

## Town of Venice Board Meeting March 9, 2023

The regular scheduled board meeting was called to order on March 9, 2023, at 7:00 pm by Town Supervisor, Stefan McGonagle. All stood for the Pledge of Allegiance.

Roll call found the following present: Supervisor Stefan McGonagle; Councilors Brian Sheils, Cynthia Whitten and Terri Denman; Highway Superintendent Stephen Fedrizzi and Town Clerk Andrew Simkin.

**Guests in Attendance:** Colleen Rejman, Scott Biggar, Benedikt Luninck, Meg Lee.

### **Resolution 20-2023 ~ Approval of Minutes from February 9, 2023:**

The Clerk read the minutes, copies of which had also been distributed to the board. Motion made by Councilor Denman and seconded by Councilor Whitten to approve the minutes from February 9, 2023. Voted: All in favor.

Supervisor McGonagle opened the meeting for comments from the guests in attendance. Scott Biggar, of the Liberty Renewables company, introduced his colleagues Benedict Luninck and Meg Lee. Ms. Lee works in project development and permitting. Mr. Luninck is Director of Prowind, a German company that is one of two parent companies of the Liberty Renewables company. Mr. Luninck indicated that the biggest wind turbines in use today are about 170 meters in height. The ones planned for the project in the Towns of Venice and Scipio would likely be about 120 meters high. Mr. Biggar reported that the local project has been included as one of 90-100 energy generation projects statewide to be studied this year in an "interconnection study" to evaluate their effects on the larger electric grid. He noted that the company now has about 4,300 acres under lease, divided approximately evenly between the Towns of Venice and Scipio. This lease footprint will later shrink to encompass only the actual footprints of the wind turbines. Ms. Lee reported that the focus now is on planning and layout work. Surveys of breeding birds, wetlands, and cultural sites are set to begin this Spring. The company is looking to July 2024 as the estimated time frame for filing an application for a permit for the project.

Mr. Biggar said that another staff member is preparing an informational presentation to describe the permitting process. He offered to provide that presentation to the Town Board. After discussion, it was tentatively agreed that this would be done at the Board's regularly scheduled monthly meeting on April 13, 2023.

In further discussion of the timing of the wind project, Liberty representatives stated that a winter raptor bird study will be conducted from November 2023 to Spring 2024, followed by a review by the NY DEC. Liberty has not yet submitted a bid to NYS authorities for provision of renewable energy, and will sit out an April 2023 bidding round. The company is waiting for a bidding round later in 2023, by which time it hopes to have better data on business costs and electricity market conditions. Ultimate construction of the project is projected for early in 2026.

Following the departure of the Liberty Renewables guests, the Town Board returned to its remaining agenda.

### **Resolution 21-2023 ~ Approval of Minutes from Special Meeting February 15, 2023:**

A special meeting had been held on February 15 to discuss whether the Town of Venice should agree to hold a letter of credit to guarantee the eventual costs of decommissioning of the biogas project that is being developed in the Town of Venice. The Clerk read the minutes, copies of which had also been distributed to the board. One correction was noted. Motion made by Supervisor McGonagle and seconded by Councilor Denman to approve the minutes from February 15, 2023, as corrected. Voted: All in favor.

**Report(s) of Town Officials:**

Clerk/Collector's report: Clerk circulated a written report showing the following services performed during the month of February:

13 dog licenses issued

Two no-fee notarial services

Two building permit fees collected

\$609,451.31 in property taxes collected and deposited

\$265,160.10 paid to Town of Venice Supervisor, completing distribution of the Town's portion of the 2023 tax warrant.

\$550,000 paid to Cayuga County Treasurer.

Total fee revenue collected: \$268.00, of which \$247.00 paid to Supervisor for general fund, and \$21.00 paid to NYS Ag and Markets.

Other activity since February board meeting:

Tax collection: Total payments collected as of 3/9/23 were \$1,286,427.26, 78% of the total 2023 town and county tax warrant. Town of Venice portion total of \$685,160.10 (includes fire districts and Poplar Ridge light district) has been fully paid over to Town.

Notices mailed March 1 to taxpayers with bills not yet paid.

Dogs: Late dog-license renewal notices were mailed out in third week of February.

Death: One Town resident died at home on February 28. Registrar affirmation completed remotely about an hour after case was ready in system, on March 6, and death certificates issued to funeral director March 8.

Correspondence:

Letter from Sheen Housing (Bishop Sheen Ecumenical Housing Foundation, Inc.) offering assistance in obtaining grant funding and arranging home repair for low-income, seniors, veterans, and persons with disabilities. Flyer posted.

Letter from McManus IT Solutions, local provider Kieran McManus, offering IT services for Town offices.

