

Village of Lansing

MINUTES of the Board of Trustees Meeting held on Monday, August 19, 2024, in person at 2405 N. Triphammer Road and via Zoom Videoconferencing/Teleconferencing.

PRESENT: Mayor Ronny Hardaway; Trustees: Susan Ainslie, Wolfgang Bullmer, Carolyn Greenwald, Kathleen Yen; Clerk/Treasurer Jodi Dake; Attorney Natalie French. Public in attendance at the meeting-one.

Zoom: Lisa Schleelein, Planning Board Member; Ken Horowitz, property owner

The meeting was called to order at 7:31pm.

Roll Call: Susan Ainslie, Wolfgang Bullmer, Carolyn Greenwald, Kathleen Yen, Ronny Hardaway

Hardaway opened the public comment period. There was one person in the room but there were no comments.

Motion - To Close the Public Comment Period

Hardaway made a motion to close the public comment period. Bullmer seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Kathleen Yen-Aye
Trustee Carolyn Greenwald-Aye

Trustee Susan Ainslie-Aye
Trustee Wolfgang Bullmer-Aye

Proposed Local Law A-Solar Law

The next item on the agenda was a public hearing on proposed Local Law A (2024)- Amendment of the Village of Lansing Code/Zoning Law to Add a Section on Solar Energy Systems.

Motion - To Open the Public Hearing on Proposed Local Law A (2024) - Amendment of the Village of Lansing Code/Zoning Law to Add a Section on Solar Energy Systems.

Hardaway made a motion to open the public hearing. Ainslie seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Kathleen Yen-Aye
Trustee Carolyn Greenwald-Aye

Trustee Susan Ainslie-Aye
Trustee Wolfgang Bullmer-Aye

Dake stated that this proposed local law was submitted to Tompkins County for a 239 Review. They determined the proposed action will have no significant county-wide or inter-community impact. However, they had the following comment on the proposed action:

The Village should consider developing regulations for battery energy storage systems. Battery energy systems are a critical part of New York State's plan to decarbonize the grid and are likely to proliferate throughout the State in residential, commercial, and industrial settings. NYSERDA has created a Battery Energy Storage System Model Law that the Village can consider.

It was also noted that the Solar Law had a typo. The first line of H(1) had a reference to subsection F, it should have been subsection G. The corrected version was circulated on August 7th, however, when you set a public hearing, you have to leave the text the same and cannot change it until the public hearing. Hardaway stated that after discussing this with Attorney French, we will leave the public hearing open for another meeting because this is a referential typo. This is just in case there are any additional questions or concerns. The next Monday night meeting is October 7th.

Schleelein asked what the Board thought about including regulations for battery energy storage systems. Hardaway stated that we can always add an addendum to the law. Every installation should have an energy storage system. It would be a good idea to have something that guides those. It is worth a future look, but he did not think we should hold up our solar law for this now. Schleelein wondered if since we have until Oct 7th, if the Planning Board should submit some revisions to the Trustees. Schleelein did not think we had received any solar requests in the last few months. Dake pointed out that we just received a couple. French thinks if there are additional changes, the current public hearing should be canceled, and the process should start over.

There were no additional comments. Hardaway asked the Board if we should close this particular public hearing and include references to the battery energy storage systems for a total law or should we include the energy storage as a future change. Greenwald thinks it could take a year to make changes because it is not just adding a paragraph. The NYSERDA Model would have to be reviewed and customized to what we need.

French stated that the Planning Board has not met since the public hearing was set. Any additions that the Planning Board may have can then help determine if the public hearing should be left open or canceled at the October 7th meeting. Hardaway stated that it won't hurt to get more comments about the solar law.

Yen stated that the Trustees and the Planning Board have not had time to look at battery storage and she feels we should do that as a separate issue/law. She feels the Trustees need input from the Planning Board on battery storage.

The Trustees decided to leave the public hearing open for the Proposed Solar Law until the Oct 7th meeting.

7:46 Ken Horowitz left the meeting.

Proposed Local Law C

The next item on the agenda was a public hearing on proposed Local Law C Amendment to Village of Lansing Code-Chapter 80- Illicit Discharges, Activities and Connections to Separate Storm Sewer System Law.

