

Village of Lansing

MINUTES of a special meeting of the Board of Trustees of the Village of Lansing held on Thursday, August 31, 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. Deborah Dawson, Planning Board member, was also in attendance at the meeting.

Mayor Hartill called the Board of Trustees meeting to order at 11:07am and opened the public comment period. There were no comments.

Motion - To Close the Public Comment Period

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

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

Trustee Ronny Hardaway- Aye
Trustee Patricia O’Rourke-Aye

This special meeting has been scheduled to set a public hearing on Proposed Local Law 3 (2017) Amendment to Village of Lansing Code-Sewer Rent for the September 18, 2017 meeting. On August 21, 2017, the Village of Cayuga Heights (VCH) passed a law to change how sewer billing is done. VCH has decided that every dwelling unit should have a minimum of 10, 000 gallons. Currently, all properties are charged a one unit minimum regardless of how many dwelling units exist. The VCH feels they have been undercharging the Village of Lansing approximately \$7, 000 each quarter. We currently pay the VCH around \$125,000 per quarter. In order to change the method of billing we have to amend our sewer law to reflect this change.

The following is a copy of Proposed Local Law 3 (2017):

AMENDMENT TO VILLAGE OF LANSING CODE – SEWER RENTS

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

SECTION I. PURPOSE AND INTENT.

The Purpose of this Local Law 3 of the Village of Lansing is based upon the Village of Cayuga Heights having previously adopted its Proposed Local Law 1A (2017) on 8/21/17 to, thereby re-establishing and modifying the Village of Cayuga Heights’ method for calculating sewer rents for different types of users of the Village of Cayuga Heights,

whereupon the sewer treatment system is more and to more clearly and completely stated, including the bases, procedures and mechanisms for calculation and collection of sewer rents and related matters, in order to produce additional revenue. Furthermore, the Village of Cayuga Heights provides sewer treatment for the Village of Lansing. At their August 21, 2017 meeting, the Village of Cayuga Heights passed its new Local law that changes how they will bill their customers for sewer services. The new multiple dwelling unit based billing of the Village of Cayuga Heights will be similar to the manner in which the Village of Cayuga Heights water is already billed. Currently, the sewer billing for the Village of Lansing is based upon a minimum bill of 10,000 gallons resulting in \$43.30. Now, the Village of Cayuga Heights is changing to a minimum that is also based upon the number of dwelling units to be charged for water consumption.

The calculation of sewer rents to be paid by all users of the Village of Cayuga Heights sewer system shall be based upon the consumption of water on the premises served by the Village of Cayuga Heights sewer system. The quantity of sewer usage will be equal to the quantity of water usage that is attributed to such property for billing purposes in accordance with the formula employed by the Southern Cayuga Lake Inter-Municipal Water Commission (SCLIWC), including the formula's method for calculating the minimum base charge for water usage, but excluding the component of such formula relating to meter size.

The Intent of this Local Law 3 of the Village of Lansing is to amend 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 to incorporate changes made by the Village of Cayuga Heights in the method for calculation of sewer rents, both of which providing for the calculation, 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 3 of 2017 to provide for any further amendments intended to:

- (1) clarify the calculation of the minimum number of increased multiple dwelling sewer unit charges related to the increase in the current minimum 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.

SECTION II. AMENDMENT TO THE VILLAGE OF LANSING CODE.

- A. 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 is hereby amended so as to read in its entirety as follows:

A. Each owner of property that is provided with water service by connecting to the Village of Lansing Water System shall be charged for, and shall be obligated to pay, a quarterly sewer rent amount comprised of the following:

- (1) a quarterly sewer rent charge for use of the Village of Lansing sewer system, such charge to be equal to one dollar and eleven cents (\$1.11) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of eleven dollars and ten cents (\$11.10) **per each individual multiple dwelling unit** for each quarterly billing (as provided in subsection “B” below); and
- (2) a quarterly sewer rent charge for use of the Village of Cayuga Heights sewer system, such charge to be equal to three dollars and twenty-two cents (\$3.22) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of thirty-two dollars and twenty cents (\$32.20) **per each individual multiple dwelling unit** for each quarterly billing (as provided in subsection “B” below).

The amount charged for use of the Village of Lansing sewer system shall be individually calculated, and thereafter collected by the Village of Lansing for all quarterly billings commencing with the Southern Cayuga Lake Intermunicipal Water Commission/Bolton Point quarterly billing October 1, 2017. The amount charged for use of the Village of Cayuga Heights sewer system shall be individually calculated, and thereafter collected by the Village of Lansing (or such other party designated by the Village of Cayuga Heights), for all quarterly

billings commencing with the Southern Cayuga Lake Intermunicipal Water Commission/Bolton Point quarterly billing October 1, 2017. Each such amount shall thereafter continue until otherwise modified from time to time by further local law adopted by the Village of Lansing Board of Trustees.

