

May 20, 2009

The Lansing Town Board met in Regular Session at 6:00 p.m. at the Lansing Town Hall Boardroom with Supervisor Pinney presiding.

The Supervisor called the meeting to order and had the clerk take the Roll Call.

ROLL CALL

| | | |
|-------------------|---------------|---------|
| A. Scott Pinney | Supervisor | Present |
| Matt Besemer | Councilperson | Present |
| Marty Christopher | Councilperson | Present |
| Bud Shattuck | Councilperson | Present |
| Connie Wilcox | Councilperson | Present |
| Bonny Boles | Town Clerk | Present |
| Guy Krogh | Town Attorney | Present |

Visitors: Jeff Overstrom, Steve Colt, Jack French, Ronald Seacord, Charles & Sheila Nedrow, Donald & Marjorie Sharpsteen, Connie Armstrong, Vasyl Kacapyr, Helen Croft, Gerry & Ginny Sharpsteen, Stacey Shackford, Dave & Joyce Heck, John O'Neill, Claes Nyberg, Jeff Walters, Sharon Butler Bowman, Jackie & Pete Larson, Wayne Matteson, Ron Seacord, Andy Sciarabba, Dan Veaner, Bill Hinderliter, Larry Zuidema, Dave Buck, Bill Burin, Charlie Purcell, Michael Moseley and a couple other residents.

The Supervisor led all present in the Pledge of Allegiance.

PRIVILEGE OF THE FLOOR:

Larry Zuidema – 22 Bean Hill Lane:

Mr. Zuidema commented on the overwhelming vote in favor of the library. He felt it showed the people in Lansing were voting for a quality of life and was very pleased. He then urged the Board to consider quality of life issues in the future as it is the residents that count. He asked why the Town Board did not publicly speak in favor of the library. He felt it would have been very good politically.

Dave Heck – 16 Ladoga Park:

Mr. Heck gave an up date on the three items in Chief Purcell's letter to the Ladoga Park residents. The third and final item is complete as the rock on the corner has been removed. He stated that he has asked the Fire Department to do a trial run to make sure the equipment will go through.

Claes Nyberg – 420 Ridge Road:

Mr. Nyberg asked what the Town will do with the sewer if they get the nine million dollars they have applied for from the government stimulus package. He felt the land use could change drastically if public sewer were available. He stated that land use requirement could change from an acre to a quarter acre. He asked if the Town has a plan for more dense development. He felt that if there is not one, there should be. He stated that the sewer is one thing but if the land use requirements are changed there could be a very drastic effect on the way we live here and the rural character of our

Town. He felt there should be a debate and discussion on what the Town should look like in the future. He felt this was too big of an issue for the Board to decide and that it should go to a Town wide vote.

Mrs. Wilcox stated that is why we have a comprehensive plan. She stated that the Planning Board worked on this plan for several years. She stated that the Land Use Ordinance also talks about all of this and the Town is not ignoring it.

Mr. Shattuck stated that everyone in the County found out that Groton actually was tied to projects that were already in place at the EFC. All the money went to the EFC, they got a half of a billion dollars but there are already a billion dollars on the books of projects to move forward with. Our Land Use Ordinance states that if sewer were to come there would be a requirement of one half of an acre. There are no plans within our regular ordinance to make it a quarter of an acre requirement.

Open Public Hearing to Amend Local Law No. 1 of 2005 (Storm water):

RESOLUTION 09 – 97

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Besemer:

RESOLVED, that the Public Hearing to amend Local Law # 1 of 2005 is hereby opened at 6:14 p.m.

Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Mr. Pinney and Mr. Overstrom went over the changes with all present.

Close Public Hearing regarding the Amendment of Local Law No. 1 of 2005:

RESOLUTION 09 – 98

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Besemer:

RESOLVED, that all people desiring to be heard, having been heard the Public Hearing to amend Local Law # 1 of 2005 is hereby closed at 6:15 p.m.

Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Adopt Local Law No. 6 of 2009:

RESOLUTION 09 - 99

RESOLUTION ADOPTING LOCAL LAW NUMBER 6 OF 2009

(Updating & Replacing Storm water Local Law, Local Law Number 1 of 2005)

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on 20th day of May, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mrs. Wilcox, and was duly seconded by Mr. Christopher; and the vote was as follows: A. Scott Pinney - Aye; Francis Shattuck – Aye; Connie Wilcox – Aye; Martin Christopher – Aye; Matthew Besemer - Aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, the Town had adopted a local law relating to Storm water Management as required by US EPA and NYS DEC regulations and requirements; and

WHEREAS, the Town Planning Department has had 3-4 years of practical experience working with the Town's Storm water Law and has made several recommendations as to how to enhance, improve and streamline such law, and the NYSDEC has amended its requirements and model proposals several times since the adoption of the Town's Local Law, including in 2006, and the Town desires to update its Local Law accordingly; and

WHEREAS, proposed Local Law Number 6 of 2009 proposes to amend and replace Local Law Number 1 of 2005 by, among other things, amending, simplifying and clarifying definitions, including defining a Storm water Management Officer, Storm water Management Practices, enhancing the definitions of erosion and impaired waters, clarifying phasing, hotspots, and the review procedures there for, expanding the purposes of such laws to include channels and ditches, per NYSDEC recommendations, and further clarifying the purposes as to protect Salmon Creek and Cayuga Lake generally, to clarify and augment applicability to Site Plan Review and Subdivision processes, to clarify inspection and permanent management practices, including the scheduling of mandatory inspections after certain rain and storm events, all per NYSDEC requirements and/or models, to create storm water liens for unpaid storm water inspection and repair expenses and to authorize the Town Board to set standardized storm water fee and inspection schedules, again per NYSDEC recommendations; and

WHEREAS, this action is a TYPE II SEQRA Action pursuant to 6 NYCRR Parts 617.5(c)(20) and 617.5(c)(27) and therefore no environmental review is required; 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 the 20th day of May, 2009, at 6:05 o'clock P.M., and all persons interested in the subject thereof, and concerning the same, were duly heard; and

WHEREAS, upon due deliberation upon the foregoing, it was hereby

RESOLVED, that Local Law Number 6 of 2009 be and hereby is adopted, updating and replacing Local Law Number 1 of 2005, and reading in its entirety as submitted to this meeting and as listed in the Town Ordinance Book maintained in the Town Clerk's Office; and it is further

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

RESOLVED, that upon such approval by the Supervisor (or 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, in the Office of the Town Clerk and 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.

SEQRA: Type II Action.

Open Public Hearing to Rescind Local Law No. 2 of 2005:

RESOLUTION 09 – 100

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Besemer:

RESOLVED, that the Public Hearing to rescind Local Law # 2 of 2005 is hereby opened at 6:17 p.m.

Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Close Public Hearing Rescinding Local Law No. 2 of 2005:

RESOLUTION 09 – 101

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Christopher:

RESOLVED, that all people desiring to be heard, having been heard the Public Hearing rescinding Local Law # 2 of 2005 is hereby closed at 6:18 p.m.

Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Adopt Local Law No. 7 of 2009:

RESOLUTION 09 – 102

RESOLUTION ADOPTING LOCAL LAW NUMBER 7 OF 2009

(REPEALING LOCAL LAW NUMBER 2 OF 2005)

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on 20th day of May, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mrs. Wilcox, and was duly seconded by Mr. Christopher; and the vote was as follows: A. Scott Pinney - Aye;

Francis Shattuck – Aye; Connie Wilcox – Aye; Martin Christopher – Aye; Matthew Besemer - Aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, the Town had adopted a local law relating to employee and retired employee health insurance benefits in 2005 due to a potential need to fund the same from reserves and/or to comply with then proposed GASB accrual and accounting rules, even though such contingency never arose and final GASB rules no longer potentially required a local law to create the legal basis for payments from reserve funds; and

WHEREAS, since said date the health insurance carriers, terms, and benefits for employees and retired employees has been modified many times without regard or reference to said Local Law; and

WHEREAS, and accordingly, this proposed Local Law is intended to repeal an unused Local Law to provide certainty to the system of administration of personnel policies and benefits; and

WHEREAS, this action is a Type II SEQRA Action pursuant to 6 NYCRR Parts 617.5(c)(20) and 617.5(c)(27), and therefore no environmental review is required; 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 the 20th day of May, 2009, at 6:10 o'clock P.M., to consider the aforesaid Local Law, and to hear all persons interested in the subject thereof, and concerning the same, and all persons were duly heard and all evidence, if any, taken; and

WHEREAS, upon due deliberation upon the foregoing, it was hereby

RESOLVED, that Local Law Number 7 of 2009 be and hereby is adopted, reading in its entirety as follows:

**“TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK
LOCAL LAW NUMBER 7 OF 2009**

Repeal of Local Law Number 2 of 2005

SECTION 1: This Local Law shall be known as “Local Law Number 7 of 2009.”

SECTION 2: Local Law Number 2 of 2005, entitled “HEALTH INSURANCE AND HEALTH INSURANCE RETIREMENT BENEFITS” be and hereby is repealed, rescinded, and of no force and effect.

SECTION 3: This Local Law shall take effect immediately, and the Town Clerk is directed to immediately file a copy of this Local Law with the NYS Secretary of State as required by law.”

and it is further

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

RESOLVED, that upon such approval by the Supervisor (or 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, in the Office of the Town Clerk and 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.

SEQRA: Type II Action.

Ratifying Prior Resolutions Regarding Employee Health and Related Insurance Matters:

RESOLUTION 09-103

RESOLUTION RATIFYING PRIOR RESOLUTIONS REGARDING EMPLOYEE BENEFITS AND HEALTH AND RELATED INSURANCE MATTERS

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on 20th day of May, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mrs. Wilcox, and was duly seconded by Mr. Christopher; and the vote was as follows: A. Scott Pinney - Aye; Francis Shattuck – Aye; Connie Wilcox – Aye; Martin Christopher – Aye; Matthew Besemer - Aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, in 2005 the Town Board passed a local law pertaining to a portion of the personnel manual in order to address a potential contingency at law and an auditing contingency, none of which contingencies ever arose; and

WHEREAS, and thereafter, the Town continued to adopt and revise personnel policies even though, in some cases, such changes arguably could have required the adoption of a local law due to such prior local law from 2005 still being on the books; and

WHEREAS, the Town Board recently repealed such Local Law (Number 2 of 2005), and hereby, for the sake of clarity, wishes to ratify such prior resolutions and re-adopt the same; and

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

RESOLVED, that the following Resolutions be and hereby are ratified and declared to be effective, now and retroactively, as of their respective dates of passage: 05-225; 06-37; 06-38; 06-141; 06-173; 08-128; and 09-77.

SEQRA: Type II Action.

Fire Company to Hold Public Hearings:

Mr. Pinney informed all present that the Fire District will hold two (2) Public Hearings in regard to the new addition to the South Lansing Fire Station. They will be held at said Fire Station on May 26th and June 10th at 7:00 p.m.

Continue Public Hearing regarding Lansing Commons PDA SEQRA Review:

RESOLUTION 09 – 104

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Christopher:

RESOLVED, that the Public Hearing to consider the Lansing Commons PDA SEQRA is hereby opened at 6:21 p.m.

Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Close Public Hearing for Lansing Commons PDA SEQRA:

RESOLUTION 09 – 105

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Christopher:

RESOLVED, that all people desiring to be heard, having been heard the Public Hearing to consider the Lansing Commons PDA SEQRA is hereby closed at 6:23 p.m.

Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Declare Negative Declaration for Lansing Commons PDA :

RESOLUTION 09-106

**RESOLUTION DECLARING NEGATIVE ENVIRONMENTAL IMPACT FROM
LANSING COMMONS PLANNED DEVELOPMENT AREA**

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on 20th day of May, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mrs. Wilcox, and was duly seconded by Mr. Christopher; and the vote was as follows: A. Scott Pinney - Aye; Francis Shattuck – Aye; Connie Wilcox – Aye; Martin Christopher – Aye; Matthew Besemer - Aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, Applicant, J. Ronald Seacord, has requested Town Board approval of a PDA Application respecting a 13.559 acre three phase residential and commercial mixed use development in the B1 District located at the south of intersection of Cayuga Vista Drive and Woodsedge Drive in the Town of Lansing, P/O Tax Map Parcel 37.1-2-53.222, and the Planning Board has considered and carefully reviewed the Applicant's Statement of Intent to Comply with Conditions and Specifications of the Planning Board, dated January 7, 2009, and the Addendum thereto dated February 3, 2009, respecting the Lansing Commons PDA Proposal; and

WHEREAS, the Public Comment Period and other preliminary steps relative to the requirements of the Land Use Ordinance have been complied with and the Planning Board, by Resolution dated March 9, 2009, formally referred the Planned Development Area (“PDA”) application to the Town Board for hearing and possible conditional approval; and

WHEREAS, the Town Board classified this action as a Type I Action under SEQRA and hereby again declares its intent to be Lead Agency; and

WHEREAS, the Town previously resolved and declared that (i) the action was classified as a Type I Action pursuant to 6 NYCRR Part 617.4, (ii) the Town Board of the Town of Lansing proposed to be the Lead Agency for environmental review, subject to consent or any requests of coordinated or independent review by any Involved or Interested Agency, as applicable, (iii) the Involved Agencies were determined to be the Lansing Planning Board, the County Department of Planning, the County Department of Health, the NYS Department of Health, the NYS Department of Environmental Conservation; and (iv) the Interested Agencies were determined to be the Lansing Zoning Board of Appeals, the Lansing Housing Authority, the Southern Cayuga Lake Intermunicipal Water Commission, the NYS Department of Transportation, and the Village of Lansing; and

WHEREAS, a Notice of Intent was duly issued to each and all of the following Involved Agencies and Interested Agencies, including therewith a copy of the proposed Site Plan, the Statement of Intent to Comply with Addendum, the Planning Board Resolution of Referral, and the LEAF; and

WHEREAS, no Agency objected to the Town Board being Lead Agency and no Agency requested lead Agency status, and each and all responses by all Agencies, if any, have been duly considered; and

WHEREAS, a public hearing to consider the environmental impacts of the proposed PDA application of J. Ronald Seacord, for approval of a PDA Application respecting a 13.559 acre three phase residential and commercial mixed use development in the B1 District located at the south of intersection of Cayuga Vista Drive and Woodsedge Drive in the Town of Lansing, P/O Tax Map Parcel 37.1-2-53.222, was duly scheduled and held upon the 15th day of April, 2009, at 6:15 P.M., and continued upon may 20, 2009 at 6:20 pm, at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, and all persons interested in the subject thereof were duly heard and all evidence was duly taken; and

WHEREAS, the LEAF was duly reviewed in its entirety and the following potential impacts were noted: (i) dust, runoff, sediment, noise, and transportation impacts during construction phases; (ii) the discharge of treated wastewater into a tributary of Minnegar Brook; (iii) increased non-permeable surfaces in the form of rooftops, roads, and other infrastructure; (iv) increased density of housing in the immediate area and resulting increased traffic upon roadways, need for fire protection, and local usage of electricity and natural gas to heat and power improvements; and (v) impacts upon, and disturbances of, topsoil’s; and

