

SPECIAL TOWN BOARD MEETING
February 6, 2013

A Special Meeting of the Lansing Town Board 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 Darlene Marshall, Deputy Town Clerk, showed the following to be **PRESENT:**

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

ALSO PRESENT: Guy Krogh, Town Attorney, Sharon Butler Bowman, Deputy Supervisor, Dan Veaner, John O'Neill, Village of Lansing, Thomas Farlow, Roger Van De Poel, Roger Hopkins, Ted Laux, Matt Dedrick, Jack Young, Charlie and Sheila Nedrow, Dale Baker, Maureen Cowen and a few other attendees.

DAVE HERRICK – SEWER PRESENTATION:

Supervisor Kathy Miller stated that the Sewer Presentation is an informational session for the Town Board Members and they will not be entertaining questions from the public until the final Map, Plan and Report are available.

Dave Herrick gave handouts to the Town Board and made a presentation on the proposed Article 12-C Sewer Benefit Area and Town Center Sewer Improvement Area. Dave Herrick indicated that under the proposed plan, Warren Road and Cherry Road Sewer Districts would be dissolved and assumed under the larger Town Center Sewer Area but would remain as distinct sewer improvement areas. These three areas would be considered Tier 1. Tier 2 would be all remaining properties in the Town of Lansing outside of the Village of Lansing.

The recommendation of the Sewer Committee for financing costs is that 60% of the cost be born by the landowners within the sewer improvement areas known as Tier 1. Tier 2 properties would share 40% of the improvement area costs.

Attorney Guy Krogh indicated he is looking into the process of dissolution of Cherry Road and Warren Road Sewer and consolidating them into the larger Town Center Sewer Improvement Area.

Dave Herrick indicated this report is a draft and the final report will be ready for the February 20, 2013 Town Board Meeting.

PRIVILEGE OF THE FLOOR:

Jack Young - 410 Triphammer Road:

Mr. Young addressed the Board in favor of the acquisition of the Bell Station property. Mr. Young indicated that he and his company have been involved in a number of similar acquisitions over the years in Pennsylvania and New York. Eight years ago he was involved in the donation of marsh property on the west side of the lake to the DEC. This property consisted of 100 acres and a couple thousand feet of lakefront.

Mr. Young stated that in his experience, the things to consider are the costs, benefits to the local area and the impact on property values.

The projects he has been involved in have had good luck with the supervision and management costs. This is mainly due to restricting most access to pedestrians. There is almost always a parking lot that is small and right next to public roads. People are

required to enter the property on foot. This eliminates a lot of destruction, garbage, parties and noise.

As far as the benefits for the community, there is almost always an initial concern about loss of tax revenue. In reality there is an increase in fees and in lieu of taxes that are higher than what the County was getting. Typically when people find out there is an in lieu of taxes they feel happier.

Most projects Mr. Young has been involved with have become fairly popular locally over time. There is enough extra activity generated so people have a sense of prosperity without the need for extra infrastructure. Mr. Young's sense is that there would be major impacts on property values around the Bell Station property. Any adjoining property owner or anyone who could walk to it would think of it as their own private park. He has seen property values increase on properties around projects and most people are happy with that.

If the State Forest System accepts an agreement and vehicle traffic is kept out of the park, the supervision and maintenance cost won't be significant. Mr. Young believes there will be a small but noticeable boost to the local economy and property values will go up. His hope is that this property will be a big plus for the Town for a long time.

Mr. Young also indicated the location of the property is next to an industrial facility and it is hard to know what will happen to this facility. Years ago he had a project that had power lines and no one wanted to live there due to radiation and electrical magnetic waves. The land was donated to a conservatory as the Finger Lakes Trails were nearby. Trails were rerouted and it was interesting that in people's mind the presence of a park was almost an antidote to what they saw as an otherwise undesirable situation. No matter what happens with the Milliken Station property, having a park like this next to it will make it easier to manage the future of this property as well.

Supervisor Kathy Miller asked if these foot traffic only parks have had any problems such as bad press because they are not really handicapped accessible.

Mr. Young indicated he has never run into any problems with handicapped access requirements, if the primary purpose which the land is designed for is met. It is raw land out there, with steep slopes, gorges, and a lake front. He would suspect that the way the State Forest System is set up, you won't find handicapped access on most State Forest lands.

