

## Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, October 2, 2017, in the Village Office.

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

Mayor Hartill called the Board of Trustees meeting to order at 7:33pm and opened the public comment period. Deborah Dawson stated that she was out campaigning this weekend and a number of people are surprised that they can vote in the Town election. Hardaway added that Nick Vaczek asked him if we can print something informing people that they can vote for the Town representatives with the village logo on it. Monaghan feels we need to be careful. We are out as civil servants notifying people that they can vote. The Election Board should be the entity that informs the public on this. Dake stated that the newsletter was just sent out, which would have been a great way to inform the public. She volunteered to put an announcement on the website. Hardaway stated that he has already done that.

### 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 Patricia O'Rourke-Aye

Trustee Ronny Hardaway- Aye

Trustee Gerry Monaghan-Aye

### Fisher Associates Proposal for Engineering Services for Bomax Drive Apartments

A traffic study for Bomax Drive Apartments has been presented to the Planning Board. It is reasonable. Basically, we are asking Fisher Associates to review the Bomax Drive Apartment traffic study that has already been done for the Village. Instead of doing our own study, we would like to hire Fisher Associates as a third party to review the provided study. O'Neill was concerned because the study didn't include all parts of the Lansing Trails development plans in the study.

Dubow explained that with a potential project it is customary to have the Planning Board do a preliminary review. This is all under the purview of the Planning Board. They did an extensive review and a SEQR review. We also had the developers do a long form. They didn't have to, but we asked them to. A traffic review was requested. The developers did a presentation that included an environmental review and a specific review of traffic.

During the discussion they agreed with the Planning Board that a third party should look at the traffic review that was provided. However, there is a cost associated with this. The cost will eventually be paid by the developer. What we are asking for is for the Board to authorize the Village to pay to have Fisher Associates review the traffic study that was submitted with the understanding that the developer will be reimbursing the Village for this review. We chose Fisher to do this review since they have worked with the Village in the past and are familiar with the Village. The traffic study was provided to the Village specifically for this project. They are demonstrating the impact of the Bomax Drive Apartment project. Dubow stated that this is not unusual in that we hire company to do what we need. Planning Board engineer, Brent Cross, was at this meeting and he feels a 3<sup>rd</sup> party opinion would be very helpful. O'Neill's concern is that they didn't include Lansing Trails II and additional future development in the review. Dubow stated that the point is professionals are doing this. This is in the purview of the Planning Board. Mario Tomei stated that the reason we needed another study is because the Planning Board accepted a study done by the other developer. They were being proactive and allow a 3<sup>rd</sup> party to do it. In the end, it will not cost the Village. We pay Fisher Associates and then the developer pays us back. They have agreed to this. This has been done in the past but usually there is an escrow account set up.

Hardaway asked if a traffic study can include future roads or just current roads. Dubow stated that it is impossible to know what the future roads will be. There has been a traffic study by IJ Construction for all their future roads. Everyone anticipates the review from before.

Resolution #6427 - To Authorize Mayor Hartill to Sign the Fisher Associates Proposal for Engineering Services for Development Review of Bomax Drive Apartments for a Cost Not to Exceed \$3,000 Which Will Be Reimbursed By the Developer

Trustee Monaghan made a motion to accept this resolution. Trustee Hardaway seconded the motion. A vote was taken:

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

Trustee Ronny Hardaway- Aye  
Trustee Gerry Monaghan-Aye

#### Household Definition

Hartill stated that he has been working with Adam Robbs, Code & Zoning Officer, to come up with an enforceable definition. There is still not a clear path. He will continue to work on this and hopes to have something by the October 16<sup>th</sup> meeting. Hardaway stated that residents of South Hill are also having a problem and he wondered if we should contact them. Hartill stated that our previous Code & Zoning Officer, Marty Moseley, is in the thick of that. The County Health Department also has jurisdiction over a property if it is not maintained.

### Mayor's Comments

Joint sewer discussions are ongoing. Once something is decided he will let the Board know. Hartill has been meeting with Dave Herrick, TG Miller Engineering, and they are making progress. The Town of Lansing deadline is to be functional by April 1, 2019. Our portion of this sewer extension project may cost as much as \$2 million.

Deborah Dawson asked if we would be adding sewer capacity in the Village. Mayor Hartill stated that expanding the sewer system to the Town of Lansing would also add sewer capacity in the Village. There will be a very close look at Inflow & Infiltration (I&I). The Village of Cayuga Heights understands that they have a significant I&I problem and they are beginning to address that. One way they have addressed failing sewer pipes that run under houses or areas where you can't remove pipes is to open each end of the line and slip line the pipe.

