

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, July 16, 2018, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees, Ronny Hardaway, Gerry Monaghan, and Patricia O'Rourke (John O'Neill was absent); Attorney William Troy; Planning Board Members, James McCauley. There were eight additional people in attendance at the meeting.

Mayor Hartill called the Board of Trustees meeting to order at 7:32 pm. The Mayor opened the public comment period. Hardaway announced to the attendees that he is recording the meeting to assist with producing the minutes in place of Jodi Dake.

Motion - To Close the Public Comment Period

Trustee Monaghan made a motion to close the public comment period. Trustee O'Rourke 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>. There was confusion as to who attended the June 14, 2018 meeting so approval of these minutes was postponed until the next meeting.

Consider Awarding Contract for July 2<sup>nd</sup> Bid

Department of Public Works (DPW) Supervisor, Courtney, sent a letter to the Trustees stating that there were flaws with the Equipment & Manpower bidding process and requested that the two submitted bids be rejected. Mayor Hartill stated that he would like to leave the decision to Courtney's judgement and asked the Board to endorse that judgement. Trustee Hardaway asked that some questions about the bidding process be answered first.

Were the missing bidding documents in the request for bids? No.

Were the missing documents requested in prior bids of the same type? Troy stated that NYS General Municipal Law 103(b) requires that Non-Collusive Bidding Certificate (document #4 in Courtney's letter) be submitted with bids.

Monaghan and O'Rourke pointed out that both bids were identical except for the Labor line where one bid was \$0.50 lower than the other. Hardaway asked if the other 3 documents listed in Courtney's letter are required by New York State? Attorney Troy could not confirm if they are required.

Hardaway asked, if those documents are required by the state, why were the documents not required in our bid? Not asking for the documents might force the Village to go through a rebidding process. Hardaway expressed a concern that, from the state's standpoint, will it appear that the Village is cherry-picking bids by throwing out this bid. Hartill said that we will be throwing out both bids. Hardaway had concerns that the rebidding process will allow both parties to see each other's bids and might corrupt the second bidding process by allowing the non-lowest bidder to undercut the lowest bidder's numbers since the original bids' numbers are now public information. Is this a problem from the State's perspective? Troy said that this can happen any time you put aside the bids. Troy was not consulted on this process. Had he been consulted, he would have asked that these four documents be requested.

Monaghan asked if the Village could just reword the bid requests to ask for these documents. Hardaway stated that the Village would have to change the wording on the new request for bids to require the documents, but Hardaway's concern was that the Village had released proprietary bid response information from the first bid that would taint the bid responses in the second bid. Hardaway stated that, from his experience in the corporate world, these types of things were frowned upon and he does not want to make a similar mistake at the State level as a Trustee. He wants to do the bidding process above board and make sure that the Village follows all the rules. Any perception of impropriety might cause the Village litigation problems.

Do we know if, in prior bids, we have requested these documents? Do we have a record of those? Mayor Hartill stated that the results of the bidding process are public record. Hardaway asked if we would be able to research, in bids of a similar style or similar bid, to see if we requested the documents. Mayor Hartill replied that, yes, we would be able to research. Hartill said that he believed that this was the first time the Village had an open bid of this type – without a specific project in mind.

Hardaway asked how much will the rebidding process cost? Advertising costs only. Hardaway was concerned that, while waiting for the rebidding process to complete, the Village would be postponing work on scheduled projects that are under formal or informal deadlines. Troy cost of advertising and possible change in material costs while waiting.

Hardaway asked, is the rebidding process the same length as the original bid process? Hartill/Troy said yes it should be the same? Hardaway asked if that was 14 days. Yes, approximately. In the meantime, Hardaway asked, does the Village have contractors we can use while the Village waits for the rebidding process? Troy said that the Village cannot do that without contracts (use contractors with having a contract.) Hardaway expressed concerns that the Village has projects that cannot be worked on because Courtney needs contractors' extra hands to complete the work; therefore, there is an additional cost to the Village because those projects cannot be completed in our typical construction window in the summer. O'Rourke asked if the Trustees knew why the bids

were not accepted. Has Courtney stated a reason? Troy stated that the reason was in John's letter. O'Rourke had not read the letter that the Trustees received that day.

