

SPECIAL TOWN BOARD MEETING
November 7, 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 6:00 p.m. The meeting was called to order by the Supervisor Kathy Miller and opened with the Pledge of Allegiance to the flag. Roll call by Debbie Crandall, Town Clerk, showed the following to be

PRESENT:

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

ABSENT: None

ALSO PRESENT: Katrina Binkewicz, Sharon Butler Bowman, Bookkeeper/Co-Budget Officer, Jack French, Highway Superintendent, John O'Neill, Village of Lansing Trustee and Donald Hartill, Village of Lansing Mayor, Dan Veaner, Lansing Star, Charles Crandall, Claes Nyberg, Caroline and Bob Rasmussen, Doug Howarth, Kenzi Shields, Josh Randall, Liz Gonyea, Mario Rosetti, Brandon Arcangeli, Owen Borden, Nick Howarth, Ted Laux, Nate Williamson, Jada Gooch, Jack Jenson and a few other attendees.

APPOINT KATRINA BINKEWICZ TO FILL THE VACANCY OF COUNCILPERSON:

Supervisor Kathy Miller stated that Katrina Binkewicz successfully ran for a one year term as Town Councilperson effective January 1, 2013. The Board would like to appoint her to fill the remainder of Andra Benson's term.

RESOLUTION 12-210

**APPOINT COUNCILPERSON KATRINA BINKEWICZ
EFFECTIVE NOVEMBER 7, 2012 – DECEMBER 31, 2012**

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

WHEREAS, there is a Councilperson vacancy on the current Town of Lansing Town Board due to the resignation of Councilperson Andra Benson and;

WHEREAS, the Town Board wishes to fill the vacancy for the remainder of Councilperson Benson's term and;

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

RESOLVED, that the Town Board of the Town of Lansing does hereby appoint Katrina Binkewicz as Councilperson to fill said vacant seat on the Town of Lansing Town Board and;

BE IT FURTHER RESOLVED, that said term is effective November 7, 2012 through December 31, 2012;

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

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 November 7, 2012.

OPEN PUBLIC HEARING – PROPOSED SPECIAL DISTRICTS BUDGET 2013:

RESOLUTION 12-211

Supervisor Kathy Miller moved to **OPEN THE PUBLIC HEARING ON THE PROPOSED SPECIAL DISTRICTS BUDGET FOR 2013** at 6:05 PM. Councilperson Robert Cree seconded the motion and it was carried by the following roll call vote:

Councilperson Katrina Binkewicz Aye
Councilperson Robert Cree Aye
Councilperson Ruth Hopkins Aye
Councilperson Edward LaVigne Aye
Supervisor Kathy Miller Aye

Supervisor Kathy Miller read the figures in regards to the proposed 2013 Special Districts Budget.

Supervisor Kathy Miller asked if there were any questions or concerns.

CLOSE PUBLIC HEARING:

RESOLUTION 12-212

All persons desiring to be heard, having been heard, Supervisor Kathy Miller moved to **CLOSE THE PUBLIC HEARING ON THE PROPOSED SPECIAL DISTRICTS BUDGET FOR 2013** at 6:08 PM. Councilperson Robert Cree seconded the motion and it was carried by the following roll call vote:

Councilperson Katrina Binkewicz Aye
Councilperson Robert Cree Aye
Councilperson Ruth Hopkins Aye
Councilperson Edward LaVigne Aye
Supervisor Kathy Miller Aye

OPEN PUBLIC HEARING ON PROPOSED BUDGET FOR 2013:

RESOLUTION 12-213

Councilperson Robert Cree moved to **OPEN THE PUBLIC HEARING ON THE PROPOSED BUDGET FOR 2013** at 6:10 PM. Councilperson Ruth Hopkins seconded the motion and it was carried by the following roll call vote:

Councilperson Katrina Binkewicz Aye
Councilperson Robert Cree Aye
Councilperson Ruth Hopkins Aye
Councilperson Edward LaVigne Aye
Supervisor Kathy Miller Aye

Councilperson Robert Cree read the figures in regards to the proposed Budget for 2013.

