

Village of Lansing

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

PRESENT: Deputy Mayor Lynn Leopold; Trustee John O'Neill, and Trustee Gerald Monaghan; Clerk/Treasurer, Jodi Dake; Attorney David Dubow; Planning Board Chair, Mario Tomei.

Deputy Mayor Leopold called the meeting to order at 7:34pm and opened the public comment period. Crystal Mullenix of 2416 N. Triphammer Rd stated that when she first opened Crystal's Spa on N. Triphammer Road the Village was reconstructing the road. Crystal stated that she was told by Ben Curtis, previous Code & Zoning Officer, that we were going to put a sidewalk on the other side of N. Triphammer Rd. within five years and wondered when the Village planned to do that. The Board had not heard that there are any plans for extending the sidewalk on the west side of N. Triphammer. The sidewalk currently goes up the east side to Brook Drive and to Graham Road on the west side. This is something that can be considered during budget time or when we review our Capital Projects. The Board will also discuss whether it might make sense to install a pedestrian crossing when putting in the new traffic light at the intersection at Craft Road, and just do a sidewalk on the west side by those businesses. Crystal would also like to see the bus go all the way up to the medical complex on N. Triphammer. She stated that all businesses in her area are interested in extending bus service further. The issue of bus service needs to be taken up with TCAT because the Village does not control their routes. Crystal also wanted to know what she could do with her property as she is considering potential development projects. The Board suggested that she meet with Marty Moseley, Code & Zoning Officer, to discuss building on her land.

Motion- To Close the Public Comment Period

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

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

The next item was a public hearing to consider accepting the offer of dedication of the extension of Nor Way southerly and westerly from Bomax Drive, and Village Park Way intersecting at the westerly end of Nor Way, all as part of the Lansing Trail II subdivision.

Motion- To Open the Public Hearing

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

Deputy Mayor Lynn Leopold-Aye Trustee Gerry Monaghan-Aye
Trustee John O’Neill-Aye

Leopold explained that at the November 3rd meeting the Board adopted an initial resolution providing for this public hearing. Dubow stated that under the Village law the Board can accept an offer of dedication, after which a public hearing is held and the Board can reaffirm or modify the dedication. The only change to the original dedication acceptance resolution is additional language in Section 1-b. which added a required warranty obligation for the road binder course and the installation of all required traffic control devices. Leopold stated that John Courtney thinks that road is very stable. There will also be a guarantee deposit with the Village to satisfy the warranty requirement. There were no public comments.

Motion- To Close the Public Hearing

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

Deputy Mayor Lynn Leopold-Aye Trustee Gerry Monaghan-Aye
Trustee John O’Neill-Aye

Deputy Mayor Leopold entertained the following motion:

Resolution #6112-To Reaffirm Actions Taken in Resolution #6106
Adopted on November 3, 2014 Authorizing the Village to Accept the
Offer of Dedication of the Extension of Nor Way Southerly and Westerly
From Bomax Drive, and Village park Way Intersecting at the Westerly
End of Nor Way

WHEREAS, by Resolution No. 6106 adopted on November 3, 2014, the Village of Lansing Board of Trustees has (a) conditionally accepted the Offer of Dedication dated October 22, 2014 (the “Offer of Dedication”) on behalf of The Heights of Lansing Development LLC, a New York limited liability company (“Heights of Lansing”), for (i) the extension of Nor Way southerly and westerly from Bomax Drive, and (ii) Village Park Way intersecting at the westerly end of Nor Way, all in accordance with the Final Plat approval for the “Lansing Trails II Subdivision” in the Village of Lansing, as amended, together with and subject to any and all related and existing improvements (including, but not limited to, water mains sewer mains, and other utility infrastructure located within the bounds of such road right-of-way premises); and (b) directed that a public hearing be conducted on November 17, 2014 with regard to the foregoing Matters; and

Whereas, such public hearing was held on November 17, 2014 as required, at which time the Village of Lansing Board of Trustees heard no sufficient expressions of opposition to proceeding as resolved in Resolution No. 6106; and

WHEREAS, the Village of Lansing Board of Trustees wishes to reaffirm its conditional acceptance of the Offer of Dedication as set forth in Resolution No. 6106, subject to the conditions and obligations to be satisfied by The Heights of Lansing as set forth below;

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Lansing as follows:

