

TOWN OF POMPEY TOWN BOARD MINUTES

The Town Board of the Town of Pompey held its Regular Meeting on Monday, May 2, 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, Councilors Ann Christmas, Bill Lipe, James Loomis; Highway Superintendent B.R. Way; Town Clerk Nikki Reid; Accountant Tom Chartrand; Town Attorney Tim Frateschi; Zoom Host Veronica Hotaling along with 5 residents.

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

Roll was called by the Town Clerk: Supervisor Rotondo, Councilor Christmas, Council Lipe, Councilor Loomis.

A moment of silence was had for 3 town residents: Joseph Marr, a former Pompey Codes Officer; Richard Kimber, a longtime resident and milk carrier who worked for Mapstones; and Eddie Cifuentes-Hernandez who farmed for Councilor Loomis.

PIVOT ENERGY TIER 3 SOLAR PROJECT

Supervisor Rotondo gave an update on the Pivot Energy Tier 3 Solar Project since the last time Gordon Woodcock, presenting on behalf of Pivot Energy, came before the Town Board on April 4, 2022. On April 12, 2022 a workshop was held for the Town Board and Town Attorney Tim Frateschi to examine the Local Law on the Overlay District and to understand what the Town's responsibilities are. On April 23, 2022 the Town Board held a Special Meeting at the site of the project, 3457 Sweet Road, which was open to the public, roughly 50 Town Residents participated. Supervisor Rotondo provided the Town Board Members with Part 1 of the Full Environmental Assessment Form, which was filled out by the Applicant. Part 2 of the Environmental Assessment Form, which needs to be filled out by the Town, will be reviewed at the June 6, 2022 meeting.

R-92-22 Motion by Loomis, seconded by Christmas to give the Environmental Conservation Committee a thirty-day extension to further review the letter report submitted by Pivot Energy regarding the establishment of a Solar Energy Overlay Zone application. All in favor. Motion carried.

Gordon Woodcock, presenting on behalf of Pivot Energy, updated that the Fire Department error on the application will be corrected. He also shared the next steps and visual analysis for a one-mile radius viewshed where the project will look like with screening. Mr. Woodcock presented several large, detailed topography maps which shows where the solar arrays will be and how they will look depending on location. Councilor Christmas asked how long it will take for the trees to reach the height as depicted in the maps; Mr. Woodcock stated roughly 10-15 years.

R-93-22 Motion by Rotondo, seconded by Christmas to schedule a Public Hearing on June 6, 2022 at 6:35 p.m. and to pass the following Resolution:

IN THE MATTER

Of

LOCAL LAW 2022-1, AN APPLICATION BY PIVOT ENERGY FOR A CHANGE OF ZONE FROM FARM ZONE DISTRICT (F) TO SOLAR ENERGY SYSTEM OVERLAY DISTRICT (SESOD)

RESOLUTION CALLING FOR A PUBLIC HEARING

The **TOWN BOARD OF THE TOWN OF POMPEY**, in the County of Onondaga, State of New York, met in regular session at 8354 U.S. Route 20, Manlius, NY 13104 the Pompey Town Hall, on the 2nd day of May, 2022, at 6:30 p.m.

The meeting was called to order by Renee Rotondo, Supervisor, and the following were present, namely:

Renee Rotondo	Supervisor
Ann Christmas	Councilor
Bill Lipe	Councilor
James Loomis	Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, an application dated January 3, 2022 has been made to the Town Board by Pivot Energy (the “Applicant”) for approval of a zone change from Farms Zone District (F) to Solar Energy System Overlay District (SESOD) for a 4.25MW solar energy system (the “Application”) on a 96 acre vacant parcel of land adjacent to 3457 Sweet Road, between Sevier Road and Pratts Falls Road, (the “Property”), identified as tax map no. 012-01`-03.1, of which 22 acres will be used for a proposed solar energy system;

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law 2022-1, entitled “**A LOCAL LAW AMENDING THE ZONING MAP OF THE TOWN OF POMPEY**” pursuant to Article II of the Town Code entitled (District Descriptions and Boundaries) the text of which is as follows:

