

**REGULAR TOWN BOARD MEETING**  
**April 19, 2017**

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 6:30 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:**

Katrina Binkewicz, Councilperson      Robert Cree, Councilperson  
Doug Duke, Councilperson              Edward LaVigne, Supervisor

**ABSENT:**    Andra Benson, Councilperson

**ALSO PRESENT:** Guy Krogh, Town Counsel, Charlie “Cricket” Purcell, Highway Superintendent, Dan Veaner, Lansing Star, John O’Neill, Village of Lansing, Mike Sigler, Tompkins County Legislator, Michael Long, Town Planning Consultant, Steve Colt, Director of Parks and Recreation, Cassandra Negley, Lansing Ledger, Ted Laux, Connie Wilcox, Walaa Horan, Sarah Hesse, 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**  
**April 19, 2017**

1. April 9 to 15, 2017 was National Library Week and LCL once again celebrated by accepting food for fines. All food was donated to the Lansing Food Pantry. On Saturday, April 15, as part of the week’s events and for Patron Appreciation Day, LCL hosted a raffle where patrons could enter to win a Book bag or a Barnes and Noble Gift card.
2. The LCL Annual Community Meeting will be held Monday, April 24 at 7:00 PM at LCL. There is a short agenda, we will be introducing the trustee candidates (three seats are open), culminating in the announcement of the 4<sup>th</sup> Annual Logo Contest Winner announcement. This year we had over 60 submissions. The annual trustee election and budget vote will be from 10:00 AM to 8:00 PM on Tuesday, April 25, 2017.
3. The Friends of LCL will be sponsoring a number of programs this spring, to include:
  - a. May 20, 2017 at 11:00 AM – Erica Mims, historical Quilts, with exhibit that will remain through May and June
  - b. June 16 & 17 – Book Sale and Summer Reading Kick-off (the theme this year is Build a Better World) with Miss Angie's Music at 11 AM and the Physics Bus from 11 -1.
  - c. December 1 & 2 – Artisan Fair
4. The March and April LCL Art Exhibit features drawings by Cully Van Buren, a Lansing artist and chef whose work aims to capture the personalities of animals.

**TOMPKINS COUNTY REPRESENTATIVE – MIKE SIGLER**

The following report was available as a handout.

**Tompkins County Legislator**  
**Michael Sigler**  
**April 19, 2017**

Hello and thank you for having me again. Again, I want to thank Marcia Lynch for her work as our public information officer who has provided much of this report.

The Legislature held a public hearing last night regarding a proposed new Local Law that would raise the legal age for tobacco sale and purchase. The vote on this proposal will be at the next meeting in May. I'm voting against this and I've written probably more than anyone on why. You can find that on my Legislator Facebook page. To sum up, I don't support raising the age because in the country you are an adult at age 18. I think that means something. You can and should be able to make these kind of life changing decisions like taking out thousands in student loans, get married, drive a car, sign up for the military. I don't see why smoking even though it's truly awful, should be in a separate class other than it being awful.

The law would cover sale and purchase, not possession, and maintained that delaying the age at which tobacco products can be legally purchased would carry significant benefit because of how the adolescent brain develops, making youth in that age range at significantly higher lifetime risk for becoming addicted and not being able to quit.

The Legislature, by unanimous vote (Legislator Peter Stein was excused), confirmed County Administrator Joe Mareane's reappointment of Public Health Director Frank Kruppa for a second six-year term.

The Legislature voted to endorse State legislation, currently before the Assembly and Senate, which would extend by two years the additional one percent sales tax, which has been in place in Tompkins County since December 1992. I vote for this because we have so many transient people in the county with the influx of students who by paying a higher sales tax to the county, to support our community more than they would otherwise.

Lastly, there was some controversy over the funding of what originally was called a Community Iftaar. I believe the county should not fund religious celebrations. This position created quite a back and forth about what constitutes a religious gathering. I thought by its name this clearly was. The event changed its name to "Share our Table," which I thought better fits what I consider a cultural event that the government can financially support. It was said that Iftaar was not religious, but all the internet research I did made it clear that it was. I support religious celebrations. I enjoy Easter Services, Passover, a Seder and I'm also sure I'd enjoy this. While I support religion in my private life, that doesn't mean I believe government should support religion financially. I thank the group for delinking the event from a religious event.

One last interesting thing that's going forward, the county accepted a grant for Mobile Crisis Technical Support for the Mental Health Department. Often times, law enforcement is called to the scene of a mental health crisis. This effort is designed to help us be prepared for these kind of events and being able to offer assistance to officers who may not be as well versed as mental health professionals in these situations.

