

TOWN OF POMPEY TOWN BOARD MINUTES

The Town Board of the Town of Pompey held its Regular Meeting on Wednesday, July 6, 2022 at 6:30 p.m. The meeting was held in-person and was also livestreamed via Zoom platform. In attendance were: Supervisor Renee Rotondo (Zoom), Councilors Ann Christmas, Dave Angello, Bill Lipe, James Loomis; Town Clerk Nikki Reid; Accountant Tom Chartrand; Town Engineer John Dunkle; Town Attorney Tim Frateschi; Zoom Host Veronica Hotaling. Along with 12 residents.

Supervisor Rotondo called the meeting to order at 6:31 p.m. followed by the Pledge of Allegiance.

R-128-22 Motion by Lipe, seconded by Loomis to designate Councilor Christmas to Chair the meeting. All in favor. Motion carried.

A moment of silence was had for Elizabeth Libby Windhausen.

TOWN FINANCES:

Town Accountant Tom Chartrand gave his monthly report. He stated that it was another good month for Town Clerk fees; a little under \$3,000.00. NYCLASS interest is creeping up. Court fines have improved, about 50% of budget. Charter Communication Franchise fees were slightly above 50%. Swim Program registrations were 87% of what was budgeted. As for Highway, the second half of snow and ice removal was received at \$0.66 more than budgeted.

General Fund: Spending at 35%; Revenue at 79%
Highway Fund: Spending at 27%; Revenue at 91%

R-128-22 Motion by Christmas, seconded by Lipe to accept the Supervisor’s Monthly Report for June 2022. All in favor. Motion carried.

R-129-22 Motion by Christmas, seconded by Lipe to accept the June 2022 Bank Reconciliation Reports for Supervisor, Town Clerk, and Tax Collector Accounts. All in favor. Motion carried.

R-130-22 Motion by Christmas, seconded by Lipe, to approve the following transfer:

HIGHWAY FUND

From:	DA510	Estimated Revenue CHIPS, EWR,PAVENY, POP	<u>\$107,173.00</u>
		TOTAL	\$107,173.00
To:	DA5112.2	Improvements Capital Outlay	<u>\$107,173.00</u>

TOTAL \$107,173.00

All in favor. Motion carried.

LOCAL LAW 2022-1

Town Attorney Tim Frateschi gave a brief overview of Local Law 2022-1 CREATING CHAPTER 55 ENTITLED “TOWN BOARD POLICIES” OF THE TOWN OF POMPEY TO IMPLEMENT VARIOUS TOWN POLICIES AND PROCEDURES AND PROCEDURES INCLUDING VIDEOCONFERENCING OF TOWN PUBLIC BODIES. This law would allow Board Members to virtually attend town meetings in accordance with the revisions to New York State Open Meetings Law.

R-131-22 Motion by Angello, seconded by Lipe to waive the reading of the legal notice. All in favor. Motion carried.

R-132-22 Motion by Lipe, seconded by Christmas to open the Public Hearing on Local Law 2022-1 at 6:44 p.m. All in favor. Motion carried.

Public Comment:

Deborah Grenier, Cemetery Road: She thinks it would be beneficial for the Town Board Members to live here year-round, not part-time residents. She also asked what are extraordinary circumstances? Town Attorney Tim Frateschi responded that extraordinary circumstances will be defined by the Town Board.

Linda Herlihy, Watervale Road: She feels Town Board Members need to be physically present at meetings. She stated that she doesn't think that being 1200 miles away is acceptable. If you're not in the community, you shouldn't be allowed to be a Board Member.

Barbara Stacer, Sweet Road: She feels it's important to be in person. She asked if there is enough internet for everyone in the town? Town Attorney Tim Frateschi stated that this local law will require a majority of the Board always meet in person. Supervisor Rotondo stated that the Town has had very strong participation since they've started virtual meetings, and this gives people more access to the meetings.

Dan Palladino, Sweet Road: Many people travel or go south for a few months. We should not exclude them. If your permanent residence is Pompey then it should not matter.

Jim & Joanne Schoonmaker: Virtual meetings have been a huge asset.

Carter Riley: Likes zoom meetings and likes the format.

R-133-22 Motion by Angello, seconded by Lipe to close the Public Hearing at 6:55 p.m. All in favor. Motion carried.

