

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on December 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
Mr. Howard Tupper	Councilor
Ms. Patricia Dickman	Councilor
Mr. Ronald Dudzinski	Councilor
Ms. Mary Frances Sabin	Deputy Supervisor
Mr. Claude Sykes	Supervisor

Absent: Ms. Darcie Lesniak, Councilor

Also present:

Mr. Kevin Gilligan	Town Attorney
Mr. Jason Hoy	Town Engineer
Ms. Lynn Precourt	Town Clerk

Pledge of Allegiance and Roll Call.

Approve minutes of the Town Board Meeting on November 19, 2019:

236-19-000 MOTION BY Ms. Dickman, seconded by Mrs. Van Der Water, to approve the minutes of the Regular Town Board Meeting on November 19, 2019 as published.

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

All Ayes – Motion Carried & Adopted

Public Hearing on Amendment to Town’s Comprehensive Plan relative to regulation of Solar Energy:

237-19-000 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 11/10/19.

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

All Ayes – Motion Carried & Adopted

Mr. Sykes said there is nothing regarding solar energy in the current Comprehensive Plan for the town.

Mr. Gilligan read the following proposed addition to the plan:

The Town of Van Buren recognizes that solar energy is a clean, readily available and renewable energy source. Development of solar energy systems offers an energy source that can prevent fossil fuel emissions, reduce the Town's energy demands and attract and promote green business development within the Town. The Town of Van Buren has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and businesses. The Town desires to promote the effective and efficient use of solar energy systems; establish provisions for the placement, design, construction, operation and removal of such systems in order to uphold the public health, safety and welfare; and to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and character of the Town."

Mr. Sykes asked if there was anyone to speak against this proposed addition to the Comprehensive Plan.

Mr. Pete Wilder, 105 Highview Drive, was present and addressed the Board. He gave them information on all other towns in Onondaga County and whether they have laws regarding solar energy, a permitting process and fee structure.

Mr. Wilder said he is interested in a ground mount system for use on his property for a shop and studio. He said he understands why the town may want to prohibit ground mount systems in certain denser areas of the town, but that it should be allowed on property that meets the size requirements in the Code.

Mr. Sykes said an application for a variance can always be submitted and the Planning Board's function is to review those variances and determine if the applicant should receive relief from the current code.

Mr. Wilder said he is in favor of the town adopting the language to include green technology.

Mr. Andy Bowes, 116 Hunter Drive, said he is concerned about the large solar farms and has researched their affect on Massachusetts. He said this plan does not seem to treat large and mid-sized solar arrays differently than a small ground mounted system for a single family residence.

Mr. Sykes said the technology will change in the future and the town left this language broad and can use variances to address specific applications.

Mr. Sykes asked if there was anyone to speak in favor of this proposed addition to the Comprehensive Plan.

Mr. Mark Parah, 2655 Connors Road, said he is in favor of this addition.

Mr. Wilder and James Minnoe, 6900 Peck Road, along with Helen Roe, 7491 State Fair Blvd., all were also in favor of the propose addition of this language in the Town's Comprehensive Plan.

Public Hearing on Local Law J-2019 – regulation of Solar Power and Energy Systems:

238-19-000 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to close the previous public hearing and open this public hearing to consider Local Law J of 2019 at 7:21 pm and waive reading the legal notice published in the *Post Standard* on 11/10/19.

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

All Ayes – Motion Carried & Adopted

Mr. Gilligan said the Onondaga County Planning Board took no position on this proposed local law leaving the decision to the local municipality.

Mr. Sykes asked if there was anyone to speak in favor of this proposed local law.

Mr. Andy Bowes said he approved of the town proposing this new solar law and it will be an evolving thing as technology changes. He said he is happy the town is addressing this issue and open to making it work.

Mr. Pete Wilder, said he understands this proposed law has to walk tightropes between industrial and residential. He said solar can save money and make the grid more resilient. He said generating power locally prevents loss of electricity. He said he believes it is a benefit to the community.

Mr. Wilder said he hopes the town will have an expert on retainer or on call for officials in decision making positions to help them navigate applications.

Mr. Wilder also said this is a law that will need to have periodic review as technology changes to prevent long moratoriums to completely overhaul the language.

Mr. Tony Geiss, 202 Crandon Terrace, said he agreed the moratorium was appropriate in order to research and write a law concerning emerging technology. He commended Ms. Sabin for

heading up the committee and James Ruddock for his work with NYSERDA on proposed changes. He said this covers a lot of loopholes and is in favor of its adoption.

Mr. Mark Parah said he is in favor of this local law.

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

239-19-000 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to close the public hearing at 7:30 pm and resume the Regular Meeting.

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

All Ayes – Motion Carried & Adopted

Public Hearing on Local Law K of 2019 – Opt Out for Solar Exemption

240-19-000 MOTION BY Ms. Dickman, seconded by Mr. Tupper, to recess the regular meeting, open the public hearing and waive reading the legal notice published in the *Post Standard* on 11/24/19.

