

## TOWN OF POMPEY TOWN BOARD MINUTES

The Town Board of the Town of Pompey held its Regular Meeting on Wednesday, September 1, 2021 at 6:30 p.m. The meeting was held in-person and was also livestreamed via Zoom platform. In attendance were: Supervisor Renee Rotondo, Councilors Sheila Larkin, Ann Christmas, Judy McElhannon, Carl Dennis; Accountant 1 Tom Chartrand; Deputy Highway Superintendent Bob Purcell; Town Attorney Tim Frateschi; Codes Enforcement Officer Tim Ganey; Town Clerk Nikki Reid; Zoom Host Veronica Hotaling; along with 3 residents.

Supervisor Rotondo called the meeting to order at 6:37 p.m. followed by the Pledge of Allegiance.

A moment of silence was had for the passings of Jane Slocum and for Lou Ali; Lou spent 40 years of his life serving the Town of Pompey as a Town Justice. They will both be sorely missed.

Supervisor Rotondo gave thanks for three really successful Community Events in Pompey this August; Empire Farm Days, the Tractor Pulls, and Delphi Falls Community Day. All three of these events were safely run and well attended.

### TOWN FINANCES

Accountant Tom Chartrand gave an update on Town Finances:

Town Clerk fees have already exceeded the budget line by over \$700.00 it's been very busy year-to-date. Court fees have been very quiet this month; down year-to-date on the budget line.

Some ARPA funding has been received: \$1,5170.00

Pivot Energy has applied for a Tier 3 Solar Permit; the site plan development fee has been received.

LED Lighting Grant has been received: \$6,750.00

R-159-21 Motion by Christmas, seconded by McElhannon to accept the July 2021 bank reconciliation reports and monthly reports for the Supervisor Account. All in favor. Motion carried.

R-160-21 Motion by Christmas, seconded by McElhannon to approve the payment of General Fund Abstract Nos. 283-313, totaling \$22,016.95; Highway Fund Abstract Nos. 133-146, totaling \$155,018.50; Special District Abstract Nos. 28-29, totaling \$14,265.68. All in favor. Motion carried.

R-161-21 Motion by Christmas, seconded by McElhannon to approve the following transfer:

GENERAL FUND

From: A599	Fund Balance	National Grid Grant	<u>\$6,750.00</u>
		TOTAL	\$6,750.00
To: A1991.4	Contingent	Contractual	<u>\$6,750.00</u>
		TOTAL	\$6,750.00

HIGHWAY FUND

From: DA9950.0	Transfer to Reserve	Interfund Transfer	<u>\$38,000.00</u>
		TOTAL	\$38,000.00
To: DA5130.2.1	Machinery	Equipment (SAM GRANT)	<u>\$38,000.00</u>
		TOTAL	\$38,000.00

All in favor. Motion carried.

General Fund: Spending at 58%; Revenue at 98%.

Highway Fund: Spending at 47%; Revenue at 93%.

UPDATE ON UNSAFE BUILDING AT 7364 CHERRY STREET, POMPEY HILL

Don Chrysler came before the Pompey Town Board with an update on the unsafe building located at 7364 Cherry Street in Pompey Hill. The garage that has fallen down is almost two-thirds of the way removed; all of the walls have been taken down. New windows have been installed and all the openings have been boarded up. He should have the remainder of the garage taken down tomorrow and will start demolishing the back rear section on the house. Supervisor Rotondo asked him what his next steps will be. He responded that he's in the process of reaching out for some grants to help with restoring the house; especially if it can be recognized as a historical place.

Town Attorney Tim Frateschi stated that the Town Board has an unsafe structure regardless of Don Chrysler getting a grant. He stated that although the garage is mostly taken down, the Town Board is still waiting for an Engineer to give a report that the house is structurally sound. Town Attorney Tim Frateschi asked the Town Board if they want to proceed with taking the

house down or if they will give the property owner more time to secure the house or demolish it. Supervisor Rotondo responded that progress has definitely been made. The roof on the back of the house needs to be demolished and the porch foundation that is cracked needs to be repaired. She still wants an Engineer to report whether the structure is sound. The Town Board agreed to give the property owner more time; however, they will need a report from an Engineer by the next meeting, which is October 4, 2021.

