

TOWN OF POMPEY TOWN BOARD MINUTES

The Town Board of the Town of Pompey held its Regular Monthly Meeting on Tuesday, October 10, 2023, at 6:30 p.m. The meeting was held in-person and was also live-streamed via Zoom platform. In attendance were: Supervisor Renee Rotondo, Councilors Ann Christmas, Bill Lipe, James Loomis, Diana Carpenter; Town Clerk Nikki Reid; Town Attorney Tim Frateschi; Town Accountant Jim Pompo; Zoom Host Veronica Hotaling; along with 43 residents.

The meeting was called to order at 6:32 p.m. followed by the Pledge of Allegiance.

A moment of silence was had for Mercina Pratt and Ron Mawson.

PUBLIC HEARING – OVERRIDE THE PROPERTY TAX CAP FOR 2023

R-135-23 Motion by Christmas, seconded by Carpenter to waive the reading of the notice for the public hearing. All in favor. Motion carried.

Attorney Frateschi explained the local law before the Board. It would give the town the ability to override the State tax cap of 2% for 2024. This law needs to be adopted by 60% of the Board to be effective. Attorney Frateschi explained that if the property tax cap override law is not passed, and the Town goes over the cap, there could be financial penalties to the Town.

R-136-23 Motion by Christmas, seconded by Rotondo to open the public hearing at 6:37 p.m. All in favor. Motion carried.

R-137-23 Motion by Christmas, seconded by Lipe to close the public hearing at 6:38 p.m. All in favor. Motion carried.

6:40 Councilor Loomis joined the meeting.

R-138-23 Motion by Rotondo, seconded by Christmas to adopt Local Law 2023-5 which overrides the 2024 property tax cap.

LOCAL LAW 2023 -5, AMENDING CHAPTER 149 BY AMENDING ARTICLE VII, TAX LEVY LIMIT OVERRIDE OF THE CODE OF THE TOWN OF POMPEY:

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

ARTICLE VII; PROPERTY TAX CAP OVERRIDE

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Pompey County of Onondaga pursuant to General Municipal Law § 3-c, and to allow the Town of Pompey, County of Onondaga to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2023 *and 2024** that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Pompey County of Onondaga is hereby authorized to adopt a budget for the fiscal year 2023 *and 2024** that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

* *Italics* indicates new language

All in favor. Motion carried.

ACCOUNTANT’S REPORT:

- R-139-23 Motion by Rotondo, seconded by Lipe to schedule a Special Meeting on Monday, October 30, 2023 at 6:30 p.m. for the purpose of holding a Public Hearing for the Town Budget (Preliminary) for 2024 for Highway Fund, General Fund, Fire Districts, SOTS, and all Special Districts. All in favor. Motion carried.
- R-140-23 Motion by Carpenter, seconded by Christmas to accept the September 2023 Monthly Statement for the Supervisor’s Account. All in favor. Motion carried.
- R-141-23 Motion by Christmas, seconded by Lipe to accept the September 2023 Bank Reconciliation Reports for the Supervisor Account. All in favor. Motion carried.
- R-142-23 Motion by Christmas, seconded by Carpenter to approve the following transfer:

General Fund:

A8010.11	Zoning – Personnel Services Officer	\$11,100.00
A7310.1	Youth Program Recreation - Personnel Services	(\$11,100.00)

All in favor. Motion carried.

Town Accountant Jim Pompo stated that the NYCLASS account brought in \$10,472.00 in Interest last month, which totals \$83,112.00 in interest income to date this year.

PUBLIC HEARING – TO CREATE A SHORT TERM RENTAL PROVISION IN THE TOWN CODE, INCLUDING, BUT NOT LIMITED TO REGISTRATIONS OF SHORT TERM RENTAL PROPERTIES

- R-143-23 Motion by Rotondo, seconded by Christmas to waive the reading of the notice for the public hearing. All in favor. Motion carried.