Mike Sigler also reported the following:

Old Library Building: The new project, which will be four stories, is moving forward. There will be fifty seven units and parking under the building.

Jail: A study is currently being done to consider expanding the jail. There is discussion about having a Detox Center which may or may not be connected to the jail.

Sheriff's Department / Police Department: A study is currently being done to consider shared services. The Governor wants consolidation of "everything".

Rumble Strip by Lansing School: Mike contacted Supervisor Edward LaVigne requesting a rumble strip by the Lansing School. He also contacted the DEC and Senator Pam Helming. Supervisor LaVigne will write a letter to Senator Pam Helming making this request.

Bridge by Lansing School: There will be a meeting at the Town Hall on Wednesday April 26, 2017 from 6:00-8:00 pm regarding the bridge.

**MOTION TO OPEN PUBLIC HEARING ON THE PROPOSED LOCAL LAW #4 OF 2017-A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C**

Councilperson Robert Cree moved to **OPEN THE PUBLIC HEARING ON THE PROPOSED LOCAL LAW #4 OF 2017-A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C** at 6:44 pm. Councilperson Katrina Binkewicz seconded the motion.

All in Favor - 4

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 #4 OF 2017-A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C** at 6:45 pm. Councilperson Doug Duke seconded the motion.

All in Favor - 4

Opposed - 0

**MOTION TO OPEN PUBLIC HEARING ON THE PROPOSED LOCAL LAW #5 OF 2017-AMENDING LOCAL LAW #1 OF 2017 TO ADJUST ERI BENEFIT TERMS**

Supervisor Edward LaVigne moved to **OPEN THE PUBLIC HEARING ON THE PROPOSED LOCAL LAW #5 OF 2017-AMENDING LOCAL LAW #1 OF 2017 TO ADJUST ERI BENEFIT TERMS** at 6:46 pm. Councilperson Katrina Binkewicz seconded the motion.

All in Favor - 4

Opposed - 0

Supervisor Edward LaVigne stated ERI stands for Early Retirement Incentive.

**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 #5 OF 2017-AMENDING LOCAL LAW #1 OF 2017 TO ADJUST ERI BENEFIT TERMS** at 6:47 pm. Councilperson Doug Duke seconded the motion.

All in Favor - 4

Opposed - 0

**PARKS AND RECREATION REPORT – STEVE COLT**

The following report was available as a handout.

**Parks & Recreation Department**

**4/19/17**

**Town Board Meeting**

**RECREATION**

- Our spring “in-house” Softball and Baseball program registration process has been completed and have 307 players participating. Practices will start for most this Saturday morning.
- We have held the Coaches meetings, team selection, and are ready to go. Games start on May 6<sup>th</sup>. The season ends on June 10<sup>th</sup>.
- Our Spring Training Players Clinics are set and today is the baseball clinic. The softball clinic will take place tomorrow. The Lansing Varsity coaches and teams conduct both. The clinic also serves as a fundraiser for the respective varsity teams.

- Our T-BALL program is large this year as the school class sizes start to increase again. Our coaches meeting for this level is set for Tuesday April 25<sup>th</sup>. These players will start the week of May 8<sup>th</sup>.
- Our Saturday Morning Soccer program is currently taking registrations. This is an intro program for players that are U8 and U10 and will start on May 6<sup>th</sup>. It is specifically designed to NOT conflict with baseball or softball...
- We are also currently working on the Summer Recreation Program Booklet. This is always a large project and is printed in-house. We are planning to have it ready to go into the schools by May 5<sup>th</sup>. Robin Schuttenberg has once again designed the cover.

## **PARKS**

- Pat and Jon have done a great job outside preparing the Ballfields for play. The fields look great and are SAFE and ready for play.
- The Highway crew has completed the new dock in Myers Park. It is an “L” shaped dock that will delineate the south side of our swim area. There will be NO jumping or diving from the dock. The dock looks great and the guys did an excellent job constructing it.
- Pat and Jon have completed the new kayak racks that are basically sold out. They also have reorganized the line-up of racks in the park. This has improved the overall appearance.
- We hope to be planting the trees, that we will be receiving, via the Beautification Grant. They have been ordered.

Steve Colt stated several old trees have been taken down at Myers Park. He noted this will make room for the new trees that will be planted soon as part of the beautification plan.

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

Cricket reported the following:

Sewer Pumps: The pumps are all done and working great.

Radios: The two-way radios are ordered.

Brush Pick Up: The Town Brush Pick Up will start on Monday April 24, 2017 and the Village Brush Pick Up will start on Monday May 1, 2017.

Dock at Myers Park: The Myers Park Dock is completed.

