

TOWN OF POMPEY TOWN BOARD MINUTES

The Town Board of the Town of Pompey held its Regular Monthly Meeting on Tuesday, July 11, 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 (virtually); Highway Superintendent B.R. Way; Town Clerk Nikki Reid; Town Attorney Tim Frateschi; Town Accountant Jim Pompo; Zoom Host Veronica Hotaling; along with 41 residents.

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

Supervisor Rotondo commended the Pompey Rod & Gun Club for raising \$30,000.00 for Clear Path.

A moment of silence was had for Jane Randall who recently passed away.

PUBLIC HEARING:

LOCAL LAW 2023-4: TO AMEND THE TOWN CODE TO PLACE A MORATORIUM ON THE PROCESS OF ACCEPTING APPLICATIONS FOR HOME OCCUPATIONS

R-88-23 Motion by Christmas, seconded by Rotondo to waive the reading of the legal notice. All in favor. Motion carried.

R-89-23 Motion by Christmas, seconded by Lipe to open the public hearing at 6:43 p.m. **to consider the adoption of Local Law 2023-4 that would amend the town code to place a moratorium on the process of accepting applications for home occupations.** All in favor. Motion carried.

Deb Grenier, Cemetery Road: Can you please explain what you're proposing and the necessity of it.

Town Attorney Tim Frateschi explained that the purpose of this moratorium is to enable the Town Board to have sufficient time to review the Town's existing laws and to review the types of permits that might be required, the process for issuing such permits, and the uses that will be allowed for Home Occupations and regulations. He said a moratorium is necessary because the Home Occupation Committee has identified issues with the way the statute currently reads. This moratorium would be in effect for a period of six months.

Josh Werbeck, Fayette Street: Attorney representing Matthew Foote and Paige Hass in the pending enforcement actions in the town. He stated that they fully support the moratorium and writing a law that makes sense. They requested that the application be workable and realistic; the Town of Pompey is a perfect place for people to operate home businesses.

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Ivan Fuller, Route 91: The previous Supervisor turned down applications for Home Occupations.

R-90-23 Motion by Christmas, seconded by Lipe to close the public hearing at 6:53 p.m. All in favor. Motion carried.

R-91-23 Motion by Loomis, seconded by Christmas to approve Local Law 2023-4 as presented to the Town Board in the resolution prepared by the Attorney for the Town.

**LOCAL LAW 2023-4, A LOCAL LAW AMENDING
CHAPTER 165 TO CREATE A NEW ARTICLE IX
ENTITLED “MORATORIUM” SUSPENDING THE
PROCESSING OF APPLICATIONS FOR HOME
OCCUPATIONS UNDER 165-44(G)(2) IN THE TOWN
CODE:**

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

Section 1. A new Article IX shall be added to Chapter 165 of the Town Code as follows :

**ARTICLE IX
Moratorium**

§165-49 Statement of Legislative Intent

It is the purpose of this moratorium to enable the Town Board of the Town of Pompey to have sufficient time to review the Town’s existing laws, (primarily Section 165-(G)(2)), pertaining to the issuance of permits for Home Occupations (“Home Occupations”) and to review the types of permits that might be required, the process for issuing such permits, the uses that will be allowed for Home Occupations and regulations that would govern Home Occupations. This review is in accordance with the goals, objectives and policies of the Town Board related to the ongoing examination of the existing Home Occupation Law by an ad hoc committee (the “Ad Hoc Committee”) created by the Town Board.

Further, the Moratorium is necessary because the Ad Hoc Committee has identified the following issues that need to be addressed: (i) the existing law in the Town Code is unworkable as a practical matter because of apparent contradictory provisions; (ii) an application has to be developed for residents to use; (iii) the Ad Hoc Committee will require several months to rewrite of the current law because the issues are complex and need to be carefully considered, especially with regard to those home businesses that currently exist and for which Town approval was never received; (v) requests for Home Occupancy applications continue to be made to Town Hall because based on the existing law, which is unworkable.

It is, therefore, the intent of the Town Board to temporarily suspend the review and approval of all new Home Occupations or expansions to existing Home Occupations.

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§165-50 Moratorium.

A. The Town Board hereby enacts a moratorium, which shall prohibit the review, approval or creation by the Zoning Board of Appeals or any other Town board of any expansions to existing Home Occupations or the approval of any new Home Occupations anywhere within the Town.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of: (i) the date six (6) months from said effective date, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all real property within the Town.

