

Regular Meeting of the Town Board of the Town of Van Buren held on July 19, 2023 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Mr. Robert Grover	Councilor
Mrs. Jennifer Sullivan	Councilor
Mr. Michael Hulchanski	Councilor
Mrs. Wendy Van Der Water	Councilor
Ms. Darcie Lesniak	Councilor
Mr. Howard Tupper	Councilor
Mr. Richard Zaccaria	Town Supervisor

Also Present:

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

Pledge of Allegiance and Roll Call.

Approve meeting minutes of July 5, 2023:

128-23-000 MOTION BY Mr. Hulchanski, seconded by Ms. Lesniak, to approve the meeting minutes from the July 5, 2023 Regular Town Board meeting as published.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Abstain, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Citizens Comments: None

Approve vouchers:

129-23-007 MOTION BY Mrs. Sullivan, seconded by Mrs. Van Der Water, to approve claims 230858-230864, 230866-230920, 230935-230936 in the amount of \$67,515.53.

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

Motion Carried & Adopted

Assessor's Report:

Ms. Golden said 301 Change of Assessment notices were mailed the week of April 17, 2023.

Informal meetings with the Assessor were scheduled the week of April 24 and May 1st. A total of six informal appointments were scheduled. Grievance Day was held by appointment on Tuesday May 23. Five appointments were scheduled and 12 were paperwork only. The Town of Van Buren currently has no Small Claim filings for 2023. The deadline to file is August 1st.

The Town of Van Buren has received no new Supreme Court filings for 2023. Current cases include Village Green Apartments filed each year 2018 – 2023, and Comfort Inn filed each year 2020-2023.

Ms. Golden said the Town of Van Buren Equalization Rate for the 2023 Assessment Roll is 95%. Onondaga County Equalization Rates for 2023 range from 1.55% to 100%. Three towns are at 100% (Dewitt, Manlius, Tully) the county average is 72%.

The Assessor's Annual Report has been completed and filed with the County and State as required by RPTL. A copy of page one is attached and indicates a net change in total assessed value from 2022 to 2023 of 8,547,409.

Ms. Golden said the following legislative changes were made:
State Solar and Wind Appraisal Model readopted for use in 2023. A temporary restraining order had been in place, due to a 2022 court case. Please note this occurred after the Tentative Assessment Roll was completed and no assessment challenges were made on Grievance Day.

Changes to the Senior Citizen and Limited Income Disability Exemptions.
Redefines what is considered income and clarifies which income tax year applies. Gender-specific language was replaced and form updated.

Onondaga County Changes:

July 5th Resolution No. 100

Volunteer firefighter/ambulance worker exemption changed to require 2 years of service instead of 5 years of service.

Approve Assessor attendance at annual training in Saratoga Springs at a cost of \$1196 plus mileage:

130-23-027 MOTION BY Ms. Lesniak seconded by Mr. Hulchanski, to approve Assessor attendance at annual training in Saratoga Springs at a cost of \$1196 plus mileage.

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

Motion Carried & Adopted

Approve trash hauler license for Waste Management:

131-23-021 MOTION BY Mrs. Van Der Water, seconded by Ms. Lesniak, to approve issuance of a trash hauler license for Waste Management.

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

Motion Carried & Adopted

Approve Ross Anderson as park attendant at a rate of \$17.00 an hour:

132-23-038 MOTION BY Mr. Grover, seconded by Mrs. Van Der Water, to approve Ross Anderson as park attendant at a rate of \$17.00 an hour.

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

Motion Carried & Adopted

Declare 2011 Canon desktop copier, id number 551, located in Justice Court as surplus and authorize disposal:

133-23-000 MOTION BY Mrs. Van Der Water, seconded by Mrs. Sullivan, to declare 2011 Canon desktop copier, id number 551, located in Justice Court as surplus and authorize disposal.

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

Motion Carried & Adopted

Schedule public hearing for Local Law D-2023 amending annual income ranges for senior citizens and disabled persons:

134-23-039 MOTION BY Mrs. Van Der Water, seconded by Ms. Lesniak, to approve the following:

WHEREAS, proposed Local Law No. D-2023 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of Local Laws in the Town of Van Buren, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law.

