

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, September 18, 2017, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees, Ronny Hardaway, John O’Neil and Gerry Monaghan; Clerk/Treasurer Jodi Dake; Attorney David Dubow. Mario Tomei, Planning Board member, 4 additional public were also in attendance at the meeting.

Mayor Hartill called the Board of Trustees meeting to order at 7:31pm and opened the public comment period. Matt Bishop stated that he grew up on Beckett Way. He moved to NYC but has just moved back to the Village. Matt develops software to make it easy for people to connect with social services and offered himself as a resource. Hartill asked him to email his contact information.

Motion - To Close the Public Comment Period

Trustee Monaghan made a motion 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 Ronny Hardaway- Aye  
Trustee Gerry Monaghan-Aye

Amendment to the Village of Lansing Code-Sewer Rents

The next item on the agenda was a public hearing on Proposed Local Law 3 (2017). Mayor Hartill explained that this has to do with the way we charge sewer rents. It was forced upon us by the Village of Cayuga Heights (VCH). They have a new process of how they want to bill us.

Motion - To Open the Public Hearing for Proposed Local Law 3 (2017)  
Amendment to the Village of Lansing Code-Sewer Rents

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

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

Trustee Ronny Hardaway- Aye  
Trustee Gerry Monaghan-Aye

Basically, the change is in the way we charge for sewer. It is currently based on use with a minimum billing of 10,000 gallons for each account. However, the VCH updated their law so that there is now a new 10,000 gallon minimum for each individual multiple dwelling unit. This change affects the apartment complexes and a couple of houses that have 3 or more apartments in them. We pay the VCH around \$600,000 a year for sewer and this change will increase their income by approximately \$7,000 per quarter. The rate

will be changing again with the April 2018 billing when the minimum is changed to 5,000. Dan Veanor asked if the bold part of the proposed local law is the new part. Yes, it is just a change in the minimum billed for apartments based on dwelling units. Monaghan asked if there would be a change for 1 or 2 bedroom apartments. It doesn't have anything to do with the number of bedrooms in an apartment. It has to do with the total number of apartments in a complex.

If a house has 2 dwelling units it isn't affected. The way the water rates work is there is a minimum just to have water or sewer. For multi-dwelling properties, instead of charging a minimum of 10,000 gallons they are charging a minimum that is equal to 10,000 gallons times the number of dwelling units. With the April 2018 billing the minimum will be lowered from 10,000 to 5,000 gallons. Dan Veanor thinks that a typical apartment uses less than a single family home.

Hartill explained that we used to have a system based on units. This new system has issues with implementation. We were doing the right thing according to our agreement with VCH. VCH with their new administration thought different and changed their law to make it clear what they wanted. It has caused unnecessary friction. The Village of Lansing more than pays for the operation of the VCH sewer plant.

All water that goes to a household is not put back into the sewer. If you had two water meters you could have an irrigation meter that had no sewer charges and a regular meter with sewer charges but you would then have to pay for 2 meters.

Hartill stated that, if passed, this local law will take effect with the October Billing Cycle. If we don't pass this local law, the increased amount charged by VCH would come out of the Villages pocket. Any owner with more than 2 dwelling units will see an increase in their sewer minimum cost.

#### Motion - To Close the Public Hearing

Trustee O'Neill made a motion to close the 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 Gerry Monaghan-Aye

Resolution #6423- To Adopt Local Law 3 (2017) Amendment to the Village of Lansing Code-Sewer Rents

#### **WHEREAS:**

- A. Adoption of Proposed Local Law 3 (2017), as follows: The Village of Lansing Board of Trustees, upon the Village of Cayuga Heights having adopted its Proposed Local Law A (2017) on 8/21/17 for the establishment and modification

