

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on November 4, 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
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
Mr. Doug Foster	Highway Superintendent
Mr. Anthony Geiss	Planning/Zoning Board Chairman
Ms. Lynn Precourt	Town Clerk

Pledge of Allegiance and Roll Call.

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

141-20-000 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to approve the minutes of the 10/20/20 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

Complete public hearing on Local Law A-2020 – Property Maintenance Law:

142-20-000 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 25, 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 joining on Zoom who wanted to speak in favor of this proposed local law. No one spoke.

Mr. Sykes asked if there was anyone joining on Zoom who wanted to speak against this proposed local law.

Ms. Sue Allen, 7199 West Dead Creek Road, said she emailed a letter in opposition. She said instead of making this town into something it is not maybe the town should try helping the people with yards that are a problem. She said this has been before the Board and the people have said they don't want it but you keep pushing it. She said she has lived here for 58 years and this should not be a top priority during a pandemic.

Mr. Dan Fetcie, 7 Buccaneer Bend, said he is against this. He said he does not want to be told what he can do with his property and no one should be going to jail.

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

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

Mr. Tony Geiss, 202 Crandon Terrace, said he has been in this town since the 1970s and involved in planning and zoning since the 1980s and it has always been a struggle to get residents to clean up their property. He said the Code Enforcement Officers throughout the years have had trouble with compliance. He said he knows how much work went into this and thinks it is a good law. He said it is nowhere near close to HOA or Radisson rules; it is simply to get the neighborhoods cleaned up.

143-20-000 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to close the public hearing and resume the regular meeting at 7:11 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

2021 Budget Presentation:

Mr. Maxwell, Comptroller, gave the following presentation on the 2021 budget:

Mr. Maxwell said the budget is made up of various funds and depending on where you live and the services you receive, that is how your tax bill is calculated.

Mr. Maxwell said if you live in the Village of Baldwinsville you pay on the Whole Town or "A" Fund.

If you live outside the Village of Baldwinsville you pay on the Whole Town, Part Town, Highway and any Special Districts (i.e. street lights, drainage, sewer and water) that you have where you live.

Mr. Maxwell said the Whole Town fund encompasses the Town Board, Court, Comptroller, Assessor, Town Clerk, Records Management, Legal, Town Buildings including the Highway Garage, Dog Control, Highway Administration, Park & Recreation, Youth and Seniors, Historian, Landfill and Benefits.

The General Part Town includes police, Code Enforcement, Planning and Zoning Boards, Pac-B.

Mr. Maxwell said the total town spending for 2021 is up \$44,016 from last year or .85%. He said 55% is wages and benefits, 10% are capital costs, 32% are consumables (paper, electricity, etc.) and 3% is debt payment.

Mr. Maxwell said 2020 wages are up \$127,079. Most of the wage increases are negotiated through union contracts. Mr. Maxwell said this includes unused sick and vacation payouts to five employees who are eligible for retirement in 2021 as well as paying for some overlap of positions for training before those employees leave.

Mr. Maxwell said benefits are 41% of each payroll dollar. He noted that full time employees pay 25% of the health insurance premium and part time employees pay 50% of the premium.

Mr. Maxwell said Capital Projects for 2021 include \$475,000 for road repairs, \$25,000 for highway garage, \$14,000 for Buildings and Grounds for new lawn mowers and \$6,800 to update computers.

Mr. Maxwell said consumables, anything that will last less than one year, like electricity, paper, insurance, professional fees, maintenance agreements, repairs and supplies are budgeted at \$12,954 more than 2020. Mr. Maxwell said the largest expenditure for consumables is road salt. The town will spend \$225,000 on road salt, \$190,218 on street lighting, \$49,206 for utilities, \$180,000 for road repairs, \$66,950 for the Canton Woods Senior Center, \$69,400 for legal fees, \$101,637 for sewer repairs, \$94,845 for drainage repairs, \$58,301 for insurance.

Mr. Maxwell said the town's debt service or the amount we owe is \$149,909 and that is down \$28,933 or 16.18%.

Mr. Maxwell said now that we have gone over all the expenditures, where does the money come from to pay for them?

