

## Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Thursday, January 14, 2021, via Zoom Videoconferencing/Teleconferencing.

PRESENT: Mayor Donald Hartill, Trustees Ronny Hardaway, Patricia O'Rourke and Randy Smith; Clerk/Treasurer, Jodi Dake; Code & Zoning Officer, Michael Scott; Working Supervisor, John Courtney, MEO's, Nolan Hatfield and Chris Zavaski

Deputy Mayor Hardaway called the Board of Trustees meeting to order at 12:09pm. Hartill arrived late because he was getting his Covid-19 shot.

Scott stated that most of his time is spent with the Planning Board and Board of Zoning Appeals, there are minimal permits coming in. There are 33 variances needed for the Shops at Ithaca Mall Subdivision. When doing these variances, he tried to find the variances that were done when Target was subdivided, and he could not find anything. It was never officially subdivided by the Village. Scott called Jay Franklin at Tompkins County Assessment and he stated that there was a short time when the County was approving subdivisions whether they were approved by the municipality or not. This must have been during that time. Scott got a hold of the Shops at Ithaca Mall's lawyer, Mike Gavin, to see what he wanted to do about this. This may also explain why Target never got their own water account.

The COVID-19 testing and vaccine center over at the mall surprised Mike by going from tents to a temporary structure without getting a temporary commercial permit. He was notified by way of Moseley because they did the same thing down in the Town of Ithaca and also in Cortlandville. He and Ferris, electrical inspector, have done inspections and everything is now good. Hardaway asked if they were for the cold storage of the vaccines. They were not, they are like drive up centers.

Andrew Crossed of Park Grove Realty is requesting that the site permit for East Pointe Apartments be closed for bank financing issues. They are certifying that they will replace all of the site lights to meet the "dark sky" requirement by the Village. They currently have one light on hand and arranging to have an electrician install it. When installed they will contact Scott for final approval before ordering the remaining lights.

Scott had previously emailed the Stormwater Agreement for the Board to authorize him to sign. The only thing that has changed in the agreement is that instead of doing it annually, the contract will be for a three-year period. This also locks the rate in for three years.

Resolution #6700-Authorize Mike Scott to Sign the Following Stormwater Agreement

## AGREEMENT FOR SERVICES

THIS AGREEMENT, made this the 13th day of January 2021, by and between:

THE STORMWATER COALITION OF TOMPKINS COUNTY (herein after called “the Coalition”), a municipal coalition, with finances held in the offices of the Town of Ithaca, with offices at 215 North Tioga Street, Ithaca, New York 14850 and Tompkins County Soil and Water Conservation District, a municipal district, with offices at 170 Bostwick Road, Ithaca, New York (hereinafter called “the District”).

### WITNESSETH THAT:

**WHEREAS, the Stormwater Coalition of Tompkins County desires to contract with the District for the provision of professional services to coordinate and administer stormwater management plans for SCTC members;**

**WHEREAS, the District is willing to provide such professional services;**

**NOW THEREFORE, in consideration of the agreed-upon responsibilities to be faithfully performed by the parties as hereinafter set forth, the parties to this agreement do hereby agree as follows:**

1. **The Coalition** agrees to retain the District for the provision of professional services rendered in connection with the management of the various municipal Stormwater Management Programs, on an as needed basis to be determined by the Coalition. The provision of services by the District as the Coalition Stormwater Program Coordinator (see Appendix A) will be at the rate of \$50/hour, and with an expenditure cap not to exceed \$12,500.00 per year.
2. **The District** will assist the Coalition with Stormwater program administrative duties, including but not limited to, annual reporting, record keeping, grant applications, and establishing a tracking and reporting system of Stormwater program management system components and databases.
3. **The Coalition** will indemnify and hold harmless the District, its officers and employees, from any and all claims or causes of action arising from the Districts’ direction, management or control (or lack thereof) of Stormwater program management activities. In addition, the District shall indemnify and hold harmless the Coalition and its officers from any act and all claims or causes of action arising from acts of omission or commission by the District. Such indemnification shall include, but not limited to, attorney’s fees necessarily incurred in defending against any action for which the District has agreed to provide indemnification.
4. **The District** certifies under penalty of law that the District understands and agrees to comply with the terms and conditions of the Stormwater Coalition of Tompkins County stormwater management program and agree to implement any corrective actions identified by the

Stormwater Coalition of Tompkins County or a representative. The District also understands that the Stormwater Coalition of

#### AGREEMENT FOR SERVICES CONTINUED

Tompkins County must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (SPDES) general permit for stormwater discharges from the Municipal Separate Storm Sewer Systems (MS4s) and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, the District understands that any non-compliance by the Stormwater Coalition of Tompkins County will not diminish, eliminate, or lessen the District's liability.

