

REGULAR TOWN BOARD MEETING
MAY 18, 2011

A Regular 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, A. Scott Pinney and opened with the Pledge of Allegiance to the flag. Roll call by Debbie Crandall, Deputy Town Clerk, showed the following to be **PRESENT**:

A. Scott Pinney, Supervisor
Marty Christopher, Councilperson
Robert Cree, Councilperson
Kathy Miller, Councilperson
Connie Wilcox, Deputy Supervisor

ABSENT: None

ALSO PRESENT: Guy Krogh, Town Attorney, Jack French, Highway Superintendent, Steve Colt, Park Superintendent and Recreation Director, Dan Veaner, Pat Pryor, Roger and Ruth Hopkins, Linda Westlake, Claes Nyberg, Ed LaVigne, Dave Heck, Charissee Oates, Lee-Ellen Marvin, Janice Johnson, Heather Filiberto, Linda Schoffel, Andra Benson, Dick Taylor, Joe and Kim Fezza, Theresa Armstrong, Peg Stoyell, Danielle Stark, Bridget Davis, Marissa Mix, Gianna Fezza, Elisa Armstrong, Hannah Ritter, Andy Sciarabba, James Brown, Meg Cole, Chelsea Marshall, Alec Iacobucci, Bert Stark, Shelly Uhl-Stark, Diane Marabella, Al Mix, Sean Cheatham and several other residents.

PRIVILEGE OF THE FLOOR:

Pat Pryor: Tompkins County Representative:

Reducing Speed at the Intersection of N. Triphammer and 34B:

Ms. Pryor reported that it has been initiated and there is an effort to try to reduce the speed limit at the intersection of North Triphammer and 34B. It was initiated by constituents that live in that area that are concerned about the increased traffic. With the growth of the area and a grocery store going in they feel like there is a real safety issue.

Ms. Pryor has contacted the Tompkins County Highway Department and they have contacted the appropriate New York State Agencies. Ms. Pryor has also spoke with Town Officials to create a joint effort to reduce the speed limit at the intersection.

2012 Tompkins County Budget:

Ms. Pryor reported that at the County Meeting last week, a considerable amount of time was spent discussing guidelines that will be used in the 2012 Budget Process. In order to continue all the programs this year the County would have to increase the tax levy by 13%. If the County eliminated all the programs over which the board has discretion, which would include the programs for the aging, youth programs, etc. the tax levy would increase 5.4% simply to pay for the programs the State mandates.

With the Governor proposing a 2 % property tax, the County has asked the County Administrator to prepare two budgets for 2012. One showing what could be supported within the limits of a 2% cap, the other recommended budget that could be supported by a 5.4% increase in tax levy.

The vote was 12-2 with Ms. Pryor voting NO on the proposal. Ms. Pryor stated that Legislators have done nothing since last year's budget process to address priorities for the County. Ms. Pryor feels the Legislators have not met their responsibilities to give the Departments and the County Administrator adequate guidance as to what the Legislators think based on their contacts with their constituents. She feels the Legislators have not done their job and because of this she voted NO.

Edward LaVigne: President of Lansing Community Council

Community Fireworks:

Lansing Community Council is trying to put forth the 1st Fireworks in Myers Park.. The event will be held on July 2nd at 6:00 p.m. There are two scheduled bands playing, one from 6:00–8:00 and another from 8:00–10:00 with the start of the fireworks to follow.

Funding had previously been discussed at a cost of \$4,000.00. Food will not be provided through Community Council. A rider for insurance can be put on their existing policy at a cost savings of \$1,000.00. Unfortunately, the cost for the Town's responsibility will be \$800.00. The Community Council will cover the cost for the Town in the amount of \$800.00.

The Community Council is asking the Town Board to vote in favor of the Fireworks for July 2nd and asking permission to place the Boom Board next to the ticket booth which will remain there for three months. A future mailing is planned to reach over 3,000 households asking for support in the form of donations, Big Shots will be \$250.00, Boomers, \$100.00 and Sparklers \$50.00. They are asking for the use of the town's printer, the paper and postage will be supplied by Community Council. He is asking for the Town to act on this tonight in order to get the mailing of the postcards started as soon as possible.

Supervisor Pinney asked the Board for comments and concerns and if there was any reason not to move forward on this.

Councilperson Wilcox stated that she thought it was a great idea but her only concern was that the July 4th event is on Monday. She didn't know how two events in one weekend would work.

Mr. LaVigne stated that they had taken that into consideration but that these are two entirely different events with a separate set of dynamics. With the Monday Lansing Lions Chicken Barbeque, there will not be chicken served on the Saturday July 2nd event. The July 2nd event will be a kickoff to the concerts in the park followed by the fireworks.

Supervisor Pinney stated that he totally supports this and appreciates all the hard work that has been done to make something like this happen for the town.

Councilperson Christopher stated that we can only hope for the best and hope it doesn't rain.

Councilperson Wilcox stated that the fireworks are at TC3 and what happens if it rains and they have to move theirs to a rain date.

Mr. LaVigne stated that he had previously talked with Fran Benedict and he commended Mr. LaVigne for having the fireworks. Mr. Benedict indicated they were going to have the fireworks in Dryden even if it rained. The rain date for Lansing's is the following Saturday on July 9th. Before this was initiated they contacted TC3 to ask if there were fireworks and at that time there were not any scheduled for this year. Mr. LaVigne stated he hopes that this would be the start of an annual event which would kick off the Independence Celebration.

Councilperson Miller asked if the quality of the fireworks show depended on how much money is raised.

Mr. LaVigne stated no. They will be going through American Fireworks the same ones the Fire Department uses for the carnival. They offer a \$2,000, \$3,000 or a \$5,000 product. They wanted to be conservative and use this as a prototype therefore they decided on a \$2,000 show. This will be put in a sub account under the Community Council and donations received above this amount will be used for next years show.

Town Attorney Krogh stated that the Town didn't need a resolution as long as everyone agrees. The Town Law gives you the ability to do that for Federal Holiday's.

Linda Westlake: Pathways Committee

Ms. Westlake reviewed and discussed the following with the Town Board and all present.

Lansing Recreational Pathways Committee Report **Town Board Meeting - May 18, 2011**

1. Town Trail Update:

- Developing plans for improving existing trail surface (Phase 1) and expanding trail (Phase 2)
- Phase 1 improvements: stabilize trailhead entrance/parking, stream crossings and mulch
- Phase 2 expansion: Clear footpaths on RR bed and in wooded areas
- Estimate costs, develop budget, prioritize tasks and organize volunteer work crews
- Fund Raising for materials: Mulch commitments, solicit local businesses, August chicken BBQ, develop "Friends of Lansing Trails", etc.

Claes Nyberg: 420 Ridge Road

Mr. Nyberg stated that now that the old Chris-n-Greens is torn down there is an ugly fence around it. He stated that the Board needs to take responsibility on how the town develops and see that it is improved. It is in the town's powers to make sure Lansing is more beautiful.

Councilperson Christopher stated that he agrees. It has taken the town along time to get the building taken down and he was surprised to see the fence there.

Mr. Nyberg stated that the Town Board needs to manage that. You are going to see a lot of development in the town and the Town Board needs to change the zoning regulations before you allow more development. There needs to be a plan in place.

Supervisor Pinney stated the town is in a tough spot. There are zoning laws in place but they do not pertain to fences and they are allowed. You can't restrict everything, you need to find a happy medium. We all wanted an improvement there and everyone was pleased when the building came down. We are hoping that some landscaping goes up. Until the property is developed and comes before the Planning Board for a site plan review, this is where the buffers and zoning issues are addressed.

Councilperson Christopher stated that the Town Board doesn't want to dictate that type of thing that is why there is a Planning Board.

Mr. Nyberg stated that it is the Town Board's job to make the rules, not the Planning Board.

