

**REGULAR TOWN BOARD MEETING**  
**March 17, 2021**

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A Regular Meeting of the Lansing Town Board was held at the Town Hall Board Room, 29 Auburn Road, Lansing, NY on the above date at 6:40 p.m. The meeting was called to order by Edward LaVigne, Supervisor, and opened with the Pledge of Allegiance to the flag. Roll call by Deborah K. Munson, Town Clerk, showed the following to be

**PRESENT:**

Andra Benson, Councilperson    Doug Dake, Councilperson (remotely)  
Bronwyn Losey, Councilperson (remotely-6:43)      Joseph Wetmore, Councilperson (remotely)  
Edward LaVigne, Supervisor

**ABSENT:** No one absent

**ALSO PRESENT:** Patrick Tyrrell, Parks and Recreation Supervisor, Mike Sigler, Tompkins County Legislator, Robin Adams, Colleen Hilliard, Terri Kilts, Kylie Kilts, Ruth Groff, and Marcia Herrick

**ALSO PRESENT REMOTELY:** Guy Krogh, Town Counsel, C.J. Randall, Director of Planning, Michael Moseley, Deputy Highway Superintendent, and a few other attendees

**PUBLIC QUESTION AND ANSWER SESSION – TOMPKINS COUNTY**  
**SHERIFF DEREK OSBORNE AND MILTON MEADOWS REGIONAL**  
**MANAGER SUE ELLEN HOLMES**

**Sheriff Osborne answered questions and stated the following:**

- COVID-19 has increased domestic incidences / assaults
  - Lansing calls have increased – some in the Town, many in the Village
- Some villages (no towns) in Tompkins County have own police force – taxes go up to cover this
- Tompkins County Sheriff’s Office covers all of Tompkins County
  - They back up the village police
  - Twenty-seven deputies – three (3) or four (4) on duty at all times
  - Typical response time about fourteen (14) minutes
  - New York State Police back up Tompkins County Sheriff’s Office
- Anonymous tip line 607-266-5420
- Extra patrolling taking place in the area of last weekend’s incident
- Speeding concerns and truck traffic through Myers and Ludlowville (Ridge Road bridge is out) – call 607-257-1345
  - Targeting patrol areas and contacting trucking companies
- People breaking the law are arrested
  - Bail reform allows people to stay out of jail
- Sheriff’s budget set by Tompkins County Legislature
  - Cannot hire more deputies
    - Sheriff’s hands are tied
    - Would hire additional deputies for busiest zones (Groton and Lansing), if money available
- Where there is condensed housing, there are additional calls (not only Milton Meadows)
- Small percent of people in area cause majority of the problems
- Milton Meadows had nothing to do with last weekend’s incident – very rare incident

- Lansing continues to be very safe place
- Tompkins County Sheriff's Office and Sue Ellen Holmes share information
  - Both know the problem people

**Sue Ellen Holmes answered questions and stated the following:**

- New York State and Government vetting process – only vet people on lease
  - Milton Meadows has addendum on their lease – three (3) incidents of nuisance, can use as basis to evict
  - Difficult to screen resident's guests
  - Resident's car has parking sticker
  - Six month inspections are done
  - Lease violation is addressed aggressively
  - Going forward, will check with Sheriff's Office
- Eviction Limitations
  - Currently cannot evict for non-payment of rent or non-rent issue, per Governor Cuomo and until courts open
  - Registered lifetime sex offender can be evicted
  - Unlawful person, not on lease – cannot get to court now
  - Cannot get to court until April 30<sup>th</sup>, then sixty (60) day stay order, then fourteen (14) day notice – realistically mid-July to August for eviction
  - Couple tenants not following rules – on list to evict as soon as courts open
- Contact Sue with specific concerns at 585-424-1400 ext. 333
- Two staff members (Renee and Zac) may be called at Milton Meadows 607-319-5033
- Put signs up on Milton Meadows property designating private property lines
- Milton Meadows wants to be in good standing with the community
- If anyone knows drugs are being sold, contact law enforcement
  - If we find out about drugs, we also check into it
- Sheriff's Office usually there about 8-10 minutes
- Sheriff's Office drives through Milton Meadows on their shifts in the area – love the police presence
- Units are accessible or adaptable, to handle unique needs
  - Five (5) veterans, with unique needs, able to live there independently and not be in a nursing facility
    - Has helped, and willing to help, veterans with paperwork, transition, etc.
- Rochester Cornerstone Group owns Milton Meadows
  - Cayuga View Luxury Living (16 Cinema Drive) only other place in area with same owner as Milton Meadows
- Crime probably has increased in Lansing because of 72 families living in smaller area at Milton Meadows – mostly domestic issues
  - Closures due to COVID-19
    - Community Center
    - Schools
    - Programs
  - Families home more
- Crime increased across New York State – domestic dispute up 30%, nondomestic up 14%

Resident stated Tompkins County Sheriff's Office and New York State Police response time, for recent incident, was about six (6) minutes.

**Supervisor Ed LaVigne:**

- Sounds like more deputies are needed
- Ed asked Deputy Highway Superintendent to check into putting a fence on Town property to protect personal residence. He asked him to get an estimate for a fence and stated maybe the Community Council could help with funding.
- Previously spoke with Sue – cameras being installed at Milton Meadows
- Milton Meadows next phase is for seniors
- Veterans get first choice for apartments



WHEREAS, this is a proposed action reviewed under Town of Lansing Code § 270-35(Q), § 270-36 (A) Special Conditions and Special Use Permits and § 270-36 Site Plan Review, for which the completed application was received November 17, 2020; and

WHEREAS, this action was determined to be a Type II Action under 6 NYCRR 617.5(c)(4) of the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, this Board did on March 17, 2021, review and accept as adequate: “Survey for Michael A. and Melanie A. Collier, Town of Lansing, County of Tompkins, State of New York” dated 6/26/1985 by George C. Schlecht; Short Environmental Assessment Form Part 1; Agricultural Data Statement; brief statement describing the project and Animal Waste disposal plan; correspondence with Tompkins County Health Department; and other application materials; and

WHEREAS, 600 feet parcel notices were mailed on March 2, 2021 and the Town Board duly held a Public Hearing on March 17, 2021 on the Special Use Permit application wherein all evidence and comments were considered, along and together with the requirements of the Town’s Code, existing development in the surrounding area, the public facilities and services available, the Town’s Comprehensive Plan and land use regulations, and site characteristics and issues; and

WHEREAS, this action is exempt from New York State General Municipal Law §239 -l, -m, and -n referral requirements as Special Use Permits for permitted accessory uses on residential lots are excluded per an Inter-Governmental Agreement between the Tompkins County Planning Department and the Town of Lansing dated December 17, 2003;

WHEREAS, in accordance with Town Code § 270-36B(1), on December 22, 2020 the Planning Board passed a Motion RECOMMENDING TOWN BOARD AUTHORIZE SPECIAL USE PERMIT FOR FARMING – LIVESTOCK AT 416 ASBURY ROAD, TAX PARCEL NO. 38.-1-38, FINDING THAT THE SPECIAL CONDITIONS OF § 270-35(Q) and GENERAL REQUIREMENTS 270-36(A) HAVE BEEN COMPLIED WITH; and

WHEREAS, the Town Board hereby makes the following findings for the aforementioned Special Use Permit under Town Code § 270-36 (A), after a duly advertised public hearing: (1) That the proposed land use or activity is to be located, constructed, and operated so that the public health, safety and general welfare will be protected; and (2) that the existence of the proposed land use or activity will not cause substantial injury to the value of other property in the surrounding neighborhood; (3) that adequate landscaping and screening is to be provided; and (4) that adequate off-street parking and loading is provided and the ingress and egress are so designed as to cause minimum interference with traffic on abutting roads; and (5) that the proposed land use or activity will not result in excessive erosion and will not increase the volume or velocity of surface water runoff onto abutting properties; and (6) that any proposed water and/or sewage disposal system is determined by appropriate jurisdictional authority to be adequate; and (7) that vibration, glare, odor, heat or noise anticipated from the proposed use can be mitigated; now therefore be it

RESOLVED, that the Town Board of the Town of Lansing does hereby authorize a Special Use Permit for Town of Lansing Tax Parcel Number 38.-1-38, subject to the following specifications and conditions:

1. Site Plan approval by the Town of Lansing Planning Board.
2. This Special use permit shall expire within 12 months from the date of issuance if the proposed land use activity has not been substantially implemented, as per Town Code § 270-36D.