- of the method for calculating sewer rents for different types of users, including the Village of Lansing, the Village of Cayuga Heights, and the Village of Cayuga Heights sewer treatment system, and thereby more clearly and completely state the basis and mechanisms for calculation and collection of sewer rents and related matter in order to produce revenue; and
- B. On August 31, 2017, the Village of Lansing Board of Trustees acknowledged its preliminary review and further discussed the proposed action, and the purposes and intent of Proposed Local Law 3 (2017), and thereupon scheduled a public hearing for September 18, 2017; and
  - C. On September 18, 2017, the Village of Lansing Board of Trustees held a public hearing regarding the proposed action, and thereafter further discussed and reviewed (i) Proposed Local Law 3 (2017), and (ii) all issues raised during the public hearing and/or otherwise raised in the course of the Board’s deliberations; and
  - D. On September 18, 2017, 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 September 18, 2017, the Village of Lansing Board of Trustees completed its review of (i) the proposed action, (ii) Proposed Local Law 3 (2017), and (iii) any 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 approves the proposed action and adopts the attached Proposed Local Law 3 (2017), to be designated Local Law 3 (2017).

Trustee Hardaway made a motion to adopt Local Law 3. Trustee O’Neill seconded the motion. A vote was taken:

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

The following is a copy of 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 units 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 total 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 total 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 of 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 of 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.

Dake will place a legal ad in the Ithaca Journal and file the adopted law with New York State. Updated sections of Chapter 111 will be distributed to all that have a copy of the codification.

Consider Planning Board Alternate

Mario Tomei introduced Jim McCauley to the Board of Trustees. We have been without an alternate for a month or two. Jim is a 30-year resident of the Village, residing in Lansing West Apartments in the Savannah Park area. He is a labor lawyer which Mario has met through the flying club. Jim has attended a couple of Planning Board meetings and is interested in serving as an Alternate on the Planning Board. Hartill thinks that he would be a great addition.

Resolution #6424-To Appoint Jim McCauley as a Planning Board Alternate until 5/31/18.

Trustee Hardaway moved this resolution. Trustee Monaghan seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Gerry Monaghan-Aye

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

#### Update on Proposed Mall PDA

Hartill explained that the Shops at Ithaca Mall want to create a Planned Development Area (PDA) of 5-6 parcels. There are complicated questions that go along with it. There needs to be an overriding agreement for parking, maintenance and security. Hardaway is concerned that they are not following our process. They have provided some vague materials. It is clear that they have done this before. They have sent a declaration document and have a good number of references to having to be in with our compliances. It may or may not be a good project. The concern is timewise. The Mayor stated that there seems to be a great rush, but he wants to do due diligence to see what their past history is. Dubow stated that they are pushing very hard. They have provided him with some documentation over the weekend. They believe that it will happen very quickly, but he is unsure what the Village wants. Monaghan thinks they could help us with our storm sewer.

The intention with the creation of a PDA is to allow stores such as Best Buy to own their own parcel, all subject to common maintenance. Mayor Hartill thinks we need to do a little research first. Nothing has been filed at the county that says there is new ownership. It was clarified that there are new investors.

Dubow stated there are other code issues also. They are scheduled to come to the Sept. 26<sup>th</sup> Planning Board meeting. The attorney that Dubow has spoken with wants to get this done. Dubow clarified that there is already a PDA of BJ's and the housing that is completely separate from the proposed PDA. BJS was sold as a separate parcel already. Hardaway suggested that Adam Robbs forward copies of A-1 and A-2 to the developer so they understand our steps.

Mario Tomei asked what the purpose was for making this a PDA. It would create zero lot lines and a set of criteria that will be applied to that particular piece of property. There is no other way to subdivide. They did an informal presentation to the Board of Trustees a month ago and the Board acknowledged the proposal and it was communicated that it now had to be presented to the Planning Board. Dubow stated that if the Trustees didn't want the Planning Board to proceed they could advise the Planning Board to hold off. Dubow stated that the lead agency would be the Board of Trustees.

