

**TOWN BOARD REGULAR MEETING  
AGENDA**

**Tuesday, July 11, 2023**

(Agenda is subject to last minute adjustments/additions.)

1. Call to order
2. Pledge of Allegiance
3. Moment of Silence
4. Public Hearing to amend the Town Code to Place a Moratorium on the Process of Accepting Applications for Home Occupations
5. Seaboard Tier 3 Solar Farm Application on Frank Long Road - continued proceedings
  - ECC comments
  - Developer request
6. Historian's Report
7. Accountant Report
  - Monthly Statement of Supervisor – June 2023
  - Bank Reconciliations for June 2023– for Town Supervisor, Town Clerk and Tax Collector
8. Town Clerk Report
  - Board acceptance of 6/13/23 Regular Meeting minutes
  - Payment of bills
9. Highway Superintendent Report
10. Codes Officer Report
  - June 2023 Report
11. Attorney for Town Report
  - Resolution to hire Harris Beech law firm as attorney for Town Board remainder of 2023
12. Town Councilor Reports
  - County Comprehensive Plan Meeting - what's in it for Pompey (Councilor Lipe)
  - Hamlet Signage - Councilor Carpenter

**13. Town Supervisor's Report**

➤ **Old Business**

- Draft Credit Card Policy for Town of Pompey
- Update on future of swim program

➤ **New Business**

- Authorization to sign County Amendment to Speed Reader Contract
- Award contract for installation of water treatment system in Town Hall and authorization to sign agreement
- Cyber Liability Insurance - change in provider
- Proposal/Concept for Town-wide Cemetery Maintenance Program

**14. Public Comment**

- In person, through Zoom or Facebook
- Identify self by name and address

**15. Adjournment**

**IN THE MATTER**

**Of**

**A LOCAL LAW 2023 - \_\_\_ TO AMEND THE  
TOWN CODE TO PLACE A MORATORIUM  
ON THE PROCESS OF ACCEPTING  
APPLICATIONS FOR HOME  
OCCUPATIONS**

**RESOLUTION CALLING FOR  
A PUBLIC HEARING**

The **TOWN BOARD OF THE TOWN OF POMPEY**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Pompey, located at 8354 U.S. Route 20, Manlius, NY, County of Onondaga, State of New York, on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2023, at 6:30 p.m. The Meeting was also livestreamed on the video platform commonly referred to as Zoom and on the Town's Facebook page. The meeting was called to order by Don Saleh, Deputy Supervisor, and the following were present, namely:

Don Saleh	Deputy Supervisor
Diana Carpenter	Councilor
Ann Christmas	Councilor
Bill Lipe	Councilor
James Loomis	Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law 2023 - \_\_\_, entitled "A Local Law Amending Chapter 165 to Create a New Article \_\_\_ that Suspends the Processing of Applications for Home Occupations," the text of which is as follows:

**LOCAL LAW 2023-\_\_\_, A LOCAL LAW AMENDING  
CHAPTER 165 TO CREATE A NEW ARTICLE IX  
ENTITLED "MORATORIUM" SUSPENDING THE  
PROCESSING OF APPLICATIONS FOR HOME**

**OCCUPATIONS UNDER 165-44(G)(2) IN THE TOWN  
CODE:**

**Be it enacted by the Town Board of the Town of Pompey, Onondaga County,  
New York as follows:**

Section 1. A new Article IX shall be added to Chapter 165 of the Town Code as follows :

**ARTICLE IX  
Moratorium**

**§165-49 Statement of Legislative Intent**

It is the purpose of this moratorium to enable the Town Board of the Town of Pompey to have sufficient time to review the Town's existing laws, (primarily Section 165-(G)(2)), pertaining to the issuance of permits for Home Occupations ("Home Occupations") and to review the types of permits that might be required, the process for issuing such permits, the uses that will be allowed for Home Occupations and regulations that would govern Home Occupations. This review is in accordance with the goals, objectives and policies of the Town Board related to the ongoing examination of the existing Home Occupation Law by an ad hoc committee (the "Ad Hoc Committee") created by the Town Board.

