

October 21, 2009

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
Matt Besemer	Councilperson	Present
Marty Christopher	Councilperson	Present
Bud Shattuck	Councilperson	Present
Connie Wilcox	Councilperson	Present
Bonny Boles	Town Clerk	Present
Guy Krogh	Town Attorney	Present

Visitors: Jeff Overstrom, Steve Colt, Jack French, Dan Veaner, Louise Bement, Vince Mehringer, Brent Zifchock, Joe O'Neill, Chloe Ryan, Alex Rogers, Ruth Hopkins, Katrina & Matthew Binkewicz, Roger Hopkins, Robert Cree, Elisabeth Hegarty, Dave & Joyce Heck, Susanne Hinderliter, James Mason, Karen Edelstein, Mike Moseley, Doug McEver, Maureen Cowen, Ron Seacord, Jon Cleveland, Marcy Rosenkrantz, Dan Konowalow, Tom Roberts, Donna Roberts, Kathy Miller, Wayne Matterson, Pat Pryor, Sharon Bowman, Richard Putnam, Bill Demo, Robin Vandepol, Bill Hinderliter and a few other residents.

The Supervisor led all present in the Pledge of Allegiance.

PRIVILEGE OF THE FLOOR:

Louise Bement:

Mrs. Bement presented the Municipal Historian's new Historical book to the Town Board entitled Tompkins County New York Images of Work and Play.

James Mason:

Mr. Mason asked if the Town has filed a resolution with the State to be designated as an interested agency so we can coordinate, monitor and regulate gas drilling equipment for potential damage to Town inventory. He suggested that a task force of local citizens be set up that have the issues and skills necessary to go in and help designate critical environmental areas. He asked if an inventory of all of the Town structures was in process.

Mr. Pinney stated that the Board has decided to wait until after the first of the year as there will be a new Board. At this time a committee will be set up.

Mr. Mason will submit a list of people he had that would like to be considered for the committee.

Ruth Hopkins:

She stated that she had been a member of the 2008 – 2009 Lansing Citizens' Advisory Committee on the Comprehensive Plan and Zoning. After 18 meetings, the group issued a report which recommended five different citizen advisory groups as a way to involve Lansing citizen's in important issues. One was a conservation committee which would be helpful to the Town by gathering citizen view points and interests while adding assistance in the review of community costs and benefits. She felt this was important as Towns must address volatile issues such as gas drilling and other environmental concerns that come up.

Maureen Cowan Baker:

She wanted to mention the Lansing Recreational Pathways group. Bill Demo, the representative for the group will speak with the Town at a later date.

She stated that the committee is working with citizens, landowners, developers, town officials and town employees. They are working with Ron Seacord to incorporate some yet undetermined form of pathways connected with his centrally located lands and those next to Lansing Commons.

Karen Edelstein:

She felt the Town needs to be pro active in inventorying what the Towns natural assets are in the Town of Lansing. She stated that in the Town of Lansing there are about 69 square miles and of that, about 10% of the Town has been designated as unique natural areas by Tompkins County. About five square miles of area are slopes that are 15% graded or greater. There are almost 1400 acres of federally designated wet lands and almost 16 miles of State protected streams. Until the Town becomes an interested party we will not be able to weigh in as an interested community.

Dave Heck:

He stated that he has gone through the last 14 quarters of his water bills from Bolton Point. He has always used less than the minimum of 10,000 gallons. He stated that he is paying for water that he does not use and did not feel it was appropriate. There are other ways this could be handled. He felt that at least the senior citizens should only have to pay for what they use.

Mr. Pinney stated that he and Mrs. Wilcox are commissioners at Bolton Point and that this issue was brought up in discussions earlier in the year. Mr. Pinney suggested Mr. Heck attend the next Bolton Point meeting. Next meeting will be October 29th.

Discuss Excellus Healthy Blue:

Mr. Shattuck gave an overview of the insurance situation. He stated that the Board is looking at an HSA (Health Savings Account) which are new in a lot of areas. He stated that the first years cost savings just for the Town would be over \$60,000.00. This is a high deductible insurance. The Town has decided to pay 100% of the premium, 100% of the deductible and 100% of the out of pocket expense for the first year. He stated that there is a cap on all of this. The second year, the Town will pay 100% of the premium, 100% of the deductible and 80% of the out of pocket costs. Each year the percentages the Town will pay toward the out of pocket expense will be reduced by 20%. In the end the employee will pay 100% of the out of pocket expense. He stated that all small businesses are looking into this. The Town joined the consortium but got out of it because the costs down the road were unknown.

Approve the Health Savings Account Insurance:

RESOLUTION 09-161

**RESOLUTION AMENDING SECTION 806 OF EMPLOYEE HANDBOOK
REGARDING EMPLOYEE HEALTH INSURANCE BENEFITS**

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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of A. Scott Pinney, and was duly seconded by Francis Shattuck; and the vote was as follows: A. Scott Pinney - aye; Connie Wilcox – aye; Francis Shattuck – aye; Martin Christopher – aye; Matthew Besemer - aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, the Town has for years been trying to address health insurance benefits for employees and retired employees due to the nature of the changes in Medicare and the escalating expenses associated with the nature and expenses associated with employee and retired employee benefits; and

WHEREAS, by Resolution 09-141 the Town amended retiree health insurance benefits for eligible retired employees over the age of 65 (or otherwise eligible for Medicare), and now the Town desired to amend the benefits provisions for non-retired employees; and

WHEREAS, upon due consideration of the above and other matters and factors, the Town Board of the Town of Lansing has hereby

RESOLVED, that effective January 1, 2010, Section 806 of the Employee Handbook is amended to read as follows:

806 Health Insurance

Eligibility – The Town will make health insurance coverage, and the following benefits in relation thereto, available to each full-time employee and Elected Official and their eligible family members upon the terms and conditions stated herein. Part-time, intermediate, and seasonal employees are not eligible for such benefits.

When Coverage Begins – Coverage for eligible employees and Elected Officials begins upon the first day of employment, provided all eligibility requirements for the then applicable insurance plan are met.

Premium, deductible, and other Benefits – The Town, effective January 1, 2010, has adopted a HSA Plan for the provision of health insurance coverage. The following list of payments and benefits apply to all eligible employees and Elected Officials

Premium Contributions: The Town will pay 100% of the premium.
Deductible Contributions and Eligible Out of Pocket Healthcare Expenditures: The Town will contribute to deductibles and eligible out of pocket healthcare expenditures (“OOP”) pursuant to the following table:

Plan Year	Town Premium Contribution	Town Deductible Contribution	Town OOP Reimbursement
2010	100%	100%	100%
2011	100%	100%	80%
2012	100%	100%	60%
2013	100%	100%	40%
2014	100%	100%	20%
2015	100%	100%	0%
2016	100%	80%	0%
2017	100%	60%	0%
2018	100%	40%	0%
2019	100%	20%	0%
2020	100%	0%	0%

After 2020, the benefit levels will stay at the listed levels for 2020.

Coverage(s) – The Town will make insurance policies or plans available upon such terms, coverages, deductibles, co-payments, etc., as the Town selects upon an annual basis.

Amendments – The Town may, in and at its discretion, change these plans and benefits at any time, including, but not limited to, revocations or curtailment of coverages, changing the type or amounts of coverage, changing contributions, changing eligibility for dependent and spousal participation, and changing the type of policy or carrier. No coverages, rights or benefits issued, described, or granted hereunder are guaranteed.

Further details are available from the Personnel Officer.

SEQRA: Type II Action.

Approve Pre-Medicare Retirees Insurance:

RESOLUTION 09-162

**RESOLUTION AMENDING SECTIONS 807 OF EMPLOYEE HANDBOOK
REGARDING CERTAIN NON-MEDICARE ELIGIBLE RETIRED EMPLOYEES AND
HEALTH INSURANCE BENEFITS**

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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of A. Scott Pinney, and was duly seconded by Francis Shattuck; and the vote was as follows: A. Scott Pinney - aye; Connie Wilcox – aye; Francis Shattuck – aye; Martin Christopher – aye; Matthew Besemer - aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, the Town has for years been trying to address health insurance benefits for employees and retired employees due to the nature of the changes in Medicare and the escalating expenses associated with the nature and expenses associated with employee and retired employee benefits; and

WHEREAS, by Resolution 09-141 the Town amended retiree health insurance benefits for eligible retired employees over the age of 65 (or otherwise eligible for Medicare), and now the Town desired to amend the benefits provisions for other retired employees; and

WHEREAS, upon due consideration of the above and other matters and factors, the Town Board of the Town of Lansing has hereby

RESOLVED, that effective January 1, 2010, Section 807 of the Employee Handbook is amended to read as follows:

807 Health Insurance for Retirees

A. Eligibility – To be eligible for coverage, the employee, Town Clerk or Highway Superintendent (each, and all collectively, the “Retired Employee”, or “Retired Employees”) must be age fifty-five or older, must have at least twenty years of continuous full-time service with the Town, and must have applied for and been granted a *bona-fide* retirement benefit from the New York State Employees’ Retirement System. Benefits are provided upon a tiered system, depending upon the Medicare eligibility age (currently, and generally, at or near age 65).

