

REGULAR TOWN BOARD MEETING
May 19, 2021

Town of Lansing YouTube Channel
<https://www.youtube.com/channel/UCs2FqU2xFnDyGS8DwXgoJwA>

Zoom Meeting ID – 899 5291 6006 Password – 947394
Join Zoom Meeting
<https://us02web.zoom.us/j/89952916006>
Dial 1-646-558-8656 US (New York)

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 6:31 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)	Joseph Wetmore, Councilperson (remotely)
Edward LaVigne, Supervisor	

ABSENT: No one absent

ALSO PRESENT: Patrick Tyrrell, Parks and Recreation Supervisor, Mike Sigler, Tompkins County Legislator, Steve Lauzun, and Larry Beck

ALSO PRESENT REMOTELY: Guy Krogh, Town Counsel, C.J. Randall, Director of Planning, Charlie “Cricket” Purcell, Highway Superintendent, Michael Moseley, Deputy Highway Superintendent, Jim Morse, Engineer, T.G. Miller, and a few other attendees

PRESENTATION ON TOWN OF LANSING DUG ROAD BRIDGE REPLACEMENT – NYS DOT’S BRIDGE NY GRANT PROGRAM – DIRECTOR OF PLANNING C.J. RANDALL, COUNCILPERSON JOSEPH WETMORE, AND ENGINEER JIM MORSE

Jim Morse reviewed the BRIDGE NY program and the Town’s application stating the following regarding the grant and the Dug Road Bridge:

- \$90 million available for upstate bridges
- Project must be between \$250,000 and 5 million
- NYS grant pays 95%
- Local match pays 5%
- Raw data looked at first:
 - Traffic counts
 - Postings
 - Type of bridge
 - Design
 - Deficiencies
- Engineers do second evaluation, which raw data does not show:
 - No detour
 - Limited access by weight
- Draft application has been submitted for pre-review
- Final application deadline is June 9, 2021
- Total Dug Road Bridge project cost \$2,242,656
 - BRIDGE NY \$2.1 million (95%)
 - Local match \$112,000 (5%) – County may pay this

C.J. Randall and Joseph Wetmore contacting property owners for support.

Joe stated, this will be a two-lane bridge which some residents are not in favor of.

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

Dug Road Bridge

Two residents stated the following regarding the Bridge

- One current resident has lived on Dug Road 40 years
- Bridge has been closed three (3) times
- Do not need a two (2) lane bridge – correct width now
 - If Bridge must be wider, request it move down stream
- Bridge weight posted at 7.5 tons – unable to pump septic with weight restriction
- Then Bridge posted at 15 tons
- Fire, trash, and recycling trucks unable to cross Bridge
- Want updated to standard and safe bridge
- Bridge services twelve (12) homes
- If no grant money, Town needs to find some way to take care of property owners on other side of Bridge

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
May 19, 2021**

1. The Library is now open with express browsing without an appointment and curbside pick-up Monday/Wednesday 10-6, Tuesday/Thursday 10-5, Friday and Saturday 10-2. Computer appointments will be added in June.
2. The Library is grateful to the community for their support in approving the 2022 Budget.
3. Christine Eisenhut, Stephen Patrician, and Christian Shaffmaster were elected as Trustees.
4. Submissions are being accepted until May 20th for the Summer Reading Logo Contest. Anyone 18 and younger is encouraged to submit an illustration that embodies this year's theme Tails and Tales. The winning logo will be announced in early June and featured on Summer Reading Program gifts, newsletters, posters and the library's website for one year. Summer Reading begins on June 26th.
5. Take and Make Science: Sensory Sensations – Touch is the theme for this month.
6. Plans are underway for book sale in August.
7. Appointments are now available for the Cayuga Medical Center telehealth pilot program. Please contact the library for more information.
8. The LCL's wifi is not password protected. The community is welcome to park in the lot to access the Internet.

LANSING YOUTH SERVICES REPORT – MEGHAN LYONS

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
May 2021**

LYS's next virtual meeting will be on May 20, 2021 at 6pm via Zoom. The following are updates from LYS:

1. Current LYS/RYS Program Offerings

Leisure by the Lake: This program transitioned from Art and Soul to continue making crafts by the lake at Myers Point Park. New projects include homemade charcoal pencils using knotweed and honeysuckle as handles. 9 youth served.

Outdoor Adventures: This program has also moved to Myers Park to take advantage of the amazing resources there. Youth have had several adventures including hiking up Salmon Creek and discovering many crayfish skeletons which led to a who done it discussion. 9 youth enrolled.

Fishin' Fridays: The turnout has been small so far due to the persistent bad weather. Youth have been practicing casting and hope to catch some fish soon. 6 youth served.

Game On: Mad Science has transitioned to Game On. The youth are very excited that his program has returned, checkers and chess led the way to newer games such as Munchkin and Monopoly. 11 youth served.

