

**REGULAR TOWN BOARD MEETING**  
**December 21, 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 6:32 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, Mike Sigler, Tompkins County Legislator, Cassandra Negley, Lansing Ledger, Ted Laux, Connie Wilcox, Frank Towner, Frank Englund, and a few other attendees.

**WELLNESS PROGRAM PRESENTATION – FRANK TOWNER**

Frank Towner introduced Frank Englund, from ID Life.

Frank Englund spoke about the ID Life Corporate Wellness Program which is HIPPA compliant. He stated this is a personalized program targeted to individual’s preventative healthcare rather than sick care. Frank reported the Town of Lansing’s financial responsibility would be \$99 per year, which would cover all town employees. He noted there would be a free assessment available for each employee to take on the computer. Frank commented the town does not have any liability. He stated Xymogen near Orlando, Florida produces the nutrients and they do not contain synthetics. Frank reported he will get some direct references for the Town Board.

**MOTION TO OPEN PUBLIC HEARING ON THE PROPOSED LOCAL LAW #11 OF 2016 - REGARDING UPDATE TO FOIL LOCAL LAW**

Councilperson Robert Cree moved to **OPEN THE PUBLIC HEARING ON THE PROPOSED LOCAL LAW #11 OF 2016 - REGARDING UPDATE TO FOIL LOCAL LAW** at 6:49 pm. Councilperson Andra Benson seconded the motion.  
All in Favor - 5                      Opposed - 0

A resident submitted a document and reviewed it. They wondered why the town was proposing this local law since there is already a NYS FOIL law. The resident noted that maybe a policy or procedure could be used in place of the proposed local law. They referred to some links on the Committee On Open Government site. The resident commented that they were concerned about some of the wording in the proposed local law regarding personal privacy.

The document that was written by the resident is available in the Town Clerk’s office if anyone would like to read it.

**MOTION TO CLOSE PUBLIC HEARING**

All persons desiring to be heard, having been heard, Supervisor Edward LaVigne moved to **CLOSE THE PUBLIC HEARING ON THE PROPOSED LOCAL LAW #11 OF 2016 - REGARDING UPDATE TO FOIL LOCAL LAW** at 6:58 pm. Councilperson Robert Cree seconded the motion.  
All in Favor - 5                      Opposed - 0

**MOTION TO OPEN PUBLIC HEARING ON THE PROPOSED LOCAL LAW #12 OF 2016 AND APPOINTING RECEIVER OF TAXES FOR 2017**

Supervisor Edward LaVigne moved to **OPEN THE PUBLIC HEARING ON THE PROPOSED LOCAL LAW #12 OF 2016 AND APPOINTING RECEIVER OF TAXES FOR 2017** at 6:58 pm. Councilperson Doug Dake seconded the motion.

All in Favor - 5                      Opposed - 0

**MOTION TO CLOSE PUBLIC HEARING**

All persons desiring to be heard, having been heard, Supervisor Edward LaVigne moved to **CLOSE THE PUBLIC HEARING ON THE PROPOSED LOCAL LAW #12 OF 2016 AND APPOINTING RECEIVER OF TAXES FOR 2017** at 6:59 pm.

Councilperson Andra Benson seconded the motion.

All in Favor - 5                      Opposed - 0

**LANSING COMMUNITY LIBRARY REPORT – EMILY FRANCO**

The following report was available as a handout.

**TOWN BOARD UPDATES  
FROM THE LANSING COMMUNITY LIBRARY  
December 21, 2016**

1. The Friends of the Lansing Community Library hosted the 8<sup>th</sup> annual Artisan Fair at the Lansing Community Center on December 2<sup>nd</sup> and 3<sup>rd</sup>. This was a highly successful fundraiser and received great reviews from both artisans and customers.
2. The LCL Holiday hours are as follows (we have increased open hours to 6:00 PM per patron request):
  - a. Saturday, December 24<sup>th</sup> - closed
  - b. Monday, December 26<sup>th</sup> - closed
  - c. Tuesday, December 27<sup>th</sup> - open 10:00 AM to 6:00 PM
  - d. Wednesday, December 28<sup>th</sup> - open 10:00 AM to 6:00 PM
  - e. Thursday, December 29<sup>th</sup> - open 10:00 AM to 6:00 PM
  - f. Friday, December 30<sup>th</sup> – open 10:00 AM to 2:00 PM
  - g. Saturday, December 31<sup>st</sup> - closed
  - h. Monday, January 2<sup>nd</sup> - closed
  - i. Story Time will be on hiatus from December 20, 2016 to January 19, 2017.
3. In partnership with PRI Museum of the Earth and the Cayuga Nature Center, LCL now has two museum passes available for check-out. Patrons can keep the passes for a week to visit either museum.
4. LCL is working with the LCSD on “STEAM” programming for 3<sup>rd</sup> and 4<sup>th</sup> graders. The programs will be offered from 3:30 PM to 5:30 PM on Tuesdays from January 17<sup>th</sup> to February 14, 2017. Registration will begin in January.
5. “It’s a Wrap” is the title of the Saturday, January 21<sup>st</sup> program by Tina Snyder of the Cornell Cooperative Extension. Tina will demonstrate the versatility to whole heat wraps for a variety of lunch options from 11:00 AM to 1:00 PM at LCL. Registration will be required.
6. The LCL Art Exhibit through December is work from photographer Frank. Frank is a photographer who lives and works in Trumansburg, NY. This show includes works from his Ice Bench Experiment 2016, his fourth year. From December-March he creates an arrangement of colored ice and lights on a rustic bench in his backyard that he documents with photographs. He has donated three works for a raffle that ends December 16<sup>th</sup>.

**TOMPKINS COUNTY REPRESENTATIVE – MIKE SIGLER**

Reviewed the following with the Town Board and the report was available as a handout.

**Tompkins County Legislator  
Michael Sigler  
December 21, 2016**

Hello and thank you for having me again. Thanks again to Marcia Lynch who makes this presentation if not possible, a lot easier.

The Legislature approved legislator salaries for the next four-year legislative term, which begins in 2018. The Legislature voted to increase legislator salaries to \$21,400. The vote was 8-6. I was against the move and was probably the most vocal about it. I believe the other legislators undervalue our pay. The county has excellent healthcare, access to the state pension plan, reimbursement for some travel and it's not like we're punching a clock. Is it a lot of work? Yes, but by my count, we are already well above a living wage and I really feel this was just a way to boost the paycheck. Legislative service is generally recognized as similar to a part-time job; I believe and stated I believe this turns a citizen legislator into a professional legislator, something I believe is wrong for the county.

Something else I've repeatedly voted against is moving forward. The Legislature approved the steps necessary to proceed with a Law Enforcement Shared Services Study. We approved a resolution formally accepting a \$50,000 grant award through the New York State Municipal Restructuring Fund and selected the Center for Governmental Research (CGR), of Rochester, NY, to undertake the study. I see no benefit to Lansing in the Sheriff's department merging with the Ithaca Police Department. For me it's not a matter of can it be done, but should it be done; I don't think it should.

The Legislature urged the United States Congress to pass Carbon Fee and Dividend legislation, an initiative designed to support and stimulate the transition away from fossil fuel energy and respond to climate change. The vote was 13-1, with Legislator Dooley Kiefer voting no. This seems like a balanced approach to this issue that doesn't harm the middle class and poor as so many other proposals do. I'd prefer a national approach of taking carbon out of the atmosphere as I think there's been giant scientific advances in that field, advances for example where we can pull carbon from the atmosphere and turn it into bio fuel. I know, right?!

We had a public hearing last night on changing the county charter. I'm voting against at least one of these changes. The change would make the Health Department Advisory Board and Mental Health Advisory board equal voices in selecting who will run the department which is now under one Department head. I'm voting against it because it sets us up for a problem down the road where there is no tie breaker. We could potentially arrive at a place where the groups don't agree and there's no way to break a log jam.

Legislators Martha Robertson, me, Dennis, Peter Stein, and Chair Michael Lane voted no to that parity.

Lastly, I wanted to touch on some other business. We gathered a little data on the intersection of North Triphammer and Asbury Road. I'm told by our highway department that we'll be putting a flashing light of some sort at the intersection. Also, I called the state about the ditch on Peruville Road. Why? Because every year I see multiple cars drive into that Grand Canyon of a ditch in the snow where if it was not there, they drive into the field. The state says it will be designing a solution over the next year and I'm hopeful they will fix the situation next year. Also, I've seen a lot more kids crossing the road from Myers Road to the Middle School for school. There must just be more families with school age kids now. I called the state about the markings there. They're going to freshen up the cross walk paint in the spring, but says the signs that are up there are in their judgement adequate.

**PARKS AND RECREATION REPORT – STEVE COLT**

The following report was available as a handout.