Regular Town Board Meeting November 4, 2020

Mr. Maxwell said the town does have non- property tax sources of revenue. The largest of these is \$321,310 for plowing County roads, \$187,000 in mortgage taxes, \$132,824 in cable franchise fees, \$162,350 in Park & Recreation fees, \$78,271 in shared services agreements with other towns, \$99,831 in State revenue Sharing, \$170,288 in Payment in Lieu of Taxes (PILOT) agreements, \$121,155 Consolidated Highway Improvement Program (CHIP), \$70,000 in court fines, \$12,772 land lease, \$45,000 for building permits.

Mr. Maxwell said the town's Appropriated Fund Balance, or rainy day fund, is \$559,547.

Mr. Maxwell said the assessed value in Van Buren has gone up 4.43%. He said there is \$749 Million in Assessed Value in the town.

Mr. Maxwell said the tax rates for 2021 in the General Fund is down 1.81% to \$1.72. The Part Town budget remains at zero again this year. The Highway Fund is down .81% to \$2.18.

Mr. Maxwell said under this proposed 2021 budget the owner of a home assessed at \$124,500, the average price of a home in Van Buren, inside the Village of Baldwinsville will pay \$214.00.

Mr. Maxwell said the owner of a home assessed at \$124,500, the average price in Van Buren, outside the Village of Baldwinsville will pay \$485.00.

Mr. Maxwell said the special districts, lighting, sewer, drainage and water have seen some increases and some decreases in 2021 and depending on where you live and which of these apply to you they will factor into your bill as well.

Ms. Dickman thanked Mr. Maxwell on all his work to put this budget together.

Mr. Sykes thanked the department heads for presenting reasonable budgets again this year.

Mr. Maxwell said this town practices zero based budgeting. He said we do not just increase a budget line by a certain percentage. He said by doing it this way department heads do not feel like they have to spend every penny by the end of the year and they don't which leaves the town with a healthy fund balance.

Mr. Maxwell said the 2021 budget, this presentation and the tax rates for all 46 funds are on the town's website.

Public Hearing on 2021 Town and Special Districts Budgets:

144-20-000 MOTION BY Ms. Dickman, seconded by Ms. Sabin, to recess the regular meeting, open the public hearing at 7:34 pm and waive reading the legal notice published in *The Messenger* on October 21, 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 joining through Zoom to speak for or against this proposed budget.

Ms. Sue Allen asked why everyone is getting a 3% increase in wages except the employees at the Highway Department.

Mr. Sykes said the town is still in negotiations with the union representing the employees at the highway department.

Mr. Sykes asked if there was anyone in the audience to speak in favor or against this budget. No one spoke.

145-20-000 MOTION BY Mr. Tupper, seconded by Mr. Dudzinski, to close the public hearing and resume the regular meeting at 7:37 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

Action on Local Law A-2020 – Property Maintenance Law:

Mr. Sykes said the town has gone through several iterations of this law in response to residents' concerns.

Ms. Sabin said the Land Use Committee began working on this last August in response to complaints from residents. Ms. Sabin said we could use the NYS Code, which says a property has to be clean, safe and sanitary, gives no grace period and fine of up to \$1,000 a day for non-compliance. She said instead we wrote definitions for the Code Enforcement Officer to use when determining if a property is in violation. This takes any subjective opinions away. She said the Board has taken the concerns of the residents into account and has made several changes to this law in response. She said this law in no way has rules like an HOA, it does give the Code Enforcement Officer teeth to get the offending property owner to clean up.

Ms. Dickman said the Code Enforcement Officer had a lot of input into this and it has been worked on since August of 2019. She said she has been a realtor for over 30 years and can tell

you location and curb appeal is the most important thing in selling or buying a house. If there is a house or a yard that is an eyesore it does impact the value of neighboring properties. She said this law will help the residents in Van Buren to protect their investment.

Ms. Dickman said there is a complaint form that has to be signed so no one will be able to make anonymous complaints against neighbors.

Mr. Tupper said about 20 years ago the town developed a Comprehensive Land Use Plan and one of the things the volunteers on that committee were asked to do is take photos of what makes the town a good or a bad place to live. He said the general agreement was that green space, quietness and affordability were reasons people want to live here. He said we need to have a tool to keep the property values up.

Mr. Dudzinski said these issues have come up over the years and it is time for us to move ahead with this law.

