

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on May 7, 2019 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Present:

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|-------------------------|-------------------|
| Ms. Wendy Van Der Water | Councilor |
| Ms. Darcie Lesniak | Councilor |
| Mr. Howard Tupper | Councilor |
| Ms. Patricia Dickman | Councilor |
| Mr. Ronald Dudzinski | Councilor |
| Ms. Mary Frances Sabin | Deputy Supervisor |
| Mr. Claude Sykes | Supervisor |

Also present:

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|--------------------|------------------------|
| Mr. Wendy Loughnot | Town Attorney |
| Mr. Jason Hoy | Engineer |
| Mr. Doug Foster | Highway Superintendent |
| Ms. Lynn Precourt | Town Clerk |

Pledge of Allegiance and Roll Call.

Approve minutes of the Regular Town Board Meeting on April 16, 2019:

099-19-000 MOTION BY Ms. Dickman, seconded by Ms. Sabin, to approve the minutes of the Regular Town Board Meeting on April 16, 2019 as published.

Ms. Van Der Water – Abstain, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

Motion Carried & Adopted

Public Hearing on Local Law C-2019 – Solar Farm Moratorium:

100-19-000 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to recess the regular meeting, open the public hearing and waive reading the legal notice published in the *Post Standard* on April 21, 2019.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Mr. Sykes said this moratorium will not affect residential solar installations just solar farms. He said the town has been getting in applications since the subsidies have been reauthorized.

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

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

101-19-000 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to close the public hearing and resume the regular meeting at 7:04 pm.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Action on Local Law C-2019 – Solar Farm Moratorium:

102-19-030 The following resolution was offered by Ms. Sabin, who moved its adoption, seconded by Mr. Tupper to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law C-2019, imposing a six (6) month moratorium on Commercial Free Standing Solar Photovoltaic (PV) Systems Within the Town of Van Buren, was presented and introduced at a regular meeting of the Town Board of the Town of Van Buren held April 16, 2019; and

WHEREAS, a public hearing was held to consider said proposed Local Law No. C-2019 on May 7, 2019 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, this proposed local law was referred to the Onondaga County Planning Board, which took no position; and

WHEREAS, at its April 16, 2019 meeting the Town Board determined that this proposed legislation is a Type II action for purposes of SEQR, thus concluding the environmental review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. C-2019.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the Town Board of the Town of Van Buren, Onondaga County, New York, does hereby enact Proposed Local Law No. C-2019 as Local Law No. 2-2019 as follows:

**TOWN OF VAN BUREN
LOCAL LAW NO. 2-2019**

**A Local Law Imposing a Six (6) Month Moratorium
on Commercial Free Standing Solar Photovoltaic (PV)**

Systems Within the Town of Van Buren

Be it enacted as follows:

Section 1: Intent

It is the intent of the Town Board of the Town of Van Buren to impose a six (6) month moratorium on commercial free standing solar photovoltaic systems within the Town of Van Buren. This local law is enacted under the authority of Section 10 of the New York Municipal Home Rule Law.

Section 2: Legislative Purpose

The Town of Van Buren has in effect Chapter 160-4 of the Code of the Town of Van Buren (Code), titled “Solar Photovoltaic (PV) Systems and Chapter 200 of the Code, titled “Zoning” which address “PV” uses within the Town. The Town Board is of the opinion that a period of time is necessary to determine whether additional regulation of commercial free-standing PV systems is necessary in order to preserve and protect the health, safety and welfare of its residents. Commercial free-standing PV systems are generally larger, more obtrusive and can pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations may pose a risk. This moratorium will enable town officials to review and comprehensively address the various issues involved with commercial free-standing PV systems.

The Town recognizes the potential benefits and desirability of solar power and renewable energy sources but determines that time and study is necessary in order to determine if and how to properly regulate such installations. The Town Board deems this moratorium emergent and immediately necessary for the Town.

Section 3: Definitions

Commercial Free Standing Solar Photovoltaic (PV) Systems

A free standing solar photovoltaic (PV) system and area of land principally used to convert solar energy to electricity with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

Section 4: Moratorium

A. The Town Board hereby enacts a moratorium which shall prohibit the placement, construction or erection of a commercial free standing solar photovoltaic (PV) system anywhere within the Town of Van Buren.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this local law and shall expire on the earlier of (i) the date six (6) months from said effective date of this local law, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the Town.

D. Commercial free standing solar photovoltaic systems which have previously been approved or are located on Town-owned property are hereby expressly excluded from this moratorium.

Section 5: Relief from Provisions of this Local Law

A. The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Town Code Enforcement Officer together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the Town, shall be reimbursed to the Town by the Applicant. The Town Board shall apply Use Variance criteria as set forth in the New York State Town Law, Section 267-b (2) in reviewing any application for relief.

C. The Town Board may refer any applications for relief herein to the Town Planning Board for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Town Board after determining whether or not the requested relief is compatible with any contemplated amendments to the Town Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.

D. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Town Code Enforcement Officer and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

Section 6: Penalties

Any person, who shall construct, reconstruct, relocate, enlarge or modify any site to be used for a commercial free-standing solar photovoltaic system in violation of the provisions of this local law, shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or

imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

Section 7: Enforcement

This local law shall be enforced by the Code Enforcement Office of the Town of Van Buren or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this local law.

Section 8: Validity & Severability

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or affect any other section of this local law.

Section 9: Effective Date

This local law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of six (6) months from the date of passage.

