

TOWN OF POMPEY TOWN BOARD MINUTES

The Town Board of the Town of Pompey held a Regular Meeting on Monday, May 3, 2021. 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 and by livestreaming on the Town of Pompey's Facebook page.

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

The following remotely attended: Supervisor Renee Rotondo, Councilors Ann Christmas, Judy McElhannon, Carl Dennis, Sheila Larkin; Accountant 1 Tom Chartrand; Town Attorney Tim Frateschi; Codes Officer Bob Rodriguez; Highway Superintendent Tom Purcell; Town Clerk Nikki Reid; Swim Program Director Megan Campbell; Energy Programmer at Central New York Regional Planning and Developmental Board Chris Carrick; Solar Committee Chairman John Shaheen; and Zoom Host Veronica Hotaling.

A moment of silence was had for the passing of Edwin Bobette and James Knox.

SWIM PROGRAM

Swim Program Director Meghan Campbell gave an update on the 2021 Swim Program. She has received registration forms for 27 participants in the upper-level and 34 participants in the lower-level: 61 participants in total. Councilor Dennis and Councilor Larkin both stated that this needs to move forward. Supervisor Rotondo will touch base with Meghan Campbell as the month progresses and hopefully more regulations will lift allowing for more participants to register and participate in the 2021 Swim Program.

R-95-21 Motion by Christmas, seconded by McElhannon to authorize Supervisor Rotondo to sign the Swim Program Contract with Cazenovia College. All in favor. Motion carried.

R-96-21 Motion by Larkin, seconded by Christmas to authorize Supervisor Rotondo to sign the Inter-Municipal Agreements prepared by the Attorney for the town with the Town of Fabius and the Town of Lafayette to allow participants from those Towns. All in favor. Motion carried.

Local Law 2021-2 – Solar Overlay District

Town Attorney Tim Frateschi explained Local Law 2021-2 Solar Overlay District. This is a

companion law to Local Law 2021-1. Local Law 2021-2 would authorize the Town Board to establish specific projects at specific places through a zone change to the Overlay District. It will allow the Town Board to review an application and determine whether the specific project at a specific site should be approved for an Overlay District. If approved, it would then go before the Planning Board for the site planning process.

R-97-21 Motion by Dennis, seconded by Christmas to waive the reading of the legal notice. All in favor. Motion carried.

R-98-21 Motion by Rotondo, seconded by Dennis to declare the Town of Pompey Town Board as the Lead Agency on the SEQRA for the Local Law 2021-2 Solar Overlay District for the Town of Pompey. All in favor. Motion carried.

Town Attorney Tim Frateschi reviewed the 11 questions on the Short Environmental Assessment Form with the Town Board. The discussion centered around the fact that Local Law 2021-2 does not have any environmental impact because it only allows the opportunity to site a solar facility in the Town. When a specific project is presented to the Town Board for siting a solar project, the Town Board will do a separate SEQRA review based on the facts and circumstances of that application. As a result, the Board agreed that Local Law 2021-2 would not have a significant environmental impact.

R-99-21 Motion by Dennis, seconded by McElhannon to issue a negative declaration under SEQRA. All in favor. Motion carried.

R-100-21 Motion by Dennis, seconded by Larkin to open the Public Hearing on Local Law 2021-2 Solar Overlay District at 6:57 p.m. All in favor. Motion carried.

Public Comment:

George DeAngelo – Sweet Road: Will an application for a solar farm require a Zoning Board of Appeals meeting? If yes, will the public be notified. Town Attorney Tim Frateschi responded that it will require a Town Boarding meeting with an application for the Overlay District, as well as a Public Hearing.

Stan Hack – 7482 Pratts Falls Road: I am for this Local Law. I think that solar farms will add to the future prosperity of our Town. I also find solar farms to be quite attractive. As the sun moves during the day, the light refraction from the arrays produces a fascinating color show.