**LOCAL LAW 2022-1, A LOCAL LAW AMENDING THE
ZONING MAP OF THE TOWN OF POMPEY:**

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

Section 1. That “The Revised Zoning Ordinance of the Town of Pompey”, as amended, and the “Zoning Map of the Town of Pompey”, which by provisions of said Zoning Ordinance shall be, and the same hereby are, amended to change the zone for the following described property from “F” (Farm Zone) to “Solar Energy System Overlay District” (SESOD) (pursuant to Local Law 2021-2 filed with the Secretary of State on 6-7-21): that parcel of vacant land adjacent to 3457 Sweet Road and as set forth on an aerial map entitled Figure 1. “Parcel Boundary and Zoning District,” prepared by Environmental Design & Research (EDR), entitled Pompey Solar, Solar Overlay Zone Application (Project ID 20219) dated June 9, 2021, which parcel consists of a vacant lot of approximately 96 acres, tax map no. 012-01-03 (Map # 11578filed 8-13-2012), the legal description of which is set for as follows:

See Attached Exhibit A

Section 2. This law shall take effect upon filing with the New York State Department of State.

WHEREAS, the Town Board desires to hold a public hearing to hear from those who wish to speak in favor of, or against, Local Law 2022-1;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pompey, County of Onondaga, State of New York, shall hold a Public Hearing on said proposed Local Law 2022-1, and that such Hearing shall be held at the Town Hall of the Town of Pompey, located at 8354 U.S. Route 20, Manlius, NY 13104 on June 6, 2022 at approximately 6:35p.m. and be it further

RESOLVED, that the Town Clerk give notice of such Public Hearing by the publication of a notice in at least one newspaper circulated in the Town, specifying the time when and the place where such Public Hearing will be held, and in general terms, describing the proposed Local Law. Such notice shall be published once at least five (5) days prior to the Public Hearing

All in favor. Motion carried.

TOWN FINANCE REPORT:

Town Accountant Tom Chartrand gave his monthly report. He stated that it was another good month for Town Clerk fees; roughly \$1,149.00. NYCLASS interest is under 1%. Court fines are improving as well.

General Fund: Spending at 27%; Revenue at 77%

Highway Fund: Spending at 15%; Revenue at 80%

R-94-22 Motion by Christmas, seconded by Lipe to accept the Supervisor's Monthly Report for April 2022. All in favor. Motion carried.

R-95-22 Motion by Christmas, seconded by Lipe to accept the April 2022 Bank Reconciliation Reports for Supervisor, Town Clerk, and Tax Collector Accounts. All in favor. Motion carried.

R-96-22 Motion by Rotondo, seconded by Christmas, to approve the payment of General Fund Abstract Nos. 150-173, totaling \$19,639.56; Highway Abstract Nos. 83-94, totaling \$19,373.51; Special District Nos. 13-13, totaling \$385.91. All in favor. Motion carried.

R-97-22 Motion by Christmas, seconded Lipe to approve the audit of the Supervisor's records for 2021. All in favor. Motion carried.

TOWN CLERK'S REPORT:

- R-98-22 Motion by Christmas, seconded by Lipe to accept the April 6, 2022 Regular Meeting minutes, April 12, 2022 Special Meeting minutes, and April 23, 2022 Special Meeting minutes. All those in favor. Motion carried.

HIGHWAY SUPERINTENDENT'S REPORT:

- R-99-22 Motion by Rotondo, seconded by Christmas to accept the revised 284 Agreement for the Highway Garage that reflects the correct numbers as presented to the Board. All in favor. Motion carried.

Highway Superintendent Way gave an update that the paving project in The Preserve will be completed by the end of this week.

Highway Superintendent Way stated that he received a quote from S&W Services to remove the existing gasboy diesel pump and install a new hose diesel pump with IX fleet fuel management system.

- R-100-22 Motion by Rotondo, seconded by Christmas to authorize Highway Superintendent Way to make the improvements pursuant to the proposal from S&W Services, County Contract #0010478, in the amount of \$17,987.25. All in favor. Motion carried.

