

February 24, 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, Charlie Purcell, Steve Losey, Jeff Walters, Sarah and Bill Demo , Tom Ellis, Donna Scott, Melissa Stephenson, Deb Harper, Mary Ellen Cummings, James Mason, Bert Fortner, Howard London, Marjorie Smart, Stephanie Levy, Vince Mehringer, Ronald Norman, Walt Sweazey, Mary Boles, Margo Hittleman, Susan Brock, Julie Baker, Chris Muka, Peter Bosanko, Brent Zifchock, Tom Butler, Susan Miller, Maureen Carroll, John Dean, Renee Newton, Kells Elmquist, Don Martin, Edd Farmer, Claues Nyberg, Stephanie Spackman, Kathryn Miller, Susan Worsell, Todd Walter, Gerry Friedmon, Steve Loncto, Pat Pryor, Jill Vaughan, Ruth and Roger Hopkins, T. Ashmore, Dave Dubin, James Staid, Ken and Lorraine Felch, Doug Baird, Larry Zuidema, Viola Miller, Robert Miller, Hurf Sheldon, Mary Helen Cathles, Lawrence Cathles, Robert Bowman, Dan Veaner, Dale Baker, Reenie Sandsted, Jacoba Baker, Nancy Loncto, Richard and Mary Schuler, Steven Smith, Ted and Martha Laux, Louise Barr, Maureen Cowen, Lin Davidson, Gail VanWicklen, Duane Ray, Dave Buck, Adam Buck, Ed Ebersold, Dave and Abby Hatfield, Judy Drake, Marlene Darfler, Dan Konowalow, Jim Eyster, Lucille Straub, Kenneth Gagnon, Susan Eyster, James Hulbert, Michael Sigler, Marcy Rosenkrantz, Linda Strong, Darin Buck and a few other Lansing residents.

The Supervisor led all present in the Pledge of Allegiance.

PRIVILEGE OF THE FLOOR:

No one wished to speak at this time.

Open Public Hearing on Planning Board Terms and Appointments:

RESOLUTION 09- 53

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

RESOLVED, that the Public Hearing on proposed amendments to the Planning and ZBA Board terms is hereby opened at 6:08 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. Krogh explained the contents of the proposed Local Law to all present.
The floor was then open for public comment.
The following residents spoke and/or read letters with their concerns about the proposed Local Law:

Bill Demo, Larry Zuidema, Richard Schuler, James Mason, Nancy Loncto, Ruth Hopkins, Susan Brock, Lin Davidson, Hurf Sheldon, Jim Eyster, Margo Hittleman, Tom Ellis, Dan Konowalow, Roger Schnock, and Dan Martin.

Letters that were given to the clerk were as follows:

Number 1:

Public Hearing: Planning Board Changes
Town Board Meeting - 24 February 2009

Comments by Larry Zuidema

I am a resident and a former Town of Lansing Planning Board Member who resigned in June 2008. These are my comments on proposed Lansing Local Law # 3 of 2009 which I have read.

Background - To establish this law, the Town Board must declare “home rule” and, therefore, supersede NY State Town Law. Last year, the Town Board also declared “home rule” in changing the Subdivision Law which county authorities said gives “an unusual amount of discretion to the Town Code Enforcement Officer.” *Both of these Planning Board changes: (1) are contrary to good practices as defined in NY State Town Law, (2) require justification to NY State as to why they are necessary, and (3) reduce the ability of the Planning Board to serve the Lansing community*

For the past two years, the Town Board has publicly criticized the Planning Board saying that: (1) the Planning Board has been responsible for lawsuits (suggesting incompetence); and (2) the Planning Board has “chased businesses out of town” (suggesting an anti-business position). Based on legal sources, research, and my own experience, both accusations appear to be totally unfounded. Accordingly, it is unclear to me: (1) why the Town Board decided at a certain point to unfairly attack the Planning Board, and (2) why the Town Board now feels the need to reduce the terms of current and future Planning Board members.

Issues: My concern is not about what is legal, but about what is “**good practice**” for the Town of Lansing. The NY State Planning Federation states that, in NYS Town Law, “the underlying policy (for 5 or 7 year terms) is to foster continuity on the Planning Board and avoid wholesale changes based on the political whims of the party (or individuals) in power at any given time.” With this in mind, here is what I think is **wrong** with this proposed law.

1. Terms of three years (renewable) are less than those of Town Board members thus violating the basic principal of independence of action by the Planning Board.
2. The entire Planning Board can be appointed within one term of a Town Supervisor thus granting the Supervisor increased power and influence over the actions of the Planning Board. Clearly, this will significantly reduce resident confidence in our local government.

3. While renewable, a Planning Board member who acts “independently” will have one term.
4. One justification given for term changes is that it is difficult to attract volunteers to serve on the Planning Board for seven years. Knowing that several had applied when I did, this statement is hollow.
5. A second justification given is to broaden opportunities for public participation. Having three year terms that are *renewable forever* may not, in reality, broaden participation.
6. A third justification given is to reduce “opportunities for corruption, mistake and mismanagement” by members of the Planning Board. Personally, I am confident of the integrity of the current members. Furthermore, I believe that this suggestive comment has no place in this document!
7. With the potential of 3 new persons starting in a year, competence will be an issue. From personal experience, to be an effective Planning Board member requires more than 2 years to climb the learning curve; to be a chairperson requires 3 to 4 years. While Lansing accepts the NY State mandate for annual training for Planning Board members to improve their performance, the Town Supervisor has recently placed restrictions on this for “budgetary reasons” *despite having just increased the tax levy by 15.7% primarily to increase the Town’s reserve from about 1.2 to about 1.5 million dollars.*
8. The proposed law states that “existing terms will be modified” so that all current members will have no more than three-year terms as of January 2010. Is this a proper and appropriate way to treat current Planning Board members who have, in fact, volunteered and were appointed for 7 years?
9. The resolution states that “this proposed new law is not a reflection upon any current member of the Planning Board.” So --- what motivates the Town Board to change their terms of service now?

