

TOWN OF POMPEY TOWN BOARD MINUTES

The Town Board of the Town of Pompey held a Special Meeting on Tuesday, January 19, 2021 regarding the consideration for a local law enacting the Solar Energy Systems Overlay District for the Town of Pompey. It was held via video conferencing, as permitted by the NYS Open Meetings Law and Executive Order 202.1. This is based upon notices and health advisories issued by Federal, State, and Local officials related to the COVID-19 virus. Board members remotely attended the meeting by connecting to video conference from an electronic device. For the public's viewing, the video conferencing meeting was hosted via Zoom.

Supervisor Rotondo called the meeting to order at 6:34 p.m. followed by the Pledge of Allegiance. A moment of silence was had for a few things; the recent passing of Jyl Way and prayers for her family and loved ones, that we have a peaceful transition of power tomorrow, and for the safety and wellbeing for those whose duty is it to protect the inauguration.

The following remotely attended: Supervisor Renee Rotondo, Councilors Judy McElhannon, Ann Christmas, Carl Dennis; Accountant 1 Tom Chartrand; Attorney for Town Tim Frateschi; Codes Officer Bob Rodriguez, Town Clerk Nikki Reid; Energy Programmer at Central New York Regional Planning and Developmental Board Chris Carrick; Zoning Board Chairman John Shaheen, and Zoom Host Veronica Hotaling. Absent: Councilor Sheila Larkin

R-34-21 Motion by Dennis, seconded by McElhannon to approve the payment of General Fund Abstract Nos. 24-35, totaling \$35,215.31; Highway Fund Abstract Nos. 11-12, totaling \$2,453.78. All in favor. Motion carried.

Before diving into the Public Hearing, Supervisor Rotondo wanted to take a moment to explain how this draft came to be. Back in 2015, a solar energy law was passed in the Town of Pompey that related only to residential energy systems and did not have anything to do with commercial, which was in fact it forbidden. In 2019, a town resident approached the previous Town Board and asked them to considered amending the solar energy law to include commercial, as she was approached by a solar energy company who wanted to develop a solar farm in the Town of Pompey. In the fall of 2019 a committee was formed by John Shaheen, Carol Marsh, Sheila Larkin, Jim Smith, Jeff Brown, and Kevin Coursen and an amendment was brought before the Town Board. In 2020 the administration changed, and then the COVID-19 pandemic hit. We are now at the point where we can go forward.

In August of 2020, John Shaheen came before the Town Board with a presentation on the proposed law. The members of the Town Board have been given that proposal and time to look it over. One important thing that Supervisor Rotondo wants the public to understand is that we are not taking any votes or making any decisions or closing the public hearing tonight. This is just an opportunity to hear from the community. The reason we are holding this virtually is still due to COVID. We could put this Public Hearing off indefinitely, but it has already been a two-year-process in the making.

Town Attorney Tim Frateschi said the reason we are considering a Solar Farm Overlay District in the Town of Pompey is because Governor Cuomo has set goals for sustainable energy in New York State. By 2040, the sustainable energy in New York State must be 100% renewable energy. The State of New York is encouraging these types of facilities. One of the benefits to anyone who is using renewable energy is that the cost of improving your property would result in property tax exemption; which is a huge incentive to develop these types of facilities. The local law would allow energy farms throughout the town, once the overlay districts are approved by the Town Board. The concept would be that it would go to the Planning Board first for review, then the Town Board for the Overlay District approval, and then back to the Planning Board for site plan approval. There will be provisions where special permits will be given; special permits are only allowed in Hamlet Commercial and Industrial Districts. The overlay is not allowed in the Hamlet District. There are some issues with the local law that we are working on and we are looking for the public to comment on. We already know of some changes that need to be made. The public will have a say; we will listen to thoughts and concerns and will incorporate their suggestions when forming the local law. To clarify, the Solar Overlay District allows you to zone a specific parcel as opposed to the entire zoning district.

John Shaheen, member of the Planning Board and committee head of the Solar Energy Systems Overlay District, shared a PowerPoint Presentation which has been attached to the minutes.

