

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, November 20, 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; 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 7:32pm and opened the public comment period. There were no comments.

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

Motion - To Open the Public Hearing on Proposed Local Law E (2017)

Trustee O'Rourke made a motion to open the public hearing. 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	

Mayor Hartill gave a brief description of the proposed law which would change our sewer rate. There were no comments from the public.

Motion - To Close the Public Hearing on Proposed Local Law E (2017)

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

Res#6442 –To Adopt Local Law E, Amendment to Village of Lansing Code-Sewer Rents, as Local Law 4 (2017)

Trustee Hardaway made a motion to adopt Local Law 4. 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

The following is a copy of Local Law 4 (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.

As a follow-up to the prior adoption by the Board of Trustees of Local Law 4 of 2012 and Local Law 6 of 2012, both of which relating to the amendment of 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 both of which providing for the 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 4 of 2017 to provide for further amendments intended to:

- (1) increase the current 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 change in the minimum consumption amount from 10,000 gallons to 5,000 gallons 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) increase the current sewer rents payable to the Village of Lansing for the use of the Village of Cayuga Heights sewer system based upon the concurrent and like increase in the Southern Cayuga Lake Intermunicipal Water Commission (“SCLIWC”) water rates and change in the minimum consumption amount from 10,000 gallons to 5,000 gallons

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 annual 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 twenty-four cents (\$1.24) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of six dollars and twenty cents (\$6.20) for 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 fifty-nine cents (\$3.59) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of seventeen dollars and ninety-five cents (\$17.95) for 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 after January 1, 2018. 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 after January 1, 2018. 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 annual 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 twenty four cents (\$1.24) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of six dollars and twenty cents (\$6.20) for each individual multiple dwelling units 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 fifty-nine cents (\$3.59) for each one thousand (1,000) gallons of water, or portion thereof, used by such property owner, with a minimum charge of seventeen dollars and ninety-five cents (\$17.95) for each individual multiple dwelling units 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 after January 1, 2018. 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 after January 1, 2018. 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 pointed out that Hardaway did a thorough job of going through the draft minutes which he shared with the Board. Dake has incorporated many of the suggested changes. Hartill has looked through Hardaway's suggested changes to the minutes and feels there could be some changes but all in all he felt the minutes were well communicated.

Approval of Minutes

Motion- To Approve the Minutes of August 17th & 31st, 2017

Trustee Hardaway moved to approve the minutes. 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
Trustee Gerry Monaghan-Abstain	

Motion- To Approve the Minutes of August 21st, October 2nd, 12th, 16th & 23rd, November 6th & 16th, 2017

Trustee O'Rourke moved to approve the minutes. Trustee Monaghan 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
Trustee Gerry Monaghan-Aye	

Motion- To Approve the Minutes of September 18, 2017

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

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

Planned Development Area (PDA) for Shops at Ithaca Mall

The Planning Board submitted the following recommendation:

To: Village of Lansing Board of Trustees
From: Village of Lansing Planning Board

At the November 13 Planning Board meeting, the Board members present voted to recommend, to the Board of Trustees, the PDA concept being proposed by CMC Engineering for the Shops at Ithaca Mall. Should this occur, the P.B. will have several conditions and assurances from the developers that they comply with the Village Comprehensive Plan. This concept of subdividing the Mall is new to us, but we felt that denying a recommendation would more than likely result in the continued stagnation of business and expansion at the Mall. While we make this recommendation with trepidation, we are aware that the PDA format allows the two village boards the prerogative to insure that the project remains beneficial to the best interest of the Village.

Mario Tomei,
Planning Board Chairman

Hartill asked the Planning Board Chair, Mario Tomei, to give his comments on the PDA. Mario stated that he was not able to attend the meeting but he told his thoughts on the subject to Lisa Schleelein who was the acting chair for that meeting. The Planning Board made the recommendation to proceed. Tomei stated that we are new to this PDA. We are going into it with a lot of faith that what we want will occur. We are aware that the Boards have full control over the process and if something does not smell right we can pull the plug on this. We don't want to be the board that killed the mall.

Hartill stated that this is also the attitude of the Board of Trustees. There are a number of code issues that need to be met. We have a long way to go with the technical details. There are a large number of concerns with storm management, infrastructure, fire control and parking. Hartill stated that tonight we express our willingness to go forward. We must have a sensible path forward.

Monaghan asked when we should address the issue of stormwater that flows under the path from the Shops at Ithaca Mall to Shannon Park. Hartill stated that we need to consult

our engineer. By the December 18th meeting we should have some idea of what is going on. Monaghan feels the capacity of water that flows under the path needs to be doubled. Hartill stated that we have been informed of a claim that suggests that we have been responsible for the July flooding that occurred from the rain event but it is now in the hands of the insurance company. It also has a statute of limitations. I think we need to look carefully at the engineering aspects. Our other property swaps with respect to Graham Road West also have to be worked out. This is a way to start. The developer can take away from this meeting that we are prepared to move forward as long as code issues are resolved.

O'Neill stated that he has seen that the Shops at Ithaca Mall have already advertised for the sale of the Michaels, Dicks and Regal portions of the mall and questioned why they were doing that before they have gotten approval.