Conclusion – As a resident, I want to live in a town whose government uses best practices and procedures to improve the quality of life of its residents. Furthermore, I want a well-trained and independent Planning Board (and ZBA) that provides a public forum to encourage orderly development and deal with concerns and issues that inevitably come about due to “change”. I also want a government that supports “the many” (i.e., residents), not just “the few” (e.g., those wanting benefits from changes in land use regulations).

Summary - I believe that there is no justification for departing from NY State Town Law to fix something that ain’t broke. I consider a vote for this law to be a vote against the seven residents who volunteered and currently serve the Lansing community on the Town Planning Board. Lansing can be proud of their service. For the sake of the current and future residents of Lansing, I ask you, our Town Board, to withdraw this proposed law or vote it down tonight.

Prepared 12 February 2009

Number 2:

The following letter was read by Nancy Loncto:

From: Scott F. Chatfield, Attorney at Law
3100 Brewer road

P. O. box 70
Marietta, NY 13110
Telephone (315) 636-7911
Fax (315) 636-7913

February 19, 2009

Supervisor and Town Board
Town of Lansing
29 Auburn Road
Lansing, NY 14882

Re: Local Law No 3 of 2009

Dear Supervisor and Board Members:

I have been sent a copy of proposed Local Law No. 3 of 2009, as well as the Resolution setting the Public Hearing, and have been asked to comment on its legality and wisdom.

The first thing I noticed is that the proposed Law is ambiguous and confusing. It is not clear whether the Town intends to reduce the number of Planning Board members as well as their term, or simply reduce the number of years that each Board member is appointed while keeping the total number of Board members the same. While either approach is prohibited for many of the same reasons, there are some differences.

It is proposed to adopt this law using the Town's Supervision (**Supersession**) authority of the Municipal Home Rule Law. This authority, while broad is not unlimited. A municipality may not supercede a State Statute where the State Legislature has evidenced a desire to dominate the field. That is, where the State Law establishes a comprehensive and universal set of rules governing an area of Law, the State is said to preempt conflicting legislation by localities, notwithstanding the Municipal Home Rule Law.

The New York State Legislative Commission on Rural Resources has, for the last fifteen or so years been doing just that. This Commission, of which I am a former member, has been preparing legislative revisions to the Town, Village and General Cities Law in the area of Zoning and Planning. Over the years the State Legislature has adopted these proposals into Law. The Commission's goal is to standardize the Planning and Zoning rules statewide. Much, if not all of that work, has been accomplished. There now exists, virtually identical rules in the State statutes governing Planning and Zoning, including standardized rules governing the composition, powers and authority of Planning Boards.

The work of the Committee and the State Legislature to establish standardized rules has been recognized by the *Court of Appeals in Cohen vs. Board of Appeals of the Village of Saddle*

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Rock, 100 NY2nd 395 (2003). This case relies on the principle of implied preemption which the Court of Appeals says is demonstrated in the zoning area by the comprehensive changes the Legislature adopted over the relatively recent years. The Cohen case relates to variance standards, but the principles of this case are equally applicable to the composition of Planning Boards.

Specifically, Chapter 418 of the laws of 1995 amended subsection 7 of Town law Section 271 to provide a procedure and limits on how a Town may decrease the size of a Planning Board. This law permits a Town to decrease the size of a Planning Board from 7 to 5. It does not permit a decrease from 7 to 3. This Law also provides that if a town chooses to decrease the size of a Planning Board, in no event shall a member be removed from office. "However, no incumbent shall be removed from office except upon the expiration of this or her term..."

The preemptive nature of the amendment to Town Law Section 271 (7) further reinforced by the provisions of Public Officers law Section 36 which requires an application to the Supreme Court to remove an officer. The Public Officers law is not supercedable.

While a Town Board has the power to completely dissolve a Planning Board and to take back the powers previously granted to a Planning Board, the Town Board may not legally affect the exercise of discretion granted to a Planning Board. A thorough reading of Article 16 of the Town Law leads inescapably to the conclusion that the process of administering Land Use regulations **MUST** remain free of the actual and/or potential influence of political agendas. In order to safeguard the process from such political influences, the State Legislature has enacted several protections. Among these are:

1. The Planning Board is given the power to select its own attorney, engineer and secretary, without consideration or influence from the Town board. (This is the only administrative body of a Town with such power.)

2. Planning Board member's terms are for longer period than the Board which appoints them, and is equal in years to the number of members. (That's why the law only allows 5 or 7 member boards, because a Town Board member's term never exceeds 4 years.)

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3. Planning Board members cannot be removed from office except for cause after a hearing.
4. Only one member may be replaced per year upon the expiration of his or her term.
5. No town Board member can set on a Planning Board.
6. Alternate members, while appointed by the town Board, are selected for duty by the Chair of the Planning Board.

