

REGULAR TOWN BOARD MEETING
OCTOBER 17, 2012

A Regular Meeting of the Lansing Town Board was held at the Town Hall Board Room, 29 Auburn Road, Lansing, NY on the above date at 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 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, Cricket Purcell, Deputy Highway Superintendent, Steve Colt, Park Superintendent and Recreation Director, Jeff Overstrom, Engineering and Planning Coordinator, Pat Pryor, Tompkins County Representative, Katrina Binkewicz, Dan Veaner, Claes Nyberg, Dave and Joyce Heck, Ted Laux, Mike Koplinka-Loehr, John O'Neill, Philip Snyder, Pat Paine, and a few other attendees.

OPEN PUBLIC HEARING - PROPOSED DRAINAGE DISTRICT #7 – WOODLAND PARK:

RESOLUTION 12-189

Supervisor Kathy Miller moved to **OPEN THE PUBLIC HEARING ON THE PROPOSED DRAINAGE DISTRICT #7, WOODLAND PARK** at 7:05 p.m. Councilperson Robert Cree 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

CLOSE PUBLIC HEARING:

RESOLUTION 12-190

All persons desiring to be heard, having been heard, Supervisor Kathy Miller moved to **CLOSE THE PUBLIC HEARING ON THE PROPOSED DRAINAGE DISTRICT #7, WOODLAND PARK** at 7:06 p.m. Councilperson Robert Cree 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

OPEN PUBLIC HEARING – SEQRA REVIEW OF THE PROPOSED DRAINAGE DISTRICT #7 – WOODLAND PARK:

RESOLUTION 12-191

Supervisor Kathy Miller moved to **OPEN THE PUBLIC HEARING ON SEQRA REVIEW OF THE PROPOSED DRAINAGE DISTRICT #7 WOODLAND PARK**

at 7:11 p.m. Councilperson Robert Cree 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

Dave Heck – 12 Ladoga Park:

Mr. Heck asked where Woodland Park is located. Supervisor Kathy Miller explained it is a development off Warren Road and is located in the woods.

Mr. Heck asked how many units there are. Supervisor Kathy Miller stated there are two duplexes currently. Jeff Overstrom stated there will be 72 units in the development.

CLOSE PUBLIC HEARING:

RESOLUTION 12-192

All persons desiring to be heard, having been heard, Supervisor Kathy Miller moved to **CLOSE THE PUBLIC HEARING ON SEQRA REVIEW OF THE PROPOSED DRAINAGE DISTRICT #7 WOODLAND PARK** at 7:14 p.m. Councilperson Robert Cree 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

RESOLUTION DECLARING DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE AND NEGATIVE DECLARATION FOR PROPOSED DRAINAGE DISTRICT #7 – WOODLAND PARK:

Councilperson Robert Cree read the Short Environmental Assessment Form explaining the following Resolution.

Councilperson Ruth Hopkins asked for clarification as why this is being done now and not back when they did the development.

Attorney Guy Krogh indicated there would have been a separate SEQRA review for the Subdivision approval and PDA approval which occurred and that anticipated that a Drainage District would be formed and a supplemental review would be done or review the Drainage District itself because it is a separate action under SEQRA.

Councilperson Ruth Hopkins stated she remembers when this was done and seeing all the drainage on the map and asked why it wasn't done at that time.

Attorney Guy Krogh stated reviewing the drainage as it is laid out for sight plan, sight plan is subject to SEQRA and creating the district is subject to SEQRA so we are not looking at sight plans we are looking at district creation. Attorney Guy Krogh agrees that SEQRA could have been better written to be a more coordinated and universal form of review but each action is subject to SEQRA, each action has to be classified and the only way around that is to hold up all the approvals until you have everything written which never really works or do a generic environmental impact statement which is expensive and time consuming. So they are doing multiple reviews of the same project because of the way the SEQRA is written.

RESOLUTION 12-193

RESOLUTION DECLARING DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE AND NEGATIVE DECLARATION FOR PROPOSED DRAINAGE DISTRICT #7 (WOODLAND PARK PDA)

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 Woodland Park Planned Development Area (the "PDA"), as depicted upon an approved preliminary subdivision plat therefor and in the SWPPP for such PDA, all pursuant to the Town's Stormwater Local Law; and

WHEREAS, the Developer has requested the creation of a Drainage District, and the Town Board has issued a Public Interest Order relative to formation of the said Drainage District #7 and conducted a SEQRA review to examine the environmental impacts of such proposed Drainage District, and to review the proposal in light of the Town's Land Use Ordinance and Comprehensive Plan; and

WHEREAS, a public hearing to consider the environmental impacts of the proposed action was duly held on October 17, 2012, 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, 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, after consideration of the above impacts, and 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 formation of Drainage District #7 - 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 there under, 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 if 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 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 October 17, 2012.

APPROVE FORMATION OF DRAINAGE DISTRICT #7 – WOODLAND PARK:

RESOLUTION 12-194

**RESOLUTION CONDITIONALLY APPROVING FORMATION OF
DRAINAGE DISTRICT #7 (WOODLAND PARK PDA)**

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 Woodland Park Planned Development Area (the “PDA”), as depicted upon the Plat map and in the SWPPP for such PDA, all pursuant to the Town’s Stormwater Local Law; and

WHEREAS, the Developer has requested the creation of a Drainage District, herein Drainage District #7, and the Lansing Town Board having received input and assent to proceeding by the proposed affected property owners for the establishment of proposed Drainage District #7, and it appearing that the request is in compliance with required Town procedures established under Town Law Article 12-A; and