Tompkins County Materials List: The Highway Department has utilized this list to purchase materials, for many years. The pricing is all set on the list (non-negotiable). The annual list is available on line for anyone to look at. The Highway Department purchases are done with the best interest of the taxpayers in mind. Cricket stated during non-highway hours he does some outside work for a local contractor. The local contractor’s wife owns Genoa Sand and Gravel which is on the Tompkins County Materials List for various products which the Town of Lansing utilizes. Cricket wants to make sure the Town Board and public are aware of this and that there is no conflict of interest.

Councilperson Doug Dake reported the dock looks great and thanked everyone for their work on it.

## **PLANNING CONSULTANT REPORT – MICHAEL LONG**

Mike reported the following:

Comprehensive Plan: The Planning Board will meet on Monday and continue to review the plan. They may have some revisions to the maps.

Sewer Agreement: This is moving forward and the Villages seem to be on board.

New Water Districts: Good meeting with the Department of Ag and Markets and Dave Herrick. They discussed the impacts that the water districts may have.

Myers Park: Patrick Tyrrell has completed the GPS site mapping.

NYSEG Cell Tower: The cell towers will be used for radio transmission for the new meters. The cell tower in the Village of Lansing will be at the relay station behind the Trip Hotel, off Triphammer Road. The cell towers will be one hundred (100) feet high with an additional twenty (20) feet on top. There is also a cell tower proposed for the Town and a third tower in another town.

Village Solar: The next phase is replacing six (6) old buildings which have fifty six (56) apartments with six (6) new buildings which will have one hundred twenty six (126) apartments.

Storm Water Plan: TG Miller will be reviewing this.

Garage: A garage is being converted into a dwelling on Emmons Road.

## **ENGINEER'S REPORT – DAVE HERRICK**

The following report was available as a handout.

1. Water System Planning and Maintenance
  - a. Town CWD, Extension 3: Buck Road, Conlon Road and Wilson Road Area:
    - A decision on any adverse effects to viable farm enterprises will be rendered by the Commissioner this week.
    - Based on Ag & Markets determination and possible conditions, the Engineer's Map, Plan and Report (MPR) will begin immediately thereafter.
  - b. Town CWD, Extension 4: Drake Road:
    - Draft Engineer's MPR was submitted for Town review.
    - Lacking interest by the resident landowners, Atwater Road area will now be excluded from the proposed district extension. The MPR as previously prepared will be the basis for further Town action.
  - c. Burdick Hill Pump Station
    - Bid opening will be Thursday, April 27<sup>th</sup> at 10 AM.
    - Bidding documents have been distributed to six different general contractors.
2. Stormwater Planning and Maintenance
  - a. MS4 Program
    - The Town's draft annual report for 2016 is being reviewed by the Stormwater Coalition and will be submitted to NYSDEC in early May.
3. Sanitary Sewer Planning and Maintenance
  - b. Village of Cayuga Heights Flow Monitoring
    - VCHWTP is considering monitoring and maintaining the various municipal sewer flow meter stations within the VCH collection system. This would include the Town's flow meter at Bush Lane that records data from a portion of the Cherry Road Sewer District and all of the Warren Road Sewer District. A single entity responsible for collecting the flow



data could improve the monitoring of spikes in flow that can be attributed to rain event inflow and infiltration.

**AGRICULTURE COMMITTEE REPORT – CONNIE WILCOX**

Connie reported the following:

The Agriculture Committee met on April 13, 2017. Dave Herrick and Cricket Purcell attended the meeting and discussed the new Water Districts. They explained that the lines will be along the road; not in the fields. The farmers are okay with the Water District.

The Lansing Agriculture Sub-Committee met to review the portions of the Comprehensive Plan and current zoning pertaining to agriculture in the Town. The following recommendations were made, per Peter Larson’s e-mail dated March 23, 2017:

- “1. On the proposed land use map, the existing farmland owned by Ray Sill, the Buck family, the Kerl family, and the Conlon family be changed from “residential/agricultural” to “agriculture.” We also recommend that a mixed use corridor NOT be established along Auburn Road, as agriculture is the predominant existing use of that land.
- 2. Within the proposed “agriculture” land use, a minimum lot size of five acres be established for future subdivision of existing parcels.
- 3. For any proposed use of land within the “residential/agricultural” and “agriculture” zoning designations, when such proposed use is subject to review under zoning regulations, the Lansing Agriculture Committee be included in the review process.”

The next meeting will be in July.

**COMPREHENSIVE PLAN UPDATE – CONNIE WILCOX**

Connie reported the following:

On Monday April 24, 2017, she will attend the Planning Board Meeting to see what she can help with on the Comprehensive Plan. Connie is hoping to get the informational meetings planned in the next couple months.

Connie commended the Town Board on everyone working together for the good of the Town.

