

TOWN OF POMPEY BOARD MINUTES

The Regular Monthly Meeting of the Town Board of the Town of Pompey was held on August 7, 2017. In attendance: Supervisor Carole Marsh; Councilors Carl Dennis, Greg Herlihy, Giovanni LaFace and Victor Lafrenz; Highway Superintendent Tom Purcell; Town Clerk Ann Christmas; Town Attorney Jeff Brown; Town Engineer Steve Snell and Bookkeeper Tom Chartrand.

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 Pete Isbell, Don Edwards and Tom Galloway who recently passed away.

Attorney Brown explained that before the Public Hearing on the proposed zone change was opened that an environmental review needs to be done. Although not required by law, the Town Board is willing to accept informal comments on environmental issues related to the zone change. Other comments can be made during the public hearing part. Chris Boyea from Bohler Engineering will give a general idea of what the site will look like.

Mr. Boyea explained that they would like to rezone the existing parcel of land at the corner of Route 91 and Route 20 from residential to commercial. This parcel is 5 acres. There would be no change to the property. It would stay the same shape and size; the only change would be the zoning classification and future development of a retail store on the site. They are in the conceptual phase now. It would be a 9,000 square foot one story building. They plan on using the area that is already developed today that is near Route 20. They do not intend to cut down a majority of the trees on the property. This was referred to Onondaga County Planning Board which provided their recommendations and there are no county wide impacts. The tenant will be Dollar General which is a modern day general store. They sell cards, household items, jeans, health and beauty aids to name a few. They are not a Dollar Store. When talking about environmental characteristics he explained that they are going thru borings now. There will be elevation changes to the site. They are not aware of any wetlands on the property. As the site is located at the intersection of two state highways the New York State Department of Transportation will be involved. This Dollar General will not be a destination draw, (people from the Manlius area will not be driving up just to go to the store). They are a neighborhood retailer. There will not be traffic increases like you would see with a fast-food restaurant. They are on water and septic so there is a lesser environmental impact. The average house uses 400 gallons of water a day. The Dollar General stores use 60 gallons a day. They do not do any cooking and there are no beverage services. They service the local community. If it is possible, they would use the existing well. Our engineer would need to look at it to see if it is okay. This would also have to be approved by Onondaga County Health Department. A substantial

number of cars is 100/hour. At its peak, Dollar General will have 50 cars/hour (really 25 because that includes one car coming in and one car leaving). The hours of operation may be 7 a.m. – 9 p.m. This would not be a 24 hour store. They will sell local products. They sponsor local schools and would have a local manager. The real estate company would pay the taxes as Dollar General is the tenant. Typically they have a 15/year lease to begin with and then 3 to 4 five year renewals. They have not received the okay from New York State Department of Transportation on where they want the driveway to be installed. This is done during the Site Plan Review process. There are 2-4 employees per shift.

Questions on Environmental Impact:

Mike Andrews--snow removal and run off; there is an existing store that provides basic necessities and this will affect that business

Sol Epstein—traffic patterns

Maureen Nolan—what is the definition of local; what is the service area

Chris Epstein—using the existing well will that affect neighbors; where will the wildlife go

Bob Bertrand—will they remove the pine trees and if so how many will say; has a feasibility study been done;

Lani Amartinant—can the trees be taken out in the future

Stan Hack—is it possible for a zone change for only a portion of the parcel

Ashley Irwin—do they understand the environmental issues; would the runoff affect the neighborhood

Scott Nicholas—he paid to put in a new well that is 50 feet deep; whose responsibility is it if his well goes bad because Dollar General put in a new well

Responses to questions

Snow removal—this is part of Site Plan Review; they will disturb 1 – 1 ½ acres of land and when this happens you need a Department of Environmental Conservation Permit. They will look at it and make sure it meets all rules and regulations. They will collect, retain and treat stormwater complying with DEC requirements. The Town's engineer will make sure it meets the requirements.