WHEREAS, the Lansing Town Board having previously determined that a drainage district was needed for the PDA, and had previously reviewed and approved the map, plan and report (“MPR”), as duly sealed by its Engineer, and no objection or request for a referendum having been filed or received, and the Town Board having reviewed and accepted the MPR as prepared and submitted by the Town Engineer as final, which said MPR is and has been on file at the Town Clerk’s Office for review; 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 #7, 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 October 17, 2012, 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 boundaries of the proposed district are inclusive of all that land now or formally known as Tax Map Parcel 41.-2-5, as depicted in the MPR as Map 1, being located west of Warren Road and north of Hillcrest Road, and being approximately 60 acres in size as currently owned by Cardamone Home Builders, each and all as are on file at the Town Clerk’s Offices, which Map and Plat are incorporated herein, and which Map and Plat show all of the lots within the said PDA and all lots thus benefitted by proposed Drainage District #7; (2) the proposed improvements consist of stormwater retention ponds, a series of vegetated swales and ditches to convey stormwater to the pond forebay, rip rap, a culvert, and other related stormwater facilities and drains, all of which are set forth upon the Plat (which Plat is expressly herein incorporated herein, as now exists or as hereafter amended); (3) that 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) with the Town’s maintenance responsibilities to include inspections, sediment and debris removal, vegetation management, animal and nuisance management, erosion control, and structural repairs; (5) with the Developer will provide easements and rights-of-way to the Town and the District for normal maintenance and emergency access, and title to the ponds and forebays are proposed to be dedicated to the Town or District, as then applicable; (6) the estimated cost to the Town and the District for the proposed improvements is \$0.00, which is the maximum amount proposed to be expended by the Town or the District; (7) there is no hook-up cost for or to the drainage district; (8) there is no financing needed for this project; (9) the Map, Plan and Report are on file for public review and inspection at the Office of the Town Clerk; (10) a public hearing was duly held as required by law; (11) the Map, Plan and Report 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 \$121.80 per parcel (excluding the HOA parcel, with a cost of \$300.00 plus the HOA costs of infrastructure maintenance); such costs are proposed to be paid through special benefit assessments for the benefited parcels of the proposed district, to be collected with the annual Town and County tax bill (and for the HOA, though a combination of benefit assessments and obligations expressed within a Stormwater Operations, Management & Reporting Agreement (“SOMRA”)); 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 17, 2012, 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, the Town desires to proceed towards establishment of Drainage District #7 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: (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 Drainage District #7 are benefited thereby; (iii) all benefited properties and property owners are included within the said District; and (iv) the establishment of Drainage District #7 is in the public interest; and it is further

RESOLVED AND DETERMINED, that the boundaries of said District are (i) wholly outside the boundaries of any incorporated city or village, and (ii) are defined as inclusive of the boundaries of all that land now or formally known as Tax Map Parcel 41.-2-5, as depicted in the MPR as Map 1, being located west of Warren Road and north of Hillcrest Road, and being approximately 60 acres in size as shown upon the Map and by the real property metes and bounds descriptions as are on file at the Town and/or County Clerk's Offices (which descriptions are herein incorporated); and it is further

RESOLVED AND SO ORDERED, that the establishment of Town of Lansing Drainage District #7 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; and it is further

RESOLVED, that the Supervisor and/or Deputy Supervisor be, and each is hereby, authorized to negotiate the final terms of and execute the SOMRA by, for, on behalf of, and in the name of the Town of Lansing and Town of Lansing Drainage District #7.

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 was approved, carried, and duly adopted on October 17, 2012.

OPEN PUBLIC HEARING – PROPOSED LOCAL LAW #6 OF 2012 TO OVERRIDE THE TAX LEVY LIMIT:

RESOLUTION 12-195

Councilperson Robert Cree moved to **OPEN THE PUBLIC HEARING ON PROPOSED LOCAL LAW #6 OF 2012 TO OVERRIDE THE TAX LEVY LIMIT** at 7:18 p.m. Supervisor Kathy Miller 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

Councilperson Robert Cree stated that for those that weren't here last month the reason they are doing this is just for procedural purposes. Credit rating agencies look favorable on municipalities that took the extra step and passed the override tax limit that the State has in place. Councilperson Robert Cree indicated that they are not looking to raise taxes

above the tax limit that has been set by the State. Councilperson Robert Cree feels it is very prudent that they take this action as a Board in the event that something happens they have that latitude.

Councilperson Edward LaVigne agreed with Councilperson Robert Cree that this is the prudent thing to do.

Councilperson Robert Cree stated he shared this with everyone last month that this came up as part of the Bolton Point Commission credit rating process. The credit rating agencies look favorable upon municipalities that have passed resolutions similar to this.

Supervisor Kathy Miller indicated that raising the levy would not necessarily raise your taxes.

Dan Veaner from the Lansing Star asked if the Town was looking at another tax cut.

Supervisor Kathy Miller indicated the Town was looking to maintain the same tax rate as last year.

CLOSE PUBLIC HEARING:

RESOLUTION 12-196

All persons desiring to be heard, having been heard, Councilperson Robert Cree moved to **CLOSE THE PUBLIC HEARING ON LOCAL LAW #6 OF 2012 TO OVERRIDE THE TAX LEVY LIMIT AT 7:22 p.m.** 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

ADOPT LOCAL LAW #6 OF 2012 TO OVERRIDE THE TAX LEVY LIMIT:

RESOLUTION 12-197

**RESOLUTION ADOPTING AND ENACTING
LOCAL LAW #6 OF 2012
TO OVERRIDE THE TAX LEVY LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

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

WHEREAS, the Town Board of the Town of Lansing is hereby authorized to adopt a budget for the fiscal year 2013; and

WHEREAS, said proposed Local Law proposes: (1) to override the limit on the amount of real property taxes that may be levied by the Town of Lansing, County of Tompkins pursuant to General Municipal Law §3-C (2) pursuant to Town Law Article 12-C, governed by the Town Board for the fiscal year beginning January 1, 2013 and ending December 31, 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-C; and

WHEREAS a Public Hearing was duly held upon October 17, 2012, at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, whereat the public was invited to comment upon the proposed Local Law, and whereat all persons interested in the subject were duly heard and all evidence submitted, if any, was duly received; and

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

RESOLVED, that Local Law Number 6 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 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 Ruth Hopkins	Aye
Councilperson Robert Cree	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on October 17, 2012.

