

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on November 19, 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
Ms. Mary Frances Sabin	Deputy Supervisor
Mr. Claude Sykes	Supervisor

Absent: Mr. Ronald Dudzinski Councilor

Also present:

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

Pledge of Allegiance and Roll Call.

Approve minutes of the Town Board Meeting on November 6, 2019:

230-19-000 MOTION BY Ms. Dickman, seconded by Mrs. Van Der Water, to approve the minutes of the Regular Town Board Meeting on November 6, 2019 as published.

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

All Ayes – Motion Carried & Adopted

Authorize Supervisor to execute participant agreement with OCEBA for the town's health insurance program:

Mr. Sykes said this agreement has been reviewed by the attorney.

231-19-029 MOTION BY Ms. Sabin, seconded by Ms. Dickman, to authorize the Supervisor to execute participant agreement with OCEBA for the town's health insurance program.

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

All Ayes – Motion Carried & Adopted

Approval to add Wayne Bailey to part time wingman roster for winter operations at the rate of \$21.71 an hour:

232-19-038 MOTION BY Ms. Sabin, seconded by Mrs. Van Der Water, to approve Wayne Bailey as part time wingman for winter operations at the rate of \$21.71 an hour.

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

All Ayes – Motion Carried & Adopted

Introduction of Local Law for tax exemption opt out for solar installations:

233-19-039 Councilor Dickman introduced proposed Local Law No. K-2019, a local law to amend Chapter 180 of the Code of the Town of Van Buren to add new Article X titled “Opting Out of the Real Property Tax Exemption For Solar and Wind Energy Systems and Farm Waste Energy Systems Pursuant to Real Property Tax Law § 487,”, and made the following motion, which was seconded by Councilor Tupper:

WHEREAS, New York Real Property Tax Law § 487 provides a real property tax exemption to solar and wind energy systems and farm waste energy systems; and

WHEREAS, New York Real Property Tax Law § 487(8) authorizes municipalities to enact a local law to opt-out of the real property tax exemption for solar and wind energy systems and farm waste energy systems; and

WHEREAS, proposed Local Law K-2019, if enacted, would have the effect of the Town of Van Buren opting out of the real property tax exemption for solar and wind energy systems and farm waste energy systems thereby subjecting said systems to real property tax within the Town of Van Buren; and

WHEREAS, proposed Local Law K-2019 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law 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 of 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 proposed Local Law No. K-2019 is an unlisted action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQR review; and it is further

RESOLVED AND DETERMINED, the Town Board has determined this action has 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 findings and reasons supporting this negative declaration are as follows:

- This action, by itself, will not affect the air, land or waters of the Town and will not impact scenic or noise parameters.
- This is an administrative and financial law, designed to address property tax aspects of such uses and has nothing to do with actual siting of same; and it is further

RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. K-2019 at the Town Hall located at 7575 Van Buren Rd, Baldwinsville, NY 13027 on December 3, 2019 at 7:00 pm, or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

A LOCAL LAW TO AMEND CHAPTER 180 OF THE CODE OF THE TOWN OF VAN BUREN TO ADD A NEW ARTICLE X TITLED “OPTING OUT OF THE REAL PROPERTY TAX EXEMPTION FOR SOLAR AND WIND ENERGY SYSTEMS AND FARM WASTE ENERGY SYSTEMS PURSUANT TO REAL PROPERTY TAX LAW § 487”

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

SECTION 1. LEGISLATIVE FINDINGS AND INTENT

It is the intent of the Town Board of the Town of Van Buren to opt-out of the real property tax exemption for wind and solar energy systems and farm waste energy systems within the jurisdiction and geographic boundaries of the Town of Van Buren. The Town has received applications for solar and wind energy systems and farm waste energy systems to be located within the Town and additional applications are anticipated in the future. These systems are eligible for a real property tax exemption under New York State Real Property Tax Law which would otherwise eliminate real property tax revenue generated for the Town from these systems. New York State Real Property Tax Law authorizes municipalities to opt-out of the real property tax exemption for solar, wind systems and farm waste energy systems provided the municipality enacts a local law “opting out” of the tax exemption. In accordance with Real Property Tax Law § 487, it is the intent of this Local Law that the Town of Van Buren opt-out of the real property tax exemption for solar and wind energy systems and farm waste energy systems.

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to New York Real Property Tax Law § 487(8), the New York State Constitution, and New York Municipal Home Rule Law §10.

SECTION 3. **ARTICLE X- SECTION 180-29**

Chapter 180 of the Code of the Town of Van Buren is amended to add a new Article X thereto, as follows:

“Article X

§ 180-29 No Tax Exemption for Solar and Wind Energy Systems and Farm Waste Energy Systems

Pursuant to and consistent with New York State Real Property Tax Law § 487(8) the Town of Van Buren Town Board hereby declares that solar and wind energy systems and farm waste energy systems shall not be exempt from real property taxes within the jurisdiction and geographic boundaries of the Town of Van Buren.”

SECTION 4. **SEVERABILITY**

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. **FILING**

Pursuant to New York Real Property Tax Law § 487(8), following the enactment of this Local Law a copy of this Local Law shall be filed with the Commissioner of the New York State Department of Taxation and Finance and the President of the New York State Energy Research and Development Authority (NYSERDA).

SECTION 6. **EFFECTIVE DATE**

This Local Law shall be effective upon filing with the office of the Secretary of State.