WHEREAS, the adoption to said Local Law is an unlisted action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said EAF has been prepared and has been reviewed by the Town Board;

NOW, THEREFORE, it is

RESOLVED AND DETERMINED that there are no other involved agencies, the Town Board shall act as lead agency, and that the enactment of this proposed local law is a Type II action under SEQR, thus concluding the environmental review process; and be it further

RESOLVED AND DETERMINED that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. D-2023 at the Town Hall located at the Van Buren Town Offices located at 7575 Van Buren Road in the Town of Van Buren on August 2, 2023 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

RESOLVED AND DETERMINED that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Van Buren.

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

Motion Carried & Adopted

Schedule public hearing for Local Law E-2023 to establish minimum years of service from five to two for exemptions for volunteer firefighters and ambulance workers:

135-23-039 MOTION BY Mrs. Sullivan, seconded by Mr. Tupper, to approve the following resolution:

WHEREAS, the Town Board of the Town of Van Buren has continually recognized the importance of volunteer firefighters and ambulance workers in assisting and securing the safety and wellbeing of the community and has found that it is in the best interests of the Town to encourage and support such volunteerism; and

WHEREAS, in accordance with New York Real Property Tax Law § 466-a, as enacted by Chapter 670 of the Laws of 2022, to continue said exemption, the Town enacted local law 2 of 2023 to conform Local Law No. 5 of 2005 to the provisions of Real Property Tax Law § 466-a; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of Local Laws in the Town of Van Buren, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption to said Local Law is an unlisted action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said EAF has been prepared and has been reviewed by the Town Board; and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE, IT IS

RESOLVED AND DETERMINED that the enactment of this proposed local law is an unlisted action under SEQR, that there are no other involved agencies, and the Town Board shall act as lead agency; and it is further

RESOLVED AND DETERMINED, the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQR; and it is further

RESOLVED AND DETERMINED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. E-2023 at the Van Buren Town Offices located at 7575 Van Buren Road in the Town of Van Buren on August 2, 2023, or as soon thereafter as the matter can be heard, at which time all persons interested on the subject shall be heard.

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

Motion Carried & Adopted

Approve HVAC units at Park Office and Building and Grounds Building:

Mr. Zaccaria said the town received three quotes for this work and Mirabito was the lowest.

136-23-034 MOTION BY Ms. Lesniak, seconded by Mrs. Sullivan, to approve new HVAC units for the Park Office and Building and Grounds building in the amount of \$11,267 and \$7,255 respectively.

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

Motion Carried & Adopted

Councilor Committee Reports and Comments:

Mrs. Sullivan encouraged residents to get out and enjoy the Van Buren Park and Erie Canal Trail.

Mr. Hulchanski wanted to thank the Building and Grounds Department for their work. He said the parks look beautiful, a broken gate at Harbour Heights Park was fixed in a day and a broken piece of playground equipment there had been noticed and replacement piece ordered before any complaints were received.

Mr. Hulchanski said the new pavilion is coming along and looking good.

Mrs. Van Der Water said the Comprehensive Land Use Plan Committee wrapped up the work on the new solar regulations and she will give them to Ms. Bell to draft legislation. She said the moratorium will not need to be extended. She said that committee will take a break while we prepare for revising our Comprehensive Plan document.

Supervisor Comments None

Highway Superintendent Comments:

Mr. Foster read a letter from a resident on Connors Road between Canton Street and East Sorrell Hill requesting the speed limit be lowered to 35 mph. Mr. Zaccaria said he will look into the next steps for this request.

Engineer Comments: None

Attorney Comments:

Ms. Bell said she has prepared a resolution for the Board based off the notice from the Code Enforcement Officer and Town Engineer's report dated May 5th to address the unsafe structure at 1672 Old Route 31 per our Town Code Chapter 96.

