

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, July 2, 2018, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees, Ronny Hardaway, Gerry Monaghan, and Patricia O'Rourke; Clerk/Treasurer Jodi Dake; Attorney William Troy; Planning Board Members, Mario Tomei. There were fourteen additional people in attendance at the meeting.

Mayor Hartill called the Board of Trustees meeting to order at 7:31 pm. The Mayor 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 Hardaway seconded the motion. A vote was taken:

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

The next item on the agenda was to approve the minutes from June 14<sup>th</sup> and June 18<sup>th</sup>, however, the Board could not approve the minutes of June 14<sup>th</sup> because O'Neill was not present.

Motion- To Approve the Minutes of June 18, 2018

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

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

Proposed Greenway Plan

Motion- To Open the Public Hearing on the Proposed Greenway Plan

Trustee Hardaway moved to open the public hearing. Trustee Monaghan seconded the motion. A vote was taken:

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

Hartill stated that the Draft Greenway Plan has been available on the Village website. He has read it carefully and it is a good start. One of the things we need to be conscious of is liability issues. One of his concerns was that we would be adopting liability by saying we will have watchers. He doesn't think that is wise. We should let our insurance know.

Hardaway stated that the Committee has tried to reflect what we do now. If this is seen as a problem then it can be removed. Hardaway feels it is nothing that we aren't already doing. Hartill stated that if we say we are going to do, then we are liable. If we continue as informal, than that is ok. Troy stated that once you say you are going to do something, it insures you of the obligation law. Hartill stated that maintenance falls on the Village and we need to make sure the Department of Public Works staff knows and they take care of it. Hardaway stated that if they recommend they remove he is ok with that. Hartill stated that we don't want to put ourselves in a situation that we don't want to be in.

The following changes were proposed by Bill Troy, the Village attorney and the Trustees:

- Under the "Greenway Maintenance" section (page 11, line 12), change "be responsible for" to "tend to".
- The "Walkway and Pathway Maintenance" section (page 11, lines 20 – 25) should be removed. This paragraph exposes the Village to possible liabilities if walkway and pathway maintenance is perceived as inadequate and injuries occur. The Village will continue to use the maintenance process described within the paragraph (responding to residents' maintenance requests), but documenting it in the Greenway Plan could be problematic. Bill is willing to meet with our committee, if needed, to explain the paragraph's potential for litigation against the Village.  
(See the Laws of New York page at the end of the attached PDF – General Obligations, §9-103 – provided by Bill.)
- Under the "Improve and Increase Walkways and Pathways" section (page 13, lines 27 – 29), truncate sentence by removing "by constructing new sidewalks in existing residential and commercial areas where pedestrians are currently required to use inadequate or unsafe road shoulders." This statement also exposes the Village to possible liabilities.
- Under the "Ongoing Maintenance of Existing Green Spaces" section (page 14, lines 9 – 10), truncate the sentence by removing "through their scheduled meetings and on an as-needed basis."
- Dake raised an issue that, under New York law, "Segways" are not allowed on public roads and walkways. This law might prohibit all motorized equipment, with the exception of equipment needed by persons with disabilities. Hardaway will research this to clarify before this change is implemented in the Greenway Plan.

Monaghan thanked Hardaway and the Greenway Committee for all their effort they put in. He feels it is a significant improvement over the previous version.

Motion- To Close the Public Hearing on the Proposed Greenway Plan

Trustee Monaghan moved to close the public hearing. Trustee Hardaway seconded the motion. A vote was taken:

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

The suggested changes will be discussed with the Greenway Committee and once incorporated the document will come back to the Trustees for approval.

Discussion on Millcroft Proposal

Hartill stated that we do not have a formal proposal so we can't really have a serious discussion. After the informal presentation at the last meeting, there have been many emails received from residents stating their concerns with this project. Hartill stated that we just went through a sticky process of down zoning a parcel from industrial to residential and this sounds like it would be up zoning. Without a definite proposal, the Village is reluctant to go much further. If it is up zoning it will be a very tough haul.

Monaghan stated that what keeps sticking in his mind is the covenant that the current Millcroft residents have. They would have to do away with that to continue with their proposal. It is the Mayors understanding that the covenant travels with the land. O'Rourke stated that she had the same question with the covenant.

It was asked if the Beer's had purchased the land yet. Mr. Beer stated that they have an agreement to have a closing on March 15, 2019. The covenant can be modified if 75% of the property owners want it changed. Currently, Robert Miller has that majority.

A Millcroft resident stated that the Millcroft covenants allow for modification with 75% vote but clearly states Phases 1 and 2. There are twenty-five lots in Phase I and II and at least thirteen are not owned by Miller. So that would mean that at least half would vote against any changes. He stated that they would seek legal counsel on this.

