

TOWN OF POMPEY TOWN BOARD MINUTES

The Town Board of the Town of Pompey held its Regular Meeting on Wednesday, July 7, 2021. The meeting was held in-person and was also livestreaming on the Town of Pompey's Facebook page via Zoom platform. In attendance were: Supervisor Renee Rotondo, Councilors Ann Christmas, Sheila Larkin, Judy McElhannon, Carl Dennis; Accountant 1 Tom Chartrand; Town Attorney Tim Frateschi; Town Clerk Nikki Reid; Zoom Host Veronica Hotaling; along with 15 residents. The following remotely attended: Codes Officer Bob Rodriguez. Highway Superintendent Tom Purcell was not in attendance.

Supervisor Rotondo called the meeting to order at 6:33 p.m. followed by the Pledge of Allegiance.

A moment of silence was observed for the passing of Avis Exelby who will be missed. A moment of silence was observed to recognize the 4th of July and how important independence is in this democratic country of ours.

TOWN FINANCES

Accountant Tom Chartrand gave an update on Town Finances:

Town Clerk Fees: Over \$1,000.00

Justice Courts: Over \$1,000.00

Scrap Metal Fund: \$500

Department of Labor refunded the Town of Pompey for the Unemployment Insurance payment from 2020: Almost \$15,000.00

General Fund: Spending at 45%; Revenue at 87%.

Highway Fund: Spending at 33%; Revenue at 93%.

R-126-21 Motion by Christmas, seconded by Larkin to accept the June 2021 bank reconciliation reports and monthly reports for the Supervisor and Town Clerk. All in favor. Motion carried.

R-127-21 Motion by Rotondo, seconded by Christmas to approve the payment of General Fund Abstract Nos. 215-240, totaling \$34,845.37; Highway Fund Abstract Nos. 111-116, totaling \$72,493.72; Special District Abstract Nos. 21-25, totaling \$3,207.84. All in favor. Motion carried.

R-128-21 Motion by Rotondo, seconded by Dennis to approve the following transfer:

SPECIAL DRAINAGE DISTRICT FUND

From: SD599	Appropriated Surplus	Fund Balance	<u>\$51,000.00</u>
		TOTAL:	\$51,000.00

To: SD8122.4	Preserve - Drainage	Contractual	<u>\$51,000.00</u>
		TOTAL:	\$51,000.00

GENERAL FUND

From: A1991.4	Contingent	Contractual	<u>\$3,000.00</u>
		TOTAL:	\$3,000.00

To: A6410.4	Publicity	Contractual	<u>\$3,000.00</u>
		TOTAL:	\$3,000.00

All in favor. Motion carried.

R-129-21 Motion by Dennis, seconded by McElhannon to set the budget workshop for September 7, 2021 at 6:00 p.m. and October 7, 2021 at 6:00 p.m. All in favor. Motion carried.

INFORMATIONAL SESSION ON CANNABIS LEGISLATION

Town Attorney Tim Frateschi gave a report on the New York State Marijuana Regulation and Taxation Act (MRTA). Early this year, the State of New York passed a law which allows the use of cannabis for recreational purposes. You can have up to 12 plants at your residence: 6 immature plants and 6 mature plants. The only control Pompey has regarding cannabis legislation is the ability to opt-out of allowing dispensaries and on-site consumption facilities in the Town. The main purpose of legalizing cannabis is to raise revenue for the State and Local Governments. If the Town of Pompey decides to opt-out; it has to be done by the end of this year. A Local Law and a Public Hearing will be required to opt-out.

Public Comment:

Joe Lormand, Squirrel Corn Lane: The amount of tax coming to the Town seems very small. Town Attorney Tim Frateschi responded that the Town will receive 43% of the sales tax that is generated from the Town of Pompey. Joe Lormand is concerned about the people driving impaired after visiting lounges. He also stated that why take the risk of both alcoholics and pot heads driving on the road.

Carol Porto, Pompey Center Road: As the owner of a café in Manlius, she is concerned about where people will be smoking marijuana. Attorney Tim Frateschi explained that if lounges are allowed, people will be allowed to smoke inside them. He also said that State Law requires the Commissioner to come up with regulations to implement the law; which has not been drafted yet. Porto questioned how the town is considering opting-out before they know what the regulations are. Attorney Tim Frateschi explained that the Town does not have a choice; if it wants to opt-out it has to be done by the end of the year.

