

REGULAR TOWN BOARD MEETING
October 26, 2011

A Regular Meeting of the Town Board of Lansing was held at the Town Hall Board Room, 29 Auburn Road, Lansing, NY on the above date at 6:00 p.m. The meeting was called to order by the Supervisor, A. Scott Pinney and opened with the Pledge of Allegiance to the flag. Roll call by Debbie Crandall, Town Clerk, showed the following to be **PRESENT**:

A. Scott Pinney, Supervisor
Marty Christopher, Councilperson
Robert Cree, Councilperson
Kathy Miller, Councilperson
Connie Wilcox, Councilperson

ABSENT: None

ALSO PRESENT: Guy Krogh, Counsel, Jack French, Highway Superintendent, Steve Colt, Park Superintendent and Recreation Director, Jeff Overstrom, Engineering and Planning Coordinator, Dan Veaner, John O'Neil, Ray Farkas, Peter Alexander, Fred Schwarz, Chris Williams, Pam VanGelder, Ed LaVigne, Dave and Joyce Heck, Jack Rueckheim, Larry Beck, Ruth Hopkins, David & Mary Lee Banfield, Claes Nyberg, Rachel Bean, Maureen Cowen, Maria Harrison, Boris Simkin, John Howell, Suzanne Hinderliter, Mike Koplinka-Loehr, Linda Tsang, Ted Laux and a few other residents.

PRIVILEGE OF THE FLOOR:

Edward LaVigne – 19 Fiddlers Ridge:

Mr. LaVigne, President of Lansing Community Council addressed the Town Board requesting the services of the town printer and 10 minutes of Charmagne Rumgay's time in regards to the Lansing Food Pantry mailing. This service and template was provided by the town last year. The 3,000 postcard mailing is an appeal for donations to the Lansing Food Pantry. The postage and card stock is paid for by the Lansing Community Council. Last year this voluntary process raised an additional \$8,000.00 for the food pantry. The request was granted by the Town Board.

Claes Nyberg – 420 Ridge Road:

Mr. Nyberg made reference to the Health Care Benefits that were cut in the past for retirees and employees. He stated that now through the excellent job that the Town Board has done with the budget this year and a large surplus, he encouraged the Town Board to reinstate the lost benefits for the employees.

Supervisor Pinney explained the current employee and retiree's Health Savings Account (HSA), Health Insurance and Medicare supplemental plan.

Councilperson Wilcox stated that she and Councilperson Miller had looked into joining the Tompkins County Consortium Health Insurance Plan, but it was too late to do anything this year. They also talked to the current Tompkins Trust HSA representative about a different plan.

Councilperson Wilcox stated that HSA's are good for young healthy people that do not have a lot of medical problems. They are not good for people that do have to use their insurance a lot. This issue will be looked at earlier next year.

Councilperson Wilcox commended Mr. Nyberg for approaching the Town Board and being concerned about the employees.

Mr. Nyberg remembered that it was a real concern and wondered if the employees didn't get what they could have had.

REVIEW ADOPTED RESOLUTION 11-92: PROCEDURE FOR CALLING SPECIAL AND EMERGENCY TOWN BOARD MEETINGS:

Supervisor Pinney reviewed and discussed the following Resolution with the Town Board. Supervisor Pinney stated that it is important to have an open and transparent government and that a 72 hour prior notice is required to the public.

RESOLUTION 11-92

RESOLUTION AMENDING AND UPDATING SPECIAL PROCEDURES FOR CALLING SPECIAL AND EMERGENCY TOWN BOARD MEETINGS

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

WHEREAS, on April 20, 2011 (by Resolution 11-81), the Town Board adopted an updated policy concerning the calling of special meetings, and the same is need of some procedural clarifications and additions to address the differences between special and emergency meetings; and

WHEREAS, and upon deliberation thereupon, the following procedures are adopted and the same shall replace and supersede all prior procedures for calling special and emergency meetings of the Town Board:

1. All requirements of Town Law § 62 and Public Officers Law Article 7 (the “Open Meetings Law”) shall, as then in effect, supersede these requirements whenever the law so requires, or whenever other or different forms or requirements of notice are required;
2. Special meetings shall be called by the Supervisor, and upon the written request of two Board Members the Supervisor shall call a special meeting within 10 days thereof, in both cases by giving at least two days notice in writing to all Board Members and the Town Clerk of the time when, and the place where, the meeting is to be held. See Town Law § 62;
3. Public notice of the time and place of all special meetings shall be given prior to every such meeting. If a meeting is scheduled at least a week in advance, notice must be given to the public and the news media not less than 72 hours prior to the meeting. When a meeting is scheduled less than a week in advance, notice must be given to the public and the news media to the extent practicable and at times reasonable prior to the meeting. Notice to the public must be accomplished by posting in one or more designated public locations. See Section 4 below; see also Public Officers Law § 104.
4. Public Notice by posting shall be accomplished by, at a minimum, posting the notice upon the Town Clerks’ official signboard and posting the same upon the Town’s website. Notice of the meeting shall also be sent or given to the Ithaca Journal, the Lansing Star, the Lansing Central School District, and the Cayuga Radio Group;
5. In the event that an exigent emergency exists that requires an immediate meeting such that 2 days written notice to the Town Board and Town Clerk and 72 hours notice to the public cannot reasonably be accomplished, then the maximum amount of public notice as is possible under attendant circumstances shall be provided to the public by posting and notifying the news media and newspapers. See, generally, See OML-AO-4572 (2008).
6. When there is doubt or a question as to whether and how to call a special or emergency meeting, the Town Supervisor, the Committee on Open Government, or the Attorney for the Town should be consulted.

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

Councilperson Martin Christopher: Aye

Councilperson Robert Cree:	Aye
Councilperson Kathy Miller:	Aye
Councilperson Connie Wilcox:	Aye
Supervisor A. Scott Pinney:	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 18, 2011.

GAS DRILLING REPORT:

Larry Beck – 12 Dug Road:

As Chairman of the Gas Drilling Oversight Committee Mr. Beck reviewed the following report with the Town Board and the Public:

Lansing Town Gas Drilling Oversight Committee – Summary of Initial Findings October 2011

Committee members: Rachel Bean, Larry Beck (Chair), Tom Butler, Karen Edelstein, Suzanne Hinderliter, Bill Miller, Fred Schwarz

What the committee has been doing:

- 1) Setting up educational resources for the Town's residents
 - a) Arranged a Town Meeting on Gas Drilling and related activities on 16th November including a presentation from Professor Tony Ingraffea of Cornell University
 - b) Set up a webpage: <http://www.lansingtown.com/index.php/drilling-documents>
- 2) Assessing the potential impacts of gas drilling and related activities for Lansing.
- 3) Making an initial assessment of Lansing's current laws and comprehensive plan in their relation to gas drilling. Including discussions with the Town Lawyer and others with expertise in this area.
- 4) Preparing a survey to gauge resident's opinions. The survey will be available outside polling locations on November 8th.

The committee has found that:

- 1) Lansing Town is very much behind other local Towns in ensuring they are prepared for gas drilling.
 - o Lansing has both Marcellus and Utica shale, and gas drilling companies have leased ~40% of the land, owned by ~7% of the residents.
 - a) Lansing Town Board needs to acknowledge that drilling may take place in the Town and be prepared for that. Doing nothing in the hope/expectation that drilling will not take place is not an alternative.
 - b) Even if gas--drilling activities were not to take place in Lansing Town, increased road use and activities related to gas drilling (e.g. water and gravel use and transportation, gas storage) are very likely to have an impact.
- 2) Since Lansing Town's character is centered on farming, tourism and light industry, we have not had to consider widespread heavy industrial practices, such as gas drilling, within the Town before. The Town is not appropriately prepared for this. We believe the Town should:
 - a) Urgently update the Town's Comprehensive Plan, Land Use Ordinance and other regulations
 - o Introduce Town Road Use laws to address the potential for these practices. Other towns commissioned a Road Impact Study as a central part of this.
- 3) Lansing is not ready to deal with demands on Town resources, and associated financial impacts/tax increases, gas drilling and related activities could have on the Town.

- a) **Increased demand on, and costs of, public safety, emergency and fire services**
 - b) **Reduction of property/land values and the Town tax base**
 - c) **Increased costs of road repair from heavy road use (including gravel, water and gas transportation).**
- 4) Lansing needs to safeguard its residents against the health and safety risks associated with increased levels of industrial activity. These include, but are not limited to noise, air, and water pollution.**
- 5) There is a critical need for the Town to document, inventory, and pass regulations to protect the Town's valuable natural resources (e.g. wetlands, aquifers and significant natural communities) at a level consistent with the standards set by other towns in Tompkins County.**

Supervisor Pinney stated that he and the Town Board appreciate the work that the Committee has done.

