

TOWN OF POMPEY BOARD MINUTES

The Regular Monthly Meeting of the Town Board of the Town of Pompey was held on June 3, 2013, 2013. In attendance: Supervisor Carole Marsh, Councilors Carl Dennis, Greg Herlihy, Victor Lafrenz and Craig Smithgall; Town Clerk Ann Christmas, Attorney Jeff Brown and Code Enforcement Office Richard Penhall.. There were 92 residents in attendance.

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 and also for long time resident Dick Houck who recently passed away.

R-110-13 Made by Dennis, seconded by Herlihy to open the Public Hearing on the adoption of Local Law No. 2 of 2013 amend Chapter 165 (Zoning) of the Code of the town of Pompey by making a technical correction to 165 Attachment 1 "Schedule Limiting the Use of Buildings and Land" to clarify that "SP" shall mean site plan approval at 7 p.m. All in favor. Motion carried.

Attorney Browne explained the basis of this law. He feels it is an appropriate technical amendment. No one spoke in favor of said law or against said law.

R-111-13 Made by Dennis, seconded by Herlihy to close the Public Hearing on the adoption of Local Law No. 2 of 2013 at 7:02 p.m. All in favor. Motion carried.

R-112-13 Made by Dennis, seconded by Herlihy to open the Public Hearing on the adoption of the franchise agreement with Time Warner cable at 7:03 p.m. All in favor. Motion carried.

Attorney Brown informed the Town Board that he has worked over a year on this agreement. He feels that the agreement is an improvement for the residents. The agreement changes the requirements for cable service from 35 homes per linear mile to 20 homes per linear mile. Currently, Time Warner is the only provider. This agreement does not prevent another carrier from coming in. He has made many calls to the PSC about this as well as attending a conference in Alfred University to see if there is any grant money available. He feels that this is the best agreement we can get.

Denise Wertz questioned if there were 20 houses per mile is Time Warner required to provide cable service. Attorney Brown stated that Time Warner would do their own study to verify the number of houses. He also stated that most franchise agreements call for more than 20 houses per mile. Councilor Dennis stated that for many years it has been 35 houses per mile.

Jesse Walser asked why the agreement is for 15 years and not 10. Attorney Brown stated that he didn't see the sense in that.

Supervisor Marsh stated that she at Councilor LaFrenz had met with County Legislator Knapp about a coalition on how to better serve the rural areas that do not have internet service. There is a survey that they are asking the residents to fill out.

No one else spoke in favor or against said law.

R-113-13 Made by Dennis, seconded by Herlihy to close the Public Hearing on the adoption of the Franchise Agreement with Time Warner Cable at 7:10 p.m.

R-114-13 Made by LaFrenz, seconded by Herlihy to adopt the following Resolution

**Resolution Natural Gas/Petroleum Extraction – 2013
Determination of Significance for SEQR**

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 previously considered and passed a moratorium within the TOWN on natural gas and petroleum exploration and extraction activities, as well as an extension of said moratorium; and

WHEREAS, during the time that the moratorium was in effect the BOARD carefully considered the need to replace the moratorium with a prohibition against natural gas and/or petroleum extraction and exploration (PROHIBITION), including many public discussions during regularly scheduled BOARD meetings; and

WHEREAS, adoption of the PROHIBITION is characterized 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 PROHIBITION 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 PROHIBITION; and

WHEREAS, the PROHIBITION was forwarded to the Onondaga County Planning Board pursuant to GML § 239-m and via Resolution dated May 22, 2013 the Planning Board determined that approval of the PROHIBITION would have no significant adverse inter-community or county-wide implications.

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 PROHIBITION will (or will not) likely result in a significant adverse impact upon the environment:

- (1) The PROHIBITION 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. Adoption of the PROHIBITION in fact is likely to result in the mitigation of these development components upon the environment in the TOWN.
- (2) The PROHIBITION 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 PROHIBITION, or the habitat of such species; or any other significant

adverse impact upon the natural resources. Adoption of the PROHIBITION is likely to result in positive environmental impacts on these criteria.