**Parks & Recreation Department**  
**12/21/16**  
**Town Board Meeting**

**RECREATION**

- We are very thankful to have had another really good year. Right after the New Year's holiday break, many of our winter programs will get started. Some of these programs will run until late winter or early spring.
- Our Ski Program and Gymnastics session 2 are both sold out. Wrestling and Basketball for 2<sup>nd</sup> & 3<sup>rd</sup> grade students have participants and can still take a few more. Skating will be starting soon and is very full. We will save some money this year on Skating transportation as the bus will be a one-way trip. Parents will pick up at the Rink.
- Travel Basketball has rostered teams now and has just started to practice. Games will start in a couple of weeks and the season will run through the first weekend in March.
- No pool no swim - the pool at the high school is still empty as contractors continue to work the ongoing issues. So we will not be offering Adult Swim or our Saturday AM Swim Lesson programs. There is also a good chance that the pool will NOT be ready for summer activity. Hopefully we will know more as the work progresses.

**PARKS**

- It is soon to be very busy here in our office with Park business. We will start to take Pavilion reservations on Tuesday January 3<sup>rd</sup>. The following Monday January 9<sup>th</sup> we will be taking Camping reservations. This day is always an experience to say the least. We will most likely have folks camping out in the Town Hall parking lot several days in advance to establish their unofficial place in line.
- Marina boat slip application information was mailed out today. Over 100 were mailed per requests, current slip occupants or waiting list boaters. We have approximately 74-76 slips to rent. The lottery drawing will take place on February 9<sup>th</sup> to establish a processing order. Placements will start to be made the following week. Prices will be frozen for the 3-year term.
- Price increases will also be reflected in Pavilion rentals and in Camping per night, along with a non-resident entrance fee to enter Myers Park. We will again offer a non-resident Season Admission Pass to the park.
- I have already been approached by at least 5 or 6 bands requesting to play the Myers Park concert series. I probably will not start booking until the end of January. I have also had several requests for our concerts to contract with a production sound company to match sound quality with our crowd size. *This should be done*, but at this point I just don't see where the money will come from to cover it. The total cost of each date would basically double. *Finding a grant could be one solution. Additionally, we need to remember for, not only the Concerts, but for just about all revenue generating activities that we have – that we are weather dependent...!*

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

Plowing Snow:

It's going good.

Thanks to the Board:

The first year has been exceptional, good things were done, and looking forward to many more years.

**PLANNING CONSULTANT REPORT – MICHAEL LONG**

The following report was available as a handout.

- Lake Forest Circle Drive – L1 Zone - Major subdivision of 16 lots plus storm water.
  - Tompkins Co. 239 review (Letter 11/12/2014) has been completed.
  - Storm water plan revisions requested T.G. Miller. Letter dated 11/19/2014.
  - Revisions are being made to the SWPPP materials. Submitted 10/26 revised maps. Letter (Oct. 27, 2015) from Tim Buhl in response circulated. Comments on map sent on map 10/28/2015.
  - “Public Hearing”- held December 14, 2015.
  - SEQRA, Preliminary Plat approval December 14, 2015 – included waiver of new town highway specs.
  - Discussion regarding existing easements and potential changes – propose meeting with owner and staff to resolve outstanding issues.
  - Revised SWPPP documents submitted for review T.G. Miller March 16, 2016.
  - Final Plat approval – TBD.
- Ag Plan – Follow up meeting – finalize report meeting June 1, 2015
  - Joint Planning Board and Town Board meeting held– June 22, 2015
  - Town Board adopted Ag Plan on Sept. 16, 2015.
  - Farm Day – Held Oct. 15, 2016 at Town Hall
- **A. Scott Pinney – Peruville Road Site Plan** (RA Zone) to add 15 additional duplex buildings in addition to 4 existing duplexes and office / barn complex.
  - Site Plan draft submitted (12/2014, meeting held and revised site plan resubmitted (9/14/2015).
  - Application for Site Plan and Developers Agreement –received 11/15/2015.
  - Revised SEQRA application received 11/16/2015.
  - SWPPP submitted to T.G. Miller – Oct. 2015 preliminary review underway
  - Revised SWPPP submitted 11/12/2015.
  - SWPPP comments from T.G. Miller 11/24/2015 to engineer, waiting response.
  - 239 Review – comments received 1/6/2016.
  - SWPPP revision dependent upon drainage tests. Review letter sent June 15, 2016.
  - Revised SWPPP completed June 30, 2016 and T.G. Miller letter approval 7/27/2016.
  - Developer’s Conference - Sketch Plan Planning Board Meeting – Sept. 12, 2016.
  - Meeting to review Phase 2 proposed changes if any – 9/21/2016.
  - Construction yard plan map received – Oct 17, 2016
  - Public Hearing on Site Plan– Nov 28, 2016
  - **SEQRA, and Site Plan approval – approved Nov 28, 2016**

- Meeting to review landscape requirements – Nov 30, 2016 ordered 50 trees...
- Follow up approval meeting 12/5/2016....
- Cell Tower – Crown Castle (Verizon Wireless tenant) – applicant represented by Matthew Kerwin attorney of Barclay Damon (Syracuse, NY).
  - Preliminary application materials received 3/21/2016.
  - Copy application submitted to structural engineer for review and comments.
  - Sketch Plan review meeting – April 11, 2016
  - Planning Board mtg discussion April 25, 2016 -Tower Height does not comply with the current fall zone regulations.
  - Balloon site test / Visual Analysis scheduled for August 16<sup>th</sup> (Aug 23 rain date).
  - Revised site plan may acquire neighboring property? Discussions underway.
  - SEQRA / Site Plan approval – TBD
- **United Storage** – Bill Duthie
  - Sketch plan review – Planning Board Meeting 7/25/2016
  - Storm Water Plan – SWPPP base information – mtg. 8/24/2016
  - Storm Water Plan- SWPPP report 10/ 11/ 2016
  - Storm Water comments from TG Miller -
  - **SEQRA / Site Plan mtg. – 12/ 12/ 2016**
- **Comprehensive Plan** – Town Board appointment of members Jan 4, 2016
  - Planning Board Members appointed: Lin Davidson, Larry Sharpsteen, Jerry Caward and Sandy Conlon.
  - Reorganizational meeting held Wed. Jan. 13, 2016 at 7:00 PM.
  - Committee Meeting scheduled for first Wed. of the month at 6:00 and new members assigned.
  - Full Comprehensive Plan Committee meetings 2<sup>nd</sup> Wed. – at 6:00 PM - next 7/13/2016.
  - Committee Public Hearing – August 10, 2016----
  - Committee Final Document – approved Sept 14, 2016. – Recommendation to Town Board. Planning Board to give input on this version
  - **Planning Board work sessions – Sept, 12, Sept. 26, Oct 24, Nov 14, Nov 28, Dec 12,...**
  - Town Board Public Hearing -TBD.

**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
    - Project closeout and final payment to contractor can be processed at December 21st meeting.
  - b. Town CWD, Extension 3: Buck Road, Conlon Road and Wilson Road Area:
    - Will begin preparing the Preliminary Notice of Intent to NYS Agriculture and Markets on December 27th.
  - c. Town CWD, Extension 4: Drake Road:
    - Preparation of the MPR will begin December 21st and should be completed within four weeks.
  - d. Town CWD, Extension 1: Lansing Station Road Main Extension

- Nick Fazzolari with Norfolk Southern in Harrisburg, PA is requiring the Town to submit a waiver request from the NS standard construction details. The request must first be sent to AECOM, the consultant for NS and may then be considered by NS. The AECOM contact is Paul Kaufmann. The services for this waiver request are beyond the customary feasibility study scope. Authorization from the Town to prepare the necessary documents should be obtained. Estimated cost not to exceed \$750.
  - e. Burdick Hill Pump Station
    - Working with O'Connell Electric Co. in Syracuse to develop the electrical and mechanical design details and construction cost estimates. Services are being performed as quickly as possible in response to a recent pump failure and evidence a second pump is wearing.
2. Stormwater Planning and Maintenance
- a. Drainage Districts #1, 2, 3-8
    - Inspection reports for all permanent practices have been drafted.
  - b. MS4 Program
    - Assisted Town SMO with inspections of two site development projects.
3. Transportation Planning
- a. Town Park Dock Permitting
    - An application to the NYSDEC and USACE has been submitted for approval of the new swimming dock.
4. Code Enforcement and Planning
- a. Code Enforcement Office and Planning Department:
    - United Storage stormwater management

**AGRICULTURE COMMITTEE REPORT – CONNIE WILCOX**

Connie reported the following:

The next meeting will be January 9, 2017. An invitation will be extended to all agricultural families in the town. They will be setting goals for 2017. There will be a sub-committee set up to put together a presentation on the Agriculture Zone, so residents understand what it is. Some people's appointments on the committee are expiring December 31, 2016, so there will need to be some new appointments and re-appointments.

