

November 17, 2010

The Lansing Town Board met in Regular Session at 6:00 p.m. at the Lansing Town Hall Boardroom with Supervisor Pinney presiding.

The Supervisor called the meeting to order and had the clerk take the Roll Call.

**ROLL CALL**

A. Scott Pinney	Supervisor	Present
Marty Christopher	Councilperson	Present
Robert Cree	Councilperson	Present
Kathy Miller	Councilperson	Present
Connie Wilcox	Councilperson	
Present		
Bonny Boles	Town Clerk	Present
Guy Krogh	Town Attorney	Present

Visitors: Jeff Overstrom, Jack French, Dan Veaner, Pat Pryor, Ed LaVigne, Ben Gustafson, Linda Westlake, Andy Sciarabba, Maureen Cowen, Ruth Hopkins, Roger Hopkins, Pat Welch, Dorothy, Mary and Richard Krizek, Linda Hirvonen, Claes Nyberg, Glynis Hart, Lin Davidson, Reenie Sandsted, John O'Neill, Mary Helen Cathles, Ted Laux, Steve Cardamone and a couple of other Lansing Residents.

The Supervisor led all present in the Pledge of Allegiance.

**PRIVILEGE OF THE FLOOR:**

**Pat Pryor – Tompkins County Representative:**

**Planning Hazard Litigation:**

Ms. Pryor stated that the Town of Caroline was slated for the County to plan for their hazardous litigation on one of their creeks but they felt this was not a good time for the Town of Caroline. The Town of Lansing was next on the list so the County will start the hazardous litigation planning for Salmon Creek sometime soon.

**Boundary Roads:**

Ms. Pryor stated that the Town of Dryden has set a hearing regarding a special use permit to put in an auto repair garage. This would be across the street from her neighborhood. She was not notified as NYS does not require that notices be sent. The only requirement is that a notice is placed in the legal section of the newspaper.

She asked the Town to consider some means to notify people who live on roads that border other towns.

**County Budget:**

Ms. Pryor stated that the County Budget passed. She was not happy with the outcome or with the process. Ms. Pryor voted for the budget.

She stated that the tax levy will be 5.9%. Out of the 5.9%, 5% of it goes to pay states mandates. The actual increase in county spending is just under 1%. The County cut approximately two million dollars from the proposed budget.

She did not feel enough money was committed to infrastructure including County Roads. She is very concerned that next year may be even worse.

She feels they need to start earlier next year and they need to set priorities.

She would also like to revamp every single program that the County offers. She also stated that if there were a State tax cap right now there would not be enough money to provide mandated services much less any local spending.

Mr. Pinney stated that a 5.98% tax levy increase and a 7.98% rate increase is not sustainable. Things need to be cut or run more efficiently.

Mrs. Wilcox stated that Ms. Pryor voted for the budget and the problem she has is that when the County cuts services, they come back to the Towns and then we get chastised because we don't add anymore to the funding but we are trying to keep our rate down. She stated that the Town cut their tax rate and it involved making tough decisions. She stated that we need to be fiscally responsible and not over tax people.

Ed LaVigne asked the County Legislature as a whole to go to the State representatives and ask them to reduce the mandates. He stated that if there were not mandates the increase would only be .9%. We said it was time to ask: what is a need and what is a want? The needs are actually far smaller than the wants. He recommended that the County Board tell the State to take the mandates and don't bring them back. Ms. Pryor stated that this process has already been started. She invited Mr. LaVigne to go to Albany to lobby with them in the spring if it comes about. He stated that he would.

### **Claes Nyberg:**

#### **Stand Alone Sewer Study:**

Mr. Nyberg asked what the status was on the sewer study for a stand alone sewer plant. Mr. Pinney stated that this would most likely be on Cargill land and from there it would go to the boys and girls State Schools and also down to Myers which would include Lansing Schools. The DEC approved the updated feasibility study. We needed a map, plan and report to move forward. The plant itself would cost approximately 3.5 million. In order to do this the Board decided to spend \$ 15,000.00 to see if it would be feasible. If the feasibility study comes back and says it would not be feasible, we would not move forward but if it was feasible we could then go after grant money.

Mr. Nyberg stated that the newsletter should be updated and the people in Lansing should be kept aware of things that are going on in the Town.

### **Lansing Developing an Incentive Zone for Development – Andy Sciarabba:**

**Mr. Sciarabba discussed the following handout with all present:**

**Lansing Town Center Incentive Zone**

**Concept Presentation to Lansing Town Board  
Wednesday November 17, 2010**

**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 order to determine if support exists and, if so, proceed to develop the program for Town Board consideration and adoption.**

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

**-Tompkins County Industrial Development Authority- This is the entity which will ultimately authorize the incentive package.**

**-Tompkins County Area Development-This entity assists the applicant in the preparation of the incentive application and represents the applicant at the Town Board and the IDA meetings.**

**-Lansing Town Board-The applicant would submit its application for incentives to the Town Board and if approved would forward a resolution and recommendation to the IDA.**

**The IDA already provides incentives to industrial companies and certain other projects which would enhance the County's Comprehensive Plan. The general rule of thumb is that if the applicant's project does not compete locally then it is more likely to be approved. Hence, industrial, R&D, assembly type businesses generally qualify. This competition concept has been expanded recently to apply to retail and other businesses *which* are part of suburban nodal development and do not have local competition. An example is the Lansing Market Project which recently received approval of its incentive package.**

**The Incentive Zone program already exists for an area of the City of Ithaca and we have copies of there guidelines and requirements. This program was developed in order to encourage dense development, more than 1 story structures and applies to retail, commercial, non-profits and housing.**

**The Lansing Town Center Incentive Zone would establish 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 the Town Board and community comments.**

**Incentive Package**

**There are 3 taxes which will be abated under this program:**

**-Sales Tax on materials and equipment for the development project. Usually for 1 year but may be extended depending on the project.**

**-New York State portion of the mortgage recording tax.**

**-Real Estate taxes on the increased assessment for the project. Those taxes on such increase are abated over a 7 to 10 year period on a declining schedule. Benefit only on the increased assessment value not the current assessed value.**

**All projects are still subject to Planning and Zoning Board approvals and other normal requirements.**

Mr. Nyberg asked if this has been presented to the Planning Board yet. Mr. Sciarabba stated that it has not.

**Open Public Hearing on the proposed Local Law Number 2 of 2010:**

**RESOLUTION 10- 169**

**RESOLUTION**, offered by Mrs. Wilcox and seconded by Mr. Cree:

**RESOLVED**, that the Public Hearing on the proposed Local Law Number 2 of 2010 - Licensing and Control of Dogs is hereby opened at 7:47 p.m.:

- Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
- Vote of Town Board . . . (Aye) Robert Cree, Councilperson
- Vote of Town Board . . . (Aye) Kathy Miller, Councilperson
- Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
- Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Pat Welch of 1164 East Shore Drive had a concern about section 4.2. After some discussion, the Board changed it to read as follows:

In the event that any dog owned by a non-resident of the Town of Lansing is temporarily harbored within the Town for a period of 90 days or less such dog shall be exempt from the identification and licensing provisions of this Local Law, provided such dog is licensed pursuant to the provisions of law in the owner's area of primary residence.

**Close Public Hearing on Local Law Number 2 of 2010:**

**RESOLUTION 10- 170**

**RESOLUTION**, offered by Mr. Pinney and seconded by Mrs. Wilcox:

**RESOLVED**, that all persons desiring to be heard, having been heard, the Public Hearing on the proposed Local Law Number 2 of 2010, Licensing and Control of Dogs is hereby closed at 6:59 p.m.

Vote of Town Board . . . (Aye) Marty Christopher, Councilperson  
Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

**Approve Local Law Number 2 of 2010:**

**RESOLUTION 10-171**

**RESOLUTION ADOPTING LOCAL LAW NUMBER 2 OF 2010, ENTITLED  
“LICENSING AND CONTROL OF DOGS IN THE TOWN OF LANSING”**

At a Regular Meeting of the Town Board of the Town of Lansing, held in and for the Town of Lansing at the Lansing Town Hall on the 17th day of November, 2010, the following members were present and voting throughout:

A. Scott Pinney, Supervisor;  
Martin Christopher, Councilperson;  
Robert Cree, Councilperson; and  
Kathy Miller, Councilperson; and  
Connie Wilcox, Councilperson.

The following Town Board members were absent: none.

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

WHEREAS, this action is a Type II SEQRA Action pursuant to 6 NYCRR Parts 617.5(c)(20) and 617.5(c)(27), and therefore no environmental review is required; and

WHEREAS, a Public Hearing was duly held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, on the 17th day of November, 2010, to consider the aforesaid Local Law, and all persons interested in the subject thereof were duly heard; and

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

**RESOLVED**, that Local Law Number 2 of 2010 be and hereby is adopted as amended, reading in its entirety (as follows); and it is further

**RESOLVED**, that in accord with §21 of the Municipal Home Rule Law, the final adopted copy of this Local Law shall be presented to the Supervisor for approval; and it is further

**RESOLVED**, that upon such approval by the Supervisor (or other approval occurring pursuant to said §21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a

certified copy of this Local Law, together with the required Certifications, if any, as follows: (i) in the Office of the Town Clerk; and (ii) with the New York State Secretary of State as required by Municipal Home Rule Law §27 (said filing may be made by delivery to the State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231).

## **LICENSING, IDENTIFICATION & CONTROL OF DOGS IN THE TOWN OF LANSING**

**Section 1. Title.** The title of this Local Law shall be, “Licensing, Identification, and Control of Dogs in the Town of Lansing.”

**Section 2. Authority.** This Local Law is adopted pursuant to Article 7 of the Agriculture and Markets Law of the State of New York.

**Section 3. Purpose.** The purpose of this Local Law is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, and other animals from dog attacks and damage.

**Section 4. Application.**

1. This Local Law shall apply to all areas of the Town of Lansing, including the Village of Lansing.
2. In the event that any dog owned by a non-resident of the Town of Lansing is temporarily harbored within the Town for a period of 90 days or less such dog shall be exempt from the identification and licensing provisions of this Local Law, provided such dog is licensed pursuant to the provisions of law in the owner’s area of primary residence.

3. This Local Law shall not apply to any dog confined to the premises of any public or private hospital devoted solely to the treatment of sick animals, or confined to an animal shelter devoted to the impounding and caring of animals.

**Section 5. Definitions.** As used in this Local Law, the following words shall mean:

1. "Altered" shall refer to a dog that has been spayed or neutered.
2. "At large" means an unleashed dog not under control of the owner and off the premises of the owner.
3. "Companion animal" means any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. "Companion animal" shall not include a "domestic animal" as defined in this Section.
4. "Dangerous dog" means any dog which:
  - a. without justification attacks a person, companion animal, farm animal, or domestic animal as defined in this section and causes physical injury or death, or
  - b. behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals or
  - c. without justification attacks a "Guide Dog", "Hearing Dog", "Service Dog", "Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog", or "Therapy Dog" and causes physical injury or death.

