

## Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, March 17, 2014, in the Village Office.

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

Mayor Hartill called the meeting to order at 7:30pm and opened the public comment period.

Robert Schlelein was here as citizen observer from the community Party. Gerry Monaghan asked if the Cayuga Heights Rd. Bridge over Route 13 will be more user friendly once it is redone. Hartill stated that there will be striping to delineate a safe bike and walk lane. The other feature is that the railings will be concrete with scalloped poles. Dake stated that NYSDOT left public comment forms if there are any other concerns that residents would like them to be aware of. There are copies of this form in the foyer display rack. There were no more public comments.

### Motion-To Close the Public Comment Period

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

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

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

The next items on the agenda were two public hearings.

### Motion-To Open the Public Hearing on the Acceptance and Adoption of the Multi-Jurisdictional All-Hazard Mitigation Plan Update

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

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

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

The Mitigation Plan has been updated by Tompkins County. Mayor Hartill doesn't see any changes that would adversely affect the Village. There were no comments from the public.

## Motion-To Close the Public Hearing

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

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

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

Mayor Hartill entertained a motion to adopt the Multi-Jurisdictional All-Hazard Mitigation Plan Update.

Resolution #6028-To Authorize the Acceptance and Adoption of the Multi-Jurisdictional All-Hazard Mitigation Plan Update for The Village of Lansing, Tompkins County, New York.

WHEREAS, the Tompkins County Planning Department, with the assistance from Barton & Loguidice, P.C., has gathered information and prepared the Multi-Jurisdictional All-Hazard Mitigation Plan Update for Tompkins County, New York; and

WHEREAS, the Multi-Jurisdictional All-Hazard Mitigation Plan Update for Tompkins County, New York has been prepared in accordance with the Disaster Mitigation Act of 2000 and Title 44 Code of Federal Regulations (CFR), Part 201; and

WHEREAS, Title 44 CFR, Chapter 1, Part 201.6(c)(5) requires each local government participating in the preparation of a Multi-Jurisdictional Mitigation Plan or Plan Update to accept and adopt such plan; and

WHEREAS, the Village of Lansing, has reviewed the 2013 Hazard Mitigation Plan Update, has found the document to be acceptable, and as a local unit of government, has afforded its citizens an opportunity to comment and provide input regarding the Plan Update and the actions included in the Plan;

WHEREAS, the Village of Lansing, will consider the Tompkins County HMP Update during the implementation and updating of local planning mechanisms, and will incorporate the hazard assessment data, hazard vulnerabilities, and mitigation actions in these mechanisms, where applicable;

NOW THEREFORE, BE IT RESOLVED, that the Village of Lansing, as a participating jurisdiction, adopts the Multi-Jurisdictional All-Hazard Mitigation Plan Update for Tompkins County, New York, dated December 2013.

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

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

Trustee Lynn Leopold-Aye  
Trustee Julie Baker-Aye

The second public hearing was to consider Proposed Local Law A.

**Motion-To Open the Public Hearing on Proposed Local Law A (2014) to allow the Override of the Tax Levy Limit Established in General Municipal Law §3-C**

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

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

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

Hartill explained that we do not intend to override this limit but it is a statement until the State learns to control their unfunded mandates. Baker is in favor just in case the Village's budget exceeds the tax levy limit. Some day we may have to. Dubow stated that the Board may have to adopt a similar local law every year as long as the 2% is in force.

**Motion-To Close the Public Hearing**

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

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

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

**RESOLUTION#6029 -To Adopt a Local Law to Allow the Override of the Tax Levy Limit Established in General Municipal Law §3-C**

**WHEREAS**, a resolution was duly adopted by the Board of Trustees of the Village of Lansing directing that a public hearing to be held by said Village Board on March 17, 2014, at 7:40 PM, to hear all interested parties on a proposed local law entitled "A LOCAL LAW TO ALLOW THE OVERRIDE OF THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C;" and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper for the Village; and