Ed LaVigne, Town of Lansing supervisor, stated that the Town was willing to step in and help with time-related projects if needed by the Village. The Town Highway Superintendent had previously agreed to support the Village. Ed suggested that he, Cricket (Town Highway Superintendent) and Courtney might meet to discuss future Village needs, also. Ed was thanked by the Trustees for the offers.

Dan Veanor, Lansing Star editor, asked what this bid was for. Hardaway stated that it was for "Equipment and Manpower" in support of the Village Department of Public Works (DPW) crew during the summer season.

Hardaway stated that his last question was should the Trustees reject or accept the current bid without John Courtney being at the meeting. Mayor Hartill said that he and John had a long meeting that morning. Hardaway stated that the conversation between the Mayor and Courtney was not privy to the Board of Trustees. Hardaway questioned why this bid was rejected. Troy said that the bid has not yet been rejected. Hardaway replied that it is about to be rejected. Mayor Hartill stated that it could be rejected.

Hardaway stated that the Trustees could vote, right now, to rebid and that would in effect reject the first bid. Hardaway asked why the Village must go through another bidding process when the prices and the quotes were so close. Hardaway wanted to know, if the documents listed in Courtney's letter were important to the bid process, why were they not included in the original bid request?

Adam Robbs stated that prior bid numbers were public knowledge and could be accessed by anyone. Rebidding would still be a fair opportunity for all parties to adjust their bids to win the bid. There would be no adverse effects by making the first bid's numbers available to anyone who rebids.

Deborah Dawson stated that it is one thing for John Courtney to say that this bid should be put out again, but if there is something questionable about not accepting the low bid at this juncture, it is not Courtney whose fiduciary responsibilities are online. It is not Courtney who stands to lose; it is going to be the Village and this Board. She did not think it was appropriate to defer to Courtney's judgement in this matter.

Monaghan stated that the Village has two bids and one is \$0.50 lower. It would be nice to know if there is anything more extenuating that we don't know about yet. Monaghan was curious why the bids were almost identical.

Dawson asked if they were sealed bids, and was told that, yes, the bids were sealed. Monaghan commented that the two companies must be doing enough bidding that they have a sense about each other.

Hardaway added that neither of the two companies apparently submitted the one document, Non-Collusive Bidding Certificate. If it is common, and both businesses have been doing business for a while, he was curious why they did not include this required document? He said that this is just one more question about this process and rebidding. His concern is that the Village is rebidding when we might not need to rebid. He asked if there is something in these four documents that might end up costing the Village money – which Courtney alludes to in his letter? Hardaway wanted to know, from Courtney, how missing information will cost the Village money, since it is Courtney’s letter and his recommendation for the rebidding process.

Hardaway asked the Trustees to postpone a decision on rebidding until the board can get answers from Courtney about the bidding process and why the Board should reject and rebid. O’Rourke stated that John intended to come, but he had a prior commitment/conflict and could not attend.

At this point, Mayor Hartill stated that it was clear that the Trustees were not going to come to a conclusion tonight. We will have to reschedule the discussion and vote.

Consider Resolution to Join Greater Tompkins Health Insurance Consortium

Mayor Hartill asked to consider this resolution. Hardaway stated that the resolution was printed in the Trustees’ meeting packet. Hardaway mentioned that the Trustees had discussed this resolution topic in prior meetings, and the Trustees concurred.

Resolution#6501- Authorizing Municipality to Apply for Acceptance into the GTCMIC

RESOLVED, that the Village of Lansing Board of Trustees hereby authorizes the Mayor to apply to become a “Participant” in the Greater Tompkins County Municipal Health Insurance Consortium (GTCMHIC);

RESOLVED FURTHER, this authorization grants permission to the Village of Lansing Mayor to:

1. Submit the Village of Lansing’s most recent two years of State Comptroller AUD reports;
2. Submit the Village of Lansing’s most recent monthly premium billing statements from all health insurance carriers providing benefits to active employees and retirees.