In addition to fixing the lowest number of Board members at 5 to insure that all of their terms will exceed the terms of the appointing Board, the law requires that the number of years in a term be equal to the number of Board members. This safeguard is designed to insure that in any given year, no more than one member's term will expire. By this limitation, the State Legislature sought to prohibit wholesale changes in the makeup of the Planning Board designed to facilitate a political agenda of the Town board.

To the extent that the proposed law can be read to authorize appointment of 3 new Board members in 2010, 3 new Board members in 2011 and 3 new Board members in 2012, it would permit the Town Board to completely change the makeup of the Planning Board in 1 year if a 3 or 5 member Board or 2 years if a 7 member Board. The ability to make such sweeping changes by a singly constituted Town Board is exactly the evil that the State Law seeks to prohibit.

There is also a procedural problem with 3 year terms on a 7 member Board. In at least 1 of every 3 year cycle an uneven number of Board members would be appointed, depending upon the expiration date of the terms of alternate members. Alternate members, by the way, are not Board members, they sit by and wait to be called. The Chair does not have to use alternate members to "round out" the Board, he only is required to use an alternate member if a quorum is not present.

In short, Planning Boards are given an extraordinary, I might even say a unique, amount of autonomy from the influence of Town Boards. The reason for this autonomy is to insure, to the maximum extent possible, that the Land Use process will remain predictable, fair and above the suspicions that it is merely an extension of the Town Board.

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Your proposed Law decimates these high principles, is internally inconsistent and belies its state intent. Simply put, the proposed law is a transparent attempt by the Town Board to manipulate the decisions of the Planning Board.

For instance, Section 1 recites that term limits have "...long been recognized and held in New York as rationally related to the goals of broadening opportunities for **POLITICAL AND PUBLIC** (emphasis added) participation, reducing the opportunities for corruption, mistake and mismanagement, and increasing citizen's confidence in the integrity and effectiveness of their government." These words, while lofty and admirable, are meaningless in the context of this Law. This Law does not establish term limits, it limits the term. Term limits refers to the number of terms that a person can sit and only relates to elected officials. This Law specifically provides for an unlimited number of additional terms.

Likewise, the best way to reduce "corruption, mistake and mismanagement" and to increase the public confidence in the integrity of the process is to have Board members who are experienced, educated in the Law and independent of political influence. That's why Supreme Court Judges have 14 year terms and Federal Judges are appointed for life. Shortening the terms of Planning Board members simply does the opposite. It increases the likelihood of inexperienced and uneducated members, it decreases institutional memory and, by subjecting membership to more frequent replacement by the Town Board, erodes public confidence and effectiveness.

The proposed Law next refers to alleged difficulties in maintaining a quorum and cites this problem as the basis for establishing alternate members who can serve in the absence of a member. No matter how the proposed Law is construed, it does little to nothing to aide in maintaining a quorum.

Reducing the number of years in a term has no effect on the likelihood that members will show up, while reducing the number of Board members will actually have the effect of increasing the likelihood of a lack of quorum. (If 2 members on a 3 member board are absent a quorum is not present, if 2 of 5 are absent, a bare quorum exists and if 2 of 7 are absent you have a quorum plus 1.) The Law does not obligate the Chairman to use alternates so along as a quorum is present.

Further, reducing the number of Board members to 3 dramatically increases the likelihood of an alternate members usage.

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Whether this Law merely reduces the number of year in a Planning Board member's term, reduces the number of Planning Board members, or both, it is painfully clear that the Town Board's goal

with this Law is to exercise greater case by case control over the decision of the Planning Board, and to give the Town Board the ability to replace members on a wholesale scale if they are not doing the Town Board's bidding.

If I were a corrupt elected official, looking for a way to sell my influence to potential developers in the Town this is the Law that I would favor.

If I were an honest elected official, looking to have an incorruptible Planning Board whose members are experienced and make decision(s) based upon the Law and the merits of a proposal, I would reject his proposed Law in a heart beat.

Respectfully submitted,
Scott F. Chatfield
SFC/kmc

Number 3:

Dear Lansing Town Board.

I'm not a shareholder , not a consumer, I am a citizen of Lansing .

I question the wisdom of your proposed change to town of Lansing Planning Board structure and terms

Some " Charter Towns " formed by developers, have 3 year planning board terms, not towns like ours.

This move to "Freshen Up " the planning board with a change from 7 year terms to 3 is misguided.

The majority of the town board has been in office for 4 years. Under the current structure you could have replaced 4 members already. Why the lack of action?

As to the recruitment of planning board member issue and the 7 year term .

You have had a candidate recommended by the planning board and did not fill the vacancy.

People can resign if the term is too long..

As to lack of a quorum and having to cancel a meeting.

This happened one time in my 14 plus years.

As to land use change.

Town Boards (after much public input and planner participation) pass the land use law not the Planning Board.

About this law

High sounding prose, bluster and the reasons above don't mitigate the chilling impact of this law.

The language of the proposed law and its potential and perceived impact

Threaten the NYS legislated independence of the planning board

Threaten the knowledge base of trained individuals to review projects

This "Local Law runs against NYS law. You will go to court. The Lansing taxpayer will pay for the lawsuit and lose.

You will lose the trust of any citizen who understands the structure and principle of municipal town government.

