

Village of Lansing

MINUTES of the Board of Trustees Meeting held on Monday, November 15, 2021, at the Village of Lansing Office.

PRESENT: Mayor Ronny Hardaway; Trustees, Carolyn Greenwald, Simon Moll and Patricia O'Rourke, Randy Smith; Clerk/Treasurer, Jodi Dake; Attorney, Peter Grossman; Planning Board member, Tony Ingraffea; Megan Pulver and Matt Yarrow from TCAT; and 4 members of the public.

Mayor Hardaway called the Board of Trustees meeting to order at 7:31pm. Hardaway opened the public comment period. There were no public comments.

Motion - To Close the Public Comment Period

Moll made a motion to close the public comment period. Smith seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye	Trustee Simon Moll-Aye
Trustee Patricia O'Rourke-Aye	Trustee Randy Smith-Aye
Trustee Carolyn Greenwald-Aye	

Motion - To Approve the Minutes of November 1, 2021

Smith made a motion to approve minutes. O'Rourke seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye	Trustee Simon Moll-Aye
Trustee Patricia O'Rourke-Aye	Trustee Carolyn Greenwald-Aye
Trustee Randy Smith-Aye	

Continue Public Hearings on Proposed Local Law E & F

Hardaway entertained a motion to continue the public Hearing on Proposed Local Law E (2021)

Motion - To Continue the Public Hearing on Proposed Local Law E (2021)-To Opt Out of Allowing Licensing and Establishing Retail Cannabis Dispensaries Within the Village of Lansing

Moll made a motion to continue the public hearing. Smith seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye	Trustee Simon Moll-Aye
Trustee Patricia O'Rourke-Aye	Trustee Randy Smith-Aye
Trustee Carolyn Greenwald-Aye	

Kiara Olsen-Medina and her husband, Hugo Medina of 5 Cinema Drive were for allowing cannabis. Hugo stated that he has a master's in education, is an artist and a father. He thinks it would be great. Hugo has a medical marijuana card and uses it as medication for his PTSD and has to go to Syracuse to get it. Kiara is also for it. They have recently moved from Arizona where it was legalized. Kira thinks it would be a detrimental to the community to not allow this business in this community. People will be using these substances anyways, and she would rather see it regulated so people would not have to drive elsewhere to get it. There are people that use this for PTSD and a number of other medical issues. Hugo pointed out that the Village would also be losing the tax revenue.

Motion - To Close the Public Hearing on Proposed Local Law E (2021)

Moll made a motion to close the public hearing. Greenwald seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye	Trustee Simon Moll-Aye
Trustee Patricia O'Rourke-Aye	Trustee Randy Smith-Aye
Trustee Carolyn Greenwald-Aye	

Motion - To Continue the Public Hearing on Proposed Local Law F (2021)-To Opt Out of Allowing the On-site Cannabis Consumption Establishments Within the Village of Lansing

Smith made a motion to continue the public hearing. Greenwald seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye	Trustee Simon Moll-Aye
Trustee Patricia O'Rourke-Aye	Trustee Randy Smith-Aye
Trustee Carolyn Greenwald-Aye	

There were no comments from the public.

Motion - To Close the Public Hearing on Proposed Local Law F (2021)

Greenwald made a motion to close the public hearing. Smith seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye	Trustee Simon Moll-Aye
Trustee Patricia O'Rourke-Aye	Trustee Randy Smith-Aye
Trustee Carolyn Greenwald-Aye	

Hardaway asked the Trustees if they were ready to vote on the proposed laws.

Moll stated that he was ready to vote on both. On Local Law E he would like to opt in which means allowing the dispensing of cannabis so Proposed Local Law E would not pass. Moll thinks the Village should opt in for reasons that have already been discussed. Moll does not want to make to

much of the sales tax revenue though he feels it is a tick in the pro column to get sales tax revenue. Moll feels this is retail sales just like alcohol.

