

REGULAR TOWN BOARD MEETING
May 16, 2012

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 7:00 p.m. The meeting was called to order by the Supervisor, Kathy Miller and opened with the Pledge of Allegiance to the flag. Roll call by Debbie Crandall, Town Clerk, showed the following to be **PRESENT:**

Kathy Miller, Supervisor
Andra Benson, Councilperson
Robert Cree, Councilperson
Ruth Hopkins, Councilperson
Edward LaVigne, Councilperson

ABSENT: None

ALSO PRESENT: Guy Krogh, Town Attorney, Jack French, Highway Superintendent, Steve Colt, Park Superintendent and Recreation Director, Jeff Overstrom, Engineering and Planning Coordinator, Dave and Joyce Heck, Ted and Martha Laux, Tom Butler, Angel Hinickle, Becky Bowen, Chris Williams, Vicki Bland, Dan Veaner, Steve and Natalia Emlen, Pat Pryor, Susan Miller, Ron Seacord, Suzanne Hinderliter, Larry Beck, Dan Konowalow, Marcy Rosenkrantz, Ray Farkas, John O'Neil, Maureen Carroll, John Dean, Steven Smith, Claes Nyberg and several other attendees.

COMMUNITY SCIENCE INSTITUTE PRESENTATION ON WATER MONITORING:

Becky Cowen, Outreach Coordinator introduced Stephen Penningroth, Executive Director of the Community Science Institute who gave the following presentation:

**Salmon Creek and Cayuga Lake Shore –
What's in the Water?**

Community Science Institute and Volunteers Track Risks to Water Quality
Wednesday, May 16, 2012
Lansing Town Hall

- **CSI Has Partnered with Volunteers to Monitor Water Quality in the Cayuga Lake Watershed Since 2002**
 - o Partnerships with 7 autonomous groups of volunteers covering >100 sampling locations
 - o Each group is responsible for sampling a set of fixed locations, like a stream, up to 5 times/year
 - o Synoptic; base flow and stormwater conditions
 - o Volunteers take samples to CSI's certified lab
 - o Analyses focus on impacts from agriculture and residential development, also potential impacts from "hydrofracking."
 - o Certified data items in open online database at www.communityscience.org/database, ~25,000 data items total, ~5,000 new data items per year

- **CSI and Volunteers Have Monitored Salmon Creek and Cayuga Lake Shore Since 2006**
 - Monitoring partnership between CSI and Salmon Creek Volunteers has produced approximately 2,000 pieces of water quality data from 2006 to the present
 - Monitoring results are reported on CSI the website
 - Market value of producing Salmon Creek and Cayuga Lake Shore data and making it publicly available in an online data archive is estimated at ~\$100,000
 - Lansing and other towns in the Salmon Creek watershed have contributed zero (0) dollars to monitoring effort
 - Monitoring has been funded by local foundations and CSI in-kind

- **County-Wide Funding Model for CSI-Volunteer Monitoring Partnerships**

- ❖ CSI asks municipalities to contribute in proportion to their population and tax base

- ❖ Examples of current municipal contributions based on annual county-wide monitoring cost of \$197,000:

 - Tompkins County: \$25,250

 - Town of Ithaca: \$17,036

 - Town of Dryden: \$12,041

 - Town of Caroline: \$2,561

 - Town of Ulysses: \$5,000

- ❖ **Estimated equitable share for Town of Lansing: \$13,193**

The funding is received from Towns on a year to year basis. Funding has been requested from the Town of Lansing in the past but has never been received. The monitoring service has been provided for the Town of Lansing since 2006 and is done whether the funding is received or not.

- **Highlights of Water Quality Monitoring Results**

1. **Salmon Creek: Impacts are largely agricultural**

- Inorganic phosphorus increases dramatically under stormwater conditions, from ~10 ppb to ~70 ppb
- Nitrate concentrations are consistently high, ~3 to ~6 mg/L
- E. coli levels are roughly similar to other streams in the Cayuga Lake watershed, ~100 to ~400 colonies/100 ml at base flow and ~2,000 to ~3,000 colonies/100 ml in stormwater
- Suspended sediment tends to be somewhat lower than other streams

2. **Cayuga Lake Shore: No contamination from bacteria**

This finding is a surprise given the presence of aging on-site septic systems in homes along the shore

Examples of how to access monitoring data on CSI website at www.communityscience.org

1. Click on “Monitoring Sets”
Select “Salmon Creek”
Scroll down to “Monitoring Locations”
Select “Salmon Creek Mouth”
Select parameter from drop-down menu
2. Click on “Monitoring Sets”
Select “Cayuga Lake Shore”
Scroll down to “Events”
Select August 25, 2011
Erase chart by clicking parameters in legend
Click on parameters again to view them one at a time

Mr. Penningroth is an associate member and works together with the County Water Resource Council. After the presentation a question and answering period followed. Mr. Penningroth informed everyone that the best resource for information is to go to their website at www.communityscience.org. The Town Board thanked Ms. Bowen and Mr. Penningroth on a very educational report.