**PRIVILEGE OF THE FLOOR** - No one addressed the Town Board

**RESOLUTION ADOPTING LOCAL LAW #4 OF 2017 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

**RESOLUTION 17-71**

**RESOLUTION ADOPTING LOCAL LAW #4 OF 2017  
TO OVERRIDE THE TAX LEVY LIMIT  
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

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

WHEREAS, the Town Board of the Town of Lansing is hereby authorized to adopt a budget for the fiscal year 2018; and

WHEREAS, the proposed Local Law #4 of 2017 proposes to authorize the Town Board to override the limit on the amount of real property taxes that may be levied by the Town of Lansing, County of Tompkins, for the fiscal year beginning January 1, 2018 and ending December 31, 2018, so as to allow, if necessary or desired, a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-C; and

WHEREAS, a public hearing was duly held upon April 19, 2017 at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, whereas the public was invited to comment upon the proposed Local Law, and whereat all persons interested in the subject were duly heard and all evidence submitted, if any, was duly received; and

WHEREAS, upon due deliberation thereupon, and in consideration of all discussions and matters arising from or in relation to the aforesaid public hearing, the Town Board of the Town of Lansing has hereby resolved, and thus be it so enacted, as follows:

RESOLVED, that Local Law Number 4 of 2017 be and hereby is approved and adopted in the form as presented to this meeting, and in such form “be it so enacted”; and it is further

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

RESOLVED, that upon such approval by the Supervisor (or other approval occurring pursuant to said §21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required certifications, 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).

The question of the 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 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 April 19, 2017.

**TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK  
LOCAL LAW NUMBER 4 OF 2017  
  
TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN  
GENERAL MUNICIPAL LAW §3-C**

Be it enacted by the Town of Lansing as follows:

**SECTION 1: LEGISLATIVE INTENT:** This Local Law shall be known as “Local Law, Number 4 of 2017”. It is the intent of Local Law Number 4 of 2017 to override the limit on the amount of real property taxes that may be levied by the Town of Lansing, County of Tompkins pursuant to General Municipal Law §3-C, and to allow the Town of Lansing, County of Tompkins to adopt a Town budget for (a) Town purposes, and (b) any other special or improvement district, and Town improvements provided pursuant to Town Law Article 12-C, governed by the Town Board for the fiscal year beginning January 1, 2018 and ending December 31, 2018 that requires a real property tax levy in excess of the “Tax Levy Limit” as defined by General Municipal Law §3-C.

**SECTION 2: AUTHORITY:** This Local Law is adopted pursuant to subdivision 5 of General Municipal Law §3-C, which expressly authorizes the Town Board to override the Tax Levy Limit by the adoption of a Local Law approved by vote of at least sixty (60%) of the Town Board.

**SECTION 3: TAX LEVY LIMIT OVERRIDE:** The Town Board of the Town of Lansing, County of Tompkins is hereby authorized to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-C.

**SECTION 4: SEVERABILITY:** If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of the Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 5: EFFECTIVE DATE:** This Local Law shall take effect immediately upon filing with the Secretary of State.

Adopted April 19, 2017

**RESOLUTION ADOPTING LOCAL LAW #5 OF 2017, AMENDING THE TOWN OF LANSING LOCAL EARLY RETIREMENT INCENTIVE LAW**

**RESOLUTION 17-72**

**RESOLUTION ADOPTING LOCAL LAW #5 OF 2017, AMENDING THE TOWN OF LANSING LOCAL EARLY RETIREMENT INCENTIVE LAW**

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

WHEREAS, since before even 2000 the Town of Lansing has examined the structure of its workforce and endeavored to share services, combine positions, cross-train employees, and otherwise restructure the workforce and reduce the number of employees to reduce costs and create greater overall efficiency in municipal operations without sacrificing needed services or response times, and over such decades various organizational plans were created and generally approved as templates to guide such plans and future growth, and at various times positions have been created and filled, as well as amended, to implement and help implement such plans; and

WHEREAS, in order to achieve the goals identified for this plan and to encourage participation and provide for an actual benefit from such program to employees and the Town, the Town has learned that it needs to change the terms of the program; and

WHEREAS, this matter has again been reviewed and it remains a Type II Action under SEQRA such that no environmental review is mandated or required; and

WHEREAS, a public hearing upon such local law was duly held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York on the 19th day of April 2017, at 6:37 pm, to consider the adoption of proposed Local Law #5 of 2017, and all testimony and evidence presented thereat, if any, was duly considered; and

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

1. Local Law Number 5 of 2017 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 NYS Department of State, Division of Corporations, State Records and Uniform Commercial Code, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231, as required by Municipal Home Rule Law.