Councilperson Miller stated that she attended a NYS Association of Towns meeting on this issue. A lot of towns have restrictions on new development that would pertain to this situation. There has to be a will and consensus in the town to do this. She agrees with Mr. Nyberg that Lansing should be beautified and the approach to the town to be attractive. The bottom line is, that is her opinion and it doesn't mean that everyone is going to agree with her. It has to be something that is from a consensus. There are some towns that are extremely restrictive and have incredible requirements. She would like to see something done but she doesn't know where it is going to go.

Mr. Nyberg stated there is a Town Center Committee along with an Economic Development Committee along with sewer, etc. You need to have a plan for this before you approve all these things people suggest. Mr. Nyberg referred to the sign ordinance in the town which allows things that can not be done in Ithaca or the Village of Lansing. He

is asking the Town Board to think about things before they are approved which will change the way it looks here and the way we live.

PRESENTATION UNITED WAY FOCUS GRANT:



Lansing Student United Way Awards \$3,000 to Nonprofit Organizations

The Lansing Focus on Community Understanding Service Program (FOCUS), a United Way of Tompkins County Program, awarded \$3,000 to local nonprofit organizations that serve the community of Lansing. Overseen by volunteers and staff of United Way of Tompkins County and the Rural Youth Services Program through Cornell Cooperative Extension, the FOCUS Council was comprised of eight students (names listed below) from Lansing Middle School. They met for six weeks to deliberate and distribute the one-time grants, while learning more about their community and philanthropy in the process.

FOCUS is a component of United Way of Tompkins County's Student and Campus Engagement Programs. The Park Foundation generously provides funding for this program. Annually, middle school students in select towns distribute \$3,000 to local nonprofit organizations that serve their communities. They participate in consensus building activities, review grant applications, conduct interviews, and deliberate about how to award the money. Students also engage in a documentary photography project, where they capture on film what they like about their community and what they would like to change or improve.

This year marks the ninth year of FOCUS. Since the program's inception in 2002, the towns of Danby, Dryden, Caroline, Newfield, Groton, Enfield, and Trumansburg have hosted FOCUS Councils. To date, students have allocated \$21,500 to nonprofit organizations serving individuals and families in the communities of Tompkins County.

Students read through grant applications, with requests totaling \$11,280. The Lansing FOCUS Council decided to grant one-time funds to the following three organizations.

1. **Suicide Prevention & Crisis Service** received \$550 for Teen Messaging Project for the development of new suicide prevention classroom materials to use in the middle and high schools of Lansing.
2. **Cornell Cooperative Extension of Tompkins County/4H** received \$550 for High School Helpers – a youth employment program for Lansing students which teaches job-readiness skills and provides paid employment of first-time job seekers.

3. **Lansing Community Council** received \$1,900 to develop approximately four miles of trails located across from the Lansing Town Hall.

At the completion of the program, the students added that they felt like they had real power to do something good for people.

**Lansing Focus On Community and Understanding Service (FOCUS) Members
May 2011**

**Danielle Stark
Taylor Marabella
Bridget Davis
Elisa Armstrong
Marissa Mix
Hannah Ritter
Gianna Fezza
Olivia Lemaro**

Working with others United Way of Tompkins County will build an organization that...

- Supports individuals in their efforts to live self-sufficient, productive lives,
- Connects families with their communities,
- Encourages diverse agencies and communities to engage each other to achieve mutual goals,
- Models and expects fairness, dignity, and respect.

LANSING TOWN CENTER INCENTIVE ZONE PRESENTATION:

Andy Sciarabba and Heather Filiberto reviewed and presented the following on the Lansing Town Center Incentive Zone:

Background:

The Economic Development Committee for the Town of Lansing has been discussing the idea of establishing an Incentive Zone whereby qualifying businesses and non-profit entities can receive a package of tax incentives to assist in making their development projects feasible. After much discussion it was decided to present this concept to the Town Board in November, 2010 in order to determine if support exists and, if so, proceed to develop the program for Town Board consideration and adoption. The Town Board has approved moving to the next step which is to prepare an outline of the requirements to be presented to the Board for discussion, public comment and final approval which then would be presented to the Tompkins County IDA for consideration.

The following entities would be involved in the program to approve and authorize the incentive package:

- Lansing Town Board: The applicant would submit its pre-application for incentives to the Town Board and if approved would forward a resolution and recommendation to the IDA.
- Tompkins County Area Development: TCAD is the administrative and marketing entity for the IDA. TCAD assists applicants in the preparation of the incentive application and assists the applicant with the Town Board and the IDA processes.
- Tompkins County Industrial Development Authority: The IDA has the authority to approve an incentive package and deliver incentives upon recommendation of the Town.

The IDA targets industrial sector businesses that have a market for products or services extending beyond Tompkins County. This sector creates quality jobs and is generally unlikely to compete with other local businesses. The IDA will also assist companies selling their product or service in the County when it is clear their primary competition is from

outside of the County. The IDA only assists retail/commercial service sectors in very limited circumstances for example if the produce or service is not readily accessible. The Lansing Market recently received incentives from the IDA for this reason. The IDA also assists not-for-profit projects access low interest, tax-exempt bond financing.

The IDA and the City of Ithaca created an incentive zone to promote higher density, mixed used development in the City's downtown core. The Downtown Density Program requires a minimum number of identified community benefits to be eligible for IDA incentives.

The Lansing Town Center Incentive Zone establishes the geographic boundaries within which it wants to encourage development and will establish its own criteria and requirements. The Economic Development Committee will be charged with preparing this program for comments and input by the Town Board and community.

The Town of Lansing Comprehensive Plan identifies goals and objectives around creating a vibrant Town Center where higher density housing, commercial services catering to the needs of local residents, and recreational opportunities are established that increase the tax base and create a sense of community in Lansing.

The Town currently has very few basic commercial services. It is geographically located 5 miles from the Village of Lansing and more than 10 miles from the City of Ithaca's downtown and Route 13 commercial districts. In order to attract developers to the Town of Lansing, and the Town Center, an incentive program is critical and the requirements imposed to qualify for the incentives need to be reasonable.

The Lansing Town Center Incentive Zone Program is being considered to encourage development in the Lansing Town Center. Under this program, the Town of Lansing recommends projects to the Tompkins County Industrial Development Agency for consideration of tax incentives.

Eligible Projects:

The Lansing Town Center Incentive Zone Program encourages development within the boundaries of the Town Center as outlined in Exhibit A. In general, the Program supports development at higher densities in the Town Center that increase the tax base. The following criteria and community benefits must be met for a project to be eligible.

1. Industrial – Light manufacturing and industrial projects selling a produce or service outside of the local area. This definition very broadly includes computer software, agri-business, printing, publishing, and research and development.
2. Retail/Commercial – Retail/commercial projects that make available goods or services not reasonably accessible in the Town of Lansing or that the Town Board believes would benefit the community. Projects may be single story or part of a multi-story, mixed-use development project.
3. Rental Housing – multi-family housing must be at least two stories and establish a minimum of four new rental units. Projects may be part of a multi-story, mixed-use development project.
4. Not-For-Profit – Not-for-profit projects qualify for access to low cost tax-exempt bond financing under the regular IDA policies and procedures.

Projects must have new construction costs of at least \$500,000. In addition, the value of projected incentives must be at least three times the projected fees associated with the project. The IDA may waive the minimum construction cost in circumstances where the public benefit outweighs the project costs.

Public Benefits:

Projects will be evaluated based on the extent to which they meet the public benefits outlined below:

- Create permanent or seasonal jobs.
- Employ local construction labor as much as possible.
- Create synergy with existing activities, such as sharing curb cuts and driveways.
- Incorporate public amenities such as benches or bike racks.
- Incorporate open space improvements.
- Include mixed uses (commercial and housing).
- Increase the property assessed value and generate additional property taxes.
- Create quality rental housing to meet the needs of the community.