TOMPKINS COUNTY REPRESENTATIVE – PAT PRYOR:

To: Lansing Town Board

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

Re: October 2012 Report

Date: 10/17/2012

1. **Broadband Grant:** At its meeting on Monday, October 1, 2012 the Tompkins County Legislature voted unanimously to endorse the application of Clarity Connect, Inc., lead applicant, and its partners, to the Southern Tier Regional Economic Development Council (STREDC). The grant, if funded, would bring +/- \$3,000,000 to Tompkins and Cayuga Counties to extend broadband Internet service to about 98% of rural unserved homes and businesses. The entire project cost of +/- \$4,000,000, will require that the remainder of the project be funded by Clarity Connect, Inc. and/or its partners, either through cash or in-kind contributions.

By combining the two counties in a single project Clarity is able to leverage the lower costs of installation in Cayuga County with the higher installation costs in Tompkins County to lower overall costs. The topography of Cayuga County, with fewer hills and valleys, allows for lower infrastructure costs. Plus, the wireless signal to homes overlaps both counties in some places, thus combining the counties requires fewer towers than doing each county separately.

Among the partners in the application are Finger Lakes Technology Group and Haefele TV, therefore enabling the project to have the choice of fiber technology where most practical and wireless technology in the majority of the unserved areas. Fiber is the technology of choice where population density justifies its

cost, but in about 90% or more of the unserved areas fiber providers will not extend service because the return on investment is not worth it to them.

Other strengths of the application include that it is “shovel ready”, has widespread municipal support, has a well developed plan for bringing digital literacy programs and awareness to potential users, partners with the county library system and local school districts, and offers discounts for low income families.

We do not expect to hear whether we will receive funding until late November or even December this year. In the meantime the Special Committee on Broadband will continue to meet to discuss how to proceed in the event that we do not receive funding through this particular grant opportunity.

2. The county budget process has revealed that there are two agencies that receive funding from the county that face serious financial challenges in the near future, primarily because of the recession and its accompanying impacts.

One agency is the TC Industrial Development Agency (IDA). Founded in 1964, the IDA over the years has invested in projects involving new and/or existing businesses that have created 4,200 new jobs in Tompkins County, jobs with an average wage per hour of \$22.90.

For over 30 years the IDA depended on the county for a large part of its operating budget. However, from about 1997 until now, fees from businesses receiving assistance from the IDA have been robust and have allowed the county to reduce its portion of the IDA’s operating budget to virtually \$0. However, fee based income for the IDA dropped dramatically since the market crash in 2009 as businesses retrenched and have been slow to invest in new or expanded initiatives.

The drop in fee based income has created a structural deficit in the IDA budget and the county has been asked to assist in addressing that deficit, a situation that may continue until the economy again begins to grow more quickly. An IDA Funding Task Force has been established to make recommendations to the County Legislature on how this issue might best be addressed. The Task Force is expected to report back to the Legislature by year’s end with a long-term recommendation. In the meantime, we are being asked to add \$170,000 in one-time funding to the 2013 budget to meet the need temporarily. I have been asked and have agreed to serve on the IDA Funding Task Force.

The second organization experiencing recession related budget stress is the Tompkins County Public Library (TCPL). The TCPL has seen a severe drop in the funding it has always, until now, received from the state. At the same time demand for its services has continued to grow each year, especially with the rapid growth of e-books and other tools used in connection with digital literacy and the changes in technology in our society. Add to that the fact that TCPL is the lead library in the Finger Lakes Library System, a position that brings thousands of dollars to the county, but also brings with it very specific demands and criteria that must be met to keep that position. Those criteria involve such things as how many hours the library is required to be open each week, that it must be open 7 days a week, that staffing must be maintained at a certain level, that certain services to the public must be maintained, etc. Those requirements leave little room to make cuts to meet the needs of declining revenue.

Since 2009 the TCPL has dipped into its reserves each year to maintain the minimal level of services required. However, after 2013 the reserves will be

gone. The Legislature and TCPL leadership have just begun discussions as to possible solutions to this serious issue.

I wanted to make you aware of these problems as I'm sure you'll hear more about them in the future and I thought it would be important for you to have some background information.

3. The Legislature passed two resolutions last evening that will permit the county to move ahead with the Ludlowville Stormwater Control Project, proposed for construction in 2013.

Pat Pryor indicated that she had the opportunity to present the Distinguished Youth Award last night to Dylan Bland and Agnes Czaki both from Lansing High School.

Councilperson Robert Cree asked if the IDA Budget includes the Development Corp. Pat Pryor indicated they operate together and work together but they are separate organizations. Councilperson Robert Cree asked when talking about lost revenue or loss there of is it on the IDA side. Pat Pryor indicated it is on the IDA side.

Councilperson Edward LaVigne asked when the County Budget has to be offered for public evaluation. Pat Pryor expects that by the end of October or middle of November they will probably pass the budget. The date for the Public Hearing has not been set yet which will be held before the budget is passed.

Councilperson Edward LaVigne indicated that if a community group or organization asked him for \$170,000 for onetime funding, he would like to see what their long term plans are. Pat Pryor indicated that every organization even their departments that are requesting funds for 2013 submit communication to the Legislature including what they have done so far and their plans for the future and what their proposed budget is and that would certainly include the IDA.