Supervisor Kathy Miller asked if there were any questions.

Donald Hartill, Village of Lansing Mayor referred to early conversations in the year in regards to snow plowing within the town wide highway fund and was disappointed this was not taken into consideration in the 2013 budget. Mayor Hartill stated that the Villagers are paying a significant amount of money for snow plowing in the township. He

stated that this is a problem as in many ways the Village residents are subsidizing the Town in a significant way.

Supervisor Kathy Miller stated that the new Town Board was working very hard on the present budget and the tax cap. She stated that with the reduction of a 15% tax rate cut last year the Town Board wasn't ready to do something that might jeopardize the Town. Moving forward, the Town Board will certainly consider it again and will be in a better position to do a better job.

Mayor Hartill stated that 60% of the personnel costs are for Highway Department employees who no longer plow or work on Village roads. Villagers are paying a significant amount of money for snow plowing in the township and are subsidizing the Town. He would like to revisit this again for the 2014 budget as there are an increasing number of complaints about the tax from Village residents. Mayor Hartill suggested that an alternative would be to change the tax rate for Villagers based on the level of services they receive.

Councilperson Robert Cree stated that it makes sense for the two Boards to have joint meetings a couple times a year to discuss this and other things. Supervisor Kathy Miller stated that meetings should start in the next few months, not when the Town Board gets to budget time. Highway Superintendent Jack French requested that he is in attendance during these joint meetings.

CLOSE PUBLIC HEARING:

RESOLUTION 12-214

All persons desiring to be heard, having been heard, Supervisor Kathy Miller moved to **CLOSE THE PUBLIC HEARING ON THE PROPOSED BUDGET FOR 2013** at 6:20 PM. Councilperson Robert Cree seconded the motion and it was carried by the following roll call vote:

Councilperson Katrina Binkewicz	Aye
Councilperson Robert Cree	Aye
Councilperson Ruth Hopkins	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

APPROVE SPECIAL DISTRICTS AND TOWN BUDGET FOR 2013:

RESOLUTION 12-215

**RESOLUTION APPROVING THE
SPECIAL DISTRICTS BUDGET AND
TOWN BUDGET FOR THE
FISCAL YEAR 2013**

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

WHEREAS, the Town Board duly held Public Hearings on November 7, 2012 at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, and all persons thereat were duly heard; and

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

RESOLVED, that the proposed Special Districts Budget and the proposed Town Budget is hereby adopted as the Town of Lansing Final Budget for the Fiscal Year 2013.

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 Katrina Binkewicz	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 November 7, 2012.

PRIVILEGE OF THE FLOOR:

Caroline Rasmussen – 127 Asbury Road:

Mrs. Rasmussen addressed the Town Board in regards to the new electronic LED sign that was installed at 132 Asbury Road advertising his home occupation, (Cayuga Signs). She referred to the Town of Lansing, Ordinance #15 in regards to a Home Occupation Business and it states that a sign can only bear the person’s name residing at the premises and the occupation being conducted. She compared it to the sign in front of the Lansing High School. There are multiple messages along with pictures, the time and flames.

Ordinance #15 states that the sign can not be larger than 9 square feet. The LED part of the sign that was installed is 10 square feet and the sign as a whole measures 23 square feet.

Mrs. Rasmussen stated that there is a safety issue involved. People travel very fast and the road doesn’t have much of a shoulder. There are many bikers and joggers along with people walking their dogs and multiple accidents have occurred on this road. She stated that these kinds of signs are meant to distract the driver’s eyes away from the road to the sign.

Mrs. Rasmussen presented and referenced to a final report on the Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs that was submitted under NCHRP Project 20-7 (256). The report was prepared by Jerry Wachtel, CPE President, The Veridian Group, Inc., Berkeley, California dated April 2009. The conclusion of the report states that digital advertising takes the driver’s eyes away from the road for an extended unsafe period of time.