- d. "Dangerous dog" does not include a "Police Work Dog", while being used to assist one or more law enforcement officers in the performance of their official duties.
5. "Detection dog" means any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.
6. "Dog" means any member of the species *canis familiaris*.
7. "Dog Control Officer" means any individual appointed by the Town to assist in the enforcement of this Local Law or any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association under contract with the Town to assist in the enforcement of this Local Law.
8. "Domestic animal" means any domesticated sheep, horse, cattle, fallow deer, red deer, sika deer, whitetail deer which is raised under license from the New York State Department of Environmental Conservation, llama, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit, pheasant or other bird which is raised in confinement under license from the New York State Department of Environmental Conservation before release from captivity, except that the varieties of fowl commonly used for cock fights shall not be considered domestic animals for the purposes of this Local Law.
9. "Farm animal", as used in this Local Law, means any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in New York State Environmental Conservation Law, which are raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.
10. "Guide dog" means any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State of New York during the period such dog is being trained or bred for such purpose.
11. "Harbor" means to provide food or shelter to any dog.
12. "Hearing dog" means any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose.
13. "Identification tag" means a tag issued by the Town of Lansing or other licensing municipality which sets forth an identification number, together with the name of the municipality, the State of New York, contact information, including telephone number for the municipality, and such other information as the licensing municipality deems appropriate.
14. "Identified dog" means any dog carrying an identification tag.
15. "Municipality" means any county, town, city or village.
16. "New York State Agriculture and Markets Law" means the Agriculture and Markets Law of the State of New York in effect as of the effective date of January 1, 2011 and as amended thereafter.
17. "Owner" means any person who harbors or keeps any dog. If a dog is not licensed, the term of "owner" shall designate and cover any person or persons, firm, association or corporation who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any animal which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this Local Law shall be held and deemed to be the owner of such dog for the purpose of this Local Law. In the event any dog found to be in violation of this Local Law shall be owned by a minor (under 18 years of age), the head of the household in

which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog and violation of this Local Law.

18. "Owner of record" means the person purchasing the license or in whose name any dog was last licensed. An owner of record shall be 18 years of age or older.

19. "Person" means any individual, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.

20. "Police work dog" means any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

21. "Purebred Dog" means a dog registered by a nationally recognized registry association.

22. "Recognized registry association" means any registry association that operates on a nationwide basis, issues numbered registration certificates and keeps such records as may be required by the Commissioner of Agriculture.

23. "Service dog" means any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative.

24. "Therapy dog" means any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.

25. "Tompkins County Working Dog" shall refer to any "Guide Dog", "Hearing Dog", "Service Dog", "Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog", or "Therapy Dog" as defined by this Local Law and Article 7 of New York State Agriculture & Markets Law, and is duly licensed any licensing municipality within Tompkins County, New York and wearing a Tompkins County Working Dog tag.

26. "Town" means the area within the corporate limits of the Town of Lansing, including the Village of Lansing.

27. "Town Board" means the Town of Lansing Board.

28. "Town Clerk" means the Lansing Town Clerk.

29. "Unaltered" shall refer to any dog that is not spayed or neutered.

30. "Village" means the area within the corporate limit of the Village of Lansing.

31. "War dog" means any dog which has been honorably discharged from the United States Armed Services.

32. "Working search dog" means any dog that is trained to aid in the search for missing persons, is actually used for such purpose.

## **Section 6. Licensing.**

### **1. Application for Original License.**

a. The owner of any dog reaching the age of four months shall immediately make application to the Town Clerk for a dog license. No license shall be required for any dog which is under the age of four months and which is not at large, or any dog that is residing in a pound or shelter maintained by or under contract or agreement with the State of New York or any county, city, town or village, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association.

b. In the case of an unlicensed dog being redeemed by the owner or a dog being adopted from a shelter or pound the Town Clerk and the

manager of the facility shall establish a licensing procedure that is agreeable and beneficial to both the Town of Lansing and the shelter or pound.

- 2. Rabies Vaccination Required.** All applications for a dog license shall be accompanied by a valid rabies certificate signed by a licensed veterinarian or, in lieu thereof, a statement certified by a licensed veterinarian stating that the dog is too young to be vaccinated or because of old age or another reason, the life of the dog would be endangered by the administration of the vaccine. In the case of an unlicensed dog being redeemed by the owner or a dog being adopted from a shelter copies shall be forwarded to the Town Clerk.
- 3. Spay/Neuter Certificates.** In the case of a spayed or neutered dog, every application shall be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered. In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog as set forth in Part 7 of this Section.
- 4. License.** Upon receiving, the required documents and the fee, the Town Clerk shall issue a license and tag. The Town Clerk's copy shall be kept on file in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration.
- 5. Expiration of License.** An original license shall be issued for a period of one year, and shall expire on the last day of the month one year from the date of issue.
- 6. License Renewal.**
  - a. License renewal forms shall be mailed by the Town Clerk.
  - b. A new rabies certificate shall be required if the one on record has expired or expires within 30 days of the date of renewal. An in-lieu-of statement as described in Part 2 of this Section may be substituted for a rabies certificate.
  - c. A spay/neuter certificate shall not be required if one has already been provided to the Town Clerk. In a case where the dog has been altered during the preceding year, the certificate shall be presented to the Town Clerk in order to receive the reduced fee for an altered dog.
  - d. The renewal shall expire on the last day of the month in the same month that it was originally issued. (i.e, a license originally issued in January will always expire in January.)
  - e. Renewing early or late, does not change the renewal month. However, owners having more than one dog may request common renewal dates for their licenses, which may be granted at the discretion of the Town Clerk, provided that all other licensing and renewal requirements are met. No licensing fees will be prorated, refunded, or waived when accommodating such a request.
  - f. Upon renewal the Town Clerk shall provide a validated license to the owner. The Clerk's copy shall be kept on file in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration.
- 7. License Fees.**
  - a. Pursuant to this Local Law, the Town Board of the Town of Lansing is authorized to establish by resolution, a schedule of fees pertaining to the licensing, identification and enumeration of dogs. The Town Board

may amend the fee schedule by resolution from time to time as it deems appropriate. The most current fee schedule will be kept on file in the office of the Lansing Town Clerk for public inspection.

- b. All original licenses or renewals shall be accompanied by a fee established by resolution of the Lansing Town Board.
  - c. All revenue derived from such fees shall be the sole property of the Town of Lansing and shall be used only for controlling dogs and enforcing this Local Law and Article 7 of New York State Agriculture and Markets Law. Said revenue may also be used to subsidize the spaying or neutering of dogs, to subsidize any facility as authorized under Article 7 of New York State Agriculture and Markets Law, and to subsidize public humane education programs related to responsible dog ownership.
  - d. In no event shall any money derived from license fees be used to subsidize the spaying or neutering of cats or animals other than dogs.
  - e. No license fees are refundable or partially refundable in the event that a dog is lost, stolen, sold, given away, surrendered or deceased before the expiration of the license.
  - f. An additional fee may be established by resolution of the Lansing Town Board should a dog be identified as unlicensed during an enumeration. Such additional fee shall be the property of the Town of Lansing and shall be used to pay the expenses incurred while conducting the enumeration. In the event the additional fees collected exceed the expenses incurred, such excess fees may be used for enforcing this Local Law and for spaying or neutering dogs.
  - g. In addition to the fees set by the Town Board, an additional New York State Spay/Neuter Surcharge shall be assessed for the purpose of carrying out population control efforts as mandated by Article 7 of New York State Agriculture and Markets Law. Money derived from such additional assessment may be used to subsidize the spaying and neutering of cats as well as dogs pursuant to Article 7 of New York State Agriculture and Markets Law.
- 8. Exemptions to License Fees.** Licenses for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog shall be exempt from license fees. Each copy of any license for such dogs shall be conspicuously marked "Guide Dog", "Hearing Dog", "Service Dog", "Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog", or "Therapy Dog", as may be appropriate, by the Town Clerk. Pursuant to Article 7 of New York State Agriculture and Markets Law, said dogs are not exempt from the mandated population control fee.
- 9. Identification of dogs.**
- a. When a dog is originally licensed, a Town of Lansing identification number will be assigned and an identification tag shall be issued, which shall be worn by the dog at all times.
  - b. Existing New York State Agriculture and Markets dog licenses being renewed or transferred in from another municipality shall be assigned a Town of Lansing identification number and an identification tag shall be issued. The New York State Agriculture and Markets tag or other municipality's tag shall be discarded and the Town of Lansing tag shall be worn by the dog at all times.
  - c. A dog participating in a dog show is exempted from wearing an identification tag only for the duration of the show.
  - d. No identification tag shall be affixed to the collar of any dog other than the dog to which it was assigned.

- e. Any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog shall be issued a Town of Lansing identification tag.
- f. Lost tags shall be replaced at the expense of the owner at a fee set by the Lansing Town Board.

**10. Change of Address.** When there is a change of address for the owner of record, the owner shall notify the Town Clerk's Office of such change. If the change is still within the Town of Lansing, the Town Clerk will make the appropriate updates to the dog license record. If the change is located outside the Town of Lansing, the Town Clerk shall make a note in the record and cancel the license. The Clerk shall forward a copy of the license to the Clerk of the municipality to which the owner has moved, informing said Clerk that the dog now resides in their municipality.

**11. Change of Ownership.** In the event of a change in the ownership of any dog licensed in the Town of Lansing, the new owner shall immediately make application for a license for such dog. Additionally, the original owner of record shall notify the Town Clerk's Office of the change of ownership. Such original owner of record shall be liable for any violation under this Local Law until such filing is made or until the dog is licensed in the name of the new owner.

**12. Lost, Stolen or Deceased Dog.** If any dog which has been licensed in the Town of Lansing is lost, stolen or deceased, the owner of record shall notify the Town Clerk's Office within ten days of the discovery of such loss, theft or death.

**13. Lists of Licensed Dog Owners.**

No dog licensing records, information, or lists shall be made available to any person or company for commercial purposes.

**14. Purebred Licenses.**

- a. Purebred Licenses are offered in the Town of Lansing as an alternative to individual dog licenses for owners actively involved in the breeding and sale of purebred dogs.
- b. To qualify for a Purebred License, a person must own five or more purebred dogs and at least five of those dogs must be unaltered.
- c. At the time of application, the Town Clerk shall assign a Purebred License identification number.
- d. Application for a purebred license shall be on a form provided by the Town Clerk and shall include rabies vaccination certification as specified in Part 2 of this Section for every dog listed on the license, a copy of which shall be kept on file by the Town Clerk.
- e. Copies of registry papers for every dog or a comprehensive list of registry numbers and associations shall be required and filed with the Clerk's copy of the license.
- f. All dogs over four months of age must be listed and included in the purebred license.
- g. Purebred licenses shall be issued for one year and renewed annually.
- h. All applications for and renewals of purebred licenses shall be accompanied by a fee as set by resolution of the Town Board. In addition, an assessment of \$3.00 for each unaltered dog and \$1.00 for each altered dog shall be added for the purpose of carrying out animal population control efforts as mandated by Article 7 of New York State Agriculture and Markets Law. No fee or portion thereof shall be refundable once the license is issued.
- i. The Town Clerk may request that the Dog Control Officer verify the

number of dogs being claimed on any purebred license.

- j. No purebred license is transferable. Upon change of ownership of any dog licensed under a purebred license, the new owner shall immediately make application for a license pursuant to Part 1 of this Section, except when the new owner holds a valid purebred license and adds the dog to such purebred license.