#### TOWN CLERK

R-162-21 Motion by McElhannon, seconded by Christmas to accept the July 26, 2021 Special Meeting Minutes and the August 3, 2021 Regular Meeting Minutes. All in favor. Motion carried.

Town Clerk Nikki Reid gave an update on the upcoming school tax collection which starts tomorrow, September 2, 2021. Hours for collecting are Monday – Thursday, 8:30 a.m. to 4:00 p.m., the office will remain open during the 12:00 p.m. – 1:00 p.m. lunch break. As we continue to navigate through the COVID-19 pandemic, taxpayers are encouraged to mail in their tax payment. For residents who will be paying in-person; COVID protocols will be in place.

#### TOWN ATTORNEY

Town Attorney Tim Frateschi Tim Frateschi put together a Resolution which is required by the State of New York for the Town of Pompey to commit to appropriating \$38,000.00 in order to receive the \$400,000.00 grant which will be used to purchase the Gradall. A line-item budget will have to be created for this in the 2022 Budget.

R-163-21 Motion by Rotondo, seconded by McElhannon to adopt a Resolution to Create a “SAM” Equipment Line in the Town of Pompey Budget. All in favor. Motion carried.

R-164-21 Motion by Christmas, seconded by McElhannon to adopt a Resolution calling for a Public Hearing on October 4, 2021 at 6:35 p.m. in the matter of Local Law 2021-3 to Opt-Out of allowing Marijuana Dispensaries and On-Site Consumption Businesses in the Town of Pompey. All in favor. Motion carried.

Supervisor Rotondo started a discussion with the Town Councilors regarding one of the baseball/softball programs in Cazenovia that is available to Pompey residents. They contacted Supervisor Rotondo to see if the Town would be interested in donating money for the repair of the baseball fields. Town Attorney Tim Frateschi stated that the Town of Pompey can not legally give a monetary donation to another municipality; however, the Town can enter into an Intermunicipal Agreement which would allow the Town of Pompey to give the program money to repair the baseball fields. He also stated that this would be considered a Capital Improvement and would not require an ongoing cost to contribute to the program. Supervisor Rotondo was thinking of giving a small amount, roughly \$500.00, to the program sine it is a

program that Pompey Residents can participate in. After discussion, the Town Board decided to hold off on making any decisions until Town Accountant Tom Chartrand is present.

R-165-21 Motion by Christmas, seconded by Larkin to authorize Supervisor Rotondo to send a letter to New York State Liquor Authority that will waive the 30-day advance notice for the renewal of Knoxies Pub Liquor License. All in favor. Motion carried.

#### HIGHWAY DEPARTMENT

Deputy Highway Superintendent Bob Purcell updated that they will be changing their uniform vendor from Cintas to UniFirst and will be saving more than 50% of the cost. There is a 36-month service agreement but the cost will be locked in for that period of time.

R-166-21 Motion by Christmas, seconded by McElhannon to approve UniFirst as the Highway Departments uniform vendor and to enter into a 36-month service agreement that will cost \$48.50 per week. All in favor. Motion carried.

Supervisor Rotondo gave an update on the status of the salt barn roof repair. After negotiating with the Insurance Company, they have agreed to cover the Josall Roofing quote, which allows the Town to use the County Contract which will expedite the repair and includes prevailing wage.

R-167-21 Motion by Rotondo, seconded by McElhannon to award the quote from Josall Roofing in the amount of \$98,220.00 for the repair of the Salt Barn Roof. All in favor. Motion carried.

Deputy Highway Superintendent Bob Purcell also received a quote from Josall Roofing in the amount of \$188,200.00 to repair the tin roof on the original Highway Garage. Supervisor Rotondo stated that the Town Board needs to table this until it figures out where grant money can be spent.

#### CODES ENFORCEMENT

Tim Ganey provided the Town Board Members with a 14-page monthly report. He has issued 13 building permits, 2 violations, 15 Certificate of Compliances, 2 Certificate of Occupancies, has completed 18 inspections and has handled 6 complaints. The Town Board Members were very impressed with this thorough report and thanked him for the excellent job he has done in the past month. The new fire alarm has been installed and tested.