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

Councilperson Andra Benson – Aye  
Councilperson Bronwyn Losey – Aye  
Supervisor Edward LaVigne – Aye

Councilperson Doug Dake – Aye  
Councilperson Joseph Wetmore – Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on March 17, 2021.

**PRIVILEGE OF THE FLOOR – GUIDELINES**

Available on Town of Lansing website and as a handout.

The public shall be allowed to speak only during the Public Comment / Privilege of the Floor period of the meeting, or during public hearings, or when they have reserved and been granted time upon the Agenda.

Speakers must be recognized by the presiding officer (or his or her designee) and step to the front of the room.

Speakers must give their name and state whether they are speaking as a resident, a member of the public, or for any other person or organization.

Speakers must limit their remarks to 3 minutes, and comments unrelated to the subject matter of the public hearing are not allowed.

Speakers may not yield any remaining time they may have to another speaker.

With the permission of the presiding officer a Board or committee member may interrupt a speaker for the purpose of clarification or information (and not for any other reason or to debate or disagree). Such time shall not be counted against the speaker’s 3 minute limit.

All remarks shall be addressed to the Board or committee as a body and not to any member thereof, nor to any member of the public whether present at such public hearing or not.

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.

Interested parties or their representatives may address the Board by written communications. Written documents and evidence may be submitted as part of the record of the public hearing.

Persons who exceed 3 minutes, violate rules of courtesy, decorum, dignity or good taste, or deliberately or by their behavior interfere with other person’s right to comment or participate in the public hearing, or who deliberately or by their behavior interfere with governmental administration will be cut off, removed, or have non-recognized comments removed from the record, or any combination of the above. Before a comments or statements will be excised from the record, the speaker will be verbally warned that they are in violation of the rules for this public hearing.

**PRIVILEGE OF THE FLOOR – COMMENTS**

One resident spoke about the last meeting, referencing a potential building moratorium.

1. Appreciated Supervisor Ed LaVigne not wasting Town money on a potential lawsuit, but did not agree about people being reactionary. They were not aware a Dollar Store could be built in a Rural Agriculture (RA) Zone until recently.
2. They stated Ed’s statement of a vocal minority of citizens opposed to this and silent majority that are in favor or do not care about this, is not accurate. They noted residents on Sharpsteen Road do not want the Dollar Store there.

**LANSING COMMUNITY LIBRARY REPORT – CHRISTINE EISENHUT**

The following report was available on Town of Lansing website and as a handout.

**TOWN BOARD UPDATES  
FROM THE LANSING COMMUNITY LIBRARY  
MARCH 17, 2021**

1. The Library is now open with browsing by appointment as well as curbside pick-up Monday-Thursday 10-5, Friday and Saturday 10-2. Curbside hours will be expanded in April.
2. The 2021 Annual Meeting will take place via Zoom on Monday, April 26<sup>th</sup> at 7pm.
3. The 2021 Trustee and Budget Vote will take place at the Library on Tuesday, April 27<sup>th</sup> from 10am-8pm. Early voting/absentee ballots will be available 4/1 via curbside pickup.
4. Take and Make Science – Sensory Sensations is a Take and Make program of science experiments and STEAM learning for kids of all ages. Each month we are exploring one of the five senses through a series of weekly experiments or projects. The theme for March is sound.
5. The theme for the summer reading program is Tails and Tales.
6. Arts and Crafts at Home for Adults – The theme for this month is decoupage.
7. The LCL is partnering with Cayuga Medical Center in a pilot program to be a site for telehealth appointments for those who don't have reliable access to the internet. Appointments will be available at the end of March.

**LANSING YOUTH SERVICES REPORT – KATE SHANKS-BOOTH**

The following report was available on Town of Lansing website and as a handout.

**Lansing Youth Commission; Est. 1987  
Supports Lansing Youth Services  
Youth Employment Programs  
March 2021**

LYS's next virtual meeting will be on March 18, 2021. The following are updates from LYS:

1. Current LYS/RYS Program Offerings

**Art and Soul**

March 3, 2021 to April 28, 2021- Cooperation, Managing feelings

Art and Soul is back with LYS as we missed it this fall and the preparation for the Artisan Fair. The group is working on art and learning how to use it for relaxation and self-care. The first day focused on coloring Mandalas as the circular coloring motion relieves stress. They also drew their own Mandalas to color and even made one out of popsicle sticks, all while listening to their favorite music.

**Outdoor Adventures**

March 2, 2021 to April 27, 2021 - Self Esteem, Personal Safety

Outdoor Adventures began with a staggered start as two participants forgot about the program and one had to attend a doctor's appointment. The group will be heading to the Nature Center and continue working on the trails that have started to dissipate. They are excited that the weather is starting to turn and look forward to spending more time outdoors. The first day will be full of cooking snacks and some special desserts over the fire.

**Mad Science**

March 4, 2021 to April 29, 2021- Marketable Skills, Problem Solving

Mad Science has started with lots of excitement. The group made snow volcanoes using food coloring, baking soda, and vinegar. Although the snow was rather difficult to make into actual volcanoes, it was fun to watch the colors come to life. Snow painting followed shortly with an exploration of geodes to show their families. The Sciencenter will be attending to present activities in early April for some new faces in LYS!

**Fun Fixin' Fridays**

March 5, 2021 to April 30, 2021 - Social Skills, Goal Setting

Fun Fixin Fridays is all about youth voice. This program allows for students to design a program based upon what they want to do as a group. With all the restrictions in daily life, this will be a breath of fresh air and a place where students can feel heard and in control of at least a small part of their daily lives. Movie Day was the first choice by participants, with popcorn, of course.

2. Lansing Rural Youth Services programs continue to build their Facebook page for both youth development programs and Youth Employment. The support of the Lansing Youth Commission in sharing and supporting this social media platform will help expand reach and increase enrollment in future programs.
3. Lansing Youth Services has narrowed down 2021 goals at their February meeting. They will continue to assign tasks, track due dates, and have a quarterly review of their progress on these goals.
4. Tompkins County Youth Services has onboarded Meghan Lyons, Coordinator of Community Youth Services, and she will begin the transition of becoming the Technical Assistant for Lansing and several other Municipal Commission and Community Councils over the next few months.

**TOMPKINS COUNTY LEGISLATOR REPORT – MIKE SIGLER**

The following report was available on Town of Lansing website and as a handout.

**Tompkins County Legislator  
Michael Sigler  
March 17, 2021**

Hello and thank you for having me in again.

Quite a bit of news over the past two weeks.

Everyone is talking about the running gun battle that went through Town. I want to thank the Sheriff's office and the deputies, the Lansing fire department and medical personnel and the airport personnel who worked to save as many lives as possible when those two cars crashed. Thanks to the multiple police agencies now involved in the investigation to prosecute those who were involved. I know it was a scary incident for a lot of residents. Clearly, we like when police can head off these situations before they become a crisis, but that wasn't the case here. Thank you to our team for their professionalism.

We are still talking about reimagining the police in Tompkins County. I have a lot of issues with what is being suggested. Three of the biggest issues I worry we won't be able to overcome are: the plan for the Ithaca Police Department (IPD), the SWAT Vehicle, and the Community Justice Center (CJC). I've heard about three different alliterations of what will really happen now to IPD from the disbandment of the IPD and reestablishment of a new safety patrol, to we're just rebranding the current police. It looks to be dependent on who the audience is. I've already written at length on my opposition to the abandonment of the Special Weapons and Tactics (SWAT) vehicle. It was deemed a need in our community, and nothing has changed from when it was established to ameliorate that need. Lastly, I'm opposed to a group, the CJC, chosen by the County



Administrator overseeing the Sheriff's office. That's the elected Sheriff's job and one he is answerable for to the voters and the Governor. We'll be talking about this at the Public Safety committee meeting tomorrow at 3 pm. Details on the process and the draft report can be found on the [Tompkins County website](https://www2.tompkinscountyny.gov/ctyadmin/reimaginepublicsafety). (<https://www2.tompkinscountyny.gov/ctyadmin/reimaginepublicsafety>).