PRIVILEGE OF THE FLOOR:

Dave Heck – 16 Ladoga Park:

Mr. Heck presented to the Town Board a letter for support of the Community Science Institute’s water quality monitoring of Salmon Creek. Mr. Heck has been involved as a volunteer with the Salmon Creek water quality project since 2006. As a volunteer his assignment was to take samples at six sites along the lake shore being Salt Point beach, Myers Park swimming beach and four sites south of Myers Point. Mr. Heck informed everyone that this project has proved valuable in quantifying the water quality of Salmon

Creek and the lake at its mouth. Mr. Heck encourages everyone to support it through volunteering and municipalities concerned with Salmon Creek's water quality through monetary grants.

Mr. Heck asked Mr. French and Mr. Colt for help installing signs. Councilperson LaVigne asked Mr. Heck if he could provide a pamphlet that could be handed out to boaters at the marina. Mr. Heck will look into getting the pamphlet.

Mr. Heck also thanked Mr. French and the Highway crew for mowing at and around the park.

TOMPKINS COUNTY REPRESENTATIVE – PAT PRYOR:

To: Lansing Town Board

From: Pat Pryor, Legislator, District 6, Tompkins County Legislature

Date: May 16, 2012

Re: Report to the Town Board

Ms. Pryor thanked Mr. Heck for his willingness to volunteer and help the hydrilla effort. The County Soil and Water District along with a leadership team has been very involved with this effort along Cayuga Lake. As a state, regional and local issue everyone needs to work together to control this and prevent it from spreading. Ms. Pryor stated that it is very important that boats are cleaned off when they enter and are taken out of the lake.

1. May meetings of the Legislature:

-A tax levy increase target for 2013 was set at 2.2%; with the possibility of increasing to 3.5% if needed. The 2.2% figure is a maintenance of effort goal that will allow the county to continue programs at the same level as this year. The possibility of increasing to 3.5% will allow us to examine the impact of the very deep cuts we've made in the past 3 years and consider whether any of those cuts should be at least partially restored. It will also allow us to consider emerging needs. Since the exact figure for the tax cap is unknown until August it is possible that the restorations we may wish to make will be within the cap.

-The Legislature voted to support efforts by the NY State Legislature to increase the minimum wage to \$8.50 per hour. It also urged the State Legislature to increase the minimum wage further, to \$10.39 per hour, as it would be if it had kept pace with inflation over the past 10 years. (I voted against the resolution since supporters would not consider separating the increase to \$8.50 from the increase to \$10.39. I felt, since there was already a bill under consideration that would increase the minimum wage to \$8.50 per hour that it would be a stronger show of support for that bill if we didn't also include the \$10.39 figure. I would have supported a separate resolution for each, but not both in one resolution.)

-The Legislature ratified a 5-year bargaining agreement with the Blue Collar Unit of the Civil Service Employee Association, Local 855, retroactive to 2010 and extending through 2014. Provisions mirror those of other bargaining units; no pay increases for 2010 and 2011, a \$1,250 one-time bonus for 2012 (not added to base salary), and 2% increases in 2013 and 2014. Drug co-pays are increased for non-generic drugs and employees may opt to pay extra for vision coverage.

-As part of a regular review of the County Charter and Code, the Legislature will consider whether the County Clerk should be an appointed, rather than an elected, position.

2. The Broadband committee had planned to conclude its current round of outreach forums with a meeting on May 9th in the Newfield/Enfield area. However, at the request of Enfield residents who could not attend on the 9th due

to a conflict with a gas drilling meeting in Enfield we are planning to schedule a forum in Enfield, date to be announced.

Ms. Pryor informed everyone that the phone survey for broadband has started in the rural parts of Lansing. She encouraged everyone who receives a call to participate in the survey.

Councilperson LaVigne stated he received a letter from Senator Nozzolio in regards to Medicaid. Ms. Pryor stated that County is lobbying the State to take back funding for Medicaid. Supervisor Miller stated that Medicaid portion of the County's budget is 38%.

Claes Nyberg – 420 Ridge Road:

Mr. Nyberg asked the Town Board the status of the Town's Sewer Project. Supervisor Miller stated that it is still in the working process. A formal presentation to the public will be held in approximately one month when final figures are received. The Lansing Star reports on all sewer meetings held and can be found on their website at www.lansingstar.com

PLANNING and ENGINEERING DEPARTMENT REPORT:

Monthly Report:

Mr. Overstrom submitted his monthly activity report for the month of April to all Board Members and the Town Clerk and reported the following to the Board:

Village Solars-Lucente Project

The Planning Board reviewed information and presentation materials for the proposed Village Solars project. The Board will meet again on May 29th to review additional information as requested from the applicant. Water supply, sewer capacity and trails were discussed as well as the need for Town Engineer's review. Classified as a PDA, the project will be coming before the Town Board for SEQR review and approvals.

Status of Warren Road Sewer System

A service representative from ITT Flygt adjusted the level controller and alarm notification system. The system controller had to be re-set and configured. The pump station is now operating as it should. The metering station is operational and I'm regularly monitoring both sites.