Hartill spoke with Herrick today who informed him that they are installing a new transmission line for Bolton Point and the backhoe tore off the top of our sewer line. It has been fixed. There doesn't seem to be good records of where the older lines are. We are in better shape now with GIS Mapping. Hartill will also be encouraging Brent Cross, Village of Cayuga Heights Engineer, to install a meter. The sewer lines from the Town of Lansing also have significant I&I. One of the problems is gutters are being attached to the sewer lines. Tracking is almost impossible. We are doing the best we can. The modern parts of our systems are plastic, which are not a problem. The older lines are concrete and are problematic.

As far as other highway work in the Village, we are pretty well complete with our projects. Currently, Highgate area road work is being done.

### General Discussion

Hardaway stated that he and Courtney have been negotiating the details of installing the new playground equipment at Northwood Park. Courtney and R.E. Woodson have agreed that equipment will be installed in November. They want to be done by Thanksgiving. The sod will be done after the equipment is installed so that it isn't damaged in the process of installing the playground equipment.

Hardaway stated that the local group CLEAN wants us to join in their lawsuit against the NYSDEC. Hardaway handed out a proposed resolution to the Board. He stated that the Towns of Ulysses, Danby, Caroline and the Village of Aurora have already joined. Trumansburg is also looking at this tonight and the City of Ithaca will look at this on Wednesday night. Hardaway has concerns with the way the DEC is treating our area. He feels they have basically washed their hands of Gun Hill even though there is lead all over it. There is major construction that is going to be built above the salt mine that will allow the salt mine to extend itself northward. Cargill has split their request to DEC into pieces. Therefore, each piece is evaluated independently. The tunnel that will join the mine to the shaft was one, the shaft is another. This segmentation concerns him. He thinks we as a village would request an environment study. It is the job of the State

government to protect us. He doesn't feel like they are looking at the whole picture. There is no cost but he wants us to support the Article 78 lawsuit by CLEAN against the DEC.

Hartill stated that he has a problem with this. Knowing the science with this, he would be very reluctant to join without a careful further study. Hardaway stated that there has never been an impact study.

Dawson stated her thoughts on the issue. DEC & Cargill have proceeded under their agreement. Dawson stated that she has nothing against Cargill. She feels the DEC is not regulating. Difference of opinion between scientists suggested it needs to be resolved.

Hartill stated that he has a real problem with this because he hasn't seen documentation on the CLEAN side. The problem is the science behind this. He stated that he has a colleague in the Engineering Department who is one of the consultants for the DEC, a highly respected individual. I would be very reluctant to do anything without further study.

Hardaway stated that DEC is aware that they are mining by the lake and he feels there is an environmental impact. Hardaway questioned why Cargill doesn't want a DEIS. Park Grove volunteered to do a full Environmental impact study. One of the reasons Hardaway wants the Village to join this lawsuit is because the cost of clean-up will be more than the cost now. He feels the courts should decide if the DEC has done their job.

Monaghan would like to do some more research and would like to wait to vote on this at the October 16<sup>th</sup> meeting. Hartill said he had not reviewed the documents on the CLEAN web site and would want to study both sides before voting on whether to support the lawsuit. O'Rourke stated that she doesn't understand why DEC is not "doing their job". She feels someone should be checking Cargill mining. She thinks there has to be an outsider going in. There needs to be some checks and balances.

Hartill feels uncomfortable at being blindsided with this issue. O'Neill would like to table this for now until more information can be researched. Hardaway's mind is made up. Hardaway stated that this issue has been out there for months and months. The lake is important to him. Hardaway feels if Cargill destroyed the lake and we didn't do our job it is our fault also. He feels DEC should let us know that Cargill is doing it right and we don't have this information. O'Neill again stated that he wants to table this until our October 16<sup>th</sup> meeting.

Hardaway stated that not voting tonight could jeopardize us being included in the Article 78. He entertained the following motion:

Resolution#6428 - Objecting to the New York State Department of Environmental Conservation Permitting Cargill, Inc. to Proceed with its Shaft 4

Construction and Expand its Mining Operations Farther North under Cayuga Lake  
Without Proper Environmental Review (rescinded at the October 12<sup>th</sup> meeting)

**WHEREAS**, the Village of Lansing recognizes the economic, social, recreational, and ecological importance of Cayuga Lake, its watershed, and adjacent aquifers to the communities that surround it, including the Village of Lansing; and

**WHEREAS**, Village of Lansing residents obtain their drinking water from Cayuga Lake via the Southern Cayuga Lake Intermunicipal Water Commission; and

**WHEREAS**, Cargill, Inc. (“Cargill”) intends to construct an access and ventilation shaft off of Ridge Road in the Town of Lansing (the “Shaft 4 Project”), to provide access to its salt mining operations under Cayuga Lake; and

**WHEREAS**, if the Shaft 4 Project is built, Cargill will be able to expand its salt mining operations much farther north under Cayuga Lake than it can if the Shaft 4 Project is not built; and

**WHEREAS**, construction of the Shaft 4 Project and northward expansion of Cargill’s salt mining operations under Cayuga Lake may have significant adverse environmental impacts on Cayuga Lake and adjacent aquifers, which have been documented by Cayuga Lake Environmental Action Now (“CLEAN”); and

