

**REGULAR TOWN BOARD MEETING**  
**July 20, 2016**

A Regular Meeting of the Lansing Town Board was held at the Town Hall Board Room, 29 Auburn Road, Lansing, NY on the above date at 6:34 p.m. The meeting was called to order by the Supervisor, Edward LaVigne and opened with the Pledge of Allegiance to the flag. Roll call by Deborah K. Munson, Town Clerk, showed the following to be

**PRESENT:**

Edward LaVigne, Supervisor                      Andra Benson, Councilperson  
Katrina Binkewicz, Councilperson          Robert Cree, Councilperson  
Doug Dake, Councilperson

**ABSENT:**    None

**ALSO PRESENT:** Guy Krogh, Town Counsel, Charlie “Cricket” Purcell, Highway Superintendent, Mike Moseley, Deputy Highway Superintendent, Dan Veaner, Lansing Star, John O’Neill, Village of Lansing, Ted Laux, Connie Wilcox, Chris Williams, James Beaumont, Lyn Bullock, Kathy Votry, Dave and Joyce Heck, Robert Sternberg, Dave Schutz, John Anderson, Michael Long, Town Planning Consultant, and a few other attendees.

**LANSING COMMUNITY LIBRARY REPORT – EMILY FRANCO**

The following report was available as a handout.

**TOWN BOARD UPDATES**  
**FROM THE LANSING COMMUNITY LIBRARY**  
**July 20, 2016**

There are many activities happening at the library this summer, many in conjunction with the Summer Reading Program, in keeping with the theme “Ready, Set, Read!” While we are only a few weeks in to the program, we have already had more kids and adults signed up than in previous years. Scheduled activities include:

1. Family Exercise Classes, Tuesdays at 6:00 PM:
  - a. July 19 - Dance/movement with Maria
  - b. July 26 - Family Zumba with Rebecca
  - c. August 2 - Movie Night!
  - d. August 9 - Karate with Debbie
  - e. August 16 - Yoga with Marie
2. Summer Reading Come & Go Crafts, Tuesdays from 4:00 to 5:45 PM:
  - a. July 26 - Sporty Handprint Crafts
  - b. August 2 - Olympic Spirit!
  - c. August 9 - Decorate your Athlete
  - d. August 16 - Pennant Fun
3. The End of Summer Reading Party will be held Saturday, August 20 starting at 11:00 AM, featuring music from Laura Doherty.
4. In addition, in keeping with the active theme this year, LCL is sponsoring a team to participate in the Lighthouse 5k and helping to promote the event during Summer Reading events (such as the shared tent at the Summer Reading kick-off).
5. Legos at the Library on Thursdays from 2:00 to 6:00 PM through August 18<sup>th</sup> – stop in and building based on the weekly theme.
6. Story Time is every Thursday at 10:30 AM throughout the summer.
7. LCL will be closing at 7:00 PM on Wednesday, July 13 and at 5:00 PM on Wednesday, July 27 for our annual staff and volunteer picnic.
8. The week before school starts, LCL and the Lansing Recreation Department are co-hosting the first kindergarten readiness camp, in hopes of developing an annual program.

9. LCL is working with the History Center to sponsor “A photo history of Tompkins County” for the September Art Exhibit.

### **TOMPKINS COUNTY REPRESENTATIVE – MIKE SIGLER**

The following report was available as a handout.

**Tompkins County Legislator  
Michael Sigler  
July 20, 2016**

Hello and thank you for inviting me again. I’m sorry I can’t be at the meeting in person, but I had a previous engagement tonight.

Good news from the Airport. The repaving is going well and the runway is expected to reopen Saturday. There’s an open house BBQ at Taughannock Aviation from 12 p.m. to 2 p.m. on Sunday. It’s \$10 a person.

Earlier this month, the Legislature passed a resolution of support for the Commissioner of Personnel to implement procedures to eliminate the criminal conviction disclosure from the Tompkins County employment application (“banning the box”), except in cases where certain convictions preclude employment in specified job titles. For most positions, criminal conviction disclosures and subsequent inquiries now will be delayed until later in the application process. County Administrator Joe Mareane presented the Draft Request for Proposals (RFP) for consultant services to conduct a feasibility study regarding potential restructuring and shared services involving county law enforcement agencies, including the County and the City of Ithaca, as well as the villages of Cayuga Heights, Groton, and Dryden, through the Tompkins County Law Enforcement Shared Services Initiative. A \$50,000 New York State shared services grant has been awarded to support the study, under Governor Cuomo’s Municipal Restructuring Fund Program. I’m continuing to vote against this as I see no benefit to the town of Lansing.

The draft RFP document is posted for review at the County Administration page of the County website at [http://www.tompkinscountyny.gov/files/ctyadmin/Draft\\_RFP\\_TC\\_LawEnfSharedServicesInitiative.pdf](http://www.tompkinscountyny.gov/files/ctyadmin/Draft_RFP_TC_LawEnfSharedServicesInitiative.pdf).

The Legislature’s Public Safety Committee will be asked to approve a final version of the RFP document at its meeting tomorrow, July 21, at 3:30 p.m., held at Legislature Chambers. Comments on the document may be submitted to County Administrator Mareane in advance of that meeting. (Submission of public comments suggested via e-mail at [pubinfo@tompkins-co.org](mailto:pubinfo@tompkins-co.org).)

The Legislature accepted a \$149,025 grant from the Federal Emergency Management Agency to support streambank stabilization in Ludlowville, a follow-up element of the Ludlowville Stormwater Control Project, completed in 2015, to reduce flood damage to Ludlowville residences. This further flood mitigation work will stabilize a stream in Ludlowville to further retain water while also reducing erosion. A 25% local match (maximum of \$49,675) will be required.

The Legislature approved a Community Mental Health Nurse position to provide utilization review at the Tompkins County Mental Health Department. The vote was unanimous, with Legislator Jim Dennis excused. Operating under Utilization Review Authority for the County Mental Health Clinic, under New York State Office of Mental Hygiene regulations, the position will assume utilization review functions formerly split among clinical supervisors.

Legislature Chair Michael Lane recognized Clerk of the Legislature Cathy Covert for achieving 30 years of service with Tompkins County. Mr. Lane praised and thanked the Clerk and Deputy Clerks for all they do in support of the Legislature and Tompkins County.

Again, I want to thank the County’s Public Information Officer Marcia Lynch. I pull liberally from her reports on the county news.

### **MOTION TO OPEN THE PUBLIC HEARING – LOCAL LAW # 9 OF 2016 FLOOD PLAIN MANAGEMENT**

Councilperson Robert Cree moved to **OPEN THE PUBLIC HEARING ON LOCAL LAW # 9 OF 2016 FLOOD PLAIN MANAGEMENT** at 6:36 pm. Councilperson Andra Benson seconded the motion.

All in Favor - 5

Opposed - 0

**MOTION TO CLOSE THE PUBLIC HEARING**

All persons desiring to be heard, having been heard, Councilperson Robert Cree moved to **CLOSE THE PUBLIC HEARING** at 6:37 pm. Councilperson Andra Benson seconded the motion.

All in Favor - 5

Opposed - 0

Town Counsel, Guy Krogh stated the Local Law #9 is updating / amending an existing policy, so this is classified as an unlisted action. He reviewed the SEQR Part 2 and Part 3 for Local Law #9 of 2016, Flood Plain Management. Town Counsel, Guy Krogh recommended a negative declaration, but stated it's the Town Board's decision.

**PARKS AND RECREATION REPORT – STEVE COLT**

The following report was available as a handout.

**Parks & Recreation Department**

**7/20/16**

**Town Board Meeting**

**RECREATION**

- Many of our programs have already started or will be starting soon. We have scheduled summer programs through the month of August. So far, we have collected over \$104K in just recreation program fees this year. This is a really good number for us and it without any Swimming Lesson and Band Camp!
- A couple of our new programs did very well and sold out. The STEAM (Science, Technology, Engineering, Arts, Mathematics) Camp did sell out and got really good feedback. The new Fly Fishing School had very nice participation by parents with their children. It was very popular and we will do this again!
- Our summer travel teams are all doing well and are about to complete their respective seasons. Our 14U and 16U baseball teams are heading into playoffs next week and both teams are number one seeds in the tournament. All teams should complete play by the first week in August.
- Late summer and fall programs are in the registration process now. Youth football YFL starts on August 15<sup>th</sup>. We will be issuing equipment in a couple of weeks. Youth Soccer will be starting in early September.

**PARKS**

- The fireworks event went off as scheduled. The park crew prepped the grounds and all looked great. However, a lot of trash was found the next morning when the crew came back in to clean up.
- The waterfront is open now for swimmers and will close for the season on August 21<sup>st</sup>. This is the standard closing time for us. It becomes very difficult to keep guards on after mid-August due to sport practices starting and students returning to college.
- The concerts have started and have had very good turn-out. We have not had a food vendor at the first two events in Myers but will have a vendor this Thursday.

- The new outside showers that were fabricated by Chuck Starner (Highway Department) are completed and installed. He did a fantastic job building them. Pat and the crew completed the final install. They have also expanded the hardscape around the building with pavers that had been in our inventory for several years. IT LOOKS GREAT!!!!
- The new kiosk at Salt Point has been completed and looks awesome! All funded via donations and grants. The Salt Point committee continues to do an excellent job with all aspects of the area.

**HIGHWAY SUPERINTENDENT REPORT – CHARLIE “CRICKET” PURCELL**

Cricket reported the following:

Triphammer Terrace – The Waterline will start on Monday. All easements are signed.

Surface Treating – The week of July 25<sup>th</sup>, approximately twenty miles of miscellaneous roads.

Pave NY Money – The town received an additional \$46,654.37 this year, to go with the CHIPS money. The box culvert on East Lansing Road will cost \$49,000, so this additional \$46,654.37 will be used for that project.

Dump Truck – The new F550 Small Dump Truck is here.

2001 F450 Small Dump Truck – He asked the Board to approve the truck, its spreader and plow as surplus. This will be sold to Cayuga Heights DPW for \$3,000. This was the back-up truck and was already in the budget. The fair value is based on Kelly Blue Book and Truck Trader Magazines.

After discussion, the following motion was moved by Councilperson Katrina Binkewicz and seconded by Councilperson Doug Dake.