Further, the Moratorium is necessary because the Ad Hoc Committee has identified the following issues that need to be addressed: (i) the existing law in the Town Code is unworkable as a practical matter because of apparent contradictory provisions; (ii) an application has to be developed for residents to use; (iii) the Ad Hoc Committee will require several months to rewrite of the current law because the issues are complex and need to be carefully considered, especially with regard to those home businesses that currently exist and for which Town approval was never received; (v) requests for Home Occupancy applications continue to be made to Town Hall because based on the existing law, which is unworkable.

It is, therefore, the intent of the Town Board to temporarily suspend the review and approval of all new Home Occupations or expansions to existing Home Occupations.

**§165-50 Moratorium.**

A. The Town Board hereby enacts a moratorium, which shall prohibit the review, approval or creation by the Zoning Board of Appeals or any other Town board of any expansions to existing Home Occupations or the approval of any new Home Occupations anywhere within the Town.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of: (i) the date six (6) months from said effective date, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all real property within the Town.

D. Pursuant to this moratorium, the Zoning Board of Appeals or any other Town board shall not review any applications for any expansions to existing Home Occupations or the approval of new Home Occupations and shall not grant any permits or site plan approval to any such expansions to or new Home Occupations within the Town during the moratorium.

E. Pursuant to this moratorium, the Code Enforcement Officer shall not issue any permission for any construction involving any expansions to Home Occupations or involving any new Home Occupations anywhere within the Town.

F. Pursuant to this moratorium, no applications for variances, special use permits or other approvals involving any expansions to Home Occupations or involving any new Home Occupations shall be processed or granted.

G. All legal Home Occupations authorized at the time this Moratorium is in effect shall be allowed to continue under the permission granted by the Town to date.

#### § 165-51. Penalties.

Any person, firm, entity or corporation which shall violate the provisions of this Local Law, shall be subject to:

1. A penalty in the amount of a minimum of \$100.00 and a maximum of \$250.00 for each day that such violation shall exist; and
2. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction or improvements which may have been built in violation of this Local Law.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Local Law.

#### § 165-52. Variances.

Any property owner affected by this moratorium may apply to the Zoning Board of Appeals and make use of the existing variance procedures under the Zoning Law of the Town of Manlius to seek relief from the restrictions of this local law.

#### §165-53. Validity.

If any clause, sentence, paragraph, section 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 operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 2.     **EFFECTIVE DATE.**

This Local Law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of six (6) months from the date of such filing unless otherwise rescinded as set forth in the Local Law.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Pompey, County of Onondaga, State of New York, shall hold a Public Hearing in the matter of the adoption of the aforesaid Local Law, and that such Hearing shall be held at the Town Hall of the Town of Pompey, located at, 8354 U.S. Route 20, Manlius, NY, County of Onondaga, State of New York, on \_\_\_\_\_, 2023 at 6:\_\_\_ p.m. and be it further

**RESOLVED**, that the Town Clerk give notice of such Public Hearing by the publication of a notice in at least one newspaper circulated in the Town, specifying the time when and the place where such Public Hearing will be held, and in general terms, describing the proposed Ordinance. Such notice shall be published once at least five (5) days prior to the Public Hearing.

I, **NICOLE REID**, Town Clerk of the Town of Pompey, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Pompey at a regular meeting of the Board duly called and held on the \_\_\_th day of \_\_\_\_\_ 2023; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I HEREBY CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Pompey, this \_\_\_th day of \_\_\_\_\_, 2023.

**DATED:** \_\_\_\_\_, 2023  
Pompey, New York

\_\_\_\_\_  
**NICOLE REID**  
Town Clerk of the Town of Pompey  
Onondaga County, New York

The Town of Pompey Environmental Conservation Commission (ECC) has considered the request of Seaboard Solar Holdings, LLC and Frank Long Road Solar, LLC (collectively Seaboard) to develop a community solar project on Frank Long Road in the Town of Pompey, NY. In accordance with the Local Law 1 of the Town of Pompey 2021, this project is considered a Tier 3 Solar Energy Systems project. Per said local law, the ECC is charged with delivering their review comments to the Town Board upon review of the project application.