Councilperson Andra Benson stated there is a commercial, done through Organic Valley, which can be seen on YouTube. It is titled "The War on Butter is Over" and she has a part in it.

**COMPREHENSIVE PLAN UPDATE – CONNIE WILCOX**

Connie reported the following:

The Planning Board is reviewing the Comprehensive Plan. They are working on maps and some discrepancies.

Supervisor Edward Lavigne thanked Connie for all her work this year on both committees.

**PRIVILEGE OF THE FLOOR**

A resident commented on the ID Life Wellness Program. They reported that once people take the assessment, then they have a report which shows which supplements they need. The resident noted the ID Life Wellness company expects people to buy the supplements, which are expensive.

**RESOLUTION ADOPTING LOCAL LAW # 11 OF 2016 REGARDING UPDATE TO FOIL LOCAL LAW**

The following was explained by Counsel Guy Krogh:

This is a model which was drafted by NYS for NYS and is commonly used. The proposed Local Law #11 of 2016 (FOIL) is intended to be all inclusive of everything and has better clarification. It will be easier for the person(s) making the FOIL request and the person(s) fulfilling the FOIL request. It is required to have at minimum a procedure, but most municipalities have a local law to make it clear for citizens, residents, and employees. According to the Personal Privacy Law and the Committee On Open Government, municipalities are not allowed to give out people's names and addresses. Anyone can find names and addresses of people from other locations, but municipalities are not allowed to give out this information. FOIL is not simple, there are a lot of gray areas. If web addresses are in the local law and the web address changes, the local law will have to be changed. The impetus of this law is to have continuity and have all requests go through the Town Clerks Office.

**RESOLUTION 16-152**

**RESOLUTION ADOPTING LOCAL LAW #11 OF 2016 REGARDING UPDATE TO FOIL LOCAL LAW**

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

WHEREAS, the Town's existing FOIL local law and procedures were adopted in 2004 and amended in 2005 due to amendments to the New York Public Officers Law, and since then the Public Officers Law and FOIL have been amended multiple times, including to clarify issues in FOIL such as timing, replies to requests, fees, and appeals, and in addition, since then, New York State has also adopted batteries of laws and regulations further protecting certain personal information and personally identifying information, such as SSNs, medical records, and other information, including enactments such as the Personal Privacy Protection Law; and

WHEREAS, certain other NYS laws and certain federal laws and rules accomplish similar purposes (such as HIPAA), such that the number of denials, partial denials, and redactions now properly required under FOIL for records request responses has become a needlessly complex tangle of rules and liabilities; and

WHEREAS, the Town believes that providing some guidance to its officers and employees, as well as to provide information to the general public, will inure to the benefit of all as spelling out the reason for redactions from records, which is defined by COOG as a partial denial of a FOIL request, is required by law; and

WHEREAS, this is a Type II Action under SEQRA such that no environmental review is required; and

WHEREAS, a Public Hearing was duly noticed and held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, being in the Town of Lansing, on the 21st day of December 2016, at 6:35 pm, to consider the adoption of proposed Local Law #11 of 2016 – updating the Town's FOIL local law and procedures, and add personal privacy and personal information protection requirements, and to thereat hear all persons interested in the subject thereof, and at such hearing all persons wishing to speak were heard and all evidence duly taken; and

WHEREAS, after due deliberation thereupon, the Town Board of the Town of Lansing has hereby resolved as follows:

1. Local Law Number 11 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."
2. In accord with the Municipal Home Rule Law the final adopted version of this local law shall be filed with the Town Clerk, and the said Town Clerk shall within 20

days hereof file the same with the New York State Secretary of State, State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231, as required by Municipal Home Rule Law.

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 Dake - Aye
Supervisor Edward LaVigne - Aye	

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on December 21, 2016.

## **TOWN OF LANSING LOCAL LAW #11 OF 2016**

### **PROCEDURES FOR PUBLIC ACCESS TO RECORDS OF THE TOWN OF LANSING UNDER THE FREEDOM OF INFORMATION LAW**

**BE IT ENACTED** by the Town Board of the Town of Lansing, County of Tompkins, State of New York, as follows:

#### **Section 1. Authority, Purpose and Scope**

A. This local law is adopted pursuant to the authority granted by and in the Statute of Local Governments, the Municipal Home Rule Law, and Public Officers Law Article 6, and the regulations promulgated thereunder. Public Officers Law Article 6 is more commonly known as the Freedom of Information Law, and together with its rules and regulations, and as amended from time to time, it is hereinafter referred to as "FOIL."

B. The people's right to know the process of government decision-making, and the documents and statistics leading to determinations is basic to our society. This local law provides information concerning the procedures by which records may be obtained, and it is the stated purpose of this local law to direct Town personnel to furnish to the public the information and records required by FOIL, as well as other records otherwise available by law.

C. This local law applies to Town records and should not be deemed or construed to require the Town or the Records Access Officer ("RAO") to obtain records from other agencies or to create records that provide the information sought. This local law is designed to comply with the basic requirements of FOIL and be a guide to assist in the understanding of government and how records affect and influence policy and decision-making.

#### **Section 2. Designation and Duties of Records Access Officer(s)**

A. The Town designates its Town Clerk as Records Access Officer ("RAO"). The Town Clerk is free to appoint one of his or her Deputy Clerks as a RAO, subject to formal approval of such appointment by resolution of the Town Board.

B. RAOs shall have the duty of coordinating the responses of the Town to public requests for access in accordance with FOIL. In addition, the RAO shall also:

1. Develop and maintain reasonably detailed and up-to-date subject matter lists of the records and types of records in the possession of the Town.
2. If necessary, or upon reasonable request therefor, assist the requester in identifying requested records and crafting appropriate FOIL requests.
3. Contact persons seeking records when a request is voluminous, or when locating records involves substantial effort, so that the RAO may ascertain the nature of

records of primary interest and attempt to reasonably reduce the volume of records requested, or volume of time required for searching, while also still serving the needs of the requester.

4. Upon locating the records, take one of the following actions: (i) make records available for inspection; or (ii) deny access to the records in whole or in part and explain in writing the reasons therefor.
5. Upon request for copies of records that are being made available: (i) provide copies of the records in the medium requested, if the Town can reasonably make such copy or have such copy made by engaging an outside professional service, provided that the requester pays or agrees to pay fees, if any, established in accordance with FOIL or § 7 of this local law; (ii) upon request, certify that a record is a true copy; (iii) if unable to locate some or any portion of such requested records, certify in writing that the Town is not the custodian for such records or that the records cannot be found after a reasonably diligent search.
6. Establish a process or procedure whereby a person may arrange an appointment to obtain assistance in respect to FOIL or to inspect records. Such procedure shall include the name, position, address and phone number of the RAO or other persons to contact for the purpose of making an appointment.

C. The RAO shall determine first whether requested records exist, and then the RAO shall determine whether the request may be granted or must be denied in whole or in part due to exceptions contained in FOIL or due to statutes or obligations preserving confidentiality or non-disclosure. The RAO may consult with the attorney for the Town, the Committee on Open Government, the Association of Towns, or any other person or entity to provide assistance in making these determinations.

### **Section 3. Requests for Public Access to Records.**

- A. Requests for public access to records shall be accepted during all hours the Town Clerk's Office is regularly open for business.
- B. The Town may accept requests for records orally, but may also require requests for records to be in writing. If accepted orally, the RAO shall document the request and all responses thereto in reasonable detail in writing. The RAO shall also accept requests for records and respond thereto by electronic mail, unless the requester seeks a response in some other form.
- C. Any records requested must be identified or described with sufficient particularity so as to allow the RAO to locate and identify the records sought. "Sufficient particularity" generally includes information regarding applicable dates, file designations, document names or titles, types of records, information within the record sought (such as keywords, resolutions, approvals, etc.), or the office, officer, or body that made such record, or any other reasonable identifying information.
- D. All requests shall state whether records are desired to be examined or whether copies of the records are requested. Electing to examine records does not preclude a later request for copies or reproduction.
- E. The RAO shall respond to a request within five business days of receipt by:
  1. Granting or denying access to records in whole or in part; or
  2. Acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than 20 business days after the date of the acknowledgment.
  3. However, if it is reasonably known or believed that the records cannot be obtained or produced within 20 days then the RAO shall provide a statement in writing

indicating the reason for the inability to grant or deny the request within such 20 days, and the RAO shall further provide a date certain, within a reasonable period of time under the circumstances of the request, when the request will be granted or denied in whole or in part.

F. If the request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within 20 business days of such acknowledgment, but circumstances prevent disclosure within that time, The RAO shall provide, within such 20-day period after acknowledgement:

1. A statement in writing specifying the reason for the inability to meet the production date noticed; and
2. An alternate date certain for production, which date shall be within a reasonable period of time under the circumstances.