Speaking of the Governor, I moved a resolution to reestablish the state legislature's powers in Albany, effectively rolling back the Governor's emergency powers and reasserting the legislature into oversight and the running of the State. I put this forward before seven women came forward accusing the Governor of sexual impropriety, but after the nursing home scandal broke. I was surprised only four members of the legislature, Dave McKenna, Glenn Morey, Amanda Champion and myself voted for this. There were ample reasons to vote for it, even if you just wanted to see democracy again in action in Albany and not as a rebuke of the Governor. And yet, even with the train-wreck that is now the Governorship, ten legislators voted against it.

It is women's History Month and I'd like to recognize women for the critical role they've played in world history. We wouldn't have a world without women and yet, women have often been oppressed and that continues today, brazenly in some parts of the world, more subtly in others. To bring close to home how much progress women have made and how long it has taken, Undersheriff Jennifer Olin brought up something at our last meeting many didn't know. She said under the leadership of Sheriff Osborne, Tompkins was the first County in New York State history to have a female Undersheriff. Congratulations to Jen and we're proud to see women breaking so many ceilings.

COVID-19 vaccinations continue to ramp up. The County recently created a COVID-19 Vaccine Registry designed to assess demand in different eligible populations and allow the Health Department to communicate directly with eligible individuals when appointments are available. Individuals can also call 2-1-1 to get on the registry if they do not have internet access. Over 8,500 people have signed up for the registry so far.

Lastly, we're all waiting now on the money from the federal government, and we'll be starting our budgeting process next month where that will play a starring role. I know Lansing has its work cut out for it too.

Mike also reported the State regulations have come out regarding solar panels.

### **PARKS AND RECREATION REPORT – PATRICK TYRRELL**

The following report was available on Town of Lansing website and as a handout.

#### **Parks & Recreation 3/17/21 Town Board Meeting**

#### **RECREATION**

- Sign-ups have started for LBP (baseball) and LSP (softball). We are looking forward to having a normal season.
- We have begun working on our summer program booklet, we hope to have our usual full slate of programs.
- We are helping Lansing schools hosting practices and games for their Varsity seasons.
- If you missed the virtual public workshop for our Parks and Trails Master Plan you may view them at: [www.LansingParksAndTrailsPlan.com](http://www.LansingParksAndTrailsPlan.com)
- We continue to work very closely with MJ Engineering and Place Alliance on the Parks & Trails Master Plan and we are very pleased with the progress thus far.
- The BBQ pavilion is booking up fast. There are very few open weekends left for this season.

#### **PARKS**

- Myers Park boat launch is now open. Lake level is still very low.
- We will be replacing all the docks in the small marina due to rot.



- We have pushed back the channel wall project until the Fall due to weather and staffing. I have applied for an extension on our DEC permit.
- We have built two new kayak racks that will gain us an additional \$3,000-\$5,000 in revenue.

### **HIGHWAY REPORT – MIKE MOSELEY**

The following report was available on Town of Lansing website and as a handout.

#### **HIGHWAY DEPARTMENT REPORT**

**March 17, 2021**

**WINTER** - As most of you are aware, Mother Nature hasn't been kind this winter and our snow budget has taken a beating. With that said, we have asked the Board for a budget modification to our snow removal account.

**SALT STORAGE BARN** - I emailed the Town Board regarding the needed maintenance on our salt storage barn. This would require another budget modification as there are not enough funds in our building repair account to cover the cost of this work. This issue unfortunately was unplanned and unexpected but requires action.

**MYERS PARK** - We plan to work with the Parks and Recreation Department to move the dredged material from Myers soon.

#### **CONSOLIDATED WATER DISTRICT EXTENSION #5**

**(CWDX5-PERUVILLE RD)** - The boring and casing phase for CWDX5 took place last week. More than likely, we will start the CWDX5 project in May.

**BRUSH PICK UP** - Pick up begins Monday, May 3<sup>rd</sup> and includes the Village and Town.

**PAVING SCHEDULE** - Cricket and I have the paving schedule set and as soon as the plant opens, we are hoping to move forward on road improvements.

Councilperson Joseph Wetmore asked what happened to Salmon Creek Road, south of the Red Bridge. Mike stated it did not get sealed in time last year, so it will be patched now and paved later this year.

### **DIRECTOR OF PLANNING REPORT – C.J. RANDALL**

The following report was available on Town of Lansing website and as a handout.

#### **CORE PLANNING FUNCTIONS**

- **Review and classification of development applications**
- **Data and GIS Services**
  - Continued virtual meeting protocol during coronavirus outbreak for board and committee meetings
- **Conservation Advisory Council staff support**
  - Attended meeting on 2/4
  - Attended Clean Energy Communities Program Leadership Round update with Cornell Cooperative Extension on 2/11
- **Planning Board staff support**
  - Coordinated and attended 2/22 meeting (thanks, Clerks!)
  - Lansing Propane / Petroleum Storage and Distribution Facility (Phase 2) – 15 Town Barn Rd
    - Public Hearing – 1200' mailing on 2/22
    - Coordinated Town Code and Fire review
  - Dollar General Retail Store and Minor Subdivision – Auburn Rd at Locke Rd
    - Public Hearing – 1200' mailing on 2/22
  - Momo's Café (former Linda's Diner) – 1173 Auburn Rd

- Site Plan approved 2/22
- Munson Tires, LLC Garage Service and Repair expansion – 17 Peruville Rd
  - Sketch Plan on 2/22
- Lake Forest Circle Major Subdivision – Lake Forest Drive
  - Sketch Plan on 2/22
- **Zoning Board of Appeals staff support**
  - 248 Holden Rd – 15' setback from center of road – Area Variance granted 2/9
- **Interdepartmental Infrastructure Coordination**
  - Attended Broadband Committee meeting on 2/2; prepared draft RFP language on 2/17
  - Coordinated and attended Town Center Committee meeting on 2/3
  - Attended Water & Sewer Advisory Committee meeting on 2/3
  - Attended Parks, Recreation & Trails Master Plan Coordination meetings on 2/11, 2/18, and 2/25; assisted with publicity
  - Attended Parks, Recreation & Trails Master Plan Virtual Public Workshop #1 on 2/25
  - Revised draft of Town Public Employer Health Emergency Plan on 2/17
- **Attended Tompkins County Short Term Rental Monitoring & Analysis firm interviews on 2/4**
- **Attended NYSERDA Facilitated Roundtable on Comprehensive Planning for Clean Energy on 2/9**
- **Chaired Tompkins County Planning Advisory Board (PAB) meeting on 2/9**
- **Reviewed Stretch to Zero Pilot Program with NYSERDA on 2/25**

#### **LAND USE POLICY WORK PROGRAM**

- **Land Use Ordinance Update**
  - Land Use Ordinance Audit narrative report forthcoming
- **Environmental Protection Overlay Districts**
  - Scope of work and schedule of adoption forthcoming based on 2021 CAC Work Plan

C.J. also reported:

Code Officer Job description – planning to meet with Lynn this week

Zoning – next steps

1. Planning Board finished land use audit
  - a. Narrative report to prioritize will be coming
  - b. Takes a few years for zoning overhaul
2. Overlay District – Scenic Byway
  - a. Planning Board wants to see maps of specific area

Supervisor Ed LaVigne reported C.J. Randall is looking for additional grant money, when it is available.

Councilperson Joseph Wetmore stated some of the COVID-19 relief money should go to C.J. Randall to hire additional staff.

Supervisor Ed LaVigne reported the Town should receive about \$400,000 in COVID-19 relief money, but there is money already available for C.J. to hire people. He noted she needs to find someone.

C. J. Randall stated when the Bridge New York Money is available it will be used for Dug Road Bridge.

C.J. noted it will be hard to find a part time person with the experience she is looking for.

**ENGINEER’S REPORT – DAVE HERRICK**

No report.