Supervisor Pinney stated that in regards to the road study, the Town Highway Department knows the conditions of the roads and therefore the Town recommends waiting until something does happen. At that point and time, the roads would be identified with a Licensed Engineer.

Mr. Beck questioned relying on the Town's expertise versus an Engineer's expertise, where a court might prefer the standards of a Licensed Engineer versus the Town.

Supervisor Pinney stated at this time the Town will use the Highway Superintendent's Report until the time the Gas Companies actually come in. The timeframe of when this will be is questionable. To pay for an Engineer's Report now could become obsolete if it is two or three years away.

Mr. Beck referred to an opinion letter of an Environmental Specialist that refers to Gas Companies now admitting they do not have the money to repair the roads. Whether he is accurate or not we need to protect the roads.

Councilperson Christopher commented on the Committee's finding that the Lansing Town Board needs to acknowledge that drilling may take place in the Town and be prepared for that. Councilperson Christopher stated that the Town Board has acknowledged this all along and differs with their finding of doing nothing in the hope/expectations that drilling will not take place is not an alternative. The fact that the Town Board has not done anything yet is because they have waited to look into things with further in depth studies. He is completely opposed to jumping the gun as some other adjoining towns have done. It is not in the best interest of the Town Board to pass a Local Law to protect our residents and then face a lawsuit that would cost us more. The Town Board needs to take the time that has been taken in regards to this issue.

Councilperson Wilcox stated she was glad to see in the Ithaca Journal today, that New York State will be stepping back and will be doing further studies before decisions are made.

Councilperson Wilcox and Councilperson Miller stated that there is money in the 2012 budget for an Engineer's Certified Report when needed

Mr. Beck thanked the Town Board for the opportunity to report.

OPEN PUBLIC HEARING – CWD EXT – SUN PATH:

RESOLUTION 11-166

Councilperson Wilcox moved to **OPEN THE PUBLIC HEARING ON THE PROPOSED CONSOLIDATED WATER DISTRICT EXTENSION BY BOUNDARY CHANGE TO AREAS OF SUN PATH** at 6:25 PM. Councilperson Miller seconded the motion and it was carried by the following roll call vote:

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

Supervisor Pinney asked Counsel Guy Krogh to briefly explain the Sun Path water district extension. Counsel outlined the history of Sun Path and the proposed water district, the litigation and settlement, and other events leading to the current MPR and Public Interest Order. As well, Counsel outlined the basic remaining steps for district formation and groundbreaking for construction of the water mains.

Councilperson Wilcox then asked why all the properties along Sun Path were not included, in the MPR or the proposed district extension, as they normally would be in a consolidated water district extension of this type. There are two properties that were excluded, (parcels #42.-1-2.3 and #42.-1-2.5). It appears that the requested extension only pertains to the legal settlement with Westview Partners, LLC. She doesn't understand why, since eventually the Town will be taking it over, why these two parcels are being left out?

Supervisor Pinney stated that the petition that was signed was not signed by the owners of the two parcels in question.

Councilperson Wilcox compared this district extension to CWD Extension #1, at Algerine and Lansing Station Roads as there were landowners there that didn't want the water but they were still included in that district.

David Banfield of 25 Sun Path and Linda Tsang, of 35 Sun Path addressed the Town Board with their concerns on being excluded from this water district extension. Both residents are requesting the water, with the developer bearing all costs. The long history of the Sun Path water district extension was discussed, as was such residents desire not to slow down district formation and installation given the onset of winter and the exigent emergency thus created by the limited remaining time to effect construction of the water objection to such excluded properties entering the district extension at no cost, as, after all, the main would run by their homes.

The Town Board then discussed the options of the current proposed MPR versus revising the MPR, or asking the developer to change the MPR to include the two parcels in question.

Counsel Krogh discussed the judicial settlement and the costs of the district mains and formation. If the town passes the district based on the proposed MPR, the main would be running by those two excluded houses that could tap into the water main by a relatively simple back lot extension. The new MPR and Public Hearing costs would be slightly redundant, but the two parcels would still be brought into the district with a zero cost for water main installation. However, as to including them in the current MPR, the cost of the infrastructure does not change by adding these properties because the main passes these properties, so if the Town opted to revise the MPR the only real loss would be time. The judicial settlement and order that is standing is not a Town issue, and it would have been better had the parties had the settlement agreement read in a manner as would permit ease of compliance with district creation and extension rules as reflected in Town Law Article 12-A and the NYS Comptroller's Regulations. Under Town Law, the Town is required to make four particular findings as a result of this public hearing and upon an examination of the public interest order two of which relate to what is a "benefited property"

The cost of the proposed extension was discussed. Boris Simkin, developer for Westview Partners, LLC addressed the Town Board to discuss the issue of the proposed CWD extension. Mr. Simkin stated that the financial cost of the district infrastructure was shared by all, including parcels, #42.-1-2.4, #42.-1-2.22 and #42.-1-2.1. According to the legal settlement, each resident household is paying \$4,500.00 with Westview, as the

developer, paying the remainder of the cost of facilities installation. The hookup cost is a burden of the property owners, but Mr. Simkin did not want to let two properties into the proposed district without paying their share of the costs. After further discussion Mr. Simkin urged the Town Board to pass the proposed water district extension as proposed, as well he stated that he no concern if the Town opted to let other properties tap into the water main after it was built and dedicated to the Town. The installation deadline of December 1st is crucial and a delay to revise the MPR would mean that the district could not be installed before the existing water lines freeze and Town residents lose their water supply.

Marie Harrison of 16 Sun Path stated that she has no objection to include the excluded parcels and that her \$4,500.00 is in escrow. If the water line is not in by the deadline of December 1st she will loose her funding.

Further discussion of the proposed water district and the two excluded parcels petitioning the Town Board for a backlot water district extension were considered.

The timeframe of installation issue was discussed along with the conditional order by law that is subject to a 30 day referendum period. The referendum period is where people within the district can challenge the extension. After the 30 days a final order is issued and the district is not legally formed until that final order is filed in the Tompkins County Clerk's Office together with the certificate that there is no referendum. Counsel could accelerate the timetable as there are NYS Comptroller rulings in emergency situations that indicate if everyone that has a right to vote waives their right to request a petition the final order can be accelerated.

Mr. Banfield asked for clarification from the Town Board on the expense of the two residents petitioning the Town Board for a backlot extension. The Town Board stated that the expense would be the cost to update the MPR and legal advertising not to exceed a combined cost for the two excluded parcels of \$500.00. Further, the application could proceed the day the district infrastructure is dedicated to the Town, such that the delay for the excluded properties would be minimal. Based on this promise and information and to avoid a delay in construction, the two residents at 25 and 35 Sun Path agreed to waive their right to request a permissive referendum, to challenge the MPR or district formation, and assented to the district proceeding as outlined in the MPR and the Public Interest Order.

CLOSE PUBLIC HEARING:

RESOLUTION 11-167

All persons desiring to be heard, having been heard, Councilperson Wilcox moved to **CLOSE THE PUBLIC HEARING ON THE PROPOSED CONSOLIDATED WATER DISTRICT EXTENSION BY BOUNDARY CHANGE TO AREAS OF SUN PATH** at 7:05 PM. Councilperson Christopher seconded the motion and it was carried by the following roll call vote:

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

OPEN PUBLIC HEARING ON SEQRA REVIEW OF THE ENVIRONMENTAL IMPACTS OF THE CWD EXT – SUNPATH:

RESOLUTION 11-168

Councilperson Wilcox moved to **OPEN THE PUBIC HEARING ON THE PROPOSED SEQRA REVIEW OF THE ENVIRONMENTAL IMPACTS OF THE CONSOLIDATED WATER DISTRICT EXTENSION BY BOUNDARY CHANGE**

TO AREAS OF SUN PATH at 7:06 PM. Councilperson Miller seconded the motion and it was carried by the following roll call vote:

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

CLOSE PUBLIC HEARING:

RESOLUTION 11-169

All persons desiring to be heard, having been heard, Councilperson Wilcox moved to **CLOSE THE PUBLIC HEARING ON THE PROPOSED SEQRA REVIEW OF THE ENVIRONMENTAL IMPACTS OF THE CONSOLIDATED WATER DISTRICT EXTENSION BY BOUNDARY CHANGE TO AREAS OF SUN PATH** at 7:07 PM. Councilperson Christopher seconded the motion and it was carried by the following roll call vote:

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE AND NEGATIVE DECLARATION SUN PATH CWD BOUNDARY CHANGE:

RESOLUTION 11-170

RESOLUTION DECLARING DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE AND NEGATIVE DECLARATION FOR PROPOSED SUN PATH CONSOLIDATED WATER DISTRICT EXTENSION