Said premium billing statements should include the name of the municipality and the month for which the billing is related. In addition, said premium bills must include the number of contracts (employee, employee + spouse, employee + child (children), and family) and monthly premium rate for each plan of benefit.

3. Seek a waiver from the GTCMHIC Board of Directors for the payment of the Surplus Reserve payment (5% of annualized premium) as required Article 47 of the New York State Insurance Law and the rules of the Consortium. If the waiver is not granted, the Village of Lansing Mayor is authorized to pay the Consortium the Surplus Reserve payment equal to 5% of anticipated annual premium, as determined by the GTCMHIC Board of Directors.
4. Sign the Municipal Cooperative Agreement of the GTCMIC upon notification that the GTCMHIC Board of Directors has approved the Village of Lansing's application to become a Participant in the Consortium.
5. Notify the GTCMHIC's Executive Director in writing by November 1<sup>st</sup> as to which Consortium health insurance plan the Village of Lansing's employees and retirees will be participating in upon the effective date of participation in the Consortium.
6. Notify the Consortium of the name and contact information for the person within your organization for benefit administration.
7. Take the steps necessary to comply with the GTCMHIC's dependent verification and other membership eligibility rules and requirements, including the Village of Lansing's commitment to utilize the Consortium's on-line enrollment process or authorize the Consortium to provide this function directly to the Village of Lansing's employees and retirees.

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

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

Monaghan asked to return to the previous discussion, do the Trustees want to meet this week to discuss the rebidding decision? Dawson reminded the Board that they have to give advance notice if they meet and follow the open meetings law. Mayor Hartill reaffirmed that requirement. Hardaway also suggested holding a Special Trustees meeting. Hardaway was not sure about the public notice process and recommended that the Trustees should wait until Dake returns to start that process. Mayor Hartill suggested a target date of July 30<sup>th</sup>. O'Rourke will not be able to attend. O'Rourke asked if this was an open contract. Mayor Hartill explained that it would support emergency water main breaks or other similar projects like sidewalk construction. O'Rourke asked what happens if something happens while we are waiting. Ed LaVigne and Mayor Hartill reminded the Board that the Town was willing to help if needed.

Monaghan and O'Rourke thanked Hardaway for his diligence in this rebidding discussion. Hardaway explained that his concerns came from his corporate experience going through systems-selection and the corporate bidding process and from the NYCOM classes he has taken. NYCOM considers the bidding process very significant and it can cause tremendous public and fiduciary harm to the Village if it is not done properly.

Mayor Hartill moved to the next agenda item, discussion of the Village Greenway Plan. The Draft Greenway Plan has been available on the Village website. Trustees were given a copy of the changes that were done by Hardaway since the last meeting.

Attorney Edward Kopko, interrupted the Greenway Plan discussion and asked for clarification on the disposition (of the bidding process.) He asked if this will be reconsidered at a future date. Mayor Hartill and Trustee Hardaway answered, "Yes." Hardaway explained that the Village would set up a Special Meeting with advance public notice so that people could attend. Hopefully, Courtney will be at that meeting. Attorney Troy, asked Mr. Kopko, to watch the newspapers because the target date of July 30<sup>th</sup> could change. Mr. Kopko left the meeting at this point.

Hardaway continued the discussion on the Village Greenway Plan. He reminded the Trustees that he had sent an email with all of the proposed changes to the Plan captured at the last Trustees meeting provided by the Trustees and by Attorney Troy. He explained that Dake had sent an email to him the next day with suggested changes and improvements. Most of these suggestions dealt with repositioning of information. There were two minor changes in our section on Improvement Projects that added one event and one typo.

One significant change proposed by Jodi, that the Trustees had not discussed, dealt with the removing "Segways" from the plan and dealing with wheelchairs. Hardaway did some research and found an online document dealing with mobility devices from the Americans with Disabilities Act (ADA). Hardaway considered the document to be a good reference to the types of devices the Village should allow or see on our trails. He added a reference to this online document on page 2, line 15 which also added a new endnote (number 3) to the end of the document. All other changes were what the Trustees had previously discussed. A draft version of this update plan is now online.