**AGRICULTURE COMMITTEE REPORT – CONNIE WILCOX**

No report.

**CONSENT AGENDA**

**a. MOTION AUTHORIZING STORMWATER OPERATING, MANAGEMENT AND REPORTING AGREEMENT FOR LANSING ROD & GUN CLUB, INC.**

**MOTION M21-03**

**MOTION AUTHORIZING STORMWATER OPERATING, MANAGEMENT AND REPORTING AGREEMENT FOR LANSING ROD & GUN CLUB, INC.**

Moved that, the Lansing Rod & Gun Club, Inc. Stormwater Operating, Management, and Reporting Agreement (the “SOMRA”) be and hereby is approved, in the form as set forth before this meeting and pursuant to Town Code § 225-28D and the Town Supervisor, upon consultation with and the approval of the Town’s Stormwater Management Officer; Attorney for the Town; and Director of Planning, be and hereby is authorized as follows: (i) subject to approval by the Town Board for material changes, to make final adjustments and negotiate the final form of such SOMRA; and ( ii) when in final form execute the same by, for, on behalf of, and in the name of the Town of Lansing.

**b. MOTION AUTHORIZING DIRECTOR OF PLANNING TO EXECUTE FIRE & BUILDING CODE CONSULTING PROPOSAL/AGREEMENT 2103092 FOR REVIEW OF MIRABITO HOLDINGS, INC. LANSING PROPANE / PETROLEUM STORAGE AND DISTRIBUTION FACILITY (PHASE 2)**

**MOTION M21-04**

**MOTION AUTHORIZING DIRECTOR OF PLANNING TO EXECUTE FIRE & BUILDING CODE CONSULTING PROPOSAL/AGREEMENT 2103092 FOR REVIEW OF MIRABITO HOLDINGS, INC. LANSING PROPANE / PETROLEUM STORAGE AND DISTRIBUTION FACILITY (PHASE 2)**

Motion Authorizing Director of Planning to Execute Fire & Building Code Consulting Proposal/Agreement 2103092 for Review of Mirabito Holdings, Inc. Lansing Propane / Petroleum Storage and Distribution Facility (Phase 2)

**c. MOTION TO AUTHORIZE PARKS AND RECREATION SUPERVISOR PATRICK TYRELL TO SIGN NON-DISCLOSURE AGREEMENTS**

**MOTION M21-05**

**MOTION TO AUTHORIZE PARKS AND RECREATION SUPERVISOR PATRICK TYRELL TO SIGN NON-DISCLOSURE AGREEMENTS**

Moved that, whereas, the Town has discussed acquisition of certain lands within the Town, Parks and Recreation Supervisor Patrick Tyrell be and hereby is authorized to sign any non-disclosure agreements required to enter the site or obtain information from the Realtor, and any previously executed agreements precatory to obtaining such information, including preliminary NDAs, if signed, be and hereby are ratified and approved.

d. **RESOLUTION ADOPTING LOCAL LAW #1 OF 2021 TO AMEND AND UPDATE TOWN CODE CHAPTER 18, ETHICS**

**RESOLUTION 21-68**

**RESOLUTION ADOPTING LOCAL LAW #1 OF 2021 TO AMEND AND UPDATE TOWN CODE CHAPTER 18, ETHICS**

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

WHEREAS, due to changes in the General Municipal Law and recommendations from the Town’s Board of Ethics, the Town Board decided to update its ethics code, including to adopt more specific rules for the code of behavior and standards of conduct, the composition of the board, and other matters as are in the final draft of such local law before this meeting; and

WHEREAS, this action is a Type II SEQRA Action such that no environmental review is mandated or required; and

WHEREAS, a public hearing was duly noticed and duly held at the Lansing Town Hall on the 17<sup>th</sup> day of February, 2021, whereat all persons interested in the subject matter of this local law were duly heard and, upon deliberation thereupon, the Town Board of the Town of Lansing has hereby resolved as follows:

1. Local Law Number 1 of 2021 be and hereby is approved and adopted in the form as presented to this meeting, and in such form “be it so enacted.”
2. In accord with the Municipal Home Rule Law the final adopted version of this local law shall be filed with the Town Clerk and the New York Secretary as required by the Municipal Home Rule Law.
3. This local law shall be forwarded to the municipal code service the Town has contracted with for immediate inclusion in the Town’s Code.

**Chapter 18 Ethics**

**§ 18-1 Authority and purpose.** This Chapter is adopted pursuant to the authority granted the Town of Lansing by Section 10 of the Municipal Home Rule Law and General Municipal Law Article 18. The Town of Lansing recognizes that there is a need for clear and reasonable standards of ethical conduct. Public officers and employees must observe a high degree of moral conduct to maintain public confidence. It is the purpose of this local law to set forth these rules of ethical conduct for the officials and employees of Town of Lansing. These rules shall serve as a guide for official conduct with regard to disclosure of Interests in legislation before the local governing body, holding of investments in conflict with official duties, future employment, and such other standards as may be deemed advisable. It is the purpose of this Chapter to implement these objectives through the establishment of standards of conduct, to provide for punishment of violations of such standards, and to create a Board of Ethics to render advisory opinions to the Town’s officers and employees, as provided for herein.

**§ 18-2 Title.** This Chapter shall be known as the “Town of Lansing Ethics Law”.

**§ 18-3 Applicability of other standards and laws.** The standards, prohibited acts, and procedures established herein are in addition to:

- A. Any rules about prohibited acts and applicable conflicts of interest provisions or procedures prescribed by statute of the State of New York; and
- B. Common law rules and judicial decisions relating to the conduct of Town Officers to the extent that the same are more restrictive in their application than this Chapter.

**§ 18-4 Code of ethics.**

A. Definitions. The following terms and phrases shall have the following meaning(s) under this Chapter:

1. CONFIDENTIAL INFORMATION: Means and includes any information that would:
  - a. Affect current or imminent contract awards or collective bargaining negotiations, or
  - b. Interfere with law enforcement investigations or judicial proceedings, or
  - c. Deprive a person of his or her right to a fair trial or impartial adjudication, or
  - d. Constitute an unwarranted invasion of privacy, or
  - e. Endanger the life or safety of any person, or
  - f. Provide civil service examination questions or answers or answers prior to administration of the examination, or
  - g. Reveal computer access codes, or
  - h. Provide any information that is specified as non-disclosable by federal or state law.
2. DISCLOSURE STATEMENT (or Ethics Form, and similar terms): A questionnaire concerning contracts, affiliations, and property Interests of Town Employees and certain other designated persons or companies, in a form as approved and updated from time-to-time by the Town, that must be annually prepared and submitted.
3. GIFT: Means and includes anything of value, whether in the form of money, services, loans, travel, entertainment, hospitality, or another thing or promise of value, in whatever form as proffered, conveyed, or received.
4. INTEREST: Any direct or indirect financial or material benefit, but not including any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the Town, or an area of the Town, or a lawful class of such residents or taxpayers, generally. A Town Employee is deemed to have an interest in any private organization when he or she, his or her Spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or otherwise directly or indirectly owns or controls more than 5% of the organization's outstanding stock (or other indicia of equity ownership). This definition shall not apply to a person serving as a non-remunerated member, director, or officer of a not-for-profit organization.
5. INTERESTED PERSON: Any person or entity defined in § 18-4, subdivision C, in this Chapter.
6. RELATIVE: Means such individual's Spouse, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's Spouse.
7. SPOUSE: Means the husband, wife, or domestic partner of the reporting individual, unless living separate and apart from the reporting individual with the intention of terminating the marriage or union by providing for permanent separation, or unless separated pursuant to: (a) a judicial order, decree or judgment, or (b) a legally binding separation agreement.

8. TOWN: The Town of Lansing and any Board, Commission, district, council, committee, or other agency, department, or unit of the government of the Town of Lansing.

9. TOWN EMPLOYEE: Any officer or employee of the Town, whether paid or unpaid, and whether serving in a part-time, full-time, or advisory capacity.

10. TOWN RESOURCES: Means and includes, but is not limited to, Town personnel and the Town's money, vehicles, equipment, materials, supplies, or other property.

