

Town of Venice Board Meeting April 13, 2023

The regular scheduled board meeting was called to order on April 13, 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; Town Clerk Andrew Simkin.

Guests in Attendance: Colleen Rejman, Nancy Abbott, Richard Signor, Anne VanDusen, Juliana Heffern, Meg Lee.

Resolution 28-2023 ~ Approval of Minutes from March 9, 2023:

The draft minutes had been distributed electronically to the board and posted publicly on the Town website earlier. Clerk had made minor corrections suggested by two of the board members. Printed copies incorporating the corrections were distributed to the board and made available for guests in attendance. Motion made by Councilor Whitten and seconded by Councilor Sheils to dispense with the reading and approve the minutes from March 9, 2023. Voted: All in favor.

Supervisor McGonagle opened the meeting for comments from the guests in attendance. Meg Lee and Juliana Heffern, both of the Liberty Renewables company, offered a prepared briefing on the process for their company to apply for permitting and approval of its proposed wind energy project. The process is governed by NYS law Chapter 18, Article 6, Section 94-C. The company anticipates presenting its application in summer 2024. There will be opportunities for the Town of Venice and other interested parties to intervene during the application process. The Liberty Wind representatives shared the following internet resources for further information:

<https://liberty-renewables.com/agricolawind/>

Webinar Slides: "New Renewable Energy Siting Process Webinar"

<https://ores.ny.gov/system/files/documents/2020/07/2020-04-29-ores-webinar.pdf>

Regulations Implementing Section 94-c of the Executive Law

<https://ores.ny.gov/system/files/documents/2021/03/chapter-xviii-title-19-of-nycrr-part-900-subparts-900-1-through-900-15.pdf>

ORES Government Transparency Initiative: Section 94-c of the NYS Executive Law and 19 NYCRR Part 900

<https://ores.ny.gov/system/files/documents/2021/11/ores-government-transparency-initiative-10-20-2021.pdf>

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

Report(s) of Town Officials:

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

March services: I held public office hours 4-7PM Tuesdays and 9-noon Wednesdays and Thursdays, and 8:00-5:00 on March 31, in case of last-minute taxpayers (none came in).

9 dog licenses issued

Two handicapped parking permits

One no-fee notarial service

One certificate of residence

Six death certificates for a recent Town of Venice death

One genealogical certificate of birth from 1889

One marriage certificate for social security purposes

\$60,034.71 in property taxes collected and deposited

\$51,091.32 paid to Cayuga County Treasurer.

Total fee revenue collected: \$142.00, of which \$132.00 paid to Supervisor for general fund, and \$10.00 paid to NYS Ag and Markets.

Other activity since March board meeting:

Tax collection:

Total payments collected for 2023 \$1,321,434.85. The remaining second-installment and late taxes will be collected by Cayuga County.

Attended Cayuga County Town Clerks meeting April 3, where we received a briefing from NYS Patrol on active shooter response.

Correspondence:

Letter from Finger Lakes Dog Control encloses contract for their services through 2023, after which they will go out of business. Town of Venice had previously paid for Q1 2023 services at the 2022 rate, and a voucher has been prepared to pay the remaining 2023 contractual sum, at the annual fee of \$1,800, unchanged from 2022.

Resolution 29-2023 ~ To authorize Town Supervisor to sign 2023 contract with Finger Lakes Dog Control. Motion made by Councilor Denman and seconded by Councilor Whitten. Voted: All in favor.

Cayuga County Office for the Aging letter dated 3/30/2023 thanking TOV for donation of \$550 for Meals on Wheels program.

Letter from Hazard Library dated 3/30/23 inviting Supervisor and members of the Venice Town Board to their annual meeting at Opendore on 4/24/23, 6:30PM. Refreshments and a presentation of plans for the upcoming building project will be presented, as well as the 2023 operating budget.

Village of Moravia letter dated 3/7/23 announces 2023 Moravia Summer Recreation 6-week program for children. Cost per child expected to remain at \$300. Support in this amount is requested to cover Town of Venice children participating.