Mrs. Rasmussen asked if her children were walking along the road and an accident occurred, would the Town be responsible for the installation of the sign and allowing it to remain in place against the Town’s ordinance.

Mrs. Rasmussen stated that she understands that Mr. Christopher is in the sign business and he is a good neighbor, but the sign belongs back off the road by his shop not out where it is going to distract people. The area is designated and zoned R1 and the sign is not within the character of the neighborhood. The installation of the sign sets a dangerous precedent and if the Town allows this sign, what won’t they allow in the R1 zoned area.

Mrs. Rasmussen is an avid biker and placed a notice on the Ithaca Finger Lakes Biker Webster that asked what people thought of this sign and if they traveled this road. She presented to the Town Board a list of 48 people who would like the sign removed.

Supervisor Kathy Miller stated that the Town Board has received a petition to remove the electronic sign at 130 Asbury Road. She stated that this will be discussed further at the Work Session meeting following the Special Town Board meeting and they were welcome to stay.

Councilperson Katrina Binkewicz asked if the neighbors addressed the business owner in regards to the sign. Mrs. Rasmussen stated they spoke to Mr. Christopher the first night the sign was on. He was not willing to remove the sign but agreed to turn the sign off at night. She stated that the solution was to have the sign removed.

Bob Rasmussen -127 Asbury Road:

Mr. Rasmussen stated that every single household on Asbury, Meadow and Armstrong Roads signed the following petition and he read the following:

Dear Lansing Town Board Members,

We are writing to ask you to remove the newly installed electronic sign at 130 Asbury Road.

The new sign presents many problems for the neighborhood and for the Town.

1. It is a serious safety threat to our families and to anyone traveling on this road. The sign is completely out of character with our neighborhood (R1) and substantially reduces residential property values in our neighborhood.

Electronic Signs, like the one you have permitted, are specifically designed to distract driver's attention. Their sole purpose is to focus driver's attention on an advertisement and away from the road. Our children and friends and neighbors use this road every day for walking, jogging, riding bikes, walking the dog, and driving. Over the years there have been several accidents east and west of this new sign's location. The Asbury Rd and Triphammer Rd intersection is already dangerous enough. This sign only increases the hazard.

2. This sign completely defeats the purpose of zoning and Town land use ordinances, which are there to protect the character of our residential neighborhood and our property values. This sign is not in compliance with the Lansing ordinances..it flashes and gives appearance of movement, it glares on neighbors and the road, it is larger than a home business identification sign, and it is much more than the allowed wording of an identification sign, namely company name and address.

Clearly this sign does not meet the goals of the Lansing sign ordinance namely to "preserve and enhance the visual characteristic quality of the area and prevent installations which are particularly distracting and hazardous to vehicular traffic."

This sign also seems to indicate an expansion of the business (not just the expanded sign) which we believe should not occur without full process for home businesses in R1 neighborhoods.

This sign also sets a precedent of commercialization in our neighborhood and in other R1 neighborhoods in Lansing; how many more of such signs will you approve?

We respectfully ask that you remove this new electronic sign.

Your neighbors and Town of Lansing residents.

Mr. Rasmussen stated that the petition was signed by 41 out of 41 people. The sign is out of character, dangerous and is not located in the right place and should be removed.

Supervisor Kathy Miller stated that the Town Board is bound by the law. It may be that the law needs to be changed going forward.

Claes Nyberg – 420 Ridge Road:

Mr. Nyberg referred to the article in the Lansing Star that stated the Town is thinking about changing the financing structure of the proposed Sewer Project.

Mr. Nyberg congratulated Katrina Binkewicz on her election.

Councilperson Edward LaVigne thanked Mr. Nyberg for sharing his concerns. He stated that the proposed Sewer District Project is an ongoing process. Some of the articles might

be premature and nothing is definite or concluded at this time and the articles might contain discussions held at the Sewer Committee meetings. The definite part will come out in the Map Plan and Report (MPR). Councilperson LaVigne asked that Mr. Nyberg wait for the MPR to be done which will bring clarity to the definitions of the Sewer District, who is involved, who is asked to pay for it and what the benefits are.

