

TOWN OF POMPEY BOARD MINUTES

The Town Board of the Town of Pompey held a meeting on April 6, 2016. In attendance: Supervisor Carole Marsh; Councilors Carl Dennis, Gregory Herlihy and Giovanni LaFace; Bookkeeper Tom Chartrand; Highway Superintendent Tom Purcell; Town Attorney Jeff Brown and Town Clerk Ann Christmas. Also present was Attorney Ted Spencer who represents the Town in connection with the lease agreement with OCWA for the operation, maintenance and management of the Pompey Pines Water Supply District No. 1 and the North Pompey Water Storage and Distribution District.

Absent: Councilor Victor Lafrenz

Supervisor Marsh called the meeting to order at 7 p.m. followed by the Pledge of Allegiance and a moment of silence for your service men and women and for Lee VanBoden who recently passed away.

Supervisor Marsh read an opening statement about the proposed lease between the Town and OCWA to legally operate our Pompey Pines Water Supply District Extension No. 1 and the North Pompey Pines Water Storage and Distribution District. The approval of the lease does not require a public hearing but the Town Board intends to open up the floor to residents to hear their concerns on the topic. She further explained that the Town has been sued by Verizon in connection with our Zoning Board of Appeals approval of a stand-alone cell tower at a lower height than Verizon requested. Our counsel has been actively engaged in meeting with the judge and evaluating options for resolving the litigation short of a protracted court battle and potential judicial imposition of a 120 foot plus tall tower on the site. The parties were encouraged to consider evaluating the existing water tower. The first thing we did was look for the lease between the Town and OCWA, which we quickly realized had never been finalized dating back to 2007. Tonight we will be discussing the lease with OCWA to operate your water system, including water for fire protection, that should have been executed 9 years ago and needs to be put in place immediately. The Town has been presented with a draft lease from OCWA, which operates dozens of leased municipal systems across its five county service territory. That lease was reviewed by the Town's outside municipal counsel and executed late last year. However, we overlooked a procedural requirement of New York State law to publish

a Notice of Permissive Referendum so there is no lease in effect. When we revisited this with OCWA the Town did request the proposed Lease be revised to allow control over OCWA's future use of the improvements. OCWA would not agree to allow the Town to have approval authority. In part because of the concerns raised by Town residents, and despite OCWA's strong desire for standardization in its lease agreements, we have negotiated a revision to the December agreement which requires a public hearing be conducted by the Town whenever OCWA proposes to sublease the facilities. This will give residents the opportunity to weigh in on any proposed cell array.

Nadine Bell, attorney from Costello, Cooney & Fearon. She is here tonight to address the proposed lease agreement and, in particular, Section 1.2. She feels OCWA's purpose is to provide a water supply and not to sublet space on their towers. If they do allow a cell tower to be installed on the water tank OCWA will get all of the money and this violates the state gifting policy. She doubts that every OCWA agreement is the same. There is no need for this lease agreement as the Town has had an agreement with OCWA since 1987. The addition of the Town having a public hearing is a change from the 2007 agreement. The lease with OCWA lasts for 40 years. She doesn't feel that a lease is necessary for providing water.

Jessica Fetterman—4282 Trout Lilly Lane. The water tower is in her back yard. She is concerned that the cell array will be going on the water tower. The road to the water tower is privately owned and the owner will not grant access to the tower. Has been told from the beginning that a cell array will not be placed on a water tower and now this is being considered.

Attorney Ted Spencer stated that in 2007 he worked with Terry Pickard, the attorney for OCWA then, and for some reason the lease wasn't signed. He has met with Tony Rivizzingo, attorney for OCWA, on this proposed lease. OCWA wants to be in control of its tower. OCWA has subleases on other facilities and wants to be in control.

Amy Munro, 4276 Trout Lilly Lane, asked in the 2007 agreement if there is anything about subleases.

Attorney Jeff Brown explained how the proposed public hearing process will work; that any comments heard at any public hearing will be forwarded onto OCWA.

Edgardo Martinez, 4048 Killarney Lane, asked what the town will do when the property values go down.

Mike Davey, 4286 Trout Lilly Lane, asked if there is an option to revise the lease.

Attorney Ted Spencer stated that additional concessions from OCWA aren't likely. OCWA has always thought they had control on what goes on their towers.

Councilor Herlihy stated that he wants to make sure that the residents continue to have water service.

Nate Krukin, 4273 Trout Lilly Lane, doesn't want cell arrays, concerned about the health effects, doesn't think that Verizon needs a tower and the Town Board should be the residents advocates.

Sharon Hochstein, 8194 Indian Hill Road, Verizon steamrolled into Pompey; should put the tower up on the new fire station. Attorney Brown informed her that there are no plans to put up a tower at the new station.

