

TOWN OF POMPEY BOARD MINUTES

A Regular Monthly Meeting of the Town Board of the Town of Pompey was held on October 3, 2016. In attendance: Supervisor Carole Marsh; Councilors Carl Dennis, Greg Herlihy and Victor Lafrenz; Attorney Jeffrey Brown; Budget Officer Tom Chartrand; Highway Superintendent Tom Purcell; Code Enforcement Officer Fred Hill and Town Clerk Ann Christmas.

Absent: Giovanni LaFace

Supervisor Marsh called the meeting to order at 7 p.m. followed by the Pledge of Allegiance and a moment of silence for our service men and women.

R-153-16 Motion by Dennis, seconded by Herlihy to open the Public Hearing on the adoption of Local Law No. 5 of 2016 to Repeal and Replace Chapter 96 (Flood Damage Prevention) with updated language which reflects the most current and effective flood management measures at 7:01 p.m. All in favor. Motion carried.

Attorney Brown explained that this is a requirement because of the revised flood insurance maps and language needs to be added that includes the new maps. Some people may now need flood insurance that have never needed it before and some may no longer need flood insurance.

No one for or against the proposed law.

R-154-16 Motion by Dennis, seconded by Lafrenz to close the Public Hearing on the adoption of Local Law No. 5 of 2016 at 7:03 p.m. All in favor. Motion carried.

R-155-16 Motion by Dennis, seconded by Herlihy to adopt the following Resolution:

**RESOLUTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT
RELATIVE TO THE ADOPTION OF A LOCAL LAW REPEALING AND
REPLACING CHAPTER 96 (FLOOD DAMAGE PREVENTION)**

WHEREAS, pursuant to Article 8 of the New York State Environmental Conservation Law, as amended, and the regulations of the New York State Department of Environmental Conservation promulgate thereunder (collectively “SEQR”), the Town Board of the Town of Pompey, Onondaga County, New York (the “Board”), is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQR) to be taken by the Board (the “Action”); and

WHEREAS, the Action contemplated is the adoption of a local law repealing and replacing Chapter 96 (Flood Damage Prevention) of the Code of the Town of Pompey; and

WHEREAS, pursuant to SEQR, the Board desires to determine whether the Action may have a significant adverse impact on the environment (as defined by SEQR); and

WHEREAS, to aid the Board in determining whether the Action may have a significant adverse impact upon the environment, the Board has been supplied with a Short Environmental Assessment Form (the “EAF”), a copy of which is on file at the office of the Clerk of the Board; and

WHEREAS, the Board desires to declare itself Lead Agency for this Unlisted Action under SEQR with an uncoordinated review; and

WHEREAS, the Board and its representatives have consulted with various interested parties, considered the impacts of the local law and otherwise undertaken the requisite “hard look” with respect to the Action;

NOW, THEREFORE,

BE IT RESOLVED by the Board as follows:

1. Based upon the foregoing, an examination of the EAF and the criteria contained in 6 NYCRR §617.7, the Board makes the following determination with respect to the Action:
 - A. The Board hereby declares itself as Lead Agency for this Unlisted Action with an uncoordinated review;
 - B. The Action will not have significant adverse impact on the environment;
 - C. As a consequence of the foregoing, the Board hereby directs that a Negative Declaration be issued with respect to the Action; and
 - D. The requirements of SEQR have been met.

2. The Clerk of the Board is hereby directed to file a Negative Declaration with respect to the Action in the Office of the Clerk in a file that will be readily accessible to the public.

3. This Resolution shall take effect immediately.

All in favor. Motion carried.

R-156-16 Motion by Dennis, seconded by Lafrenz to adopt Local Law No. 5 of 2016 to repeal and replace Chapter 96 (Flood Damage Prevention) with updated language which reflects the most current and effective flood management measures. All in favor. Motion carried.

R-157-16 Motion by Dennis, seconded by Herlihy to open the Public Hearing on the adoption of Local Law No. 6 of 2016 to override the tax levy limit established in N.Y. General Municipal Law § 3-c. All in favor. Motion carried.

Don Neugebauer asked what the tax cap was about and if it meant that the taxpayers would not receive a check from the state because the Town had to override the 2% tax cap. Budget Officer Chartrand explained that our tax cap this year is .68%. We are over by \$10,512. This was discussed at the budget hearing. There are small districts that we have no control over and these all affect the tax cap. SOTS will increase \$4,000.00; The Preserve Drainage study is \$6,500; Delphi Falls Fire District contract went up \$12,000.00.

No one spoke for or against the proposed law.

R-158-16 Motion by Dennis, seconded by Lafrenz to close the Public Hearing on the adoption of Local Law No. 6 of 2016 at 7:09 p.m. All in favor. Motion carried.

