

**May 19, 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, Steve Colt, Jack French, Dave Heck, Claes Nyberg, Katherine Hysman, Michael Coles, Dan Veaner and Ted Laux.

The Supervisor led all present in the Pledge of Allegiance.

**PRIVILEGE OF THE FLOOR:**

**Appraisal – Land Across from Town Hall:**

Mr. Pinney stated that he has four (4) bids on the appraisal for the land across the road and that the low bid is in the amount of \$ 2,450.00.

**RESOLUTION 10-79**

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

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to accept the low bid from Congdon & Company, Inc. from Endicott, N.Y. in the amount of \$ 2,450.00 and it is further

**RESOLVED**, that the Supervisor be and hereby is authorized to execute any and all documents pertaining to this appraisal.

Vote of Town Board ... (Aye) Martin 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

**Lease Renewal for Land Across from Town Hall:**

**RESOLUTION 10-80**

**RESOLUTION AUTHORIZING RENEWAL OF SILL LEASE**

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 19th day of May, 2010, the following members were present and voting throughout:

A. Scott Pinney, Supervisor;  
Martin Christopher, Councilperson;  
Robert Cree, Councilperson;  
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, the Town has for years leased non-used lands to local farmers, and for years Raymond Sill has leased such land; and

WHEREAS, the Town wishes again to lease such land for the 2010 growing season and until December 31, 2010; and

WHEREAS, the Town proposes to lease 76 acres (as shown upon the map at the Supervisor's office and as described as part of TP#31.-1-16.2) to said Sill for such period at the rate of \$15.00 per acre, subject to the terms of a standard lease to be approved by the Supervisor and Town Counsel; and

WHEREAS, upon due deliberation thereupon, it is hereby

RESOLVED and DETERMINED, that such 76 acres are excess property that the Town does not currently need for any operations; and it is further

RESOLVED, that the lease to Sill be and hereby is approved subject to (i) the execution of a lease in a form as approved by the Supervisor and Town Counsel, and (ii) a permissive referendum as required by Town Law § 64(3) and Town Law Article 7.

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) Martin 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.

**Drake Road CWD BAN:**

**Highway Equipment BAN Renewal:**

**RESOLUTION 10- 81**

**RESOLUTION AUTHORIZING THE ISSUANCE OF A \$434,021.00**

**BOND ANTICIPATION NOTE, NUMBER 01-10 (2010)**

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 19th day of May, 2010, the following members were present and voting throughout:

A. Scott Pinney, Supervisor;  
Martin Christopher, Councilperson;  
Robert Cree, Councilperson;  
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, the Town Highway Department indicated a scheduled need for highway equipment, namely, 2 new International tandem axle trucks, one International single axle truck, and one GMC 5500 light weight dump truck, all of which will be fitted with plowing packages and extended warranties (all herein, the "Vehicles"), which Vehicles were purchased in 2008 pursuant to New York State Bid Contracts, and which purchases were authorized by Bond Resolution dated May 19, 2008, and which obligation(s) were satisfied, in accord therewith, by Bond Anticipation Note 01-08 (in the amount of \$533,000.00), as renewed by Bond Anticipation Note 01-09 (in the amount of \$490,000.00), as each was issued to pay for the purchase of the Vehicles, which Bond Anticipation Note 01-09 is hereby being renewed; and

WHEREAS, in compliance with the Local Finance Law, the Town Board has decided to partially pay-down the debt pursuant to Local Finance Law §23.00 by making a principal and interest payment thereupon and issuing a renewal BAN for the balance thereof; and

WHEREAS, the Town has contacted several lending institutions to find the lowest rates, and has determined that the Chemung Canal Trust Company has the best rates and terms for the proposed Bond Anticipation Note 01-10, to be issued in the amount of \$434,021.00, for one year at a 1.7% interest rate (non-callable); and

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

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

RESOLVED, that

Section 1. The Bond Anticipation Note hereby authorized is for the payment of indebtedness relating to the purchase and acquisition of the Vehicles.

Section 2. The Bond Anticipation Note hereby authorized was authorized pursuant to a Bond Resolution dated March 19, 2008, which Bond Resolution was duly issued under the Local Finance Law and subject to permissive referendum as therein required.

Section 3. It is hereby determined that the cost of indebtedness relating to the objects and purposes of this Resolution is \$434,021.00; said amount is hereby appropriated there for, and the plan for the financing thereof shall consist of the issuance of up to \$434,021.00 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law.