Debbie Grenier – 2010 Cemetery Road: Small impact is not zero impact. No consideration of the beauty of the Town being sacrificed? People move to Pompey for the beauty of the hills and farmland. What is the monetary benefit to the Town? Supervisor Rotondo responded that

a monetary benefit would be determined by a PILOT agreement. Energy Programmer at Central New York Regional Planning and Developmental Board Chris Carrick added that it would not only be a monetary benefit to the Town but to the participating Residents, who could save up to 10% on their energy bill.

Jeanne Zurbruegg – Sweet Road: Why would we want this? Councilor Larkin responded that it is not about whether we want this or not. It is the fact that a property owner should not be told what they can or cannot do on their property. Reusable energy is already here. There is a 70% push by the Governor by 2030. We have worked so hard trying to figure this out and do right by the people in the Town. The State could take control if the Town does not. Councilor Christmas and Councilor McElhannon are in agreement with Councilor Larkin. Supervisor Rotondo also remarked that this cannot be banned because the State has determined Solar as a State Interest. If the Town did not provide for Tier 3 solar systems, the State could have every right to come in and control what happens in the Town of Pompey. This Local Law is the best protection for the Town.

George DeAngelo – Sweet Road: If a solar farm is built in a predominantly residential area, what will be the consequences of property values? There is plenty of land south of Route 20. Is there any current possibility of a solar farm on Sweet Road in the near future? Councilor Larkin responded that we do not have any answers to those questions yet. Supervisor Rotondo said studies have been conducted that resulted in solar farms in rural communities having little-to-no impact on property values: Chris Carrick agreed. Councilor Dennis remarked that the Town has very few places that could even allow for a 3 Tier Solar Farm.

Debbie Grenier – 2010 Cemetery Road: Do not surrender our Town to State Regulations. Let's not surrender. It is time to fight for our Town's best interest. 10% off our utility bill is not worth the sacrifice. Listen to the residents of the Town even the ones without Zoom or Facebook. Are they are forcing solar energy on every Town in NY? Supervisor Rotondo responded that this is not something that is being forced on us. However, it is about taking responsibility for our Town that we love so much and moving forward with renewable energy.

Mary Ann Wilson – Route 91: It will be beneficial for all of us. Our Town is beautiful and we will continue to make it that way with solar panels. It would be beneficial to all of us. It is the most responsible things to do. This Board is doing all the homework on this. This will also help us move away from fossil fuel that many of us have to use in this area now. This is a step toward clean energy that we need for our future generations.

JoAnne Hoeffler – Sweet Road: How close can solar panels be to a residence? Town Attorney Tim Frateschi responded there is a 100-foot setback. JoAnne responded that 100 feet is way too close to a residence. Solar Committee Chairman John Shaheen responded that the 100 foot setback is from the landowner's property line.

Linda Gorman: How does the Town say yes to one landowner and no to the next landowner? How do you plan to limit the amount of solar farms? Town Attorney Tim Frateschi responded that there are no plans to limit the amount of solar farms. There are provisions in our code which require the Board to consider proximity of one solar farm to another. The biggest limitation is the amount of available energy to supply the solar farms.

George DeAngelo – Sweet Road: If the residents receive up to a 10% electric power discount who receives the other 90% benefit? Chris Carrick responded that it does not work that way. If you subscribe to a community solar project; you pay the developer a certain price and then you get a credit on your utility bill. That difference represents your 10% savings.

J&J Schoonmaker – Watervale Road: We support the proactive, well researched and positive approach the Town Board has taken on solar development, in keeping with the Town Masterplan .

Mary Baum – Sweet Road: Chris previously mentioned that a developer can pay to upgrade the grid. Wouldn't that allow additional solar farms in the area? Chris Carrick responded that it is not that a developer can pay, it is that they are required to pay substantial sums to National Grid. That could possibly open up more room for another developer or substation network to develop a project somewhere.