#### TOWN COUNCILOR REPORTS

Town Councilor Ann Christmas put together Tier 3 Solar Booklets for all of the Town Board Members, Planning Board Members, Town Engineer, and Town Attorneys. This will be very

helpful when an application is submitted as all members will be referring to the same materials. She also gave an update on the Cell Tower Inventory; there are 8 cell towers, 3 of the owners have not responded.

Town Councilor Judy McElhannon gave an update on the signage for the Town of Pompey that Nancy Abbott of Sign Solutions is putting together. For a total cost of \$2,520.00, 6 signs have been ordered and will be placed at route 20 at the Lafayette Town Line, Route 2- at Pompey Hollow Road, Route 92 on the East Cazenovia Line, Route 92 on the West Manlius Town Line, North end of Route 91, South end of Route 91, one larger sign in the Hamlet of Pompey, and one at the Town Hall. The posts may also need to be replaced or repaired as well as the flagpole. Councilor McElhannon asked the board if she should approach the Lions Club about donating money towards the large sign in the Hamlet of Pompey since they are also listed on the sign. Councilor Christmas said they should wait until they know how much the sign will cost before proceeding to ask for a donation. Supervisor Rotondo is working with State DOT to see who owns the green space in the Hamlet of Pompey as no one is maintaining it. The State probably owns it and told Supervisor Rotondo that they can give the Town a permit so that the Town will be able to use and maintain it.

Town Councilor Sheila Larkin has been working on the Social Media Policy; it is in draft form. She will have the Board Members look through it and bring their questions or comments to the next meeting.

#### SUPERVISOR REPORT

Supervisor Rotondo gave an update on the County ARPA funding; review process will happen this fall. As for the Mainstreet Beautification grant, applications are due this Friday. As of now, 7 businesses are interested in applying for this grant. They will have to come up with 25% of the cost and the County will cover the remaining 75%. Supervisor Rotondo will be submitting the applications this Friday. There is no guarantee that grant money will be awarded; the Town of Pompey is competing with other Towns for this grant.

R-168-21 Motion by Larkin, seconded by McElhannon to hire Done Best Cleaning to be paid \$125.00 a week. All in favor. Motion carried.

An update on the NYSEDA Grant; the Town has received its 4<sup>th</sup> benchmark and will be getting \$5,000.00. John Shaheen will be converting all of the existing lightbulbs to LEDs in the Town Hall and Highway Garage.

Supervisor Rotondo has put together a Disposition of Property Policy that she tweaked from Madison County. Town Attorney Tim Frateschi will review the legalities of the policy. In the meantime, this is just for review and wants the Town Board Members feedback at the next meeting.

Supervisor Rotondo commented on the fox issue in the Pompey Pines. This is a health issue

that the Town needs to look into. She reached out to the DEC and they gave her some ideas on how to handle the issue. Councilor Larkin recommended that Supervisor Rotondo should reach out to Town Resident John Rybinski as he has a wealth of knowledge with wildlife.

A letter was given to the Supervisor and Town Councilors from Highway Superintendent Tom Purcell, who has retired due to recent health issue, and was read into the record.

8/26/21

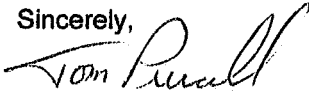
Dear Honorable Supervisor Renee Rotondo and Town Board Members:

Having been with the Town of Pompey Highway Department for 34 years, the last 12 years as Highway Superintendent, I have decided to retire due to recent health issues. The decision was a very difficult one to make as I've enjoyed working for all of the residents of the Town.

I want to thank all of those who have supported me over the years. It's been a pleasure working with you, Supervisor Rotondo, and board members.

It will be quite a change not being on call 24/7 and learn to slow down and enjoy life as it passes us by quickly.