Ms. Lesniak said when this was first proposed it was a hard sell for her because she believes people should be able to do what they want with their property. She said after the public hearing and comments from residents that were taken into consideration and changes that have been made to this she can support it. She said she will be watching to make sure it is being used as intended.

Mrs. Van Der Water said she has been very vocal in her opposition to this. She said she does agree the current law needs work but disagrees that anything to do with aesthetics should be included. She said clean, safe and public health should be the only issue. She thanked the committee members for their time on this and taking into consideration what the residents had to say but she still thinks it is government overreach.

Mr. Sykes noted that many people were concerned there was no appeals process. He said the Zoning Board of Appeals is and has always been available to anyone who thinks the Code Enforcement Officer is being unfair.

Mr. Sykes said this law will not impact 98% of the property owners and he noted that farming properties are not included in this.

146-20-052 The following resolution was offered by Councilor Sabin 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. A-2020, “A Local Law to Repeal and Replace Chapter 145 of the Code of the Town of Van Buren Relative to Property Maintenance and Controlling Junk” was presented and introduced at a regular meeting of the Town Board of the Town of Van Buren held on August 18, 2020; and

**WHEREAS**, a public hearing was held on such proposed local law on September 1, 2020, and continued to September 15, 2020, 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**, Local Law A-2020 was reintroduced at the October 6, 2020 regular Town Board meeting to consider the comments of the residents at the previous public hearings. Amendments and changes to the proposed Local Law include revisions to §145-1 to reflect minor word changes; revisions to certain definitions such as “Antique Motor Vehicle”, “Junk”, “Junk Mobile or Manufactured Home”, “Junk Motor Vehicle”, “Junk/Scrapped Watercraft”, “Motor Vehicle”, “Rubbish”, and “Seasonal Motor Vehicle” and removal of certain definitions; revisions to §145-3 to permit a certain limited period of storage for “junk motor vehicles”; revisions to §145-4 to allow for additional exceptions including specifically a reference that the law is not to be construed to prohibit minor maintenance or repair of motor vehicles; revisions to §145-5 to increase threshold height for a violation of the maintenance of brush, grass, weeds or noxious plants to be consistent with the existing Chapter 145; and revisions to §145-7 to include a provision that all complaints must be in writing and signed by the complainant; and

**WHEREAS**, a public hearing was held on the proposed reintroduced Local Law on October 20, 2020, 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**, at the public hearing held on October 20, 2020 regarding the amendments made to Local Law A-2020, further comments were received from the public and warranted additional amendments to Local Law A-2020 such that the Town Board decided to continue the public hearing to November 4, 2020 on the Local Law as further modified; 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 August 18, 2020 the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. A-2020 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. A-2020.

**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. A-2020 as Local Law No. 2-2020 as follows:

**“LOCAL LAW NO. 2-2020**

**TOWN OF VAN BUREN**

**A LOCAL LAW TO REPEAL AND REPLACE CHAPTER 145  
OF THE CODE OF THE TOWN OF VAN BUREN RELATIVE TO PROPERTY  
MAINTENANCE AND CONTROLLING JUNK**

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

**SECTION 1. LEGISLATIVE PURPOSE AND INTENT**

The purpose of this Local Law is to provide for regulations relative to property maintenance and controlling of rubbish, junk, and yard waste in a manner that preserves the health, safety and welfare of Town residents.

**SECTION 2. AUTHORITY**

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

**SECTION 3. REPEAL AND REPLACEMENT OF CHAPTER 145 OF THE CODE OF  
THE TOWN OF VAN BUREN**

Chapter 145 of the Code of the Town of Van Buren is hereby repealed and replaced as follows:

**“CHAPTER 145**

**PROPERTY MAINTENANCE AND CONTROLLING JUNK**

- § 145-1. Declaration of purpose and application
- § 145-1A. Conflicting Provisions
- § 145-2. Definitions
- § 145-3. Prohibited Acts
- § 145-4. Exclusions and Exceptions
- § 145-5. Duty of Owner
- § 145-6. Penalties
- § 145-7. Notice of Failure to Comply
- § 145-8. Work Done by Town; Costs to Become Lien
- § 145-9. Authorization to Remedy Emergency Conditions; Expense