JoAnne Hoeffler – Sweet Road: Has the board visited any solar sites to get a feel for the magnitude of what a solar farms looks and feels like? Supervisor Rotondo responded that she has a personal experience with a solar farm. Her place of employment in Madison County backs up to a solar farm. It allows the County to benefit by paying cents on the dollar every month from the use of that solar farm. It is well maintained, quiet, mowed regularly, and fenced. Councilor Larkin responded that she has not visited any solar farms but has driven by many of them. Although she personally does not like the way they look, the reason behind the local law is that the Town has created something that is good for the community. If a Town Resident wants to put up a solar farm on their property, she does not believe that the Town has the right to ban that. JoAnne Hoeffler asked what happens if we do nothing? What action will the State take against the Town of Pompey? Chris Carrick responded that the State passed legislation that allows them, under certain circumstances, to actually supersede Local Law if it finds that the Local Law is restricting the set forth State targets.

Daniel Dailey – Coleman Hill Road: This hearing should be in person so we can have open conversation. Zoning laws should not be changed to accommodate mandates from New York State.

R-101-21 Motion by McElhannon, seconded by Christmas to adjourn the Solar Overlay District Local Law 2021-2 Public Hearing on Monday, June 7, 2021 at 6:30 p.m. All in favor. Motion carried.

TOWN FINANCES

Accountant Tom Chartrand gave an update on the Supervisor's monthly and year-to-date spending. The Town finally received a refund from PERMA for the payment made in 2019 in the amount of \$7,221.00.

Town Clerk Fees: Almost \$3,000.00

General Fund: Spending at 34%; Revenue at 84%.

Highway Fund: Spending at 20%; Revenue at 88%.

R-102-21 Motion by Christmas, seconded by McElhannon to accept the April 2021 bank reconciliation reports and monthly reports for the Supervisor, Town Clerk, and Tax Collector. All in favor. Motion carried.

R-103-21 Motion by Dennis, seconded by Christmas to approve the payment of General Fund Abstract Nos. 111-139, totaling \$48,919.74; Highway Fund Abstract Nos. 52-76, totaling \$62,977.33; Special District Abstract Nos. 10-11, totaling \$13,501.87. All in favor. Motion carried.

TOWN CLERK

R-104-21 Motion by Dennis, seconded by McElhannon to accept the April 5, 2021 Regular meeting minutes and the April 21, 2021 Special meeting minutes. All in favor. Motion carried.

Town Clerk Nikki Reid gave an update on the Earth Day Event. She said it was nice to see so many residents come out and participate in the event. There was a lot of roadside cleanup, shredding, and prescription drop-offs. They sold out of the 500 trees that were being given away. She thanked everyone who volunteered their time and resources. Highway Superintendent Tom Purcell said that they had several loads of scrap metal dropped off, they collected 97 tires, and just over a half ton of roadside trash. Supervisor Rotondo also shared that the Highway crew made the front page of the Eagle Newspaper in their Earth Day Celebration Article.

R-105-21 Motion by Larkin, seconded by Christmas to authorize the Supervisor to sign the 2021 Mutual Agreement for the collection of school taxes for both Jamesville-Dewitt and Fayetteville-Manlius. All in favor. Motion carried.

Town Clerk Nikki Reid informed the residents that the Town Hall is now open to the public and no longer operating by appointment only. Residents are still being asked to sign in, wear a mask, and practice social distancing.

TOWN HIGHWAY SUPERINTENDENT

There is a new posted speed on Sweet Road. It is now 45 miles per hour coming out of the Hamlet of Pompey and down to north of Pratts Falls Road. The County is in the process of posting the new speed limit signs.

Highway Superintendent gave an update on the Preserve Drainage Project. He stated that Town Engineer Steve Snell sent the proposal to the County and they have until May 7th to respond.

R-106-21 Motion by Dennis, seconded by Larkin to declare the 2012 Chevy Pickup Truck 3500 Heavy Duty with Plow as surplus equipment with a residual of \$10,000.00. All in favor. Motion carried.

