

Regular Meeting of the Town Board of the Town of Van Buren, held on January 6, 2022 at 7:00 pm at the Van Buren Town Hall, 7557 Van Buren Road, Baldwinsville, New York.

Mr. Michael Hulchanski	Councilor
Mrs. Van Der Water	Councilor
Ms. Darcie Lesniak	Councilor
Mr. Howard Tupper	Councilor
Mr. Ronald Dudzinski	Councilor
Ms. Mary Frances Sabin	Supervisor

Ms. Nadine Bell	Town Attorney
Mr. Jason Hoy	Town Engineer
Mr. Doug Foster	Highway Superintendent
Mr. Anthony Geiss	Planning Board Chairman
Ms. Lynn Precourt	Town Clerk

Pledge of Allegiance and Roll Call.

Approve minutes of the Regular Town Board Meeting on December 15, 2021:

017-22-000 MOTION BY Ms. Lesniak, seconded by Mr. Dudzinski, to approve the minutes of the Regular Town Board Meeting on December 15, 2021 as published.

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

Motion Carried & Adopted

Approve the CNY SPCA Cruelty Services contract for 2022 and authorize the Supervisor to sign:

018-22-010 MOTION BY Mr. Hulchanski, seconded by Ms. Lesniak, to approve the CNY SPCA Cruelty Services contract for 2022 and authorize the Supervisor to sign.

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

All Ayes - Motion Carried & Adopted

Hold public hearing for Local Law E- Prohibition of smoking on Town property:

019-22-000 MOTION BY Ms. Lesniak seconded by Mr. Hulchanski, to recess the regular meeting, open the public hearing and waive reading the legal notice published in *The Post Standard* on December 29, 2021.

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

All Ayes - Motion Carried & Adopted

Ms. Sabin said in order to prohibit the smoking of cannabis on town property all smoking must be prohibited.

Ms, Sabin asked if there was anyone to speak in favor of this local law. No one spoke.

Ms. Sabin asked if there was anyone to speak against this local law. No one spoke.

020-22-000 MOTION BY Ms. Sabin, seconded by Mr. Hulchanski, to close the public hearing and resume the regular meeting at 7:15 pm.

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

All Ayes - Motion Carried & Adopted

Consider adoption of Local Law E:

021-22-014 The following resolution was offered by Mr. Dudzinski, who moved its adoption, seconded by Mr. Tupper, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. E-2021, “A Local Law Establishing A Prohibition On Tobacco Smoke, Cannabis Smoke And Smoking On Town of Van Buren Property” was presented and introduced at a regular meeting of the Town Board of the Town of Van Buren held on December 15, 2021; and

WHEREAS, a public hearing was held on such proposed local law on this 5th day of January, 2022, 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, the enactment of Proposed Local Law No. E-2021 has previously been determined to be an Unlisted Action and will have no significant adverse impact on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. E-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. E-2021 as Local Law No. 1-2022 as follows:

**“TOWN OF VAN BUREN
LOCAL LAW NO. 1 of 2022**

**A LOCAL LAW ESTABLISHING A PROHIBITION ON TOBACCO SMOKE,
CANNABIS SMOKE AND SMOKING ON TOWN OF VAN BUREN PROPERTY**

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

SECTION 1. BACKGROUND

The Town of Van Buren is concerned about the effects of tobacco, cannabis and related smoke and second-hand smoke on the health and welfare of the public. The Town of Van Buren is especially concerned with the effect exposure of such smoke and second-hand smoke has on children and the annoyance to those who are subjected to second-hand smoke, as well as the litter and possible contamination of the environment from discarded cigarette butts in public places; the effect that smoking in public places has on the likelihood that young persons will initiate the use of tobacco products or cannabis products by witnessing adults using such products in public; and the protection of public health. Therefore, recognizing the above and the need of the community for an effective prohibition against smoking tobacco or cannabis or using like products on Town of Van Buren properties, the Town Board of the Town of Van Buren enacts this law to promote the health, safety and general welfare of the inhabitants of the Town of Van Buren.

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 §2.

SECTION 3.

The Code of the Town of Van Buren is hereby amended to include a new Chapter 144, titled “Prohibition of Smoking on Town Properties,” which shall read in its entirety as follows:

§144-1. Smoking Prohibition on Town-Owned Properties

- A. No persons shall be allowed to smoke tobacco or cannabis or tobacco- or cannabis-like products on Town-owned real property or buildings, as set forth in this Chapter.