**GENERAL REFERENCES**

TOWN OF VAN BUREN CODES: Ch. 96 -Unsafe buildings, Ch. 115 –Fire Prevention and Building Code Administration, Ch. 129 -Littering and Dumping, Ch. 149, §130(16) authorizes the use of self-help provisions relating to unsafe buildings, Ch. 162-Solid Waste, Ch. 166- Storm Sewers, Ch. 175 -Subdivision of land, Ch. 194 –Water, Ch. 200- Zoning, GML Town Law §64(5-a), NYS Uniform Fire and Building Code, Section 302.8 Motor Vehicles, Exception A of NYS Uniform Fire and Building Code, NYS Vehicle & Traffic Laws, Property Maintenance Code of NYS, and NYS Agricultural and Markets Law.

**§ 145-1. Declaration of purpose and application.**

- A. It is hereby declared to be the policy of the Town of Van Buren (hereinafter the “Town”) to provide for the proper use of land to prevent unhealthy, hazardous, or unsightly conditions due to the accumulation of yard waste, weeds, junk, garbage, rubbish, litter, debris and construction equipment, in order to protect the public health, safety and general welfare of the residents of this Town. This Chapter is intended to provide to the residents of the Town, and to the owners and occupants, the responsibilities of the minimum requirements and standards in order to protect the public health, safety and general welfare of the residents of the Town insofar as they are affected by the occupancy and maintenance of structures, equipment and exterior property.
- B. The Town hereby declares that a clean and wholesome environment is of vital importance to the continued general welfare of its citizens, and that the regulation of the deposit, accumulation, or maintenance of junk regardless of the quantity is hereby prohibited. By adoption of this Chapter, the Town declares its intent to preserve and promote a reasonable quality of environment and aesthetics and to prohibit actions and conduct that tend to depreciate not only the property on which it is located but also the property of other persons in the neighborhood and the community generally. It is the Town’s expressed desire and intent that residents and/or property owners comply with all Town codes so as to maintain clean, safe and sanitary properties, and property values of all parcels.
- C. By this Chapter, the Town seeks to remove such threats to health, life, property, and -property values by requiring owners of land to take remedial action to cut, trim or remove brush, grass, rubbish and/or weeds, and remove all types of junk and construction equipment, as described in the definitions section below, and to further refrain from placing such items in a public right of way or easement, for prevention from being carried away or disrupted by animals and the elements.
- D. All structures and premises located within the Town, whether occupied or vacant, shall be maintained in conformity with the currently enacted Property Maintenance Code of New York State, and the standards set out in this Chapter so as to assure that none of these structures or premises will adversely affect their immediate neighbors or neighborhood, or the larger community.
- E. It is the Town’s desire that residents and/or property owners comply with Town codes and comply with the violation notices and time frames rather than having to force compliance through legal means and actions. It is the expressed desire and intention of the Town to give the resident and/or property owner the opportunity to rectify any code violation based upon a warning notice of the violation within a period of Thirty (30) days from the courtesy warning notification. The warning notification may be a courtesy phone call; a letter sent regular mail or a visit from the Codes Enforcement Officer. The first notification of violation following the warning will be served as described in Section 145-7. If the resident and/or property owner fails to rectify the violation within the ‘warning’ time frame, then the violation time frame shall be considered to have commenced on day Thirty one (31) following the ‘warning period’ which will be considered the date of the initial notification of the violation by the Town Official.

**§ 145-1A. Conflicting Provisions.**

The provisions of this law shall apply in addition to the provisions of any other local law or ordinance adopted by the Town. Where there is a conflict the more restrictive provision shall apply. The provisions of this law shall also be applicable to conditions existing at the time of enactment.

**§ 145-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ANTIQUÉ MOTOR VEHICLE** – A motor vehicle, but not a reproduction thereof, manufactured more than twenty-five years prior to the current year, which has been maintained in or restored to, or will be maintained in or restored to a condition which is substantially in conformance with the manufacturer's specifications.

**BRUSH** – Uncultivated woody shrubs and/or immature trees.

**CLASSIC MOTOR VEHICLE** – A motor vehicle, but not a reproduction thereof, manufactured more than ten years prior to the current year and which because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with the manufacturer's specifications and appearance.