Hardaway asked if the Trustees wanted to vote for final approval on this draft and publish it. Hartill mentioned a grammatical error in the first sentence of the first paragraph under Greenway Maintenance on page 11. "(T)end to" should say "will tend to". This was agreed to be a friendly change for the vote. Trustees agreed to vote.

Resolution #6502- To Adopt the Proposed Draft Greenway Plan as the Official Greenway Plan for the Village of Lansing

Trustee Hardaway moved to adopt the Greenway Plan. 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
Trustee John O'Neill- Absent	

#### Community Room User Agreement

Dake previously emailed the Community Hall Agreement that was discussed at the July 2nd meeting to the Trustees and Attorney. Blue are incorporated changes and Red are things that still need to be decided.

Hardaway introduced a new version provided by O'Neill just before the meeting. Hartill suggested that the Board postpone a decision until the next meeting. Troy also had some additional changes: paragraphs 5 and 7 could be consolidated. They both deal with the issue of user's responsibilities. O'Rourke agreed with Troy. Troy offered to rewrite the agreement to consolidate and shorten their length.

Troy also raised the issue of paragraph 11 and its insurance amount and the potential cost to the user of the Community Room. He agreed to research if there is a more reasonable coverage amount and end-cost to the user.

#### Mayor's Comments

Adam Robbs submitted his resignation effective August 17, 2018. Adam's wife has a job offer in Virginia. Mayor Hartill commended Robbs on his good work for the Village. The Mayor will need help with interviewing and finding a replacement. It will be hard due to the complexity of current development projects. The Village will work with Robbs to get through as much of the current-project work as possible before he leaves. The Village will need to advertise and go through the County for civil service applications. O'Rourke, Monaghan, and Hardaway agreed to help with the interview and selection process.

Hartill stated that we are continuing to make progress on the sewer project (with the Town of Lansing.) There are survey markers appearing on Cayuga Heights Road. There will be another meeting of the Sewer Group of 6 on July 30<sup>th</sup>. Mayor Hartill will be out of town for that meeting. Hardaway volunteered to attend and represent the Village. Dave Herrick will be in attendance, and he is the most important part of this project. We are making steady progress. The original concept is pretty much on track. The one variable is a second forced-main to service south of Oakcrest, but Mayor Hartill thinks that it will go forward.

Mayor Hartill stated that the Village had managed to find some dirt from Cayuga Heights and from the Town of Lansing for the final coat on the Marian Hartill park grounds. The Town of Lansing has also agreed to construct the park's pavilion. The Village will provide the materials and the Town will construct the building. The Village is on track for a parks' dedication sometime after mid-August. We will keep and maintain the hill of

dirt for kids to play on, which will make that park unique. Progress on all other projects are going well.

Mayor Hartill was pleased to get Dawson's (Tompkins County Legislator) note regarding how to address natural gas in the Village and Town. Apparently, NYSEG probably will not build mini-compressors. Dawson stated that NYSEG diddled around for a long time after they decided to put the compressors in, then came back with an estimate for the mini-compressors that was almost double the original estimate. NYSEG then said that with the past long, cold winter Lansing did not have any problems with reliable gas supply; therefore, the mini-compressors might not be needed for the winter of 2018/2019. This leads to doubts about any of the NYSEG projections for natural gas requirements. A contingent of Tompkins County representatives will be going to Albany on Wednesday (07/18), to meet with the Public Service Commission staff and NYSEG representatives to try to nail them down to some accurate projections about volume and pressure they need for pent-up demand and future development. Troy asked who would be attending this meeting. Dawson named Martha Robertson, Irene Weiser, Katy Borgella, Bert Bland, Ken Schlachter, Anna Kelles, and herself.

