

**SPECIAL TOWN BOARD MEETING**  
**November 17, 2014**

A Special Meeting of the Lansing Town Board was held at the Town Hall Board Room, 29 Auburn Road, Lansing, NY on the above date at 6:00 p.m. The meeting was called to order by the Supervisor, Kathy Miller and opened with the Pledge of Allegiance to the flag. Roll call by Debbie Crandall, Town Clerk, showed the following to be

**PRESENT:**

Kathy Miller, Supervisor	Robert Cree, Councilperson
Doug Dake, Councilperson	Edward LaVigne, Councilperson

**ABSENT:** Ruth Hopkins

**ALSO PRESENT:** Sharon Bowman, Deputy Supervisor, Debbie Munson, Deputy Town Clerk and Connie Wilcox.

**MOTION TO OPEN PUBLIC HEARING ON THE PROPOSED SPECIAL DISTRICTS BUDGET FOR 2015**

Supervisor Kathy Miller moved to **OPEN THE PUBLIC HEARING ON THE PROPOSED SPECIAL DISTRICTS BUDGET FOR 2015** at 6:02 pm. Councilperson Robert Cree seconded the motion.

All in Favor - 4                      Opposed - 0

No one addressed the Town Board

**MOTION TO CLOSE PUBLIC HEARING**

All persons desiring to be heard, having been heard, Supervisor Kathy Miller moved to **CLOSE THE PUBLIC HEARING** at 6:03 pm. Councilperson Robert Cree seconded the motion.

All in Favor - 4                      Opposed - 0

**MOTION TO OPEN PUBLIC HEARING ON THE PROPOSED BUDGET FOR 2015**

Supervisor Kathy Miller moved to **OPEN THE PUBLIC HEARING ON THE PROPOSED BUDGET FOR 2015** at 6:04 pm. Councilperson Robert Cree seconded the motion.

All in Favor - 4                      Opposed - 0

A resident addressed the Town Board and stated that it was confusing at the last budget hearing and asked if any changes had been made to the budget, and if so what they were.

Deputy Supervisor Sharon Bowman stated it is the same budget.

The resident was concerned on why it was so confusing and not adopted at the last meeting.

Councilperson Robert Cree stated it wasn't passed because there needed to be a filing with the state and that brought the board to tonight's meeting.

**MOTION TO CLOSE PUBLIC HEARING**

All persons desiring to be heard, having been heard, Supervisor Kathy Miller moved to **CLOSE THE PUBLIC HEARING** at 6:06 pm. Councilperson Robert Cree seconded the motion.

All in Favor - 4                      Opposed - 0

**MOTION TO OPEN PUBLIC HEARING ON PROPOSED LOCAL LAW #5**

Supervisor Kathy Miller moved to **OPEN THE PUBIC HEARING ON LOCAL LAW #5 OF 2014 REPEALING LOCAL LAW #2 OF 2014 AND REINSTATING THE TAX CAP LIMITS OF GENERAL MUNICIPAL LAW § 3-C** at 6:07 p.m.

Councilperson Robert Cree seconded the motion.

All in Favor - 4                      Opposed - 0

No one addressed the Town Board.

**MOTION TO CLOSE PUBLIC HEARING**

All persons desiring to be heard, having been heard, Councilperson Robert Cree moved to **CLOSE THE PUBLIC HEARING** at 6:08 pm. Supervisor Kathy Miller seconded the motion.

All in Favor - 4                      Opposed - 0

**RESOLUTION APPROVING THE SPECIAL DISTRICTS BUDGET AND TOWN BUDGET FOR THE FISCAL YEAR 2015**

Robert Cree reviewed the 2015 Special Districts Budget and projected tax rates along with the summary of the fiscal Budget for 2015 by fund. Grand Total: Appropriations - \$6,079,361.69, Estimated Revenue - \$3,546,509.50 Unexpended Fund Balance \$182,000.00, Amount to be Raised by Tax - \$2,350,852.19

Deputy Supervisor Sharon Bowman, read the following statement from Councilperson Ruth Hopkins in her absence:

Statement about the proposed 2015 Town of Lansing Budget, Submitted by Ruth Hopkins, for the Nov. 17<sup>th</sup> meeting of the Lansing Town Board.