Motion - To Open the Public Hearing on Proposed Local Law C (2024)
Amendment to Village of Lansing Code-Chapter 80- Illicit Discharges, Activities
and Connections to Separate Storm Sewer System Law

Hardaway made a motion to open the public hearing. Yen seconded the motion. A
vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Kathleen Yen-Aye
Trustee Carolyn Greenwald-Aye

Trustee Susan Ainslie-Aye
Trustee Wolfgang Bullmer-Aye

Dake stated that this proposed local law was submitted to Tompkins County for a 239 Review.
They determined the proposed action will have no significant county-wide or inter-community
impact.

There were no additional comments.

Motion - To Close the Public Hearing on Proposed Local Law C (2024)

Hardaway made a motion to close the public hearing. Ainslie seconded the motion.
A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Kathleen Yen-Aye
Trustee Carolyn Greenwald-Aye

Trustee Susan Ainslie-Aye
Trustee Wolfgang Bullmer-Aye

The Trustees completed the SEQR Review for Proposed Local Law C (2024).

Resolution #7090-To Adopt the SEQR Review of Proposed Local Law C
(2024)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of
Proposed Local Law C (2024), to be designated Local Law 2 (2024) upon its adoption,
to amend Chapter 80 (entitled “Illicit Discharges, Activities & Connections to Separate
Storm Sewer System Law”) of the Village of Lansing Code in its entirety to comply
with requirements of the SPDES General Permit for Municipal Separate Storm Sewer
Systems; and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Board of
Trustees is an involved agency for the purposes of environmental review; and
- C. On August 19, 2024, the Village of Lansing Board of Trustees, in performing the lead
agency function for its independent and uncoordinated environmental review in
accordance with Article 8 of the New York State Environmental Conservation Law -

the State Environmental Quality Review Act (“SEQR”), (i) thoroughly reviewed the Short Environmental Assessment Form (the “Short EAF”), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Lansing Board of Trustees, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“**NEGATIVE DECLARATION**”) in accordance with SEQR for the above referenced proposed action, and determines that neither a Full Environmental Assessment Form, nor an Environmental Impact Statement will be required; and:
2. The Responsible Officer of the Village of Lansing Board of Trustees is hereby authorized and directed to complete and sign as required the Short EAF, Part III, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

Hardaway moved this resolution and Ainslie seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Kathleen Yen-Aye
Trustee Carolyn Greenwald-Aye

Trustee Susan Ainslie-Aye
Trustee Wolfgang Bullmer-Aye

Resolution #7091-To Adopt Proposed Local Law C as Local Law 2 (2024)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law C (2024), to be designated Local Law 2 (2024) upon its adoption, to amend Chapter 80 (entitled “Illicit Discharges, Activities & Connections to Separate Storm Sewer System Law”) of the Village of Lansing Code in its entirety to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems; and
- B. On July 1, 2024 and July 15, 2024, the Village of Lansing Board of Trustees preliminarily discussed the purposes and intent of Proposed Local Law C (2024), and thereupon scheduled a public hearing thereon for August 19, 2024; and

- C. On August 19, 2024, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) Proposed Local Law C (2024), (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- D. On August 19, 2024, the Village of Lansing Board of Trustees determined that the proposed action is an Unlisted Action for which the Board is an involved agency, and thereupon, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), the Board (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part 2; and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action and determined that an Environmental Impact Statement would not be required; and
- E. On August 19, 2024, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law C (2024), (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. The Village of Lansing Board of Trustees hereby adopts the attached Proposed Local Law C (2024), to be designated Local Law 2, 2024.

Hardaway made a motion to Adopt Local Law 2 (2024). Ainslie seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Kathleen Yen-Aye
Trustee Carolyn Greenwald-Aye

Trustee Susan Ainslie-Aye
Trustee Wolfgang Bullmer-Aye

The following is a copy of the adopted law in its entirety:

Chapter 80

Illicit Discharges, Activities and Connections to Separate Storm Sewer System Law

ARTICLE I

General Provisions

- § 80-1 Title.**
- § 80-2 Purpose and Intent.**
- § 80-3 Definitions.**
- § 80-4 Applicability.**
- § 80-5 Responsibility for Administration.**
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ARTICLE II

Illicit Discharge Controls and Prohibitions

- § 80-7 Discharges, Connections, Prohibitions and Exemptions.**
- § 80-8 Prohibition Against Failing Individual Sewage Treatment Systems.**
- § 80-9 Prohibition Against Activities Contaminating Stormwater.**
- § 80-10 Requirement to Prevent, Control and Reduce Stormwater Pollutants by the Use of Best Management Practices.**
- § 80-11 Suspension of Access to MS4; Illicit Discharges in Emergency Situations.**
- § 80-12 Industrial or Construction Activity Discharges.**
- § 80-13 Access and Monitoring of Discharges.**