B. 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 is hereby amended so as to read in its entirety as follows:

A. Each owner of property that is not provided with water service by connecting to the Village of Lansing Water System shall be charged for, and shall be obligated to pay, a quarterly sewer rent amount comprised of the following:

- (1) a quarterly sewer rent charge for use of the Village of Lansing sewer system, such charge to be equal to one dollar and eleven cents (\$1.11) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of eleven dollars and ten cents (\$11.10) per each individual multiple dwelling unit for each quarterly billing (as provided in subsection “B” below); and**
- (2) a quarterly sewer rent charge for use of the Village of Cayuga Heights sewer system, such charge to be equal to three dollars and twenty-two cents (\$3.22) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of thirty-two dollars and twenty cents (\$32.20) per each individual multiple dwelling unit for each quarterly billing (as provided in subsection “C” below).**

The amount charged for use of the Village of Lansing sewer system shall be individually calculated, and thereafter collected by the Village of Lansing for all quarterly billings commencing with the Southern Cayuga Lake Intermunicipal Water Commission/Bolton Point quarterly billing October 1, 2017. The amount charged for use of the Village of Cayuga Heights sewer system shall be individually calculated, and thereafter collected by the Village of Lansing (or such other party designated

by the Village of Cayuga Heights) for all quarterly billings commencing with the Southern Cayuga Lake Intermunicipal Water Commission/Bolton Point quarterly billing October 1, 2017. Each such amount shall thereafter continue until such amount is otherwise modified from time to time by further local law adopted by the Village of Lansing Board of Trustees.

SECTION III. SUPERSEDING EFFECT.

All local laws, resolutions, rules, regulations and other enactments of the Village of Lansing in conflict with the provisions of this local law are hereby superseded to the extent necessary to give this local law full force and effect.

SECTION IV. VALIDITY.

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

SECTION V. EFFECTIVE DATE.

This Local Law shall be effective upon its filing in the office of the Secretary of State.

Hartill stated that this local law needs to be passed in time for the October Billing Cycle. If we don't pass this local law, the increased amount charged by VCH would come out of the Village's pocket. Dubow explained that this will affect all of the apartments. Any owner with more than 2 dwelling units will see an increase in their sewer minimum cost. VCH tried to back bill all the municipalities but Dubow was not sure how they got away with this. Unlike the Village of Lansing, other municipalities went ahead and paid the increased amount even though it violated the law by paying more than they legally are allowed to pay per our agreement.

Hardaway is concerned that when we switch to a 5,000 minimum in 2018, rents are going to increase also. Dake has prepared letters to send to the 11 owners of properties that will be affected by this change. Each letter has been personalized to let them know how the change will affect each of their accounts. A copy of the Proposed Local Law will also be included. It was suggested that we also copy VCH on this to let them know that we are advising our residents.

Hartill explained that Mayor Linda Woodard is a statistician and she prides herself in looking at the details. She is also the one that figured they had been underpaid. The Village of Lansing has been paying correctly according to the way the VCH law was written. The VCH law has now changed to reflect what they want. It was suggested that we get a copy of the VCH minutes where they discussed this issue. Dake will get them from the VCH Clerk and email them to the Trustees.

Dake explained that prior to June 2012, Village of Lansing residents paid for sewer units on their taxes based on dwelling units or by usage for commercial properties other than apartments. Then in 2012-13 the units were taken off the tax bills and added to the quarterly water/sewer billing. At that time the VCH came up with a rate of \$3.22 per 1,000 gallons of water consumption. That rate has been the same since 2012.

Hartill stated that Village of Lansing residents more than pays for the operation of the sewer plant. Hartill explained that the VCH needs to repair their system to meet demand. A problem is that VCH hasn't spent money to maintain its sewer. When updating the plant they should have chosen a parallel system design but instead they put it in series. It would have cost a little more for a parallel system but would have been better in the long run. At the time they also neglected to deal with the front end which stops trees and debris. They did finally get a good deal on a used separator.

This week we had our own sewage problem just above the Cornell University Chill Water Plant. The issue was fixed yesterday. The City of Ithaca had a clamp that we were able to get to fix the problem.

Hardaway asked if this change mention anything about properties with 2 dwelling units. Dake stated that the wording in the proposed law states that "the quantity of sewer usage will be equal to the quantity of water usage that is attributed to such property for billing purposes in accordance with the formula employed by the Southern Cayuga Lake Inter-Municipal Water Commission (SCLIWC), including the formula's method for calculating the minimum base charge for water usage, but excluding the component of such formula relating to meter size." SCLIWC charges one unit for 1-2 dwelling properties so this is covered.

Motion - To Set a Public Hearing for Proposed Local Law 3 (2017)
Amendment to the Village of Lansing Code-Sewer Rents for September
18, 2017 at 7:35pm.

Trustee O'Rourke made a motion to set a public hearing. Trustee
Hardaway seconded the motion. A vote was taken:

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

Trustee Ronny Hardaway- Aye
Trustee Patricia O'Rourke-Aye

Motion to Adjourn

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

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

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

The meeting was adjourned at 11: pm.

Jodi Dake
Clerk/Treasurer