Stan Hack, Pratts Falls Road: Driving to a dispensary to purchase marijuana is no different than driving to the Pompey Mall to buy beer. Supervisor Rotondo stated that one of the provisions of the law is that you are not allowed to smoke marijuana in your vehicle. Stan Hack said that this could be a good thing for our police force, they could make some money off ticketing violators. He also asked how the zoning will be affected in the overlay districts. Town Attorney Tim Frateschi responded that all overlay districts require Town Board approval because they are zone changes.

Richard Kimball, Number 2 Road East: It sounds like the Town has the ability to regulate the placement of dispensaries and whether they are allowed to exist through the zoning process. Town Attorney Tim Frateschi responded that the town can amend the zoning code to say that these facilities will only be allowed in commercial or hamlet districts for instance.

Councilor Larkin requested to the other Board Members that one more informational session should be held due to low attendance, and then they can make their decision whether or not to opt-out. She stated that she's not well informed yet and needs more time to make this decision; especially because the State has not provided the regulations yet. Councilor Dennis, Councilor Christmas, and Supervisor Rotondo were all in agreement to opt-out now and then they always have the ability to opt back in at a later time. Councilor Larkin responded that the town still has five more months before they have to opt out and wants one more session to hear from the public.

Sandra Skevel, Pompey Center Road: It makes a lot of sense to opt-out now because you can always opt back in later. She also commented that she's a pediatrician and it's one thing that the state legalized this: but the more kids see it, the more they think it's okay. Having a shop in town, that their school bus drives by, or see people smoking, is going to make kids think this is okay. Just because the State has legalized it shouldn't mean that Pompey should allow these facilities in our Town. She stated that she doesn't think this will help the moral fiber of our Town. The benefit of the Town is potentially money and is that really a good tradeoff.

Jim & Joanne Schoonmaker, Watervale Road: I feel the decision shouldn't be made before the forthcoming final regulations by the State are finalized. I also feel the decision to allow dispensaries and on-site consumption facilities in the town should be made by all members of the town willing to voice their opinion. This would be best accomplished through permissive referendum. The delay of allowing sales would reduce the income available to the town for tax revenues. I feel the town should opt-out now.

Stan Omiecinskii, Bush Road: Why don't you let the people decide in November? Supervisor Rotondo responded that only villages are given that option.

JoAnne Hoeffler, Route 91: What is the downside of opting in? Could the town limit the number of dispensaries? If you limited the time frame to make the decision, you must communicate this topic with all of the community promptly. Supervisor Rotondo remarked that the time frame is limited, the Town has to make a decision by the end of the year and if they chose to opt-out there is a local law process. Town Attorney Tim Frateschi said that the Town can not limit the amount of dispensaries. Supervisor Rotondo responded that the downside of doing nothing is that we can never change it in the future.

The Board agreed to hold one more informational session on August 2, 2021.

Tier 3 Solar Energy Systems

Solar Committee Chairman John Shaheen worked with Energy Programmer at Central New York Regional Planning and Development Board Chris Carrick to establish the fees for the 3-part application process as well as the developer fee. The Solar Company will have to pay \$7,500.00 upfront in an escrow account. The application at each stage will cost \$500.00. Planning Board Chairwoman Sue Smith agrees with these fees as well.

R-130-21 Motion by McElhannon, seconded by Dennis to set the fees for the Tier 3 Solar Energy System as follows: \$500.00 for the application fee at each level and \$7,500.00 upfront for legal and engineering developer fee. Motion carried unanimously.

Town Clerk

R-131-21 Motion by Dennis, seconded by Christmas to accept the June 7, 2021 meeting minutes. All in favor. Motion carried unanimously.

Town Attorney

Town Attorney Tim Frateschi updated that he is waiting to receive the County Agreement to purchase digital speed readers and signs. Supervisor Rotondo asked the Board to give her authorization to sign the agreement since this is time sensitive and she would like them installed by Empire Farm Days.