B. Non-Medicare Eligible Employee Retirees: From the date of retirement until the Retired Employee, or eligible spouse or dependent, attains the age of Medicare eligibility, the Retired Employee (and his or

her spouse and eligible dependents) remain eligible to participate under the Town's standard health insurance policy as generally made available to employees of the Town. The following list of payments and benefits applies to all eligible retired employees (and his or her spouse and eligible dependents) who have not yet attained the age necessary for Medicare eligibility:

Plan Year	Town Premium Contribution	Town Deductible Contribution	Town OOP Reimbursement
2010	100%	0%	0%
2011	97.5%	0%	0%
2012	95%	0%	0%
2013	92.5%	0%	0%
2014	90%	0%	0%
2015	87.5%	0%	0%
2016	85%	0%	0%
2017	82.5%	0%	0%
2018	80%	0%	0%
2019	77.5%	0%	0%
2020	75%	0%	0%

After 2020, the benefit levels will stay at the listed levels for 2020.

C. Medicare Eligible Employee Retirees: When the Retired Employee, or any eligible spouse or covered dependent, reaches the age necessary to trigger Medicare eligibility, or otherwise attains Medicare coverage or eligibility, the Retired Employee, or any eligible spouse or covered dependent, shall only be eligible for the Town of Lansing's then sponsored Medicare Supplemental Plan. The Town will make available the respective health insurance plan for an eligible Retired Employee, and their respective spouse and eligible dependents, as follows:

1. Retired Employee: coverage provided, subject to payment of retired employee's share of premium being timely paid or credited;

2. Retired Employee's spouse and eligible dependents: coverage provided, subject to payment of premium being timely paid;
3. Coverage of a spouse or dependent at the time of divorce or legal separation is in accordance with applicable plan documents and COBRA requirements.

For as long as the Retired Employee, or any eligible spouse or covered dependent, participates in such Town-sponsored plan, the Town will contribute: (i) 75% of the monthly premium cost for individual coverage; (ii) 60% for family or two-person coverage; and (iii) in the event that an Employee and a eligible spouse or dependent have separate individual policies due to a variance in ages and/or Medicare eligibility, then the contribution for such policies shall be 60% of the sum of such policies. Eligible Retired Employee contributions are subject to, if then applicable, post-retirement sick leave credit rules (see generally, Section 803); however, all sick leave accrual benefits cease at age 65 and may not be converted to cash, converted to attain any other benefit, or credited towards any premium payments or contributions.

D. Coverage(s) – The Town will make insurance policies or plans available upon such terms, coverages, deductibles, co-payments, etc., as the Town selects upon an annual basis.

E. Amendments – The Town may, in and at its discretion, change these plans and benefits at any time, including, but not limited to, revocations or curtailment of coverages, changing the type or amounts of coverage, changing contributions, changing eligibility for dependent and spousal participation, and changing the type of policy or carrier. No coverages, rights or benefits issued, described, or granted hereunder are guaranteed.

Further details are available from the Personnel Officer.

SEQRA: Type II Action.

Hire Tompkins Insurance Agencies, Inc. to Provide the Health Insurance Service:

RESOLUTION 09-163

RESOLUTION APPOINTING TTC AS HSA ACCOUNT SERVICING AGENCY

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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and Matthew Besemer having recused himself and the following motion for a Resolution was duly

made by motion of A. Scott Pinney, and was duly seconded by Connie Wilcox; and the vote was as follows: A. Scott Pinney - aye; Connie Wilcox – aye; Francis Shattuck – aye; and Martin Christopher – aye; and the following Resolution therefore passed 4-0, and was duly adopted:

WHEREAS, the Town has adopted a health insurance plan based upon the utilization of HSA accounts and therefore needs to appoint a qualified institution to manage such HSA accounts; and

WHEREAS, upon due consideration of the above and other matters and factors, the Town Board of the Town of Lansing has hereby

RESOLVED, that the Tompkins Insurance Agencies, Inc. be and hereby is appointed as the agency to act as the depository and manager of employee and eligible retiree HSA accounts.

SEQRA: Type II Action.

Holt Architects Agreement:

RESOLUTION 09- 164

RESOLUTION APPROVING CONTRACT WITH HOLT ARCHITECTS

FOR TOWN PLANNING SERVICES

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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Connie Wilcox, and was duly seconded by Martin Christopher; and the vote was as follows: A. Scott Pinney - aye; Connie Wilcox – aye; Francis Shattuck – aye; Martin Christopher – aye; Matthew Besemer - aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, Holt Architects had previously made presentations to various Town Board Committees and to the Town Board in respect of the provision of planning services; and

WHEREAS, the Zoning Committee, the Town Center Committee, and the Planning Board have recommended that Holt Architects be hired to provide such services; and

WHEREAS, upon review and discussion of the matter the Town Board of the Town of Lansing has hereby

RESOLVED, that the agreement proposed by Holt Architects for professional services be and hereby is approved in the amount of \$20,000.00 (inclusive of landscape architectural services), and the Supervisor and/or Deputy Supervisor be and are hereby authorized to execute such amendment by, for, on behalf or, and in the name of the Town of Lansing.

SEQRA: Type II Action.

Approve SCLIWC 2010 Water Rates:

RESOLUTION 09 - 165

RESOLUTION APPROVING SCLIWC 2010 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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Francis Shattuck, Councilperson; Connie Wilcox, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mrs. Wilcox, and was duly seconded by Mr. Christopher; and the vote was as follows: A. Scott Pinney – aye; Francis Shattuck – Nay; Connie Wilcox – aye; Martin Christopher – aye; Matthew Besemer – aye; and the following Resolution therefore passed 4-1, and was duly adopted:

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 fifty-eight (\$2.65) (this rate is equal to one dollar and ninety-three cents (\$1.98) per 100 cubic feet); and

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.

Establish 2010 Water Rates for Town of Lansing:

RESOLUTION 09- 166

RESOLUTION ESTABLISHING 2010 WATER RATES FOR 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 21st day of October 2009, the following members being present : A. Scott Pinney, Supervisor, Francis Shattuck, Councilperson; Connie Wilcox, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mr. Christopher, and seconded by Mr. Besemer ; and the vote was as follows: A. Scott Pinney – aye, Francis Shattuck – aye, Connie Wilcox – aye; Martin Christopher – aye; and Matthew Besemer – aye; and the following Resolution therefore passed 5-0, and was duly adopted:

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 the “Commission”), water revenues based upon, in part, a water rate schedule annexed as Exhibit I of Schedule A to the Agreement; and

WHEREAS, the Town must set its water rates for 2010 so as to allow the Commission to begin first quarter billing; and

WHEREAS, upon due deliberation upon the same, it is hereby

RESOLVED, that the Town Board of the Town of Lansing does hereby establish the following water rates for the Town of Lansing residents within the Town of Lansing Consolidated Water District for the year 2010.

Water Rate	\$2.65 per thousand gallons
Operation and Maintenance Fee	<u>\$.55 per thousand gallons</u>
TOTAL RATE	\$3.20 per thousand gallons

BE IT FURTHER RESOLVED, that Q accounts are not included in the current Town of Lansing Consolidated Water District.

THEREFORE, upon due deliberation upon the same, it is hereby

RESOLVED, that the Town Board of the Town of Lansing does hereby establish the following water rates for the Town of Lansing residents in the Q account being Algerine, Lansing Station and Drake Roads and future water district extensions for the year 2010.

Water Rate	\$2.65 per thousand gallons
Operation and Maintenance Fee	<u>\$1.10 per thousand gallons</u>
Total Rate	\$3.75 per thousand gallons

Authorize The Relevy of Water and Sewer Charges:

RESOLUTION 09- 167

RESOLUTION TO RELEVY WATER AND SEWER CHARGES

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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mrs. Wilcox, and was duly seconded by Mr. Christopher ; and the vote was as follows: A. Scott Pinney - Aye ; Francis Shattuck - Aye; Connie Wilcox -Aye; Martin Christopher - Aye ; Matthew Besemer - Aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, the Town of Lansing water and sewer accounts state on the August bills that any unpaid balance after October 15, 2009 will be relevied on the 2010 Town and County tax bills, and

WHEREAS, a courtesy reminder letter with the balance of \$20.00 or more for the water and sewer charges to the account is sent out to all homeowners and tenants, and.

WHEREAS, after October 15th 2009, the collector will notify SCLIWC (Bolton Point) to remove said amounts from accounts to be relevied on the 2010 Town and County tax bills, now therefore it is

RESOLVED, that the collector will relevy the unpaid water and sewer account charges plus a 10% fee on all accounts with a balance of \$20.00 or more to the 2010 Town and County tax bills.

BE IT FURTHER RESOLVED, that all unpaid water and sewer account charges under \$20.00 will be carried over to the November 2010 water bill.

