

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on September 3, 2019 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
Ms. Mary Frances Sabin	Deputy Supervisor
Mr. Claude Sykes	Supervisor

Also present:

Mr. Kevin Gilligan	Town Attorney
Mr. Jason Hoy	Town Engineer
Mr. Doug Foster	Highway Superintendent
Ms. Lynn Precourt	Town Clerk

Pledge of Allegiance and Roll Call.

Approve minutes of the August 20, 2019 Regular Town Board Meeting:

186-19-000 MOTION BY Ms. Dickman, seconded by Ms. Lesniak, to approve the minutes of the August 20, 2019 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

Consider approval of Local Law G-2019:

187-19-030 The following resolution was offered by Councilor Sabin, who moved its adoption, seconded by Councilor Dickman, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. G-2019, titled “A Local Law Confirming the Zoning Designation for Certain Property as Being Zoned Planned Unit Development (PUD) in the Town of Van Buren and Amending the 2019 Seneca Neighborhood PUD Zoning Plan,” would Local Law adopt a revised development plan for the Seneca Neighborhood, which sets forth a reduction in lots from 193 to 172, resulting in larger lot sizes, an increase in open greenspace and the inclusion of patio/duplex homes with zero lot lines, as shown on the revised PUD map, prepared by Keplinger Freeman Associates, dated February 26, 2019, as last revised June 28, 2019, was presented and

introduced at a regular meeting of the Town Board of the Town of Van Buren held on August 6, 2019; and

WHEREAS, a public hearing was held on such proposed local law on the 20th day of August, 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, as required by General Municipal Law for their review and comment, and the OCPB took no position; and

WHEREAS, the OCPB session having taking place, the OCPB determined in OCPB Case # Z-19-227, by Resolution dated August 28, 2019, that the proposed Local Law will have no significant adverse inter-community or county-wide implications and offered several comments which will be considered by the Town with respect to this project; and

WHEREAS, the enactment of Proposed Local Law No. G-2019 has previously been determined to be a Type I action, an environmental impact statement (EIS) was not required; and a negative declaration was issued on August 6, 2019 pursuant to SEQRA determining that this action will have no significant effect on the environment and further ratified and reaffirmed its prior negative declaration issued on June 4, 2019 for this project, thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. G-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. G-2019 as Local Law No. 7 as follows:

“LOCAL LAW NO. 7-2019

TOWN OF VANBUREN

**A LOCAL LAW CONFIRMING THE ZONING DESIGNATION FOR
CERTAIN PROPERTY AS BEING ZONED PLANNED UNIT DEVELOPMENT (PUD)
IN THE TOWN OF VAN BUREN AND AMENDING
THE 2019 SENECA NEIGHBORHOOD PUD ZONING PLAN**

BE IT ENACTED by the Town of Van Buren Town Board, as follows:

Section 1. The Town of Van Buren confirms the enactment of Local Law No. 5 of 2019, which approved the zoning use designation of certain lands described herein on the attached Schedule “A” as Planned Unit Development (PUD) as that zoning classification is defined and regulated pursuant to the provisions of Chapter 200 of the Code of the Town of Van Buren as previously amended and further adopts a revised development plan for the Seneca Neighborhood PUD, which sets forth a reduction in lots from 193 to 172, resulting in larger lot sizes, an increase in open

greenspace and the inclusion of patio/duplex homes with zero lot lines, as shown on the revised PUD map, prepared by Keplinger Freeman Associates, dated February 26, 2019, as last revised June 28, 2019.

See Schedule “A”

Section 2. The Town of Van Buren Zoning Map shall be amended to reflect the zoning use classification, as herein provided.

Section 3. This Local Law shall become effective upon its filing with the New York Secretary of State.

SCHEDULE “A”

All that tract or parcel of land situate in the Town of Van Buren, County of Onondaga and State of New York and being part of Lots 15, 23 and 43 in said Town and being more particularly bounded and described as follows:

Beginning at the intersection of the centerline of New York State Route No. 48 with the north line of Seneca Knolls, Section D as shown on a map of said tract filed in the Onondaga County Clerk's Office as map No. 3952; thence N42°22'47”W, along said centerline, a distance of 476.00 feet to an angle point therein; thence N42°50'59”W, along said centerline, a distance of 640.03 feet to the southerly corner of a parcel of land described in a deed to Trapp and Evans, recorded in said Clerk's Office in Book of Deeds 4750 at page 115; thence N55°34'02”E, along the southeast line of said parcel and through an iron pipe near said centerline, a distance of 385.49 feet to an iron pipe at the east corner of said parcel; thence N38°57'43”W, along the northeast line of said parcel and the northeast line of a parcel of land described in a deed to Capria recorded in said Clerk's Office in Book of Deeds 4744 at page 823, a distance of 199.25 feet to an iron pipe at the east corner of said Capria parcel; thence S55°34'06”W, along the northwest line of said Capria parcel, a distance of 390.00 feet to said centerline; thence N38°02'17”W, along said centerline, a distance of 150.00 feet to an angle point therein; thence N37°56'27”W, along said centerline, a distance of 324.05 feet to the northwest line of lands described in a deed to Route Forty-Eight Corp. recorded in said Clerk's Office in Book of Deeds 2543 at page 685; thence the following five courses and distances along said northwest line: 1. N57°47'53”E, a distance of 113.50 feet; 2. N37°52'49”W, a distance of 78.03 feet to an iron; 3. N52°45'02”E, a distance of 239.00 feet; 4. N34°22'18”W, a distance of 135.85 feet to an iron; 5. N50°51'18”E, a distance of 925.86 feet to an iron pipe on the southwesterly line of Van Ness Road South; thence N46°07'17”W, along said southwesterly line a distance of 177.09 feet; thence N86°21'07”E, across said road, a distance of 135.58 feet to the southwest line of lands of the Erie-Lackawanna Railroad Co.; thence S46°07'17”E, along said southwest line, a distance of 1043.26 feet to a point of curve; thence southeasterly on a curve to the left having a radius of 6589.40 feet, a length of arc of 668.96 feet to a railroad monument at the point of tangency; thence S51°56'17”E, a distance of 15.59 feet to the northerly corner of Lot 2, Seneca Golf Course as shown on a map by Applied Earth Technologies, Stephen Sehnert, Land Surveyor filed in the Onondaga County Clerk's Office as map No. 12262; thence S45°39'08”W, along the northwest line of said lot, a distance of 68.99 feet to the westerly corner of said lot; thence S45°47'34”E, along the southwesterly line of said lot, a distance of 435.00 feet to the south corner of said lot; thence N45°39'08”E along the southeasterly line of said lot, a distance of 115.97 feet to the east corner of said lot and the southwesterly line of said railroad; thence S51°56'17”E,

along said railroad, a distance of 1217.30 feet to a widening in said railroad lands; thence S03°26'17"E, a distance of 22.03 feet; thence S51°56'17"E, a distance of 115.29 feet to the easterly extension of the north line of Seneca Knolls, Section C as shown on a map of said tract filed in said Clerk's office as map No. 3893; thence S86°13'53"W, along said extension and the north line of Seneca Knolls sections C and D, a distance of 2380.82 feet to the point of beginning.

Excepting therefrom a small triangular parcel in the westerly corner of the above described parcel appropriated by the People of the State of New York as Parcel No. 29, Map No. 26 and recorded in said Clerk's Office in Book of Deeds 2033 at page 376.

Further excepting therefrom all that tract of parcel of land situate in the Town of VanBuren, County of Onondaga and State of New York, being part of Farm Lot 15 of said town and more particularly described as Lot 1 Seneca Golf Course according to a map made by J. Stephen Sehnert, LLS, dated June 22, 2016 and filed in the Onondaga County Clerk's Office on October 13, 2016 as Map No. 12262."

Roll Call Votes: 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

Consider adoption of resolution authorizing the adoption of the 2019 Onondaga County Multi-Jurisdictional Hazard Mitigation Plan Update:

188-19-034 MOTION BY Mr. Tupper, seconded by Mr. Dudzinski, to approve the following resolution:

WHEREAS, all jurisdictions within Onondaga County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, the Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs, including the preparation of Hazard Mitigation Plans; and

WHEREAS, Onondaga County, with a Planning Partnership of Onondaga County municipalities, has gathered information and prepared the 2019 Onondaga County Multi-Jurisdictional Hazard Mitigation Plan Update (the "Plan"), in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Partnership has completed a planning process that has engaged the public with opportunity for input and public comment, assessed the risk and vulnerability to the impacts of natural hazards, developed a mitigation strategy consistent with a set of uniform goals and objectives, and created a plan for implementing, evaluating and revising this strategy; and

WHEREAS, the Town of Van Buren has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW, THEREFORE, BE IT RESOLVED that the Town of Van Buren adopts in its entirety, the 2019 Onondaga County Multi-Jurisdictional Hazard Mitigation Plan Update (the "Plan") as

the jurisdiction's Natural Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.