Public comment period ended.

Councilor Herlihy stated that in negotiations there are always give and take; he feels that our counsel has worked very hard on this, this lease is about water and not about access. He feels that we have a good agreement on the table based on what OCWA is willing to provide and that it has been negotiated to the best of our ability. Councilor LaFace would like to talk to OCWA once again and see if they will make concessions on the proposed Lease Agreement; Councilor Dennis stated that the water tower increased the flow for the residents, he's looking out for all of the residents and that we need OCWA; Supervisor Marsh stated that the Town is not in the water business and we need to get this Lease Agreement signed.

Part 2 of the SEQR short form was completed line by line. There is no significant adverse environmental affect. Attorney Spencer read the proposed Resolution authorizing the Lease Agreement. The Town Board is the lead agency, this is an unlisted action, there was an uncoordinated review done, all eleven items were discussed and there is no significant adverse effects.

R-44-16 Made by Herlihy, seconded by Dennis to adopt the SEQR Resolution. All in favor. Motion carried.

R-45-16 Made by Herlihy, seconded by Dennis to authorize execution of the Lease Agreement with OCWA subject to permissive referendum. Roll call vote taken:

Councilor Dennis:	Aye
Councilor Herlihy:	Aye
Councilor LaFace:	Nay
Supervisor Marsh:	Aye

Motion carried.

R-46-16 Made by Dennis, seconded by Herlihy to open the Public Hearing on the adoption of Local Law No. 1 of 2016 and Local Law No. 2 of 2016 at 8:35 p.m. All in favor. Motion carried.

Supervisor Marsh explained that Local Law No. 1 is to increase the Cold War Veterans Exemption and Local Law No. 2 is increase the Alternative Veterans Exemption.

No one spoke in favor or against the proposed laws.

R-47-16 Made by Dennis, seconded by LaFace to close the Public Hearing on the adoption of Local Law No. 1 of 2016 and Local Law No. 2 of 2016 at 8:38 p.m. All in favor. Motion carried.

R-48-16 Made by Marsh, seconded by Dennis to adopt Local Law No. 1 of 2016 to amend Chapter 149 (Taxation), Article VI, Section 149-16 of the Code of the Town of Pompey to

increase the Cold War Veterans Exemption and Local Law No. 2 of 2016 to amend Chapter 149 (Taxation), Article II, Section 149-4 of the Code of the Town of Pompey to increase the Alternative Veterans Exemption. All in favor. Motion carried.

R-49-16 Made by Marsh, seconded by Dennis to open the Public Hearing on the Delphi Falls United Church Community Development Grant at 8:39 p.m. All in favor.

Supervisor Marsh stated that she is still waiting to receive some information on this.

R-49-16 Made by Dennis, seconded by LaFace to close the Public Hearing on the Delphi Falls United Church Community Development Grant at 8:44 p.m. All in favor. Motion carried.

R-50-16 Made by Dennis, seconded by Herlihy to authorize Supervisor Marsh to submit to Onondaga County Community Development all items that are correct in connection with the handicap accessibility grant. All in favor. Motion carried.

Pompey Hill Fire Department has contacted Supervisor Marsh in connection with the a Community Development Grant for handicap accessibility at their fire house.

R-51-16 Made by Dennis, seconded by LaFace to hold a Public Hearing on April 25, 2016 at 6:30 p.m. to consider a Community Development Grant in an amount not to exceed \$50,000.00 for handicap accessibility at the Pompey Hill Fire House. All in favor. Motion carried.

The monthly report of the Supervisor was submitted and reviewed along with the quarterly report.

R-52-16 Made by Dennis, seconded by LaFace to approve the following transfers:

GENERAL FUND

From:	A1110.4	Justices	Contractual	\$ 200.00
	A1991.4	Contingent	Contractual	<u>\$3,400.00</u>
			Total	<u>\$3,600.00</u>
To:	A1110.2	Justices	Equipment	\$ 200.00
	A1910.4	Insurance	Contractual	<u>\$3,400.00</u>
			Total	<u>\$3,600.00</u>

HIGHWAY FUND

From:	DA5142.1	Snow Removal	Personal Services	\$9,000.00
To:	DA5130.2	Machinery	Equipment	\$9,000.00

All in favor. Motion carried.

R-53-16 Made by Dennis, seconded by Marsh to approve the IMA with the Town of LaFayette for the Swim Program. All in favor. Motion carried.

Highway Superintendent Purcell asked the Town Board for permission to order under County Contract a new cab and chassis. His department will fabricate it themselves. It is a truck that will be used in the tracts. Last year they spent \$18,000.00 to maintain it.