R-134-22 Motion by Angello, seconded Lipe to pass Local Law 2022-1 LOCAL LAW 2022-1 CREATING CHAPTER 55 ENTITLED "TOWN BOARD POLICES OF THE TOWN OF POMPEY TO IMPLEMENT VARIOUS TOWN POLICIES AND PROCEDURES AND PROCEDURES INCLUDING VIDEOCONFERING OF TOWN PUBLIC BODIES."

All in favor. Motion carried.

PIVOT ENERGY TIER 3 SOLAR PROJECT

Town Attorney Tim Frateschi stated that before reading through the SEQR, he would like the Town Board to give him a sense of where they want to be regarding the Local Law so that he can draft something for the next meeting.

Councilor Christmas acknowledged that the Town Board received 16 emails: 9 in favor, 7 opposed. 2 petitions were submitted: 153 opposed, however only 70 of those signatures were Pompey residents. The second petition had 130 signatures in favor, however 11 signatures were non-residents. The petitions have been filed with the Town Clerk.

Councilor Angello: For the last 31 years he's worked for a fortune 500 company that does solar energy savings, guaranteed energy savings, and asset renewal projects all around the world. From a knowledge standpoint, he has a fair amount of knowledge when it comes to solar and the benefits of solar. He gave Mr. Osuchowski credit for looking at the opportunity to provide an optimum solution for the town. He stated that this solar project does provide benefits, however what will it do for the community and the Town of Pompey? He stated that he doesn't feel comfortable understanding the dollars and cents that are associated with doing a solar project like this and how it rolls down to the bottom dollar for the community. He is not against solar, but in this scenario, he's yet to

see the dollars and cents make sense so that we can outweigh the risk of a commercial solar project with a substantial benefit to the community.

Councilor Lipe: He approached this solar project using a decision tree. He stated that this project is not criteria driven, it's discretionary. He also stated that this is a controversial project. He weighed the opposition and those in favor. He addressed the solar project from a business decision from the perspective of the town. He did a net present value calculation looking at the potential cash flows to the town, meaning looking at the revenue the town would get based on the Applicants presentation versus the potential costs. He stated that the town is stretched right now in terms of their resources and their ability to police and enforce things. He's reached his decision that he is not in support of this project.

Councilor Loomis: He's learned a lot about solar over the last several months. His biggest concern has always been about farmland. 1.9 million acres a year are lost to development in the United States. He campaigned on always protecting our farmland. He's not against solar but the site has valuable tillable farmland. If Mr. Osuchowski was living there, it would be different, but he's not. The people around him who live there are not in favor of the solar project because of its visual impacts. There may be spots that he would agree if it was in the right spot. These panels are not made in the United States because its cost prohibitive.

Councilor Christmas: In favor. The applicant agreed to go 200 feet from the road. There is not going to be view shed problems. The energy will stay local and the town will benefit. There are other benefits besides financial. The property owner should be allowed to do what he wants on his property. He's not running a business; he came before the town and followed the proper procedures. There will be a PILOT agreement. Soil health will be better for grazing. CO2 emissions will be reduced. This is renewable energy. In addition, they want to work with the town to create a scholarship or non-profit donation that will complement the Pilot Program. We have to start thinking outside of the box.

Supervisor Rotondo: In support of renewable energy in the Town of Pompey; it's our future. We need energy, we're going to run out of it. Farming needs energy. We can bury our heads in the sand and wait until 2029 but switching to electric in 2030 is coming. Yes, this is a controversial issue, however there are many town residents that believe we should be in support of renewable energy in this

project. There is no noise, no pollution, its clean energy, it doesn't add to greenhouse gases, it doesn't add to traffic flow, there are no lights, there is no impact on wildlife, it's well maintained. The only time this would need supervision is during construction. She doesn't agree that resources are stretched; she believes in this town government and its ability to monitor this project. There will be issues every single time we confront this issue. There is almost no place in Pompey that isn't prime agriculture. There is no evidence that a solar farm depreciates local residents property value. There is one neighbor who doesn't want it because it will ruin the view. The landowner and developer have come up with everything the Town Board has requested. Mr. Osuchowski and Gordon Woodcock are genuinely interested in working with this community and it's unfortunate that we're going to turn this project down. The very neighbors that protest the ruining of the view of their neighbor's property didn't even follow the correct protocol with their paving business on their property. They should have come before the Zoning Board of Appeals to get a Use Variance if they could. It's a violation of our zoning laws for that to exist in plain view right on Sweet Road. She did her research on Pivot Energy. They have three projects that have gotten approval in the Adirondack Park. She feels strongly that this is something that should have been approved. This was a good developer, location, and project. This would have been a feather in our cap, not a disaster.