Councilperson Edward LaVigne indicated that this seems to be a chronic situation that needs to have a long term plan of correction.

Councilperson Edward LaVigne inquired about whether the lead library had to be in Ithaca.

Pat Pryor indicated that the lead library is usually located in the largest metropolitan area but it could be any other library in Tompkins County. The main source of the problem is that the State funding has dropped dramatically. If the State was still funding the Library at the level it was in 2008 they wouldn't have this problem.

Councilperson Ruth Hopkins stated the County has a summary of each program including the budget on its website which is an excellent resource.

Cricket Purcell asked if the County had any idea about the tentative tax rate increase.

Pat Pryor indicated they are looking at about a 3.7% or 3.8 % increase.

Cricket Purcell asked what the County's plan is as far as the 2% tax cap. It seems the County hasn't worked very diligently to stay under it since it started.

Pat Pryor stated there is an interesting formula the State has and there are a number of variables that go into that and each year each County has to figure out what their tax cap is based on these variables. This year it looks like the County Tax Cap is going to be right around 3.0% or 3.2%. So what the County is proposing is just over the tax cap. The problem the County has is that programs the State requires them to provide use up the tax cap. If the County only provides programs the State requires, it would use up the entire tax cap and not leave any room for other programs the County feels are important to provide.

Supervisor Kathy Miller asked if there is a chance for the County to say they don't want the State Mandates. Pat Pryor indicated that they are very active in the State Association and active in advocating with the State to tackle the mandate problem.

Councilperson Ruth Hopkins stated she thought she remember the tax levy was going up around 3.7% funded in part by increase in tax rates and sales tax but she thought Pat Pryor had said the tax rate was closer to 2%.

Pat Pryor indicated that actual tax increase per \$1,000.00 is something like \$0.11 and the tax rate increase if less than the levy.

PRIVILEGE OF THE FLOOR:

Phillip Snyder – 53 Myers Road:

Mr. Snyder read the following handout which he provided to the Board.

October 17, 2012

To: Lansing Town Board

From. Philip Snyder & Patricia Paine 53 Myers Road, Lansing 533 1088

Re: the proposed sewer district

We think few people in our neighborhood have a clear idea of what is currently being proposed with the new town sewer system and district. Most of the homes here on Myers Rd are sitting on glacial outwash gravel-- ideal for septic systems. As the saying goes, "If it ain't broke, why fix it....?"

We are very concerned about these costs, at least \$500-600 per year plus the future cost of hooking up, which apparently would be forced on all of us after 5 years. Printed reports also state costs could be \$77 per month, like \$900+ per year. And these figures depend on the projected developments happening up in the future town center. If they do not develop, who bears the costs then? What protection do we have?

Like ourselves, many of our neighbors are retired or semi-retired and on fixed income. These monthly expenses, which begin as soon as the sewer line runs by our houses, are a hard blow.

It would seem we are the ones who are bearing the brunt of the sewer costs whether we need or want it. Sure some people in Ladoga want it; perhaps they do not want to pay to upgrade their septic systems. Have definitive tests been done of all their systems? Have you explored the feasibility of their joining together as an alternative waste water system, perhaps with their leach field being the nearby town land which is gravel and ideally suited for this? Others promoting the currently sewer plan may have a direct vested interest in the sewer-- developers, perhaps even people on the sewer committee itself.

It has been said that the park was at times negatively affected by e-coli readings—there seems to be an assumption this comes from failing systems from Ladoga. We go down to the park almost every day-- the main pollution impact at the park is clearly Salmon Creek, which is chocolate brown with every major rain. Is it human or animal e-coli? When there is a north wind (typical), the creek outflow curls around into the bay of the park beach-- this is very clearly delineated by the gravel bank that arcs around, visible when the lake level is down in winter. We have witnessed this outflow pattern countless times.

Speaking of impacts, inn fact the lake will have more chemicals, phosphates, nitrates going into it with the sewage system effluent outflow than the current dispersed septic systems-- no matter how good the new system is

We understand the rationale for a town center and generally support it-- but not if core costs for this are borne by people who have limited income and no interest in the sewage system.

Did you cost separately the trunk that goes from the school down Myers Rd to Myers and Ladoga? This requires major pumping to get back up to the treatment plant-- does it really make fiscal sense? Except perhaps that you want us to bear the cost on the project to make it feasible overall (?). This does not sit well.

Also, the town will be incurring costs for the sewage system, which will get reflected in our taxes going up-- so this means people in the sewer district are effectively going to be taxed twice-- one for the system and again in general taxes. Hardly fair.

Even the school system seems rather less urgent in the Hunt engineers report-- upgrading the sand filters is hardly dire and we bet a lot less costly. Why not a reconfigured gravity system that is concentrated in the area around the proposed town center, leaving the houses on Myers Road, Myers, Ladoga, etc out of the system? Have you explored alternate sewage systems for the town center development which could utilize the extensive land that is part of the town center?

In sum, we are alarmed and so are many here as they learn of what is being planned and how it affects us. In the interests of basic democracy, we believe the town should mail to each resident in the proposed district a clear, straightforward statement that spells out all the projected costs and the remaining questions and contingencies. Then, with adequate time, we who will be directly affected by this district should have the chance to vote on it.

We recognize that a lot of work has gone into this already, but it seems there has been little or no input from residents who will be directly affected. Thank you for your attention this memo.