Open Public Hearing – Lansing Commons:

RESOLUTION 09 – 168

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

RESOLVED, that the Public Hearing for the Lansing Commons is hereby opened at 6: 39 p.m.

- Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
- Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
- Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
- Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
- Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

CLOSE PUBLIC HEARING:

RESOLUTION 09 - 169

RESOLUTION, offered by Mr. Shattuck and seconded by Mrs. Wilcox:

RESOLVED, that all persons desiring to be heard, having been heard, the Public Hearing was closed at 6:45 p.m.

Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Approve Lansing Common PDA With Conditions:

RESOLUTION 09- 170

RESOLUTION CONDITIONALLY APPROVING LANSING COMMONS 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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mrs. Wilcox, and was duly seconded by Mr. Christopher; and the vote was as follows: A. Scott Pinney - Aye; Francis Shattuck –Aye; Connie Wilcox – Aye; Martin Christopher – Aye; Matthew Besemer - Aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, Applicant J. Ronald Seacord has requested Town Board approval of a Planned Development Area (“PDA”) application respecting a 13.559 acre three phase residential and commercial mixed use development in the B1 District located south of the intersection of Cayuga Vista Drive and Woodsedge Drive in the Town of Lansing, P/O Tax Map Parcel 37.-1-2-53.222; and

WHEREAS, the Lansing Planning Board considered and carefully reviewed the Applicant’s Statement of Intent to Comply with Conditions and Specifications of the Planning Board, dated January 7, 2009, and the Addendum thereto dated February 3, 2009, respecting the Lansing Commons PDA proposal, and the Planning Board duly held a public hearing on February 23, 2009 to obtain comment upon the proposal, including the PDA Application materials, the Applicant’s Statement of Intent, and the Addendum thereto, and the proposed conditions thereupon as recommended by the Planning Board, as well as to consider whether the Planning Board should refer and recommend approval or rejection of such preliminary PDA plan, application and conditions to the Town Board; and

WHEREAS, the Planning Board performed a site plan review of the proposed PDA development, and 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 several proposed conditions set forth in the Planning Board's Decision upon the application, which Decision is hereby incorporated herein, including, but not limited to: SEQRA reviews of potential environmental impacts, and the determination as to whether the same may be mitigated by on site controls, permitting processes, and the like; the creation and dedication of improvement districts and infrastructure; density, building density and height controls; future traffic impact studies; architectural controls; and deed restrictions; and

WHEREAS, the Town Board reviewed such recommendation and thereafter duly scheduled and held public hearing to consider the preliminary approval of the proposed PDA and a SEQRA review thereof; and

WHEREAS, the SEQRA review identified potential impacts and the mitigation thereof and a negative declaration was duly made in compliance with SEQRA and the procedures thereof; and

WHEREAS, a Conditional Approval of the proposed PDA pursuant to and under Section 706.6 of the Town of Lansing Land Use Ordinance was issued and the matter was duly referred back to the Planning Board for implementation of all or some of the 17 conditions stated and described in the Town Board's conditional approval; and

WHEREAS, the Planning Board duly considered each such condition and developed, reviewed, and recommended a proposed Final Development Plan for the PDA, which Plan, and the attendant list of conditions, was 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 duly scheduled and conducted a public hearing on October 21, 2009, for consideration of the approval of the Final Development Plan for J. Ronald Seacord's 13.559 acre three phase residential and commercial mixed use PDA development in the B1 District located south of the intersection of Cayuga Vista Drive and Woodsedge Drive in the Town of Lansing, P/O Tax Map Parcel 37.-1-2-53.222, and thereat heard all persons interested in the subject thereof; and

WHEREAS, the Town duly referred the matter to the Tompkins County Department of Planning, pursuant to General Municipal Law Sections 239-l and 239-m, and duly took into consideration the official and unofficial comments of the County Department of Planning; and

WHEREAS, the Tompkins County Department of Planning formally recommended (1) screening and buffering of the proposed sewage treatment package plant with detailed plans for the sewage treatment plant, including visual impacts, to be submitted to County Planning, and (2) provision of an updated full traffic study for the impacted section of State Route 34, with particular focus on the intersections with Cayuga Vista Drive and Woodsedge Drive, and informally recommended review of the impacts of the project upon the Empire Zone and a delineation of the sewage package discharge location and impact upon intermittent streams; and

WHEREAS, these comments were taken into account in both the Town Board and Planning Board's review of the proposed project, and pursuant to NYS General

Municipal Law Section 239 *et seq.*: specifically, buffering and screening are conditions imposed in the final approval set forth below; traffic studies have been imposed as a condition to Phase III of the project; and the impacts upon any streams and the Empire Zone have been expressly incorporated in the formal and informal reviews of the proposed action, specifically including conditions relating to the discharge location and permitting thereof by the NYS DEC SPDES program; and

WHEREAS, the formal recommended modifications set forth above by County Planning must be incorporated into final approval or such approval will require a supermajority vote (majority plus one) of the members of the decision making body; and

WHEREAS, the NYS DEC made formal recommendations as well, including the installation of a fence with a locking gate around the wastewater package plant, requests for more information regarding details for manholes, sewer/water crossings, trench and backfill detail, septic tanks, if any, pumping stations, design data for the various elements of the treatment and conveyance system, including the phosphorous and ammonia removal system, material and ammonia removal system, specifications for sludge disposal and/or digestion, case studies for the proposed system and a requisite that the package plant design be in accordance with the Ten-States Standards, 2004 Edition; and

WHEREAS, the applicant/developer has submitted these additional materials and specifications to the NYSDEC, together with full application for a SPDES permit to be approved by the NYSDEC; and the applicant/developer had also provided additional information to the Lansing Town and Planning Boards respecting the proposed residential wastewater treatment package plant, and associated discharges thereof; and

WHEREAS, upon due deliberation upon the PDA application and the foregoing, the public comments and evidence received at public hearings, and the input and recommendations from the Planning Board and others, the Town Board of the Town of Lansing has hereby

RESOLVED, that the application for Planned Development Area designation for the Lansing Commons project be and hereby is conditionally approved, subject to the following conditions:

1. Compliance with all permitting and permit maintenance obligations for effluent discharges of treated wastewater, including the implementation of all recommendations of the NYSDEC relating to site security, stream and stream bank protection, erosion and sediment controls, and related system support, infrastructure and appurtenances, and further, that the terms of any NYSDEC issued SPDES permit be adhered to at all times and that the Developer implement a management plan to assure compliance with such permit conditions and requirements. Further, all plans must be approved by the Town Engineer and the wastewater processing package plant and all necessary appurtenances shall be built, developed, permitted, and made operational at the sole cost of the Developer. The treatment plant and its appurtenances shall be duly shielded for safety and aesthetic purposes by screening and buffering so as not to affect any view sheds and/or as not to be significantly visible from any public roadway. Locked fencing shall be installed around the wastewater treatment plant as recommended by NYSDEC. The Proposed Sewage Package Plant must be designed and built for maximum capacity for each and all phases of the proposed PDA project, as projected for all three phases of the PDA development, which said maximum capacity has been determined to be a maximum of 110 gallons effluent per day, per bedroom unit, for each phase with an overall limit of 108 bedroom units effluent discharge for the entire three phase project, with an

agreed upon limit of 36 bedroom units per phase, thus generating a maximum of 3960 effluent gallons per day per phase. Accordingly, the total project shall be allowed to generate no more than 108 bedroom units of effluent discharge for a maximum total of 11,880 gallons per day of effluent. The aforementioned maximum phase units of 36 bed room units per phase shall not be transferred or credited within or among phases. All systems and structures, manmade, altered, or natural, that support or are a part of the wastewater treatment and management system shall, after final permitting, inspection, and verification of operational viability, be dedicated to a town-created wastewater district, without cost to the Town and without any conditions or cost or other recapture programs whatsoever;

2. Water lines and systems shall be built to Health Department and Bolton Point specifications, approved by the Town Engineer, and duly permitted. Any water main extending along the Cayuga Vista Drive, and all other water systems on the Property, shall be designed and constructed to the specifications set forth by the Town Engineer and the Consolidated Water District. After verification of operational viability the same shall be dedicated to the Consolidated Water District without any conditions or cost or other recapture programs whatsoever;

3. Stormwater and related surface water management structures and facilities shall be constructed in accordance with NYS Permit requirements and the Town of Lansing Stormwater Local Law. The percentage of impervious surfaces permitted per lot shall be: 33% maximum impervious surfaces for the residential lots constructed in Phase I; 40% impervious surfaces maximum for lots constructed in Phase II; and 50% maximum impervious surfaces for Phase III lot construction (which Phase III envisions commercial mixed uses), but individual residential lots in Phase III shall have a maximum of 33% impervious surfaces per lot. Said impervious percentage restrictions shall be included in the lot deed restrictions for each lot. Adequate safety measures must be taken by the Applicant/Developer to protect the public from any potential hazards associated with the water detention pond(s). Once finally and properly constructed, permitted, inspected, and after verification of operational viability, the same shall be dedicated to a drainage district created by the Town to manage such facilities, without any conditions or cost or other recapture programs whatsoever;