Town Attorney Tim Frateschi stated that he has enough information to draft something for the next meeting that will capture the thoughts of the Board.

TOWN CLERK'S REPORT:

- R-135-22 Motion by Christmas, seconded by Loomis to accept the June 6, 2022 Regular Meeting Minutes. All in favor. Motion carried.

- R-136-22 Motion by Christmas, seconded by Angello to enter into a 39-month Lease Agreement with Toshiba Business Solutions for an E Studio 3525AC colored copier at a monthly charge of \$210.35. All in favor. Motion carried.

CODES OFFICER REPORT:

Codes Officer Tim Bearup and Deputy Codes Officer Tyler Johnson were not able to attend the meeting; however, they did supply the Town Board with a written report for the month of May. Councilor Christmas gave a brief overview; 13 building permits were issued last month.

TOWN ATTORNEY'S REPORT:

Town Attorney Tim Frateschi discussed County Planning referrals. Supervisor Rotondo, Town Clerk Nikki Reid, Planning Board Attorney Jamie Sutphen, and Planning Board Chair Sue Smith are working together to ensure that referrals are being submitted to Onondaga County Planning Board in a timely matter.

PUBLIC COMMENT:

Mary Baum, Sweet Road: Will there be an actual vote at the next meeting regarding the solar project? Town Attorney Tim Frateschi responded that he will prepare a document for the Town Board Members to vote on the Tier 3 Solar Project at the next meeting.

Deborah Grenier, Cemetery Road: Can there be a public referendum regarding the solar project? Town Attorney Tim Frateschi responded that this was discussed at the last meeting and reiterated that New York State Law is very specific on what can be put to public referendum and zone changes are not subject to public referendum; our State Constitution does not allow for initiative and referendum like other states have.

Gordon Woodcock, Pivot Energy: Wanted to address some of the comments that were made. Solar projects in the Town of Pompey and the State of New York are held at a higher standard than a lot of other development projects. We've worked really hard over the last 18 months to meet the higher standards. The 22 acres that Mr. Osuchowski cleared was completely overgrown, and now he wants to use it for a solar project; it's his property. He stated that they made several

attempts to talk with the Stacers but they refused to talk with him. This solar project will supply hundreds of houses and businesses with local power.

Jason Crawford, Burke Road: He's concerned about the runoff from the solar panels and well water contamination.

Martha Viglietta, Gibbs Road: Shared an article that had five different studies that showed that property values in rural communities are not lowered because of solar farms.

Barbara Stacer, Sweet Road: The depreciation of the value of their home was just one of the many concerns. She does believe there will be health concerns, she worries about the quality of standard of living because they will be surrounded by 12,000 solar panels. She is concerned about the wind at the top of the hill on Sweet Road and worries that something will fly off one of the panels and hit someone.

Bill Osuchowski, Henneberry Road: He currently has a farm exemption on the proposed project site and pays \$196 in town taxes. The only people polluting on Sweet Road is the Stacers. Mr. Stacer sprays the back of his truck with kerosene, which goes into the groundwater. He's filling the property with asphalt that he uses as fill. He also has a photograph of their burn barrel which they were burning plastic. He did his research and hired the best possible company for this Town.

Nancy Furdock, Sevier Road: Wanted to applaud the 3 gentleman who did their due diligence to understand the data and understand what was presented to them. She is not against solar but is not in favor of large solar farms. She addressed Councilor Christmas and Supervisor Rotondo and told them that she appreciates their passion but doesn't think it's as green as they think it is. She addressed Mr. Woodcock and said if he knew anything about the Town of Pompey, he would know that every single acre means something to our farmers.

Jennifer Etter via Zoom: This is like watching a bunch of children bickering back and forth and has secondhand embarrassment.

R-137-22 Motion by Christmas, seconded by Lipe to approve General Fund Abstract Nos. 218-250, totaling \$20,333.49; Highway Abstract Nos.

108-122, totaling \$96,828.85; Special District Nos. 17-18, totaling \$7,550.00. All in favor. Motion carried.

R-138-22 Motion by Loomis, seconded by Lipe to adjourn at 8:16 p.m. All in favor. Motion carried.

Respectfully submitted,

Nikki Reid

Pompey Town Clerk