Annual Storm Water Report:

The Town of Lansing is a member of the Tompkins County Storm Water Coalition. The Tompkins County Soil and Water Conservation District prepared the report this year on behalf of the Coalition. Mr. Overstrom introduced Angel Hinickle who compiled the information and prepared the report for all the municipalities. Mr. Overstrom stated this was a tremendous effort on her behalf and commended her for an excellent job done.

HIGHWAY DEPARTMENT REPORT:

Highway Superintendent, Jack French reported the following to the Board:

Finished Gravel Roads

Plowed Roads on April 23

The Highway Crew worked from 3:00 a.m. to 5:00 a.m. getting the plows on.

Broom Roads and intersection after winter weather

With the purchase of the broom several years ago, it now saves the Town between \$7,000.00 and \$10, 000.00 a year versus paying a company from Syracuse who had previously provided this service.

Brush Pick Up: Town 4 day job - cost \$34,039.35
Village 1 day job - cost \$ 7,403.04

Grind up Bacon Road and Munson Road

Suit-Kote Corp from Cortland is grinding up 2 ½ miles of Bacon and Munson Roads, in preparation for the Town paving these two sections of roads.

Start Paving on Monday May 21

As the price fluctuates each month, the Town will try to get as much paving done as possible in the month of May.

Started Water line on Brickyard Road

800' of water line will be replaced. Another leak in the line has occurred totaling 10 leaks in the last 10 years.

County Roads-Winter Maintenance: 2012 - \$ 70,864
2011 - \$202,469

The Town gets paid by the County to maintain their roads in the winter. A State formula is used based on mileage and is averaged out within a 5 to 10 year period.

Speed Limit signs taken down on East side of Scofield Rd

The 45 mph speed limit signs that were installed on the eastside of Scofield Road, owned by the Town of Dryden, were taken down by their Highway Department and laid along side of the road. The Dryden Highway Superintendent was not informed by the NYS Department of Transportation, County Highway Department or the Town of Lansing that these signs were being installed. Lansing's County Representative Pat Pryor is going to contact Dryden's County Representative, Michael Lane in regards to this matter.

Councilperson LaVigne met today with Jack French, Charlie "Cricket" Purcell and Penny Crozier and got a breakdown of all the highway equipment. Mr. LaVigne is proposing a 10 year schedule of expenses to be discussed at the next work session meeting.

Supervisor Miller has gone with Jack French and observed the various projects of the Highway Department. Mrs. Miller proposed that the Town Board set a time to tour the Town with Highway Superintendent Jack French.

PARK and RECREATION DEPARTMENT REPORT:

Park Superintendent and Recreation Director Steve Colt reported the following to the Board:

RECREATION

- All of our spring teams are in action now and getting near the mid-point of the in-house season. Our LBP and LSP season ends on June 9th.
- On Wednesday May 30th I will be hosting the annual summer Travel Baseball & Softball meeting for 10U and 12U teams. This meeting is very beneficial and brings different towns together to discuss the framework of these games and actually put schedules together.
- We are also in the registration process for the older levels of summer baseball and softball now. These teams usually start their seasons near the end of school when the scholastic seasons are completed.
- Our Pitch-Hit & Run competition was held here on May 5th and we have 5 girls and 8 boys that qualified to move on to the next level of competition that will take place in the Syracuse area. This Sectional competition will take place on June 2nd.

Mr. Colt reported that today the Lansing Varsity Baseball Team won the IAC Championship against Waverly in a no hitter game of 1 to 0. This was seven of the last eight years that Lansing has won the IAC's.

- Our Summer Program Booklet has been available for about a week and we already have taken in **\$23,245** in registrations. Distribution of the booklet to the Middle School has been delayed this year as we will be sending it home with the school's progress reports next week. We have not tried this option before and hope that more students/parents see it this way.
- The Art Show took place on May 11th and had a nice turn-out. The quality of the work is amazing and will remain on display here in the Town Hall and Library through much of July.
- Late summer and fall program flyers will be ready prior to the end of school in late June.

PARKS

- Camping opened this past weekend and we are sold out for the upcoming Memorial Day holiday period. Many of the big weekends are sold out. As of now we have taken in nearly \$36,000 in Camping and Pavilion reservations.
- The Memorial Day weekend will also mark the start of 7 day per week Admission charging.
- Lake water levels seem to finally be up to normal limits. Luckily we received some steady rain over the past few weeks and that has helped. The lake level had been so low that most boats could not be put in.
- The new roll-down sides have been installed on pavilions "B" and "F". They will be a great asset to protect against wind and rain.

Bait Shop:

Mr. Colt has been approached in regards to putting a Bait Shop in at Myers Park. Mr. Colt will meet with Attorney Guy Krogh to establish a business plan that will be suitable for Myers Park.

Pathways:

The Girl Scouts have completed their Garden Project that can be found in the parking lot. They will receive a bronze award for this project.

