

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, August 7, 2017, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees, Ronny Hardaway, John O'Neil and Patricia O'Rourke; Clerk/Treasurer Jodi Dake; Attorney David Dubow; Planning Board Member, John Gillott. There were 3 additional people in attendance at the meeting.

Mayor Hartill called the Board of Trustees meeting to order at 7:32pm and opened the public comment period. Nick heard that on Friday July 15th big rain limits were reached in water and at the Village of Cayuga Heights sewer plant. He is interested in hearing how we coped with this large amount of water. Mayor Hartill stated that the water system was fine. The waste water treatment plant had 9 million gallons that day for a 2 million a day plant. In the past we've had 5 million gallons in a day. The NYSDEC has a rule if you exceed 5 million gallons twice in one month, then it is an issue. The Mayor thinks we were are in compliance because this event only happened once. The Ithaca Sewer Plant is a 6 million gallon plant, and in the past they have had 30 million gallon days. Hartill hasn't heard what the flow was this time around. It's related to the age of your system. When we had a moratorium, the Village looked at the status of all of our pipes and fixed them. It appears that the Village of Cayuga Heights doesn't have a flow meter into their plant. We do have a flow meter. There is a meeting on Wednesday afternoon to address some of these issues.

Hartill stated that people are concerned with their water and the algae bloom. Bolton Point's water system intake is down 70 feet, and algae bloom is only at the surface and down a foot or so. Bolton Point has increased their testing significantly. The City of Ithaca Water Plant gets their water from Six Mile Creek. In the past, Bolton Point was supplying water to the City of Ithaca when they were constructing their new water plant. They still have some dam remediation to do. Bolton Point's water plant had some reserve even during the drought last year.

The run off at the Shops at Ithaca Mall caused some flooding into the building. They are still recovering from that. The Village lost some top soil around sidewalks, and there were some overages on Cayuga Heights Road because the culverts just weren't big enough to handle that much rain. We got 3" in a little over an hour. The system can't handle that much water.

John Gillott stated that on Warren Road they got inundated with runoff from the airport. We haven't been paying attention to our drainage ditches. It would be nice to get advice from those that do know. Warren Road is a County road and they don't seem to care. Gillott asked if we could raise this issue with the County. Hartill stated that ditching is a mixed bag in that if we cleaned it out it is more prone to wash out. What should

technically happen is it should be dug out and then reseeded. The airport system depends on surrounding areas being clear. Don will talk to Courtney and look into it.

Motion - To Close the Public Comment Period

Trustee O'Neill made a motion to close the public comment period.
Trustee RH seconded the motion. A vote was taken:

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

Approval of June 5th and July 17th Minutes

Motion- To Approve the Minutes of June 5, 2017

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

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

Motion- To Approve the Minutes of July 17, 2017

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

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

Waive Penalty

There has been a request from N4483 to waive the penalties on the account for \$9.79. They had a closing back on 4/24/17 and a final bill was sent to the attorney's office which was never paid. The new owner called when she received the July bill, and Judy at Bolton Point told her to pay her portion of \$40.25 and that she would get in touch with the lawyer's office. Judy resent the final bill to Joy Blumpkin, the attorney, who in turn contacted the old owners to have them pay it. The old owner was on vacation at the time and paid it late. The Board agreed to waive the penalty on the final bill.

Resolution #6413- To Waive the Penalty in the Amount of \$9.79 from Account N4483

Trustee Hardaway moved to waive the penalty. Trustee O'Rourke seconded the motion. A vote was taken:

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

Trustee Ronny Hardaway-Aye
Trustee John O'Neill-Aye

Continue Public Hearing Proposed Local Law 3

The next item on the agenda was to continue the Public Hearing which was opened at the last meeting on July 17th on Proposed Local Law 3 (2017) Amendment to Village of Lansing Code-Zoning Law-Household Definition. Mayor Hartill had expected several people here tonight, but they didn't show. The Mayor would like to use some the City of Ithaca's definition.in addition to the Town of Ithaca's. He thinks the Town of Ithaca and City of Ithaca definitions are more stringent. He would like to combine the two to come up with a further revised definition. The Mayor will further look at the two and come up with any additional and appropriate the new definition. Mayor Hartill gave the City of Ithaca definition to Adam, but he hasn't had a chance to speak with him about it.

O'Neill questioned the definition of family. What about cousins? They are considered blood relatives. In his neighborhood, he believes that there are multiple individuals who all may be cousins. Hartill stated that one of the things that happens is that a family comes and stays for a month or longer, but that is extremely difficult to enforce. To be able to go forward, our Code & Zoning Officer is powerless unless he has several formal complaints. We are trying to define a family so that he may have a basis for further action. The final arbitrator may be the Board of Zoning Appeals. Depending upon certain matters in the future, issues related to possible penalties may need to b addressed.

Veanor asked if there was an occupancy limit on a three-room house. Hartill stated that the fire code caps the number of people that can live in a house. We will continue to leave the public hearing open. Dubow stated that once the public hearing is finalized and closed, we should announce it. O'Neill suggested we encourage the people that are affected to attend our meeting. Unfortunately, you can't make people come to our meetings. Hartill stated that he would put together another version for Local Law 3 and discuss it with Adam Robbs.