**Section 7. Prohibited Acts.** It shall be unlawful for any owner of a dog to permit or allow such dog to:

1. Run at large.
2. When within the corporate limits of the Village of Lansing, be off the owner's property unless restrained and controlled by an adequate collar and a leash not exceeding eight feet in length.
3. When in the area of the Town of Lansing outside the corporate limits of the Village, be off the owner's property unless restrained by an adequate collar and leash except when it is accompanied by its owner or a responsible person able to control it by command.
4. Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually annoy and/or disturb any person other than the owner of such dog.
5. Cause damage or destruction to property or defecate, urinate, dig or otherwise commit a nuisance other than on the property of the owner of such dog.
6. Chase, jump upon or at, or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
7. Chase, run alongside of, bark at or otherwise harasses any motor vehicle, motorcycle, bicycle, carriage or any other vehicle or device used by persons for travel or any riders or occupants thereof while said vehicle or device is on a public highway or private property other than property of the owner of said dog. For purposes of this section, a horse or other animal shall be considered a vehicle or device.
8. Fail to license any dog at the age of four (4) months or older, or allow any dog to be unlicensed due to failure to renew a dog license.
9. Fail to have any dog identified by a valid and current Town of Lansing dog license identification tag.
10. Knowingly affix to any dog any false or improper identification tag or any Identification tag belonging to another dog.
11. Fail to confine, restrain or present such dog for any lawful purpose pursuant to this Local Law or Article 7 of New York State Agriculture and Markets Law.
12. Furnish any false or misleading information on any license or form, required by the Town, the Lansing Dog Control Officer, or any shelter or pound servicing the Town of Lansing.
13. Fail to notify the Town Clerk of any change of ownership, change of address, death or loss of any dog licensed in the Town of Lansing.

Establishment of the fact or facts that a dog has committed any of the acts prohibited by this Local Law shall be presumptive evidence against the owner of such dog that he/she has failed to properly confine, leash or control his/her dog.

**Section 8. Removal of Feces.**

Any owner who allows a dog to defecate on any public or private property, other than the property of the owner, shall immediately clean up the feces, place it in a plastic container or bag, and deposit it in a container used for the disposal of refuse.

#### **Section 9. Conditions for Keeping Dogs.**

All premises occupied by dogs shall be kept in a clean, sanitary condition. Adequate food, water, shelter and space must be provided for each dog owned. For the purpose of this Section, "adequate" shall mean sufficient for age, size and number of dogs on the premises.

#### **Section 10. Female Dogs.**

All female dogs, while in season (heat), shall be confined to the premises of their owner and may not be left outside unattended. Any owner not adhering to this section shall be subject to having the dog seized by the Dog Control Officer and removed to a shelter or pound for confinement. The owner of any dog seized pursuant to this section shall be subject to an impoundment fee plus the shelter's usual boarding fees for time spent in the shelter. In the event that the dog is released from the shelter before the end of its cycle, the owner must demonstrate to the shelter manager that the dog shall be sufficiently confined elsewhere.

#### **Section 11. Liability of Owner.**

1. If a domestic, farm or companion animal is injured or killed as a result of being attacked, chased or worried by any dog, the owner of said dog shall be liable for damage. The owner of such injured or killed animal may make a complaint to the Dog Control Officer or a police officer who shall proceed pursuant to the Dangerous Dog Section of Article 7 of New York State Agriculture and Markets Law.
2. In no event shall the Town of Lansing, the Village of Lansing, or the County of Tompkins be held liable for any damage done by any dog.

#### **Section 12. Dangerous Dogs.**

1. The determination of a Dangerous Dog and the prosecution of the owner of such a dog shall be pursuant to Article 7 of New York State Agriculture and Markets Law.
2. In the event that a dog is determined by the Lansing Town Court to be a dangerous dog, the Court shall give notice to the Town Clerk of such determination and note will be made in the dog's record. Additionally, the Town Clerk shall notify the Village Clerk, law enforcement and emergency services.

#### **Section 13. Enforcement/Appearance Ticket.**

Any Dog Control Officer, Town Clerk, Deputy Town Clerk or other person or persons, who are or may be lawfully authorized by the Town, shall, and all peace officers may, administer and enforce the provisions of this Local Law, and for such purpose shall have the authority to issue appearance tickets.

#### **Section 14. Seizure, Impoundment, Redemption and Adoption.**

1. Any dog belonging to a person found in violation of any of the provisions of this Local Law may be seized pursuant to the provisions of New York State Agriculture and Markets Law.
2. Any dog believed to be dangerous and which poses an immediate threat to the public safety may be seized.
3. Any dog may be seized, which has been judged to be a Dangerous Dog pursuant to New York State Agriculture and Markets Law and whose owner has failed to obey a court order pertaining to said Dangerous Dog.
4. Every dog impounded shall be properly cared for, sheltered, fed and watered.

5. Seized dogs may be redeemed by producing proof of licensing and identification and by paying:
  - a. \$30.00 for the first 24 hours or part thereof, plus \$10.00 per additional day for food, shelter and care, for the first impoundment of any dog owned by a person.
  - b. \$50.00 for the first 24 hours or part thereof, plus \$10.00 per additional day for food, shelter and care, for the second impoundment within one year of the first impoundment of any dog belonging to that person.
  - c. \$70.00 for the first 24 hours or part thereof, plus \$10.00 per additional day for food, shelter and care, for the third impoundment within one year of the first impoundment of any dog belonging to that person.
6. Each dog which is not identified, whether or not licensed, shall be held for a period of 5 days from the day seized during which period the dog may be redeemed by its owner. Said owner shall provide proof that the dog has been licensed pursuant to this Local Law and pay an impoundment fee pursuant to Part 5 of this Section. Seized dogs that are found to be unlicensed shall be licensed before leaving the shelter and shall pay an Impounded Dog License Surcharge in addition to the regular licensing fee as set by resolution of the Town Board
7. In the case of an identified dog, the owner of record shall be promptly notified by the Dog Control Officer of the seizure and the procedure for redemption either personally or by certified, return receipt requested mail. If notification is personally given, the dog shall be held for a period of 7 days after the day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, the dog shall be held for a period of 9 days from the date of mailing, during which period the dog may be redeemed by the owner. Said owner shall provide proof that the dog has been licensed pursuant to this Local Law and pay an impoundment pursuant to Part 5 of this Section. Any owner who provides an expired license as proof will be required to renew the license and pay the additional Impounded Dog License Surcharge before the dog is released from the shelter.
8. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provision of New York State Agriculture and Markets Law.
9. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees required by Part 5 of this Section.
10. The seizure of any dog shall not relieve any person from any violation of this Local Law or New York State Agriculture and Markets Law.

#### **Section 15. Complaint.**

1. Any Town-designated Dog Control Officer or Agency having reasonable cause to believe that a violation of this Local Law has been committed in his/her presence shall, issue and serve upon such person an appearance ticket for such violation.
2. Any person who observes a dog in violation of this Local Law may file a complaint, under oath, with a Town-designated Dog Control Officer or Agency specifying the nature of the violation, the date thereof, a description of the dog, the location of the violation and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this Local Law.
3. Upon receipt by the Town-designated Dog Control Officer or Agency of any such complaint, that Officer or Agency shall issue an appearance ticket to the alleged owner of the dog to appear before the Lansing Town Court at a date and time specified.

### **Section 16. Violations and Penalties.**

1. A plea or conviction of a violation of this Local Law shall be prosecuted pursuant to penal law, by a fine of not less than twenty-five dollars (\$25), except:
2. Where a person is found to have violated this Local Law or any prior Town of Lansing Dog Law within the preceding five years, the fine may be not less than fifty dollars (\$50) and
3. Where the person is found to have violated this Local Law or any prior Town of Lansing Dog Law two or more times within the preceding five years, it shall be punishable by a fine of not less than one hundred dollars (\$100) or imprisonment for not more than fifteen (15) days, or both.
4. For the purpose of conferring jurisdiction upon courts and judicial officers generally, offenses of this Local Law shall be deemed violations and for such purposes only all provisions of law relating to violations shall apply.

### **Section 17. Additional Penalties.**

1. Pursuant to Article 7 of New York State Agriculture and Markets Law, any person who intentionally refuses, withholds, or denies a person, because he or she is accompanied by an on-duty police work dog, working search, war, or detection dog, any accommodations, facilities, or privileges thereof shall be subject to a civil penalty of up to \$200.00 for the first violation and up to \$400.00 for each subsequent violation.
2. Pursuant to Article 7 of New York State Agriculture and Markets Law, any person who for the purpose of participating in the animal population control program shall falsify proof of adoption from a pound, shelter, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog or cat protective association or who shall furnish any licensed veterinarian of this state with inaccurate information concerning his or her residency or the ownership of an animal or such person's authority to submit an animal for a spaying or neutering procedure pursuant to this Local Law and/or Section 117 of New York State Agriculture and Markets Law, and any veterinarian who shall furnish false information concerning animal sterilization fees shall be guilty of a violation prosecuted pursuant to the New York State Penal Law punishable by a fine of not less than \$250.00.

### **Section 18. Disposition of Fines.**

Notwithstanding any other provision of law, all moneys collected as fines or penalties by the Town of Lansing as a result of any prosecution for violations of the provisions of this Local Law or Article 7 of New York State Agriculture and Markets Law and all bail forfeitures by persons charged with such violations shall be the property of the Town of Lansing and shall be paid to the Town Supervisor. Such moneys shall be used only for controlling dogs and enforcing this Local Law. Said revenue may also be used to subsidize the spaying or neutering of dogs, any facility as authorized under Article 7 of New York State Agriculture and Markets Law, and subsidizing public humane education programs in responsible dog ownership.

### **Section 19. Nonliability.**

No action shall be maintained against the Town of Lansing, the Village of Lansing the Lansing Dog Control Officer or any person or persons lawfully authorized by the Town when performing duties pursuant to this Local Law or New York State Agriculture and Markets Law to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Local Law or New York State Agriculture and Markets Law.

### **Section 20. Separability**

If any section, paragraph, subdivision, clause, phrase or provision of this Local Law shall be judged invalid or held unconstitutional, it shall not affect the validity of the Local Law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

**Section 21. Repealer.**

This Local Law shall supersede all prior Local Laws, ordinances, rules and regulations relative to the control, licensing and fee schedules of dogs within the Town and they shall be, upon the effective date of this Local Law, null and void.

**Section 22. Effective Date.**

This Local Law shall take effect the 1<sup>st</sup> day of January 2011.

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

Vote of Town Board . . . (Aye) Marty Christopher,  
Councilperson  
Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

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

**Open Public Hearing on the review of Woodland Park proposed PDA:**

**RESOLUTION 10- 172**

**RESOLUTION**, offered by Mrs. Wilcox and seconded by Mrs. Miller:

**RESOLVED**, that the Public Hearing on the review of Woodland Park proposed PDA is hereby opened at 7:00 p.m.:

Vote of Town Board . . . (Aye) Marty Christopher, Councilperson  
Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Mr. Gustafson, Mr. Cardamone's Engineer, went over the entire project and answered questions from the audience.

Ruth Hopkins from the Lansing Recreational Pathways Committee read the following statement:

I am Ruth Hopkins and represent the Lansing Recreational Pathways Committee with our comments for the Town Board regarding the proposed Woodland Park.

As part of our duties to identify trails and pathways in proposed developments (Town resolution 10-136), we have examined the proposed Woodland Park development submitted by Mr. Cardamone for this hearing under the Planned Development Area regulations provided for in the Town's Land Use Ordinances. Our review includes the questions and suggestions from town residents at the April 26<sup>th</sup>, August 23<sup>rd</sup>, and October 6<sup>th</sup> meetings of the Planning Board, and the recommendations from the County Planning Department, Sept.28, 2010. We have also reviewed the specific recommendations for pathways and

conservation easements made made by citizens and town officials at the Planning Board meetings of April 26<sup>th</sup>, August 23<sup>rd</sup> and Oct 6<sup>th</sup> .