Traffic Patterns—Routes 20 & 91 are both New York State roads; they will review the plan and make sure there is adequate site distances; New York State has all of the accident history for that intersection; they will work with them; per the Department of Transportation's request there will only be one driveway; there will be a curb-cut wide enough and site designed so no tractor trailer will be backing in or out of a state highway.

Local Service Area—at peak times there would be 50 cars per hour (a total of coming entering and leaving); this is the worst case scenario; this would not be the number every hour as sometimes there would only be a quarter of that.

Impacts on septic systems/wells and wildlife—they stated again that if they can reuse the existing well they will; New York State Department of Health will be involved and there are separation distances from neighbors properties that are involved

Mature Trees—they will maintain them; the exact amount will be part of Site Plan Review; in the back there are 50-100 feet of mature trees and this would be a good buffer

Additional Development Possible—the Town is in the driver's seat; this lot is the minimum size for commercial; they would need to go for Site Plan Review if they were going to do anything else on the property; all they care about is the front corner; he doesn't feel that they could subdivide this lot further because it wouldn't meet the minimum lot size and the tenant would not want a competing use on the same parcel

Change zoning only on a part of the property—he doesn't think it is possible

Bob Bertrand—feels Pompey Mall will lose a portion of business and there will be an increase in gas prices; what about loyalty

Carole Marsh—having a tractor trailer on Route 91 bothers her; Chris Boyea stated that the position is not definitive; 30' width is required to allow trucks to swing in; it is a New York State road; the Town could let the New York State Department of Transportation know where they would prefer a driveway

Competition/Impact on Community—he has seen it go the other way; people fill up their cars out of the area; the store would prevent additional trips to other areas; they do not sell fuel, sandwiches, beverages; there are benefits and can be a positive

Retaining stormwater—it is not like a water softener; there are no chemicals or additives; installation of grass swales and rain gardens

Vic Lafrenz—spoke about the lighting at night; asked to please be considerate of the neighborhood

Scott Nicholas—dry wells in the dry summers; who is responsible if wells go dry. Attorney Brown explained that in New York State it is basically everyone

for themselves. All you can do if someone drills a well and it affects yours is drill another well yourself.

Jim Partridge—the well on the property is 35 feet and is a dug well; it supplies three families and it has never gone dry

The Town Board then completed Parts 2 and 3 of the Short Assessment SEQR form.

R-82-17 Motion by LaFace, seconded by Dennis that there will be no significant adverse environmental impact. All in favor. Motion carried.

R-83-17 Motion by Dennis, seconded by LaFace to open the Public Hearing on the adoption of Local Law No. 3 of 2017 to change the zoning of a parcel of property located at 2606 Route 91 from residential to commercial at 8:05 p.m. All in favor. Motion carried.

Mike Andrews—good points were made in regard to this project; may derail the local businessman's plans; big organizations don't care about us; will bleed all local property owners out of business.

Lucille Chester—what happens if the business goes under do the residents get notified if something else will be going in

Ted Lelakowski—has lived here for 79 years; is in favor of it; the town has been sliding backwards

Maureen Nolan—opposes it; lives down on Route 91; it is a bad intersection; there are no guarantees on the number of cars; how can they make money with the number of cars they predict

Liz Epstein—does not want competition; opposes it; keep it local

Sol Epstein—opposes it; dangerous corner; this is a farming community

Don Neugebauer—he has a personal standpoint and a business standpoint and he isn't sure where he stands; doesn't feel it fits in with our comprehensive plan; he does not trust new York State Department of Transportation; he hates to lose trees; he hopes his project will go thru; Dollar General does have a value as they will sell things he doesn't sell.

Bob Bertrand—opposed; not a convenience to us

Ashley Irwin—feels she moved into a farming community; claims to have a direct view from their house; we can't predict traffic patterns.