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

WHEREAS, a Map, Plan and Report (“MPR”) was prepared by the Town Engineer, and the same was approved by the Town Board and made subject to a Public Interest Order as required by Town Law Article 12-A; and

WHEREAS, the extension of the Consolidated Water District (“CWD”) is an action subject to environmental review under SEQRA, and the Town previously classified the action, declared its intent to act as lead agency, and delivered a Notice of Intent to all involved and interested agencies; and the Town Board did further duly schedule, convene and hold a public hearing to consider the environmental impacts of the proposed action upon October 26, 2011, at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, whereat all persons interested in the subject matter were permitted to speak and present evidence for or against the action and/or in relation to the potential environmental impacts thereof; and

WHEREAS, environmental impacts identified included the noise, erosion, and dust potentially created during construction of the water mains and appurtenances, which potential impacts are and will be mitigated by stormwater permitting and review, construction reviews, inspections, permit conditions, on-site stormwater facilities and controls, and the fact that such disturbances are temporary in nature, each and all of which impacts are therefore deemed mitigated and non-significant; and

WHEREAS, after due deliberation upon this matter and a review and analysis of each and all potential environmental impacts, and the input from each and all Involved and Interested Agencies, if any, and the Lead Agency having made a negative declaration of environmental impact; accordingly, it is hereby

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

RESOLVED, that after consideration of the above impacts, and a review of any other impacts required under 6 NYCRR Part 617, Section 617.7(c), as well as assessing and weighing: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequence of the potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town's Comprehensive Plan and local needs and goals; (vii) whether any known objections to the Project relate to any of the identified potential impacts; and (viii) impacts based upon the scope, magnitude, setting, of the action or approval, or the number of people affected by the action or approval, that the Town of Lansing finds that the proposed action – approving an extension of the CWD to serve residents along Sun Path - will have no negative environmental consequences; and it is further

RESOLVED AND DETERMINED, that this declaration is made in accord with Article 8 of the Environmental Conservation Law of the State of New York and the New York SEQRA Act, and the Regulations promulgated thereunder, and accordingly, the Town Board of the Town of Lansing, based upon (i) its thorough review of the EAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and the hearing held hereupon, and all testimony and evidence presented thereat, if any, and the comments of Involved and Interested Agencies, if any, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including, but not limited to, the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the EAF, including the findings noted thereon (which findings are incorporated herein as is set forth at length), hereby makes a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQRA for the above referenced proposed action, and determines that an Environmental Impact Statement is therefore not required; and it is further

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

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

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

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

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on October 26, 2011.

APPROVE CWD EXTENSION BY BOUNDARY CHANGE – SUNPATH AND ORDER FOR NOTICE OF REFERENDUM:

RESOLUTION 11-171

RESOLUTION CONDITIONALLY APPROVING SUN PATH CONSOLIDATED WATER DISTRICT EXTENSION

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

WHEREAS, Westview Partners, LLC, the Developer of a proposed future subdivision along Sun Path, has, pursuant to an approved final settlement in a court action (Harrison, *et al*, v. Westview Partners, LLC, *et al*, Tompkins County Supreme Court, Index No. 09-757), petitioned for an extension of the Town of Lansing Consolidated Water District (the “CWD”) by boundary change to certain properties along said Sun Path; and the Lansing Town Board having received input and assent to proceeding by the proposed affected property owners for the establishment of a proposed extension of the CWD to cover a portion of Sun Path in the Town of Lansing (“CWD Extension”); and

WHEREAS, the Town Board duly issued an Order under Town Law §209-d and a Public Hearing was duly held upon October 26, 2011, at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, and all persons thereat were duly heard; and

WHEREAS, the Town Board determined that (i) the final Map, Plan and Report (“MPR”) complies with the requirements of Town Law, and (ii) it is in the public interest and to the benefit of all parcels in the proposed district to establish the said CWD Extension and (iii) all benefited parcels are included, and no benefited parcels were excluded, from such district; and

WHEREAS, it was further determined that: (1) the proposed CWD Extension is inclusive of the following tax parcel numbers, and the assessment map and property descriptions therefor as are on file with the Tompkins County Clerk’s Office are expressly incorporated herein: 42.-1-2.25; 42.-1-2.4; 42.-1-2.22; and 42.-1-2.1 (being in all approximately 25.42 acres); all as shown on the map on file at the Town Clerk’s Office; (2) the proposed improvements consist of 1,550 linear feet of 8” ductile iron pipe; one connection to an existing 10” Village of Lansing main located on East Shore Drive (S.R. 34, which may require NYSDOT work permit); two 1” sampling taps; 3 fire hydrant assemblies; one 8” gate valve; approximately 500 yd³ of trench rock excavation; and approximately 200 ft² asphalt pavement (for restoration to Sun Path); (3) the estimated cost of the proposed improvements, together with planning, surveying, engineering, legal, and administrative fees, is \$196,900.00, which is the maximum amount proposed to be expended; (4) the one time estimated cost of connection, including hook-up fees, to the Town is estimated at \$0.00, as the Developer and the benefited properties are each paying to install facilities to the curb box and will pay all permit and hook-up fees; which hook-up fees and costs are estimated in the amount of \$3,700.00 per EDU, being based upon a Bolton Point connection fee of \$250.00 + a ¾” meter at \$110.00 + a Plumbing Permit and Inspection Fee of \$190.00 + a meter pit assembly at \$1,500.00 + a 1” service line extension from curb box to dwelling, at approximately \$30 per linear foot with an average estimated distance of 50 feet costing, totaling \$1,500.00 + a 1” tap at \$150; (5) the maximum amount proposed to be expended by the Town of Lansing for such CWD district extension is \$0.00, as the Developer is paying the costs of construction based upon the application and said settlement; (6) the annual operation and maintenance costs will be reflected in the CWD annual O&M assessed fee of \$150.00, plus quarterly water consumption bills, the annual average costs thereof based upon typical one and two family home water use costs in this proposed CWD Extension – being \$136.00; for a total first year’s cost of \$286.00; (7) the MPR has been and is on file for public review and inspection at the Office of the Town Clerk; (8) a public hearing upon such CWD Extension was duly held as required by law upon October 26, 2011, at the Lansing Town Hall; and (9) the MPR describes in detail how the financing, hook-up costs, and other costs and expenses, were estimated and computed, and therefore complies with Town Law § 209-d(1) as it constituted the detailed statement therein required; and

WHEREAS, the Town Board determined this action to be an Unlisted Action under SEQRA, thus requiring the preparation of an EAF and an environmental review thereof, and the Town Board held a public hearing thereupon on October 26, 2011, and considered the environmental impacts of the CWD Extension in light of the EAF, the Town's Comprehensive Plan, the Town's Land Use Ordinance, the comments from any Involved or Interested Agencies, if any, and comments from landowners and the public, if any, and after due deliberation thereupon and an identification of any potential environmental impacts, the Town Board duly made a Negative Declaration of environmental impact; and

WHEREAS, the Town desires to proceed towards establishment of the CWD Extension pursuant to the provisions of Town Law Article 12-A; and finds that all proceedings to date have been in compliance therewith, and now, upon due deliberation, the Town Board of the Town of Lansing has hereby:

RESOLVED AND DETERMINED, that: (i) the Notice of Hearing was published and posted as required by law, and was otherwise sufficient; (ii) all property and property owners within the proposed CWD Extension are benefited thereby; (iii) all benefited properties and property owners are included within the said CWD Extension; and (iv) the establishment of the said CWD Extension is in the public interest; and it is further

RESOLVED AND DETERMINED, that the boundaries of said CWD Extension are (i) wholly outside the boundaries of any incorporated city or village, and (ii) are defined as inclusive of tax parcel numbers 42.-1-2.25; 42.-1-2.4; 42.-1-2.22; and 42.-1-2.1 (being in all approximately 25.42 acres), all as shown on the map on file at the Town Clerk's Office, as also shown on the Map and real property metes and bounds descriptions as on file at the Town and County Clerk's Office; to which reference is hereby made and which maps and descriptions are expressly herein incorporated; and it is further

RESOLVED AND SO ORDERED, that the establishment of the Sun Path CWD Extension be and hereby is approved; and it is further

RESOLVED, that this Resolution is subject to permissive referendum pursuant to Town Law §209-e and Town Law Article 7.

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

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on October 26, 2011.

RESCHEDULE REGULAR TOWN BOARD MEETING FOR NOVEMBER:

RESOLUTION 11-172

**RESOLUTION RESCHEDULING THE TOWN OF LANSING
REGULAR TOWN BOARD MEETING TO
TUESDAY, NOVEMBER 15, 2011**

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

WHEREAS, the Town of Lansing Regular Town Board meeting is the third Wednesday of the month scheduled for November 16, 2011 and

WHEREAS, due to the scheduling conflict of the Lansing Gas Drilling Meeting being held on Wednesday, November 16, 2011 at the Lansing Middle School the Town Board has opted to change their Regular Town Board Meeting.