**CONSTRUCTION/DEMOLITION DEBRIS** – Includes but is not limited to brick, stone, lumber, pipes, cement, and other building materials no longer intended for or in condition for ordinary use.

**CONSTRUCTION EQUIPMENT** – Shall include but is not limited to backhoes, cement mixers, loaders, excavators, skid steers, and dump trucks over ten thousand (10,000) pounds.

**GARBAGE** – Animal, food, and vegetable waste resulting from the growing, handling, processing, cooking, and serving of foods, marketing and preparation, and storage, sale, of food items, including containers in which it is packaged and clippings.

**GRASS** – Herbaceous ornamental plants intended to be periodically cut close to the ground for the establishment of a lawn or ground covering and may also be used as ground covering for the establishment of drainage swales, flood routes or water detention basins.

**JUNK** – Worn out, discarded, inoperable, abandoned, irreparably damaged, unusable, scrapped materials of little or no value, including but not limited to: small and large appliances, furniture, manufactured and/or mobile homes, motor vehicles, accessory vehicles, seasonal vehicles such as campers, RVs (recreational vehicles), watercraft, ATVs (all-terrain vehicles), swimming pools, hot tubs, spas, and tires as well as scrap metal waste which is stored outside of any residence or enclosed structure.

**JUNK MOBILE OR MANUFACTURED HOME** – Abandoned for seven (7) months or more or discarded structure, or part thereof, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or 40 body feet or more in length, or, if erected on a site, is 320 or more square feet, and which is built on a permanent chassis or foundation/slab and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems

contained therein. To qualify as a Junk Mobile or Manufactured Home, the dwelling must meet two out of three of the following:

1. The electrical service is disconnected or terminated.
2. It is abandoned as a dwelling unit.
3. It is no longer habitable for residential occupancy.

**JUNK MOTOR VEHICLE** – Any motor vehicle or used parts or waste materials from motor vehicles which, taken together, equal in bulk one or more such vehicle, which is:

1. Unlicensed or unregistered, or uninspected; or
2. Abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; or inoperable, or
3. Being used for any and all purposes other than as a motor vehicle, or
4. Not in condition for legal use upon the public highways.

**JUNK WATERCRAFT** – Any abandoned or discarded boats (including motorized and non-motorized), canoes, kayaks, and jet skis, all of which may or may not be required to be licensed and which are unusable due to mechanical defects.

**MOTOR VEHICLE** – Any vehicle, , as defined by New York State Vehicle and Traffic Law which is required to be licensed including all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways, including but not limited to automobile including antique and classic cars, bus, trailer, truck, tractor, motor home, RV, motorcycle and mini-bike. The vehicle shall not be, at any time, in a state of major disassembly, disrepair or in the process of being stripped or dismantled.

**NOXIOUS PLANTS** – Those plants that are dangerous to the physical health of humans, animals, or plants or capable of causing damage to humans, animals, or plants. Noxious plants shall include but are not limited to poison ivy, poison oak, and poison sumac.

**OWNER** – Includes an individual or individuals, society, club, firm, partnership, corporation or an association of persons, and the singular number shall include the plural number.

**OWNER OF A MOTOR VEHICLE** – A person, other than a lien holder, having possession or title to a motor vehicle. The term includes person entitled to the use and possession of a motor vehicle subject to a security interest in another person and also includes any lessee or Bailee of a motor vehicle having the exclusive use thereof, under a lease or otherwise, for a period of thirty (30) days or greater.

**RUBBISH** –

A. Shall include but is not limited to the following:

1. Lumber, junk, debris, building, construction or demolition materials/debris, or any other deleterious materials.

2. Any abandoned, discarded or unused objects or equipment, such as, but not limited to, automobile parts, furniture, stoves, refrigerators, freezers, appliances, cans, containers, vehicle tires, inoperable lawn and snow equipment whether motorized or not, and any lawn furniture, or children's play or playground equipment, swimming pools, hot tubs and spas, and any and all tangible personal property no longer intended or in condition for ordinary and customary use.
3. Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or gas, or attract rodents, vermin or other disease-carrying pests, animals, or insects.
4. Any unsanitary matter or materials.
5. Solid waste and garbage.

B. However, for purposes of this Chapter, the term "rubbish," shall not include any of the foregoing if stored within enclosed containers.