- (3) The PROHIBITION 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 PROHIBITION does not propose the creation of a material conflict with the TOWN'S current comprehensive plan or the officially adopted goals contained in said PROHIBITION. Indeed, adoption of the PROHIBITION is fully supported by the Town of Pompey Master Plan.
- (5) The PROHIBITION 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 PROHIBITION would prevent the creation of adverse impacts upon the character or quality of the important resources identified within this section of the SEQR criteria.
- (6) The PROHIBITION 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 PROHIBITION will lead to a pattern of growth and development that has been reviewed by and accepted by the majority residents of the community, as evidenced by the extensive public participation process and public hearing record.
- (7) The PROHIBITION does not propose action which would create a hazard to human health. To the contrary, the PROHIBITION would further reduce the adverse impacts associated with environmentally sensitive development in the TOWN.
- (8) The PROHIBITION 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 PROHIBITION would prohibit development which could negatively impact the rural character of the TOWN.
- (9) The PROHIBITION 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 PROHIBITION in fact discourages environmentally sensitive drilling practices which would encourage or attract large numbers of people to a particular place.
- (10) The PROHIBITION does not create a material demand for other actions which would result in one of the above consequences.
- (11) The PROHIBITION 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 PROHIBITION does, however, prohibit site specific drilling and exploration practices which have the potential to adversely affect the environment. This action will minimize the potential for two or more elements together having a substantial adverse impact on the environment.
- (12) The PROHIBITION 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 implementation of a prohibition against natural gas and/or petroleum extraction, exploration or production wastes is a logical and environmentally appropriate plan for future land use growth and development in

- the TOWN; and
- (2) The PROHIBITION's adoption by the BOARD will provide a comprehensive set of regulations governing natural gas and/or petroleum extraction and exploration that are most likely to result in positive effects upon the environmental quality of life in the TOWN; and
 - (3) The PROHIBITION's adoption and implementation 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 PROHIBITION.
- (2) Public notice of this determination is 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 PROHIBITION local law.

Roll call vote:

Supervisor Marsh	Yes
Councilor Dennis	Abstain
Councilor Herlihy	Yes
Councilor LaFrenz	Yes
Councilor Smithgall	Abstain

Motion carried.

R-115-13 Made by LaFrenz, seconded by Marsh to adopt Local Law No. 1 of 2013 to amend Chapter 165 (Zoning) of the Code of the Town of Pompey to add new section 165-16A entitled "Prohibition against natural gas and/or petroleum extraction, exploration or production wastes" and to supplement existing sections of Chapter 165 to comport with same.

Before the vote was taken Councilor Herlihy stated that this ban is only as good as this Board and that the citizens need to remain vigilant and that people on the other side of the issue should not be demoralized.

Roll call vote:

Supervisor Marsh	Yes
Councilor Dennis	Abstain
Councilor Herlihy	Yes
Councilor LaFrenz	Yes
Councilor Smithgall	Abstain

Motion carried.

Supervisor Marsh thanked the committee who had worked so hard on this. Attorney Brown explained that the two board members that abstained are interested in the issue but on the advice of counsel they abstained.

R-116-13 Made by Dennis, seconded by Herlihy to adopt Local Law No. 2 of 2013 to amend Chapter 165 (Zoning) of the Code of the town of Pompey by making a technical correction to 165 Attachment 1 "Schedule Limiting the Use of Buildings and Land" to clarify that "SP" shall mean site plan approval. All in favor. Motion carried.

R-117-13 Made by Dennis, seconded by Marsh to adopt the Franchise Agreement with Time Warner Cable. All in favor. Motion carried.

The monthly report of the Supervisor was submitted and reviewed.

R-118-13 Made by Dennis, seconded by LaFrenz to approve the following transfers:

GENERAL FUND

From:	A1991.4	Contingent	Contractual	\$5,200.00
	A9040.8	Employee Benefits	Workers Compensation	
	<u>20.00</u>			
			Total:	\$5,220.00
To:	A1320.4	Independent Auditor	Contractual	\$2,500.00
	A1989.4	Workshops	Contractual	200.00
	A7520.2	Historical Properties	Equipment	2,500.00
	A9050.8	Employee Benefits	Unemployment Insurance	<u>20.00</u>
			Total:	\$5,220.00

SPECIAL DRAINAGE DISTRICT FUND

From:	SD599	Appropriated Surplus	Fund Balance	\$ 500.00
To:	SD8125.4	Hartsfield	Contractual	\$ 500.00