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

RESOLVED, that the Town of Lansing Regular Town Board meeting be rescheduled for Tuesday, November 15, 2011 at the Town Hall Board Room, 29 Auburn Road, Lansing, NY at 6:00 PM.

The question of such proposed Resolution was duly motioned by Councilperson Wilcox duly seconded by Councilperson Christopher, and put to a roll call vote with the following results:

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

SET PUBLIC HEARING FOR PROPOSED SPECIAL DISTRICT BUDGET FOR 2012:

RESOLUTION 11-173

**RESOLUTION SCHEDULING PUBLIC HEARING
FOR THE SPECIAL DISTRICT PROPOSED
BUDGET FOR 2012**

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

RESOLVED, that the Town Board of the Town of Lansing has prepared the Assessment Rolls of parcels of land included in the Lansing Consolidated Water Districts, CWD Ext. 1, CWD Ext. 2 and Lansing Light Districts No. 1, No. 2 and No. 3 and the Lansing Drainage Districts, Pheasant Meadow, Whispering Pines, and Lake Forest, and Lansing Sewer Districts, Warren Road and Cherry Road has apportioned and assessed upon such parcels of land in proportion in the amount of benefits the improvements shall confer upon the same the cost chargeable to said Districts in connection with the construction of Public Water, Lighting, Drainage and Sewer Districts, therein which are payable in the year 2012 and therefore, pursuant to Section 239 of the Town Law, the Town Board shall hold a Public Hearing at the Lansing Town Hall, Lansing, New York on the 9th day of November, 2011 at 6:05 p.m. in the evening thereof, to hear and consider any objections which may be made to said roll.

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

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on October 26, 2011.

SET PUBLIC HEARING FOR PROPOSED BUDGET FOR 2012:

RESOLUTION 11-174

**RESOLUTION SCHEDULING PUBLIC HEARING
FOR THE PRELIMINARY BUDGET FOR 2012**

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

NOTICE IS HEREBY GIVEN, that the preliminary budget of the Town of Lansing, Tompkins County, New York for the fiscal year beginning January 1, 2012 has been completed and filed in the office of the Town Clerk of said Town, where it is available for inspection by any interested persons at all reasonable hours and

FURTHER NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lansing will meet and review said preliminary budget and hold a Public Hearing thereon at the Lansing Town Hall, Lansing, New York at 6:10 p.m. on the 9th day of November, 2011 and that at such hearing any person may be heard in favor of or against the preliminary budget as compiled for or against any items therein contained and

FURTHER NOTICE IS HEREBY GIVEN, PURSUANT TO Section 108 of the Town Law, that the following are proposed yearly salaries of elected Town Officials of this Town:

Supervisor	\$ 30,306.00
Councilperson (3)	
Total	\$ 29,223.00
Each	\$ 9,741.00
Councilperson (1) Deputy Town Supervisor	\$ 12,989.00
Town Clerk	\$ 39,652.00
Highway Superintendent	\$ 62,530.00
Town Justice (2)	
Total	\$ 33,284.00
Each	\$ 16,642.00

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

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on October 26, 2011.

RESOLUTION TO RELEVY WATER AND SEWER CHARGES ON 2012 TAX BILLS:

RESOLUTION 11 – 175

**RESOLUTION TO RELEVY 2011 WATER AND SEWER CHARGES
ON THE 2012 TOWN AND COUNTY TAX BILL**

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

WHEREAS, the Town of Lansing water and sewer accounts state on the August bills that any unpaid balance after October 12, 2011 will be relevied on the 2012 Town and County tax bills, and

WHEREAS, a courtesy reminder letter with the balance of \$20.00 or more for the water and sewer charges to the account is sent out to all homeowners and tenants, and

WHEREAS, after October 12th 2011, the collector will notify SCLIWC (Bolton Point) to remove said amounts from accounts to be relieved on the 2012 Town and County tax bills, and

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

RESOLVED, that the collector will levy the unpaid water and sewer account charges plus a 10% fee on all accounts with a balance of \$20.00 or more to the 2012 Town and County tax bills.

BE IT FURTHER RESOLVED, that all unpaid water and sewer account charges under \$20.00 will be carried over to the November 2011 water and sewer bill.

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

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Nay
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on October 26, 2011.

DISCUSS APPROVING SCLIWC 2012 WATER RATE AND PROPOSED RESOLUTION:

Councilperson Wilcox, Liason to Bolton Point (SCLIWC), gave a summary of the 2012 proposed water rate increase and the \$3,082,440.00 operational budget. The proposed increase is 13.6 %. The proposed water rate increase is 28 cents per thousand gallons or 9.8 cents for an average residential customer using 12,000 gallons a quarter, 48,000 gallons a year. The increase equates to \$13.44 a year. Councilperson Wilcox stated that it is a significant increase but she urged the Town Board to vote in favor of the increase. The reasons for the increases were discussed, one of them being the infrastructure along with the diminished fund balance. A long term 10 year plan needs to be put in place. The budget and rate increase has been approved by the other municipalities being, Town of Ithaca, Town of Dryden, Villages of Lansing and Cayuga Heights.

Jack Rueckheim, acting General Manager at Bolton Point discussed the Burdick Hill Tank item. The rate increase that is currently proposed would include the bonding of this replacement project for 2012 plus the other projects that are proposed.

Councilperson Cree asked if rate increases are expected for future years.

Councilperson Wilcox stated that there will be rate increases over the next few years because the fund balance is so low.

Supervisor Pinney asked Pam VanGelder, Finance Manager where the fund balance stands at this point.

Ms. VanGelder stated the current fund balance is about \$700,000.00 and the NYS guidelines state that it should be \$525,000.00.

Supervisor Pinney stated that there is an excess fund balance recommended by NYS. Funds can not be spent out of the fund balance unless something unforeseen happens.

Ms. VanGelder discussed the current condition of the Burdick Hill Tank and the fact that this budget item has been proposed for the last three years.

Mr. Rueckheim discussed the importance of the Burdick Hill Tank to the entire water system. The system can not operate without this tank.

Supervisor Pinney stated that there was a huge increase last year and his understanding was that part of that was to go towards capital projects. He asked Ms. VanGenlder what the dollar amount was and if the money is being used for future capitol projects.

Ms. VanGelder thought it was about \$75,000.00, it is part of additional things, we have to rebuild another filter and when that happened we have to use that money for it and it is not earmarked right now. There are a few things in the infrastructure that we do not want to try to find emergency funding for.

After further discussions of the past and future rate increases along with the fund balance the following resolution was offered for consideration by the Town Board.

RESOLUTION 11-176

RESOLUTION TO ACCEPT SOUTHERN CAYUGA LAKE INTERMUNICIPAL WATER COMMISSION BOLTON POINT WATER SYSTEM AGREEMENT TO CHANGE WATER RATE SCHEDULE

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

WHEREAS, the Town of Lansing is a signatory to the amended, supplemental, restated and consolidated agreement of municipal cooperation for construction, financing and operation of an intermunicipal water supply and transmission system dated as of June 5, 1979, as the same has been amended from time to time, (the "Agreement"); and

WHEREAS, pursuant to the Agreement each municipality agreed to pay to the Southern Cayuga Lake Intermunicipal Water Commission (hereinafter referred to as "Commission"), water revenues based upon, in part, a water rate schedule annexed as Exhibit I of Schedule A to the Agreement; and

WHEREAS, based on changes in costs, the Commission believes it is advisable to adopt a new water rate schedule; and

WHEREAS, Schedule A of the Agreement provides that the water rate schedule may not be changed by the Commission without the written agreement to such change of all the parties; and

WHEREAS, Exhibit I of Schedule A to the Agreement has been amended from time to time since the initial date of the Agreement; and

WHEREAS, among other changes, the basic water rate is being increased and the flat rate charge per 1,000 gallons shall be non-fluctuating and equal to three dollars and fifteen cents (\$3.15).

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

RESOLVED, that the proposed changes be and hereby are approved, by the Town Board; the Supervisor and each Councilperson be and hereby are authorized to execute the SCLIWC Bolton Point Water System Agreement to Change Water Rate Schedule by, for and in the name of the Town of Lansing.

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

Councilperson Marty Christopher

Aye

Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Nay

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on October 26, 2011.