Supervisor Kathy Miller indicated that all of the Sewer Meetings have been open to the public. Dave Herrick is working on what the cost per year would be per household because it is based on the water consumption. That figure will be available for everyone and you can look at it and see what it would cost you per year. As far as hooking up, that will also be done. When the Board has the final Map, Plan and Report then it will go out and it will have all of these numbers in it. Supervisor Kathy Miller indicated that she sympathizes with what Mr. Snyder is saying but she knows two people in Myers who want to sign up now, so it is not 100% (percent) and she realizes that. They have talked about doing a survey to see how many people are in favor of sewer and how many don't want it. Supervisor Kathy Miller thinks a survey is a good thing to do but it won't be done until they have the correct and final information.

Supervisor Kathy Miller stated they have not looked at a system across the street. The idea is to try and bring sewer to the largest amount of people for the lowest cost. This is a good time for this project because interest rates are low and there is money out there. Supervisor Miller indicated the longer they wait, prime rates will go up and there may be less money available. As far as the school, that is a wash whether they come on board or put in a new system. Once they hook up to sewer their only responsibility is the line from the school to the main sewer line.

Supervisor Kathy Miller indicated one of the things they did consider was a constructive wetlands for the Town Center. However, she spoke to an engineer who builds constructive wetlands at the Association of Towns meeting last year, who told her that he would never put a constructive wetlands north of New Jersey of this size. Also the DEC will not issue a permit for constructive wetlands.

Mr. Snyder also commented that the assumption that water usage translates into the amount of water going into the sewer is inaccurate in some households and this is possibly unfair.

Supervisor Kathy Miller indicated that you can meter that. The Village of Cayuga Heights has now switched over to consumption because they feel this is actually fairer than just charging a flat fee.

Councilperson Edward LaVigne thanked Mr. Snyder for his comments. Councilperson Edward LaVigne stated he is on the Sewer Committee and he appreciates Mr. Snyder's concern. They have been going over this since October of last year and looked at several systems. He wouldn't present something unless he felt it is a good product that is affordable and good for the Town of Lansing. Councilperson Edward LaVigne stated the people of the district will be the ones that vote and control this. Councilperson Edward LaVigne gave his phone number to Mr. Snyder and indicated he is here to give clarity and correct information.

Supervisor Kathy Miller indicated the Middle School was not included in the school calculation as that system is good for another five or six year. If the Middle School is included, it actually pays the school because they wouldn't have to replace that system later.

Dave Heck – 16 Ladoga Park:

Mr. Heck expressed his appreciation for the work the Highway Department has done for the resurfacing of Myers Road and the shoulders. Mr. Heck also thanked the Highway Department for the mowing and ditching. Mr. Heck indicated there now is an arbor of trees which gives a nice view and gateway to the Park due to the work of the residents on the hill.

Mike Koplinka-Loehr – 21 Ross Road:

Mr. Koplinka-Loehr requested that if between now and November a Board Member resigns, that they have a transparent process to seat someone so there is a full five member board for voting.

PLANNING and ENGINEERING DEPARTMENT REPORT:

[Engineering & Planning Coordinator](#)
[Planning Department](#)
[Town Board Meeting 10/17/12](#)

[Lansing Station Rd. / Algerine Rd. Drainage](#)

Residents constructing a new home installed a drainage pipe that directed and discharged water within the Norfolk Southern rail road right-of-way and onto the tracks. I talked to the home owners and am working with them to mitigate the situation. The Town Highway Department has also helped by installing new roadside drainage along Lansing Station Rd.

[TCAT Bus Pull-Off at Warren Road](#)

The recent and proposed development projects along Warren Road have created interest in having TCAT bus pull-off stations located on the North and South sides of Warren Road. I spoke with the Tompkins County Highway Department and they said they weren't opposed but questioned who would pay for them and who would maintain them. They also suggested I contact land owners on either side of the road to ask if they would be interested and if they would be willing to provide an easement for the construction of the pull-offs. The property owner on the West side of Warren Road was definitely not interested and the property owner on the East side said they would be interested. A recent letter from TCAT recommends a pull-off for the South Bound lane and that they have decide not to provide an internal loop into the Lucente project.

[Land Use Ordinance Changes](#)

I am working with my staff to begin to prepare a list of suggested changes to the current Land Use Ordinance.

Jeff Overstrom indicated he will meet with Jonathan Kanter soon to go over suggestions.

Upcoming Proposed Projects

My office has received applications for;

1. A proposed Karate training center to be located in the renovated old fire station on Ridge Road.
2. A Bed & Breakfast to be located at 680 Ridge Road, Ronsville Property

Both Projects are scheduled for Site Plan review next month.

Monthly Report:

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

HIGHWAY SUPERINTENDENT'S REPORT:

Cricket Purcell Deputy Highway Superintendent thanked Mr. Heck for the compliment. The Highway Department has finished up paving about 4.6 miles this year. They are trying to finish summer projects and get ready for the winter season.

Cricket Purcell indicated that the State is back on Route 34 shim coating and should be done with that by the middle to end of next week if the weather holds.

Councilperson Edward LaVigne asked if the Highway Department has material hauled in by a supplier in Pennsylvania possibly Hanson. Cricket Purcell indicated that Leigh Hanson is the supplier for asphalt which comes from here in Lansing. Leigh Hanson is a subsidiary of a bigger company.

Councilperson Andra Benson asked who picks up dead animals on the roads. Cricket Purcell indicated it depends on the type of road as the Town, County and State are responsible for their own roads. The only animals that will be picked up are deer not skunks or other animals.

PARK and RECREATION DEPARTMENT REPORT:

Parks & Recreation 10/17/12 Town Board Meeting

RECREATION

- The Youth Soccer program completed their season last week. We had great volunteer coaches again this year and we were also very lucky with weather not taking many rain-outs.
- Indoor Soccer is set to start on November 2nd. This is the third year for this program and we partner with The Field at the Community Recreational Center. Students in grades K-6 warm up, work on skills, and play on Friday evenings. This program has been very popular.
- The YFL and Flag football seasons are winding down with 2 weeks to go. Our players have done very well at all levels and continue to get better each week.