During most of my professional career, while planning budgets ranging from 10 to over 100 million, I've worked to increase efficiency and reduce expenses. This required a good deal of planning, close scrutiny of the costs of each program as well as the relationship of each program to the goals of the organization. Before cutting budgets I examined the impact of programs, services, and infrastructure, both short and long term and made those assessments clear to all stakeholders before making the cuts.

While the budget presented to us this evening reduces expenses, I am quite concerned that it does so without looking at the consequences to the Town's programs, goals, equipment, and buildings.

This budget provides only 1% in raises for the staff, less than the cost of living and less than what other local employers are providing. This below-market increase is combined with the planned reduction in Town contribution to the employee health plan, a reduction that may not have been planned had it been known the Town would hold salary increases to 1%. How will this impact our staff and programs?

While we have reduced the use of the fund balance (surplus funds) we have done so by eliminating most all of the highway capital equipment budget, and by reducing the recreation equipment budget below the annual amount needed to replace equipment over the longer term. We have budgeted less for overtime in the Highway Department than seems probable for even a light snow winter and we have budgeted less for legal expenses than seems likely given the ongoing activity and our lawyer's

best estimates for those activities. How much of our fund balance will be used to cover these expenses if, as anticipated, they occur?

It should be apparent that this budget reduces expenses without a clear understanding of the impact on programs, services, equipment and buildings.

Yes the budget reduces the use of fund balance but ONLY by removing expenses that are likely to occur this year. Town budgets cannot exist without planning for capital equipment nor can they survive without market rate salaries for staff.

I challenge my fellow Board members to do a better job. I propose we begin immediately to begin our planning, for next year, set up a process that begins in January, set goals, look our expenses on a program basis, compare them over time and with other Towns, and then chart a course that will sustain the Lansing budget without large fluctuations in future tax rates. Finally, I propose that we honor our promises to be transparent and make our findings available to the Town.

Supervisor Kathy Miller stated that her biggest problem with the budget was the 1% raise and the amount of the premium for the health insurance. It was stated that since the Highway Department was no longer paying union dues, they would actually be making more money, this is not true for the town hall employees. She stated it shouldn't even be counted in, it was their choice to pay union dues. There will be employees that will see considerable less in their take home pay.

Supervisor Kathy Miller stated that she agrees with Councilperson Ruth Hopkin's letter and moving forward the Town Board needs to think about reserves, a five year plan and start the process in January.

**RESOLUTION 14-142**

**RESOLUTION APPROVING THE  
SPECIAL DISTRICTS BUDGET AND  
TOWN BUDGET FOR THE FISCAL YEAR 2015**

The following Resolution was duly presented for consideration by the Town Board:

WHEREAS, the Town Board duly held Public Hearings on November 17, 2014 at the Lansing Town Hall, 29 Auburn Road, Lansing, New York and all persons thereat were duly heard; and

WHEREAS, upon due deliberation thereupon, the Town Board of the Town of Lansing has hereby

RESOLVED, that the proposed Special Districts Budget and the proposed Town Budget are hereby adopted as the Town of Lansing Final Budget for the Fiscal Year 2015.

The question of the adoption of such proposed Resolution was duly motioned by Supervisor Kathy Miller, duly seconded by Councilperson Doug Dake and put to a roll call vote with the following results:

Councilperson Robert Cree - Aye

Councilperson Doug Dake - Aye

Councilperson Edward LaVigne - Aye

Supervisor Kathy Miller - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on November 17, 2014.

**RESOLUTION ADOPTING LOCAL LAW #5 OF 2014**

Supervisor Kathy Miller stated that Councilperson Ruth Hopkins had indicated that there would be an \$8.00 payback. She asked if this would be only \$8.00, or if it would be \$8.00 per 100,000 of assessed value.

Counsel Guy Krogh stated a best guess formula that hasn't been published, finalized, or subjected to regulatory review, would have an average resident receiving a refund of \$4.00 per 100,000 of assessed value.

Deputy Supervisor Sharon Bowman had contacted the State Comptroller's Office about the agenda item asking what would happen if the Town Board does not repeal this and indicated she needed something in writing. She read the following statement that she received by email: The tax cap override does not need to be repealed before the budget is passed but it does need to be repealed before the forthcoming tax freeze compliance filing which should be done before January 21<sup>st</sup> 2015.