As part of our review the following documents were considered:

a). Project Description, letter of intent, application for concept site plan review, and supporting site plan approval documents including Alternative Analysis, Decommissioning Plan, and Visual Impact Assessment, Bennett Ramsay, Project Manager, as submitted to the Town Planning Board on December 2, 2022. Supporting documents included in the application:

- 1). Stormwater Management Assessment report and preliminary Stormwater Pollution Prevention Plan (SWPPP), Christopher Chapman, Wendall Engineering, December 2022.
- 2). Wetland Delineation Report, Michael Nowicki, Ecological Solutions, LLC, February 16, 2022
- 3). Custom Soil Resource Report for proposed project site, November 30, 2022
- 4). Public Archaeology Facility Report, Brian R. Grills and Laurie E. Miroff, Binghamton University, September 15, 2022

b). Chapter 165-9.2 of the Town of Pompey Code, Solar Energy Systems Overlay District

c). The Comprehensive Master Plan for Land Conservation and Use in the Town of Pompey, Onondaga County, March 4, 2013.

d). The recommendations, findings and conditions of the Pompey Town Planning Board as presented in the minutes of the January 16, 2023 Planning Board meeting under *Seaboard Solar Operations Tier 3 Solar Application: Concept Site Plan for a Tier 3 solar project located on Frank Long Road (Tax Map No. 010.-0338.1)*.

Following the full review and discussion of the above identified documents, as well as consideration of comments made by Seaboard representatives during the June 12, 2023 Town Board meeting and informal correspondence with the Town Engineer, the ECC has identified the following concerns:

VIEWSHED: The project application provides 3D simulation renderings of proposed landscape buffers at 15 – 25 years maturity. The south and south-west renderings from Frank Long Road appear to provide suboptimal screening. The renderings fail to adequately address the two components of viewshed protection identified on p. 45 of the Comprehensive Master Plan for Land Conservation and Use in the Town of Pompey. Details regarding tree species, age and size at planting and maturity have not been provided by Seaboard to support the level of special consideration regarding viewshed protection defined in the comprehensive plan.

VEGETATED BUFFERS: The application lacks sufficient detail to assess the effectiveness of the buffer planting/screening plan. A detailed vegetative maintenance plan, including a schedule for assessing and



replacing dead, diseased and underperforming specimens over the life of the proposed project is not addressed in the application.

**DRAINAGE, STEEP SLOPES and AGRICULTURAL SOILS:** As initially proposed, 66.4% of the project site is located on relatively flat land with a slope  $\leq 10\%$ ; 23.6% is on land with a 10% - 15% slope; and, 10% is on land with a  $\geq 15\%$  slope. Within the project site, approximately 25 acres of forest cover will be removed. Seaboard's initial application does not recognize nor address the impact of steep slope development and the removal of woody vegetation on soil erosion and runoff. Subsequently, Seaboard has developed a conceptual Stormwater Pollution Prevention Plan (SWPPP) that, pending further development and engineering review, may mitigate downstream drainage concerns. Part of the mitigation plan includes regrading a portion of the project site to reduce slopes below 10%. This will disturb approximately 15 acres of prime agricultural soil.

**TREE REMOVAL AND REFORESTATION:** The Town of Pompey Local Law 1 states that the removal of trees should be minimized or offset with other trees planted on the property. As previously noted, the initial project proposal requires the removal of approximately 25 acres of forest cover. To offset this loss, Seaboard should identify opportunities to plant additional trees elsewhere on the property to remediate the loss of stormwater absorption and drainage functions that will be disrupted or lost.

**ENDANGERED SPECIES:** The Northern Long Eared Bat (NLEB) was listed as endangered by the United States Fish and Wildlife Service under the federal Endangered Species Act effective March 31, 2023. Projects that convert forested habitat to other uses have a greater impact on NLEB than projects that allow for the regeneration and retention of forest habitat. NLEB is known to be present in the area of the proposed project. The proposed project will remove approximately 30 acres of forest. Seaboard has not demonstrated consideration of additional steps that might be taken to reduce the amount of forest cover removed by adjusting the location of the solar arrays and/or the entire footprint of the project, where feasible. Seaboard has not provided adequate assurances that any tree removal deemed necessary to advance this project will be conducted during the hibernation season (November 1 – March 31) when bats are living underground.