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

Consider approval of PILOT agreement for Conifer Village Rehabilitation Project:

189-19-041 MOTION BY Ms. Sabin, seconded by Ms. Dickman, to approve the following resolution:

WHEREAS, the Town has entered into negotiations with Kevin McAuliffe, Esq., an attorney representing a group of investors (the “Developer”), who intend to renovate and redevelop an existing senior housing facility known as Conifer Village, located at 700 Conifer Drive, Baldwinsville, NY 13027 (the “Project”); and

WHEREAS, the Town desires to receive payments pursuant to a payment in lieu of tax agreement (“PILOT”) and has negotiated such agreement with the Developer and officials representing the Baldwinsville Central School District and the Village of Baldwinsville; and

WHEREAS, after careful consideration, the Town believes that entering into the PILOT is in its best interest; and

NOW, THEREFORE, BET IT RESOLVED by the Board as follows:

Section 1. The Town supports the Onondaga County Industrial Development Agency entering into a PILOT with the Developer under the following terms: (1) the PILOT payment for the first year of the Project to the Town shall be \$9,795.22; (2) the payment amount under the agreement shall escalate 2% every year; and (3) the term of agreement shall be for thirty (30) years. Please see attached spreadsheet.

Section 2. This resolution shall take effect immediately.

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

Approval of 20 year agreement with OCWA for the Canton Street Water Supply District and execution thereof:

190-19-051 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to approve the following resolution:

WHEREAS, The Town and Onondaga County Water Authority (hereinafter “AUTHORITY”) desire to enter into an agreement to continue supplying water to the Canton Street Water Supply District (hereinafter “DISTRICT”); and

WHEREAS, the TOWN represents to the AUTHORITY that the DISTRICT was duly established as provided by law; and

WHEREAS, the TOWN represents to the AUTHORITY that the TOWN has the power and the authority to bind itself to the provisions of the proposed AGREEMENT'

NOW, THEREFORE,

BE IT RESOLVED, that the AGREEMENT between the AUTHORITY and the TOWN in the form as is annexed hereto, be and hereby is approved by the TOWN; and

BE IT FURTHER RESOLVED that the Town Board of the TOWN hereby executes said AGREEMENT on behalf of the DISTRICT and the Town Clerk is hereby authorized to deliver a copy of the executed AGREEMENT to the AUTHORITY; and any other party.

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

Receive bids for Snowdale Community Development Drainage Project (Year 11):

Mr. Sykes said the town received four bids ranging from \$68,700 to \$100,000.

191-19-023 MOTION BY Ms. Lesniak, seconded by Mrs. Van Der Water, to receive the bids for the Snowdale Community Development Drainage Project (Year 11).

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

Award of Snowdale Community Development Drainage Project (Year 11):

Mr. Sykes said the low bidder is a company that has done drainage work in Seneca Knolls the past four years. He said the town and the residents have been pleased with their work.

192-19-023 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to award the bid for the Snowdale Community Development Drainage Project (Year 11) to J.J. Lane Construction in the amount of \$ 68,700.00.

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

Consider approval of bond resolution amendment to increase project cost from \$2,250,000 to \$2,325,000 for highway garage project:

193-19-006 The following resolution was offered by Town Board member Tupper, who moved its adoption, and second by Town Board member Dudzinski, to wit:

AMENDING BOND RESOLUTION OF THE TOWN OF VAN BUREN ADOPTED SEPTEMBER 3, 2019 AMENDING A BOND RESOLUTION ADOPTED ON OCTOBER 20, 2015, AS AMENDED ON JULY 3, 2018, TO INCREASE THE MAXIMUM ESTIMATED COST OF THE PROJECT AND AMEND THE PLAN OF FINANCE TO AUTHORIZE THE ISSUANCE OF ADDITIONAL SERIAL BONDS OR NOTES TO PAY THE COST THEREOF

RECITAL

WHEREAS, the Town Board of the Town of Van Buren, as a local agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”), ECL Section 8-0101, et seq., and implementing regulations, 6 NYCRR Part 617 (the “Regulations”) is required to make a determination with respect to the environmental impact of any "action" (as defined in the Regulations) to be taken by the Town; and

WHEREAS, pursuant to a duly adopted Bond Resolution on October 16, 2015 (the “2015 Bond Resolution”), the Town Board authorized the acquisition of an approximately 3.89 acre parcel of land located at 3417 Walters Road in the Town of Van Buren, New York and undertaking a capital improvement project thereon consisting of the construction of a new highway garage facility, including all related demolition and site improvements, including original furnishings, fixtures and equipment required for such purposes, architectural fees, and all other necessary costs incidental to such work (the “Project”) at a maximum estimated cost of \$2,000,000 and further authorized the issuance of bonds and bond anticipation notes of the Town, including renewals thereof, in principal amount not to exceed \$2,000,000 to finance the Project; and

WHEREAS, by resolution adopted on October 16, 2015, the Town Board determined that the proposed project is an Unlisted Action as such term is defined in the Regulations, declared itself lead agency, adopted certain findings and conclusions set forth in an Environmental Assessment Form prepared by the Town's Engineer, and in accordance with a reasoned elaboration, determined that the Project will not result in any significant adverse impacts to the environment and issued a Negative Declaration with respect to the Project; and