Imagine if the group tonight was here to work on concepts to implement a town center or to get broadband internet to unserved areas instead of trying to prevent our great Town of Lansing from walking off a cliff. Thank you, Lin Davidson

Number 4:

Statement to Town Board, 2/24/2009

Re: Proposed local law#3-2009

Submitted by Ruth Hopkins, 163 Asbury Road, Lansing, N.Y.

I am Ruth Hopkins, I have lived in Lansing for 9 years having retired after 30 years in organizational planning, administration and finance. Twice, at the request of town officials, I have applied to be on the Planning Board. The first time, I was one of at least five applicants, all willing to accept the 7 year appointment.

My second application was submitted just before the newly elected supervisor took office. After no response from the Town Board for 3 months I was told that no appointments would be made until the "problems with the planning board" had been resolved. I assumed these were the same problems as referred to by Mr. Christopher in the Jan. 16,2008 Town Board meeting when he said, quote.. . "I want to go on record saying.. .the Planning Board will be looked at very seriously". In the meantime, Matt Bessemer, former Town Board liaison to the Planning Board suggested I continue to attend planning board meetings as a citizen in order to become more familiar with their work. I received no further communication about my appointment although I was assured by the Planning Office that my application was still on file.

In January 2009 two other people were appointed to the planning board. Yet to date I have not even received the courtesy of a rejection letter. I want to say that I did not have any ambition to be on a planning board; however, it did seem like a good opportunity to contribute to my community.

My conclusion is this.. . . It appears that the town's intent in proposing new local law #3-2009 is not to solve the 'length of appointment' issue, but rather the problems they have working with the planning board, problems which cannot be resolved by changing the law, but only by addressing their differences and finding ways to work together.

Number 5:

Larry Sharpsteen

To: Town Board, Town of Lansing:

Dear Board members:

Writing as a Town citizen and taxpayer, I feel that I must tell you that I disagree with the idea of changing the length of individual terms for planning board members. The structure of the NYS law setting up the current system has been developed for a good reason, the separation of the planning process from direct intervention due to any temporary perceived political problem. It provides protection for the Town or municipality from accusations of improper activity.

The *State* also intends for the length of term to allow board members to gain training and experience to better serve in their positions and provide useful continuity to the board as an efficient tool of town government.

With regard to some of the reasons given for the change, I submit that:

1) The question of ability to obtain a quorum is extremely rare, having happened less than a handful of times in my time on the board, and It has now been rendered moot by your appointment of our missing backup.

2) To the best of my knowledge, the length of term has never deterred anyone from volunteering to be on the board. Both times we have had published openings recently, there have been responses from members of the public interested in the appointment

As always, any planning board serves at the pleasure of the Town Board. If the Town Board wants to change the membership of a planning board, it has simply to decline to ask a current member to serve at the end of their term.

It is my opinion that the Town Board should reconsider this action.

Number 6.

Statement delivered at the Town Board Meeting of February 24, 2009

Public Hearing re: Proposed Changes to Planning Board Terms, etc.

The following is the essence of the statement delivered orally. It is submitted to be included in the written record.

Good evening. My name is Margo Hittleman, and I have lived on Scofield Road for 21 years.

Six months ago, I was appointed to serve on Lansing’s Zoning Ordinance Review committee. I volunteered for this position not knowing much about politics or policymaking in Lansing, but as a resident who works professionally in the area of community development and public leadership who wanted to be more involved in my own community. It didn’t take long to realize the extent of the tensions between the Town Board and the Planning Board, or to see that some elected officials have been unhappy with Planning Board decisions.

An essential principle of government in a democracy is to ensure checks and balances. The proposed change to three-year terms for Planning Board members contradicts that. It would allow any sitting Town Board to entirely determine the membership of the Planning Board. Avoiding such a situation is one of the reasons the state recommends 5-7 year terms for Planning Board members.

I don’t want to presume the intent of the current Town Board in proposing this change, but it sets a dangerous precedent. And if it is, in any way, a response to disagreements in public policymaking, the solution should be greater transparency and broader public dialogue, not changes in the law to enable one body of officials to control the membership – or “stack the court,” so to speak – to obtain particular outcomes that represent their own preferences.

The proposed changes are poor policy and contradict basic democratic principles. They should not be passed.

Thank you for the opportunity to speak.

Close Public Hearing on Proposed Local Law # 3:

RESOLUTION 09 – 54

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

RESOLVED, that all persons desiring to be heard, having been heard, the Public Hearing was closed at 7:22 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

Vote on Proposed Local Law # 3:

RESOLUTION NO. 09 – 55

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

WHEREAS, the Town Board of the Town of Lansing held a Public Hearing on proposed terms and appointment of alternate members on the Lansing Planning Board and ZBA Board and related rules and procedures, and

WHEREAS, a large number of citizens voiced their concerns and urged the Town Board not to pass the proposed Local Law, it was therefore

RESOLVED, that the Town Board of the Town of Lansing hereby declines to go forward with the proposed Local Law No. 3 of the Year 2009.

- 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

Open Public Hearing on Proposed Local Law # 5 – Amending Swimming Pool Local Law:

RESOLUTION NO. 09 – 56

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

RESOLVED, that the Public Hearing on Proposed Local Law No. 5 of 2009 is hereby opened at 7:27 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 read over the proposed Local Law and changes to be made to it with all present.