New signage for the trails will be installed with the money that was donated from Cargill Inc.

Speed Limit on Myers Road:

Councilperson LaVigne asked when the temporary flashing sign will be installed to help with the excessive speed on Myers Road. Mr. Colt stated that when Mr. French places the sign on Myers Road, it will monitor data of the speed and time of day. This information can then be turned over to the Sheriff's Department to be used for patrolling. Mr. French stated the sign is fixed and they are now waiting for a new laptop computer to meet the technology needed before the sign can be used. When everything is ready Mr. French will place it on Myers Road.

Mr. French informed the Board that there are Federal guidelines on signage that determine the distance and how many signs can be installed on one road.

ADOPT LOCAL LAW #1 OF 2012:

RESOLUTION 12-95

**RESOLUTION APPROVING AND ADOPTING LOCAL LAW #1 OF 2012,
A MORATORIUM UPON HEAVY INDUSTRIAL USES FOR ONE YEAR**

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

WHEREAS, the Town has been conducting a multi-year study concerning updates to both its zoning laws and its Comprehensive Plan, including an examination of the use of overlay and other districts to protect important natural and other features of the Town, as well as the creation of a Town Center and related zoning and planning actions; and

WHEREAS, the onset and imminent potential approval of oil and gas drilling, particularly through a process known as HVHF, has the potential to bring heavy industrial processes and operations into the Town precisely at a time when the Town is in the process of examining existing regulations to address the potential impacts of all industries and the need for changes in Town laws and procedures related to heavy industrial operations and otherwise; and

WHEREAS, such moratorium, hereby enacted by local law, prohibits the siting or operation of any new heavy industrial activities within the Town, whether temporary or permanent, and including HVHF and natural gas drilling, until the Town can consider several regulations or changes in law to address the issues arising from such heavy industrial activities; and such moratorium further proposes to adopt grandfathering rights and a hardship exemption to allow relief to properties and landowners disproportionately and/or harshly affected by such moratorium; and

WHEREAS, since a Moratorium is a Type II Action under SEQRA, no environmental review is required; and

WHEREAS, a public hearing was duly held upon May 2, 2012, at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, whereat the public was invited to comment upon the proposed moratorium/local law, and whereat all persons interested in the subject were duly heard and all evidence taken; and

WHEREAS, other than some minor and non-material changes, such as clarifications and the fixing of typographical errors, the proposed local law is in all material respects identical to the local law as subjected to public review at such public hearing, such that under the Municipal Home Rule Law no further public hearing is mandated or required; and

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

RESOLVED, that Local Law Number 1 of 2012 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 State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231).

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

Councilperson Andra Benson	Aye
Councilperson Robert Cree	Aye
Councilperson Ruth Hopkins	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 16, 2012.

RESOLUTION ACCEPTING AND AUTHORIZING LANSING COMMONS DEDICATIONS:

RESOLUTION 12-96

**RESOLUTION ACCEPTING OFFER OF
DEDICATION OF ROADWAYS AND PATHWAYS WITHIN
AND NEAR LANSING COMMONS SUBDIVISION AND
APPROVING EASEMENTS, DEEDS, AND FILING OF SAME THEREFOR**

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

WHEREAS, the Lansing Commons Final Plat has been duly signed, sealed, and filed, and the Developer wishes to formally dedicate the roadways and other infrastructure relating to the CWD and stormwater and other facilities so as to complete the review process and begin construction; and

WHEREAS, the Town's Counsel has reviewed the deeds and other forms of easements and dedications, as well as the updated Abstract of Title for such lands, and has approved the forms thereof subject to final review at time of execution; and

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

RESOLVED, that (i) the proposed deed for dedication of the roadways, and (ii) the proposed easements and rights-of-way for stormwater, water district, utility and drainage district purposes, be and each is hereby approved and accepted, and the Town Supervisor, Deputy Town Supervisor, and the Town Attorney be and hereby are authorized to negotiate, finalize, execute, and file such deeds, easement, and related documents by, for, on behalf of, and in the name of the Town of Lansing; and it is further

RESOLVED, that the Offer of Cession and Dedication dated March 7, 2012 (herein, the "Offer") of fee simple absolute title to certain lands identified in such Offer as proposed future pathways and/or recreational land be and hereby is approved and accepted, and the Town Supervisor, Deputy Town Supervisor, and the Town Attorney be and hereby are authorized to negotiate, finalize, execute, and file such deeds as are or may be hereafter necessary to memorialize such acceptance of record in the Tompkins County Clerk's Office; and it is further

RESOLVED AND ORDERED, that the Town Supervisor and Town Attorney collaborate to draft and deliver to JRS Realty, Inc., at 10 Cayuga Vista Lane, Lansing, New York 14882, a written notice of acceptance, together with a proposed deed and NYS forms TP-584 (transfer report) and RP-5217 (assessment report) therefore.

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

Councilperson Andra Benson	Aye
Councilperson Robert Cree	Aye
Councilperson Ruth Hopkins	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 16, 2012.