Mr. Nyberg asked if there is going to be a definite decision made before it is going to be presented.

Councilperson LaVigne stated that the MPR is what is shown to the public first before it is sent on to the NYS Comptroller. This will define what the project is, what the uses are and how it is funded. This has not been completed and any comments are premature and counter productive. Anything now would be based on speculation and he evolves on clarity and purpose, not on what ifs and speculation.

Mr. Nyberg commented on the article in the Lansing Star and said if the decision was to change it to a Town wide payment structure he thinks that some people outside the district will be paying more then the people that will get benefits from it. If you try to expand the district it is going to be unsustainable.

Councilperson LaVigne stated again, the article in the Lansing Star reported on what was being discussed at the Sewer Committee meetings. The meetings are a process and not conclusive as of yet. The MPR will give everyone that conclusion. There will be clarity through the MPR and that has not been done yet. Anything right now is speculation, when the MPR is finished clarity will evolve. Councilperson LaVigne encouraged Mr. Nyberg to wait and look at the final MPR before questions are asked.

Mr. Nyberg would like to have the opportunity to comment on his thoughts in regards to the article. Councilperson LaVigne stated he would welcome his thoughts and invited him to attend the Sewer Committee meetings held every Wednesday at 2:00 pm at the Town Hall. Afterwards he would be glad to meet with Mr. Nyberg to discuss his concerns and do his best to give him clarity.

Mr. Nyberg stated that if the Town decides to do a Town wide pay structure that the developers will make out like bandits. The people within the Town would have to carry 2/3's of the cost.

Supervisor Kathy Miller stated that it would not be the case. The Committee is trying to do something that would benefit the Town along with the residents of the Town and not cost a lot of money. It is a long intricate procedure and questions are being asked of the Town Engineer and Town Attorney and facts and figures change in the process.

Councilperson Katrina Binkewicz stated that it seems like a dramatic change but the goal is to make it fair for more people and not just to put the burden on the people in the sewer district when overall everyone will benefit in some ways. The pros and the cons need to be laid out concretely so everyone understands the concept in order to vote on the project.

Mr. Nyberg stated that was great news to hear that there will be a vote.

Councilperson Ruth Hopkins stated she was at the Sewer meeting today and was asking the same questions that Mr. Nyberg was referring to. The process right now is exploring and examining things.

Attorney Guy Krogh stated that whether you are under Article 12, 12a, or 12c, (12c is currently under consideration) once the Town Board declares the MPR to be final it has to issue a Public Interest Order with a Public Hearing to follow. This will be the first step in a process with Comptroller review that will take 8 to 12 months before final approval. There will also be a Public Hearing for the Environmental Impacts. The Town Board may also opt for Public Information Sessions.

Councilperson LaVigne encouraged Mr. Nyberg to attend the Sewer Committee meetings and that everything is subject to change. Supervisor Miller invited him to her office to review figures and ask questions and stated “the door is always open.”

Ms. Ivery’s Government Class:

Supervisor Kathy Miller welcomed the students in Ms. Ivery’s Government class and encouraged them to attend other Town Board meetings to ask questions and then possibly in the future run for office.

APPOINT CONNIE WILCOX TO LANSING HOUSING AUTHORITY:

RESOLUTION 12-216

**APPOINT CONNIE WILCOX TO
LANSING HOUSING AUTHORITY**

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

WHEREAS, on October 22, 2012, Lansing Housing Authority accepted the resignation of Board Member David Lippert and;

WHEREAS, the Lansing Housing Authority would now like to fill his vacancy which expires December 31, 2015 and;

WHEREAS, the Lansing Housing Authority recommends Connie Wilcox to fill said vacancy and;

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

RESOLVED, that the Town Board of the Town of Lansing does hereby appoint Connie Wilcox to the Lansing Housing Authority effective November 7, 2012 through December 31, 2015;

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 Katrina Binkewicz	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 November 7, 2012.