B. Conflicts of interest. No Town Employee shall have any Interest direct or indirect or other Interest, engage in any business or transaction or professional activity, or incur any obligation of any nature which is in substantial conflict with the proper discharge of the duties of the Town Employee.

C. Standards of conduct. The following standards of conduct apply to all Town Employees:

1. General Prohibition on Use of Office or Employment for Private Gain

a. A Town Employee shall not use his or her position or office, or take or fail to take any action, in a manner that he or she knows or has reason to know may result in a personal financial benefit for any of the following persons:

- i. The Town Employee;
- ii. His or her outside employer or business;
- iii. A direct or indirect prospect, customer, or client of the Town Employee;
- iv. A Relative or any member of his or her household;
- v. A person or entity with which the Town Employee has had a financial relationship within the previous 12 months;
- vi. Any person or entity from which the Town Employee has received a Gift, or any goods or services for less than fair market value, during the previous 12 months; or
- vii. Any person from whom the Town officer or employee has received aggregate election campaign contributions of more than \$500 during the previous 24 months.

The associations and persons referenced in subdivisions i. through vii. shall hereafter be referred to as "Interested Persons", as referenced in § 18-4, subdivision A, of this Chapter.

b. A Town Employee shall not use his or her official position to advance his or her private Interest or those of Interested Persons, nor to obtain any unwarranted privileges, exemptions, or advantages for any Interested Persons.

c. A Town Employee shall not use or permit the use of Town Resources for personal or private purposes. Nor shall a Town Employee use or utilize Town letterhead, personnel, equipment, supplies, or resources for a non-governmental purpose, or engage in personal or private activities during times when he or she is required to work for the Town. However, this subdivision shall not be construed as prohibiting:

- i. Any use of Town Resources authorized by law or Town policy;
  - ii. The use of Town Resources for personal or private purposes when provided to a Town Employee as part of his or her compensation;
  - iii. The occasional and incidental use during the business day of Town telephones and computers for personal matters, such as family care and changes in work schedule in accordance with any established Town policy.
- d. No Town Employee shall knowingly cause the Town to spend more than is reasonably necessary for transportation, meals, or lodging in connection with official travel.
- e. No Town Employee shall misuse his or her position to obtain a benefit for the employee or any Interested Persons.
- f. Whenever any doubt arises for any Town Employee as to: (i) whether any person or entity is an Interested Person; (ii) whether any situation, facts, transaction, determination, or process is prohibited, potentially prohibited, or a violation of this Chapter or any applicable ethics or conflict of interest laws or rules; (iii) whether any matter is one for which the Town Employee may be imputed as having had a reason to know of a conflict or prohibition; or (iv) where there are questions as to what is a personal financial benefit, whether direct or indirect; then any such Town Employee may consult with the Board of Ethics and, if the Board of Ethics shall make a determination or declaration, or issue guidance to avoid ethical or legal violations, the Town Employee who both discloses such potential conflict and follows the guidance and advice of the Board of Ethics shall not be deemed or held to be in violation of this Chapter.

## 2. Recusal, Abstention, Disclosure of Conflicts of Interest

- a. A Town Employee, whether paid or unpaid, who participates in the discussion of, consideration of, or who gives an opinion upon any legislation or approval before the Town must publicly disclose on the record the nature and extent of any direct or indirect financial or other private Interest that the Town Employee knows exists.
- b. A Town Employee may seek and obtain an advisory opinion from the Board of Ethics, including advice upon issues of recusal and ethics, as well as advise upon the disclosure or management of potential conflicts and prohibited transactions.
- c. A Town Employee shall promptly recuse himself or herself from acting or discussing a matter before the Town when acting on the matter, or failing to act on the matter, may financially affect any Interested Person, unless he or she has received a written opinion from the Board of Ethics advising that there is no conflict and no need for a recusal, but only so long as the Town Employee follows any advice or direction provided by such Board of Ethics.
- d. Nothing in this section shall automatically prohibit seeking and relying upon advice from the Town's legal counsel, the New York State Attorney General's Office, the New York State Comptroller's Office, Counsel for the Committee on Open Government, or other similar authority, so long as such advice is (i) disclosed to the Town (or applicable board, body or Town Employee) prior to acting, not acting, or discussion upon such matter as is before the Town; and (ii) such advice or counsel is in writing or has been reviewed by or approved by the Town Employee's immediate supervisor or the Town's legal counsel and confirmed or approved, as the case may be.



### 3. Confidential Information

a. For the purposes of the Code of Ethics all information generally falls into one of three categories: that class of information which is never confidential; that class of information that is always confidential; and those classes of information that may be confidential. Nothing in these definitions is intended to alter or vary matters defined as confidential or privileged under state or federal law, nor to alter any requirements of Articles 6, 6-A, or 7 of the New York Public Officers Law.

b. Never confidential: Information that is generally

- the result of an external audit; or
- statistical data; or
- an instruction to staff that affects the public; or
- a final policy or determination made by the Town or one of its departments.

Disclosure or use of such information is not restricted by this Chapter.

c. Always confidential: Information, the disclosure of which would generally

- impair current or imminent contract awards or collective bargaining negotiations; or
- interfere with law enforcement investigations or judicial proceedings; or
- deprive a person of his or her right to a fair trial or impartial adjudication; or
- constitute an unwarranted invasion of privacy; or
- endanger the life or safety of any person; or
- reveal civil service examination questions or answers prior to the administration of the exam; or
- reveal computer access codes; or
- reveal information that is specified as non-disclosable by federal or state law.

No Town Employee may disclose or use such Confidential Information, including to further a personal Interest or those of Interested Persons.

d. Any information that does not clearly fall into just one of the above categories (subsections b and c) may be confidential. To be certain of complying with this Chapter and legal obligations regarding protected and Confidential Information, all Town Employees must first request and receive an official determination from the Town Ethics Board or Town Counsel that a given piece of information is not confidential before disclosing or making personal use of it.

e. The restrictions on disclosure and use of Confidential Information described herein apply without regard to the circumstances in which the information was acquired, and include information gained through means other than the possessor's association with the Town.

f. Nothing in this section shall automatically prohibit seeking and relying upon advice from the Town's legal counsel, the New York State Attorney General's Office, the New York State Comptroller's Office, Counsel for the Committee on Open Government, or other similar authority, so long as such advice is (i) disclosed to the Town (or applicable board, body or Town Employee) prior to any use or disclosure, so long as such advice is in writing and has also been reviewed by or approved by the Town Employee's immediate supervisor or the Town's legal counsel.

#### 4. Nepotism

- a. Except as otherwise required by law:
  - i. No Town Employee, either individually or as a member of any board, committee, or council, may participate in any decision to appoint, hire, promote, discipline, or discharge any Relative in respect of any Town position of employment or appointment, or the granting of any compensation or remuneration to any such Relative.
  - ii. No Town Employee may directly or indirectly supervise a Relative in the performance of the Relative's duties.

#### 5. Gifts and Gratuities

- a. A Town Employee shall not solicit a Gift from any person who or any entity that has received or sought a financial or material benefit from the Town, nor accept a Gift from any person who the Town Employee knows or has reason to know has received or sought a financial or material benefit from the Town, or who will be seeking such a benefit in the future. A financial or material benefit shall include land use and other approvals and permits issuable by the Town or by any Town Employee.
- b. A Town Employee shall not request or accept anything from any person or entity other than the Town for doing his or her Town job.
- c. A Town Employee shall not accept or receive any Gifts having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, or anything or promise of value, under circumstances in which it could reasonably be expected to influence the performance of official duties or was intended as a reward for any official action.
- d. Whenever any doubt arises in respect to any matter that is or may be considered as a Gift or prohibited Gift, the Town Employee may consult with the Board of Ethics and, if the Board of Ethics shall make a determination or declaration, or issue guidance to avoid ethical or legal violations, the Town Employee who both discloses such potential conflict and follows the guidance and advice of the Board of Ethics shall not be deemed or held to be in violation of this Chapter.