Incentive Package:

Property Tax Abatement – The standard Lansing Town Center Incentive Zone property tax abatement will begin at 100% in year one and decrease in equal increments over ten years. The abatement will only impact taxes on improvements to the property and not taxes on the existing value. The IDA retains the ability to offer more than the standard Lansing Town Center Incentive Zone abatement based on an analysis of the impact on the economy, the needs of the business, and input from the Town of Lansing.

Sales Tax Abatement – The applicant will be exempt from both the local and State portion of sales tax on construction materials, equipment, and furnishings associated with the project. The IDA will pass the sales tax abatement on to a tenant in a retail/commercial space only if the type of business meets the eligibility requirements of the Lansing Town Center Incentive Zone.

Mortgage Recording Tax – The applicant will be exempt from the State portion of the Mortgage Recording Tax (\$2.50 per \$1,000).

Local Purchasing and Hiring Practices:

The IDA requires all recipients of IDA incentives to make every effort to purchase goods and services from Tompkins County businesses and to hire Tompkins County residents. The IDA is especially supportive of projects that make a specific commitment to hire women and minorities during the construction phase or as permanent full-time workers of the project’s operating businesses. The IDA may require detailed information concerning the applicant’s past and projected purchasing and employment practices.

Fees:

Administrative Fees – The applicant is responsible for paying the IDA Administrative Fee at the time of closing. This fee will be equal to 1% of the total value of expenses that are positively impacted by IDA incentives. This includes the value of construction of improvements to property that is impacted by property and sales tax abatement and the value of furniture, fixtures and equipment that are impacted by sales tax abatement. It will not include any purchases, such as manufacturing equipment, where the IDA does not deliver and incentive. Soft Costs (legal, consulting, financial, architectural and engineering fees) will be included in the amount considered as total value of expenses.

In an attempt to make its incentive program cost effective for smaller projects, the IDA will reimburse the applicant for 100% of the Administrative Fee, IDA Counsel Fee, and IDA Bond Counsel Fee associated with the IDA involvement in the project if the total project cost is less than \$1 million. For total project cost greater than \$1 million but less than \$2 million, the reimbursement of fees will be reimbursed on a sliding scale that declines from 100% to 0% gradually based on project size. There will be no reimbursement of fees for projects with costs over \$2 million. The reimbursement will take the form of additional property tax abatement credited to the business in the initial years of the Payment In Lieu of Tax agreement (PILOT). The IDA retains the right to determine the credit the applicant will receive. For projects where there is no property tax abatement, there will not be any form of fee reimbursement.

IDA Council Fees – The applicant is also responsible for paying the IDA for all legal costs it incurs including IDA Counsel and Bond Counsel fees..

Applicant Attorney Fees – The applicant is responsible for its own attorney fees associated with closing IDA incentives.

Application Process:

Tompkins County Area Development, Inc. (TCAD) provides administrative and marketing services to the IDA. Potential applicants should work with TCAD to determine whether the proposed project is eligible. If the project appears to be eligible, TCAD will work with the applicant to apply for assistance.

It is strongly advised that a potential applicant meet with TCAD staff as early in the process as possible to determine if the dollar value of the proposed incentives exceeds the associated fees.

Based on the nature of the project and the incentives requested, the following will occur:

1. Pre-Application (Exhibit B) – A developer seeking a tax abatement under this program must first submit a pre-application to the Town of Lansing. The application will be in such a form that it identifies which criteria the project is eligible under and outlines the community benefits achieved by the project.
2. Town Recommendation – The Town of Lansing must recommend, by resolution, the project to the IDA. All projects are still subject to Planning and Zoning Board approvals and other normal requirements.
3. IDA Application – A full IDA application will be submitted to the IDA accompanied by the Pre-Application and a resolution from the Town of Lansing. The IDA will make an independent determination of the project, weighing the costs and benefits of any tax incentives it delivers. The IDA recognizes that, in adopting the Lansing Town Center Incentive Zone, it is accepting that it may favor some local businesses over others in an effort to influence location decisions. The IDA also recognizes that the negative impact on existing businesses may outweigh the benefits gained from locating new development within the Zone. The IDA will also evaluate the potential impact on other governmental entities, including school districts.
4. Public Hearing – Following an initial review, the IDA will, if favorably disposed toward a project, schedule a public hearing on the proposed incentive package. Standard IDA policies apply with regards to public hearing notification and other requirements.
5. IDA Determination – Following a public hearing, the IDA will make a determination on the project. No final decision may be reached by the IDA until SEQR requirements have been met by the developer.
6. Notification and Reporting – The IDA will notify the Town of Lansing and appropriate taxing jurisdictions once a project is approved. The IDA may diminish or rescind incentives should the project materially change. IDA agreements generally have claw back requirements.
7. Applications under this policy may not be accepted after December 31, 2021 unless the IDA and the Town of Lansing vote to extend the policy that date.

A Question and Answer Period Follows:

Councilperson Miller asked if the Town of Lansing has a member on the IDA?

Mr. Sciarabba stated there are no representatives from the Town of Lansing. Ms. Filiberto stated that the IDA Board is a seven member board which consists of four representatives from the County Legislature, the other three members are at large representatives. Of the current three members at large, one represents the City of Ithaca, and the other two are business people. The IDA, a few years ago, did change its by-laws to reduce the number of

County Legislators. The County Legislators appoint the members of the IDA by legal statute. The Legislators decided not to take into account the change in the by-laws. It is a discussion that is come up again and they are talking about the makeup of the IDA and how it is represented. They have talked pretty extensively over the last few months about having some representation from one of the school districts. When you talk about abating property taxes the line share is school taxes. Possibly they may be looking to ask a representative from the Town of Lansing.

Councilperson Miller stated that it appeared to her that the City of Ithaca was represented more greatly than anyone else.

Mr. Sciarabba stated that with all due respect, whenever he has been involved with the IDA in various projects over the years this has never been an issue whether it has been the city or the town. The IDA looks at the merits of the project and hopefully job creations as part of that project. There is annual reporting that has to be done by the projects to find out if they are meeting their stated goals and objectives.

Ms. Filiberto stated that there are not a majority of City Representatives in terms of the County Legislators. There is a representative from the Town of Dryden and the Town of Ulysses this was specifically done to have more rural representation.

Councilperson Christopher asked what is the term of the representatives.

Ms. Filiberto stated that they are three year terms, except for the four legislative members who come up for reappointment every year. The three at large members are three year terms.

Councilperson Cree asked if the typical abatement period of 10 years is set in stone or can the Town Board recommend a 5 or 7 year abatement period.

Ms. Filiberto stated that generally the IDA uses a 7 year abatement schedule. Mr. Sciarabba stated that it is on a per project basis and is at the Town Board's discretion.

Supervisor Pinney asked when the presentation was given to the Town of Lansing Planning Board if they had any concerns.

Mr. Sciarraba stated that after the presentation to the Planning Board they were very much in favor and no opposition. Nothing changes as far as the Planning Board procedures, you still need to go through the same process of the site plan review.

Councilperson Cree stated that the only question by the Planning Board was the type of public input and public hearings. He indicated that it was stated that it will be at the Town Boards discretion to choose to have a public hearing but it was not required.

Mr. Sciarraba stated that there is a public hearing process at the IDA level. If the Town Board wants to have a public hearing before the application and resolution is sent to the IDA, it is at the Town Board's discretion.

Councilperson Cree stated that the public hearing is held in the town where the construction and the project is taking place so the IDA would hold a public hearing in the Town of Lansing anyway.

Supervisor Pinney asked if the Town Board approves this what steps will the IDA take and what would be the timeframe.