5. This Agreement shall commence effective January 1, 2021 and shall terminate on December 31, 2023. This agreement shall be considered for renewal by the Coalition annually prior to the end of the contract period; with special consideration given to annual Stormwater program costs, with the Coalition setting a not-to-exceed financial cost clause annually.

6. Either party may terminate this Agreement within 30 days if prior written notice is sent by Registered Mail to the addresses above. Upon termination, any unpaid balance due hereunder will be paid within 60 days; and any overpayment will be refunded within 60 days. The terminating party shall take all reasonable steps to ensure that any work or services in progress are not unduly complicated by such termination, including, but not limited to, (i) providing reasonable post-termination assistance and advice based upon the rates and terms of this Agreement, and (ii) assisting in the transition of files and projects to any new personnel or consultants utilized by the Coalition for stormwater management, again at the rates and upon terms of this Agreement.

7. The Coalition has contracted solely for the results of the provision of the services; the means and details used in achieving such results are left to the sole discretion of the District. The District shall furnish, at its' own and sole expense, all equipment, tools, supplies, materials, and tools of the trade necessary to perform the services herein required. The District has no authority to enter into any contracts or agreements on behalf of the Coalition. This Agreement does not create a partnership, joint venture, or joint undertaking of any kind between the parties.

8. The District acknowledges and agrees that any and all documents and things developed in relation to the provision of services under this Agreement, whether developed alone or in conjunction with others, and regardless of the medium or format in which any such document, idea or thing is recorded or archived, shall (i) be the property of the Coalition, and (ii) shared with and delivered to the Coalition. Any information, document or thing identified by the Coalition as confidential shall be diligently protected by the District at all times.

9. If any provision hereof is held invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or operation of any other provision, and such invalid provision shall be reformed to the minimum extent required to bring it into compliance with applicable law, or to otherwise make such provision enforceable. Such

reformation shall be performed by first taking into account the intent of the parties as set forth in such provision, and second, by the intent of the parties as gleaned from other provisions of this Agreement. If such reformation is not possible, then such provision shall be severed from the Agreement.

Trustee Moll moved this resolution and Trustee O'Rourke seconded the motion. A vote was taken:

Trustee Ronny Hardaway-Aye  
Trustee Randy Smith-Aye

Trustee Patricia O'Rourke-Aye  
Trustee Simon Moll-Aye

Scott stated that he still has not heard back from the Ithaca Swim Club. The new president of the swim club was supposed to email him but Scott has not heard from him these last couple of weeks. Scott asked if the Board would like to proceed with the proposed law with or without the swim club. Moll would like to see the swim club removed. The other Trustees agreed. Hardaway reiterated what Dake had said in that the zone of the park is not important because the State will not allow for a park to be removed without their approval. Scott will prepare a proposed local law for the February 1<sup>st</sup> Board of Trustee meeting. If the Ithaca Swim Club does get back to the Village and wants to be added to that zone, we can just do an amendment to the law.

Mayor Hartill entered the meeting. Hardaway updated him on what had been done so far. Hartill's only concern with the Ithaca Swim Club was spot zoning. Scott stated that at least we made an attempt, and we have a paper trail.

Scott stated that at the coalition meeting they informed the municipalities that they have come up with a one-hour training program which would be good for the Planning Board. If the Planning Board is educated it may make the Planning Board meetings go a little smoother.

Scott had previously sent the Board a letter from Andrew Crossed regarding East Pointe Apartments road lights. Crossed is requesting to close out their site permit. They are aware of the remaining open item to change the site lights to meet the "dark sky" compliant requirement and promise to get that completed. It is important to their bank financing to have the permit issued. The Board agreed to do this if East Pointe put up an escrow with the Village for completion of that item.