4. The pedestrian walkway path, located between Woodsedge Drive and Seacord Lane shall consist of a 10 foot wide plot of land to be constructed by Developer and dedicated to the Town. The main thoroughfare for vehicular traffic must be located in a manner acceptable to both the Planning Board and the Town Board. All roadways, pedestrian paths, related appurtenances, and lateral and subjacent support there for, must be built per Town specifications and duly dedicated in a form and manner approved by the Attorney for the Town. The Town reserves the right to require advance dedication of an easement for paper roadways or pathways, which easement shall not operate to divest the Town of any right to demand, nor relieve the Developer for any obligation to dedicate, all such public roadways and rights-of-way as herein required

5. Title to all lands and improvements to be dedicated to the Town must be approved by the Attorney for the Town and all dedications must be in Fee Simple Absolute by Warranty Deed with Lien Covenant (or equivalent), unless an easement for any one or more structures and appurtenances is approved by such counsel, without recourse;

6. A stop sign shall be installed at the intersection of Cayuga Vista Drive and Woodsedge Drive;

7. All utilities shall be installed underground to the maximum extent feasible, including, but not limited to, electric, gas, cable, telephone, fiber-optic line and other communication lines;

8. Compliance with the submitted and approved Statement of Intent, as now exists or hereafter amended;

9. Aesthetic consideration shall be in accordance with the deed restrictions and architectural guidelines set forth below. The development should blend in with its surroundings, including the Town Center. Height restrictions and sign restrictions shall be in compliance with the Lansing Land Use Ordinance and the Lansing Sign Ordinance. The following deed restrictions and architectural guidelines shall apply to the Lansing Commons PDA:

Lansing Commons Subdivision

Deed Restrictions and Architectural Guidelines

DEED RESTRICTIONS

These restrictions shall apply to the area situated in the Town of Lansing, County of Tompkins, State of New York, consisting of Lots numbered 1 through 37 PDA Subdivision, as shown on a PDA subdivision map entitled "Plan of Lansing Commons Subdivision, Town of Lansing, County of Tompkins, State of New York," dated June 2, 2008, and to be filed in the Tompkins County Clerk's Office.

Herein, the "Developer" shall be J.R.S. Realty, or Ronald Seacord.

The purpose of these restrictions is to establish and preserve an attractive and stable residential area by the private control of land use. The following restrictions and uses shall apply and shall, wherever more restrictive than the Land Use Ordinance, apply in lieu of said Ordinance.

Residential use. Land and buildings shall be used for single-family residential purposes only. On lots 1 through 14, and 23 through 28, there shall also be permitted one subordinate apartment dwelling within such residential building which may be occupied by a family (meaning persons related by blood or marriage) or by not more than two unrelated people. Lots 15 through 23, and 29 through 37 may have apartments or condominiums. No lot shall be further subdivided.

Building height and location. Structures on lots 1 through 14, and 23 through 28 shall be restricted to one story above ground level. Structures on lots 15 through 23, and 29 through 37 shall be no higher than two stories above ground level.

Exterior walls, fences and trim. A complete exterior color scheme shall be submitted to the Developer, who reserved the right to approve or disapprove such color schemes in conformance with these restrictive covenants, in Developer's sole discretion. The Developers may accept for review other materials and finishes and will consider them on an individual basis. It is intended that fences will be used for screening and privacy purposes only. Under no circumstances will fences be permitted to be built along property lines for the purpose of dividing one lot from another. The basic concept of the development is that the area blends and reads as an entity. To install fences between lots would defeat this objective. Fence materials must match or compliment the exterior siding of the structure.

Masonry. Exposed masonry surfaces shall be limited normally to local stone and used for retaining walls, foundation walls, fireplaces or chimneys. Concrete, concrete block, stucco, and brick will be acceptable on a limited basis only, subject to the specific advance approval of the Developer.

Exposed metals. Exposed metal surfaces are limited to miscellaneous flashing, connectors, and chimneys. No reflective finishes shall be permitted.

Exterior lighting. Type and placement of exterior lighting devices must be approved by the Developer. The concern is to eliminate glare and annoyance to adjacent property owners and passers-by.

Parking. Carports, or other partially enclosed parking areas, visible from the street or adjoining properties shall not be permitted. Lot owners or tenants shall not permit the parking of vehicles on the adjacent roadway on a regular or continuing basis. Driveways must be blacktop or concrete. Driveways shall be a maximum of 12 feet in width. Paths and walkways made of wood chips, lava cinders, gravel or long sections are effective and fit well into the natural environment. Surfacing material that is reflective, such as white marble chips, is prohibited.

Trailers/mobile homes. No trailers are permitted except construction trailers during actual construction; nor shall any recreational vehicles, mobile homes, or unregistered vehicles be permitted to be kept on the premises for longer than a period of 48 hours.

Construction and storage. The exterior construction of buildings shall be completed within 9 months from the commencement of construction. Final completion, together with grading and seeding of the lawn, shall be done within six (6) months thereafter. The premises shall not be used for the storage of any materials, machinery, equipment, or supplies of any kind or nature except during the course of construction of improvements to the premises.

Signs. No signs shall be permitted upon or within the premises that are visible from the exterior of any building without the advance written permission of Developer, except that temporary signs indicating “for sale” or “for rent” may be placed on the premises in accordance with the Town of Lansing Sign Ordinance.

Commercial, business or professional use. No commercial use or business or professional office, including the production or growing of produce for resale, may be operated or maintained without the advance written approval of the Developer. Acceptable and permitted commercial or retail uses are set forth below. No family garden may be maintained in the front space or yard of the lot or premises.

Pets. No livestock, chickens, pigs, horses or other animals other than the usual household pets shall be kept on the premises. A kennel for a single pet may be maintained on the premises. Any such kennel shall not be visible from any street adjoining the property and shall be screened or landscaped so as to minimize its visibility from adjoining properties. Said exterior appearance of any such kennel shall be compatible with the design and exterior of other structures permitted on the premises.

Yards. All yards, except for gardens or driveways, shall be covered by natural grass lawn. No artificial covering shall be permitted. Lawn and buildings shall be maintained in a neat and orderly manner. The storage or piling of articles outside of the residence shall not be permitted unless associated with the immediate construction of the dwelling or improvements thereon, in which case it shall be removed upon completion of the construction. In order to preserve the character of the land and the views of adjacent homeowners, the height of trees and shrubs and their placement on each site must be considered. New plantings should appear natural to the area. Seeding of open areas with meadow fescue, grasses and wildflowers will be encouraged; mowing of these areas a few times in the summer will keep them attractive. Lawns planted close to homes are acceptable and shall be permitted.

Outside facilities. No laundry lines shall be hung or suspended on the premises, nor shall laundry be hung outside. No antennas, outside aerials or satellite dishes shall be placed upon the exterior of any premises without the advance approval of Developer. No propane tanks, other than those used for and connected to an outdoor grill or barbeque, shall be permitted unless natural gas is not available to the lot owner. In such circumstances, such tanks shall not be permitted to be visible and shall be screened.

Garbage or trash. No structure(s) separate from the main residence(s) shall be erected or maintained for the storage of garbage or other equipment or material. Garbage and trash, or other refuse, shall be kept in secure containers with covers, and shall be kept in a manner so that it cannot be seen from the front of the property. Garbage and trash shall be set at the roadside for collection on the late evening the day before collection or early morning of the day in which collection will occur, and such containers shall be removed from the roadside the same day on which collection occurs.

Pools. Any outdoor pool shall be installed in-ground, such that the water surface is on or below the same grade as the lawn.

Architectural approval. Before construction, painting or alteration of the exterior of any improvements on the premises, or removal of trees or other significant landscape changes, the contractor or lot owner shall obtain a written certificate from the Developer providing that, in the opinion of the Developer, the planned action or actions are suitable and proper for the location and compatible with the residences in the PDA, including the cost, appearance, and quality of construction. Each said certificate shall be procured and recorded in the Tompkins County Clerk's Office at the sole cost and expense of the lot owner.

Enforcement of restrictions. Any or all of the above restrictions may be enforced by injunction or by any other appropriate legal remedy. The invalidity of any part or portion of these restrictions shall not invalidate any other part or portion of the same. These restrictions shall be enforced by and run with the land for the benefit of each of the lots of this subdivision although any particular lot may be distant from the lot in violation. Each lot shall have the right of enforcement thereof as against any other for violation.

Amendment of restrictions. For so long as the Developer is the owner of any of the lots that are subject to these restrictions, any of the above restrictions may be changed, modified or terminated by Developer with the written approval of the Lansing Planning Board. When, and in the event the Developer, no longer owns any such lots, then these restrictions and covenants may only be amended upon (i) the approval of the owners of 76% of the lots in the subdivision, together with (ii) the approval of the Town of Lansing Planning Board. Each lot to be entitled to a single vote irrespective of the number of owners of such lot.