G. In determining a reasonable time for granting or denying a request under the circumstances of a request, the RAO shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed or protected information redacted therefrom, the number of requests received by the Town, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time frame.

H. If records are maintained on the internet the requester shall be informed that the records are accessible *via* the internet and can be further printed or provided in another information storage medium upon payment of any applicable fees.

I. A failure to comply with the time limitations set forth above constitutes a denial of a request that may be appealed.

#### **Section 4. Denial of access to records.**

A. A denial of access to records shall be in writing stating the reasons therefor. Such writing shall also advise the requester of the right of appeal, the deadline for an appeal, and the name and address of the body or officer to whom an appeal shall be directed.

B. If a denial occurs due to a person requesting records that cannot be found or replied to because the request, or a portion of the request, does not reasonably describe the records sought, the RAO shall inform the requester that they can seek assistance from the RAO to help enable such person to frame a request reasonably describing such records and then submit an updated FOIL request.

C. If the Town or the RAO fails to comply with the time limitations for records production as set forth in this local law or in FOIL, such failure(s) shall also be deemed a denial of access effective on the date of non-compliance. Non-compliance shall include situations in which an officer or employee:

1. Does not grant access to the records sought, does not deny access in writing, or does not acknowledge the receipt of a request within 5 business days of the receipt of the request.
2. Acknowledges the receipt of a request within 5 business days but does not furnish an approximate date when the request will be granted or denied in whole or in part.
3. Furnishes an acknowledgment of the receipt of a request within 5 business days with an approximate date for granting or denying access in whole or in part, or responds to a request stating that more than 20 business days is needed to grant or deny the request in whole or in part, and the date provided is unreasonable under the circumstances of the request.

4. Does not respond to a request within a reasonable time after the approximate date given or within 20 business days after the date of the acknowledgment of the receipt of the request.

5. Determines to grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request, but does not do so, unless the Town provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part.

6. Does not grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request and does not provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part.

D. Some of the principal reasons for denial are set forth in Public Officers Law § 87(2), and within FOIL certain exceptions to disclosure and production include records or portions thereof that:

1. Are specifically exempted from disclosure by state or federal statute or regulations.

2. If disclosed would constitute an unwarranted invasion of personal privacy, including but not limited to: (i) disclosure of employment, medical or credit histories, or personal references of applicants for employment; (ii) disclosure of items involving the medical or personal records of a client or patient in a medical facility; (iii) sale or release of lists of names and address if such lists would be used for commercial or fund-raising purposes; (iv) disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the Town in maintaining it; (v) disclosure of information of a personal nature reported in confidence to the Town and not relevant to the ordinary work of the Town; (vi) information of a personal nature contained in a workers' compensation record; or (vii) any records disclosed or disclosable in connection with any name or address that may be or become personally identifying information, the disclosure of which is prohibited by Article 6-A of the New York Public Officers Law, more commonly known as the Personal Privacy Protection Law ("PPPL"), and further FOIL rules pertaining to the PPPL are set forth below.

3. If disclosed would impair present or imminent contract awards or collective bargaining negotiations.

4. Are trade secrets or are submitted to the Town by a commercial enterprise, or derived from information obtained from a commercial enterprise, and which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise.

5. Are compiled for law enforcement purposes and which, if disclosed, would: (i) interfere with law enforcement investigations or judicial proceedings; (ii) deprive a person of a right to a fair trial or impartial adjudication; (iii) identify a confidential source or disclose confidential information relating to a criminal investigation; or (iv) reveal criminal investigative techniques or procedures, except routine techniques and procedures.

6. If disclosed, could endanger the life or safety of any person.

7. Are inter-agency or intra-agency materials, except: (i) statistical or factual tabulations or data; (ii) instructions to staff that affect the public; (iii) final Town policy or determinations; or (iv) external audits, including but not limited to audits performed by the New York State Comptroller and the federal government.

8. Are examination questions or answers which are requested prior to the final administration of such questions.

9. If disclosed, would jeopardize the Town's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.

10. Are photographs, microphotographs, videotapes or other recorded images prepared under authority of the New York State Vehicle and Traffic Law.

**Section 5. Personal Privacy Protection Requirements and Records Redaction**

The PPPL (and related laws and regulations) mandates that certain information about persons may not be disclosed, including under FOIL or by municipalities generally, even if the information may otherwise be public or obtainable. Thus, for example, even though a person's name and address can be obtained from an official public tax roll, it is still improper and a potential or actual violation of law for the Town to disclose the name and address of any person in reply to a FOIL request (though there are exceptions as well). Therefore, to inform the public and provide guidance to the RAO and others concerning the PPPL and personal privacy laws, the following protection and redaction rules are implemented as part of this local law:

1. For purposes of this policy "personal information" means any information concerning a natural person, as opposed for instance to a corporate entity, which, because of name, number, symbol, mark, or other identifier, can be used to identify that natural person. To prevent an unwarranted invasion of personal privacy the RAO and all Town officers and employees shall observe guidelines for the non-disclosure or redaction of identifying details from specified records according to rules promulgated by the New York State Committee on Open Government, or as otherwise required by law.

2. In the absence of specific guidelines for a particular situation, personal information and identifying details shall be not be disclosed, or shall be redacted and made unreadable and non-recoverable, whenever such disclosure may constitute an unwarranted invasion of personal privacy. In addition to FOIL exemptions, this shall include the following:

- a. Disclosure of employment, medical or credit histories or personal references of employees and applicants for employment.
- b. Any person's social security number or any significant portion thereof.
- c. Disclosure of items involving the medical or personal records of any person or employee, including any medical facility records or medically-related records, including without limitations workers' compensation records, disability records, records pertaining to disability accommodations, and other medical records protected by HIPAA (the Health Insurance Portability and Accountability Act of 1996, as now codified or hereafter amended).
- d. Disclosure of lists of names and addresses if such lists would be used for commercial or fund-raising purposes.
- e. Disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject person and such information is not relevant to the work of the agency or person requesting or maintaining such records.
- f. Disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency.

2. The non-disclosure or redaction rules stated above shall not apply when the records are actually redacted, when the person to whom a record pertains consents in writing to disclosure, or when a person, upon presenting reasonable proof of identify, seeks their own records, or when otherwise required by law.

3. Voicemail, email, computers, computer networks, digital media and storage and transfer devices, computer files, software programs, and all communications created on, received by, stored on or transmitted through those systems are the sole and exclusive property of the Town. Records, data, files, software, and all electronic communications contained in these systems likewise are the property of the Town. These systems and their contents are subject to inspection, examination and monitoring by authorized Town officers and personnel (or authorized third-party contractors) at any time and without notice. The authorized personnel are the Town Supervisor, the in-house IT, the Town Clerk and Deputy Town Clerk, and any of their designees as indicated by a written document bearing their original signature(s). No organic data or metadata shall be supplied in any native format unless it is cleared of any personal information.

4. Town officers and employees are advised that the computers, computer networks, email systems, telephone systems (including voicemail), and other electronic communications systems (and all communications created on, received by, stored on or transmitted through those systems) are the sole and exclusive property of the Town and that there is and should not be any expectation of privacy regarding any such documents, records, or communications. Passwords are only intended to prevent unauthorized access to email, computer files, or voicemail, but the town reserves the right to allow authorized persons to access messages and files on the Town-owned systems or telephones at any time, and all employees must supply their current passwords to the Town Supervisor, who shall keep the same secured from third party review or capture.

5. The collection of information through Town websites, servers, and telephones, and similar devices used by the public and by the Town are further subject to the provisions of the Internet Security and Privacy Act. Participation in an online transaction resulting in the disclosure of personal information to the Town by the user, whether solicited or unsolicited, constitutes consent to the collection and disclosure of such information by the Town for the purposes reasonably ascertainable from the nature and terms of the transaction. None-the-less, if any such personal information is the subject of a FOIL request, the above-noted rules of non-disclosure or redaction shall apply unless such disclosure is:

- a. Necessary to perform the statutory duties of the Town, or necessary for the Town to operate a program authorized by law, or authorized by state or federal statute or regulation.
- b. Made pursuant to a court order or otherwise compelled by law.
- c. For the purpose of validating the identity of the user.
- d. Of information to be used solely for statistical purposes that is in a form that cannot be used to identify any particular person.

6. While Town officers and employees are prohibited from misusing or improperly disclosing personal information, these policies shall not provide any claim or cause of action should improper disclosure occur, and the information provided in this privacy policy should not be construed as giving business, legal, or other advice, or warranting that the Town's systems are fail proof, or that all information provided through the Town's website or hosted on any Town servers or media are not subject to being improperly accessed by any person. Town officers and employees and the public are warned that the Town utilizes telephonic and facsimile transmissions and email and web-based correspondences in the provision of municipal services, and these are each and all digital forms of communication that carry unique risks, including, but not limited to, the accidental, unlawful, or improper interception thereof by unintended recipients and the transmission of viruses, malware, and other deleterious codes.