TOWN ATTORNEY

R-107-21 Motion by Rotondo, seconded by Dennis to adopt a Resolution that authorizes Attorney for the Town Baldwin, Sutphen & Frateschi, PLLC and other entities to provide training to the Planning Board and Zoning Board of Appeals Members. All in favor. Motion carried.

R-108-21 Motion by Dennis, seconded by Christmas to adopt the Fireworks Permit as drafted by Town Attorney Tim Frateschi. All in favor. Motion carried.

Town Attorney Tim Frateschi stated that the Town Board needs to form a plan of action for Cannabis Legislation. If the Town wants to opt-out, it will require a Local Law. Councilor Christmas suggested we share information with the residents through the Town Newsletter and ask for public feedback. Supervisor Rotondo responded that she is thinking of holding some informational sessions in different parts of the Town to hear public feedback. Councilor Larkin asked if we could put this up for public vote, Attorney Frateschi answered no and explained the legalities on that process. He stated that the only thing the Town can do is adopt a Local Law that prohibits the sale of marijuana at dispensaries and/or the on-site consumption of marijuana in the Town of Pompey. If the Town passes such a law, it would be subject to

permissive referendum. The Town can, and should at the least, pass a local law regulating the time, place, and manner of sale if it does not opt out. Councilor Dennis thinks we should look at what other towns are adopting.

CODES OFFICER

Permits are a bit slow this year due to material costs; 38 permits have been issued year-to-date.

There have been some concerns with unsafe properties in the Town. One property is located on Cherry Street. The owner has been served and has until May 21, 2021 to respond before legal action is taken. He has not heard from them at this point. There is also a barn located near Pompey Town Hall: they too have been served and Codes Officer has been in communication with the owners who reside in California. In the upcoming weeks, there will be two more properties that will be pursued as unsafe structures.

COUNCILORS

Town Councilors Sheila Larkin and Judy McElhannon, along with Town Accountant Tom Chartrand met at the Town Hall to review and audit the 2020 books of the Supervisor, Town Clerk, and Tax Collector accounts.

R-109-21 Motion by Dennis, seconded by Larkin to approve the complete audit of the 2020 Supervisor, Town Clerk, and Tax Collector Records. All in favor. Motion carried.

SUPERVISOR

Supervisor Rotondo reported on the Farm Days Informational Session which took place on April 21, 2021. The meeting was well attended. The Town Board Members were able to ask questions to which the panelists provided answers to. The floor was open to the public for their questions, concerns, and comments. Supervisor Rotondo stated that there were not a lot of questions asked regarding the event, which may be due to the amount of information that was shared by the panelists.

Supervisor Rotondo gave an update on the Special Event Permit; it continues to be a work-in-progress. She and County Legislator David Knapp had one idea on the direction they thought the group wanted to go in; however, the group had a different idea. They will meet again with efforts to form a helpful checklist.

Supervisor Rotondo mentioned that the AV Equipment for the Town Courtroom / Meeting Room is almost ready for installation. There are a few logistical things that need to be sorted out in the next coming week.

Supervisor Rotondo explained that quotes for the Schoolhouse repairs came in much higher than what was budgeted for. She spoke with Councilor Dennis and would like to hold off on the repairs at this time. She applied for a grant through Central New York Community Foundation and is hoping the grant may cover the difference of cost.

The County is proposing to use \$15 million in Federal Stimulus Funding to extend broadband internet to rural areas in the County. They are asking people to take a two-part survey; one is to test the speed of your internet, the other is a questionnaire. Supervisor Rotondo is urging everyone to reach out to friends, family, and neighbors. There will be hard copies available at the Town Hall for those who do not have access to the internet and can not fill the form out online.

PUBLIC COMMENT:

No public comment.

R-110-21 Motion by Dennis, seconded by McElhannon to adjourn at 8:35 p.m. All in favor.
Motion carried.

Respectfully Submitted,

Nicole Reid
Pompey Town Clerk