**MOTION DECLARING OLD HIGHWAY TRUCK AND PLOW KIT AS EXCESS PROPERTY AND AUTHORIZING SALE TO VILLAGE OF CAYUGA HEIGHTS**

The Town’s budget planned the retirement and replacement of an old, very-high mileage 2001 F450 small dump truck with spreader and plow, and the same has now been replaced; and

The cost to maintain such vehicle is prohibitive and the value of the same is minimal given the work needed to make it roadworthy and safe, as well as due to its age and condition, and in the opinion of the Highway Superintendent, after checking book values and repair costs and historical listings and auction bid prices, a sale at auction would obtain only a minimum price bid; and

By private sale to a neighboring municipality a better price has been obtained and therefore, upon such recommendation, in accord with the budget plans for 2016, and upon due deliberation being had thereupon, the Town Board of the Town of Lansing

THEREFORE moved and approved as follows:

1. That in accord with Town Law § 64 such 2001 F450 small dump truck with spreader and plow be and hereby is declared as excess property of the Town for which no current or future use is anticipated.
2. That the Highway Superintendent be and hereby is authorized to sell and convey the same “as is” and without warranty to the Village of Cayuga Heights for the sum of \$3,000, and such Highway Superintendent, and any other public officer of

the Town, be and hereby are severally authorized to sign such documents or take such actions as are hereafter desirable or necessary to effectuate this motion.

All in Favor - 5

Opposed - 0

Councilperson Katrina Binkewicz inquired about the temporary speed limit sign. Cricket reported it's not working very well, but they are getting a software update for it so hopefully it will work better. He stated he's looking at other signs. Supervisor Ed LaVigne stated a new sign could be considered at budget time.

Supervisor Ed LaVigne thanked Cricket on his hard work and his crew's hard work, especially on the easements. He stated there are no complaints.

**PLANNING CONSULTANT REPORT – MICHAEL LONG**

Mike reported the following:

Solar Farms – They will continue to discuss Solar Farms.

Comprehensive Plan - They are working on the Comprehensive Plan.

Novalane Subdivision – Mike gave an update on the Novalane Subdivision. Eastlake was the first PDA in the Town of Lansing. Years ago it was stated that the roads need to be connected between the neighborhoods, for emergency purposes. The easement was dedicated in 1988. John Young wrote a letter to Supervisor Ed LaVigne which states he is offering a donation to the Town of Lansing, up to \$65,000, to connect Eastlake to Novalane. His donation will cover the materials and equipment rental costs, the Town of Lansing Highway Department will supply the labor. To get this started, a check for \$30,000, payable to the Town of Lansing, was given to Supervisor Ed LaVigne. Supervisor Ed LaVigne, reported he has a signed agreement from 1988, which is valid and needs to be followed. This is just the town section of the road. Supervisor Ed LaVigne, thanked Mike Long for his work on this, the Town of Lansing Highway Department for their cooperation, and John Young for his check.

**ENGINEER'S REPORT – DAVE HERRICK**

The following report was available as a handout.

**ENGINEER'S REPORT**

1. Water System Planning and Maintenance
  - a. Town CWD, Bone Plain Pressure Zone
    - 540 feet of 8" main along Hillcrest Road is being installed to complete an important loop in the new pressure grid.
    - Pavement and lawn restoration is nearly complete. A review of the 'punch list' items by Engineer and Highway Superintendent will occur after the Hillcrest connection is completed.
    - Project construction budget remains within the original authorization.
  - b. Town CWD, Triphammer Terrace Extension
    - Town Highway Superintendent has obtained all easements and construction is expected to begin July 25<sup>th</sup>.
  - c. Town CWD, Extension 3: Buck Road and Conlon Road Area:
    - Continuing to review preliminary estimate of project cost using Town Force Account approach.
  - d. Town CWD, Extension 1: Lansing Station Road Main Extension
    - There has been no contact with the Norfolk Southern personnel.
  - e. Town CWD Out-of-District User Consolidation
    - There are now a fair number of out-of-district user agreements for lands that will ultimately be incorporated into the CWD boundary through a single Engineer's Map, Plan and Report (MPR) and public hearing proceeding. Town Supervisor has asked that the WSAB provide a recommendation on when this process

should be triggered (e.g. number of agreements, actual number of connected customers, annually etc).

- This issue will be added to the August WSAB agenda.

f. Portland Point Road Extension

- No update at this time. Mr. Sean Whittaker approached the WASB to discuss the possibility of extending the Town water main down to #298 and #300 Portland Point Road. Mr. Whittaker was to schedule a site meeting with the other neighbor and Town Staff to look at the route and stream/railroad crossings.

2. Stormwater Planning and Maintenance

a. Drainage Districts #1, #2, #4 and #5

- Scheduling the Town's inspection of permanent stormwater practices in the existing Drainage Districts with Lynn Day (SMO).

3. Code Enforcement and Planning

a. Recently Completed Development Reviews and Planning Department Assistance

- Pinney Properties Duplex Project SWPPP
- Asbury Hill Subdivision SWPPP
- Novalane Subdivision SWPPP

4. General Engineering 2017 Town Budget

a. Recommend working with Ed and Charmagne to establish Engineering, Consolidated Water District, Sewer District and Drainage District budgets.

**AGRICULTURE COMMITTEE REPORT – CONNIE WILCOX**

Connie reported the following:

The last meeting was on July 11, 2016.

Ag District – Mike Long will get a large map of the Ag District and discuss it at the next meeting.

Town land across the road - There is interest in purchasing the land across the road and they want to keep it farm land.

Right to Farm Community – The new signs are up stating Lansing is a Right to Farm Community.

**COMPREHENSIVE PLAN COMMITTEE REPORT – CONNIE WILCOX**

Connie reported the following:

Comprehensive Plan – The public hearing is scheduled for August 10, 2016, 7:00 pm at the Town Hall. The draft is available to look at: Town Clerk's Office, Planning Office, Lansing Library, Village of Lansing Office, and on line. Everyone on the committee has been great.

Supervisor Ed LaVigne thanked Mike Long and Connie Wilcox and Mike Long thanked all of the committee for their work on this.

Mike Long reported that one public hearing was held a year and a half ago, to get public input. He noted after the public hearing on August 10, 2016 they will make changes / revisions as needed. Mike stated it will then go to the Planning Board. He noted the Town Board will have a public hearing and then the Town Board will adopt the plan.

Town Counsel, Guy Krogh stated the final draft is needed before they can determine which level of SEQR it will be reviewed at.

**PRIVILEGE OF THE FLOOR**

A resident spoke about Hydrilla. He stated Hydrilla is in the inlet. He had handouts available and noted he has put information in Town Halls and places around the Lake. He thanked the following employees for their cooperation in dispensing the information: Debbie Munson, Amber Volbrecht, Steve Colt, Cricket Purcell, and Katrina Binkewicz.

**RESOLUTION APPROVING AND ADOPTING LOCAL LAW #9 OF 2016,  
AMENDING AND REPLACING EXISTING TOWN FLOOD PLAIN  
REQUIREMENTS AND ISSUING NEGATIVE DECLARATION OF  
ENVIRONMENTAL SIGNIFICANCE UNDER SEQRA**

**RESOLUTION 16-104**

**RESOLUTION APPROVING AND ADOPTING LOCAL LAW #9 OF 2016,  
AMENDING AND REPLACING EXISTING TOWN FLOOD PLAIN  
REQUIREMENTS AND ISSUING NEGATIVE DECLARATION OF  
ENVIRONMENTAL SIGNIFICANCE UNDER SEQRA**

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

WHEREAS, the Town has long recognized a need to update its flood plain local law, and since early 2015 amendments have been underway in respect of the same, and this draft local law has been reviewed by the Code Enforcement Officer and Town Engineers, and all input had and duly considered, and the Town Board has conducted its review of this local law as well, and such local law proposes to update definitions, standards, and procedures of review of disturbances and construction activities in varying types of flood plains and areas with water inundation, and to add procedures to comply with various state and federal regulations in respect of stormwater and flood plains; and

WHEREAS, this local law is adopted to mitigate and prevent flood damage as authorized by the Article 9, § 2 of the New York State Constitution, Environmental Conservation Law Article 36 and 6 NYCRR Part 500, Town Law §§ 64 and 130, and § 10 of the Municipal Home Rule Law, as well as other provisions of New York State and federal law, including, without limitation, the Clean Water Act and the regulations of FEMA, and the Town finds that the potential and actual damages from flooding and erosion may be or become a health, safety and general problem for residents and the Town, and that damages that may be incurred include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life; and

WHEREAS, this local law will help promote public health, safety, and the general welfare, as well as help minimize public and private losses due to flood conditions in specific areas of the Town by regulating certain uses, establishing flood height regulations, requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction, minimizing the alternation of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters, and to, among other goals, maintain qualification in the National Flood Insurance Program; and

WHEREAS, a public hearing to consider the proposed local law and its potential environmental impacts was duly held upon the 20th day of July, 2016, at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, where at all persons interested in the subject thereof were duly heard; and

WHEREAS, each identified potential environmental impact was analyzed and duly considered by the Town Board, as Lead Agency in this uncoordinated review of an Unlisted Action, in relation to the question of whether any potential environmental impacts were so probable of occurring or so significant as to require a positive declaration, and after weighing the above and all other potential impacts arising from or in connection with this project, and after also considering: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the

irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequence of the potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town's Comprehensive Plan and local needs and goals; and (vii) whether any known objections to the Project relate to any of the identified potential impacts, the Town Board found that these factors did not cause any potential impact to be or be likely to become a moderate or significant impact such that a negative declaration will be issued; and

WHEREAS, this matter was referred to County Planning for a § 239 review and County Planning incongruously noted some negative county wide and inter-community impacts as based upon what they noted as the "structure" of the local law, and more specifically 4 official comments were made. Such comments and the Town's reply to the same are as follows:

1. The County noted a desire to specifically name Flood Zone designations A and A3 as mapped along Cayuga Lake within the law, but as the language within the law is more expansive, including because it covers not only existing but future mapped areas, and because it specifically incorporates official insurance mapping, flood hazard boundary maps, and all maps or areas designated by FEMA or the Director thereof, including a reference to the title of the specific map applicable to the Town, and as Article III, § 1 says this law applies to all special flood hazard areas, and § 2 specifically references the map the County pulls its data from, the Town has opted to keep its existing form and structure because what the County seems to want or prefer is already in such law. Since the Town has not opted to change the language to delineate these issues in a differing format this local law will be adopted by supermajority and this recitation is intended, along with all those that follow, as an official reply per GML § 239.
2. This comment asks the Town to emplace a blanket prohibition across-the-board in all flood areas and only allow land usage or infill if a zoning variance is obtained. As this is not a zoning law but a regulatory law pertaining to already allowed uses in such areas, and as such recommendation may perhaps be confusing a zoning use variance with the variance authority herein delegated to the ZBA in relation to this law, the Town will keep its existing regulatory structure to discourage construction in such areas and, instead of banning now lawful uses, impose and enforce NYS building codes and other federal and state regulations to assure that life and property are adequately protected if located in a flood zone (e.g., 6 NYCRR Part 500).
3. The County requests specific language in relation to the mapped Zone A for certain larger projects and potential impacts on unmapped areas, and such requirements, including some of the very same standards cited, are expressly already contained in such law, for example in Article IV, § 4(g), and as the Town's law more expansively covers Flood Plain Boundary Mapping requirements and already requires developers and users to provide mapping and flood elevation (and other) data for unmapped areas, or areas where flood data is still needed or missing (often called "baseline data"), the Town has opted to keep intact the format and structure of its law that imposes such same recommended duties and obligations.
4. Finally, the County has made specific recommendations for Zone A3 regarding fill, grades, base flood elevation rules, and using data to support conditions in the permit, if granted. Again, everything recommended is already contained in Article V, § 2(b)(1) and (2), and many, if not all, of the A3 construction standards referenced are already required in this law as the Town covers each of Zones A1 through A30.