Courtney stated that he went over to East Pointe today and did a manhole inspection. They have a ton of private sewer. Courtney found blockage in their sanitary sewer and they had a one-year warranty since we signed off last January or February. That is something they also need to fix. They have a substantial amount of blockage. Drain Brain is going to be up there this afternoon to repair it.

Hartill suggested making the escrow be 50% above the estimate we get so there is enough incentive to complete the work.

Resolution #6701- To Set Up an Escrow for Park Grove Realty Pertaining to East Pointe Apartments for 50% Over the Calculated Cost of the Lights

Trustee Hardaway moved this resolution and Trustee O'Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Ronny Hardaway-Aye  
Trustee Simon Moll-Aye

Trustee Patricia O'Rourke-Aye  
Trustee Randy Smith-Aye

Moll asked when the public hearing was with the BZA for the Mall subdivision. At the BZA meeting on January 19, 2021 they will be dealing with 22 of the 33 subdivisions. Once Scott hears about Target, that may add additional subdivisions since that subdivision was never officially approved by the Village.

Courtney asked about Parcel H which shows the road that the Village wants to take over. Previously, we talked about not accepting the part of the road that runs down to BJ's. Originally, we just wanted to take over the road down to the stop sign at the T intersection. Scott stated that the Planning Board has not officially approved the final plat and they are aware of it. Courtney stated that we do not want the road past the intersection because there is a lot of storm sewer underneath there that is failing. Courtney recommends that we do not take more than we have to maintain to get what we want. We want total control of Graham Road West so we can have the signalized intersection at Graham Road and Triphammer Road and access out of Hickory Hollow Lane. The Village should also try to get the little piece of land or an easement for the path that comes up from Shannon Park so we can do sidewalk maintenance. Courtney will get maps for the Trustees showing his suggestions.

Hardaway feels we should avoid taking over any of their storm water. There are stormwater issues on the mall property which caused flooding in that area only. Nowhere else in the Village did we have flooding issues. Courtney feels that the mall is delinquent in their stormwater techniques, which the mall is trying to correct. Scott stated that the Planning Board will not let the subdivision go through unless the stormwater issue is satisfied.

Smith asked if any of this discussion would affect any of his resolutions. Scott stated that the variances were mostly for setback purposes. They are all contingent that the subdivision goes through.

The Greenway Committee was originally appointed back in 2015. Since then, Dankert and Gillott have moved, and Deborah Dawson is no longer on the committee. Dake suggested that we appoint the committee for a term that goes until May 1, 2022 and then add it to our organizational meeting for May 2022. It could then be for 1- or 3-year term.

Resolution #6702- To Appoint the Following Members to the Greenway Committee until May 1, 2022.

- Ronny Hardaway-Chair
- Larry Bieri
- Lynn Leopold
- Monica Moll

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

- |                            |                               |
|----------------------------|-------------------------------|
| Mayor Donald Hartill-Aye   | Trustee Patricia O'Rourke-Aye |
| Trustee Ronny Hardaway-Aye | Trustee Randy Smith-Aye       |
| Trustee Simon Moll-Aye     |                               |

Dake asked the Trustees to sign up for covering the Planning Board meetings for the next year. Each Trustee took three months to cover. Dake will email the updated schedule to the Trustees.

Gina Speno from the Shops at Ithaca Mall is requesting that their water and sewer late fees be waived. The letter was previously emailed to the Trustees. Moll asked what the Village loses if they are not paying on time. Dake stated that the only two income streams in the water budget are what we sell in water and water penalties. Hardaway was concerned that this may become a habit with the Mall. Dake suggested that we add "One time" to the resolution.

Resolution #6703-To Waive the 2020 July and October Water and Sewer Penalties One Time in the Amount of \$5,732.46

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

- |                            |                               |
|----------------------------|-------------------------------|
| Mayor Donald Hartill-Aye   | Trustee Patricia O'Rourke-Aye |
| Trustee Ronny Hardaway-Aye | Trustee Randy Smith-Aye       |
| Trustee Simon Moll-Aye     |                               |

Dake stated that the Village received \$500 from Solar Farms for Simon signing up his properties to participate.