Ms. Filiberto stated that they would take it to the IDA at their June meeting for comment and hopefully it will not be a lengthy process. She has had discussions with Martha Robertson, Chair of the IDA and they are aware of it coming and have been very supportive.

Supervisor Pinney stated that Claes Nyberg brought up a very good point, with this going on and the possibility of sewer, the Town needs to look at the Town's Comprehensive Plan again. This should coincide with these other things moving forward. Whether a new

committee is put together, or have the Town Center Committee or the Planning Board review it, changes need to be put in place as this could really change the whole landscape of the town.

Councilperson Wilcox indicated that the Planning Board has been reviewing a list of 100 items for several years now and nothing has moved forward. The Planning Board needs to step up and take a look at the Comprehensive Plan and decide on this. The Planning Board needs to be involved.

Councilperson Miller stated she would like to see the Economic and the Town Center Committee work together on this. She urged Claes Nyberg to please join one of these committees, he has an interest and she thinks that is really, really, important. These things need to be discussed and she wouldn't want to do anything to detour development. The Town Board needs to work with the Economic Committee and the Planning Board so that we do develop a real Comprehensive Plan for the Town of Lansing.

Councilperson Christopher stated that what Claes Nyberg was referring to, was that there is an existing Comprehensive Plan in writing that covers everything in general.

Councilperson Wilcox stated that the Comprehensive Plan is a road map for the town and needs to be updated constantly, it's a work in progress. There are other issues with the fence, it depends on what the zoning says and our Code Enforcement takes a look at that to determine if it is allowed or not allowed. There is a certain process the Town needs to follow.

Supervisor Pinney thanked Andy Sciarraba and Heather Filiberto for coming and giving a great presentation. The Town Board appreciates all the work and effort that they have put into this.

Mr. Sciarraba stated that they appreciate the Town's Leadership.

It was the consensus of the Town Board that this was a step in the right direction and therefore the following resolution was offered:

RESOLUTION 11-87

RESOLUTION ENDORSING AND APPROVING TOWN CENTER INCENTIVE ZONE PROPOSAL FROM BUSINESS DEVELOPMENT COMMITTEE AND AUTHORIZING DELIVERY TO AND REVIEW BY TOMPKINS COUNTY IDA

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

WHEREAS, the Business Development Committee has been working with local businesses and the IDA to develop an incentive zone in and near the town center area; and

WHEREAS, a proposal was formalized that discussed the types of businesses, housing initiatives, and not-for-profit development opportunities that could be incentivized by the creation of such a zone, including through sales tax exemptions for construction materials, furnishings and fixtures, property tax abatements for increases in assessment values created by business development, and potential waivers of the state portion of mortgage recording taxes; and

WHEREAS, the businesses and business and housing types proposed for such incentive zone are consistent with the current zoning in such areas, but in any event, the designation of such zone would not affect the need to comply with existing zoning, subdivision, and site planning requirements, and as well, individual approvals would still be needed upon a project-by-project basis to qualify for any one or more exemptions or benefits, including the levels of benefits to be so applied or granted to a given future project if such zone is created; and

WHEREAS, such proposal is not final and remains subject to further comments from the Town, the public and the IDA; and

WHEREAS, upon a review of such proposal, including the presentation by the Committee and the IDA, and in consideration of the benefits of such incentive zone, including the creation of jobs, retail and professional services, and increased property and sales tax revenues, and further, in light of the plan's overall consistency with the Comprehensive Plan's goal of mixed uses and a vibrant town center, the Town Board of the Town of Lansing has hereby

RESOLVED, that the proposal for the Lansing Town Center Incentive Zone be and hereby are endorsed and approved, and the Committee be and hereby is requested to present the proposal to the IDA for review and comment, and if appropriate, approval, and/or the commencement of the development or approval processes; and it is further

RESOLVED, that the Economic Development Committee continue such work with the Town, the Town Center Committee, the IDA, and others, to prepare this program for comments and input by the Town and the community.

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

Councilperson Martin Christopher:	Aye
Councilperson Robert Cree:	Aye
Councilperson Kathy Miller:	Aye
Councilperson Connie Wilcox:	Aye
Supervisor Scott Pinney:	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted.

UPDATE WORKPLACE VIOLENCE PREVENTION PROGRAM:

Councilperson Christopher asked the Town Board members to review their workplace violence packet along with the prevention form. These will be discussed at the June 15th Town Board meeting. Jeff Overstrom will now be the coordinator of the program. Councilperson Christopher will meet with Mr. Overstrom prior to the June meeting. The committee that existed will now be dissolved.

FORMATION LIGHTING DISTRICT WOODLAND PARK MPR;

RESOLUTION 11-88

RESOLUTION AUTHORIZING MAP, PLAN & REPORT FOR PROPOSED WOODLAND PARK LIGHTING DISTRICT

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

WHEREAS, Developer Cardamone Home Builders, Inc., has requested that, pursuant to a certain Developer's Agreement between the Developer and the Town, the Town begin the lighting district formation process under Town Law Article 12-A in respect of the conditions placed upon an existing PDA approval for the above-referenced PDA development located on Warren Road and Hillcrest Road in the Town of Lansing, Tax Map Parcel 41.-2-5; and

WHEREAS, the creation of such lighting district is deemed to be in the public interest, in furtherance of the proposed approved PDA community, and in the interest of the affected property owners proposed to be included in such district, and the Town now desires to examine the feasibility of such a district, and accordingly, based upon due deliberation thereupon, the Town Board of the Town of Lansing has hereby

RESOLVED, that the Town Board of the Town of Lansing hereby directs the Town Engineer to proceed with the preparation of a Map, Plan and Report (“MPR”) pursuant to Town Law §§ 209-c and 209-d relative to the proposed Woodland Park Lighting District, for the Woodland Park PDA; and it is further

RESOLVED that the cost of such map, plan and report are authorized in an amount not to exceed \$1,050.00, with said amount to be paid by the Developer; and it is further

RESOLVED AND DECLARED, that the requirements for a permissive referendum do not apply as there is no expenditure of public funds for the MPR as the Developer is paying the expenses of preparing the MPR pursuant to the terms of this Resolution and said executed Developer’s Agreement.

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

Councilperson Martin Christopher:	Aye
Councilperson Robert Cree:	Aye
Councilperson Kathy Miller:	Aye
Councilperson Connie Wilcox:	Aye
Supervisor A. Scott Pinney:	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted.

DRAINAGE DISTRICT MPR LANSING COMMONS:

RESOLUTION 11-89

RESOLUTION AUTHORIZING MAP, PLAN & REPORT FOR PROPOSED DRAINAGE DISTRICT #7 FOR LANSING COMMONS SUBDIVISION

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

WHEREAS, Developer J. Ronald Seacord has requested that, pursuant to a certain Developer’s Agreement between the Developer and the Town, the Town begin the drainage district formation process under Town Law Article 12-A in respect of the conditions of approval of the Lansing Commons subdivision, located south of intersection of Cayuga Vista Drive and Woodsedge Drive in the Town of Lansing (P/O Tax Map Parcel 37.1-2-53.222); and

WHEREAS, the Developer is required to design, construct, monitor, and maintain one or more forms of stormwater management practices for such subdivision, and, for reasons related to the apportionment, payment, and recovery of long-term stormwater maintenance and monitoring costs and expenditures, among others, the subdivision approval required that the properties benefited by the stormwater facilities pay the cost of the same, and therefore the Town Board has concluded that a drainage district be utilized for the management of stormwater for this subdivision and the Developer concurs; and

WHEREAS, the creation of such Drainage District (hereinafter Drainage District #7) is deemed to be in the public interest, and in the interest of the affected property owners proposed to be included in such district, and the Town now desires to examine the feasibility of such a district, and accordingly, based upon due deliberation thereupon, the Town Board of the Town of Lansing has hereby

RESOLVED, that the Town Board of the Town of Lansing hereby directs the Town Engineer to proceed with the preparation of a Map, Plan and Report (“MPR”) pursuant to Town Law §§ 209-c and 209-d relative to proposed Drainage District #7 for the Lansing Commons subdivision; and it is further

RESOLVED that the cost of such map, plan and report are authorized in an amount not to exceed \$4,000.00, said amount to be paid by the Developer; and it is further

RESOLVED AND DECLARED, that the requirements for a permissive referendum do not apply as there is no expenditure of public funds for the MPR as the Developer is paying the expenses of preparing the MPR pursuant to the terms of this Resolution.