At the SCLIWC meeting on August 3rd the Commission approved an amendment to the Agreement to Change Water Rate Billing Structure. The new agreement will be based on a minimum consumption of 5,000 gallons. Previously, it was based on a 10,000 gallon minimum. What has happened in the past is the water rate has been lowered by 10% because of the subsidy by the 10,000 minimum. In round numbers, this lowers the subsidy to 5%. The increase in water rates to \$4.53 which the Board approved at the July 17th meeting was based on a minimum of 10,000 gallons. The new rate of \$4.96 per 1,000 gallons is based on a minimum of 5,000 gallons. The Village of Lansing has a 40% surcharge. The charge will be \$6.94 per 1,000 gallons of water. This changes the minimum bill from \$69.40 to \$34.70. People who use less than the previous 10,000 gallon minimum will therefore see a lower bill.

This change needs to be approved by all member municipalities of the Commission and will go into effective January 1, 2018. The first Village of Lansing bill to be affected by this change will be the April 1, 2018 billing.

Resolution#6414-To Authorize the Mayor to Sign the Southern Cayuga Lake Intermunicipal Water Commission Bolton Point Water System Agreement to Change Water Rate Billing Structure

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 lower the minimum consumption from 10,000 gallons to 5,000 gallons, 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 accomplish the proposed water rate revisions;

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 modify the water rates to be charged under the SCLIWC Agreement generally from \$4.53 per thousand gallons of water to \$4.96 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 \$4.96 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 modified 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 40%) imposed by the Village from time to time by resolution of the Village Board of Trustees.

Trustee O’Neill moved this resolution. Trustee Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway-Aye
Trustee Gerry Monaghan-Aye	Trustee John O’Neill-Aye

Hartill expects the sewer rate will also change.

Dan Veanor asked why the agreement has different minimum charges for different size meters. Hartill explained that most single families have ¾ in meter. If you have large industry you may have a bigger meter. Meters have maintenance costs. You are paying for the opportunity to have more flow.

Also at last Thursday’s meeting, the Commission asked to have each municipality approve a Restated Agreement of Municipal Cooperation (AMC) entitled “Restated Agreement of Municipal Cooperation for Construction, Financing and Operation of an Intermunicipal Water Supply and Transmission System. This 41 page document was previously emailed to the Board. If we agree with the proposed document, we need to authorize the Mayor to sign. A lot of the changes are to clean up language that no longer exists. The staff did an extensive amount of work on this.

Resolution#6415-To Authorize the Mayor to Sign the Southern Cayuga Lake Intermunicipal Water Commission Agreement Entitled “Restated Agreement of Municipal Cooperation for Construction, Financing and Operation of an Intermunicipal Water Supply and Transmission System.

Trustee Hardaway moved this resolution. Trustee O’Neill seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway-Aye
Trustee Patricia O’Rourke-Aye	Trustee John O’Neill-Aye

Recommendations from Selective Insurance Audit

Mayor Hartill stated that Selective Insurance performed an audit on the Village of Lansing and has made two recommendations. The first was to have a prior written notice of Defect Procedure, and the second recommendation was to enroll the Village in the LENS program. Hartill and Hardaway were both reluctant to go forward with talking about these two issues without the whole staff present.

Dake stated that the purpose of having the items on the agenda was to see how the Board would like to proceed. The first question was whether the Board wants to have Steve Franco from the Bailey Insurance Agency present for the next meeting to be available to clarify any concerns. The Board did want to have Steve attend the meeting. Dake will contact him to request his presence. Secondly, if the Board feels that they will want to proceed with the Prior Written Notice of Defect Procedure, Dake will put together a draft to be considered at the next meeting. Currently, we have a complaint log that we use, but this is stating the procedure to better protect the Village. It was questioned whether we already had this procedure or law.

After some research, it was found that villages do not need to enact a separate local law regarding notice of defect as it is included in State statute. This statute states that notice of a defective condition must be in writing and given to the Village Clerk. Any notice of defect given to municipal departments other than the Clerk does not comply with the statutory notice requirements. Having a specific procedure minimizes the Village's exposure. Dake will put together a draft procedure using the examples provided by NYCOM and other municipalities.

Mayors Comments

There is a meeting Wednesday afternoon at the Town of Lansing to talk about sewers. We are starting a more serious effort to understand I&I. We have already done some inspections of sewer lines in the Village, and our most prone section actually looks pretty good.

Ed LaVigne, the Town Supervisor, thanked the Mayor for allowing the Village of Lansing DPW Department to help the Town of Lansing with Salmon Creek. The Town really appreciated that.

General Comments

Hardaway stated that on Northwood Road it looks like some of the old section of the road was damaged with the storm. He thinks it isn't too bad, but could potentially be a problem if we get more rain. Hartill added that the surface of Graham Road West also peeled up. That is currently a private road.

O'Neill stated that he had previously distributed the proposed youth budget to the Trustees. He has a flyer from Upbeat that shows the benches that he has researched. Originally, Courtney had said that the benches would cost \$2,000 each, but there are benches in this flyer for around \$600. Hardaway took the flyer and stated that he would talk it over with Courtney.

Dake asked the Board if they would like to renew the Village service plan with Champion Energy Service. They are currently our ESCO and our rate is .06. They are offering us a renewal rate of \$.04233 for a two year period. The current variable rate for NYSEG is \$.0486. O'Neill and Hardaway both think we should go with the two year contract with Champion Energy Service.

Resolution #6416 -To Authorize the Village to Enter Into a Two Year Contract with Champion Energy Service for Electricity at a Rate of \$.04233

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

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

Motion to Adjourn

Trustee O'Neill moved to adjourn. Trustee Hardaway seconded the motion. A vote was taken:

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

The meeting was adjourned at 8:20 pm.

Jodi Dake
Clerk/Treasurer