

Regular Meeting of the Town Board of the Town of Van Buren, held on April 3, 2024 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Mr. Roger Hand	Councilor
Mr. Robert Grover	Councilor
Mrs. Jennifer Sullivan	Councilor
Mr. Michael Hulchanski	Councilor
Mrs. Wendy Van Der Water	Councilor
Ms. Darcie Lesniak	Acting Supervisor

Also Present:

Mr. Nadine Bell	Town Attorney
Mr. Jason Hoy	Town Engineer
Mr. Doug Foster	Highway Superintendent
Ms. Lynn Precourt	Town Clerk

Pledge of Allegiance and Roll Call.

Approve Meeting Minutes of March 20, 2024:

074-24-000 MOTION BY Mrs. Van Der Water, seconded by Mrs. Sullivan, to approve the meeting minutes of April 3, 2024 as published.

Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes

Motion Carried & Adopted

Citizens Comments:

Mr. Andy Bowes thanked the Board for keeping the Tappan Street sidewalks in the Community Development Five Year Plan.

Ms. Lisa Jarmuz thanked the Board and the Highway Superintendent for their efforts to address the speeding in the school zone on Idlewood Boulevard.

Approve vouchers:

075-24-007 MOTION BY Mrs. Van Der Water, seconded by Mr. Grover, to approve payment of claims 231999-232007, 232022-232048 in the amount of \$45471.32.

Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes

Motion Carried & Adopted

Public Hearing to hear comments on the 2024 Community Development Application:

076-24-000 MOTION BY Mrs. Sullivan, seconded by Mr. Hulchanski, to recess the regular meeting, open the public hearing and waive reading the legal notice published in *The Messenger* on March 27, 2024.

Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes

Motion Carried & Adopted

Mr. Hoy presented the following projects for the town's five year plan:

2024 Application

1. Canton Woods Senior Center Roof Replacement

Installation of new roof on Canton Woods Senior Center, including removal of existing roof, snow and ice shield flashing, 30-year shingles, replacement of rotten roof decking.

Total Project Cost \$175,000

Town's Share (\$ 25,000)

Onondaga County Office of the Aging (\$100,000)

Requested Community Development Funds: \$50,000

2025 Application

Idlewood Boulevard Traffic Calming

Installation of traffic calming measures on Idlewood Boulevard in the Reynolds elementary School zone.

2026 Application

Lower Seneca Knolls Drainage and Pavement Rehabilitation – Phase 1

Rehabilitation of drainage and pavement in the Lower Seneca Knolls area. The rehabilitation would generally consist of closed drainage installation and milling and asphalt overlay of the existing pavement with minor pavement repairs.

2027 Application

Lower Seneca Knolls Drainage and Pavement Rehabilitation – Phase 2

Continued rehabilitation of drainage and pavement in the Lower Seneca Knolls area. The rehabilitation would generally consist of closed drainage installation and milling and asphalt overlay of the existing pavement with minor pavement repairs.

2028 Application

Lower Seneca Knolls Drainage and Pavement Rehabilitation – Phase 3

Continued rehabilitation of drainage and pavement in the Lower Seneca Knolls area. The rehabilitation would generally consist of closed drainage installation and milling and asphalt overlay of the existing pavement with minor pavement repairs.

2029 Application

Tappan Street Road Sidewalk

New sidewalk construction from 170' west of Comstock Road easterly to Village line (approx. 1230' total)

Ms. Lesniak asked if there is anyone to speak in favor of this project submission. No one spoke.

Ms. Lesniak asked if there is anyone to speak against this project submission. No one spoke.

077-24-000 MOTION BY Mrs. Van Der Water, seconded by Mr. Grover, to close the public hearing and resume the regular meeting at 7:05 pm.

Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes

Motion Carried & Adopted

Approve the 2024 Community Development Application and Five Year Plan:

078-24-023 MOTION BY Mr. Hulchanski, seconded by Mrs. Sullivan, to approve the following five year plan and 2024 Community Development project submission:

2024 Application

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Total Project Cost \$175,000

Town's Share (\$ 25,000)

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Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes

Motion Carried & Adopted

Approve CDS Housing PILOT and authorize Acting Supervisor to sign the agreement:

079-24-041 MOTION BY Mrs. Van Der Water, seconded by Mr. Grover, to approve the following PILOT agreement with CDS Housing:

WHEREAS, the HDFC and Taxpayer has been organized exclusively to acquire, construct, own, maintain, operate, lease and convey a project pursuant to the terms and provisions of Article XI of the Private Housing Finance Law of the State of New York ("PHFL"); and