**WHEREAS**, CLEAN’s documentation of these potential significant adverse environmental impacts may be viewed at <http://cleancayugalake.org/documents/>;

**WHEREAS**, New York State (“NYS”) has established the State Environmental Quality Review (“SEQR”) process to systematically, objectively, and transparently consider and evaluate potential adverse environmental impacts early in the planning stages of actions and projects that are directly undertaken, funded, or approved by local, regional, and State agencies; and

**WHEREAS**, early review under the SEQR process allows a project to be vetted, and modified as needed, to avoid potential significant adverse impacts on the environment; and

**WHEREAS**, the NYS Department of Environmental Conservation (“DEC”) is the lead agency that is responsible for applying the SEQR process to Cargill, Inc.’s proposed Shaft 4 project in the Town of Lansing; and

**WHEREAS**, the DEC issued a Notice of Determination of Non-Significance (the “Neg Dec”), which found that the Shaft 4 Project, considered in isolation, would have no potential for significant adverse impacts on Cayuga Lake and its environment; and

**WHEREAS**, the Neg Dec explicitly stated that "[t]his application review and significance determination is only for the current 12.3 acre Life of Mine area included in this application"; and

**WHEREAS**, on August 16, 2017, the DEC issued Cargill a permit for the Shaft 4 Project without requiring a full environmental review under the SEQR process; and

**WHEREAS**, Cargill's Shaft 4 project, its mining of a one-mile tunnel connecting Shaft 4 to its existing salt mining operations under Cayuga Lake, and the northward expansion of those operations constitute a single mine expansion action or project that poses potential significant adverse environmental impacts, but they have not been properly reviewed as such under the SEQR process; and

**WHEREAS**, DEC has never required Cargill to provide even a Draft Environmental Impact Statement ("DEIS") under the SEQR process, even though Cargill has filed several applications for mine permit expansions since 1975; and

**WHEREAS**, American Rock Salt's Hampton Corners Mine in Mt. Morris, New York, has been operating only since 1998, and is already working on its second DEIS required by DEC; and

**WHEREAS**, the Village of Lansing relies on the DEC to apply the SEQR process fairly, equally, and rigorously, for the benefit and safety of all of its residents;

**NOW, THEREFORE, BE IT RESOLVED**, that the Village of Lansing joins with CLEAN, other Tompkins County municipalities, and various Cayuga Lake stakeholders in a soon-to-be-filed Article 78 proceeding to require the DEC follow the SEQR process and require a full environmental review of all of Cargill's Shaft 4 project, connecting tunnel, and northward mine expansion under Cayuga Lake; and be it further

**RESOLVED**, that a copy of this resolution be forwarded by the Village Clerk to: Governor Andrew Cuomo; NYSDEC Commissioner Basil Seggos; State Senator Pamela Helming; State Assemblywoman Barbara Lifton; Chair of the Assembly's Standing Committee on Environmental Conservation Steve Englebright; Tompkins County Legislature Chair Michael Lane; Tompkins County Environmental Management Council Chair Brian Eden; and Lansing Town Supervisor Edward LaVigne.

Trustee Hardaway made a motion to accept this resolution. Trustee Monaghan seconded the motion. A vote was taken:

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

Trustee Ronny Hardaway- Aye  
Trustee Gerry Monaghan-Aye

Mayor Hartill feels this is a big mistake.

Monaghan stated that he attended the Planning Board meeting on September 26<sup>th</sup> where they presented and discussed the proposed mall PDA. He suggested that the Trustees have a joint meeting with the Planning Board on Monday, October 23, 2017 to discuss this issue further.

Resolution #6429-To Schedule a Special Meeting with the Planning Board on October 23, 2017 at 7pm

Trustee Hardaway made a motion to hold a joint meeting. 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
Trustee Patricia O'Rourke-Aye	

Monaghan is meeting with John Courtney tomorrow to come up with a plan for the Highgate Blvd.

Dubow stated that Jodi Dake & Attorney Bill Troy have been working extensively with the FOIL request with Lowell Garner. Our response went out today. It is a very extensive process to have to go through when a lot of that info was provided previously.

Hartill stated that Adam is doing some investigation about previous similar ventures done by the new investors at the Shops at Ithaca Mall. They would like to do a Planned Development Area so they can sell separate parcels to the stores. There are many details that would need to be worked out if this was to happen. The Planning Board meets next Monday to look at the draft Declaration of Easements, Covenants, Conditions and Restrictions (ECCR) that may be considered.

Monaghan asked if there is any progress on the senior living across the street. The current design they are considering is a carbon copy of the Bomax building. They started taking down some trees on the property.

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 Gerry Monaghan-Aye	Trustee John O'Neill-Aye
Trustee Patricia O'Rourke-Aye	

The meeting was adjourned at 8:15 pm.

Jodi Dake, Clerk/Treasurer