

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, September 16, 2013, in the Village Office.

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

Lynn Leopold called the meeting to order at 7:30pm and opened the public comment period. Karen Hayes and her son, Steve Chase, of 65 Janivar Drive were present to request an Amendment to the Village of Lansing Code Sewer Regulations. She previously sent the following letter to the Village and it was emailed to all the Trustees.

Background: My husband John Hays and I had our house at 65 Janivar Drive built by Ivar Jonson. We purchased it and moved in during September 2000. Sadly, John died on April 9, 2013, of ALS. There is a large workshop attached to the other side of the attached garage that is part of the original house. The workshop had rows of workbenches with built-in electric tools of many types (lathe, saws, router, etc.). It included a workshop-type sink, a boiler for the main house as well as the shop, and a radiant floor (the whole house has this type of heating). The interior of the workshop has now been almost emptied.

I have made plans to convert the shop space into a 1-bedroom apartment for my 44-year old son Steve Chase to live in. He has drawn up plans for it. He would be the only occupant. I contacted Dean Albanese, who was the original plumber for construction of the house/garage/shop. He has given me a proposal to do the plumbing for the conversion to an apartment. I also have other contractors verbally lined up.

I went to the Village Office on August 8, 2013 to get a Building Sewer Permit, expecting to pay probably less than \$100. Instead, **I was charged, and I paid, \$2,350.00**, and was told that this was the amount the village code requires. **This project does not require a whole new sewer connection to the village sewer system. It only requires a tie-in to my existing sewer connection near the back of my house.**

I was later told by Marty Moseley, Code and Zoning Officer of the Village of Lansing, that the way the code is written, I indeed must pay that full amount.

I propose/request an amendment to the Village of Lansing Code Section 111-12 as follows:

- (1) An exception to the Village of Lansing Code regarding the charge for a Building Sewer Permit,
- (2) is made in the case when there is a conversion of an existing space to a living space for a family member, often known as a "mother-in-law apartment,"
- (3) and it is also the case where the conversion requires only a "tie-in" to the existing sewer connection.
- (4) The term of this exception is that the full charge shall be reduced to \$75.00 rather than the \$2,350.00 ordinarily charged for the above referenced permit.

Karen thanked the Board for letting her come to the meeting to make her recommendations. Karen feels there is nothing about this kind of connection in the Village Code. She stated that to convert her garage into an apartment for her son she does not have to connect other than to the existing sewer. It doesn't need more than a Y connection. She would like the code amended to decrease the fee for this type of connection.

Currently, the Code does not specify the different types of permits other than sanitary waste and industrial waste. It doesn't differentiate between a mother-in-law apartment and any other apartment. When you add an apartment to an existing home it becomes a two family home and is required by the Village Code to pay for an additional connection.

Lynn stated that to amend the Code takes some time and requires the Village to change the local law. The Village can't waive a fee unless we determine that there is legal authority to do so. Lynn said that the Board will consider this situation. Karen would like an approved change to the Code that would be retroactive to August 8th when she paid so that she could receive a refund. Dubow stated that it probably isn't possible to make it retroactive. John O'Neill stated that he had some information that he will present to the Trustees on this matter during General Discussion.

Robert Nevin stated that his property at 1261 East Shore Drive had significant flooding on August 8th. Robert presented the Board with a letter stating that he, John Courtney and Adam LaLonde from the Village Department of Public Works (DPW) met today. They met at the south end of Cayuga Hills Road to assess the aftermath of the flooding and to identify its cause. Robert states that it is apparent that the floodwaters that damaged his property issued from the Pembroke Lane Development. Robert stated that John and Adam concur on the need for maintenance of the former Beck development infrastructure that leads from the east of the Cayuga Hills Road cul-de-sac, through two corrugated metal culverts, to a ravine that empties into the drainage ditch along East Shore Drive. He feels that regular such maintenance should mitigate the impact on his property of future intense storms and snowmelt. Robert went on to explain that at the end of Cayuga Hills Road is a stream that comes in. Below on the right there is a culvert that is completely buried which was the source of the flooding. It spilled over in multiple places along the railroad bed. Lynn stated that she brought this up at a meeting in August.

Lynn stated that the Board also talked about this with the DPW staff at a meeting last Thursday. It seems that we need to hire Brent Cross to do a total inventory of our stormwater systems and start a maintenance program. The Village cannot do work on private property.

Dan Veaner asked if the Board can retroactively waive the fee for Karen Hayes? Lynn doesn't want to set a precedent. It is clearly something that people may want to do again. Jodi explained that the \$2,350 sewer permit fee has been around since June 1994, and is law.

Motion-To Close the Public Comment Period

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

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

The next item on the agenda was to discuss the deer hunting in the Village. Bernd Blossey and Jay Boulanger were in attendance to present the annual deer hunt procedure and related matters. There are no changes to last year's program other than the possibility of adding additional properties. Regular deer season runs from Oct. 1-Dec. 17, 2013. The deer management focal area will be held again this year from Jan. 11-31st. What Bernd would like the Board to consider is to use nuisance permits. Approximately 30% of the deer that were taken in the Village last years' hunt were taken during the new January season. A special season with nuisance permits could be done beginning February 1st.