Highway Superintendent Way gave an update on the Earth Day Event, which was celebrated on April 30, 2022. The Highway Department collected 486 tires, 3,500 pounds of steel, and 2.5 tons of paper to be shredded. He also updated that the Highway Department completed 73 snowplow trips this winter: including 5,840 tons of salt and sand on the roads. He also updated that 2 speed readers have been installed on both ends of Route 91 in the Hamlet of Pompey Hill.

TOWN ATTORNEY'S REPORT:

- R-101-22 Motion by Loomis, seconded by Lipe to authorize Supervisor Rotondo to sign the Swim Program Contract with Cazenovia College. All in favor. Motion carried.
- R-102-22 Motion by Christmas, seconded by Lipe to approve the Intermunicipal Agreement for the Town of Pompey and the Town of LaFayette as prepared by the Attorney for the Town. All in favor. Motion carried.
- R-103-22 Motion by Christmas, seconded by Loomis to authorize Supervisor Rotondo to sign the contract with Onondaga County Community

Development for the Town Infrastructure Funding Agreement. All in favor.
Motion carried.

A town resident who resides on West Palmer Road reached out to Supervisor Rotondo to request that the Town Board discontinue and abandon a portion of a street that was never constructed. The tax map shows that it's five feet longer than it actually is. The owner wants the paper road to be abandoned and deeded over to him, which isn't uncommon when roads that originally appeared on a site plan map don't get constructed as there sometimes shown on maps. Highway Superintendent B.R. Way stated that abandoning a portion of the paper street will not affect anything going forward. Supervisor Rotondo read through the resolution as drafted by the Attorney for the Town.

R-104-22 Motion by Lipe, seconded by Loomis to adopt the following Resolution:

IN THE MATTER

Of

THE ABANDONMENT OF A PORTION OF PALMER ROAD WEST UPON THE APPLICATION OF THE PROPERTY OWNER (TIMOTHY ROBINSON), OWNING PROPERTY ON BOTH SIDES OF SAID PAPER STREET

RESOLUTION AUTHORIZING THE ABANDONMENT AND DISCONTINUANCE OF PAPER STREET

The **TOWN BOARD OF THE TOWN OF POMPEY**, in the County of Onondaga, State of New York, met in regular session at 8354 U.S. Route 20, Manlius, NY 13104 the Pompey Town Hall, on the 2nd day of May, 2022, at 6:30 p.m.

The meeting was called to order by Renee Rotondo, Supervisor, and the following were present, namely:

- | | |
|---------------|------------|
| Renee Rotondo | Supervisor |
| Ann Christmas | Councilor |
| Bill Lipe | Councilor |

James Loomis

Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, an application has been made by Timothy Robinson, the property owner with an address of 4295 Palmer Road West (the “Applicant”) for the abandonment of a portion of Palmer Road West, which portion is set forth as the shaded area on a map prepared by D.W. Hannig LS, PC, dated March 22, 2022, Project Number J924324, entitled Parts of Lot 11 & 12 Town of Pompey (the “Road Discontinuance Map”),

WHEREAS, the Board has obtained evidence from the Town Highway Superintendent which indicates that the said portion of Palmer Road West has not been opened or worked by the Town, to his knowledge and within at least the last six years not been traveled or used as a highway.

WHEREAS, the Town Board has reviewed the Road Discontinuance Map and has consulted with the Town Highway Superintendent and believes the abandonment/discontinuance is in the best interest of the Town and the Applicant;

NOW THEREFORE, THE BOARD RESOLVES AS FOLLOW:

1. Pursuant to NY Highway Law Article 8 Section 205 the portion of that Town highway known as Palmer Road West as shown in the shaded area (approximately 465 feet long by 50 feet wide beginning at the end of pavement of the existing Palmer Road West) on the Map prepared by D.W. Hannig LS, PC, dated March 22, 2022, Project Number J924324, entitled Parts of Lot 11 & 12 Town of Pompey (the “Road Discontinuance Map”) and which has been filed with the Town Clerk, has not been opened or worked by the Town, and within at least the last six years not been traveled or used as a highway.

