

Regular Meeting of the Town Board of the Town of Van Buren, held on March 16, 2022 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Mr. Michael Hulchanski      Councilor  
Mrs. Wendy 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  
Ms. Lynn Precourt      Town Clerk

Pledge of Allegiance and Roll Call.

Approve minutes of the Regular Meeting on February 16, 2022:

042-22-000 MOTION BY Mr. Hulchanski, seconded by Mrs. Van Der Water, to approve the minutes of the Regular Town Board meeting on February 16, 2022 as published.

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

Motion Carried & Adopted

Introduction and resolution to adopt town wide solar moratorium and set public hearing for April 6, 2022 at 7:00 pm:

Mrs. Van Der Water said it is better to review what we have in place and do our due diligence before any additional solar farms are located in town.

Ms. Sabin said when we originally approved the legislation we knew it was a changing technology and that the town would need to update it from time to time.

043-22-030 Councilor Tupper introduced proposed Local Law No. A-2022 regarding imposing a twelve (12) month moratorium on the siting, placement, installation, construction, erection, and enlargement of Solar Farms within the Town of Van Buren and made the following Resolution, which was seconded by Councilor Lesniak

**WHEREAS**, this moratorium will enable the Town to address the growth in and changes to the solar industry since its enactment of regulations for “Solar Energy Systems,” which are found in Article XV of Chapter 200, titled “Zoning,” of the Code of the Town of Van Buren, while

the Town undertakes a review of its Comprehensive Plan and/ or land use regulations which are intended to, in part, address such new circumstances not addressed by its current law; and

**WHEREAS**, the Town Board has deemed this moratorium urgent and immediately necessary in order to preserve status quo while this issue is examined by the Town; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of Local Laws 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.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that there are no other involved agencies, the Town Board shall act as lead agency, and that the enactment of this proposed local law, is a Type II action under SEQR, thus concluding the environmental review process; and it is further

**RESOLVED AND DETERMINED**, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law A-2022 at the Town of Van Buren Town Hall located at 7575 Van Buren Road, Baldwinsville, New York 13027 on April 6, 2022 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; and it is further

**RESOLVED AND DETERMINED**, that pending action of this Local Law, the Town will neither accept nor process any application pertaining to Solar Farms.

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

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

Introduction of Local Law to update section 170 of Town Code to tighten town’s written notice of highway defects:

044-22-030 Councilor Lesniak introduced proposed Local Law No. B-2022 regarding amendment to the Code of the Town of Van Buren to update certain sections of the “Notification of Defects” provisions in the “Streets and Sidewalks” chapter of the Code and made the following Resolution, which was seconded by Councilor Van Der Water,

**WHEREAS**, proposed Local Law No. B-2022 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.

**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 No. B-2022 at the Town Hall located at 7575 Van Buren Road in the Town of Van Buren on April \_\_, 2022, 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, 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 five (5) 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:

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

Approve annual MS4 training for the engineer, virtual training on May 18<sup>th</sup> by CNY Regional Planning and Development Board:

045-22-056 MOTION BY Mrs. Van Der Water, seconded by Ms. Lesniak, to approve stormwater management training on May 18<sup>th</sup> in the amount of \$175.00 and March 17<sup>th</sup> at cost of \$30.00 plus mileage.

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

Approve purchase of two vehicles for Highway Department:

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046-22-026 MOTION BY Mr. Dudzinski, seconded by Mr. Hulchanski, to approve the purchase of a new truck for the Highway Superintendent in the amount of \$55,248.50 and a new truck for the department fleet in the amount of \$69,051.50, both to be paid out of reserve funds and resolution is subject to permissive referendum.

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:

Mrs. Van Der Water said it states on the website that the pool will be open this year and asked if this is a done deal or if we will still have to follow special staffing, distancing and cleaning protocols.

Ms. Sabin said as long as we can get lifeguards the pool will open. Ms. Anders has checked with the County Health Department and there are no special Covid related protocols to be followed.

Mrs. Van Der Water asked if the summer playground program will run this year.

Ms. Sabin said yes.

Mrs. Van Der Water said there is still nothing on the website for residents who want to apply to serve on any of the boards for the town.

Ms. Sabin said right now we are focused on filling the laborer position in the Buildings and Grounds Department.

Mrs. Van Der Water asked who maintains the website.

Ms. Sabin said the Clerk, Park Director and Recreation Supervisor.

Mrs. Van Der Water said there are items that need updating on the website and the whole site needs revamping. She said there is nothing on the calendar of events, the budget is not up to date and there needs to be more information for the residents. She suggested an intern from Syracuse University could be utilized to change the site.

Mr. Hulchanski said a resident asked him if the town will have a special trash collection day this Spring.

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Mr. Foster said he coordinates with OCRRA for Earth Day in April. The highway department will be open to accept tires, for a fee, and scrap metal. He said any groups interested in picking up roadside trash can sign up with OCRRA and get special stickers for the bags and bring them to the highway department and they will get it all to OCRRA.

Highway Superintendent Comments:

Mr. Foster said as the weather gets nicer please contact the department to report plow damage to yards and please leave delineators and they will be around to pick them up.

Supervisor Comments: None

Citizens Comments: None

Engineer Comments:

Mr. Hoy thanked the Board for approving the MS-4 training. He said DEC is coming out with a new permit and the training will be on how to administer the new regulations.

Attorney Comments:

Ms. Bell said she is meeting with the Lysander and Village of Baldwinsville attorney to draft an agreement for the summer concert series.

Mrs. Van Der Water asked if there has been any further discussion with the GBAC about them becoming a district in order to be able to place a line on tax bills for their funding.

Ms. Bell said there has been no significant changes since their last communication.

047-22-014 MOTION BY Ms. Lesniak, seconded by Mrs. Van Der Water, to recess the regular meeting and go into Executive Session to receive attorney counsel on potential litigation at 7:38 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

048-22-000 MOTION BY Ms. Lesniak seconded by Mr. Dudzinski, to close the Executive Session and resume the regular meeting at 8:58 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

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049-22-000 MOTION BY Ms. Lesniak, seconded by Mr. Dudzinski, to adjourn to the next Regular Town Board Meeting on April 6, 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 9:00 pm

Respectfully submitted,



Lynn Precourt  
Town Clerk

Dated: 3/17/22