WHEREAS, the State of New York, acting by and through New York State Homes & Community Renewal ("HCR"), the HDFC, the Taxpayer and the Town have recognized the need for affordable housing in the Town; and

WHEREAS, the HDFC has or will acquire the fee interest, as nominee for the Taxpayer, of certain real property commonly known as property on Van Buren Road, New York 13027 Tax Map Parcel No.031.-03-08.0, as further and more particularly described on Exhibit "A" attached hereto (the "Property"), upon which the Taxpayer will construct an affordable housing development and related site improvements comprising three residential buildings containing approximately 70 rental units (the "Project"); and

WHEREAS, the Taxpayer shall construct the Project which shall be financed in part with loans from HCR; and

WHEREAS, the Taxpayer has requested that the Town grant the Property certain real property tax relief in the form of a payment in lieu of tax agreement ("PILOT") pursuant to Section 577 of the PHFL in order to enable the proposed Project to become economically feasible; and

WHEREAS, the Town Board of the Town of Van Buren, by Resolution No. 220-23-041 dated November 1, 2023, approved the request of the Taxpayer for tax exemption and authorized the execution of a PILOT agreement with the Taxpayer exempting all of the value of the property and improvements thereon from all local and municipal taxes, including school taxes, other than assessments for local improvements, on the condition that the Taxpayer shall annually pay to the Town in lieu of all taxes, other than assessments for local improvements, an amount equal to five percent (5%) of the annual gross shelter rent of the Project;

NOW, THEREFORE, in consideration of the Taxpayer undertaking the Project and in consideration of the covenants herein contained, it is mutually agreed as follows:

1. The Property shall be developed by the Taxpayer into the Project. Pursuant to Section 577 of the PHFL, the Town hereby exempts from local and municipal taxes, other than assessments for local improvements, one hundred percent (100%) of the value of the land, property and improvements of the Property. "Local and Municipal Taxes" shall mean any and all real estate taxes levied by Onondaga County, the Town of Van Buren, Baldwinsville Central School District or any other taxing jurisdiction (collectively, the "Taxing Jurisdictions"). Such exemption shall be effective for the final tax assessment roll upon Taxpayer taking title to the Property.

2. So long as the exemption hereunder continues, the Taxpayer shall pay annually to the Town an amount equal to five percent (5%) of Taxpayer's annual gross shelter rents or a minimum of \$33,000, whichever is greater. Such payments shall cover all Local and Municipal Taxes owed in connection with the Property and the Project, and shall be shared by the Taxing Jurisdictions on the same basis as property taxes would be shared if the Property and the Project were fully taxed. "Shelter rent" shall mean gross rents received from tenants less any utilities (gas, electric, water and sewer) paid by Taxpayer. The payments for a given tax year shall be computed on the shelter rents received by Taxpayer during its fiscal year (which, for purposes of this PILOT Agreement, ends as of December 31st of each year) ending with that tax year and shall be paid to the Town within sixty (60) days after the end of Taxpayer's fiscal year. Any amount

not paid by its due date shall accrue interest at the rate provided by law for the County of Onondaga real property taxes. As used herein “tax year” shall mean the Town’s tax year which, as of the date of this Agreement, is January 1 through December 31.

3. Taxpayer shall annually obtain audited financial statements and an audit of its compliance with all terms of this PILOT Agreement, prepared by independent certified public accountants. Taxpayer shall provide such statements and reports to the Town annually within sixty (60) days following the completion of such statements and reports, but in any event no later than July 1st of each year. Upon reasonable notice, the Town shall have access to all documents and records of the Project, including computerized records, on an on-going basis. Such records shall include all tenant-eligibility records and all financial records. The Town shall be permitted to inspect the Project upon request and reasonable notice.

4. If Taxpayer violates any provision of this Agreement and such violation is not cured within sixty (60) days after receipt of written notification of such violation by the Town, this Agreement and the tax exemption granted hereunder shall immediately terminate without further notice.

5. Special assessments, special ad valorem levies and any other assessments in accordance with the shelter rent calculation set forth herein for local improvements are to be paid in full by Taxpayer in accordance with normal Town billing practices.

6. Taxpayer shall have all of the rights and remedies of a taxpayer with respect to any tax, service charge, special benefit, ad valorem levy, assessment, special assessment and/or assessments for local improvements which Taxpayer is obligated to pay pursuant to this Agreement.

7. Taxpayer shall have all of the rights and remedies under applicable law of a taxpayer with respect to any proposed assessment or change in assessment with respect to the Property and/or the Project, and shall be entitled to protest before and be heard by the Town’s Board of Assessment Review, and shall be entitled to take any and all appropriate appeals or initiate any proceedings under applicable law to review the validity or amount of any assessment.

