

TOWN OF POMPEY TOWN BOARD MINUTES

The Town Board of the Town of Pompey held a Regular Meeting on Monday, April 5, 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 6:34 p.m. followed by the Pledge of Allegiance.

The following remotely attended: Supervisor Renee Rotondo, Councilors Judy McElhannon, Carl Dennis, Sheila Larkin, Ann Christmas; Accountant 1 Tom Chartrand; Attorney for Town 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 a beloved community member, Charley Liggett, who will be sorely missed. Supervisor Rotondo recognized April as National Child Abuse Awareness month, and a moment of silence was had to recognize this and how our community has a role to play in preventing child abuse.

Local Law 2021-1 – A local law that regulates the placement of Solar Energy Systems in the Town of Pompey

Town Attorney Tim Frateschi gave an update on the Local Law 2021-1. This process began late last year when a local law was drafted by the Solar Committee. Since then, there have been three public hearings and revisions based on the comments received by the public. Since the March meeting, minor changes to the local law to reflect public input were made that do not warrant a new public hearing. Supervisor Rotondo wanted to clarify that Local Law 2021-1 would regulate all Solar Energy Conversion Systems. The Overlay District Local Law (Local Law 2021-2), would authorize the Town Board to establish specific projects at specific places through a zone change. The Town Board will consider tonight to set a date for a public hearing on Local Law 2021-2.

The Onondaga County Planning Board (OCPB) sent its response, dated January 27, 2021, which was read into the record. The County Planning Board has determined that Local Law 2021-1 will not have an inter-county or county wide impact. (OCPB) Letter has been filed in the Town Clerk's Office)

The Environmental Conservation Committee met on February 25, 2021 and March 18, 2021 and provided its feedback regarding the Solar Energy Systems Local Law 2021-1 which was read into the record:

The Group reviewed the above identified local law and offered the following comments;

- Questions were raised about the proposed setback distance members thought the distance required further consideration.
- Group advised that strong language be incorporated regarding the decommissioning of the systems.
- Group indicated that they felt the screening maintenance was an important issue specifically how would it be enforced.

Supervisor Rotondo received 6 more letters in support of the Solar Energy Systems, the following names were read into the record; Gisela Omiecinski, Stanley Omiecinski, Dan Dimon, Melissa Dimon, Jeffery Clapp, Tom Czarnecki, which have been filed in the Town Clerk's Office.

Supervisor Rotondo also read resident Mary Baum's email into the record regarding the Solar Energy Systems which have been filed in the Town Clerk's Office.

Today at 6:06 p.m. Supervisor Rotondo received another email from Mary Baum that included a petition of residents opposed to Local Law 2021-1. This email was also read into the record and has been filed with the Town Clerk's Office.

Supervisor Rotondo read the petition and submitted it to the Town Clerk for filing in her office.

Supervisor Rotondo remarked that the legal notice for the public hearing was published in the newspaper on January 12, 2021. Town Attorney Tim Frateschi said that under state law, the only notice required for a public hearing is a legal notice in the Official Town Newspaper or a paper of general circulation in the town 5 days before the public hearing. Town Clerk Nikki Reid stated that she did publish a legal notice in the January 12th Town Newspaper. She also posted the legal notice at the Town Hall, the Town of Pompey's Facebook page, the Town of Pompey's website, the Pompey Mall, and the Pompey Post Office.

R-82-21 Motion by Dennis, seconded by Christmas to declare the Town of Pompey Town Board as the Lead Agency on the SEQRA for the Local Law 2021-1 Enacting the Solar Energy Systems for the Town of Pompey. All in favor. Motion carried.

Town Attorney Tim Frateschi stated that this is an unlisted action and should be noted in the minutes. He reviewed the 11 questions on the Short Environmental Assessment Form with the Town Board and the Board determined that Local Law 2021-1 would not have a significant environmental impact. In fact, the Board discussed the State's Energy Policy of developing renewable energy sources and a strong argument can be made that Local Law 2021-1 could

have a significant positive environmental impact by discouraging the use of fossil fuels and encouraging renewable energy resources.