Ed LaVigne said that the Town has documentation that the Lansing School was in crisis two years ago and NYSEG can document that information. Dawson commented that NYSEG at first said that it was a crisis, but now they are saying that it is not a crisis. Robbs interjected that it would be more impressive if the Village of Cayuga Heights, the Town of Lansing, and the Village of Lansing were all under the same moratorium. Dawson agreed, but she stated that the problem is that the moratorium can only be justified if there is a reliability issue and there is no reliability issue in those areas. Robbs stated that continual hookups downline from us hurt us up here (in the Village.) Dawson agreed. In talks with NYSEG engineers, Robbs heard from them that the problem in Lansing is that ours is a "dead-end" line. Everything else has a continual loop until Cayuga Heights and outside Route 13. Dawson stated if that is the reason, the solution should be to close that loop (in Lansing.) Dawson has been told that closing the loop would not solve the problem. Dawson is having a hard time determining who is telling the truth.

Hartill stated that this topic had been rehearsed between two of the individuals in the group going to Albany this week and the assistant director of TCAD. When those individuals went to the PSC their story changed.

Dawson stated that NYSEG's story to us and the PSC is that there is insufficient pressure and volume. If that is the case, we should ask NYSEG to quantify how much pressure and volume they need. Quantify how much pressure and volume will be mitigated by responses to the RFP. NYSEG's projected gas need does not meet the reality of what is actually needed. It would be good to get all people in one room and get this hammered out.



Ed LaVigne raised their documented need for gas at the Lansing School. Dawson asked for copies of that documentation. Ed suggested that Dawson contact the school. Ed was concerned that Dawson is the lone voice of reason in the group going to Albany. Dawson is not sure of her position because she keeps getting conflicting stories. She asked if the school has an emergency plan if we run out of energy. Ed said, "Send them home." This issue has been around for years.

Hartill stated that the bottom line is that the moratorium has cost us 150 good jobs – at least.

Dawson stated that, on the other hand, the people of Dryden have a right to say they don't want gas pipelines running through their town. How do we square those two interests?

Dawson will go to Albany, listen, and return with information.

#### General Comments

Hardaway reported on the July 9 Planning Board meeting. See notes, below.

#### Notes from Planning Board Meeting – 07/09/2018

There were no public comments from visitors, but the Planning Board (PB) members informally discussed the clearing of all remaining vegetation on the Bomax Drive property. It was suggested that the PB require buffer green ways at the beginning of future property developments. Robbs also suggested that the Village revisit the regulation of commercial and private solar arrays (originally discussed in 2016.)

VPA developers were not present, but the PB closed its public hearing for the subdivision of the 9 Dart property into two parcels: Parcel A consisting of 0.68 acres and Parcel B consisting of 3.90 acres. The PB also voted to approve the VPA-requested subdivision.

H&J Hospitality development (1638 East Shore Drive) update: NY DOT will not install highway signs to reduce speed. The DOT also asked that they be included in future SEQRs that involve state roadways.

PB discussed school zone designations for Cooperative Nursery School on Dart Drive and Robin's Nest on Burdick Hill Road.

PB formally discussed regulations for solar arrays and propane tanks within the Village. PB is considering setting up two, temporary 2-person committees – one committee will research solar panels/arrays regulations and one committee will research propane tank regulations.

PB discussed the Lansing Meadows PDA start-date requirements and the possible consequences to the developer if the July 31, 2018 start date is missed.

Hartill asked for clarification about issues with propane tanks. Robbs is concerned that the Village will receive a number of requests for propane tanks as alternative energy sources. He asked how the Village wants to address the placement and screening of propane tanks. Existing tanks would need to be grandfathered in.

Mayor Hartill stated that at 3PM today was the greatest load on electric grid in NYS ever. The grid is not as stable as thought.

Appointment of Simon Moll to BZA

Adam Robbs requested that the Trustees appoint Simon Moll as a member of the Board of Zoning Appeals.

Resolution #6503-To Appoint Simon Moll as a Member of the Board of Zoning Appeals.

Trustee O'Rourke moved to appoint Simon Moll to the Board of Zoning Appeals. Trustee Monaghan seconded the motion. A vote was taken:

Mayor Don Hartill – Aye  
Trustee Gerry Monaghan– Aye  
Trustee John O'Neill-Absent

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

Motion to Adjourn

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

Mayor Don Hartill – Aye  
Trustee Gerry Monaghan– Aye  
Trustee John O'Neill-Absent

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

The meeting was adjourned at 8:25 pm.

Ronny Hardaway, Trustee