

TOWN OF POMPEY BOARD MINUTES

The Regular Monthly Meeting of the Town Board of the Town of Pompey was held on March 4, 2013. In attendance: Councilors Carl Dennis, Greg Herlihy, Victor Lafrenz and Craig Smithgall; Town Clerk Ann Christmas and Attorney Jeff Brown and Code Enforcement Officer Richard Penhall. There were 96 residents in attendance.

Deputy Supervisor Lafrenz called the meeting to order at 7 p.m. Cub Scout Bradley Herrington led the Pledge of Allegiance. There was a moment of silence for our service men and women and also all of the volunteers in our community especially the firemen and EMTs who keep us safe.

Attorney Brown apologized to the entire Town Board for a mistake he made with regard to a local law involving stabling in the Town of Pompey. He was given some very preliminary discussion points on that issue in the form of a law from another municipality and those didn't come directly from another Town Board member. He turned those preliminary thoughts into a local law and that gave the impression that it was ready to be considered by the town Board while in fact only a member of the Town Board can propose a local law. It is not ready for a discussion by the Town Board. He also stated that this is really totally distinct from the Comprehensive Plan that is scheduled for a Public Hearing tonight. He stressed that this issue came up much later than the Comprehensive Plan and isn't related to it.

Deputy Supervisor Lafrenz explained that Supervisor Marsh is recovering from the flu. He also asked for a moment of silence for Tyler Masters who was killed on Friday on Route 91.

Before Deputy Supervisor opened the Public Hearing on the adoption of the Master Plan he gave a brief introduction to it. This is an important document for the Town. It has been going on for a few years. We are very fortunate to have a knowledgeable committee that has worked on it: Jack Lawyer, Velda Ward, John Shaheen, David Peckham, Conrad Stozik, Don Neugebauer, Greg Herlihy, Dr. Ellie Williams, Steve Abbe and Frank Erwin. He appreciates all of the work that went into it. The last one was done in 1989. The Master Plan doesn't write the codes or laws; it sets forth how we should move forward. It provides the general guidelines for development. It gives us the preservation and progress that every Town needs to move forward. The Master Plan is a permanent committee. The Association of Towns strongly recommends that this be done.

R-72-13 Made by LaFrenz, seconded by Dennis to open the Public Hearing on the adoption of Master Plan at 7:10 p.m. All in favor. Motion carried.

In favor:

Ruth Hotaling of Gates Road. She stated that she had reviewed the whole Master Plan. She suggested several minor changes and she understands that they are acceptable to the committee and have been changed in the final document. She fully supports it.

Against:

No one spoke against it.

R-73-13 Made by Dennis, seconded by Herlihy to close the Public Hearing on the adoption of the Master Plan at 7:11 p.m. All in favor. Motion carried.

R-74-13 Made by Dennis, seconded by Herlihy to adopt the following Resolution:

WHEREAS, the Town of Pompey is a municipal corporation located in southeastern Onondaga County (TOWN) and governed by the Town of Pompey Town Board (BOARD); and

WHEREAS, the BOARD appointed a Master Plan Committee (COMMITTEE) in February 2012 to examine and update the current 1989 Town of Pompey Master Plan and 2002 Draft Master Plan; and

WHEREAS, the COMMITTEE met on numerous occasions throughout 2012 and developed a draft Comprehensive Master Plan for Land Conservation and Use dated September 20, 2012 (PLAN); and

WHEREAS, the PLAN involves the adoption of the TOWN'S land use PLAN, which characterizes it as a Type I action under the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR 617); and

WHEREAS, the BOARD has declared its intent to act as SEQRA Lead Agency for the purposes of assessing potential environmental impacts associated with the PLAN including the preparation of a Full Environmental Assessment Form (EAF) and subsequent Notice of Determination;

WHEREAS, coordinated review of the potential project-related environmental and socio-economic impacts among local and State Involved Agencies has taken place and no Involved Agency has expressed objection to the PLAN; and

WHEREAS, the PLAN was forwarded to the Onondaga County Planning Board pursuant to GML § 239-m and the Planning Board approved the PLAN via resolution dated December 27, 2012 in which the Planning Board commended the TOWN for its efforts in developing a new comprehensive PLAN; and

NOW, THEREFORE BE IT RESOLVED THAT:

the BOARD hereby makes the following determination of the criteria set forth in SEQR as to whether or not the adoption of the PLAN will (or will not) likely result in a significant adverse impact upon the environment:

- (1) The PLAN does not envision a substantial change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; or, a substantial increase in potential for erosion, flooding, leaching or drainage problems. The PLAN provides specific goals, objectives and recommended actions to promote the protection of these environmental features. Adoption of the PLAN and implementation of the recommended actions is likely to result in the mitigation of these development components upon the environment in the TOWN.
- (2) The PLAN does not provide for the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; adverse impacts on significant habitat areas; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; or any other significant adverse impact upon the natural resources. The PLAN provides specific goals, objectives and recommended actions to promote the protection of these environmental features. Adoption of the PLAN and implementation of the recommended actions is likely to result in positive environmental impacts on these criteria.
- (3) The PLAN does not provide for the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14 (g) of the SEQR Regulations.
- (4) The PLAN does not propose the creation of a material conflict with the TOWN'S current comprehensive plan or the officially adopted goals contained in said plan. The PLAN builds upon the foundation (the adopted goals, objectives and recommended actions) that have been established and implemented by the Town of Pompey, as contained in the adopted 1989 Town of Pompey Master Plan. As such, the specific goals, objectives and recommended action statements have been formatted to address, to the level

- determined appropriate by the community, the functional areas that comprise a comprehensive plan as defined under Section 272-a of the New York State Town Law.
- (5) The PLAN does not propose action which would impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character. The PLAN recommends that future TOWN actions not create a pattern of development that would adversely impact upon the character or quality of the important resources identified within this section of the SEQR criteria.
 - (6) The PLAN does not recommend a major change in the use of either the quantity or type of energy used to support existing and planned areas of growth and development.
The PLAN recommends a pattern of growth and development that has been reviewed by and accepted by the residents of the community, as evidenced by the extensive public participation process and public hearing record. This pattern of development builds upon the energy infrastructure used to support existing growth and planned areas for development.
 - (7) The PLAN does not propose action which would create a hazard to human health.
The PLAN recommends the enactment of additional land use regulations which would further reduce the adverse impacts associated with uncontrolled development along major highways.
 - (8) The PLAN does not propose action which would likely result in a substantial change in the use, or intensity of use, or land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The PLAN recommends the development of laws, zoning ordinances and codes for residential development which balance the rural character of the TOWN.
 - (9) The PLAN does not encourage or attract a large number of people to a particular place or places for more than a few days, when compared to the number of people who would come to such place absent the action. The PLAN does not promote events or activities which would encourage or attract large numbers of people to a particular place. Existing community events and festivals have not been promoted in the PLAN, as this is not one of the planning considerations set forth in Section 272-a of New York State Town Law.
 - (10) The PLAN does not create a material demand for other actions which would result in one of the above consequences.
 - (11) The PLAN does not recommend changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment. The PLAN does, however, recommend that site specific actions which have the potential to adversely affect the environment identify mitigation measures as part of any review under the SEQR provisions. This action will minimize the potential for two or more elements together having a substantial adverse impact on the environment.
 - (12) The PLAN does not propose two or more related actions to be undertaken, funded, or approved by an agency, none of which has or would have a significant impact on the environment, or when considered cumulatively would meet one or more of the criteria in this section of the SEQR Regulations.

BE IT FURTHER RESOLVED BY THE BOARD, that:

- (1) The adoption and maintenance of the Town of Pompey Comprehensive Master Plan for Land Conservation and Use dated September 20, 2012, sets forth a logical and environmentally sensitive pattern for future land use growth and development; and
- (2) The PLAN contains goals, objectives and recommended actions that adequately identify each of the considerations set forth in Section 272-a of the New York State Town Law to adequately protect and preserve the environment in the Town of Pompey, Onondaga County, New York; and
- (3) The PLAN's adoption by the BOARD will provide a comprehensive basis for municipal and private sector decisions affecting growth and development that are felt most likely to result in positive effects upon the environmental quality of life in the Town of Pompey; and

- (4) The PLAN's adoption and maintenance will not result in any potentially significant adverse impacts upon the environment.

BE IT FINALLY RESOLVED, that:

- (1) The Town Board directs the Town Supervisor to sign and to issue a Negative Declaration on the action to adopt the PLAN.
- (2) Public notice of this determination are to be filed in accordance with the procedures set forth in the State Environmental Quality Review (SEQR) Regulations and a copy hereof appended to the adopted PLAN document.

All in favor. Motion carried.