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

Councilperson Martin Christopher:	Aye
Councilperson Robert Cree:	Aye
Councilperson Kathy Miller:	Aye
Councilperson Connie Wilcox:	Aye
Supervisor A. Scott Pinney:	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted.

EMPIRE STATE DEVELOPMENT GRANT:

Guy Krogh, Town Attorney gave a brief description of the grant. Empire State Development Corp provided funding to reimburse the town for the construction costs of the Warren Road Sewer District Extension. IDA had a lot to do with getting this accomplished. It is referred to as the Upstate Regional Blueprint Fund which allows infrastructure development as well as business development. This was driven by Transonics who plan on hiring approximately 200 people. A public hearing was held at the Town Hall.

RESOLUTION 11-90

RESOLUTION AUTHORIZING AND APPROVING EMPIRE STATE DEVELOPMENT GRANT DISBURSEMENT AGREEMENT FOR WARREN ROAD SEWER DISTRICT FUNDING, AND FURTHER AUTHORIZING ADDITIONAL STEPS TO SIGN SUCH CERTIFICATIONS, AGREEMENTS, NOTICES, CLAIMS, AND OTHER FORMS NECESSARY TO IMPLEMENT AGREEMENT AND RECEIVE FUNDING THEREUNDER AND UNDER UPSTATE REGIONAL BLUEPRINT FUND

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

WHEREAS, the Town, as part of the funding process for the Warren Road Sewer District Extension (“WRSDE”), applied for Upstate Regional Blueprint Grant funding through the NYS Urban Development Corporation and the Empire State Development Corporation, which application was approved in the amount of \$400,000.00; and

WHEREAS, as part of the eligibility process for grant funding, the Town is required to provide detailed project and other information and sign certifications, agreements, and an initial Grant Disbursement Agreement; and

WHEREAS, upon consideration and deliberation upon the same, and upon a review and approval of the terms thereof by the Attorney for the Town, the Town Board of the Town of Lansing has hereby

RESOLVED, that the said Grant Disbursement Agreement be and hereby is approved, and the Supervisor and/or Deputy Supervisor be and each is hereby authorized to execute such Grant Disbursement Agreement by, for, on behalf of, and in the name of the Town of Lansing; and it is further

RESOLVED, that the said Supervisor and/or Deputy Supervisor be and each is hereby authorized to take such other steps, negotiate the terms of statements and agreements,

draft such statements and agreements, and sign such other applications, certifications, and agreements as are deemed in the best interests of the Town and/or as are or may be necessary or convenient to effect and perform the terms and conditions of the Grant Disbursement Agreement by, for, on behalf of, and in the name of the Town of Lansing, including, but not limited to, paying any required commitment fees and expenses of the ESDC, authorizing the issuance of legal opinions pertaining to the grant and the grant program, and executing payment requisition forms, financial condition affidavits, project cost affidavits, and equity expenditures affidavits.

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

Councilperson Martin Christopher:	Aye
Councilperson Robert Cree:	Aye
Councilperson Kathy Miller:	Aye
Councilperson Connie Wilcox:	Aye
Supervisor A. Scott Pinney:	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted.

CONTRACT AMENDMENT FOR INSPECTION ON WARREN ROAD SEWER:

RESOLUTION 11-91

**RESOLUTION AUTHORIZING AND APPROVING CONTRACT AMENDMENT
2 FOR WARREN ROAD SEWER DISTRICT ENGINEERING SERVICES
AGREEMENT**

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

WHEREAS, the Town has an existing professional services agreement with T.G. Miller for engineering and related services for the Warren Road Sewer District Extension (“WRSDE”), which agreement and terms are proposed to be amended by final design services to the list of services and removing resident inspection services, thus changing the schedule and terms of service and the price for professional engineering services; and

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

RESOLVED, that the said Amendment 2 to the Agreement between Owner and Engineer for Professional Services, dated February 24, 2009, be and hereby is approved, and the Supervisor and/or Deputy Supervisor be and each is hereby authorized to execute such Amendment 2 by, for, on behalf of, and in the name of the Town of Lansing.

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

Councilperson Martin Christopher:	Aye
Councilperson Robert Cree:	Aye
Councilperson Kathy Miller:	Aye
Councilperson Connie Wilcox:	Aye
Supervisor A. Scott Pinney:	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted.

SPECIAL MEETING PROCEDURES:

RESOLUTION 11-92

**RESOLUTION AMENDING AND UPDATING SPECIAL PROCEDURES FOR
CALLING SPECIAL AND EMERGENCY TOWN BOARD MEETINGS**

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

WHEREAS, on April 20, 2011 (by Resolution 11-81), the Town Board adopted an updated policy concerning the calling of special meetings, and the same is need of some procedural clarifications and additions to address the differences between special and emergency meetings; and

WHEREAS, and upon deliberation thereupon, the following procedures are adopted and the same shall replace and supersede all prior procedures for calling special and emergency meetings of the Town Board:

1. All requirements of Town Law § 62 and Public Officers Law Article 7 (the “Open Meetings Law”) shall, as then in effect, supersede these requirements whenever the law so requires, or whenever other or different forms or requirements of notice are required;
2. Special meetings shall be called by the Supervisor, and upon the written request of two Board Members the Supervisor shall call a special meeting within 10 days thereof, in both cases by giving at least two days notice in writing to all Board Members and the Town Clerk of the time when, and the place where, the meeting is to be held. See Town Law § 62;
3. Public notice of the time and place of all special meetings shall be given prior to every such meeting. If a meeting is scheduled at least a week in advance, notice must be given to the public and the news media not less than 72 hours prior to the meeting. When a meeting is scheduled less than a week in advance, notice must be given to the public and the news media to the extent practicable and at times reasonable prior to the meeting. Notice to the public must be accomplished by posting in one or more designated public locations. See Section 4 below; see also Public Officers Law § 104.
4. Public Notice by posting shall be accomplished by, at a minimum, posting the notice upon the Town Clerks’ official signboard and posting the same upon the Town’s website. Notice of the meeting shall also be sent or given to the Ithaca Journal, the Lansing Star, the Lansing Central School District, and the Cayuga Radio Group;
5. In the event that an exigent emergency exists that requires an immediate meeting such that 2 days written notice to the Town Board and Town Clerk and 72 hours notice to the public cannot reasonably be accomplished, then the maximum amount of public notice as is possible under attendant circumstances shall be provided to the public by posting and notifying the news media and newspapers. See, generally, See OML-AO-4572 (2008).
6. When there is doubt or a question as to whether and how to call a special or emergency meeting, the Town Supervisor, the Committee on Open Government, or the Attorney for the Town should be consulted.

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

Councilperson Martin Christopher:	Aye
Councilperson Robert Cree:	Aye
Councilperson Kathy Miller:	Aye
Councilperson Connie Wilcox:	Aye
Supervisor A. Scott Pinney:	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted.

