boland's Excavating and Topsoil, Inc. The references have been checked on this new partnership and a Notice of Award has been prepared.

Resolution #5872-To Accept the Contract Price of \$82,500 for the Sewer Main Replacement –Shops at Ithaca Mall Project from Dycon Northeast, LLC and Authorize the Mayor to sign the Notice of Award

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

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

The next item on the agenda was to approve the minutes form May 7, 2012.

Motion- To Approve the Minutes from May 7, 2012

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

Deputy Mayor Lynn Leopold-Abstain	Trustee Julie Baker-Aye
Trustee Patricia O'Rourke-Aye	Trustee John O'Neill-Aye

The next item on the agenda was to consider setting a public hearing to increase the Planned Sign Area (PSA) for the Shops at Ithaca Mall. Lynn stated that Eric Goetzmann came to the last Planning Board meeting to request additional signage. Since they used a lot up with BJ's they are requesting some additional signage.

In a recommendation from Mario Tomei, Mario stated that the Planning Board discussed this topic and recommends, due to the addition of the BJ's Building (approximately 87,000 ft<sup>2</sup>) that the Shops at Ithaca Mall Planned Sign Area be increased by 500 sq. ft. The Planning Board believes that this would not be out of character with the previous amendments to the mall's PSA, in which the most recent change occurred with the addition and reconstruction of the Regal Cinema space that is approximately 63,000 sq. ft. At that time the Planning Board and Board of Trustees decided to recommend and approve an additional 633 sq. ft. to the mall's PSA. The additional signage that is being requested would be less per square foot of building space than what was approved for the Regal Cinema tenant.

Dubow stated that the current PSA maximum allowance after Target & Regal is 3,200 sq ft. In the past, as the mall area has expanded we've provided reasonable amounts of additional signage. After a healthy discussion at the last Planning Board Meeting, the Planning Board decided on an additional 500 sq. ft. The Planning Board decided that this was a major change to the PSA so a public hearing is needed. They evaluated improvements and decided what was appropriate.

Resolution #5873- To Set a Public Hearing to Consider Increasing the Planned Sign Area for the Shops at Ithaca Mall for June 4, 2012 at 7:35pm.

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

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

Lynn Leopold presented the following executive summary for the Annual Stormwater Discharge Report.

**Executive Summary**  
**2011-2012 Annual Report for Phase II SPDES General Permit for**  
**Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s)**  
**Village of Lansing, May 21, 2012 Public Presentation**

This Annual Report has been prepared in compliance with the NYS Department of Environmental Conservation permitting requirements for small (Municipal Separate Storm Sewer Systems (MS4s), which includes the Village of Lansing. The Village has been required to meet the new EPA Phase II Stormwater regulations since 2003 and has been working toward full permit compliance. This Annual Report documents the progress that the Village made toward compliance, covering the period from March 10, 2011 through March 9, 2012. Below is a summary of the six Minimum Control Measures (MCMs), which include:

- Public Education and Outreach on Stormwater Impacts
- Public Involvement/Participation
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management
- Pollution Prevention/Good Housekeeping for Municipal Operations

**MCM 1: Public Education/Outreach on Stormwater Impacts**

The Village is represented on the Stormwater Coalition of Tompkins County, which has coordinated many public education and outreach opportunities for stormwater education. Efforts include: providing trainings for local officials, contractors and others on controlling stormwater. Other entities, such as the Cayuga Lake Watershed Intermunicipal Organization, of which the Village is a member, Tompkins County Soil and Water Conservation District, and the Cayuga Lake Watershed Network, provide stormwater educational programs, such as the Floating Classroom, Lake Fest, training for local officials, contractors and builders. A list of these activities is in the Annual Report.

**MCM 2: Public Involvement/Participation**

As with MCM 1, the Village has benefited from the efforts of many organizations and agencies to include public in stormwater activities, such as litter clean-ups, stream bank stabilizations, trash and hazardous waste management, pharmaceutical collections and

volunteer monitoring of local streams and the Lake, Floating Classroom tours for school children and adults. See the Annual Report for more detail.