#### 6. Political Solicitations

- a. Exclusive of mass advertising or solicitations, a Town Employee shall not directly or indirectly solicit, compel, or induce any other Town Employee make or promise to make any political contribution, whether by Gift of money, service, or any other thing of value.
- b. A Town Employee may not (i) act or decline to act in relation to appointing, hiring, or promoting, discharging, disciplining, or in any manner changing the official rank, status, or compensation of any Town Employee, or any applicant for a position as a prospective Town Employee, or (ii) seek to support, promote, deny, or award any contract, permit, or approval, or like thing of value, to any vendee, contractor, applicant, or similarly situate person or entity, on the basis of the making (or denying), or promise of making (or denying), any vote, support, or contribution of money, services, or any other thing of value for any candidate or political cause, party, platform, proposition, or purpose.
- c. Whenever any doubt arises for any Town Employee as to involvement in respect of political solicitations, the Town Employee may consult with the

Board of Ethics and, if the Board of Ethics shall make a determination or declaration, or issue guidance to avoid ethical or legal violations, the Town Employee who both discloses such potential conflict and follows the guidance and advice of the Board of Ethics shall not be deemed or held to be in violation of this Chapter.

7. Investments in conflict with official duties.

- a. A Town Employee shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction that creates a conflict with official duties. An investment in which a Town Employee has an Interest shall be exempt if such Interest was acquired prior to the time he or she became a Town Employee, but this paragraph shall in no event authorize a renewal of any such contract or investment, and such contract or investment remains subject to the disclosure and recusal provisions of this Chapter.
- b. This section does not prohibit a Town Employee from acquiring a financial, business, commercial, or other private transactional Interest or investment in the following:
  - i. Real property located within the Town used as a personal residence;
  - ii. Less than five percent of the stock (or other indicia of equity) of a publicly traded corporation (or other registered entity); or
  - iii. Bonds or notes issued by the Town and acquired more than one year after the date on which the bonds or notes were originally issued.
- c. Whenever any doubt arises for any Town Employee as to in investment Interest, the Town Employee may consult with the Board of Ethics and, if the Board of Ethics shall make a determination or declaration, or issue guidance to avoid ethical or legal violations, the Town Employee who both discloses such potential conflict and follows the guidance and advice of the Board of Ethics shall not be deemed or held to be in violation of this Chapter.

8. Representation.

- a. A Town Employee shall not represent any person or entity in any matter that is before or directly involves the Town. Excluded from this prohibition is a legislator performing his or her normal duty of constituent representation, and the Town Attorney performing his or her official duties.

9. Private employment.

- a. A Town Employee shall not engage in, solicit, negotiate for, or promise to accept private employment, nor render services for private Interests, when such employment or service creates a conflict with or impairs the proper discharge of official duties.

10. Future employment.

- a. A Town Employee shall not, after the termination of service or employment with the Town, appear before any board or agency of the Town in relation to any case, proceeding, or application in which such Town Employee personally participated during the period of the Town Employee's service or employment, or which was subject to his active consideration or review.

**§ 18-5 Disclosure Statements.**

- a. The Town Employees and persons and companies listed below shall annually complete and file an accurate Disclosure Statement, which shall be reviewed by the Board of Ethics. The form of the Disclosure Statement shall be approved and updated from time-to-time by the Town Board, and shall be distributed annually by the Town Clerk in April.
  - i. All elected officials.
  - ii. All Department Heads.
  - iii. Deputy Highway Superintendent.
  - iv. Planning Board members.
  - v. ZBA members.
  - vi. The Chairperson of any Board or Committee, including advisory committees.
  - vii. Any counsel or attorneys employed by the town on a regular or special basis.
  - viii. Any engineer or architect employed by the town on a regular or special basis.
  - ix. Any other professional service provider, contractor, vendor, bidder, or provider of goods and services designated by contract approved by the Town, by resolution of the Town Board, or by bid specifications.
  - x. Any other Town Employee when so designated by resolution of the Town Board.
  - xi. Any newly hired, elected, or appointed Town Employee that is required to complete a Disclosure Statement pursuant to § 18-6, below.
- b. Any Town Employee, person, or company newly hired, appointed, or elected shall, when required by this Chapter of New York Law, and within 30 days of hiring, appointment, or taking the oath of office, promptly prepare, complete and submit a current Disclosure Statement, which shall be submitted to the Town Clerk and transmitted by the Town Clerk to the Board of Ethics for prompt review.
- c. All Disclosure Statements shall be completed and returned within 30 days of delivery by the Town Clerk, unless for good cause the Board of Ethics extends the time during which a response may be submitted.

**§ 18-6 Board of Ethics.** There is hereby established a Board of Ethics consisting of five members, to be appointed by the Town Board, all of whom shall reside in the Town, and all of whom shall serve without compensation and at the pleasure of the Town Board. No member of the Board of Ethics shall be a Town Employee or a Relative of any Town Employee. Ethics Board members will have staggered 5-year terms, and appointments will be initially made for terms of members running for 1 to 5 years, so that one appointment arises for consideration or renewal annually. Ethics Board members may be reappointed at the expiration of their term. The Attorney for the Town shall be an *ex officio* member of said Board without voting privileges, for the purposes of providing legal guidance and advice to allow the Board of Ethics to efficiently perform its functions. The Board of Ethics shall have the following powers and observe the following procedures:

- A. The Board of Ethics established hereunder shall:
1. Render advisory opinions to Town Employees about situations that are facing, or are potentially facing, upon written request. The Chair of the Board of Ethics shall convene the Ethics Board within 15 days after receipt of a written request, and thereafter render any advisory opinion or reply as promptly as is reasonable under the circumstances.
  2. Hear or receive complaints of alleged unethical practices and violations of this Chapter when submitted in writing by any person or entity. The Chair of the Board of Ethics shall convene the Ethics Board within 15 days after receipt of a written request, and thereafter render any advisory opinion or reply as promptly as is reasonable under the circumstances.
  3. Make recommendations to the Town Board relating to amendments to this Chapter or Town polices. Any recommendations to the Town Board about changes to laws or policies shall be in a separate document that the Town Board shall make public upon receipt.
  4. No later than August 1 of each year, review the Disclosure Statements and the attestations that have been submitted, and determine if any are not timely filed, incomplete, or facially inaccurate. The Ethics Board, or its designee, may grant limited extensions of time in which to file Disclosure Statements due to justifiable cause or undue hardship, and the Board of Ethics may inquire about any information contained in or missing from any Disclosure Statement, including through by calling any submitting person or entity to a meeting of the Board of Ethics for an interview or for testimonial purposes.
  5. Within 30 days of submission of any Disclosure Statement by any newly hired, appointed, or elected Town Employee, person, or company, review the Disclosure Statement submitted by such persons or entities to the Town Clerk.
- B. The opinions of the Board of Ethics may be advisory and they may or may not be confidential. In no event shall the identity of the person under review be disclosed except to authorized persons and agencies, or except when authorized or required by law. Such opinions shall be on the advice of the Attorney for the Town, or if he or she is recused or has a conflict, then from counsel so employed or consulted by the Board of Ethics.
- C. The Board of Ethics shall interpret and enforce this Chapter and General Municipal Law Article 18, as well as such other laws, rules, provisions, procedures, and decisions as the Board of Ethics deems relevant, applicable, or controlling by virtue of § 18-3 of this Chapter.
- D. Any Town Employee who requests an opinion, or is the subject matter of a review, inquiry, investigation, or opinion (an "Opinion") before the Board of Ethics, shall be granted the right to be heard by said Ethics Board prior to the making or issuance of any Opinion.
- E. The Board of Ethics shall have the authority to take testimony under oath and to issue subpoenas, or cause subpoenas to be issued, to compel the attendance of witnesses and to require the production of any document, things, books, or records.
- F. It is the intent of this Chapter that complaints be resolved promptly, and therefore a written decision should be filed within 90 days after the conclusion of the fact-gathering process. The Board of Ethics shall state in writing the disposition of every request for opinion and every investigation it conducts, and set forth in reasonable detail the bases for its conclusions, recommendations, or dispositions.
- G. All statements, complaints, written requests, evidence, recordings or transcripts of testimony, and documents material to the matter shall, together with all Opinions

and advice rendered, shall be and remain Town records, kept on file by the Town Clerk and subject to archival and related rules for disclosable and non-disclosable public records.