§144-2. Definitions

Authorization. Written permission for an activity proposed to be conducted on property of the Town of Van Buren (including any conditions placed upon such permission), issued and signed by the appropriate authority designated by the Town Board of the Town of Van Buren.

Children. Persons under the age of 21 years in the case of tobacco and persons under the age of 21 years in the case of cannabis.

Entrance. The location by which persons may enter a building, typically consisting of a door or doorway, which may be associated with a stoop or steps and/or a ramp

and for the purposes of this chapter, “entrance,” includes the stoop, steps or ramp leading from the sidewalk or pavement to such door or doorway.

Exit. The location by which persons may leave a building, typically consisting of a door or doorway, which may be associated with a stoop or steps and/or a ramp. For the purposes of this chapter, “exit” includes the stoop, steps or ramp leading from the sidewalk or pavement to such door or doorway.

Facility. The structures and activity areas (which may be partially enclosed or unenclosed) associated with an operation (which operation may be governmental, recreational, educational, commercial, or of another type).

Outdoor Dining. An activity consisting of the provision of facilities that are available to members of the public (with or without payment) for eating and/or drinking in an area that is not fully enclosed by a permanent structure (walls, roof, etc.).

Outdoor Recreation Area. An area that is not fully enclosed and that is designated for recreational purposes or activities.

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

Playground. An outdoor recreation area that is designed and intended for use by children. For the purpose of this Local Law, a playground that is fenced or otherwise physically demarcated shall be deemed to include all of the area inside such fence or demarcation; a playground that is not fenced or otherwise demarcated shall be deemed to include all open space that is associated with or adjacent to it.

Playing Field. That portion of an outdoor recreation area that is set up and marked in some way for the playing of one or more specific games (such as, for example, baseball, football, soccer or skateboarding). For the purposes of this Chapter, a playing field that is fenced or the outside perimeter of which is otherwise physically demarcated shall be deemed to include all of the area inside such fence or demarcation, together with any bleachers or other, designated viewing area; a playing field that is not fenced or otherwise demarcated (as to its outside perimeter) shall be deemed to include all of the area customarily required for playing the game for which it is being used, together with any bleachers or other designated viewing area.

Permit. Written permission for an activity proposed to be conducted on property of the Town of Van Buren (including any conditions placed upon such permission), issued and signed by the appropriate authority designed by the Town Board of the Town of Van Buren.

Public Property. Any Town property not clearly defined by any other definition in this Chapter.

Smoke. The emission produced by the burning of a lighted cigar, cigarette, pipe, e-cigarette, vaping device, or any other matter or substance which contains tobacco or cannabis or a tobacco- or cannabis-like product.

Smoking. The inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or cannabis product intended for inhalation, in any manner or in any form. “Smoking” also includes the use of an e-cigarette or any other vaping device, which creates a vapor, in any manner or in any form, or the use of any oral smoking devise for the purpose of circumventing the prohibition of smoking in this Chapter.

Town-Owned Building. Any structure owned by the Town of Van Buren, except for any such structure that is subject to a written lease to another party, provided such lease does not give the Town the authority to regulate outdoor smoking on the leased premises.

Town-Owned Property. Any property owned by the Town of Van Buren, except for any such property that is subject to a written lease to another party, provided such lease does not give the Town the authority to regulate outdoor smoking on the leased premises. For the purposes of this chapter, Town-Owned Property does not include Town streets or sidewalks open to the public generally unless otherwise noted in this Chapter.

§144-3. Prohibition of Outdoor Smoking in Certain Public Places

Smoking shall not be permitted and no person shall smoke in outdoor areas under the ownership of the Town of Van Buren, including, but not limited to, the following places:

- A. At any Town playgrounds, parks, playing fields, and Town-owned properties, including on sidewalks directly bordering Town playgrounds, parks, playing fields, parking lots, and Town-owned properties;
- B. In other areas or at events where persons cannot readily escape nearby second-hand smoke, as follows:
 1. Within any outdoor dining area (whether covered or not) located on public property, as follows:
 - a. Within any seating area for outdoor dining and/or drinking associated with a bar or restaurant, that is on public property, and that is used for that purpose; and
 - b. Within any seating area for outdoor dining and/or drinking established or maintained by the Town or its agent, and that is in use for that purpose; and
 - c. On sidewalks directly bordering such seating areas; and