Sincerely,

A handwritten signature in cursive script that reads "Tom Purcell". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Tom Purcell

**PUBLIC COMMENT:**

Carolanne Porto, Pompey Center Road:

At the July and August meetings, the legality of offensive signage on Number 2 Road East was discussed. Since those meetings, Carolanne Porto facilitated a meeting between the neighbors and they were able to resolve the issue. The Posted signs will be taken down. Supervisor Rotondo thanked her and stated that she is glad this was done privately, as the Town should not be getting involved in neighborhood disputes. Porto responded that the neighbors asked her to come before the Town Board to inform them that the dispute has been resolved. Carolanne Porto also commented on the discussion regarding giving extra money to the softball / baseball program in Cazenovia. She questioned that if there is extra money available to help other towns recreational programs, then the Town should not be charging its residents for the Swim Program. Supervisor Rotondo replied that there are typically 280 students enrolled in the Swim Program, although this year there were only 100 due to the uncertainty of what the program was going to be able to provide due to COVID. The Swim Program costs the Town \$175 per child; however, Residents were only charged \$40 for the first child, \$30 for the second child, \$20 for the third child, and no more than \$100 per family. This year the Swim Program cost roughly \$18,000.00 and the Town received \$5,000.00 in revenue. She also remarked that Town of Pompey residents also use the baseball / softball fields in Cazenovia and was thinking of funding a small amount; \$500.00. Town Attorney Tim Frateschi responded that the Town of Cazenovia is not looking for an ongoing cost of the program; they are looking for a Capital Improvement to make the program available.

Stan Ozinski, Bush Road:

Came for an update on the offensive signage at a Resident's home on Cherry Street. He stated that this Town has morals and standards. Supervisor Rotondo responded that the Town is limited in peoples rights to have political speech and that the Town does not have the legal authority to force the Resident to take the flag down. The Resident did attend the previous Town Board meeting and stated that he will not take it down.

R-169-21 Motion by Rotondo, seconded by Dennis to enter into Executive Session at 8:10 p.m. to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; litigation. Conference with Attorney RE: Proposed sale of real property. All in favor. Motion Carried Unanimously.

R-170-21 Motion by Christmas, seconded by Larkin to come out of Executive Session at 8:29 p.m. and return to Regular Session. All in favor. Motion Carried Unanimously.

Discussion ensued regarding appointing Bruce Way to fill the recently vacated Town Highway Superintendent's position. Supervisor Rotondo stated that Tom Purcell knows Mr. Way and is familiar with his work experience and management skills. He recommends Mr. Way to be appointed to the Highway Superintendent's position. The Board is familiar with Bruce Way and



believes that he will be a good replacement for Mr. Purcell and the Board highly values Mr. Purcell's recommendation. There was further discussion about the importance of filling the position in a timely manner because the budget process is now underway and since the Highway Department is preparing for the winter season.

R-171-21 Motion by Rotondo, seconded by Dennis to appoint Mr. Bruce Way to the position of Town Highway Superintendent, effective September 2, 2021 and to start employment with the Town no later than September 15, 2021. All in favor. Motion Carried Unanimously.

Discussion ensued regarding hiring Tom Purcell as an independent contractor / consultant to assist Mr. Way during the next 30 days as part of a smooth transition. The Board agreed that this makes sense and is a reasonable way to manage the transition.

R-172-21 Motion by Rotondo, seconded by McElhannon to hire Tom Purcell as a consultant to the Town to assist Mr. Way in his transition to Highway Superintendent at a rate of \$32.00 per hour, and at a maximum of 40 hours over the next 30 days (The Board will determine at its next meeting whether to extend this arrangement). All in favor. Motion carried.

Attorney Tim Frateschi reviewed the settlement agreement prepared by Onondaga County in the matter of Pompey Ridge, LLC. V. Dmitriy Kaskov and County of Onondaga, Index No. 003701-2020, Onondaga County Supreme Court. Under this Settlement Agreement, the Town would provide Onondaga County with \$5,000.00 to settle the case and eliminate all future claims against the Town. The Board agreed that this is the most economical way to move this case to conclusion.

R-173-21 Motion by Dennis, seconded by Christmas to authorize the Supervisor or the Attorney for the Town to execute the Settlement Agreement as presented to the Board. All in favor. Motion Carried Unanimously.

R-174-21 Motion by Rotondo, seconded by Christmas to adjourn at 8:42 p.m. All in favor. Motion carried.

Respectfully Submitted,

Nikki Reid  
Pompey Town Clerk