**SEASONAL MOTOR VEHICLE** – A vehicle to be used during a specific time period in the Town as per 'typical' seasons, such as but not limited to: (1) running from April 16 to October 31 and, (2) only during the Town determined "winter parking season" which runs from November 1 to April 15. Such seasonal vehicles may include but are not limited to, a motor vehicle with or without a removable roof, Jet Ski, a boat whether or not motorized, ATV, snowmobile, and snowplow truck less than 10,000 lbs. and recreational vehicle.

**SOLID WASTE** – As defined in § 162-2 of the Town of Van Buren Code and those materials specified in 6 New York Code of Rules and Regulations Part 360-1.2 as the same may be amended, superseded, or replaced.

**YARD WASTE** – Vegetative or organized plant materials resulting from lawn maintenance or other horticultural gardening or landscaping activities and includes but is not limited to grass, leaves, pruning, brush or shrubbery or portions thereof severed from their roots, or uprooted trees, brush, shrubs, including clippings and old matter from flower gardens, and tree trimmings/limbs up to four (4) inches in diameter, Christmas trees and garden materials.

**WEEDS** – Wild, useless, uncultivated plants and vegetation growing at random in inappropriate locations and at the whim of nature in locations not specifically intended.

**WORKING/FARM OPERATION** – Shall have the same meaning as set forth and defined by the New York State Agriculture and Markets Law.

**§ 145-3. Prohibited Acts**

- A. It shall be unlawful for any person to store, deposit, place or maintain or cause or permit to be stored, deposited, placed or maintained outdoors, any "Junk", "Rubbish", "Yard Waste" as described in the definitions section above, within view of the street or neighbors, upon any private or public property within the Town.
- B. It shall be unlawful for any person to use a bus, uninhabited mobile home, truck or horse trailer, semi-trailer, tank truck, motor home or flatbed trailer or similar vehicles or units for

the storage of junk or rubbish on any premises or when actively used in connection with active farming or agricultural operations.

- C. No outside storage of automobile parts, dismantled vehicles, tires, construction equipment or similar articles will be permitted. However, the restoration of vehicles may be done in residential areas, but only when performed within an enclosed building or enclosure such as but not limited to a garage, barn, or shed and is not a commercial activity.
- D. No more than one (1) Junk Motor Vehicle or Watercraft may be stored outdoors on a property for a period not to exceed six (6) months provided the vehicle is fully covered by an appropriate motor vehicle covering. An appropriate motor vehicle cover must cover the entire body of the vehicle or watercraft but does not have to entirely cover the tires. Also, appropriate vehicle covers shall not include items such as but not limited to torn or ripped tarps, plastic, or other similar materials. Based upon extenuating circumstances an individual may submit a request to the Code Enforcement Officer for an extension of an additional six (6) month period.
- E. General Prohibition: Except as provided in this Chapter or otherwise authorized by resolution of the Town Board, no person shall place, or cause to be placed, any rubbish, junk, refuse or other waste materials on or within any road right-of way, easement, sidewalk, public walkway, park, drain, ditch, watercourse, body of water, wetland, or any municipal property.

**§ 145-4. Exclusions and Exceptions.**

- A. The following instances of storing ordinary household items are exempted from the above prohibitions set forth in § 145-3:
  - 1. Wood intended for consumption in a wood burning stove, furnace, fireplace, or outdoor fire pit located on the property/premises or in a building on the premises.
  - 2. Usable lawn and/ or patio furniture.
  - 3. Operable farm, garden and yard machinery and apparatuses used on the premises.
  - 4. Operable hoses and sprinklers used for watering lawns or gardens.
  - 5. Storage or placement and accumulation of materials in connection with a commercial operation duly conducted on the premises in accordance with the laws of the Town.
  - 6. Construction materials and equipment used for the construction or renovation of building on the premises for which a building permit has been issued.
- B. Nothing in this Chapter shall be construed to prohibit the minor maintenance or repair of a motor vehicle on a property where the work is performed either by the property owner or occupant of the property.
- C. Nothing in this Chapter shall be construed to prohibit the maintenance of compost or mulch piles, provided that no garbage other than kitchen vegetable scraps and yard or garden waste is deposited

in such piles, and further provided that such compost or mulch piles do not develop obnoxious odors, attract rodents or obnoxious insects, or otherwise create a hazard to the health and enjoyment of neighboring property owners, and additionally the compost piles shall not be closer than three (3) feet from either the rear or side yards and shall not be in the front yard.