The question of the adoption of such proposed resolution was duly motioned by Supervisor Edward LaVigne, duly seconded by Councilperson Doug Duke, and put to a roll call vote with the following results:



Councilperson Katrina Binkewicz - Aye  
Councilperson Doug Dake - Aye

Councilperson Robert Cree - Nay  
Supervisor Edward LaVigne - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on April 19, 2017.

**TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK  
LOCAL LAW NUMBER 5 OF 2017**

**A LOCAL LAW TO AMEND THE 2017 LOCAL RETIREMENT  
INCENTIVE PROGRAM BY AMENDING LOCAL LAW #1 OF 2017**

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

**SECTION 1:** Section 5 of Local Law #1 of 2017 be and hereby is amended to read as follows:

**SECTION 5: LOCAL RETIREMENT INCENTIVE PAYMENT:**  
Notwithstanding any other provision of law, an eligible employee who makes a participation election shall receive a retirement incentive of \$1,000 for each year of credited service in the retirement system, payable in lump sum upon the effective retirement date.

**SECTION 2:** In all other manners and respects the balance of Local Law #1 of 2017 and the local early retirement incentive program thereby adopted are and remain unchanged, including the dates of election and mandatory retirement from town service.

**SECTION 3:** This local law shall take effect immediately.

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF  
MEMORANDUM OF UNDERSTANDING UNDER INTERMUNICIPAL  
AGREEMENT GOVERNING SEWER SERVICES FOR WARREN AND CHERRY  
ROAD SEWER DISTRICTS TO EXAMINE CAPACITY AND  
TRANSPORTATION CAPACITIES AND CONSIDER EXPANDING SUCH  
DISTRICTS OR THE PERMITTED LEVEL OF TOWN SERVICES PURSUANT  
TO SUCH AGREEMENT**

Supervisor Edward LaVigne stated the Village of Lansing and Village of Cayuga Heights also have copies of this, so they can take it to their Boards. He reported they are hoping to get a sewer line in to the Town of Lansing from the Village of Lansing. Ed stated there has been discussion about putting meters on the inflow, which will be more accurate. He noted currently, the sewer charge is based on water consumption.

**RESOLUTION 17-73**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF  
MEMORANDUM OF UNDERSTANDING UNDER INTERMUNICIPAL  
AGREEMENT GOVERNING SEWER SERVICES FOR WARREN AND CHERRY  
ROAD SEWER DISTRICTS TO EXAMINE CAPACITY AND  
TRANSPORTATION CAPACITIES AND CONSIDER EXPANDING SUCH  
DISTRICTS OR THE PERMITTED LEVEL OF TOWN SERVICES PURSUANT  
TO SUCH AGREEMENT**

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

WHEREAS, the Town is party to an “Intermunicipal Wastewater Transportation and Treatment Agreement,” by and between the Town of Lansing (including on behalf of its sewer districts) and the Villages of Lansing and Cayuga Heights, dated March 8, 2010 (the “Agreement”), and such Agreement governs the terms and conditions of sewer transportation and treatment services for the Town of Lansing and its sewer districts, including effluent rules and inspection protocols; and

WHEREAS, while such Agreement was initially designed to cover the Cherry Road Sewer District and the Warren Road Sewer District Extension, the capacity parameters have had to be updated periodically given the needs and demands of the Town, especially as the Warren Road area expands and grows, and a longer-term look at capacity and transportation issues was deemed needed, all with an eye towards expanding service capabilities, as duly envisioned in such Agreement at Paragraph 4, and verifying the infrastructure needs and capacities of existing systems, as well as developing upgrades as needed to handle continued growth and demand in the Northeast part of the county; and

WHEREAS, the parties have examined the feasibility of expanded district and general services in the Town of Lansing, including along the Warren Road and Triphammer Road corridors, and have determined that a base memorandum was the proper first step to take to help outline the feasibility and engineering issues that will need to be addressed and undertaken to assure services and the transportation and treatment capacities of all systems, from Town residents already connected, to flow capacities in the Village of Lansing, to treatment capacities at the Village of Cayuga Heights plant; and

WHEREAS, the Memorandum of Understanding (“MOU”) is geared towards feasibility and costs studies and does not itself authorize or permit the creation of any infrastructure or new sewer districts or service areas such that it is a Type II Action under SEQRA, and such MOU is designed only an addendum to the Agreement to signify cooperation and the intent of the parties to examine the proposed future service areas or districts and any infrastructure and capacity upgrades or requirements needed, or likely to be needed, in both the short-term and long-term; and

WHEREAS, after due consideration and deliberation thereupon, the Town Board of the Town of Lansing has hereby

RESOLVED, that the Supervisor be and hereby is authorized to execute the MOU by, for, on behalf of, and in the name of the Town of Lansing and its sewer districts, and any previously signed document that is substantially identical to the MOU as delivered to this meeting is also so adopted and ratified by the Town.

