

SPECIAL TOWN BOARD MEETING
June 6, 2012

A Special 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 7:04 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 Darlene Marshall, Deputy 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, Ray Farkas, John O'Neill, Dan Veaner, Jonathan Kanter, Pat Pryor, Claes Nyberg, Ted and Martha Laux, Mike Koplinka-Loehr and a few other attendees.

PRIVILEGE OF THE FLOOR:

Supervisor, Kathy Miller asked if anyone would like to address the Board. No one present wished to address the Board.

APPROVE THE HIRING OF JONATHAN KANTER AS AN INDEPENDENT PLANNER:

Supervisor, Kathy Miller introduced Jonathan Kanter to the Board. Mr. Kanter indicated that he has been a Planner for over 32 years. He will be working with the Town of Caroline part-time as well as the Town of Lansing this year. Mr. Kanter is looking forward to working with the Town of Lansing.

RESOLUTION 12-106

**RESOLUTION HIRING JONATHAN KANTER AS A
TEMPORARY INDEPENDENT PLANNER**

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

WHEREAS, the Town of Lansing has a need for a Temporary Planner to assist with updating the Comprehensive Plan and the Land Use Ordinance along with additional projects; and

WHEREAS, said Planner will be consulted on a per diem basis; and

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

RESOLVED, that Jonathan Kanter be and hereby is approved to be hired as a Temporary Independent Planner on a per diem basis for the Town of Lansing at a pay rate of \$30.00 per hour, with a maximum amount not to exceed \$8,000 until December 31, 2012.

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

Accordingly, the foregoing Resolution was approved, carried and duly adopted on June 6, 2012.

SET PUBLIC HEARING REGARDING CWD MCKINNEY'S POINT WATER MAIN REPLACEMENT PROJECT:

RESOLUTION 12-107

RESOLUTION ORDERING AND SETTING PUBLIC HEARING REGARDING CWD MCKINNEY'S POINT WATER MAIN REPLACEMENT PROJECT

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

WHEREAS, the water mains along SR 34 need replacement and preliminary project estimates show a potential cost of \$652,000, thus necessitating public bidding, finance studies, and a public hearing pursuant to Town Law § 202-b, and the Town Board, on behalf of the Town of Lansing Consolidated Water District, had previously authorized a feasibility and cost study (the "Engineering Study") for such project by Resolution dated February 15, 2012; and

WHEREAS, the Town Board of the Town of Lansing is thus proposing to repair and improve the facilities of the Consolidated Water District, including Consolidated Water District Extensions #1 and #2, (all herein, "CWD"), consisting of a new replacement water main and related appurtenances for the main running to McKinney's Point; and

WHEREAS, the Engineering Study is hereby approved and includes a description of the proposed infrastructure of such project and the costs thereof, including installing approximately 1,400 linear feet of 12-inch CL52 ductile iron water main adjacent to NYS Route 34, 660 linear feet of 4-inch high density polyethylene pipe by directional drilling, 105 linear feet of 6-inch high density polyethylene pipe by directional drilling, valves, hydrant assemblies, multiple segments of temporary water main, re-connecting service laterals and surface restoration, amounting in all to a cost estimate of \$652,000.00, which amount is hereby declared to be the maximum estimated cost to the CWD and which costs shall be paid by expending O&M funds held by the CWD for the purposes of system-wide repairs and replacements; and

WHEREAS, this action is classified as an Unlisted Action under SEQRA and thus an environmental review is required; and

WHEREAS, in consideration of the public need for such repairs and improvements and the public interest so served thereby, and upon due deliberation upon the foregoing, the Town Board of the Town of Lansing has duly

RESOLVED AND DETERMINED, that

1. This action is classified as an Unlisted Action pursuant to 6 NYCRR Part 617.2(ak);
2. The Town Board of the Town of Lansing proposes to be the Lead Agency for environmental review, subject to consent or any requests for coordinated review by any Involved or Interested Agency, as applicable;
3. The Involved Agencies are determined to be the Tompkins County Highway Department, the NYS Department of Transportation, the Tompkins County Health Department, and SCLIWC (Bolton Point);
4. The Village of Lansing is determined to be an Interested Agency; and it is further

RESOLVED AND ORDERED, 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 7:10 o'clock P.M., to consider the CWD McKinney's Point Water Main Replacement Project (the "Project"), the Engineering Study, and the costs thereof, each and all as required by Town Law § 202-b, and to thereat 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 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; and it is further

RESOLVED, that the Town Clerk immediately cause a Notice of Intent relative to Lead Agency status to be issued and delivered to all Involved and Interested Agencies.

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

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

Accordingly, the foregoing Resolution and Order was approved, carried, and duly adopted on June 6, 2012.