## **Section 6. Lost, Missing, or Destroyed Records**

Upon any failure to locate any requested records the RAO shall either certify that the Town of Lansing is not the custodian for such records, that the records of which the Town of Lansing is a custodian cannot be found after a reasonably diligent search, or that the records requested have been destroyed pursuant to NYS Archives and related rules regarding document retention schedules and document destruction.

**Section 7. Location for Production of Records**

Records shall be available for public inspection at the Office of the Town Clerk during regular office hours.

**Section 8. Fees and Copies**

- A. Upon receipt of a request for copies of records the RAO shall make such copies available upon payment of established fees set in accordance with this local law and the requirements of FOIL.
- B. Original Town records may not be removed from Town buildings under or in relation to this local law, except by or under the supervision of the RAO for purposes of compliance herewith, such as to make copies.
- C. There shall be no fee charged for inspections of records, searches for records or for any general administrative costs, or for any certifications required under this local law or FOIL. Nor may any fee be charged for an appeal.
- D. The Town Board may by resolution update and provide for additional fees for photocopying and related goods and service costs incurred under or in relation to requests submitted under this local law and FOIL, including the provisions of this § 7 (the “Fee Schedule”); however, such Fee Schedule shall not charge any costs or expenses prohibited by FOIL or other requirements of New York law. Unless otherwise governed by applicable law or by any updated Fee Schedule hereafter adopted, fees shall be charged at a rate of \$0.25 per page for photocopies not exceeding 9 by 14 inches. The actual cost for copying other records, such as electronic records, may be charged as follows:
  - 1. A reasonable per page rate for oversized paper of not less than \$0.25 per page, and not greater than \$1.00 per page or the actual costs of reproduction per page, unless the document must be sent to an outside agency for reproduction.
  - 2. An amount equal to the hourly pay attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, including the cost of redaction or preparing copies with confidential or other non-disclosed matters protected or removed, except that no fee shall be charged unless at least two hours of an employee’s time is needed to prepare the copy;
  - 3. The actual cost of the storage devices or media (such as a computer disk) provided to the person making the request. If the requester provides its own media, then there shall be no charge.
  - 4. If the Town’s information or reproduction technology equipment is inadequate to prepare a copy of the record, or if the Town for some other reason is unable to prepare a copy of the record itself, the actual cost to the Town of engaging an outside professional or service company to prepare a copy.
  - 5. However, no amount may be charged for an employee’s time or for use of an outside professional or service company unless the requester is informed of the fee and its estimated cost in advance. If the requester rejects such amount the requester may still examine such record(s) but may not require a copy at such time.
- E. The foregoing provisions regarding fees and copying expenses do not apply when a different fee is otherwise prescribed by FOIL or any applicable statute.

**Section 9. Appeals**

A. The Town Supervisor is hereby designated as the person who shall determine appeals regarding denial of access to records, as well as any other appeals under FOIL and this local law, and such appeals shall be delivered to the following mail or electronic addresses:

1. By mail addressed to Town Supervisor, 29 Auburn Road, Lansing New York 14882.
2. By email to the address posted on any FOIL notices and bulletins posted upon the Town Clerk's official signboard, as updated or amended from time-to-time.

B. All appeals shall be filed within 30 days of the date of any reply denying a FOIL request in whole or in part, or within 30 days of any other event giving rise to an appeal.

C. A written appeal shall state the following:

1. The date of the appeal, the date of the request for records, and the date of any denial of records or other applicable date or time that gives rise to the appeal.
2. The specific requests denied and the records to which the requester was seeking access.
3. So far as known, the reasons for the denial of access to the requested records, including whether the denial was in writing or due to the failure to provide records promptly.
4. The name and return address of the requester.

D. The time for deciding an appeal shall commence upon receipt of a written appeal that meets the above informational guidelines, and the determination upon the appeal shall be provided to the appellant-requester within 10 business days of receipt of an appeal. A failure to determine an appeal within 10 business days of its receipt by granting access to the records sought or by fully explaining the reasons for any further denial in writing shall constitute a denial of the appeal.

E. A copy of every appeal or determination upon appeal shall be filed with the New York State Committee on Open Government as required by FOIL.

**Section 10. Public Notice**

A. A notice containing the title or name and business address of each RAO and each appeals person or body, and the location where records can be seen, shall be posted in the Town Clerk's Office in accord with FOIL.

B. Such notice shall also be posted upon the Town's website and the Town Clerk's official signboard, and such online posting shall further state or include the times and places that public records are available for inspection, information on how to request records in person, by mail, or by email, and a link to the website of the New York State Committee on Open Government.

**Section 11. Construction**

By listing references to and rules and exceptions to FOIL production and disclosure in this local law the Town is seeking only to provide an informative process for the public. In all such cases actual reference to FOIL is required for the exact wording of the law, including updates or amendments to the New York State Public Officers Law. When required by law, the terms and requirements of FOIL as to document disclosure exemptions and exceptions and reproduction and copying fees shall be controlling, and the terms of this local law shall yield when in conflict therewith.

**Section 12. Severability**

If any provision hereof, or the application thereof to any person or circumstance, is adjudged invalid by a court or tribunal of competent jurisdiction, such provision shall be deemed severed and any such judgment shall not affect or impair the validity of the other provisions of this local law (which shall remain in force and effect) or the application hereof to other persons and circumstances.

**RESOLUTION ADOPTING LOCAL LAW #12 OF 2016 AND APPOINTING RECEIVER OF TAXES FOR 2017**

**RESOLUTION 16-153**

**RESOLUTION ADOPTING LOCAL LAW #12 OF 2016 AND APPOINTING RECEIVER OF TAXES FOR 2017**

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

WHEREAS, earlier in 2016 the Town Board amended some of the terms of employment of the Receiver of Taxes, an appointed public officer of the Town, and thereafter such public officer retired, a new public officer was appointed to fill the remainder of such one-year term, and now such term expires on December 31, 2016 and the January meeting is not until after Town and County Tax bills issue such that a Receiver of Taxes needs to be duly so appointed for the next term; and

WHEREAS, this local law proposes to effect a remedial fix by having the payments and terms of appointment for such public officer revert to their traditional methods of payment under the Town's wage and pay scales and rules, including under §§ 27, 37, and 64 of Town Law; and

WHEREAS, a public hearing was duly noticed and duly held at the Lansing Town Hall on the 21<sup>st</sup> day of December, 2016, whereat all persons interested in the subject matter of this local law were heard; and

WHEREAS, this is a Type II Action under SEQRA and no environmental review is therefore required; and

WHEREAS, after due deliberation thereupon, the Town Board of the Town of Lansing has hereby resolved as follows:

1. Local Law Number 12 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."
2. In accord with the Municipal Home Rule Law the final adopted version of this local law shall be filed with the Town Clerk, and the said Town Clerk shall within 20 days hereof file the same with the New York State Secretary of State, State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231, as required by Municipal Home Rule Law.
3. Deborah Munson be and hereby is appointed as the Town of Lansing Receiver of Taxes for a one-year term effective January 1, 2017, at the salary therefor as set forth in the approved 2017 budget, to be paid in equal installments throughout 2017 in accord with the Town's regular payroll schedule.
4. Laura Nemecek be and hereby is appointed as the Town of Lansing Deputy Receiver of Taxes for a one-year term effective January 1, 2017, with such duties as are assigned by the Receiver of Taxes.

The question of adoption of such proposed Resolution was duly motioned by Councilperson Andra Benson, duly seconded by Councilperson Doug Dake, 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 December 21, 2016.

**TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK  
LOCAL LAW NUMBER 12 OF 2016**

**A LOCAL LAW TO REPEAL LOCAL LAW NUMBER 2 OF 2016**

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

**SECTION 1: LEGISLATIVE INTENT AND EFFECT:** This Local Law shall be known as “Local Law Number 12 of 2016.” It is the intent of this Local Law to repeal Local Law Number 2 of 2016, and such local law is hereby repealed in its entirety and of no further force or effect.

**SECTION 2: SEVERABILITY:** If any portion of this Local Law, or the application thereof to any person, entity, or circumstance, shall be determined by any court or tribunal of competent jurisdiction to be invalid or unenforceable, such determination shall be confined in its operation to the invalid part hereof, or in its application to such person, entity, or circumstance as is directly involved in the controversy in which such determination shall have been rendered, and the remainder of this Local Law shall not be impaired thereby and such determination shall not be deemed or construed to apply to other persons, entities, or circumstances.