E-mail from Cayuga County Planning board dated Feb. 22 regarding training session on SEQR process, 3/22/23 7-9PM.

Code Officer's Report: copied to board members shows two building permits issued for February 2023. Code officer held office hours on Monday mornings and by appointment.

Justice's report: N/A. February report will be provided at April meeting.

Assessor's Report: Supervisor McGonagle had received from Assessor Heather Garner an update on the ongoing property revaluation, copies of which were circulated to the Board. She had mailed notices to property owners giving preliminary assessment figures for each parcel, and offering to hold informal review meetings with taxpayers to discuss the preliminary assessments. She will be making appointments for such meetings with anyone making a telephonic request by March 23. She also provided a full preliminary assessment roll. She reported that assessments for residential properties had increased due to a dramatic rise in sales prices for recent residential property transactions in the Town.

In discussing the Assessor's report, Councilors decided to post the full preliminary assessment roll on the Town web site. There was additional discussion of the revaluation process, and whether the process used was consistent with the expectations of the Town Board. Supervisor will review previous correspondence with the Assessor and minutes from earlier meetings at which the revaluation was considered.

Highway Superintendent: Superintendent Fedrizzi reported that the new overhead door for the Morton building had been installed, as authorized at the February meeting. The highway crew has been hauling stone in preparation for next winter. He received a check for \$32,127.34 in grant funding from FEMA, after some delay, and expects an additional reimbursement to the Town of \$1,606 for his time in preparing the grant application. He has also submitted a grant application to Sen. Schumer's office for funding for a standby generator for the Town offices.

Superintendent asked guidance on whether to agree to mow along County roads in the Town, with costs to be paid by the County. The County is offering to pay at a higher rate than last year. Councilors expressed support for doing this.

Supervisor's Report: Supervisor McGonagle reported that a draft hold harmless/indemnification agreement for future decommissioning of the Bluebird biogas project has been circulating among the parties' attorneys. The line of credit from the Bluebird company to be held by the Town has been finalized and will be kept in the Town Clerk's files.

He plans to be in further touch with New Visions communication company regarding telephone service for the Town offices. There is still no detailed proposal from New Visions. Once a proposal is received, it will be compared with service available from Verizon.

Supervisor reported that the auditors from the NYS Comptroller's office are continuing their work. They have requested to interview at least two councilors next week for further background.

Supervisor next brought up several technical resolutions needed for accounting purposes.

**Resolution 22-2023 ~ To include in the 2023 budget revenue a payment of \$25,123.92 in the category "Employee Funded Blue Cross/Blue Shield: Employee Health Contribution, code A2770H" received by Town from one Town employee to cover costs of family health insurance under the Town's policy.**

Motion made by Councilor Whitten and seconded by Councilor Denman. Voted: All in favor.

**Resolution 23-2023 ~ To increase the 2023 health insurance budget expense category "Health Insurance, code A9060.8" by \$25,123.92, from \$45,713.01 to \$70,836.93, reflecting the cost of family health insurance under the Town's Blue Cross/Blue Shield policy fully covered by an employee.**

Motion made by Councilor Denman and seconded by Councilor Whitten. Voted: All in favor.

**Resolution 24-2023 ~ To correct two budget labels in the 2023 budget, DA fund: a. "DA9899.3 Debt Repayment" becomes "DA9899.6 Principal Payments", and b. "DA9899.4 Interest Payment" becomes "DA9899.7 Interest Payments".**

Motion made by Councilor Denman and seconded by Councilor Sheils. Voted: All in favor.

**Resolution 25-2023 ~ To transfer \$83,215.64 from HA fund (Bridge NY) to DA fund (Highway) as repayment of a loan DA made to HA in 2022.**

Motion made by Councilor Denman and Seconded by Councilor Whitten. Voted: All in favor.

Supervisor next brought up a draft resolution to introduce a local law providing a partial property tax exemption for the residences of volunteer fire and ambulance personnel in the Town. He noted that some Town Board Members who are volunteer firefighters would have a potential personal interest in this local law. Per advice from Town Attorney Blair, such Board Members can either recuse themselves from consideration of the matter, or could make a “cleansing statement” disclosing their personal interest, and then continue to be involved in the Board’s deliberations and any votes on the matter. In view of the need to have a quorum for voting, two Board members made cleansing statements as follows:

Supervisor McGonagle: “I am a volunteer”.

Councilor Denman: “I volunteer with Long Hill.”

Councilors then discussed the draft law prepared by the Town Attorney, and made decisions to include several optional provisions in the draft, and to set the amount of the exemption at the maximum allowable level, 10%, for purposes of the draft. The draft will also be amended to clarify the manner of calculating the value of the residential portion of a parcel, in situations where a parcel may have mixed residential and non-residential uses.