BARN RENEWAL DRAKE ROAD:

RESOLUTION 12-108

**RESOLUTION AUTHORIZING THE ISSUANCE OF A \$94,483.75
BOND ANTICIPATION RENEWAL NOTE #01-12**

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

WHEREAS, the Town duly authorized expenditures to cover the cost of acquiring, constructing and equipping the improvements to be included in Extension No. 2 to the Town of Lansing Consolidated Water District (the "District"), consisting principally of the construction of a water distribution system covering a portion of Drake Road in the Town and the installation of water lines and meters, including valves, curb stops, original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements to provide municipal water services to the affected areas within said District, engineering and other preliminary costs, legal expenses and other costs incidental to the financing thereof (the "Project"), all of which Project expenses were authorized by a Final Order forming the District and funded by a Bond Resolution dated May 21, 2008, and which obligation(s) were satisfied, in accord therewith, by Bond Anticipation Note ("BAN") #01-09 (in the amount of \$145,000.00), as renewed by a Bond Anticipation Renewal Note ("BARN") #02-10 (in the amount of \$137,400.00), and by a BARN #01-11 (in the amount of \$133,500.00) dated June 17, 2011; which BARN #01-11 is hereby being renewed; and

WHEREAS, BARN #0-11 is approaching its maturity date and such financing must be renewed or the debt thereof paid, and in compliance with the Local Finance Law, the Town Board has decided to partially pay-down the debt pursuant to Local Finance Law § 23.00 by

making a principal and interest payment thereupon and issuing a BARN for the balance thereof; and

WHEREAS, the Town has contacted several lending institutions to find the lowest rates, and has determined that the Tompkins Trust Company, Ithaca, New York, has the best rates and terms for proposed BARN #01-12, to be issued in the amount of \$94,483.75 for one year at a 1.50% interest rate (non-callable); and

WHEREAS, this action is classified as a Type II Action under SEQRA and, as such, no environmental review is necessary or required; and

WHEREAS, after a review of the foregoing and due deliberation and consideration thereof, and in compliance with Local Finance Law § 38.10, and other requirements of law, the Town Board of the Town of Lansing has hereby

RESOLVED, that

Section 1. BARN #01-12 hereby authorized is for the payment of indebtedness relating to the purchase and acquisition of goods to construct the Project for the District.

Section 2. The said BARN hereby authorized was authorized pursuant to a Bond Resolution dated May 21, 2008, which Bond Resolution was duly issued under the Local Finance Law, with such Project being subject to permissive referendum as required by law.

Section 3. It is hereby determined that the cost of indebtedness relating to the objects and purposes of this Resolution is \$94,483.75; said amount is hereby appropriated there for, and the plan for the financing thereof shall consist of the issuance of up to \$94,483.75 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law.

Section 4. The Town of Lansing hereby authorizes the expenditure of up to \$94,483.75 for the payment of the obligations relating to the Project, which amount shall be paid by the issuance of BARN #01-12, together with a principal payment to be made in relation thereto in the amount of \$4,000.00 (to be applied to the payment of BARN #01-11).

Section 5. No other BANs or BARNs are issued and outstanding for the payment of the indebtedness relating to the Project (except BARN 01-11, which is being paid in full by BARN #01-12 upon June 15, 2012, as herein and hereby authorized).

Section 6. The BARN authorized by this Resolution is a renewal of BARN #01-11, issued June 17, 2011.

Section 7. The BARN authorized by this Resolution shall be dated June 15, 2012, and shall mature and be and become due and payable upon June 14, 2013.

Section 8. The BARN hereby authorized is for an assessable improvement of or within the Town, namely, the Town of Lansing Consolidated Water District Extension Number 2.

Section 9. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created is hereby authorized pursuant to § 165.10 of the Local Finance Law for the purposes described in this Resolution. The Town shall reimburse such expenditures with the proceeds of the BARN authorized by this Resolution. This Resolution shall constitute a declaration of official intent as required by United States Treasury Regulation § 1.150-2. Other than as specified in this Resolution, no money is, or is reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 10. The full faith and credit of said Town of Lansing, Tompkins County, New York, is hereby irrevocably pledged to the payment of the principal of and interest on said Bonds and the BARN hereby authorized as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and

interest due and payable in such year. Such appropriation shall be made from the several lots and parcels of land in the Town of Lansing in the manner provided by law for general taxation thereupon. In the event the collection of such assessments shall be less than the amount required to pay the principal and interest of such obligations as they shall become due, the Town Board shall direct that surplus moneys not otherwise appropriated be applied, or the Town shall take such other action as is permitted or required by law to assure the timely payment of such obligations.

Section 11. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of BANs and renewals thereof (in anticipation of the issuance and sale of the serial bonds) was and is hereby again delegated to the Town Supervisor, as Chief Fiscal Officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law and the Bond Resolution aforesaid.

The question of the adoption of such proposed Resolution was duly motioned by Councilperson Ruth Hopkins, duly seconded by Councilperson Edward LaVigne, 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 June 6, 2012.

SCHEDULE PUBLIC HEARING FOR 2012 BURDICK HILL TANK PROJECT:

Councilperson Ruth Hopkins inquired about the reason for the improvement. Supervisor, Kathy Miller indicated the old tank is being replaced. Once the new tank is in place, the old tank will be refurbished and available for use as a back up.