Conveyance. Any conveyance or transfer of title to any lot subject to these restrictions shall include a specific statement subjecting title to the provision of these restrictive covenants. It shall be sufficient compliance with this paragraph to state that the conveyance is made together with and subject to the covenants, rights, easements and conditions established by a Declaration of Restrictions made and executed by (owners) dated and recorded in the Tompkins County Clerk's Office. If these restrictions are subsequently amended, the conveying language shall add reference to such amendments, including the dates of same, dates of recording, and the book and page of such recording.

Vacant lots. Vacant lots shall be maintained in a neat and orderly fashion and must be compatible with the neighborhood.

Mailboxes. Street side mailboxes or paper receptacles shall be maintained in a neat and orderly fashion and must be compatible with the neighborhood.

Expiration. Unless otherwise amended or altered as herein provided, these covenants shall expire twenty five years from the date of any original lot conveyance. Deed restrictions shall run with the land for the twenty five year period commencing from the date of each original lot conveyance, excepting that, if a home association exists at the time of expiration of such twenty five year period, such home owners association may vote to extend any or all of said deed restrictions.

ARCHITECTURAL GUIDELINES

Garages shall be attached to the residential structure; attachment through the basement of the dwelling unit is permitted.

Roof pitch minimum shall be 5/12 for single family residential homes. Two story structures, residential or commercial, may be comprised of any roof pitch.

Light trim is permitted on windows, doors, fascias and soffits.

Front roof dormers shall be installed.

Clear stories are permitted.

Residential structures shall not be rectangular shaped; "L" or "T" shaped residential structures are permitted; three planed fronts are permitted.

The street side of the residential structure must have more than one plane. A front porch or entry that is dormered into the main roof shall satisfy this restriction. Porches covering up to 75% of the front of the dwelling structure are permitted.

Pressure treated front decks or porches shall not be permitted. The concealed beams, the joists and deck boards may be pressure treated, but deck/porch roof supports, posts, fascia, railings, etc., shall not be constructed with pressure treated wood. Decks/porches must be of same colors and motif as the siding and trim of the house.

Front porches shall be same color as the siding and trim and shall have roofs constructed overhead.

Driveways shall have a 12 foot maximum width.

Fences shall be constructed of wood. No chain link fences shall be permitted in front yards, but may be used in conjunction with both screening and landscaping.

Mailboxes shall be black or wood tone and shall be located only in the front of the property.

Swing sets shall be constructed of wood and located only in back yards. Swing sets shall be less than ten (10) feet in height.

Each unit shall have only one family residing therein.

ALLOWED USES

The following uses, as set forth in the Town of Lansing Land Use Ordinance §503 Schedule I, shall be permitted in the Lansing Commons PDA. All uses not listed below shall not be permitted.

RESIDENTIAL USES:

- A. Dwelling, one-family: Permitted in phase I, except Lots 1 and 2 if combined.
- B. Dwelling, two-family: Permitted in phase II and III.
- C. Dwelling, multi-family including apartments and condominium: Permitted in phase II and III, and Lots 1 and 2 if combined.
- D. Dwelling, townhouse: Permitted in phase II and III, and Lots 1 and 2 if combined.
- E. Retirement housing: Permitted in phase II and III.
- F. Congregate housing: Permitted in phase II and III, and Lots 1 and 2 if combined.
- G. Mother-in-Law/Accessory: Permitted.

- H. Accessory use related to residential development: Permitted as set forth in deed restrictions.
- I. Mixed residential/commercial development: Permitted in Phase III with site plan review.

COMMUNITY USES:

- A. Church, place of public worship and related facility: Permitted.
- B. Playground, park, noncommercial: Permitted.

BUSINESS USES:

- A. Residential (home) business or occupation: Permitted.
- B. Professional or business office (not in a home): Permitted in Phase II and/or Phase III only.
- C. Retail sales, specialty: antiques, crafts and similar independent facility: Permitted in Phase II and/or Phase III only.
- D. Barber/beauty shop and similar personal services (not as a home business): Permitted in Phase II and/or Phase III only.

INDUSTRIAL/RESEARCH:

- A. Commercial assembly: jewelry, leather, fabric, scientific instruments and similar small items (not a home business): Permitted in Phase III only.
- B. Agricultural, industrial or educational research, design and production of prototypes (not as a home business): Permitted in Phase III only.

9. Developer shall comply with any further requests of the Town Board or Town Planning Board for data, documents, or information in respect to the implementation of the Final PDA Development Plan. Additional Planning Board and Town Board review and approvals shall be required for Phase II and Phase III. Upon commencement of Phase III, the Planning Board shall review, consider and recommend whether an updated traffic study and plan shall be performed and accepted by the Town's Planning Board, or by the Town Board, as applicable, which said study must properly identify impacts and their mitigation, with particular focus on the intersections with Cayuga Vista Drive and Woodsedge Drive as requested by the Tompkins County Planning Department. In recognition of the unique circumstances of this PDA in providing sewer, and in recognition of the concomitant limits in sewer capacity of the proposed package plant, any future substantial remodeling to the commercial and/or residential structures, including, but not limited to additions or new bedrooms, shall require prior approval and review by the Lansing Planning Board. Further, PDA reviews by the Town of Lansing Planning Board shall be required yearly (See, Lansing Land Use Ordinance Section 706.9.1 and 706.9.2);

10. No Building Permits shall be issued until each and all of the above conditions are fulfilled; further, no Certificates of Compliance or Occupancy shall be issued until each and all of the above conditions are fulfilled;

11. Street lighting shall not be required for the Lansing Commons PDA;

12. This conditional approval of the final PDA development plan shall be valid for one year from the date of final approval, unless extended by the Town Board;

and it is further

RESOLVED and DETERMINED, that the proposed Lansing Commons PDA Development Plant, together with the conditions imposed above, is in compliance and accordance with the Town of Lansing's Comprehensive Plan, including but not limited to, the following goals and objectives set forth therein: appropriate growth and development while preserving the distinctive character of this area of the Town; mixed uses where water and sewer may be provided; development of the mixed use area in a way that will maximize access for pedestrian traffic; range of dwelling types; diversified housing development; new development consistent with existing and future land uses; recognizing and supporting the importance of in-home business opportunities; providing adequate opportunity for development of small conveniences and personal services business throughout the Town; creating a land use regulation that will incorporate the B1 district into a broader setting of mixed uses and increased density; housing development patterns that help retain open space and preserve the traffic-carrying function of major roads; encourage alternatives to traditional residential development through measures such as clustering and planned development that will conserve land uses, supporting public sewer services where possible in those areas of the Town, such as the surrounding B1 District, where the Comprehensive Plan indicates major development and growth; and it is further

RESOLVED, that this approval is further conditioned upon the terms, conditions, and requirements of the Planned Development Area being reflected and summarized in a document created and approved by the Town that is capable of properly identifying all special and other terms of zoning and site planning applicable to this new zoning classification such that the Land Use Ordinance may be duly amended by Local Law to incorporate and add this PDA to such Ordinance, in accord with law.

SEQRA: Type I Action.

RESOLUTION ACCEPTING BID FOR MYERS ROAD EXCESS PROPERTY

RESOLUTION 09-171

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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Connie Wilcox, and was duly seconded by Matthew Besemer; and the vote was as follows: A. Scott Pinney - aye; Connie Wilcox - aye; Francis Shattuck - aye; Martin Christopher - aye; Matthew Besemer - aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, the Town Board had identified excess property with no existing or foreseeable public use along Myers Road; and

WHEREAS, the Town Board had previously, by Resolution dated June 17, 2009, authorized the listing and sale of such property by private sale; and

WHEREAS, a bid date was duly established and the bids duly opened; and

WHEREAS, upon review and discussion of the matter the Town Board of the Town of Lansing has hereby

RESOLVED, that the high bid for such property, being submitted by James R. Bower, in the amount of \$5,151.00 be and hereby is accepted, and the Town Supervisor, and/or Deputy Supervisor, be and hereby are authorized to effect the sale, transfer and closing upon such parcel, including the authority to subdivide such parcel, expend funds for abstracts and other closing studies and documents, and execute the deed and any such other documents as are or may be necessary to close upon and transfer such parcel.

SEQRA: Type II Action.

Ag Land Protection Project:

RESOLUTION 09-172

**RESOLUTION APPROVING AGREEMENT WITH CORNELL COOPERATIVE
EXTENSION REGARDING FARMLAND AND AGRICULTURE STUDIES**

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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mrs. Wilcox, and was duly seconded by Mr. Christopher; and the vote was as follows: A. Scott Pinney - Aye; Francis Shattuck – Aye; Connie Wilcox – Aye; Martin Christopher – Aye; Matthew Besemer - Aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, the Town has been working under an Agriculture Grant to study farming and agriculture preservation practices within the Town, and throughout this period, valuable insight and information has been received from the Cornell Cooperative Extension of Tompkins County (“CCE”); and

WHEREAS, the Town and CCE desire to formalize their relationship relative to such grant and the studies being proposed and undertaken in connection therewith; and

WHEREAS, upon review and discussion of the matter the Town Board of the Town of Lansing has hereby

RESOLVED, that the agreement proposed by CCE for professional services be and hereby is approved, and the Supervisor and/or Deputy Supervisor be and are hereby authorized to execute such agreement by, for, on behalf or, and in the name of the Town of Lansing.

