

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on October 20, 2020 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Present:

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

Also present:

Ms. Rich Andino	Town Attorney
Mr. Jason Hoy	Town Engineer
Mr. Greg Maxwell	Comptroller
Ms. Lynn Precourt	Town Clerk

Pledge of Allegiance and Roll Call.

Approve minutes of the 10/6/20 Regular Town Board Meeting:

135-20-000 MOTION BY Ms. Dickman, seconded by Ms. Sabin, to approve the minutes of the 10/6/20 Regular Town Board meeting as published.

Mrs. 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

7:00 pm Public Hearing on revised Local Law A-2020 – Property Maintenance Law:

136-20-000 MOTION BY Ms. Sabin, seconded by Ms. Dickman, to recess the regular meeting, open the public hearing and waive reading the legal notice published in the *Post Standard* on October 11, 2020.

Mrs. 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 asked if there was anyone participating through Zoom who wanted to speak for or against this local law.

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Mrs. Van Der Water said she got a message that a resident cannot join through Zoom with information from the website. A discussion followed and it was determined in one area on website the Zoom ID is incorrect. The resident received the correct meeting ID and joined.

Ms. Dowd, via Zoom, said she is against this local law.

Mr. Sykes asked if there was anyone in the audience to speak for or against this proposed local law.

Mr. Lee Tetu, Commane Road, said this law reduces the rights of property owners. He said one of the few true rights we have is the right to own property, that we pay taxes to live on and this reduces it to a lease when government can tell you how it has to look.

He said this law is about aesthetics and not health or safety. He said private property rights are one of the last things you can say “are mine”. If people want to live in an area with covenants those spaces are available.

Mr. Tetu asked the Board why now? He asked why the Board believes that now is the important time for this, during a Presidential Election year and a pandemic. He said most people are not paying attention to what their local government is doing.

He said lastly, the punishments in this law do not fit the crime. He said this law reads that if you have high grass you can be jailed for up to 15 days and fined thousands of dollars. He said he has heard the argument that we can trust that future governments will not likely enforce to that degree. But, if that’s the way we should think about it then toss the Bill of Rights and we’ll just trust future officials to protect us.

He asked for this to be tabled until next year, when it can be discussed during local elections.

Mrs. Jean Akers, Clarewood Drive, said she doesn’t have strong feelings one way or the other about this but it seems to her that the Board should always vote with the people’s wishes in mind. She also said there is a house on her street that has not had siding on it in over 20 years. She said it doesn’t bother her, it’s up the street and on the other side but imagines the town has received complaints about it.

Mr. Sykes said the town is aware of that house, the Tyvek house. He said that does not fall under this property maintenance law.

Ms. Sabin said the town has received complaints about it but it is up to the Code Enforcement Officer to determine if it’s a structural issue.

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Mr. Sykes said this hearing will be left open to the next meeting on November 4<sup>th</sup>. He said the town has made changes based on comments from the public and will continue to tweak it.

Ms. Lesniak said comments can be written or emailed to the clerk at [clerk@townofvanburen.com](mailto:clerk@townofvanburen.com) and they will be passed along to the Board.

Set public hearing for 2021 Preliminary Town and Special Districts Budgets for November 4, 2020 at 7:00 pm with budget presentation by Comptroller:

Mr. Sykes said the General Fund is going down 1.8%, the Highway Fund is going down .81% and there will be no tax again this year for the Part Town Budget.

137-20-039 MOTION BY Mrs. Van Der Water, seconded by Ms. Lesniak, to set the public hearing for the 2021 Preliminary Town and Special District Budgets for November 4, 2020 at 7:00 pm with budget presentation by Comptroller.

Mrs. 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 & Comments:

Mrs. Van Der Water said she is holding off on a Parks & Recreation committee meeting until after the 1<sup>st</sup> of the year.

