

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on November 3, 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
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Also present:

Ms. Nadine Bell	Town Attorney
Mr. Jason Hoy	Town Engineer
Mr. Doug Foster	Highway Superintendent
Mr. Greg Maxwell	Comptroller
Ms. Michelle Vona	Budget Officer
Ms. Lynn Precourt	Town Clerk

Pledge of Allegiance and Roll Call.

Mr. Sykes congratulated those newly elected and re-elected officials.

Approve minutes of the Regular Town Board meeting on October 20, 2021:

183-21-000 MOTION BY Mrs. Van Der Water, seconded by Mr. Dudzinski, to approve the minutes of the Regular Town Board Meeting on October 20, 2021 as published.

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

Motion Carried & Adopted

Public Hearing on 2022 Town Budget and Special District Budgets:

184-21-000 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 published in the *Messenger* on October 27, 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

Mr. Maxwell, Comptroller, gave the following presentation on the 2022 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 2022 is up \$198,703 from last year or 3.83%. He said 61% is wages and benefits, 10% are capital costs, 27% are consumables (paper, electricity, etc.) and 2% is debt payment.

Mr. Maxwell said 2022 wages are up \$48,664. 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 2022.

Mr. Maxwell said Capital Projects for 2022 include \$475,000 for road repairs, \$15,000 for highway garage, \$8,000 for Buildings and Grounds for new lawn mower and \$2,100 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 \$89,932 more than 2021. Mr. Maxwell said the largest expenditure for consumables is road salt. The town will spend \$225,000 on road salt, \$143,480 on road repairs, \$41,200 for utilities, \$66,950 for the Canton Woods Senior Center, \$69,400 for legal fees, and \$67,515 for insurance.

Mr. Maxwell said the town's debt service or the amount we owe is \$122,880 and that is an increase of \$1,631 or 1.35%.

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

Mr. Maxwell said the town does have non- property tax sources of revenue. The largest of these is \$298,810 for plowing County roads, \$180,000 in mortgage taxes, \$127,480 in cable franchise fees, \$162,350 in Park & Recreation fees, \$78,568 in shared services agreements with other towns, \$99,831 in State revenue Sharing, \$198,065 in Payment in Lieu of Taxes (PILOT) agreements, \$167,297 Consolidated Highway Improvement Program (CHIP), \$70,000 in court fines, \$12,773 land lease, \$45,000 for building permits.

Mr. Maxwell said the town's Appropriated Fund Balance, or rainy day fund, is \$535,817.

Mr. Maxwell said the assessed value in Van Buren has gone up 4.31%. He said there is \$781,500 Million in Assessed Value in the town.

Mr. Maxwell said the tax rates for 2022 in the General Fund is up 3.48% to \$1.78. The Part Town budget remains at zero again this year. The Highway Fund is up .20% to \$2.18.

Mr. Maxwell said under this proposed 2022 budget the owner of a home assessed at \$129,000, the average price of a home in Van Buren, inside the Village of Baldwinsville will pay \$229.36.

Mr. Maxwell said the owner of a home assessed at \$129,000, the average price in Van Buren, outside the Village of Baldwinsville will pay \$510.63.

Mr. Maxwell said the special districts, lighting, sewer, drainage and water have seen some increases and some decreases in 2022 and depending on where you live and which of these apply to you they will factor into your bill as well.

Mr. Maxwell said the town leased the sewers to Onondaga County but will need to continue to pay the maintenance bill, that lags about two years behind into 2023 and after that all expenses will be paid by the County. Mr. Maxwell said the County gave the town \$200,000 to pay debt in sewer districts and there are two, Village Green and Marion Meadows that have debt. He said after that is paid any remaining money will be refunded to taxpayers but he believes the town will need State Legislature approval prior to issuing checks.

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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 2022 budget, this presentation and the tax rates for all 46 funds are on the town's website.

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

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

185-21-000 MOTION BY Ms. Sabin, seconded by Mrs. Van Der Water to close the public hearing and resume the regular meeting at 7:34 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 D-2021 regulating areas for sale of cannabis:

186-21-000 MOTION BY Mr. Dudzinski, 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 October 24, 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

Ms. Bell said this town is not opting out of the sale of cannabis and this local law restricts the location of dispensaries and the hours they may operate. She said the state doesn't allow the towns very much control in regulating the sale of cannabis but to the extent the town can this law does restrict them to operating in the General Business District only between the hours of 9:00 am and 6:00 pm.

Mr. Hulchanski asked where the General Business Districts are located in the town.

Mr. Sykes said Seneca Knolls Plaza on Rt. 48 and the area on Downer Street near Tops, Aldi's, etc.

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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.

Mrs. Joan Porter said she is not in favor of cannabis sales in the town. She said she was disappointed the residents in Van Buren were not able to vote on this issue. She said several other towns and villages put this question to the voters in yesterday's election. She asked why Van Buren chose not to do that.

Ms. Bell said my legal advice to the town, based upon the language of the state law and the opinion of the Association of Towns, that the town cannot put this issue to a town wide referendum on its motion

Mrs. Porter asked how other towns were able to have a referendum.

Ms. Bell said she will refrain from commenting on what other towns did but will say what this town board did is follow the state law and advice from the Association of Towns.

Mrs. Akers said she is not in favor of any cannabis sales in town.