SEQRA: Type II Action.

Set Public Hearing for Draft Plan Approval:

RESOLUTION NO. 09 -173

**RESOLUTION ESTABLISHING PUBLIC HEARING FOR REVIEW OF DRAFT
AGRICULTURE 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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Connie Wilcox, and was duly seconded by Matthew Besemer; and the vote was as follows: A. Scott Pinney - aye; Connie Wilcox – aye; Francis Shattuck – aye; Martin Christopher – aye; Matthew Besemer - aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, the Town previously applied for an agricultural preservation and protection grant, which grant was duly awarded; and

WHEREAS, the Town has gathered data, met regularly with area farmers, and enlisted such professional assistance as deemed necessary to study the preservation, protection, and promotion of farms and farmlands in the Town of Lansing; and

WHEREAS, the grant requires that a draft plan be submitted and reviewed by the public and NYSDAM in relation to such grant, and upon approval thereof, that thereafter such plan may be adopted; and

WHEREAS, this action is a Type II Action under SEQRA pursuant to 6 NYCRR Parts 617.5(c)(3), 617.5(c)(18), 617.5(c)(21) and 617.5(c)(27) in that this is an action: (i) pertaining to generally accepted farming principles concerning to farm management and practices; (ii) pertaining to the collection of data and research to present a draft plan that does not involve and funding or final approvals of any Type I or Unlisted Action; (iii) that constitutes the consideration of adoption of an action upon the Type II list contained in SEQRA Regulations; and

WHEREAS, upon due consideration of the above and other matters and factors, the Town Board of the Town of Lansing has hereby

RESOLVED, that a public hearing to consider the draft Agricultural Plan be and is hereby scheduled for the 16th day of December, 2009, at 6:15 P.M. at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, 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.

SEQRA: Type II Action.

Set Public Hearing for 2010 Special Budget:

RESOLUTION NO. 09 - 174

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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mrs. Wilcox, and was duly seconded by Mr. Besemer; and the vote was as follows: A. Scott Pinney - Aye; Francis Shattuck – Aye; Connie Wilcox – Aye; Martin Christopher –Aye; Matthew Besemer - Aye; and the following Resolution therefore passed 5-0, and was duly adopted:

RESOLVED, that the Town Board of the Town of Lansing has prepared the Assessment Rolls of parcels of land included in Lansing Consolidated Water Districts, CWD Ext. 1, CWD Ext. 2 and Lansing Light Districts No. 1, No.2 and No. 3 and the Pheasant Way, Whispering Pines and Lake Forest Drainage Districts has apportioned and assessed upon such parcels of land in proportion in the amount of benefits the improvements shall confer upon the same the cost chargeable to said District in connection with the construction of public water, Lighting Systems, and Drainage Districts therein which are payable in the year 2010 and therefore, pursuant to Section 239 of the Town Law, the Town Board shall hold a Public Hearing at the Lansing Town Hall, Lansing, New York on the 4th day of November, 2009 at 6:15 p.m. in the evening thereof, to hear and consider any objections which may be made to said roll.

Set Public Hearing for proposed 2010 Budget:

RESOLUTION 09 – 175

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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mr. Pinney, and was duly seconded by Mrs. Wilcox; and the vote was as follows: A. Scott Pinney - Aye; Francis Shattuck – Aye; Connie Wilcox – Aye; Martin Christopher – Aye; Matthew Besemer - Aye; and the following Resolution therefore passed 5-0, and was duly adopted:

NOTICE IS HEREBY GIVEN, that the preliminary budget of the Town of Lansing, Tompkins County, New York for the fiscal year beginning January 1, 2010 has been completed and filed in the office of the Town Clerk of said Town, where it is available for inspection by any interested persons at all reasonable hours and,

FURTHER NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lansing will meet and review said preliminary budget and hold a Public Hearing thereon at the Lansing Town Hall, Lansing, New York at 6:05 p.m. on the 4th day of November, 2009, and that at such hearing any person may be heard in favor of or against the preliminary budget as compiled or for or against any items therein contained and

FURTHER NOTICE IS HEREBY GIVEN, pursuant to Section 108 of the Town Law, that the following are proposed yearly salaries of elected town officials of this town:

Supervisor	\$ 30,006.00
Councilmen (3)	
Total	\$ 28,935.00
Each	\$ 9,645.00
Councilman (1)	\$ 12,860.00
Town Clerk	\$ 39,259.00
Highway Superintendent	\$ 61,911.00
Town Justice (2)	
Total	\$ 32,954.00
Each	\$ 16,477.00

Set Public Hearing for Special Use Permit for Soccer Fields:

RESOLUTION 09- 176

**RESOLUTION SCHEDULING PUBLIC HEARING FOR CONSIDERATION OF
SPECIAL PERMIT APPLICATION FOR PROPOSED SOCCER FIELD ALONG EAST
SHORE DRIVE**

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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mr. Pinney, and was duly seconded by Mrs. Wilcox; and the vote was as follows: A. Scott Pinney - Aye; Francis Shattuck – Aye; Connie Wilcox – Aye; Martin Christopher – Aye; Matthew Besemer - Aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, Applicant, Ithaca Youth Soccer Club Inc. has requested the issuance of a Special Use Permit to allow for the operation of a not-for-profit soccer club upon an approximately 12.1 acre parcel to be used as a non-commercial recreational facility in a R2 District along East Shore Drive (part of Tax Parcel #37.1-6-2.2), pursuant to the Town of Lansing Land Use Ordinance; and

WHEREAS, in accordance with such Ordinance, the applicant first submitted the information, site plan, and related project information to the Planning Board for consideration, review, and a recommendation to the Town Board regarding such application; and

WHEREAS, the proposed soccer club is to have two soccer fields to be located in the R2 District, and Section 503 Schedule I (B) of the Lansing Land Use Ordinance only permits a public or private club (except rod or gun) in the R2 District by special use permit, subject to site plan review, as set forth in the Lansing Land Use Ordinance Section 803.2.1; and

WHEREAS, on September 14, 2009, the Code Enforcement Officer duly referred the application for Special Use Permit for the Ithaca Youth Soccer Club Inc. to the Lansing Planning Board for review, and the Planning Board duly reviewed such application upon

September 14, 2009, and forwarded its findings and recommendations to the Town Board for review; and

WHEREAS, the recommendation of the Planning Board mainly pertained to mitigating potential impacts by, among other things, buffering, screening, prohibiting lighting, limiting hours of operation, prohibiting commercial activities, restricting usage to members and guests only, limiting and regulating traffic and parking locations, ensuring adequate emergency vehicle access, prohibiting public events at the site, allowing only seasonal use, minimum setbacks, and periodic review of the permit; and

WHEREAS, the Ordinance requires that the Town Board conduct a public hearing upon the proposed special use permit; and

WHEREAS, upon review and discussion of the matter the Town Board of the Town of Lansing has hereby

RESOLVED, that a public hearing to consider the special use permit application of the Ithaca Youth Soccer Club Inc. respecting a 12.1 acre parcel located along East Shore Drive in zoning district R2, being more particularly identified as part of Town of Lansing Tax Parcel Number #37.1-6-2.2, to permit and allow, with or without conditions, the operation of a private not-for-profit soccer club upon private non-profit recreational soccer fields, be and is hereby scheduled for the 18th day of November, 2009, at 6:10 P.M. at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, 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 Planning Office, deliver a copy of the application, the Planning Board findings and recommendations, the LEAF, and the proposed Site Plan to the Tompkins County Department of Planning pursuant to General Municipal Law Sections 239-l and 239-m.

SEQRA: Type I.