Ms. Dickman said the Personnel Committee will be meeting with the union representatives October 27<sup>th</sup> at 3:30 pm to resume contract negotiations.

Highway Superintendent Comments: None

Supervisor Comments: None

Citizens Comments: None

Engineer Comments: None

Attorney Comments: None

7:30 pm Public Hearing on Local Law C-202 – Parking Regulations – Higgins Drive:

138-20-000 MOTION BY Ms. Sabin, seconded by Ms. Dickman, to recess the regular meeting, open the public hearing and waive reading the legal notice in the *Post Standard* on October 11, 2020.

Mrs. 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 asked if there was anyone to speak in favor or against this proposed local law.

Mr. Haynes and Mr. McKinstry said they are in favor of the law.

Mr. Sykes introduced Mr. Haynes, Property Manager and Mr. McKinstry, Condo 2 President. He said they are here to answer questions about their request for no parking signs on Higgins Drive.

Mr. Sykes said they have asked the board to consider no parking signs due to some large vehicles parking on the street. He said there is a car hauler and a truck with a trailer.

Mr. Haynes said the owners of these vehicles used to park them in the common areas and they were able to enforce the rules about parking there so they moved to on street parking. He said this is a hazardous situation because it creates a blind spot while pulling out of the driveways.

Ms. Lesniak asked if these are commercial vehicles or passenger vehicles.

Mr. Haynes said he believes they are commercial vehicles.

Ms. Lesniak asked if regulating only commercial vehicles on the street would be more appropriate so that the residents there could use on street parking if they were having a get together.

Mrs. Van Der Water said she has been down the street three times and there were no large vehicles parked on the street and she spoke to a woman walking her dog and she indicated she did not see any vehicles parked there regularly.

Mr. McKinstry said the truck with the trailer is there about five out of seven days.

Mr. Haynes said this has been going on for about three years and he has spoken with the homeowner about the problems it causes. He said he suggested they speak with Mr. Noble from the golf course about parking it on the old tennis court but they have so far ignored his requests.

Ms. Dickman said this is a lawn mowing trailer, what do they do with it in the winter?

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Mr. Haynes said they store it.

Mr. Sykes said no commercial entities should be using town roads as a parking lot.

Ms. Lesniak asked if there have been any accidents there as a result of the trucks.

Mr. McKinsty said no but it is unsightly.

Mrs. Van Der Water said she feels this is mostly an aesthetic issue and doesn't want to impose laws because of that.

Mr. Haynes said this is why it has taken so long to get to the point of requesting this from the Board, he said he has exhausted all options to get the trucks to move.

Ms. Sabin asked if the condo laws prohibit parking commercial vehicles in common areas.

Mr. Haynes said yes.

Ms. Lesniak said it seems restricting this to no parking for commercial vehicles would solve the problem and asked if that can be done.

Mr. Andino said yes, the town will need to re-advertise and continue the public hearing.

Mr. Sykes said he would rather have no parking for all vehicles than do commercial now and have to add to that later.

Mrs. Van Der Water said she would rather see the direct problem addressed rather than impose no parking for all.

Ms. Sabin said she is in favor of prohibiting commercial vehicles only.

Mr. Sykes asked Mr. Haynes to look at the vehicle and let him know if it is a commercial vehicle or not.

Mr. Andino said the town may be able to address this depending on weight of vehicle since the limit on the road is 7 tons.

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Mr. Haynes said if it was not parked so close to the driveway, they may never have had to come here.

139-20-000 MOTION BY Ms. Sabin, seconded by Mrs. Van Der Water, to close the public hearing and resume the regular meeting at 7:55 pm.

Mrs. 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

140-20-000 MOTION BY Mrs. Van Der Water, seconded by Ms. Sabin, to adjourn to the next Regular Town Board Meeting on November 4, 2020 at 7:30 pm.

Mrs. 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 7:55 pm

Respectfully submitted,

Lynn Precourt

Town Clerk

Dated: 10/21/20