DISCUSS PROPOSED RESOLUTION ESTABLISHING 2012 WATER RATES:

RESOLUTION 11-177

**RESOLUTION ESTABLISHING 2012 WATER RATES
FOR THE TOWN OF LANSING**

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

WHEREAS, the Town of Lansing is a signatory to the amended, supplemental, restated and consolidated agreement of municipal cooperation for construction, financing and operation of an Intermunicipal water supply and transmission system dated as of June 5, 1979, as the same has been amended from time to time, (the “Agreement”); and

WHEREAS, pursuant to the Agreement each municipality agreed to pay to the Southern Cayuga Lake Intermunicipal Water Commission (hereinafter referred to as the “Commission”), water revenues based upon, in part, a water rate schedule annexed as Exhibit I of Schedule A to the Agreement; and

WHEREAS, the Town must set its water rates for 2012 so as to allow the Commission to begin first quarter billing; and

WHEREAS, upon due deliberation upon the same, it is hereby

RESOLVED, that the Town Board of the Town of Lansing does hereby establish the following water rates for the Town of Lansing residents within the Town of Lansing Consolidated Water District for the year 2012.

Water Rate	\$ 3.15 per thousand gallons
Operation and Maintenance Fee	\$ <u>.50 per thousand gallons</u>
TOTAL RATE	\$ 3.65 per thousand gallons

BE IT FURTHER RESOLVED, that #1 and #2 accounts are not included in the current Town of Lansing Consolidated Water District.

THEREFORE, upon due deliberation upon the same, it is hereby

RESOLVED, that the Town Board of the Town of Lansing does hereby establish the following water rates for the Town of Lansing residents in the #1 accounts being Algerine and Lansing Station Roads and #2 accounts being Drake Road. This will also include future water district extensions for the year 2012.

Water Rate	\$ 3.15 per thousand gallons
Operation and Maintenance Fee	\$ <u>.95 per thousand gallons</u>
TOTAL RATE	\$ 4.10 per thousand gallons

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

Councilperson Marty Christopher	Aye
Councilperson Robert Cree	Aye

Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted.

RESOLUTION CREATING SENIOR COURT CLERK POSITION:

The Honorable Judge John Howell and Honorable Judge W. David Banfield approached the Town Board in support of creating the Senior Court Clerk Position.

Counsel Krogh discussed and explained the classification of the exempt status of this position. The amended resolution following reflects the requested changes for the Town Board to consider.

RESOLUTION 11-178

**RESOLUTION CREATING SENIOR COURT CLERK
POSITION IN TOWN CIVIL SERVICE ROSTER**

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

WHEREAS, pursuant to the Civil Service Law, and in conjunction with the Tompkins County Civil Service Unit and the County Personnel Office, the Town has identified a need for a senior position in the Town Court Offices, and thus has developed a qualified job description, a duty list, and job qualification requirements, with such position to be known and identified as a “Senior Court Clerk”; and

WHEREAS, such job description, duties, and qualifications are distinct from a Court Clerk generally, such that the Town intends to list the civil service classification for such position as competitive class; but subject to the submission of an application to the NYS Civil Service Commission for approval of such new job, job description, and classification as exempt class; and

WHEREAS, such position shall be preliminarily listed as a competitive position, pending jurisdictional classification (to exempt class), and graded at Grade 5; and

WHEREAS, upon due deliberation upon the need for and funding of such position, the Town Board of the Town of Lansing has hereby

RESOLVED, there be and hereby is created in the Town of Lansing a position to be known as Senior Court Clerk, pay grade level 5, to be initially classified as a competitive class position, pending jurisdictional classification in the exempt class of civil service, with job descriptions, requirements, and qualifications as set forth in the job description and related information presented to this Town Board; and it is further

RESOLVED, that such position be incorporated into and implemented through the Town’s Wage & Salary Administration program; and it is further

RESOLVED, that the final description of such position be and hereby is approved; and it is further

RESOLVED, that the Town Personnel Officer proceed to finalize such job description and submit the same for approval to New York State, together with all other and required information, such as a certified copy of this resolution, the roster card of any proposed incumbent, a Town organizational chart, and Town budgetary information; and further, that the Personnel Officer and Town Supervisor: (i) cause the necessary documents to be filed with the County Personnel Office, (ii) ensure that the costs of such position are includable in the Town’s 2012 budget, (iii) issue a Reclassification Form and application; and (iv) take and direct such other, further, or different actions or steps as to otherwise cause such position to be created and to carry this Resolution into effect; and it is further

RESOLVED, that upon final approval of such position by the Tompkins County Commissioner of Personnel, the Town Board be and hereby is authorized to provisionally fill such position.

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

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on October 26, 2011.

The Honorable Judge Banfield thanked Counsel Guy Krogh and the Town Board for getting a massive problem solved.

FINAL MAP PLAN AND REPORT FOR THE LANSING STAND ALONE SEWER PROJECT:

With the Final Map Plan and Report for the Lansing Stand Alone Sewer Project now available there will be public information meetings along with a committee being formed. The meetings tentatively will start the first part of December.

Supervisor Pinney stated the project is built for a 50 year build out. One of the options for financing was to borrow the money from a private company or private individuals that would be paid back over a period of time with future hookups. This way the original district doesn't have to pay the entire cost and is a real benefit to the future people that hookup. The people outside the district would not be taxed. This will be discussed with the committee and at the public meetings.

Counsel Krogh stated that this could be done as long as the structure and terms of repayment fall under the guidelines of the NYS Comptroller's guidelines under the Local Finance Law. This is not uncommon and is done frequently.

Councilperson Miller would like to see the times of the meetings held later in order to give everyone a chance to attend.

Supervisor Pinney stated that on November 14th he will be meeting with Jeff Overstrom to discuss grant funding that is available.

Claes Nyberg urged the Town Board to do a mailing to get as many people involved as possible. Sewer will have a major impact on the Town and how the Town looks and is a very important thing.

Maureen Cowen asked when the charts and diagrams will be available for the public to view.

Jeff Overstrom will request a digital copy to be placed on the website.

The official hard copy will be on file in the Town Clerk's Office and a copy will be available at the Lansing Library to view.

CONCEPTUAL PROPOSAL FOR THE DEVELOPMENT OF A BUSINESS AND TECHNOLOGY PARK:

The Town Board reviewed the following engineer's estimate from T.G. Miller P.C.:

T. G. MILLER P.C.

Engineers and Surveyors

October 14, 2011

Mr. Scott Pinney, Supervisor
Town of
Lansing

29 Auburn
Road Lansing,
New York 14882

Re: Master Plan for Town Business and Technology Park
Preliminary Scope of Services and Fee Estimate

Dear Mr. Pinney,

At the September 21, 2011 Lansing Town Board meeting I understand Mr. Andrew Sciarabba, Chairman of the Town's Economic Development Committee, approached the Town Board with a concept proposal for the development of a Business and Technology Park (Park) on land owned by the Town. The land is tax map parcel 31.-1-16.2 located north of Auburn Road (NYS Route 34B) comprised of approximately 156 acres. Mr. Sciarabba asked the Town Board to approve drafting a scope of professional services for the development of a Park Master Plan (Plan). The Town Board authorized the Economic Development Committee to prepare the proposal.

I understand the Plan will include a study of alternative lot configurations within the northern 40-50 acres of the larger parcel together with a conceptual layout of roads, municipal water and sanitary sewer mains, private gas and electric service, and centralized stormwater management practices. The remaining lands south of the Park footprint will be reserved for other uses. Access to the Park should consider using the existing strip of land extending to Auburn Road along the south boundary of tax map parcel 31.-1-14.2 (NYSOFCS). Further, the Plan will estimate the costs associated with the development of the Park infrastructure.

Currently, the parcel is zoned B1(Commercial-Mixed Use) which allows for "relatively dense development and a mixture of land uses, including residential, small scale commercial and office, specialty shops, personal services, light industry, recreation and public space." However, I understand there may be development restrictions tied to the original purchase of the land from the State of New York and that the Town is anticipating receipt of an appraisal from the State which may allow the Town to buy out the restrictions.

The anticipated schedule to complete the Plan is three months. Construction of Park infrastructure would not be initiated unless a connection to a municipal sewer system is available.

Based on the above understanding of the Plan objectives and completion schedule, we have developed the following tasks which describe a general scope of work and an estimate of fees.

Task 1 — Site Assessment

- Collect available boundary map and LIDAR contour information to create a base survey for conceptual design purposes.
- Conduct a preliminary wetland investigation by Terrestrial Environmental Specialists.
- Identify existing natural features from aerial photos and site visits to be protected or avoided.
- Establish the approximate limits of the Park footprint.

Task 2 — Lot Layout

- Develop as many as three plot plans, including Town road right-of-ways, based on B1 zone area and setback requirements.
- Review the plot plans with the Town and select the preferred alternative.