- Our Cheerleaders have also been very successful this season. They recently took advantage of a fund raising opportunity and ran the concession stand for the Columbus Day Soccer Tournament on short notice. It “paid” off nicely, and will help with uniform needs in the future.
- Athletic equipment will fill our downstairs area soon. As teams finish for the season, their respective equipment is cleaned, checked and put away. We have used every inch for storage. This is also the time of the year when we take equipment inventory and make replacement purchases. Any old and unsafe equipment is discarded.
- Early winter program registrations have been distributed. Those programs include: Indoor Soccer, Basketball, Gymnastics, Bowling, Karate and Skiing. Bowling starts in two weeks and is already sold out with 50+ bowlers.

PARKS

- Fall leaf clean up and mowing is ongoing now. Very soon, the waterlines will be winterized for the season and picnic tables will be stacked in the pavilions.
- We are starting to work on a plan for Salt Point that would further clean up thick brush and identify important plants to keep in place. Plans for additional tree planting and wild flower areas are also being discussed. We are also looking at ways to further limit motorized vehicle traffic.
- Unfortunately, Myers Park and Ludlowville Park suffered the worst vandalism attack in recent memory. Spray paint was used on everything and in a worst case scenario, the lighthouse and memorial benches and signs were also hit. These acts took place on Thursday night October 11th. Lansing High School was also hit on this same night. Police reports have been filed and our insurance carrier has been contacted. We are planning to offer a CASH REWARD for information leading to a conviction if needed. The senseless damage is very disturbing and totally unexplainable to any normal person!

Supervisor Kathy Miller indicated that one of the symbols used at both the school and the park was a symbol for the rapper Necro.

RESOLUTION TO RESCHEDULE NOVEMBER REGULAR TOWN BOARD MEETING AND AMEND TIME OF REGULAR TOWN BOARD MEETINGS AND SPECIAL/WORK SESSION MEETINGS:

RESOLUTION 12-198

RESCHEDULE THE TOWN OF LANSING REGULAR NOVEMBER TOWN BOARD MEETING AND AMEND TIME OF REGULAR TOWN BOARD MEETINGS AND SPECIAL/WORK SESSION MEETINGS

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 21, 2012; and

WHEREAS, this meeting falls on the night before Thanksgiving and all Town Offices are closed on the 22nd and 23rd of November 2012; and

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 Wednesday, November 28, 2012 at 6:00 PM and

RESOLVED, that, in accordance with Resolution 12-51 adopted on February 15, 2012, the Town of Lansing Board is changing the start time of future Town of Lansing Town Board Meetings including the Work Session Meeting which is held on the first Wednesday of each month and the Regular Town Board Meeting which is held on the third Wednesday of each month. Both meetings are to start at 6:00 PM and be held at the Town Hall Board Room, 29 Auburn Road, Lansing, New York with additional Special Meetings to be held as needed and

BE IT FURTHER RESOLVED, that this Resolution be and remain subject to amendment throughout the year by the Town Board.

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 October 17, 2012.

SET PUBLIC HEARING FOR PROPOSED SPECIAL DISTRICTS BUDGET FOR 2013:

RESOLUTION 12-199

**RESOLUTION SCHEDULING PUBLIC HEARING
FOR THE SPECIAL DISTRICTS PROPOSED
BUDGET FOR 2013**

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, and CWD Ext. 2 and Lansing Light Districts No. 1, No. 2 and No. 3 and the Lansing Drainage Districts, Pheasant Meadow, Whispering Pines, Lake Forest, and Woodland Park and Lansing Sewer Districts, Warren Road and Cherry Road and 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 2013 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 7th day of November, 2012 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 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 was approved, carried, and duly adopted on October 17, 2012.

SET PUBLIC HEARING FOR PROPOSED BUDGET FOR 2013:

RESOLUTION 12-200

**RESOLUTION SCHEDULING PUBLIC HEARING
FOR THE PRELIMINARY BUDGET FOR 2013**

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, 2013 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 7th day of November, 2012 and that at such hearing any person may be heard in favor of or against the preliminary budget as compiled or 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 (4)	
Total	\$ 38,964.00
Each	\$ 9,741.00
Deputy Town Supervisor	\$ 3,248.00
Town Clerk	\$ 40,445.00
Highway Superintendent	\$ 68,000.00
Town Justice (2)	
Total	\$ 33,950.00
Each	\$ 16,975.00

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 was approved, carried, and duly adopted on October 17, 2012.

**APPROVE MRP, DECLARING PUBLIC INTERST ORDER FOR PROPOSED
SEWER DISTRICT AND SCHEDULE PUBLIC HEARING:**

Supervisor Kathy Miller stated that item has been tabled until the November 7, 2012, meeting.

**SCHEDULE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW
OF PROPOSED SEWER DISTRICT AND ESTABLISHING NOTICE OF
INTENT TO ACT AS LEAD AGENCY:**

Supervisor Kathy Miller stated this item has been tabled until the November 7, 2012, meeting.

RESOLUTION TO RELEVY 2012 WATER AND SEWER CHARGES ON 2013 TAX BILL:

RESOLUTION 12 -201

RESOLUTION TO RELEVY 2012 WATER AND SEWER CHARGES ON THE 2013 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 10, 2012 will be relevied on the 2013 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 10th 2012, the collector will notify SCLIWC (Bolton Point) to remove said amounts from accounts to be relevied on the 2013 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 relevy the unpaid water and sewer account charges plus a 10% fee on all accounts with a balance of \$20.00 or more to the 2013 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 2012 water and sewer bill.

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 October 17th, 2012.