R-74-13 Made by LaFrenz, seconded by Dennis to adopt the following Resolution:

WHEREAS, significant decisions affecting the immediate and long-term protection, enhancement, growth and development of the Town of Pompey are made by the various Town boards, and,

WHEREAS, amongst the most important powers and duties granted by the state legislature to town governments is the authority and responsibility to undertake town comprehensive planning and to regulate land use for the purpose of protecting the health, safety and general welfare of its citizens, and,

WHEREAS, the adoption by the Town of Pompey Town Board of the document entitled *A Comprehensive Master Plan for Land Conservation and Use in the Town of Pompey, Onondaga County, New York* can be readily identified and available for use by the public, and,

WHEREAS, there has been evidence of adequate consideration given to the diversity of resources and conditions that exist within the Town, and,

WHEREAS, there has been extensive public participation by Pompey residents in an open, responsible and flexible planning process, and,

WHEREAS, the above cited comprehensive plan is a means to make consistent and accountable decision making to promote the health, safety and general welfare of the people of the Town and gives due consideration to the needs of the people of the region of which the Town is a part, and,

WHEREAS, all substantive and procedural requirements of the State Environmental Quality Review (SEQR) regulations- have been complied with and a determination of non-significance has been made.

NOW, THEREFORE, BE IT RESOLVED that the Pompey Town Board does hereby adopt the *A Comprehensive Master Plan for Land Conservation and Use in the Town of Pompey, Onondaga County, New York* as the Official Plan Document for the Town.

Roll call vote taken:

Councilor Dennis:	Yes
Councilor LaFrenz:	Yes
Councilor Herlihy:	Yes
Councilor Smithgall:	Yes

Motion carried.

Deputy Supervisor LaFrenz stated that during the course of developing and adopting the Master Plan it became evident that many of the codes/laws/regulations of the Town that protect the health, safety and welfare of our residents need to be updated. This will be a very long and expensive process. A sub-committee of the Planning Board has been developed along with some other members to handle this in a very efficient and economical way. He would officially like to set up tonight this committee as a working group to review the Town Codes and develop a procedure for making changes to the Town Codes and move them thru adoption.

R-75-13 Made by LaFrenz, seconded by Herlihy to appoint Craig Smithgall, Greg Herlihy, Greg Mann, John Shaheen, David Tessier, Jack Lawyer and Rick Penhall to a Committee to review the Town Codes.

Discussion took place. Councilor Dennis stated that he would like to serve on the Committee. Councilor Herlihy agreed to step down and let Councilor Dennis be on the committee. Councilor Herlihy stated that he felt there should be a few citizens on the committee as well. Councilors Dennis and Smithgall agreed with him. Phil Benedict volunteered to be on the committee. Councilor Lafrenz stated that they could add members as they go along. It was decided to add three residents to the committee and they will be appointed at the next meeting. There will be no voting members on this committee. This group will informally go thru the Town Code and bring suggestions back to the Town Board. It will be done in an orderly fashion. Councilor Herlihy stated that they will report directly to the Town Board. Attorney Brown stated that if anything comes from the committee one of the Town Board members will need to propose the local law as this is a New York State requirement. The motion was revised to add Councilor Dennis and remove Councilor Herlihy from the committee.

R-75-13 Made by LaFrenz, seconded by Herlihy to appoint Craig Smithgall, Carl Dennis, Greg Mann, John Shaheen, David Tessier, Jack Lawyer and Rick Penhall to a committee to review all of the Town Codes. All in favor. Motion carried.

The Supervisor's report was submitted and reviewed. Bookkeeper Chartrand informed the Town Board that he had filed with annual report with New York State and a copy with Town Clerk Christmas.

R-76-13 Made by Dennis, seconded by LaFrenz to authorize the Town Clerk to advertise that the 2012 Year End Report has been filed with New York State and a copy is in the office of the Town Clerk. All in favor. Motion carried.

Code Enforcement Penhall gave his monthly report and a copy is attached to these minutes.

Councilor Dennis questioned the status of park in Pompey Hill. He wondered what had happened over the past month. He would like to find grant money to fix it up. Code Enforcement Officer Penhall stated that they want the town to survey the property. He will contact Carl Ford from NYS Dept. of Transportation. Councilor Herlihy stated that he thought there were ownership issues on who actually owns the park. Councilor Dennis would like this pursued over the upcoming month.

Councilor Herlihy acknowledged the tragic death of Tyler Masters and he would like to also acknowledge the deaths of residents Ron Kadah and Marion McClellan and former resident Rev. Betty Jones.

Attorney Brown stated that the Town Board should go into Executive Session after public comment period to discuss discipline of a particular individual.

R-77-13 Made by LaFrenz, seconded by Dennis to accept the monthly reports and bank reconciliations of the Town Clerk and Town Supervisor. All in favor. Motion carried.