**CONSTRUCTION, POST-CONSTRUCTION INSPECTION AND MAINTENANCE:** Stormwater discharges associated with construction activity under State Pollutant Discharge Elimination System (SPDES) General Permit GP-0-20-001 requires the owner/operator of permitted construction projects to complete site inspections during and following construction to ensure stormwater control practices are installed and properly functioning. To ensure that these inspection requirements are met, and that the installed control practices are functioning, the Town should require Seaboard to provide copies of all State required inspection reports to the Town Engineer and Codes Officer as a condition of project approval. The Town should establish a detailed schedule of fines for failing to submit the required inspection reports.

The Town should establish a detailed schedule of fines should maintenance activities fail to be performed in a timely and effective manner throughout the life of the project and/or in accordance with the long-term maintenance plan.

**DECOMMISSIONING PLAN:** Returning the land to its pre-solar state will require constant supervision over the life of the project and a substantial capital investment at its end to clear all solar infrastructure based on the final inspection and approval of the Town. Seaboard has proposed providing a surety bond or

letter of credit to the Town in the amount of \$379,009.43 for decommissioning costs. This assurance will remain in place over the life of the project; however, the decommissioning plan fails to account for long-term maintenance of drainage improvements that will be installed as part of an approved Stormwater Pollution Prevention Plan (SWPPP). These include several detention basins, swales, level spreaders and runoff diversions that were not identified as part of the initial site plan.

As a condition to project approval, the Town and Seaboard should review the adequacy of the decommissioning bond and establish a legal mechanism to ensure decommissioning cost gaps will be addressed to the satisfaction of the Town at the end of the project's 25-year lifespan.

The ECC understands that Seaboard is continuing to work with the town and the town engineer to address issues of concern related to drainage, stormwater management and the size and location of the project within the full project site. The ECC anticipates that new project documents will be submitted and revisions to existing site plans will be made. The ECC respectfully requests that the Town provide those documents to the ECC for further review and comment prior to the Town Board's vote to approve the overlay district for this project.

# Permit Monthly Report

06/01/2023 - 06/30/2023

Permit #	Issue Date	Owner	Permit Type	Property Location	Valuation	Amount
<b>June</b>	<b>2023</b>					
045-23	06/06/2023	Christian Santangelo	Deck	8006 Austrian Pine Cir SBL#: 004.-18-07.0	\$162.00	
046-23	06/06/2023	Bruce Wahl	Pole Barns	2918 Pompey Hollow Rd SBL#: 024.-04-07.1	\$89.00	
047-23	06/12/2023	Tristan Rapp	Addition	2463 Oran Delphi Rd SBL#: 033.-02-02.1	\$132.00	
048-23	06/13/2023	Zachary Cleland	Addition	3635 Pompey Center Rd SBL#: 013.-02-14.0	\$45.00	
049-23	06/22/2023	Kyle Kogut	Deck	3020 Route 91 (Kyle & Andrea Kogut)	\$57.00	
050-23	06/22/2023	Arbutus Park LLC	Demolition	4227 Pompey Center Rd SBL#: 004.-03-14.1	\$97.00	
<b>June 2023 Total:</b>					<b>\$582.00</b>	<b>\$0.00</b>
<b>Reporting Period Total:</b>					<b>\$582.00</b>	<b>\$0.00</b>