Code Officer's Report: copied to board members shows no building permits issued for March 2023. Code officer held office hours on Monday mornings and by appointment.

Justice's report: February report shows receipt numbers 3866-3883 issued for court fees and fines totaling \$2,671, which sum has been paid over to the Town of Venice. March report shows receipt numbers 3884-3890 and 3892-3894 issued for court fees and fines totaling \$1,867, which sum has been paid over to the Town of Venice. Receipt number 3891 was issued to the Cayuga County Sheriff for bail in a case transferred to Cayuga County court.

Assessor's Report: N/A

Highway Superintendent: Superintendent Fedrizzi had provided a written report in advance of the meeting. He reported that the highway department had finished hauling stone for next winter, and is paving Kenyon Rd., Baildon Rd. and some intersections. He also reported that the Southern Cayuga Instant Aid Ambulance Service, a not-for-profit organization based in the Town of Venice, had requested to purchase gasoline for the ambulance from the Town. This would enhance the ambulance's operational readiness, by avoiding the need to drive further away to refuel. The arrangement would parallel current arrangements with two local fire departments in the Town of Venice.

Resolution 30-2023 ~ To authorize the Highway Superintendent to sell gasoline at cost to the Southern Cayuga Instant Aid ambulance service.

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

Superintendent further reported that the Town's ditcher machine needs a new set of eight tires, for a total cost of \$5,880. One tire failed recently. The ditcher is expected to remain in use for the foreseeable future.

Resolution 31-2023 ~ To authorize purchase of new tires for the ditcher machine, for \$5,880.

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

Superintendent also reported that he had arranged for processing of recycled road millings, resulting in 5,800 tons of ground millings available for paving work. This will save a lot of the expense that would otherwise be incurred. Supervisor McGonagle commented that he had observed the processing work, and was highly impressed.

Supervisor's Report

Supervisor McGonagle reported that he had been informed that the Bluebird Renewable energy company is ready to begin construction of its biogas processing facility in the Town of Venice. The proposed pipeline to bring gas to this facility from another farm in the Town of Ledyard is on hold at present. He noted that the draft indemnification agreement related to the letter of credit for this facility had been completed, and signed, pending approval by the Town Board. The following draft resolution was read by the Clerk:

Resolution 32-2023 ~ Whereas, the Venice Town Board has previously agreed in principle to hold a line

of credit to cover the eventual decommissioning costs of the biogas renewable energy project being developed by Bluebird Renewable Energy, LLC, provided that a satisfactory indemnification and hold harmless agreement is reached to protect the Town from potential liability, and
Whereas, an indemnification and hold harmless agreement approved by the Town Attorney has been signed by Bluebird Renewable Energy, LLC, and signed by the Town Supervisor provisionally, pending approval by the Town Board,

Now, therefore, be it resolved that the Venice Town Board hereby ratifies and approves the Town Supervisor's signature of the agreement, and ratifies and approves the agreement itself.

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

Supervisor next reported that the Fire Commissioners of the Scipio, Venice, Ledyard Fire District had requested to use the Venice Town offices as the site for a series of public meetings to develop a comprehensive plan for the Fire District, on six alternate Wednesdays at 7:00PM, from April 19 through June 28. He asked for approval. The commissioners will be provided with a door code for access, and at least one commissioner would be present for each session.

Resolution 33-2023 ~ To authorize the SVL Fire District to use the Town offices for a series of public meetings.

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

Supervisor next brought up the Moravia Summer Recreation Program

Resolution 34-2023 ~ To approve supporting 2023 Moravia Summer Recreation program in the amount of \$300 per Town of Venice participant.

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

Supervisor proposed a plan whereby the Town Board would review quarterly Medicare reimbursement vouchers during the month before they are due, so that payments to the Town's authorized retirees can be made at the beginning of the month in which they are due, rather than waiting for the Board meeting later in that month.

Resolution 35-2023 ~ To review quarterly Medicare vouchers one month early.