R-35-21 Motion by Christmas, seconded by Dennis to waive the reading of the legal notice. All in favor. Motion carried.

R-36-21 Motion by Dennis, seconded by McElhannon to open the Public Hearing on the Solar Farm Overlay District at 6:54 p.m. All in favor. Motion carried.

Public Comment:

Stan Gorman, Sevier Road: Has the same concerns as he does with the cell towers. Wants to make sure both the residents and the Town of Pompey are protected. Also wants to make sure there is potential for this to be modified. He worries about what the farm is getting off in regards to electromagnetic energy. He's also worried about the esthetics and what it will do to property value.

Pat Frazee: He is glad to see that this is happening but also has concerns. In his opinion, solar energy is neither non-polluting nor efficient. If you go to the Town of Pompey's website, the first picture is one of our fields. If you envision that same field with several thousand solar panels on it, that is his view of pollution. As a member of the Zoning Board, he is also concerned on how they would be able to grant any variances.

Zoom Chat Comments:

Dale Sherman, Pompey Center Road: What are the PV system tax considerations for the various Tiers? Are any changes being considered for “opt out?” Could tax levy’s change after a system is installed and adversely affect a systems budget plan?

Greg Herlihy, Pompey Center Road: Is any town official involved in tonight’s meeting, currently in the employ of any entity promoting solar technology?

Mary Baum, Sweet Road: Can you clarify if there is a particular location being proposed? I thought I heard someone mention Sweet Road. There is vacant land right next door to me, which highly concerns me.

Greg Herlihy, Pompey Center Road: Should the Town Board pass this local law, can the Town Attorney discuss if this could be subject to the residents petitioning for a permissive referendum?

Anthony Vigiletta, Gibbs Road: The main focus today is Tier 3 systems. But I noted that there is language that limits Tier 1 Systems to 110% of the historical electrical usage of the residential property. This is not adequate for applicants who plan to add electric cars and / or geothermal heating. This could be the case for many residents. We have a plug in hybrid vehicle, an electric vehicle and a geothermal system. Our solar arrays were sized to power these. Our solar arrays generate much more than 110% of our prior usage.

Dale Sherman, Pompey Center Road: There is a national trend towards “electrifying everything” for demand side and renewable energy for supply side. The beauty of this is in the overall systems efficiency and reduced pollution. I think it would be wise for the Town of Pompey to continue down this path.

Barbara Stacer, Sweet Road: I joined late and may have missed if this was already asked, but has an environmental study been requested or completed?

Greg Herlihy, Pompey Center Road: Why is the Town Supervisor discussing this with a developer... on a site that seems to be predetermined?

Carol Porto, Pompey Center Road: Where is the power going that would be derived from the solar farms? Is it staying local? Everywhere else that windmills have been installed... it hasn’t benefited taxpayers or communities... it only benefits the property owner.

Barbara Stacer, Sweet Road: Will the effects on home values in the area be taken into consideration? Aside from environmental impacts, I feel we need to examine all impacts to our community.

Mary Baum, Sweet Road: What is the town going to do to keep residents aware as this progresses?

Barbara Stacer, Sweet Road: But property value would go down. That's correct.

Greg Herlihy, Pompey Center Road: Several older citizens in this community don't even know this meeting is happening because they don't participate in online technology. It's a disservice to them to proceed in this fashion.

Barbara Stacer, Sweet Road: I encourage everyone to take a drive to route 365 between Rome and Floyd to see what a solar farm / field looks like. Many homes nearby have listed their homes for sale and are not able to sell them. They are now in an undesirable area.

Frank Erwin: Are there stormwater impacts associated with these large farms due to increased runoff?

Seth Shapess: Why is this getting pushed through so quickly? Why such a hurry? Why can't this be done after the pandemic when we can do this in person?

R-37-21 Motion by Dennis, seconded by McElhannon to continue the Public Hearing on February 1, 2021 at 6:30 p.m. All in favor. Motion carried.

R-38-21 Motion by Dennis, seconded by Rotondo to adjourn at 7:51 p.m. All in favor. Motion carried.

Respectfully Submitted,

Nicole Reid
Pompey Town Clerk