2. The approximately 465-foot portion of said Palmer Road West is a “paper street” on tax map number 005-04-05.1.

3. The Town Board authorizes the abandonment of that approximately 465 foot of Palmer Road West as above-described and set forth on the Road Discontinuance Map.

4. The Town Board further finds that the Town has no public use for the abandoned property and therefore the Town may, but is not required to, deed portions of the abandoned roadway to adjoining neighboring property owners or others on reasonable terms and conditions as the Supervisor in his reasonable discretion may set including reimbursement for fees for administration, document preparation or out-of-pocket expenditures.

5. The Supervisor and/or the Superintendent of Highways are hereby authorized to execute, on behalf of the Town, all documents necessary to effectuate the abandonment of said portion of Palmer Road West as set forth on the Road Discontinuance Map.

All in favor. Motion carried.

Town Attorney Tim Frateschi explained the revision to Open Meetings Law provision regarding virtual meetings. He stated that Board Members can participate in meetings via videoconferencing from a location that is not accessible to the public. If a Board Member needs to call in to the meeting, they need to be visibly present during the videoconferencing. At least 3 Board Members have to be in person in order for a quorum to exist. The revisions require that the town adopt a virtual meeting policy through a local law.

SUPERVISOR'S REPORT:

Supervisor Rotondo gave an update on the Codes Office. She has been working with Zoning Board of Appeals Chairperson David Tessier on the process of staffing the Codes and Building Office. They interviewed applicants together and both agreed with who they thought should be the Codes Officer and the Deputy Codes Officer. Both are certified by the State Codes Courses.

Supervisor Rotondo recommended Tim Bearup to fill the Codes Enforcement Officer position. He currently covers three towns in Cortland County. He will be available during the day and during the week. He has a background in construction. He has taken all the required Codes and Fire courses; he has experience in State Auditing work. He comes highly recommended by the checked references.

R-105-22 Motion by Rotondo, seconded by Christmas to appoint Tim Bearup to the position of Codes Enforcement Officer, for a total of no more than 19 hours per week, to be compensated \$35.00 per hour. All in favor. Motion carried.

Supervisor Rotondo recommended Tyler Johnson as the Deputy Codes Enforcement Officer. He currently works full time for the Town of Onondaga. He's available after 4 p.m. and also on Saturdays. He is certified through the State Codes Courses. He

has a huge background in Fire Departments and EMT work. His comes highly recommended by his references.

R-106-22 Motion by Rotondo, seconded by Christmas to appoint Tyler Johnson to the position of Deputy Codes Enforcement Officer, for a total of no more than 15 hours per week, to be compensated \$25.00 an hour. All in favor. Motion carried.

Supervisor Rotondo discussed a community campaign being spear-headed by Environmental Conservation Committee Member Martha Viglietta. Heat Smart: Pompey Heat Pump Campaign will be kicking off on May 12, 2022, at 6:30 p.m. at the Town Hall. People are being encouraged to use heat pumps as a source of heating energy for their homes.

R-107-22 Motion by Loomis, seconded by Christmas to authorize Supervisor Rotondo to sign the NBT Direct Deposit Agreement subject to review by Attorney of the Town. All in favor. Motion carried.

PUBLIC COMMENT:

Zarita Hack, Pratts Falls Road: She is in favor of the proposed solar project and hopes that the Town Board approves it. She listed many positive benefits for our community.

Stan Gorman, Sevier Road: Regarding the telecommunications that were previously discussed at the last meeting, he's wondering if the Town Board will revisit the law and possibly eliminate a portion of the law regarding modifications to an existing tower. Supervisor Rotondo stated that Mr. Gorman's concerns are worthy of consideration.

Greg Herlihy, Pompey Center Road: Does the Zoning Board have to weigh in on a land use change for the solar project? Town Attorney Tim Frateschi commented that Town Code states only the recommendation of the Planning Board and Environmental Conservation Committee are required.

R-108-22 Motion by Christmas, seconded by Lipe to adjourn at 8:02 p.m. All in favor. Motion carried.

Respectfully Submitted,

Nikki Reid
Pompey Town Clerk