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

Supervisor next brought up the draft local law providing a partial tax exemption for volunteer firefighters and ambulance workers, which had been introduced by a resolution approved at the March 9 meeting. Following up on the discussion at that prior meeting, the board agreed to make two edits to the draft law. One edit would provide a cap on the amount of the exemption, and the other would clarify that the exemption would not apply to any property not used primarily for residential purposes. The revised draft will be posted on the Town web site and presented for public comment at a hearing scheduled for May 11, 2023, at 7:00PM.

Resolution 36-2023 ~ To make two edits to the draft local law providing a partial tax exemption for volunteer firefighters and ambulance workers

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

Supervisor next brought up the draft law on videoconferencing, prepared by the Town Attorney. This law would authorize board members to attend meetings by videoconference under specified

extraordinary circumstances. A prior state law providing such authorization had expired.

Resolution 37-2023 ~ To introduce Local Law #2 of 2023 Entitled “A local law authorizing the use of videoconferencing within the Town of Venice pursuant to Public Officers Law Section 103-a”

Full text of the resolution is appended to these Minutes. Resolution introduced by Councilor Denman and seconded by Councilor Whitten. In a roll call vote recorded by Clerk, the resolution carried by a vote of 4 to 0. It was agreed that the draft law will be published and a public hearing set for the Town Board’s regularly scheduled meeting on May 11, 2023.

Supervisor next brought up the topic of how to keep board meetings from going on at excessive length. He noted that his outline for this meeting had included estimated durations for each topic. After discussion, it was agreed to continue this practice, and to set a target adjournment time of 9:30 PM (for meetings commencing at 7:00 PM). If all topics have not yet been covered by 9:30, the board will pause at that point to discuss the remaining agenda and decide which items may be deferred to later, and which items require extending the meeting longer.

Some discussion then followed concerning the current property revaluation being conducted by the Assessor. Some of the guests present expressed concerns about disparities in valuations, and delayed mailing of notices of preliminary valuations. Supervisor shared some information he had received from Assessor Garner regarding the number of appointments she had made to review property valuations. The Assessor had indicated that additional appointments will be available for property owners to meet with the Board of Assessment Review (B.A.R.) in May. She expects that owners of about ten percent of the Town’s 880 real properties will have made review appointments and/or B.A.R. appointments. Supervisor stated that specific facts concerning the revaluation will be helpful to the board in conducting a review of how the revaluation went.

The next topic addressed was the audit of claims. One claim for reimbursement for mileage was set aside pending additional information from the claimant.

Resolution 38-2023 ~ Audit of Claims

Motion made by Councilor Whitten and seconded by Councilor Denman to accept General vouchers 60-79, in the amount of \$10,688.44, Highway vouchers 47-66 in the amount of \$100,222.52, Poplar Ridge Lighting District Voucher 3, in the amount of \$53.35. Voted: All in favor.

Councilor Denman moved to adjourn and hold the next regular board meeting May 11, 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 9:15 PM.

Respectfully submitted,

Andrew T. Simkin, Town Clerk

Appendix A

**TOWN OF VENICE TOWN BOARD RESOLUTION
INTRODUCING LOCAL LAW #2 OF 2023 ENTITLED**

“A LOCAL LAW AUTHORIZING THE USE OF VIDEOCONFERENCING WITHIN THE TOWN OF VENICE PURSUANT TO PUBLIC OFFICERS LAW § 103-a”

Introduced by: Councilor Denman

Seconded by: Councilor Whitten

Dated: April 13, 2023

WHEREAS, pursuant to Chapter 56 of the Laws of 2022, the New York State Legislature amended Section 103 of the Public Officers Law, adding a Section 103-a to permit local governments to authorize their members to attend meetings by videoconference under extraordinary circumstances; 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 permit its board members to attend meetings by videoconference under extraordinary circumstances; 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 #2 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) of SEQRA, and thus is exempt from environmental review thereunder.
4. The proposed Local Law #2 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 #2 of 2023.

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