SPECIAL SEWER FUND

From:	SS599	Appropriated Surplus	Fund Balance	\$10,500.00
To:	SS8121.4	Pompey Pines	Contractual	\$ 4,200.00
	SS8123.4	Spruce Ridge	Contractual	\$ 400.00
	SS8124.4	Spruce Ridge South	Contractual	\$ 300.00
	SS8126.4	Arbutus Park Section 1	Contractual	\$ 3,000.00
	SS8124.4	Arbutus Park Section 3	Contractual	<u>\$ 2,600.00</u>
			Total:	\$10,500.00

SPECIAL WATER FUND

From:	SW599	Appropriated Surplus	Fund Balance	\$200.00
To:	SW8345.4	Longmeadows	Contractual	\$200.00

All in favor. Motion carried.

The Code Enforcement Officer gave a report which is attached to these minutes.

Supervisor Marsh stated that some of the residents on the northern end of Pompey Center had requested a speed reduction from the Manlius/Pompey town line to a point south of the Pompey Pines and Preserve entrances. The request was sent to the Dept. of Transportation and they did a study of the area and do not find at this time any reason to reduce the speed in that area.

Lisa Goodwin, Town Clerk from Onondaga and Lisa Dell, Town Clerk from Lysander, were in attendance and they presented Town Clerk Ann Christmas with the Town Clerk of the Year Award. Town Clerk Christmas was selected as one of the five recipients out of 932 Town Clerks to receive this award.

Supervisor Marsh had a plaque for Darla Mawson in appreciation for her years of service to the Planning and Zoning Boards. Councilor Dennis will give it to her.

R-119-13 Made by Dennis, seconded by Herlihy to authorize Eastern Security to install an intrusion system at the School House Museum at a cost of \$2,495.00. This will connect to the current intrusion system at the Historical Society. There will be a \$5.00/monthly fee that will be billed quarterly. All in favor. Motion carried.

R-120-13 Made by Herlihy, seconded by Dennis to purchase from Business Automation Services, Inc. the Complaints/Code Enforcement module. The total cost is \$4,720.00. We will pay \$1,000.00 now and the balance in January 2014. All in favor. Motion carried.

Councilor LaFrenz spoke more about the meeting he attended with Supervisor Marsh at the County Legislature. Supervisor Marsh stated that there is \$22,000,000.00 available in federal grants.

Councilor LaFrenz stated that there will be a meeting on June 12, 2013, to review the internal audit that was performed.

R-121-13 Made by LaFrenz, seconded by Marsh to send a letter to Senator Valesky in support of Senate Bill 5481 and Assembly Bill 7588. All in favor. Motion carried.

Attorney Brown explained what an overlay district is. Currently there is one in the town for towers. It was stated that Thomas Douglas has not submitted any application to do any project in the Town. If an application is received requesting the overlay district for the project on Pompey Center Road at the Paul O'Mara property there would be three separate public hearings. (1. On the local law establishing the overlay district; 2. A Public Hearing on any particular overlay district; and 3. A Public Hearing on Site Plan Approval.

R-122-13 Made by Smithgall, seconded by Dennis to participate in the CNY Stormwater Coalition for 2014 at a cost of \$3,600.00. All in favor. Motion carried.

R-123-13 Made by Dennis, seconded by Herlihy to accept the Supervisor's and Town Clerk's reports and bank reconciliations. All in favor. Motion carried.

R-124-13 Made by Marsh, seconded by Dennis to set the pay for the Chairman of the Board of Assessment Review at \$150.00 per year and the members at \$50.00 per meeting attended. All in favor. Motion carried.

Supervisor Marsh informed the Town Board that the AED battery has died and the machine is obsolete. The cost of a new battery is \$475.00. We could purchase a new AED at a cost of \$1699 less a \$150.00 rebate.

R-125-13 Made by Dennis, seconded by Marsh to authorize the purchase of a new AED at a cost of \$1,549.00. All in favor. Motion carried.

Kevin Coursen stated that we should check on grants to purchase an AED. Attorney Brown will check on this. In the meantime Kevin Coursen stated that he would see if we could borrow one from Delphi Falls Fire Department.

There was a discussion on changing the terms of office for the Town Clerk and Highway Superintendent from 2 years to 4 years. There would need to be a referendum in the November general election.