Roll Call Votes: Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Consider fence waiver for 7741 Meigs Road:

Mr. Hoy said this property is in the Sun Meadows development but also in the Village of Baldwinsville. He said there is a drainage easement on the property that is owned by the town. He said he has no issues with the fence being on the easement as long as it does not disturb the drainage facilities there. He said they need the waiver from the town in order to get the building permit from the Village.

103-19-052 MOTION BY Ms. Lesniak, seconded by Mr. Dudzinski, to declare these actions Type II under SEQRA with no adverse environmental impacts and approve the fence waiver for 7741 Meigs Road.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Appointment of January Baker to the civil service position of Clerk 1 in the Codes Office with a one year probation period and starting pay rate of \$18.28 per hour per union contract effective 5/23/19:

104-19-038 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to approve appointment of January Baker to the civil service position of Clerk 1 in the Codes Office with a one year probation period and starting pay rate of \$18.28 per hour per union contract effective 5/23/19.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Appointment of Luke Chapin to the position of Laborer 1 in the Buildings and Grounds Department with a one year probation period and starting pay rate of \$17.40 per hour per union contract effective 5/13/19:

105-19-038 MOTION BY Mr. Dudzinski, seconded by Ms. Dickman, to approve the appointment of Luke Chapin to the position of Laborer 1 in the Buildings and Grounds Department with a one year probation period and starting pay rate of \$17.40 per hour per union contract effective 5/13/19.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Authorize Supervisor to execute shared services agreement with the Town of Geddes to allow Geddes to utilize Van Buren's salt shed to top off their salt trucks during winter operations:

106-19-024 MOTION BY Mr. Dudzinski, seconded by Ms. Lesniak, to authorize Supervisor to execute shared services agreement with the Town of Geddes to allow Geddes to utilize Van Buren's salt shed to top off their salt trucks during winter operations contingent upon insurance approvals.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Appointment of Melissa Bowles as a temporary clerk in the Park & Recreation Department at a pay rate of \$15.04 an hour:

107-19-038 MOTION BY Ms. Lesniak, seconded by Ms. Sabin, to appoint Meslissa Bowles as a temporary clerk in the Park & Recreation Department at a pay rate of \$15.04 an hour.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Approve creation of New Position Duty Statement for Code Enforcement Officer for Onondaga County Personnel:

Mr. Sykes said there is a need for a second full time employee to perform inspections and do enforcement work in the Codes Office. He said this is the first step in creating a second Code Enforcement Officer position in the town.

108-19-038 MOTION BY Mr. Tupper, seconded by Mr. Dudzinski, to approve a New Position Duty Statement for the position of full time Code Enforcement Officer and submit the request to the Onondaga County Personnel Department per Civil Service requirements.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Consider fence waiver for 108 Milan Way:

Mr. Hoy said he has looked at the property and the homeowner is installing a pool and would like extra room behind it and is asking for the fence to be placed in the drainage easement. He said since there is a slight swale there he is recommending removable posts for the fence and for it to be high enough to convey water.

109-19-052 MOTION BY Ms. Dickman, seconded by Ms. Van Der Water, to declare these actions Type II under SEQRA with no adverse environmental impacts and approve the fence waiver for 108 Milan Way.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Approve purchase of a scissor lift for the Highway Department:

110-19-026 MOTION BY Mr. Dudzinski, seconded by Ms. Van Der Water, to approve the purchase of a used scissor lift at a cost of \$6,000 for the Highway Department.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Councilor Committee Reports and Comments:

Ms. Van Der Water said she met with staff at the Park & Recreation Department and they agreed to wait to schedule a committee meeting for that department until September after the summer season is over.

Ms. Van Der Water announced the Corporal Kyle Schneider Honor Walk/Run is May 18th at the park.

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Mr. Tupper said he attended the banquet for the ambulance corps where service awards were given out. He said some volunteers had 300 to 400 calls. He said they are a great group of volunteers.

Highway Superintendent Comments: None

Supervisor Comments:

Mr. Sykes met Dan Kwasnowski, director of County Planning Department and they discussed a potential project here in town.

Engineer Comments: None

Attorney Comments: None

Citizen Comments:

Three residents from Timber Hills were present to address concerns in their neighborhood. They asked about the condition of the road and if it is finished because it is very rough and pieces of plastic are coming out.

Mr. Foster said nova chip was used there, it is the most expensive surface treatment and lasts the longest. He said he will meet a vendor representative to come out and look at the road.

The residents also complained about dumpsters being too close to the road and people dumping trash on property near the entrance of the development. A complaint was made to the Code Enforcement Officer and the property owner was cited.

Mr. Sykes said if the Code Enforcement Officer has notified the property owner then by law the town has to allow them a certain number of days to clean up and comply with the code. If they fail to do so the town will take the next step and bring them into court. He said he will follow up tomorrow with the Code Enforcement Officer to see where he is in the violation process.

A resident from Canton Street asked what the town can do about trucks from Sysco speeding on Canton Street in Warners. He said the road is in disrepair and when the trucks drive over it his house shakes. He said it disturbs his sleep and enjoyment of his property. He said he has complained to the town and to the Sheriff's Department and nothing is being done to address this issue. He said the town allowed Sysco to expand three times over the years and it never should have been allowed to be built in the first place.

Mr. Sykes said he will contact the Sheriff's Department and request additional patrols. He said he will also contact the County Transportation Department so they can inspect the road and see if

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repairs are necessary. He also said he would give out the information for the County Legislator for this area and urged the resident to contact him since many of his concerns fall under control of Onondaga County.

111-19-000 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to adjourn to the next Regular Town Board meeting on May 21, 2019 at 7:00 pm.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Meeting closed 7:50 pm

Respectfully submitted,

Lynn Precourt
Town Clerk

Dated: 5/8/19