# Completion Issued Report

06/01/2023 - 06/30/2023

Contact Type: Applicant

Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
003-22	005.1-05-20.0	Completed	003-22	Pradeep Dupala	Pradeep Dupala 4362 Winding Creek Rd	06/22/2023
008-22	022.-07-01.1	Certificate of Compliance	008-22	Andrew Beardslee	7578 Bluegrass Blvd	06/26/2023
013-23	028.-01-07.0	Certificate of Occupancy	013-23	None	2289 Cemetery Rd	06/15/2023
					<b>Boiler # of CC/CO :Issued : 3</b>	
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
015-22	001.-02-23.6	Certificate of Compliance	015-22	David Hanlon	6857 Henderson Rd	06/21/2023
					<b>Pool # of CC/CO :Issued : 1</b>	
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
023-22	009.-04-23.0	Certificate of Compliance	023-22	Phyllis Zames	Phyllis Zames 3884 Sweet Rd	06/20/2023
					<b>Out Building # of CC/CO :Issued : 1</b>	
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
030-23	019.-05-07.1	Certificate of Compliance	030-23	None	2764 Sweet Rd	06/22/2023
					<b>Boiler # of CC/CO :Issued : 1</b>	
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
031-23	004.-01-01.6	Certificate of Compliance	031-23	None	7811 Clearwater Cir	06/01/2023
					<b>Deck # of CC/CO :Issued : 1</b>	
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
033-23	011.-01-04.1	Certificate of Compliance	033-23	None	Michael Schmidt 3527 Ransom Rd	06/26/2023
					<b>Pole Barns # of CC/CO :Issued : 1</b>	
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
035-23	010.-02-09.0	Certificate of Compliance	035-23	Robert Temple	3679 Coleman Hill Rd	06/26/2023
					<b>Boiler # of CC/CO :Issued : 1</b>	
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
050-22	030.-03-03.2	Certificate of Occupancy	050-22	None	Jared Michael 2029 Ridge Rd	06/06/2023
					<b>Single Family Home # of CC/CO :Issued : 1</b>	
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
091-22	009.-04-23.0	Certificate of Compliance	091-22	Mark Zames	Phyllis Zames 3884 Sweet Rd	06/20/2023

Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date	Generators # of CC/CO :Issued :
102-22	017.-04-03.2	Certificate of Occupancy	102-22	None	2847 Gardner Rd	06/08/2023	1
					Single Family Home		1
					<b>Grand Total:</b>		<b>12</b>

DEPARTMENT: Legislature

NEW CONTRACT NO. 0000005360

OLD CONTRACT NO. 11521

A M E N D M E N T # 1

The County of Onondaga (County) and Town of Pompey (Contractor) at 8354 U.S. Route 20, Manlius, New York 13104, agree that:

County and Contractor made a contract numbered 11521 ("Contract"). Contract number 11521 is hereby amended to new contract number 0000005360.

Contract numbered 0000005360 is hereby amended pursuant to this agreement ("Amendment") such that the term of contract numbered 0000005360 is hereby extended through September 1, 2023.

In all other respects, Contract numbered 0000005360, as amended herein, is hereby ratified and confirmed and continues in effect.

In witness whereof, County and Contractor have executed the writing of this Amendment on the dates hereafter written.

County of Onondaga

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
J. Ryan McMahon, II, County Executive

Town of Pompey

Dated: \_\_\_\_\_

By: \_\_\_\_\_

## Town Hall Water Treatment Proposal Summary

Replace pressure tank in kind(32 gallon), install Ozone system for iron and sulfur and water softener:

Amber: **\$8040**

Kissane:**\$7700**

Replace pressure tank with smaller (22 gallon), install Ozone system for iron and sulfur and water softener:

Amber: **\$7290**

Kissane:**\$7500**

Install Ozone system for iron and sulfur and water softener(no pressure tank replacement):

Amber: **\$6190**

Kissane:**\$6600**

## Premium Summary

Town of Pompey

May 2, 2023

		Annual Premium Cost
<b>Current Cyber Coverage</b>		
NYMIR		
Limit - \$250,000 Deductible - \$1,000		\$3,230
<b>Option #1:</b>		
Underwriters at Lloyd's via Jencap Specialty Insurance Services:		
Limit - \$250,000 Deductible \$2,500		\$2,680.13
or		
Limit - \$500,000 Deductible \$2,500		\$2,773.50
or		
Limit - \$1,000,000 Deductible \$2,500		\$3,147
<b>Option #2:</b>		
Travelers Casualty and Surety Compnay of America:		
Limit - \$500,000 Deductible \$2,500		\$2,869
or		
Limit - \$1,000,000 Deductible \$2,500		\$4,181