WHEREAS, subsequent to October 16, 2015, the Town Board determined that the actual cost to construct the Project was \$250,000 more expensive than originally contemplated in the Project's budget and by resolution adopted on July 3, 2018 (the “2018 Amending Bond Resolution”) the Town Board amended the 2015 Bond Resolution to increase the maximum estimated cost of the Project from \$2,000,000 to \$2,250,000 and also increased the total authorized amount of bonds and notes to finance the cost of the Project from \$2,000,000 to \$2,250,000; and

WHEREAS, the Town Board has recently determined that the actual cost to complete the Project is higher than contemplated in July of 2018 and the Town Board now intends to amend the 2015 Bond Resolution to increase the maximum estimated cost of the Project from \$2,250,000 to

\$2,325,000 and also increase the total authorized amount of bonds and notes to finance the cost of the Project from \$2,250,000 to \$2,325,000; and

NOW, THEREFORE BE IT RESOLVED, BY THE TOWN BOARD OF THE TOWN OF VAN BUREN, (by favorable vote of not less than two thirds of all the members of said Board of Education) AS FOLLOWS:

Section 1. The Town hereby determines that the adoption of this Amending Bond Resolution constitutes a “Type II Action” under Section 617.5(c)(26) of the Regulations and is not subject to review under SEQRA.

Section 2. The maximum estimated cost of the Project is hereby increased from \$2,250,000 to \$2,325,000 and said amount is hereby appropriated therefor.

Section 2. The plan of finance is hereby amended to authorize the issuance of serial bonds in the aggregate principal amount not to exceed \$2,325,000, subject to available State aid or to any other revenues available for such purpose from any other source.

Section 3. Bonds and bond anticipation notes of the Town, including renewals thereof, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law of the State of New York, in a principal amount not to exceed \$2,325,000 to finance said appropriation for the Project.

Section 4. Except as modified by the 2018 Amending Bond Resolution and as further modified above, the 2015 Bond Resolution remains in full force and effect.

Section 5. This Amending Bond Resolution shall be subject to permissive referendum and a summary hereof (attached hereto as Exhibit A) shall be published and posted within ten (10) days of adoption by the Town Clerk as provided by the Town Law. This Amending Bond Resolution shall become effective 30 days after publication of such notice. Following such effective date, in the event that no petition for a referendum was timely submitted and filed, the Town Clerk shall cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Amending Bond Resolution (attached hereto as Exhibit B).

WHEREFORE, the foregoing Amending Bond Resolution was put to a vote of the members of the Town Board of the Town, the result of which vote was as follows:

Roll Call Votes: Mrs. 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

Authorize Supervisor to execute agreement with NYSEG for conversion of street lighting in NYSEG service areas to LED's at a cost of \$2,459.21:

194-19-032 MOTION BY Mrs. Van Der Water, seconded by Mr. Tupper, to authorize Supervisor to execute agreement with NYSEG for conversion of street lighting in NYSEG service areas to LED's at a cost of \$2,459.21.

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 and Comments:

Ms. Sabin said she met with FIOS and Condo 2 and 3 representatives about installation of services. She said there are concerns about aesthetics if installed on the exterior of the buildings. However, if interior installation it will need to be run up through closets and any of the unit owners can refuse it leaving those living above them without service. She said they are working on finding the next solution to this design issue and hope to be able to install FIOS to these buildings early next year.

Ms. Sabin scheduled a Land Use Committee meeting on September 17th at 5:45 pm at Town Hall. She said they will discuss the draft solar laws and whether to strengthen the town's property maintenance laws.

Ms. Dickman scheduled a Personnel Committee meeting on September 10th at 2:00 pm here at Town Hall.

Highway Superintendent Comments: None

Supervisor Comments:

Mr. Sykes said the following times and dates have been scheduled for 2020 budget work sessions to be held at Town Hall:

October 22, 2019:

6 pm – Codes

6:30 pm – Engineer

7:00 pm – Town Clerk/Receiver of Taxes

7:30 pm – Parks & Recreation

8:00 pm – Bldgs and Grounds

October 23, 2019:

6:00 pm – Justice

6:30 pm – Highway

7:30 pm – Assessor

Regular Town Board Meeting September 3, 2019

8:00 pm – General Review, Special Districts, Supervisor, Town Board, Comptroller, Senior Center, Others

November 6, 2019 at 7:00 pm the Tentative Budget and Special Districts Budgets Public Hearings will be held at Town Hall.

Engineer Comments: None

Attorney Comments: None

Citizens Comments: None

195-19-000 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to adjourn to the next Regular Town Board Meeting on September 17, 2019 at 7:00 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 7:17 pm

Respectfully submitted,

Lynn Precourt
Town Clerk

Dated: 9/4/19