Task 3 — Infrastructure Assessment

- Locate private utility connections and extensions (electric, gas, telecommunications) on the site plan based on input from the respective authorities.
- Estimate domestic and fire protection water demands for typical Park tenancies.
- Utilizing a hydraulic model, evaluate the Town's water system with the added demands and identify limitations, if any, in the storage or distribution facilities. Suggest what system-wide improvements may be needed to support the future Park demands.
- Estimate sanitary sewage flows for typical Park tenancies.
- Incorporate municipal water distribution and sanitary sewage collection main extensions into the selected plot plan. Suggest modifications in the route of a gravity sanitary sewer transmission main to Auburn Road to accommodate the parcel layout.
- Locate the intersection of the proposed Park road at Auburn Road and identify any concerns with sight distances.
- Review current State and Town storm water regulations to ascertain the applicability of a regional storm water management plan. Summarize the likely responsibilities between tenant and Town for storm water management.
- Identify in the Park possible locations for permanent storm water management practices.

Task 4 — Cost Estimate for Improvements

- Develop conceptual construction cost estimates to develop the necessary on-site infrastructure and off-site system improvements.
 - Include cost data for private utilities as provided by the respective authority.

Task 5 — Client Meetings and Presentations
 Attend bi-weekly meetings with Town Officials to review the progress of the Plan. Present the Plan to the full Town Board at 50% and 90% complete. Based on our current schedule of hourly rates and completion schedule of three months, the estimated fees to complete the scope of work for the various tasks are itemized as follows:

Task	<u>Estimated Fee</u>
1. Site Assessment (includes TES)	\$ 6,300
2. Lot Layout	\$ 3,600
3. Infrastructure Assessment	\$ 4,250
4. Cost Estimate for Improvements	\$ 3,850
5. Client Meetings and Presentations	<u>\$ 1,550</u>
Total =	\$19,550

Beyond the Master Plan phase, the following additional studies and analysis may be necessary to conduct an environmental review and to develop detailed site plans:

- Electric, Gas, Telephone and TV capacity study
- Wetland Delineation
- Archaeological Investigation
- Flora/Fauna Study
- Traffic Impact Study
- Soil Borings
- Topographic survey and mapping

If the proposed scope of work in Tasks 1-5 is consistent with the Town's objectives we could begin performing services immediately upon receipt of your authorization to proceed. Thank you for the opportunity to assist the Town on this exciting venture. Feel free to contact me with any questions.

Respectfully,

David A. Herrick, P.E.

October 11, 2011

Mr. Scott Pinney, Supervisor Town of Lansing
29 Auburn Road
Lansing, New York 14882

Re: Initial Wetland/Water Resources Assessment, Town of Lansing Business and Industrial Park Area, Town of Lansing, Tompkins County, New York
TES File No. 3698

Dear Mr. Pinney:

As requested by Andrew Sciarabba of T.G. Miller, Terrestrial Environmental Specialists, Inc. (TES) would be pleased to conduct a preliminary wetland/waters investigation on a 40 to 50 acre portion of property for the Town of Lansing Business and Industrial Park master plan. The portion of property to be reviewed is located west of Route 34 and north of Route 34B in the Town of Lansing, Tompkins County, New York.

The thrust of this assessment is to collect the information necessary to make a preliminary determination as to the existence of jurisdictional wetlands, water resources or related site encumbrances. The following tasks are planned.

TASK 1. Review of Background Information - Existing wetlands maps, soil survey map, stream classification map, floodplain map, aerial photographs, etc. will be collected and reviewed. TES maintains a complete set of many of these maps in its office. Additional information, such as large-scale boundary maps or topographic maps provided by you or T.G. Miller, will be helpful to us.

TASK 2. Preliminary Field Assessment – The entire property will be walked to provide an assessment of any wetland/water resource areas. All background resource maps described in Task 1 will be used. Should any wetlands/water resources be found, a sketch will be made of their approximate locations.

TASK 3. Preliminary Assessment Report – Results of the background information review and field assessment will be summarized in a letter report. All resource maps will be included with the property outlined. Approximate area of any wetlands or water resources found on the site will be presented on an aerial photograph or map. Regulatory implications of the wetlands or related resources will be addressed.

Estimated cost for performance of Tasks 1 through 3 is \$3,100 to \$3,500. Costs incurred are billed by TES based on our standard Fee Schedule, plus direct expenses. We invoice monthly and expect payment in 30 days. These terms encompass both the work proposed herein as well as any future efforts that might be requested.

TES is an environmental consulting firm established in 1975. It is one of the oldest such firms in the northeastern U.S. and specializes in studies of natural resources, including: wetlands, wildlife, vegetation, fisheries, habitat inventories, endangered species, and others. TES has performed hundreds of wetland studies throughout the northeastern U.S. in freshwater and saltwater systems. These studies have ranged from simple wetland delineations to complicated permitting for large projects involving

wetland creation and other forms of mitigation. As a central New York firm, TES has performed wetlands permitting for hundreds of sites throughout New York, including numerous sites in the Ithaca area.

We can perform this work when authorization is received. It would be preferred to perform the field effort during snow-free conditions; however, if not permitted by your schedule, it can be performed with snow cover. Please note that this effort does not constitute a formal wetland delineation, which, if necessary, would be required for any permit application. If you have any questions or need anything additional, please contact me.

Sincerely,
TERRESTRIAL ENVIRONMENTAL SPECIALISTS, INC.

Joseph M.
McMullen
Principal
JMM/dmm

Town of Lansing

Date

Councilperson Miller stated the estimate is a good one and the Town Board should get this started as soon as possible. There were concerns about not starting this until the land across the road was purchased.

Councilperson Miller read the following letter from Thomas A. Pohl, Associate Attorney from the office of the State of New York, Executive Department Office of General Services:

October 25, 2011

Guy R. Krogh, Esq.
Thaler and Thaler
309 North Tioga Street
PO Box 266
Ithaca, NY 14851-0266

RE: Chapter 486 of the Laws of 2009

Dear Mr. Krogh:

I am writing to advise you of the results of the agency's analysis of the appraisals completed for the release of certain restrictions contained in Letters Patent dated November 10, 1992 as modified by Chapter 284 of the Laws of 1993.

Appraisals were prepared by Northeast Appraisal and Management Company, Inc. and by Congdon and Company, Inc. This agency reviewed both appraisals of the 146.83 acre site and determined that the reconciled value is \$6000,000.00. After deducting the consideration paid for the original condition and conveyance of \$109,500.00 the buyout value for removal of all restrictions is \$490,500.00. A further deduction for the Town's cost of appraisals will be applied to arrive at a final figure.

Please review the proposed value and advise when the Town is ready to proceed to conclude the transaction.

The Town Board discussed the options of writing an appeal in regards to the purchase of the land. Counsel Krogh stated you would appeal by form or letter, under NYS Administrative Procedure Act. It was the consensus of the Town Board to appeal the purchase price of the land.

The Town Board discussed the options of moving forward with the proposed conceptual proposal versus looking into other options and obtaining an RFP. After further consideration the following resolution was offered:

RESOLUTION APPROVING CONCEPTUAL PROPOSAL FOR THE DEVELOPMENT OF A BUSINESS AND TECHNOLOGY PARK:

RESOLUTION 11-179

RESOLUTION AUTHORIZING AND APPROVING AGREEMENT WITH T.G. MILLER REGARDING TOWN CENTER ANALYSIS AND DEVELOPMENT OF PRELIMINARY MASTER PLAN

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

WHEREAS, the Town has previously conducted studies and information sessions with architects and landscape architects, both at public meetings and through the Town Center Committee; and as a result, several concept plans and town center layout schematics have been developed and, upon a preliminary conceptual level only, been accepted by the Town Board; and

WHEREAS, the Town Business Development Committee has been working with TCAD regarding an Empire Zone in and near such proposed Town Center, and the Town, with sewer projects under consideration, an updated Comprehensive Plan under consideration, and with the acquisition of unrestricted land from NYS in process, desires to understand the feasibility of various build-out options given needed infrastructure, such as water, sewer, stormwater controls, roads, and parks and recreation areas, and thus the Town has solicited a bid for engineering work upon such proposed Town Center and such concept plans; and

WHEREAS, the Town Engineer, David Herrick, of T.G. Miller, submitted a proposal outlining the work to be performed to develop a Master Plan, and the price thereof, including related costs for wetland delineations, and the Town having reviewed, discussed, and deliberated upon such proposal; it is hereby

RESOLVED, that the agreement with T.G. Miller be and hereby is approved, and the Supervisor and/or Deputy Supervisor be, and each is hereby, directed and authorized to execute such agreement 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 Christopher, duly seconded by Councilperson Miller, and put to a roll call vote with the following results:

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Nay

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on October 26, 2011.

PLANNING and ENGINEERING DEPARTMENT REPORT:

Monthly Report:

Mr. Overstrom submitted his monthly activity report for the month of September to all Board Members and the Town Clerk.