H. The Board of Ethics shall promulgate its own rules and regulations as to its form and procedures, and may update the same from time-to-time, keeping the same as also being a material part of its records of Opinions and proceedings.

**§ 18-6 Administration.**

A. Penalties for offenses. In addition to any penalty contained in any other provision of law, any such Town Employee who shall knowingly and intentionally violate any of the provisions of this Chapter may be fined, suspended, or removed from office or employment in the manner provided by law. Similarly, any Town Employee who (i) refuses to cooperate with any matter under review by, or being investigated, by the Board of Ethics; or (ii) improperly or materially interferes with any such review or investigation; or (iii) who commits any act of spoliation with respect to any documents or evidence, or who supplies or suborns any false statements or perjury may be fined, suspended, or removed from office or employment in the manner provided by law.

B. Distribution and posting. Upon the adoption of this Chapter the Town Supervisor shall cause a copy hereof to be distributed to every Town Employee. The failure to distribute any such copy or failure of any Town Employee to receive such copy shall have no effect on the duty of compliance with this Chapter, nor upon the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this Chapter to be kept posted conspicuously in each public building under the jurisdiction of the Town. Failure to so post this Chapter shall have no effect on the duty of compliance herewith, nor upon the enforcement hereof.

C. Filing with New York State. Within 10 days of the adoption of this Chapter, the Town Clerk shall file a copy thereof in the office of the State Comptroller and the Office of the Secretary of State.

D. Appropriation of funds. The Town Board may appropriate moneys from general Town funds for the costs and expenses of, the maintenance of, and for personnel or advisory services incurred by or provided to the Board of Ethics. However, such Board of Ethics may not commit the expenditure of Town money except within the limit of appropriations provided by the Town Board.

**e. RESOLUTION APPROVING TOWN OF LANSING PUBLIC EMPLOYER HEALTH EMERGENCY PLAN**

**RESOLUTION 21-69**

**RESOLUTION APPROVING TOWN OF LANSING PUBLIC EMPLOYER HEALTH EMERGENCY PLAN**

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

WHEREAS, the Town of Lansing has largely followed state-generated advice on managing COVID-19 matters, including but not limited to the Governor’s Executive Orders, the input on essential versus non-essential personnel from the Empire State Development Corporation, and guidance on rules, protocols, public safety, and other matters from the New York State and Tompkins County Departments of Health (together, the “NYSDOH”); and

WHEREAS, recent federal and state legislation pertaining to the grant of leave time benefits, provide required and recommended leave time and related remote work options for certain persons subject to quarantine and infection protocols, and included among these new laws are the new immediate paid sick leave and job protection rules (S08091,

N.Y. Legis. Assemb., 2019-2020), as related to the Family Medical Leave Act, among others; and

WHEREAS, updated Executive Orders (“EO”), including but not limited to EO 202.60, extend certain requirements and expand prior mandatory reporting, testing, and quarantine/isolation/stay-at-home orders (all herein, severally and together “Quarantine”) from CDC-listed countries to states listed by the NYSDOH pursuant to, and in concert with, EO 205, such that the Town of Lansing elected to adopt a COVID-19 policy for paid leave rules and benefits, as well as travel rules and restrictions via Resolution 20-150 on November 18, 2020; and

WHEREAS, the NYSDOH and Governor’s rules and travel restrictions go beyond the mere classification of who is essential versus non-essential, and the Town of Lansing duly recognizes that it has a duty to protect all employees and the general public from a pandemic that has been declared an emergency at the national, state, and county levels; and

WHEREAS, the Public Employer Health Emergency Plan was developed in accordance with S8617B/A10832 which amends New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable, to address public health emergency planning requirements; and

WHEREAS, in due consideration of the above, the Town Board of the Town of Lansing has duly

RESOLVED, that the following Town of Lansing Public Employer Health Emergency Plan is hereby approved.

f. **RESOLUTION AUTHORIZING EXECUTION OF CONCESSION LICENSE AND AGREEMENT FOR NON-MOTORIZED WATERCRAFT AT MYERS PARK**

**RESOLUTION 21-70**

**RESOLUTION AUTHORIZING EXECUTION OF CONCESSION LICENSE AND AGREEMENT FOR NON-MOTORIZED WATERCRAFT AT MYERS PARK**

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

WHEREAS, Local Law #2 of 2007, the Parks and Recreation Local Law, sets forth many rules and regulations for conduct in town-owned parks and recreational areas, among which is the need for a permit for certain activities; and

WHEREAS, pursuant to such local law, the Parks & Recreation Supervisor (“Supervisor”) had previously granted a permit for the operation of a non-motorized concession for kayaks and canoes and the same is ready for formal renewal and formal licensing in relation to such permit renewal, and while a permit does not require Town Board approval given the authority delegated in such local law, the granting of a license to extend the concession for multiple years perhaps does as a form of contract under Town Law § 64; and

WHEREAS, upon the drafting, review, and approval of such concession license and agreement by the “Supervisor” and the Town’s Attorney, and upon the approval of the Park Permit therefor by the “Supervisor” under the Parks and Recreation Local Law and the “Supervisor” recommendation that this concession license and agreement be approved, the Town Board of the Town of Lansing has hereby

RESOLVED, that the concession license and agreement, as presented, be and hereby is approved and that the “Supervisor”, pursuant to said Local Law #2 of 2007 and the authority hereby granted, may sign such concession license and agreement by, for, on behalf of, and in the name of the Town of Lansing.



**g. RESOLUTION ACCEPTING AND APPROVING WATER AND SEWER ADVISORY BOARD RECOMMENDATIONS FOR CWD PROPOSED EXTENSIONS SIX (6) AND SEVEN (7), AND TERMINATING ARTICLE 12-A FORMATION PROCESS DUE TO LACK OF FEASIBILITY**

**RESOLUTION 21-71**

**RESOLUTION ACCEPTING AND APPROVING WATER AND SEWER ADVISORY BOARD RECOMMENDATIONS FOR CWD PROPOSED EXTENSIONS SIX (6) AND SEVEN (7), AND TERMINATING ARTICLE 12-A FORMATION PROCESS DUE TO LACK OF FEASIBILITY**

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

WHEREAS, after years of study, dating back to 2003, later formal renewals seeking district formation in 2015, and a formal referral to the Water and Sewer Advisory Board (“WSAB”) in 2018, and the multiple applications to the railroad to solve fiscal and siting roadblocks to formation, the WSAB has made and formally submitted to the Town Board its final recommendations upon the feasibility of Consolidated Water District Extension (“CWDX”) 6, and its related sub-extension CWDX7 (as later consolidated into a single CWDX6); and

WHEREAS, this action is a Type II SEQRA Action such that no environmental review is mandated or required, and upon due deliberation upon the work and recommendations of the WSAB, the Town Board of the Town of Lansing has duly RESOLVED as follows, so be it hereby

1. RESOLVED, that the final reply and advisory recommendations upon proposed CWDX6, as dated March 3, 2021, be and hereby are accepted and approved.
2. RESOLVED, that the process started by authorization of the Map, Plan and Report (“MPR”) by resolution of October, 2018 be and hereby is terminated for this project, as proposed, as CWDX6 is currently deemed infeasible for the reasons outlined in the final advisory opinion of the WSAB, including the facts that no final MPR could be prepared under these facts, and further including because the railroad neither provided nor approved any waivers for railroad crossings as would make this proposed district extension affordable, maintainable, or feasible.