Section 4. The Town of Lansing hereby authorizes the expenditure of up to \$55,979.00 for the payment of the principal and interest obligations relating to the Vehicles and BAN 01-09, and the balance due shall be paid by the issuance of Bond Anticipation Note 01-10.

Section 5. No other Bond Anticipation Notes are issued or outstanding for the payment of the indebtedness relating to the Vehicles.

Section 6. The Bond Anticipation Note authorized by this Resolution is a renewal of Bond Anticipation Note 01-09, dated and issued May 22, 2009.

Section 7. The Bond Anticipation Note authorized by this Resolution shall mature and be and become due and payable upon May 20, 2011.

Section 8. The Bond Anticipation Note hereby authorized is not for an assessable improvement of or within the Town.

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

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

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

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

Vote of Town Board ... (Aye) Martin 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.

**Available Funding for Home Energy Improvements:**

Mr. Pinney stated that there is funding available for energy efficiency upgrades. He handed out information from Cooperative Extension and encouraged all to take the literature and look through it.

**Lansing Library Lawn Care and Sign:**

Mr. Pinney stated that the Town now takes care of the lawn at the library for a cost of \$ 1,000.00. The Library has informed Mr. Pinney that they have contacted an individual from Ithaca Landscaping who is willing to do this for less than they pay the Town. It was the consensus of the Board to terminate the addendum to the Library contract as soon as possible.

**Warren Road Sewer Bids:**

The Bid Opening took place at the Lansing Town Hall Board Room at 2:00 p.m. today and the results were as follows:

1. **G. DeVincentis & Son Construction Co., Inc.**  
7 Belden Street  
Binghamton, New York 13903 **2,577,000.00**
  
2. **Bat-Con, Inc.**  
4277 Slate Hill Road  
P.O. Box 155  
Marcellus, New York 13108 **2,159,243.00**
  
3. **Highlander Construction, Inc.**  
5774 Kester Road  
Memphis, New York 13112 **1,777,170.75**
  
4. **LRS Excavating, Inc.**  
24 Ross Road  
Lansing, New York 14882 **1,537,792.50**
  
5. **Vacri Construction Corp.**  
One Brick Avenue  
Binghamton, New York 13901 **1,564,000.00**
  
6. **Adhan Piping Co. Inc.**  
1865 State Route 13  
Cortland, New York 13045 **1,353,735.00**
  
7. **Chicago Construction, Inc.**  
1788 Union Center Highway  
Endicott, New York 13760 **1,300,000.00 (low bid)**

8. **A.J. Montclair, Inc.**  
18 Corporate Park Drive  
Central Square, New York 13036 **2,366,800.00**

A meeting will be held next Tuesday with the apparent low bidder and if everything checks out, the bid will be awarded at a later date.

**Planning and Engineering Department Report:**

Mr. Overstrom reported on the following:

**Code Office Monthly Activity Report**

**April, 2010**

**Planning Board – April 12, 2010**

- Site Plan Review-Expansion, Hygear, 8 Cayuga Vista, Tax # 37.1-2-53.23
- Site Plan-Relocation Rae's Roost, 1114 Auburn Rd. Tax 3 8.-1-16

**Planning Board- April 26, 2010**

- Developer's Conference-Cardamone Home Builders, Tax # 41.-2-5
- Approval of Minutes for; January 25, 2010, February 8, 2010, February 22, 2010, March 15, 2010 & April 12, 2010

**Zoning Board of Appeals – April 20, 2010**

- Area Variance – Taylor, 244 Ludlowville Road, Tax # 26.-5-1  
Approved

**Training/Other**

- Lynn attended the NYSBOC Educational Conference from April 20-23, 2010 in Liverpool NY in order to obtain his 24 Hours of required training

**Fire Safety Inspections & Re-Inspections**

Total: 4

**Construction Inspections**

Total: Approximately: 69

**Operating Permits Issued**

Total: 0

**New Addresses Issued for 2010**

Total: 3

**Notice of Fire**

Year to Date Total: 7

**Expired Permit Notices**

First Notices: 11

Second Notices: 5

Renewed Permits 6 Renewed Permits YTD – 14

Mr. Overstrom also went over his project Status report with the Board as follows:

19-May-  
10

### Town of Lansing Development

#### Project Status

- |    |  |  |
|----|--|--|
| 1  | Cardamone Home Builders PDA:<br>Hillcrest and Warren | 44 town homes<br>36 single family residences - \$300,000 +<br>Considering Phasing project<br>Phase 1 - gated town home community<br>Phase 2 - single family residences<br>Within Warren Road sewer district<br>To Planning Board at Sketch Plan review |
| 2  | Transonics<br>Dutch Mill Road                        | Major expansion of facility<br>Create 32,000 square foot light manufacturing facility<br>Site plan being revised in accordance with NYSDEC wetland delineation<br>and set-back requirements. Hunt Engineers  |
| 3  | Lucente, Rocco<br>Village Circle                     | Village Circle Apartments<br>Proposed three story, 12 unit apartment building<br>To be presented to Planning Board June 14 for site plan review  |
| 4  | Farm Pond Circle<br>Collins & Peruville              | 19 lot major subdivision<br>"Affordable" housing<br>To Planning Board for Final Plat approval  |
| 5  | Xtra-Mart<br>Peruville & Triphammer                  | Project completed May 2010<br>Employing approximately 40 people  |
| 6  | Ag Land Protection                                   | Committee created to compile a comprehensive plan to<br>protect and preserve productive ag lands. Considering zoning changes   |
| 7  | Warren Road Sewer District<br>Warren Road            | Bid opening May 19, 2010<br>Construction Start June 2010<br>Completion May 2011  |
| 8  | Lansing Commons<br>Cayuga Vista                      | 33 lot PDA, Final Plat approved by Town Board<br>Conditions to get NYSDEC approval for sewer system<br>Planning Board reviewing relocation of proposed sewer system in<br>accordance with NYSEG requirements   |
| 9  | Cayuga Farms<br>Triphammer Road                      | Project has stalled<br>Project requires public sewer service<br>Developer's engineer negotiating with Village of Cayuga Heights and<br>Village of Lansing for sewer connection and capacity  |
| 10 | Cottonwood Subdivision<br>Drake Road                 | 19 lot major subdivision<br>Single family residence development  |

Mr. Christopher asked what the status was of the old Chris n' Greens building. Mr. Overstrom will go over some options with the owner of the property and he will keep the Board updated on the matter.

### **Highway Department Report:**

Mr. French reported on the following items:

1. Brush and Limb took three (3) days this year. Mr. French stated that there was not as much to pick-up this year and felt it may be because all Lansing residents can drop off their brush and limb anytime throughout the year.
2. The old playground in Myers Park has been taken down and most of it has been placed near the log cabin. In the process a couple large trees had to be taken down for safety purposes.
3. They have started to gravel roads and this should take 1 to 2 weeks to complete.
4. They have replaced 900 feet of guiderail in the Reach Run area.
5. Esty Hill water line project.

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

Mr. Colt went over the following with all present:

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

**5/18/10**

#### **Town Board Meeting**

#### **RECREATION**

- All of our spring teams are about at the mid point of their seasons now. The current "in-house" season ends on June 12<sup>th</sup>. The upper levels are currently registering for the summer travel season.
- I will be hosting a Travel meeting for both youth baseball and youth softball. This is a regional meeting to network with other towns and teams to discuss the framework of these games and to start setting a playing schedule.
- We are also taking registrations for the older level players in Prep, Babe Ruth baseball and 16U Softball. These teams usually start play by mid-June and conclude by the end of July.
- The Pitch-Hit & Run competition was held and we have 16 different players (both boys and girls) that have qualified to move on to the next level of competition taking place in Syracuse.
- The Summer Program Booklet is again full of many different diverse programs, and went into the schools and public on May 7<sup>th</sup>. One week later, we had taken in nearly \$36,000 in registrations!!! We currently have several programs that are already closed out.
- The Art Show/Festival took place last Friday on May 14<sup>th</sup> and was very successful with great attendance. Everything went as planned in both the Town Hall and the Library. The artwork will remain on display through June 18<sup>th</sup>. All costs were covered by grants.

- The late summer and fall program booklet is scheduled to be ready in June just prior to the end of school.