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

RESOLVED, that the Town Board of the Town of Lansing be and hereby is declared again to be the Lead Agency; and it is further

RESOLVED AND DETERMINED, that upon the hearing thereupon and a review of the LEAF, the environmental impacts identified for the said district extension are deemed mitigated by the following facts and circumstances: (i) dust, runoff, sediment, noise, and transportation impacts during construction phases are mitigated by the need for permits, silt fencing and other storm water requirements, plus the temporary nature of such disturbances makes them non-significant; (ii) the discharge of treated wastewater into a tributary of Minnegar Brook (or the roadside, a ditch or an intermittent stream) is regulated by the NYSDEC, who will consider and abate such impacts, thus mitigation is achieved by the required SPDES permits and regular testing and reporting to maintain such permit(s), and further, subsequent SEQRA reviews that will be required for Final Development Plan approval and for the issuance of the NYSDEC SPDES permit and the formation of the wastewater district will also mitigate such impacts, as will such further reviews and approvals that are or will be required to obtain approval for any Final Development Plan, as well as the fact that the approval herein sought is conditional approval only, subject to the conditions regarding the proper obtaining and maintenance of the SPDES permit(s), and not a final approval of the project or its infrastructure, all of which, to be even built, will be subject to further permitting and review; (iii) increased non-permeable surfaces in the form of rooftops, roads, and other infrastructure is mitigated by the State and Local Storm water requirements and laws; (iv) increased density of housing in the immediate area and resulting increased traffic upon roadways, need for fire protection, and local usage of electricity and natural gas to heat and power improvements are mitigated by the fact that an examination of such facilities and the capacities of the Fire Department and local utilities show that there is capacity to service additional residences and businesses without significant impacts; and (v) impacts upon, and disturbances of, topsoil's is mitigated by the development plan to double trench topsoil's, the storm water requirements pertaining to topsoil preservation and restoration, and the permitting processes applicable to construction and restoration; and therefore, in consideration of said potential impacts and their multiple forms of mitigation, the Town Board has determined that none of the identified impacts are therefore significant; and it is further

RESOLVED AND DETERMINED, that this declaration is made in accord with Article 8 of the Environmental Conservation Law of the State of New York and the New York SEQRA Act, and the Regulations promulgated there under, and accordingly, the Town Board of the Town of Lansing, based upon (i) its thorough review of the LEAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and the hearing held hereupon, and all testimony and evidence presented thereat, if any, and the comments of Involved and Interested Agencies, if any, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including, but not limited to, the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the LEAF, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("Negative Declaration") in accordance with SEQRA for the above referenced proposed action, and determines that neither a full Environmental Assessment Form, nor an Environmental Impact Statement will be required; and it is further

RESOLVED, that the Responsible Officer of the Town Board of the Town of Lansing is hereby authorized and directed to complete and sign, as required, the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed Short EAF and determination of significance shall be incorporated by reference in this Resolution; and it is further

RESOLVED that the Town Clerk deliver and/or file a copy of this Resolution with the following persons and agencies:

1. The Town Clerk of the Town of Lansing.
2. The Town Supervisor of the Town of Lansing.
3. All Involved and Interested Agencies.
4. Any person requesting a copy;

and further, that this Resolution be posted and published in accord with law, including delivery of a copy of this Resolution to the Environmental Notice Bulletin, 625 Broadway, Room 538, Albany, New York 12233-1750 in accord with 6 NYCRR 617.12.

SEQRA: Type I Action.

Continue Public Hearing to consider Lansing Commons PDA:

RESOLUTION 09 – 107

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Christopher:

RESOLVED, that the Public Hearing to consider the Lansing Commons PDA is hereby opened at 6:29 p.m.

- Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
- Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
- Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
- Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
- Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Close Public Hearing regarding Lansing Commons proposed PDA:

RESOLUTION 09 – 108

RESOLUTION, offered by Mr. Christopher and seconded by Mr. Besemer:

RESOLVED, that all people desiring to be heard, having been heard the Public Hearing to consider the Lansing Commons PDA is hereby closed at 7:31 p.m.

- Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
- Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
- Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
- Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
- Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Approval of Lansing Commons PDA:

RESOLUTION 09-109

**RESOLUTION OF CONDITIONAL APPROVAL OF PROPOSED LANSING COMMONS
PLANNED DEVELOPMENT AREA PER SECTION 706.6 OF THE TOWN OF LANSING LAND
USE ORDINANCE**

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on 20th day of May, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Martin Christopher, and was duly seconded by Francis Shattuck; and the vote was as follows: A. Scott Pinney - aye; Francis Shattuck – aye; Connie Wilcox – aye; Martin Christopher – aye; Matthew Besemer - aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, Applicant, J. Ronald Seacord, has requested Town Board Conditional Approval of a PDA Application respecting a 13.559 acre three phase residential and commercial mixed use development in the B1 District located at the south of intersection of Cayuga Vista Drive and Woodsedge Drive in the Town of Lansing, P/O Tax Map Parcel 37.1-2-53.222, and the Lansing Planning Board has considered and carefully reviewed the Applicant's Statement of Intent to Comply with Conditions and Specifications of the Planning Board, dated January 7, 2009, and the Addendum thereto dated February 3, 2009, respecting the Lansing Commons PDA proposal; and

WHEREAS, the Planning Board held a public hearing on February 23, 2009 to obtain comment upon the proposal, including the PDA Application materials and the Applicant's Statement of Intent and the Addendum thereto, as well as to consider whether the Planning Board should recommend to the Town Board either: (1) disapproval of the proposed PDA development; or (2) conditional approval of the PDA development, subject to such conditions set forth in the Statement of Intent to Comply and Addendum thereto and/or any other conditions otherwise recommended by the Planning Board; and

WHEREAS, the Planning Board performed a site plan review of the proposed PDA development, and has considered and carefully reviewed the requirements of the Land Use Ordinance Section 701 *et seq.*, relative to Planning Board site plan review and the unique needs of the Town due to the topography, the soil types and distributions, and other natural and man made features upon and surrounding the area of the proposed Site Plan, and consideration of storm water drainage, erosion control, parking, water and sewer facilities, driveways, site lighting, off site impacts, roadways and walkways, height regulations, landscaping, open space, and compliance with other state, county and local agency regulations; and the Planning Board has also considered the Town's Comprehensive Plan and compliance therewith; and

WHEREAS, pursuant to Section 706.5 of the Town Of Lansing Land Use Ordinance, the Planning Board recommended conditional approval of the PDA based upon the Developer/Applicant's Statement of Intent to Comply (with addendum) and the following proposed conditions:

1. The Town Board's SEQR environmental review of the project should carefully scrutinize the Developer's proposed wastewater effluent discharge into Minnegar Brook for any significant negative impacts created from said release of said effluent into Minnegar Brook and/or the Quarry located on the adjacent property owned by Tom Besemer, and

ultimate discharge thereof into Cayuga Lake. Any identified significant negative impacts should be mitigated to the maximum extent practicable and the Developer must obtain all requisite effluent discharge approvals, including SPEDES Permits issued by the NYSDEC. The Developer shall provide the documentation and information requested by NYSDEC in its letter to the Developer's Engineer, Wayne Matteson, dated March 4, 2009, including Completion of Package Plant Scoring Sheet; construction and installation materials for manholes, sewer/water crossing, trench and backfill detail, septic tanks and pumping stations detail, if relevant; design data for the elements of the treatment and conveyance system; material and performance specifications; sludge handling and disposal specifications; and case studies for the treatment system. The Developer shall install a package plant fence with locking gate to protect the package plant from potential vandalism and to provide for public safety as recommended by NYSDEC in its March 4, 2009 correspondence to the Developer's Engineer, Wayne Matteson. The treatment and collection wastewater system shall be in compliance with the Ten-States Standards, 2004 edition, in accordance with NYSDEC requirements;