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

All Ayes – Motion Carried & Adopted

Set Thursday, January 2, 2020 at 7:00 pm for the Town Organizational Meeting and first Town Board meeting for January 2020:

234-19-000 MOTION BY Mr. Tupper, seconded by Ms. Lesniak, to set Thursday, January 2, 2020 at 7:00 pm as the Town Organizational Meeting and first Town Board meeting for January 2020.

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

All Ayes – Motion Carried & Adopted

Assessor's Report:

Ms. Golden reported on the following Basic Star changes:

The income limit for the Basic Star exemption was reduced to 250,000 from 500,000 in the 2019 State budget. Property owners with income above 250,000 but under 500,000 can register with the state for the Star Credit check, as the income to qualify for the check remains at 500,000. The value of both the Basic and Enhanced Star exemption has been frozen at current levels. In future years the Star Credit Checks MAY increase by up to 2% but the exemptions will remain unchanged. Property owners may choose to renounce their exemption to receive the check instead.

The Town received two petitions for Small Claim Assessment Review, both resulted in no change to assessment.

The Senior Citizen exemption renewals for 2020 were mailed in mid October. Mailing was delayed as the State had not updated the required form. Renewals are being processed and entered for 2020 as received.

No corrections to Enhanced Star exemptions entered into IVP were required after final review by NYSDTF. This resulted in less paperwork for the School Districts and less stress for property owners.

The IVP data base program has been unavailable, due to updates and improvements completed by the State. New Enhanced Star applications will be entered, into the program by office staff for 2020 ASAP.

A review of all sales by neighborhood/ property class has been completed, to target reappraisal work for 2020. Final determinations will be made, after trends/ time adjustments are received by the State.

Inventory and parcel changes are completed for 2020 as received. Final Building Permit review will occur prior to March 1st taxable status date.

Agricultural and Non Profit exemption renewals for 2020 will be mailed in December. The deadline for all exemptions new/renewal is March 1st, 2020.

Ms. Sabin asked how Ms. Golden determines which neighborhoods will require reassessment each year.

Ms. Golden said the sales are reviewed and if they are within 95% to 105% of the current level of assessment, they do not need to be changed. However, if they fall outside of that tolerance the neighborhood is either “trended” or re-appraised.

Ms. Dickman asked how the neighborhoods are defined.

Ms. Golden said by location and style of home. For instance, Marion Meadows, Sun Meadows and other housing developments are easier to define as a neighborhood. She said the more rural areas of the town are considered one neighborhood, excluding properties along the Seneca River and those around Site 31.

Councilor Committee Reports and Comments:

Ms. Sabin scheduled a Land Use Committee meeting for December 3, 2019 at 5:30 pm at Town Hall to discuss potential changes to the property maintenance law.

Ms. Dickman scheduled a Personnel/Labor Committee meeting for December 4, 2019 at 3:30 pm. She said this meeting will be with members of the union for continued negotiations.

Mr. Tupper announced the next Canton Woods Senior Center meeting is December 5, 2019 at 7:45 am at the senior center.

Highway Superintendent Comments:

Mr. Foster reminded everyone that winter parking rules are now in effect. They will run through April 15th and prohibit parking on town roads between 2:00 am and 6:00 am.

Mr. Foster asked that everyone please keep their cars off the roads as it makes it safer and more efficient for the plows to get through to clear the roads for those going to school and work.

Mr. Foster reminded residents not to shovel or snowblow snow from their driveways into the roads. He said it is illegal and can cause liability issues for the homeowner if it causes an accident or property damage.

Mr. Foster said as always the town will replace only properly installed mailboxes that have been hit by a plow with a standard mailbox replacement. He said if the post is improperly installed, rotted or simply pushed down from the weight of the snow being pushed toward it the town will not replace it. He asked residents to contact the department if they have any concerns or questions.

Supervisor Comments:

The Upstate Mobile Mammography Van will be here at Town Hall December 12th. Pre-registration is required and they will be present November 21st between 9 am and 11 am. Anyone with questions should contact 315-464-2582, uninsured and insured individuals are welcome and no referral is needed.

Engineer Comments:

Mr. Hoy said he attended a stormwater conference and NYS DEC gave a lot of good information. He said he also received a new flood hazard evaluation report from the Army Corps of Engineers with new verified flood plain boundaries.

Regular Town Board Meeting November 19, 2019

Attorney Comments: None

Citizens Comments:

Mr. Andy Bowes asked what the proposed solar installation opt out is about.

Mr. Sykes explained the town can either enter into PILOT agreements or can have the Assessor place value on the improvements. He said the town is choosing to allow the Assessor to assess these installations rather than have separate agreements with those who install them.

Mr. Bowes asked why the paving on Crego Road stopped short of going to the corner with Rt. 31.

Mr. Foster said the County asked the town to stop short of the signal loops for the traffic light, but, then did not pave that section when they did their resurfacing. He said it is on the list to be done in the Spring.

Mr. Sykes wished everyone a Happy Thanksgiving.

235-19-000 MOTION BY Ms. Dickman, seconded by Mrs. Van Der Water, to adjourn to the next Regular Town Board Meeting on December 3, 2019 at 7:00 pm.

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

All Ayes – Motion Carried & Adopted

Meeting closed 7:21 pm

Respectfully submitted,

Lynn Precourt
Town Clerk

Dated: 11/20/19