Warren Road Sewer District:

Mr. Overstrom informed the Town Board that there have been several properties interested in joining the Warren Road Sewer District. Mr. Overstrom advised the interested parties to canvas the bordering parcels and bring a petition to join the district to include all the parcels at once. Mr. Overstrom asked Counsel Krogh to assist him in creating the formal petition. At such time when the Town Board receives the request for the Warren Road Sewer District Extension, Mr. Overstrom will meet with the Village of Lansing and Village of Cayuga Heights to modify the sewer usage agreement to include these parcels.

Lansing Commons, Woodland Park, and Transonics:

Mr. Overstrom advised the Town Board that the major subdivision projects, Lansing Commons and Woodland Park are shutdown for the season.

Lynn Day has been working hard on the Transonic addition which is currently under construction.

Open Permit for the Myers Park Marina:

Mr. Overstrom advised the Town Board that this is the last year for the open permit for the Myers Park Marina repairs. As soon as the water drops, after November when the marina closes, the water screen will go in and work will start on the areas that need to be completed. Work needs to be completed by April 1, 2012.

HIGHWAY DEPARTMENT REPORT:

Goodman Road:

Goodman Road has been reground and paved along with underground drainage.

Lansing School District:

The Highway Department has been paving at the schools. The school district pays for the blacktop and the rental of the equipment and the Town provides the manpower.

Water Main Break on Brickyard Road:

Mr. French informed the Town Board that there have been two water main breaks on Brickyard Road. There have been eight water main breaks in that area in the last three years. He has met with Jeff Overstrom and the 1,000 feet line will have to be replaced.

Seacord Lane:

The new road has passed final inspection and was stone and oiled on Tuesday. Drainage issues and minor ditching problems need to be completed before the Town takes it over. At the request of the developer the road will not be plowed for the winter.

Woodland Park:

The Woodland Park road sub base passed several weeks ago but due to rainy weather the completion of the road has not been completed. This road will be hot mixed blacktop.

Route 34 Bridge:

Repairs on the Route 34 bridge are ahead of schedule. Dan Veaner has taken pictures and is writing an article for the Lansing Star, and reported that November 7th is scheduled for the opening of the road and bridge.

County Highway Superintendent:

William Sczesny, Tompkins County Highway Superintendent has announced his retirement effect December 9, 2011.

Robinson Road:

Mr. French informed Town Counsel that he has no information on Robinson Road. Supervisor Pinney asked Mr. French to stay for discussion in Executive Session in regards to pending Robinson Road litigation.

PARK and RECREATION DEPARTMENT REPORT:

**Parks & Recreation Department
10/26/11
Town Board Meeting**

RECREATION

- **The Youth Soccer Program** was completed 2 weeks ago. Our parent coaches did another great job again this year working with their teams. The equipment has been turned in and we will be checking it in and packing it away for the year.
- **Indoor Soccer** is currently in the registration process with the program set to start at The Field in early November. This will be our second season after last year's very successful start. The program takes place once a week on Friday evenings and is based mostly on game play. It has been a very positive partnership with the Community Recreation Center.
- **YFL Football** has one game remaining this Sunday to finish out the season. Both teams have been very successful and we hope to have all of the equipment returned by next week for cleaning and safety check. This will be a big purchase year for us to be ready for next season.
- **The Cheerleading Program** has our final game to cheer and then will have one week to prepare for the end of the year competition that will take place in Trumansburg this year.
- **Equipment purchasing** now for next season – This is the time of the year where we make the bulk of our replacement purchases for all of our athletic teams. It is a perfect time to take advantage of end of year and close out pricing. We have done a great job over the years maximizing the use and “life time” of our equipment. **SAFETY IS ALWAYS** the first criteria used for making decisions on replacement.
- **The Ballfield Complex** has been cleared of all soccer goals and equipment except for one game field. The fields and restroom areas will be winterized and closed within 2 weeks. Patrick and staff have done a great job with our playing surfaces. They are safe for all sports and activities and look **GREAT** too.

- **Early winter programming** is currently being registered for. Those programs include Indoor Soccer, Basketball, Gymnastics, Bowling, Karate and Skiing. Additional programs will be offered later in the season.
- **Fall Cross Country Race** this year was scheduled this fall for October 1st. The weather was terrible and the race was canceled. Our race is part of the county wide series. What a contrast to last year's race when the weather was perfect and we had over 60 runners. We will try again next year.

PARKS

- **Myers Park camping along with the restroom & shower facilities** are now closed for the season and have been winterized. Waterlines have been drained and filled with antifreeze.
- **All of the parks** are undergoing final mowing and leaf clean up. Getting these jobs done well now really allow for the parks to get a quick quality start in the spring.
- **All boats** must be out of the marina and dry dock areas by November 1st. Most have already been removed.
- **Tom Weisbeck from NYMIR** was here on October 19th for the annual safety inspection of our parks, playgrounds, ballfields and buildings. If there are any recommendations they would typically be mailed to us within a couple of weeks. No suggestions were offered during his visit.
- With very little time remaining in the season, the park crew still hopes to take down a few unsafe trees and replace with new plantings.
- **Early in the month, we received a very generous donation** in the name of Harris Dates from family member living in Michigan. We will use that money in Myers Park as Harris was instrumental in the initial development of that park.
- **Pathways update** information included.

LANSING PATHWAYS COMMITTEE REPORT:

Maureen Cowen, Chairperson for the Lansing Pathways provided the following report for the October 26, 2011 Town Board Meeting:

- Pathways recently received news from the Cargill Company that we have been selected to receive a grant for furthering our work on trail development in the Town of Lansing.
- Pathways has been asked by several local groups to give presentations on trail development in the Town of Lansing. LPC is working on a power point presentation that will demonstrate our mission and goals. The focus will be on the Town trail. The work will be depicted with pictures and captions. We will keep you informed as this develops.
- Lansing Pathways has continued to receive consultation from Julie Manners on updating our brochures and other materials. We will also be working on "naming" the town trail.

- Signage for the hunting season has been posted at the trail entrance. This signage was prepared after a consultation with Steve Colt on the specifics of the wording, the dates and types of hunting to be included for the hunting season.
- The Tompkins County Planning Department has requested information on Pathways regarding the details of the Town Trail (map and brochure). The Town Trail will be included on an updated list of trails in Tompkins County.
- Maureen and Roger Hopkins attended a local follow up meeting that was the result of the Finger Lakes Trails Conference. There are several communities and groups in our area working on trail development. We plan to continue to meet for support and sharing of expertise on trail development. Many of those trails will eventually link to each other providing transportation, recreation and a boost to local economies.

APPROVE MINUTES:

A copy of the minutes of September 21, 2011, having been furnished to the Board Members beforehand, the Supervisor asked for a motion to make corrections or to accept the same as submitted.

RESOLUTION 11-180

Councilperson Wilcox moved that the minutes of September 21, 2011 are hereby approved as submitted. Councilperson Cree seconded the motion and it was carried by the following roll call vote:

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

APPROVE AUDIT and BUDGET MODIFICATIONS:

RESOLUTION 11-181

Councilperson Wilcox moved that the Bookkeeper is hereby authorized to pay the following bills and to make the following budget modifications.

CONSOLIDATED ABSTRACT # 010

DATED	<u>10/26/11</u>
AUDITED VOUCHER #'s	<u>1007 – 1095</u>
PREPAY VOUCHER #'s	<u>1007 – 1015</u>
AUDITED TA VOUCHER #'s	<u>84 – 99</u>
PREPAY TA VOUCHER #'s	<u>84 – 90</u>

<u>FUND</u>	<u>TOTAL APPROPRIATIONS</u>
GENERAL FUND	\$ <u>81,024.35</u>
HIGHWAY FUND	\$ <u>78,732.02</u>
LANSING LIGHTING	\$ <u>1,270.98</u>
LANSING WATER DISTRICTS	\$ <u>2,990.61</u>

TRUST & AGENCY	\$	<u>35,441.64</u>
WARREN RD SEWER-CAPITAL PROJ	\$	<u>0.00</u>
LANSING SEWER DISTRICTS	\$	<u>129.45</u>
DEBT SERVICE	\$	<u>0.00</u>

BUDGET MODIFICATIONS
GENERAL FUND A

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
A1990.400	A1410.140	From Contingency to LCSD Tax Collection Psnl Srvc	3,952.00
A1990.400	A1410.150	From Contingency to LCSD Tax Collection Psnl Srvc	3,952.00
A7110.403	A7020.400	From Parks Electric to Parks & Rec Admin Cont	110.00
A7110.110	A7140.100	From Parks Prsnl Srvc to Playground Prsnl Srvc	826.00
A9060.800	A9050.800	From Health Ins to Unemployment Ins	940.00

GENERAL FUND B

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
B8020.200	B8020.402	From Planning Board Equipment to PB Legal	1,000.00

HIGHWAY FUND DB

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
DB5112.100	DB5110.100	From Road Improv Prsnl Srvc to Rd Maint Prsnl Srvc	3,930.00

Councilperson Miller seconded the motion and it was carried by the following roll call vote:

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

BOARD MEMBER REPORTS:

Marty Christopher:

Councilperson Christopher stated that he has changed his position in regards to the budget. The Town Board agreed that they need an additional budget meeting next week and a date will be finalized later in the week.