R-83-21 Motion by Rotondo, seconded by McElhannon to issue a negative declaration under SEQRA. All in favor. Motion carried.

R-84-21 Motion by Rotondo, seconded McElhannon to pass the resolution submitted by the Attorney for the Town approving Local Law 2021-1 to amend Chapter 165 of the Code of the Town of Pompey to repeal and replace Section 165-16.2 and to allow and regulate Solar Energy Systems in the Town of Pompey.

Roll Call Vote:

Councilor McElhannon	Aye
Councilor Larkin	Aye
Councilor Dennis	Aye
Councilor Christmas	Aye
Supervisor Rotondo	Aye

Motion carried.

R-85-21 Motion by Christmas, seconded by McElhannon to hold a Public Hearing on May 3, 2021 at 6:30 p.m. to hear from the public on Local Law 2021-2 that amends Chapter 165 to create the Solar Energy Systems Overlay District. All in favor. Motion carried.

R-86-21 Motion by Christmas, seconded by Dennis to accept the March 2021 bank reconciliation reports and monthly reports for the Supervisor, Town Clerk, and Tax Collector. All in favor. Motion carried.

R-87-21 Motion by Christmas, seconded by Dennis to approve the payment of General Fund Abstract Nos. 111-136, totaling \$48,086.59; Highway Fund Abstract Nos. 52-75, totaling \$35,618.33; Special District Abstract No. 10, totaling \$296.87. All in favor. Motion carried.

TOWN FINANCES

Accountant Tom Chartrand gave an update on the Supervisor's monthly and year-to-date spending.

General Fund: Spending at 26%; Revenue at 83%.

Highway Fund: Spending at 14%; Revenue at 88%.

R-88-21 Motion by Rotondo, seconded by Larkin to approve the following transfer:

HIGHWAY FUND

From: DA599	Fund Balance	Insurance Recovery	<u>\$990.00</u>
		TOTAL:	\$990.00
To: DA5130.4	Machinery	Contractual	<u>\$990.00</u>
		TOTAL:	\$990.00

All in favor. Motion carried.

R-89-21 Motion by Dennis, seconded by Larkin to accept the March 1, 2021 and March 15, 2021 meeting minutes. All in favor. Motion carried.

TOWN CLERK

Town Clerk Nikki Reid gave an update on the Pompey Earth Day Event, which is sponsored by the Environmental Conservation Commission, the Town of Pompey, and the New York State Department of Environmental Conservation. It will take place at the Town Hall on Saturday, April 24th from 9am to noon. We will be offering free paper shredding, in which there is a set limit of 10 file boxes or garbage bags per vehicle. Free drop-off of unwanted prescription medicines, minus controlled substances, sleep-aid medications, and needles. There will also be a free scrap-metal drop off. We are also asking town residents to come together for roadside / litter clean-up. If residents bring their trash bags up to the town, we will dispose of what has been collected. Lastly, we will be giving away 5 free seedlings per household. Residents have the choice between white spruce or white pine seedlings. Masks and social distancing will be in effect.

TOWN HIGHWAY SUPERINTENDENT

Highway Superintendent Purcell gave an update on the Preserve Drainage project. Supervisor Rotondo, Town Engineer Steve Snell, Highway Superintendent Purcell, and Councilor Larkin took a tour of the Preserve Drainage area. Purcell also had two contractors at the Preserves to discuss the scope of work needed. He is waiting for a call back from Onondaga County Soil and Water for the cost of the re-seeding. A land survey and existing grades have to be done so that they can be part of the proposal. Highway Superintendent Purcell gave an update on the Salt Barn Roof project. Josall Syracuse Inc has an Onondaga County contract for shingle roof repair / replacement. He met with them last week and is waiting for an estimate. Lastly, Highway Superintendent Purcell updated that their crew made a total of 118 snowplowing trips; the average over the last 31 years is 114 snowplowing trips.