A Short-Term Rental Committee was formed for the purpose to ensure the health and safety of places where the public goes. Committee Members consist of (2) Town Board Members, Renee Rotondo and Ann Christmas, Planning Board Member Kevin Coursen, ECC Member Adam Scalisi, and (2) Town Residents, Nancy Furdock and Helen Bailey.

The only thing that the Short-Term Rental Committee is asking is that a permit be acquired from the Town Codes Officer before the applicant can operate a short-term rental. A minimal fee would be set by the Town Board members. The law would allow for a 3-year rental term; after three years the applicant would have to reapply. The permit would not be transferable. A limit of 40 short-term rentals has been set; however, there is provision in the law to allow for

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the Town Board to adjust that. There are requirements set in place that the applicant needs to qualify for in order to operate a short-term rental.

R-144-23 Motion by Rotondo, seconded by Christmas to open the public hearing at 6:59 p.m. All in favor. Motion carried.

PUBLIC COMMENT:

Ivan Fuller – Route 91 : What’s considered a short-term rental?

Deb Grenier – Cemetery Road: What are some of the questions that will be on the application? Will an inspection be required?

Richard Margino – Henneberry Road: What would make someone qualify to be a fire inspector in the town? What would restrict the codes to where it would not be approved?

Emmanuel Pothos – Frank Long Road: What’s the Town Board’s position on owner-occupied dwellings and short-term rentals?

Nancy Furdock – Sevier Road: As a Committee Member, public safety was our number one concern. We limited the number to 40 short-term rentals with the consideration of protecting the nature of our unique communities.

R-145-23 Motion by Christmas, seconded by Loomis to close the public hearing at 7:11 p.m. All in favor. Motion carried.

R-146-23 Motion by Carpenter, seconded by Christmas to declare the Town of Pompey Town Board the lead agency for SEQR purposes. All in favor. Motion carried.

R-147-23 Motion by Loomis, seconded by Rotondo that the Town Board issue a negative declaration on Short Term Rentals. All in favor. Motion carried.

TIER 3 SOLAR PROJECT, PIVOT ENERGY:

Pivot Energy appeared before the Town Board to request a solar energy overlay zone change for Sweet Road tax parcel 012.-01-03.1 to allow for a Tier 3 solar project. Gordon Woodcock gave a presentation about the new project which is based on the feedback that was provided to Pivot Energy from the Town Board, Planning Board, landowners and residents. He stated that Pivot Energy has made significant changes to the property that addressed the concerns that they’ve heard, primarily related to agricultural issues, visual impacts, general concerns on site layout and emergency response.

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R-148-23 Motion by Carpenter, seconded by Rotondo to refer the request for a Solar Energy Overlay Zone change by Pivot Energy for Sweet Road property parcel 012.-01-03.1, to allow for Tier 3 Solar project to the Environmental Conservation Committee for their review. All in favor. Motion carried.

TOWN CLERK'S REPORT:

R-149-23 Motion by Carpenter, seconded by Loomis to accept the September 12, 2023 Regular Meeting minutes. All in favor. Motion carried.

R-150-23 Motion by Christmas, seconded by Rotondo to accept the September 2023 Bank Reconciliation Reports for the Town Clerk and Tax Collector. All in favor. Motion carried.

R-151-23 Motion by Rotondo, seconded by Christmas to approve the following payment of bills: Abstract Nos. 429-481, minus Abstract Nos. 443, 453, 459, 472; totaling \$174,010.96. All in favor. Motion carried.

CODE OFFICER'S REPORT:

Although the Code Officer was not present, he had provided the Town Board members with the September 2023 monthly report; 9 building permits were issued, 4 completions, 3 violations, and 3 stop-work-orders.

PUBLIC COMMENT:

J.R. Anthis, Whitney Farm Lane: He believes there are a lot of issues regarding the Tier 3 Solar Project proposal on Sweet Road. A significant issue is that the location is one of our main corridors right through our town, it's the wrong place for it. There are many places in New York State where these solar parks can go.

Cole Henderson, Chadwick Circle: He respectfully asked the Town Board to vote no on the proposed solar project on Sweet Road.