Youth Employment/High School Helpers: Progress is being made securing work locations and youth employees, opportunities for youth to be employed and learn skills are increasing. We plan to place youth in local businesses and farms this summer to help replace opportunities that were not available during the school year.

2. Meghan Lyons (Youth Services Liaison) drafted an annual report for LYS, a document to be used externally to encourage new membership, create awareness, and to give to potential funders. Travis will assist with printing for distribution.
3. Meghan Lyons will continue to review the 2021 Goals for LYS into the Results Based Accountability model for Tomkins County.

LYS Goals:

1. Create orientation packet for new members - outlines of fiscal revenue and funded programs. Set expectations to visit programs/uniform template to monitor programs.
2. Online placement for agendas, minutes, and reports
3. Regular tracking of goals
4. Conduct community needs assessment (focus on impacts of the pandemic)
5. Use DEI statement to track metrics and funded programs
6. Incorporate more youth input at meetings for feedback into program decisions.

TOMPKINS COUNTY LEGISLATOR REPORT – MIKE SIGLER

The following report was reviewed by Mike.

**Tompkins County Legislator
Michael Sigler
May 19, 2021**

Hello and thank you for having me again. A big day today for Covid-19. Finally, the mask mandate has been lifted as you know. The County is still working out how to deal with it in County offices as I imagine you are too. I expect the debate to be whether to ask our employees if they're vaccinated or not and I expect that to receive varied responses. Right now, County offices are masking, but I expect that to change shortly. I was around today and it looks like more big stores are no longer masking indoors. I also expect us to return to in person meetings next month and I'll be asking again for the emergency to be lifted. I'm hoping the masking guidance for children will also be revised shortly as the science shows they're not a vector for transmission.

We are also working on how to wind down the Covid-19 emergency response center as it thankfully will soon have outlived its usefulness. I want to thank everyone on our team in administration. Our County did better than most and there's no doubt the team along with Cayuga Medical Center saved lives. We're still doing pop up vaccination clinics in areas like farms and schools to reach populations that may have trouble getting vaccinated or just to make it easier for them.

Last night's meeting was Jason's last. Lisa Holmes has already taken the reins of administration.

The Legislature voted to establish the community justice center last night to implement its public safety plans. As you know, I'm against this almost \$200,000 expenditure as I'm of the mind this should be done by the elected Sheriff not by County administration. There were two other resolutions. One calling a reform to civil service when it comes to hiring police. I believe this should pertain to all of civil service, not just police officers, but we have to start somewhere, so this looks like as good a place as any. The other resolution called for civil service reforms to address misconduct by police officers. I voted against this as it cut the union out of the discussion and also did not provide a

roadmap of what we think should happen. This again should be applied to all civil service if done at all and should likely apply to other public service like teaching if done at all. I don't see how you move forward with something like this with zero buy in from police.

The Tompkins County Legislature passed a resolution (12-2, with Legislators Sigler (R-Lansing) and McKenna (R-Newfield) voting no) urging the New York State Senate and Assembly to Enact the New York Health Act. I put forward a substitute resolution calling on the state to cover cancer treatment in the State in the 2022 budget. Supporters of single payer have been trying to push this through for 15 years with no success. The head of the Senate just pulled it from the Health Committee agenda. Both California and Vermont passed versions of this and could not implement it and Washington State just passed a more than watered-down version which only called for a public option. By going after cancer, we have a known budgeting number; 110,000 New Yorkers are diagnosed with cancer every year, average cost of treatment is \$100,000, so \$11 billion. It's a big number, but it's known and can be used to negotiate with health insurance companies for lower premiums. If Healthy NY does not pass in the next two years with democratic supermajorities, many members of whom say they want this, in both the Assembly and Senate, I hope the State will consider this other approach.

Mike also reported:

- County is talking about BRIDGE NY
 - County committed to paying 5%
- BRIDGE NY flexible for one (1) lane bridge
- Freese Road Bridge one (1) lane – received BRIDGE NY grant
- Congratulations to Aziza Benson and Aaron Thompson on winning their Lansing School Board elections and the Lansing School on passing their budget

PARKS AND RECREATION REPORT – PATRICK TYRRELL

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

Parks & Recreation 5/19/21 Town Board Meeting

RECREATION

- Baseball and softball games have begun.
- New batting cage nets have been installed.
- The summer program booklet is available. Programs are filling fast. New programs added daily.
- Restrooms are now open on the ballfields.
- Please visit www.LansingParksAndTrailsPlan.com for updates on our [Master Plan](#).
- Super Saturday is June 5th, there will be lots of baseball and softball games as well as a car show.