RESOLUTION RE: LANSING COMMONS ROADWAYS:

Supervisor Kathy Miller along with the Town Board explained the process of developing the new roads to specs and dedicating them within the Town to the government class.

RESOLUTION 12 –217

**RESOLUTION TO DECLARE ROADWAY AT LANSING COMMONS
SUBDIVISION AS PUBLIC HIGHWAY OPEN TO PUBLIC USE**

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

WHEREAS, the Lansing Commons Subdivision Developer had completed installation of a roadway known as the “Woodsedge Drive Extension,” and the Developer previously had dedicated such roadway to the Town of Lansing; and

WHEREAS, NYSDOT now requires an express declaration of the said dedicated public highway being “opened for public use;” and

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

RESOLVED, that said Woodsedge Drive Extension be and hereby is declared as a public highway and is open for use by the general public.

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

Councilperson Katrina Binkewicz	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 November 7, 2012.

RESOLUTION RE: WOODLAND PARK ROADWAYS:

The government class asked if the roads were named by the person who dedicates the roads to the Town? Highway Superintendent Jack French stated that the roads are named by the developer.

Councilperson Edward LaVigne stated that in the past it was the longest living family and that is why you see road names like Conlon, Fenner, etc.

RESOLUTION 12 –218

RESOLUTION TO DECLARE ROADWAYS AT WOODLAND PARK PDA AS PUBLIC HIGHWAYS OPEN TO PUBLIC USE

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

WHEREAS, the Woodland Park PDA Developer has completed the phase I roadway known as “Oakwood Drive,” and the Developer previously had dedicated such roadway to the Town of Lansing; and

WHEREAS, NYSDOT now requires an express declaration of the said dedicated public highways being “opened for public use;” and

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

RESOLVED, that said Oakwood Drive be and hereby is declared a public highway and is open for use by the general public.

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

Councilperson Katrina Binkewicz	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 November 7, 2012.

RESOLUTION RE: FARM POND CIRCLE ROADWAY DEDICATIONS:

RESOLUTION 12 –219

RESOLUTION ACCEPTING DEDICATION OF ROADWAYS AT FARM POND CIRCLE SUBDIVISION AND DECLARING SUCH ROADWAYS AS PUBLIC HIGHWAYS OPEN TO PUBLIC USE

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

WHEREAS, the Farm Pond Circle Developer has completed installation of the roadways proposed to be dedicated to the Town, and such roadways have been inspected and approved by the Highway Superintendent; and

WHEREAS, the Attorney for the Town has examined title and the proposed dedication forms and maps and has approved the same; and

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

RESOLVED, that the proposed in fee dedication of Farm Pond Circle be and hereby is approved, and the Attorney for the Town and the Planning Department be and are hereby authorized to take such other and further steps as are or may be necessary to finalize the form of all such agreement and transfers, and to record such dedication as of record in the Tompkins County Clerk’s Office; and it is further

RESOLVED, that said Farm Pond Circle be and hereby is declared a public highway and is open for use by the general public.

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 Katrina Binkewicz 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 November 7, 2012.

Developer Jack Jensen thanked the Town Board and Town Attorney Guy Krogh and invited them to a ribbon cutting at 4:30 p.m. tomorrow.

ADJOURN MEETING:

RESOLUTION 12-220

Councilperson Robert Cree moved to **ADJOURN THE NOVEMBER 7, 2012 SPECIAL TOWN BOARD MEETING AT 6:58 PM TO COMMENCE TO THE WORK SESSION MEETING** Councilperson Ruth Hopkins seconded the motion and it was carried by the following roll call vote:

Councilperson Katrina Binkewicz Aye
Councilperson Robert Cree Aye

Councilperson Ruth Hopkins	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

WORK SESSION MEETING

Sign Ordinance Discussion – Meeting Adjourned at 9:00 p.m.

Minutes taken and executed by the Town Clerk.

Respectfully submitted,

Debbie S. Crandall