2. At outdoor events on public property, as follows:
 - a. Within the outdoor seating and viewing areas for open-air concerts, dances, parades, other performances, lectures, motion picture or video presentations, or similar open-air presentations, for which a permit or authorization from the Town is required and when in use for that purpose;
 - b. Within the outdoor seating and viewing areas associated with unenclosed (or partially enclosed) playing fields or similar outdoor recreation areas; and
 - c. During outdoor festivals, block parties and similar events, on public property, for which a permit or authorization from the Town is required. For such an event, smoking is prohibited within the area covered by the Town permit or authorization.
 - d. On sidewalks directly bordering the area of public property outlined and reserved by permit or authorization during the outdoor event; and
 3. Any licensee or permit holder for an outdoor dining area, vending or outdoor event on public property shall be required to inform members of the public of applicable restrictions on outdoor smoking (for example, through signs posted on a mobile vending cart, at the perimeter of an outdoor dining area or outdoor event, and/or in the publicity for an event).
- C. Smoking shall be prohibited in certain other areas, as follows:
1. Outside Town-owned buildings, at all times, on any public property within twenty-five (25) feet of any entrance or exit or window or ventilation intake for any building owned by the Town of Van Buren;
 2. At facilities leased or licensed to others, as follows:
 - a. Whenever the Town is negotiating a new or renewed lease or license for use of Town land or buildings, the Town shall include in such lease or license a provision that will apply outdoor smoking rules comparable to those for other, comparable Town property as set forth herein;
 - b. As for existing leases, where this Chapter would not apply automatically, the Town shall ask such lessees to agree, voluntarily, to operate the outdoor areas of the leased premises in a manner that is consistent with the Town regulation of smoking in comparable outdoor areas.

D. Future property purchased by the Town of Van Buren:

1. The Town of Van Buren reserves the right to regulate and prohibit smoking on any real property purchased by the Town of Van Buren on any date after the enactment of this Local Law by the Town Board of the Town of Van Buren.

§144-4. Enforcement and Penalties

Any person who violates any provision of this chapter, by smoking in an area where outdoor smoking is hereby prohibited, shall be guilty of a violation punishable by a civil penalty of twenty-five dollars (\$25.00) or an amount of community service not exceeding twenty (20) hours.

SECTION 4. 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 thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

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

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

Roll Call Votes: Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes - Motion Carried & Adopted

Councilor Committee Reports and Comments:

Ms. Lesniak said every eight years SOCPA reaches out those in agriculture districts to see if they want to add or remove land from the districts. She said Van Buren is up for review this year and more information is available on the town’s website.

Mr. Dudzinski said the site to sign up to bike the Erie Canal Trail is up for those interested. He said there are different “legs” that can be cycled and information can be found on cycletheeriecanal.com.

Mr. Dudzinski said he will get the insurance forms from the Camillus Snowmobile Club. He said they use the canal in the winter.

Regular Town Board Meeting January 5, 2022

Mr. Dudzinski held a Highway Committee meeting in December and they went over projects to be done this year.

Mr. Dudzinski scheduled a Parks & Recreation Committee meeting for January 12th at 2:00 pm at the Town Hall.

Mr. Tupper welcomed Mr. Hulchanski and the new staff at Town Hall.

Highway Superintendent Comments:

Mr. Foster said the employees got a lot of projects completed and added more this summer despite the rainy season we had.

Mr. Foster said they are picking up Christmas trees, just make sure all decorations are removed and place near the road. He said they pick them up as time allows and do not follow any specific schedule.

Mr. Foster asked everyone to please be courteous and not park on the roads during snow events so they may be cleared safely and more efficiently.

Supervisor Comments:

Ms. Sabin said there have been several comments on social media about car break-ins and encouraged everyone to remove any valuable items and keep their cars locked.

Citizens Comments: None

Engineer Comments: None

Attorney Comments: None

022-22-000 MOTION BY Ms. Lesniak seconded by Mr. Dudzinski, to adjourn to the next Regular Town Board Meeting on January 19, 2022 at 7:00 pm.

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

All Ayes - Motion Carried & Adopted

Meeting closed 7:22 pm

Respectfully submitted,

Lynn Precourt, Town Clerk Dated: 1/6/22