APPROVE ADOPTION OF LOCAL LAW #4 OF 2012 – GRANTING CERTAIN LANDS TO THE LANSING COMMUNITY LIBRARY:

Councilperson Edward LaVigne asked Attorney Guy Krogh if he had any concerns regarding the survey.

Attorney Guy Krogh indicated that they have a certified survey that will be sufficient for subdivision as well as assessment division. Attorney Guy Krogh also indicated that there are cross easements for utilities, septic and parking. There is also a provision that if the building ceases to be used as a library the Town gets the land back.

RESOLUTION 12-202

RESOLUTION APPROVING AND ADOPTING LOCAL LAW #4 OF 2012 – GRANTING CERTAIN LANDS TO THE LANSING COMMUNITY LIBRARY, A NEW YORK STATE CHARTERED SCHOOL DISTRICT PUBLIC LIBRARY

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

WHEREAS, many years ago the Town built a new town hall on the same parcel of land as the old town hall and scheduled the old town hall for demolition, and a group of concerned citizens saved the old town hall building from destruction for possible re-use as a public library. Thereafter, the building was completely re-designed and brought up to code, including by being made ADA compliant, without the fiscal participation by the Town, and a private library was opened in 2001. The land and now improved building and grounds were leased to the library by the Town through a renewable 10-year lease, in part to fulfill the public purpose and benefit of having a free local library available to all Town residents. Thus, this library was open to the public and its mission was to always serve an important public purpose related to education; such purpose being principally furthered by the operation of a free library focusing upon community needs and betterment; and

WHEREAS, in 2007 the library became a school district public library, officially known as the “Lansing Community Library” (hereafter, the “Library”), and in 2008 the Library became part of the Finger Lakes Library System and became a chartered Library (which involved the Department of Education and “chartering” by the NYS Board of Regents). As a result, the Library acts as a free public library to all persons within the Lansing Central School District. The Library thus is a public corporation that has as its tax base the Lansing Central School District tax base, upon which tax bill there is a line for library taxes; and

WHEREAS, because the Library does not own the land upon which the library building and resources are situate and utilized to fulfill its public mission, the Library cannot qualify for certain grants and betterment opportunities, thus having the effect of increasing taxes for most or all residents in the Town; and

WHEREAS, the Library fulfills an important public purpose, and with the Town Center project fully underway, the Town Board of the Town has made several important findings. These findings include: (i) that it is in the public interest of the Town to preserve and support a local free library; (ii) having a library resource within the town center area is vital to the success of the town center plan; (iii) that there is no present need or use of or for the land upon which the Library is situate, and concomitantly, there is no need or use of or for the building and improvements situate upon such land; and even further, there is no foreseeable future need or proposed use for such land or buildings; (iv) that it is in the public interest to require, as a condition for the grant to the Library of such Town land and improvements, that the Library be open to all Town of Lansing residents and that basic library services be forever provided upon a free-of-charge basis; (v) that it is the public interest to retain a right of reversion in title to the land and improvements such that, if it ever ceases to be used for library services, title thereto shall revert to the Town; and (vi) that this grant, being supported by the consideration of free library services to all Town residents, and being also supported by the power of the Town to gift and grant money, interests, and titles to other public entities and corporations and libraries for proper public purposes, will have the effect of reducing taxes in most or all of the Town as the Library, being an owner of the land upon which it is situate, will qualify for grants as opposed to having to raise needed funds directly through its own taxing authority, or indirectly through Town taxes generated by the Town’s support of the Library; and

WHEREAS, said proposed Local Law proposes to, upon the terms and conditions stated above, and upon reservation of cross-easements for parking and utilities, transfer land to the Library, together with related terms and upon such conditions as are set forth in such Local Law; and

WHEREAS, a Public Hearing was duly held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, being in the Town of Lansing, on the 15th day of August, 2012, at 7:20 P.M., to consider public input and comments upon such proposed Local Law, and all persons interested in the subject thereof, if any, were duly heard, and all evidence, if any, was duly taken and considered; and

WHEREAS, because this action is classified as a Type II Action under SEQRA (6 NYCRR Part 617, § 617.5(c)(20, 27)), no environmental review is mandated or required; and

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

RESOLVED, that Local Law Number 4 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 Councilperson Andra Benson, 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 October 17, 2012.

RESOLUTION ESTABLISHING 2013 WATER RATES:

Councilperson Robert Cree explained the following resolution.

RESOLUTION 12-203

**RESOLUTION ESTABLISHING 2013 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 2013 so as to allow the Commission to begin first quarter billing; and

WHEREAS, upon due deliberation thereupon, the Town Board of the Town of Lansing has 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 2013.

Water Rate (SCLIWC)	\$ 4.00 per thousand gallons
Operation and Maintenance Fee (TOL)	\$ <u>.55 per thousand gallons</u>
TOTAL RATE	\$ 4.55 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, 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 2013.

Water Rate (SCLIWC)	\$ 4.00 per thousand gallons
Operation and Maintenance Fee (TOL)	\$ <u>1.00 per thousand gallons</u>
TOTAL RATE	\$ 5.00 per thousand gallons

BE IT FURTHER RESOLVED, that residents with a Consolidated Water District Outside User Agreement will pay 1.5 times the normal total water rate for the Town to the Town of Lansing as an outside user to equalize the taxed O&M fees of the CWD that inside users must pay. This rate will be charged until such time as the applicant's lands are brought within the Consolidated Water District:

Water Rate (SCLIWC)	\$ 4.00 per thousand gallons
Operation and Maintenance Fee (TOL)	\$ <u>3.50 per thousand gallons</u>
TOTAL RATE	\$ 7.50 per thousand gallons

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 October 17, 2012.