While the Town believes that the majority of these comments are not related to any negative inter-community or county-wide negative impacts, the Town is and will continue to examine these recommendations and will, if and as needed, particularly as flood plain and flood zone mapping is updated, examine such and other potential amendments to this law; and

WHEREAS, and after due deliberation upon this matter, be it now hereby RESOLVED as follows:

RESOLVED, that after consideration of the potential environmental impacts reviewed in accord with 6 NYCRR Part 617, Section 617.7(c), the Lead Agency finds that the proposed action—adopting Local Law #9 of 2016, entitled “FLOOD DAMAGE PREVENTION AND FLOOD PLAIN MANAGEMENT AND CONSTRUCTION LOCAL LAW”—will have no moderate or significant negative environmental consequences; and 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 thereunder, and accordingly, the Town Board of the Town of Lansing, based upon (i) its thorough review of the EAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a moderate or 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 EAF, including the findings noted therein (if any, and 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 an Environmental Impact Statement is therefore not required; and it is further

RESOLVED, that a 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 EAF and determination of significance shall be incorporated by reference in this Resolution; and it is further

RESOLVED, that Local Law Number 9 of 2016 be and hereby is approved and adopted in the form as presented to this meeting, and in such form “be it so enacted”; and it is further

RESOLVED, that within 20 days after the final adoption of this Local Law the Town Clerk shall file a certified copy of this Local Law, together with the required certifications, if any, as follows: (i) in the Office of the Town Clerk; and (ii) with the New York State Secretary of State as required by Municipal Home Rule Law §27 (said filing may be made by delivery to the NYS Department of State, Division of Corporations, State Records and Uniform Commercial Code, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231); and it is further

RESOLVED, that the Town Clerk mail a copy of this resolution to County Planning in fulfillment of the Town’s reply and reporting obligations under GML § 239-1.

The question of adoption of such proposed Resolution was duly motioned by Councilperson Robert Cree, duly seconded by Councilperson Andra Benson, and put to a roll call vote with the following results:

Councilperson Andra Benson - Aye	Councilperson Katrina Binkewicz - Aye
Councilperson Robert Cree - Aye	Councilperson Doug Duke - Aye
Supervisor Edward LaVigne - Aye	

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on July 20, 2016.

**FLOOD DAMAGE PREVENTION AND FLOOD PLAIN  
MANAGEMENT AND CONSTRUCTION LOCAL LAW**

**TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK  
LOCAL LAW NUMBER 9 of 2016**

The Town Board of the Town of Lansing, Tompkins County, New York, pursuant to a Resolution dated July 20, 2016, does hereby adopt and enact Local Law No. 9 of 2016, and thus **be it enacted by the Town Board of the Town of Lansing as follows:**

#### **ARTICLE I - LEGISLATIVE INTENT; PURPOSES; EFFECT.**

1. This local law is adopted pursuant to the authority granted to the Town of Lansing to mitigate and prevent flood damage as authorized by the Article 9, § 2 of the New York State Constitution, Environmental Conservation Law Article 36 and 6 NYCRR Part 500, Town Law §§ 64 and 130, and § 10 of the Municipal Home Rule Law, as well as other provisions of New York State and federal law, including, without limitation, the Clean Water Act and the regulations of FEMA.

2. The Town of Lansing finds that the potential and actual damages from flooding and erosion may be a problem to the residents of the town and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereafter set forth, this local law is adopted.

3. It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to: (i) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; (ii) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; (iii) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; (iv) control filling, grading, dredging and other development that may increase erosion or flood damages; (v) regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands; and (vi) qualify and maintain for participation in the National Flood Insurance Program.

4. The objectives of this local law are to: (i) protect human life and health; (ii) minimize expenditure of public money for costly flood control projects; (iii) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; (iv) minimize prolonged business interruptions; (v) minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard; (vi) help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; (vii) provide that developers are notified that property is in an area of special flood hazard; and (viii) ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### **ARTICLE II - DEFINITIONS.**

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application. Where defined, the definitions shall be both direct as to such exact words, and indirect to address similar terminology. For example, the defined term "expansion to an existing manufactured home park or subdivision" need not literally appear in this local law in such direct language, and such definition refers to anything that is an expansion to or enlargement of any such facility. Additionally, where the context so requires or admits, the definitions of words shall be congruent with federally defined terms at 44 C.F.R. Part 9, § 9.4 and New York definitions at 6 NYCRR Part 500, § 500.1 *et seq.* Further, certain defined terms may appear in this local law even though such term is not used in this local law, in part as permit applications, flood plain requirements, federal regulations, and related materials use such terms and this local law is intended to assist in all aspects of managing flooding, flood plains, and permitting systems and appeals. Defined terms maintain their meaning whether or not capitalized in this local law.

Hence, as used in this local law, the words used in or in relation to this local law, including in permit applications, orders, and applications for emergency relief, shall have the following meanings:

1. **Action** means any act or activity including: (i) acquiring, managing and disposing of federal lands and facilities; (ii) providing federally undertaken, financed or assisted construction and improvements; and (iii) conducting federal activities and programs affecting land use, including, but not limited to, water and related land resources, planning, regulating and licensing activities.
2. **Actions affecting or affected by floodplains or wetlands** means actions which have the potential to result in the long- or short-term impacts associated with (i) the occupancy or modification of floodplains, and the direct or indirect support of floodplain development, or (ii) the destruction and modification of wetlands and the direct or indirect support of new construction in wetlands.
3. **Agency** means the Federal Emergency Management Agency (FEMA).
4. **Agency assistance** means grants for projects or planning activities, loans, and all other forms of financial or technical assistance provided by the agency.
5. **Appeal** means a request for a review of the local administrator's interpretation of any provision of this local law, whether under Town Law § 267-a or Article 78 of the Civil Practice Law and Rules.
6. **Area of shallow flooding** means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
7. **Area of special flood hazard** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-30. It is also commonly referred to as the "base floodplain" or "100-year floodplain."
8. **Associate director** means the head of any office or administration of the agency who has programmatic responsibility for a particular action.
9. **Base flood** means the flood which has a one percent chance of being equaled or exceeded in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.
10. **Base floodplain** means the 100-year floodplain (one percent chance floodplain).
11. **Basement** means that portion of a building having its floor subgrade (below ground level) on all sides. It can include crawl spaces.
12. **Building** - See "Structure."
13. **Cellar** has the same meaning as "Basement."
14. **Coastal high hazard area** means the areas subject to high velocity waters including but not limited to hurricane wave wash or tsunamis. On a Flood Insurance Rate Map (FIRM), this appears as Zone V1-30, VE or V.
15. **Critical action** means an action for which even a slight chance of flooding is too great. The minimum floodplain of concern for critical actions is the 500-year floodplain, i.e., critical action floodplain. Critical actions include, but are not limited to, those which create or extend the useful life of structures or facilities, such as: (i) those which produce, use or store highly volatile, flammable, explosive, toxic or water-reactive materials; (ii)

hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events; (iii) emergency operation centers, or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and (iv) generating plants, and other principal points of utility lines.

16. **Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations, or storage of equipment or materials.

17. **Direct impacts** means changes in floodplain or wetland values and functions and changes in the risk to lives and property caused or induced by an action or related activity. Impacts are caused whenever these natural values and functions are affected as a direct result of an action. An action which would result in the discharge of polluted storm waters into a floodplain or wetland, for example, would directly affect their natural values and functions. Construction-related activities, such as dredging and filling operations within the floodplain or a wetland would be another example of impacts caused by an action.

18. **Director** means the director of the agency.

19. **Elevated building** means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns, (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

20. **Emergency actions** means emergency work essential to save lives and protect property and public health and safety performed under §§ 305 and 306 of the Disaster Relief Act of 1974 (42 U.S.C. 5145 and 5146). See 44 CFR part 205, subpart E.

21. **Enhance** means to increase or to heighten, or to improve the natural and beneficial values associated with wetlands.

22. **Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the town.

23. **Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

24. **Facility** means any man-made or man-placed item other than a structure.

25. **FEMA** means the Federal Emergency Management Agency.

26. **FIA** means the Federal Insurance Administration or the Federal Insurance Administrator.

27. **Five hundred year floodplain** (the 500-year floodplain or 0.2 percent change floodplain) means that area, including the base floodplain, which is subject to inundation from a flood having a 0.2 percent chance of being equaled or exceeded in any given year.

28. **Flood** or **Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of inland or tidal waters; or (ii) the unusual and rapid accumulation or runoff of surface waters from any source. "Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, land recession, or by some similarly unusual and unforeseeable event which results in flooding as defined above.

29. **Flood Boundary and Floodway Map (FBFM)** means an official map of the community published by FEMA as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

30. **Flood elevation study** means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

31. **Flood fringe** means that portion of the floodplain outside of the floodway (often referred to as "floodway fringe").

32. **Flood Hazard Boundary Map (FHBM)** means an official map of a community, issued by the agency or director, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided or where the boundaries of the flood, mudslide (i.e., mudflow) and related erosion areas having special hazards have been designated as Zone A, M, or E.