### **MCM 3: Illicit Discharge Detection and Elimination**

The Village adopted legislation to control illicit discharges to Village waterways and storm sewers. Illicit discharges, such as dumping wastewater directly into the Village's storm sewers, are already prohibited under the Tompkins County Sanitary Code. Other discharges, such as dumping waste oil or other pollutants into the storm sewer system, ditches or streams, are now prohibited by Village law. Department of Public Works staff routinely inspects and repair, if needed, stormwater conveyance and treatment systems within the Village. In the past reporting period, 3 sewer breaks and one swimming pool discharge were detected and corrected.

### **MCM 4: Construction Site Stormwater Runoff Control**

Developers in the Village must abide by the Stormwater law of 2007 when designing and implementing developments that disturb one acre of land or more. New developments must submit Stormwater Pollution Prevent Plans, which the Village Planning Board/Engineer reviews. Licensed engineers who are trained in stormwater management must monitor construction sites. Village staff made dozens of site visits this past year to active construction sites, chiefly at the BJ's wholesale warehouse site. Staff also conducted visits to the private home construction projects in Bolton Estate, Millcroft and Lansing Trails II.

### **MCM 5: Post-Construction Stormwater Management**

This requirement is much like the previous one, except that once the development is finished, the area must be monitored to ensure that stormwater does not cause erosion that will carry sediment off the site. These activities are covered under our local law.

### **MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations**

The Village complies with stormwater regulations in its own municipal operations, such as highway, bridge, park, rights-of-way and building maintenance. We already have many measures in place to ensure that pollutants are properly managed and not allowed to enter our waterways. Examples: road salt is stored in its own closed building; retention basins and storm sewers checked and cleaned annually, streets swept in spring to remove sand and grit. DPW staff is responsible for inspecting and maintaining all Village stormwater conveyances and structures, as well as all outfalls, culverts and ditches. The new Village garage allows our highway staff to store vehicles and perform maintenance on them in an enclosed space, which also provides containment for vehicle fluids, keeping them out of surface and groundwater systems.

In April, 2008, the DEC issued the new General SPDES Permits for stormwater [Construction Activities, GP-0-10-002 and the SPDES General Permit for Discharges from Municipal Separate Storm Sewer Systems (MS4s), GP-0-10-002], which covers construction activities, from May 1, 2008—April 30, 2010. The following activities relevant to our area are covered under the new permit:

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;

2. *Construction activities* involving soil disturbances of less than one (1) acre where the Department has determined that a *SPDES* permit is required for stormwater discharges based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants* to *surface waters of the State*.

The point of this effort: the south end of Cayuga Lake is a 303 (d) listed waterbody of concern, according to the US EPA. Stormwater control efforts are meant to improve water quality by reducing sediment and pollution currently entering the lake.

Lynn stated that reporting is different this year in that the coalition has hired Angle Dybas to do the Annual Report and submit it on behalf of all the MS4's in Tompkins County. Many of the education and outreach programs are done jointly by all ten municipalities. Some of these programs are water week, envirofun, information booths, training sessions, Hydrilla, publications and a coalition website. Dan Veanor asked Lynn for the web address for the coalition. She didn't know it but would get it to Dan. Minimum controls 3-6 are the responsibility of each municipality. We are responsible for reporting how many times we check our outfalls, clean storm drains and sweep our streets. This has been a busy year for checking stormwater because of the BJ's Project this past year. Once the annual report is complete it will go to the webpage. Lynn will also send Jodi an article to place on the Village webpage on Illicit Discharge.

Lynn also attended the Water Resource Council Meeting where the main topic of discussion was Hydrilla. Tompkins County Legislature is in the process of drafting a law to make it illegal to transport or release. Treatment will be done in the next three weeks. The State recognizes that this is a very serious problem. A lot of money has been promised but the problem is having the cash now to pay to treat the Hydrilla. Once the Hydrilla is treated it will need to be monitored to see if it works. There are 1,600 monitoring points for sampling. Patricia O'Rourke asked if boats are being checked. Lynn stated that this is very hard to police. There are only three places in NY that have Hydrilla and they are here in the Ithaca Inlet, Hudson Valley and a Long Island Pond. We'll also have to be very careful when we dredge the inlet and do ditching to make sure that we know where this material is going. We don't want to affect other areas.

Motion- To Adjourn

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

Deputy Mayor Lynn Leopold-Aye    Trustee Julie Baker-Aye

Trustee Patricia O'Rourke-Aye

Trustee John O'Neill-Aye

The meeting adjourned at 8:38 pm.

Jodi Dake  
Clerk/Treasurer