Resolution #6795- To Accept Proposed Local Law E (2021)-To Opt Out of Allowing Licensing and Establishing Retail Cannabis Dispensaries Within the Village of Lansing

Moll made a motion to vote on the proposed law. Greenwald seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Nay
Trustee Patricia O'Rourke-Nay
Trustee Carolyn Greenwald-Nay

Trustee Simon Moll-Nay
Trustee Randy Smith-Aye

Proposed Local Law E (2021) **did not pass** so the Village of Lansing will be opting in to allowing licensing and establishing retail cannabis dispensaries within the Village of Lansing. Since the Trustees voted to allow retail cannabis dispensaries in the Village nothing needed to be done because the New York State has made it so unless you opt out you automatically allow retail cannabis dispensaries.

Resolution #6796- To Adopt Proposed Local Law F (2021) as Local Law 5- A Local Law Adopted Pursuant to Cannabis Law § 131 Opting Out of Allowing the On-site Cannabis Consumption Establishments Within the Village of Lansing.

A vote was taken:

Mayor Ronny Hardaway- Aye
Trustee Patricia O'Rourke- Aye
Trustee Carolyn Greenwald- Aye (Connectivity issues but when she returned she

Trustee Simon Moll- Aye
Trustee Randy Smith-Aye
stated that she voted aye)

Proposed Local Law F (2021) is subject to permissive referendum. (Therefore LL# will be 5 and the sewer law passed 12/6/21 will be #4 because of the permissive referendum going 30 days before can officially be approved) Local residents have the right to petition the Village of Lansing asking that a referendum be held. If there is no objection within the next 30 days, the following Local Law 4 (2021) will take effect:

Local Law 5 (2021)-A Local Law Adopted Pursuant to Cannabis Law § 131 Opting Out of Allowing the On-site Cannabis Consumption Establishments Within the Village of Lansing.

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of Lansing out of allowing the on-site cannabis consumption establishments within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt-out of allowing on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3. Local Cannabis On-Site Consumption Opt-Out

The Board of Trustees of the Village of Lansing, County of Tompkins hereby opts-out of licensing and establishing on-site cannabis consumption establishments within the boundaries of the Village of Lansing and requests the Cannabis Control Board to prohibit the establishment of such on-site consumption licenses within the Village of Lansing.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

Smith stated that he is on the Tompkins County Youth Board, and they are really astonished that the county is going after this like they are. They have statistical information that shows that more and more high school and middle school kids are doing marijuana. The kids actually believe that marijuana will not harm them. That is the kind of information that has been fed to them over time. Kids believe that alcohol could harm them, but marijuana will not. Smith thinks that by allowing the sale of cannabis we are giving the message to the kids that it is ok to smoke. That is the way Smith feels and why he is voting against it. Smith would like the Village to have a sign out there when it says "Welcome to the Village of Lansing" that also says we are a drug-free community but oh well.

TCAT

TCAT's Project manager, Megan Pulver and Matt Yarrow, Asst. General Manager for Service Development & Planning, were present to discuss allowing TCAT to install a bus shelter on Uptown Road across from Gaslight Village. Yarrow stated that TCAT was getting in excess of 900 rides per month at that stop location before Covid. Currently, there is 24 riders per weekday which is down slightly from what it was pre-covid. The policy is basically to establish a shelter at every location that has more than 30 rides on average, so this location is close to that.

Pulver shared photos of the project and of bus riders line up along the shoulder of the road. This is not an ideal situation. TCAT want to try and make improvements to the stop. They are proposing to add a bus shelter, establish a curb, add a ramp along the sidewalk and safety railings along the

backside of the retaining wall as well as the ramp. If it is possible to establish a curb, this would help to separate from the road. The FTA and ADA guidance is to have the shelter at least 4 feet from the edge of the road. The proposed shelter would be five feet from the edge of the road. They would also like to incorporate a crosswalk and adequate lighting. TCAT is using solar for lighting at all their new shelters. That may not be enough light for that area so that may also be something they would like to look at. Having a mid-block stop is not an ideal situation but they feel it is better than what currently exists.