TOWN ATTORNEY

Town Attorney Tim Frateschi discussed the resolution for electronic filing of assessment complaints, which allows residents to file grievances for their assessment via internet or email. It is a Covid-related measure to keep people from coming up to the Town Hall and to make it more convenient for the residents.

R-90-21 Motion by Rotondo, seconded by Dennis to adopt a resolution to authorize the acceptance of electronic filing of assessment complaints with the Office of Assessment as presented by Attorney of the Town. All in favor. Motion carried.

IN THE MATTER

**OF ADOPTING A RESOLUTION TO AUTHORIZE THE
RESOLUTION ACCEPTANCE OF ELECTRONIC FILING
OF ASSESSMENT COMPLAINTS WITH THE OFFICE OF
ASSESSMENT**

The **TOWN BOARD OF THE TOWN OF POMPEY**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Pompey [in virtual session on the interactive platform commonly referred to a Zoom], located at 8354 U.S. Route 20, Manlius, NY 13104 County of Onondaga, State of New York, on the 5th of April, 2021, at 6:30 p.m.

The meeting was called to order by Renee Rotondo, Supervisor, and the following were present, namely:

Renee Rotondo	Supervisor
Ann Christmas	Councilor
Carl Dennis	Councilor

Judy McElhannon

Councilor

Sheila Larkin

Councilor

Absent:

The following resolution was moved, seconded, and adopted:

WHEREAS, Real Property Tax Law authorizes the Town of Pompey (the "Town") to accept electronic filing (e-filing) of complaints for the administrative review of real property assessment;

WHEREAS, the Town Board believes that the electronic filing of complaints has several benefits to the Town and to its residents, including but not limited to: (i) reducing the exposure of the Town staff and the public from the spread COVID-19 virus; (ii) record keeping and verification that the e-filing system provides; (iii) reducing the amount of paper and travel, which encourages environmental sustainability; (iv) convenience for the residents of the Town;

WHEREAS, for the above reasons, the Town Board desires to authorize the Town Assessor to accept complaints by e-filing;

NOW THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes and directs the Assessor of the Town to accept assessment complaints e-filed to the Assessment Office; and be it

FURTHER RESOLVED, that the following rules shall be in place for the acceptance of e-filed complaints:

1. Complaint Forms (RP-524) (the "Form") shall be available to the public on the Town Web site www.townofPompey.org.
2. Staff of the Assessment Office shall inform any person requesting a Form that the complaints may be filed by e-filing and provide them with the RP-524 that contains instructions for filing and further instructions for how to accomplish the e-filing.
3. The Town Board shall publish in the official Town newspaper, at least 30 days before the Board of Assessment Review meets to review complaints, a notice explaining the option to e-file.
4. Property owners may e-file the Form themselves or by an authorized representative or an attorney may file a Form on their behalf. A fully completed power of attorney or designation of representative must accompany the Form or it may be rejected.

5. A separate Form must be e-filed for each individual parcel unless the Assessor, in his/her discretion, agrees in writing that a single Form will be accepted for certain contiguous parcels identified in writing by the Assessor.
6. By choosing to e-file, the Complainant consents to receive correspondence related to their complaint, as well as the determination of the Board of Assessment Review, via e-mail or other electronic method established by the Town.
7. Complainants must e-file documents in advance of the filing deadlines set by the State. User problems such as problems with a user's telephone line, internet service provider, hardware, software, acts of nature or problems understanding or following the e-filing instructions, or rejection of documents because they contain a virus will not excuse untimely filing. A Complainant who cannot e-file a document because of any of these problems must file conventionally and timely. The Town's inability to receive a document via its e-filing system due to technical failure will not excuse an untimely filing unless the Town acknowledges the technical failure in writing and agrees to an extension of time.

And be it,

FURTHER RESOLVED, that this Resolution shall be posted on the Town Bulletin Board and on the Town website.

Pompey Pines resident Don Saleh reached out to the Town Board regarding the establishment of brush pick-up for the residents in Pompey Pines, as they do not have a Homeowners Association that includes brush removal. Town Attorney Tim Frateschi discussed the legalities of establishing a brush pick-up special district. There are two ways to set up a special district under Town Law; the process can start with the residents in the Pompey Pines or can begin directly from the Town Board. Supervisor Rotondo will wait to hear back from Don Saleh to see how many people in Pompey Pines would be interested in creating this special district.