ARTICLE III

Administration and Enforcement

- § 80-14 Notification of Spills.**
- § 80-15 Enforcement.**
- § 80-16 Appeal of Notice of Violation.**
- § 80-17 Corrective Measures After Appeal.**
- § 80-18 Alternative Remedies.**

[HISTORY: Adopted by the Board of Trustees of the Village of Lansing 5-16-2011 as L.L. No. 4-2011 and amended in its entirety by Board of Trustees of the Village of Lansing __ - __- 2024 as L.L. No. __-2024]

ARTICLE I

General Provisions

§ 80-1 Title.

This chapter may be referred to and cited as the “Village of Lansing Illicit Discharges, Activities and Connections to Separate Storm Sewer System Law.”

§ 80-2 Purpose and Intent.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the Village of Lansing through the regulation of non-stormwater discharges to the municipal separate storm sewer system (hereinafter “MS4”) to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The intent of this chapter is:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit no. GP-02-02 or as amended or revised;
- B. To regulate the introduction of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- C. To prohibit Illicit Connections, Activities and Discharges to the MS4 and surface waters;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4 and surface waters.

§ 80-3 Definitions.

Whenever used in this chapter, unless a different meaning is stated in a definition applicable to only a portion of this chapter, the following terms will have the meanings set forth below:

Best Management Practices (BMPs) – Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act – The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity – Activities requiring authorization under the SPDES Permit for stormwater discharges from construction activity, GP-02-01, as amended or revised, and the Stormwater Management, Erosion and Sediment Control Law, Chapter 124 of the Village of Lansing Code. These activities include, but are not limited to, construction projects resulting in land disturbance of one or more acres. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

Department – The New York State Department of Environmental Conservation.

Design professional – New York State licensed professional engineer or architect.

Hazardous Materials – Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Connections – Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Conveyances which allow any non-stormwater discharge, including treated or untreated sewage, process wastewater, and wash water to enter the MS4 or surface water and any connections to the storm drain system or surface water from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the authority having jurisdiction; or
- B. Drains or conveyances connected from a commercial or industrial land use to the MS4 or surface water which have not been documented in plans, maps, or equivalent records and approved by an authority having jurisdiction.

Illicit Discharge – Any direct or indirect non-stormwater discharge to the MS4 or surface water, except as exempted in § 80-7 of this chapter.

Individual Sewage Treatment System – A facility serving one or more parcels of land or residential households, or private, commercial or industrial facility, that treats sewage or other liquid wastes for discharge into the ground waters of New York State, except those for which a permit for such facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

Industrial Activity – Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

MS4 – Municipal Separate Storm Sewer System.

Municipal Separate Storm Sewer System – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by the Village of Lansing;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40CFR 122.2

Municipality – The Village of Lansing.

Non-Stormwater Discharge – Any discharge to the MS4 or surface water that is not composed entirely of stormwater.

Person – Any individual, association, organization, partnership, firm, corporation, limited liability company or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant – Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heated discharges, wrecked or discarded equipment, rock, sand and industrial waste, municipal waste, agricultural waste, ballast discharged into water, and any other substance or materials which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the applicable legal and regulatory standards.

Premises – Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Special Conditions –

- A. *Discharge Compliance with Water Quality Standards* – The condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
- B. *303(d) Listed Waters* – The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
- C. *Total Maximum Daily Load (TMDL) Strategy* – The condition in the municipality's MS4 permit where a TMDL including requirements for control of

stormwater discharges has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

D. *Future Maximum Daily Load (TMDL) Strategy* – The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six (6) months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

State Pollutant Discharge Elimination System (SPDES) Stormwater Discharge Permit – A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

Stormwater – Rainwater, surface runoff, snowmelt and drainage.

Stormwater Management Officer (SMO) – An employee, the municipal engineer or other public official(s) designated by the legislative board of the municipality to enforce this chapter. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices in accordance with Chapter 124 of the Village of Lansing Code.

Surface Waters – Surface Waters of the State of New York.

Surface Waters of the State of New York – Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, The Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the State or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the State. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the State (such as a disposal area in wetlands) nor resulted from impoundment of waters of the State.

303(d) List – A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

TMDL – Total Maximum Daily Load.

