

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, April 6, 2015, in the Village Office.

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

Deputy Mayor Leopold called the meeting to order at 7:32pm and opened the public comment period. Our Joint Youth Commission Representative, Henriette Bullmer, was present to ask the Board to reappoint her to the JYC. Dake explained that the Board does it every year at their Organizational Meeting that is held the first Monday of May. Henriette explained that since they just passed new bylaws, she was told she needs to be reappointed.

Resolution #6133-To Reappoint Henriette Bullmer as the Village of Lansing Representative on the Joint Youth Commission

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

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

O'Neill stated that the Village of Lansing still has another open seat on the Commission. Dake stated that if there is anyone interested in representing the Village on the JYC they should fill out a Board/Committee Application which can be obtained at the Tompkins County Youth Services Department. Once you complete the form, it should be returned to the Youth Services Department and they will forward it to us. If the Board feels you would be a good representative, they will then appoint you by resolution at a Village meeting.

There were no other comments.

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 on the agenda was a public hearing to consider the Proposed 2015-16 Budget.

Motion-To Open the Public Hearing on the 2015-16 Proposed Budget

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

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

Dake stated that the total assessed value of the Village of Lansing is \$459,940,304. Based on that amount, the proposed tax rate will be ~\$0.99/per 1,000 of Assessed Value. The total proposed expenditures are:

General Fund -\$1,821,487
Water Fund -\$1,287,435
Sewer Fund -\$826,522
Total All Funds -\$3,935,444

Dake explained that the Bush Lane Water Main Replacement Project is the biggest chunk of our water expenditures (\$456,000). The paving/shoulder widening section of this project is part of the General Fund Budget. The water main will be replaced from Triphammer Road to the Millcroft development. Money has been set aside in the Sewer Fund for Capital Improvements that will become apparent when we do the tests this spring.

Dake stated that there needs to be an adjustment in the Sewer Fund. When completing the Tax Cap Report for New York State, the question was should G1030-Special Assessment actually equal the Sewer Principal and Interest or should it be only what is actually collected on the Tax Roll. The instructions in the Tax Cap are to show what is on the Tax Roll. We have a Village of Lansing/Cayuga Heights/Town of Lansing Warren Road Sewer District Extension Intermunicipal Wastewater Transportation and Treatment Agreement which stated that the Town of Lansing properties in this area will pay towards the Bond and Interest. After speaking with Duane at Ciaschi, Dietershagen, Little and Mickelson, he agreed that the G1030 should only be what is on Tax Roll and the other should be listed under G2374-Sewer Services for Other Governments. Therefore the following amounts need to be adjusted:

G1030-Special Assessment- \$14,143.90 rounded (\$14,144)
G2374-Sewer Services other Governments- \$500,000+\$8,979.44=\$508,979.44
(\$508,979)
G9950.9-Transfer to Capital Funds-\$49,257- \$876 =48,381
This brings the total Sewer Budget down to \$825,646.

Deborah Dawson asked what A, F and G stand for. Dake explained that A=General Fund, F=Water Fund and G= Sewer Fund. She went on to explain that you will see line items for transfers to the General Fund from the Water and Sewer Funds. This is done to cover

estimated costs of employees that work on water or sewer issues. Otherwise, water revenues pay water expenses and sewer revenues pay sewer expenses.

There were no further 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

Resolution #6134-Adoption of 2015-16 Budget with the Following Adjustments:

G1030-Special Assessment-\$14,144
G2374-Sewer Services other Governments- \$508,979
G9950.9-Transfer to Capital Funds-\$48,381

Trustee Monaghan moved to approve the 2015-16 Budget with Proposed Changes. Trustee O'Neill seconded the motion. A vote was taken:

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

O'Neill stated that he is amazed by the knowledge Dake has of the Budget and thanked her. Dubow stated that because the Budget did not exceed the tax cap for the Village, we did not need the authority provided for in the previously adopted Local Law 1 (2015) passed by the Board earlier in the budget process.