Town Attorney Tim Frateschi continues to work on the cell tower inventory. He sent a letter out to cell tower owners and has heard back from 3 recipients. He has called and left messages for those who haven't responded. It remains a work in process. Supervisor Rotondo recommended we work with members of the Environmental Conservation Committee to track down numbers and contacts.

Town Attorney Tim Frateschi gave an update on the marijuana legislation passed by the State Legislator and signed by the Governor. He stated that if the Town wants to opt out of allowing dispensaries or businesses that allow on-site consumption of marijuana, the Town Board would have to pass a local law by the end of this year to opt out. If the Town Board decides not to opt out completely, it can pass a local law which regulates dispensaries and where they would go in the Town. If the Town chooses not to take any action, the dispensaries and or businesses allowing on-site marijuana use would be allowed anywhere in the Town. This law is new and there will be more information and clarification from the State in the coming months.

SWIM PROGRAM

Swim Program Director Meghan Campbell gave an update on the 2021 Swim Program. Cazenovia College responded that they are not allowed to have swim lessons at this time. Social distancing and mask protocol remain in effect. Only 18 people are allowed in the pool at one time with no masks and must maintain 6 feet social distancing. With that being said, this will eliminate levels 1, 2, and 3 if the current restrictions are kept in place. These children can not swim independently which is why they would not be able to participate. Swim Program Director Meghan Campbell came up with a COVID policy that was submitted to Cazenovia College and accepted. The plan is as follows: We will hold levels 4, 5, and 6 as they are independent swimmers. Social distancing will be in effect. Students will be unmasked in the water; however, they are required to wear one in and out of the building. No parents will be allowed. Lifeguards will send the children out directly at the end of each lesson. 4 students will be allowed in each level. 4 students per time slot for the 4, 5, and 6 levels. 12 students and 6 staff members will be in or around the pool at a time, not exceeding 18 people. Sessions will run from 8 a.m. to 12 p.m. Locker rooms will be sanitized between each session. The first session will run June 28th and the last one ending August 6th. The Town Board discussed the 2021 Swim Program. It will cost roughly \$175 per each kid, around \$21,000 total, and only a suggested fee has been established. The budget will be \$5,000 short. Councilor Larkin suggested we have the parents cover the cost of the shortage, which would cost about \$41 per student. Supervisor Rotondo thinks we should have all levels register just in case the current restrictions are lifted. Swim Program Director Meghan Campbell suggests we open registration to the Pompey kids first since space is limited. Supervisor Rotondo asked to hear from the public regarding this:

Public Comment regarding Swim Program:

Ali Brainard – To Councilor Larkin’s point earlier that it is WAY cheaper than any other program available. Can you push the program out through Fabius Pompey Outreach? We would be very interested paying \$40 per kid.

Sarah Compeau – Doing something about a swim program is better than doing nothing at all. Have a plan A and plan B. Pre-registration just like other things.

Chris Compeau – Have mom in the water with them.

James Loomis – Younger kids are most important. If regulations lighten up would more kids be possible? Maybe put out there for interest and let everyone know that regulations might make it not possible. I would take any registrations but not say which levels or if there might be a low cost then when regulations are more certain could decide which levels to allow.

Kris Chrysler – I agree with James, younger kids need to learn to swim.

CODES OFFICER

Codes Officer Rodriguez reported that there has been a lot of growth in our community these past few months. He has collected \$5,280.00 for 28 permits; 4 new houses are being built; 7 additions are underway.

TOWN COURT

R-91-21 Motion by Dennis, seconded by Larkin to authorize the purchase of the AV Equipment for the Town Hall Courtroom / Meeting room funded by the JCAP grant in the amount of \$4,809.92. All in favor. Motion carried.