Close Public Hearing on Proposed Local Law # 5:

RESOLUTION 09 – 57

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

RESOLVED, that all persons desiring to be heard, having been heard, the Public Hearing was closed at 7:30 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

Health Insurance Presentation by Steve Losey:

Mr. Steve Losey of Losey and Cahill, LLC went over an initial overview of a proposed Greater Tompkins County Municipal Health Insurance Consortium. He passed

out an information packet for the Board to look over. He said the coverage offered will be as good as or better than what the employees have currently. He also stated that the Town would see a significant decrease in their premium in January of 2010 if they decide to go with the consortium. The Town will receive more information regarding this in March or April. This will be discussed further when the Board receives said information.

Planning and Engineering Department Report:

Building Permit Fee Schedule Changes:

Mr. Overstrom stated that his office would like to make some changes in building permit renewal fees. He would like to change the first renewal fee to a flat \$150.00 instead of being charged 50% of the initial permit fee which is the present policy. After the first fee, it would revert back to the square footage fee. The Board agreed with Mr. Overstrom and made the following resolution:

RESOLUTION 09 – 58

RESOLUTION APPROVING FEE SCHEDULE CHANGES FOR BUILDING PERMIT AND CODE OFFICE FEES

At a Special Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on 24th day of February, 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; 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 Code Office has examined the fee schedule structure, particularly as applied to building permit renewal fees, and determined that the fee structure for renewal permits is too high and unnecessarily causes excess expenses to be incurred by residents; and

WHEREAS, the proposed amendment changes the first renewal of permit fee from 50% of the original permit fee paid to a flat rate fee of \$150.00 (unless the 50% fee is smaller, in which case the lesser of 50% or the flat rate fee would be due, subject to a \$75.00 minimum), with subsequent permit renewals to remain at 50% of the original fee paid; and

WHEREAS, after discussion concerning the same, and in accord with the fee setting procedures set forth in Section 301 and Article 16 of Local Law Number 6 of 2006, it is hereby

RESOLVED, that the proposed fee schedule changes proposed by the Engineering & Planning Coordinator be and hereby are approved and adopted.

Set Public Hearing for an amendment to Local Law # 4 of 2006:

Mr. Overstrom would like to remove the requirement in paragraph D in Section II of the Local Law as these units typically do not have automatic alarms so any emergency or fire calls are generated from the resident or someone at the site. Also, due to a high turn over of tenants, keys are lost or broken which make it difficult for the Fire Chief to control the accountability of them.

Mr. Shattuck asked Mr. Overstrom to check with Ben Curtis in the Village of Lansing to see what their policy is.

RESOLUTION 09 – 59

RESOLUTION SCHEDULING PUBLIC HEARING REGARDING AMENDMENTS TO LOCK BOX LOCAL LAW

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 24th day of February, 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. 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 Code Office has examined the impact of requiring that lock boxes be required for certain multiple dwellings pursuant to Section 2(D) of Local Law Number 4 of 2006; and

WHEREAS, after consulting with the Fire Department and determining that there is no risk to public health or safety arising from such change; and

WHEREAS, owners of such buildings can still have lock boxes, the only change being that the law will not require the same; and

WHEREAS, the action was and is hereby declared a Type II Action, and no environmental review is therefore required; and

WHEREAS, upon due deliberation thereon, the Town Board of the Town of Lansing, in its capacity as governing body 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 18th day of March, 2009, at 6:05 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 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 Notice of Public Hearing 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.

Highway Department Report:

Retaining Walls at the Marina:

The Highway Department has been working on the retaining wall in the marina at Myers Park. The east wall has been straightened up and looking good. They will start on the north wall soon.

Overtime and Salt Usage:

Jack reported that he is where he should be in regard to overtime hours (100 hours per man) and the same with the salt usage as he has used approximately 2,000 tons at this point.

Salmon Creek Dredging:

Mr. French, Mr. Overstrom and Mr. Purcell met with the DEC in regard to Salmon Creek from the bridge in Myers to the lake. The DEC will clean this area out in late fall or early winter. This will help the flow of the creek and the ice build up which can cause flooding to the houses in that area.

CHIPS Money:

The State initially was going to deduct \$60,000.00 from the CHIPS money that the Town had expected to receive but he has been informed that this will not happen.

Park and Recreation Department Report:

Mr. Colt went over the following with all present:

Parks & Recreation Department

2/24/09

Town Board Meeting

RECREATION

- **2nd & 3rd Grade Basketball Program** – This program takes place at the Elementary School where the baskets are only 8'. We have a great group of players and coaches involved with this program. The program is set to start tonight and will run through the end of March. We have had to juggle the registrations to balance how many players are actually in the gym each night. The gym is small and we needed to address this for SAFETY.
- **Ski Program concludes** – Last night was our last program trip of the season. This was one of our larger program groups that enjoyed some great conditions throughout. We had several award winners last night including one of the grand prizes (ipod). Using the Code Department's truck worked very well and two weeks when we were forced to use one less bus because of driver shortages, the truck was full to the top!
- **Cardio Step & Strength** - The Cardio class will start the late winter/spring session on March 2nd with 25 classes scheduled. I have had a lot of positive feedback from the adults taking this class.
- **Spring Football Camp** – Once again we are offering this camp that has been very popular. The camp takes place at the "Field" and takes place on four consecutive Sundays (March 8-29) from 11:00am – 1:00pm and is coached by our Small Fry Coaches. The Cornell Varsity players usually make visits to also help with this camp. No experience is needed and is a great opportunity for young players to find out more about youth football.
- **LBP Baseball & LSP Softball** – The registration forms are done and ready to go into the schools by Monday. Registrations are due by March 20th. Games are set to start on May 2nd and will conclude on June 13th. Last year we had 35 teams and some great volunteer coaches and helpers.