R-132-21 Motion by Dennis, seconded by Christmas to authorize Supervisor Rotondo to sign the Intermunicipal Agreement subject to legal review. All in favor. Motion carried unanimously.

Supervisor Rotondo said that there have been several complaints regarding a vulgar political flag at a house on Cherry Street. Town Attorney Tim Frateschi advised that Supreme Court Cases are very clear on this issue; the first amendment right of speech is protected. The Government is not allowed to regulate political speech.

Chris Larkin, Number 4 Road: Did anyone contact this person and ask them to take the flag down? Supervisor Rotondo said she has been tempted to knock on the door and try to talk to the resident, not as a Town Official, but as a resident of Pompey.

Richard Kimball, Number 2 Road: Is there a signage ordinance in the Town of Pompey? And if not, can the Town pass some type of sign ordinance that you can't put certain things in your yard such as the flag at the residence on Cherry Street. Town Attorney Tim Frateschi explained commercial speech can be regulated, but political speech generally can not be regulated.

CODES OFFICER

Codes Officer Bob Rodriguez talked to Stan Omiecinski about three weeks ago regarding the flag on Cherry Street and explained to him that nothing could be done due to political speech.

Update on the Chrysler Property on Academy Street. He has given Mr. Chrysler plenty of time to correct these issues; he has not been back on site in the last month. After speaking with the Town Attorney, it is now up to the Town Board to make a decision on how to handle this. Mr. Chrysler started to take the structure down but has not completed it. Codes Officer Bob Rodriguez supplied the Board Members with a report on why the building is unsafe. Supervisor Rotondo explained that she is aware of this and it's been an ongoing issue since the previous administration. Mr. Chrysler has been given lots of time and leeway. Town Attorney Tim Frateschi stated that in order to condemn the house, notice has to be given to the property owner and a public hearing would have to take place. Councilor Larkin stated that if this is monetary problem for Mr. Chrysler, it is possible for the Board to consider including this in the Beautification Grant and acquiring the property since it's an eyesore. Supervisor Rotondo responded that certain parts of the remaining house are dangerous and not savable at this point.

R-133-21 Motion by Christmas, seconded by McElhannon to set a Public Hearing on Monday, August 2, 2021 at 6:35 p.m. to hear the matter of an unsafe building owned by Donald and Linda Chrysler, situated at 7364 Cherry Street Pompey, New York, 13138 . All in favor. Motion carried unanimously.

Codes Officer Bob Rodriguez updated on the barn next to the Town Hall. The owners have signed a contract with a demolition contractor to get the barn torn down. Should be starting within the next couple of weeks. He will be acquiring a permit once he figures out where he can dispose of the materials. They are also in the process of evicting the tenants that live there due to non-payment of rent and violation of codes.

There is a homeowner on Number 2 Road and Watervale that will be demolishing their residence.

On May 9, 2021, the owner of the Pompey Mall was served with SWPPP violations. He has been given so many days to remedy the issue, which have not been completed at this time. Town Attorney Tim Frateschi said that the owner of the Pompey Mall is not in compliance with the Site Plan or the Storm Water Prevention or Pollution Plan. He needs to be cited and if he doesn't comply, he needs to go to Court for violating Town Code. Supervisor Rotondo said that she did have a conversation with the owner, and he said that he does have additional environmental funding from his bank but the issue is that the original company that did the excavation has moved on to another job and he's looking for another contractor to finish this.

Regarding the eviction on Pompey Center Road, there is an upcoming court date and the tenants will be served this week and will have 14 days to evacuate the premises.

TOWN COUNCILORS

Town Councilor Dennis gave an update on the School House Repair Project. HK General Contracting has done a fantastic job.

R-134-21 Motion by Dennis, seconded by Larkin to pay HK General \$14,000.00 for the remaining supplies for the School House Repairs. All in favorite. Motion carried unanimously.

R-135-21 Motion by Dennis, seconded by Larkin to pay \$1,400.00 to John Kennedy for the repair of the ox, contingent on Supervisor Rotondo's discussion with Town Bookkeeper Tom Chartrand. All in favor. Motion carried unanimously.