Total Maximum Daily Load – The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

Wastewater – Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

Wetland – Any area which meets one or more of the following criteria:

A. Lands and waters that meet the definition provided in New York State Environmental Conservation Law, Article 24, "Freshwater Wetlands Act". The approximate boundaries of such lands and waters are indicated on the official wetlands map promulgated by the Commissioner of New York State Department of Environmental Conservation, or as amended and updated.

B. Areas which meet the definition used by the US Army Corps of Engineers and US Environmental Protection Agency: "Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

§ 80-4 Applicability.

This chapter shall apply to all water entering the MS4 or surface waters generated on any developed and undeveloped lands within the municipality unless explicitly exempted by the authority having jurisdiction.

§ 80-5 Responsibility for Administration.

The Stormwater Management Officer (SMO) shall administer, implement, and enforce the provisions of this chapter. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

§ 80-6 Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

ARTICLE II Illicit Discharge Controls and Prohibitions

§ 80-7 Discharges, Connections, Prohibitions and Exemptions.

A. Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in subsections 1 through

4 below of this § 80-7. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this chapter, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from firefighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
- (2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this chapter.
- (3) Dye testing in compliance with applicable state and local laws is an allowable discharge but requires a verbal notification to the SMO prior to the time of the test.
- (4) The prohibition shall not apply to any discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

B. Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the municipality's MS4 or allows such a connection to continue.

§ 80-8 Prohibition Against Failing Individual Sewage Treatment Systems.

- A. No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:
- (1) The backup of sewage into a structure.
 - (2) Discharges of treated or untreated sewage onto the ground surface.
 - (3) A connection or connections to a separate stormwater sewer system.
 - (4) Liquid level in the septic tank above the outlet invert.
 - (5) Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
 - (6) Contamination of off-site groundwater.

§ 80-9 Prohibition Against Activities Contaminating Stormwater.

- A. Activities that are subject to the requirements of this section are those types of activities that:
- (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - (2) Cause or contribute to the municipality being subject to the Special Conditions as defined in § 80-3 of this chapter.
- B. Upon notification to a person that they are engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall without delay take all necessary actions to correct such activities such that they no longer cause or contribute to violations of the municipality's MS4 SPDES permit authorization.

§ 80-10 Requirement to Prevent, Control and Reduce Stormwater Pollutants by the Use of Best Management Practices.

- A. Best Management Practices. Where the SMO has identified illicit discharges as defined in § 80-3 of this chapter or activities contaminating stormwater as defined in § 80-9 of this chapter the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.
- (1) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.
 - (2) Any person responsible for of a property or premise, which is , or may be, the source of an illicit discharge as defined in § 80-3 of this chapter or an activity contaminating stormwater as defined in § 80-9 of this chapter, shall be required to

implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.

- (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity shall be deemed compliance with the provisions of this section.

§ 80-11 Suspension of Access to MS4; Illicit Discharges in Emergency Situations.

- A. The SMO may suspend, without prior notice, MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- B. Termination or suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this chapter may have their MS4 access terminated or suspended if such termination or suspension would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination or suspension of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated or suspended pursuant to this section, without the prior approval of the SMO.

§ 80-12 Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 80-13 Access and Monitoring of Discharges.

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this chapter, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition that constitutes a violation of this chapter.
- B. Access to Facilities.
- (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this

chapter. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.

- (2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this chapter.
- (3) The municipality shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge. All expenses in connection with the installation, monitoring and maintenance of such equipment shall be the responsibility of and paid for by the discharger.
- (4) The municipality shall have the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy. All expenses in connection with the installation, monitoring and maintenance of such equipment shall be the responsibility of and paid for by the discharger.
- (5) Unreasonable delays in allowing the municipality access to a facility subject to this law is a violation of this law. A person who is the operator of a facility subject to this law commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this law.
- (6) In any case that the SMO is refused timely access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, then the SMO may terminate or suspend access to the MS4 and/or seek issuance of a search warrant from any court of competent jurisdiction, to enter the property to carry out and/or enforce the provisions of this chapter.

ARTICLE III

Administration and Enforcement

§ 80-14 Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous

materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the municipality in person or by telephone, fax or email no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 80-15 Enforcement.