33. **Flood Insurance Rate Map (FIRM)** means an official map of a community, on which the agency or the director has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

34. **Flood Insurance Study** - See "Flood Elevation Study."

35. **Floodplain** or **flood-prone area** means any land area susceptible to being inundated by water from any source (see definition of "flooding"), including the lowland and relatively flat areas adjoining inland and coastal waters including, at a minimum, that area subject to a one percent or greater chance of flooding in any given year. Wherever the term "floodplain" is used, if a critical action is involved, "floodplain" shall mean the area subject to inundation from a flood having a 0.2 percent chance of occurring in any given year (500-year floodplain). "Floodplain" does not include areas subject only to mudflow until FIA adopts maps identifying "M" Zones.

36. **Flood proofing** or **floodproofing** means the modification of individual structures and facilities, their sites, and their contents to protect against structural failure, to keep water out, or to reduce effects of water entry, including any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

37. **Floodway** has the same meaning as "regulatory floodway."

38. **Functionally dependent use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a bridges, piers, docking or port facility necessary for the loading and unloading of cargo or

passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

39. **Highest adjacent grade** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls (or piers or similar constructs) of a structure.

40. **Historic structure** means any structure that is: (i) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (ii) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (iii) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (iv) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

41. **Indirect impacts** means an indirect result of an action whenever the action induces or makes possible related activities which effect the natural values and functions of floodplains or wetlands or the risk to lives and property. Such impacts occur whenever these values and functions are potentially affected, either in the short- or long-term, as a result of undertaking an action.

42. **Local administrator** is the person (or persons) appointed by the town to administer and implement this local law, including through the granting or denying of development permits in accordance with these provisions. In the town this person is the code enforcement officer, or such other person(s) as hereafter so appointed by resolution of the town board.

43. **Lowest floor** means lowest floor of the lowest enclosed area, including a basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this local law.

44. **Manufactured home** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "recreational vehicle."

45. **Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

46. **Mean sea level** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

47. **Minimize** means to reduce to the smallest amount or degree possible.

48. **Mitigation** means all steps necessary to minimize the potentially adverse effects of the proposed action, to restore and preserve the natural and beneficial floodplain values, and to preserve and enhance natural values of wetlands.

49. **Mobile home** has the same meaning as "manufactured home."

50. **National Geodetic Vertical Datum (NGVD)**, as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

51. **Natural values of floodplains and wetlands** means the qualities of or functions served by floodplains and wetlands which include but are not limited to: (i) water resource values (natural moderation of floods, water quality maintenance, groundwater recharge); (ii) living resource values (fish, wildlife, plant resources and habitats); (iii) cultural resource values (open space, natural beauty, scientific study, outdoor education, archeological and historic sites, recreation); and (iv) cultivated resource values (agriculture, aquaculture, forestry).

52. **New construction** means structures for which the “start of construction” is commenced on or after the effective date of this local law or any predecessor local floodplain regulation, including any subsequent improvements to such structure. Also means the construction of a new structure (including the placement of a mobile home) or facility, or the replacement of a structure or facility which has been totally destroyed.

53. **New construction in wetlands** includes draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective dates of the Executive Orders of May 24, 1977 (see subsection 56, below).

54. **New manufactured home park or subdivision** means a manufactured home park or subdivision, for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads), is completed on or after the effective date of floodplain management regulations adopted by a community.

55. **One-hundred-year flood or 100-year flood** has the same meaning as “base flood.”

56. **Orders** means Executive Orders 11988, Floodplain Management, and 11990, Protection of Wetlands.

57. **Practicable** means capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of all pertinent factors, such as environment, cost and technology.

58. **Preserve** means to prevent alterations to natural conditions and to maintain the values and functions which operate the floodplains or wetlands in their natural states.

59. **Principally aboveground** means that at least 51 percent of the actual cash value of the structure, excluding land value, is aboveground.

60. **Recreational vehicle** means a vehicle which is: (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

61. **Regional director** means the regional director of the agency for the region in which FEMA is acting or the disaster recovery manager, when one is designated.

62. **Regulatory floodway** means the area regulated by federal, state or local requirements to provide for the discharge of the base flood so the cumulative increase in water surface elevation is no more than a designated amount (not to exceed one foot as set by the NFIP), being that portion of the floodplain which is effective in carrying flow, within which this carrying capacity must be preserved and where the flood hazard is generally highest, i.e., where water depths and velocities are the greatest. It is that area which provides for the discharge of the base flood so the cumulative increase in water surface elevation is no more than one foot. “Regulatory floodway” also means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the FEMA in a Flood Insurance Study or by other agencies as provided in this local law.

63. **Restore** means to reestablish a setting or environment in which the natural functions of the floodplain can again operate.

64. **SLPS** means the state and local programs and support directorate.

65. **Start of construction** includes substantial improvement and means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading, grubbing, and filling; installation of streets or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms. It also includes the placement or installation on the property of accessory buildings (garages, sheds), storage trailers, and building materials. For manufactured homes, the "actual start" means commencing the process of affixing of the manufactured home to its permanent site.

66. **Structure** means a walled and roofed building, including a gas or liquid storage tank that is principally aboveground, as well as a manufactured home.

67. **Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

68. **Substantial improvement** means: (i) any repair, reconstruction or other improvement of a structure or facility which has been damaged in excess of, or the cost of which equals or exceeds, 50% of the market value of the structure or replacement cost of the facility, regardless of the actual repair work performed, including all "public facilities" as defined in the Disaster Relief Act of 1974, before the repair or improvement is started, or if the structure or facility has been damaged and is proposed to be restored, before the damage occurred; or (ii) structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (i) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (ii) any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places. If a facility is an essential link in a larger system, the percentage of damage will be based on the relative cost of repairing the damaged facility to the replacement cost of the portion of the system which is operationally dependent on the facility.

69. **Support** means to encourage, allow, serve or otherwise facilitate floodplain or wetland development. Direct support results from actions within a floodplain or wetland, and indirect support results from actions outside of floodplains or wetlands.

70. **Town** shall mean the Town of Lansing, Tompkins County, New York.

71. **Variance** means a grant of relief from or a waiver of the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

72. **Wetlands** means those areas which are inundated or saturated by surface or ground water with a frequency sufficient to support, or that under normal hydrologic conditions does or would support, a prevalence of vegetation or aquatic life typically adapted for life in saturated or seasonally saturated soil conditions. Examples of wetlands include, but are not limited to, swamps, fresh and salt water marshes, estuaries, bogs, beaches, wet meadows, sloughs, potholes, mud flats, river overflows and other similar areas. This definition includes those wetlands areas separated from their natural supply of water as a result of activities such as the construction of structural flood protection methods or solid-fill road beds and activities such as mineral extraction and navigation improvements. This definition is intended to be consistent with the definition utilized by the U.S. Fish and Wildlife Service in the publication entitled Classification of Wetlands and Deep Water Habitats of the United States (Cowardin, et al., 1977).

**ARTICLE III - GENERAL PROVISIONS.**

1. This local law shall apply to all areas of special flood hazard within the jurisdiction of the town.
2. The areas of special flood hazard are identified and defined on the maps and documents prepared by FEMA, including the NFIP Discovery Map, Seneca Watershed, (April, 2014), as hereafter periodically updated, and any other applicable Flood Insurance Rate Map or Flood Boundary and Floodway Map. Such maps and related documents are adopted and declared to be a part of this local law. This local law includes all revisions to the National Flood Insurance Program through December 31, 2015, and shall supersede all previous ordinances and laws adopted for the purpose of flood damage control or prevention by the town.
3. In their interpretation and application, the provisions of this local law shall be held to be minimum requirements adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at odds with or different than the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or those imposing the higher standards, shall govern.
4. No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered, and no land shall be excavated or filled, without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation of this local law. Any structure found not compliant with the requirements of this local law for which the developer or owner has not applied for and received an approved variance will be declared noncompliant, and notification will be sent to FEMA.
5. The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the town, any officer or employee thereof, for any flood damages that result from reliance on this local law or any administrative decision lawfully made hereunder (even if incorrect).

#### **ARTICLE IV - FLOODPLAIN DEVELOPMENT PERMITS**

1. A floodplain development permit system is hereby established for all construction and other development to be undertaken in areas of special flood hazard in the town for the purpose of protecting citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard without a valid floodplain development permit. All permit issuance shall, to the extent required by law, also comply with 6 NYCRR Part 500.
2. Application for a permit shall be made on forms furnished by the local administrator and may include, but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the locations of the foregoing.
3. All applications for a floodplain development permit shall be accompanied by an application fee of \$200. Such fee may hereafter be amended by resolution of the town board. In addition, the applicant shall be responsible for reimbursing the town for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a developer's agreement or deposit of no more than \$500 to cover these additional costs.
4. The applicant shall provide the following information as appropriate, and additional information may be required on the permit application form:

a. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement) of any new or substantially improved structure to be located in Zones AI-A30, AE or AH, or Zone A, if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

b. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be flood proofed. Upon completion of the flood proofed portion of the structure, the permittee shall submit to the local administrator the as-built flood proofed elevation, certified by a professional engineer or surveyor.

c. A certificate from a licensed professional engineer or architect that any utility flood proofing will meet the code and other criteria for utilities, whether set forth in this local law, in applicable building codes, or otherwise.

d. A certificate from a licensed professional engineer or architect that any nonresidential structure will meet the flood proofing criteria for “nonresidential structures.”

e. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must also: (i) submit any maps, computations or other material required by the FEMA to revise the documents; (ii) pay any fees or other costs assessed by FEMA for this purpose; (iii) provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained; and (iv) demonstrate that any watercourse or waterbody alterations are or have been permitted or approved by the applicable authority with jurisdiction, commonly the New York State Department of Environmental Conservation or the U.S. Army Corps of Engineers, or in the alternative demonstrate that no such permit or approval is required.

f. A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.

g. In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

5. The local administrator shall have the following duties:

a. The local administrator shall conduct the following permit application reviews before issuing a floodplain development permit:

1. Review all applications for completeness, particularly relative to the requirements for permit applications and for compliance with the provisions and standards of this local law.

2. Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard all new construction and substantial improvements shall meet the applicable construction standards and subdivision proposal standards and requirements.

3. Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the

applicant to submit additional technical analyses and data necessary to complete this determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of the construction standards of and in this local law no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate adverse effects and resubmit the application for re-review.

