

## TOWN OF POMPEY TOWN BOARD MINUTES

The Town Board of the Town of Pompey held its Regular Meeting on Tuesday, July 9, 2024 at 6:30 p.m. The meeting was held in-person and was also live-streamed via Zoom platform. In attendance were: Supervisor Mark Nardella, Councilors Bill Lipe, James Loomis, Diana Carpenter (virtually), David Angello; Accountant Jim Pompo; Town Attorney David Capriotti; Town Clerk Nikki Reid; Deputy Town Clerk Trina Douglas; and Zoom Host Veronica Hotaling.

Supervisor Nardella called the meeting to order at 6:31 p.m. followed by the Pledge of Allegiance.

Councilor Loomis requested that a moment of silence be returned to the agenda.

A moment of silence was had for the tragic loss of Tyler Memory; son to Court Clerk Kim Memory. A moment of silence was also had for Nate Doody, Claude Ingersoll, and Kevin Carroll.

### **PUBLIC COMMENT:**

John Shaheen: Gave the Town Board an update on Pompey's participation in NYSERDA'S clean energy program; to date Pompey has been awarded \$12,500.00. The clean energy program provides guidance, informational resources, and access to grant funding for municipalities to implement clean energy solutions and track progress toward energy saving goals.

Trina Douglas: There is a problem in this town with identity politics which is causing so much division. She will no longer stand by and watch the damage this kind of behavior causes. The Town Clerk is an exempt salary elected official who does not need to keep a timesheet; however, her health insurance is being threatened based on the hours the Town Clerk's Office is open. The Employee Handbook was revised in December 2023; neither the Town Clerk's Office nor the Highway Department has this revised copy in their possession. There is conflict in the Employee Handbook; the old handbook states that the Town Clerk needs to pay 10%; the new handbook states there should be no payment at all. Despite numerous emails, the website was never updated to reflect the correct hours that the Town Clerk's Office is open; frustrated residents were showing up between the hours of 1pm-4pm and could not conduct business due to the inaccuracies listed on the website.

Scott Douglas: He stated that his wife Trina, who is also the Deputy Town Clerk, truly wants the town to be the best it can be, and he's worried about retaliation. He stated that a letter was recently sent out and it appears that it was created during Executive Session, which violates the open meetings law. There are no minutes from that meeting. Supervisor Nardella changed the Town Clerk's hours on the website without notifying the Town Clerk of those changes; this caused unnecessary conflict with the residents thinking the Town Clerk's office was open when it wasn't. This is being construed as a hostile work environment and workplace harassment.

Renee Rotondo: She came before the Town Board regarding Heritage Hill. She stated that there was a lengthy Planning Board meeting regarding the meat packing facility that brought up the ability to challenge everything that was going on at Heritage Hill. The public was given a lot of opportunities to participate; the Board took their concerns into consideration and made their decision. 13 petitioners filed an Article 78, which was heard and denied. 80 households are in that immediate area, 10 households are beating the drum about what they don't like about an ag-business in the town; music. People need to learn to accept decisions that they don't like and they need to learn to live with it and move on.

Lisa Miles: She has had several conversations with many residents who have made her aware of dozens of complaints on a day that there is loud music at Heritage Hill, which violates what the Planning Board put in place. It is Codes Officer Tim Bearup's job to enforce any violations, investigate complaints, acknowledge complaints, and enforce; these are all required of the Codes Enforcement Officer. He has yet to acknowledge any of those dozens of complaints. On June 21<sup>st</sup>, he did respond to one complainant by telling them to call the Sherriff's Department instead of filing a formal complaint, this response is ridiculous at best. It is not only disruptive to the county resources but spotlights our town's inability to carry out its most basic functions. Ms. Miles reminded Supervisor Nardella of their telephone conversation on July 1<sup>st</sup>, when Mr. Nardella stated that maybe Mr. Bearup's inability to meet his town responsibilities are due to the constraints on his schedule, the fact that he lives and commutes from Cortland, and the lack of resources the town has provided him to enforce the site plan limitations that the Planning Board put on Heritage Hill. According to the 2024 budget, Mr. Bearup receives a salary of \$58,344.00: a 62% increase from 2023.

Jim Gosier: Back in May 2024, a proposal was given to the Town Board to form a Citizens Committee to study the noise. There is no mention of that in the minutes; there was no audio so you won't find it there either. No member of this Town Board has publicly acknowledged that they even got the proposal. We as residents have tried to engage the Town Board as leaders, but you fail to engage, discuss, or lead. Since September of 2023, dozens of complaints have been filed with the Codes Officer. Most of the complaints that have been filed have not even been investigated. Under the Town Code, it is the duty of the Codes Officer to review and investigate complaints and pursue enforcement. Former Supervisor Renee Rotondo was invited over to their house multiple times to hear the noise and yet she, nor any other Board Member, never once responded. To say "we should let it go" will not happen. New York State Town Law allows citizens of the Town to take matters into their own hands when the Codes Enforcement Officer refuses to do his job. Because of the Town Boards inability to lead the Codes Enforcement Officer, that is exactly what is going to happen.

