

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on September 15, 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  
Ms. Darcie Lesniak            Councilor  
Mr. Howard Tupper            Councilor  
Mr. Ronald Dudzinski        Councilor  
Ms. Mary Frances Sabin      Deputy Supervisor  
Mr. Claude Sykes              Supervisor

Absent:

Ms. Patricia Dickman        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 Town Board Meeting on September 1, 2021:

147-21-000 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to approve the minutes of the Regular Town Board Meeting on September 1, 2021 as published.

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

All Ayes – Motion Carried & Adopted

Public Hearing on Local Law A-2021 amending section 200-74 regarding residential driveways:

148-21-000 MOTION BY Mrs. Van Der Water, seconded by Mr. Dudzinski, to recess the regular meeting, open the public hearing and waive reading the legal notice.

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

All Ayes – Motion Carried & Adopted

Mr. Sykes said this was referred to the Onondaga county Planning Board and they have no comments.

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

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

149-21-000 MOTION BY Mrs. Van Der Water, seconded by Mr. Dudzinski, to close the public hearing at 7:01 pm.

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

All Ayes – Motion Carried & Adopted

Public Hearing on Local Law B-2021 amending Chapter 200 to prohibit installation of solar farms on important farmland:

150-21-000 MOTION BY Ms. Sabin, seconded by Mrs. Van Der Water, to recess the regular meeting, open the public hearing and waive reading the legal notice.

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

All Ayes – Motion Carried & Adopted

Ms. Bell said this local law defines the terms of important farmland and has been referred to the Onondaga County Planning Board which made no determination of significance.

Mr. Sykes asked if anyone wanted to speak in favor of this proposed local law. No one spoke.

Mr. Sykes asked if anyone wanted to speak against this proposed local law.

Mr. Mike Hulchanski said he is opposed to this. He said he has a problem with a 100% restriction and telling people that cannot use their land for a specific purpose.

151-21-000 MOTION BY Mr. Tupper, seconded by Mr. Dudzinski, to close the public hearing and resume the regular meeting at 7:04 pm.

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

All Ayes – Motion Carried & Adopted

Approve budget transfers and budget amendment per Comptroller's memo:

152-21-007 MOTION BY Ms. Sabin, seconded by Mrs. Van Der Water, to approve the following:

<b>To:</b>	A.1220.0443	Town Supervisor- Publications	\$	589
	A.1410.0443	Town Clerk-Publications	\$	403
	A.1620.0406	Bldg & Grounds-Uniforms	\$	750
	A.1620.0441	Bldg & Grounds-Training	\$	43
	A.1680.0417	Computer Admin-Network Administration	\$	12,735
	A.1910.0450	Unallocated Insurance	\$	2,349
	A.5132.0411	Highway Garage-Bldg repairs	\$	1,500
	A.5132.0426	Highway Garage-Security	\$	290
	A.8160.0400	Landfill-Repairs	\$	10,125
<b>From:</b>	A.1620.0411	Bldg&Ggrounds-Repairs	\$	793
	A.1680.0418	Computer-Licenses and Subscriptions	\$	12,735
	A.5132.0421	Highway Garage-Heating	\$	1,790
	A.1990.0400	Contingency	\$	13,466

**Explanation:**

Town Supervisor: Amount represents the purchase of additional law book supplements, which is an annual expense

Bldg & Grounds: Unexpected hiring of new employees have exhausted the budget for clothing and created the need for additional funding for the fall/winter season. Training is the sending of the an employee for pool operator. This took place in 2019, but the paperwork for reimbursement was never submitted.

Computer Administration: Combining the accounts for general oversight and subscriptions (security, monitoring, back-ups etc.) to more accurately reflect where the actual costs are being recorded.

Unallocated Insurance: The cost of cybersecurity insurance doubled from 2020, an increase of \$3,000 and caused the budget shortfall

Highway Garage: General repairs for doors, paint, remodeling projects have exceeded the budgeted amounts. Alarm monitoring from CP Alarms were not included in the original garage budget.