4. Determine that all necessary permits have been received from those governmental agencies from which approval, review, or funding is required by state or federal law, including environmental permits and reviews and General Municipal Law § 239-1, *et seq.*, reviews.

b. When the FEMA has designated areas of special flood hazard on the town's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed under this local law, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this local law. In addition, and when base flood elevation data are not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this local law.

c. Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the regional director, Region II, FEMA shall be required. The local administrator shall further determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

d. For the construction stage of any project, and in Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of flood proofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or flood proofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use). Any work or further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

e. The local administrator or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable the inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit or any variance provisions.

f. The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found ongoing without a development permit. Disregard of or noncompliance with a stop work order, including any of its terms or conditions, shall be a violation of this local law.

g. In areas of special flood hazard, as determined under this local law, it shall be unlawful to occupy or to permit the use or occupancy of a building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this local law. A certificate of compliance shall be issued by the local

administrator upon satisfactory completion of all development in areas of special flood hazard. Issuance of the certificate shall be based upon the inspections conducted as prescribed in by this local law and any certified elevations, hydraulic data, flood proofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

h. The local administrator shall retain and make available for inspection copies of the following: (i) floodplain development permits and certificates of compliance; (ii) certifications of as-built lowest floor elevations of structures, whether or not the structures contain a basement; (iii) flood proofing certificates, whether or not the structures contain a basement; (iv) variances issued pursuant to this local law; and (v) notices required or delivered pertaining to stop work orders, orders to remedy, or for alterations of watercourses.

## ARTICLE V - CONSTRUCTION STANDARDS.

1. General Standards - the following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the flood insurance rate map.

a. Subdivision Proposals - the following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

1. Proposals shall be consistent with the need to minimize flood damage;
2. Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and
3. Adequate drainage shall be provided to reduce exposure to flood damage.

b. Encroachments -

1. Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless: (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or (ii) the town agrees to apply to FEMA for a conditional FIRM revision, FEMA approval is received, and the applicant provides all necessary data, analyses and mapping and reimburses the town for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the town for all costs related to the final map revision. The local administrator and the town may require a developer's agreement or an advance payment of these anticipated costs and expenses.

2. On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless: (i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in *any* increase in flood levels during occurrence of the base flood; or (ii) the town agrees to apply to FEMA for a conditional FIRM and floodway revision, FEMA approval is received, and the applicant provides all necessary data, analyses and mapping and reimburses the town for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the town for all costs related to the final map revisions. The local administrator and the town may require a developer's agreement or an advance payment of these anticipated costs and expenses.

## 2. Standards for All Structures

a. Anchoring - New structures and substantial improvements to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind and other forces.

b. Construction Materials and Methods - New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage using methods and practices that minimize flood damage. For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
2. The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.
3. Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

### c. Utilities -

1. Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilation and air conditioning equipment, hot water heaters, appliances, elevator lift machinery, and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.
2. New and replacement water supply systems, including wellheads, shall be designed to minimize or eliminate infiltration of floodwaters into the system.
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.
4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

d. Residential Structures - In addition to other rules affecting subdivisions, encroachments, and standards for all structures, residential development within the floodway is discouraged and will not be permitted except for unusual circumstances when in compliance with the following conditions:

1. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the top of the lowest floor (including basement) elevated two feet or more above the base flood level.

2. Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
  3. Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map (or at least two feet if no depth number is specified).
  4. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- e. Nonresidential Structures - In addition to other rules affecting encroachments and standards for all structures, the following standards apply to new and substantially improved commercial, industrial, and other non-residential structures:
1. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either (i) have the top of the lowest floor, including basement or cellar, elevated 2 feet or more above the base flood elevation; or (ii) be flood proofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
  2. Within Zone AO, new construction and substantial improvements of nonresidential structures shall: (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or (ii) together with attendant utility and sanitary facilities, be completely flood proofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water, and all structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
  3. If the structure is to be flood proofed, a licensed professional engineer or architect shall develop and review structural design, specifications and plans for construction. A flood proofing certificate or other certification shall be provided to the local administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this local law, including the specific elevation (in relation to mean sea level) to which the structure is to be flood proofed.
  4. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
  5. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.
- f. Manufactured Homes and Recreational Vehicles - In addition to the general standards and standards for all structures, the following standards apply as indicated to manufactured homes and to recreational vehicles located in areas of special flood hazard.
1. Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either: (i) be on site fewer than 180 consecutive days; (ii) be fully licensed and ready for highway use; or (iii) meet the requirements for manufactured homes as set forth below. A recreational vehicle is ready for highway use if it is on its wheels, or uses a jacking system that is attached to the site only by quick

disconnect-type utilities and security devices, and has no permanently attached additions.

2. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH that is on a site either: (i) outside of an existing manufactured home park or subdivision as herein defined; (ii) in a new manufactured home park or subdivision as herein defined; (iii) in an expansion to an existing manufactured home park or subdivision as herein defined; or (iv) in an existing manufactured home park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation, and securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

3. A manufactured home to be placed or substantially improved in Zone A1-A30, AE and AH in an existing manufactured home park or subdivision that is *not* to be placed on a site on which a manufactured home has incurred substantial damage shall be: (i) elevated on a permanent foundation such that the lowest floor is elevated to or above the Base Flood elevation; or (ii) elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

4. Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

5. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

#### **ARTICLE VI - VARIANCE PROCEDURES.**

1. The Town of Lansing Zoning Board of Appeals shall hear and decide upon: (i) requests for variances from the requirements of this local law; and (ii) appeals from determinations, interpretations, and decisions of the local administrator in the enforcement or administration of the local law. Those aggrieved by the decision of the Zoning Board of Appeals may seek a review or appeal of such board's determinations in accord with Article 78 of the Civil Practice Law and Rules. To the extent necessary to give effect hereto, the town board and the town declares its intent to supersede Town Law § 267 to give this review and appellate jurisdiction to the Zoning Board of Appeals pursuant to the Municipal Home Rule Law. These provisions do not extend any timelines, deadlines, statutes of limitations or repose; nor do they create any appeal, review, writ, or cause of action that does not already exist in law.

2. In passing upon such applications, the Town Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, the standards specified in Town Law and in other sections of this local law, as well as the following:

- a. The danger that material may be swept onto other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage;

- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity to the facility of a waterfront location, where applicable;
- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. The compatibility of the proposed use with existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
- k. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- l. The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair costs to utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

3. Upon consideration of the factors set forth above and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the standards for variances have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance should be held and deemed to increase and become more exacting.

4. The local administrator shall maintain the records of all appeals and variances, including technical information, and report any variances to FEMA upon request. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice, signed by a town official, advising that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

5. Variances may be issued for the repair or rehabilitation of historic structures upon determination that: (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic structure"; and (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.

6. Variances may be issued for new construction and substantial improvements for the necessary development of a functionally dependent use provided that: (i) the criteria for variances are met; (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety; and (iii) a variance issued within any designated floodway does and will not result in an increase in flood levels during a base flood discharge. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford the requested or needed relief while also avoiding increased flood heights, additional threats to public safety or extraordinary public expense, or the creation of nuisances.

## ARTICLE VII - VIOLATIONS AND PENALTIES.

1. The local administrator and the Code Enforcement Officer are authorized to investigate any non-compliance (or complaints of such violation or non-compliance) with the requirements of this local law, to issue appearance tickets for any violation of this local law or any permit, approval, or variance requirements or conditions, to recommend the commencement of civil enforcement or related proceedings to the town board, and to order in writing the remedying of any condition or activity found to exist in, on, or about any lands, building, structure, or premises in violation of this local law.

2. Upon finding that any such violation exists, the local administrator or Code Enforcement Officer may issue a compliance order, which compliance order shall comply with the requirements of Executive Law § 382 and be served accordingly. Any person or entity so served shall come into compliance with this local law within the specified period of time as set forth in the compliance order, and any failure to do so shall be a violation of this local law. Any failure to comply with the terms and requirements of this local law, or the requirements and conditions of any permit, approval, or variance conditions issued hereunder is hereby also declared to be a violation of this local law. All violations of this local law are hereby declared to be illegal and subject to civil penalties and criminal sanctions as herein set forth.

3. All procedural and other provisions of New York law generally applicable to misdemeanors shall apply to any criminal proceeding brought under this local law and each such criminal violation shall be classified as set forth below, including as to the following criminal fines and sanctions, or any related civil penalties, as applicable:

a. First Violation: Any person or entity that violates any of the provisions of this local law shall be (i) guilty of a criminal violation and subject to a fine of not more than \$500, or (ii) subject to a civil penalty of not more than \$500 to be recovered by the town in a civil action. Every such person or entity shall be deemed guilty of a separate criminal offense for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect or refusal shall continue.

b. Second Violation: Any violation that is found to have occurred within 2 years of any prior civil or criminal determination of any other violation of this local law shall be deemed a second violation. Any person or entity that commits or permits any second violation shall be (i) guilty of an unclassified misdemeanor and subject to a fine of not more than \$2,000, or (ii) subject to a civil penalty of not more than \$2,000 to be recovered by the town in a civil action. Every such person or entity shall be deemed guilty of a separate unclassified misdemeanor for each week that such violation, disobedience, omission, neglect, or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect, or refusal shall continue.

c. Third and Subsequent Violations: Any violation that is found to have occurred within 2 years of any prior civil or criminal determination of any second violation of this local law shall be deemed a third or subsequent violation, as applicable. Any person or entity that commits or permits a third or subsequent violation shall be (i) guilty of an unclassified misdemeanor and subject to a fine not more than \$5,000 and a period of incarceration not to exceed 60 days, or (ii) subject to a civil penalty of not more than \$5,000 to be recovered by the town in a civil action. Every such person or entity shall be deemed guilty of a separate unclassified misdemeanor for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect, or refusal shall continue.

4. An action or proceeding may be instituted in the name of the town in any court of competent jurisdiction to prevent, restrain, enjoin, correct, enforce, or abate any violation of, or non-conformance with, any provision or requirement of this local law or the terms and conditions set forth in any permit or approval issued hereunder. In any such

proceeding the town shall not be required to: (i) prove the lack of an adequate remedy at law; or (ii) to post a bond or other undertaking as a condition or requirement for any preliminary, interim, or permanent restraining order or injunction. No such action or proceeding shall be commenced without the appropriate authorization from the town board.