D. Pursuant to this moratorium, the Zoning Board of Appeals or any other Town board shall not review any applications for any expansions to existing Home Occupations or the approval of new Home Occupations and shall not grant any permits or site plan approval to any such expansions to or new Home Occupations within the Town during the moratorium.

E. Pursuant to this moratorium, the Code Enforcement Officer shall not issue any permission for any construction involving any expansions to Home Occupations or involving any new Home Occupations anywhere within the Town.

F. Pursuant to this moratorium, no applications for variances, special use permits or other approvals involving any expansions to Home Occupations or involving any new Home Occupations shall be processed or granted.

G. All legal Home Occupations authorized at the time this Moratorium is in effect shall be allowed to continue under the permission granted by the Town to date.

§ 165-51. Penalties.

Any person, firm, entity or corporation which shall violate the provisions of this Local Law, shall be subject to:

1. A penalty in the amount of a minimum of \$100.00 and a maximum of \$250.00 for each day that such violation shall exist; and
2. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction or improvements which may have been built in violation of this Local Law.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Local Law.

§ 165-52. Variances.

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Any property owner affected by this moratorium may apply to the Zoning Board of Appeals and make use of the existing variance procedures under the Zoning Law of the Town of Manlius to seek relief from the restrictions of this local law.

§165-53. Validity.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 2. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of six (6) months from the date of such filing unless otherwise rescinded as set forth in the Local Law.

Although the public hearing was closed, resident Nancy Furdock of Sevier Road asked the Town Board what happens to businesses that are currently looking to start a business? Supervisor Rotondo stated that the applicants have to wait until there is a workable law in place. Resident Carol Porto of Pompey Center Road asked if someone wanted to put up a farm stand in an agricultural zone, would that qualify as a home occupation business? Supervisor Rotondo stated no, that is completely different.

SEABOARD TIER 3 SOLAR FARM APPLICATION, FRANK LONG ROAD:

Shawn Brazo, President of Seaboard Solar, came before the Town Board with some comments regarding the proposal and Seaboard Solar's participation with the town to date. He stated that their proposal met with unanimous approval from the Planning Board and the Planning Board recommended unanimously that the Town Board add the site to the town solar overlay district. He stated that if this project is approved, then this solar project would allow the Town of Pompey to demonstrate its support not only for national goals but the goals of New York State; which calls for 70% of electricity to be sourced from renewable energy by 2030. He highlighted some of the neighbors' concerns, such as site suitability, tree removal, the impact on wildlife, viewshed, damaging runoff and flooding. He thanked the Town Board for their patience and requested a public hearing for this proposed project.

Supervisor Rotondo asked the Town Board Members if any of them wanted to make a motion to hold a public hearing on a local law to allow for the overlay district to be placed on the property which would require a zone change. There was no support to move this project forward; no motion was made and the proposed solar project was removed from the agenda.

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HISTORIAN'S REPORT:

Town of Pompey
Historian Report
2023

Last year was an interesting year of history requests. I worked with authors, real estate agents, property owners, residents, and out of state researchers.

Stub Estey son of Emily Estey (Town Clerk from 1945-1955) wrote

OXCART
GOLD RUSH
From
Pompey Center, N.Y.
To
Sacramento – and Back
The Diary of Daniel W. Holbrook 1845-1850
With Additional Historical Narrative

Log Cabin Books
Hamilton, N.Y.
2022

It is worth a read and gives a good perspective of what life was like for Daniel Holbrook before, during, and for five years after the California Gold Rush. Daniel was born here and married in Pompey Center. He moved his family west in 1845. Daniel left his family and went on the 1849 Gold Rush. As for most, Daniel did not strike it rich. He died five years after his return to his family in Michigan. His wife and children returned with his body to Pompey Center. After his burial in the Pompey Center Cemetery, his family remained here.

John McCarthy continues researching his Irish ancestors the Burke brothers of Burke Rd. and Gates Rd. He has photographed the Keck windows at the Catholic Church at Pompey Hill donated by Irish farm families during the Great Depression of 1929. John wants his book to be about the early Irish settlers of Central New York State.

John for the Town of Pompey Historical Society did digital photography of more of the Clapp and Lyon glass negatives. Plus, he did some of John McCarthy's Finger Lakes Photography.