APPROVE AUDIT and BUDGET MODIFICATIONS:

RESOLUTION 12-204

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

CONSOLIDATED ABSTRACT # 010	
DATED	<u>10/17/12</u>
AUDITED VOUCHER #'s	<u>1013 – 1098</u>
PREPAY VOUCHER #'s	<u>1013 – 1017</u>
AUDITED TA VOUCHER #'s	<u>75 – 82</u>

<u>FUND</u>	<u>TOTAL APPROPRIATIONS</u>
GENERAL FUND	\$ <u>77,163.82</u>
HIGHWAY FUND	\$ <u>131,573.51</u>
LANSING LIGHTING	\$ <u>1,299.50</u>
LANSING WATER DISTRICTS	\$ <u>223,269.91</u>
TRUST & AGENCY	\$ <u>24,971.90</u>
WARREN RD SEWER-CAPITAL PROJ	\$ <u>0.00</u>
LANSING SEWER DISTRICTS	\$ <u>106.26</u>
DEBT SERVICE	\$ <u>0.00</u>

**BUDGET MODIFICATIONS
GENERAL FUND A
10/17/12 Meeting**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
A1990.400	A1220.400	From Contingency to Supervisor Contractual	\$1,500.00
	Reason	Original Budget Underestimated	
A1420.408	A1420.400	From Bus & Industrial Legal to Legal	\$10,000.00
	Reason	Original Budget Underestimated	
A1990.400	A1630.400	From Contingency to Community Center Contractual	\$1,500.00
	Reason	Original Budget Underestimated	
A1990.400	A7110.200	From Contingency to Parks Equipment	\$700.00
	Reason	Original Budget Underestimated & Board Member prior approval	
A1990.400	A9050.800	From Contingency to Unemployment Ins	\$35.00
	Reason	Original Budget Underestimated	

**GENERAL FUND B
10/17/12 Meeting**

B8010.400	B8010.402	From Zoning Contractual to Zoning - Legal	\$600.00
	Reason	Original Budget Underestimated	
B8010.400	B8010.411	From Zoning Contractual to Zoning Paid Consultant	\$6,000.00
	Reason	Hired Comprehensive Plan Update Consultant	
B599	B8020.402	From Fund Balance to Planning Board Legal	\$3,700.00
	Reason	Original Budget Underestimated	

**WATER DISTRICT SW
10/17/12 Meeting**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
SW1990.400	SW8310.401	From Contingency to Water Admin - Engineering	\$10,625.00
	Reason	For Addition CWD Extension work & updates	
SW1990.400	SW8340.400	From Contingency to Transmission & Distribution	\$13,000.00
	Reason	From Brickyard Rd Repairs, etc	
SW599	SW8340.401	From Fund Balance to Contractual CWD Repairs	\$333,000.00
	Reason	For McKinneys Water Main Replacement	
SW1990.400	SW9730.702	From Contingency to BAN Interest	\$1.00
	Reason	Original Budget Underestimated	

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

BOARD MEMBER REPORTS:

Andra Benson:

Lansing Youth Services has not met since the presentation at the October 3rd Board Meeting.

The Library is ecstatic and wished to thank everyone on the Board and Attorney Guy Krogh.

With great regret Andra Benson read a letter of resignation due to having to care for her husband after his recent accident. She has enjoyed her time on the Board and commended the Board for working well together and being very approachable.

Robert Cree:

There is nothing more to add about Bolton Point.

Ruth Hopkins:

There will be a meeting on November 1st at 7:00 pm at the Tompkins County Public Library for the public and people related to town governments on the cable contracts and franchises. They are hoping to hear from the public and town officials about concerns they have in negotiating for services for their communities.

Edward LaVigne:

The Seniors will be holding their Christmas banquet at Lake Watch. The Seniors are concerned about the budget.

The LOAP van and what to do about it is still a concern. The Town originally purchased the van. Supervisor Kathy Miller asked if there would be a State bid. Councilperson Edward LaVigne indicated that might be something to pursue.

Woodsedge is concerned that the proposed development across the street may pull away from them. However, the information shows that they are two different economic groups.

The Community Center is up and running. The budgeted amount was \$45,000 for the renovation and about \$30,000 to \$32,000 has been used. There should be enough to do the central air.

Kathy Miller:

The Community Center is absolutely beautiful thanks to many hours of work by Councilperson Edward LaVigne, Lynn Day and Bill Miller. The renovations would not have been possible without the many hours of volunteer labor. There have been many positive comments about the renovations.

Monthly Report:

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

TOWN COUNSEL REPORT:

Verizon is planning on putting a 15 antenna array for various types of telecommunication services on the existing tower on Mary Searles' land on Conlon Road. They are not increasing the height or size of the tower. The process is that it goes to the Town Board for findings regarding necessity, safety, decommissioning if it is obsolete or shut down and once the Town Board does that and the environmental review, it goes to the Planning Board for final site plan review and then it is approved.

Councilperson Ruth Hopkins asked if this tower would include Wi-Fi and wanted to know how to interpret the maps. Attorney Guy Krogh recommended having Dave Herrick look at engineering data on the maps.

ENTER EXECUTIVE SESSION:

RESOLUTION 12-205

Supervisor Kathy Miller moved to **ENTER EXECUTIVE SESSION TO DISCUSS THE WORK HISTORY OF A PARTICULAR PERSON AT 9:16 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

EXIT EXECUTIVE SESSION:

RESOLUTION 12-206

Councilperson Andra Benson moved to **EXIT EXECUTIVE SESSION AT 9:49 PM.**

Supervisor Kathy Miller 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

ADJOURN MEETING:

RESOLUTION 12-207

Councilperson Andra Benson moved to **ADJOURN THE OCTOBER 17, 2012 TOWN BOARD MEETING AT 9:50 PM.** Councilperson Edward LaVigne 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