5. For purposes of this local law the town's Justice Court is hereby vested and imbued with jurisdiction to: (i) issue administrative or other warrants in compliance with the New York Criminal Procedure Law and administrative codes of the State of New York; and (ii) hear and adjudicate allegations relating to the criminal or civil violation of this local law and to thereafter, if appropriate, impose any fine, penalty, or sanction.

6. No remedy or penalty specified in this local law shall be the exclusive remedy available to the town to address any violation of, or non-compliance with, the requirements of this local law. The rights and remedies of the town are independent of each other and cumulative. The grant of any right or remedy in this local law is in addition to, and not in limitation of or substitution for, any other right or remedy of the town, whether sounding in law, equity, or admiralty. Further, the election by the town of any one right or remedy does not forestall or prevent the simultaneous or future election of any other right or remedy.

**ARTICLE VIII - LIMITED TOWN LIABILITY.**

The town, and its officers, employees and agents, shall not be liable or responsible for any injuries to persons or damages to property due to the town's actions, or failures to act, under or pursuant to this local law unless it is proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the town or its officers and agents. This provision shall be construed and applied to the maximum extent permitted by law, and does not create any theory or claim of liability where none exists at law or in equity.

**ARTICLE IX - CONSTRUCTION.**

All nouns and pronouns shall be construed in the singular, plural, masculine, feminine, or neutered context when the provisions hereof so demand or admit. Subject headings are for convenience and shall not be construed or applied to limit or restrict the subject matter and terms appearing under such subject heading. Whenever any reference is made to any section of law or regulations, such reference shall be interpreted to include such law or regulation as later amended, renumbered, or re-codified, and a mere typographical citation error shall not be given effect.

**ARTICLE X - SAVINGS.**

In the event any existing or hereafter adopted federal or state law restricts or alters the ability of the town to review or regulate any flood plains or related flood plain permits, then the provisions hereof shall be read in harmony with such restrictions or limitations and applied to the maximum extent permitted under applicable law or in the face of preemption by a superior sovereign.

**ARTICLE XI - FEES.**

Any fees or fee schedules referenced in this local law may be implemented and periodically updated by the town board by resolution. Without limiting the requirements of this local law, fee schedules may be developed for permit applications, issuances, or renewals, amended or renewed permits, inspections, reviews, and other actions of the town or its officers and employees as described in, required by, or contemplated under this local law. All such fees shall be reasonably determined in accord with law and periodically reviewed by the town board to assure such reasonableness and legality.

**ARTICLE XII - SAVINGS AND SEVERENCE.**

If any part or provision of this local law or the application hereof to any person or circumstance be adjudged invalid or unenforceable by any court or tribunal of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. If such part or provision cannot be so limited or saved then it shall be deemed severed here from and the town board hereby declares that it would have passed this local law, or the remainder hereof, had such invalid or unenforceable application or provision been apparent or omitted.

**ARTICLE XIII - EFFECTIVE DATE.**

This local law shall take effect immediately.

**RESOLUTION AUTHORIZING THE ISSUANCE OF A \$340,081.23 TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK, BOND ANTICIPATION RENEWAL NOTE, NUMBER 02-16**

Town Counsel, Guy Krogh explained the Warren Rd Sewer District Extension was financed by the benefited properties. He stated the BARN from last year is expiring and the Town is paying down some principal debt each time it's renewed.

**RESOLUTION 16-105**

**RESOLUTION AUTHORIZING THE ISSUANCE OF A \$340,081.23 TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK, BOND ANTICIPATION RENEWAL NOTE, NUMBER 02-16**

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

WHEREAS, the Town duly authorized expenditures to cover the cost of acquiring, constructing, and equipping the improvements to be included in the Warren Road Sewer District Extension, including the acquisition of lands and easements and other rights therein, and the construction of improvements consisting of a gravity fed system consisting of 15,000 feet of eight-inch sewer and force mains, 1,700 feet of four-inch force mains, 50 service laterals, interconnection appurtenances, a duplex pumping station, road borings, 45 four-foot diameter manholes and five five-foot manholes consisting of pre-cast concrete installations and metal covers, force mains, lateral lines, valves, pumps, curb stops, original furnishings, equipment, machinery, apparatus, fill, services, appurtenances and incidental improvements to serve the properties within the said district extension, related site work, legal, engineering, administration, environmental and other preliminary costs and other costs incidental to the financing thereof (all herein, the "Project"), all of which Project expenses were authorized by a Final Order forming the District and funded by a Bond Resolution dated January 27, 2010, and which obligation(s) were satisfied, in accord therewith, by Bond Anticipation Note 03-10 (in the amount of \$1,700,000.00), which Bond Anticipation Note ("BAN") was renewed by Bond Anticipation Renewal Note ("BARN") 02-11 (\$1,700,000.00), which was again renewed by BARN 02-12 (\$668,199.23), which was again renewed by BARN 02-13 (\$374,081.23), which was again renewed by BARN 02-14 (\$364,081.23), which was again renewed by BARN 02-15 (\$352,081.23), and which BARN 02-15 is hereby being renewed; and

WHEREAS, BARN 02-15 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 and issue a BARN 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 Renewal Note 02-16, to be issued in the amount of

\$340,081.23, for one year at a 1.80% interest rate (non-callable), and maturing upon August 7, 2017; 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 § 38.10, and other requirements of law, the Town Board of the Town of Lansing has hereby approved such BARN 02-16 and therefore, be it Resolved as follows:

Section 1. The Bond Anticipation Renewal Note (“BARN”) hereby authorized is for the payment of indebtedness relating to the purchase and acquisition of goods and services to construct the Project.

Section 2. The BARN hereby authorized was authorized pursuant to a Bond Resolution dated January 27, 2010 (the “Bond Resolution”), which Bond Resolution was duly issued under and in accord with the requirements of the Local Finance Law, with such Project being subject to permissive referendum as required by law.

Section 3. It is hereby determined that the cost of indebtedness relating to the Project and the objects and purposes of this Resolution is \$352,081.23 in principal due upon BARN 02-15, plus interest thereupon in the estimated amount of \$6,144.31, making on total the sum of \$358,225.54; and said amounts are hereby appropriated; and the plan for the financing thereof shall consist of the issuance of up to \$340,081.23 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, together with the payment from appropriated funds of principal due in the amount of \$12,000.00, plus the interest due of \$6,144.31.

Section 4. The Town of Lansing hereby authorizes the expenditure of up to \$358,225.54 for the payment of the obligations relating to the Project, which amount shall be paid by the issuance of BARN 02-16 and the payment of \$18,144.31 in principal and estimated interest, as aforesaid.

Section 5. No other Bond Anticipation Notes (“BAN”) or BARNs are issued or outstanding for the payment of the indebtedness relating to the Project (except BARN 02-15, which is hereby being paid in full as authorized by this Resolution).

Section 6. The BARN authorized by this Resolution is a renewal of BARN 02-15, issued August 7, 2015.

Section 7. The BARN authorized by this Resolution shall be dated August 8, 2016, and shall mature and be and become due and payable upon August 7, 2017.

Section 8. The BARN hereby authorized is for an assessable improvement of or within the Town, namely, the Town of Lansing Warren Road Sewer District Extension.

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 § 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 Renewal Note authorized by this Resolution. This Resolution shall constitute a declaration of official intent as required by United States Treasury Regulation § 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 Renewal 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.

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

Councilperson Andra Benson - Aye	Councilperson Katrina Binkewicz - Aye
Councilperson Robert Cree - Aye	Councilperson Doug Dake - Aye
Supervisor Edward LaVigne - Aye	

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on July 20, 2016.

**RESOLUTION APPROVING CONTRACT WITH CARDAMONE HOME BUILDERS, INC., REGARDING CWD IMPROVEMENT AND WOODLAND PARK PDA IMPROVEMENTS AND AUTHORIZING EXECUTION OF THE SAME**

Town Counsel, Guy Krogh stated the contract will be for 73 sewer units, not 20.

**RESOLUTION 16-106**

**RESOLUTION APPROVING CONTRACT WITH CARDAMONE HOME BUILDERS, INC., REGARDING CWD IMPROVEMENT AND WOODLAND PARK PDA IMPROVEMENTS AND AUTHORIZING EXECUTION OF THE SAME**

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

WHEREAS, Cardamone Home Builders, Inc. is the developer of the Woodland Park PDA, and said project had certain infrastructure requirements related to water supplies and improvements, including the construction of an interconnection along Hillcrest Road envisioned to be completed as part of an express condition in phase 3 or 4 of such PDA; and

WHEREAS, the Town has recently completed over 90% of a consolidated water district (“CWD”) improvement project involving the increase of water supplies and a water pressure improvement zone, consisting of a new water tank and several mains and system interconnections, being known generally as the CWD Bone Plain Water Tank Improvement Project, and the Hillcrest Road interconnection is the last part of this project that needs completion, even though the developer is not yet ready to complete the improvements for phase 3 or 4 of such PDA, and even though the cost will never be lower as the contractor is mobilized and the § 202-b Order is in place; and

WHEREAS, the developer and the Town have discussed this interconnection project and the timing and costs thereof for approximately 4 years, the various means and methods of constructing the same and apportioning the costs thereof to complete the Bone Plain

Project, as well as to liquidate the future liability or responsibility of the Developer to build-out any CWD infrastructure along Hillcrest Road for such interconnection; and

WHEREAS, the Town and the developer have agreed that the developer will pay a share of construction costs for the interconnection as detailed and approved by the Town Highway Superintendent and Town Planner, in consultation with the Town Engineer and Town Attorney; and upon due consideration of such agreement, the Town Board of the Town of Lansing has hereby

RESOLVED, that the agreement whereby the developer pays \$20,000 to the Town to help complete the pressure zone improvements now, as opposed to some future time in relation to phase 3 or 4 of the Woodland Park PDA, be and hereby is approved, and it is further

RESOLVED, that such contract be and hereby is approved, and that the Town Supervisor be and is hereby authorized to execute such contract, by, for, on behalf of, and in the name of the Town of Lansing and the Town of Lansing Consolidated Water District.

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

Councilperson Andra Benson - Aye  
Councilperson Robert Cree - Aye  
Supervisor Edward LaVigne - Aye

Councilperson Katrina Binkewicz - Aye  
Councilperson Doug Dake - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on July 20, 2016.