Set Public Hearing for SEQRA Review of Special Use Permits for Soccer Field

RESOLUTION 09-177

**RESOLUTION SCHEDULING PUBLIC HEARING FOR ENVIRONMENTAL REVIEW
OF PROPOSED SOCCER FIELD ALONG EAST SHORE DRIVE**

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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mrs. Wilcox, and was duly seconded by Mr. Besemer; and the vote was as follows: A. Scott Pinney - Aye; Francis Shattuck - Aye; Connie Wilcox - Aye; Martin Christopher - Aye; Matthew Besemer - Aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, Applicant, Ithaca Youth Soccer Club, Inc. has requested the issuance of a Special Use Permit to allow for the operation of a private not-for-profit soccer club upon an approximately 12.1 acre non-commercial recreational facility in a R2 District along East Shore Drive (part of Tax Parcel #37.1-6-2.2) pursuant to the Town of Lansing Land Use Ordinance; and

WHEREAS, the proposed soccer club is to have two soccer fields to be located in the R2 District, and Section 503 Schedule I (B) of the Lansing Land Use Ordinance only permits a public or private club (except rod or gun) in the R2 District by special use permit, subject to site plan review, as set forth in the Lansing Land Use Ordinance Section 803.2.1; and

WHEREAS, pursuant to law, such proposal and project are subject to environmental review, and, accordingly, the Town Board classifies this action as a Type I Action under SEQRA and hereby declares its intent to be Lead Agency; and

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

RESOLVED AND DETERMINED, that

1. This action is classified as a Type I Action pursuant to 6 NYCRR Part 617.4(b)(6)(i);
2. The Town Board of the Town of Lansing proposes to be the Lead Agency for environmental review, subject to consent or any requests for coordinated or independent review by any Involved or Interested Agency, as applicable;
3. The Involved Agencies are determined to be the County Department of Planning, the County Highway Department, and the NYS Department of Transportation; and
4. There Interested Agencies are the Lansing Zoning Board of Appeals and the Lansing Planning Board;

and it is further;

RESOLVED, that the Town Clerk issue a Notice of Intent to each and all of the following Involved Agencies and Interested Agencies, including therewith a copy of the proposed Site Plan, the special permit application materials, the Planning Board Resolution of Referral, and the LEAF; and it is further

RESOLVED, that a public hearing to consider the environmental impacts of the special use permit application of the Ithaca Youth Soccer Club Inc., respecting the operation of a private not-for-profit soccer club upon a 12.1 acre parcel located along East Shore Drive in zoning district R2, being more particularly identified as part of Town of Lansing Tax Parcel Number #37.1-6-2.2, be and is hereby scheduled for the 18th day of November, 2009, at 6:11 P.M. at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, 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.

SEQRA: Type I.

Asbury Road Speed Limit:

RESOLUTION 09- 178

**RESOLUTION SUPPORTING REDUCTION OF SPEED LIMITS
UPON PORTION OF ASBURY ROAD**

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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mr. Christopher, and was duly seconded by Mr. Shattuck; and the vote was as follows: A. Scott Pinney - Nay; Francis Shattuck –Aye; Connie Wilcox – Aye; Martin Christopher – Aye; Matthew Besemer - Nay; and the following Resolution therefore passed 3-2, and was duly adopted:

WHEREAS, town residents have concerns with the speed limits upon Asbury Road given the residential character of such roadway, the intervening intersections of several major highways, the short sight line distances, curves, and proximity to the roadside of many residences; and

WHEREAS, Asbury Road is a County Road that intersects a State Highway and several other County Roads, and the Town of Lansing has no authority to change such speed limits, but is required to indicate whether it supports such proposed reductions in speed limits; and

WHEREAS, upon review and discussion of the matter the Town Board of the Town of Lansing has hereby

RESOLVED, that the Town Board supports reductions in speed limits along Asbury Road, particularly in the areas of the intersections with S.R 34 and North Triphammer Road, as such reductions, in the opinion of the Town Board, will promote public safety.

SEQRA: Type II Action.

Approve Amendment of TG Miller CWDX1 – Final Payment Schedule

RESOLUTION 09- 179

**RESOLUTION AMENDING ENGINEERING CONTRACT
FOR CWD EXTENSION 1**

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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Mrs. Wilcox, and was duly seconded by Mr. Shattuck; and the vote was as follows: A. Scott Pinney - Aye; Francis Shattuck – Aye; Connie Wilcox – Aye; Martin Christopher – Aye; Matthew Besemer - Aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, the Town's Fiscal Advisors have recommended a final amendment to the February 22, 2007 professional services agreement respecting engineering services for CWD Extension 1 so as to reflect the actual distribution of compensation, in all resulting in a savings to the Town of \$15,293.08; and

WHEREAS, upon review and discussion of the matter the Town Board of the Town of Lansing has hereby

RESOLVED, that Amendment #4 to such Professional Services Agreement be and hereby is approved, and the Supervisor and/or Deputy Supervisor be and are hereby authorized to execute such amendment by, for, on behalf or, and in the name of the Town of Lansing.

SEQRA: Type II Action.

Planning and Engineering Department Report:

Mr. Overstrom went over the following report with the Board:

Code Office Monthly Activity Report
September, 2009

Planning Board - September 14, 2009

- Site Plan & SEQR Review- Schuler-Haas Electrical Corp. (Town Barn Rd)
- 1 Lot Subdivision - Canger Jr, (Wilson Road)
- Site Plan Review-Special Permit -Ithaca Soccer Club, Inc. (East Shore Drive)
- Continuation of Public Hearing(s) & SEQR for Preliminary Plat -Farm Pond Circle Subdivision (Collins Road)

Planning Board - September 28, 2009

- Discussion-Extension Request for Completion of Subdivision(s)- Cayuga Way & Lakeview Phase II
- Continuation of discussion for Site Plan-Ithaca Youth Soccer Club, Inc.
- Approval of July 27, 2009, August 3, 2009, August 10, 2009 & August 24, 2009 Minutes

Fire Safety Inspections & Re-Inspections

Total: 4

Construction Inspections

Total: Approximately: 82

Operating Permits Issued

September: 0 Year to Date Total: 2

New Addresses Issued

Total: 1

Notice of Fire

September: 0 Year to Date: Total: 7

Expired Permit Notices

First Notices: 12

Second Notices: 3

Renewed Permits 7 Renewed Permits YTD - 48

Electrical Certificates Issued

Total: 12

Electrical Inspections

Total: 3

Electrical Inspection Fee Schedule:

Mr. Overstrom had given all Board Members a copy of a revised Electrical Fee Schedule to look over and possibly pass. Mr. Pinney thanked Mr. Overstrom for all of the work and time he put into the new schedule but he felt the position of an Electrical Inspector causes a lot of extra effort. He stated that other Town's contract this service out. Mr. Pinney also stated that this position was to fund itself and never cost the Town money. He stated that this is not the case any longer.

Mr. Overstrom stated that it is a valuable resource to have the inspector in the Town but there are other options. Mr. Overstrom stated that if this position was eliminated then homeowners would have to contact an outside agency or individual and then they would have to present the Codes Department with a Certificate of Compliance for any electrical work done.

Mr. Overstrom stated that Floyd Ferris is a great asset and would continue to be through an outside agency.

Eliminate the Position of Electrical Inspector:

RESOLUTION NO. 09 – 180

RESOLUTION ELIMINATING ELECTRICAL INSPECTOR POSITION

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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Martin Christopher, and was duly seconded by Matthew Besemer; and the vote was as follows: A. Scott Pinney - aye; Connie Wilcox – aye; Francis Shattuck – aye; Martin Christopher – aye; Matthew Besemer - aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, the Town previously created and filled a part-time position of Electrical Inspector and made the same part of the Town's Civil Service Roster; and

WHEREAS, upon due consideration of the above and other matters and factors, the Town Board of the Town of Lansing has hereby

RESOLVED, that, effective upon the earlier of January 1, 2010, or any vacancy in the Town's Electrical inspector position, such position be and hereby is eliminated, and the Town's Personnel Officer be and hereby is directed to remove such position from the Town's Civil Service Roster and notify the Tompkins County Personnel Department of such change; and it is further

RESOLVED, that, effective upon the earlier of January 1, 2010, or any vacancy in the Town's Electrical inspector position, any person needing an electrical inspection be and hereby is required to hire a qualified inspector and submit a certificate of inspection to the Town verifying compliance with required electrical and other applicable codes.

SEQRA: Type II Action.

Back Lot Water Extension – Tilley:

RESOLUTION NO. 09 – 181

**RESOLUTION CONDITIONALLY AUTHORIZING MAP, PLAN AND REPORT FOR
AMENDMENT OF BOUNDARY OF CWD RE TILLEY BACK LOT**

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 21st day of October, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Francis Shattuck, and was duly seconded by A. Scott Pinney; and the vote was as follows: A. Scott Pinney - aye; Connie Wilcox – aye; Francis Shattuck – aye; Martin Christopher – aye; Matthew Besemer - aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, an owner of certain lot(s) within the Town of Lansing (TP# 44.-1-2.2) has asked the Town to provide water access to the Town of Lansing Consolidated Water District (“CWD”) for properties at 2671North Triphammer Road; and

WHEREAS, the Town Planning Director has found that such an extension is feasible, in accord with the existing CWD policy for extension of the CWD to adjacent properties, and will require an Article 12 or 12-A proceeding to amend the boundaries of the CWD; and

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

RESOLVED, that, conditioned upon the applicants signing an agreement in a form as approved by Town Counsel to pay for the costs of such reports and proceedings, the Town Board of the Town of Lansing hereby directs the Town Engineer to proceed with the preparation of a Map Plan and Report (“MPR”) under Town Law Article 12-A for providing a water supply to such properties through the CWD; and it is further

RESOLVED, that up to \$1,000.00 is authorized for such MPR, but again, if and only if the applicants have signed the aforesaid agreement (and made any required escrow deposits); and it is further

RESOLVED AND DECLARED, that the requirements for a permissive referendum do not apply as there is no expenditure of public funds for the MPR as the applicants are hereby required to pay all expenses pursuant to the afore-described conditions and agreement.