The purchase of the equipment will allow for hybrid meetings; combined in-person and virtual. The installation of the equipment is not part of the grant. Supervisor Rotondo will check in with Dan Bender to see if this project can be started this month.

SUPERVISOR

Supervisor Rotondo consulted the Board Members on re-opening the Town Hall (without the need to schedule appointments) to the public. It was unanimous decision to allow the Town Hall to reopen to the public; however, masks, social distancing, and sanitizing will still be enforced. Town Clerk Reid thanked the Board Members for allowing the building to reopen to the public and stated that "appointment only" has been very challenging for everyone.

Supervisor Rotondo proposed holding a special meeting on Wednesday, April 21, 2021 at 6 p.m. The purpose of the special meeting is to present to the board the specifics and logistics regarding Empire Farm Days. She spoke with Pompey Hill Fire Chief and they are willing to allow the Town Board to use their site, Covid precautions will be in place. The only thing she is unsure of is the ability to livestream. Town Clerk Nikki Reid will give the media proper public notice of the special meeting as well as post the notice around town.

Councilor Dennis received three quotes for the repairs to the Schoolhouse. The quotes range from \$16,800.00 to \$20,173.00. Supervisor Rotondo stated that she would prefer to apply for a grant first. Private foundation money can be applied which could cover \$10,000 of the cost.

Supervisor Rotondo reported that she did apply for the multi-modal funding, which is State Aid that comes from Assembly Stirpe's office for \$100,000.00 to offset the costs of paving the Spruce Ridge Development. In regard to the \$200,000.00 Sewer Consolidation Lease funding that is available, Supervisor Rotondo, Councilor Larkin, and Highway Superintendent Purcell will be meeting with Water Environmental and Protection to figure out what green infrastructure projects are appropriate. Supervisor Rotondo also reported that the town will be receiving an 8% decrease in liability insurance coverage, which saves about \$3,500.00. Cybercrime liability insurance did rise a little bit; possibly because we needed to upgrade our IT systems and our security for our internet and computers. She also reported that she did draft a special events checklist to be considered at the May meeting.

Supervisor Rotondo reported that the Town Health Insurance continues to be challenging. The Town is small so our options are limited.

Supervisor Rotondo asked Town Accountant Tom Chartrand to explain the American Rescue Act. He reached out to the State Comptroller and there are no rules or regulations at this time. We do know that they will be reimbursing covid-related expenses, improvements to the building if we are making it more covid- friendly. Sewer and water projects are also included, and drainage might be part of the sewer and preservation of water. Supervisor Rotondo said that travel, tourism, and hospitality, are also possible appropriate uses of funds which might include hamlet beautification project. This stimulus package funding for Pompey is estimated to be \$800,000.00. The Town will receive the first half this year, the second half next year and must spend all by the end of 2024.

Supervisor Rotondo revised the fireworks permit and it is in draft form. She also mentioned that she would like to do a Town Newsletter. According to Tom Chartrand, it would cost roughly \$2,500.00 between postage and printing. She was hoping to get it done by Earth Day, but is not sure if it can be done in time.

R-92-21 Motion by Dennis, seconded by McElhannon to approve the printing and mailing of a Town Newsletter, not to exceed \$2,500.00. All in favor. Motion carried.

Public Comment:

Greg Herlihy – We were unable to hear Councilor Christmas’s vote in relation to the Local Law 2021-1. Perhaps an issue with her microphone. Can we please have clarification on how she voted?
Mr. Herlihy was informed Councilor Christmas voted yes.
I have a question regarding farms who are under the NYS Farmland protection easement.
Or those applying for it. Does NYS law allow tier 3 solar farms to be placed on those lands?

Chris Compeau – Does the same vote also opt out of farmers growing it? (Marijuana legislation)

JoAnne Hoefler – Can we submit questions about farm days ahead of time? Also, suggest you look into high deductible health care plans. Set up an email list and broadcast of

R-93-21 Motion by Larkin, seconded by McElhannon to adjourn at 9:20 p.m. All in favor. Motion carried.

Respectfully Submitted,

Nicole Reid
Pompey Town Clerk