WHEREAS, said public hearing was duly held on said date and time at the Village of Lansing Office and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, the Village of Lansing Board has determined under the Implementing Regulations pertaining to Article 8 of the New York State Environmental Conservation Law (the State Environmental Quality Review Act [“SEQRA”]) that the approval of the proposed action is not an “action” (because it will not affect the environment) or is a Type II action, and thus, in either case, may be processed without further regard to SEQRA;

NOW, THEREFORE, be it

RESOLVED, that the Village of Lansing Board of Trustees hereby adopts said local law entitled "A LOCAL LAW TO ALLOW THE OVERRIDE OF THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C," and designated Local Law No. 1 of the year 2014, a copy of which is attached hereto and made a part of this resolution; and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to file said local law with the Secretary of State and any other governmental agencies as required by law.

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

Mayor Donald Hartill-Aye  
Trustee John O’Neill-Aye  
Trustee Julie Baker-Aye

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

The following is a copy of adopted Local Law 1:

**LOCAL LAW 1 (2014) TO ALLOW THE OVERRIDE OF THE TAX LEVY  
LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

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

**SECTION I. PURPOSE & INTENT.**

It is the purpose and intent of this local law to allow, if determined necessary and/or appropriate, for the Board of Trustees of the Village of Lansing to adopt a budget for the fiscal year commencing in 2014 that requires a real property tax levy in excess of the tax levy limit as defined by General Municipal Law §3-c.

**SECTION II. AUTHORITY.**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c which expressly authorizes a local governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) or more of said governing body.

#### **SECTION III. TAX LEVY LIMIT OVERRIDE.**

The Board of Trustees of the Village of Lansing, County of Tompkins, is hereby authorized, if determined necessary and/or appropriate, to adopt a budget for the fiscal year commencing in 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

#### **SECTION IV. SEVERABILITY.**

If a court determines that any clause, sentence, paragraph, subdivision or part of this local law or the application thereof to any person, firm, or corporation or circumstance is invalid or unconstitutional, the court order or judgment shall not affect impair or invalidate the remainder of this local law but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm, corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

#### **SECTION V. EFFECTIVE DATE.**

This Local Law shall take effect immediately upon filing with the Secretary of State.

Leopold has invited Ted Schiele to give a presentation about adopting a Village-wide Anti-tobacco Policy. She would like the Board to look at how we can benefit from this. Leopold stated that our Village Code does have a no-smoking section but she feels there are still some areas that need tightening up, such as banning smoking in our public parks/open spaces. And now that we have electronic cigarettes, we need to deal with them too.

Ted Schiele works for Tompkins County Health Department and is the Program Coordinator for Tobacco Free Tompkins. Schiele went through a Power Point presentation which he had previously emailed to the Board. Ted explained that they are looking at Tobacco Free Property Policies. All policies are addressing issues with smoking and tobacco use in a public place, and not against specific people. It is an addiction.

Their goal is for a tobacco-free Tompkins County. They want tobacco-free properties that support their three goals of keeping the air smoke-free, support those who want to quit, and help teens beat the tobacco trap. They are talking about Village owned property which includes not only buildings but parks, playgrounds and open space. Our public areas should be family friendly. People are very concerned with second hand smoke.

People with asthma and heart issues shouldn't have to be exposed to it. There is also a big emphasis on teenagers.

New York State Law bans smoking on playgrounds. Enforcement is not easy, but what they promote is peer enforcement. Promotion and signage are important. If a newsletter is done it may be a good topic to include. In Ithaca City the law allows for police enforcement and offenders to be fined. People are usually law abiding.

It was recommended that we consider making our parks tobacco-free. O'Neill thought if we had designated smoking area separate from the parks, then people could go there. Ted explained that 2<sup>nd</sup> hand smoke is the public health issue but they are also concerned with modeling behavior to youth. Youth are less likely to try smoking when they know how secondhand smoke can hurt others. If you have a designated smoking area you are sending the wrong message. Ted believes that tobacco is not appropriate for public use, similar to not wanting to have an area designated for drinking alcohol in a public park. O'Rourke doesn't agree that we should even have a smoking area in the park.