Landfill: Under the terms of the closing of the Town's landfill, the town is responsible for testing and repairs of the water service at several residential locations. A new sulfur filter and water filter, in addition to increased testing was required at one location, which exceeded the budgeted amount.

**Budget Admendment**

<b><u>Account Number</u></b>	<b><u>Account Description</u></b>	<b><u>Amount</u></b>
Increase: V.9730.600	Debt Service,Marion Meadows BAN	\$ 114,400

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The Town and County has entered into an agreement under which the County will assume all maintenance and repairs of the sewer system. In return, the County has provided the Town \$200,000 that must be used to reduce debt on the sewer systems. This amendment represents a reduction of principal on a BAN issued for the Marion Meadows Pumping Station.

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

All Ayes – Motion Carried & Adopted

Approve and authorize Supervisor to sign mandatory Covid-19 Vaccination Policy as negotiated with IUOE and AFSCME (once completed):

Mrs. Van Der Water had a question under item #3, when an employee is in process of compliance, or getting their vaccines, do they still need weekly testing? There was a discussion and it was agreed that section of language should be clarified.

Ms. Lesniak said she is more comfortable with employees being able to either be vaccinated or submit to weekly testing.

Mrs. Van Der Water agreed, she said it should be either vaccination or testing.

153-21-038 MOTION BY Mr. Tupper, seconded by Mr. Dudzinski, to approve and authorize the Supervisor to sign mandatory Covid-19 Vaccination Policy as negotiated with IUOE and AFSCME.

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

Motion Defeated

Resolution authorizing the Supervisor to execute the DASNY grant of \$90,000 for the Maple Road Sidewalk project:

154-21-057 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to authorizing the Supervisor to execute the DASNY grant of \$90,000 for the Maple Road Sidewalk project.

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

All Ayes – Motion Carried & Adopted

Introduction of Local Law C-2021 which will regulate areas where the sale of cannabis occur-2021 which will regulate areas where the sale of cannabis occur:

Ms. Bell said this local law actually is to opt out of allowing on-premises consumption of cannabis. She said there are two parts for towns to decide to allow: sales of cannabis and on-premises consumption. The Board can opt out of either and must do so before December 31<sup>st</sup>.

The town can decide to opt in after that date but you cannot opt out. She said this local law to opt out of on-site consumption is subject to permissive referendum. That means if people pass a petition within 30 days of approval they can request a public vote within 45 days.

155-21-039 Councilor Van Der Water introduced proposed Local Law No. C-2021 regarding the opting out of licensing and establishing on-site consumption establishments within the Town of Van Buren and made the following Resolution, which was seconded by Councilor Sabin:

**WHEREAS**, proposed Local Law C-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 after submission of a completed application, an involved agency shall make a determination whether a given 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 proposed 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; and

**WHEREAS**, the enactment of said proposed Local Law C-2021 is subject to a permissive referendum pursuant to Municipal Home Rule Law § 24 as set forth in Cannabis Law § 131.

**NOW, THEREFORE,**

**BE IT RESOLVED AND DETERMINED**, that the enactment of this proposed local law is an unlisted action under SEQR, that there are no other involved agencies and the Town Board shall act as lead agency; and it is further

**RESOLVED AND DETERMINED**, that the Town Board has determined that 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 C-2021 at the Town Hall located at 7575 Van Buren Road, Baldwinsville, New York on October 6, 2021, at 7:00 p.m., or as soon thereafter as the

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matter can be heard, at which time all persons interested in the subject shall be heard, at which time all persons interested in the subject shall be heard; and it is further

**RESOLVED AND DETERMINED**, that notice of said public hearing shall be provided at least ten (10) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Van Buren and to any affected municipalities described above.