R-54-16 Made by Dennis, seconded by LaFace to authorize Highway Superintendent Purcell to order under Onondaga County Contract No. 7823 a 2017 Freightliner 4 wheel drive cab and chassis from Tracey Road Equipment in the amount of \$106,642.00. All in favor. Motion carried.

Supervisor Marsh thanked Highway Superintendent Purcell and his crew for the great job they do.

R-55-16 Made by Herlihy, seconded by LaFace to approve the audit of Judge Ali and Judge Cognetti's records. All in favor. Motion carried.

Councilor Dennis stated that the residents of Delphi Falls would like to get the digital sign back that the County used last year down there. He will talk to County Legislator Dave Knapp about this.

Supervisor Marsh stated that she had received a call from Mike

Marciano who lives on Route 92 and has flooding on his property from Limestone Creek. DEC informed her that it's not in their controlled plan. Highway Superintendent Purcell gave her contact numbers for Soil and Water to see if they can help.

R-56-16 Made by Dennis, seconded by LaFace to approve the monthly reports and bank reconciliations of the Town Clerk and Supervisor. All in favor. Motion carried.

R-57-16 Made by Dennis, seconded by LaFace to approve the payment General Fund Abstract Nos. 133-150, totaling \$42,534.25, Highway Fund Abstract Nos. 60-74, totaling \$25,983.62 and Special District Abstract No. 17, totaling \$500.72. All in favor. Motion carried.

R-58-16 Made by Dennis, seconded by Dennis to authorize support of the Bread for Schools Run to be held on September 18, 2016. All in favor. Motion carried.

Don Chrysler talked to the Town Board about a drainage issue at 3968 Route 91. He claims water is running down hill and flooding out the property. Highway Superintendent Purcell informed Mr. Chrysler that he and one of his workers walked the property with Ken Griffin. Nothing from the Frank Long Road ditch or Mr. Griffin's property is causing the problem. Mr. Griffin said that Mr. Chrysler can come and walk the property too. The Town can't go in there and do any work.

Code Enforcement Officer Penhall updated the Town Board on what's been going on in his department. Don Chrysler has contacted Woodford Bros. to do a full scale engineering report on his property located at 7364 Cherry Street. Attorney Brown will work with Code Enforcement Officer Penhall to determine any unsafe buildings. He has continued to do fire inspections and is working on junk vehicles.

R-59-16 Made by Dennis, seconded by LaFace to adjourn at 9:10 p.m. All in favor. Motion carried.

Respectfully submitted,



Ann Christmas

IN THE MATTER
OF
THE AUTHORIZATION OF AN AGREEMENT
BETWEEN THE ONONDAGA COUNTY WATER
AUTHORITY AND THE TOWN OF POMPEY, NEW YORK

RESOLUTION AUTHORIZING
LEASE AGREEMENT

At a regular meeting of the Town Board of the TOWN of POMPEY, County of Onondaga, State of New York, held at 8354 Route 20, Manlius, New York, 13104 on the 6th day of April, 2016, at 7 p.m.

- PRESENT: Carole Marsh, Supervisor
Carl Dennis, Board Member
Gregory Herlihy, Board Member
Giovanni LaFace, Board Member
_____, Board Member

WHEREAS, the TOWN of POMPEY and the AUTHORITY desire to enter into an AGREEMENT for the lease of a PUMP STATION and TANK, and for the supply of water and water service to the POMPEY PINES WATER SUPPLY DISTRICT EXTENSION NO. 1 and the NORTH POMPEY WATER STORAGE AND DISTRIBUTION DISTRICT; and

WHEREAS, the TOWN of POMPEY represents to the AUTHORITY that the POMPEY PINES WATER SUPPLY DISTRICT EXTENSION NO. 1 and the NORTH POMPEY WATER STORAGE AND DISTRIBUTION DISTRICT were duly established as provided by law and

WHEREAS, the TOWN of POMPEY represents to the AUTHORITY that the TOWN has the power and the AUTHORITY to bind itself to the provisions of the proposed AGREEMENT; and

WHEREAS, the TOWN of POMPEY entered into an AGREEMENT for the lease of a PUMP STATION and TANK, and for the supply of water and water service to the POMPEY PINES WATER SUPPLY DISTRICT EXTENSION NO. 1 and the NORTH POMPEY WATER STORAGE AND DISTRIBUTION DISTRICT dated December 16, 2015, which AGREEMENT failed to provide for input from TOWN residents on any subleasing of the water system,

NOW, THEREFORE,

BE IT RESOLVED, that the AGREEMENT between the AUTHORITY and the TOWN of POMPEY, on the behalf of the TOWN OF POMPEY and the POMPEY PINES WATER SUPPLY DISTRICT EXTENSION NO. 1 and the NORTH POMPEY WATER STORAGE AND DISTRIBUTION DISTRICT, dated December 16, 2015 is hereby revoked; and