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

All Ayes – Motion Carried & Adopted

Mr. Sykes said the current laws concerning assessment of solar energy are to enter into a payment in lieu of taxes agreement with the owner, accept the exemption from the state or opt out and allow the Assessor to place a value on the improvement on the property. Mr. Sykes said whenever an exemption to taxes is granted someone else has to pay the difference. He said this Board felt it was in the best interest of residents to allow the Assessor to do her job. He said New York State has an abundance of guidance on assessing these improvements.

Mr. Sykes asked if there was anyone to speak in favor of this proposed Local Law.

Mr. Andy Bowes said he agrees the town should keep the control over the tax base in Town of Van Buren.

Mr. Sykes asked if there was anyone to speak against this proposed Local Law.

Mr. Pete Wilder said he believes solar should receive the same subsidies as fossil fuel, which is baked into our economic structure at 6% GDP. He said he believes there should be subsidies via federal, state and local governments to level that playing field for solar technology. He said solar energy is not the same as a swimming pool. He said a ground mounted solar array can be moved to a new home and he wanted to point out those differences. He also said he has written to

his legislative representatives to encourage them not to reduce the subsidies on solar that will start in January. He said he personally will have to pay about \$1,200 more for his ground mounted solar because he cannot apply for permit until the solar law is approved.

Ms. Kathy Roe said she would happily pay more in taxes to offset an exemption for solar to prevent climate change.

241-19-000 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to close the public hearing and resume the Regular Town Board Meeting at 7:42 pm.

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

All Ayes – Motion Carried & Adopted

Adoption of Local Law K of 2019:

242-19-030 The following resolution was offered by Councilor Mrs. Van Der Water, who moved its adoption, seconded by Councilor Dudzinski, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled 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,” was presented and introduced at a regular meeting of the Town Board of the Town of Van Buren held on November 19, 2019; and

WHEREAS, a public hearing was held on such proposed local law on December 3, 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 Law of the State of New York; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on December 3, 2019 the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. K-2019 is an unlisted action and will have no significant effect on the environment, issuing a negative declaration, thus concluding environmental review under State Environmental Quality Review Act; and

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

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Van Buren, Onondaga County, New York, does hereby enact Proposed Local Law No. K-2019 as Local Law No. 10-2019 as follows:

“LOCAL LAW NO. 10-2019

TOWN OF VAN BUREN

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, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Set Public Hearing for 12/17/19 at 7:00 pm to hear comments on Amendment to Town’s Comprehensive Plan relative to regulation of Solar Energy Systems:

Mr. Sykes said the Board must hold two public hearings on any amendments to the Comprehensive Plan so we will do this again at the next meeting.

Mr. Sykes thanked the committee members who worked on this amendment and the proposed solar law.

Mrs. Van Der Water asked if Mr. Wilder could provide contact information for the representatives he has contacted encouraging them to keep the current level of subsidies in place for solar power.

Mr. Wilder said he will get that information to Mr. Sykes.

243-19-039 The following resolution was offered by Councilor Sabin, who moved its adoption, seconded by Councilor Dudzinski, to wit:

WHEREAS, the Town Board of the Town of Van Buren is currently considering an amendment to the Town of Van Buren Comprehensive Plan relative to the regulation and permitting of solar energy systems while ensuring the protection of the health, safety and welfare of the Town; and

WHEREAS, pursuant to Town Law §272-a, at a regular meeting of the Town Board, held on November 6, 2019, the Town Board proposed and introduced an amendment to the Comprehensive Plan for purposes of review, input and public participation; and

WHEREAS, at that time the Town Board determined the adoption of the amendment to the Comprehensive Plan to be a Type I Action, that the Town Board would act as lead agency, reviewed a Full Environmental Assessment Form and issued a negative declaration for purposes of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board referred the amendment to the Onondaga County Planning Board in accordance with General Municipal Law §239-m which took no position and indicated that this Board may proceed to consider same at its own discretion; and

WHEREAS, on December 3, 2019, the Town Board held a public hearing to allow for review, input and public participation in the preparation of the proposed amendment to the Comprehensive Plan resulting in no changes thereto; and

WHEREAS, pursuant to Town Law §272-a, following the preparation of the amendment to the Comprehensive Plan, the Town Board must hold a second public hearing prior to considering the adoption of the amendment; and;

NOW, THEREFORE,

BE IT RESOLVED, that the amendment to the Town of Van Buren Comprehensive Plan has been prepared by the Town Board with review, input and participation from the public and is proposed as follows:

“IV-A

Renewable Energy-Solar Systems

“The Town of Van Buren recognizes that solar energy is a clean, readily available and renewable energy source. Development of solar energy systems offers an energy source that can prevent fossil fuel emissions, reduce the Town’s energy demands and attract and promote green business development within the Town. The Town of Van Buren has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and businesses. The Town desires to promote the effective and efficient use of solar energy systems; establish provisions for the placement, design, construction, operation and removal of such systems in order to uphold the public health, safety and welfare; and to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and character of the Town.”