RESOLUTION 12-109

**SCHEDULE PUBLIC HEARING FOR CONSTRUCTION, FINANCING
AND OPERATION OF AN INTERMUNICIPAL WATER SUPPLY AND
TRANSMISSION SYSTEM RELATING TO 2012 BURDICK HILL TANK PROJECT
(NEW TANK NO. 1)**

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

WHEREAS, the Town Board of the Town of Lansing, Tompkins County, New York, in conjunction with the Village of Lansing and the Village of Cayuga Heights, and the Towns of Dryden and Ithaca, has determined and agreed to participate in the provision of a joint water project for construction of a new water tank at Burdick Hill Road and construction of a new water transmission main at North Triphammer Road and to contract joint indebtedness therefor in accordance with Section 15.00 of the Local Finance Law pursuant to an Agreement of Municipal Cooperation for Construction, Financing and Operation of an Intermunicipal Water Supply and Transmission System (the "Intermunicipal Agreement"); and

WHEREAS, the Town Board of the Town of Lansing, Tompkins County, New York, has had under consideration for said purpose the increase and improvement of the facilities of the Consolidated Water District (including Consolidated Water District Extensions #1 and #2) in and for said Town, consisting of (i) the construction of a new water tank at Burdick Hill Road; and (ii) and construction of a water transmission main at North Triphammer Road; and

WHEREAS, a map, plan and report including an estimate of cost, relating to said increase and improvement of facilities has been duly prepared; and

WHEREAS, the maximum estimated cost to said District of such increase and improvement is initially determined to be \$302,200, it being further determined that the remaining \$1,697,000 of the overall \$2,000,000 cost of this project, shall be initially apportioned and allocated to the Villages of Lansing and Cayuga Heights and water districts in the Town of Dryden and water improvement areas in the Town of Ithaca and that joint indebtedness shall be issued therefor and that the ultimate share of the cost to be allocated to the Town of Lansing pursuant to the aforescribed Intermunicipal Agreement shall be determined on the basis of benefits received or conferred or to be received or conferred from the aforesaid improvement; and

WHEREAS, the cost shall be annually apportioned and the amounts so apportioned shall be annually assessed upon all the taxable real property in such District at the same time and in the same manner as other Town charges, in an amount sufficient to pay said principal and interest as the same become due and payable, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds; and

WHEREAS, said \$2,000,000 maximum estimated cost shall be authorized to be financed by the joint issuance by the Town of Ithaca, with the Towns of Dryden and Lansing and the Villages of Cayuga Heights and Lansing, of joint serial bonds with a maximum not in excess of the forty year period prescribed by the Local Finance Law; and

WHEREAS, the aforesaid project has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, it has been determined will not result in any significant effects; and

WHEREAS, it is now desired to call a public hearing on said proposed increase and improvement and the map, plan and report including estimate of cost pursuant to Section 202-b of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Lansing, Tompkins County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Lansing, Tompkins County, New York, shall be held at 29 Auburn Road, in Lansing, New York, in said Town, on the 20th day of June, 2012, at 7:15 o'clock P.M., prevailing time, for the purpose of conducting a public hearing on the proposed increase and improvement of the facilities of the Consolidated Water District (including Consolidated Water District Extensions #1 and #2) in said Town and the map, plan and report including estimate of cost as described in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be in substantially the form attached hereto as Exhibit A and hereby made a part hereof.

Section 3. This Order shall take effect immediately.

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 June 6, 2012.

ADJOURN MEETING:

RESOLUTION 12-110

Councilperson Andra Benson moved to **ADJOURN THE JUNE 6, 2012 SPECIAL TOWN BOARD MEETING AT 7:18 PM** to commence the **WORK SESSION MEETING**.

Councilperson Ruth Hopkins 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 Deputy Town Clerk.

Respectfully submitted,

Darlene Marshall

TOWN BOARD WORK SESSION MEETING
June 6, 2012
TOWN HALL BOARD ROOM, 29 AUBURN RD, LANSING, NY

PLEASE NOTE: The primary purpose of the Town Board Work Session is to be informational/educational for the benefit of the Board Members. Public comment will be taken at the Regular Meetings when the items are scheduled on the agenda.

Meeting Time: 7:20 pm – 9:45 pm

Town Board Members Present:

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

Also Present: Guy Krogh, Town Attorney, Pat Pryor, John O'Neill, Jonathan Kanter, Dan Veaner, Ted and Martha Laux and a few other attendees.

The following items were discussed at the Work Session Meeting:

Sewer Districts

Watchtower Paperwork

Development of Town Lands

Public Hearing to Amend Dog Law to Allow Dog Parks – Board Members will e-mail any questions to Councilperson Ruth Hopkins for the June 20th meeting.

Public Hearing on CWD Local Law – Board Members will e-mail questions to Attorney Guy Krogh for the June 20th meeting.

Public Hearing on Updates on Roadway Excavation Local Law - Board Members will e-mail questions to Attorney Guy Krogh for the June 20th meeting.

Library Lease

With no further business, the meeting ended at 9:45 pm.

Notes were taken by Supervisor, Kathy Miller and executed by Deputy Town Clerk, Darlene Marshall.