

SPECIAL TOWN BOARD MEETING
AUGUST 6, 2014

A Special Meeting of the Lansing Town Board was held at the Town Hall Board Room, 29 Auburn Road, Lansing, NY on the above date at 6:01 p.m. The meeting was called to order by the Supervisor, Kathy Miller and opened with the Pledge of Allegiance to the flag. Roll call by Guy Krogh, Second Deputy Town Clerk, showed the following to be

PRESENT:

Kathy Miller, Supervisor	Robert Cree, Councilperson
Doug Dake, Councilperson	Ruth Hopkins, Councilperson
Edward LaVigne, Councilperson	

ABSENT: None

ALSO PRESENT: Guy Krogh, Town Attorney and Second Deputy Town Clerk, Sharon Bowman, Deputy Supervisor, Cricket Purcell, Deputy Highway Superintendent, Lynn Day, Code Enforcement Officer, Dave Herrick, Town Engineer, Michael Long and a few other members of the community.

CONSIDER RESOLUTION APPROVING AND AUTHORIZING THE ISSUANCE AND APPROVAL OF A CONTRACT FOR TRIPHAMMER TERRACE CULVERT WORK AND AUTHORIZING THE ISSUANCE OF THE NOTICE OF AWARD AND NOTICE TO PROCEED

RESOLUTION 14-94

RESOLUTION APPROVING AND AUTHORIZING THE ISSUANCE AND APPROVAL OF A CONTRACT FOR TRIPHAMMER TERRACE CULVERT WORK, AND AUTHORIZING THE ISSUANCE OF THE NOTICE OF AWARD AND NOTICE TO PROCEED

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

WHEREAS, the Town has planned and budgeted for a roadway improvement consisting mainly of the Triphammer Terrace culvert replacement, such culvert being located near Asbury Road, under which Gulf Creek flows, which Project consists generally of the provision of labor and equipment to excavate and replace the culvert, to assemble the sub-base and base for the culvert, to assemble and emplace the culvert itself, and to rebuild such roadway, together with all permitting and ancillary work therefor; and

WHEREAS, a portion of the work was let for public bidding, including the provision of all labor and equipment to erect a 19.5' diameter by 120' long structural metal plate culvert upon a Town-prepared sub-base located within Gulf Creek, to coordinate with the Highway Department for sub-base and backfill operations, bypass pumping, and the construction schedule, and for the inspection of all Town purchased materials, including verification of delivery and adequacy for construction; and

WHEREAS, the bid specifications were duly advertised and the bid opening was publicly and duly conducted, and thereafter the Town Board caused the bids to be examined for compliance with specifications; and

WHEREAS, as a result of such examinations, and upon input from the Town Engineer, the lowest bidder's bid price and proposal were determined to be in compliance with bid requirements, and such bidder was verified as not being listed upon any NYS Debarment List, such that the Town Board desires to now award such bid; and

WHEREAS, after a review of the foregoing, and upon due deliberation and consideration thereof, and in compliance with the specifications and the requirements for bidding upon public improvement projects, including but not limited to General Municipal Law §§ 101 and 103, the Town Board of the Town of Lansing has hereby

RESOLVED, that the project bid be and hereby is awarded to Procon Contracting, LLC, P.O. Box 1037, Vestal, New York 13851, pursuant and subject to the project specifications, in the base bid amount of \$39,000; and it is further

RESOLVED, that the Town Engineer be and hereby is authorized to issue a Notice of Award that shall constitute acceptance of the bid by the Town upon the proper execution and timely delivery of the applicable contract documents; and it is further

RESOLVED, that the Town Supervisor and/or Deputy Supervisor be, and each is hereby severally, authorized to cause the drafting of, and to so execute, a contract with said Procon Contracting, LLC, by, for, on behalf of, and in the name of the Town of Lansing, and each be and is hereby further authorized to make, negotiate, and execute such further or other documents and agreements as are or may be necessary or convenient to cause such contract or bid award to be fully authorized and construction to be completed in as timely a fashion as practicable, including but not limited to any future contract modifications or change orders as allowed by law or in project specifications; and it is further

RESOLVED, that the Town's Engineer be and hereby is also authorized to issue a Notice to Proceed to be dated August 6, 2014, subject to such conditions as such Engineer may deem prudent to assure the timely execution of the contract and delivery of proofs of required coverages and indemnities.