A. Compliance Orders. The SMO is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any premises in violation of this chapter. Upon finding that any such condition or activity exists, the SMO shall be authorized to issue an order directing compliance (Compliance Order). The Compliance Order shall (1) be in writing; (2) be dated and signed by the SMO; (3) specify the condition or activity that violates this chapter, or other applicable codes, laws, rules and regulations; (4) specify the provision or provisions of this chapter or other applicable codes, laws, rules and regulations which is/are violated by the specified condition or activity; (5) specify the period of time which the SMO deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time; and (8) advise that, should the violator fail to comply within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. The SMO shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail, return receipt requested. The SMO shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served personally or by certified mail, return receipt requested, on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order. The Compliance Order may require without limitation:

- (1) The elimination of illicit connections or discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (4) The performance of monitoring, analyses, and reporting;
- (5) Payment of a fine; and
- (6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said

notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency, or a contractor and the expense thereof shall be charged to the violator.

- B. Appearance Tickets. In the event the owner fails to meet the requirements of the Compliance Order, the legislative board of the municipality may authorize the SMO to issue appearance tickets for any violation of this chapter and other applicable codes, laws, rules and regulations.
- C. Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of this chapter or other applicable codes, laws, rules and regulations, or any lawful order issued pursuant to this chapter or other applicable codes, laws, rules and regulations, shall be:
 - (1) liable to a civil penalty of not more than two hundred fifty dollars (\$250) for each day or part thereof during which such violation continues, which civil penalty shall be recoverable in an action instituted in the name of the municipality; and
 - (2) deemed guilty of an offense upon conviction and is subject to a fine equal to two hundred fifty dollars (\$250) or imprisonment for not more than fifteen (15) days, or both, for each such violation; and
 - (3) each day that any such violation continues to exist shall be deemed to result in a separate and distinct violation, each of which separate violation shall subject the violator to an additional two hundred fifty dollar (\$250) civil penalty and/or fine. Notwithstanding the foregoing, in any case that this chapter expressly provides for a grace period within which the violator is permitted to cure the violation, each day during such grace period shall not be deemed to result in a separate violation that shall subject the violator to such fine. In addition, a violation of this chapter constitutes a violation under the Penal Law of the State of New York.
- D. Injunctive Relief. An action or proceeding may be instituted in the name of the municipality in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this chapter or other applicable codes, laws, rules and regulations, or any lawful order issued pursuant to this chapter or other applicable codes, laws, rules and regulations. In particular, but not by way of limitation, where any connection or discharge to the MS4 or surface water is in violation of any provision of this chapter or other applicable codes, laws, rules and regulations, or any lawful order issued pursuant to this chapter or other applicable codes, laws, rules and regulations, an action or proceeding may be commenced in the name of the municipality, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the legislative board of the municipality.
- E. Violations Deemed a Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this law is a threat to public health, safety, and welfare, and is declared and

deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

- F. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this chapter, or in any other applicable codes, laws, rules and regulations. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section or in any other section of this chapter, or in any other applicable codes, laws, rules and regulations. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in.

§ 80-16 Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination of the SMO to the Village Board of Trustees within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

§80-17 Corrective Measures After Appeal.

- A. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

§ 80-18 Alternative Remedies.

- A. Where a person has violated a provision of this chapter, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Attorney for the Village of Lansing and the Village of Lansing Code Enforcement Officer where:

- (1) The violation was unintentional.
- (2) The violator has no history of pervious violations of this chapter.
- (3) Environmental damage was minimal.
- (4) Violator acted quickly to remedy violation.
- (5) Violator cooperated in investigation and resolution.

B. Alternative remedies may consist of one or more of the following:

- (1) Attendance at compliance workshops.
- (2) Cleanup of municipality owned stormwater management practices.
- (3) Stream, creek, drainage way or roadside ditch cleanup activities.

Referendum to Transfer Water Reserve Money

The next item was to pass a resolution to move the money from the water reserve fund. Any time you take money out of the Reserve Fund you have to do a permissive referendum. We had budgeted for this transfer in the 2024-25 Budget. This is a formality that we have to go through.