2. Cost of Operation of the Sewer and Water Systems shall be initially borne by the Developer with any balance charged to the Benefit District after dedication to the Town of Lansing. Construction of package plant and all infrastructure shall be permitted only subject to a performance and completion bond to be posted by the Developer, with the Town of Lansing as the named beneficiary thereof, in an amount not less than the anticipated completion costs of the Sewage and Water Systems, including package plant and infrastructure, or as recommended by the Town Engineer. The Bond shall recite that it is not contingent upon, or subject to, any indemnity agreement between the Developer, any contractor and/or the Bond Issuing Agency;
3. Creation and Town Board Approval of any and all requisite Sewer & Wastewater Districts.
4. The Proposed Sewage Package Plant must be designed and built for maximum capacity of the proposed PDA project as projected for all three phases of the PDA project;
5. Maximum Density for the entire project must be identified by the Applicant and approved by the Town Board in any PDA Approval by the Town Board;
6. The Town Board and the Developer shall conduct Public Information Sessions, concurrent with the Town Board Public Hearing(s), respecting costs and operation of the proposed Sewer and Wastewater Systems and construction details thereof;
7. PDA Approval with Condition by the Town Board should encompass any and all deed restrictions, if any, currently encumbering the development property to be developed;
8. Notification of the Project and the proposed effluent discharge into Minnegar Brook shall be sent to all property owners owning lands adjacent to Minnegar Brook, downstream from the proposed Lansing Commons PDA project site; and

WHEREAS, the Public Comment Period and other preliminary steps relative to the requirements of the Land Use Ordinance have been complied with and the Planning Board, by Resolution dated March 9, 2009, formally referred the Planned Development Area ("PDA") application to the Town Board for hearing and possible approval; and

WHEREAS, the Town Board noted that the conditions recommended by the Planning Board are not binding upon the Town Board; but neither are they exhaustive of any other or more stringent conditions that the Town Board may opt to apply; and

WHEREAS, a SEQRA review of this proposed Type I Action was duly conducted and a Negative Declaration of environmental impact was duly declared and issued, and it was noted that further and/or supplemental SEQRA reviews will be required for the wastewater district, the drainage district, the Final Development Plan for the PDA, and/or upon the issuance of any SPDES permit, or conditions thereupon, by the DEC; and

WHEREAS, a public hearing was duly scheduled and held to consider the PDA application of J. Ronald Seacord, for conditional approval of a PDA Application respecting a 13.559 acre three phase residential and commercial mixed use development in the B1 District located at the south of intersection of Cayuga Vista Drive and Woodsedge Drive in the Town of Lansing, P/O Tax Map Parcel 37.1-2-53.222, upon the 15th day of April, 2009, at 6:30 P.M., and continued upon May 20, 2009 at 6:20 PM, at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, and all persons interested in the subject thereof were duly heard and all relevant evidence was taken; and

WHEREAS, as required by Resolution 09-78 and the General Municipal Law, a GML Section 239 referral was duly made and the comments, if any, of the County Department of Planning were each and all duly considered in that (i) the County recommended screening and buffering and the same are already required by the Site Plan and by the conditions herein imposed, (ii) the County recommended an updated traffic study and the same has been made a condition herein, (iii) the County informally recommended that the Town understand the impact of the project upon the Empire Zone, which matter was discussed over a year ago and which impacts have been previously reviewed and are understood, and (iv) the County informally recommended an understanding of the discharge location and the impact upon intermittent streams or ditches and the same was duly considered in detail in the SEQRA review of the impacts of this conditional approval, and as noted above, will be further considered in additional and supplemental SEQRA reviews; and

WHEREAS, upon due deliberation upon the foregoing, and upon consideration of the comments and evidence presented at the public hearing, the Town Board of the Town of Lansing has hereby

RESOLVED, that Conditional Approval of the proposed Planned Development Area pursuant to and under Section 706.6 of the Town of Lansing Land Use Ordinance be and hereby is granted, subject to the conditions set forth below, and this matter is referred back to the Planning Board for the applicable steps and verifications necessary for the Final Development Plan; and it is further

RESOLVED and DECLARED, that such conditional approval is hereby made upon the following conditions, each and all of which must be satisfied before approval of the Final Development Plan:

1. Compliance with all permitting and permit maintenance obligations for effluent discharges of treated wastewater into a tributary to Minnegar Brook, including implementation of the recommendations of the NYSDEC relating to site security, stream and stream bank protection, erosion and sediment controls, and related system support, infrastructure and appurtenances and further, that the terms of any DEC issued SPDES permit be adhered to at all times and that the Developer implement a management plan to assure compliance with such permit conditions and requirements;
2. The wastewater processing package plant and all necessary appurtenances shall be built, developed, permitted, and made operational at the sole cost of the Developer;
3. All systems and structures, manmade, altered, or natural, that support or are a part of the wastewater treatment and management system shall, after final permitting, inspection, and verification of operational viability, be dedicated to a town-created wastewater district, without cost to the Town and without any conditions or recapture programs whatsoever;
4. Water lines and systems shall be built to Health Department and Bolton Point specifications and duly permitted. After verification of operational viability the same shall be dedicated to the Consolidated Water District without any conditions or recapture programs whatsoever;
5. Storm water and related surface water management structures and facilities shall be constructed in accordance with NYS Permit requirements and the Town of Lansing Storm water Local Law. Once finally and properly constructed, permitted, inspected, and after verification of operational viability, the same shall be dedicated to a drainage district created by the Town to manage such facilities, without any conditions or recapture programs whatsoever;
6. The proper construction and completion of the wastewater processing system(s), water lines and appurtenances, and storm water facilities shall be secured by a performance and completion bond to be posted by the Developer, with an insurer or issuer acceptable to the Town, with the Town of Lansing as the named beneficiary thereof, and in an amount not less than the anticipated completion costs of the same or as recommended by the Town Engineer. The Bond shall recite that it is not contingent upon, or subject to, any indemnity agreement between the Developer, any contractor, and/or the Bond Issuing Agency;
7. The Proposed Sewage Package Plant must be designed and built for maximum capacity of the proposed PDA project as projected for all three phases of the PDA project;
8. Maximum Density for the entire project must be identified and such information delivered to the Planning Board in connection with the development of the Final Development Plan;
9. Title to all lands and improvements to be dedicated must be approved by the Attorney for the Town and all dedications must be in Fee Simple Absolute by Warranty Deed with Lien Covenant (or equivalent), unless an easement for any one or more structures and appurtenances is approved by such counsel, without recourse;