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

Councilperson Robert Cree - Aye
Councilperson Ruth Hopkins - Aye
Supervisor Kathy Miller - Aye

Councilperson Doug Dake - Aye
Councilperson Edward LaVigne - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on August 6, 2014.

CONSIDER RESOLUTION AUTHORIZING THE ISSUANCE OF A \$364,081.23 BOND ANTICIPATION RENEWAL NOTE, NUMBER 02-14

RESOLUTION 14-95

RESOLUTION AUTHORIZING THE ISSUANCE OF A \$364,081.23 TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK, BOND ANTICIPATION RENEWAL NOTE, NUMBER 02-14

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

WHEREAS, the Town duly authorized expenditures to cover the cost of acquiring, constructing, and equipping the improvements to be included in the Warren Road Sewer District Extension, including the acquisition of lands and easements and other rights therein, and the construction of improvements consisting of a gravity fed system consisting of 15,000 feet of eight-inch sewer and force mains, 1,700 feet of four-inch force mains, 50 service laterals, interconnection appurtenances, a duplex pumping station, road borings, 45 four-foot diameter manholes and five five-foot manholes consisting of pre-cast concrete installations and metal covers, force mains, lateral lines, valves, pumps, curb stops, original furnishings, equipment, machinery, apparatus, fill, services, appurtenances and incidental improvements to serve the properties within the said district extension, related site work, legal, engineering, administration, environmental and other preliminary costs and other costs incidental to the financing thereof (all herein, the "Project"), all of which Project expenses were authorized by a Final Order forming the District and funded by a Bond Resolution dated January 27, 2010, and which obligation(s) were satisfied, in accord therewith, by Bond Anticipation Note 03-10 (in the amount of \$1,700,000.00), which Bond Anticipation Note ("BAN") was renewed by Bond Anticipation Renewal Note ("BARN") 02-11 (\$1,700,000.00), which was again renewed by BARN 02-12 (\$668,199.23), which was

again renewed by BARN 02-13 (\$374,081.23), which BARN 02-13 is hereby being renewed; and

WHEREAS, BARN 02-13 is approaching its maturity date and such financing must be renewed or the debt thereof paid, 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 and issue a BARN for the balance thereof; and

WHEREAS, the Town has contacted several lending institutions to find the lowest rates, and has determined that the Chemung Canal Trust Company has the best rates and terms for the proposed Bond Anticipation Renewal Note 02-14, to be issued in the amount of \$364,081.23, for one year at a 1.30% interest rate (non-callable), and maturing upon August 7, 2015; and

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

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

RESOLVED, that

Section 1. The Bond Anticipation Renewal Note (“BARN”) hereby authorized is for the payment of indebtedness relating to the purchase and acquisition of goods and services to construct the Project.

Section 2. The BARN hereby authorized was authorized pursuant to a Bond Resolution dated January 27, 2010 (the “Bond Resolution”), which Bond Resolution was duly issued under and in accord with the requirements of the Local Finance Law, with such Project being subject to permissive referendum as required by law.

Section 3. It is hereby determined that the cost of indebtedness relating to the Project and the objects and purposes of this Resolution is \$374,081.23 in principal due upon BARN 02-13, plus interest thereupon in the amount of \$5,036.07, and said amounts are hereby appropriated and the plan for the financing thereof shall consist of the issuance of up to \$364,081.23 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, together with the payment from appropriated funds of principal due in the amount of \$10,000.00 and interest due in the amount of \$5,036.07.

Section 4. The Town of Lansing hereby authorizes the expenditure of up to \$379,148.30 for the payment of the obligations relating to the Project, which amount shall be paid by the issuance of BARN 02-14 and the payment of \$15,036.07 in principal and interest, as aforesaid.

