

## **TOWN OF POMPEY TOWN BOARD MINUTES**

The Town Board of the Town of Pompey held its Regular Meeting on Monday, August 1, 2022 at 6:30 p.m. The meeting was held in-person and was also livestreamed via Zoom platform. In attendance were: Supervisor Renee Rotondo, Councilors Ann Christmas, Dave Angello, Bill Lipe, James Loomis; Town Clerk Nikki Reid; Accountant Tom Chartrand; Town Attorney Tim Frateschi; Zoom Host Veronica Hotaling. Along with 26 residents.

Supervisor Rotondo called the meeting to order at 6:30 p.m. followed by the Pledge of Allegiance.

A moment of silence was had for Andrew Agrasto, Dianne Koolakian, Muriel Partridge, Catherine Wells, and David & Mackenzie Siau.

### **POLICY FOR VIRTUAL ATTENDANCE:**

Supervisor Rotondo discussed the proposal of a Videoconferencing Policy as drafted by Town Attorney Tim Frateschi. This policy will allow Board Members to participate from a private location if they are unable to be physically present at the public meeting location. All Board Members were in favor and support the option of videoconferencing for all its public bodies. A copy of the policy will be posted on the Town of Pompey's website.

R-139-22 Motion by Christmas, seconded by Lipe to adopt the Videoconferencing Policy and Guidelines. All in favor. Motion carried.

### **PIVOT ENERGY TIER 3 SOLAR PROJECT:**

Town Attorney Tim Frateschi discussed three options regarding the Pivot Energy proposal based on the individual conversations he had with the Board Members as well as the comments from the previous board meeting. The first option would be to put the local law up for a vote whether the zone change is something that the majority of the board would support. The second option would be a resolution that outlines why there isn't enough support for the zone change for the local law, which would be accompanied by a memorandum that would close out the application. The third option would be to delay the vote until next month, and to allow the Industrial Development Agency to explain the PILOT process.

Supervisor Rotondo stated that Pivot Energy recently sent the Town Board Members a 5-page project benefits and cost analysis. In addition to the PILOT payments, Pivot Energy is offering a host community benefit agreement that would double the revenue that the town would receive. This negotiated agreement would be between the town and the developer. The town hasn't had the opportunity to counteroffer, which Supervisor Rotondo would like to do. She has spoken with Tax Assessor Brian Fitts, and each Board Member individually about the option to delay the vote and respond to the developer's offer until they can hear from OCIDA (Onondaga County Industrial

Development Agency). Supervisor Rotondo stated that the risks and costs are minimal. Councilor Christmas stated that this is a good idea because she doesn't understand PILOTS and questioned how OCIDA will meet with the Town Board. Supervisor Rotondo replied that she would prefer them to meet with the Town Board Members in a public meeting.

Councilor Loomis stated that he is in favor of the Resolution, but would like to hear what Councilor Angello and Councilor Lipe have to say.

Councilor Angello stated that he has a better understanding of the Tier 3 Solar Project since Pivot Energy supplied the Board Members with the project benefits and cost analysis. He stated that he is not an expert in the PILOT agreement, and it makes sense to listen to what OCIDA has to say.

Councilor Lipe said that out of respect for Bill Osuchowski and Gordon Woodcock, he'd be glad to listen to OCIDA and is open to option 3, delaying the vote.

R-140-22 Motion by Rotondo, seconded by Christmas to table the vote until September 7, 2022 and to hold a Special Meeting with Onondaga County Industrial Development Agency for a presentation. 4 yes (Rotondo, Christmas, Lipe, Angello), 1 no (Loomis). Motion carried.

#### ZONING BOARD OF APPEALS REQUEST:

The Zoning Board of Appeals requested clarification of Solar Local Law provision defining Tier 2 ground mount systems. Town Attorney Tim Frateschi stated that he attended the last Zoning Board of Appeals meeting and an applicant in a residential district applied for a use variance for a 32.5-kW ground mounted solar array system. The Zoning Board of Appeals did not grant a use variance because Town Code does not allow residential ground mount systems to be larger than 25kW. Zoning Board of Appeals Chairman David Tessier sent a letter to Supervisor Rotondo outlining a few questions, which Town Attorney Tim Frateschi read aloud. After much discussion, the Town Board unanimously agreed that they are not in favor of changing the local law to allow for ground mounted solar array systems where they are prohibited.

#### TOWN FINANCES:

Town Accountant Tom Chartrand gave his monthly report. He stated the town received the second half of the ARPA funding; \$373,127.07. The town also received their first mortgage tax; \$119,000.00. Court fines are pretty close to where they should be year-

to-date to budget. There was also some fuel reimbursement from the Highway Department.

General Fund: Spending at 40%; Revenue at 87%  
Highway Fund: Spending at 32%; Revenue at 91%

- R-141-22 Motion by Christmas, seconded by Lipe to accept the Supervisor's Monthly Report for July 2022. All in favor. Motion carried.
- R-142-22 Motion by Christmas, seconded by Lipe to accept the July 2022 Bank Reconciliation Reports for Supervisor, Town Clerk, and Tax Collector Accounts. All in favor. Motion carried.
- R-143-22 Motion by Rotondo, seconded by Christmas to increase mileage rate for 2022 from \$.585 to \$.625 effective July 1, 2022. All in favor. Motion carried.
- R-144-22 Motion by Rotondo, seconded by Christmas to authorize Town Clerk Nikki Reid to prepare Legal Notices for the 2023 budget process and to hold a budget workshop meeting on September 26, 2022, at 6 p.m., October 3, 2022 at 6 p.m., and October 24, 2022 at 6 p.m. to work on the 2023 budget. All in favor.

TOWN CLERK'S REPORT:

- R-145-22 Motion by Rotondo, seconded by Christmas to accept the July 6, 2022 Meeting minutes. All in favor. Motion carried.