We do not believe the plans for this development adequately satisfy the objectives of the PDA, namely the Town has waived the zoning regulations and allowed increased density without obtaining added benefits of useable open and recreation space for the benefit of residents and the community. Nor do we believe there are sufficient provisions for pathways within the community or provision for safe pedestrian access along the heavily trafficked roads.

Hence, we recommend that approval for phase one and beyond be delayed pending revision of the plans to comply with the Town's Land Use Ordinances for PDA's and resolution 10-136 for pathways.

We have prepared a list of specific and detailed recommendations for pathways that would benefit the future residents and other members of our community. These recommendations were provided to the Town Board, the Planning Board, and Mr. Cardamone in advance of this meeting. They outline easements for current and future pathways along the internal roads, within the development area, and along the heavily trafficked roads, Warren and Hillcrest. Many of these recommendations are repetitions of our requests April 26<sup>th</sup>, August 23<sup>rd</sup>, and October 6<sup>th</sup>. We also provide substantial justification for our finding that the PDA plans do not provide adequate open and recreational space or in other ways meet the Town objectives for a PDA. This list has been submitted for inclusion in the minutes of this meeting and can be shared directly with interested citizens this evening or provided upon request to LRPC.

**The Committee asked to have the following made a part of the minutes:**

To: Lansing Town Board.

From: Lansing Recreational Pathway Committee

Re: Woodland Park Development PDA and LRPC recommendations

Date: 11-16-10

As part of our duties to identify trails and pathways in proposed developments (Town resolution 10-136), we have examined the proposed Woodland Park development submitted by Mr. Cardamone for this hearing under the Planned Development Area regulations provided for in the Town's Land Use Ordinances. Our review includes the questions and suggestions from town residents at the April 26<sup>th</sup>, August 23<sup>rd</sup>, and October 6<sup>th</sup> meetings of the Planning Board, and the recommendations from the County Planning Department, Sept.28, 2010. We have also reviewed the specific recommendations for pathways and conservation easements made made by citizens and town officials at the Planning Board meetings of April 26<sup>th</sup>, August 23<sup>rd</sup> and Oct 6<sup>th</sup> .

We do not believe the plans for this development adequately satisfy the objectives of the PDA, namely the Town has waived the zoning regulations and allowed increased density without obtaining added benefits of useable open and recreation space for the benefit of residents and the community. Nor do we believe there are sufficient provisions for pathways within the community or provision for safe pedestrian access along the heavily trafficked roads.

Hence, we recommend that approval for phase one and beyond be delayed pending revision of the plans to comply with the Town's Land Use Ordinances for PDA's and resolution 10-136 for pathways.

We ask that the Town Board address the items listed below as well as our specific recommendations for pathways that would benefit the future residents and other members of our community.

- 1 The plans need to show a pathway along roads B&A. The Planning Board recommended a path with a buffer from the shoulder on Road B but this path is not on the developer's plans. We recommend this path extend along Road A with reasonable allowance for exceptions at the ditch crossing. See attached Details 1.
- 2 For the benefit of residents we recommend provision for walkways along the other three roads, C, D, and E. See attached Details. Such paths were also recommended by the County.
- 3 Pedestrian access to the bus on Warren or up Hillcrest will be dangerous without footpaths. We recommend an easement for future pathways within the Town's ROW on the Hillcrest and Warren frontages. See attached details. Hillcrest and Warren are currently unsafe for pedestrians and pedestrians will need to walk along these roads to bus stop locations or to reach other destinations.
- 4 Open recreational space is an objective of the PDA yet the 26 single housing lots do not have such space other than town storm water management ponds. Storm water management ponds cannot be used for recreation and do not provide added benefit to the residents. Areas labeled as a conservation easement are within the preliminary delineation of the protected wetlands and cannot be disturbed or used by residents. (The final determination of the wetlands area has not yet been provided by the Army Corps of Engineers (ACOE) as of 11/16/2010). We recommend that open space including connecting paths throughout the community be provided for resident benefit.
- 5 The 3.7 acre open space in the middle of the town homes appears to be a storm water drainage pond that cannot provide recreation or use by the residents. Additional walking paths in the development would help alleviate the lack of usable open space.
- 6 Lot #3, labeled as open space, is a federally protected wetland. As such it will need a permit for each specific use, a permit that is granted by ACOE. A footpath in this area would likely need to be a puncheon bridge to avoid an impact on the wetlands; it is unlikely other paths or open recreation space could be developed in this lot without significant fill or mediation. Hence, this area cannot satisfy the open space PDA requirement.
- 7 A footpath along the perimeter of the property, subject to neighbor review and final permitting by ACOE, could address objectives set forth by the town's ordinances for a PDA. The LRPC recommended that such a trail be considered at the public hearing on Oct. 6<sup>th</sup> but the Planning Board deferred all discussion of such a path to the Town Board. See attached conditions for neighbor controls for such an easement in Details.

And while not directly related to pathways we wish to note that

- a. Several areas are noted as conservation easements yet no mention is given as to how those conservation easements will be administered. We suggest that identification of the responsible agency be made before approval.
- b. A gated community does not seem consistent with the objectives put forth in the objectives of the Town's Land Use Ordinances, # 706.2.1.
- c. The proposed first phase of the development is adjacent to federal wetlands, yet the ACOE has not given its final determination. It is unclear whether the proposed path to serve this area will be approved.

We will be happy to work with the developer during this process to provide recommendations for pedestrian pathways that offer safety and added recreational value to the residents of the development and the community. We are also willing to help the developer understand

**Details on requests above:**

For item #1. The 8 foot easement for the path along Roads A & B can be accommodated in the Town ROW, and can allow for a 6-8 foot wide path in the future, with a 2-4 ft foot buffer from the road or drainage ditch. We ask the developer to provide an initial 4 ft path of crushed stone. Further consideration about the need to plow during snowstorms may be needed since the infrequent nature of this occurrence may make it unnecessary.

For item #2. The walking paths along these roads should provide ample space for safe pedestrian walking either next to the road as a shoulder or buffered from the road with a crushed stone type path. We do not anticipate that informal stone paths would be maintained during the snow. These paths, on the less public roads might also be incorporated in the deeds of the residential lots.

For item #3. Safe pedestrian pathways along Warren and Hillcrest can be accommodated within a 10 foot easement in the Town ROW. We suggest the easement along Warren be initially developed inside the current storm water ditches as a 4 foot crushed stone path in order to provide safety for bus access. Future improvements and maintenance would be the responsibility of the town.

For item #7. An easement for this trail would include conditions such as limitations on width, markings, use, and maintenance, and required input from the neighbors bordering the path. Access from Whispering Pines would only occur with neighbor arrangements. Any conservation areas will require permitting by the ACOE within the conservation easement. Provisions requiring future permits would not delay the development. Such arrangements have been developed in other communities both in this County and in other NYS towns.

**Close Public Hearing on the review of Woodland Park proposed PDA:**

**RESOLUTION 10- 173**

**RESOLUTION**, offered by Mrs. Wilcox and seconded by Mrs. Miller:

**RESOLVED**, that all persons desiring to be heard, having been heard, the Public Hearing on the review of Woodland Park proposed PDA is hereby closed at 7:29 p.m.

Vote of Town Board . . . (Aye) Marty Christopher, Councilperson  
Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Mr. Pinney went over all of the County and Town of Lansing Planning Board's recommendations with all present.

**Open Public Hearing for SEQRA Review of Woodland Park Proposed PDA:**

**RESOLUTION 10- 174**

**RESOLUTION**, offered by Mrs. Wilcox and seconded by Mrs. Miller:

**RESOLVED**, that the Public Hearing for SEQRA\_Review of Woodland Park proposed PDA is hereby opened at 7:47 p.m.:

Vote of Town Board . . . (Aye) Marty Christopher, Councilperson  
Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Mr. Krogh went over the full environmental assessment form with all present.

**Close Public Hearing for SEQRA Review of Woodland Park Proposed PDA:**

**RESOLUTION 10- 175**

**RESOLUTION**, offered by Mrs. Wilcox and seconded by Mr. Cree:

**RESOLVED**, that all persons desiring to be heard, having been heard, the Public Hearing for SEQRA\_Review of Woodland Park proposed PDA is hereby closed at 8:02 p.m.

Vote of Town Board . . . (Aye) Marty Christopher, Councilperson  
Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

**Approve Negative Declaration – Woodland Park PDA:**

**RESOLUTION 10- 176**

**RESOLUTION ISSUING NEGATIVE DECLARATION OF ENVIRONMENTAL  
IMPACTS FOR PRELIMINARY WOODLAND PARK PROPOSED  
DEVELOPMENT AREA PLAN**

At a Regular Meeting of the Town Board of the Town of Lansing, held in and for the Town of Lansing at the Lansing Town Hall on the 17th day of November, 2010, the following members were present and voting throughout:

A. Scott Pinney, Supervisor;  
Martin Christopher, Councilperson;  
Robert Cree, Councilperson; and  
Kathy Miller, Councilperson; and  
Connie Wilcox, Councilperson.

The following Town Board members were absent: none.

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

WHEREAS, Applicant Cardamone Home Builders, Inc., has requested Town Board Approval, and Planning Board preliminary review, of a PDA Application for the “Woodland Park Planned Development Area” (formerly Warren Road PDA) respecting an approximate 59.984 acre parcel residential development consisting of 48 townhouse units and 25 single family lots for an average density of 35,793 square feet per dwelling unit within the R1 Residential District located on Warren Road and Hillcrest Road in the Town of Lansing, Tax Map Parcel 41.-2-5; and

WHEREAS, the Lansing Planning Board has considered and carefully reviewed the Application and the Applicant’s Statement of Intent to Comply with Conditions and Specifications of the Planning Board, dated August 26, 2010, respecting the Applicant’s PDA Proposal; and

WHEREAS, the Public Comment Period and other preliminary steps relative to the requirements of the Land Use Ordinance have been complied with and the Planning Board, by Resolution dated October 6, 2010, formally referred the said PDA application to the Town Board for hearing and possible approval; and

WHEREAS, pursuant to the Land Use Ordinance, the Town Board must schedule a Public hearing to consider the PDA and the recited and recommended conditions within 45 days of the date of Planning Board referral, and the Town Board must thereafter disapprove, approve, or approve with conditions such PDA application, and such preliminary approval requires a SEQRA review; and

WHEREAS, the Town Board previously declared its intent to act as Lead Agency under SEQRA, classified the action, identified Involved and Interested Agencies, and issued its Notice of Intent, and no Interested Agency having objected to the Town Board acting as Lead Agency, nor having requested or required concurrent review; and

WHEREAS, the Town Board received and duly filed a LEAF, part 1, and reviewed the same and found it accurate and complete, and the Town Board having further called for a public hearing to hear from the public and other interested persons relative to the potential environmental impacts of the proposed project,

and said hearing having been duly conducted and any testimony and evidence having been considered and received; and

WHEREAS, the LEAF was duly reviewed in its entirety and the following potential impacts were noted:

- (i) Construction in areas where bedrock is less than 3' deep and where depth to water table is, or may be, less than 3 feet deep, including the disturbances of topsoils;
- (ii) Construction that, due to phasing, may not be completed in one year, and where the potential resulting dust, runoff, sediment, noise, and transportation impacts will thus occur, and re-occur, during each construction phase;
- (iii) Potential impacts upon small isolated Palustrine Forested seasonally flooded/saturated wetland;
- (iv) Increased non-permeable surfaces in the form of rooftops, roads, and other infrastructure creating runoff into basin area of hillsides;
- (v) The potential removal of an old Christmas Tree farm that created noise and visual buffer for certain areas of the Town; and
- (vi) A potential increase in density of housing in the immediate area, with the potential for increased traffic upon roadways, a potential need for additional fire protection, school impacts, and local usage of electricity, water (in excess of 20,000 gallons per day), and natural gas to heat and power such improvements; and

WHEREAS, it is duly noted that further and/or supplemental SEQRA reviews may or will be required for this project: (i) if the scope of the project changes or the Final Development Plan fails to address environmental issues or concerns; (ii) if anticipated permits are issued with or without conditions; (iii) as the project develops its storm water processes and its drainage district; and (iv) as the extension of the Consolidated Water District proceeds; and

WHEREAS, and after weighing: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequence of the potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town's master plan and/or Comprehensive Plan and local needs and goals; and (vii) whether any known objections to the Project relate to any of the identified potential impacts, the Town Board found that these factors did not cause any potential impact to be or be likely to become significant; and

WHEREAS, pursuant to GML § 239-l, -m, and -n, the Tompkins County Department of Planning issued official comments, including: (i) the required highway permit from the County for access and a curb cut to Warren Road and the consideration of pedestrian walkways throughout the development, particularly to meet TCAT demand for a bus stop at the project site; and (ii) the provision for 10% of the available units to be designated or provided for low to moderate income households; and (iii) the provision of a recreational area for children in the area with the townhouse units. Upon these opinions, the County Department of Planning has otherwise stated that the project, without such changes, may have "negative inter-community or county-wide impact". In reply

the Town Board finds little basis to believe that these changes actually relate to inter-community or county-wide issues or impacts, and finds that, even if there were such “global” effects from not having more project sidewalks, more play areas, or low and moderate income housing, the same are not readily applicable to this project as the PDA process was specifically chosen by the Developer, working with the Town, so as to increase project density, thereby causing the development costs to go down, thereby making the units more affordable. Further, the PDA process increased open areas and spaces, thus actually increasing the available recreation areas and open spaces. Further, the Developer has, in the townhouse area, set aside walkways and recreational areas comprising over 10% of the available land area. Thus, while the County comments may have some overall merit relative to modern planning, such matters were already factored in and, as noted, the same seem not to relate to any inter-community or county-wide issues or impacts (with the exception of housing costs, which, in any event, are largely controlled by land and development costs). Further, TCAT has indicated it will not place a bus shelter on Warren Road near the project as the area is a designated rural route, so there is little need for more sidewalk areas to serve this function. Finally, the project has a design and serves an identified market for housing within the Town of Lansing, so the Town finds the recommendations of the County Department of Planning to be of minimal value given the rural character of the bus route, the nature of neighboring roads and highways, the abundant recreational parks and areas within Lansing, and the design of the project itself; and

WHEREAS, after due deliberation upon this matter and a review and analysis of each and all potential environmental impacts, and the input from each and all Involved and Interested Agencies, and the Lead Agency having made a negative declaration of environmental impact; accordingly, it is hereby

RESOLVED, that the Town Board of the Town of Lansing be and hereby is again declared to be the Lead Agency; and it is further

RESOLVED AND DETERMINED, that upon the hearing thereupon and a review of the LEAF, the environmental impacts identified for the said district extension are deemed mitigated by the following facts and circumstances:

- (i) Construction in areas where bedrock is less than 3’ deep and where depth to water table is, or may be, less than 3 feet deep, including the disturbances of topsoils – this impact is deemed mitigated by the fact that the topsoils will be segregated and reclaimed. These impacts are further mitigated by SWPPP and storm water permitting, permit conditions, anticipated permit conditions, and the temporary and permanent storm water practices, each and all of which will prevent erosion and sedimentation, and thus prevent impacts to and loss of topsoils. Further, all lands in the vicinity have bedrock near the surface, and this proposed project, with municipal water and sewers, will not take water from or discharge water or effluents into such shallow soils, thus further mitigating any potential impacts of the project, thereby showing that these potential impacts are mitigated, minor and/or non-significant;
- (ii) Construction that, due to phasing, may not be completed in one year, and where the potential resulting dust, runoff, sediment, noise, and transportation impacts will thus occur, and re-occur, during each construction phase – these impacts are mitigated by required permitting processes, site plan review procedures, and temporary storm water facilities implemented during construction,

as well as the long term and permanent storm water facilities and management practices built into the project, and given the temporary nature of such potential impacts, the Town Board finds these impacts mitigated, minor and/or non-significant in nature;

- (iii) Potential impacts upon small isolated Palustrine Forested seasonally flooded/saturated wetland – this potential impact is mitigated as the SWPPP and temporary and permanent storm water impacts are designed to prevent the inundation of such wetland with water, as well as to prevent the loss of water to the wetland; further, the wetland is classified as a PF01E wetland, is very small in size (officially listed as 0.31 acres), is isolated from other area wetlands, and actually discharges its water into the ditches and culverts along Warren Road. Further, the project has been specifically designed so as to avoid disturbing the area of such wetland, to not excavate in such area, and to buffer and protect the same. Further yet, the wetland exists as this is the low drainage basin-area for two hillsides, and is arguably only wet land; even then only being intermittent and/or seasonally flooded or inundated wetland which, again, to the extent it serves as a biological filter or water storage site, deposits overflow and water into a roadside ditch. For all of these reasons there are no identified or significant potential impacts to such wetland, and further, there are no mapped threatened or endangered species located therein or nearby, as based upon DEC and FWS maps, and further, on site storm water controls, as well as required storm water and wetland permitting, will protect such wetland from such potential impacts, including inundation with water, such that this potential impact is deemed mitigated, minor, and/or non-significant in nature;
- (iv) Increased non-permeable surfaces in the form of rooftops, roads, and other infrastructure creating runoff into basin area of hillsides – for the reasons set forth in numbers (iii) and (i) above, including, but not limited to storm water facilities and permitting, this potential impact is deemed mitigated, minor, and/or non-significant in nature;
- (v) The potential removal of an old Christmas Tree farm that created noise and visual buffers for certain areas of the Town – this impact is deemed mitigated by the site planning (both preliminary and in connection with the Final Development Plan), particularly in that the Planning Board expressly required preservation of such buffers, all as shown upon the project maps and plans (which show, in all cases, buffering of between 50' to over 100', as measured from existing dwellings to the nearest buildable areas in the project), such that such impact is deemed mitigated, minor, and/or non-significant in nature;
- (vi) A potential increase in density of housing in the immediate area, with potential for increased traffic upon roadways, need for fire protection, school impacts, and local usage of electricity, water (in excess of 20,000 gallons per day), and natural gas to heat and power such improvements – these impacts are mitigated by the fact that the electrical, gas, and water providers have enough capacity to easily meet any increase in demand, as do the schools. Further, the roadways servicing the area are Warren Road, a high volume County Highway, and Hillcrest Road, a wide heavily travelled town commuter roadway, each of which has more than enough capacity to handle increased traffic from a residential project of this nature; and further, the Developer designed the roadways to specifically discourage through traffic, thus keeping the bulk of the traffic upon the County Highway. Thus, upon weighing these potential impacts,

the foregoing factors show that the same are deemed mitigated, minor, and/or non-significant in nature;

and it is further

**RESOLVED AND DETERMINED**, that this declaration is made in accord with Article 8 of the Environmental Conservation Law of the State of New York and the New York SEQRA Act, and the Regulations promulgated there under, and accordingly, the Town Board of the Town of Lansing, based upon (i) its thorough review of the LEAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and the hearing held hereupon, and all testimony and evidence presented thereat, if any, and the comments of Involved and Interested Agencies, if any, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including, but not limited to, the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the LEAF, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQRA for the above referenced proposed action, and determines that neither a full Environmental Assessment Form, nor an Environmental Impact Statement will be required; and it is further

**RESOLVED**, that the Responsible Officer of the Town Board of the Town of Lansing is hereby authorized and directed to complete and sign, as required, the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed LEAF and determination of significance shall be incorporated by reference in this Resolution; and it is further

**RESOLVED** that the Town Clerk deliver and/or file a copy of this Resolution with the following persons and agencies:

1. The Town Clerk of the Town of Lansing.
2. The Town Supervisor of the Town of Lansing.
3. All Involved and Interested Agencies.
4. Any person requesting a copy;

and further, that this Resolution be posted and published in accord with law, including delivery of a summary hereof to the Environmental Notice Bulletin, 625 Broadway, Room 538, Albany, New York 12233-1750 in accord with 6 NYCRR 617.12 and it is further

**RESOLVED**, that the Town Clerk deliver a copy of this Resolution to the County Department of Planning to show and explain why County Planning recommendations were not adopted and were overridden by this preliminary approval of the project plans, subject to revisiting the same upon presentation of the Final Plan.

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

**Vote of Town Board . . . (Aye) Marty Christopher, Councilperson**

Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

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

**Preliminary Approval of Woodland Park PDA:**

**RESOLUTION 10-177**

**RESOLUTION ISSUING PRELIMINARY APPROVAL OF WOODLAND  
PARK  
PDA PROPOSED PRELIMINARY DEVELOPMENT AREA PLAN PER  
SECTION 706.6 OF THE TOWN OF LANSING LAND USE ORDINANCE**

At a Regular Meeting of the Town Board of the Town of Lansing, held in and for the Town of Lansing at the Lansing Town Hall on the 17th day of November, 2010, the following members were present and voting throughout:

A. Scott Pinney, Supervisor;  
Martin Christopher, Councilperson;  
Robert Cree, Councilperson; and  
Kathy Miller, Councilperson; and  
Connie Wilcox, Councilperson.

The following Town Board members were absent: none.