Attorney Randy Marcus stated that he is working for the developer. Marcus stated that is within Mr. Miller rights to do whatever he wants with the rest of the property. At this point, from a legal issue, it is ok.

The covenants was filed with Tompkins County and the Millcroft residents stated that they would be willing to challenge this.

Childs asked if a document has been created since the original covenants. The covenants have been eliminated for the remaining properties owned by Robert Miller. There is an

archived version of the original Millcroft Subdivision. It makes it clear what the original plans were.

Childs stated that we all live by the covenants which is shown on a final plat map and filed in the Tompkins County Clerk's Office. When Phase II expanded we could have expect to see similar properties. Childs would like to know the steps for proceeding. He asked who holds the final decision making. He wondered if it was the Board of Trustees that made the final decision. Hartill stated that the developer would need to provide a Planned Development Area (PDA) and they haven't done that yet. When they do will we see a concept of what they will look like. Hartill stated that we certainly won't be moving quickly on this because of the outcry.

Steve Beer stated that they would be happy to know the various steps in the process. They wondered if they should go for a PDA, a general zoning change or perhaps some other legal chain. He stated that the reason they showed up was to hear the opinion of the Trustees and residents. They are happy to massage their proposal in a way that is pleasing to the Village. He looked at the Comprehensive Plan and the plan for the future housing for seniors and middle income. It is difficult to hear that their plan is inconsistent with what the Village desires.

Attorney Troy stated that it is not our custom to give advice to developers. Marcus is good for consulting. A PDA is a Planned Development Area. It gives more flexibility to developers. The Village PDA if allowed would be supervised by the Trustees. Normally it would go directly to the Planning Board and the Trustees would not be involved. You file something here and the Board reviews and will consult with the Planning Board given their expertise in planning. The Village takes a hard look and we don't do it lightly. Troy suggested that they read the Codification and consult with their attorney and see what is allowed. Troy stated that we are not resolving legal issues.

The legal issue of the covenants and PDA are different. Beer stated that their presentation to the Planning Board was to help get direction in which way they should go with their plan.

Troy stated that you cannot come without a proposal. You have to take a stand with what you want and offer it to the Board who will send it to the Planning Board. We are not here to hold your hand and walk you thru it. We have to be as impartial as we can.

Childs stated that the area is currently medium density. In the initial presentation by developer, the issue was 80 not 107.

Troy stated that what needs to happen is that Beer would put together a formal proposal for the Board to hear and the Trustees would then send it to the Planning Board. The Board cannot give anyone an aye or nay. The Board is going to be impartial and listen to the facts.

Hartill suggested that they read the Village Codification to see requirements and what the lot size is. Childs stated that he will also look at the Code.

Steve Beer asked what the purpose of the Trustees discussing the Millcroft Proposal was this evening. Hartill stated that we need a formal proposal that we can consider. This discussion was getting to that.

Update Electrical Inspection Fees

Robbs and Ferris have submitted a proposed change to the Electrical Fee Schedule for the Village. For ease of math, there are 12 items that are \$.40 and have suggested that they be changed to \$.50. They are also proposing that we add a trip fee after three visits of \$50. AFCI is also being added to GFCI Breaker and GFCI Receptacle.

Hardaway asked if we need to specify that the \$50 trip fee is for each additional visit. The Board agreed that “per trip” should be added to the text. Hartill stated that the reason we charge this fee is to have minimum visits. Dake will make this modification.

Resolution #6498- To Adopt the Village of Lansing Electrical Inspection Fee Schedule as Modified

Trustee Hardaway moved to adopt the new Electrical Fee Schedule as Modified. Trustee O’Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye

Trustee Patricia O’Rourke-Aye

Trustee Ronny Hardaway-Aye

Trustee Gerry Monaghan-Aye

The revised schedule will be attached at the end of the minutes.

Community Room User Agreement

Hartill stated that we had our first meeting in the new Community Hall. The Planning Board liked having the meeting there. With the smaller room it was easier to hear and they liked the seating. O’Rourke questioned why the DPW only painted one side of the room and the ceiling. Dake thinks that Courtney plans to paint the rest of the room but wanted to get the new wall painted before the meeting.

Monaghan stated that O’Neill has created the starting document and he feels we should continue to work with it. There are still areas that need to be addressed such as whose responsibility it will be to clean the room after it is used.

Attorney Troy had some suggested revisions to the agreement for the Board to consider. Troy asked the Board if there should be something that states the user is required to be on the premises. Monaghan would like to extend the use of the room to our neighboring municipalities. He thinks it would be great if the Town of Lansing could also use the room for their recreation programs if they would like. There is currently nothing in the agreement that states who can use the room.

Troy asked if there should be some limit on how often and how long the Community Hall can be rented by one person or group. Would we allow a group to come in and rent the room three days a week for the year? Hartill stated that there is a limit to how many days a week we can turn the pumps off next door. Do we let the renters know that? Hartill will have more information on pump restraints at the July 16<sup>th</sup> meeting.