1. The Village of Lansing hereby reaffirms its acceptance of the Offer of Dedication made by Heights of Lansing, subject to full and complete satisfaction of each of the following conditions:
 - a. Satisfactory conclusion of the public hearing to be held in reference to the dedication of the subject property in accordance with Sections 6-612 and 6-614 of the Village Law of the State of New York; and
 - b. Confirmation from the Village's engineer(s) and Superintendent of Public Works that (i) all required work with respect to the proposed road right of way and related improvements have been completed as required and (ii) satisfactory compliance with respect to any and all remaining obligations as to the conditions set forth in Condition 24 of the Final Subdivision Plat Approval, as amended, including, but not limited to, the required warranty obligation for the road binder course and the installation of all required traffic control devices; and
 - c. Delivery to, review by and approval of the Village Attorney of original and executed copies of each and every document required in order to complete conveyance of the subject property and related improvements in accordance with all applicable provisions of the State of New York and Village of Lansing laws, rules and regulations; and
 - d. Receipt by the Village Attorney from Heights of Lansing of a satisfactory and fully updated abstract of title and all related title and transfer documents to confirm that the premises will be conveyed free and clear of all liens and encumbrances other than customary public utility easements of record and such additional easements and/or rights-of-way provided for on the foregoing Final Plat, as amended; and
 - e. Recording and filing of the required deed(s), maps, and related transfer and conveyance documents for the subject property and related improvements to the Village of Lansing, and recording and filing of the any other documentation necessary to complete the conveyance and transfer of such property free and clear of all liens and encumbrances other than customary public utility easements of record and such additional easements and/or rights-of-way provided for on the foregoing Final Plat, as amended.

2. The Village of Lansing's reaffirmed acceptance of the Offer of Dedication is expressly subject to the above-stated conditions, and such acceptance shall not become effective until each of said conditions has been satisfied in full.

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

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

The next item on the agenda was a public hearing for Proposed Local Law 6 (2014) to amend the sewer rents.

Motion- To Open the Public Hearing to Consider Proposed Local Law 6 (2014)-To Amend the Sewer Rate

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

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

Dake explained that the Village previously accepted the increase in the water rate for 2015 which in turn will increase the sewer rate. The Village sewer rate equals the 25% surcharge of the water rate. The proposed sewer rate increase is from \$1.02 per 1,000 gallons to \$1.09. This procedure is done every time we increase the water rate. There were no public comments.

Motion- To Close the Public Hearing

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

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

Resolution #6113 -To Adopt Proposed Local Law 6 (2014) as Local Law 6 (2014) To Amend the Sewer Rate

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law 6 (2014), to be designated Local Law 6 (2014) -- As a follow-up to the prior adoption by the Board of Trustees of Local Law 4 (2012) and Local Law 6 (2012), both of which relating to the amendment of Section 111-21 (entitled "Rents for property owners connected

to the Village of Lansing water system”) and Section 111-22 (entitled “Rents for property owners not connected to the Village of Lansing water system”) of Article II (entitled “Sewer Rents”) of Chapter 111 (entitled “Sewers”) of the Village of Lansing Code, and both of which providing for the imposition and collection of sewer rents for the use of the Village of Lansing sewer system and the Village of Cayuga Heights sewer system, it is the purpose and intent of this Proposed Local Law 6 of 2014 to provide for further amendments intended to:

- (1) increase the current sewer rents payable to the Village of Lansing for the use of the Village of Lansing sewer system based upon the concurrent and like increase in the Southern Cayuga Lake Intermunicipal Water Commission (“SCLIWC”) water rates and the Village of Lansing water rates; 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; and
- (2) alter and clarify the manner in which such sewer rents may, from time to time, be modified by further local law adopted by the Village of Lansing Board of Trustees.

- B. On November 3, 2014, the Village of Lansing Board of Trustees preliminarily discussed the purposes and intent of Proposed Local Law 6 (2014), and thereupon scheduled a public hearing thereon for November 17, 2014; and
- C. On November 17, 2014, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) Proposed Local Law 6 (2014), (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 November 17, 2014, 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 November 17, 2014, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law 6 (2014), (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 6 (2014), to be designated Local Law 6 (2014).

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

Deputy Mayor Lynn Leopold-Aye
Trustee Gerry Monaghan-Aye

Trustee John O'Neill-Aye

Dake will submit this new local law to New York State and have it published in the Ithaca Journal.

The next item on the agenda was to consider Proposed Local Law 7-Zoning Law-Lansing Meadows PDA. The intent of this proposed law is to eliminate the road frontage requirement for both the Commercial area (Area A) and the Wetland/bird habitat area (Area C) based upon the determination that road frontage is not required for those two PDA areas, but rather only for the Residential area (Area B) along Oakcrest Road. Given the location of the PDA area involved and the nature of the Local Law amendment, General Municipal Law 239 review is not required. This issue has gone back and forth between both boards. BJ'S has an easement in from The Shops at Ithaca Mall, and thereby they have access over the Mall property to a public road. It is likely that Eric Goetzmann will come back to the Planning Board and propose a subdivision alteration to make the residential area larger. Leopold stated that they still have to resolve the wetland issue.