10. Developer shall comply with any further requests of the Planning Board for data, documents, or information in respect of the Final Development Plan. Further, prior to any approval of the Final Development Plan, the project shall be subjected to additional or supplemental SEQRA reviews, including, as applicable, district formation processes, any changes in the proposed plan, the final sighting of any discharge locations, and/or the imposition of any conditions by the NYSDEC in any permit or permit approval. The Developer shall cooperate with any such further review, including, if applicable, an EIS and the scoping thereof;
11. Roadways, related appurtenances, and lateral and subjacent support therefor, must be built per Town specifications, duly dedicated, and title thereto must be in Fee Simple Absolute and unencumbered. Title to all lands and improvements to be dedicated as highways or public rights-of-way must be approved by the Attorney for the Town and all dedications must be in Fee Simple Absolute by Warranty Deed with Lien Covenant (or equivalent), unless an easement for any one or more structures and appurtenances is approved by such counsel, without recourse. The Town reserves its rights to require a performance and completion bond for any one or more, or all, phases of construction of proposed roadways, and also may require advance dedication of an easement for paper roadways, which easement shall not operate to divest the Town of any right to demand, nor relieve the Developer for any obligation to dedicate, all such public roadways and rights-of-way in fee as herein required;
12. No Building Permits shall be issued until each and all of the above conditions are fulfilled and a Final Development Plan is finally approved after a public hearing thereupon;
13. No Certificates of Compliance or Occupancy shall be issued until each and all of the above conditions are fulfilled, a Final Development Plan is approved after a public hearing thereupon, and the building, improvement, or structure being certified, has been duly inspected and duly constructed in accord with applicable laws, regulations, and building and energy codes;
14. The terms, conditions, and requirements of the Planned Development Area are reflected and summarized in a document created and approved by the Planning Board that is capable of properly identifying all special and other terms of zoning and site planning applicable to this new zoning classification such that the Land Use Ordinance may be duly amended by Local Law to add this PDA to such Ordinance. Further, no Final Development Plan shall be approved until such time as a Local Law to the above effect is approved by the Town Board and counsel to the Town and duly passed and carried into effect;
15. An updated traffic study and plan is performed and accepted by the Town's Planning Board, or by the Town Board, as applicable, particularly for subsequent phases of development, which study must properly identify impacts and their mitigation.
16. The treatment plant and its appurtenances are duly shielded by screening and buffering so as not to affect any view sheds or as to be significantly visible from any public roadway;

17. This conditional approval shall be valid for one year from the date hereof, unless extended by the Town Board.

SEQRA: Type I Action.

SCLIWC – Water Tanks:

Mr. Krogh informed the Board that the Public Hearing that was scheduled will have to take place at a later date due to changes from the Bond Counsel in the form of the Public Hearing Notices. It was decided to allow Mr. Paul Tunison go over the proposal with all present. After his presentation, Mr. Shattuck asked if Bolton Point's rate would increase. Mr. Tunison stated that it could go up by .26 cents per 1,000 gallons of water. The current rate is \$ 2.58 per 1,000 gallons of water. Mr. Andy Sciarabba asked if there was a reserve fund. Mr. Tunison stated that it has been depleted over the past few years.

Set Public Hearing for Annual Storm water Report:

RESOLUTION 09-110

**RESOLUTION ESTABLISHING PUBLIC HEARING
FOR REVIEW OF ANNUAL STORM WATER REPORT**

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on 20th day of May, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of A. Scott Pinney, and was duly seconded by Matthew Besemer; and the vote was as follows: A. Scott Pinney - aye; Francis Shattuck – aye; Connie Wilcox – aye; Martin Christopher – aye; Matthew Besemer - aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, the Town's Annual Storm Water Report is prepared and due for the required annual review pursuant to Local and State laws and related regulations; and

WHEREAS, a copy thereof is or will be timely filed in the Office of the Town Clerk for public review; and

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

RESOLVED, that a Public Hearing will be held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, being in the Town of Lansing, on the 17th day of June, 2009, at 6:05 o'clock P.M., to consider the Annual Storm Water Report, and to hear all persons interested in the subject thereof, and to take such action thereon as is required or permitted by law; and it is further

RESOLVED, that the Town Clerk of the Town of Lansing, Tompkins County, New York, is hereby authorized and directed to cause a copy of this Resolution to be published in the official newspaper of the Town of Lansing, and also to post a copy thereof on the Town signboard maintained by the Town Clerk, in accord with law.

SEQRA: Type II

Retiree's Health Insurance:

Mr. Pinney opened the floor to anyone wishing to discuss this matter. He stated that it has been discussed for the past three or four months and it will continue to be on future agenda's. He then opened it up for discussion.

The following letter was given to all Board Members before the meeting:

Bonny Boles:

May 20, 2009

Dear Board Members:

I am writing regarding the Resolution before you tonight to change the Employees Health Insurance. I and many other long time Town employees considered our health insurance and our NYS employee's retirement package as a big incentive and therefore devoted many years to the Town.

I do not understand why this issue is on the **front** burner. The money is in the budget for the *entire* year of 2009.

Can't we at least look at other options? If the Town offered the retirees that are eligible for Medicare a supplemental insurance instead of full coverage, this would save the Town approximately \$70,000.00 per year. How much do we need to save?

I can honestly say in my past 30 years of service here I believe that 99.9% of the Town of Lansing residents do not complain about their **TOWN** tax.

The 2009 Town taxes for **All 15** Full / Part time and Elected employees who work in the Town Hall amount to a **grand** total of **\$ 5,505.80**. I feel this is very reasonable for all the services that are provided by Town Employees. I guess my question is **WHY?** Why are you pursuing this when a \$70,000.00 a year savings should be more than sufficient and all employees would still have great coverage at an affordable price?

The personnel committee worked very hard to put together a plan that has worked very well. Maybe this committee could be involved in the process once again.

I urge you to put this on the back burner until we can work together to come up with a solution we can all live with.

Sincerely
Bonny Boles

Gerald Sharpsteen:

Mr. Sharpsteen retired from the Town in 2005. When he retired, his Insurance Agreement was written as the policy is today regarding Health Insurance for retirees. He asked if this was or was not a binding contract. Mr. Pinney stated that it is not as any Board can make changes to it at any time.

He stated that a gentleman spoke earlier and told the Board to consider quality of life issues in the future. He was concerned that this proposal would take away the quality of life for many Town of Lansing retirees. He stated that most of the retirees are on a fixed income and this would put many of them into financial stress.

Mr. Christopher stated that they are not, by any means looking at anything individually for anyone. He stated that when something like this comes up it becomes all about the individual and the Board is not looking at it that way.

Mr. Sharpsteen stated that taxes are raised to cover many things. Mr. Pinney said it is hard to keep raising taxes so the Board is trying to look everywhere to save money.

He stated that he hopes things change for the better.

Pete Larson:

Mr. Larson stated that he retired from the Highway Department. He felt it would be real helpful if a couple retirees were appointed to set in on the meetings so all could be informed instead of getting a resolution two days before the meeting. Mr. Larson stated that if the proposed resolution went through his insurance premium would go from \$2,000.00 per year to between \$7,000.00 and \$ 8,000.00 which is quite an increase.

Mr. Christopher stated the fact that this was put into resolution form for tonight made people think it was going to be brought up and passed. He thought that unfortunately, if this would have been presented as pin point items and not in resolution form, people might not have looked at it the same way. It does not mean, that because they have a resolution that it would be voted on. Unfortunately, it came out as a resolution so people are looking at it saying they are going to vote on it tonight. That is not what is happening.

Mr. Larson showed Mr. Christopher a large blank area at the bottom of the page and asked why no one put that it would not be voted on tonight or is this only a proposal to look at and see what the subject is in the blank area.

Mr. Pinney said the resolution was given out to everybody before he had a chance to read it. There were different ideas that were all brought together and the Lawyer wrote it up as a resolution which was distributed before he had a chance to look at it.

He asked the Board not to work behind their backs and that the people would support the Board a lot better if they would support them a little bit better too.