You can view these images on the NYHERITAGE.org site. This was made possible by a Central New York Library Resource Council Grant. That P.H.S. President, Anne Shelly is good at writing grants.

A CNY Arts Grant helped pay for the Don and Nancy Edwards Exhibit and speaker expenses.

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The Edwards Exhibit was part of the Cazenovia Art Trial.

There was a good attendance at the White Rock dedication meeting at the Town of Pompey Historical Society Campus. Author Jerry Antil was here and several characters of the Pompey Hollow Book Club were in the crowd. They had their pictures taken by the White Rock. Some of them are in their eighties.

The Randy Nash barn dating and styles of barns meeting was held in the Craig Dennis barn. In this barn Randy could point out the different styles and how this barn was changed from a small one story harvest barn to two levels. The lower level was the stable and the upper level was for the storage of hay and grain. It was well attended on a hot summer evening. There was a breeze.

The gift of an 1830s Pompey coverlet sent to the P.H.S. led to some interesting research. The Allen family were early settlers in Delphi Falls. The gift of a deed from the Myrna Benedict estate provided an earlier owner's name and I was able to track the owners back to 1850 and before.

Some visitors come to locate their ancestors' graves, homes, or family information that we may have in our records. It is always a learning experience and a method of increasing the family files at the museum.

Lein Walser and the boy scouts cleaned and repaired some of the tools in the Heritage Center under Jim Hartnett's supervision for the P.H.S. You could now sit down and sharpen tools using the grinding stone wheel.

I did the region 9 historian meetings by computer. I went to the Lincoln Forum in November in Gettysburg, PA.

I would like to attend the state historian meeting this fall. What are the present town requirements?

Remember 2026 The Declaration of Independence will be 250 years old. It is time to think about forming a committee.

Ruth E. Hotaling

R-92-23 Motion by Christmas, seconded by Loomis to accept the Town Historian's Report. All in favor. Motion carried.

TOWN CLERK'S REPORT:

R-93-23 Motion by Loomis, seconded by Christmas to accept the June 13, 2023 meeting minutes. All in favor. Motion carried.

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- R-94-23 Motion by Rotondo, seconded by Christmas to approve the following payment of bills: Abstract Nos. 280-316, totaling \$237,546.61. All in favor. Motion carried.
- R-95-23 Motion by Christmas, seconded by Lipe to accept the June 2023 Monthly Statement for the Supervisor’s Account. All in favor. Motion carried.
- R-96-23 Motion by Lipe, seconded by Loomis to accept the June 2023 Bank Reconciliation Reports for the Town Clerk, Tax Collector, and Supervisor Accounts. All in favor. Motion carried.

HIGHWAY SUPERINTENDENT’S REPORT:

Highway Superintendent B.R. Way asked the Town Board for approval to amend the 284 agreement for the expenditure of highway monies due to the increase of state CHIPS monies.

- R-97-23 Motion by Rotondo, seconded by Christmas to amend then 284 agreement for 2023. All in favor. Motion carried.

- R-98-23 Motion by Christmas, seconded by Lipe to approve the following transfer:

Highway Fund: Amount

From:	DA3501	Consolidated Highway Improvement Program	\$128,313.00
To:	DA5112.2	Capital Improvements	\$128,313.00

All in favor. Motion carried.

- R-99-23 Motion by Loomis, seconded by Rotondo to authorize Highway Superintendent B.R. Way to send a letter of intent to Van Bortel Chevrolet for the intention of purchasing a 2023 Chevrolet Silverado 2500 as proposed in the quote in the sum of \$46,267.72 (for Contract #PC68952). All in favor. Motion carried.

TOWN ATTORNEY’S REPORT:

- R-100-23 Motion by Lipe, seconded by Loomis to authorize Supervisor Rotondo to engage Harris Beach PLLC as the Attorney for the Town of Pompey under the same terms and conditions as in the engagement letter with Baldwin, Sutphen, & Frateschi, PLLC which shall begin on August 1, 2023 through December 31, 2023. All in favor. Motion carried.

COUNCILORS’ REPORT:

Councilor Lipe gave an update on the County Comprehensive Plan Meeting he attended and

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how it applies to the Town of Pompey. Most of what was discussed was in regards to the anticipation of micron coming and the lack of housing within the county and how the Town of Pompey might be able to help.