Leopold stated that we have an additional item for the agenda regarding the intended transfer of Catherwood Road by the State to the Village. Dubow explained that the proposed conveyance resolution that is being presented to the Board is the final draft of that resolution after working with the NYSDOT and getting their approval. The acquisition of Catherwood Road is part of the Village's long standing efforts to work with the Shops of Ithaca Mall in establishing the respective responsibilities for the various access roads leading into the Mall. As part of that process, it was ascertained by the Village that Catherwood Road is in fact owned by the State despite the Town (prior to the establishment of the Village) having previously undertaken repair and maintenance obligations. As it turned out, the State didn't know they owned the road. But while researching the situation, it was found that the Village, as successor to the Town, doesn't own it. New York State is now willing to transfer the road to the Village. Moseley has been the point person in communicating with the NYSDOT. The intent tonight is for the Board to adopt a transfer resolution which indicates we are willing to accept the State's offer to convey the road and any infrastructure within that area that may be owned by the

State. If approved by the Board, Dake will certify the resolution which will then be sent to NYSDOT for their records. After we then hold the required public hearing at a subsequent meeting, we will need to pass a follow-up resolution reaffirming the action much like the process we go through when we accept dedication of a new road from a contractor. The NYSDOT has provided the Village with a draft Order providing for the conveyance of the road to the Village, which final Order will be provided to the Village and filed as required by the State.

Dawson asked how we didn't know that the road wasn't ours. Dubow stated that the original mall entrances were initially associated with the Town's early control. They were there before the Village was formed. We did some research and found that it was actually owned by State. TG Miller had some documentation that said the State owned it. Up until that time, NYS denied owning Catherwood Road. Dawson asked if NYS was going to pay us for all the time we maintained their road. It was indicated that that would be very unlikely to happen. The Village is just happy to get this situation resolved.

Resolution #6135 - To Accept Offer Made by New York State to the Village of Lansing for the Transfer of Catherwood Road, Currently in the Possession of New York State and Situated in the Village of Lansing

WHEREAS, the Village of Lansing, a municipal corporation in the County of Tompkins (the "Village"), with offices in the Village and with an address at 2405 North Triphammer Road, Ithaca, New York 14850, has received an offer by the State of New York (the "State") to transfer to the Village a road identified as Catherwood Road and currently in the possession of the State ("Catherwood Road"), situated in the Village, together with all related and existing improvements, if any, (including, but not limited to, any water mains, sewer mains, and other utility infrastructure located within the bounds of such road right-of-way premises) that may be owned by the State, and all other existing rights and benefits in favor of the Village and currently associated with the State's current possession of Catherwood Road (the "Offer"); and

WHEREAS, Catherwood Road, as currently in the possession of the State, was originally situated in what was previously the Town of Lansing and is now the Village pursuant to the incorporation of the Village and subsequent annexation proceedings during the early 1970's and;

WHEREAS, it has been determined that the Village has prior hereto and over an extended period of time, assumed repair and maintenance obligations with respect to Catherwood Road; and

WHEREAS, the Village is in favor of (i) the State formally transferring possession of Catherwood Road to the Village as proposed and (ii) the Village continuing its obligations to repair and maintain such road as has been done in the past; and

WHEREAS, the Village wishes to accept the Offer of the State, subject, however, to certain required additional conditions as set forth below;

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

The Village hereby accepts the Offer, subject to full and complete satisfaction of each of the following conditions:

- a. The scheduling of and completion of the required public hearing to be held in reference to the Offer to transfer the subject property in accordance with Sections 6-612 and 6-614 of the Village Law of the State of New York, and confirmation thereafter that the Village Board intends to reaffirm its acceptance of the Offer by further resolution of the Village Board in accordance with Sections 6-612 and 6-614 of the Village Law of the State of New York; and
 - b. 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 the transfer of possession of the subject property to the Village in accordance with the applicable provisions of this document and all State and Village laws, rules, regulations related thereto, 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 that will not impair the Village's ability to take possession and use of Catherwood Road for its intended purpose.
2. The required public hearing shall be conducted in regard to the Offer at the regularly scheduled meeting of the Board of Trustees of the Village on April 20, 2015, at 7:35 PM, all in accordance with the provisions of Sections 6-612 and 6-614 of the Village Law of the State of New York.