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 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 April 19, 2017.

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF TOWN HALL ROOF REPLACEMENT PROJECT BID DOCUMENTS, INCLUDING AWARDING AND EXECUTION OF CONTRACT FOR GOODS AND SERVICES TO SELECTED BEST VALUE BIDDER**

Councilperson Doug Dake reported some additional detail on the material list needs to be updated in the bidding documents before they are sent out for public bidding.

Supervisor Edward LaVigne stated the Town has the money to cover the expense; this will not impact the taxpayers. He noted, the skylights may be changed.

**RESOLUTION 17-74**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF TOWN HALL ROOF REPLACEMENT PROJECT BID DOCUMENTS, INCLUDING AWARDING AND EXECUTION OF CONTRACT FOR GOODS AND SERVICES TO SELECTED BEST VALUE BIDDER**

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

WHEREAS, the Town Hall roof is aging and has had several repairs and patches, such that the time is ripe to replace the roof itself and avoid water infiltration and structural damage that can be caused thereby; and

WHEREAS, detailed bid documents and specifications have been developed, including a contract to be executed by the selected bidder, and the Town Board has fully reviewed the same; and

WHEREAS, this is a Type II Action under SEQRA such that no environmental review is required, and none is needed; and

WHEREAS, after due consideration and deliberation thereupon, the Town Board of the Town of Lansing has hereby

RESOLVED, that the bid be advertised and opened and the bid be awarded by the Town based upon the most successful best value bid received, with such bids to be evaluated based upon cost and the best value bid factors set forth in the bid documents; and it is further

RESOLVED, that the Supervisor be and hereby is authorized to execute the roofing contract by, for, on behalf of, and in the name of the Town of Lansing once such successful bidder is duly selected.

The question of the adoption of such proposed resolution was duly motioned by Councilperson Katrina Binkewicz, duly seconded by Supervisor Edward LaVigne, and put to a roll call vote with the following results:

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 April 19, 2017.

**RESOLUTION DECLARING DE MINIMUS LAND RULE AND APPROVING AND AUTHORIZING THE EXECUTION OF ENCROACHMENT AGREEMENT ON TOWN BARN ROAD FOR 8.4” PROPERTY LINE ENCROACHMENT**

**RESOLUTION 17-75**

**RESOLUTION DECLARING DE MINIMUS LAND RULE AND APPROVING AND AUTHORIZING THE EXECUTION OF ENCROACHMENT AGREEMENT ON TOWN BARN ROAD FOR 8.4” PROPERTY LINE ENCROACHMENT**

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

WHEREAS, the history of development and land and lot lines near the Town Highway Barn is spotty, and recent surveying depicts that a neighboring building to the north owned by United Storage TBR, LLC (William Duthie), 10-18 Verizon Lane, Lansing, may or does encroach 0.70’ over the property line of lands owned by the Town of Lansing at 10 Town Barn Road, Lansing; and

WHEREAS, such alleged encroachment of 8.4 inches, slightly more if you also count building eaves, is upon and in an area of the Highway Barn parcel not now used for any public purpose, and not planned for or made subject to any foreseeable future use; and

WHEREAS, the site plan for the Duthie properties was recently reviewed and approved and this problem was suspected and known prior to formal surveying, but now such encroachment needs formal acknowledgement and a solution, including allowing its continuance indefinitely but temporarily until the subject building suffers a loss, needs a replacement or significant repair, or is subjected to relocation, all to both allow for

project financing and to assure the Town that the whole of the land will be fully restored to the Town in the future; and

WHEREAS, this is a Type II Action under SEQRA and no environmental review is mandated or here required, including as the encroachment is insignificant, the encroachment and the encroachment agreement change nothing, because they produce no potential adverse claims or impacts, and further because the encroachment meets the *de minimus* rule for public lands; and

WHEREAS, even though there is here an ancillary transfer of a temporary right to use public land, due to setback and other requirements no public use, actual or planned, is impaired and the 8.4 inch alleged encroachment be and is hereby declared and found to be *de minimus* by the Town Board, including as based upon the standards enunciated by the New York Courts, such as in the famous Roosevelt Island Octagon project case:

Moreover, even assuming, arguendo, that this shifting did constitute alienation of EQBA parkland, such alienation is properly deemed *de minimus*. The well-recognized maxim *de minimus non curat* the law does not concern itself with trifles has been applied in a variety of contexts where failure to adhere strictly to statutory requirements is excusable because the alleged violation is so insignificant as to be totally inconsequential. See, e.g., *Dworman v. New York State Div. of Hous. and Cmty. Renewal*, 94 NY2d 359, 704 NYS2d 192 (1999) (applying the *de minimis* exception to income verification filing requirements); *Flora Co. Ingilis*, 233 AD2d 418, 650 NYS2d 24 (2d Dep't 1996) (applying *de minimis* doctrine to excuse failure to comply with timing and filing requirements of CPLR); *Staber v. Fidler*, 110 AD2d 38, 493 NYS2d 161 (2d Dep't 1985) (applying *de minimis* doctrine to excuse failure to comply strictly with Election Law requirements); *Carol Mgmt. Corp. v. Comm'r of Dep't of Hous. and Cmty. Renewal*, 140 Misc2d 673, 531 NYS2d 839 (Sup. Ct. Queens County 1998) (approving agency's application of *de minimis* exception to excuse landlord's failure to comply strictly with New York City Rent Stabilization Code); *Young v. Bd. of Zoning Appeals*, 62 Misc2d 147, 307 NYS2d 895 (Sup. Ct. Nassau County 1970), *aff'd* 35 AD2d 430, 317 NYS2d 396 (2d Dep't 1970), *aff'd* 29 NY2d 685, 325 NYS2d 417 (1971) (applying the *de minimis* exception to excuse failure to comply strictly with setback requirements under zoning regulation). Furthermore, the Court of Appeals has held that it falls within a regulatory agency's discretion to determine whether or not the *de minimis* doctrine should be applied. See, e.g., *Elkin v. Roldan*, 94 NY2d 853, 704 NYS2d 201 (1999) (remanding matter to DHCR to consider "in its discretion" whether filing delay was so minimal as to be excusable under the *de minimis* doctrine).

See, *Roosevelt Is. Residents Assn. v Roosevelt Is. Operating Corp.*, 7 Misc.3d 1029(A), 2005 WL 1306479 (N.Y.Sup.), 2005 N.Y. Slip Op. 50811(U) (NY Co. 2005); and this rule has been applied with some frequency, and in each case such facts and the application of the *de minimus* rule supports the conclusion, legally and factually, that this encroachment, and it's corresponding encroachment agreement, is, and both are, *de minimus* (See e.g., *Town of Riverhead v. County of Suffolk*, 39 A.D.3d 537 (2nd Dept. 2007); *Friends of Van Cortlandt Park v City of New York*, 95 N.Y.2d 623 (2001)); and

WHEREAS, after due consideration and deliberation thereupon, the Town Board of the Town of Lansing has hereby

RESOLVED AND DETERMINED, that this transfer is *de minimus* and does not trigger the permissive referendum rule of Town Law § 64(2); and it is further

RESOLVED, that the form of the encroachment agreement as submitted be and hereby is approved, and that the Supervisor be and hereby is authorized to execute the same by, for, on behalf of, and in the name of the Town of Lansing.

The question of the adoption of such proposed resolution was duly motioned by Councilperson Robert Cree, duly seconded by Supervisor Edward LaVigne, and put to a roll call vote with the following results:

Councilperson Katrina Binkewicz - Aye  
Councilperson Doug Dake - Aye

Councilperson Robert Cree - Aye  
Supervisor Edward LaVigne - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on April 19, 2017.

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

**RESOLUTION 17-76**

The Supervisor submitted his monthly report for the month of March, 2017 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 # 004**

DATED	<u>4/19/2017</u>
AUDITED VOUCHER #'s	<u>236 - 329</u>
PREPAY VOUCHER #'s	<u>236 - 238</u>
AUDITED T & A VOUCHER #'s	<u>23 - 31</u>
PREPAY T & A VOUCHER #'s	<u>23 - 27</u>

<u>FUND</u>		<u>TOTAL APPROPRIATIONS</u>
GENERAL FUND	(A&B)	\$ <u>76,911.13</u>
HIGHWAY FUND	(DA&DB)	\$ <u>38,499.04</u>
BONE PLAIN WATER TANK PROJECT	(HB)	\$ <u>0.00</u>
DRAINAGE DISTRICTS	(SDD1, 2, 4, 5, 6, 7, 8)	\$ <u>0.00</u>
LANSING LIGHTING	(SL1, 2 &3)	\$ <u>1,451.99</u>
LANSING SEWER DISTRICTS	(SS1, SS3)	\$ <u>18,928.29</u>
LANSING WATER DISTRICTS	(SW)	\$ <u>13,942.20</u>
TRUST & AGENCY	(TA)	\$ <u>45,885.13</u>