**RESOLUTION APPOINTING DEPUTY CLERK AND DEPUTY RECEIVER OF TAXES PER TOMPKINS COUNTY CIVIL SERVICE RULES AND UNDER TOWN LAW, AND FURTHER AUTHORIZING FILING OF FORM MSD 428**

**RESOLUTION 16-107**

**RESOLUTION APPOINTING DEPUTY CLERK AND DEPUTY RECEIVER OF TAXES PER TOMPKINS COUNTY CIVIL SERVICE RULES AND UNDER TOWN LAW, AND FURTHER AUTHORIZING FILING OF FORM MSD 428**

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

WHEREAS, the Town of Lansing needs to appoint a Deputy Town Clerk/Receiver of Taxes; and

WHEREAS, upon consideration and deliberation upon the same, the Town Board of the Town of Lansing has hereby

RESOLVED, as follows:

1. Laura Nemecek be and hereby is appointed as Deputy Town Clerk/Receiver of Taxes, Grade 4, Step 1, effective August 1, 2016 at a rate of \$15.56 per hour, 36.5 hours per week, subject also to all Town perquisites and benefits as are available to such position;
2. The probationary period be and hereby is scheduled for 26 weeks;
3. The appropriate Town officer be and hereby is authorized to make such changes to the Towns' employment and civil service rosters and file required Civil Service forms to effect such changes and this Resolution, including by the filing of form MSD 428;

The question of the adoption of such proposed Resolution was duly motioned by Councilperson Andra Benson, duly seconded by Councilperson Doug Duke, and put to a roll call vote with the following results:

Councilperson Andra Benson - Aye  
Councilperson Robert Cree - Aye  
Supervisor Edward LaVigne - Aye

Councilperson Katrina Binkewicz - Aye  
Councilperson Doug Duke - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on July 20, 2016.

**RESOLUTION AMENDING AND APPROVING HOURS WORKED FOR JONATHAN HOWE UNDER TOWN LAW AND AMENDING ORGANIZATIONAL RESOLUTION 16-15**

**RESOLUTION 16-108**

**RESOLUTION AMENDING AND APPROVING HOURS WORKED FOR JONATHAN HOWE UNDER TOWN LAW AND AMENDING ORGANIZATIONAL RESOLUTION 16-15**

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

WHEREAS, upon an examination of the work, and type of work performed, the Town Board has determined that the position needs to be forty hours per week; and

WHEREAS, said position involves additional hours of work, and results in the necessary changes to the Organizational Resolution 16-15 for the 2016 year; and

WHEREAS, upon consideration and deliberation upon the same, the Town Board of the Town of Lansing has hereby

RESOLVED, as follows:

1. Laborer Jonathan Howe be and hereby is approved for forty hours per week, effective July 21, 2016;
2. Organizational Resolution 16-15 is hereby amended to reflect said change of hours to forty;

**RESOLUTION 16-15 – Amended as follows:**

**RESOLVED**, that the Town Board hereby establishes the following standard hours per month, as required for determination of retirement benefits for

Town Officials:

Bookkeeper, Court Clerk, Senior Court Clerk, **7.3 hrs/day 36.5 hrs/week**  
Cleaner, Secretary to Highway Superintendent, Code Enforcement, Planning & Zoning Clerk, Deputy Town Clerk, Information Aide

Town Clerk, Director Parks & Recreation, **8 hrs/day 40 hrs/week**  
Recreation Supervisor, Zoning, Code, Fire Enforcement Officer, Highway Superintendent, Motor Equipment Operator, Mechanic, Laborer

Town Justice	*based on a 6 hr/day	33 hrs/month
Councilperson	*based on a 6 hr/day	41.04 hrs/month
Supervisor	*based on a 6/hr day	80 hrs/month

\* Part-Time & Seasonal Employees are based on a 6 hour work day as established by the Town Board Resolution dated August 1, 1990.

3. The appropriate Town officer be and hereby is authorized to make such changes to the Towns' employment roster, to effect such changes per this Resolution;
4. Said position is classified as an hourly FLSA Nonexempt Employee;

The question of the adoption of such proposed Resolution was duly motioned by Councilperson Katrina Binkewicz, duly seconded by Councilperson Robert Cree, and put to a roll call vote with the following results:

Councilperson Andra Benson - Aye  
Councilperson Robert Cree - Aye  
Supervisor Edward LaVigne - Aye

Councilperson Katrina Binkewicz - Aye  
Councilperson Doug Duke - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on July 20, 2016.

**RESOLUTION APPROVING THREE NEW OUTSIDE USER AGREEMENTS FOR CONSOLIDATED WATER DISTRICT ON WATERWAGON ROAD**

**RESOLUTION 16-109**

**RESOLUTION APPROVING THREE NEW OUTSIDE USER AGREEMENTS FOR CONSOLIDATED WATER DISTRICT ON WATERWAGON ROAD**

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

WHEREAS, the Water & Sewer Advisory Committee reviewed the joint proposal for back-lot extensions of water service to 5 adjacent properties on Waterwagon Road, and 2 of such properties have already been approved for outside user agreements (an "OUAG"), and Bolton Point and the Town Engineer have confirmed that the pressure and supplies are sufficient in such area and that there is no planning, design, or engineering problem for the proposed users or the Consolidated Water District ("CWD") to supply such water, and the Town's CWD Local Law only allows outside users to receive water from the CWD or any of its extensions when approved by the Town Board and an adequate contract for services is executed that complies with law in several material respects; and

WHEREAS, the 3 properties in need of OUAGs are as follows: (1) 38 Waterwagon Road; (2) 46 Waterwagon Road; and (3) 54 Waterwagon Road; and

WHEREAS, this action is a Type II SEQRA action for which no environmental review is required, and the Town and WSAB having disclosed the timing and requirements for a water connection, and the residents having agreed to formalize the needed easements and to effect installation in accord with the permits and requirements of Bolton Point and the CWD, and upon due consideration of each of such agreements, the Town Board of the Town of Lansing has hereby

RESOLVED, that each of the said three outside user agreements (the "Agreement") for each of the properties above-listed be and hereby is approved, and that permission is given to tap into CWD water mains once each Agreement is signed in a final form as approved by Town Counsel; but subject to the continuing requirements of such Agreements that the installation be at the expense of each applicant, including any pumps, valves, and like appurtenances, and that each applicant approve any future boundary change or district extensions covering their lands, and that each applicant be responsible to obtain and pay for all easements, approvals, and permits necessary therefor, and all maintenance and upkeep thereof; and it is further

RESOLVED, that the Town Supervisor be and hereby is authorized to execute such Outside User Agreements by, for, on behalf of, and in the name of the Town of Lansing; and it is further

RESOLVED, that the outside users may enter into a standard-form developer’s agreement, in a final form as approved by Town Counsel and the Town Supervisor, to have the easements for the service extensions prepared by the Town at the expense of such outside users, and likewise, upon presentation of such agreement the Town Supervisor be and hereby is authorized to execute such developer’s agreement by, for, on behalf of, and in the name of the Town of Lansing.

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

Councilperson Andra Benson - Aye  
Councilperson Robert Cree - Aye  
Supervisor Edward LaVigne - Aye  
Councilperson Katrina Binkewicz - Aye  
Councilperson Doug Dake - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on July 20, 2016.

**RESOLUTION DECLARING OLD FILING CABINETS AS EXCESS PROPERTY AND AUTHORIZING DISPOSAL THEREOF**

**RESOLUTION 16-110**

**RESOLUTION DECLARING OLD FILING CABINETS AS EXCESS PROPERTY AND AUTHORIZING DISPOSAL THEREOF**

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

WHEREAS, the Town has excess filing cabinets that are old and for which no use exists, and the town needs the space and all attempts to sell or commercially dispose of the same have resulted in learning that the cost of moving the same exceeds the potential value thereof, and these old cabinets and office materials having no real market value other than as scrap, and due deliberation being had thereupon, the Town Board of the Town of Lansing has hereby

RESOLVED, that the Supervisor, or his designee, shall take such steps as are deemed necessary or reasonably expedient to remove and dispose of such materials.

The question of adoption of such proposed Resolution was duly motioned by Councilperson Katrina Binkewicz, duly seconded by Councilperson Robert Cree, and put to a roll call vote with the following results:

Councilperson Andra Benson - Aye  
Councilperson Robert Cree - Aye  
Supervisor Edward LaVigne - Aye  
Councilperson Katrina Binkewicz - Aye  
Councilperson Doug Dake - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on July 20, 2016.

**APPROVE AUDIT and BUDGET MODIFICATIONS AND SUPERVISOR’S REPORT**

**RESOLUTION 16-111**

The Supervisor submitted his monthly report for the month of June, 2016 to all Board Members and to the Town Clerk. The Supervisor’s Report was reviewed by Councilperson Robert Cree. The bills were reviewed by Councilperson Katrina Binkewicz and Supervisor Edward LaVigne.

Councilperson Katrina Binkewicz moved that the Supervisor’s Report be approved as submitted and the Bookkeeper is hereby authorized to pay the following bills and to make the following budget modifications.

**CONSOLIDATED ABSTRACT # 07**

DATED 7/20/2016

AUDITED VOUCHER #'s 611 - 758  
 PREPAY VOUCHER #'s 611 - 612  
 AUDITED T & A VOUCHER #'s 61- 70  
 PREPAY T & A VOUCHER #'s 61 - 64

<u>FUND</u>	<u>TOTAL APPROPRIATIONS</u>	
GENERAL FUND	(A&B)	\$ <u>91,273.57</u>
HIGHWAY FUND	(DA&DB)	\$ <u>116,486.50</u>
BONE PLAIN WATER TANK PROJECT (HB)		\$ <u>120,263.20</u>
DRAINAGE DISTRICTS (SDD1, 2, 4 & 5)		\$ <u>1,169.50</u>
LANSING LIGHTING (SL1, 2 & 3)		\$ <u>1,284.74</u>
LANSING SEWER DISTRICTS (SS1, SS3)		\$ <u>15,729.58</u>
LANSING WATER DISTRICTS (SW)		\$ <u>13,098.46</u>
TRUST & AGENCY (TA)		\$ <u>41,688.53</u>

**BUDGET MODIFICATIONS**

**GENERAL A FUND**

July 20, 2016

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
A2705	A7320.400	FR GIFTS & DONATIONS TO DROP-IN CONTRACTUAL UNANTICIPATED DONATION FOR DROP-IN	250.00
A2705	A7310.400	FR GIFTS & DONATIONS TO YOUTH PROG CONTRACTUAL DONATION FOR YOUTH PROGRAM	500.00
A2705	A7310.400	FR GIFTS & DONATIONS TO YOUTH PROG CONTRACTUAL DONATION FOR EASTON CATCHERS EQUIPMENT	150.00

**BUDGET MODIFICATIONS**

**CAPITAL PROJECTS (BONE PLAIN WTR TANK) HB FUND**

July 20, 2016

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
HB1989.400	HB8397.410	FROM CONTINGENCY TO CONSTRUCTION CONTRACT CONSTRUCTION PAYROLL EXPENSES	76519.35

**BUDGET MODIFICATIONS**

**WARREN ROAD SEWER SS1-**

July 20, 2016

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
SS1-1990.400	SS1-8130.400	FROM CONTINGENCY TO TREATMENT & DISPOSAL UNANTICIPATED EXPENSES	2615.46

Supervisor Edward LaVigne seconded the motion and it was carried by the following roll call vote:

Councilperson Andra Benson - Aye	Councilperson Katrina Binkewicz - Aye
Councilperson Robert Cree - Aye	Councilperson Doug Dake - Aye
Supervisor Edward LaVigne - Aye	

Accordingly, the foregoing Resolution was approved, carried and duly adopted on July 20, 2016.