Councilperson Edward LaVigne asked if the handicapped accessible issue would be the responsibility of the State and not the Town since it would be a State property. Mr. Young indicated that is correct. Mr. Young also indicated he can't imagine this would be an issue as the State Forest System hasn't required it elsewhere, they shouldn't require it here.

Councilperson Edward LaVigne asked where would the pilot money for paying the in lieu of taxes come from. One of the concerns is that if this becomes a State Forest, it will drop off the tax roles. Mr. Young indicated that he did not know how the New York system works.

Councilperson Ruth Hopkins indicated for the State Forests in Danby, Dryden and Enfield the State is paying for the pilot. The towns decide to receive the payment directly or off set town taxes. Councilperson Ruth Hopkins thinks they will get further information from the DEC on how the assessment is made for the properties in the area.

Mr. Young thanked the Board.

UPDATING AND RE-AUTHORIZING PREPARATION OF MPR FOR PROPOSED SEWER DISTRICT #1:

RESOLUTION 13-56

RESOLUTION UPDATING AND RE-AUTHORIZING PREPARATION OF MAP, PLAN AND REPORT FOR PROPOSED SEWER DISTRICT #1

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

WHEREAS, in 2010 and by resolution 10-156 (dated October 20, 2010), the Town Board had previously authorized the preparation of a map, plan and report (“MPR”) for the proposed Town of Lansing stand-alone sewer plant and the related sewer benefit district; and

WHEREAS, since such date the project and the scope of the project have changed in that, *inter alia*, the “district” is now proposed to be an “improvement area,” and the engineer selected for the supporting work and the generation of the MPR has changed; and

WHEREAS, the Town Board wishes to proceed to establish a sewer improvement area pursuant to Town Law Article 12-C and thus needs to update the authorization for the MPR as based thereupon; and upon due deliberation and a review thereof, the Town Board of the Town of Lansing has duly

RESOLVED, that the updated sum of \$70,000 is hereby appropriated to pay the cost of preparing a general MPR for providing said sewer improvements in the whole of the Town outside of the Village of Lansing, and it is further

RESOLVED, that David A. Herrick, P.E. (and his firm T.G. Miller, P.C.), the Town’s Engineer, is hereby authorized and directed to supervise the preparation of such MPR within the limits of the amount appropriated therefor, and upon completion thereof to file the same in the office of the Town Clerk.

The question of the adoption of such proposed Resolution was duly motioned by Supervisor Kathy Miller, 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 February 6, 2013.

APPOINT LYNN DAY ZONING/CODE/FIRE ENFORCEMENT OFFICER AND STORM WATER MANAGEMENT OFFICER:

RESOLUTION 13-57

RESOLUTION TO PROVISIONALLY APPOINT ZONING/CODE/FIRE ENFORCEMENT OFFICER WITH DESIGNATION AS STORM WATER MANAGEMENT OFFICER

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

WHEREAS, the Town Board of the Town of Lansing previously approved amendments to the Organizational Chart and Civil Service Roster for the Town and for the Zoning, Planning & Codes Office establishing the position of Zoning/Code/Fire Enforcement Officer; and

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

RESOLVED, that Lynn W. Day be and hereby is provisionally appointed to the Zoning/Code/Fire Enforcement Officer position; that this position be placed within Pay Grade 6, and that this provisional appointment be set at Step 6 at \$23.97 per hour.

BE IT FURTHER RESOLVED, that Lynn W. Day is hereby designated as the Storm Water Management Officer for the Town of Lansing.

The question of adoption of such proposed Resolution was duly motioned by Councilperson Edward LaVigne, 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 February 6, 2013.

REAPPOINT TOM ELLIS TO PLANNING BOARD:

RESOLUTION 13- 58

**RESOLUTION REAPPOINTING TOM ELLIS
TO THE TOWN OF LANSING PLANNING BOARD**

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

WHEREAS, the Planning Board has requested that Tom Ellis be reappointed to a 7-year term on the Town of Lansing Planning Board; and

WHEREAS, Tom Ellis is duly qualified to be and remain on the Planning Board by virtue of having mandatory NYS training requirements; and

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

RESOLVED, that Tom Ellis be and hereby is reappointed as a member of the Planning Board, effective January 1, 2013 for a term of 7 years, expiring December 31, 2019.