Motion- To Set a Public Hearing for December 1, 2014 at 7:35 to Consider Proposed Local Law 7 (2014)-Zoning Law-Lansing Meadows PDA

Trustee O'Neill moved to schedule a public hearing. Trustee Monaghan seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Gerry Monaghan-Aye

Trustee John O'Neill-Aye

The next item on the agenda was to reaffirm the Village/SCLIWC joint water main project agreement now that all parties required have agreed upon the agreement. Dubow stated that this has been a slowly evolving water main project. Back in July, we passed a resolution to authorize the project. We now have an agreement that has been blessed from all involved municipalities. All five members of SCLIWC are now officially approving the agreement. Dubow was at the Commission meeting last Thursday and everything seems to be in line. We are still waiting on a couple of easements. Dubow stated that doing this project in cold weather is apparently more preferable by the contractor.

Resolution #6114-To Reaffirm the Village of Lansing-SCLIWC Route 13
Joint Water Main Project Intermunicipal Agreement

WHEREAS:

- A. Whereas, on July 7, 2014, the Village of Lansing Board of Trustees previously passed Resolutions 6082 and 6083 providing for (i) the adoption of its Negative Declaration in conjunction with its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”) for a joint water project (the “Joint Project”) with the Southern Cayuga Lake Intermunicipal Water Commission (“SCLIWC”); (ii) its authorization for proceeding with the Joint Project and the designated “not to exceed” Village Water Reserve Fund expenditures related thereto; and (iii) its authorization for the completion and execution of an intended intermunicipal use agreement between the Village and SCLIWC related thereto pursuant to which the project expenses are to be set forth and other agreed upon provisions are to be included; and

- B. Whereas, a proposed Village of Lansing-Southern Cayuga Lake Water Commission & its Member Municipalities-Joint Intermunicipal Water Main Agreement regarding the Joint Project has been provided to the Village and the SCLIWC member municipalities for their respective and collective approvals of the Agreement and authorizations for its execution by the required parties related thereto;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The Village of Lansing Board of Trustees does hereby reaffirm its approval of the Village of Lansing-Southern Cayuga Lake Water Commission & its Member Municipalities-Joint Intermunicipal Water Main Agreement, a current copy of which has been submitted to the Board; and

- 2. The Village of Lansing Board of Trustees hereby authorizes the Mayor, the Deputy Mayor or the acting Mayor, as the case may be, to execute such proposed Agreement on behalf of the Village, in substantially the form presented to the Village Board of Trustees, subject to the final approval as to form and content by the Mayor, the Deputy Mayor or acting Mayor, as the case may be, the Village Clerk/Treasurer, and the Attorney for the Village, and to take such further action as may be necessary and appropriate to give full force and effect to this resolution; and

- 3. The Village Board of Trustees hereby authorizes and requests that the Mayor, the Deputy Mayor or the acting Mayor, as the case may be, the Village Clerk/Treasurer, and the Attorney for the Village take such steps as may be

necessary, desirable and/or appropriate to effectuate the intent of the foregoing resolutions; and

4. Any and all actions heretofore or hereafter taken by the Mayor, the Deputy Mayor or the acting Mayor, as the case may be, the Village Clerk/Treasurer, and the Attorney for the Village within the terms and in conformity with the intent and purpose of the foregoing resolutions hereby are in all respects ratified, confirmed and approved as the proper and authorized acts and deeds of the Village.

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

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

Trustee Gerry Monaghan-Aye

The next item on the agenda was to approve minutes from November 3rd. Since Leopold was not present at the meeting, this will have to wait until the next meeting.

During general comments Monaghan informed the Board that he has a copy of the Town of Lansing budget and is concerned that we still are paying for snowplowing in the Town. Monaghan went to the Lansing Historical meeting with Louis Bennett. Rita Smidt had previously dedicated several boxes of material to the Lansing Historical Society. A "Rita Smidt Archive" is being created. This material includes all the notes that went into writing her book, "Lansing at the Crossroads" that was published several years ago. The book has now also just come out as a PDF file at a cost of \$4.00. Gerry called and spoke to Sy Smidt. Sy Smidt, Rita's husband, is having heart surgery in a couple of weeks. It was pointed out that the tree right outside the conference room window was dedicated in memory of Rita Smidt by Maria Stycos and Sy. The Board would like to have a plaque created to acknowledge this and have it set on the window sill.

Leopold gave the Board an update on the presentation given by Cornell at the Water Resource Council meeting today. Cornell is in discussions with the City of Ithaca regarding a charge for stormwater runoff. Cornell has their own stormwater utility. Cornell has lots of rain capture structures already. They produce less than 1% of what comes into the City catch basin. The City is looking at where they can get income from. Cornell made a good argument that they are doing a lot up stream already. In the City there are no incentives for anyone to do any improvements. This doesn't directly affect us.

Motion- To Adjourn

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

Deputy Mayor Lynn Leopold-Aye
Trustee Gerry Monaghan-Aye

Trustee John O'Neill-Aye

The meeting adjourned at 8:21pm.

Jodi Dake
Clerk/Treasurer