

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on September 1, 2021 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
Mr. Ronald Dudzinski	Councilor
Ms. Mary Frances Sabin	Deputy Supervisor
Mr. Claude Sykes	Supervisor

Absent:

Ms. Patricia Dickman	Councilor
Ms. Darcie Lesniak	Councilor

Also present:

Ms. Nadine Bell	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 Regular Meeting on August 4, 2021:

134-21-000 MOTION BY Mrs. Van Der Water, seconded by Mr. Dudzinski, to approve the minutes of the Regular Town Board Meeting on August 4, 2021 as published.

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

All Ayes – Motion Carried & Adopted

Consider request by Judge Van Der Water to attend training in Niagara Falls 9/26-9/29/21 at a cost not to exceed \$640.00 which is budgeted:

135-21-027 MOTION BY Mr. Tupper, seconded by Mr. Dudzinski, to approve the request by Judge Van Der Water to attend training in Niagara Falls 9/26-9/29 at cost not to exceed \$640.00 which is budgeted.

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

Motion Carried & Adopted

Appointment of Brian Wisnewski as a Laborer II in the Buildings and Grounds Dept. with a start date of 9/7/21 and pay per the union contract:

136-21-038 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to appoint Brian Wisnewski as a Laborer II in the Buildings and Grounds Dept. with a start date of 9/7/21 and pay per the union contract.

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

All Ayes – Motion Carried & Adopted

Consider approval of lease agreement with TJA for solar farm on closed landfill on Kingdom Road:

137-21-010 The following resolution was offered by Ms. Sabin who moved its adoption, seconded by Mr. Dudzinski, to wit:

WHEREAS, the Town of Van Buren is the fee owner of real property, consisting of approximately 29.61 acres, located on Kingdom Road, Tax Map No. 042.-01-03.1, in the Town of Van Buren, County of Onondaga (“Property”), which is the site of a former landfill and is subject to a closure plan (“Closure Plan”) required and approved by the New York State Department of Environmental Conservation pursuant to an Order of Consent, dated September 16, 1988; and

WHEREAS, under the terms of the Closure Plan, the Town, in its capacity as owner of the Property, is responsible for maintaining and preserving the landfill cap, the area below the membrane and all structures, equipment, fixtures and improvements installed on the Property by the Town and/or its agents and/or contractors, including without limitation the landfill cap, drainage, gas venting structures, and related apparatus; and

WHEREAS, the Town of Van Buren has been approached by TJA Clean Energy, LLC (“TJA”), a Massachusetts limited liability company with offices at 150 John Vertent Boulevard, New Bedford, Massachusetts 02745, with a proposal to lease a portion of the Property for the purpose of installing, operating, repairing and removing a solar electric generating facility (“System”) on the Property; and

WHEREAS, as proposed, TJA’s proposal will require the granting and execution of certain easements to facilitate access for purposes of construction, repair, replacement, maintenance and removal of the System; and

WHEREAS, the Town Board and TJA have reached a tentative Solar Lease Agreement for the Property that will provide the Town with certain rents during the “Development Period” and Lease “Term;” and

WHEREAS, due to the prior landfill use and the conditions of the Closure Plan, the aforesaid area to be leased on the Property is excess space and property and is not needed by the Town for municipal purposes and is thus surplus and available for the proposed solar electric generating facility use; and

WHEREAS, pursuant to Section 64-2 of the New York Town Law, such a lease agreement may be entered into by the Town, subject to a permissive referendum.

NOW, THEREFORE, be it

RESOLVED, that there are no other involved agencies, the Town Board will act as lead agency, that this is an unlisted action and, after reviewing the Short EAF submitted in support of this proposition, the Board hereby determines that, due to the regulation and oversight by the NYS DEC under the terms of the Closure Plan, the proposed action will result in no adverse environmental impacts and therefore this Board renders a negative declaration for purposes of the environmental review pursuant to the State Environmental Quality Review Act; and it is further