PARKS

- Camping is now open for the season at Myers Park.
- We have already blown past our anticipated revenue for camping, looks to be another great summer.
- We passed our Tompkins County Health Department inspection of our campground.
- Restrooms at Myers are now open for the season.
- We planted over 20 trees between Myers Park, Myers Hill, Salt Point and Lansing Center Trail. Thank you to NYSEG for that donation.
- Thank you to all the volunteers that helped on Salt Point workday on May 8th.

HIGHWAY REPORT – MIKE MOSELEY

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

**HIGHWAY REPORT
May 19, 2021**

CONSOLIDATED WATER DISTRICT EXTENSION #5 (CWDX5-PERUVILLE

RD) – Brush pick-up and heavy rain has pushed this project start time to 5/17/21 or 5/18/21. There is also an issue with a NYSEG utility pole that will cost us some time due to it needing to be moved. We are hopefully optimistic that this won't have a large impact on our time frame for the project.

BRUSH PICK UP – The crews completed our annual Village and Town brush pick up.

SPRING WORK – We have started replacement of road cross pipes.

HEAVY RAIN CLEAN UP – On May 5th certain parts of the Town received 3 inches of rain. The Lansing Station Rd, Algerine Rd area was hit the hardest with gravel across the roads and road cross pipes that were plugged due to debris from the rain. Crews stopped the brush pick up in order to remove the debris from cross pipes and roadways in anticipation of 5/7/21 rain. We are in the process of replacing cross pipes in that area and removing more gravel from waterways.

Discussion regarding lease to purchase equipment vs renting equipment (excavator and dozer)

- Lease to purchase will save Town money - \$615,200 over ten (10) years
- Town will own equipment after three (3) years
- Town has been renting this equipment for two (2) years already
- Will be good for another ten (10) to twelve (12) years
- Use equipment on:
 - Water district #5 next week
 - Cross culverts
 - Continue to use for projects
- New option of lease to purchase just became available
- Will be paid out of road maintenance (sales tax revenue) and consolidated water fund
- Resolution at June meeting

Equipment Concern – Supervisor Ed LaVigne

- Trucks are taking about sixteen (16) months from order to receiving – may need to pre-order and pay later

Ludlowville Road near Lansing School – Mike Moseley

- Town is working with Dondi Harner, at T.G. Miller - no update yet

DIRECTOR OF PLANNING REPORT – C.J. RANDALL

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

CORE PLANNING FUNCTIONS

- **Job postings and interviews for Code Enforcement Officer and Planner position, respectively**
- **Review and classification of development applications**
- **Data and GIS Services**
 - Continued virtual meeting protocol during coronavirus outbreak for board and committee meetings
 - Assisted with General Code and Town Directory and circulated Image Mate info on 4/13 and 4/14
- **Conservation Advisory Council staff support**
 - Attended meeting on 4/1

- **Planning Board staff support**
 - Coordinated and attended Project Review Committee meeting on 4/1
 - Coordinated and attended 4/12 working meeting
 - Dutch Harvest Farm – 1487 Ridge Rd
 - Modifications to lighting (Site Plan) approved 4/12
 - Lansing Propane / Petroleum Storage and Distribution Facility (Phase 2) – 15 Town Barn Rd
 - SEQRA Review of Full Environmental Assessment Form, Part II – 4/26
 - Coordinated Town Code and Fire Protection Engineering review
 - Cayuga Cliffs Minor Subdivision – 735 Ridge Rd
 - SEQRA Declaration of Lead Agency – 4/26
 - Munson Tires, LLC Garage Service and Repair expansion – 17 Peruville Rd
 - Negative Declaration of Environmental Significance and Preliminary and Final Site Plan approval granted on 4/26
 - Lake Forest Circle Major Subdivision – Lake Forest Drive
 - SEQRA Review of Full Environmental Assessment Form, Part II – 4/26
 - Wilson Road Major Subdivision – Wilson Rd between Buck and Conlon Rds;
 - Project updates; review of updated Preliminary Subdivision Plat – 4/26
 - Buck Road Duplexes – Modification of Site Plan
 - No action – 4/26
 - Meadow Brook Apartments and SDM Landscaping Site Improvements – Site Plan
 - SEQRA Declaration of Lead Agency – 4/26
 - Cayuga Vista Apartments
 - SEQRA Declaration of Lead Agency – 4/26
 - Asbury & Collins Rd Subdivision
 - SEQRA Declaration of Lead Agency – 4/26
- **Zoning Board of Appeals staff support**
 - 7 Whispering Pines Rd – 15' setback from center of road to enable emplacement of swimming pool – Area Variance granted 4/13
- **Interdepartmental Infrastructure Coordination**
 - Attended Broadband Committee meeting on 4/6
 - Attended Town Highway Building Renovation Project site plan meeting on 4/21
 - Coordinated and attended Town Center Committee meeting on 4/7
 - Confirmed build-out projections with Town Engineers for Traffic Impact and Stormwater Studies
 - Coordinated and attended Water & Sewer Advisory Committee meeting on 4/7
 - Attended Parks, Recreation & Trails Master Plan Coordination meetings 4/8, 4/27, and 4/30
 - Attended Myers Park site visit for placement of Cayuga Lake Blueway Trail signage with Parks & County Planning on 4/8
 - Assisted with coordination of BRIDGE NY grant application for Dug Road bridge replacement project on 4/1, 4/28, and 4/30
- **Attended Lansing Advisory Committee on Power Plant Future (LAC-PPF) meeting on 4/8**