R-159-16 Motion by Herlihy, seconded by Dennis to adopt Local Law No. 6 of 2016 to override the tax levy limit established in N.Y. General Municipal Law § 3-c. All in favor. Motion carried.

The monthly report of the Supervisor was submitted and reviewed. Town Clerk fees were good; Justice Court fines are very low; overall a

very quiet month. He feels that we are in good shape now.

Budget Officer Chartrand also reported that he had received the Pompey Hill Fire District budget. Those residents covered by the Pompey Hill Fire Department will see a \$.02 decrease in their taxes. He also reported that they opened bids on the SOTS contract. The low bidder was Feher Rubbish Removal. We will charge the same for 2017 but in 2018 there will be probably an increase.

R-160-16 Motion by Dennis, seconded by Herlihy to authorize the payment to Winslow Painting at the completion of the painting of the Town Hall in an amount not to exceed \$9,000.00. All in favor. Motion carried.

R-161-16 Motion by Marsh, seconded by Dennis to authorize the payment for the mowing of the lawn on Oran Station Road. This is for the property where the mowing charge gets added to tax bill as the owner did not respond to the Notice and Order to Remedy served on him. All in favor. Motion carried.

R-162-16 Motion by Dennis, seconded by Lafrenz to designate the following road as seasonal limited use highways to be exempt from snow and ice removal and maintenance: No. 2 Road East from Oran Delphi Road to Pompey Hollow Road. All in favor. Motion carried.

Supervisor Marsh reported that she had met with Assemblyman Al Stirpe and Senator Dave Valesky. She is hopeful that they may be able to help us out in some way. She spoke to Senator Valesky about the internet.

Attorney Brown reported that there is still no decision from the Judge on the Verizon lawsuit.

Attorney Brown also spoke to the Town Board about Jane Podkaminer from Whitney Farms. She would like a waiver of fees for a subdivision. It was applied for in 2013 but the maps were never filed by the applicant. She has expressed to him that they weren't filed because of the Code Enforcement Officer at the time. At that time she had paid \$500.00 in costs. We have \$112.00 left in the account.

- R-163-16 Motion by Dennis, seconded by Herlihy that as long as the section of the Whitney Farms Subdivision is of the same scope as the one approved in 2013 that the developer deposit be retained in case of any engineering fees and to waive the application fee and the additional developer deposit. All in favor. Motion carried.
- R-164-16 Motion by Dennis, seconded by Herlihy to approve the bank reconciliations and monthly statements of the Town Clerk and Supervisor. All in favor. Motion carried.
- R-165-16 Motion by Dennis, seconded by Lafrenz to approve the payment of General Fund Abstract Nos. 326-340, totaling \$15,474.74; Highway Fund Abstract Nos. 167-174, totaling \$27,534.72 and Special District Abstract No. 40, totaling \$456.35. All in favor. Motion carried.

Public Comment

Renee Rotondo—has concerns about violations of our Zoning Law going on in the Town. She has spoken to Fred Hill about the one that has been going on for at least three years at the corner of Gardner Road and Pratts Falls Road. It started out small and it has grown considerably; another at the corner of Henneberry Road and Pratts Falls Road a driveway is being put in across a creek; Shawn's Paving on Sweet Road who appears to be running a commercial business in a Farm zone; an Antique Shop operating on Sweet Road; the house on Sweet Road who has carnival equipment and trailers on the front lawn. The Town has made some people jump thru hoops to run a business and others they do nothing. She doesn't understand this and is concerned what is going to happen to the Town. She also questioned why the Planning Board isn't meeting regularly. She also asked how someone could put up solar panels on the ground right near the road on Route 20. She thought that there was a 200' setback.

Jesse Walser asked Supervisor Marsh if she had contacted the State Broadband Office and who is the provider we chose when the grant was submitted. He spoke how necessary it is for all town residents to have high speed internet. Supervisor Marsh offered to arrange a meeting with Senator Valesky, Assemblyman Stirpe, Congressman Katko, County Legislator Knapp, a F-P school representative and

herself to emphasize the importance of expanding broadband service in the Town and making sure all possible efforts are being made in that regard. Don Neugebauer offered to attend on behalf of the F-P school board.

R-166-16 Motion by Dennis, seconded by Herlihy to go into Executive Session to discuss the employment history of a particular employee at 7:45 p.m. All in favor. Motion carried.

R-167-16 Motion by Dennis, seconded by Herlihy to return to Regular Session from Executive Session at 8 p.m. All in favor. Motion carried.

R-168-16 Motion by Dennis, seconded by Herlihy to adjourn at 8:01 p.m. All in favor. Motion carried.

Respectfully submitted,

Ann Christmas
Pompey Town Clerk