SET PUBLIC HEARING FOR ANNUAL STORM WATER REPORT:

RESOLUTION 12-97

RESOLUTION ESTABLISHING PUBLIC HEARING FOR REVIEW OF ANNUAL STORM WATER REPORT

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

WHEREAS, the Town’s Annual Storm Water Report is prepared and due for the required annual review pursuant to Local and State Laws and related regulations; and

WHEREAS, a copy thereof is or will be timely filed in the Office of the Town Clerk for public review; and

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

RESOLVED, that a Public Hearing will be held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, being in the Town of Lansing, on the 20th day of June, 2012, at 7:05 o'clock P.M., to consider the Annual Storm Water Report, and to hear all persons interested in the subject thereof, and to take such action thereon as is required or permitted by law; and it is further

RESOLVED, that the Town Clerk of the Town of Lansing, Tompkins County, New York, is hereby authorized and directed to cause a copy of this notice of Public Hearing to be published in the official newspaper of the Town of Lansing, and also to post a copy thereof on the Town signboard maintained by the Town Clerk, in accord with law.

SEQRA: Type II

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

Councilperson Andra Benson	Aye
Councilperson Robert Cree	Aye
Councilperson Ruth Hopkins	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 16, 2012.

STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED OFFICIALS:

RESOLUTION 12-98

RESOLUTION ESTABLISHING THE STANDARD WORK DAY AND REPORTING FOR ELECTED AND APPOINTED OFFICIALS

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

WHEREAS, the Town Board of the Town of Lansing needs to establish and report the standard work day for elected and appointed officials and;

WHEREAS, effective August 12, 2009, each elected or appointed official who is enrolled in the NYS Retirement System, must prepare a record of work-related activities for three consecutive months within 150 days of the start of a new term or appointment and;

WHEREAS, the log must contain a daily detail of hours worked and duties performed that are directly related to the elected or appointed position, including official duties performed outside normal business hours and;

WHEREAS, by certifying that a previously submitted three-month log is still representative of time worked, officials elected or appointed to new terms will not have to keep a new log for up to eight years. If an official who believes their initial three-month log is not representative of the average number of hours worked, he or she may submit a new record of activities for an alternative three-month period and;

WHEREAS, the Legislative Clerk must retain each record of activities for a period of at least ten years and provide full and complete copies to the Office of the State Comptroller upon request and;

WHEREAS, the Resolution must be adopted at the first regular meeting held after the first 180 days of a new term, or whenever a new elected or appointed office is established and;

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

RESOLVED, that the Town Board of the Town of Lansing hereby establishes the following as standard work days for Elected and Appointed Officials:

TITLE	STANDARD	TERM	DAYS/MONTH
<u>Elected Officials</u>	<u>WORK DAY</u>	<u>Begins/Ends</u>	
Supervisor	6	01/01/12-12/31/15	21.67
Town Clerk	8	01/01/12-12/31/15	24.79
Highway Superintendent	8	01/01/12-12/31/15	27.29
Town Justice	6	01/01/12-12/31/15	7.72
Councilperson	6	01/01/12-12/31/15	10.33
Councilperson	6	01/01/12-12/31/15	10.33

BE IT FURTHER RESOLVED, that the Town Clerk post the Resolution for at least 30 days on Employer's Public Website and;

BE IT FURTHER RESOLVED, that the Town Clerk file the Standard Work Day and Reporting Resolution (RS2417-A) and an Affidavit of Posting with the Comptroller's Office within 45 days of the adoption.

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

Councilperson Andra Benson	Aye
Councilperson Robert Cree	Aye
Councilperson Ruth Hopkins	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 16, 2012.

STANDARD WORK DAY RESOLUTION FOR EMPLOYEES:

RESOLUTION 12-99

**RESOLUTION ESTABLISHING THE STANDARD WORK DAY
FOR EMPLOYEES TO BE REPORTED TO THE
NYS AND LOCAL EMPLOYEES' RETIREMENT SYSTEM**

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

WHEREAS, the Town Board of the Town of Lansing needs to establish and report the standard work days for hourly and salaried positions and;

WHEREAS, the NYS Retirement Benefits are based in part on service credit, correctly reporting the number of days the members work during a reporting period helps to ensure the benefits they receive are accurate and;

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

RESOLVED, that the Town Board of the Town of Lansing hereby established the following as standard work days for its employees:

TITLE	STANDARD WORK DAY (Hrs/Day)
Principal Account Clerk, Part Time & Seasonal Employees	6 Hrs/Day
Bookkeeper, Motor Equipment Operator, Mechanic, Director of Parks & Recreation, Engineering Planning Coordinator	8 Hrs/Day
Deputy Town Clerk, Building Inspector, Recreation Supervisor, Clerk-Code, Planning & Zoning, Clerk-Highway Department, Senior Court Clerk, Court Clerk, Cleaner	7.5 Hrs/Day

BE IT FURTHER RESOLVED, that the Standard Work Day and Reporting Resolution RS 2418 be submitted to the Office of the New York State Comptroller for the purpose of the NYS Employees' Retirement System.