Sharon Bowman read the following letter from Debbie Crandall:

Debbie Crandall:

Town of Lansing Board Members:

I would like to address the Resolution before you tonight in regards to the Retiree's Health Insurance.

Bonny and I have worked together in the Town Clerk's Office for over 22 years as Town Clerk and Deputy Town Clerk respectively. In our 22 years we have also collected County, Town, Fire, School and other services that appear on your tax bills. I may say that we receive the brunt of the complaints along with vulgar language and even money being thrown at us which goes along with being part of a public servant. In all of the years I can not recall anyone specifically complaining about the Town Tax or Town Tax Rate which is currently 1.797837 per 1,000 of assessed value. The bulk of the complaints are geared toward County (rate 5.94229) School (rate 17.7634) and Fire (rate .99). Do any of you present currently know what you pay in Town taxes? If you don't, we will be glad to provide the information for you.

In the 22 years of budget hearings there have not been more than a handful of people who attend with concerns.

During these challenging fiscal times, I commend you for looking into alternative health insurance plans as well as Medicare Supplemental Policies in an effort to reduce costs to the taxpayers. The Supplemental Policy for our current retirees 65 and over would be a significant savings for the Town and retiree. May I also add that this is the time a retiree needs the benefit the most.

Town of Lansing and their employees serve our community with the quality and care that Lansing residents deserve. Please reconsider your resolution this evening and keep our benefits as employees, retirees and future retirees intact.

Respectfully,
Debbie S. Crandall

Mrs. Bowman then stated that as an employee, a resident, and a tax payer. She felt there was a lot more to be learned about this so she stated that she was very appreciative that the Board decided to put this on hold at least for right now. She hopes all can come up with something that can be reasonable, fair and equitable program for all people involved. For the record, she stated that she feels very strongly that the retirees currently in our system should be grandfathered.

Claes Nyberg:

Mr. Nyberg voiced his support for the people who put in their best years for Lansing and they should be able to retire and feel comfortable and not have to worry about one more thing like their pension being reduced. If we need to raise the taxes, we should. If we can support our library, we can support the vested rights for the Town.

Marty Christopher:

By no means was there any intention of passing this resolution tonight. The resolution is a result of a great deal of conversation and of working together, that is being presented this evening in the form of a resolution. It may have been an error in judgement to have this information presented in a resolution format, which obviously caused the concern. It is also unlikely that "it" {the resolution}, will go through next month, or even be voted on, without alot of further rhetoric. He stated that they are NOT doing anything behind people's backs as Mr. Larson said a number of times.

Planning and Engineering Department Report:

Mr. Overstrom handed out his monthly report that stated his office is up in the number of permits by 4 but down in project costs from last year by \$ 3,357.877.00.

Code Office Monthly Activity Report
April, 2009

Planning Board – April 13, 2009

- Training-Scott Chatfield, Attorney from the NYS Planning Federation Addressed Best Administrative Practices and the Roles and Responsibilities of the Parties Involved in Town Land Use and Planning.

Planning Board – April 27, 2009

- Site Plan & SEQR Review – Southern Cayuga Lake Municipal Water Commission
- Formation of New Committee for By-Laws/Policy & Procedures Work

Zoning Board of Appeals – April 21, 2009

- Public Hearing – Area Variance – Request Granted (Spackman)

Training/Other

Jeff- Code Enforcement Officer-Montour Falls, NY March 31, 2009 – April 2, 2009

Lynn- 24 Hrs. In-Service Training for Codes -NYSBOC Conference 2009

Liverpool, NY April 14, 2009 – April 17, 2009

Fire Safety Inspections & Reinspections

Total: 18

Construction Inspections

Total: Approximately: 40

Operating Permits Issued

April: 1 Year to Date Total: 2

New Addresses Issued

Total: 4

Notice of Fire

April: 0 Year to Date: Total 7

Expired Permit Notices

First Notices: 17

Second Notices: 4

Renewed Permits 9 Renewed Permits YTD - 18

Electrical Certificates Issued

Total: 10

Electrical Inspections

Total: 28

Electrical Re-Inspections to same Address

Total: 2

(1) 77 Brickyard Road

(2) 11 Fiddlers Green

Town Owned Land:

A resident of Myers has approached Jeff in regard to purchasing a piece of land on the uphill side of Myers Road to get access to his back lot. This would not be of any use to anyone else. Mr. Shattuck felt the owner should consolidate it with the property he owns that adjoins this parcel. Mr. Overstrom stated that the Town would have to subdivide the land before anything could happen.

Mr. Krogh stated that the Board would have to declare the land as surplus property and it would have to be put out to bid.

The Town will move forward with this.

Highway Department Report:

1. Brush and Limb:

It only took 2 ½ days to pick up the brush and limb in the Town and only 3 hours in the Village.

2. Cemeteries:

Mike Moseley and Mark Tyrrell have been cleaning up some of the cemeteries and they are looking great.

3. Landscaping:

Major landscaping has happened at the Highway Garage that separates the Garage from Verizon Drive. Hopefully this will help with traffic in the near future.

Mr. French personally and publically thanked Andy Sciarabba for donating seven, 25 to 30 foot maple trees to the Highway Department. The estimate of the donation is approximately \$10,500.00.

4. Extra Help:

Mr. Pinney thanked Mr. French for providing extra help to the Parks and Recreation Department.

5. Docks:

Steve Colt and Jack will be going to Johnson’s Boat Yard and meeting with Jeff Cleveland to look into building their own docks for Myers Park.

6. Log Cabin:

Mr. French feels the Log Cabin should be placed at the entrance to Salt Point. DEC has been contacted and the Town is awaiting an answer. If the DEC does not allow this it would have to be placed in Myers Park.

Park and Recreation Department Report:

Mr. Colt reported on the following:

Parks & Recreation Department 5/20/09 Town Board Meeting

RECREATION

- **Our 40 teams** of youth softball and baseball players are about mid way through their seasons. We will be registering soon for players that may be interested in travel opportunities.
- **Upper level baseball and softball** opportunities are available for players ages 13 – 19 on 5 different teams. These seasons typically start at the end of the scholastic season in early June.
- **Our Summer Program Booklet** has been available now for not yet 2 weeks and we have been swamped with applications. We are offering over 50 different and diverse programs with some new offerings that include: Beginning Chinese Brush Painting, Electricity building a motor, Wireless radio, Salsa Dancing for Teens, French Camp, Iron Chef Camp and East Shore BMX and Skate Camp.
- **Our Late Summer & Fall Program Booklet** will be out by the middle of June just prior to the school summer vacation.
- **The Pitch Hit & Run competition day went well** on May 2nd and we have 13 different age bracket champions that will be going to on to the sectional competition this Saturday and will take place at the Syracuse Chiefs Alliance Bank Stadium.
- **The Boaters Safety Class** was conducted on April 25th by Ralph Gray and Dave Buck. Over 40 participants took the course. The class went well and is something that we could do again.

PARKS

- **Camping** opened for the season on May 15th and we are currently sold out for this Memorial Day weekend and may other weekends too. We also plan to open for admissions this weekend and will start charging the new \$3 fee to all non-residents. Our fee had been \$2 for many years.
- **A new Prairie Fire Crab Apple tree** was planted last week as a memorial for “Dickie” Solomon. This project is completed and the group of residents that suggested this project is planning a dedication on June 6th.
- **The Community Beautification Grant** project is now totally complete as we received payment from the grant this week. All grants should be this efficient.
- **The Community Celebrations Grant** that was applied for and is to be used for the Harbor Festival was awarded to us in the amount of \$1400.