Chris Epstein—opposed to it; moved here because it is a farming community; moved here because there is nothing commercial

Jamie Epstein—they chose to live here; it is a quiet farming community; they live at Henneberry Road & Route 20 and there is a lot of traffic at that corner; had to change home because of lighting from Jonathan Mapstone’s building.

Lani Amartinant—has traffic concerns; please look at aesthetics of building

R-84-17 Motion by Herlihy, seconded by Dennis to adjourn the Public Hearing on the adoption of Local Law No. 3 of 2017 to September 6, 2017. All in favor. Motion carried.

R-85-17 Motion by Herlihy, seconded by Dennis to hold budget workshops on September 25, 2017, October 2, 2017 and October 30, 2017 all at 6 p.m. All in favor. Motion carried.

The monthly report of the Supervisor was submitted and reviewed. Justice Court fines still are coming in slowly we are at 40% of budget at this point; mortgage tax came in at over 50% of budget amount.

Highway Superintendent Purcell reported that D.E. Torelli, Inc. wasn’t able to get out to do the Lamp Post Village job in a timely fashion so they rented an excavator and did the job themselves. He is waiting for the pipes to be delivered for work to be done on Estey Road. They are waiting on O’Brien & Gere to get pipe sizes and number of cross-overs needed to repair to Gulf Road.

Supervisor Marsh commented that the swim program went well. There were 289 students in it this year.

Attorney Brown reviewed bonding issues with the Town Board. There would be no permissive referendum if the County Highway Superintendent determines that the roads need to be fixed in the next eight months. He has spoken to the County Highway Superintendent and feels optimistic that he will write us a letter to that effect. Town Engineer Snell has developed estimates based on what needs to be done to have the road brought back to the way it should be. He feels that we would hear from FEMA in the next month of two. Homeland Security took his estimate for repairs. Attorney Brown received a call from County Legislator Knapp informing him that the state made the threshold for federal emergency assistance. Bookkeeper Chartrand stated that we only had \$50,000.00 available and there were bills of approximately \$20,000.00 in the vouchers tonight. We need to go forward with bonding. Town Engineer Snell commented that bank stabilization will get worse; there are improvements to roadways, stream and bank stabilization and utility

improvements.

R-86-17 Motion by Dennis, seconded by LaFace to approve the following Bond Resolution:

BOND RESOLUTION NO. 1 OF 2017

BOND RESOLUTION DATED AUGUST 7, 2017 OF THE TOWN OF POMPEY, ONONDAGA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF \$700,000 SERIAL BONDS TO FINANCE THE RECONSTRUCTION OF VARIOUS ROADS

BE IT RESOLVED by the Town Board of the Town of Pompey, Onondaga County, New York as follows:

Section 1. The Town of Pompey, Onondaga County, New York (the "Town") is hereby authorized to undertake the construction, reconstruction, widening or resurfacing of various highways, roads, street, parkway or parking areas, whether or not including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way, with a pavement which will be more durable construction than pavement of sand and gravel, water-bound macadam or penetration process with single-surface treatment, at an estimated maximum cost not to exceed \$700,000.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$700,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of not to exceed \$700,000 in serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this Resolution; PROVIDED, HOWEVER, that to the extent that any Federal or State grants-in-aid are received for such class of objects or purposes, the amount of Bonds to be issued pursuant to this Resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of each of the aforesaid class of objects or purposes is fifteen (15) years pursuant to paragraph 20(c) of Section 11.00(a) of the Local Finance Law. The proposed maturity of the Bonds shall be in excess of five years measured from the date of the Bonds or the first bond anticipation note issued in anticipation of the Bonds, whichever date is earlier.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation Section 1.150-2.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer of the Town, with the serial bonds and bond anticipation notes authorized by other bond resolutions adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolution. All matters relating to the sale of the Bonds, including the date of the Bonds, the use of electronic bidding, the consolidation of the Bonds and bond anticipation notes with other issues of the Town, and the serial maturity of the Bonds, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary thereof are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The resolution, or a summary thereof, shall, after being effective, be published in the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 13. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 14. The road reconstruction authorized by this bond resolution is necessitated by a recent storm. Pursuant to Town Law Section 35(d), this resolution is not subject to permissive referendum provided the County Superintendent of Highways certifies that such road reconstruction should be commenced within 8 months after the storm in order to prevent unusual peril to the lives and property of the citizens of the Town.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