Dake asked where we were with the Pandemic Operations Plan which needs to be completed by April 1<sup>st</sup>. It is being discussed as part of Tompkins County Hazard Mitigation Plan. Dake stated that each municipality has to create their own plan specific to their municipality. Dake volunteered to put it together. She will then send it to the Trustees to review.

Dake asked the Mayor if he wanted to assign budget sections to people. Looking at the calendar, the Board will need to have a final budget at the March 15<sup>th</sup> meeting and then hold the public hearing on April 5<sup>th</sup>. The Village is required to have the Budget Public Hearing by April 15<sup>th</sup> each year. Hartill will think about it and send out an email.

Hartill entertained a motion to pay the bills.

Resolution #6704- Abstract of Audited Vouchers

Be it RESOLVED, that Abstract of Audited Vouchers No. 8 for the General Fund, in the amount of \$62,495.51 is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 8 for the Sewer Fund, in the amount of \$138,866.12 is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 8 for the Water Fund, in the amount of \$182,313.47 is hereby approved for payment.

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

Mayor Donald Hartill-Aye  
Trustee Randy Smith-Aye  
Trustee Simon Moll-Aye

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

Courtney stated that the water line at Lansing Meadows PDA is 80% installed. There have been five water breaks in the Village. The DPW guys have been plowing snow. They did Christmas tree pick up. They have been busy doing maintenance on equipment. They will be putting cold patch in some potholes on Oakcrest, Cayuga Heights, Dart Drive and a couple of other spots. Courtney wants to start some projects because he feels the winter is a little stagnant right now. He wants to do the lean to on the side of the salt shed which has been budgeted for. The Town of Lansing will help us or will build it. After Courtney fills out a building permit for that he will ask the Board to waive the building permit fee. He also will be installing storm sewer in the Highgate area. We are also going to do lighting on the Highgate path. He will also be converting the Janivar and Liefs Way streetlights to LED. This item is not in the budget, but Courtney hopes we can transfer money to do that.

Hardaway asked about the streetlights on Dart Drive. Instead of cobra arms on NYSEG utility poles, Courtney had previously recommended separate poles and lighting. Hardaway asked Courtney if he had any idea on the number of poles and the cost per pole. Courtney stated that he has not worked on that. He was waiting to see which direction we were going to go with the Dart Drive sidewalk project.

Courtney asked the Board to consider what park improvements they would like to see in next year's budget. This year with COVID-19 there has been a lot of use in the parks. Hardaway thinks the main thing we need to do for Hartill Park is landscaping and field equipment for the sports field. Hardaway will look at this with the Greenway Committee

this month. Courtney also asked Smith to see what the Shannon Park neighborhood might like to see in that park.

At Courtney's request, Dake sent out TP-584 Combined Real Estate Transfer Tax Returns to everyone that has returned their signed easements. She also sent easements and TP-584 Forms to those that still have not signed off on their easements. We just received the TP-584 Form back from the Youngs. Courtney stated that he got permission this week to use the State right-of-way to install the sewer.

Smith stated that over the last few meetings people have been talking about the original intent of the Village when it was formed. Smith wondered if we should put a moratorium on any more development until we go out and do some kind of a comprehensive plan to see how it affects the Village in the future. The Village is a hot spot right now. The Comprehensive Plan is due to be updated in 2025. Hardaway feels we need to rely on our Boards and staff to help us enforce what our direction is based on the Village of Lansing Comprehensive Plan. Smith stated that whatever the malls do will also have an impact. Moll stated that the Planning Board is currently working on a sidewalk plan where large developments will have to put in sidewalks.

Hardaway gave an update on the Planning Board meeting.

Moll stated that he will be watching the Town of Lansing January 20<sup>th</sup> meeting on YouTube.

Motion- To Adjourn

Trustee Hardaway moved for adjournment Trustee Moll seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Ronny Hardaway-Aye  
Trustee Simon Moll-Aye

Trustee Patricia O'Rourke-Aye  
Trustee Randy Smith-No response

The meeting adjourned at 1:24pm.

Jodi Dake, Clerk/Treasurer