The Village of Lansing's acceptance of the Offer is expressly subject to the above-stated conditions, and such acceptance shall not become effective until such conditions have 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 Gerry Monaghan-Aye
Trustee John O'Neill-Aye

Leopold reported that NYSDEC has extended our Deer Nuisance Permit until April 15th. The initial Permit was initially authorized contemplating that it could be extended by NYDEC. Bernd has advised the Village that he has obtained the extended Permit documentation. It was reported that so far 27 deer have been taken under this Nuisance Permit procedure. Leopold stated that they have taken 12 deer at her property. No deer were taken off her property during the regular hunting season. Leopold finds it interesting how carefully, quietly and safely the hunters are working under this Nuisance Permit. There are very few sites where this is occurring. Given the weather, we are getting to the

end. The Nuisance Permit process is intended to be utilized incrementally with the expectation of doing a couple of weeks at a time. It doesn't look like we need to extend the nuisance hunt past April 15th.

It was asked if we know the status of the flyover. Leopold stated that she needs to follow through on contacting Tony. She doesn't think they are still interested in subsidizing part of the flyover to get a deer count. Leopold is unclear why, because the main reason they offered to do the flyover for a reduced cost was because they were already scheduled to do a flyover of Vassar College. O'Neill added that Trumansburg is also interested in having a flyover done. Leopold stated that the flyover needs to be done fairly soon.

Leopold stated that she has agreed to be part of a Cornell discussion on Municipal Deer Management. Communities need updating and they need people to tell how they lay out the argument for controls and dealing with the issues that come up. This four hour discussion in April is sponsored by Cornell University and community relations people.

It was asked if we had heard from James LaVeck who FOIL'ed the Village on behalf of CayugaDeer.org. Dake stated that Mayor Hartill has responded to his appeal, but the Village hasn't heard from him. The information he has requested is still here in the office. It was asked how many hours were put into preparing all the documentation that was requested. To gather, organize and redact the eight years of information probably took about 40 hours in all. Dake indicated that she has never had a request quite like this. We are a friendly office and try to have people come in and go through situations with them and help them to get the information they need, however, this was not how he wanted to handle this request. None the less, the information has been gathered, put into his requested format and we are waiting for payment for the copies. A member of the public stated that this seems to be just a harassment tactic.

Leopold stated that she attended the "Concerts in the Court" which is held in the Town of Lansing Courtroom. The East Shore Festival of the Arts is coming up soon. The Village supports this by donating \$300. Leopold stated that the next meeting is Thursday April 16th, then her last meeting will be April 20th. Leopold is retiring from the Board of Trustees, but will continue to serve on a couple of committees.

Dake had emailed the Trustees the draft minutes from March 12th & 16th which they reviewed.

Motion- To Approve the Minutes of March 12th & 16th

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

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

Mario Tomei, Planning Board Chairman, stated that the Planning Board has been working on proposed zoning amendments for over a year. Moseley and Tomei will be at

the Board of Trustees meeting on April 20th to initially present this information. If the Board of Trustees wishes to proceed further, the local law process can be started for possible action. The proposed zoning amendments can also be incorporated into the pending Comprehensive Plan update process. What the Planning Board is looking to do is to create a Commercial Medium Traffic District between the current High Traffic and Low Traffic Districts to more effectively buffer the residential area.

Leopold stated that she has attended many of the Planning Board meetings when they have discussed this. What they are doing is a little bit of restriction and allowing some wiggle room for desirable businesses on N. Triphammer Road. The Planning Board has had many sessions on this. They have questioned where the best place in the Village is for businesses. The Village wants to be friendly to businesses but not unfriendly to residents.

Motion- To Adjourn

Trustee O'Neill moved for adjournment. Trustee Monaghan 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 8:11pm.

Jodi Dake
Clerk/Treasurer