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

WHEREAS, Applicant Cardamone Home Builders, Inc., has requested preliminary Town Board Approval, and Planning Board preliminary review, of a PDA Application for the “Woodland Park Planned Development Area” (formerly Warren Road PDA) respecting an approximate 59.984 acre parcel residential development consisting of 48 townhouse units and 25 single family lots for an average density of 35,793 square feet per dwelling unit within the R1 Residential District located on Warren Road and Hillcrest Road in the Town of Lansing, Tax Map Parcel 41.-2-5; and

WHEREAS, the Lansing Planning Board has considered and carefully reviewed the Application and the Applicant’s Statement of Intent to Comply with Conditions and Specifications of the Planning Board, dated August 26, 2010, respecting the Applicant’s PDA Proposal; and further the Public Comment Period on the Application commenced upon August 26, 2010, upon submission of the Applicant’s Statement of Intent to Comply, pursuant to Section 706.5 of the Lansing Land Use Ordinance, and a public hearing was held by the Lansing Planning Board on October 6, 2010, respecting the Planning Board’s consideration of the Woodland Park Planned PDA Application materials and the Applicant’s August 26, 2010, Statement of Intent to Comply, as well as consideration of whether the Planning Board should recommend to the Town Board either: (1) disapproval of the proposed PDA development; or (2) conditional approval of the PDA development, subject to such conditions set forth in the Statement of Intent to Comply and/or any other conditions otherwise

imposed by the Planning Board; and further, at said public hearing held on October 6, 2010, the residents of the Town of Lansing were given a full opportunity to be heard respecting the Woodland Park PDA Development Proposal, and the Planning Board reviewed said comments and concerns of the residents, including concerns respecting certain potential impacts of the project, including, but not limited to increased traffic, drainage and stormwater concerns, density issues, and infrastructure capacity; and

WHEREAS, on October 6, 2010, the Planning Board, pursuant to Lansing Land Use Ordinance Section 706.5, underwent site plan review of the proposed Woodland Park PDA development, and has considered and carefully reviewed the requirements of the Land Use Ordinance Section 701 *et seq.*, relative to Planning Board site plan review and the unique needs of the Town due to the topography, the soil types and distributions, and other natural and man made features upon and surrounding the area of the proposed Site Plan, and consideration of storm water drainage, erosion control, parking, water and sewer facilities, driveways, site lighting, off site impacts, roadways and walkways, height regulations, landscaping, open space, and compliance with other state, county and local agency regulations; and the Planning Board has also considered the Town's Comprehensive Plan and compliance therewith; and

WHEREAS, pursuant to Section 706.5 of the Town Of Lansing Land Use Ordinance, the Planning Board recommended conditional approval of the PDA based upon the Developer/Applicant's Statement of Intent to Comply (with addendum) and a list of proposed conditions; and

WHEREAS, by Resolution dated October 6, 2010, and in compliance with the Land Use Ordinance, the Planning Board has complied with the requirements of the Land Use Ordinance relating to the Public Comment Period, and other preliminary steps, relative to the conditional recommendation of the proposed PDA, and has formally referred the matter to the Town Board for mandatory review, public hearing, and a SEQRA review; and pursuant to the Land Use Ordinance, the Town Board scheduled and duly conducted a public hearing upon November 17, 2010, whereat all evidence and testimony were heard and weighed; and

WHEREAS, a SEQRA review of this proposed project was duly conducted and a Negative Declaration of environmental impact was duly declared and issued, and it was noted that further and/or supplemental SEQRA reviews may or will be required for the drainage district, the water district extension, the Final Development Plan for the PDA, and/or upon the issuance of any wetlands or other permits, with or without conditions; and

WHEREAS, pursuant to GML § 239-l, -m, and -n, the Tompkins County Department of Planning issued official comments, including: (i) the required highway permit from the County for access and a curb cut to Warren Road and the consideration of pedestrian walkways throughout the development, particularly to meet TCAT demand for a bus stop at the project site; and (ii) the provision for 10% of the available units to be designated or provided for low to moderate income households; and (iii) the provision of a recreational area for children in the area with the townhouse units. Upon these opinions, the County Department of Planning has otherwise stated that the project, without such changes, may have "negative inter-community, or county-wide impact". In reply the Town Board finds little basis to believe that these changes actually relate to inter-community or county-wide issues or impacts, and finds that, even if there

were such “global” effects from not having more project sidewalks, more play areas, or low and moderate income housing, the same are not readily applicable to this project as the PDA process was specifically chosen by the Developer, working with the Town, so as to increase project density, thereby causing the development costs to go down, thereby making the units more affordable. Further, the PDA process increased open areas and spaces, thus actually increasing the available recreation areas and open spaces. Further, the Developer has, in the townhouse area, set aside walkways and recreational areas comprising over 10% of the available land area. Thus, while the County comments may have some overall merit relative to modern planning, such matters were already factored in and, as noted, the same seem not to relate to any inter-community or county-wide issues or impacts (with the exception of housing costs, which, in any event, are largely controlled by land and development costs). Further, TCAT has indicated it will not place a bus shelter on Warren Road near the project as the area is a designated rural route, so there is little need for more sidewalk areas to serve this function. Finally, the project has a design and serves an identified market for housing within the Town of Lansing, so the Town finds the recommendations of the County Department of Planning to be of minimal value given the rural character of the bus route, the nature of neighboring roads and highways, the abundant recreational parks and areas within Lansing, and the design of the project itself; and

**WHEREAS**, upon due consideration and deliberation by the Town of Lansing Town Board, now therefore be it

**RESOLVED**, that Conditional Approval of the proposed Planned Development Area pursuant to and under Section 706.6 of the Town of Lansing Land Use Ordinance be and hereby is granted, subject to the conditions and findings set forth below, and this matter is referred back to the Planning Board for the applicable steps and verifications necessary for the Final Development Plan; and it is further

**RESOLVED and DECLARED**, that such conditional approval is hereby made upon the following conditions and findings, each and all of which must be satisfied before approval of the Final Development Plan:

1. Final Development approval shall be contingent upon the ACOE approval and issuance of wetland permits and any wetland mitigation required by the ACOE;
2. The Town’s Right of Way/Easement Road Width for the proposed Private Road in the Townhouse phased construction area shall be 50 feet, and the requested waiver/variance from the 60’ wide roadway requirement be and hereby is granted and approved by the Town Board;
3. The applicant shall make provision for a 6 foot shoulder/pathway either north or south of Public Road B, located on the southern portion of the PDA sketch plan; further noting that the Town Board is not recommending any change in the cross section or paved width of Public Road B as shown on the Applicant’s plans;
4. The applicant shall provide an estimated time frame proposal for each phase of the construction;
5. The lots designated for single family home construction cannot be amended to permit additional multifamily dwellings in the PDA;

6. The approval of the PDA is contingent upon Town Board approval of the applicant's application for extension of the Water District to encompass the entire PDA project;

7. The approval of the PDA is contingent upon the dedication to the Town of stormwater infrastructure, or rights therein, together with the land upon which situate, or easements necessary to access, inspect, service, maintain, repair and/or replace the same, all together with a further condition that approval be contingent upon the creation of a drainage district to manage such permanent stormwater practices upon such terms as the proposed map, plan and report for such future drainage district so dictate or require;

8. The approval of the PDA is contingent upon Town Board approval of any and all deed restrictions, if any; and

9. The approval of the PDA is contingent upon the County Highway Department's review and approval of proposed single curb cut access to Warren Road;

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

Vote of Town Board . . . (Aye) Marty Christopher, Councilperson  
Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

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

**Open Public Hearing on the proposed Local Law Number 3 of 2010:**

**RESOLUTION 10- 178**

**RESOLUTION**, offered by Mr. Pinney and seconded by Mrs. Wilcox:

**RESOLVED**, that the Public Hearing on the proposed Local Law Number 3, Authorizing the Operations and Rules of the Planning Board and the ZBA, creating Alternate Positions for such Boards, and addressing other Operational Aspects of the Planning Board and the ZBA is hereby opened at 8:09 p.m.:

Vote of Town Board . . . (Aye) Marty Christopher, Councilperson  
Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

**Close Public Hearing on Local Law Number 3 of 2010:**

**RESOLUTION 10- 179**

**RESOLUTION**, offered by Mr. Pinney and seconded by Mrs. Wilcox:

**RESOLVED**, that all persons desiring to be heard, having been heard, the Public Hearing on the proposed Local Law Number 3 of 2010, Authorizing the Operations and Rules of the Planning Board and the ZBA, creating Alternate Positions for such Boards, and Addressing other Operational Aspects of the Planning Board and the ZBA is hereby closed at 8:10 p.m.:

Vote of Town Board . . . (Aye) Marty Christopher, Councilperson  
Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

**Approve Local Law Number 3 of the Year 2010:**

**RESOLUTION 10 - 180**

**RESOLUTION ADOPTING LOCAL LAW NUMBER 3 OF 2010, ENTITLED  
“APPOINTMENT OF, AND PROCEDURES RELATING TO, ALTERNATE  
MEMBERS TO THE TOWN OF LANSING PLANNING BOARD AND  
TOWN OF LANSING ZONING BOARD OF APPEALS”**

At a Regular Meeting of the Town Board of the Town of Lansing, held in and for the Town of Lansing at the Lansing Town Hall on the 17th day of November, 2010, the following members were present and voting throughout:

A. Scott Pinney, Supervisor;  
Martin Christopher, Councilperson;  
Robert Cree, Councilperson; and  
Kathy Miller, Councilperson; and  
Connie Wilcox, Councilperson.

The following Town Board members were absent: none.

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

WHEREAS, this action is a Type II SEQRA Action pursuant to 6 NYCRR Parts 617.5(c)(20) and 617.5(c)(27), and therefore no environmental review is required; and

WHEREAS, a Public Hearing was duly held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, on the 17th day of November, 2010, to consider the aforesaid Local Law, and all persons interested in the subject thereof were duly heard; and

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

**RESOLVED**, that Local Law Number 3 of 2010 be and hereby is adopted, reading in its entirety as follows, so now therefore, be it enacted as follows:

**“TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK**

**LOCAL LAW NUMBER 3 OF 2010**

**APPOINTMENT OF, AND PROCEDURES RELATING TO,  
ALTERNATE MEMBERS TO THE TOWN OF LANSING PLANNING  
BOARD AND  
TOWN OF LANSING ZONING BOARD OF APPEALS**

**BE IT ENACTED** by the Town Board of the Town of Lansing as follows:

**SECTION 1: AUTHORITY AND SUPERSESSION** - This Local Law supersedes any prior Town of Lansing policy, local law, ordinance, or rule that is inconsistent herewith. This Local Law is enacted pursuant to the authority and power granted to the Town of Lansing under and pursuant to §§ 267(11) and 271(15) of the Town Law, § 10 of the Statute of Local Governments, § 10 of the Municipal Home Rule Law, and the New York State Constitution, at Article IX. To the extent inconsistent with said §§ 267(11) and 271(15) of the Town Law, this Local Law is intended to supersede, and does hereby supersede: (i) New York State Town Law § 271 (and other provisions of Article 16 inconsistent herewith) pertaining to Alternate Members of the Planning Board of the Town of Lansing, and the appointment, terms, functions, and powers of such Alternate Members; and (ii) New York State Town Law § 267 (and other provisions of Article 16 inconsistent herewith) pertaining to Alternate Members of the Zoning Board of Appeals of the Town of Lansing, and the appointment, terms, functions, and powers of such Alternate Members.

**SECTION 2: PURPOSES** - It is sometimes difficult to maintain a quorum on the Planning Board and the Zoning Board of Appeals because members are ill or upon extended vacation, or find they have a conflict of interest situation on a specific matter before such Board. In such instances, full participation by a full Board is impeded, and some times official business cannot be conducted, which may delay or impede adherence to required timelines. The use of Alternate Members in such instances is hereby authorized pursuant to the provisions of this Local Law. The Town Board of the Town of Lansing thus and hereby enacts this Local Law to provide a process for appointing Alternate Members of the Planning Board and Zoning Board of Appeals. These individuals would serve when Members are absent or unable to participate on an application or matter before the respective Board.

**SECTION 3: TERM, APPOINTMENT AND RE-APPOINTMENT** - Alternate Members of the Planning Board and Zoning Board of Appeals shall be appointed by the Town Board for a term of one year in accordance with this Local Law. Prior to appointment, the Town Board shall refer the name of the proposed Alternate Member, together with any application materials provided by such candidate alternate, to the Planning Board or the Zoning Board of Appeals, respectively, for review and comment. No Alternate Member may be appointed to the Planning Board or the Zoning Board of Appeals for more than 7 terms.