The Village had voiced a concern about storm water runoff issue and drainage behind the shelter. They did go check this again and it is 19 feet from the shoulder to the fence. The platform would go out 11 or 12 feet so that would still allow seven feet for stormwater. Yarrow does not think this would be an issue.

Moll stated that he has an issue with two bus stops across from each other. People do not stand in the shelter, they come out on the shoulder. Moll likes the curb as a delineation to keep people off the road. He does not want people coming out on the shoulder. Moll would like to separate the two shelters.

Greenwald stated that the new shelters that TCAT is building are more appealing now which will entice people to use the shelter.

Smith asked how the shelters are maintained during the winter. TCAT has a limited staff that can maintain the shelters. TCAT staff will first clear snow in the City of Ithaca, and they could add this shelter to their list to be clear snow. They try to have agreements with municipalities.

Pulver stated that TCAT would construct and get approvals for the shelter. Since the shelter would be located on Village of Lansing property, they will need Village approval for an easement.

Smith stated that the Village would have to make sure the water will not be obstructed. Yarrow stated that they went to the site, and it did not seem like that would not be an issue because the water is on the other side of the fence.

Smith stated that we need to do what is right. He would like feedback from our DPW before making final decision. Hardaway agreed that we need to determine if there are other issues. The timeline for this being built will probably be in the spring.

Greenwald stated that we want to represent all Village residents and hopes to increase the safety for our riders.

Hardaway would like to increase our whole mass transit system and get a lot of the cars off the roads. Hardaway told them to go ahead and submit this through the Code Office. The Trustees will eventually have to approve an easement for the shelter to be built. This is the start of the process.

Sewer Rate

Since Bolton Point and Cayuga Heights have both increased their rates, it is necessary to amend our sewer law. Bolton Point has increased the water rate starting January 2022 from \$5.60 to

\$5.77/1,000 gallons of water consumption. Since the Village sewer rate is based on 25% of that rate, the Village portion of the sewer rate will need to be increased from \$1.40 to \$1.44/1,000 gallons of water consumption. Also, Cayuga Heights has increased their rate from \$5.05 to \$5.20/1,000 gallons of water consumption. This makes the total sewer rate \$6.64/1,000 gallons of water consumption. The minimum is still based on 5,000 gallons or \$33.20. This increase will start January 1st so village residents will see the increase with their April bill.

Motion - To Set a Public Hearing for December 6 at 7:35pm on Proposed Local Law G (2021)-To Amend the Village of Lansing Code-Sewer Rents

Smith made a motion to set a public hearing for proposed local law G. Moll seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Patricia O'Rourke-Aye
Trustee Carolyn Greenwald-Aye

Trustee Simon Moll-Aye
Trustee Randy Smith-Aye

Graham Road West

Attorney Peter Grossman had provided an agreement for the Trustees to consider. Grossman stated that we have a lot of options. The mall would be happy to do anything we want. We have an appraisal if we were to just take easement rights instead of ownership.

Hardaway stated that the DPW wants to do a skim coat on that area before the winter. The mall owners have agreed to grant us that right before the full agreement is done. Until we own the road, we can't improve it. Grossman and the malls lawyers have prepared a Warranty Deed with Lien Covenant with a clause that would allow us to do the work before the final documents for the entire mall subdivision are finalized and signed. Hardaway feels that Graham Road West is dangerous. The cost to the Village to do this work is between \$18-19K. This is only a temporary fix until we can do a reconstruction of the whole road in the spring.

Grossman stated that the reason it was put together the way it was, is because until we own the road, we cannot do a private improvement. So, it was done in a way so that our ability to do that was some of the other transfers or in this case, the transfer of the property. We originally looked at trying to tie it to the transfer of the small portion on the north side of Pyramid Drive or the grant of the drainage rights on the south side of Pyramid Drive, but it just seemed at the end of the day to just tie it to this one acquisition would be best. And the attorney for the mall has consented. Grossman wanted to get it into the deed so the mall attorney could show it to the bank so that they are aware of it. Courtney wants to skim coat Graham Road West on Wednesday. This was done to assure that it was with consideration that the Village is paying for it. There is a bit of a risk if the mall does not close and we do not acquire title there. This, however, does not seem likely.