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

Councilperson Andra Benson	Aye
Councilperson Robert Cree	Aye
Councilperson Ruth Hopkins	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 16, 2012.

**RESOLUTION ESTABLISHING TEMPORARY FULL TIME CLEANER
POSITION:**

RESOLUTION 12-100

**RESOLUTION APPROVING AND AMENDING POSITION OF
TEMPORARY FULL TIME CLEANER**

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

WHEREAS, the Town has a current position of “Cleaner” in its Civil Service Roster, which position was temporarily reduced to part time upon an experimental basis and, due to the needs of such position and the number of buildings and facilities in which work and services are performed, there is a need to reinstate such position back to full time; and

WHEREAS, the Town wishes to proceed with a Temporary Full Time Cleaner Position on a temporary basis until December 31, 2012, said future position to be determined in the 2013 budget process; and

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

RESOLVED, that Position 602, Cleaner, as classified as a Labor Class Civil Service Position, be amended and reinstated to full time, with all resulting pay and benefits so accruing thereto; and it is further

RESOLVED, that the revised job description for such position, as amended, be and hereby is approved; and it is further

RESOLVED, that the Town Personnel Officer so notify the Tompkins County Department of Personnel of such change, and further, that such Personnel Officer be and hereby is authorized to take such other steps as are necessary to give effect to this Resolution 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 Andra Benson, duly seconded by Councilperson Ruth Hopkins, and put to a roll call vote with the following results:

Councilperson Andra Benson	Aye
Councilperson Robert Cree	Aye
Councilperson Ruth Hopkins	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 16, 2012.

**RESOLUTION SUPPORTING STATE SENATE BILL § 4616 (Avella)
ASSEMBLY BILL A7013 (Sweeney) TO AMEND THE ENVIRONMENTAL
CONSERVATION LAW IN RELATION TO THE UNIFORM TREATMENT
OF WASTE:**

RESOLUTION 12-101

**RESOLUTION SUPPORTING STATE SENATE BILL S4616
(AVELLA)/ASSEMBLY BILL A7013 (SWEENEY)
TO AMEND THE ENVIRONMENTAL CONSERVATION LAW
IN RELATION TO THE UNIFORM TREATMENT OF WASTE.**

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

WHEREAS, this Bill S 4616 (Avella)/A7013 (Sweeney) would require hazardous wastes produced from oil and natural gas activities to be subject to the requirements for treatment of hazardous wastes; and

WHEREAS, currently the oil and gas industry enjoys exemptions from New York State

Laws governing hazardous waste transport and disposal. Though a great deal of the wastewater generated by hydraulic fracturing meets the state definition of hazardous, it is not required to be treated as such; and

WHEREAS, the oil and gas industry is not required to disclose the chemicals used in the hydraulic fracturing process but the following chemicals are often found in waste water resulting from the hydraulic fracturing process: benzene, toluene, formaldehyde, salts, heavy metals, and radioactive particles; and

WHEREAS, closing this exemption loophole will require hydraulic fracturing flow back and produced water to be monitored through a manifest system and that extra safeguards will be in place to avoid accidents and ensure proper waste treatment; and

WHEREAS, such a designation will keep fracking wastes out of municipal treatment plants and the waterways leading to sources of drinking water.

THEREFORE BE IT RESOLVED that the Town of Lansing supports the immediate passage of the New York State Senate Bill S4616 introduced by Senator Avella which is the same bill as Assembly Bill A7013 introduced by Assemblyman Sweeney that would amend Section 27-0903 of the New York State Environmental Conservation Law and;

BE IT FURTHER RESOLVED this resolution be sent by the Town Clerk to Governor Andrew Cuomo, N.Y. Senate Majority Leader, Dean Skelos; Senate Minority Leader Sampson, N.Y. Assembly Speaker, Sheldon Silver; N.Y. Senators O'Mara, Seward, Nozzolio, Avella, Squadron, Kreuger, Perkins, and Serrano; U.S. House Representatives Maurice Hinchey and Richard Hanna, N.Y. Assemblywoman, Barbara Lifton; U.S. Senators Kirsten Gillibrand and Charles Schumer; DEC Commissioner Joseph Martens; EPA Region 2 Director, Judith Enck.

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

Councilperson Andra Benson	Aye
Councilperson Robert Cree	Aye
Councilperson Ruth Hopkins	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted May 16, 2012.

RESOLUTION APPOINTING TOWN ENFORCEMENT OFFICERS FOR VARIOUS LOCAL LAWS AND ORDINANCES:

RESOLUTION 12 –102

RESOLUTION APPOINTING TOWN ENFORCEMENT OFFICERS FOR VARIOUS LOCAL LAWS AND ORDINANCES

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

WHEREAS, the Town has adopted several local laws over the years pertaining to the enforcement of local and state laws and regulations, many of which require the appointment of “Enforcement Officers,” which term may vary from law to law, but which term herein means such Enforcement Officer or similar term or office as listed or defined in or by the local law or ordinance hereafter so referenced; and

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

RESOLVED, that, in addition to any enforcement officers identified in such law or ordinance, the persons filling the following positions be and are hereby confirmed and appointed as Enforcement Officers for the following local laws and ordinances:

Local Law #2 of 2004 (Highway Excavation & Construction): The Town Highway Superintendent, or his or her designees; the Deputy Highway Superintendent, or his or her designees; and any Town Code Enforcement Officer.