BAN RENEWAL DRAKE ROAD:

RESOLUTION 11-93

**RESOLUTION AUTHORIZING THE ISSUANCE OF A \$133,500.00
BOND ANTICIPATION RENEWAL NOTE #01-11**

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

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

WHEREAS, BARN #02-10 is approaching its maturity date and such financing must be renewed or the debt thereof paid, and in compliance with the Local Finance Law, the Town Board has decided to partially pay-down the debt pursuant to Local Finance Law § 23.00 by making a principal and interest payment thereupon and issuing a renewal BARN for the balance thereof; and

WHEREAS, the Town has contacted several lending institutions to find the lowest rates, and has determined that the Chemung Canal Trust Company has the best rates and terms for proposed BARN #01-11, to be issued in the amount of \$133,500.00 for one year at a 1.90% interest rate (non-callable); and

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

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

RESOLVED, that

Section 1. BARN #01-11 hereby authorized is for the payment of indebtedness relating to the purchase and acquisition of goods to construct the Project for the District.

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

Section 3. It is hereby determined that the cost of indebtedness relating to the objects and purposes of this Resolution is \$133,500.00; said amount is hereby appropriated there for, and the plan for the financing thereof shall consist of the issuance of up to \$133,500.00 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law.

Section 4. The Town of Lansing hereby authorizes the expenditure of up to \$133,500.00 for the payment of the obligations relating to the Project, which amount shall be paid by the issuance of BARN #01-11.

Section 5. No other BANs or BARNs are issued and outstanding for the payment of the indebtedness relating to the Project (except BARN 02-10, which is being paid in full by BARN #01-11 upon June 17, 2010, as herein and hereby authorized).

Section 6. The BARN authorized by this Resolution is a renewal of BARN #02-10, issued June 18, 2010.

Section 7. The BARN authorized by this Resolution shall be dated June 17, 2011 and shall mature and be and become due and payable upon June 15, 2012.

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

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

Section 10. The full faith and credit of said Town of Lansing, Tompkins County, New York, is hereby irrevocably pledged to the payment of the principal of and interest on said Bonds and the BARN hereby authorized as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest due and payable in such year. Such appropriation shall be made from the several lots and parcels of land in the Town of Lansing in the manner provided by law for general taxation thereupon. In the event the collection of such assessments shall be less than the amount required to pay the principal and interest of such obligations as they shall become due, the Town Board shall direct that surplus moneys not otherwise appropriated be applied, or the Town shall take such other action as is permitted or required by law to assure the timely payment of such obligations.

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

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

Councilperson Martin Christopher:	Aye
Councilperson Robert Cree:	Aye
Councilperson Kathy Miller:	Aye
Councilperson Connie Wilcox:	Aye
Supervisor A. Scott Pinney:	Aye

Accordingly, the foregoing Resolutions were approved, carried, and duly adopted.

TOWN BOARD AUDIT OF FINANCES:

Councilperson Cree reported on the internal controls audit that was performed by members of the Town Board. The Town Board decided to forego a formal audit of its financial statements and internal controls, by an external auditing firm, for the year

ending December 31, 2010 resulting in a savings of the Town of approximately \$10,000.00.

It was decided that the Town Board would conduct its own audit of internal controls as required by NYS Town Law Section 123. The audit was performed in two phases, the first of which consisted of members from the Town Board meeting with representatives from the various Town departments to review the policies and procedures that are currently in place within each of these departments. Phase II consisted of a formal review of randomly selected transactions from each department that members of the Town Board audited for accuracy and compliance with existing policies/procedures/ while also looking for any possible weaknesses within the Town's Internal controls.

On April 11, 2011 members of the Town Board met to conduct this phase of the audit on the Highway Department, Parks and Recreation Office, Supervisor's Office, Town Clerk's Office which included review of the Tax Collector and Special District functions, and the Code Enforcement Office. Members of the Town Board met again on April 12, 2011 to conclude this phase of the audit by reviewing transactions from both of the Town Justice's offices.

This year's audit resulted in no exceptions or findings of material weakness, within the internal controls or processes that are currently in place with each of the Town's departments.

Councilperson Cree stated that this audit is separate from a NYS Comptroller's Audit that may occur. He recommended to the Board that on a regular basis the town should still have an outside auditing firm perform a fiscal audit of the Town's Financial Records, especially if the Town plans on issuing bonds and going out to market.

Councilperson Cree wanted to thank the representatives from the Town Departments that prepared and provided the selected transactions and supporting documentation needed for the audit.

Supervisor Pinney and the rest of the Board thanked Councilperson Cree for his expertise in managing a Town Audit. He was the reason the Town Board conducts its own internal Town Audit.

Councilperson Cree and Miller indicated that this was a very educational opportunity to learn the operations of the Town and will be very helpful during budget time.

Councilperson Wilcox stated that it is educational for everyone involved.

Steve Colt stated the time spent by the NYS Comptroller, when they conducted the Town's Audit, was extremely helpful on procedures and following procedures.

Councilperson Wilcox stated that the Comptroller's Office did a really good job on procedures and making suggestions for the town.

Councilperson Christopher stated that each department does a great job and the community should realize what good employees the Town of Lansing has.

FOLLOW-UP ON CONCERNS FOR IMPROVEMENTS AT COMMUNITY CENTER:

Supervisor Pinney informed the Board that there is mold in the basement at the Community Center. It was the consensus of the Town Board that the only thing that should be in the basement is the furnace and filters for the furnace.

The Supervisor's Office will send letters to everyone that uses the Community Center to remove their materials from the basement within 30 days. After 30 days remaining items will be removed by the Highway Department.

**RESCIND RESOLUTION 11-09 AND REPLACE WITH UPDATED
RESOLUTION IN REGARDS TO INDIVIDUALS WHO SIGN CHECKS ON
TOWN ACCOUNTS:**

RESOLUTION 11-94

**RESOLUTION AMENDING AND UPDATING AUTHORIZATION TO SIGN
CHECKS, TRASFERS, USE SERVICES AND INQUIRIES ON
TOWN OF LANSING ACCOUNTS**

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

WHEREAS, on January 5, 2011 at the Organizational Meeting, the Town Board adopted Resolution 11-09. Due to a new appointment effective, June 2, 2011 and a new account the Resolution needs to reflect the changes. Therefore the Town Board of the Town of Lansing has hereby,

RESOLVED, that the Supervisor, A. Scott Pinney and Deputy Supervisor, Connie Wilcox are authorized to sign checks drawn on all accounts except the Justice Accounts, Town Clerk's, Town Tax Collector's and the Lansing Sewer District account and that the Town Clerk, Debbie S. Crandall be authorized to sign checks on the Town Clerk's checking account and the Tax Collector's checking account and A. Scott Pinney be authorized to sign checks on the Lansing Sewer District Account and that Town Justices, John C. Howell and W. David Banfield be authorized to sign checks on the Town Justice Accounts at the Tompkins Trust Company; and it is further

RESOLVED, that the Supervisor, A. Scott Pinney, Deputy Supervisor, Connie Wilcox and Co-Budget Officer and Bookkeeper, Sharon Bowman and Principal Account Clerk, Charmagne Rungay, be authorized to make transfers on all Town accounts and wire transfers that are necessary throughout the year except the Town Clerk's checking account, and the Tax Collector's checking account at the Tompkins Trust Company; and it is further

RESOLVED, that the Supervisor, A. Scott Pinney, Deputy Supervisor, Connie Wilcox and Co-Budget Officer and Bookkeeper, Sharon Bowman, and Principal Account Clerk, Charmagne Rungay are hereby authorized to use the services provided by the Tompkins Trust Company entitled "Anytime Access and Internet Banking" on all Town Account's except the Town Clerk's checking account and Tax Collector's checking account and Town Justice Accounts; and it is further

RESOLVED, that Debbie S. Crandall and Darlene Marshall are authorized to make inquiries on the Lansing Water District accounts and Lynnette Smith and Penny Grant are authorized to make inquiries on the Town Justice accounts.