**h. RESOLUTION APPROVING WATER AND SEWER ADVISORY BOARD RECOMMENDATIONS FOR UPDATED CWD ADVISORY OPINIONS AND AMENDMENTS TO THE TOWN CODE**

**RESOLUTION 21-72**

**RESOLUTION APPROVING WATER AND SEWER ADVISORY BOARD RECOMMENDATIONS FOR UPDATED CWD ADVISORY OPINIONS AND AMENDMENTS TO THE TOWN CODE**

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

WHEREAS, as the Water and Sewer Advisory Board (“WSAB”) has been in existence for years and has Town-Board approved policies, procedures, and forms for its work, including when undertaking reviews and issuing advisory opinions, such as for district fees, extensions, outside users, and Town codes and policies; and

WHEREAS, this matter is a Type II SEQRA Action such that no environmental review is mandated or required, and upon due deliberation upon the work and recommendations of the WSAB, the Town Board of the Town of Lansing has duly RESOLVED as follows, so be it hereby

1. RESOLVED, that recommendation#1 be and hereby is approved and, as a matter of Town policy: (i) any proposed extension that meets or exceeds 200% of the then-

applicable threshold for review published by the NYS Comptroller shall not be considered for review, nor shall any public interest order issue thereupon absent a finding of extreme public need or hardship, or similar factors, be made and determined by the Town Board; (ii) citizens and petitioners seeking district services or extensions should first apply to the Town through the Town Board, the Planning Board, the ZBA, or if no application is pending, then to the Town generally by written or oral request submitted to the Town Board for the monthly meetings and privilege of the floor; and (iii) that these Boards and the Town Supervisor, Highway Superintendent, and Town Planner be the officers and Boards authorized to forward requests for analyses or advisory opinions to the WSAB.

2. RESOLVED, that Town Counsel be and hereby is directed to work with WSAB, the Town Engineer and Town Planner, to develop a proposed local law to implement the changes referred to in recommendations #2 through #5 in such report.

**i. APPROVE AUDIT AND BUDGET MODIFICATIONS AND SUPERVISOR'S REPORTS**

**RESOLUTION 21-73**

The Supervisor submitted his monthly report for the months of January and February 2021, to all Board Members and to the Town Clerk. The Supervisor's Reports were reviewed by Councilperson Joseph Wetmore. The bills were reviewed by Councilperson Joseph Wetmore and Councilperson Andra Benson. The Supervisor's Reports be approved as submitted and the Bookkeeper is hereby authorized to pay the following bills and to make the following budget modifications.

**CONSOLIDATED ABSTRACT # 003**

DATED 3/17/2021

AUDITED VOUCHER #'s	<u>130 – 219</u>
PREPAY VOUCHER #'s	<u>130 – 134</u>
AUDITED T & A VOUCHER #'s	<u>18 – 25</u>
PREPAY T & A VOUCHER #'s	<u>18 – 21</u>

<u>FUND</u>	<u>TOTAL APPROPRIATIONS</u>
GENERAL FUND (A&B)	<u>\$ 60,203.97</u>
HIGHWAY FUND (DA&DB)	<u>\$ 125,213.84</u>
LANSING LIGHTING (SL1, 2 &3)	<u>\$ 2,688.31</u>
LANSING WATER DISTRICTS (SW)	<u>\$ 6,185.39</u>
TRUST & AGENCY (TA)	<u>\$ 48,827.10</u>
WARREN ROAD SEWER DISTRICT (SS1-)	<u>\$ 606.53</u>
CHERRY ROAD SEWER DISTRICT (SS3-)	<u>\$ 0.00</u>
DRAINAGE DISTRICTS (SDD1-10)	<u>\$ 0.00</u>

**BUDGET MODIFICATIONS**

**GENERAL FUND A  
3/17/2021 Meeting**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
A599	A5132.405	From Fund Balance to Highway Building Repairs Repairs to Salt Storage Building, etc	\$ 15,000.00
A599	A7110.410	From Fund Balance to Marina Repairs Repairs budgeted for in 2020	\$ 15,000.00

**HIGHWAY FUND DA  
3/17/2021 Meeting**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
DA2650	DA5130.400	From Sale of Scrap to Machinery Contractual Move monies received from Sale of Truck	\$ 12,500.00
DA599	DA5142.400	From Fund Balance to Snow Removal Town Contractual Additional Salt Needed	\$ 40,000.00
DA599	DA5148.400	From Fund Balance to Snow Removal Other Contractual Additional Salt Needed	\$ 24,000.00

**CONSENT AGENDA MOTIONS M21-03 – M21-05 AND  
RESOLUTIONS 21-68 – 21-73**

**RESOLUTION 21-74**

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

RESOLVED, that the Consent Agenda Motions **M21-03 – M21-05** and Resolutions **21-68 – 21-73**, are hereby approved as presented and amended, and

The question of the adoption of such proposed Consent Agenda Motions and Resolutions were duly motioned by Councilperson Andra Benson, duly seconded by Councilperson Doug Dake, and put to a roll call vote with the following results:

Councilperson Andra Benson – Aye	Councilperson Doug Dake – Aye
Councilperson Bronwyn Losey – Aye	Councilperson Joseph Wetmore – Aye
Supervisor Edward LaVigne – Aye	

Accordingly, the foregoing Motions and Resolutions were approved, carried, and duly adopted on March 17, 2021.

**BOARD MEMBER REPORTS**

**Andra Benson** - reported the following:

Conservation Advisory Council (CAC)

- Working on scenic resources – scenic byway

Environmental Management Council (EMC)

- More outreach to small and large organizations involved with environment
  - Andra asked to include CAC and Salt Point

**Bronwyn Losey** - reported the following:

Friends of Salt Point

- Clean up – date to follow

Trainings

- Rural Internet Challenges and Opportunities

- Emphasize broadband critical infrastructure
- Looked at different models
- Feasibility study (first step)
- Look at interest in town
- Location of middle mile
  
- Planning Board training with Town Counsel Guy Krogh
  - Land use
  
- User Centered Zoning
  - How to engage community in zoning
  - Both in planning years only and setting it up
  - In the implementation – how to make it very accessible and user-friendly

Lansing Advisory Committee on Power Plant Future (LAC-PPF)

- Opening for one person to join committee

**Doug Dake** - reported the following:

Water Sewer Advisory Board (WSAB)

- CWDX3 (Buck Road, Collins Road, Wilson Road) – Target date 2022

Planning Board

- Dandy Mini-Mart – no formal application
- Whispering Pines – lot line adjustment
- Lansing Propane / Mirabito Concerns
  - Tanks
  - What will it look like
  - Fire Chief spoke
  - Berms for blast

**Joseph Wetmore** - reported the following:

Broadband Committee

- Revising Spectrum Franchise Agreement
  - If raise franchise fee it will go directly to customer
- Money from COVID-19 relief can be used for broadband
- Tompkins County Council of Governments (TCCOG) overseeing Tompkins County broadband study

Planning Board – Session with Town Counsel Guy Krogh was good

**Spectrum Franchise Agreement Discussion**

Supervisor Ed LaVigne stated he has the agreement and sent it to Town Board members

- Better agreement – cost is passed on to the consumer?

Town Counsel Guy Krogh

- Franchise fee is passed on to the consumer – partially true / not true
  - Partially true – their rate making through the public service commission is based on the overall expenses
  - Partially not true – immediate pass through because they have to get the rate making approved by the public service commission and they have variable rates and allowances for what their franchise fees are on a county or regional basis
- Other municipal websites that service or address franchise fees state this is a source of revenue that municipalities should not overlook
- Franchise fee only covers subscriber based TV services
  - Will need to verify this to see if it has changed
- Per consultants, Town should get maximum franchise fee for revenue to support other aspects of this type of program

- Broadband maybe more of a county solution, than individual municipal solution
- Franchise Fee – technically rent, to provider, for use of Town highways
  - Revenue stream to Town

Supervisor Ed LaVigne

- Lansing is our priority
- New Visions did Broadband in Cayuga County
  - Maybe do presentation for Town
- Priority Franchise Agreement

**Edward LaVigne** - reported the following:

Air Service Board

- Airport not open twenty-four (24) hours – (closed four (4) hours)
  - Medical helicopter needed to land at airport
  - Found someone to open gates for ambulance

Water Sewer Advisory Board (WSAB)

- CWDX3 (Buck Road, Collins Road, Wilson Road)
  - Started surveying
  - Begin in 2022

**ADJOURN MEETING**

Meeting adjourned at the call of the Supervisor at 9:57p.m.

Minutes taken and executed by the Town Clerk.

Respectfully submitted,

Deborah K. Munson, RMC  
Town Clerk