RESOLVED, that the Town Board of the Town of Van Buren hereby approves a solar lease agreement, with appropriate access easements, between the Town and TJA Clean Energy, LLC, relative to the Town's real property located at Kingdom Road, Tax Map No. 042.-01-03.1, in the Town of Van Buren, County of Onondaga, in substantial accordance with the attached Solar Lease Agreement that has been negotiated for this purpose and authorizes the Supervisor to execute said agreement and take any and all further action needed to give full force and effect to this approval; and it is further

RESOLVED, that appropriate notice of this action shall be posted and shall be published in the official Town newspaper; and it is further

RESOLVED, that this action be and the same is hereby subject to a permissive referendum.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

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

All Ayes – Motion Carried & Adopted

Authorize Engineer to solicit quotes for survey work for Van Buren Road sewer pump station and forcemain and to begin design and prepare bid documents for project:

138-21-045 MOTION BY Mr. Tupper, seconded by Mr. Dudzinski, to authorize Engineer to solicit quotes for survey work for Van Buren Road sewer pump station and forcemain and to begin design and prepare bid documents for project.

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

All Ayes – Motion Carried & Adopted

Introduction of Local Law A-2021 to amend section 200-74 of zoning code relative to residential driveways and set public hearing for 9/15/21:

139-21-039 Mrs. Van Der Water introduced proposed Local Law No. A-2021 amending Chapter 200 of the Code of the Town of Van Buren, titled "Town of Van Buren Zoning Regulations," which Local Law will result in amending Section 200-74(D)(1) with regard to residential driveways, and made the following Resolution, which was seconded by Mr. Dudzinski:

WHEREAS, proposed Local Law A-2021 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; 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, requires that as early as possible in the

consideration of a proposed action, an involved agency shall make a determination whether the action is subject to the aforementioned 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 to 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. A-2021 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 shall have 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 Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. A-2021 at the Van Buren Town Offices located at 7575 Van Buren Road in the Town of Van Buren on September 15, 2021 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.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

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

All Ayes – Motion Carried & Adopted

Introduction of Local Law B-2021 regarding siting of solar on prime farmland:

Mr. Sykes said this will help to preserve the farmland in the town from developers who would rather use land closer to the road to save on development costs.

Ms. Bell read from the following resolution the reasons cited to preserve the farmland in the town.

Mrs. Van Der Water said she understands the position to preserve the land but she believes property owners should be able to do what they want with their land.

140-21-039 Mr. Dudzinski introduced proposed Local Law No. B-2021 amending Chapter 200 of the Code of the Town of Van Buren, titled “Town of Van Buren Zoning Regulations,” which Local Law will result in amending Section 200-9B, titled “Definitions”, and Section 200-93E, titled “Special use permit,” to prohibit the installation of a solar farm on Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Unique Farmland, and made the following Resolution, which was seconded by Ms. Sabin,

WHEREAS, proposed Local Law No. B-2021 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; 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, requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether the action is subject to the aforementioned law;

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 to said Local Law is a Type I action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board has determined that a full 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. B-2021 is a Type I 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 shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and for the reasons set forth below, this resolution shall constitute a negative declaration under State Environmental Quality Review:

1. See responses to Full Environmental Assessment Form Part 2 - Identification of Potential Project Impacts;
2. As documented in the Town of Van Buren Planning Reference Guide &

Comprehensive Plan, the Town has witnessed the establishment, industrialization and consolidation of agriculture and is now experiencing the disappearance of agriculture;