Resolution #7092-Capital Reserve Expenditure Authorization Resolution

WHEREAS:

- A. The Village of Lansing (the “Village”) is intending to consider the transfer of monies from the Water Capital Reserve Funds for capital improvements and/or the acquisition of equipment and materials for the water system in the Village of Lansing under the 2024 Utility and Sidewalk Improvements Project (the “Project”), the intent being to accommodate the needs of the community and for the benefit of the Village and its residents; and
- B. The Village Board of Trustees has reviewed the needs of the community and for the benefit of the Village and its residents, thereupon determined that such actions will be in the best interests of the Village; and
- C. In anticipation of the current need and anticipated future needs for future acquisitions of equipment and materials, the Village has maintained reasonable and appropriate capital reserve funds so as to set aside such funds for such current and future purposes as they may arise; and
- D. The Village Water Capital Reserve Fund has sufficient funds for such contemplated and intended capital improvements and acquisitions of equipment and materials in furtherance of the Project, some or all of which have been included in the recently approved 2024-25 Village budget; and

- E. The Village Board of Trustees wishes to authorize at this time the sufficient expenditure of such funds such that the aggregate sum of \$890,630 be transferred from the Water Capital Reserve Fund;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village Board of Trustees hereby authorizes the expenditure of funds contemplated and intended for capital improvements and acquisitions of equipment and materials in furtherance of the Project as set forth above, and the transfer of \$890,630 from the Water Capital Reserve Fund, as determined by the Board of Trustees for such purpose; and
2. Within ten (10) days after the adoption of this resolution, the Village Clerk shall, as set forth in Article 9 of the Village Law, post and publish a notice which shall set forth the date of the adoption of this resolution and contain this resolution or an abstract thereof concisely stating the purpose and effect thereof. Such notice shall specify that such resolution was adopted subject to a permissive referendum; and
3. This resolution shall take effect thirty (30) days after its adoption, unless a referendum is requested, in which event it shall take effect, if approved at such referendum, upon such approval; and
4. This resolution is adopted subject to a permissive referendum as required by law.

Hardaway moved this resolution. Yen seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Kathleen Yen-Aye
Trustee Carolyn Greenwald-Aye

Trustee Susan Ainslie-Aye
Trustee Wolfgang Bullmer-Aye

Mayor's Comments

Hardaway had nothing to report

General Comments

Greenwald stated that she has been following in the paper some things that have been happening in other municipalities. There was a mayor in another municipality that was indicted for embezzlement. There is a lot of infighting in our close neighboring municipalities. Greenwald stated how she appreciates the cooperative spirit we have here in the Village. Our attorney is easy to work with. Our clerk is extremely forthcoming with information when requested. Greenwald appreciates this.

Yen reminded the Board that the Tompkins County Core Advisory Group is meeting 10-11am tomorrow. The meeting will focus on disabilities. FEMA is hosting a lunch and learn series. Yen will forward that information to the Trustees. September 14th from 9am-1pm is the Tompkins County Airport Expo Community Celebration. Hardaway asked Yen to share that information, and he will put something up on the website.

Greenwald asked if it is ever appropriate to make a law retroactive. French believes this has been litigated in the past. We cannot apply the new law to permits that have already been submitted.

Greenwald wondered how we came up with the money to pay for the Cayuga Height Road Sewer Project. Dake explained that the reserve funds are funded by their supporting fund. The Sewer Fund funds the Sewer Reserve Fund. The Village is unique in that it tries to save money to pay for a project instead of borrowing. When Dake started there was a 20-year bond for another sewer project which we have recently paid off. Greenwald wondered how long it took to save for that project. Dake stated that we have been planning for this for over 10 years. Basically, the thought process is the \$2,350 connection fee pays for future improvements. At one point the connection fee went down because our reserve funds were very healthy with all the sewer connections. But once we realized what this sewer project was going to cost, the fee went back to \$2,350. Greenwald asked if we would have any future projects like the Cayuga Heights Road Project. Dake stated that you will constantly have sewer lines that will need to be replaced as our system ages. The connection fee is cheap compared to the price of installing a new septic system. Dake volunteered to do a spreadsheet of the contributions that have gone to the reserve fund in the last 20 years. The Town developer also contributed to the Cayuga Heights Road Project. A Capital Plan should be done to show future needs. Hardaway will ask Courtney to give his input. The only future project Hardaway knows of is the sewer diversion for Uptown Road. That project will be driven by the developer.

French asked when people could start hooking up to the new sewer. Once there is NYSDEC approval then people will be allowed to hook up. The Village has allowed a couple of emergency situations to connect.

Adjournment

Motion- To Adjourn

Hardaway motioned to adjourn. Yen seconded the motion. A vote was taken:

Mayor Ronny Hardaway-Aye
Trustee Kathleen Yen-Aye
Trustee Carolyn Greenwald-Aye

Trustee Susan Ainslie-Aye
Trustee Wolfgang Bullmer-Aye

The meeting was adjourned at 8:13pm.

Jodi Dake, Clerk/Treasurer