PARKS

- **Harbor Festival Grant** – Tomorrow I will be meeting with Robin Schuttenberg to complete a Community Celebrations Grant for the Harbor Festival. The Harbor Festival is scheduled to take place on August 15th. This particular grant is really focused on community functions such as the Harbor Fest. Typically, awards are made by late spring.
- **Concert Update** – As of our last meeting I had one date booked and now all dates are taken accept for July 9th. That date should be booked within a week or so. I have attempted to book bands this year that have local people involved with the groups.
- **Boat Slip Update** – The slips in the marina are full and we still have a small waiting list, so we are in good shape. Dry Dock applications have been sent out and will start coming in soon as Dry Dock is filled each year on a first come – first served basis.
- **Trailways** – I have been contacted by several people in the community, that are very interested in trailway development. I hope to attend meetings regarding future trails when dates are set.
- **Liberty Elm Tree Project** – Today I met with the Lansing Rotary Club regarding the funding of this project and made a presentation about the project. They are interested and will be in contact soon.

Medicare and Health Insurance:

Mr. Pinney presented a resolution to the Board for their approval. He stated that currently the Town spends almost a half of a million dollars in health insurance for Town employees and retirees. He would like cut the cost to the Town by no longer paying for Medicare. He stated the Town would no longer pay health insurance for people that are 65 years and older. The retirees kick off insurance would only be for the people who worked for the Town themselves and not their families or spouses.

Mr. Shattuck did not receive a copy of the resolution and stated that when changes have been made to the personnel policy in the past, the personnel committee was included. He stated that the Town taxpayers are paying way too much of individuals policies.

Mr. Christopher stated that after the Board looked at other places of employment throughout this area and made comparisons throughout other municipalities and other places of employment, the Board discovered, which most of them already realized, the Town is paying substantially more than any place else particularly for retirees who are drawing Social Security. In many instances, everything is being covered by the Town of Lansing where other major employers and municipalities were having retirees picking up much more of their share. Based upon what the Supervisor has said and what the Town has looked into, we have to do something such as revisions in what the Town is paying, there is no question about it. He also stated that at this time, it will only affect an extremely small number of people. He stated that he also got the resolution late and would like to wait until March 18th to discuss this again.

Mr. Shattuck stated that is really affecting all Town employees by what they are looking at in their retirement. Mr. Shattuck would like a copy to go to everyone who it affects, receive input and discuss it at the next meeting in public. He said it is becoming cost prohibitive as the cost of insurance goes up and the taxpayers are paying too much. He also stated Tompkins County pays 75% and employees pay 25% which is a midpoint of a lot of municipalities are doing which is a big change. A step change over the next few years may be a possibility.

Matt stated that he also feels the people that are receiving these benefits should have time to respond but also the taxpayers that are footing the bill should have time to comment.

The retirees will be put on notice that there will be a change. This will be on the next agenda.

Open Public Hearing on Proposed Local Law # 4 (now # 3) – Amending Dog Control Local Law:

RESOLUTION 09 – 60

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

RESOLVED, that the Public Hearing on proposed Local Law No. 4, which is now Local Law No. 3 due to the rejection of the proposed Local Law earlier this evening is hereby opened at 8:31 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

Close Public Hearing on Proposed Local Law # 4 (Now No. 3):

RESOLUTION 09 – 61

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

RESOLVED, that all persons desiring to be heard, having been heard, the Public Hearing was closed at 8:32 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

Approve Local Law No. 3 of the Year 2009:

RESOLUTION 09-62

RESOLUTION ADOPTING LOCAL LAW #3 OF 2009

(Amending Dog Control Local Law, Local Law Number 4 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 24th day of February, 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; 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 an existing Dog Control Local Law, Local Law Number 4 of 2005 that specifies, at Article 7, that the Tompkins County SPCA is a dog control and enforcement officer of the Town of Lansing; and

WHEREAS, the Tompkins County SPCA no longer provides dog control services for the Town; and

WHEREAS, this proposed Local Law seeks to amend the Dog Control Local Law only to the extent of removing the reference to the Tompkins County SPCA; and

WHEREAS, this action is deemed a Type II Action under SEQRA such that 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 24th day of February, 2009, at 8:00 o'clock P.M., to consider the aforesaid Local Law, and to all persons interested in the subject thereof were duly heard; and

WHEREAS, upon due deliberation thereon, the Town Board of the Town of Lansing, in its capacity as governing body of the Town of Lansing, does hereby pass, adopt, and approve Local Law Number 3 of 2009, as set forth in its entirety below:

TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK
LOCAL LAW NUMBER 3 OF 2009

Amendments to Dog Control Local Law, Local Law Number 4 of 2005

SECTION 1: This Local Law shall be known as “Local Law Number 3 of 2009”. Local Law Number 3 of 2009 applies only within those portions of the Town of Lansing, Tompkins County, New York, that are outside of the Village of Lansing.

SECTION 2: Article 7 of Local Law Number 4 of 2005 is hereby amended to read in its entirety as follows:

Article 7. Enforcement Officers.