3. Section III of the Town's Reference Guide identifies the preservation of open space and farmland as a visual preference and value of residents (Pages 27-28);
4. Section IV of the Town's Reference Guide, titled "Regional Context, Population, and Economy," recognizes the value of solar energy as a clean, readily available, and renewable energy source, while also acknowledging the Town's interest in promoting such solar energy systems in a manner that will not result in a significant adverse impact on the aesthetic qualities and character of the Town through, in part, the regulation of placement and design (Page 37);
5. Section VI of the Town's Reference Guide, titled "Land Use and Transportation," indicates that 56% percent of the Town, situated west of Interstate 690 is currently agricultural, with larger land parcels (Page 77). Although just less than 50% percent of land in the Town is classified as agricultural, agricultural lands account for more acreage than any other land use in the Town (Page 81);
6. The protection of Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance and Unique Farmland is consistent with the Town's Comprehensive Plan which identifies the "major Town goal" to be the "[c]onservation of existing residential neighborhoods and existing farming activities; promotion of business, commercial, and light industrial uses; and promotion of a network of natural open space through implementation of planning policies that maintain a suitable balance of uses and densities while allowing for appropriate future growth" (Page 99);
7. Furthermore, the protection of Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance and Unique Farmland is consistent with the Town's Comprehensive Plan Land Use premises and assumptions which state an intent to have agricultural activity continue through the adoption of policies that limit the negative impacts on agricultural land uses (Page 100);
8. Proposed Local Law No. B of 2021 furthers the Town's goal, as stated in Section II, titled "Agricultural and Open Space," of the Comprehensive Plan, which is to conserve agricultural, natural resources, open space and historic resources for the Town's long term recreational, environmental, cultural and economic benefit (Page 107). As a "mainstay" of the Town, because of the influence on the character and sense of place, the Town relies on agriculture for more than a tax base requiring few services (Page 107). It is recognized in the Comprehensive Plan that the preservation of farmland is "highly cost effective for local governments in terms of the ratio of revenue versus the cost of community services," and thus, provides a net tax benefit to the municipal budget and can help stabilize mounting costs of services (Page 108); and it is further

RESOLVED AND DETERMINED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. B-2021 at the Van Buren Town Offices located at 7575 Van Buren Road in the Town of Van Buren on September 15, 2021 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.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Mrs. Van Der Water – No, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

Motion Carried & Adopted

Accept Comptroller’s audit report of Justice Court:

141-21-008 MOTION BY Ms. Sabin, seconded by Mr. Tupper, to accept the Comptroller’s audit report of the Justice Court.

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

All Ayes – Motion Carried & Adopted

Award RFP for survey of Village Blvd. rehab project area to CNY Land Surveying in the amount of \$6,120.00:

142-21-025 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to award RFP for survey work of Village Blvd. rehab project area to CNY Land Surveying in the amount of \$6,120.00.

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

All Ayes – Motion Carried & Adopted

Approve training for Luke Chapin:

143-21-027 MOTION BY Mr. Tupper, seconded by Mr. Dudzinski, to approve reimbursement of tuition fee for basic electrical course at BOCES for Luke Chapin in the amount of \$200.00 upon satisfactory completion of course.

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

All Ayes – Motion Carried & Adopted

Councilor Committee Reports and Comments:

Ms. Sabin said she has received communication from Verizon that the install of FIOS in Condos 2 and 3 will not be completed until 2022. She said this is unacceptable since it should have been done years ago. She said she has sent a formal request to Verizon representatives to attend a future meeting to explain why this is a complicated build and they need more time.

Mrs. Van Der Water scheduled a Parks & Recreation Committee meeting for September 15th at 2:00 pm at the Town Hall.

Highway Superintendent Comments:

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Mr. Foster said this has been one of the hottest and wettest summers on record and he thanks the department employees for working through all of tough conditions this summer.

Supervisor Comments:

Mr. Sykes said the Thruway Authority held an informational meeting on the reconstruction of the Canton Street Bridge. He said originally two houses were going to be torn down to complete the project and they have found a way to move forward without that happening. He said the slides from the presentation are on the town's website.

Citizens Comments:

Mr. Mike Hulchanski thanked the Board for the work they do. He said a lot more work is done behind the scenes as far as fiber optic installs, parks and recreation decisions and finding uses for land that would otherwise sit empty, like the solar panels on the old landfill site.

Engineer Comments: None

Attorney Comments: None

144-21-014 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to recess the regular meeting and go into Executive Session to interview a candidate for Comptroller at 7:30 pm.

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

All Ayes – Motion Carried & Adopted

145-21-014 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to close the Executive Session and resume the regular meeting at 8:20 pm.

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

All Ayes – Motion Carried & Adopted

146-21-000 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to adjourn to the next Regular Town Board Meeting on September 15, 2021 at 7:00 pm.

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

All Ayes – Motion Carried & Adopted

Respectfully submitted,

Lynn Precourt

Town Clerk, Dated: 9/2/21