**SECTION 4: DESIGNATION PROCEDURE FOR ALTERNATE MEMBERS** - The Chairperson of the Planning Board or the Chairperson of the Zoning Board of Appeals may designate an Alternate Member to substitute for a Member when such Member is unable to participate upon an application or matter before such Board. When so designated, the Alternate Member shall possess all the powers and responsibilities of

such Member of the Board. Such designation shall be entered into Minutes of the Meeting at which the substitution is made.

**SECTION 5: ALTERNATE MEMBER REQUIREMENTS** - All provisions of law relating to Planning Board or Zoning Board of Appeals Member eligibility, vacancies in office, removal, compatibility of offices and service on other boards, as well as any provisions of any law or procedure relating to training, continuing education, compensation, and attendance, shall also apply to Alternate Members.

**SECTION 6: PLANNING BOARD RULES AND REGULATIONS** - Consistent with Town Law § 271(13), the Planning Board shall hereafter, and within 90 days of the effective date of this Local Law, recommend to the Town Board proposed procedural and allowable substantive rules and regulations relating to matters over which the Planning Board has jurisdiction. Thereafter, and within 90 days of submission thereof, the Town Board shall approve or disapprove of the same, with or without modifications.

**SECTION 7: PLANNING BOARD AND ZBA CHAIRPERSON DESIGNATIONS** - The Planning Board and the Zoning Board of Appeals shall hereafter select from among their own Members (but not from among any Alternate Members) their own Chairpersons and Vice Chairpersons. On or before the date of the annual Organizational Meeting, the Planning Board and the Zoning Board of Appeals shall notify the Town Board as to the identity of their designated respective Chairpersons and Vice Chairpersons. In the event the Planning Board or the Zoning Board of Appeals shall ever fail to so designate a Chairperson or Vice Chairperson, the Town Board shall so appoint such offices after consultation with the respective Board.

**SECTION 8: SAVINGS** - If any part or provision of this Local Law or the application thereof to any person or circumstances is adjudged invalid by any court or tribunal of competent jurisdiction such judgment or determination shall be confined in its operation to the part or provision or application directly involved in the controversy in which said judgment or determination shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Lansing hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**SECTION 9: EFFECTIVE DATE** - This Local Law shall take effect immediately. The Town Clerk is directed to immediately file a copy of this Local Law with the New York State Secretary of State, as required by law.”

and it is further

RESOLVED, that in accord with §21 of the Municipal Home Rule Law, the final adopted copy of this Local Law shall be presented to the Supervisor for approval; and it is further

RESOLVED, that upon such approval by the Supervisor (or other approval occurring pursuant to said §21 of the Municipal Home Rule Law), and within 20

days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required Certifications, if any, as follows: (i) in the Office of the Town Clerk; and (ii) with the New York State Secretary of State as required by Municipal Home Rule Law §27 (said filing may be made by delivery to the State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231).

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

Vote of Town Board . . . (Nay) Marty Christopher, Councilperson  
Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

**Lansing Recreational Trailways Committee:**

Linda Westlake and Roger gave a power point presentation for all present.

Mr. Pinney stated that the proposed trails were on existing snowmobile trails. This will be discussed and the recreational trails will be re-routed.

Mrs. Miller stated that she was very concerned about the committee working during hunting season. She stated that even though hunting is not allowed on Town property, people still hunt.

Ms. Westlake and Mr. Hopkins said all workers will wear blaze orange and will work in the afternoon hours.

Mr. Cree was concerned about the custodial account the group wants to open. He is concerned that the invoices could come in over the balance in the account. The written procedures the Town has regarding custodial accounts will be given to the Pathways Committee members.

Mr. LaVigne suggested that the Board might want to appoint a project manager to oversee said account.

The Board agreed with the concept of the draft that was presented and encouraged them to move forward.

**Feasibility Study – Scofield Road Water Main Ext. and Tank Project:**

Mr. Pinney stated that a feasibility study was done by T.G. Miller Engineer's a few years ago to see if it was feasible to put up a water tank in the Scofield and Bone Plain Road area. Mr. Herrick will re-do this and get back to the Board with current figures. This would help people in the Warren Road area with their low water pressure. Before moving forward, Mr. Pinney will discuss this with the Town of Dryden and get back to the Board.

**Approve SCLIWC 2011 Water Rate and Authorizing Execution of Agreement:**

**RESOLUTION 10- 181**

**RESOLUTION APPROVING SCLIWC 2011 WATER RATE  
AND AUTHORIZING EXECUTION OF  
AGREEMENT REGARDING SAME**

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on the 17<sup>th</sup> day of November, 2010, the following members being present and voting throughout:

A. Scott Pinney, Supervisor;  
Martin Christopher, Councilperson;  
Robert Cree, Councilperson;  
Kathy Miller, Councilperson.  
Connie Wilcox, Councilperson

The following members were absent: None

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

**WHEREAS**, the Town of Lansing is a signatory to the amended, supplemental, restated and consolidated agreement of municipal cooperation for construction, financing and operation of an intermunicipal water supply and transmission system dated as of June 5, 1979, as the same has been amended from time to time, (the "Agreement"); and

**WHEREAS**, pursuant to the Agreement each municipality agreed to pay to the Southern Cayuga Lake Intermunicipal Water Commission (hereinafter referred to as "Commission"), water revenues based upon, in part, a water rate schedule annexed as Exhibit I of Schedule A to the Agreement; and

**WHEREAS**, based on changes in costs, the Commission believes it is advisable to adopt a new water rate schedule; and

**WHEREAS**, Schedule A of the Agreement provides that the water rate schedule may not be changed by the Commission without the written agreement to such change of all the parties; and

**WHEREAS**, Exhibit I of Schedule A to the Agreement has been amended from time to time since the initial date of the Agreement; and

**WHEREAS**, among other changes, the basic water rate is being increased and the flat rate charge per 1,000 gallons shall be non-fluctuating and equal to two dollars and eighty seven cents (\$2.87).

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

**RESOLVED**, that the proposed changes be and hereby are approved, and the Town Board, and the Supervisor and each Councilperson be and hereby are authorized to execute the SCLIWC Bolton Point Water System Agreement to Change Water Rate Schedule by, for and in the name of the Town of Lansing.

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

Vote of Town Board . . . (Nay) Martin Christopher, Councilperson  
Vote of Town Board . . . (Nay) Robert Cree, Councilperson  
Vote of Town Board . . . (Nay) Kathy Miller, Councilperson  
Vote of Town Board . . . (Nay) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Nay) A. Scott Pinney, Supervisor

Accordingly, the foregoing Resolution was not approved.

**Planning and Engineering Department Report:**

Mr. Overstrom passed out the following report:

**Code Office Monthly Activity Report**  
**October, 2010**

**Planning Board – October 6, 2010 Special Mtg.**

- **Public Hearing- Preliminary Plat Approval/Conditions- Woodland Park**
- **Review & Discussion of Revisions for Lansing Commons PDA to Major Subdivision, Cayuga Vista Drive, Tax Parcel # 37.-1-2-53.222**
- **Approval of July 12, 2010 Minutes as amended & September 13, 2010 as amended.**

**October 12, 2010 Special Mtg.**

- **Declare PB Lead Agency & Set Public Hearing for: Lansing Commons Major Subdivision**
- **Approval/Denial of September 27, 2010 Minutes**

**ZBA – Meeting Cancelled due to lack of Agenda Items**

**Training/Other**

**New Code transition Training goes into effect December 28, 2010**

**Fire Safety Inspections & Re-Inspections**

Total:1

**Construction Inspections**

Total: Approximately: 87

**Operating Permits Issued**

Total: 1

**New Addresses Issued for 2010**

Total: 19

**Notice of Fire**

Year to Date Total: 8

**Expired Permit Notices**

First Notices: 10

Second Notices: 5

The following letter was sent to Mr. Overstrom from Hunt Engineers in regard to the Woodland Park PDA.



November 15, 2010

Town of Lansing  
Town Board  
ATTN: Town Board Chairman, VIA Jeff Overstrom, EIT  
29 Auburn Road  
Lansing, NY 14882

**Re: Road Cross-Section and Expanded Shoulder  
Woodland Park PDA  
Cardamone Home Builders, Inc.  
HUNT #2108-023**

Ladies and Gentlemen of the Town Board:

As discussed in the Resolution No. 10-62 of the Planning Board, the Planning Board has requested that the applicant modify the proposed roadway cross-section of Road B as follows:

- Increase the paved shoulder on the north side of Road B by two (2) feet to a total shoulder width of four (4) feet.
- Decrease the paved shoulder on the south side of Road B by two (2) feet to a total shoulder width of four (4) feet.
- Provide an additional flat unpaved six (6) foot wide walking area is provided within Road B right of way.

It is our opinion that this modification provides undue hardship on the applicant since the Conditions of the PDA had been previously established and agreed to prior to the preparation of the preliminary subdivision plans. The current road cross-section that shows a six (6) foot shoulder on the south side as required by the Conditions of the PDA was first submitted for the review of the Planning Board in June along with the Intent to Comply and the PDA narrative and was discussed at the August 9, 2010 Planning Board meeting. The cross-section was then submitted to the Town Board for their review on August 17, 2010 (see attached letter). At this meeting, the cross-section was reviewed by the Town Engineer and the Town Highway Supervisor and found to be safe and acceptable. The Town Board indicated at the August 17<sup>th</sup> meeting that the cross-section, showing an extended six (6) foot paved shoulder would be acceptable. The cross-section was presented to the Planning Board at the August 23<sup>rd</sup> working meeting was again submitted to the Planning Board on August 26, 2010 in a progress preliminary plan submission. The completed preliminary plans were submitted to the Planning Board on September 24, 2010. Until the Planning Board meeting on October 6, 2010, no indication was made that the road cross-section of Road B was unacceptable to the Planning Board. The applicant has gone to great lengths to present the Planning Board with this information, so that substantial time, cost and, effort was not expended without agreement and involvement from the Board.

While the requested modification from the Planning Board does not change the overall width of the pavement, the applicant will incur significant costs in both engineering design and construction to make the modification. In design, the plans will need to significantly modify over 4000 feet of roadside swale grading, the extension of several storm sewer culverts, and the regarding the road cross-section for 2000 feet including any possible impact to connecting driveways and side streets. In construction, the additional unpaved walkway will require approximately 20,000 cubic feet of fill or over sixty truck loads in addition to the extended storm sewer culverts.

AIRPORT CORPORATE PARK  
607.358.1000

100 HUNT CENTER  
fax 607.358.1800

HORSEHEADS, NY 14845-1019  
www.hunt-eos.com

**Highway Department Report:**

**Sewer Project:**

The Sewer project on Warren Road is moving along pretty well.

**Material from Plain Street:**

Mr. French received a call from a contractor who told him they had 8 inches of black top and 8 inches of crusher run that the Town could have for free if they would truck it from Plain Street to the Highway Department. Mr. French now has the material at the Highway Garage and will use it for driveways, shoulders, etc.

**Marina:**

The Highway crew started working at the Marina in Myers Park a week ago and have all of the docks out and at least half of the poles are already put back in.

**Route 34 Bridge by the Girls School:**

This bridge will be closed towards the end of May or beginning of June, 2011 for approximately 8 – 10 weeks. This will depend on how quickly the State Budget is passed next year.

**Highway Clerk:**

Mr. Pinney stated that he talked to the bookkeeper and they are moving forward with advertising for a part-time highway clerk. He stated that it will be advertised in the Lansing Star and on the Town's web and that applications will be due by November 30, 2010. Mr. French stated that they really need to move along quickly as Mrs. Kobasa's last day is December 26<sup>th</sup> and she still has vacation and sick time to take. The Board felt this should move along quickly.