- **Attended Association of Towns' Legislation briefing on NYS Budget 2021-2022 on 4/13**
- **Attended Finger Lakes Land Trust's presentation on "Re-Plumbing" Roadside Ditches on 4/14**
- **Attended IAED Economic Development Collaborative meeting on 4/15**
- **Attended Symposium on Energy on 4/16**
- **Began review of NYSDEC Cayuga Lake TMDL on 4/7**

LAND USE POLICY WORK PROGRAM

- **Land Use Ordinance Update**
 - Land Use Ordinance Audit narrative report forthcoming
 - Requested and reviewed research from Attorney on Marijuana Regulation and Taxation Act on 4/13
- **Environmental Protection Overlay Districts**
 - Coordinated meeting with Cayuga Lake Scenic Byway Executive Director on 4/7
 - Scope of work and schedule of adoption forthcoming based on 2021 CAC Work Plan

C.J. Randall also reported:

Mirabito

- In Phase Two (2)
 - Three (3) 30,000 gallons petroleum bulk storage tanks
- Had agreement from Phase One (1)
- Mirabito sent escrow deposit
- Town Engineer and Town Attorney recommended Town seek a third party consulting service that had a specialty in this type of review - not unusual request
- Mirabito has not submitted site plan yet - expects it soon

Consolidated Funding Application (CFA)

- Resubmit for Myers Park
- And submit for Highway Vacuum Truck
 - Vacuum truck about \$400,000
- Town portion about 25%

ENGINEER'S REPORT – DAVE HERRICK

No report.

AGRICULTURE COMMITTEE REPORT – CONNIE WILCOX

No report.

CONSENT AGENDA

- a. **MOTION AUTHORIZING TOWN OF LANSING SUPERVISOR TO SIGN LANSING YOUTH COMMISSION PROGRAM AGREEMENT**

MOTION M21-12

Motion Authorizing Town of Lansing Supervisor to Sign Lansing Youth Commission Program Agreement for 2021 between Cornell Cooperative Extension and Town of Lansing.

- b. **MOTION AUTHORIZING STORMWATER OPERATING, MANAGEMENT AND REPORTING AGREEMENT FOR LOCKE (34) DNYP, LLC**

MOTION M21-13

Moved that, the Locke (34) DNYP, LLC (Dollar General, Auburn Road) 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.

c. **MOTION TO APPROVE AMENDED § 503, EMERGENCY SITUATIONS, OF THE TOWN OF LANSING EMPLOYEE HANDBOOK**

MOTION M21-14

Motion to approve amended § 503, Emergency Situations, of the Town of Lansing Employee Handbook and replace the existing section. Amended to adjust to the COVID-19 rules and to implement and dovetail with the Labor Law § 27-c policies being now implemented statewide.

Employee Handbook, § 503, entitled “Emergency Situations” be and hereby is replaced in its entirety by the following:

503 Emergency Situations

Closing Procedures - In the event that extraordinary weather conditions, or other emergencies develop prior to the beginning of the workday, the Town Supervisor may authorize the closing of non-emergency and non-essential operations. If extraordinary weather conditions or other emergencies develop during the work day, the Town Supervisor may direct that certain employees leave work, with the emphasis to be upon the release of non-essential personnel.

Payment of Wages - Pay for FLSA non-covered or exempt employees will not be affected by an emergency closing. Pay for FLSA-covered employees will be made in accordance with provisions below:

- **During Work** - A full-time, intermediate, or part-time employee who is directed by the Town Supervisor to leave work due to an emergency closing will be paid for the remainder of the employee’s normal workday at the employee’s regular rate of pay, but such time will not be included as time worked for the purpose of computing overtime. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave. A temporary or seasonal employee who is directed to leave work due to an emergency closing will not be paid for the remainder of the employee’s normal day.
- **Prior to Reporting to Work** - If a determination is made to close operations prior to the start of the workday, the Town Supervisor will initiate notification to all affected employees. A full-time, intermediate, or part-time employee who is directed not to report to work due to an emergency closing will be paid for the employee’s normal workday at the employee’s regular rate of pay. Such time will not be included as time worked for purposes of computing overtime. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave. A temporary or seasonal employee who is directed not to report to work will not be paid for the workday.

