

Village of Lansing

MINUTES of a special meeting of the Board of Trustees of the Village of Lansing held on Monday, September 23, 2013, in the Village Office.

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

Mayor Hartill called the meeting to order at 7:33pm and opened the public comment period. Hartill told the Board that he appreciate them having this special meeting to accommodate his travel schedule. There were no other comments.

Motion-To Close the Public Comment Period

Trustee Leopold moved to close the public comment period. 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 |
| Trustee Julie Baker-Aye       |                          |

Motion-To Go To Executive Session To Discuss a Real Estate Issue Involving a Potential Property Acquisition

Trustee Leopold moved to go into executive session. 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 |
| Trustee Julie Baker-Aye       |                          |

The Board went into executive session at 7:36pm.

Motion-To Come Out of Executive Session

Trustee O'Neill moved to come out of executive session. Trustee Baker 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 |
| Trustee Julie Baker-Aye       |                          |

The Board came out of executive session at 8:02pm.

Hartill stated that the reason for this special meeting was to accommodate his travel schedule and avoid having to wait for the next regularly scheduled Board meeting. He explained that the special meeting and executive session were to address and consider a proposed acquisition of property by the Village, the property being located in the Dart road area and having previously been controlled by way of a proposal for development that was met with a great deal of concern. One concern involved access matters. The road system in the northeast section of the Village has been a continuing source of frustration both for the Village and the residents in the region. The worker affordable housing project that was proposed by Better Housing of Ithaca and their partner NRP met opposition regarding differing perspectives as to development plans and private/public road access. After a lengthy review process, the developers ultimately abandoned their proposal and the 23+/-parcel was placed back on the market. When the Village became aware of the property being available for sale, the Village inquired about buying that parcel. After evaluation and negotiation, the Village and property owner agreed upon a purchase price of \$360,000, subject to the approval of the Board of Trustees.

The Mayor provided his rationale for proceeding with the property purchase. It was explained that purchasing this land provides an opportunity to take a significant step in resolving the road system issue, to provide additional open space and perhaps to convert part of the parcel into a mirror image of Dankert Park on the north side of Route 13. With the large population in the apartment and condominium complexes and the residents along Dart Drive and Wood Thrush Hollow Road, this could be a great asset for the Village. It is a large parcel 900 feet deep and 1200 feet in length. With the previous development proposal having been abandoned, Hartill hopes that the access/road issues that are of concern, including the private Northwoods road, can be addressed and resolved in a more receptive and collaborative environment. It was noted that there is still a possibility of creating and connecting existing and new roads in the area, that process being enhanced if the proposed parcel is owned by the Village.

We previously set aside capital reserve funds for this purpose and there is more than enough money in the General Capital Reserve Fund to purchase this property, a portion of which reserve funds were authorized to be transferred to the General Fund, subject to permissive referendum, the 30 day referendum period having long been passed without objection. If the Board approves the proposed resolution to purchase the property in question, the Village will arrange a closing in the next month or so.

Dubow has prepared a proposed resolution providing for the approval by the Board of the pending Village/Williamson Purchase Agreement and the authorization to proceed with the proposed purchase by the Village, including the payment of the agreed upon consideration of \$360,00 and related closing costs and adjustments. As everyone involved is aware, the signed Purchase Agreement is subject to full Board approval by the September 23<sup>rd</sup>.

Dubow has included several "Whereas" provisions in an effort to summarize in a somewhat thorough fashion the background of and justification for the intended transaction. That Board approval will permit the immediate delivery of a good faith deposit of \$10,000 as the Purchase Agreement provides, with the balance to be paid at the time of closing, including tax adjustments and other customary closing costs. If Board

approval is not granted, the Agreement will be null and void and both parties will have the right to withdraw from the proposed transaction, unless a new/revised Purchase Agreement is agreed to and executed.