**SECTION 3: EFFECTIVE DATE:** This Local Law shall take effect immediately.

**RESOLUTION PROVISIONALLY HIRING SHELBY ROSE AS PART-TIME  
TYPIST IN THE TOWN CLERK’S OFFICE**

**RESOLUTION 16-154**

**RESOLUTION PROVISIONALLY HIRING SHELBY ROSE, PART-TIME  
TYPIST IN THE TOWN CLERK’S OFFICE**

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

WHEREAS, the Town Clerk’s Office currently has a Part-Time Typist position available; and

WHEREAS, an acceptable and qualified candidate was located, and is therefore proposed to be hired to fulfill such job requirement; and

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

RESOLVED, that Shelby Rose be and hereby is provisionally approved to be employed as a Town of Lansing Grade 4, Step 3 Employee, as a Part-Time Typist, in the Town Clerk’s Office, with such employment to commence December 19, 2016 at the rate of \$17.36 per hour on an as needed basis.

RESOLVED, that the appropriate Town officer be and hereby is authorized to make such changes to the Towns’ employment and civil service rosters, to file the required Civil Service forms to effect such changes per this Resolution, and to file Form 428s, if required.

The question of the 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 December 21, 2016.

**RESOLUTION UPDATING EMPLOYEE JONATHAN HOWE’S PAY DUE TO OBTAINING CDL**

**RESOLUTION 16-155**

**RESOLUTION UPDATING EMPLOYEE JONATHAN HOWE’S PAY DUE TO OBTAINING CDL**

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

WHEREAS, Jonathan Howe was hired as a laborer and has now passed his CDL test such that he qualifies for a pay increase; and

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

RESOLVED, that effective December 5, 2016, Jonathan Howe be classified as a Laborer, Grade 4, Step 2, with an hourly wage to be set at \$16.30 per hour.

RESOLVED, that the appropriate Town officer be and hereby is authorized to make such changes to the Towns’ employment and civil service rosters, to file the required Civil Service forms to effect such changes per this Resolution, and to file Form 428s, if required.

The question of adoption of such proposed Resolution was duly motioned by Councilperson Doug Duke, 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 December 21, 2016.

**RESOLUTION REAPPOINTING DEBORAH TRUMBULL TO THE TOWN OF LANSING PLANNING BOARD**

**RESOLUTION 16-156**

**RESOLUTION REAPPOINTING DEBORAH TRUMBULL TO THE TOWN OF LANSING PLANNING BOARD**

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

WHEREAS, the Planning Board has requested that Deborah Trumbull be reappointed to a seven (7) year term on the Town of Lansing Planning Board; and

WHEREAS, Deborah Trumbull is duly qualified to be and remain on the Planning Board by virtue of having mandatory NYS training requirements; and

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

RESOLVED, that Deborah Trumbull, is hereby reappointed to a seven (7) year term on the Town of Lansing Planning Board, commencing January 1, 2017 and expiring December 31, 2023.

The question of the 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 Dake - Aye
Supervisor Edward LaVigne - Aye	

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on December 21, 2016.

**RESOLUTION REAPPOINTING MAUREEN COWEN TO THE TOWN OF LANSING ZONING BOARD OF APPEALS**

**RESOLUTION 16-157**

**RESOLUTION REAPPOINTING MAUREEN COWEN TO THE TOWN OF LANSING ZONING BOARD OF APPEALS**

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

WHEREAS, there was a typographical error in Resolution 15-133 incorrectly stating Maureen Cowen’s expiration date as December 31, 2020 on the Zoning Board of Appeals, when in fact the expiration date was December 31, 2016; and

WHEREAS, the Zoning Board of Appeals, has requested that Maureen Cowen be reappointed to a five (5) year term on the Town of Lansing Zoning Board of Appeals; and

WHEREAS, Maureen Cowen is qualified to be and remain on the Zoning Board of Appeals by virtue of having mandatory NYS training; and

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

RESOLVED, that Maureen Cowen, is hereby reappointed to a five (5) year term on the Town of Lansing Zoning Board of Appeals, commencing January 1, 2017 and expiring December 31, 2021.

The question of the adoption of such proposed Resolution was duly motioned by Councilperson Andra Benson, 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 December 21, 2016.

**RESOLUTION AUTHORIZING MAP, PLAN & REPORT FOR PROPOSED DRAINAGE DISTRICT #10 FOR NOVALANE SUBDIVISION**

**RESOLUTION 16-158**

**RESOLUTION AUTHORIZING MAP, PLAN & REPORT FOR PROPOSED DRAINAGE DISTRICT #10 FOR NOVALANE SUBDIVISION**

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

WHEREAS, Developer John Young received subdivision approval in August, 2016, for the Novalane Subdivision, consisting of 8 lots (six for new residential building, one stormwater lot, and one remaining portion of the parent lot) on certain land located on 1714 East Shore Drive, with access to the sites by Smuggler’s Path, Lansing, New York, and otherwise known as Tax Parcel #36.-1-17.40, consisting of a total of 32.71± acres in the R-1 Residential Low Density Zone; and

WHEREAS, the subdivision approval and the SWPPP envisions and requires a stormwater pond and certain common stormwater facilities, and in order to manage the same for the benefit of the several lots in the subdivision the stormwater operation, maintenance, reporting, and repair obligations would be managed by a drainage district operated by the Town as an Article 12-A improvement district; and

WHEREAS, the Developer had previously executed a Developer’s Agreement to cover certain costs of subdivision, environmental, stormwater and other review costs of the Town, including drainage districts, and the Developer has requested that the Town begin the drainage district formation process under Town Law Article 12-A in respect of the conditions of approval of the SWPPP and the Novalane subdivision; and

WHEREAS, the Developer is required to design, construct, monitor, and maintain one or more forms of stormwater management practices for such subdivision, and, for reasons related to the apportionment, payment, and recovery of long-term stormwater maintenance and monitoring costs and expenditures, among others, the subdivision approval required that the properties benefitted by the stormwater facilities pay the cost of the same, and therefore the Town Board has concluded that a drainage district be utilized for the management of stormwater for this subdivision and the Developer concurs; and

WHEREAS, the creation of such Drainage District (hereinafter Drainage District #10) is deemed to be in the public interest, and in the interest of the affected property owners proposed to be included in such district, and the Town now desires to examine the feasibility of such a district, and accordingly, based upon due deliberation thereupon, the Town Board of the Town of Lansing has hereby

RESOLVED AND ORDERED, that the Town Engineer proceed with the preparation of a Map, Plan and Report (“MPR”) pursuant to Town Law §§ 209-c and 209-d relative to proposed Drainage District #10 for the Novalane subdivision; and it is further

RESOLVED, that the cost of such MPR is authorized in an amount not to exceed \$2,000.00, said amount to be paid by the Developer; and it is further

RESOLVED AND DECLARED, that the requirements for a permissive referendum do not apply as there is no expenditure of public funds for this MPR, as the Developer is paying the expenses of preparing the MPR pursuant to the terms of this Resolution, the Stormwater Local Law and SWPPP, and the afore-referenced Developer’s Agreement.

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 December 21, 2016.

**RESOLUTION DISSOLVING PATHWAYS COMMITTEE, UPDATING AND AMENDING BUDGET LINES IN TA ACCOUNTS, AND TRANSFERRING FUNDS TO FUND OWNERS OR GENERAL FUND A**

**RESOLUTION 16-159**

**RESOLUTION DISSOLVING PATHWAYS COMMITTEE, UPDATING AND AMENDING BUDGET LINES IN TA ACCOUNTS, AND TRANSFERRING FUNDS TO FUND OWNERS OR GENERAL FUND A**

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

WHEREAS, due to training and other input received from the Office of the New York State Comptroller, the Town has need to update some of its committee operations and fund management procedures relating to the Trust and Agency (“TA”) Fund, including as the Town is not permitted by law and auditing requirements from acting as a bank, a payment clearinghouse, or as a fundraising umbrella for private agencies, and may only have public funds in its accounts (with certain very limited statutory exceptions, none of which here apply); and

WHEREAS, there were two affected town-based committees—the Lansing Recreational Trails Committee (n/k/a “Pathways Committee”) and the Salt Point Committee—and each committee had been advised of these requirements and given options relative to continuing as an official Town committee under Town Law § 64(17) (citizens capital improvement advisory committee) or disassociating with the Town on a formal basis and providing input on an independent citizens advisory basis; and

WHEREAS, in order to inform such committees and generate available options, the Town pursued the receipt of information and financial data from such committees to ascertain what was allowable and, based upon the timing and quality of any replies received and further input from the State Comptroller (among others), various options were provided to each committee, with each such option having both advantages and disadvantages; and

WHEREAS, both committees opted not to be official committees and therefore the TA Funds and line accounts for such committees need to be amended and closed, and in addition, due to several other agency lines opened over the years, many other lines and funds need to be cleaned-up and removed, with such funds to be refunded to the private agency if not Town-owned funds, or re-allocated to proper budget lines if Town-owned funds; and