Rules for Essential and Working Employees – Any full-time, intermediate, or part-time (non-seasonal and non-temporary) employee who does work for any part of the day or partial day that an emergency closure occurs will also earn compensation time for each hour or partial hour worked, up to 8 hours (or, as

applicable, their normal workday). All such compensation time shall be calculated and added to leave time accruals upon a straight-time basis. Such leave time must be used during the same calendar year of the closure, such leave cannot be carried-over, and if not used such leave credit will be lost. However, with the permission of the Department Head, if the leave time is earned in December such time may be carried over to the next calendar year, but such time must be used by March 31, annually, or it is lost.

Special Rules for LHA Unit – An employee who is a member of the bargaining unit will have this issue addressed as set forth in the collective bargaining agreement. However, if such agreement does not address this issue, then such employees will be entitled the same treatment and benefit of all town full-time, intermediate, and part-time non-seasonal and non-temporary employees, including the rules for essential and working employees, above-stated.

Retroactive Effect – Due to Covid-19 and a harsh winter storm in February 2021, this change in policy is retroactive to January 1, 2021.

d. MOTION TO SCHEDULE PUBLIC HEARING TO CONSIDER SPECIAL USE PERMIT APPLICATION AT 320 PERUVILLE ROAD

MOTION M21-15

Motion to schedule public hearing to consider special use permit application at 320 Peruville Road for site improvements and expansion of the existing commercial recreation: outdoors facility on the existing 37.63-acre parcel on Tax Parcel No. 30.-1-30.1, scheduled for June 16, 2021 at 6:31 pm, at the Lansing Town Hall, 29 Auburn Road, Lansing, NY, and via Zoom.

e. RESOLUTION UPGRADING INFORMATION AIDE IN PARKS & RECREATION OFFICE

RESOLUTION 21-83

RESOLUTION UPGRADING INFORMATION AIDE IN PARKS & RECREATION OFFICE

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

WHEREAS, Jenna Hoellerer has taken on the additional tasks of Safety Coordinator for the Town, ensuring each Town employee, committee member and volunteers have the proper training or access to trainings they need; and

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

RESOLVED, that effective May 24, 2021, Jenna Hoellerer will be classified as Grade 4, Step 8, with an hourly wage to be set at \$23.01 per hour; and it is further

RESOLVED, that the appropriate Town officer be and hereby is authorized to make such changes to the Towns' employment and civil service rosters, to file the required Civil Service forms to effect such changes per this Resolution, and file Form 428s, if required.

f. RESOLUTION AUTHORIZING THE TOWN OF LANSING HIGHWAY SUPERINTENDENT TO HIRE TOWN OF LANSING INFORMATION AIDE, HEAVY EQUIPMENT MECHANIC, MOTOR EQUIPMENT OPERATOR / AUTOMOTIVE MECHANIC ASSISTANT, AND PART TIME EMPLOYEE

RESOLUTION 21-84

RESOLUTION AUTHORIZING THE TOWN OF LANSING HIGHWAY SUPERINTENDENT TO HIRE TOWN OF LANSING INFORMATION AIDE,

**HEAVY EQUIPMENT MECHANIC, MOTOR EQUIPMENT OPERATOR /
AUTOMOTIVE MECHANIC ASSISTANT, AND PART TIME EMPLOYEE**

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

WHEREAS, there is a need for an Information Aide, a Heavy Equipment Mechanic, a Motor Equipment Operator / Automotive Mechanic Assistant, and a Part Time Employee at the Town of Lansing Highway Department; and

WHEREAS, acceptable and qualified candidates will be identified and selected by the Town of Lansing Highway Superintendent, and are therefore proposed to be hired to fulfill such job requirements; and

WHEREAS, the Town of Lansing Supervisor has recommended that the Highway Department Information Aide, Heavy Equipment Mechanic, Motor Equipment Operator / Automotive Mechanic Assistant, and Part Time Employee positions be filled at the Town of Lansing; and

WHEREAS, upon due consideration and deliberation by the Town of Lansing Town Board, now therefore be it RESOLVED as follows:

1. The Town of Lansing Highway Superintendent is hereby approved to hire an Information Aide, at a pay grade not to exceed \$19.00 per hour,
2. The Town of Lansing Highway Superintendent is hereby approved to hire a Heavy Equipment Mechanic, at a pay grade not to exceed \$27.00 per hour,
3. The Town of Lansing Highway Superintendent is hereby approved to hire a Motor Equipment Operator / Automotive Mechanic Assistant, at a pay grade not to exceed \$23.63 per hour,
4. The Town of Lansing Highway Superintendent is hereby approved to hire a Part Time Employee, at a pay grade not to exceed \$19.00 per hour,
5. The appropriate Town officer be and hereby is authorized to make such changes to the Towns' employment and civil service rosters, to file the required Civil Service forms to effect such changes per this Resolution, and to file Form 428s, if required.