Troy wondered if we should state something about loud music. He also questioned why we would waive a rental fee if a user failed to use the room when he had already paid for the use. Troy feels that a risk of bad weather should not necessarily fall on the Village. He feels this section could be removed.

Hartill stated that there are also questions about the heating system in that building. The system has had issues in the past and there may be a need to replace the system in the need future. The entrance door will also need replaced because it is rusted out at the bottom. The Board had previously discussed having a key pad lock on the entrance door so that codes can be given out instead of keys.

Dake would like to have it specified that the \$50 deposit be a separate check. This would allow for the Clerk/Treasurer to just hold the deposit check and return it after it is confirmed that the room was returned in satisfactory condition. If the rental fee and deposit were in one check the Village would have to issue them a check back at the end. Will the Village list an emergency contact in case something goes wrong while they are renting the room? If so, who will that be?

The Board agreed that these issues need to be considered. They will continue to revise the agreement.

#### Mayor's Comments

Hartill stated that he has identified a source of soil for the new park's playing field. By the lab at Cornell they will be removing dirt from the hillside to fix a problem they have there. This will result in a lot of soil that Cornell will have to haul away. They will be taking it to Spencer but Hartill will be talking to them about getting some of that soil brought to the Village instead. Hardaway asked how many truckloads that would be. Hartill was unsure but stated that this would save the Village money if they didn't have to purchase dirt. The highway department is off for the rest of this week so the Marian Hartill Park play field will not be started until next week.

Hartill stated that we are continuing with the new sewer design. The road striping was done with epoxy paint. He feels that generally things are going well.

Hartill stated that he has a railroad contact person to talk to about getting access to Poison Ivy Point. Monaghan would like to see the Village keep this area natural. He likes Appendix C of the Greenway Plan regarding Lynn Leopold's recommendation for Poison Ivy Point.

### General Comments

Monaghan stated that he has been in touch with Courtney about planting trees in the boulevard in the Shannon Park area. They ordered eight oaks and four of them were in bad shape so they were rejected. Monaghan thinks they should just mulch that area until the trees come in the fall. Monaghan will let his neighbors know what is going on. Hartill feels it is nice that they are taking responsibility for their area.

O'Rourke stated that she covered last week's Planning Board meeting. For meeting details please see Planning Board minutes from June 26<sup>th</sup>. O'Rourke informed the Board that Eric Goetzmann got approval for his senior living section of the Lansing Meadows PDA. His next step is to come before the Trustees. Hartill stated that Eric is not prepared to do that yet. O'Rourke feels there are a lot of things we need to look at, especially the road situation. The engineer's report from Brent Cross and another report from Courtney have concerns with the road.

Lisa Schleelein sent the Board an email stating that in a 3-2 vote, on June 26, 2018 the Planning Board voted to approve the final site plan for the Lansing Meadows PDA senior residential housing. They felt it was important to note that the road design on the approved site plan does not meet the standards and specifications required by Village Zoning Law for a public road and as such is not eligible to be dedicated to the Village. The road as approved is therefore considered to be a private road like other residential developments in the Village. Based on the Engineer's Report from Brent Cross and input from the DPW presented at the Planning Board meeting, the Planning Board did unanimously agree that unless the road design is changed to come into compliance with Village Zoning Law standards and specifications for a public road, the Planning Board recommends that the **road remain a private road in perpetuity.**

Hardaway stated that in the last couple of months people are using Dart Drive as a raceway. Hartill asked if there was a place on Dart Drive where we can have the Sheriff sit. The speeding usually happens at rush hours, especially at noon time. There are several new families with young children on Dart Drive. It was questioned how to slow down the traffic. Hardaway stated that he has been doing some research on this but has not found any solutions. O'Rourke stated that we have the same issue on Oakcrest Road. Hartill stated that he would call the Sheriff. Maybe if they have a presence then word will get out and people will slow down. Hardaway asked if we could consider sidewalks on Dart Drive. Hartill stated that a sidewalk down Dart Drive would cost between \$100-200,000 but it certainly could be considered. Traffic is a universal problem.

Hartill stated that he would not be at the Thursday noon meeting. He plans to discuss the results of the bids that were submitted for equipment and manpower for various jobs throughout the Village.

Motion to Adjourn

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

Mayor Don Hartill – Aye  
Trustee Gerry Monaghan – Aye

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

The meeting was adjourned at 8:30 pm.

