

SPECIAL TOWN BOARD MEETING
June 15, 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 2:08 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	Katrina Binkewicz, Councilperson
Robert Cree, Councilperson	Ruth Hopkins, Councilperson

ABSENT: Edward LaVigne, Councilperson

ALSO PRESENT: Dan Veaner, Lansing Star and Liz Cree

CONSIDER RESOLUTION

DISCUSSION

Dan Veaner stated that after 25 years of trying to get sewer he thought this project could work. He is in favor of an early vote by the Lansing voters. It would allow the Lansing School Board, local businesses, Finger Lakes Residential Center along with the Town Board to see how the Lansing residents want to be represented in this decision.

Councilperson Robert Cree stated he agreed with Dan Veaner that there needs to be a vote, but he disagrees with the timing and holding a Special Meeting that was just scheduled yesterday. He favored waiting until Legislation returns to session for the request of the vote. Supervisor Kathy Miller stated that if they waited, Legislation would not consider it until January.

The consensus of the Town Board agreed that if the vote was held and was not favorable they could stop spending money. Councilperson Katrina Binkewicz stated that she was fine with the Town saying no thank you, and then the Town Board could move onto other things.

Councilperson Ruth Hopkins stated that before the Town spends more money there needs to be a vote to know what the Town residents want.

Supervisor Kathy Miller stated that if an early vote can be held in August or September and if the vote is favorable, the Town will move forward with the procedure, after which the sewer district would be subject to a permissive referendum when the process is completed. If the project is abandoned it will be the Town residents decision.

This request through the following resolution would allow for an earlier vote if passed by Legislation. It would then be the decision of the Town Board to hold the earlier vote.

RESOLUTION 13-98

ELECTIONS:
HOME RULE RESOLUTION REQUESTING SPECIAL LEGISLATION

A Resolution Requesting Senator Michael Nozzolio and Assemblywoman Barbara Lifton to Sponsor Legislation to permit the Town of Lansing to Have and Conduct a Referendum Election upon a Proposition to Determine Public Support for a Multi-Million Dollar Sewer improvement area project

The Town Board of the Town of Lansing, duly convened by a properly noticed special meeting, does hereby resolve as follows:

Section 1. The Town Board of the Town of Lansing, Tompkins County, New York (hereinafter, the “Town”) hereby requests that Senator Michael Nozzolio and Assemblywoman Barbara Lifton sponsor legislation, to be introduced in the New York State Senate and New York State Assembly, to allow the Town to conduct a special election, in or near the Fall of 2013, upon a proposition upon the question of whether the areas of the Town outside of the Village of Lansing desire to support and create a Town Law Article 12-C sewer improvement area, consisting mainly of an initial service area and a treatment plant. The Town will pay the costs of such special election upon such proposition.

Section 2. The Town Board finds and determines that it does not have the legal authority to conduct such referendum election prior to the completion of the environmental review of the project (at this time being a scoped GEIS due to the issuance of a “positive declaration” under the FEAF), the expenditure of over \$200,000.00 for the continuation of the SEQRA review and engineering studies and plans, and the approval and formation of such proposed sewer improvement area. Such referenda may be conducted only *after* the conclusion of the SEQRA process, *after* the expenditure of such funds, and *after* the Town Board approves formation of the improvement under Town Law Article 12-C (the same timing rules apply to all Town Law benefit and improvement areas and districts; see Town Law Articles 3-A, 12, and 12-A). Finally, the Town otherwise lacks authority to conduct referenda elections without specific statutory or State Legislative authority, and such election may also not be called by local law under the Municipal Home Rule Law per controlling statutes and the Opinions of the New York State Attorney General and State Comptroller.

Section 3. The Town Clerk shall immediately send certified copies of this Resolution to Senator Michael Nozzolio and Assemblywoman Barbara Lifton

Section 4. This Resolution shall take effect immediately.

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

Councilperson Katina Binkewicz – Aye	Councilpeson Robert Cree - Nay
Councilperson Ruth Hopkins – Aye	Supervisor Kathy Miller – Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on June 15, 2013

MOTION TO ADJOURN MEETING

Councilperson Robert Cree moved to **ADJOURN THE June 15, 2013 TOWN BOARD MEETING AT 2:38 PM.** Councilperson Ruth Hopkins seconded the motion.

All In Favor – Aye Opposed - 0

Minutes taken and executed by the Town Clerk.

Respectfully submitted,

Debbie S. Crandall