The question of the adoption of such proposed Resolutions was duly motioned by Supervisor Pinney, duly seconded by Councilperson Christopher, and put to a roll call vote with the following results:

Councilperson Martin Christopher:	Aye
Councilperson Robert Cree:	Aye
Councilperson Kathy Miller:	Aye
Councilperson Connie Wilcox:	Aye
Councilperson A. Scott Pinney:	Aye

Accordingly, the foregoing Resolutions were approved, carried, and duly adopted.

TOWN ACCOUNT AT LOWE'S:

Jack French informed the Board that there are ex-board members' names still on the Town Account at Lowe's.

Supervisor Pinney will have the bookkeeper call and update the account.

PLANNING and ENGINEERING DEPARTMENT REPORT:

**Code Office Monthly Activity Report
April, 2011**

Planning Board - April, 2011

- **Public Hearing(s) 2 Flag & 1 Reg. Subdivision, Ridge Road, Putnam-Approved**
- **Approval of Minutes for: March 28, 2011**

ZBA - Area Variance-Rhoads, Auburn Rd. Approved

**Training-Lynn Day
24 Hours of In-Service Training
Liverpool, NY April 5-8, 2011**

Fire Safety Inspections & Re-Inspections

Total: 18

Construction Inspections

Total: Approximately: 62

Operating Permits Issued

Total: 0

New Addresses Issued for 2011

Total: 4

Notice of Fire

Year to Date Total: 3

Expired Permit Notices

First Notices: 10

Second Notices: 4

Renewed Permits -8 Renewed Permits YTD - 14

HIGHWAY DEPARTMENT REPORT:

Jack French, Highway Superintendent reported the following to the Board:

Water Main Breaks:

There have been two water main breaks. One break was on North Triphammer Road, the area between Hillcrest and Asbury Drive. This is the fifth one in the last several years. The other one is on Brickyard Road by the football field. This was the sixth break in the last two years. Mr. French informed the Board that neither one of these pipes are wrapped.

Drainage on Wilson Road:

The Highway Department finished 800 feet of drainage on both sides of Wilson Road.

Brush Pick Up:

The brush pick up took 3 days this year due to the weather. The first week in June Cayuga County Soil and Water will be coming in to chip the brush pile. This will provide a new pile of woodchips available for the public.

Warren Road Sewer Project:

The Sewer Project on Warren Road will be completely finished in approximately two weeks.

Waterline Repairs:

The Highway Department gets a list from Bolton Point and repairs the valves, etc. It is about a months worth of work, digging up the valves and doing the repairs.

Minor Flooding Problems:

The flooding has been very minor in the Ladoga area along with the AES Milliken Station area. The new docks were under water but they held up. There is repair work to be done of the driveways.

PARK and RECREATION DEPARTMENT REPORT:

Steve Colt reviewed his report with the Town Board.

Parks & Recreation Department

5/18/11

Town Board Meeting

RECREATION

- Our LBP and LSP baseball and softball games have started and it seems like we have cancelled more games that we have played due to rain and field conditions. Our “in-house” league is scheduled to finish on June 11th.
- The Travel baseball and softball organizational meeting is scheduled for June 7th. Other towns will be invited to this meeting to establish schedules and to discuss the rules of the league.
- Upper level baseball and softball – we are planning to have teams of 13U and 16U softball and also Prep and Babe Ruth baseball. We may even have 19U Legion baseball this season but will totally depend on the amount of players that are interested and register.
- The Pitch Hit & Run competition took place here on Saturday May 7th. Jim Strait did another great job with this event. We had 9 players qualify for sectionals that were held in Oneonta. We had 7 players go and 3 players placed. A second grade boy won gold and now is waiting to hear if he has qualified to go to the next level that will take place at a Major League ballpark.
- Our second Art Show /Festival took place on May 13th and was well attended. Robin Schuttenberg estimated around 350+ people attending. The entire event was paid for from 3 grants and as space in the program. This year there were 36 artists, 103 pieces of art, 3 different music groups and one performance artist. Again, many positive comments with some people only asking for it to be advertised more next year...
- The Summer Recreation Program Booklets have been distributed and are available. We are getting a great response and they have only been out for just under 2 weeks. Some programs are filling fast. We will miss the Instructional Swim Program this summer.
- The Late Summer and Fall Program flyers will be ready and available just prior to the end of the school year in mid-June.

PARKS

- The recent flooding has cause erosion of the beachfront and the area along Salmon Creek. We have reopened the launch area and there is a fishing tournament scheduled for this weekend. The grounds are very wet making it difficult to mow areas that need it.
- We planted 3 new trees yesterday. Two were memorial donations in Ludlowville Park with the third tree being planted near the entrance of Myers Park. We have one more memorial tree to plant in Myers Park this week.
- We were successful with the Community Celebrations Grant via the Tompkins County Tourism Program, so the new concerts scheduled for Ludlowville Park July 15, 22, 29 WILL take place.
- Yesterday I was notified that we were granted \$1000 from the County Beautification Grant and will be purchasing a new flag pole for the Myers Park to replace the old pole located near the lakefront.

- We have now issued 696 resident entrance passes for Myers Park. We are still averaging over 100 per month.
- The campsites are now open at Myers Park and luckily the sites are located in one of the higher and drier areas in the park.
- As a reminder we will be charging to enter the Park this year on Thursday's and Friday's. We have also decided to charge busses that enter the Park a \$25 admission fee. The car entrance fee remains the same at \$3.00
- The Boaters Safety class is scheduled to be held here on this Saturday May 21st from 7:30 – 5:30. All of the specific details are listed on the flyers located in the lobby.

Councilperson Cree asked if there were any open slips in the Marina at the Park. Mr. Colt stated there are no slips available but there is a waiting list.

APPROVE MINUTES:

A copy of the minutes of April 20, 2011 having been furnished to the Board Members beforehand, the Supervisor asked for a motion to make corrections or to accept the same as submitted.

RESOLUTION 11-95 Councilperson Christopher moved that the minutes of April 20, 2011 are hereby approved as submitted. Councilperson Miller seconded the motion and it was carried by the following roll call vote:

Councilperson Martin Christopher:	Aye
Councilperson Robert Cree:	Aye
Councilperson Kathy Miller:	Aye
Councilperson Connie Wilcox:	Aye
Supervisor A. Scott Pinney:	Aye

APPROVE AUDIT and BUDGET MODIFICATIONS:

RESOLUTION 11-96 Councilperson Wilcox moved that the Bookkeeper is hereby authorized to pay the following bills and to make the following budget modifications:

CONSOLIDATED ABSTRACT # 005

DATED	<u>5/18/11</u>
AUDITED VOUCHER #'s	<u>363– 455</u>
PREPAY VOUCHER #'s	<u>363 - 367</u>
AUDITED TA VOUCHER #'s	<u>37 – 46</u>
PREPAY TA VOUCHER #'s	<u>37 – 38</u>

<u>FUND</u>	<u>TOTAL APPROPRIATIONS</u>
GENERAL FUND	\$ <u>92,384.63</u>
HIGHWAY FUND	\$ <u>46,133.67</u>
LANSING LIGHTING	\$ <u>154.04</u>
LANSING WATER DISTRICTS	\$ <u>105,424.33</u>
TRUST & AGENCY	\$ <u>23,374.57</u>

WARREN RD SEWER	\$	<u>286,218.41</u>
ALGERINE & LANSING STA RD WATER	\$	<u>0.00</u>
DEBT SERVICE	\$	<u>441,378.86</u>

**BUDGET MODIFICATIONS
GENERAL FUND A
5/18/2011 Meeting**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
A1990.400	A1440.403	From Contingency to Proposed Stand Alone Sewer	8,025.00
A3310.100	A7110.130	From Traffic Control Prsnl Svcs to Parks Prsnl Svcs	799.52
A1990.400	A7320.110	From Contingency to Youth Svcs Prsnl Svcs	9,260.00