- D. The provisions of §145-3 and 145-5 of this Chapter related to the growth of yard waste, grass, noxious plants, brush or weeds shall not apply to any lots or land which are under cultivation in a good or husbandry-like manner, from which crops are regularly grown for actual use, to drainage areas or natural open space areas, or to a section of a subdivision which is actively under construction and is less than 75% complete.
- E. A person wishing to display for sale on their property an unregistered motor vehicle, must have a for sale sign in the vehicle at all times and the vehicle may be for sale for a maximum of six (6) months. No more than two vehicles may be sold on a property within a calendar year.

**§ 145-5. Duty of Owner.**

- A. It shall be a violation of this Chapter for the owner of any lot within the Town to permit or maintain on any such lot or land, inclusive of the land between the curb line and lot line, any growth of brush, grass, noxious plants, or weeds higher than Ten (10) inches on the average.
- B. As used in this section, the term “lot” shall mean a building lot designed to be occupied by one or more structure(s) regardless if occupied, vacant or abandoned. Owners and/or occupants of a property with a lot size of one (1) acre or larger, must maintain and mow the grassed area which is designated as being a minimum of thirty (30) feet from the front and both sides of the dwelling house or building and to a depth of a minimum of forty (40) feet behind the rear line of the dwelling house or building, whichever is less.

**§ 145-6. Penalties.**

- A. Each violation of this Chapter shall be punishable by a fine not to exceed \$250 per day, imprisonment up to 15 days, or both. Each day’s violation shall be considered a new and separate offense subject to a separate penalty.
- B. Any person who violates any provision of this Chapter for a second time within one year from the date of a prior conviction for a violation of this Chapter shall be subject to a fine not to exceed \$500 per day, imprisonment up to 15 days, or both.

**§ 145-7. Notice of failure to comply.**

- A. The Code Enforcement Officer, or such other title as may be given by the Town Board, is empowered to enforce the provisions of this Chapter and to issue and serve appearance tickets and such other process as may be required and/or authorized by these regulations or the Criminal Procedure Law in the course of such enforcement proceedings. Any enforcement action or proceeding may be commenced upon the personal knowledge of the Code Enforcement Officer or upon the sworn statement of another individual.
- B. If any of the provisions of this Chapter are not complied with, following the warning notification, the Code Enforcement Officer shall serve written notice and an order to remedy such violation via the following means:

1. Personally upon the owner of the property;
  2. Send it by certified mail, return receipt requested;
  3. By regular mail addressed to the last known address of the owner; or
  4. Post the written notification in a conspicuous place on the property.
- C. Service of notice upon any owner of land, or the designated person to receive process as provided by law, shall suffice for the purposes of this section. Service of such notice shall not, however, be a required prerequisite to the prosecution of any violation of this Chapter in any court of competent jurisdiction.
- D. All complaints must be in writing and signed by the complainant. The statement must also give permission to the Codes Enforcement Officer, or other Town Official, to enter the complainant's property so as to view the offending property as contained in the complaint.

**§ 145-8. Work done by Town; costs to become lien.**

- A. If the owner upon whom the notice is served fails, neglects or refuses to comply with said notice within 10 days after the service of such notice, or if such notice was served by posting upon the premises, then within 15 days after such posting:
1. The Town shall cause such noncompliance to be remedied; and
  2. All expenses incurred in such work shall:
    - a. Be certified by the Town Officer or employee overseeing the work to the Town Clerk/Receiver of Taxes; and
    - b. There upon become and be a lien upon the property on which such work was performed; and
    - c. Be added to and become part of the taxes next to be assessed and levied upon such lot or land; and
    - d. Bear interest at the same rates as taxes and shall be collected and enforced by the same officer and in the same manner as Town taxes.
- B. This remedy is available to the Town in addition to such penalties and enforcement proceedings as are otherwise authorized under this chapter.