Mike Gavin, a representative from the Shops at Ithaca Mall, stated that those sections are part of the subdivision to be sold. Gavin stated that they already have a buyer for a portion of the tax parcel to build a hotel, which is contingent on a subdivision. The stormwater that comes down to the proposed hotel area will have to be designed to the Village's standards. There will be redevelopment of the anchor stores. Each redevelopment will have to come to the Village and be brought up to standards. The Mall must comply with the laws as it is redeveloped. Gavin assured the Board that all issues will be addressed. He shared experiences where they had done something similar with other properties. The owners will own the mall and control their own property. Gavin believes they can turn the mall around but can't do it without the help of the Village of Lansing. He asked to be held accountable as they develop and go forward. We are asking for zero lot lines. Each tenant will be responsible to pay their fair share. He assured the Board that they will work out the water infrastructure issue. Hartill stated that the real question is the legal technicalities and fire codes with respect to zero lot line. Stormwater will have to follow our current rules. The Village is interested in seeing the mall survive.

Mike Gavin stated that they welcome the dialogue. We cannot survive without the cooperation of the Village. Their hope is to have a better property. We must be open and honest from the get go. Hartill stated that our council is on vacation and he is reluctant to do more than say we are positive. Hartill advised Gavin to follow up with Adam Robbs, Code & Zoning Officer, and Attorney Dubow.

Resolution #6443-To Accept the Planning Board Recommendation to Proceed with a Planned Development Area

Trustee Monaghan made a motion to accept the recommendation to proceed. Trustee Hardaway 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

Cornell University Deer Management

Hartill stated that each year there is a request from Cornell to hunt on their land where the Lab of Ornithology is located in the Village of Lansing. Hardaway wondered if they would be hunting around people that are visiting the Lab of Ornithology. It is doubtful. The Cornell program has been successful in the past.

The following was submitted to the Village by Bernd Blossey:

On behalf of the Cornell deer management committee, I request that those portions of the Cornell Laboratory of Ornithology property located within the Village of Lansing, can become a baiting and shooting location for the Cornell deer nuisance program. Cornell has applied for and been granted approval by the DEC to conduct another season of nuisance deer management. Operational procedures are exactly the same as for the nuisance deer program conducted in the Village of Lansing. The Laboratory of Ornithology site will be one of many, but be the only location within the boundaries of the Village of Lansing.

Best, Bernd

Dr. Bernd Blossey
Associate Professor
Department of Natural Resources
206 Fernow Hall, Cornell University
Ithaca, NY 14853, USA
phone: +607.227.1572

Resolution #6444 -To Authorizes Cornell University Deer Management (DDP approach) to Continue on Lands of the Laboratory of Ornithology Located within the Village of Lansing

Trustee Hardaway made a motion to accept this resolution. Trustee O'Rourke 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

Mayor's Comments

Hartill stated that he did a drive around the Village on Sunday and observed that the Community Park was very busy and all potholes are full. There was a water seep on Bush Lane which has been repaired and there is no longer an issue there. He observed the house where there was a complaint of a large number of cars in the drive way, He did notice that there was one unregistered car there. He will talk to Adam Robbs about this. The Mayor also drove by the new park which has a large pile of wood chips. He is happy that the photos he provided of Long Point Park were used as a guide for stones in the new park. The park will be a nice addition to the Village.

Hartill stated that the parties involved continue to meet on sewer. The December 6th meeting has been delayed until December 20th. The Article 78 litigation against the Bomax project will be heard in the Appellate Court in February. We haven't heard anything more on the Garner Deer appeal. Last Friday Hartill attended a meeting at Cornell and the discussion was on Article 78's and how they are a disease that is pure harassment. They tossed around the idea of having one lawyer that would take care of all the municipalities Article 78's.

General Discussion

Monaghan stated that he was impressed with the civility during this last round of elections. He told Dake he has respect for how well she handled it since her husband was running for office in the Town of Lansing and for keeping it out of the office. Dake stated that she doesn't care for politics and feels there is no place for it in her office. It is about doing what is right for the Village residents no matter what party you are with. He also complimented Ed LaVigne, Town of Lansing Supervisor, for doing a good job. LaVigne stated that he has reached out to the new winner and met with him. Monaghan thinks LaVigne's leadership will be good. LaVigne stated that it is about the people we serve.

O'Neill stated that he attended the Town of Lansing Board meetings. The Town set a public hearing for the Proposed Comprehensive Plan for December 20th. Consideration of a Special Use Permit for Cargill's Shaft #4 will also be on the agenda for that meeting.

Eric Goetzmann was in attendance at the meeting and asked if anything was happening with respect to getting new gas hook ups in the Village of Lansing. Hartill doesn't see any hook ups being made available any time soon. He feels there are a number of agendas. Martha Roberts is by far the biggest piece of this. There is a Public Service Commission to solve the safety issue. Unfortunately, we are going to see above ground propane tanks going in and with this we will see many trucks transporting propane on our roads. Heating costs are going to go up. There is a lot of pressure to go the heat pump path but there are issues with that.

Monaghan asked Goetzmann how this affects his proposed projects across the street. Goetzmann feels gas is more efficient. Propane tanks are difficult when you are in a tight commercial space. Hartill stated that he and LaVigne have worked hard to try and change this but have been unsuccessful. We lost a business in the B&T Park that went to Massachusetts because we didn't have natural gas. It is more expensive. Natural gas gets us from coal to renewables but it doesn't happen overnight. Hardaway wondered if we have anything in written that actually states that. The four compression stations that will be installed in Lansing will only addresses the present concerns. Hartill explained how they work. Hartill feels that only using renewables is not practical. If the whole county had a moratorium he would have no problem. However, Lansing is the only area with a gas moratorium.

Motion- To Adjourn

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

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

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

The meeting was adjourned at 8:18 pm.

Jodi Dake
Clerk/Treasurer