

Regular Meeting of the Town Board of the Town of Van Buren held on September 20, 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
Ms. Darcie Lesniak	Councilor
Mr. Howard Tupper	Councilor
Mr. Richard Zaccaria	Town Supervisor

Absent:

Mrs. Wendy Van Der Water, Councilor

Also Present:

Ms. Nadine Bell	Town Attorney
Mr. Jason Hoy	Town Engineer
Mr. Doug Foster	Highway Superintendent
Mr. Michael Knowlton	Deputy Codes Officer
Mrs. Lynn Precourt	Town Clerk

Approve minutes of the Regular Town Board Meeting on September 6, 2023:

181-23-000 MOTION BY Mr. Hulchanski, seconded by Ms. Lesniak, to approve minutes of the Regular Town Board Meeting held on September 6, 2023.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Citizen's Comments: None

Approve Vouchers:

182-23-007 MOTION BY Mrs. Sullivan, seconded by Mr. Grover, to approve claims 23112, 231127-231128, 231130-231142, 231156-231174, 231176-231177, 23179-231182 in the amount of \$157207.42.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Public Hearing to amend Chapter 180 of Town Code, Annual Income Ranges for Senior Citizens and Disabled Persons:

183-23-000 MOTION BY Ms. Lesniak, seconded by Mr. Hulchanski, to recess the regular meeting, open the public hearing and waive reading the legal notice published in *The Messenger* on 9/13/23.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Mr. Zaccaria said this will make the formula for determining income for the town the same as is used for Onondaga County.

Mr. Zaccaria asked if there was anyone to speak in favor of this proposed local law. No one spoke.

Mr. Zaccaria asked if there is anyone to speak against this proposed local law. No one spoke.

184-23-000 MOTION BY Ms. Lesniak, seconded by Mr. Hulchanski, to close the public hearing and resume the regular meeting at 7:05 pm.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Approve Local Law 7-2023 to Amend Chapter 180 of Town Code, Annual Income Ranges for Senior Citizens and Disabled Persons:

185-23-030 The following resolution was offered by Councilor Lesniak who moved its adoption, seconded by Councilor Sullivan to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled, a Local Law No. H of 2023 “Amending the Tax Exemption for Senior Citizens and Disabled Persons as set forth in Chapter 180 of the Town Code,” was presented and introduced at a regular meeting of the Town Board of the Town of Van Buren held on September 6, 2023; and

WHEREAS, a public hearing was held on such proposed Local Law on the 20th day of September, 2023 by the Town Board of the Town of Van Buren and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed Local Law having been heard, and said proposed Local Law having been in the possession of the members of the Town Board of the Town of Van Buren in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. H of 2023.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that proposed Local Law H of 2023 is hereby enacted as Local Law No. 7 of 2023, as follows:

**“TOWN OF VAN BUREN
LOCAL LAW NO. 7 of 2023**

**A Local Law Amending the Tax Exemption for Senior Citizens and Disabled
Persons as set forth in Chapter 180 of the Town Code**

Be it enacted by the Town of Van Buren Town Board, as follows:

Section 1.

So that the term “income” for persons 65 years of age or over, as set forth in Section 180-5(B) of the Town of Van Buren Town Code shall be revised, in its entirety, as follows:

“Annual income shall include the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making an application for exemption. “Income tax year” shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except in such circumstances wherein only the income of a resident owner is permitted to be considered under the provisions of § 467 of the New York Real Property Tax Law. Such income shall include distributions received from an individual retirement account or individual retirement annuity that were included in the owner’s federal adjusted gross income, social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts or inheritances, moneys earned through employment in the federal foster grandparent program and/or veterans disability compensation, as defined in Title 38 of the United States Code. In computing net rental income and net income from self-employment, no depreciation shall be allowed for the exhaustion, wear, and tear of real or personal property held for the production of income.”

Section 2.

So that Section 180-8, titled “Exemption granted,” shall become Subsection 180-8(A) and the term “income” for disabled persons shall be defined in Article IV of the Town of Van Buren Town Code in a new Subsection 180-8(B), which shall state, in its entirety, as follows:

“(B) The term “income” shall include distributions received from an individual retirement account or individual retirement annuity that were included in the owner’s federal adjusted gross income.”

Section 3. Effective Date

This Local Law shall take effect upon filing with the office of the Secretary of State of the State of New York, as provided in Section 27 of the Municipal Home Rule Law.”

Roll Call
Votes: Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Regular Town Board Meeting September 20, 2023

Roll Call Votes: Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Appoint Mike Knowlton as Deputy Codes Officer Effective 9/6/23 at a rate of \$24.00/hour:

186-23-002 MOTION BY Mr. Tupper, seconded by Ms. Lesniak, to appoint Mike Knowlton Deputy Codes Officer effective 9/6/23 at a rate of \$24.00 an hour.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Accept resignation of Kathryn Halleron, Deputy Town Clerk, effective 9/15/23:

187-23-000 MOTION BY Ms. Lesniak, seconded by Mr. Grover, to accept Kathryn Halleron's resignation effective 9/15/23.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Ms. Lesniak thanked Ms. Halleron for her service.