- **This year marks the 50th anniversary of Myers Park** and I have been working with Harris Dates regarding some sort of special event to mark the milestone. At this point we are trading emails and ideas for the day.
- I met with a group of **Cornell engineering** students on May 1st regarding those students taking on the **Myers Park / Salt Point Bridge Project** as their class project this coming Fall. There is interest on their part and I am waiting for follow up.
- **Tree planted at Salt Point** – On May 8th Russ Davall from the DEC delivered to us at no charge over 125 trees and bushes. The plants were all small and bare root and we planted and staked them. It is a mix of green ash, red oak, sugar maple and white pine trees.
- **Meg-A-Moo’s Ice Cream** – We have a seasonal agreement with Nick Pidlypchak owner of Meg-A-Moo’s to have his ice cream truck come through the park this summer. He is meeting me tomorrow to go over details and supply us with a certificate of insurance. Mrs. Wilcox asked if his background had been check. Mr. Colt stated that he is from the Town of Dryden and the he is very satisfied in this regard.
- **Poison Ivy:**
There is a very healthy crop of poison ivy in the Salt Point area. Mr. Colt will try to indicate where it is in the area.
- **Sexual Offenders Notification:**
Mr. Colt stated that he will inform all of the Day Camp staff of sexual offenders and predators that live in and work in the Town of Lansing. A booklet of their pictures will be show to all of the Day Camp Staff.

Approve Minutes:

RESOLUTION 09 – 111

A copy of the minutes of April 15, and April 30th 2009, having been furnished to the Board Members before, the Supervisor asked for a motion to make corrections or to accept the same as submitted.

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Christopher:

RESOLVED, that the minutes of April 15, and April 30th 2009 are hereby approved as submitted.

- Vote of Town Board . . . (Abstained) Matt Besemer, Councilperson
- Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
- Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
- Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
- Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Approve Audit:

RESOLUTION 09 – 112

RESOLUTION, offered by Mr. Christopher and seconded by Mr. Besemer:

RESOLVED, that the Bookkeeper is hereby authorized to pay the following bills and to make the following budget modifications:

CONSOLIDATED ABSTRACT # 006

DATED 6/17/09

| | |
|------------------------|------------------|
| AUDITED VOUCHER #'s | <u>426 - 425</u> |
| PREPAY VOUCHER #'s | <u>426 - 319</u> |
| AUDITED TA VOUCHER #'s | <u>43 - 42</u> |
| PREPAY TA VOUCHER #'s | <u>43 - 31</u> |

| <u>FUND</u> | <u>TOTAL APPROPRIATIONS</u> |
|-------------------------|------------------------------------|
| GENERAL FUND | \$ <u>93,308.79</u> |
| HIGHWAY FUND | \$ <u>60,939.04</u> |
| LANSING LIGHTING | \$ <u>2,395.19</u> |
| LANSING WATER DISTRICTS | \$ <u>85,041.77</u> |
| CHERRY ROAD SEWER | \$ <u>0.00</u> |
| TRUST & AGENCY | \$ <u>65,616.29</u> |
| CWD EXTENSION #1 | \$ <u>42,543.10</u> |
| CWD EXTENSION #2 | \$ <u>0.00</u> |

Budget Modifications:

| <u>FROM</u> | <u>TO</u> | <u>FOR</u> | <u>AMOUNT</u> |
|--------------------|------------------|--|----------------------|
| A1990.400 | A8750.400 | From Contingency to Agriculture Dev (FPIG) | 2,000.00 |
| A1990.400 | A8750.401 | From Contingency to Ag Protection Grant | 500.00 |

Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
 Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
 Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
 Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
 Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

BOARD MEMBER REPORTS:

Bud Shattuck:

Log Cabin Meeting:

A meeting was held with the Community Council who is in charge of the fund raising and Ed LaVigne is the contact person as they set up a volunteer list. They will try to raise approximately \$ 17,000.00. They are shooting for late July for a build date.

TCAD:

They contacted Mr. Shattuck stating that Empire State Development is reorganized in two forms. Upstate regional and downstate revitalization. They have limited fund that will be given out with an application form. Mr. Shattuck asked for the Board's consensus to fill out an application along with a \$250.00 application fee.

Within the list on the application fee there were questions that Dave Herrick will have to help with. He asked the Board permission to contact Mr. Herrick in regard to these issues.

It was the consensus of the Board to allow the Supervisor to have the bookkeeper cut a check for the \$ 250.00 application fee.

Health Care:

The Council of Governments met last night and came up with rates. He felt their rate may be better than the Town can get at other places, or it may be a wash. The regulations to sign on to the consortium state that the Union has to be on board at the time of signing which is in June. Negotiations with the Union will probably not take place until September therefore it will not be possible for the Town to join the consortium. It was felt other Towns may be in the same boat. Mr. Shattuck will inform the Council of Governments of the Town's decision.

Matt Besemer:

Zoning Ordinance Committee:

The Committee has completed its final draft of the recommendations to the Town Board. Copies will be handed out by the Zoning Office. They will be sent to the Zoning Board, Planning Board and the ZBA Board. This will also be put on the Town's website.

Mr. Pinney expressed his thanks to the Zoning Committee for all of their work in putting this together.

A meeting will need to be scheduled with the Town Board, the Planning Board and the ZBA Board to go over this document. It was decided this will take place on June 22, 2009. The Zoning Committee will also be invited.

Marty Christopher:

Advisory Board:

The advisory Board for the Assessment reviews consisted of Mr. Christopher, Mrs. Sharon Bowman and Mr. Mike Sigler. Mr. Christopher stated that only five people showed up to grieve their assessments.

Connie Wilcox:

Town Board Meetings:

Mrs. Wilcox stated that she is disappointed that everyone always leaves before the Board Member reports are given as she does not think people realize how much the Board really does other than attending one meeting a month.

Breakfast With The Area Farmers:

A meeting was held on May 11th at Linda's Diner at which 10 area farmers were represented. The majority of the farmers are not in favor of selling their development rights. A plan will be put in place in regard to the grant but they were more concerned that the Town has the right to farm law in place which it does. They also stated that they do not want any more restrictions in the RA Zone.

They will meet again on June 15th with a smaller group.

Mr. Shattuck stated that nine years ago there was an Agricultural Committee which he was the Board's representative on and they explored many concerns for over two years. At that time, they came to the same conclusion. He felt "right-to-farm" signs should be erected in the vital spots in the Town. Mrs. Wilcox is meeting with the County regarding this.

Mrs. Wilcox stated this committee will meet two to three times a year.

Mr. Overstrom stated that the farmers are good stewards of storm water rules and regulations as maintain the land it their major asset. They will also be included in conversation with public out reach and education as far as storm water rules and regulations are concerned.

Farmers Market:

Mrs. Wilcox will go to the ZBA Board to ask for a special permit as a Farmers Market is not allowed in the zone where the market will take place. There has been two meetings and quite a bit of interest shown.

Tech Committee:

Very pleased with this committee as we are not spending any money. Things are in very good shape and most of the equipment is up to date.

Lansing Housing Authority:

Will hold a chicken BBQ as a fund raiser for the Bob Baker Memorial Garden.

A. Scott Pinney:

Town Center Committee:

Mr. Pinney would like this committee established right away. This committee will consist of seven members.