**Set Public Hearing for Final Review for the Woodland Park PDA:**

**RESOLUTION 10-182**

**RESOLUTION SCHEDULING PUBLIC HEARING UPON PROPOSED FINAL DEVELOPMENT PLAN FOR WOODLAND PARK PDA**

At a Regular Meeting of the Town Board of the Town of Lansing, held in and for the Town of Lansing at the Lansing Town Hall on the 17th day of November, 2010, the following members were present and voting throughout:

A. Scott Pinney, Supervisor;  
Martin Christopher, Councilperson;  
Robert Cree, Councilperson; and  
Kathy Miller, Councilperson; and  
Connie Wilcox, Councilperson.

The following Town Board members were absent: none.

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

**WHEREAS, Applicant Cardamone Home Builders, Inc., has requested Town and Planning Board Approval for the “Woodland Park Planned Development Area,” respecting an approximate 59.984 acre parcel residential development consisting of 48 townhouse units and 25 single family lots for an average density of 35,793 square feet per dwelling unit within the R1 Residential District located on Warren Road and Hillcrest Road in the Town of Lansing, Tax Map Parcel 41.-2-5; and**

**WHEREAS, the Lansing Planning Board considered and carefully reviewed the Application and the Applicant’s Statement of Intent to Comply with Conditions and Specifications of the Planning Board, dated August 26, 2010, respecting the Applicant’s PDA Proposal; and after the Public Comment Period and a public hearing thereupon, the Planning Board recommended conditional preliminary approval of the PDA based upon the Developer/Applicant’s Statement of Intent to Comply (with addendum) and a list of proposed conditions and formally referred the matter to the Town Board for mandatory review, public hearing, and a SEQRA review; and pursuant to the Land Use Ordinance, the Town Board scheduled and duly conducted public hearings (both for the preliminary PDA approval and the SEQRA review) upon November 17, 2010, whereat all evidence and testimony were heard and weighed; and**

**WHEREAS, a SEQRA review of this proposed project was duly conducted and a Negative Declaration of environmental impact was duly declared and issued upon November 17, 2010 – though it was noted for the record that further and/or supplemental SEQRA reviews may or will be required for the drainage district, the water district extension, the Final Development Plan for the PDA, and/or upon the issuance of any wetlands or other permits, with or without conditions; and**

**WHEREAS, the Town Board duly issued its Conditional Approval of the proposed PDA pursuant to and under Section 706.6 of the Town of Lansing Land Use Ordinance, and the matter was duly referred back to the Planning Board for implementation of the conditions stated and the development of the Final Development Plan; and**

**WHEREAS, the Planning Board proposes to promptly consider each such condition and develop, review, and recommend a proposed Final Development Plan for the PDA, which Plan, and the attendant list of conditions, will be duly referred back to the Town Board for final approval pursuant to the Land Use Ordinance; and**

**WHEREAS, pursuant to the Land Use Ordinance, the Town Board has 45 days to schedule a public hearing upon the proposed Final Development Plan for the said PDA, and 30 days after the close of such public hearing to approve, approve with conditions, or reject such Final Development Plan; and**

**WHEREAS, the Town Board wishes to achieve maximum public input upon such project and thus desires to schedule a public hearing thereupon; and**

**WHEREAS, upon deliberation of this matter, and in consideration of the foregoing, the Town Board of the Town of Lansing has hereby**

**RESOLVED, that a public hearing be and is hereby scheduled for the 15th day of December, 2010 at 6:05 p.m., at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, to consider the approval of the Final Development Plan for the proposed Woodland Park Planned Development Area, respecting an**

approximate 59.984 acre parcel residential development consisting of 48 townhouse units and 25 single family lots for an average density of 35,793 square feet per dwelling unit within the R1 Residential District located on Warren Road and Hillcrest Road in the Town of Lansing, Tax Map Parcel 41.-2-5, and to thereat hear all persons interested in the subject thereof, and concerning the same, and to take such action thereon as is required or permitted by law; and it is further

RESOLVED, that the Town Clerk of the Town of Lansing, Tompkins County, New York, is hereby authorized and directed to cause a Notice of Public Hearing to be published in the official newspaper of the Town of Lansing, and also to post a copy thereof on the Town signboard maintained by the Town Clerk, in accord with law; and it is further

RESOLVED, that the Town Clerk, in conjunction with the Town Planning Office, deliver a copy of the proposed PDA Final Development Plan, and recommendations of the Planning Board, to the Tompkins County Department of Planning, pursuant to General Municipal Law Sections 239-l and 239-m, so that such Department of Planning may continue or update its prior review and recommendations.

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

Vote of Town Board . . . (Aye) Marty Christopher, Councilperson  
Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

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

### **Park and Recreation Department Report:**

Mr. Colt was absent but the following monthly report was presented to the Board:

#### **Parks & Recreation Department**

11/17/10

Town Board Meeting

#### **RECREATION**

- The Fall Programs are concluded and the equipment from those programs has mostly all been returned and we are now cleaning and reconditioning. When this is completed it will be packed away for the winter, and purchasing needs will be determined.
- Equipment inventories are also being done to better prepare us to purchase replacements for the upcoming seasons. We typically purchase most of our equipment at this time of the year. In many cases we can take advantage of close out pricing.
- Early winter programs have been popular with the Gymnastics, Bowling and Basketball programs all closing out with waiting lists. The Karate program is also very full as usual. Our Youth Wrestling program is for students in grades K – 8 and is set to start at the end of this

month. The Indoor Soccer program started last Friday and we had over 40 players. This is the first time that we have offered an Indoor Soccer program.

- Youth Cheerleaders are event champions! At our last meeting I reported that our two youth cheerleading programs were preparing for their end of the season competitive event at Dryden. Our teams ended up winning both the JR and SR events. This was a great result for our girls, and they learned that all of the hard work preparing was worth it.

## PARKS

- The Parks & Ballfields have been cleaned up and readied for spring. All of the grounds, ballfields and lawns really looked great this year and will be even better next year.
- Camp site manager news is good! Carl and Lorraine Parker have reconsidered their earlier decision to retire and have indicated to me that they will return. This is great for us and the Park. They have always done a super job for us and are well liked by all.
- A Park staff meeting will be planned soon to review ideas for next year and discuss fee schedules. We will also be discussing dates and plans for the Marina boat slip lottery and reserving camp sites and pavilions. We are really hoping for some great weather for this coming summer as our projected revenue totals are VERY ambitious!!
- The highway crew has already started with the next phase of the marina rebuild project. They have the old docks removed and are planning for the actual removal of the old marina walls.
- The Playground at Myers has officially been turned over to the town. Mark Leathers, Ed LaVigne, Jack French and I met to go over final details, concerns etc. Mark gave us the long term care and planning guide as well as his signed "certificate of substantial completion" for the project.

## Approve Minutes:

### **RESOLUTION 10 – 183**

A copy of the minutes of November 3, 2010 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**, offered by Mrs. Wilcox and seconded by Mr. Cree:

**RESOLVED**, that the minutes of November 3, 2010 are hereby approved as submitted.

Vote of Town Board . . . (Aye) Marty Christopher, Councilperson  
Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

## Approve Audit:

**RESOLUTION 10 – 184**

**RESOLUTION**, offered by Mr. Cree and seconded by Mr. Christopher:

**RESOLVED**, that the Bookkeeper is hereby authorized to pay the following bills and to make the following budget modifications:

**CONSOLIDATED ABSTRACT # 011**

DATED	<u>11/17/10</u>
AUDITED VOUCHER #'s	<u>1071 – 1168</u>
PREPAY VOUCHER #'s	<u>1071 - 1074</u>
AUDITED TA VOUCHER #'s	<u>122 – 131</u>
PREPAY TA VOUCHER #'s	<u>122 – 124</u>

<b><u>FUND</u></b>	<b><u>TOTAL APPROPRIATIONS</u></b>
GENERAL FUND	\$ <u>45,850.80</u>
HIGHWAY FUND	\$ <u>71,229.92</u>
LANSING LIGHTING	\$ <u>136.65</u>
LANSING WATER DISTRICTS	\$ <u>102,715.85</u>
TRUST & AGENCY	\$ <u>23,263.08</u>
WARREN RD SEWER	\$ <u>302,130.70</u>
DEBIT SERVICE	\$ <u>0.00</u>

**BUDGET MODIFICATIONS**

**GENERAL FUND A**

**11/17/2010 Board Meeting**

<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>FOR</u></b>	<b><u>AMOUNT</u></b>
A1610.400	A1610.200	From Technology Contractual to Technology Equipment	2,402.00
A1620.406	A1620.400	From Buildings Gas to Buildings Contractual	1,500.00
A1990.400	A1620.404	From Contingency to Buildings Phone	600.00
A1990.400	A7620.400	From Contingency to Adult Rec Contractual	1,300.00
A1990.400	A8750.401	From Contingency to Ag Protection Grant	600.00

**WATER FUND SW**

<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>FOR</u></b>	<b><u>AMOUNT</u></b>
SW1990.400	SW8320.400	From Contingency to Water Admin Fiscal	17,100.00

- Vote of Town Board . . . (Aye) Marty Christopher, Councilperson**
- Vote of Town Board . . . (Aye) Robert Cree, Councilperson**
- Vote of Town Board . . . (Aye) Kathy Miller, Councilperson**
- Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson**
- Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor**

**BOARD MEMBER REPORTS:**

**Marty Christopher, Robert Cree, Kathy Miller and Town Counsel:**

Nothing to report.

**Connie Wilcox:**

**Technology Report:**

The Technology Committee will meet with Time Warner and another Company on December 9th regarding changing the internet and phone services for the Town Hall. There should be quite a cost savings. Mrs. Wilcox will keep the Board updated.

**A. Scott Pinney:**

**Bolton Point Water Bills:**

Mr. Pinney informed the Board that the Town will go back to using post cards for the Bolton Point Water Billing as there would be a significant savings. We will try these for a while and see how they work.

**Monthly Report:**

The Supervisor submitted his monthly report for the month of October, 2010 to all Board Members and to the Town Clerk.

**Executive Session:**

**RESOLUTION 10 – 185**

**RESOLUTION**, offered by Mr. Pinney and seconded by Mrs. Wilcox:

**RESOLVED**, that the Regular Meeting is adjourned to go into Executive Session at 9:04 p.m. to discuss a disciplinary action of a Town Employee.

Vote of Town Board . . . (Aye) Marty Christopher, Councilperson  
Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

**Terminate Executive Session:**

**RESOLUTION 10 - 186**

**RESOLUTION**, offered by Mr. Pinney and seconded by Mrs. Wilcox:

**RESOLVED**, that the Executive Session is hereby terminated and the Regular Meeting reconvened at 9:21 p.m.

Vote of Town Board . . . (Aye) Marty Christopher, Councilperson

Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

**Adjourn Meeting:**

**RESOLUTION 10 – 187**

**RESOLUTION**, offered by Mr. Pinney and seconded by Mrs. Wilcox:

**RESOLVED**, that the meeting is hereby adjourned at the call of the Supervisor at 9:22 p.m.

Vote of Town Board . . . (Aye) Marty Christopher, Councilperson  
Vote of Town Board . . . (Aye) Robert Cree, Councilperson  
Vote of Town Board . . . (Aye) Kathy Miller, Councilperson  
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson  
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Minutes taken and executed by the Town Clerk.