A. The Town Board may appoint any Person as an Enforcement Officer, and by Resolution of the Board, the Town may designate any one or more, or change the designation of, the Town’s Dog Control Officer(s).

B. Any Person who is an Enforcement Officer, and the Town’s Dog Control Officer, shall have the authority to (a) issue civil or criminal summonses or appearance tickets, and (b) to seize dogs either on or off the premises of the Owner, if such Officer witnesses a violation of this Local Law, and (c) to take such other actions as are permitted by law.

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.

Approve Minutes:

RESOLUTION 09 – 63

A copy of the minutes of January 21, 2009, having been furnished to the Board Members before hand, the Supervisor asked for a motion to make corrections or to accept the same as submitted.

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

RESOLVED, that the minutes of January 21, 2009 are hereby approved as submitted.

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

Approve Audit:

RESOLUTION 09 – 64

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

RESOLVED, that the Bookkeeper is hereby authorized to pay the following bills:

CONSOLIDATED ABSTRACT # 002

DATED 2/24/09

AUDITED VOUCHER #'s	<u>44 - 131</u>
PREPAY VOUCHER #'s	<u>44 - 47</u>
AUDITED TA VOUCHER #'s	<u>4 - 13</u>
PREPAY TA VOUCHER #'s	<u>4 - 6</u>

<u>FUND</u>	<u>TOTAL APPROPRIATIONS</u>
GENERAL FUND	\$ <u>55,326.83</u>
HIGHWAY FUND	\$ <u>53,997.26</u>
LANSING LIGHTING	\$ <u>1,310.78</u>

LANSING WATER DISTRICTS	\$ <u>84,551.15</u>
CHERRY ROAD SEWER	\$ <u>0.00</u>
TRUST & AGENCY	\$ <u>53,663.56</u>
CWD EXTENSION #1	\$ <u>696.60</u>
CWD EXTENSION #2	\$ <u>18,192.89</u>

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:

President's Stimulus Package:

Mr. Shattuck went over a "shovel ready" plan that was compiled by Tompkins County. The Town of Lansing put together projects for sewer (stand alone project included) and water (Drake Road area).

New York Training:

Mr. Shattuck attended a session regarding the ethics law and the CHIPS program. He stated that the CHIPS money is not Highway specific, municipalities can do whatever they want with these funds.

Council of Governments Meeting:

The next meeting will be held Thursday. The Health Consortium and more on the stimulus package will be discussed.

Credit Cards:

Mr. Shattuck stated that legally, we can charge the customer the amount that the bank charges us or a flat fee as long as it is not more than the bank charges the Town. He felt many people use credit cards and the Town should consider this.

Matt Besemer: Nothing to report.

Marty Christopher:

New York Training:

Mr. Christopher attended only Planning Board and Zoning Board sessions. He received some good information which he has shared with the Planning Board Chairman.

Connie Wilcox:

New York Training:

She attended a session on the Ag Land Protection Plan.

Woodsedge:

As of April 10th, 2009, Woodsedge will be smoke free. Right now a person cannot smoke within 50 feet of the building but can smoke in an apartment.

Rural Internet and Cable T.V.:

Mrs. Wilcox stated that there are still a lot of people in the Town of Lansing that do not have cable T.V. and high speed access to the internet. The Town of Genoa and another Town in Cayuga County have received a grant and are moving forward with talking to different companies about locating towers, etc.

Mr. Hurf Sheldon stated, that with the Town Board's support, he would be willing to get a committee going to look into the options that are out there. Mr. Sheldon will get with the Supervisor to set up said committee.

Mr. Duane Ray, who lives on Atwater Road stated that he cannot get digital channels 3, 5 or 9 with his antenna. He stated that the cable company wants thousands of dollars to bring the cable to him which is only three poles away.

A. Scott Pinney:

Warren Road Sewer Final Order:

RESOLUTION 09-65

**RESOLUTION AND FINAL ORDER ESTABLISHING
WARREN ROAD SEWER DISTRICT EXTENSION**

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 24th day of February, 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. 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, the Town Board duly authorized the Town Engineer to proceed with the preparation of a Map, Plan and Report ("MPR") for the creation and/or construction of the Warren Road Sewer District Extension and a proposed final MPR was duly prepared and submitted and the Town Board reviewed the same and found the project to be in the best interests of the Town and the affected property owners; and

WHEREAS, by Resolution dated June 4, 2008 the Town approved the MPR and deemed it final and ordered the same filed at the Town Clerk's Office for public review and comment, and pursuant to Town Law § 209-d, the Town duly issued a "Public Interest Order" which specified, declared and determined, among other things: (1) the boundaries of the proposed district; (2) the improvements proposed; (3) the estimated

cost of the proposed improvements and the maximum amount proposed to be expended (\$2,553,900.00); (4) the one time hook-up and connection fees; (5) the method of proposed financing (a 38 year Bond at 4.5%); (6) the first year debt retirement expense per EDU to each benefited property (\$984.00); (7) total first year costs per EDU, for a typical one or two family dwelling, and for a typical property within the proposed district extension; and (8) scheduling a public hearing upon the Resolution and Public Interest Order; and