Robert Cree:

Planning Board Meeting:

In regards to a discussion at the Planning Board Meeting on Monday night, Councilperson Cree asked Jeff Overstrom how the easements for pathways that are being established through development come before the Town Board.

Mr. Overstrom stated that the question was asked about completing the easements and dedication of the areas for pathways as part of the Lansing Commons Subdivision occur. Mr. Overstrom stated he has seen only one area and the conceptual plan that will be dedicated as pathways for this subdivision is along Woodsedge Drive. The other area the Pathways Committee has asked the developer to dedicate pathways are on Ron Seacord's remaining parcel.

Other easements have been through private landowners.

Kathy Miller:

Nothing further to report.

Connie Wilcox:

LOAP Van:

Councilperson Wilcox advised the Town Board that the Town has received information from NYMIR advising drivers for the LOAP van have required physicals. She attended the Lansing Housing Authority meeting on Monday and Barbara Bills who is in charge of the LOAP drivers was not in attendance.

Councilperson Wilcox contacted Judy Willis, Executive Director at Gadabout, and she informed her Gadabout requires their drivers to have a NYS DOT physical and Gadabout reimburses them the approximate charge of \$100.00. Said physicals can be performed at Convenient Care or the VA.

The Town does not charge a fee for the use of the LOAP van. Councilperson Wilcox would like to discuss this further at the budget meeting.

A. Scott Pinney:

Monthly Report:

The Supervisor submitted his monthly report for the month of September to all Board Members and to the Town Clerk.

Town Counsel Report:

Counsel Krogh informed the Town Board that the Final Order for Drainage District #6 can be approved due to the rescheduling of the October Town Board Meeting. Therefore the following Resolution was offered for the Town Board’s consideration.

FINAL ORDER APPROVING FORMATION OF DRAINAGE DISTRICT #6 – LANSING COMMONS:

RESOLUTION 11-182

FINAL ORDER APPROVING FORMATION OF DRAINAGE DISTRICT #6 (LANSING COMMONS)

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

WHEREAS, NYS Law and the Town’s Stormwater Local Law require the Town to plan for the future maintenance of drainage, sediment control, and stormwater facilities; and

WHEREAS, the Town Board of the Town of Lansing received a request for the approval of permanent infrastructure for stormwater facilities located in the Lansing Commons Subdivision, as depicted upon the Final Subdivision Plat and in the SWPPP for such subdivision, all pursuant to the Town’s Stormwater Local Law; and

WHEREAS, the Town Board duly issued an Order under Town Law §209-d and determined that (i) the final Map, Plan and Report complies with the requirements of Town Law, and (ii) it is in the public interest and to the benefit of all parcels in the proposed district to establish the Town of Lansing Drainage District #6, and (iii) all benefited parcels are included, and no benefited parcels were excluded, from such district; and

WHEREAS, a Public Hearing was duly held upon September 21, 2011, at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, and all persons thereat were duly heard; and

WHEREAS, it was determined that: (1) the district is inclusive of a part of tax parcel number 37.1-2-53.222, being approximately 13.14 acres in size, as shown upon a map entitled "Proposed Drainage District for Lansing Commons Subdivision," as drawn by T.G. Miller, P.C., and dated August 6, 2011 (herein, the "Map"); (2) the proposed improvements consist of a stormwater retention pond, a series of vegetated swales and ditches to convey stormwater to the pond forebay, a culvert, and other related stormwater facilities and drains, all of which are set forth upon the Map and in the SWPPP; (3) all costs of installation will be paid for by the Developer pursuant to the Town's Stormwater Local Law, NYSDEC GP-0010-001, and the Developer's SWPPP; (4) the Town's maintenance responsibilities include inspections, sediment and debris removal, vegetation management, animal and nuisance management; erosion control; and structural repairs, all to be performed pursuant to and under planned dedications of lands and easements and rights-of-way to the Town and the District for normal maintenance and emergency access, all as set forth in the MPR; (5) the estimated cost of the proposed improvements is \$0.00, which is the maximum amount proposed to be expended; (6) there is no hook-up cost for or to the drainage district; (7) there is no financing needed for this project; (8) the Map, Plan and Report are and have been on file for public review and inspection at the Office of the Town Clerk in accord with law; (9) a public hearing upon such proposed district was duly held as required by law upon September 21, 2011, at the Lansing Town Hall; and (10) the MPR describes in detail how the financing, hook-up costs, and other costs and expenses of the proposed drainage district were estimated and computed, including the first year's estimated average maintenance cost of \$249.33 per parcel (with actual costs varying per parcel size from a low of \$200.00 to a high of \$405.00), with such costs to be paid through special benefit assessments for the benefited parcels of the proposed district and to be collected with the annual Town and County tax bill; and

WHEREAS, the Town Board determined this action to be an Unlisted Action under SEQRA, thus requiring the preparation of an EAF and an environmental review thereof, and the Town Board held a public hearing thereupon on September 21, 2011, and considered the environmental impacts of the proposed district in light of the EAF, the Town's Comprehensive Plan, the Town's Land Use Ordinance, the comments from any Involved or Interested Agencies, if any, and comments from landowners and the public, if any, and after due deliberation thereupon and an identification of any potential environmental impacts, the Town Board duly made a Negative Declaration of environmental impact; and

WHEREAS, a Notice of Permissive Referendum was duly published and no request for a referendum concerning the formation of the proposed Drainage District #6 was submitted or filed, and the Town desires to proceed towards establishment of Drainage District #6 pursuant to the provisions of Town Law Article 12-A; and finds that all proceedings to date have been in compliance therewith, and upon due deliberation, the Town Board of the Town of Lansing has hereby:

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

RESOLVED AND SO ORDERED, that the boundaries of the proposed Drainage District #6 are inclusive of the following tax parcel number 37.1-2-53.222, being approximately 13.14 acres in size and encompassing all lots within the Lansing Commons Subdivision as shown on the subdivision Map and the Map, Plan and Report on file at the Town Clerk's Office, and the real property metes and bounds descriptions as on file at the County Clerk's Office; to which reference is hereby made and which maps and descriptions are expressly herein incorporated; and it is further

RESOLVED AND SO ORDERED, that the said Drainage District #6 hereinabove referred to shall be constructed as set forth in the Order calling a public hearing, and the Town shall assess, levy, and collect special assessments upon the several lots and parcels of land within the said District, which the Town Board has determined, and hereby again determines, are especially benefited thereby; so much and from each as shall be in just proportion to the benefit thereof, each and all to pay the principal and interest upon said bonds; and it is further

RESOLVED AND ORDERED, that the Town Clerk file (i) a certificate with the County Clerk certifying that no referendum was requested, and (ii) a certified copy of this Resolution with the Tompkins County Clerk and the New York State Department of Audit and Control (at the NYS Comptroller's Office) within 10 days of the adoption of this Final Order; and it is further

RESOLVED, that the Drainage District hereby is empowered to approve and accept the assignment of easements and rights-of-way from the Town of Lansing relating to the District, and further, that the Supervisor and/or Deputy Supervisor be and each is hereby authorized, upon approval of the form of the same by the Attorney for the Town and on behalf of the Town of Lansing and Drainage District #6, to do such things and execute such documents as are or may be necessary or desirable to effect the attaining and assignment of such easements and rights-of-way to the Town and to said Drainage District #6.

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

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on October 26, 2011.

ENTER EXECUTIVE SESSION:

RESOLUTION 11-183

Supervisor Pinney moved to **ENTER EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION ON ROBINSON ROAD AT 8:35 PM.** Councilperson Wilcox seconded the motion and it was carried by the following roll call vote:

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

EXIT EXECUTIVE SESSION:

RESOLUTION 11-184

Supervisor Pinney moved to **EXIT EXECUTIVE SESSION AT 8:55 PM.** Councilperson Christopher seconded the motion and it was carried by the following roll call vote:

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye

Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

ADJOURN MEETING:

RESOLUTION 11-185

Supervisor Pinney moved to **ADJOURN THE OCTOBER 26, 2011 TOWN BOARD MEETING AT 9:00 PM.** Councilperson Christopher seconded the motion and it was carried by the following roll call vote:

Councilperson Martin Christopher	Aye
Councilperson Robert Cree	Aye
Councilperson Kathy Miller	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

Minutes taken and executed by the Town Clerk.

Respectfully submitted,

Debbie S. Crandall