**§ 145-9. Authorization to remedy emergency conditions; expense.**

Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless an unsafe condition is immediately remedied, removed or repaired, the Town Board may, by resolution, authorize the Code Enforcement Officer to immediately cause the remedy, removal or repair of such unsafe condition. The expense of such remedy, removal or repair shall be a charge

against the property on which it is located and shall be assessed, levied and collected as provided in § 145-8.”

**SECTION 4. SEVERABILITY.**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

**SECTION 5. 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 – No, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

Motion Carried & Adopted

Action on 2021 Town and Special Districts Budgets:

148-20-007 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to approve the 2021 Town and Special Districts Budgets.

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

Resolution in support of Hourigan Family Dairy Farm owned by High Meadow Acres, LLC and ADR Holdings, LLC application to the NYS Dept. of Agriculture and Market’s Farmland Protection implementation Grant program via voluntary conservation easements:

Ms. Lesniak said this is through the New York Land Trust that works to preserve land for farming and also protect the rural character of the town.

149-20-034 MOTION BY Mrs. Van Der Water, seconded by Ms. Sabin, to support the application by Hourigan Family Dairy Farm owned by High Meadow Acres, LLC and ADR Holding, LLC to the NYS Dept. of Agriculture and Market’s Farmland Protection Implementation Grant program via voluntary conservation easements.

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

Introduction of Local Law C-2020 – Parking on Higgins Drive concerning commercial vehicles – Public Hearing November 17, 2020 at 7:00 pm:

150-20-039 Ms. Dickman re-introduced proposed Local Law No. C-2020, to amend Chapter 186 of the Code of the Town of Van Buren titled “Vehicles and Traffic” with respect to Parking

Limitations on Higgins Drive, and made the following motion, which was seconded by Mr. Dudzinski

**WHEREAS**, Local Law C-2020 was initially introduced on October 6, 2020 and a public hearing was held on October 20, 2020; and

**WHEREAS**, at said public hearing the Board heard comments from the public relative to the proposed Local Law and due to those comments received from the residents of the Town, it was decided to revise the Local Law into a form that would be acceptable to the Town Board and the residents; and

**WHEREAS**, said Local Law was amended to add a “no parking” zone for registered commercial class vehicles (including any trailers, equipment or apparatus towed, hitched or otherwise utilized by the same) on both sides, from Village Blvd. North to cul-de-sac on Higgins Drive; 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.

**NOW, THEREFORE, it is**

**RESOLVED AND DETERMINED**, the Town previously declared the adoption of said Local Law as a Type II action and therefore will have no significant effect on the environment, thus concluding environmental review under SEQR; and it is further

**RESOLVED**, that the Town Board shall conduct a public hearing as to the enactment of the revised and re-introduced proposed Local Law No. C-2020 at the Town Hall located at 7575 Van Buren Road, Baldwinsville, New York on November 17, 2020 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.

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

Resolution to employ property appraiser for parcel of Town-owned property per RFP results:

Mr. Sykes sent out several RFP’s and received one back. He said this is to appraise a landlocked piece of land the town owns on the Seneca River.

151-20-048 MOTION BY Mr. Dudzinski, seconded by Mr. Tupper, to employ Pomeroy Associates to appraise a parcel of town-owned property in the amount of \$3,250.

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. Lesniak said the County released their 2021 budget today and it has a decrease in the tax rate and the sewer rate remains flat.

Regular Town Board Meeting November 4, 2020

Mr. Tupper said his last Canton Woods Senior Center Board of Directors meeting is December 1<sup>st</sup> at 7:45 am.

Highway Superintendent Comments:

Mr. Foster said the no on street parking between 2 and 6 am starts November 15<sup>th</sup> . He said many people are on different schedules or working from home but that it really helps when those cars are not parked on the street to get the plowing done safely and effectively.

Supervisor Comments: None

Citizens Comments: None

Engineer Comments: None

Attorney Comments: None

152-20-014 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to go into Executive Session to discuss collective bargaining negotiations at 8:06 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

153-20-000 MOTION BY Mrs. Van Der Water, seconded by Ms. Dickman, to resume the regular meeting at 8:44 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

154-20-000 MOTION BY Mrs. Van Der Water, seconded by Ms. Dickman, to adjourn to the next Regular Town Board Meeting on November 17, 2020 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 8:44 pm

Respectfully submitted,

Lynn Precourt

Town Clerk, Dated: 11/5/20