

TOWN OF POMPEY TOWN BOARD MINUTES

The Town Board of the Town of Pompey held its Regular Monthly Meeting on Tuesday, May 9, 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, and Diana Carpenter; Highway Superintendent B.R. Way; Town Clerk Nikki Reid; Town Attorney Tim Frateschi; Town Accountant Jim Pompo; Town Engineer John Dunkle; Zoom Host Veronica Hotaling; along with 40 residents.

The meeting was called to order at 6:38 p.m. followed by the Pledge of Allegiance.

Supervisor Rotondo read through the Rules of Decorum so that residents understand how meetings should be conducted. This keeps meetings in an orderly and respectful process.

Supervisor Rotondo thanked Stan Gorman, the Furdocks, and all those who helped with the cemetery cleanup project a couple of weeks ago; it was hugely successful.

SEABOARD SOLAR TIER 3 SOLAR APPLICATION: FRANK LONG ROAD

Seaboard Solar applicants appeared before the Town Board to present a Stormwater Pollution Prevention Plan, as requested by the Town Board at the February 14, 2023 meeting. They have been working with Town Engineer John Dunkle for the last four months to come up with a comprehensive stormwater management plan that would actually reduce stormwater runoff. The plan is to capture, redistribute and slow stormwater runoff. Slowing the flow would reduce damage. Shawn Brazo, President of Seaboard Solar, stated that there has been an ongoing water issue that neither the state, town, nor the individual homeowners and landowners can solve. Seaboard Solar is hoping to find a solution to this problem; the plan is to make the stormwater better, not worse. The plan calls to significantly improve on the targets that Town Engineer John Dunkle has given them. Seaboard Solar shared a presentation on the existing drainage area, the stormwater runoff reduction plan, and the proposed mitigation site.

Supervisor Rotondo stated that the Town Board members had the opportunity to look over the Stormwater Pollution Prevention Plan in detail. Due to weather conditions, a site walk has not been done yet.

Town Engineer John Dunkle stated that he asked Seaboard Solar applicants to come up with a plan that shows that they can manage the extra runoff that's going to come from this project. He stated that runoff is not reduced, it's just the rate of runoff that decreases to a point where it's not detrimental. It needs to be managed and slowed down to a point where it doesn't flood, and it doesn't cause erosion. He stated that he will not recommend anything be approved until those standards as proposed are adequately mitigated.

TOWN ACCOUNTANT’S REPORT:

Town Accountant Jim Pompo gave his monthly report. He stated that the new accounting program has been fully implemented and is up and running.

R-65-23 Motion by Christmas, seconded by Lipe to approve the following transfer:

General Fund:

A1910.4	Unallocated Insurance	\$3,887.00
A1990.4	Contingent	(\$3,887.00)

All in favor. Motion carried.

R-66-23 Motion by Christmas, seconded by Loomis to accept the Supervisor’s Monthly Report for April 2023. All in favor. Motion carried.

R-67-23 Motion by Carpenter, seconded by Christmas to accept the February, March, and April 2023 Bank Reconciliation Report for the Supervisor’s Account. All in favor. Motion carried.

R-68-23 Motion by Christmas, seconded by Rotondo to accept the April 2023 Bank Reconciliation Report for the Town Clerk and Tax Collector Account. All in favor. Motion carried.

TOWN CLERK’S REPORT:

R-69-23 Motion by Loomis, seconded by Lipe to accept the April 20, 2023 regular meeting minutes. All in favor. Motion carried.

R-70-23 Motion by Carpenter, seconded by Christmas to approve the following payment of bills: Abstract Nos. 181-225, totaling \$59,370.18. All in favor. Motion carried.

HIGHWAY SUPERINTENDENT’S REPORT

R-71-23 Motion by Carpenter, seconded by Christmas to approve the purchase of a 2024 Chevrolet Truck 3500 HD LWB 4WD in the amount of \$50,900.00 under State Contract #PC69234. All in favor. Motion carried.

Highway Superintendent B.R.Way gave an update on the Earth Day Event. 2 trips of scrap metal went to Metalico for a total net of 6,340 pounds; a check was received in the amount of \$537.78. 1 trip of batteries went to Metalico for a total net of 1,097 pounds; a check was received in the amount of \$64.94. 6 trips of tires went to OCRA for a total of 762 tires. Lastly, electronic recycling was a hit; a total of 9,167 pounds of electronics were received. The Highway Department was nonstop all morning and at times with a line out the door.

CODE'S OFFICE REPORT:

Although the Code's Officer was not present, he provided the Town Board members with the April 2023 monthly report; 14 building permits were issued, 9 completions, and 2 stop-work-order.

TOWN ENGINEER'S REPORT:

R-72-23 Motion by Lipe, seconded by Christmas to authorize Supervisor Rotondo to sign the MS-4 Annual Report. All in favor. Motion carried.

TOWN ATTORNEY'S REPORT:

Town Attorney Tim Frateschi reviewed the Pompey Hill Cemetery Association's request for town assistance in purchasing cemetery recordkeeping software. Based on the information that Town Attorney Frateschi has, he is satisfied that the cemetery is a corporation formed that is contemplated under the statute. The town will wait until Town Attorney Frateschi talks with the Attorney from the Department of State before they purchase the software.