**GENERAL FUND B
5/18/2011 Meeting**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
B8020.200	B8020.402	From Planning Board Equip to Planning Board Legal	2,000.00
B599	B9060.800	From Fund Balance to Health Insurance	18,789.54

**HIGHWAY FUND DA
5/18/2011 Meeting**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
DA5148.100	DA5142.100	From Snow Rmvl Other Prsnl to Snow Rmvl Town Prsnl	14,070.12

**GENERAL FUND SW
5/18/2011 Meeting**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
SW9790.600	SW9710.602	From State Loan - Lansing Sta Princ to BOND for Lnsng Sta	35,428.00
SW9790.700	SW9710.702	From State Loan - Lansing Sta Int to BOND for Lnsng Sta	9,960.80
SW1990.400	SW8320.401	From Contingency to Source of Supply - CWD Ext #1	8,000.00
SW1990.400	SW8320.402	From Contingency to Source of Supply - CWD Ext #2	750.00

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

Councilperson Martin Christopher:	Aye
Councilperson Robert Cree:	Aye
Councilperson Kathy Miller:	Aye
Councilperson Connie Wilcox:	Aye
Supervisor A. Scott Pinney	Aye

BOARD MEMBER REPORTS:

Marty Christopher:

ETHICS COMMITTEE REPORT:

Councilperson Christopher presented the final report of the Ethics Committee to go on file and to be made part of the minutes on the investigation done on the request of the Town Supervisor A. Scott Pinney. The Board of Ethics Complaint form is also being made part of the minutes and is on file in the Town Clerk's Office.

[Town of Lansing Board](#)

[Re: Ethics Committee Report regarding Scott Pinney](#)

At the request of Lansing Town Supervisor, Scott Pinney, the Town of Lansing Ethics Committee conducted an investigation regarding the purchase of highway material from Genoa Sand and Gravel and the rental of heavy equipment from Eagle Rental, companies that his wife, Tracy Pinney, owns (it was also noted that the company that Scott Pinney owns, Alex Cole Paving, had regularly done business with the Town of Lansing, but ceased all such relations when Scott Pinney took office). During the course of the investigation the Ethics Committee held several meetings to examine this issue.

The investigation consisted of interviews of Scott Pinney, Town of Lansing Supervisor and Guy Krogh, Town of Lansing Attorney, an examination of Town of Lansing Highway Department purchasing documents and a review of audit reports by the State of New York.

Several factors were considered as we reached our decision as to the ethical conduct of Scott Pinney in the above described matter.

1. Scott Pinney disclosed his business relationships with the Town of Lansing Attorney, Town of Lansing Board, Town of Lansing Ethics Committee and made public his business relationships through a news article in the Lansing Star. Much of this disclosure took place even before he had assumed office. In addition Scott proactively sought an advisory opinion, long before the audit by New York State, from the New York State Comptroller's office about this subject to which he has received no response.
2. The Town of Lansing Highway Department has independent purchasing authority and does not require Town of Lansing Board approval for individual purchases. Furthermore, Scott Pinney had an alternate Town Board Member approve payment of any purchase orders relating to either Genoa Sand and Gravel or Eagle Rental.
3. Once the New York State Comptroller's Office recommended that the Town of Lansing Highway Department discontinue purchasing material from Genoa Sand and Gravel and renting equipment from Eagle Rental to avoid the opportunity for impropriety, the Highway Department discontinued purchasing from these two companies. This change resulted in thousands of dollars in increased cost to the Highway Department and the taxpayers of Lansing.
4. After examining Town of Lansing Highway Department Purchase Orders it was determined that gravel was correctly purchased at the Tompkins or Cayuga County bid prices (such that there was no actual negotiation over price and the contract price had been set by the respective County's bid procedures). In addition equipment rentals followed purchasing procedures requiring three (3) quotes prior to selecting the vendor. It is also noted that prior to and throughout this time the Town of Lansing had stricter purchasing and procurement requirements than as required by New York State, and these were adhered to in each and all purchases and procurements.
5. The purchasing system of the Town of Lansing Highway Department was independently audited by both the State of New York and by the accounting firm of Ciaschi, Dietershagen Little and Mickelson and no improprieties were found.

Given the information considered above, the Town of Lansing Ethics Committee finds that no unethical behavior has taken place and agrees that the auditor's recommendation of discontinuing doing business with Genoa Sand and Gravel and Eagle Rental should remain in place as a method of avoiding an opportunity for impropriety.

It is the request of the Town of Lansing Ethics Committee that any future Ethics issues should be referred to the Ethics Committee in writing via the attached form with the understanding that the investigation process will include an in person interview.

Respectfully Submitted,

Scott M. Pronti
Chair – Town of Lansing Ethics Committee

Thomas Jones
Town of Lansing Ethics Committee

Hurf Sheldon
Town of Lansing Ethics Committee

Marty Christopher
Town of Lansing Ethics Committee

Jack French
Town of Lansing Ethics Committee

TOWN OF LANSING Board of Ethics Complaint Form

Instructions:

1. All information requested upon this form shall be provided.
2. Two original copies of this form, signed and notarized in original, are required. No photocopy shall be accepted for filing.
3. Signing and filing this form indicates that the person signing consents to an interview with the Board of Ethics concerning the subject matter hereof.
4. All completed Complaint Forms will be investigated by the Board of Ethics, but not all persons submitting complaints will be interviewed or personally advised as to the outcome of any investigation.
5. Mail or deliver the original forms in SEALED ENVELOPES MARKED "PERSONAL AND CONFIDENTIAL" to the Town of Lansing Ethics Board, Scott Pronti, Chairperson, c/o the Town Clerk, 29 Auburn Road, P.O. Box 186, Lansing, New York 14882.

Please provide your name, address, and telephone number.

Please provide a description of the potential conflict, issue or problem.

(If necessary, attach additional sheets)

Identify the New York State or Town Law, Ordinance, Code, or procedure that relates to or applies to the above complaint or concern.

Please identify which public officers, officials, employees, committee members, or other persons, have committed any acts that you believe are unethical or which cause you concern.

Please sign and date below before a Notary Public

Signature: _____

Date: _____

Sworn to before me this

day of _____,
20__

(seal)

Notary Public

Robert Cree:

Items were previously covered in the meeting.

Kathy Miller:

Sidewalks:

Councilperson Miller informed the Board that she has had contact with the NYS Department of Transportation and there is grant money to put in sidewalks. Getting grant money centers around children and the safety of children. She received an email from Steve Grimm Lansing School Superintendent stating he would love to see sidewalks go down to the school. She will be working with the Town Center Committee and apply for the grant.

Jack French stated that you have to be careful with sidewalks down at the school. Where there are sidewalks you need crossing guards which the Town has to employ. Councilperson Miller stated that if you crossed before that and there is no cross over then the town wouldn't have to have crossing guards.

Connie Wilcox:

Ag Land Protection:

Councilperson Wilcox stated they are now back on track and will meet next week. She hopes they will have a draft in place by August.

Farmer's Market:

The farmer's market will start June 11, 2011. There will be flyers handed out along with additional signage in resident's yards. There are quite a few vendors signed up this year.

A. Scott Pinney:

Monthly Report:

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

Town Counsel Report:

Items were previously discussed in the meeting.

ADJOURN MEETING:

RESOLUTION 11-97 Supervisor Pinney moved to adjourn the May 18, 2011 Town Board Meeting at 7:50 p.m. Councilperson Christopher seconded the motion and it was carried by the following roll call vote:

Councilperson Martin Christopher:	Aye
Councilperson Robert Cree:	Aye
Councilperson Kathy Miller:	Aye
Councilperson Connie Wilcox	Aye
Supervisor A. Scott Pinney	Aye

Minutes taken and executed by the Deputy Town Clerk.

Respectfully submitted,
Debbie S. Crandall