There is a Tompkins County Deer Management meeting. On Oct 21st that will be a by invitation only lunch with municipal leaders to coordinate deer management in the County. Jim Stera, the author of Nature Wars. There will also be a meeting that night which is open to the community.

The CU deer management committee is chaired by Bernd. Their goal is to improve deer management on Cornell University property. Last year they used nuisance permits. Baiting was done with corn.

Bernd stated that tomorrow is the meeting at Klines Archery for people in our hunt. This meeting is to lay down the rules. Like last year, hunters can now print their own tags and we no longer have to issue them. Bernd will be bringing to the Board the signed paperwork for the properties that have been approved for hunting. Approval must be given in writing by a property owner to hunt on their property and/or to retrieve a deer from their property.

Jay stated that crossbows are now illegal in NY State. There are 26 states that do allow crossbows. However, crossbows are legal in a nuisance permit situation. Nuisance is an activity, not hunting. You are removing deer because they are causing damage. Dubow stated that if at some point NYS does decide to allow crossbows we would have to pass a local law to change our regulations. Currently, crossbow use is not allowed in the Village. Only longbows are permitted.

Jay explained that to receive a nuisance permit an application must go to the NYSDEC and must document the damage that is a result of the deer. Bernd stated that he has nuisance permits for his property, and he actually records and documents the plant growth on his property to show the damage they are doing.

Phil Dankert asked if there was a way to hunt his property since it is under an acre. Bernd stated that he could join together with his neighbors. There is no minimum area but you must be 500 feet from a house unless you have permission.

The deer management focus area allowed us to pick up an additional 19 deer last season. These numbers do not include the 9 deer taken on the Miller property. The State is doing that additional hunt in January again this year. Jay asked if the Cornell Hunt was previously approved. Jodi will send him a copy of the two resolutions that the Board previously approved..

Dubow reiterated that the Village's local law prohibits any discharge of firearms with certain limited exceptions for certain NYS DEC Wildlife Control Officers, and also certain other exceptions which permit only longbow hunting and require annual permission and/or renewal permission from the Board. Therefore, the following resolution was proposed:

Resolution #5998-To Authorize Approved Limited Bow Hunts Within Villages pursuant to the Villages Deer Regulations

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 Lynn Leopold-Aye
Trustee Julie Baker-Aye

The next item on the agenda was to approve the abstracts. After the Board reviewed the vouchers, Deputy Mayor Leopold entertained a motion to approve the vouchers.

Resolution #5999- Abstract of Audited Vouchers

Be it RESOLVED, that Abstract of Audited Vouchers No. 4 for the General Fund, in the amount of \$363,839.21 is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 4 for the Sewer Fund, in the amount of \$448.33 , is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 4 for the Capital Projects Fund, in the amount of \$158,187.23, is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 4 for the Water Fund, in the amount of \$453.56, is hereby approved for payment.

Trustee Baker moved that the foregoing Abstract of Audited Vouchers resolutions be adopted and Trustee O'Rourke seconded the motion.

Mayor Donald Hartill-Aye
Trustee John O'Neill -Aye

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

The next item on the agenda was to authorize the Clerk/Treasurer to sign change orders for the Administrative Building after the Board has approved them. This is being done in case the Mayor is out of town.

Resolution #6000-To Authorize the Clerk/Treasurer to Sign Change Documents for the Administrative Building

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

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

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

There are four sets of minutes that can be approved with the Trustees that are present.

Motion- To Approve the Minutes from July 1, 2013

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

Deputy Mayor Lynn Leopold-Abstain
Trustee John O'Neill-Aye

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

Motion- To Approve the Minutes from July 11, 2013

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

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

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

Motion- To Approve the Minutes from August 5, 2013

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

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

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

Motion- To Approve the Minutes from August 15, 2013

Trustee O'Rourke moved to approve the minutes. Trustee O'Neill

seconded the motion. A vote was taken:

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

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

Next the Board considered a transfer of monies from the Capital Reserve Fund for additional building costs for the new administration building. Transferring of reserve funds requires a permissive referendum. Dubow stated that we had approved funds and there are some additional costs that will be covered by Capital Reserve. This may be a bit of an over estimate but whatever is not needed will be transferred back to the General Capital Reserve Fund.