Matt Foote, Number 2 Road East: He discussed home occupation, as he operates an Etsy business in his pole barn. He had questions for the Town Board as to why the town never moved forward with his permit application. He paid the \$100 permit fee last August of 2022 and then received an appearance ticket in March of 2023. This has been a long process and wants to know why no one communicated with him during that time. He is concerned about the some members that are on the home occupation committee; two of those members are neighbors of his that have complained about his Etsy business. He's requested to join the Home Occupation Committee.

Douglas Bunn, Canyonwood Lane: How much money will the Town receive for having this solar

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project and how is that going to be affected by the decreased property values and assessments that will be requested / demanded by property owners that will be impacted by it.

Ivan Fuller – Route 91: How would someone go about getting a traffic survey on Route 91?

Deborah Grenier – Cemetery Road: Regarding the \$9,000,000.00 that Pivot stated it will cost to construct the solar project; how much of that is federal and state taxpayer dollars.

Martha Viglietta – Gibbs Road: Gave an update on climate change. She discussed subsidies and stated that its cheaper to build renewable infrastructure than it is to maintain existing fossil fuel infrastructure. She shared some solutions for this dire problem and stated that we have to use them.

Tom Byrne – Frank Long Road: He discussed the wind and the massive snowbanks on Sweet Road and how the solar panels will be able to handle the heavy snow that will be on top of them. He discussed the quality view of the landscape on Sweet Road. He also discussed pilot payments.

Richard Margino – Henneberry Road: He discussed short-term rental properties and stated that his biggest concern is the town overregulating these properties. He discussed the Pivot Energy project and stated that it's too big of an industrial solar complex to be put in between two beautiful homes, and too close to homes.

Nancy Furdock – Sevier Road: She is not in favor of this particular solar farm mainly due to the visual impact and the effect on the neighboring properties. There are unanswered questions about the safety of who would be responsible if something goes wrong. She suggested tabling the Pivot Energy project until the Town exhausts its efforts finding a location that would be more conducive to this.

Carl Fahrenkrug – Trillium Trail: He read through the Comprehensive Plan numerous times and stated there is no expectation that there will be power plants built in the town. He sees a fundamental conflict between the solar law that has been written (which he states was well crafted) and the Comprehensive Plan which needs to be considered.

Barbara Stacer – Sweet Road: (Via Zoom:) Wanted to discuss her deep concerns regarding the proposed industrial solar facility around her home. One major concern is a potential disruption of their daily lives due to the construction and ongoing operation of solar noise, dust, and traffic during the installation phase. She is worried about the potential impact on property values. She asked the Town Board to thoroughly assess the potential impact on residents quality of life including the noise levels, visual aesthetics, and any potential decrease in property values. She does not believe that the Town Board has done its due diligence in assessing the risks and hazards with allowing a Tier 3 solar facility to be built in our town.

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Daniel Miller – Number 4 Road: (Facebook Comment): I appreciate the hard work and dedication of our town board thank you for the hours you dedicate to looking out for the best interest of how to spend our tax payer dollars . I follow all the board meetings closely, I love this town and I was disappointed to hear the solar panel discussion again . The solar panel projects don't belong in our community.

R-152-23 Motion by Christmas, seconded by Rotondo to enter into Executive Session to discuss the proposed, pending or current litigation and to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation at 9:14 p.m. All in favor. Motion carried.

R-153-23 Motion by Rotondo, seconded by Christmas to return to Regular Session at 9:33 p.m. All in favor. Motion carried.

R-154-23 Motion by Christmas, seconded by Loomis to authorize Supervisor Rotondo to sign a Letter of Engagement with Harris Beach for litigation services to be compensated at \$300.00 per hour. All in favor. Motion carried.

R-155-23 Motion by Carpenter, seconded by Loomis to adjourn at 9:35 p.m. All in favor. Motion carried.

Respectfully submitted,

Nikki Reid
Pompey Town Clerk