Councilor Carpenter gave an update on signage in the Town of Pompey; this project was started a few months ago. She discussed putting up more aesthetic signage in all of the hamlets and stated that the sign in Delphi Falls is falling apart. Councilor Carpenter is working with Nancy Abbot from Sign Solutions.

Councilor Christmas and Councilor Lipe reviewed last years Supervisor's records, the Highway Department's records and the General Fund per the State Comptrollers request; everything is in good shape.

R-101-23 Motion by Christmas, seconded by Loomis to accept the audit of the Supervisor, Highway, and General Fund records. All in favor. Motion carried.

R-102-23 Motion by Loomis, seconded by Christmas to approve the Credit Card Use Policy. All in favor. Motion carried.

SUPERVISOR'S REPORT:

Supervisor Rotondo gave an update on the swim program; there are roughly 50 Pompey residents that are participating in the program at Tully. She reached out to the Mayor of Cazenovia and he does not think the facility is going to reopen anytime soon.

R-103-23 Motion by Christmas, seconded by Lipe to authorize Supervisor Rotondo to sign the County Amendment to the Speed Reader Contract. All in favor. Motion carried.

John Shaheen gave an update on the Town Hall water treatment proposal.

R-104-23 Motion by Loomis, seconded by Christmas to award the Town Hall water treatment proposal to Amber in the amount of \$7,290.00 to replace the pressure tank with a smaller 22-gallon tank and to install an ozone system for iron and sulfur and water softener. All in favor. Motion carried.

Supervisor Rotondo discussed the town's current cyber coverage, which is provided through NYMIR. The town is currently paying \$3,230.00 for a limit of \$250,000.00 in coverage with a \$1,000.00 deductible. There are a few different options that may be a more practical solution.

R-105-23 Motion by Loomis, seconded by Christmas to select Underwriters at Lloyd's via Jencap Specialty Insurance Services to provide the town's cyber coverage in the amount of \$3,147.00 for a limit of \$1,000,000.00 in coverage with a \$2,500.00 deductible. All in favor. Motion carried.

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Supervisor Rotondo discussed the cemetery maintenance issue that has come up at the last few Town Board meetings. She stated that if the Town Board decides to provide assistance, then the town should establish a program at budget time. She also stated that an application should be put together that requires the cemetery to provide their not-for-profit status, what their needs are and what their budget is.

PUBLIC COMMENT:

Ivan Fuller, Route 91: There was a town truck going up Frank Long Road and it was full of road debris. The truck entered a private driveway and started dumping the debris over the embankment. He's concerned that the flooding in front of his house is related to the town and county dumping debris in that location.

Linda Wellner, Frank Long Road: She is pleased with the decision not to change the zoning on Frank Long Road to allow for the Tier 3 Solar Farm.

Dale Sherman, Pompey Center Road: He discussed microgrids and renewable energy in the town. He stated that the town should work with people who do want to develop solar farms.

Nate Podkaminer, Kinderlane: He is pleased with the Town's decision regarding the solar farm application. He thinks the town should have a moratorium for this issue; he also stated that he would willing be a committee member, should the town decide to create one.

J.R. Anthis, Whitney Farm Lane: He is glad to hear the Town's decision to not move forward with public hearing regarding the solar farm application. He discussed the fact versus fiction sheet that the applicant provided.

Tom Byrne, Frank Long Road: He moved to Pompey for the beautiful farmland and the natural setting. He stated that everyone is against this project and he does not agree with the proposal provided by Seaboard Solar.

Gay Burch, Kinderlane: She is so happy that the Town Board did not make a motion to hold a public hearing for the solar application. She is not against solar, but the location of this solar farm will have too much of a negative neighborhood impact.

Pauline Drexler, Jerome Road: She lived under a solar array for 35 years and then they upgraded to a battery-operated system. She stated that her two farms have been approached by solar companies because she has sheep that will graze instead of using herbicides.

Dan McClung, Michael Avenue: Regarding home-businesses, his hope is that the board applies the provisions set forth uniformly and consistently for all businesses.

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Nancy Furdock, Sevier Road: In regards to cemetery maintenance issue, she suggested that rather than an application process, maybe the Town Board could consider picking an amount from ARPA funds and running a competitive grant process.

R-106-23 Motion by Christmas, seconded by Rotondo to adjourn at 9:01 p.m. All in favor.
Motion carried.

Respectfully submitted,

Nikki Reid
Pompey Town Clerk