g. RESOLUTION HIRING FULL TIME LABORER FOR PARKS AND RECREATION FOR THE TOWN OF LANSING

RESOLUTION 21-85

RESOLUTION HIRING FULL TIME LABORER FOR PARKS AND RECREATION FOR THE TOWN OF LANSING

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

WHEREAS, there is a need for a Full Time Laborer position at the Town of Lansing; and

WHEREAS, said position has been classified and deemed as Civil Service Laborer position by the Tompkins County Department of Personnel; and

WHEREAS, Tyler Todd has been identified as a qualified Laborer candidate; and

WHEREAS, the Town of Lansing Supervisor has recommended that the above position be filled at the Town of Lansing; and

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

RESOLVED, that Tyler Todd is hereby approved to be employed as a Full Time Laborer at a rate of \$20.00 per hour effective May 24, 2021, and it is further

RESOLVED, that the appropriate Town officer be and hereby is authorized to make such changes to the Towns’ employment and civil service rosters, to file the required Civil Service forms to effect such changes per this Resolution, and to file form 428s, if required.

h. RESOLUTION APPROVING 2021 ANNUAL STORM WATER REPORT

RESOLUTION 21-86

RESOLUTION APPROVING 2021 ANNUAL STORM WATER REPORT

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

WHEREAS, the Town’s Annual Storm Water Report is prepared and due for the required annual review pursuant to Local and State Laws and related regulations; and

WHEREAS, a copy thereof was timely filed in the Office of the Town Clerk for public review; and

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

RESOLVED, that the 2021 Annual Storm Water Report be and hereby is approved, and once placed into its final form for submission to NYSDEC by the Town’s Storm Water Management Officer, said report may be signed and certified by the Town’s Storm Water Management Officer, by, for, on behalf of and in the name of the Town of Lansing, and the same shall be thereafter duly filed with the NYSDEC.

i. APPROVE AUDIT and BUDGET MODIFICATIONS AND SUPERVISOR’S REPORT

RESOLUTION 21-87

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

CONSOLIDATED ABSTRACT # 005

DATED 5/19/2021

AUDITED VOUCHER #'s	<u>315 – 398</u>
PREPAY VOUCHER #'s	<u>315 – 317</u>
AUDITED T & A VOUCHER #'s	<u>35 – 43</u>
PREPAY T & A VOUCHER #'s	<u>35 – 38</u>

<u>FUND</u>	<u>TOTAL APPROPRIATIONS</u>
GENERAL FUND (A&B)	<u>\$ 139,477.99</u>
HIGHWAY FUND (DA&DB)	<u>\$ 94,671.17</u>

LANSING LIGHTING (SL1, 2 &3)	\$ <u>1,367.47</u>
LANSING WATER DISTRICTS (SW)	\$ <u>203,078.01</u>
TRUST & AGENCY (TA)	\$ <u>54,012.11</u>
WARREN ROAD SEWER DISTRICT (SS1-)	\$ <u>16,868.42</u>
CHERRY ROAD SEWER DISTRICT (SS3-)	\$ <u>5,073.23</u>
DRAINAGE DISTRICTS (SDD1-10)	\$ <u>0.00</u>
PERUVILLE RD CWD#5 (HC)	\$ <u>22.50</u>

BUDGET MODIFICATIONS

**GENERAL FUND A
5/19/2021 Meeting**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
A599	A1110.130	From Fund Balance to Justice Personal Services Part time help w/scanning	\$ 1,000.00
A599	A1440.403	From Fund Balance to Engineering Transportation Additional Projects	\$ 10,000.00
A599	A1440.408	From Fund Balance to Engineering Town Center Additional Projects	\$ 5,000.00

**HIGHWAY FUND DA
5/19/2021 Meeting**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
DA599	DA5130.400	From Fund Balance to Machinery Contractual Truck #33 Repair	\$ 35,000.00
DA599	DA5142.100	From Fund Balance to Snow Removal Town Personnel Srvcs Additional funds needed	\$ 10,000.00

CONSENT AGENDA MOTIONS M21-12 – M21-15 AND RESOLUTIONS 21-83 – 21-87

RESOLUTION 21-88

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

RESOLVED, that the Consent Agenda Motions **M21-12 – M21-15** and Resolutions **21-83 – 21-87**, 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 Duke, and put to a roll call vote with the following results:

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

Accordingly, the foregoing Resolutions were approved, carried, and duly adopted on May 19, 2021.

MOTION AUTHORIZING DEVELOPER’S AGREEMENT FOR MIRABITO HOLDINGS, INC. SITE PLAN PROJECT

Town Counsel Guy Krogh stated, if site plan is not submitted, project will not get scheduled or will be turned down.