### Resolution #6003 -Real Property Acquisition **Authorization**

#### WHEREAS:

- A. The Village of Lansing (the “Village”) has been considering and evaluating for an extended period of time the possible acquisition of certain unimproved real property in the Village (identified as Tax parcels 46.1-1-21, 46.1-1-6.22 and 46.1-3-8.3, and collectively being approximately 23.84 acres) and its potential beneficial use to accommodate and address certain municipal goals and objectives of the Village, including, but not limited to, (i) the creation of additional open space and preservation of wetlands; (ii) the ability to address and remediate certain long-standing road access and potential life safety matters related thereto; (iii) the fulfillment of planning objectives in accordance with the Village’s Comprehensive Plan and recent planning efforts by the Village and its consultant; and (iv) the resulting benefits to the Village community and its residents; and
- B. The Village Board of Trustees has extensively and carefully reviewed the potential acquisition of such unimproved real property and the identified purposes and benefits, having determined that proceeding with the acquisition will be in the best interests of the Village; and
- C. The Village Board of Trustees has furthermore thoroughly reviewed the potential acquisition and cost of such unimproved real property, and thereby undertaken a cost/benefit analysis so as to achieve the Village’s identified goals and needs while at the same time determining a fair, reasonable and acceptable purchase price for such unimproved property; and
- D. The Village Board of Trustees’ evaluation and efforts as to the proposed purchase and expenditure of funds for the unimproved real property have included various matters and concerns, including, but not limited to, the evaluation of the issues above, the amount previously offered for the property by a potential buyer/development group, and the direct and indirect usefulness of the proposed property for the Village’s long-term goals; and
- E. The Village has from time to time, in anticipation of the potential acquisition of real property, maintained a general capital reserve fund so as to set aside funds for the potential acquisition of unimproved real property if and when deemed useful, necessary and appropriate; and

- F. The Village has recently undertaken discussions and negotiations with the current owner of the proposed unimproved property regarding the potential acquisition thereof and the financial terms related thereto; and
- G. The Village General Capital Reserve Fund has sufficient funds for the contemplated potential acquisition of such real property; and
- H. The Village Board of Trustees' evaluation and efforts have included the participation of the Village Planning Board, including a joint meeting of the two Boards on October 15, 2012 at which time the Planning Board expressed its concurrence with the proposed acquisition of the proposed unimproved real property; and
- I. The Village Board of Trustees , in anticipation of the possible acquisition of the proposed unimproved real property, previously authorized the transfer of funds from the General Capital Reserve Fund to the General Fund, such action having been taken by Board of Trustees resolution, subject to the required thirty (30) day permissive referendum period, such thirty (30) day period having passed without protest; and
- J. The Village Board of Trustees has authorized the Mayor to proceed with negotiations with the owner of such unimproved real property; and
- K. The Mayor and the owner of such unimproved real property on September 5, 2013 entered into a proposed Purchase Agreement (attached hereto) for the sum of \$360,000, such Agreement having included a contingency providing that the Agreement is subject to formal Board of Trustees approval no later than September 23, 2013; and
- L. The Village Board of Trustees has held a special meeting on September 23, 2013 at which time the possible acquisition of the proposed unimproved real property was discussed and evaluated, following which the Board expressed its desire and willingness to approve the Purchase Agreement;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Lansing Board of Trustees hereby determines, pursuant to Part 617 of the Implementing Regulations pertaining to Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act ["SEQRA"]), that execution of the Proposed Agreement as provided for herein is a Type II action, constituting "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment," and thus may be processed without further regard to SEQRA; and

2. The Village Board of Trustees hereby (i) approves the attached Purchase Agreement for acquisition of the proposed unimproved real property; (ii) confirms and authorizes the Mayor's execution of such Purchase Agreement on behalf of the Village (in substantially the form presented to the Village Board of Trustees as attached hereto), subject to the final approval as to form and content of the Mayor and the Attorney for the Village; (iii) confirms and authorizes the expenditure of \$360,000 (plus closing costs and expenses, and subject to any applicable real property tax adjustments and related adjustments) for such unimproved real property; and to take such further actions as may be necessary and appropriate to give full force and effect to this resolution; and); and
  
3. The Village Board of Trustees hereby authorizes and requests that the Mayor, Village Clerk/Treasurer and the attorney for the Village take such steps and execute such documents as may be necessary, desirable and/or appropriate to effectuate the intent of this resolution; and
  
4. 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 this resolution hereby are in all respects ratified, confirmed and approved as the proper and authorized acts and deeds of the Village.

Trustee Leopold moved accept 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 Julie Baker-Aye       |
| Trustee-Lynn Leopold-Aye |                               |

The next item on the agenda was to approve the minutes of July 15, 2013.

Motion- To Approve the Minutes from July 15, 2013

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

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

There are two new Change Orders for the new Administration Building. The first is from Edgar Enterprises for an owners requested substitution to include grooved EIFS insulation for an additional \$502.00. The second Change Order is from Panko Electric

and Maintenance, Inc. for floor outlet modification due to additional specification information provided by QPK engineer.