**BUDGET MODIFICATIONS**

**GENERAL A FUND**

Wednesday, April 19, 2017

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
A2680	A5132.405	FR INS RECOVERY TO HWY BLDG REPAIR SALT STORAGE COVER	\$37,976.00
A1990.400	A7110.410	FR CONTIN TO PKS-MARINA REPAIRS DOCK REPAIRS	\$ 1,416.26
A599	A5132.401	FR FUND BAL TO GARAGE BLDG IMPROVEM GENERATOR INSTALLATION	\$ 6,185.00

**BUDGET MODIFICATIONS  
WATER SW FUND  
Wednesday, April 19, 2017**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
SW1990.400	SW8310.401	FR CONTIN TO WTR ADMIN - ENGINEERING CWD#3 & CWD#4 PLUS	\$20,000.00

**BUDGET MODIFICATIONS  
WARREN RD SEWER SS1- FUND  
Wednesday, April 19, 2017**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
SS1-599	SS1-8120.400	FR FUND BAL TO SEWER CONTRACT UNANTICIPATED EXPENSES	\$19,000.00

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

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 April 19, 2017.

**BOARD MEMBER REPORTS**

**Robert Cree**

Town Audit:

Robert reported the Town Board has a letter from Insero & Co. CPAs which outlines the scope of their May Audit.

**Doug Dake**

Doug advised everyone to see Dave Herrick’s report.

**Katrina Binkewicz**

Salt Point:

Katrina stated there is a lot of activity at Salt Point: Kayak’s, Canoe’s, Paddle Board’s, and Dog’s swimming.

Katrina reported there is some flooding at Salt Point and asked Cricket for an update.

Highway Superintendent Cricket Purcell reported the flooding at Salt Point was a problem years ago. He stated he has made some telephone calls regarding this. Cricket noted this is not something that he will get involved with.

Katrina reported there are several volunteer groups that will be cleaning up Salt Point: Borg Warner, Cargill, and other local residents.

**Edward LaVigne**

Cayuga Power Plant:

Ed reported the PILOT (Payment In Lieu of Taxes) Program for the Power Plant has been approved. He stated the assessed value on the Power Plant has been reduced by \$25 million to \$35 million this year. Ed noted the assessed value will decrease to \$25 million next year and \$20 million the following year. He added there is no guarantee after that. Ed reported that his understanding is the transmission line from Elbridge to Auburn is



supposed to take care of all the power that NYSEG needs, so the Power Plant electricity will not be needed. He stated he is concerned about the resident's taxes because five years ago the Power Plant was assessed for \$150 million.

Ed stated he and Michael Long went to Albany and spoke with the PSC.

Ed reported the county wants everyone to go to electric, but there isn't enough capacity for this. He noted according to the Tompkins County Task Force information, the cost is \$10,000-\$25,000 to convert to electric, which is an expense to the resident. Ed reported businesses and residents are going to heat pumps and propane, etc. He noted people move to Lansing for our schools, our Recreation Department, our Town, etc. Ed reported the assessments are going up this year and there will be new buildings/dwellings which will hopefully help.

Town Land:

Ed reported he has received a few proposals for the land across the road and the Town will be moving forward.

**TOWN COUNSEL REPORT**

**Guy Krogh**

Broadband:

Guy reported he is looking at Broadband; franchising, consulting, municipal franchising solution. He stated a lot of communities have tried to have municipal sponsored broadband. Guy noted the decision will take work and risk assessment.

Salt Point and Pathways:

Guy stated he is helping both groups with paperwork to get certificates, so the "friends of" groups are non-profit legal entities. He reported he would like to send the certificates to the Town Board, so they can see the purposes and powers of the "friends of" groups. Guy noted the "friends of" groups will benefit the Town because they can do fund raising and community building that the Town is not allowed to do.

Guy reported the "friends of" groups will continue to work with the Town Parks Department. He stated that if there is some major land use activity or construction they would come to the Town Board. Guy noted for minor changes they would not need to go to the Town Board.

Councilperson Katrina Binkewicz stated the "friends of" groups will be able to do fund raising which will benefit the Town.

**MOVE MEETING TO WORK SESSION MEETING**

Meeting moved to the Work Session at 7:39 p.m.

**WORK SESSION MEETING ITEMS OF DISCUSSION**

Proposed Capital Reserve Fund for Trails and Real Property Acquisitions:

The Town Board generally discussed the scope and purposes of the proposed capital reserve fund for trails and real property acquisitions, either relating thereto or independently thereof. Four main purposes were discussed along with three larger-scaled intercommunity trails—namely: (i) the Town Center to Schools to Myers Liberty Trail; (ii) the South Lansing to Village of Lansing Commuter Trail; and (iii) the Town Center to North Lansing trails.