The question of the adoption of such proposed Resolution was duly motioned by Councilperson Robert Cree, duly seconded by Councilperson Katrina Binkewicz, 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 February 6, 2013.

**RECOGNIZE TOM ELLIS AS PLANNING BOARD CHAIR AND
NORMAN (LIN) DAVIDSON AS PLANNING BOARD VICE CHAIR:**

On motion made by Councilperson Robert Cree, and seconded by Councilperson Ruth Hopkins, The Town Board recognizes Tom Ellis as Planning Board Chair and Norman (Lin) Davidson as Planning Board Vice Chair.

REAPPOINT DAN KONOWALOW TO ZBA:

RESOLUTION 13-59

**RESOLUTION REAPPOINTING DANIEL KONOWALOW
TO THE TOWN OF LANSING
ZONING BOARD OF APPEALS**

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

WHEREAS, the Zoning Board of Appeals, has requested that Daniel Konowalow be reappointed to a 5 year term on the Town of Lansing Zoning Board of Appeals; and

WHEREAS, he is duly qualified to be and remain on the Zoning Board of Appeals by virtue of having mandatory NYS training requirements; and

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

RESOLVED, that Daniel Konowalow is hereby reappointed to a 5-year term on the Zoning Board of Appeals, commencing January 1, 2013 and expiring December 31, 2017.

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 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 February 6, 2013

APPOINT JUDY DRAKE AS REGULAR MEMBER TO ZBA:

RESOLUTION 13-60

**RESOLUTION APPOINTING JUDY DRAKE
TO THE TOWN OF LANSING
ZONING BOARD OF APPEALS**

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

WHEREAS, the Zoning Board of Appeals currently has a vacancy on the Board due to the resignation of David Dittman effective December 18, 2012; and

WHEREAS, the Zoning Board of Appeals, has requested that Judy Drake be appointed to fulfill the remaining term of David Dittman as a Regular Member of the Town of Lansing Zoning Board of Appeals; and

WHEREAS, Judy Drake currently serves as an Alternate Member of the Zoning Board of Appeals and is duly qualified by virtue of having completed mandatory NYS training requirements; and

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

RESOLVED, that Judy Drake is hereby appointed to the Town of Lansing Zoning Board of Appeals as a Regular Member, commencing January 1, 2013 and expiring December 31, 2013.

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 February 6, 2013.

APPROVE FINAL YEAR END 2012 BUDGET MODIFICATIONS:

RESOLUTION 13- 61

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

**BUDGET MODIFICATIONS
GENERAL FUND A
12/31/12 Year End**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
A1990.400	A9010.800	From Contingency to NYS Retirement	\$31.00
	Reason	Original Budget underestimated	
A1990.400	A9060.800	From Contingency to Health Insurance	\$1,256.00
	Reason	Original Budget underestimated	

**DRAKE RD CWD#2 - CAPITAL PROJ
12/31/12 Year End**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
HE909	HE9901.900	From FB to Interfund Transfer	\$35,016.25
	Reason	Used to Reduce Principal of BAN	

**WARREN RD SEWER
12/31/12 Year End**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
SS1-2189	SS1-8120.400	Inc Grants Awarded to Sewer Contractual	\$90.00
	Reason	Original Budget underestimated	
SS1-2189	SS1-8120.401	Inc Grants Awarded to Sewer Engineer	\$300.00
	Reason	Original Budget underestimated	

Town of Lansing
2012 Encumbrances

General A Fund

A1320.400	Independent Auditing	\$3,500.00
A7110.405	Parks Repairs	\$9,586.03

A7320.110	Youth Services Prsnl Srvc	\$6,029.79
A7320.410	Youth Services Contractual	\$1,447.90
Highway DA Fund		
DA5130.400	Machinery- Contractual	\$76.32