BE IT FURTHER RESOLVED, that the AGREEMENT between the AUTHORITY and the TOWN of POMPEY, in the form as is annexed hereto, be and hereby is approved by the TOWN of POMPEY, on the behalf of the TOWN OF POMPEY and the POMPEY PINES WATER SUPPLY DISTRICT EXTENSION NO. 1 and the NORTH POMPEY WATER STORAGE AND DISTRIBUTION DISTRICT; and

BE IT FURTHER RESOLVED that the Town Board of the TOWN of POMPEY hereby executes said AGREEMENT on behalf of the TOWN of POMPEY and the POMPEY PINES WATER SUPPLY DISTRICT EXTENSION NO. 1 and the NORTH POMPEY WATER STORAGE AND DISTRIBUTION DISTRICT, subject to permissive referendum, and the Town Clerk is hereby authorized to deliver a copy of the executed AGREEMENT to the AUTHORITY, and any other party.

I, the undersigned, Town Clerk of the TOWN of POMPEY, hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Board of

TOWN of POMPEY, at which a quorum was present, held in the Town Clerk's Office, 8354
Route 20, Manlius, New York on the 6th day of April, 2016 at
7 p.m.

I further certify that public notice of this meeting was duly given as required by law.

Dated: April 6, 2016



Town Clerk

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Pompey

Local Law No. 1 of the year 2016.

A local law to amend Chapter 149 (Taxation), Article VI, Section 149-16 of the Code of the Town of
(Insert Title)
Pompey to increase the Cold War Veterans Exemption

Be it enacted by the Town Board of the
Town of Pompey as follows:

Section 1. That Chapter 149, Article VI entitled "Cold War Veterans Exemption", Section 149-16 of the Code of the Town of Pompey, is amended as follows:

§ 149-16. Amount of exemption.

Pursuant to the provisions of Chapter 655 of the 2007 Laws of the State of New York amending the Real Property Tax Law of the State of New York, the maximum veterans exemption from real property taxes allowable pursuant to § 458-b of the Real Property Tax Law is established as follows:


A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$45,000 ~~\$36,000~~ or the product of \$45,000 ~~\$36,000~~ multiplied by the latest state equalization rate for the Town of Pompey.

B. In addition to the exemption provide by paragraph A. of this subdivision, where the Cold War Veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a Service Connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War Veteran disability rating; provided, however, that such exemption shall not exceed \$150,000 ~~\$120,000~~, or the product of \$150,000 ~~\$120,000~~ multiplied by the latest State equalization rate for the Town of Pompey, whichever is less.

Section 2. This Local Law shall take effect upon filing with the Secretary of State and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such date.

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2016 of the Town of Pompey was duly passed by the Town Board on April 6, 2016, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in Paragraph 1, above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: April 6, 2016

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature



Attorney for the Town

Title

Town of Pompey

Date: April 6, 2016

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Pompey

Local Law No. 2 of the year 2016.

A local law to amend Chapter 149 (Taxation), Article II, Section 149-4 of the Code of the Town of Pompey
(Insert Title)
to increase the Alternative Veterans Exemption

Be it enacted by the Town Board of the
Town of Pompey as follows:

Section 1. That Chapter 149, Article II, section 149-4 of the Code of the Town of Pompey, as amended, be renamed and replaced with the following:

§ 149-4. Amount of alternative veterans exemption.

Pursuant to the provisions of Subdivision 2(d) of § 458-a of the Real Property Tax Law of the State of New York, the maximum veterans exemption from real property taxes allowable pursuant to § 458-a of the Real Property Tax Law is established as follows:

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$45,000 or the product of \$45,000 multiplied by the latest state equalization rate for the Town of Pompey.
- B. In addition to the exemption provided by Subsection A of this section, where the veteran served in a combat theater or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real estate property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$30,000 or the product of \$30,000 multiplied by the latest state equalization rate for the Town of Pompey.
- C. In addition to the exemptions provided by Subsections A and B of this section, where the veteran

received a compensation rating from the United States Veteran's Administration or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed the lesser of \$150,000 or the product of \$150,000 multiplied by the latest state equalization rate for the Town of Pompey. For purposes of this subsection, where a person who served in the active military, naval or air service during a period of war died in service of a service-connected disability, such person shall be deemed to have been assigned a compensation rating of 100%.

Section 2. This Local Law shall take effect upon its filing with the Secretary of State.

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2016 of the Town of Pompey was duly passed by the Town Board on April 6, 2016, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in Paragraph 1, above.

(Seal)



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: April 6, 2016

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature 

Attorney for the Town
Title

Town of Pompey

Date: April 6, 2016