HIGHWAY SUPERINTENDENT'S REPORT:

- R-146-22 Motion by Angello, seconded by Christmas, to authorize Highway Superintendent B.R. Way to attend the New York State Highway Superintendent's Association Training from September 21, 2022 to September 23, 2022. All in favor. Motion carried.
- R-147-22 Motion by Rotondo, seconded by Christmas, to approve the RFP for the Highway Garage Roof and to set a bid-open date for August 4, 2022. Bids need to be received on or before August 25, 2022 at 10:00 a.m. and will be opened and read aloud at 11:00 a.m. The anticipated start of construction is September 19, 2022 with a completion date of December 31, 2022. All in favor. Motion carried.
- R-148-22 Motion by Lipe, seconded by Rotondo to authorize Supervisor Rotondo to make the payments per the contract for the purchase of the Payloader before the next meeting, September 7, 2022. All in favor. Motion carried.

R-149-22 Motion by Lipe, seconded by Rotondo, to declare the old Payloader as surplus (on delivery of the new Payloader) and to authorize it to be put on Auctions International with a residual of \$65,000.00, with auction closing date no later than September 6, 2022. All in favor. Motion carried.

Highway Superintendent B.R. Way stated that a lot of work has been done in the last month. The Salt Barn roof has been replaced; he commended the Josall work crew and remarked that they did a really good job and it looks great. The Highway Department got a new fuel pump program system that tracks fuel, where it's going, what truck, and what town. The Highway Garage had new garage doors installed on the north and south ends. The first phase paving project has been started; Amelia Trail, Sagebrush, Clearwater Circle, Swissvale, and Windsbury. The Highway Department is trying something new this year; they are using oil and stone. It's more of a process but gives a blacktop look for half the price. He is asking the public to be patient because it is a process.

#### CODES OFFICER REPORT:

Codes Officer Tim Bearup and Deputy Codes Officer Tyler Johnson were not able to attend the meeting; however, they did supply the Town Board with a written report for the month of July. Supervisor Rotondo gave a brief overview; 12 building permits were issued, 9 completed projects, and 1 stop-work-order.

#### TOWN COUNCILOR'S REPORT:

Town Councilor Ann Christmas gave an update on the short-term rental committee work that has been done. She provided the Board Members with a list of issues for Town Board consideration. The committee met last week and went through some local laws of towns that have enacted short-term rental legislation. There are currently eight short-term rentals in the Town of Pompey. There have been complaints from neighbors about renters trespassing on their property. Safety is a major concern. The committee suggested that the short-term rental owners should have to register their rental property through the town. Fire inspections, off-street parking, time-allotment, location, and other significant issues were also discussed amongst the Board Members.

#### SUPERVISOR'S REPORT:

R-150-22 Motion by Rotondo, seconded by Christmas to accept the resignation of Environmental Conservation Commission Chairman Frank Erwin. All in favor. Motion carried.

R-151-22 Motion by Rotondo, seconded by Christmas to appoint Phil George as the Chairman for the Environmental Conservation Commission and to appoint Kathy Bertuch as the Deputy Chairman for the Environmental Conservation Commission. All in favor. Motion carried.

Supervisor Rotondo gave an update on the Holiday Hunt legislation. Town Resident John Rybinski has worked very hard on having Onondaga County opt-out of the Holiday Hunt, which has passed both the State Senate and State Assembly. He has requested Supervisor Rotondo send a letter to Governor Hochul, requesting that she sign the legislation that is sitting on her desk. After board discussion, this matter has been tabled until the next month.

Councilor Christmas shared that the tractor pulls were a great community event this past weekend and brought a great crowd. She is so happy that the tractor pulls are back in the town. Supervisor Rotondo and Councilor Angello agreed. Angello stated how nice it was to see Pompey Hill Fire Department there and that Dan Palladino, along with everyone who helped, did a terrific job.

R-152-22 Motion by Christmas, seconded by Loomis to approve General Fund Abstract Nos. 254-303, totaling \$241,065.55; Highway Abstract Nos. 124-135, totaling \$21,461.17; Special District Nos. 19-20, totaling \$52,653.85. All in favor. Motion carried.

**PUBLIC COMMENT:**

Chris Carrick: The average residential solar PV system in Onondaga County is 10 kW. The rule of thumb is 100 square feet per kW installed. The primary concern of zoning is the physical array because that is what causes visual impact. Panels are getting more efficient all the time, so regulating based on kW is inexact or indirect way to approach it as opposed to physical size and impacts.

Stan Gorman: Thank you for looking into benefits for the town on solar. Please

make sure the town is protected. Can the board possibly revisit the communication of our overlay zone districts and possibly revise 165-10 Telecommunications Local Law to protect the town and the residents surrounding these districts.

Chris Kendall-Nicholas: Does not want to look at the solar panels.

Helen Bailey: A lot of hunters are not near the snowmobile trails. We can't get time off to hunt. Holiday season gives us a chance to get time.

Nancy Furdock: She's happy the town is being proactive on the short-term rental legislation and would be happy to lend assistance. Regarding the application for a use variance that was denied by the Zoning Board of Appeals, she stated that 25kW doesn't go far. She's also happy that Supervisor Rotondo will meet with Pivot Energy and negotiate for the town's best interest.

Barbara Stacer: She doesn't think the town will get any hard benefits from the solar farm. She stated that pilots fail. She's worried about the panels being decommissioned properly. Negotiations should be between the landowner and Pivot Energy; she does not believe that the town should be involved in the negotiation process.

R-153-22 Motion by Christmas, seconded by Rotondo to adjourn the meeting at 8:27 p.m.

Respectfully submitted,

Nikki Reid  
Town Clerk