**PARKS**

- Camping opens this weekend and we currently only have one site available for this weekend. All of the holiday weekends are sold out and along with many of the weekends in late June, July and August. There are also many weekends with all of the Pavilions reserved too. As of today, we have taken in nearly \$30,000.00 in camping and pavilions.
- I applied for a Community Celebrations grant and we were awarded \$1,050.00 that will be used to offset the costs of the talent for the Myers Park Concert Series.
- We have taken several hits in Myers Park from vandal damage. The lawns have been torn up a bit, port-a-john pushed in the marina and overhead door damaged on restroom building. It never ceases to amaze me with the total ignorance of these acts. It is totally senseless, costly and time consuming to repair.
- The old playground pieces that we had hoped to save, were saved, and have been relocated to the “D” playground. We need to get a safety surface installed now so that we can open the area. Without that equipment, we will have very little until June 14<sup>th</sup>.

Mrs. Wilcox commended Robin Shuttenberg for all of her hard work and for sticking with the project as she felt the Art Show was a huge success. She also commended all of the other workers involved in the show.

**Approve Minutes:**

**RESOLUTION 10 – 82**

A copy of the minutes of April 21, 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 April 21, 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 – 83**

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

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

**CONSOLIDATED ABSTRACT # 005**

DATED 5/19/10

AUDITED VOUCHER #'s 362 – 469

PREPAY VOUCHER #'s 362 – 367

AUDITED TA VOUCHER #'s 32 – 44

PREPAY TA VOUCHER #'s 32 – 34

<b><u>FUND</u></b>	<b><u>TOTAL APPROPRIATIONS</u></b>
GENERAL FUND	\$ <u>98,615.90</u>
HIGHWAY FUND	\$ <u>65,136.65</u>
LANSING LIGHTING	\$ <u>139.64</u>
LANSING WATER DISTRICTS	\$ <u>94,934.80</u>
TRUST & AGENCY	\$ <u>36,398.53</u>
CWD #1	\$ <u>16,565.64</u>
DEBIT SERVICE	\$ <u>65,751.78</u>

**BUDGET MODIFICATIONS  
GENERAL FUND A  
May 19, 2010**

<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>FOR</u></b>	<b><u>AMOUNT</u></b>
A7110.200	A7110.410	From Parks Equipment to Parks Marina Rep	8,150.00
A2706	A7560.401	From ESFOTA Revenues to ESFOTA Approp	1,340.00
A8750.400	A8750.401	From FPIG to Ag Protection	6,250.00
A1990.400	A9040.800	From Contingency to Workers Comp Ins	580.00

**BUDGET MODIFICATIONS  
WATER DISTRICT SW**

<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>FOR</u></b>	<b><u>AMOUNT</u></b>
SW1990.400	SW9040.800	From Contingency to Workers Comp Ins	1,490.00

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:**

### **Myers Park:**

Mr. Christopher stated that he will become more involved and play a more active roll in the security aspect at Myers Park this summer. He will call in security if he feels it is needed. He stated that we do not have the interest we had last year in constables. It was stated that the Sheriff's Department could be called if necessary.

### **Robert Cree:**

#### **Cayuga Medical Center:**

Mr. Cree attended the Cayuga Medical Centers annual meeting. In addition to the election of the annual Board Members, they announced that they have been authorized to perform PCI which allows them to perform angioplasty.

### **Kathy Miller:**

#### **Town Center Meeting:**

Mrs. Miller handed out the minutes of the last Town Center meeting and stated the following:

Eileen Stout will be the liaison person from the economic committee to the Town Center Committee.

Arlene Dende is a new member and she also prepared the minutes of the meeting.

All agreed that the farmers market should stay in the same place as last year.

Ed LaVigne will look into a pavilion (like the one at Lake Watch) for the BBQ's that are now held in the Town Hall parking lot. Mr. French stated that it could not be placed where they now hold the BBQ's due to the overhead wires. Mr. LaVigne will contact the Lansing Lions Club. Mr. Miller (Mrs. Miller's husband) stated that the Lions Club can sometimes get grants for this type of construction.

Andy Sciarabba will talk to the DOT about the possibility of sidewalks. He feels this is a very important step in the making of a Town Center.

The committee is looking for grant writers.

A new committee has been formed to look into a town green between the Community Center and the Library.

A sidewalk between Woodsedge and Rogues Harbor will be looked into.

Mr. Sciarabba would also like to make a nursery for trees somewhere on the property across from the Town Hall so the Town could grow their own trees.

#### **Ithaca Tompkins County Transportation Council:**

Mrs. Miller attended a meeting and found it to be very interesting. She had a list of all of the proposed projects through 2014. She stated most of the money is coming from the Federal and State government. There is a lot of Federal money out there and she would like to look into trying to get some for the Town.