Jodi Dake, Clerk/Treasurer



## Village of Lansing Electrical Inspection Fee Schedule

### Minimum Filing Fee \$85 Plus Per Device

	Price	Unit	Total		Price	Unit	Total
<b>Alarm &amp; Emergency Equipment</b>				<b>Appliances &amp; Accessories</b>			
Panel Board	\$ 12.50			Air Conditioner 1-15000 BTU	\$ 8.00		
Sensor	\$ 1.50			Air Conditioner 15001 & Up BTU	\$ 12.50		
Signaling Device	\$ 1.50			Battery Charger	\$ 8.50		
Exit Light	\$ 1.50			Bell Transformer	\$ 3.00		
Emergency Light	\$ 1.50			Clothes Dryer	\$ 8.50		
Generator	\$ 25.00			Compactor	\$ 8.50		
Transfer Switch	\$ 20.00			Cooking Deck	\$ 8.50		
Battery Pack	\$ 12.50			Dishwasher	\$ 8.50		
<b>Wiring &amp; Devices</b>				Disposal	\$ 8.50		
Dimmer, 120V	\$ 2.75			Electric Unit Heater	\$ 10.00		
Dimmer over 120V	\$ 4.50			Electric Baseboard Heater	\$ 3.00		
Fixture	\$ 0.50			Elevator	\$ 65.00		
Fixture, Hazardous Location	\$ 1.50			Exhaust Fan	\$ 3.00		
GFCI Breaker/AFCI	\$ 2.50			Fence Control	\$ 3.00		
Lighting Track per ft.	\$ 0.50			Fuel Dispensing Unit	\$ 45.00		
Lighting Track (Head)	\$ 0.50			Furnace	\$ 8.50		
Multi Outlet System per ft.	\$ 0.50			Future Appliance Feeder	\$ 5.00		
Outlet, CATV	\$ 0.50			Ground Fault Protection, Equip. Device	\$ 20.00		
Outlet, DATA	\$ 0.50			Hydro Muggage Tub, Commercial	\$ 20.00		
Outlet, Fixture	\$ 0.50			Hydro Muggage Tub, Residential	\$ 8.50		
Outlet, General Purpose	\$ 0.50			Medical, Dental Patient Care Unit	\$ 25.00		
Outlet, Appliance	\$ 0.50			Microwave	\$ 8.50		
Outlet, Special	\$ 0.50			Motor less than 1 HP	\$ 3.00		
Pole/Post Lighting Standard, Commercial	\$ 15.00			Motor 1-50 HP	\$ 15.00		
Pole/Post Lighting Standard, Residential	\$ 7.50			Motor Greater than 50 HP	\$ 25.00		
Receptacle, Dryer	\$ 3.00			Office Furniture/Partition Circuit	\$ 8.50		
Receptacle, General Purpose	\$ 0.50			Hot Water Heater	\$ 8.50		
Receptacle, GFCI/AFCI	\$ 2.50			Oven	\$ 8.50		
Receptacle, Hazardous Location	\$ 2.50			Panel/Switchboard, Residential	\$ 10.00		
Receptacle, Range	\$ 3.00			Panel/Switchboard, Commercial	\$ 20.00		
Receptacle, Special	\$ 3.00			Phase Converter	\$ 25.00		
Switch, General Purpose	\$ 0.50			Pool/Spa Circulator Pump/Motor	\$ 8.50		
Switch, up to 240V Motor Control	\$ 3.00			Pool/Spa Bonding	\$ 20.00		
Switch, above 240V Motor Control	\$ 4.00			Pump/Motor	\$ 15.00		
Switch, 600V & Over Motor Control	\$ 25.00			Range	\$ 8.50		
Switch, Hazardous Location	\$ 3.00			Show Case Sign	\$ 20.00		
<b>Services</b>				Sign Interior/Exterior	\$ 25.00		
0-100 Amp.	\$ 12.50			Time Clock/Switch	\$ 20.00		
101-200 Amp.	\$ 25.00			Welder	\$ 8.50		
201-400 Amp.	\$ 50.00			X-Ray Unit	\$ 25.00		
401-600 Amp.	\$ 75.00			<b>Transformers</b>			
Over 600 Amp.	\$ 100.00			1-10 KVA	\$ 15.00		
<b>Solar</b>				11-25 KVA	\$ 30.00		
Residential p.v. system	\$ 225.00			26-75 KVA	\$ 35.00		
Residential thermal hot water heater	\$ 35.00			76-200 KVA	\$ 40.00		
Simple Commercial p.v. system				Over 200 KVA	\$ 65.00		
80 collection pannels and less	\$ 450.00			Storable Pools	\$ 60.00		
Complex Commercial p.v. system				<b>Surveys</b>			
\$450 plus \$1 per pannel after 80	\$ 450 + \$1			Residential, Single Family	\$ 135.00		
Per Trip Fee After 3 Visits	\$ 50.00			Commercial-contact Office for Quote			

Revised July 2, 2018

For special equipment, services, appliances, apparatus, or devices not listed on this schedule or for voltage in excess of 600 volts normal contact

the Village Electrical Inspector

7816

7/2/18 Resolution #6498