WHEREAS, even though such committees and several affected recreational and other clubs will be affected, the Town Board and the Town of Lansing hopes that each such committee, group, club, league, and other organization continues its valuable work for the betterment of the Town of Lansing; and

WHEREAS, upon due deliberation thereupon, the Town Board of the Town of Lansing has thus RESOLVED as follows:

1. The Pathways Committee be and hereby is dissolved and prior Town Board Resolutions 10-39 and 10-134 be and hereby are repealed and rescinded and are of no further force or effect, and any prior resolution or other legislation pertaining to the Pathways Committee or the Salt Point Committee which may or do recognize or form them as official town committees be and hereby are repealed.
2. The following TA Accounts shall be closed and their funds distributed as hereinafter set forth:

TA30	Street Openings	Transfer Balance (\$6,668.00) to DA2701
TA32A	LBP Tournament Fund	Transfer Balance (\$1,162.54) to A2701
TA32B	Small Fry Football Fund	Transfer Balance (\$31.66) to A2701
TA32C	Youth Soccer Fund	Transfer Balance (\$11.90) to A2701

TA32D	LSP Tournament Fund	Transfer Balance (\$740.08) to A2701
TA32E	Small Fry Cheerleading Fund	Close (no balance)
TA32F	Volleyball Club	Close (no balance)
TA37	Lansing Pathways Fund	Close (no balance)
TA85	Cayuga Lake Watershed IO	Close (no balance)
TA87	North Cabin Project	Close, Balance (\$570.28) to A2701
TA88	Myers Park Playground Fund	Close, Balance (\$1,453.65) to A2701
TA90	Rec Scholarship Donations	Close, Balance (\$195.00) to A2701
TA91	Salt Point Donations	Close (no balance)
TA94	East Shore Arts Council	Close (no balance)

The question of adoption of such proposed Resolution was duly motioned by Councilperson Doug Duke, duly seconded by Councilperson Robert Cree, 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 December 21, 2016.

**RESOLUTION AUTHORIZING SETTLEMENT WITH TIME WARNER CABLE REGARDING LINE DAMAGE AND DIG TICKET CLAIM FOR CABLING DAMAGE ALONG EAST LANSING ROAD, CLAIM #TWC26970**

**RESOLUTION 16-160**

**RESOLUTION AUTHORIZING SETTLEMENT WITH TIME WARNER CABLE REGARDING LINE DAMAGE AND DIG TICKET CLAIM FOR CABLING DAMAGE ALONG EAST LANSING ROAD, CLAIM #TWC26970**

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

WHEREAS, Time Warner Cable (TWC) lines are, from time-to-time inadvertently damaged or severed by Town operations, particularly when installing water lines and other utilities, or when repairing or maintaining roadways; and

WHEREAS, TWC asserted a claim against the Town for cabling damages along East Lansing Road arising from Town operations occurring on or about August 25, 2016, in the amount of \$2,897.79, claiming strict liability due to the alleged lack of a dig ticket and proper marking of utilities, and the Town defended against such claims and the accuracy of the assertions in that there was no easement, proper dig ticket markings had occurred, and other defenses; and

WHEREAS, these are stock and standard claims the Town regularly reviews and processes, and after discussing aspects of this matter, the facts, the valid defenses to the claims, and the costs of defense, the Town Board believes it is best to settle the matter on terms that are in the overall interest of the Town, including pursuant to Town Law §§ 64 and 68; and

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

RESOLVED that, upon the receipt of a general release in form as approved by Town Counsel, the sum of \$1,000 shall be paid in full settlement of all claims arising from or in relation to the above incident, costs, and damages, such amount to be paid and delivered to TWC’s recovery specialist agent, Project Resources Group, Inc., 5340 Quebec St., Suite 250S, Greenwood Village, CO 80111

The question of adoption of such proposed Resolution was duly motioned by Councilperson Robert Cree, 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 December 21, 2016.

**RESOLUTION HIRING DONALD R. WERNER, PART-TIME LABORER AT THE HIGHWAY DEPARTMENT**

**RESOLUTION 16-161**

**RESOLUTION PROVISIONALLY HIRING DONALD R. WERNER AS A PART-TIME LABORER AT THE TOWN OF LANSING HIGHWAY DEPARTMENT**

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

WHEREAS, the Town of Lansing Highway Superintendent has a need for a Part-Time Laborer, on an as needed basis, at the Town of Lansing Highway Department; and

WHEREAS, the Part-Time Laborer position was posted as a continuous recruitment position; and

WHEREAS, said position has been classified and deemed as a Civil Service Non-Competitive position by the Tompkins County Department of Personnel; and

WHEREAS, DONALD R. WERNER has been identified as a qualified candidate; and

WHEREAS, the Highway Superintendent, Charlie Purcell recommends that DONALD R. WERNER be hired as a Part-Time Laborer, on an as needed basis, at the Town of Lansing Highway Department; and

WHEREAS, upon a review and discussion of the matter, the Town Board of the Town of Lansing has hereby:

RESOLVED, that DONALD R. WERNER be and hereby is approved to be employed as a Part-Time Laborer, on an as needed basis, Grade A, Step 6, in the Town of Lansing Highway Department, effective December 22, 2016, at a rate of \$20.26 per hour.

The question of the adoption of such proposed Resolution was duly motioned by Councilperson Andra Benson, 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 December 21, 2016.

**RESOLUTION ESTABLISHING PAY FOR MICHAEL MOSELEY AS DEPUTY HIGHWAY SUPERINTENDENT**

**RESOLUTION 16-162**

**RESOLUTION ESTABLISHING PAY FOR MICHAEL MOSELEY AS DEPUTY HIGHWAY SUPERINTENDENT**

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

WHEREAS, the Highway Superintendent Charlie Purcell has appointed Michael Moseley as Deputy Highway Superintendent to act in his stead in the event that he is unavailable; and

WHEREAS, the position of Deputy Highway Superintendent places additional responsibilities on the person who is appointed to serve in that role and the Town Board wishes to recognize that responsibility and provide adequate compensation for the additional job duties associated therewith; and

WHEREAS, upon due deliberation upon the foregoing and the public interests to be served and the properties to be benefited thereby, the Town Board of the Town of Lansing has hereby

RESOLVED, that the Town of Lansing hereby approves the Deputy Highway Superintendent’s pay scale, be and is hereby amended to be \$3.00 per hour above the said employee’s regular base rate of pay, effective January 1, 2017; and it is further

RESOLVED, that any Town Personnel Officer be and hereby is authorized to ensure this change is reflected in any payroll and reporting records, and recorded, if required, with the County Personnel Office and/or on the Town’s Civil Service Roster.

The question of the adoption of such proposed Resolution was duly motioned by Councilperson Katrina Binkewicz, 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 Dake - Aye
Supervisor Edward LaVigne - Aye	

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on December 21, 2016.

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

**RESOLUTION 16-163**

The Supervisor submitted his monthly report for the month of November 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 Robert Cree and Supervisor Edward LaVigne.

Councilperson Robert Cree 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 # 12**

DATED	<u>12/21/2016</u>
AUDITED VOUCHER #'s	<u>1242 - 1359</u>
PREPAY VOUCHER #'s	<u>1242 - 1244</u>
AUDITED T & A VOUCHER #'s	<u>121 - 142</u>
PREPAY T & A VOUCHER #'s	<u>121 - 126</u>

<u>FUND</u>	<u>TOTAL APPROPRIATIONS</u>
GENERAL FUND	(A&B) \$ <u>177,119.84</u>
HIGHWAY FUND	(DA&DB) \$ <u>199,121.77</u>
BONE PLAIN WATER TANK PROJECT	(HB) \$ <u>21,605.70</u>
DRAINAGE DISTRICTS (SDD1, 2, 4, 5, 6, 7, 8)	\$ <u>987.50</u>
LANSING LIGHTING	(SL1, 2 &3) \$ <u>1,505.33</u>
LANSING SEWER DISTRICTS	(SS1, SS3) \$ <u>284.25</u>
LANSING WATER DISTRICTS	(SW) \$ <u>75,939.14</u>
TRUST & AGENCY	(TA) \$ <u>54,936.17</u>

