

## TOWN OF POMPEY TOWN BOARD MINUTES

The Town Board of the Town of Pompey held a Special Meeting Workshop on Tuesday, April 12, 2022 at 7:00 p.m. The purpose of the meeting was to discuss the provisions of the town's solar overlay district local law and any other business to come before the Board. The meeting was held in-person. In attendance were: Supervisor Renee Rotondo, Councilors Ann Christmas, Bill Lipe, James Loomis; Highway Superintendent B.R. Way; Town Attorney Frateschi; and Town Clerk Nikki Reid.

Supervisor Rotondo called the meeting to order at 7:01 p.m. followed by the Pledge of Allegiance.

R-84-22 Motion by Christmas, seconded by Lipe to approve the following payment of bills: General Fund Abstract Nos. 145-148, totaling \$1,816.84; Highway Fund Abstract Nos. 76-81, totaling \$17,251.51. All in favor. Motion carried.

Highway Superintendent B.R. Way commented that he received 2 quotes to clean out the drainage system in the Pompey Pines. The first quote was provided by Nicholas Excavation & Construction in the amount of \$7,550.00; then second quote was provided by Pizzuto Lawn & Snow in the amount of \$8,000.00.

R-85-22 Motion by Rotondo, seconded by Loomis to award the drainage project in the Pompey Pines to Nicholas Excavation & Construction for the sum of \$7,550.00. All in favor. Motion carried.

Supervisor Rotondo stated that the purpose of the workshop is for informal discussion regarding Local Law 2022-2 Overlay District. Town Attorney Tim Frateschi stated that a tier 3 solar project would require multiple steps. The first step requires that the Planning Board to do a review of whether the overlay district makes sense for a certain parcel and make a recommendation to the Town Board regarding the zone change. The Planning Board has completed step one and determined that the site was not appropriate for the overlay district and made that recommendation to the Town Board. It is now up to the Town Board to determine whether they agree with the Planning Board's recommendation. The Environmental Conservation Committee also needs to review this application so that they can give a negative or positive recommendation to the Town Board. They need to be given at least 30 days to review whether or not they think this site is appropriate for the overlay district. Town Attorney Tim Frateschi stated that the Town Board has to determine if they are willing to change the zoning to allow for the community solar project on that site. If they choose to go forward and change the zone, the application will have to go back before the Planning Board for a site plan review process which is required.

Supervisor Rotondo wants the Board to be clear about the zone change. Because it's a zone change, it's changing the law which is in the Town Board's discretion to do. Town Attorney Tim Frateschi stated a Tier 3 solar farm is not an allowed use at the site; therefore, the Town Board does not have to grant the zone change if they do not see fit. There is a law in place if the Town

Board thinks this site in an appropriate place to allow for a solar farm. Supervisor Rotondo stated that there are all kinds of competing legitimate interests that need to be balanced for all kinds of reasons.

If the Town Board decides to do the zone change that will allow for the overlay district; a local law will be drafted that will amend the zoning map to put the overlay district on this parcel of property. The town would then have to publish a notice of a public hearing for Local Law 2022-2.

Supervisor Rotondo asked Town Attorney Tim Frateschi what the Town Board needs to considered for the zone change? Town Attorney Tim Frateschi read aloud the provisions of the law. He also said stated the Planning Board's recommendation should be taken into consideration, along with the site plan and long Environmental Assessment Form, SEQR, and other important details such ownership of the property.

Town Attorney Tim Frateschi, Supervisor Rotondo, and the Town Board Councilors were each provided with a Tier 3 Solar Manual that they read through together. They discussed what needs to be conserved for a zone change and that the only place for a Tier 3 Solar Farm is allowed is in the overlay district. There was much conversation regarding glare studies, view sheds, lighting, tree cutting, etc.

Councilor Loomis questioned what part of tillable and protected farmland can be used for a solar farm. Town Attorney Tim Frateschi stated that a Tier 3 Solar Farm cannot exceed 50% of prime farmland.

Town Attorney Tim Frateschi told the Town Board that they need to make good judgement as it relates to whether they are going to change the law.

Councilor Lipe shared his discretionary concern with continuity and ensuring the Town has appropriate staffing to monitor the laws that have been passed.

Town Attorney Tim Frateschi asked the Town Board Members if they had any other questions or concerns.

R-86-22      Motion by Christmas, seconded by Loomis to leave regular session and enter into executive session at 8:02 p.m. to discuss the 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. All in favor. Motion carried.

R-87-22      Motion by Rotondo, seconded by Christmas to leave executive session, and enter into regular session at 8:13 p.m. All in favor. Motion carried.

R-88-22      Motion by Rotondo, seconded by Christmas to adjourn at 8:14 p.m. All in favor.  
Motion carried.

Respectfully Submitted,

Nicole Reid  
Pompey Town Clerk