137-23-000 MOTION BY Mrs. Sullivan, seconded by Mrs. Van Der Water, to approve the following resolution and notice of unsafe building:

TOWN OF VAN BUREN NOTICE OF UNSAFE BUILDING

To: Michael C. Stone
1672 Old Route 31
Memphis, New York 13112

From: Lynn McCormick-Precourt
Town Clerk

cc: Supervisor
Town Board
Onondaga County Clerk

Re: 1672 Old Route 31, Tax Map
No. 047.-01-08.0
Town of Van Buren

HEREBY TAKE NOTICE that in accordance with Chapter 96, Article I of the Code of the Town of Van Buren, as amended, the Code Enforcement Officer for the Town of Van Buren has found the building owned by you and located at 1672 Old Route 31 in the Town of Van Buren, which property is designated as Tax Map No. 047.-01-08.0, to be dangerous or unsafe to the public and in violation of governing laws. A report from the Code Enforcement Officer, consisting of the Notice to Demolish dated May 10, 2023, with inspection analysis from Town Engineer Hoy and photographic evidence, has been presented to the Town of Van Buren Town Board with a request that the Town Board schedule a public hearing to consider the issuance of an order (1) deeming the aforementioned property to be a “dangerous” and “unsafe” to the public in accordance with Chapter 96 of the Town Code; and (2) directing the repair or removal of the building situated upon the property. Therefore, pursuant to Sections 96-3 and 96-4 of the Code of the Town of Van Buren, you are advised of the following:

1. Description of the premises: the subject premises is a single-family residential, “old style” structure located at 1672 Old State Route 31, in the Town of Van Buren, County of Onondaga, State of New York.

2. Statement of particulars in which said building is unsafe: the particulars are set forth in the materials, prepared by the Code Enforcement Officer, dated May 10, 2023, and attached collectively hereto as Schedule “A.” As indicated in the attached Schedule “A,” the particulars supporting the Code Enforcement Officer’s determination that the building is in an unsafe condition and is dangerous to life, health, safety and general welfare of the public include, but are not limited to the extensive structural damage. More specifically, the roof of the structure has collapsed, the rear exterior wall has collapsed, the eastern wall is significantly out of plumb, and the foundation block wall on the east and south sides is structurally compromised; such deficiencies constitute a violation of the following sections of the New York State Property Maintenance Code: Sections 301, 302, 303, 304, 305, 306, 307, 308, 309, and 310; Sections 501, 502, 503, 504, 505, and 506; Sections 601, 602, 603, 604, 605, and 606; Sections 701, 702, 703, 704, and 705. It has further been opined that because 35% or more of the structure cannot be repaired and is unsafe to inhabit or occupancy.

3. Order: you are hereby ordered to commence efforts to make the structure safe and secure or, in the alternative, remove such structure, within 30 days of service of this notice and complete such efforts within 60 days thereafter.

4. Time and place of hearing: in case you, or such other persons having an interest in the property, wish to contest the order, the Town Board shall conduct a hearing and shall receive testimony and other evidence to determine whether the building is unsafe and constitutes a danger to the safety of the public. The hearing shall be held on **Wednesday, August 2, 2023, at 7:00 p.m. or as soon thereafter as the matter can be heard at the Town Hall, 7575 Van Buren Road, Baldwinsville, New York.** You shall be given the opportunity to be heard at the hearing, you may be represented by an attorney, and you may submit evidence on your own behalf. A copy of this notice shall be filed in the Onondaga County Clerk's Office, in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules.

5. Costs: in the event that the Town Board determines and declares that said building is unsafe and constitutes a danger to the public and you fail to contest the resulting order repair or remove and/or fail to comply with same, the Town Board may direct the Code Enforcement Officer to cause such building to be made safe and secure by such measures which may be reasonably necessary, or to have the building demolished and removed from the property. All costs and expenses incurred by the Town, including the cost of repair or removal and the cost of professional fees, shall be charged to and reimbursed by you as owner or shall be assessed against the land upon which said building is located.

6. Penalties: Failure to comply with this notice may also subject you to any and all penalties available by law.

Any questions or concerns can be directed to Code Enforcement Officer Christopher Perdue at (315) 635-3604.

DATED: July 19, 2023

Signed: Lynn McCormick-Precourt
Town Clerk

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

Motion Carried & Adopted

138-23-000 MOTION BY Ms. Lesniak, seconded by Mr. Grover, to adjourn to the next Regular Town Board meeting on August 2, 2023 at 7:00 pm.

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

Motion Carried & Adopted

Meeting closed 7:33 pm

Respectfully submitted,

Lynn Precourt
Town Clerk