8. The tax exemption granted hereunder shall commence on the date of the HDLC’s acquisition of the fee title interest in the Property, and shall expire fifteen (15) years thereafter unless otherwise extended at the Town’s option, including an extension for an additional 15-year period provided the Project continues to be owned by the Taxpayer and operated as affordable housing in accordance with Article XI of the PHFL. Notwithstanding the foregoing, this Agreement and the tax exemption for the Project shall terminate sooner:

- (i) if Taxpayer shall fail to provide written notice to Town within thirty (30) days after selling or otherwise transferring title in the Property or the Project or any interest therein; or
- (ii) if the Property or Project shall be foreclosed through any action by any mortgage holder or if title to the Property or Project shall be transferred pursuant to a deed in lieu of foreclosure; or
- (iii) the dissolution of the Taxpayer; or
- (iv) the Taxpayer elects to terminate this Agreement; or
- (v) the regulatory agreement to be entered into by and between Taxpayer and HCR pursuant to Article XI of the PHFL is terminated or is otherwise no longer in force and effect.

9. In the event this PILOT Agreement and the exemption provided herein is terminated pursuant to the terms of this PILOT Agreement, the Taxpayer agrees to pay no later

than the next tax lien date to each jurisdiction having taxing or levying authority on the Project, an amount equal to the taxes and assessments which would have been levied on the Property if the Property had been classified as taxable as of the date of loss eligibility of the exemption described herein, subject to the applicable provisions of the New York State Real Property Tax Law.

10. To the extent the Property is declared to be subject to taxation or assessment by any amendment to present law, other legislative change or by final judgment of a court of competent jurisdiction, then obligations of Taxpayer hereunder shall, to such extent, be null and void.

11. If payments are not made as provided herein, each of the jurisdictions having taxing or levying authority on the Project, individually or collectively, shall, in addition to the rights and remedies provided under this Agreement, be entitled to pursue any and all remedies afforded to them at law or in equity.

12. This PILOT Agreement may be executed in any number of counterparts with the same effect as if all the signing parties had signed the same documents. All counterparts shall be construed together and shall constitute the same instrument.

Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes

Motion Carried & Adopted

Recommend the Marion Meadows/Gardens PUD amendment be sent to the Planning Board for review:

Ms. Lesniak said the developer is interested in building townhomes on the undeveloped parcel. Any change in PUD requires a review.

080-24-0049 MOTION BY Mr. Hulchanski, seconded by Mrs. Sullivan, to send the amended PUD for Marion Meadows/Gardens to the Planning Board for review.

Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes

Motion Carried & Adopted

Councilor Committee Reports and Comments:

Mr. Grover said they held a Highway Committee meeting and discussed the projects for this year. He said the area in Harbour Heights where the drainage was done will be repaired and paved after school is out for the summer.

Mrs. Van Der Water thanked the Buildings and Grounds Department for their work on the fence extension in Harbour Heights Park.

Mr. Hulchanski said they discussed putting additional money in the Highway Reserve Fund since the cost of trucks keeps increasing. He said there is a need to start budgeting for a jet rodder as well as other equipment.

Regular Town Board Meeting April 3, 2024

Mrs. Sullivan said they had a Parks & Recreation Committee meeting and went over the five year capital plan. She said the summer playground program is open for registration.

Mrs. Sullivan scheduled a Park & Recreation Committee meeting on April 24, 2024 at 3:00 pm at the Van Buren Central Park Office.

Supervisor Comments: None

Highway Superintendent Comments:

Mr. Foster said they will be around to pick up delineators starting next week and urged residents to leave them for employees to take out of the ground so no one is injured.

Engineer Comments: None

Attorney Comments: None

090-24-014 MOTION BY Mrs. Sullivan, seconded by Mr. Grover, to go into Executive Session to discuss a specific personnel matter at 7:18 pm.

Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes

Motion Carried & Adopted

091-24-000 MOTION BY Mr. Hulchanski, seconded by Mr. Grover, to close the Executive Session and resume the regular meeting at 8:07 pm.

Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes

Motion Carried & Adopted

092-24-000 MOTION BY Mr. Hulchanski, seconded by Mr. Grover, to adjourn to the next Regular Town Board Meeting on April 17, 2024 at 7:00 pm.

Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes

Motion Carried & Adopted

Meeting closed 8:07 pm

Respectfully submitted,

Lynn Precourt

Town Clerk, Dated: 4/4/24