WHEREAS, a notice of public hearing was duly published and posted as required by law and it was duly determined that (a) the map, plan and report complied with the requirements of Section 209 *et seq.* of the Town Law, and the notice of hearing was published and posted as required by law and were otherwise sufficient; and (b) the property and property owners within the proposed Warren Road Sewer District Extension were all benefited thereby; and (c) all of the property and property owners benefited are included within the limits of the proposed Warren Road Sewer District Extension; and (d) it is in the public interest to establish the Warren Road Sewer District Extension; and

WHEREAS, the Town conditionally approved the creation of Town of Lansing Warren Road Sewer District Extension subject to (i) permissive referendum, and after due publication of a Notice of Permissive Referendum, no petition requesting a referendum was filed or submitted, and (ii) the advance approval of the New York State Comptroller's Office/Department of Audit and Control, which approval was duly issued upon February 10, 2009; and

WHEREAS, upon due deliberation upon the foregoing, and in compliance with Article 12-A of the Town Law, the Town Board of the Town of Lansing has hereby

RESOLVED AND DETERMINED, that no additional SEQRA review is necessary or required due to the passage of time, as (i) no significant changes in the property or project have occurred, and (ii) the Town finds that conducting SEQRA review as soon as is possible in relation to any project is consistent with the goals and requirements of SEQRA; and it is further

RESOLVED AND SO ORDERED, that the Town of Lansing Warren Road Sewer District Extension be and hereby is approved and established; and it is further

RESOLVED AND SO ORDERED, that the boundaries of the proposed District Extension are inclusive of the following tax parcel numbers, and the assessment map and property descriptions there for as are on file with the Tompkins County Clerk's Office, are expressly incorporated herein: Numbers 39.-1-36, 39.-1-37, 44.-1-14, 44.-1-19, 39.-1-35, 39.-1-32.2, 39.-1-38.2, 41.-2-5, 39.-1-50.1, 39.-1-50.11, 39.-1-50.13, 39.-1-50.2, 39.-1-50.7, 39.-1-50.9, 44.-1-18, 44.-1-47, 44.-1-50.1, 39.-1-38.1, 39.-1-38.10, 39.-1-38.11, 39.-1-38.12, 39.-1-38.13, 39.-1-38.14, 39.-1-38.15, 39.-1-38.16, 39.-1-38.3, 39.-1-38.4, 39.-1-38.5, 39.-1-38.6, 39.-1-38.7, 39.-1-38.8, 39.-1-38.9, 39.-1-20.4, 39.-1-50.3, 39.-1-50.8, 39.-1-50.14, 44.-1-50.2, 39.-1-50.10, 39.-1-50.12, 39.-1-50.5, and 39.-1-50.6; all as shown on the District Extension Map on file at the Town Clerk's Office, to which reference is hereby made and which map is expressly herein incorporated; and it is further

RESOLVED AND SO ORDERED, that the said District Extension hereinabove referred to shall be constructed as set forth in the Order calling a public hearing, at a cost not to exceed \$2,553,900.00, which amount is proposed to be financed by the issuance of serial bonds of the Town, and the assessment, levy and collection of special assessments upon the several lots and parcels of land within the said District Extension, which the Town Board has determined, and hereby again determines, are especially

benefited thereby; so much and from each as shall be in just proportion to the benefit thereof, each and all to pay the principal and interest upon said bonds; and it is further

RESOLVED AND ORDERED, that the Town Clerk file a certified copy of this Resolution with the Tompkins County Clerk and the New York State Department of Audit and Control (at the NYS Comptroller's Office) within 10 days of the adoption of this Resolution and Final Order; and it is further

RESOLVED, that the Town Board and the Town Engineer may, after the filing of this Order and upon receipt of all required permits, issue advertisements and RFPs for bids for the construction of the district in accord herewith.

Authorize Mr. Pinney to sign contract with T.G. Miller for Warren Road Sewer:

RESOLUTION 09 – 66

**RESOLUTION APPROVING T.G. MILLER, PC, CONTRACT FOR
ENGINEERING AND PROFESSIONAL SERVICES FOR
WARREN ROAD SEWER DISTRICT EXTENSION**

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 24th day of February, 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. 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, Comptroller final approval was issued for the Warren Road Sewer District Extension and the Town Board issued its Final Order approving and creating such district, and the Town Board desires to move forward with system engineering, design, bidding, and related projects to advance the project; and

WHEREAS, David Herrick, as Town Engineer, has submitted a contract for engineering and professional services relating to such sewer district extension and the same has been discussed and reviewed by the Supervisor; and

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

RESOLVED, that the proposed contract submitted by T.G. Miller, PC be and is hereby approved, and the Town Supervisor be and hereby is authorized to execute said contract by, for, on behalf of, and in the name of the Town of Lansing.

Town Counsel Report: Nothing to Report.

Executive Session:

RESOLUTION 09 – 67

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

RESOLVED, that the Regular Meeting is adjourned to go into Executive Session at 8:58 p.m. to discuss the snow removal contract with the Village of Lansing. Mr. Pinney asked Mr. French and Mr. Purcell to attend the Executive Session.

- 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

Adjourn Executive Session:

RESOLUTION 09 - 68

RESOLUTION, offered by Mr. Pinney and seconded by Mr. Shattuck:

RESOLVED, that the Executive Session is hereby terminated and the Regular Meeting reconvened at 9:13 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

Adjourn Meeting:

RESOLUTION 09 - 69

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

RESOLVED, that the meeting is hereby adjourned at the call of the Supervisor at 9:14 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

Minutes taken and executed by the Town Clerk.