Local Law #5 of 2004 (Unsafe Buildings): Any Town Code Enforcement Officer; and any Town Building Inspector.

Local Law #7 of 2004 (Business Inventory Storage): Any Town Code Enforcement Officer; and any Town Building Inspector.

Local Law #1 of 2005 (Stormwater), as amended by Local Law #6 of 2009: Any Town Code Enforcement Officer (who shall also act as ECO thereunder).

Local Law #3 of 2006 (Mass Gatherings): Any Town Code Enforcement Officer; any Town Building Inspector; any Town Constable (whether an employee or contractor); and the Director of Parks & Recreation.

Local Law #4 of 2006 (Lock Boxes), as amended by Local Law #6 of 2009: Any Town Code Enforcement Officer; any Town Building Inspector; any Fire Inspector, Fire Captain, or Fire Marshall of the Town or any Fire District (or similar geographic district or area) affecting or located within the Town.

Local Law #6 of 2006 (Code Enforcement), as amended by Local Law #8 of 2009: Any Town Code Enforcement Officer; and any Town Building Inspector.

Local Law #2 of 2007 (Parks Rules and Regulations): The Director of Parks & Recreation, or his or her designees; any Deputy Director of Parks & Recreation, or his or her designees; and any Town Constable (whether an employee or contractor).

Local Law #6 of 2007 (Illicit Discharges): Any Code Enforcement Officer (who shall also act as SMO thereunder).

Local Law #2 of 2008 (Subdivisions): Any Town Code Enforcement Officer; and any Town Building Inspector.

Local Law #9 of 2009 (No Smoking on Certain Town Property): Any Town Code Enforcement Officer; any Town Building Inspector; and any Town Constable (whether an employee or contractor).

Local Law #1 of 2011 (Sewer Law): Any Town Code Enforcement Officer; any Town Building Inspector; and any Town Constable (whether an employee or contractor).

Town of Lansing Land Use Ordinance, as amended: Any Town Code Enforcement Officer; and any Town Building Inspector.

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

Councilperson Andra Benson	Aye
Councilperson Robert Cree	Aye
Councilperson Ruth Hopkins	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 16, 2012.

TOWN LAND LEASE RENEWAL:

RESOLUTION 12 –103

RESOLUTION APPROVING SILL FARMLAND LEASE

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

WHEREAS, the Town has had an annual written lease of excess town-owned land with Ray Sill, which lease is up for renewal for calendar year 2012, whereby the Town proposes to lease approximately 67 acres (as shown upon the map at the Supervisor’s office and as described as part of TP#31.-1-16.2) to Raymond Sill for such period at the rate of \$15.00 per acre, subject to the terms of a standard farm lease to be approved by the Supervisor and Town Counsel

WHEREAS, this lease will end on December 31, 2012, and prohibits the planting of any crop that is or may be harvestable after such date; and

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

RESOLVED and DETERMINED, that such 67 acres are excess property that the Town does not currently need for any operations or existing or proposed public use; and it is further

RESOLVED, that the form of the said lease as presented to this meeting is approved subject to (i) the execution of the final form of the lease with terms and language as approved by the Supervisor and Town Counsel, and (ii) a permissive referendum as required by Town Law § 64(3) and Town Law Article 7.

RESOLVED, that the Town Supervisor and Deputy Town Supervisor be, and each is hereby, authorized to execute such lease 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 Ruth Hopkins, duly seconded by Councilperson Robert Cree, and put to a roll call vote with the following results:

Councilperson Andra Benson	Aye
Councilperson Robert Cree	Aye
Councilperson Ruth Hopkins	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 16, 2012.

APPROVE AUDIT and BUDGET MODIFICATIONS:

RESOLUTION 12-104

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

CONSOLIDATED ABSTRACT # 005

DATED 5/16/12

AUDITED VOUCHER #'s 368 – 478

PREPAY VOUCHER #'s	<u>368 – 374</u>
AUDITED TA VOUCHER #'s	<u>32 – 37</u>
PREPAY TA VOUCHER #'s	<u>32</u>

<u>FUND</u>	<u>TOTAL APPROPRIATIONS</u>
GENERAL FUND	\$ <u>133,907.15</u>
HIGHWAY FUND	\$ <u>51,587.92</u>
LANSING LIGHTING	\$ <u>1,303.73</u>
LANSING WATER DISTRICTS	\$ <u>144,584.07</u>
TRUST & AGENCY	\$ <u>25,847.73</u>
WARREN RD SEWER-CAPITAL PROJ	\$ <u>0.00</u>
LANSING SEWER DISTRICTS	\$ <u>72.70</u>
DEBT SERVICE	\$ <u>0.00</u>

BUDGET MODIFICATIONS
GENERAL FUND A
5/16/12 Meeting

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
A599	A1420.400	From Fund Balance to Attorney Contractual	20,000.00
	Reason	To Cover Additional Expense not anticipated - Morris, etc	
A599	A1989.400	From Fund Balance to NYSEDA Energy Project	4,215.00
	Reason	For Increase Wages to complete Grant	

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

Councilperson Andra Benson	Aye
Councilperson Robert Cree	Aye
Councilperson Ruth Hopkins	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

BOARD MEMBER REPORTS:

Andra Benson:

Nothing to report at this time.