ROLL CALL VOTE

Ayes: Supervisor Marsh; Councilors Dennis, Herlihy, LaFace and LaFrenz

Noes: None

Absent: None

STATE OF NEW YORK)

)SS.:

COUNTY OF ONONDAGA)

I, the undersigned, Clerk of the Town of Pompey, Onondaga County, New York (the "Town"), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Town Board of the Town, held on the 7th day of August, 2017, including the resolution contained therein, with the original thereof on file in my office, and the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that the full Board of the Town consists of five (5) members; that five (5) members of the Board were present at such meeting; and that five (5) of such members voted in favor of the above resolution.

I FURTHER CERTIFY that (i) all members of the Board had due notice of the meeting, (ii) pursuant to Article 7 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public, and due notice of the time and place of such meeting was duly given in accordance with Article 7 of the Public Officers Law, and (iii) the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 7th day of August, 2017.

Ann Christmas, Town Clerk
Town of Pompey, Onondaga County, New York

(SEAL)

All in favor. Motion carried.

Concerning the spring on Gulf Road Attorney Brown has talked to the landowner's attorney and they are in general agreement. There will be no easement but the property will be sold to the Town. No consideration other than the Town will pay the legal fees.

Councilor Lafrenz stated that we need to restore the spring. People need water and depend on the spring and we need to protect it.

Supervisor Marsh has asked Town Engineer Snell to perform a water test. Attorney Brown has spoken to the insurance carrier and we are covered under our liability policy. He was given example of signs to put up by the spring indicating the water isn't potable and the Town isn't liable.

Councilor Dennis explained where the water came from and that we just need to end up with a hose where people can flip the hose into their containers to get water.

A petition was submitted requesting No Thru Traffic on Cherry Street in Pompey Hill. Supervisor Marsh will send a letter to the County along with the petition for their study and review of the area.

R-87-17 Motion by Dennis, seconded by LaFace to approve the monthly reports and bank reconciliations of the Town Clerk and Supervisor. All in favor. Motion carried.

R-88-17 Motion by Dennis, seconded by Lafrenz to approve the payment of General Fund Abstract Nos. 268-283, totaling \$10,430.34;

I, the undersigned, Clerk of the Town of Pompey, Onondaga County, New York (the "Town"), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Town Board, held on the 7th day of August, 2017, including the resolution contained therein, with the original thereof on file in my office, and the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that the full Town Board consists of five (5) members; that five (5) members of the Town Board were present at such meeting; and that five (5) of such members voted in favor of the resolution.

I FURTHER CERTIFY that (i) all members of the Town Board had due notice of the meeting, (ii) pursuant to Article 7 of the Public Officers Law (Open Meeting Law), such meeting was open to the general public, and due notice of the time and place of such meeting was duly given in accordance with Article 7 of the Public Officers Law, and (iii) the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 7th day of August, 2017.

Ann Christmas, Town Clerk
Town of Pompey, Onondaga County, New York

(SEAL)

Public Comment

Chris Epstein—feels the No Thru Traffic is a good idea; he lives across the street from the Hammond property on Henneberry Road; there is a family of fox living in the house; 5-6 trees are falling into it; he asked what the Town was going to do with it. Supervisor Marsh stated that the County owned the property. He would like to get it and put up a hobby barn on it. He was told that once it is a building lot it remains that. Supervisor Marsh will check with the County and get in touch with Mr. Epstein.

R-90-17 Motion by Dennis, seconded by Herlihy to adjourn at 9 p.m. All in favor. Motion carried.

Respectfully submitted,

Ann Christmas
Pompey Town Clerk