Grossman stated that \$19,000 is a pretty hefty price for a skim coat. Hardaway has consulted with Courtney and thinks that it is good from a safety standpoint. O'Rourke was concerned with paying \$19,000 for a sort of a patch before turning around and reconstructing the road in the spring. Duke stated that the cost for the total project was estimated in the 2021-22 Budget by Courtney to be

\$142,000. Hardaway thinks that that price will go up because of the supply chain and materials problem.

Smith stated that there is pressure for the mall to get this done.

Resolution #6797-To Approve the Warranty Deed with Lien Covenant in this Form to be Signed by the Mall Owners

Hardaway made a motion to approve this resolution. Smith seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Patricia O'Rourke-Aye
Trustee Carolyn Greenwald-Aye

Trustee Simon Moll-Aye
Trustee Randy Smith-Aye

Consortium Resolution

Greater Tompkins County Municipal Health Insurance Consortium is requesting that we authorize the mayor to sign the 2022 Amendment to the Municipal Cooperative Agreement (MCA) The only change is adding four municipalities. According to the Department of Financial Services the Consortium must have all members approve the amendment to the MCA, even if it is just for the annual additions of Board approved new members.

Resolution #6798-To Approve the 2022 Amendment to the Municipal Cooperative Agreement for the Greater Tompkins County Municipal Health Insurance Consortium

WHEREAS, the Village of Lansing is a Participant in the Greater Tompkins County Municipal Health Insurance Consortium (the "Consortium"), a municipal cooperative organized under Article 47 of the New York Insurance Law, and

WHEREAS, the municipal participants in the Consortium, including this body, have approved and executed a certain Municipal Cooperation Agreement (the "Agreement"; effective date of October 1, 2010),

WHEREAS, Article 47 of the New York Insurance Law (the "Insurance Law") and the rules and regulations of the New York State Department of Financial Services set forth certain requirements for governance of municipal cooperatives that offer self-insured municipal cooperative health insurance plans, and

WHEREAS, the Agreement sets forth in Section Q2 that continuation of the Consortium under the terms and conditions of the Agreement, or any amendments or restatements thereto, shall be subject to Board review and upon acceptance of any new Participant hereafter, and

WHEREAS, by motion 001-2021 the Consortium's Board of Directors recommends approval of the 2022 Amended Agreement, and

WHEREAS, the Municipal Cooperative Agreement requires that amendments to the agreement be presented to each participant for review and adopted by its municipal board,

WHEREAS, the Village of Lansing is in receipt of the proposed amended Agreement and has determined that it is in the best interest of its constituents who are served by the Consortium to amend the Agreement as set forth in the attached 2022 Amended Municipal Cooperative Agreements, now therefore be it

RESOLVED, that the Village of Lansing approves and authorizes the Chief Executive Officer to sign the 2022 Amendment to the Municipal Cooperative Agreement of the Greater Tompkins County Municipal Health Insurance Consortium, and

RESOLVED, further, that the Clerk of the Village of Lansing is hereby authorized to execute this Resolution to indicate its approval, transmit a copy thereof to the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium, and take any other such actions as may be required by law.

Hardaway motioned to approve this resolution. Smith seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Patricia O'Rourke-Aye
Trustee Carolyn Greenwald-Aye

Trustee Simon Moll-Aye
Trustee Randy Smith-Aye

There were no additional comments from the Board.

Motion- To Adjourn

Hardaway motioned to adjourn. Smith seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Patricia O'Rourke-Aye
Trustee Carolyn Greenwald-Aye

Trustee Simon Moll-Aye
Trustee Randy Smith-Aye

The meeting was adjourned at 8:38pm.

Jodi Dake, Clerk/Treasurer