**BOARD MEMBER REPORTS**

**Andra Benson**

Lansing Youth Services:

Andra reported they are interviewing for a new Lansing Youth Services Manager. She noted this position requires a Master degree. Andra stated they have hired a temporary person for the summer program.

Library Committee:

Andra reported the front of the library is finished and it looks very nice. She noted it was nice that they had the money to pay for it.

**Robert Cree**

Nothing to report.

**Edward LaVigne**

Bolton Point Water:

Ed reported the water level at Cornell University is the lowest it has been in ninety one years and Bolton Point is helping Ithaca with water.

Computer and Technology:

Ed reported he has met with a computer and technology consultant.

Peddler and Solicitors:

Ed stated this will be discussed during the work session.

Water Bills:

Ed reported the rate will not go up this year for Bolton Point. He stated they may propose a 5,000 gallon minimum usage. Ed indicated this may not change until the new meters are all installed, which may not be until next year.

Trust and Agency Accounts:

Ed stated these accounts will be discussed during the work session.

**Doug Dake**

Water and Sewer Advisory Board:

Doug noted this has already been discussed throughout the meeting.

Planning Board:

Doug stated the Planning Board did not meet, but Mike Long did give a report.

**Katrina Binkewicz**

Salt Point:

Katrina reported the construction phase of the new Kiosk at Salt Point is completed. She noted the goal to have it completed is September. Katrina stated Salt Point is getting a lot of use this summer.

Emergency Planning Committee:

Katrina reported the booklet should be ready in August.

**TOWN COUNSEL REPORT**

**Guy Krogh**

Guy stated he will talk about Bolton Point and the Trust and Agency Accounts during the work session.

**MOVE MEETING TO WORK SESSION MEETING**

Meeting moved to the Work Session at 7:53p.m.

**WORK SESSION MEETING ITEMS OF DISCUSSION**

**RESOLUTION ACCEPTING GIFT CONTRIBUTING TO COST OF FUTURE TOWN ROAD TO INTERCONNECT THE NOVALANE SUBDIVISION (PROPOSED) TO EASTLAKE ROAD**

**RESOLUTION 16-112**

**RESOLUTION ACCEPTING GIFT CONTRIBUTING TO COST OF FUTURE TOWN ROAD TO INTERCONENCT THE NOVALANE SUBDIVISION (PROPOSED) TO EASTLAKE ROAD**

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

WHEREAS, after almost 40 years of having a Comprehensive Plan that called for the construction of a connecting road between developed lands easterly of SR 34 in areas where large developments have occurred (Eastlake PDA, Lake Watch Subdivision), and where small infill in the form of single homes and smaller subdivisions have occurred and are proposed (along Teeter Road, Sun Path Subdivision, Novalane Subdivision, etc.), and as developments occurred, starting in the mid-1980s with the initially proposed Novalane and Eastlake PDA, such roadways were reserved, dedicated, and platted as paper roads intended to be built as infill occurred; and

WHEREAS, though a proposed Novalane subdivision plat application was expected to be filed in the late 1980s (and is only now the subject of a formal plat application and review), the various fiscal plans for such roadways became stale and the security once posted is now long gone and released; and

WHEREAS, in connection with the Novalane Subdivision proposal two traffic studies were undertaken, joint meetings between the Town and Planning Board have occurred, and substantial studies and resources were invested in examining all options and alternatives, including as to cost and design, for the section of roadway needed to interconnect the Novalane Subdivision (proposed) to Eastlake Road as located upon a “paper road” in the Eastlake PDA; and

WHEREAS, although the Novalane developer has no legal duty to build such roadway, such duty instead having fallen to the Town, such developer none-the-less, and due to the need for secondary ingress and egress, including for emergency vehicle access in both areas, the Town and the developer have developed a joint solution whereby such roadway can be timely completed to the benefit of public safety; and

WHEREAS, upon a presentation of the history of this matter at the Town Board meeting on July 20, 2016, by the Town Planner, and upon the review of a gift letter from the developer presenting the initial deposit of \$30,000 on a gift that may be as high as \$65,000 (depending on total roadway material costs), and upon due consideration and deliberation thereupon, the Town Board of the Town of Lansing has hereby

RESOLVED, that the gift from John Young, earmarked to be used to build the so-called Smuggler’s Path extension to interconnect Novalane to Eastlake Road, as located upon and within the easement area reserved therefor and mapped and platted as part of the Eastlake PDA, be and hereby is accepted by the Town of Lansing, with such funds to be placed in the general fund and disbursed for such roadway purposes when and as needed by the Town; and it is further

RESOLVED, that the Town Supervisor be and hereby is authorized to deliver to such donor a gift letter thanking him for the donation and for his assistance in solving a problem and making Lansing a better and safer place to live.

The question of adoption of such proposed Resolution was duly motioned by Councilperson Katrina Binkewicz, duly seconded by Councilperson Doug Duke, and put to a roll call vote with the following results:

Councilperson Andra Benson - Aye	Councilperson Katrina Binkewicz - Aye
Councilperson Robert Cree - Aye	Councilperson Doug Duke - Aye
Supervisor Edward LaVigne - Aye	

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on July 20, 2016.

Bolton Point:

The Board discussed several matters pertaining to Bolton Point, including the potential rate changes, the changes in rates that may come relative to the new and reduced minimum billings for 5,000 gallons, the new remote metering systems to be installed, and the updates to the intermunicipal agreement. At this point Bolton Point and member municipalities are only reviewing the information provided on these several matters, and that was the general focus of the discussion.

Solicitation and Peddling Law Issues:

Counsel advised on the options, cases, and various types and forms of local laws and, while the Town Board is unsure that such a law is needed given only one complaint in many years, Counsel was asked to follow the formatting of the shorter laws so that the discussion could graduate to a specific law, as there was some consensus that something was needed to assure an even playing field for various persons engaging in such forms of commerce and communication.

Technology Needs:

There was a long presentation and Q&A session about the Town's technology needs, mainly addressing email, servers, work stations, and needed updated software. Options from cloud computing to NAS systems to sever environments were discussed, and after examining options and costing estimates it was decided to proceed to authorize expenditures for critical updates from the Technology Reserve Fund, mainly for the server and related email and data migration, and to further authorize proceeding with the recommendations of David Staphus, a computer consultant from Auburn, including the work and review of the plans and recommendations by the Town's in house IT advisor(s).

**RESOLUTION AUTHORIZING EXPENDITURE FROM TECHNOLOGY RESERVE FUND AND APPROVING ENGAGEMENT OF PROFESSIONAL TECHNOLOGY CONSULTANT TO MIGRATE AND REPLACE TOWN TECHNOLOGY SYSTEMS, SOFTWARES, AND SERVERS**

**RESOLUTION 16-113**

**RESOLUTION AUTHORIZING EXPENDITURE FROM TECHNOLOGY RESERVE FUND AND APPROVING ENGAGEMENT OF PROFESSIONAL TECHNOLOGY CONSULTANT TO MIGRATE AND REPLACE TOWN TECHNOLOGY SYTEMS, SOFTWARES, AND SERVERS**

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

WHEREAS, the Town has an urgent need to replace workstations, upgrade email systems, replace software, and replace its server and data storage and management systems, and after examining the expertise needed for the build-out and implementation of such a technology-software strategy, the Town Board has found and now declares that such skill is a specialized professional skill within the meaning of the State Technology Law and the General Municipal Law § 101, *et seq.*; and

WHEREAS, upon examining options, costs, and plans, the Town Board has decided to engage David Staphus as its professional technology consultant to obtain needed materials from state bid lists, coordinate registrations and software/hardware purchases and implementation, and to generally take such steps as are necessary to replace the Town's server(s) and upgrade communications, storage, and processing capacity to modern standards; and

WHEREAS, upon a presentation upon these issues, and due discussion and deliberation thereupon, the Town Board of the Town of Lansing has hereby

RESOLVED, that up to \$15,000 be and hereby is authorized to be expended from the technology Reserve fund, as subject to permissive referendum as required by the General Municipal Law and Town Law; and it is further

RESOLVED, that the proposals describing the work and delineating the costs for such work and materials are hereby approved, and further, once the form of a simple engagement agreement for professional services is approved by Town Counsel, the same may be executed by the Town Supervisor by, for, on behalf of and in the name of the Town of Lansing.

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

- |                                  |                                       |
|----------------------------------|---------------------------------------|
| Councilperson Andra Benson - Aye | Councilperson Katrina Binkewicz - Aye |
| Councilperson Robert Cree - Aye  | Councilperson Doug Dake - Aye         |
| Supervisor Edward LaVigne - Aye  |                                       |

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on July 20, 2016.

Trust and Agency Accounts:

The Board discussed the role of the Town as a manager of public money, Trust and Agency Accounts, and budget line items in such account given recent training sessions attended by Town staff and recent recommendations from the OSC. It was generally agreed that Counsel should work with key Town Staff to get these funds properly distributed or moved to proper budget lines, and that, in addition, Counsel should work to develop a master informational sheet to identify all existing Town reserve accounts, their purposes, and their history—mainly, whether they are "type" or "specific" funds.

**ADJOURN MEETING**

Meeting adjourned at the call of the Supervisor at 9:14 p.m.

Minutes taken and executed by the Town Clerk. Work Session minutes were taken by Town Counsel, Guy Krogh and executed by the Town Clerk.

Respectfully submitted,

Deborah K. Munson  
Town Clerk