SEQRA: Type II Action.

Highway Department Report:

Mr. French reported the following to the Board:

1. Mr. French has been in contact with Dave Herrick and with the County in regards to the sleeve on Warren Road. The contractor wanted \$ 48,000.00 and will not budge. The Highway Department will put in this sleeve which will cost the Town approximately \$ 20,000.00 to \$ 25,000.00.

2. They have been replacing a guiderail on Farrell Road.
3. Finished a major culvert project on Bill George Road.
4. New Gutters have been installed on the outside and also other maintenance is being done to the inside of the records building.
5. The tire collection is finished. Tompkins County Soil and Water collected 1,500+ tires in four hours. The Town of Lansing then trucked them to Seneca Meadows. Tompkins County Soil and Water paid for the trucking and also for the fuel for the trucks (approximately \$ 845.00). There was not much cost to the Town of Lansing.

Mr. Pinney urged Mr. French to make sure he adds in the employee's hours and pay next time.

They felt this was a good benefit to the Town.

6. Trucks are ready for snow. 2,000 tons of sand and 2,000 tons of salt have been added to the pile in the salt storage building. This should get the Town through a normal winter.

Park and Recreation Department Report:

Mr. Colt went over the following with the Board:

Parks & Recreation Department

10/21/09

Town Board Meeting

RECREATION

- **The in-house Youth Soccer** program is now completed for the season. There were very few cancellations this season due to weather or school functions. Most of the equipment has been returned and we will be cleaning it and packing it away for the season.
- **Our YFL Football teams** only have 2 games remaining in the season with the last game scheduled for Sunday November 1st. Equipment return is scheduled for Monday November 2nd Tuesday November 3rd. The Flag Football program will also conclude at the end of the month. Our Flag teams have a scheduled exhibition game at the half-time of this Friday's varsity football game.
- **Our Cheerleading Program** will be hosting the year end Cheering Competition this season that will take place at "The Field" on Sunday November 8th. The competition is a one day event for both JR and SR squads and all of the YFL cheerleading teams are invited.
- **The Fall Cross Country Race Series** was held here at the Ballfield Complex on October 10th. The weather was not great but we had 37 runners and the event went very well. The series is a collaborative effort between Dryden, Lansing, Groton and Ithaca. All races are free. The final race of the season is this Saturday in Ithaca at Buttermilk State Park.
- **Late fall and winter programs** are currently listed and we are taking registrations. These youth programs include, Youth Basketball, Bowling, Gymnastics, Karate and Skiing. The Ski Program already has over 100 participants registered by the early deadline. Our adult programming has started and is ongoing.

PARKS

- **Campsites closed** for the season as of October 13th. Waterlines have been flushed out and winterized. The bathroom and shower areas have been cleaned and are also closed and locked for winter.
- **The annual Crop Walk** took place in Myers Park on October 18th.
- **Fall tree planting** took place last week in both Ludlowville Park and Myers Park. A combination of flowering crab apple trees and maple trees were planted. A memorial tree was also planted for Charlie Howell as a gift to the park from Sandra Howell.
- **The marina and dry dock** area currently only have a few boats still remaining. All boats are to be out by November 1st. The 2010 boating season will be the final year of the current 3 year term for dock rentals in the marina.
- **Playground fundraising** for Myers Park is getting planned and will start soon. Ed LaVigne is heading up this event in much the same way that he did for the cabin. Tops Markets store will actually be helping to host one of the fundraisers within their store.
- **Salmon Creek Bridge designs** have been forwarded to me from the Cornell ASCE students. We have 5 different designs from which we will probably choose 1. The students will then move forward with further design and development. When the project is complete, the students are planning to attend a board meeting to display their work.

Mr. Christopher asked who will choose the final design. The Board felt the liaison to the Recreation Department should be in on the decision.

Mr. Christopher asked what the feed back was on the concession stand and if the lady wanted to return next year. Mr. Colt stated that she did, but he does not want it to be used in that way and would rather see a food cart stored there and used in the park. He will use the building for storage and the sailing club will also be allowed more room but he will not run concessions from that location.

Approve Minutes:

RESOLUTION 09 – 182

A copy of the minutes of September 16th and 30th, 2009, 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. Besemer:

RESOLVED, that the minutes of September 16th and 30th, 2009 are hereby approved as submitted.

Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Approve Audit:

RESOLUTION 09 – 183

RESOLUTION, offered by Mr. Shattuck and seconded by Mrs. Wilcox:

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

CONSOLIDATED ABSTRACT # 010

DATED 10/21/09

AUDITED VOUCHER #'s 931 - 939
 PREPAY VOUCHER #'s 931 -1043
 AUDITED TA VOUCHER #'s 75 – 76
 PREPAY TA VOUCHER #'s 75 – 89

<u>FUND</u>	<u>TOTAL APPROPRIATIONS</u>
GENERAL FUND	\$ <u>83,797.39</u>
HIGHWAY FUND	\$ <u>186,975.48</u>
LANSING LIGHTING	\$ <u>2,402.49</u>
LANSING WATER DISTRICTS	\$ <u>2,963.80</u>
CHERRY ROAD SEWER	\$ <u>0.00</u>
TRUST & AGENCY	\$ <u>64,761.43</u>
CWD EXTENSION #1	\$ <u>734.34</u>
CWD EXTENSION #2	\$ <u>0.00</u>

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
A1610.400	A1610.200	From Technology Contractual to Technology Equipment	2,200.00
A1620.400	A1620.200	From Building Contractual to Building Equipment	300.00
A7110.405	A7110.410	From Parks Repairs to Parks - Marine Repairs	2.02

GENERAL FUND B

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
B1990.400	B8020.402	From Contingency to Planning Legal	1,300.00

HIGHWAY FUND DA

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
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DA9010.800 DA9050.800 From State Retirement to Unemployment Insurance 81.00

WATER FUND SW

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
SW8320.400	SW8320.401	From Source of Sup Contractual to Src of Sup Lnsg Sta	2,300.00
SW8320.400	SW8320.402	From Source of Sup Contractual to Src of Sup Drake Rd	70.00

Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

BOARD MEMBER REPORTS:

Bud Shattuck:

Solar Project:

Mr. Shattuck met with Shawn Linderberry form Cornell Cooperative Extension in regard to the possibility of another solar project. The thought at this point is to put a solar panel on the Town Hall. There is money for this. Bud would like to be able to move forward with it prior to him leaving the Board.

Conference call with the DEC:

Mr. Shattuck, Mr. Pinney and Mr. Herrick had a conference call with the DEC in regard to the 6+ million dollars that started in the sewer money for the Town and the consolidated effort that didn't work. The money is still out there and the DEC has called and said they want the money back. We have asked them to help with the Warren Road project which is still a million or two million dollars short. The DEC stated that if the Town submits their complete plans by November 30, 2009, they will consider it.

They will also reimburse the Town for the Klein Road bypass. This project has already been paid for but Mr. Shattuck suggested that when the reimbursement comes back, the Town may want to use it to look at a stand alone sewer plant possibly in the Bolton Point area.

Cutting Positions in the Town:

Mr. Shattuck stated that the Board has seriously been thinking about cutting positions. Every department has been looked at. The Board does not want to raise the taxes or tax levy at all but also they want to operate the Town as safely and efficiently as they can. They have a couple of weeks of different things they are working on, and hopefully something will happen and things will work out well but if it doesn't, it will be a tough meeting.

Matt Besemer:

He has a personnel matter for executive session.

Marty Christopher:

He has a matter for executive session.

Connie Wilcox:

Nothing at this time.

A. Scott Pinney:

Monthly Report:

The Supervisor submitted his monthly report for the month of September, 2009 to all Board Members and to the Town Clerk.

Town Counsel Report:

Oil and Gas:

Cornell Co-operative Extension is holding a presentation at the Cornell Vet School on October 29th. Mr. Krogh will be one of the speakers. Rick Dietrich will lead the presentation. He felt this would be very informative.

Executive Session:

RESOLUTION 09 – 184

RESOLUTION, offered by Mr. Besemer and seconded by Mrs. Wilcox:

RESOLVED, that the Regular Meeting is adjourned to go into Executive Session at 7:35 p.m. to discuss a personnel matter.

- Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
- Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
- Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
- Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
- Vote of Town Board. . (Aye) A. Scott Pinney, Supervisor

Terminate Executive Session:

RESOLUTION 09 - 185

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Shattuck:

RESOLVED, that the Executive Session is hereby terminated and the Regular Meeting reconvened at 8:33 p.m.

- Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
- Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
- Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
- Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
- Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Adjourn Meeting:

RESOLUTION 09 – 186

RESOLUTION, offered by Mr. Shattuck and seconded by Mr. Besemer:

RESOLVED, that the meeting is hereby adjourned at the call of the Supervisor at 8:34 p.m.

Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
Vote of Town Board . . . (Aye) Marty Christopher, Councilperson
Vote of Town Board . . . (Aye) Bud Shattuck, 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.