**BUDGET MODIFICATIONS  
GENERAL A FUND  
December 21, 2016**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
A599	A9060.800	FR FUND BALANCE TO HEALTH INSURANCE UNANTICIPATED ADDITIONAL COVERAGE	\$ 4,036.61
A1990.400	A1420.400	FR CONTINGENCY TO ATTORNEY-CONTRACTUAL UNDER ESTIMATED ATTORNEY FEES	\$ 2,897.61
A1620.400	A1620.405	FR BUILDING CONTRA TO BUILDING-REPAIR NEED BUILDING REPAIR ON ARCHIVE BUILDING	\$ 552.96
A1990.400	A5182.403	FR CONTINGENCY TO STREET LIGHTING CONTRACTUAL UNDER ESTIMATED LIGHTING EXPENSESE	\$ 92.39
A2001	A7110.400	FR CAMPING FEES TO PARKS CONTRACTUAL UNDER ESTIMATED COSTS	\$ 2,128.16
A7140.100	A7140.400	PLYGRD/REC FIELDS-PER TO PLYGRD/REC FIELDS CONT UNDER ESTIMATED COSTS	\$ 241.92
A2003	A7310.400	FR REC FEES TO YTH PROG-CONTRACTUAL ADDITIONAL CAMPS INCREASED STAFFING	\$ 7,533.41
A2003	A7620.400	FR REC FEES TO ADULT RECREATION-CONTRACTUAL ADDITIONAL CAMPS	\$ 243.76
A1990.400	A8750.401	FR CONTINGENCY TO AG PROTECTION COMMITTEE UNDER ESTIMATED AG DAY EXPENSES	\$ 225.00

**AMMENDED NOVEMBER -  
Not enough money in contingency  
BUDGET MODIFICATIONS  
GENERAL B FUND  
December 21, 2016**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
B8020.420	B8020.402	FR PLANNING CONSULTANT TO PLNG LEGAL UNANTICIPATED LEGAL EXPENSES	\$ 3,980.00
NOVEMBER BUD MODS WAS GOING TO COME FROM CONTINGENCY			

**BUDGET MODIFICATIONS  
GENERAL B FUND  
December 21, 2016**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
B1990.400	B8010.400	FR CONTINGENCY TO ZONING CONTRACTUAL UNDER ESTIMATED EXPENSES	\$ 135.73

**BUDGET MODIFICATIONS  
HIGHWAY DA  
December 21, 2016**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
DA9010.800	DA9060.800	FR NYS RETIREMENT TO HOSP&MED INS UNANTICIPATED ADDITIONAL CHARGES	\$ 2,242.92

**BUDGET MODIFICATIONS  
WATER SW  
December 21, 2016**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
SW2140	SW8340.200	FR CWD WATER REVENUE TO TRANS&DIST EQUIPMENT BOARD APPROVED EQUIPMENT	\$ 68,884.00
SW1990.400	SW8340.400	FR CONTINGENCY TO TRANS & DISTRIB CONTRACT UNDER ESTIMATED EXPENSES	\$ 2,652.21
SW1990.400	SW8340.401	FR CONTINGENCY TO TRANS & DISTRIB REPAIRS UNDER ESTIMATED EXPENSES	\$ 741.77
SW1990.400	SW9030.800	FR CONTINGENCY TO SOCIAL SECURITY UNANTICIPATED ADDITIONAL CHARGES	\$ 200.00
SW1990.400	SW9089.800	FR CONTINGENCY TO MEDICARE UNANTICIPATED ADDITIONAL CHARGES	\$ 50.00
SW1990.400	SW8310.401	FR CONTINGENCY TO WTR ADMIN- ENGINEER UNDER ESTIMATED EXPENSES	\$ 1,157.50

**BUDGET MODIFICATIONS  
DRAINAGE DISTRICTS SDD1, 2, 4, 5, 6, 7, 8  
December 21, 2016**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
SDD1-599	SDD1-8540.400	FR FUND BALANCE TO MAINTENANCE CONTRACTUAL ADDITIONAL ENGINEER EXPENSES NEEDED	\$ 141.08
SDD2-599	SDD2-8540.400	FR FUND BALANCE TO MAINTENANCE CONTRACTUAL ADDITIONAL ENGINEER EXPENSES NEEDED	\$ 141.08
SDD4-599	SDD4-8540.400	FR FUND BALANCE TO MAINTENANCE CONTRACTUAL ADDITIONAL ENGINEER EXPENSES NEEDED	\$ 141.06
SDD5-599	SDD5-8540.400	FR FUND BALANCE TO MAINTENANCE CONTRACTUAL ADDITIONAL ENGINEER EXPENSES NEEDED	\$ 141.07
SDD6-599	SDD6-8540.400	FR FUND BALANCE TO MAINTENANCE CONTRACTUAL ADDITIONAL ENGINEER EXPENSES NEEDED	\$ 141.07
SDD7-599	SDD7-8540.400	FR FUND BALANCE TO MAINTENANCE CONTRACTUAL ADDITIONAL ENGINEER EXPENSES NEEDED	\$ 141.07
SDD8-599	SDD8-8540.400	FR FUND BALANCE TO MAINTENANCE CONTRACTUAL ADDITIONAL ENGINEER EXPENSES NEEDED	\$ 141.07

**BUDGET MODIFICATIONS  
BONE PLAIN PROJECT HB  
December 21, 2016**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
HB8397.400	HB8397.410	FR OTHER TO CONSTRUCTION FINAL PAYMENT REQUEST #11 & #12	\$ 21,605.70

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

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 December 21, 2016.

## **BOARD MEMBER REPORTS**

### **Andra Benson**

#### Lansing Youth Services:

Andra stated the last meeting was cancelled due to bad weather. She reported the new manager, Travis, is excellent.

#### Library Report:

Andra reported that Susie Gutenberger gets grants for the summer reading program. She commented that the summer reading program had more children than any other summer reading program in the county.

### **Robert Cree**

Nothing to report.

### **Doug Dake**

#### Water and Sewer Advisory Board:

Doug reported the first person has come through using the new procedure for the outside user agreement.

He stated more information can be found in Dave Herrick's report.

### **Katrina Binkewicz**

#### Emergency Planning Committee:

Katrina reported the committee is finished and will no longer have meetings.

Supervisor Edward LaVigne stated the goal is to have the Emergency Plan in place in 2017.

### **Edward LaVigne**

#### Sewer Extension:

Ed reported they have started to formalize the process for the Village of Cayuga Heights, Village of Lansing and Town of Lansing sewer extension. He stated only the developers will pay for this. Ed noted there will be zero cost to the residents until they hook up. He reported that if this goes through, Councilperson Doug Dake will be the liaison.

#### Water:

Ed reported the goal is to find out if the residents really want to have water.

**TOWN COUNSEL REPORT**

**Guy Krogh**

Codification:

Supervisor Edward LaVigne reported the board has a proposal from a company for codification and he asked Guy to expand on the positive results of this.

Guy commented that codification helps with drafting and amending local laws which will also cut costs. He noted their proposal came in at about half the cost of what he was expecting. Guy reported they are a code system; they will take all of our local laws and provide insight which will give us something more uniform. He stated it will be universally accessible to anyone by going to the General Code website - which is free. Guy commented it will all be indexed by types of laws and cross referenced. He reported it is easy for all citizens to understand; the current updated version of the law is "right there". Guy commented this will pay for itself in two to three years.

**MOVE MEETING TO WORK SESSION MEETING**

Meeting moved to the Work Session at 8:00 p.m.

**WORK SESSION MEETING ITEMS OF DISCUSSION**

Town Hall Roof Project:

Ed reported that initial estimates run around \$70,000 for a full replacement, but that the money exists without depleting reserve funds due to a \$91,000 increase above projected revenue in mortgage tax funds, as well as other income exceeding expectations.

Doug added construction detail as to additional work that may be needed on the gable ends, and noted that cost will depend on what roofing materials are chosen.

The concept of moving forward was generally approved, although informally, and the matter may be formally considered early in 2017 as more information is gathered.

Town Center Land:

The Request for Proposal (RFP) for Town Center Land was briefly discussed upon a get-familiar-with-it basis, as January may mark a move to formally consider the RFP plan process.

Katrina inquired, reporting that some residents had asked, why the appraisal report was confidential. Counsel responded that disclosure of an appraisal prior to negotiations would or could clearly affect the price, terms, or success of negotiations with any future offerors, and that is the basis for non-disclosure. It was also noted that a municipality "may" opt to disclose confidential material (so long as it is not a prohibited disclosure), and that there may come a time that the appraisal is made public, but all that is up to the Board.

There was also discussion about the pieces of land the town wanted to keep or preserve, such as wetlands, trails, and the parcels Beardsley is examining relative to master planning and future recreational use or needs.

**MOTION TO ENTER EXECUTIVE SESSION**

Supervisor Edward LaVigne moved to **ENTER EXECUTIVE SESSION TO DISCUSS A CONTRACT-BASED PERSONNEL MATTER WHERE ADVANCE DISCLOSURE OF THE TERMS WOULD IMPACT VALUE, PRICE, TERMS AND COSTS AT 8:15 PM.**

Councilperson Robert Cree seconded the motion.

All in Favor - 5

Opposed - 0

**MOTION TO EXIT EXECUTIVE SESSION**

Councilperson Katrina Binkewicz moved to **EXIT EXECUTIVE SESSION AT 8:43 PM.**

Supervisor Edward LaVigne seconded the motion.

All in Favor - 5                      Opposed - 0

**ADJOURN MEETING**

Meeting adjourned at the call of the Supervisor at 8:44 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