RESOLVED AND DETERMINED that the Town Board shall conduct a further public hearing as to the adoption of the proposed amendment to the Town of Van Buren Comprehensive Plan at the Van Buren Town Offices located at 7575 Van Buren Road on December 17, 2019 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.

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

All Ayes – Motion Carried & Adopted

Budget Transfers per Comptroller’s memo:

244-19-007 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to approve the following budget transfers:

Budget Transfer

TO:	A.1355.0401	Assessor, Office Suplies	\$	150
	A.1410.0443	Town Clerk, Publication	\$	634
	A.1420.0430	Legal, Non-Retainers	\$	12,000
	A.1620.0406	Bldg & Grounds, Clothing	\$	150
FROM:	A.1355.0441	Assessor, Trainng	\$	150
	A.1410.0401	Town Clerk, Office Supplies	\$	634
	A.1620.0415	Bldg & Grounds, Trash	\$	150
	A.1990.0400	Contingency	\$	12,000

Explanation

1420-Legal: Legal costs for labor, both negotiations and the Solar Law

1410-Town Clerk: Law Book update cost exceeded the budgeted amount

Budget Transfer

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	<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
TO:	A.5010.0420	Highway Admin, Vehicle Repairs	\$ 105
	A.5132.0411	Highway Garage, Bldg Repairs	\$ 5,647
	A.5132.0415	Highway Garage, Trash	\$ 121
	A.7110.0415	Parks, Trash Removal	\$ 100
FROM:	A.5010.0441	Highway Admin, Training	\$ 105
	A.7110.0423	Parks, Water	\$ 100
	A.7189.0409	Programs-Other	\$ 424
	A.1990.0400	Contingency	\$ 5,344

Explanation

5132-Highway Garage; Moving into new building and getting old garage ready for sale

Budget Transfer

	<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
TO:	B.3620.0430	Code Enforcement, legal	\$270
	B.8020.0442	Planning/Zoning Memberships	\$20
FROM:	B.3120.0400	Sheriffs	\$290

Explanation

3620- Code Enforcement: Costs related to outside firm that delivers violations to landowners

Budget Amendment

	<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
TO:	DB.5130.0412	Highway, Vehicle Repairs	\$466
	DB.5130.0413	Highway, Vehicle Supplies	\$1,182
FROM:	DB.9010.0800	NYS Retirement	\$1,648

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

All Ayes – Motion Carried & Adopted

Consider reduction of Marion Meadows security Section 1 and 2:

Mr. Sykes said this item will be tabled to the next meeting.

Waive insurance policy cancellation requirement with Town of Geddes for salt shed use:

Mr. Gilligan said insurance companies are refusing to endorse their policies to comply with 30 day cancellation insurance requirement.

245-19-001.1 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, the The Town Board hereby waives that portion of the July 16, 2019 Agreement between the Town of Van Buren and the Town of Geddes relating to salt sharing, that otherwise requires the insurance carriers for the Town of Geddes to issue policy endorsements indicating that the Town of Van Buren will receive 30 days prior written notice of any policy cancellation and accepting “follow form” language provided with regard to the umbrella insurance coverage, as presented in a 11/21/19 memo from Counsel and an 11/22/19 e-mail from Counsel.

Mrs. Van Der Water – 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 a Land Use Committee meeting was held prior to this meeting tonight and they discussed changes to the property maintenance law. She said the most recent draft will be sent to the attorney for review and comments.

Ms. Dickman said the Labor Committee will meet tomorrow to continue negotiations with the AFSCME union representatives.

Mr. Dudzinski, who is on the Land Use Committee, said they are working hard to do their due diligence on changes to the property maintenance law to make it more effective.

Mr. Tupper said the Canton Woods Board of Directors meeting is this Thursday at 7:45 am at the center. He said all are welcome to attend.

Ms. Dickman said it is nice to see so many people here at the meeting. She thanked the members of PAC-B TV for recording the meetings so that those who cannot be here can watch them at home.

Highway Superintendent Comments: None

Supervisor Comments: None

Engineer Comments: None

Attorney Comments:

Mr. Gilligan asked for a short Executive Session for the board to confer with counsel.

Citizens Comments:

Mr. Bowes thanked Mr. Tupper for mentioning the Canton Woods meeting and said that is an under-utilized resource.

246-19-014 MOTION BY Mrs. Van Der Water, seconded by Mr. Dudzinski, to go into Executive Session to confer with counsel at 7:55 pm.

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

All Ayes – Motion Carried & Adopted

247-19-000 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to close the executive Session and resume the regular meeting at 8:04 pm.

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

All Ayes – Motion Carried & Adopted

248-19-000 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to adjourn to the next Regular Town Board meeting on December 19, 2019 at 7:00 pm.

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

All Ayes – Motion Carried & Adopted

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Meeting closed 8:04 pm

Respectfully submitted,

Lynn Precourt
Town Clerk

Dated: 12/4/19