Resolution #6004-Approve Change Order GC-3 from General Contractor Edgar Enterprises for an Owners Requested Substitution to Include Grooved EIFS Insulation for an Additional \$502.00

Trustee O'Neill moved to accept this change order. Trustee Leopold seconded the motion. A vote was taken:

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

Resolution#6005- Approve Change Order E-1 from Panko Electric and Maintenance, Inc. for Floor Outlet Modification Due to Additional Specification Information Provided by QPK Engineer for an Additional \$1,172.21

Trustee O'Rourke moved to accept this change order. Trustee Leopold seconded the motion. A vote was taken:

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

The next item on the agenda was to consider the invoice received from Survey Research Institute (SRI) regarding the Comprehensive Plan residence survey work provided under their contract with the Village. Baker stated that when we passed the resolution to hire SRI and enter into the agreement, we specified an amount not to exceed \$9,305. The increase in the billed amount reflects the trouble SRI had finding people to interview and therefore more time consuming. They were originally supposed to interview 365 people but could only find 308 people that would participate. The new invoice is for \$9,707, being \$402 more than originally agreed upon.

Resolution#6006- To Authorize Payment of the Additional Charge by SRI, making the total charge \$9,707.

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

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

Leopold reported that at the last Town of Lansing Board meeting there was a survey report on the census information presented by Jonathan Kanter's assistant, a Cornell grad student. Leopold suggested that he might be able to do a presentation to the Village also. Hartill stated that emergency management also did a summary which he uses as his resource. It was suggested that we ask if he could do a presentation during a joint meeting between the Trustees and Planning Board. Leopold will speak with Kanter about this. Leopold stated that this report gives a snapshot of the Village right now.

O'Neill stated that the Burdick Hill replacement water tank is going up. Hartill stated that the old tank was in really bad shape.

Hartill informed the Board that we are about to tear things up outside as part of the ongoing new administration building project and therefore parking and related issues will need to be addressed. He also highlighted that the Nov 5<sup>th</sup> election/voting will very likely be occurring at the Village Office before all of the site work is completed, and it still may be a mess outside at that time.

Dake stated that the gas line will be put in by NYSEG. We have received a bill from NYSEG to connect the gas line thru a 3" conduit that we will be installing in the trench behind the new building. The fee to do this is \$1,574.31. To keep the process going, Dake requested that the Board authorize payment of this invoice.

Resolution#6007- To Authorize Payment of the NYSEG Invoice to Install a Gas Line to the New Administration Building in the Amount of \$1,574.31 From the Capital Project Fund

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

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

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

O'Neill asked if the unsightly utility pole out in front of the new building would be removed. Hartill will look into this.

Dake has been receiving quotes on phone and internet installation and services for the new administration building. She and Marty believe that the best quote and proposed service is Fingerlakes Technology Group (FLTG). She asked the Board if they would like to review the quotes and give their feedback. The Board trusts the decision to the staff. Baker has FLTG at her place of employment and they are very satisfied with the service. There are many other references with good recommendations. FLTG will provide a new fiber based Internet connection and Hosted Cisco Phone platform. Installation would be done by Lantek Communication. Our Highway Department will install the 4" conduit between the new office, old office and garage so that all three will have services. The phone would be on a five year leased hosted PBX system. After five years the buyout is

\$1 or we can lease a new system. This is cheaper than buying the system outright. With the constant change in technology, it was agreed that this was the best way to proceed.

Resolution#6008- To Authorize Fingerlakes Technology Group to Install the New Phone/Internet Service for an Amount Not To Exceed \$7,000

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

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

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

Dake also asked if anyone would like to help pick out furniture for the new office. She is also receiving quotes on furniture.

Leopold stated that on October 7<sup>th</sup> Ed Marx from the County Planning Department would be here to talk about the County's efforts to solarize. He will also be at the Town of Lansing tomorrow to talk to them. Hartill stated that in Germany they have a lot of solar energy facilities and they can't provide the base load. He indicated that German companies are going broke. Their approach is "not in my back yard" so the only right of way is along the railroads. Hartill feels we should look at this and learn from it.

Motion- To Adjourn

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

The meeting adjourned at 8:33pm.

Jodi Dake  
Clerk/Treasurer