Robert Cree:

Town Board's Internal Audit:

Robert informed the Town Board that he has completed his report on the Town's Audit of Internal Controls for the Town of Lansing. The Town Board met two different days in April with department staff and reviewed the records. Mr. Cree extended his appreciation to all who provided information for the 2011 audit. Kathy Miller thanked Robert for providing his services along with the rest of the Town Board.

Ruth Hopkins:

Cell Tower Meeting:

Ruth attended the Tompkins County Cell Tower meeting and reported they are moving forward by applying for a grant. She stated this will give the Town perspective on whether the County's solution is going to be the Town's solution.

Edward LaVigne:

LOAP Van:

Ed met with the Senior Citizens and still has concerns about the future of the LOAP Van.

LHA:

The Lansing Housing Authority is moving forward with the elevator project.

Security at the Town Hall:

Ed is concerned about the security at the Town Hall and the safety of the employees. He has talked with Judge Howell on obtaining a grant to build a separate entrance for the Court use.

Lansing Highway Department:

Ed was approached by the Lansing Highway Department with concerns on the purchase of a new plow. He will be meeting with the Highway Department again to work on a 10 year equipment replacement plan. This will give the Town Board an idea of what the Departments expenses are. Within the next two to three weeks he will compile the information to discuss at the next Town Board's Work Session Meeting.

Kathy Miller:

Monthly Report:

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

Consultant to Assist with Updating the Comprehensive Plan:

Supervisor Miller discussed the hiring of Planner, Jonathan Kanter as a Consultant on a Pier Diem Basis to assist with updating the Comprehensive Plan and the Land Use Ordinance. Mr. Kanter is a former Town of Ithaca Director of Planning and currently serves on the Village of Lansing Planning Board. Consensus of the Town Board was to have Supervisor Miller pursue the cost along with the scope of the work Jonathan Kanter will perform.

RENOVATION OF THE COMMUNITY CENTER:

Supervisor Miller informed the Town Board that there have not been any renovations done to the Community Center in a very long time. The Lansing Lions Club will supply the paint and the Boy Scouts will volunteer to do the interior painting. The Lions Club is also looking into purchasing a new stove for the kitchen. Lynn Day is looking into having someone sand and seal the wood floors along with installing new flooring in the kitchen area. The Highway Department Crew will renovate the bathrooms in the winter when they are available.

When a completed list and costs are compiled the Town Board will then approve a resolution for the repairs.

Upon completion, the Exercise Groups that currently meet in the Town Board Room will be moved to the Community Center.

DISCUSS AGREEMENT FOR AMENDING THE LIBRARY LEASE:

The Town Board discussed the options in regards to the current Library Lease. Attorney Guy Krogh explained the concerns of the current lease. The continuation of the lease is problematic to both parties. As a School District Public Library, a gift by Local Law followed by a Public Hearing and the sale of the building by Permissive Referendum were discussed. If the Town transferred the title to the library they would then be eligible for grant money. Currently the lease states that the Town has a right to remove the tenant within 180 days and because of this clause the library is not eligible for grants under the NYS Comptroller's Office guidelines. If the library out grows the building and builds a larger one the building would then revert back to the Town.

After the fiscal issues were discussed, it was the consensus of the Town Board to have Attorney Guy Krogh research the options and report back to the Board.

TOWN COUNSEL REPORT:

AES:

Attorney Krogh informed the Town Board that he received four copies of the notice of deadline for filing proofs of claims (including claims under Section 503(b)(9) of the Bankruptcy Code) in regards to AES Eastern Energy. Attorney Krogh stated that the Town should make sure that the Tompkins County Assessment Department has filed notice of claim in regards to taxes.

Morris Case:

Attorney Krogh informed the Town Board that he will be in Auburn Tuesday, May 22nd representing the Town in the Joshua and Jessica Morris case.

ADJOURN MEETING:

RESOLUTION 12-105

Councilperson Robert Cree moved to **ADJOURN THE MAY 16, 2012 TOWN BOARD MEETING AT 9:20 PM.** Councilperson Andra Benson seconded the motion and it was carried by the following roll call vote:

Councilperson Andra Benson	Aye
Councilperson Robert Cree	Aye
Councilperson Ruth Hopkins	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

Minutes taken and executed by the Town Clerk.

Respectfully submitted,

Debbie S. Crandall