R-126-13 Made by Dennis, seconded by Marsh to change the terms of office for the Town Clerk and Highway Superintendent from 2 years to 4 years.

Roll Call Vote:

Supervisor Marsh	Yes
Councilor Dennis	Yes
Councilor Herlihy	Yes
Councilor LaFrenz	No
Councilor Smithgall	Yes

Motion carried.

R-127-13 Made by Dennis, seconded by LaFrenz to approve the payment of General Fund Abstract Nos. 177-212, totaling \$62,812.70, Highway Fund Abstract Nos. 89-97, totaling \$33,345.04, Special District Abstract Nos. 21-24, totaling \$13,835.85 and Trust & Agency Abstract Nos. 6-10, totaling \$1,444.61. All in favor. Motion carried.

Public Comment Period

Frank Kline, Henderson Road, spoke to the Town Board about Deborah Rogers an economist who wrote an article on the economics of hydrofracking. He feels that there is an overblown amount of gas.

Dwayne Wisbey, lives in The Preserve, he wants to be informed on what is going on with the O'Mara property. He is concerned about the overlay district. Attorney Brown stated that this is a way to get the project on board. He stressed that there will be multiple opportunities for the public to be heard.

Alexandra Coursen, Windy Hill Lane, was at a Planning Board meeting when Mr. Douglas appeared. She said that Attorney Brown informed him that he would need to get a variance and then it is on the Town Board agenda last month.

Leonard Fallis lives in The Preserve. He read the portion of the May minutes concerning Thomas Douglas' presentation. Councilor Herlihy informed him that we are at a conceptual state.

Valerie Capriotti lives in The Preserve. She asked if Mr. Douglas had requested to speak at last month's meeting and why the neighbors weren't informed. She was told that he had only asked to come and talk to the Town Board. It hasn't been the practice of the Town Board to ask for specifics on what someone will be discussing. She feels that the residents should have been notified that Mr. Douglas was speaking at the meeting last month.

David Capriotti lives in The Preserve. Paul O'Mara's silo is his back yard. He feels that the Town Board should not pre-judge an application. None of the residents are in favor of it. He feels they are "shoehorning" 84 apartments in 3 acres. In the 17 years that he has lived there the Town Board has always taken into consideration the residents and their concerns. Supervisor Marsh stated that the Town Board has always listened to the residents. Mr. Capriotti stated that they bought their houses knowing there was a barn there.

Mary Begley lives in Pompey Pines. She stated that she feels there is a population density issue. She feels the overlay district is inappropriate and would like it to go before the Planning Board and Zoning Board, etc. where there is public opportunity for input at multiple stages.

Linda Herlihy lives on Watervale Road stated that she has lived her whole life in Pompey. She remembers when Pompey Pines and The Preserve were being developed. Those developments weren't a welcome idea back then but

look where we are today. She attended the May meeting and at that meeting people in attendance listened to the presentation unlike tonight's meeting where she felt some of the comments were not appropriate. She feels the Town Board should be given the respect they are due. Agriculture now in Pompey is horse people as there are no longer true dairy farms.

Kevin Coursen stated that he is Planning Board Chairman. He was contacted by Rick Penhall to meet with the developer and he came to a Planning Board meeting. Mr. Douglas was informed that it was not zoned for his project and that his next step should be the Zoning Board. He feels that the Planning Board was circumvented. Mr. Douglas' attorney is doing all of the work. He questioned Supervisor Marsh about the informal meeting. He feels that the Planning Board and Zoning Board should have been involved.

Supervisor Marsh pointed out that she never participated in the informal meeting with Tom Douglas. She opened the Town Hall for him and sat in the back of the room; she never asked or answered any questions.

Valerie Cappriotti feels that the developer is trying to circumvent the process.

Phil Benedict asked if a decision has been made about the surplus equipment and what is going on with the Review Committee.

R-128-13 Made by Dennis, seconded by Marsh to appoint Councilor Herlihy to the Review Committee and to appoint him as Chairman. All in favor. Motion carried.

R-129-13 Made by Dennis, seconded by Herlihy to adjourn at 8:50 p.m. All in favor. Motion carried.

Respectfully submitted,

Ann Christmas
Pompey Town Clerk