Courtney stated that the Village highway crew uses smokeless tobacco. Courtney feels this proposal would eliminate that practice. Courtney feels they are grown men that can make their own decisions. Smoke free is different from tobacco free. Ted was not accepting to the fact that they can make their own decisions. It is a social thing that is learned. If we promote this issue of good health, then it wouldn't be acceptable. You can encourage your staff to not chew. Make a statement that we feel this is important and you should think about this seriously. There is no second hand smoke if someone chews tobacco, but it is offensive when you see them spit or can smell it. From a health stand point, we are looking to encourage healthy life styles. Ted also suggested that E-cigarettes be considered cigarettes on the basis of it being indistinguishable from real cigarettes.

Leopold stated that we are trying to set a good example and promote public awareness. There is no harm in saying we don't promote tobacco use. Ted agreed that it is hard to enforce.

O'Neill feels the message is good. Baker feels there were many good points made and certainly understands the desire to reduce second-hand smoke. However, she is concerned with enforcement. Unless you are close to someone, how would one know if someone is smoking a cigarette or E-cigarette or distinguish between who chews tobacco and who is chewing gum.

Ted stated that Tompkins County went with smoke free instead of tobacco free because the Sheriff Union was against the tobacco free restriction. Ted was asked if Tompkins County was enforcing the regulations. Ted stated that they are not and there are no signs even up yet. The Board thanked Ted for coming.

Jodi stated that there were several sets of minutes on the agenda to be approved. Suggestions emailed from the Trustees were previously incorporated.

Motion- To Approve the Minutes from December 2, 2013

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

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

Motion- To Approve the Minutes from January 28, 2014

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

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

Motion- To Approve the Minutes from February 13, 2014

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

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

Motion- To Approve the Minutes from March 3, 2014

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

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

Dake stated that there are four more change orders ready for the Board's approval regarding the new Administrative Building. They have been reviewed and approved by QPK and Moseley.

- GC-4 \$ 567-Place underdrain in roadway
- GC-5 \$ 698-Place rip rap in creek
- GC-6 \$ 3,105-Undercut at parking lot
- GC-7 \$11,301-Lower existing water line- by corner of building only 2 ½ feet deep.

Mayor Hartill entertained a motion to approve the four change orders.

**Resolution #6030-To Approve the Following Four Proposed Change Orders Totaling \$15,671**

- GC-004 -Place underdrain in roadway-\$567
- GC-005 -Place rip rap in creek-\$698
- GC-006-Undercut at parking lot-\$3,105
- GC-007 -Lower existing water line- by the corner of building- only 2 ½ feet deep- \$11,301

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 Patricia O'Rourke-Aye

Trustee Lynn Leopold-Aye  
Trustee Julie Baker-Aye

The next item on the agenda was budget discussions. Hartill and Dake spent an hour and a half this morning making the following adjustments.

**Changes to Budget after 3/3/14 Meeting**

Hartill stated that the employees were given a 3% raise with the Code & Zoning Officer getting 5%. Benefits were adjusted to be in line with salary changes. The following changes have been made to the Budget since our first budget meeting:

- A3310.2      \$200,000-Lowered from \$275,000 to only represent the Craft Rd. /Triphammer Rd. traffic signal
- A5110.4      \$75,000-The turning lane road portion was moved to A5112.22
- A5112.4      \$125,000 was decreased to \$100,000
- A5112.2      \$25,000 to put an automatic transmission on 2009 International was moved to A5112.2
- A5112.2      \$440,000 -Was also decreased from \$460,000 Woodthrush Hollow/Coventry Walk overlay was removed (\$45,000). It will be part of the Northwood Drive Project next year. \$25,000 was added for automatic transmission on 2009 International truck.
- A5410.4      \$49,500- Lowered from \$59,000 to install a blacktop sidewalk instead of concrete. Courtney had miscalculated the cost of concrete sidewalk from Dankert Park to Arleo at Warren Rd. It will be more cost effective to go with blacktop.
- A8010.42      \$3,300-BZA Legal fees increased by \$300 as originally requested by Code/Zoning Officer
- A8020.43      \$11,000-Planning Eng.-Brent Cross-increase with stormwater inventory
- A1001          \$444,266-Property tax increased over last year by 2%. The total assessed value of the Village is \$455,148,981 which is down from last year