Town Councilor Ann Christmas recalled when she was Town Clerk, many residents would ask if there was Pompey merchandise available for purchase. With Empire Farm Days approaching, she thought it would be a great idea to support Pompey Pride. She proposed selling coffee mugs and water tumblers with the new Town Logo on it. The Pompey Historical Society is willing to process it through their sales tax account. Town Attorney Tim Frateschi said that under Town Law, the Town has the authority to create a publicity fund to provide funding to promote the town.

R-136-21 Motion by Christmas, seconded by Dennis to adopt a Resolution prepared by the Town Attorney and presented to the Board to create a Pompey Publicity Fund under Town Law Section 64(14) and transfer \$3,000.00 into said fund. All in favor. Motion carried unanimously.

SUPERVISOR REPORT

Old Business

R-137-21 Motion by Rotondo, seconded McElhannon to accept the Resignation of Donna Alnutt, Planning Board and Zoning Board Secretary. All in favor. Motion carried unanimously.

R-138-21 Motion by Rotondo seconded by McElhannon to accept the Resignations of Codes Officer Bob Rodriguez and Codes Clerk 1 Lesley Rodriguez. All in favor. Motion carried unanimously.

R-139-21 Motion by Dennis, seconded by McElhannon to authorize Supervisor Rotondo to sign and submit the application for the American Rescue Plan Act. All in favor. Motion carried unanimously.

Supervisor Rotondo would like to schedule a workshop later this month to discuss the different

funding options. After Board discussion, the Board has agreed to meet on July 26, 2021 at 6:00 p.m. to hold a Special Meeting regarding funding options.

New Business

Supervisor Rotondo updated that she has received notification from NYSERDA that the Town of Pompey has received its second benchmark.

She also stated that unknowingly, the Town owns 1/10th of an acre in the Pompey Pines and there is a resident interested in purchasing it. Planning Board Member and Real Estate Agent Karen Whalen estimated the value of the property to be around \$500.00-\$1,287.00; a difference of \$887.00. An easement on this property would be required due to the drainage pipe that runs underneath it. After discussion, the Board agreed on selling the property for \$900.00. Supervisor Rotondo will have a discussion with Town Attorney Tim Frateschi and the resident who is interested in purchasing it.

Supervisor Rotondo and Town Clerk Nikki Reid met virtually with a company recommended by our IT company, NetManageIT, in regards to upgrading the phone system. By reconstructing the phone system, the Town will save money. This is a work in progress and hopefully Supervisor Rotondo will have more to share next month.

R-140-21 Motion by Rotondo, seconded by Christmas to approve the location of the rock that was donated to Pompey Historical Society on the Town of Pompey's property. All in favor. Motion carried.

Public Comment:

Richard Kimball of 8356 Number 2 Road East came before the Town Board to discuss excessive and offensive signage on his neighboring properties. He provided the Town Board with pictures for their reference. He stated that there are over 150 NO TRESPASSING signs posted. He came before the Board to ask for help addressing this issue. Codes Officer Bob Rodriguez responded that regarding Code Violations, there is nothing he can do about. He also stated that he has sat down with all parties on multiple occasions to resolve this issue with no cooperation. Town Attorney Tim Frateschi said that the Law recognizes that people have the right to post their property. Supervisor Rotondo wants Town Attorney Tim Frateschi to investigate this and make sure that this isn't harassment. Codes Officer Bob Rodriguez will go talk with the neighbors regarding this escalating situation.

John Rybinski, Oran Gulf Road came before the Town Board to request the Town Board to adopt a resolution asking the County to opt-out of extending the deer hunting season to January 1st, which would affect many people and businesses especially snowmobilers.

Kevin Koeneg, Number 2 Road East. People don't realize how much activity the snowmobile

industry generates, it's a huge revenue for the State. He is in agreement with John Rybinski not to extend the hunting season due to time sensitivity in getting the trails open on time.

Supervisor Rotondo responded to both residents that this is out of the Town's control. As she understands it, the DEC will give Counties the opportunity to opt out of extending the deer hunting season. She will put it on next month's agenda for the reconsideration of John Rybinski's request.

R-141-21 Motion by McElhannon, seconded by Christmas to adjourn at 9:49 p.m. All in favor. Motion carried unanimously.

Respectfully Submitted,

Nikki Reid
Pompey Town Clerk