She would like to have representation on both the Planning and the Policy Committees.

Mr. French stated that himself and Mr. Platt attended these meetings for about two years and at that time everything had to do with the city of Ithaca and surrounding Towns were not included. Mrs. Miller felt it has changed and will pursue it.

### **Connie Wilcox:**

**Lansing Carnival:**

The Carnival will take place at the end of May.

**Art Show:**

It was a great success and again commended all involved in the preparation, especially Robin Shuttenberg.

**Farmers Market:**

The market will start June 5<sup>th</sup>. Several venders have already signed up. She felt the full swing of it will probably take place in July.

**Department of Public Works:**

Mrs. Wilcox would like to revisit the possibility of having our Highway Department become a Department of Public Works. She stated that this was discussed a few years back but thought it was put on hold until the Town hired an engineer. Mr. French stated that the Town Board passed a resolution a couple of years ago that changed the highway department to a DPW. The Town Clerk will look into this. She stated that a DPW has a more organizational structure to it than a Highway Department does.

**A. Scott Pinney:**

**Pathways Committee:**

This Committee would like Nancy Loncto from the Planning Board to be their advisor from the Planning Board. The Town Board thought this would be a good thing. They would also like to move forward on obtaining easements but they do not have the knowledge on how easements really work. Mr. Pinney would like to pay Mr. Krogh to attend one of their meetings to explain the process. The Board agreed.

**Monthly Report:**

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

**Town Counsel Report:**

Has an issue for executive session.

**Executive Session:**

**RESOLUTION 10 – 84**

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

**RESOLVED**, that the Regular Meeting is adjourned to go into Executive Session at 7:15 p.m. to discuss a possible litigation matter in the necessity of obtaining easement for the Warren Road Sewer project.

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 - 85**

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

**RESOLVED**, that the Executive Session is hereby terminated and the Regular Meeting reconvened at 7:35 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

**Eminent Domain:**

**RESOLUTION 10-86**

**RESOLUTION AUTHORIZING PROCEEDING UNDER EMINENT  
DOMAIN PROCEDURE LAW FOR NECESSARY EASEMENTS  
FOR WARREN ROAD SEWER DISTRICT EXTENSION**

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 19th day of May, 2010, the following members were present and voting throughout:

A. Scott Pinney, Supervisor;  
Martin Christopher, Councilperson;  
Robert Cree, Councilperson;  
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, the WRSDE bid opening was May 19, 2010, and the Town Board was informed that despite prior representations and months of discussion there were still some necessary easements that had not been obtained, and with the Bond Resolution and awarding of the contract being imminent, such easements are absolutely necessary in furtherance of the public interest; and

WHEREAS, upon due deliberation thereupon, it is hereby

RESOLVED, that the factors of EDPL §§ 204(B) and 206 were met by the sewer district formation process, including that (i) there was a determination by the Town (with approval by the NYS Comptroller) was that the WRSDE was in the public interest, (ii) the properties were declared as benefitted thereby, (iii) the location of the project was disclosed in the Map, Plan and Report, and in the Public Interest Order under Town Law Article 12-A, (iv) an environmental review was duly conducted under SEQRA and a negative declaration made, and (v) the taking herein required is *de minimus* pursuant to EDPL § 206(D), as well as exempted from formal EDPL Article 2 procedures by § 206(A) and (C); and it is further

RESOLVED and DETERMINED, that Town Counsel be and hereby is authorized to commence proceedings under the EDPL to acquire such easements by condemnation and eminent domain, and that such Counsel prepare, or cause to be prepared, the acquisition map(s), appraisal reports, offers, findings statement and resolutions for public hearings as are or may be necessary to formally commence such proceedings to vest title in such easement rights over the subject real property in to the Town of Lansing, such property to be identified by any such notice, Notice of Acquisition, and/or map so prepared, and that counsel be authorized to do, prepare, file, or submit such other documents or things as are proper and necessary to carry into effect the foregoing resolution(s) by, for, on behalf of, and in the name of the Town of Lansing.

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

Vote of Town Board ... (Aye) Martin 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.

**Adjourn Meeting:**

**RESOLUTION 10 – 87**

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

**RESOLVED**, that the meeting is hereby adjourned at the call of the Supervisor at 7:36 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.

DRAFT