A2590	\$15,000-Building Permits entered incorrectly at \$30,000
A2850	\$491,392- Lowered from \$520,876. Need less from reserve to cover expenses.
F8320.44	\$737,153-Water purchased from SCLIWC. Reflects increased water cost
F8340.2	\$350,000- Increased from \$300,000. This will be a combined project with Bolton Point. Mr. Herrick came up with this solution. Actual amount received from TG Miller for the Village's share of the main line replacement under Rt. 13(\$184,250) and to replace the main south of Route 13 for approximately 1,000 ft. (\$165,750)
	We had also discussed doing the line on Bush Lane but have decided to do that next budget year.
F5031	\$251,314- Transfer from Reserve Fund was lowered from \$316,169

After reviewing the current water budget and considering that we would not be doing the water main under route 13 as previously budgeted for, the appropriated fund balance of -\$62,513 was changed to \$52,342.

G8120.4	\$102,750- I&I Contractual-increased by \$750
G9901.9	\$15,000-Transfer to General
G1030	\$24,000-Special Assessment-should equal bond principal and interest lowered from \$25,000
G2122	\$11,750-5 Sewer Connections anticipated at \$2,350

Lynn asked for clarification on Stormwater unfunded mandate. Planning Board Engineer line item was increased by \$6,000 for that.

Hartill stated that we do have to move money from our reserve to balance the budget. A major expense is for a new 10 wheeler truck. We plan to get \$30,000 for the old truck when it goes to auction.

O'Neill asked about the money designated for sidewalks. Hartill stated that we have been advised by a citizen that there is a hazardous situation on Uptown Road. The plan is to install a sidewalk on the north side of Uptown Road to help with this issue. A crosswalk will come behind the guardrail. We may put pipe in the ditch. If we do that, we will need to approach CU for at least a construction easement. Next year the Village plans to do another section of sidewalk on the west end of Uptown Road on the south side by the apartments.

O'Neill is worried about Graham Road not having a sidewalk. The Village does not own that road. The Mayor will meet with Eric Goetzmann to try and come up with a resolution. The easiest way would be for him to let us take over that roadway. If we took over that road we would then mill it, widen it and stripe it for pedestrians. It is not our property or we would have done it long ago. O'Neill stated that the south side of Pyramid Drive is also an issue. There is a sidewalk on the north side that we actually plow. Eric also owns the area where the sidewalk ends.

Hartill stated that we have started a Capital Plan. We are currently having TG Miller doing a plot of all water break hot spots. We will then address them through the years. Sewer is straightforward. We may want to decrease our surcharge in the future. The Village of Cayuga Heights rate structure is currently on a use basis verses the old unit base. In the future there may be adjustments. In this country we way underfund infrastructure. Leopold stated that she is all for planning out the next ten years. Hartill stated that good infrastructure connects to a good economy. If you spend a \$1 on infrastructure it generates \$5 of activity.

Resolution #6031- To Set the 2014-15 Budget Public Hearing for April 7, 2014 at 7:35

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

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

Trustee Lynn Leopold-Aye  
Trustee Julie Baker-Aye

During the Mayor's comments Hartill stated that we had a very nice ribbon cutting celebration before the meeting. Originally, it was scheduled for last Wednesday, but we had terrible weather and chose to reschedule. Unfortunately, our Clerk/Treasurer had to teach tonight so she couldn't be here for the ribbon cutting. However, she did an excellent job of arranging everything. We have an excellent staff and she is a prime example.

O'Neill stated that he attended the Town of Lansing meeting last week. The Town Board talked about hiring a Planner. After a very long discussion it was decided that they will hire a full time planner. At one time the Town got a grant for Darby Kirby to be the Town Planner. Jon Kanter lobbied hard for a planner. It is a hot issue in the Town of Lansing.

Motion- To Adjourn

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

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

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

The meeting adjourned at 8:35pm.

Jodi Dake  
Clerk/Treasurer