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

All Ayes – Motion Carried & Adopted

Approve pay rate for mechanic position in Highway Department:

156-21-038 MOTION BY Mr. Dudzinski, seconded by Mr. Tupper, to approve the following pay schedule for the mechanic, Dennis Ritchie, in the Highway Department as \$27.00 an hour effective September 13, 2021, \$28.50 after 1<sup>st</sup> 90 days (12/11/21), \$29.36 effective January 1, 2022 and \$30.86 effective after 2<sup>nd</sup> 90 day period (3/11/22).

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

All Ayes – Motion Carried & Adopted

Approve Local Law A-2021:

Ms. Lesniak made a motion for a recess to confer with counsel.

157-21-000 MOTION BY Ms. Lesniak, seconded by Mrs. Van Der Water, to recess the Regular meeting to confer with counsel at 7:18 pm.

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

All Ayes – Motion Carried & Adopted

158-21-000 MOTION BY Mrs. Van Der Water, seconded by Ms. Lesniak to resume the Regular Meeting at 7:23 pm.

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

All Ayes – Motion Carried & Adopted

159-21-030 The following resolution was offered by Ms. Lesniak, who moved its adoption, seconded by Ms. Sabin, to wit:

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. A-2021, “A Local Law Amending Chapter 200 of the Code of the Town of Van Buren Titled ‘Zoning,’” was presented and introduced at a regular meeting of the Town Board of the Town of Van Buren held on September 1, 2021; and

**WHEREAS**, a public hearing was held on such proposed local law on this 15<sup>th</sup> day of September, 2021, by the Town Board of the Town of Van Buren and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Van Buren in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, this proposed local law was referred to the Onondaga County Planning Board (“OCPB”), as required by General Municipal Law for their review and comment; and

**WHEREAS**, the OCPB session having taking place, the OCPB determined in OCPB Case # Z-21-275, by Resolution dated September 15, 2021, that the proposed Local Law will have no significant adverse inter-community or county-wide implications and could be acted upon solely by the referring board; and

**WHEREAS**, the enactment of Proposed Local Law No. A-2021 has previously been determined to be an unlisted action, an environmental impact statement (EIS) was not be required; and a Negative Declaration was issued on September 1, 2021 pursuant to SEQRA determining that this action will have no significant effect on the environment thus concluding the SEQR review process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. A-2021.

**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-2021 as Local Law No. 1-2021, as follows:

**“TOWN OF VAN BUREN**

**LOCAL LAW NO. 1-2021**

**A LOCAL LAW AMENDING CHAPTER 200 OF THE CODE  
OF THE TOWN OF VAN BUREN, TITLED “TOWN OF VAN BUREN  
ZONING REGULATIONS,” RELATING TO RESIDENTIAL DRIVEWAYS**

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

**Section 1. AUTHORITY.**

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

**Section 2. AMENDMENTS TO ARTICLE X (“DESIGN STANDARDS”) OF THE  
TOWN OF VAN BUREN ZONING LAW.**

Section 200-74(D)(1) of the Town of Van Buren Zoning Law shall be amended to read, in its entirety, as follows:

“(1) Residential driveways:

- (a) The maximum number of driveway entrances onto a Town road shall be one per building lot having 150 feet of frontage or less. Where frontages greater than 150 feet are encountered, the Highway Superintendent may allow more than one

driveway entrance.