Resolution #6001-New Administration Building Supplemental
Capital Reserve Expenditure Authorization

WHEREAS:

- A. The Village has over the last several years contemplated a new Village administration 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
- B. The Village has, in anticipation of a new Village administration building being constructed, maintained a general capital reserve fund so as to set aside funds for such administration building project; and
- C. The Village 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
- D. The Village Board of Trustees has prior hereto authorized (i) the Village administration building project to proceed and (ii) the expenditures of funds for such project, a portion of such funds having been provided from the General Capital Reserve Fund to the Capital Projects Fund, and a portion thereof having been transferred from the General Fund to the Capital Projects Fund; and
- E. The prior expenditures of capital reserve funds were subject to permissive referendum as provided by law, the thirty (30) day permissive referendum periods having all been expired; and
- F. The Village Board of Trustees, having completed the required bid award process and thereby having been able to determine the anticipated construction costs,

determined to proceed with such project, the construction thereof being currently in process; and

- G. The Village Board of Trustees has now also determined estimates of additional and related costs in conjunction with the ongoing completion of the project; and
- H. The Village Board of Trustees wishes to authorize the expenditure of additional capital reserve funds as currently deemed necessary for the project completion;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village Board of Trustees hereby authorizes the expenditure of additional capital reserve funds from the in the amount of \$400,000 for such project, such expenditures to be subject to permissive referendum as required by law; 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'Neill moved this resolution. Trustee Baker seconded the motion. A vote was taken:

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

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

S.C.L.I.W.C. has sent an agreement to the five municipal members to change the water rate schedule for 2014. The rate that the Commission is proposing is a 2% increase from \$4.00 to \$4.08 per 1,000 gallons, subject to approval.

In addition to the rate that the Commission sets, the Village of Lansing also has a surcharge that is added to maintain our portion of the water system. Currently that surcharge is 25%. With the 25% surcharge the total water rate will be \$5.10 per 1,000 gallons.

Dubow reminded the Board that this is to build up some SCLIWC Capital Reserve. 2% is the rate of inflation. This is not unexpected. In the near future we will have to address an adjustment to the sewer rate since that is also based on the water rate.

Resolution # 6002-To Approve the Amendment To the Southern
Cayuga Lake Intermunicipal Water Commission Agreement
Increasing the Water Rate Charges and to Establish Such Amended
Water Rate Charges for the Village of Lansing

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

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

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

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

NOW, THEREFORE, BE IT

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

RESOLVED, that the Village of Lansing Board of Trustees hereby authorizes on its behalf the execution of the proposed amendment to the SCLIWC Agreement submitted to this meeting, approving thereby the amendment to the rate schedule so as to increase the water rates to be charged under the SCLIWC Agreement generally from \$4.00 per thousand gallons of water to \$4.08 per thousand gallons of water; and be it further

RESOLVED, that upon the approval by all required parties of the proposed amendment to the SCLIWC Agreement setting the increased rate of \$4.08 per thousand gallons of water, and concurrently with the effective date of such amended rate as provided for in the approved amendment to the SCLIWC Agreement, the Village of Lansing Board of Trustees hereby establishes the foregoing increased rate as the base rate chargeable to each owner of property that is provided with water service by connecting to the Village of Lansing Water System, all such water service charges being subject to the additional water rate surcharge (currently 25%) imposed by the Village from time to time by resolution of the Village Board of Trustees.

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

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

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

During general discussion O'Neill brought up the sewer proposal by Karen Hayes. The Board was reminded that if there is any change in fees and/or who is charged, there will have to be a local law passed to change the Sewer Code. O'Rourke asked if the Board could make a change and make it retroactive. Dubow doesn't think that can legally be done.

Dubow stated that a municipality can't change the NYS building code provisions, but can change local application fees within its municipality. The Village can amend on a going forward basis. If the sewer connection fee is lowered, we would have to collect money in another way. Whatever revenue you reduce you have to make it up in some other way. Jodi explained that the other income source in the sewer fund is usage fees and if you decreased the connection fees you would have to increase user fees or lower expenses. We are obligated to maintain our infrastructure.

Jodi explained that the \$2,350 connection fee has been around almost 20 years. It came about when there was a sewer moratorium and only so many units were being allotted to the Village of Lansing from the Village of Cayuga Heights who provides us with sewer treatment. When the fee was established back in 1994, it was based upon an analysis of the costs of work that was previously done and the projections of future work. Dubow explained that there is a cost of creating and maintaining the system over a long period of time. The money is a reflection of having infrastructure available to them.

O'Neill feels that we should have a different fee for the situation of a conversion from a single family home to a two family. He suggested maybe only \$1,000. This is due to the fact that the house is already connected to sewer and does not require a new connection to the main. The change could be a mother-in-law apartment, another house on the property or could be converting a garage into an apartment. The question is how to distinguish which is which.

Lynn told John that she knows that this connection amount feels uncomfortable. However, she does not want to set any precedence. Dubow stated that a current law exists which has to be followed. The Board can change the local law if they chose to do so and then follow the necessary provisions and requirements.

Nick Vaczek asked if the contractor doing the new Administration Office Building is recycling. Nick stated that there are many different materials in the dumpster. Jodi stated that the Village has had to warn people that there is no dumpster diving. It is a liability issue to have individuals going through the dumpster. Jodi will check with the contractor to see if they are recycling. Nick also asked about the dumpster behind the YMCA. It is thought to be a donation dumpster. Leopold stated that building material is not a part of County law. Lynn feels the Village contractors should be separating out garbage and recycling.

Motion- To Adjourn

Trustee O'Neill moved for adjournment. 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 Lynn Leopold-Aye

The meeting adjourned at 9:00pm.

Jodi Dake
Clerk/Treasurer