Supervisor Rotondo asked Town Attorney Tim Frateschi to educate the Town Board Members as well as the public on what moratoriums are and when they may be implemented. He explained that state case law does authorize towns to put a pause on certain types of development if they feel that those developments are coming in and they aren't equipped to handle it. In order to do this, the town would have to enact a local law, which would be subject to a public hearing. In Mr. Frateschi's opinion, the solar issue in the Town of Pompey does not meet the kind of hallmarks that is looked for before a moratorium is put in place. He explained hallmarks as looking at the law itself. Many times, a moratorium would be put in place if the town didn't have a law that addressed an issue that's happening, or if the law was outdated. The solar law in the Town of Pompey is about three years old and was quite the process to develop that law. The law has been put in place and addresses the issues that the town is facing today in regards to solar. Another hallmark would be if the town is being inundated with applications for something. There have only been two applications for solar farms in the Town of Pompey in the past three years. Another hallmark of implementing a moratorium would be during the process of putting in some type of comprehensive plan and the town wants to wait before it approves applications for the development until the plan is completed. The town does have a local law in place that has actually worked when it comes to solar farms and as it relates to at least one solar farm that the Town Board chose not to move forward with. Town Attorney Tim Frateschi does not see any hallmarks that the town would be looking for to implement a moratorium on solar farms in the Town of Pompey.

SUPERVISOR'S REPORT:

Supervisor Rotondo gave an update on the 2023 Swim Program; 72 non-Tully registrations have been made, not all of those registrations are Pompey residents. There is still room for Pompey

residents to register for the program.

R-73-23 Motion by Rotondo, seconded by Christmas to appoint Seara Haines to fill the Zoning Board of Appeals vacancy through December 31, 2027. All in favor.
Motion carried.

Supervisor Rotondo provided a credit card policy draft to the Town Board members for their review and comments. This will be tabled until the next meeting.

PUBLIC COMMENT:

Linda Wellner – Frank Long Road: Not in agreement with the proposed solar project. She would like a moratorium for solar in the Town of Pompey. She wants to protect the beauty of our town; especially if we want the way our master plan describes it. We need to protect the resources we still have.

Cathy Garofalo – Frank Long Road: Also requesting a moratorium against solar in the town. She questioned the retention ponds and asked who will maintain them and what happens when there is an overflow.

Gus Kosmas – Gates Road: Concerned about intersection at Gates Road and Sweet Road and the accidents that have occurred there.

J.R. Anthis – Whitney Farm Lane: The common theme here is that no one in this area wants solar. We have petitions between Sweet Road and Frank Long Road; between 600 – 700 people have signed it. He feels that the breaks need to be pumped on this application. People have moved to Pompey for the view and the privacy.

Ivan Fuller – Route 91: Spoke about the amount of flooding they've had on Route 91; multiple times over the years. He provided a map that shows the amount of rain and the gallons of water that overflow the area. How big will the retention ponds be and can they handle the amount of water that will be flowing?

Tom Byrne – Frank Long Road: He would like to find a community project where everyone is going to benefit; get the money to upgrade the three-phase power lines which would expand the options instead of picking residential areas and firing up the entire town that pay a lot of money in taxes.

Nate Podkaminer – Kinder Lane: Discussed the decommissioning bond. He had some letters he shared with the Town Board members. He is opposed to this project, there is no benefit, just another risk.

Jane Podkaminer – Kinder Lane: Two solar projects, and now a third proposed solar project is a lot for a small town to deal with. The master plan that was created in 2013 does not address

what is currently happening in the town; it needs to be updated. There are a lot of things in the proposed documents that she objects to. She asked the town to slow down, revise the master plan, and form a commission that can look at some of these details in depth.

Gay Birch – Kinder Lane: We have stunning, beautiful vistas in Pompey. We have wonderful topography. She is very much opposed to this solar project. A solar farm is not stunning or beautiful and there are no benefits.

Anita Schmidt-Kyanka – Sevier Road: She is the landowner of this proposed project. We need to bridge this gap; we have to get rid of fossil fuels. She feels that the location is appropriate, its obscured from view of the neighbors and mature trees will remain as part of the border. You will not see the solar array and it will be set off the road. It will be located on non-tillable land. The solar array will provide a habitat for pollinators. Climate change is real.

Lorraine Alley – Frank Long Road: How is cutting down 30 acres of trees a green thing? This is not green at all. Frank Long Road is collapsing because of all the water. The retention ponds will be full in the next 5 years; who will clean them out?

Barbara Stacer – Sweet Road: The town has spoken; people do not want solar at all in the Town of Pompey. There are health concerns, quality of life concerns, property values, etc. She discussed the financials and how the bonds are obtained. She wanted to know if anyone has looked into how much these companies are being vetted and questioned the financials of the subcontractors.

Carol Anne Porto – Pompey Center Road: If solar is only here for 25 years, what happens when they get decommissioned. She questioned what the town is doing with the dump, it's a brown field. Solar panels are toxic and it's only a matter of time before people realize it.

Deborah Grenier – Cemetery Road: The town has spoken; they are clearly against solar. A lot of letters have been written, meetings have been had. Maybe we need to repeal the overlay law.

Stan Gorman – Sevier Road: He is concerned about the bonds and the decommissioning of the bonds and the benefits to the town. Who is going to monitor and enforce the law? Is there any pressure from the State of New York to bring solar into this town and are there certain locations that would be a better place where these can go?

Diane LaChance – Route 91: She is very concerned about the amount of water that will be diverted to the south where water isn't as much of a problem, although the runoff is still flooding out everything in her backyard. An even bigger concern of hers is the consideration of clear cutting 30 acres of woods; which means more runoff; its not a green solution. We need to maintain forests, they are carbon sinks, they combat global warming.

- R-74-23 Motion by Rotondo, seconded by Christmas to enter into executive session at 8:57 to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the suspension, dismissal or removal of a particular person or corporation. All in favor. Motion carried.
- R-75-23 Motion by Christmas, seconded by Rotondo to leave executive session and enter back into regular session at 9:20 p.m.
- R-76-23 Motion by Christmas, seconded by Lipe to adjourn at 9:22 p.m. All in favor. Motion carried.

Respectfully submitted,

Nikki Reid
Pompey Town Clerk