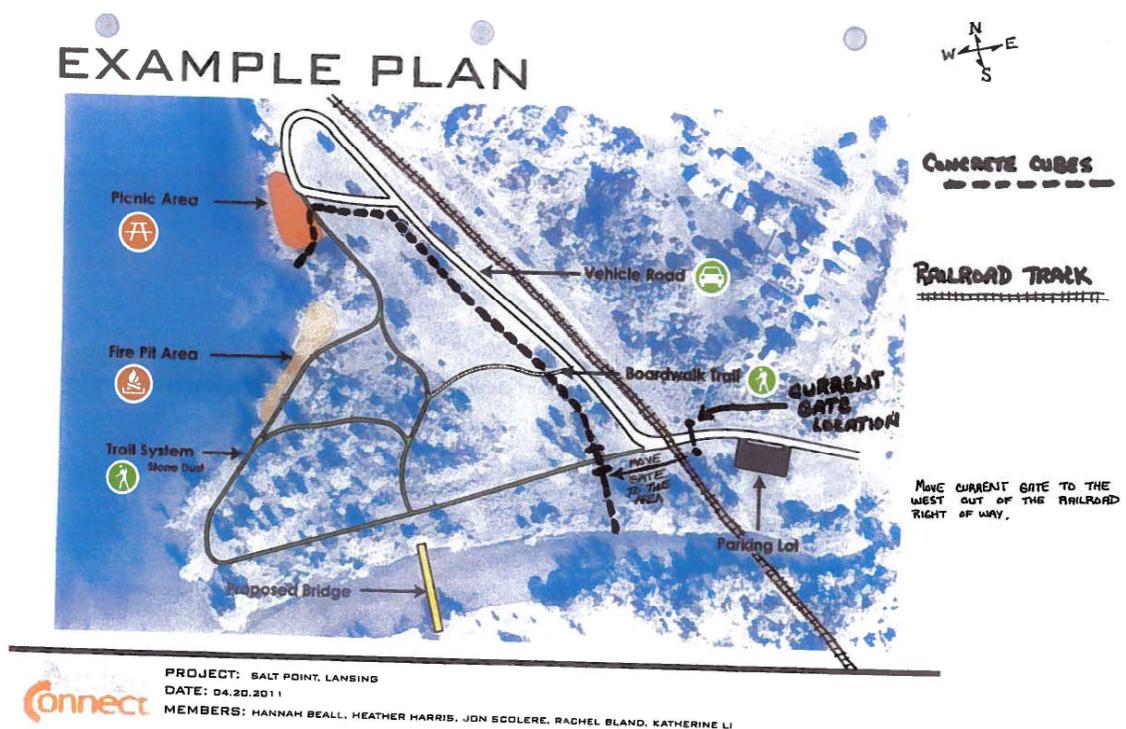
Councilperson Ruth Hopkins seconded the motion and it was carried by the following roll call vote:

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

SALT POINT IMPROVEMENTS:

Councilperson Katrina Binkewicz presented the following map and plan for improvements to Salt Point to keep vehicle traffic off the point. Councilperson Katrina Binkewicz indicated vehicle traffic has been very negative. There has also been a lot of dumping of trash. In the plan to improve Salt Point, safety is the first important piece but also developing it as a natural area is important.

The map shows that the gate will be moved to the west side of the railroad tracks. There will be temporary concrete barriers placed between the park and the road to keep vehicle traffic off the entire point. The barriers measure 2' x 2' x 8' and can be moved for emergency vehicles and special events. They will be applying for a grant for more permanent barriers. When the concrete barriers are no longer needed, they can be stored at the Town Barns and used for highway projects. The cost of the barriers will be about \$10,000. There will be handicapped parking at the end of the loop as well as regular parking.



ADJOURN MEETING:

RESOLUTION 13-62

Councilperson Edward LaVigne moved to **ADJOURN THE FEBRUARY 6, 2013 SPECIAL TOWN BOARD MEETING AT 7:35 PM** to commence the **WORK SESSION MEETING**. 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

Minutes taken and executed by the Deputy Town Clerk.

Respectfully submitted,

Darlene Marshall

TOWN BOARD WORK SESSION MEETING

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

Topics of Discussion:

Allocation of Sales Tax & Fund Balance

With no further business to discuss the meeting ended at 8:50 pm.

Notes were taken by Supervisor Kathy Miller and executed by the Deputy Town Clerk.

Respectfully submitted,

Darlene Marshall