MOTION M21-16

Councilperson Doug Dake, moved, that Mirabito Holdings Inc. Developer’s Agreement be and hereby is approved, in the form as set forth before this meeting and pursuant to Town of Lansing Planning Fee Schedule, effective by Town Board Resolution 21-61, adopted January 21, 2021, which requires that the Developer pay a deposit to the Town to cover the reasonable estimated future legal and engineering expenses of the Town, including the costs of SEQRA reviews (and the cost thereof is chargeable to any Developer per 6 NYCRR Part 617); and the Town of Lansing Stormwater and Erosion Control law, Local Law No. 6 of 2009, Article 7, which requires any person or entity undertaking any Land Development Activity regulated by that Local Law to pay reasonable costs at prevailing rates for the review of SWPPPs, inspections, or maintenance performed by the Town, or performed by a third party for the Town, including, but not limited to, engineers’ or attorneys’ fees; and the Town Supervisor, upon consultation with and the approval of the Attorney for the Town and Town 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 Developer’s Agreement; and (ii) when in final form execute the same by, for, on behalf of, and in the name of the Town of Lansing.

Councilperson Andra Benson, seconded the motion.

All in Favor – 5 Opposed – 0

RESOLUTION AUTHORIZING SETTLEMENT AND DIRECTING TOWN COUNSEL TO COLLECT SAME AND DISCONTINUE COLLYER TRUST LITIGATION MATTER

RESOLUTION 21-89

RESOLUTION AUTHORIZING SETTLEMENT AND DIRECTING TOWN COUNSEL TO COLLECT SAME AND DISCONTINUE COLLYER TRUST LITIGATION MATTER

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

WHEREAS, the Collyer Trust sued multiple parties relating to the recovery of fire loss coverage proceeds from New York Central Mutual, and the Town was a named and interested party due to a \$26,000 dangerous building remediation cost for which a lien with surcharge were placed against the insured lands and buildings of Danielle LaVigne; and

WHEREAS, an initial judgment in favor of landowner LaVigne resulted in an order directing payment of proceeds to the Town for the costs of such lien, but such determination and judgment were appealed and the outcome of the appeal is uncertain; and

WHEREAS, the Town Board authorized settlement discussions to save the cost of appeal and the costs of future proceedings, and the insurer offered a \$28,000 direct payment to the Town to resolve the direct and indirect claims of the Town, which amount was informally approved by the Town Board;

SO NOW, THEREFORE, upon due deliberation upon this matter, with Supervisor Ed LaVigne having recused himself from all discussion and consideration of this matter, the Town Board has RESOLVED as follows:

1. All direct and indirect claims of the Town be and are hereby settled for the sum of \$28,000.
2. Town Counsel shall prepare and file stipulations of discontinuance to be held and filed once payment is duly received, and Counsel shall take such other or further steps as are or may hereafter be necessary to fully resolve all claims and matters upon the payment terms as stated.

The question of the adoption of such proposed Resolution was duly motioned by Councilperson Joseph Wetmore, 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 – Recused	

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 19, 2021.

BOARD MEMBER REPORTS

Andra Benson - reported the following:

Lansing Library – written report above

Lansing Youth Services – written report above

Conservation Advisory Council (CAC) – Natural resources inventory almost complete

Bronwyn Losey - reported the following:

Friends of Salt Point

- Cleanup is done
- Egg in osprey nest – should hatch within a week

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

- Irene Wisner spoke about crypto currency

Doug Dake - reported the following:

Planning Board – May 10th

- Lansing Market addition for liquor store
- Lansing Food Pantry addition at The Rink
- Cayuga Lake Scenic Byway presentation

Joseph Wetmore - reported the following:

Tompkins County Council of Governments (TCCOG)

- Harmful Algae Bloom strategy
- Cannabis Legislation
 - Town can opt out of having stores by December 31, 2021
 - Town may be able to regulate stores, similar to liquor stores
 - Town Planning Board has subcommittee working on this
 - All other towns are opting in
 - Maybe mostly edible, rather than smoking
- Cannabis - Supervisor Ed LaVigne reported:
 - Discussed with other supervisors – they are still looking at information

- May prohibit on Town property
- Not concerned about the revenue stream
- How is it regulated

Broadband Committee

- Spectrum - RFP negotiation
- County Broadband Committee meeting in June – maybe confidential meeting, may not be able to share information with Town – Joe pushing back on this
- Supervisor Ed LaVigne stated - Town passed Resolution #20-140, Town pledged \$5,000 and asked Tompkins County Legislature to support a one-time over target request of not more than \$80,000 for a broadband planning study
 - Money for final mile or main line?
 - Joe believes the \$80,000 is how to get to last mile – he will clarify
- Supervisor Ed LaVigne stated his concern about the outer areas being left out