### **RESOLUTION 14-143**

#### **RESOLUTION ADOPTING LOCAL LAW #5 OF 2014 – A LOCAL LAW REPEALING LOCAL LAW #2 OF 2014 AND REINSTATING THE TAX CAP LIMITS OF GENERAL MUNICIPAL LAW § 3-C**

The following Resolution was duly presented for consideration by the Town Board:

WHEREAS, on June 18, 2014, the Town adopted a local law to override tax cap limits set forth in GML § 3-C (Local Law #2 of 2014), and due to other NYS legislation allowing certain limited tax refunds under stated conditions, one of which is that no tax cap override may be in place at the time of adoption of a final budget for 2015, the Town Board has decided to repeal Local Law #2 of 2014, the tax cap override local law; and

WHEREAS, a public hearing was duly held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, being in the Town of Lansing, on November 17, 2014, at 6:07 pm, to consider the adoption of proposed Local Law #5 of 2014, and all persons interested therein were duly heard and all evidences were taken; and

WHEREAS, since this action is a Type II SEQRA action for which no environmental review is required, and upon due consideration thereupon, the Town Board of the Town of Lansing has hereby

RESOLVED, that Local Law Number 5 of 2014 be and hereby is approved and adopted in the form as presented to this meeting, and in such form "be it so enacted"; and it is further

RESOLVED, that in accord with §21 of the Municipal Home Rule Law, the final adopted version of this Local Law shall be presented to the Supervisor for approval; and it is further

RESOLVED, that upon such approval by the Supervisor (of other approval occurring pursuant to said §21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required certifications, if any, as follows: (i) in the Office of the Town Clerk; and (ii) with the New York State Secretary of State as required by Municipal Home Rule Law §27 (said filing may be made by delivery to the State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231).

The question of the adoption of such proposed Resolution was duly motioned by Supervisor Kathy Miller, duly seconded by Councilperson Doug Dake, and put to a roll call vote with the following results:

Councilperson Robert Cree - Aye  
Councilperson Edward LaVigne - Aye

Councilperson Doug Dake - Aye  
Supervisor Kathy Miller - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on November 17, 2014.

**TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK  
LOCAL LAW NUMBER 5 OF 2014**

**A LOCAL LAW TO REPEAL LOCAL LAW NUMBER 2 OF 2014 AND TO  
REPEAL THE OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN  
GENERAL MUNICIPAL LAW §3-C**

**Be it enacted by the Town of Lansing as follows:**

**SECTION 1: LEGISLATIVE INTENT:** This Local Law shall be known as "Local Law Number 5 of 2014". It is the intent of this Local Law to repeal Local Law Number 2 of 2014, and to thus reinstate the limits on the amount of real property taxes that may be levied by the Town of Lansing pursuant to General Municipal Law §3-C.

**SECTION 2: EFFECT:** This Local Law hereby thus repeals in its entirety said Local Law Number 2 of 2014, and declares the same of no force or effect, and thus the Town of Lansing repeals the prior tax cap override local law of the Town of Lansing and reinstates the tax levy limits imposed by General Municipal Law §3-C.

**SECTION 3: SEVERABILITY:** If any portion of this Local Law, or the application thereof to any person, entity, or circumstance, shall be determined by any court or tribunal of competent jurisdiction to be invalid or unenforceable, such determination shall be confined in its operation to the invalid part hereof, or in its application to such person, entity, or circumstance as is directly involved in the controversy in which such determination shall have been rendered, and the remainder of this Local Law shall not be impaired thereby and such determination shall not be deemed or construed to apply to other persons, entities, or circumstances.

**SECTION 4: EFFECTIVE DATE:** This Local Law shall take effect immediately.

With the adoption of Local Law #5, Town Clerk, Debbie Crandall stated that she would notify the Ithaca Journal to change the LUO Local Law to #6 of 2014. She also stated that it should be put in Local Law form as it is now listed at an ordinance. Counsel Guy Krogh stated that he would draft it.

Meeting adjourned at the call of the Supervisor at 6:20 p.m.

Minutes taken and executed by the Town Clerk.

Respectfully submitted,

Debbie S. Crandall  
Lansing Town Clerk