R-78-13 Made by LaFrenz, seconded by Dennis to authorize John Shaheen, Carl Fahrenkrug, David Tessier, Craig Smithgall, Kevin Coursen, Victor LaFrenz and David Peckham to attend the

Onondaga County Planning Federation Symposium on March 14, 2013 at the OnCenter. All in favor. Motion carried.

Historian Hotaling gave a summary of her work over the past year. She stated that our Town is rich in history with the Civil War. Norman F. Potter, a Pompey resident, captured a flag at Lookout Mountain and received metal of honored. A copy of her report is attached to these minutes.

R-79-13 Made by LaFrenz, seconded by Dennis to accept the Town Historian's year-end report. All in favor. Motion carried.

R-80-13 Made by LaFrenz, seconded by Dennis to authorize Town Historian Hotaling to attend the conference of the Association of Public Historians of NYS in Liverpool, New York, from April 17-19, 2013. All in favor. Motion carried.

R-81-13 Made by Dennis, seconded by Herlihy to approve the payment of General Fund Abstract Nos. 84-113, totaling \$32,275.16; Highway Fund Abstract Nos. 27-39, totaling \$31,596.92; Special District Abstract Nos. 9-12, totaling \$14,051.26; and Trust & Agency Abstract No. 5, totaling \$507.25. All in favor. Motion carried.

Public Comment

Gloria Crossman, Ridge Road---she has lived in the Town of Pompey for 39 years; she is extremely upset over this local law; there is nothing in the law that says they will be grandfathered in; she takes good care of her horses; the way the law is written she wouldn't be able to use her barn; her horse is 26 years and she will not put him down; she only has one horse; they moved her from Manlius so her children could go to Fabius-Pompey; she wants people grandfathered in.

Mary D'Addario, Swift Road---her concern is that those of them that have barns and horses will be grandfathered in and hopes that some of the people here tonight will be on the committee so that they can talk about the best way to care for their horses and livestock in this community; they all love their horses.

Bob Baker, Broadfield Road---the main reason he left Manlius and moved to Pompey was because Manlius had so many regulations; he doesn't have any horses; he is concerned about so many regulations in New York State; if the Town enacts this law where does it stop; he is against any more regulations.

Victor Greene, Chase Road---asked about the progress with David Slottje who is evaluating our zoning law to ban hydrofracking. Councilor LaFrenz stated that it is progressing and that he has been in contact with Mr. Slottje; progress is being made.

Joe Fahey, Swift Road---he is one of the many, many property owners who could be affected if this proposed local law becomes a local law; he is baffled why this law is even being considered; the Town currently has a broad and flexible definition of private stables under the existing Code; what people don't know or understand is that if this was grandfathered in the property under the Town Code would become non-conforming use and they could lose their right to use their facility the way they currently are using it; he can't understand why the Town would want to turn so many parcels into non-conforming; there will also be marketable issues because when the property owners go to sell their property they won't be able to find purchasers that will want to have these restrictions; he's a believer in if it's not broke don't fix it; why place additional restrictions; this proposed local law is almost identical from one in an adjacent town; if the Town Board is serious in enacting this local law he would suggest that they listen to the residents and do some serious fact finding and get their input; he doesn't see the need to change what the Town currently has.

Velda Ward---thanked the Town Board for passing the Master Plan; it is very important that the Town have a Master Plan; she likes the idea of having a committee to review the Town Code but suggested that there are 5 hamlets so perhaps there be an individual from each hamlet; also commented that there were no women on the committee; feels that the residents of the Town should be putting pressure on their elected officials to

protect the health, safety and welfare of the residents; the reference point in the Master Plan was to protect our ag land which is the economic base of our Town; we know have Equine Alley, Scenic By-way; we are trying to promote ag tourism; many people moved to Pompey because they wanted to have horses and cows; she feels the big question is when is the Town going to get the zoning amendment done that they have been after the Town for over a year to complete. Councilor Herlihy stated that they were going to get the Master Plan completed and then they were going to focus on the zoning amendment. She felt that they should have been done at the same time.

Councilor LaFrenz stated that he has horses; that this is not a law and it is far away from being adopted; there will be a mechanism in place to inform them of anything henceforth.

R-82-13 Made by LaFrenz, seconded by Dennis to go into Executive Session to discuss the discipline of a particular employee at 8:05 p.m. All in favor. Motion carried.

R-83-13 Made by Dennis, seconded by LaFrenz to return to Regular Session from Executive Session at 8:20 p.m. All in favor. Motion carried.

R-84-13 Made by Herlihy, seconded by Dennis to adjourn at 8:21 p.m. All in favor. Motion carried.

Respectfully submitted,

Ann Christmas
Pompey Town Clerk