Appoint Diane Sposato Deputy Town Clerk effective October 2, 2023 at a rate of \$24.44 an hour:

188-23-002 MOTION BY Ms. Lesniak, seconded by Mr. Tupper, to appoint Diane Sposato as Deputy Town clerk effective October 2, 2023 at rate of \$24.44 an hour.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Appoint Theresa Proctor as Confidential Secretary to the Supervisor effective 9/26/23 at a rate of \$18.54 an hour:

189-23-002 MOTION BY Mr. Hulchanski, seconded by Mr. Grover, to appoint Theresa Proctor as Confidential Secretary to the Supervisor effective 9/26/23 at a rate of \$18.54 an hour.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Approve D.E. Tarolli and Suit-Kote (NYS Bid Contractor) to perform park paving project, amount not to exceed \$84,355.44:

190-23-010 MOTION BY Mr. Tupper, seconded by Mr. Hulchanski, to approve D.E. Tarolli and Suit-Kote (NYS Bid Contractor) to perform park paving project, amount not to exceed \$84,355.44.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Approve Usherwood's performance of IT audit in the amount of \$2,000:

191-23-000 MOTION BY Mr. Grover, seconded by Ms. Lesniak, to approve Usherwood to perform an IT audit in the amount of \$2,000.00.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Appoint Jesse McMahon to Planning/Zoning Board of Appeals, term to expire 12/31/29:

192-23-002 MOTION BY Ms. Lesniak seconded by Mr. Hulchanski, to appoint Jesse McMahon to Planning/Zoning Board of Appeals, term to expire 12/31/29.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Consider lease buy-out for two copiers:

193-23-040 MOTION BY Mrs. Sullivan, seconded by Mr. Grover, to approve the lease buy-out for two copiers.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Approve purchase of a ten wheel dump truck to be paid from Highway Reserve Funds:

194-23-026 MOTION BY Mrs. Sullivan, seconded by Mr. Grover, to approve the purchase of a Freightliner cab and chassis with Viking Supplied Plow and Salter Equipment from Tracey Road Equipment, under Onondaga County Contract Number 0010914 to be paid for using funds from the Highway Capital Reserve Fund, subject to permissive referendum.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Set public Hearing for Local Law I-2023, Extending the Solar Moratorium for Three Months:

Ms. Bell said Councilor Van Der Water asked for this brief extension so that all Board members will have time to review the changes and discuss any comments or concerns without being rushed.

195-23-039 Councilor Lesniak introduced proposed Local Law No. I-2023, titled “A Local Law Extending for an Additional Period of Three (3) Months the Moratorium on Solar Farms Within the Town of Van Buren,” and made the following motion, which was seconded by Councilor Hulchanski

WHEREAS, proposed Local Law No. I-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, this proposed moratorium extension will enable the Town to complete its review and comprehensively address the issues involved with solar farm uses; and

WHEREAS, the Town recognizes the potential benefits and desirability of solar farm uses, but determines that time and research is necessary to determine how to properly regulate such use; and

WHEREAS, the Town Board has deemed this moratorium extension urgent and immediately necessary in order to preserve status quo while this issue is examined by the Town; 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.

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. I-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 October 4, 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; and be it further

RESOLVED that pending action on this local law, the Town will neither accept nor process any application pertaining to solar farms.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria - Yes

Motion Carried & Adopted

Councilor Committee Reports and Comments:

Mrs. Sullivan scheduled an Erie Canal Committee meeting for September 26, 2023 at 6:00 pm at the Town Hall.

Mrs. Sullivan thanked everyone who participated in the removal of water chestnuts from the Seneca River, Cayuga SWCD, Van Buren and Lysander Highway Depts. and Emmi Farms.

Regular Town Board Meeting September 20, 2023

Mr. Hulchanski said they had a Parks & Recreation Committee meeting today and discussed many potential park improvements to make the parks even nicer.

Ms. Lesniak said she hopes to have the new union contract with AFSCME ratified within the next couple months.

Ms. Lesniak said she is proud the town is so well-managed that we save and buy equipment rather than bonding for the purchase.

Supervisor Comments:

Mr. Zaccaria said the town is working on an agreement with the County to update our Comprehensive Plan.

Engineer Comments:

Mr. Hoy said the gentleman at the last meeting from Brickyard Road called and thanked the town for responding quickly to his concern.

Mr. Hoy said the drainage work in Seneca Knolls is complete.

Attorney Comments: None

196-23-000 MOTION BY Mr. Hulchanski, seconded by Mr. Grover, to adjourn to the next Regular Town Board Meeting on October 4, 2023 at 7:00 pm.

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

Motion Carried & Adopted

Meeting closed 7:22 pm

Respectfully submitted,

Lynn Precourt
Town Clerk

Dated: 9/21/23