Section 5. No other Bond Anticipation Notes (“BAN”) or BARNs are issued or outstanding for the payment of the indebtedness relating to the Project (except BARN 02-13, which is hereby being paid in full as authorized by this Resolution).

Section 6. The BARN authorized by this Resolution is a renewal of BARN 02-13, issued August 9, 2013.

Section 7. The BARN authorized by this Resolution shall be dated August 8, 2014, and shall mature and be and become due and payable upon August 7, 2015.

Section 8. The BARN hereby authorized is for an assessable improvement of or within the Town, namely, the Town of Lansing Warren Road Sewer District Extension.

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

Section 10. The full faith and credit of said Town of Lansing, Tompkins County, New York, is hereby irrevocably pledged to the payment of the principal of and interest on said Bonds and the Bond Anticipation Renewal 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 Supervisor Kathy Miller, duly seconded by Councilperson Ruth Hopkins, and put to a roll call vote with the following results:

Councilperson Robert Cree - Aye	Councilperson Doug Dake - Aye
Councilperson Ruth Hopkins - Aye	Councilperson Edward LaVigne - Aye
Supervisor Kathy Miller - Aye	

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on August 6, 2014.

PART-TIME PLANNER POSITION

Councilperson Edward LaVigne provided an update on the search for a Part-Time Planner. Candidate Michael Long gave a short presentation and had a question and answer session with Board Members.

ENTER EXECUTIVE SESSION

Supervisor Kathy Miller moved to **ENTER EXECUTIVE SESSION TO DISCUSS A MATTER OF POTENTIAL LITIGATION AT 6:45 PM.** Councilperson Robert Cree seconded the motion.

All in Favor - 5 Opposed - 0

EXIT EXECUTIVE SESSION

Supervisor Kathy Miller moved to **EXIT EXECUTIVE SESSION AT 6:58 PM.** Councilperson Doug Dake seconded the motion.

All in Favor - 5 Opposed - 0

DAVE HERRICK, TOWN ENGINEER

Dave Herrick, Town Engineer, addressed the Board on several open and ongoing engineering matters. The contracts for Emmons Road THM Tank Project and Triphammer Terrace Culvert Project were discussed and executed.

HIGHWAY DEPARTMENT

Several issues, including CWD back-lot requests, sewer back-lot and permit issues, water line easements, procurement questions, generators and NYSEG gas line issues were addressed.

NYSEG is holding an Open House meeting on August 26, 2014 at the Freeville Fire Hall from 4:00-6:00 pm concerning the gas line project. The Town Board is hoping many citizens will attend in support of the project.

TOPICS OF DISCUSSION

1. Proposed Mobile Home Park Local Law Update
2. Proposed Changes to Land Use Ordinance. The main focus was Schedule 1 that had caused controversy and a comment from the Tompkins County Planning Department. Scheduling of Question and Answer Sessions when the Land Use Ordinance is available were also discussed.

ENTER EXECUTIVE SESSION

Supervisor Kathy Miller moved to **ENTER EXECUTIVE SESSION TO DISCUSS THE QUALIFICATIONS AND APPLICATIONS OF PARTICULAR PERSONS AND CANDIDATES AT 8:55 PM.** Councilperson Robert Cree seconded the motion.
All in Favor - 5 Opposed - 0

EXIT EXECUTIVE SESSION

Councilperson Edward LaVigne moved to **EXIT EXECUTIVE SESSION AT 9:36 PM.** Councilperson Doug Dake seconded the motion.
All in Favor - 5 Opposed - 0

MOTION TO ADJOURN MEETING

Supervisor Kathy Miller moved to adjourn the Special Meeting at 9:37 pm. Councilpersons Ruth Hopkins seconded the motion.
All in Favor - 5 Opposed - 0

Notes were taken by Guy Krogh, Second Deputy Town Clerk, and executed by the Deputy Town Clerk.

Respectfully submitted,

Darlene Marshall