Deborah Grenier: She came before the Town Board back in March of 2024 asking a lot of questions regarding the \$72,000.00 in attorney fees regarding Heritage Hill. The Town used to pay \$2,000.00 a month in attorney fees, which has now jumped significantly to \$3,334.00. This

is all taxpayer dollars. The reason for these lawsuits is the Town Board's failure to address the whole situation.

Dan McClung: It's frustrating coming to the Town Board, over and over again, but he has no choice. He feels that the discussion has been a one-sided conversation. It's completely unclear if actions are being taken to improve the situation in our community or to address the issues that have been raised. If actions are being taken, are they temporary or permanent? He is asking the Town Board, once again, to open lines of communication with the community who have elected you to represent. The inaction is going to leave us with no choice but to continue to fight to protect our community, our homes, and our families.

Joanne Hoeffler: She is one of the 13 petitioners that filed the lawsuit against Heritage Hill. She stated that she disagrees with every single thing that former Supervisor Renee Rotondo had stated. Renee did nothing to help them; she didn't even treat them as citizens of the community. Things continue to not be taken care of by this current Town Board and Planning Board. She questioned why the 13 households are being discriminated against. Renee mentioned that the public was given a lot of opportunities to participate; Ms. Hoeffler stated that is not the case, they were given one opportunity at the very first public hearing and that was it. When former Supervisor Rotondo stated that "it's just music", it is not just music; it is amplified music, it is every weekend, it is every holiday. The ability to sit outside and enjoy the peace and quiet has been taken from them. The value of their homes has gone down. When the brewery first came, it was just going to be a tasting room; now it can now seat 800 people. As once promised, no weddings, no big events; it now is capable of all those things.

Phyliss Henry: We run our town on taxes. Everything we pay is taxed. If we want to shut businesses down, we're going to spend every dollar doing so.

ACCOUNTANT'S REPORT:

- R-91-24 Motion by Angello, seconded by Loomis to accept the June 2024 Supervisor's Report. All in favor. Motion carried.
- R-92-24 Motion by Loomis, seconded by Angello to accept the June 2024 Bank Reconciliation Report for the Supervisor's account. All in favor. Motion carried.
- R-93-24 Motion by Carpenter, seconded by Lipe to approve for the following transfer:

**General Fund:**

A9050.8	Unemployment Insurance	(\$2,200.00)
A1990.4	Contingency	\$2,200.00

All in favor. Motion carried.

NYCLASS Interest brought in \$11,312.84 this month; a total of \$63,172.37 to date.

TOWN CLERK'S REPORT:

- R-94-24 Motion by Loomis, seconded by Lipe to accept the June 11, 2024 Regular Meeting Minutes. All in favor. Motion carried.
- R-95-24 Motion by Loomis, seconded by Nardella to accept the June 2024 Bank Reconciliation Reports for the Town Clerk and Tax Collector. All in favor. Motion carried.
- R-96-24 Motion by Angello, seconded by Loomis to approve the following payment of bills: Abstract Nos. 309-351, totaling \$49,809.70. All in favor. Motion carried.
- R-97-24 Motion by Nardella, seconded by Loomis to authorize Supervisor Nardella to sign the Intermunicipal Agreement between the Fayetteville-Manlius Central School District and the Town of Pompey for Tax Collection Services. All in favor. Motion carried.

SUPERVISOR'S REPORT:

Supervisor Nardella stated that the Codes Officer report will now be fully disclosed on the Town's website page.

Supervisor Nardella stated that we are a small town, we have a part-time Codes Officer that services five towns. The previous Town Boards decided not to make this position full time. The noise issue is not being ignored; it is in the process of being figured out. It is the Town Boards hope that by the end of the fiscal year, Tim Bearup will be able to cut back on other towns and give more hours to the Town of Pompey. He is also looking into hiring a Constable that would be readily available to enforce the noise issue. The Town Board represents the whole town, not just the people who show up to the meetings. Councilor Carpenter stated that she has been doing her own research. She stated that the 65 decibels Heritage Hill is allowed, is very loud, but that was the Planning Board's decision. Councilor Loomis stated that a town wide noise ordinance is not wanted by the majority of residents; this is a farming community and really doesn't fit this town. Councilor Angello stated that the Town Boards job is to represent everybody. The vast majority of people are most concerned about taxes not being raised, not noise in the town. He stated that he's been up to Heritage Hill on four separate occasions with the decibel reader: the highest music reading he got was 58 decibels.

Supervisor Nardella gave an update on the sound system in the conference room that needed to be modified.

R-98-24 Motion by Angello, seconded by Loomis to pay Installations Unlimited an additional \$2,131.15 for the modifications to the conference room sound system. All in favor. Motion carried.

Supervisor Nardella gave an update on the Delphi Falls LED Sign that County Legislator Dave Knapp helped secure a grant for. Once provided with receipts and proof of payment, the sign will be installed.

The Pompey Historical Society will be doing a presentation on the Inns of Pompey on July 17, 2024 at 7:00 p.m. and a presentation on The Ozark Inn on August 21, 2024 at 7:00 p.m.

R-99-24 Motion by Lipe, seconded by Loomis to adjourn the meeting at 7:45 p.m. All in favor. Motion carried.

Respectfully submitted,

Nikki Reid  
Pompey Town Clerk

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