187-21-000 MOTION BY Mrs. Van Der Water, seconded by Mr. Dudzinski, to close the public hearing and resume the regular meeting at 7:54 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

Consider adoption of 2022 Town Budget and Special District Budgets:

Ms. Lesniak thanked Mr. Maxwell for putting this budget together but said she is concerned the town is using fund balance each year. She said this is not sustainable and at some point the town will need to make cuts to services and/or personnel or raise taxes.

Mr. Tupper said we have modernized already and taken out the slack.

Mr. Sykes said we are down to the bone now and will be into the marrow.

Ms. Sabin said we will have to look at staffing and we have already made cuts there. She said the town needs more revenue especially in light of many existing sources being cut, like cable franchise money as people move to streaming services.

Mr. Tupper said more revenue from construction and building needs to be balanced with the character of the town.

Mr. Sykes said towns will have to look to more consolidation of services.

188-21-007 MOTION BY Mr. Tupper, seconded by Mr. Dudzinski, to approve the 2022 Town and Special Districts Budgets.

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

Consider adoption of Local Law D-2021:

Mrs. Van Der Water said she thinks the town should opt-out of sales of cannabis but since we are not it does warrant regulation.

189-21-030 The following resolution was offered by Councilor Lesniak, 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. D-2021, amending the Town of Van Buren Town Code to include a new Chapter 100 to establish operations requirements for cannabis retail dispensaries within the Town of Van Buren, was presented and introduced at a meeting of the Town Board of the Town of Van Buren held on October 20, 2021; and

WHEREAS, a public hearing was held on such proposed local law on November 3, 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 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 October 20, 2021, the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. D-2021 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 the determination of this Board that it is in the public interest of the residents of the Town of Van Buren to enact said proposed Local Law No. D-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. D-2021 as Local Law No. 3-2021 as follows:

**“TOWN OF VAN BUREN
LOCAL LAW NO. 3 OF 2021**

**A LOCAL LAW AMENDING PART II, “GENERAL LEGISLATION,” OF THE CODE
OF THE TOWN OF VAN BUREN, TITLED “CODE OF THE TOWN OF VAN BUREN,”
RELATING TO CANNABIS RETAIL DISPENSARIES**

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

SECTION 1. BACKGROUND.

Based upon the considered judgment of the Town Board, the Town of Van Buren has determined that certain regulations of cannabis retail dispensaries are needed and necessary in order to promote the general good, morals, health and welfare of the citizens, including the children of the town and that the regulations set forth herein will promote and further those goals.

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10 and Cannabis Law §131.

**SECTION 3. AMENDMENTS TO PART II (“GENERAL LEGISLATION”) OF THE
CODE OF THE TOWN OF VAN BUREN.**

The Code of the Town of Van Buren is hereby amended to include a new Chapter 100, titled “Cannabis Retail Dispensaries,” which shall read in its entirety as follows:

§100-1. Definitions.

The words and terms used in this chapter shall have the following meanings:

CANNABIS RETAIL DISPENSARY

A physical location (*i.e.*, storefront) in which a person of legal age can purchase cannabis and cannabis-related items for medical or recreational use.

PUBLIC PARK

An area to which the public is invited or in which the public is permitted.

§100-2. Hours of operation.

Hours of operation for cannabis retail dispensaries shall be limited to the hours of 9:00 a.m. to 6:00 p.m.

§100-3. Location of cannabis retail dispensaries limited to Zoning Districts.

Cannabis retail dispensaries shall only be located within the following Zoning Districts:

- A. General Business District, GB.

§100-4. Cannabis retail dispensaries prohibited within certain distances of specified places.

In addition to those prohibitions set forth in the Cannabis Law, cannabis retail dispensaries are prohibited within:

- A. Five hundred feet of any public park.

§100-5. Measurement of distance.

The distances provided in this chapter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the cannabis retail dispensary is to be located to the nearest point of the parcel of property or the land use district boundary line from which the cannabis retail dispensary is to be separated.

SECTION 4. VALIDITY & 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 not 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 5. 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:

Roll Call Votes: 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

Authorize any newly elected official(s) to attend training for their new positions as offered by any state agency or the Association of Towns:

190-21-038 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to authorize newly elected officials(s) to attend training for their new positions as offered by any state agency or the Association of Towns.

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 & Comments:

Ms. Sabin said the Land Use Committee meeting is November 10th at 3:30 pm and anyone with comments on solar placement on important farmlands should get them to her before the meeting.

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Ms. Lesniak thanked all the people who voted yesterday.

Mr. Tupper said they held a Public Safety Committee meeting and those involved has no major requests. He said the ambulance corps is looking to reorganize but they have not come back with any plans.

Mr. Dudzinski thanked Mr. Hoy and the Highway Department employees for expanding parking at the sledding hill in Van Buren Central Park. He said this will make the situation safer and should keep card off the side of Connors Road.

Highway Superintendent Comments:

Mr. Foster reminded residents there is no parking on town roads between 2:00 am and 6:00 am from November 15th to April 15th. He said it is much safer and efficient to get the roads cleared if plow operators do not have to go around parked cars.

Citizens Comments: None

Engineer Comments: None

Attorney Comments: None

191-21-000 MOTION BY Ms. Sabin, seconded by Mrs. Van Der Water, to adjourn to the next Regular Town Board Meeting on November 17, 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

Respectfully submitted,

Lynn Precourt
Town Clerk

Dated: 11/4/21