- (b) The angle of all driveways with Town roads shall be as close to 90° as practicable.
- (c) The minimum driveway width shall be 10 feet. The maximum width of driveways shall be 30 feet. However, a 30-foot driveway maximum may not be allowed if the proposed driveway will not meet the requisite distance from an intersection set forth in subsection (h); the driveway would not meet the requisite sight distance set forth in subsection (i); and, snow storage, drainage issues and infrastructure, sign locations, and/or the like require a driveway of a more narrow width as determined by the Town Engineer, Highway Superintendent and/ or Codes Enforcement Officer.
- (d) The minimum return radius at the intersection of driveways and the road surface shall be 10 feet, and in no case shall the radius extend beyond the intersection of the pavement edge and the side property line as projected.
- (e) Driveways shall slope down from the road surface to the drainage line at grades of 1/4 inch per foot or existing shoulder pitch, whichever is greater.
- (f) The sizes and slopes of driveway storm drains and culverts within the Town road right-of-way shall be as specified by the Highway Superintendent. The owner shall bear all costs for pipe, grading, paving, etc., required within such right-of-way.
- (g) Applications pertaining to driveways shall be reviewed by the Town Engineer, Highway Superintendent and Codes Enforcement Officer. The Codes Enforcement Officer is the responsible party for issuing a permit based upon the recommendations of the Town Engineer and/or the Highway Superintendent.
- (h) No driveway shall be constructed within 100 feet of a road intersection measured from the nearest intersection of the right-of-way lines.
- (i) No driveway shall be constructed where the sight distance is less than 10 times the legal, posted maximum speed limit. The applicant shall also trim brush and maintain their property in such a manner as to maintain optimal sight distance.
- (j) If a driveway enters onto a State or County road, said driveway must meet all State or County regulations and/or requirements, whichever the case may be.
- (k) It is the intent of this Chapter to grandfather any driveways not meeting the above standards installed prior to the date of the enactment of this Section.”

**Section 3. SEVERABILITY.**

If any clause, sentence, paragraph, section, article, or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall now affect, impair or invalidate the remainder of this Local Law, but shall be confined to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall be rendered.

**Section 4. EFFECTIVE DATE.**

This Local Law shall take effect upon its filing with the New York Secretary of State.”

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

All Ayes – Motion Carried & Adopted

Councilor Committee Reports and Comments:

Ms. Lesniak said she would like to offer a motion to reconsider agenda item #4 regarding the Covid-19 policy.

160-21-038 MOTION BY Ms. Lesniak, seconded by Mrs. Van Der Water, to approve and authorize the Supervisor to sign mandatory Covid-19 Vaccination Policy as negotiated with IUOE and AFSCME with the following amended language:

“Any employee that chooses not to receive the vaccine will be subject to 3<sup>rd</sup> clause that says have to comply with face masks at all times in the workplace and required to show proof of a negative test every seven days at their own expense and on their own time”

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

All Ayes – Motion Carried & Adopted

Mrs. Van Der Water said she held a Parks & Recreation Committee meeting where they reviewed the summer programs that were able to run within the restrictions of Covid. She said the department will be using Facebook and Peachjar (for school) notifications of programs. She said they discussed preparing goals for the Parks and Buildings and Grounds Departments and Mr. Ordway, Buildings and Grounds Supt, was asked to prepare a five year plan.

Highway Superintendent Comments:

Mr. Foster said he is looking for wing operators to work part time this winter. He said no experience is necessary and training is available. Anyone interested should contact the department at 315-635-5124.

Supervisor Comments: None

Citizens Comments: None

Engineer Comments:

Mr. Hoy said the Community Development drainage project on Snowdale Drive started today.

Attorney Comments: None

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Executive session to conduct interview for comptroller candidate:

161-21-014 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to recess the Regular Meeting and go into Executive Session to conduct an interview for comptroller candidate at 7:30 pm.

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

All Ayes – Motion Carried & Adopted

162-21-000 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to close the Executive Session and resume the Regular Meeting at 7:58 pm.

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

All Ayes – Motion Carried & Adopted

Appoint budget officer:

163-21-038 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to appoint Michelle Vona, subject to successful completion of a background check, as budget officer, effective October 4, 2021 with a pay rate of \$1,538.46 bi-weekly through December 31, 2021.

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

All Ayes – Motion Carried & Adopted

164-21-000 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to adjourn to the next Regular Town Board meeting on October 6, 2021 at 7:00 pm.

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

All Ayes – Motion Carried & Adopted

Meeting closed 8:00 p m

Respectfully submitted,

Lynn Precourt

Town Clerk, Dated 9/16/21