Electric Vehicle Charging Station Grant Committee

- Each location about \$8,000
- Grant will pay about 80-90%
- Seven (7) stations will cost Town about \$10,000 - \$12,000
- Possible Town locations
 - Town Hall, Myers Park, Fire Stations

Ithaca Transportation Council (ITCTC) – NYS reported Salmon Creek Bridge still on schedule

Dog Control Agreement Discussion

- Country Acres vs SPCA
- Town Clerk Debbie Munson stated she called SPCA previously, no response from SPCA
 - Joe will ask SPCA to call Debbie

Edward LaVigne - reported the following:

Fireworks

- Cancelled this year
 - Bridge out – busing issue
- Scheduled for June 30, 2022

Roof Replacements

- Old highway building leaking
- Community Center building
- School House

WORK SESSION MEETING ITEMS OF DISCUSSION

Town Center Land Offers Discussion – Town Center Advisory Committee

- Need to know Town Master Plan
- No RFP's entertained until stormwater and traffic study completed

MOTION AUTHORIZING TOWN CENTER COMMITTEE AND TOWN COUNSEL TO PREPARE AND SEND NOTICE LETTER TO OFFERORS FOR TOWN CENTER LANDS

MOTION M21-17

Councilperson Joseph Wetmore, moved that the advice and recommendations of the Town Center Committee to complete Town Center master planning, including roads and stormwater analyses, prior to considering any purchase offers or options for Town Center lands be and hereby is approved, and that the Town Center Committee and Town Counsel prepare and send a notice letter to offerors relative to this delay and decision.

Councilperson Andra Benson, seconded the motion.

All in Favor – 5 Opposed – 0

Highway Building – Ed LaVigne

- Bergman finishing analysis – maybe June
- Interest rate currently about 2%
- Materials expensive

The Open Meetings Law (“OML”) and Executive and Closed Sessions – Town Counsel Guy Krogh provided a brief overview at the verbal request of the Board – written by Guy Krogh:

- Most meetings are open to the public, particularly defined “public meetings”.
- Roughly speaking, a meeting is a public meeting when public business is conducted and a quorum of any agency or body with policy making authority is in attendance.
- There are exceptions, such as an advisory committee—where there is public business and a quorum present. This can get confusing, for example, a Conservation Advisory Committee is statutorily defined as an advisory committee, but a Conservation Board is not advisory, including as they have actual authority to act for the municipality and make policy and discretionary decisions.
- The advisory committee is an example of an exception, and there are exceptions to these exceptions.
- Then there are statutory exceptions that allow a public body to meet outside of public purview, and there are many rules that appertain to these sessions.
- The most common statutory exception is the Executive Session, which may generally only be held in relation to matters specifically listed within the OML, such as discussions regarding
 1. Threatened, proposed, pending or current litigation;
 2. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, discipline, demotion, suspension, or removal of a particular person or corporation;
 3. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof;
 4. Matters which imperil safety if disclosed;
 5. Matters which may disclose the identity of a law enforcement officer or informer;
 6. Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
 7. Preparation, grading or administration of examinations;
 8. Collective bargaining negotiations pursuant to Article 14 of Civil Service Law
- Then there are exemptions under the OML—things the OML does not apply to, such as medical and certain personal information protected by federal law or Public Officers Law Article 6-A, but the most common of these being the Closed Session, usually utilized to obtain a confidential legal opinion from, or the advice of the town’s legal counsel (and related advisors).

MOTION TO ENTER EXECUTIVE SESSION

Supervisor Edward LaVigne moved to **ENTER EXECUTIVE SESSION TO DISCUSS MEDICAL, FINANCIAL, CREDIT OR EMPLOYMENT HISTORY OF A PARTICULAR PERSON/CORP. OR MATTERS LEADING TO SAID DISMISSAL, REMOVAL, PROMOTION, APPOINTMENT, EMPLOYMENT, DISCIPLINE, DEMOTION, OR SUSPENSION PERTAINING TO TWO CANDIDATES AND AN EXISTING TOWN EMPLOYEE AT 8:56 PM.**

Councilperson Doug Dake seconded the motion.

All in Favor – 5

Opposed – 0

MOTION TO EXIT EXECUTIVE SESSION

Supervisor Edward LaVigne moved to **EXIT EXECUTIVE SESSION AT 9:25 PM.**

Councilperson Joseph Wetmore seconded the motion.

All in Favor – 5

Opposed – 0

ADJOURN MEETING

Meeting adjourned at the call of the Supervisor at 9:25 p.m.

Minutes taken and executed by the Town Clerk. The Open Meetings Law and Executive and Closed Sessions information written by Town Counsel Guy Krogh and executed by the Town Clerk.

Respectfully submitted,

Deborah K. Munson, RMC
Town Clerk