Lease with Ray Sill:

Mr. Pinney informed the Board that Mr. Sill has asked for an increase in the acreage he leases from the Town. He would like to increase it from 55 to 71 acres. After some discussion, the following resolution was offered:

RESOLUTION 09-113

RESOLUTION APPROVING LEASE OF LANDS TO SILL

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on 20th day of May, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of A. Scott Pinney, and was duly seconded by Martin Christopher; and the vote was as follows: A. Scott Pinney - aye; Francis Shattuck – aye; Connie Wilcox – aye; Martin Christopher – aye; Matthew Besemer - aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, the Town has for years leased non-used lands to local farmers, and for years Raymond Sill has leased such land; and

WHEREAS, the Town wishes again to lease such land for the 2009 growing season and until May 1, 2010; and

WHEREAS, the Town proposes to lease 71 acres (as shown upon the map at the Supervisor's office and as described as part of TP#31.-1-16.2) to said Sill for such period at the rate of \$15.00 per acre, subject to the terms of the standard lease to be approved by the Supervisor and Town Counsel; and

WHEREAS, upon due deliberation thereupon, it is hereby

RESOLVED and DETERMINED, that such 71 acres are excess property that the Town does not currently need for any operations; and it is further

RESOLVED, that the lease to Sill be and hereby is approved subject to (i) the execution of a lease there for in a form as approved by the Supervisor and Town Counsel, and (ii) a Permissive Referendum as required by Town Law § 64(3) and Town Law Article 7.

SEQRA: Type II Action

Sewer:

Moving forward with agreement for the Warren Road Sewer agreement.

Snow Plowing:

Mr. Pinney asked Mayor Hartill to get back to him by May 20th with their decision regarding the Town plowing the Village roads. He stated that he has received nothing. John O'Neill, a Village Board of Trustee was in attendance so Mr. Shattuck asked if they had discussed this at their meetings. He stated that this was not a good thing as the budget process will soon begin and the Town has still not been paid for last year. Mr. O'Neill stated that this has not been discussed. Mr. O'Neill apologized and informed the Board that he will get a hold of Mayor Hartill and get back to them soon.

Town Counsel Report:

Barbara Lifton:

Had a positive conversation with Barbara Lifton regarding the State land. She is sending Mr. Krogh's second letter to her staff and stated that she would throw her full support behind it. She informed him that sometimes New York likes to land swap but she is looking into it.

Arts and Cultural Affairs Law:

This has to do with what is and what is not a Town record. It states that once anyone contracts with the Town, it becomes a Town record automatically. This would mean that all contracted firms such as the Town Attorney and the Town Engineer would send all of their closed files to the Town Clerk to keep in her office. She would then sift through all of them and decide what was important, what could be destroyed and what should be kept. Mr. Krogh stated that this would be an unbelievable number of boxes. We would need permission from the commissioner of education to keep the files off the premises. Guy will come up with the language to ask New York State to keep such records off the premises. The Clerk will then have to make this request.

Renew BAN # 0109:

RESOLUTION 09-114

**RESOLUTION AUTHORIZING THE ISSUANCE OF A \$490,000.00
BOND ANTICIPATION NOTE, NUMBER 01-09 (2009)**

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on the 20th day of May, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mr. Shattuck, and was duly seconded by Mrs. Wilcox; and the vote was as follows: A. Scott Pinney – Aye, Connie Wilcox – Aye; Francis Shattuck – Aye, Martin Christopher – Aye; and Matthew Besemer –Aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, the Town Highway Department indicated a scheduled need for highway equipment, namely, 2 new International tandem axle trucks, one International single axle truck, and one GMC 5500 light weight dump truck, all of which will be fitted with plowing packages and extended warranties (all herein, the “Vehicles”), which were purchased in 2008 pursuant to New York State Bid Contracts, and which purchases were authorized by Bond Resolution dated May 19, 2008, and which obligation(s) were satisfied, in accord therewith, by Bond Anticipation Note 01-08 (in the amount of \$533,000.00), as issued to pay for the purchase of the Vehicles, which Bond Anticipation Note is hereby being renewed; and

WHEREAS, Bond Anticipation Note 01-08 is approaching its maturity date and such financing must be renewed or the debt thereof paid, and

WHEREAS, in compliance with the Local Finance Law, the Town Board has decided to partially pay-down the debt pursuant to Local Finance Law §23.00 by making a principal and interest payment thereupon and issuing a renewal BAN for the balance thereof; and

WHEREAS, the Town has contacted several lending institutions to find the lowest rates, and has determined that the Chemung Canal Trust Company has the best rates and terms for the proposed Bond Anticipation Note 01-09, to be issued in the amount of \$490,000.00, for one year at a 2% interest rate (non-callable); and

WHEREAS, this action is classified as a Type II Action under SEQRA, and as such, no environmental review is necessary or required; and

WHEREAS, after a review of the foregoing and due deliberation and consideration thereof, and in compliance with Local Finance Law Section 38.10, and other requirements of law, the Town Board of the Town of Lansing has hereby

RESOLVED, that

Section 1. The Bond Anticipation Note hereby authorized is for the payment of indebtedness relating to the purchase and acquisition of the Vehicles.

Section 2. The Bond Anticipation Note hereby authorized was authorized pursuant to a Bond Resolution dated March 19, 2008, which Bond Resolution was duly issued under the Local Finance Law and subject to permissive referendum as therein required.

Section 3. It is hereby determined that the cost of indebtedness relating to the objects and purposes of this Resolution is \$490,000.00; said amount is hereby appropriated there for, and the plan for the financing thereof shall consist of the issuance of up to \$490,000.00 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law.

Section 4. The Town of Lansing hereby authorizes the expenditure of up to \$490,000.00 for the payment of the obligations relating to the Vehicles, which amount shall be paid by the issuance of Bond Anticipation Note 09-01.

Section 5. No other Bond Anticipation Notes are issued or outstanding for the payment of the indebtedness relating to the Vehicles.

Section 6. The Bond Anticipation Note authorized by this Resolution is a renewal of Bond Anticipation Note 08-01, issued May 18, 2008.

Section 7. The Bond Anticipation Note authorized by this Resolution shall mature and be and become due and payable upon May 21, 2010.

Section 8. The Bond Anticipation Note hereby authorized is not for an assessable improvement of or within the Town.

Section 9. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created is hereby authorized pursuant to Section 165.10 of the Local Finance Law for the purposes described in this Resolution. The Town shall reimburse such expenditures with the proceeds of the Bond Anticipation Note authorized by this Resolution. This Resolution shall constitute a declaration of official intent as required by United States Treasury Regulation Section 1.150-2. Other than as specified in this Resolution, no money is, or is reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 10. The full faith and credit of said Town of Lansing, Tompkins County, New York, is hereby irrevocably pledged to the payment of the principal of and interest on said Bonds and the Bond Anticipation Note hereby authorized as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest due and payable in such year. Such appropriation shall be made from the several lots and parcels of land in the Town of Lansing in the manner provided by law for general taxation thereupon. In the event the collection of such assessments shall be less than the amount required to pay the principal and interest of such obligations as they shall become due, the Town Board shall direct that

surplus moneys not otherwise appropriated be applied, or the Town shall take such other action as is permitted or required by law to assure the timely payment of such obligations.

Section 11. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of Bond Anticipation Notes and renewals thereof (in anticipation of the issuance and sale of the serial bonds) is hereby delegated to the Town Supervisor, as Chief Fiscal Officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law and the Bond Resolution aforesaid.

SEQRA: Type II Action.

Adjourn Meeting:

RESOLUTION 09 – 115

RESOLUTION, offered by Mr. Pinney and seconded by Mrs. Wilcox:

RESOLVED, that the meeting is hereby adjourned at the call of the Supervisor at 8:02 p.m.

Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Minutes taken and executed by the Town Clerk.