Dawson feels that we don't want to slow them down. If we don't do something that mall is going to go down the tubes. Dubow thinks the Board of Trustees needs to decide. On September 26<sup>th</sup> the meeting with the Planning Board will be an informal presentation. It was asked if this should be a joint meeting with the Trustees. Hartill thinks this will bring everyone on the Planning Board up to speed. Then we will schedule a joint meeting further down the road. Next is to decide what we want and voice our concerns. We need some information as to how it worked out in other places.

Hardaway wants the Planning Board to be brought up to speed. He also feels we should be involved in parallel. It was asked who will spearhead getting information. Hartill stated that the only person that has been in contact is their lawyer and a contractor that works with them.

Nationally speaking, in the next 10 years 25% of malls will be closing down. Dawson stated that they have a plan to make it work with anchor stores. Dubow stated that it is complicated. We need to find out where else they have done other similar projects.

#### Approval of Abstracts

Mayor Hartill entertained a motion to approve the vouchers.

#### Resolution #6425- Abstract of Audited Vouchers

Be it RESOLVED, that Abstract of Audited Vouchers No. 4 for the General Fund, in the amount of \$112,284.02 , is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 4 for the Sewer Fund, in the amount of \$9,170.83, is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 4 for the Water Fund, in the amount of \$7,965.77 is hereby approved for payment.

Trustee Hardaway moved that the foregoing Abstract of Audited Vouchers resolutions be adopted and Trustee O'Neill seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Gerry Monaghan-Aye

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

#### Mayor Comment

We continue to meet with the Town of Lansing regarding a possible sewer arrangement to expand our sewer system. Hartill will be attending the next meeting on Wednesday at noon. The VCH treatment plant is in need of significant work. They have started on the head work.

We had a sewer line break in a 16" line that is located in the railroad bed. There is a stream right above the Cornell Chill Plant, a branch hit the pipe and broke the pipe. It was only a problem for an hour. Our infrastructure is getting a little long in the tooth. We have started looking at I&I in the Highgate region. Our typical flow is 500,000 a day and it goes up by a factor of 3 during rain which indicates infiltration. Hartill went on to explain the different flows that have been happening.

Road maintenance is going well. We have a new park under construction on Northwood.

General Discussion

Hardaway reported that we had a bid opening on September 7, 2017 at 11:00am for our new park's playground equipment. We received only one bid from R.E. Woodson in the amount of \$106,826.00. There was a price increase of about \$1,500.00 between R.E. Woodson's first bid and their official bid. Hardaway contacted their office, and received an email back from them explaining the difference. Basically, the official bid, following the bid specifications, included the installation of the separation fabric and spreading the wood carpet for the playgrounds. If we want our DPW staff to perform these two tasks to save the additional cost, we would need to submit a change order against the contract and R.E. Woodson will not perform the tasks and reduce their final price by \$1,499.83. Monaghan wondered if doing this would affect the warrantee. Hardaway stated that this would be a question for John Courtney. O'Neill confirmed that this bid is for playground equipment and installation. They are the same company that did the Community Park playground on Uptown Road. Hardaway stated that he feels we only received one bid because this project is "small fish". Hardaway contacted other companies about this project but he didn't even receive a reply to his emails. Hardaway has spoken with Courtney and he thinks the park is ready for installation.

Resolution #6426 -To Award the Contract for Playground Equipment to be Installed at the New Park Located Between Northwood Road and Dart Drive to R.E. Woodson in the Amount of \$106,826.00.

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

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

Mario Tomei asked if there would be a problem with kids using the playground equipment since the rest of the park isn't finished. We can put up construction fence around it if need be. The equipment area will be safe.

Monaghan stated that he has been getting a lot of questions from people about what will be done in the boulevard on Highgate and when. The plan is to plant six trees. Monaghan will work with Courtney on working out the details.

Motion to Adjourn

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

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

The meeting was adjourned at 8:30 pm.

Jodi Dake, Clerk/Treasurer