**Resolution 26-2023 ~ Introducing Local Law #1 of 2023, Entitled “A Local Law Enacting a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-1 of the Real Property Tax Law.” (full text of resolution appended to these minutes)**

In a roll call vote recorded by Clerk, the Resolution was approved by a vote of 4 to 0. It was agreed that the draft law will be published and a public hearing scheduled for the Town Board’s regularly scheduled meeting on May 11, 2023.

Supervisor further reported that he would schedule a meeting with Town Attorney Blair to discuss preparation of other local laws, including a law regarding use of videoconferencing for remote attendance at Town meetings. He also reported that he had followed up on discussion at the February board meeting, at which a resolution was adopted requiring that invoices submitted by Town officers and employees must be submitted within 45 days of incurring the expense. He checked with the OSC auditors and confirmed that the Board retains the authority to give exceptions to this time limit and approve a voucher submitted after more than 45 days.

**Resolution 27-2023 ~ Audit of Claims**

Motion made by Councilor Denman and seconded by Councilor Whitten to accept General vouchers 43-59, in the amount of \$16,934.53, and Highway vouchers 36-46 in the amount of \$34,462.19. Voted: All in favor.

Councilor Denman moved to adjourn and hold the next regular board meeting April 13, 2023, at 7:00 pm at 2479 State Route 34 in Venice Center. The motion was seconded by Councilor Whitten. Voted: All in favor. The meeting adjourned at 10:02 PM.

Respectfully submitted,

Andrew T. Simkin, Town Clerk

**TOWN OF VENICE TOWN BOARD RESOLUTION  
INTRODUCING LOCAL LAW #1 OF 2023 ENTITLED  
“A LOCAL LAW ENACTING A PROPERTY TAX EXEMPTION FOR VOLUNTEER  
FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-a OF THE  
REAL PROPERTY TAX LAW”**

Introduced by:   \_Councilor Whitten\_\_\_

Seconded by:   \_Councilor Sheils\_\_\_\_\_

Dated:            March 9, 2023

**WHEREAS**, pursuant to New York State legislation enacted in late 2022, local governments are now permitted to provide a real property tax exemption to volunteer firefighters and/or volunteer ambulance workers on the assessed valuation of their primary residence pursuant to Section 466-a of the New York State Real Property Tax Law; and

**WHEREAS**, the Town Board of the Town of Venice deems it to be in the best interests of the Town of Venice to adopt a Local Law to establish said exemption and to set forth the requirements for eligibility for the same; 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 Venice, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (“SEQRA”) with respect to the enactment of said Local Law, therefore the Town Board shall act as lead agency in this matter; and

**WHEREAS**, the Local Law is not deemed to have any impact on the environment and thus is not subject to SEQRA pursuant to 6 NYCRR 617.2(b); and

**WHEREAS**, this action involves the adoption or amendment of a zoning ordinance or local law and is therefore subject to review by the Cayuga County Planning Board pursuant to General Municipal Law § 239-m(3)(iii).

**NOW, THEREFORE BE IT RESOLVED**, as follows:

1. The foregoing recitals are hereby incorporated as if set forth herein at length.
2. The Town Board hereby introduces proposed Local Law #1 of 2023 in the form annexed hereto for consideration and adoption.
3. The Town Board hereby finds and determines that the within action is not an “action” reasonably anticipated to “affect the environment” pursuant to 6 NYCRR §617.2(b)(3) of SEQRA, and thus is exempt from environmental review thereunder.
4. The proposed Local Law #1 of 2023 is hereby referred to the Cayuga County Planning Board for review pursuant to General Municipal Law §239(l-m).

5. The Town Board will conduct a Public Hearing at the Town of Venice Municipal Building on \_May 11\_\_\_\_\_, 2023 at \_7:00\_ p.m., or as soon thereafter as the matter can be heard, for the purpose of taking public comment on, and giving due consideration to, the enactment of proposed Local Law #1 of 2023.

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

Councilor Brian Sheils	__Y____
Councilor Terri Denman	__Y____
Councilor Cynthia Whitten	__Y____
Supervisor Stefan McGonagle	__Y____

Vote: Resolution carried by a vote of \_4\_ to \_0\_.

**Dated: March 9, 2023**

STATE OF NEW YORK    )  
  )SS.:  
COUNTY OF CAYUGA    )

I, Andrew Simkin, Town Clerk of the Town of Venice, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Venice at a meeting of said Board held March 9, 2023.

\_\_\_\_\_  
Andrew Simkin, Town Clerk