

TOWN OF POMPEY BOARD MINUTES

The Regular Monthly Meeting of the Town Board of the Town of Pompey was held on April 1, 2013. In attendance: Supervisor Carole Marsh, 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 34 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 residents Chris Long and Joseph Curr.

David Moynihan from Testone, Marshall & Discenza was in attendance and did a presentation of the internal review his firm did of the Town of Pompey's procedures including financial, budgetary processes vs. best practices. Also in attendance was Lisa Hahn and Gregory Evans who worked directly with the Town. He stressed this was not an audit; they looked at the internal controls currently in place. There was good cooperation from the Town. For fraud to occur there are 3 things that need to happen: 1. Motive; 2. Rationalization and 3. Opportunity. The only thing the Town Board can control is opportunity. Lisa Hahn stated that she sat down with Town Clerk Christmas and Bookkeeper Chartrand and got an idea of what they do on a daily basis and to verify what they were doing was accurate; the areas they documented were revenue/receipts; disbursements and purchasing; payroll; information technology; budgeting and overall reporting. Greg Evans gave an overview of the report focusing on mostly on recommendations and, in particular, the ones labeled Material Weaknesses. The recommendations are broken down in three parts: Material Weaknesses; Significant Deficiencies and Other. They feel that Material Weaknesses have the greatest affect on financial reporting and safeguarding assets; Significant Deficiencies is the next level down to be implemented; and Other would be the best practices and would be the ones that you would want to implement but definitely after taking care of the Material Weaknesses. As in many small towns there is a segregation of duties and this will be seen several times during the report. In Revenue & Receipts: the accountant is responsible for receiving cash and recording the transactions in the general ledger and cash receipts journal. One way to segregate this is for the Clerk or Deputy Town Clerk to prepare the deposit and take the deposit to the bank for those cash receipts currently being deposited by the accountant. In Disbursements & Purchasing: they feel that that Accountant and Clerk have more responsibility than is optimal. They approve disbursements; sign checks; receive unopened bank statements and prepare the bank reconciliations; a simple way to take care of this would be to have someone else receive and review the unopened bank statements and look for unusual transactions; the unopened credit card statements should be given to the Supervisor for review before given to the Accountant; the Supervisor and Deputy Supervisor should compare the prepared check amounts and payees to the Abstract of Audited Vouchers report and have someone else mail them; concerning wire transfers the Town Board should implement a procedure whereby the Bank confirms with the Supervisor that a wire transfer is authorized for all wire transactions above a predetermined limit. In Payroll: there should be an annual reconciliation of the W-2 information to payroll registers. In Information Technology: the accounting software is proprietary; no other individual within the Town knows the password to retrieve the general ledger information or how to use the software so another individual within the Town should be trained on how to use the accounting software and be given the password. Weekly backups are currently stored at the Accountants home; they should be stored at the Town Hall. In Budgeting Process: there should be separate budget and accounting process; all town records should be stored at the Town Hall. The Town should focus on the ones labeled Material Weaknesses. David Moynihan stressed that it is easy in a small company to be happy that there is someone knows how to do everything; there needs to be oversight; there should be cross-training so that if something happened to a person the company can continue to run without any problem; there needs to be effective internal controls. It should be noted that these comments are not atypical of a town our size. Councilor Herlihy stated that during the course of this review some of the practices have already been started to be modified. Town Clerk Christmas and Accountant Chartrand have already been working on starting the process and the Town Board will move this onto its logical conclusion.

Jill Lafrenz asked if copies of the report can be made available to the public. David Moynihan stated that he would send copies out this week. It will also be posted on the website.

Herb Schrayshuen is there a completion date? The Town will start going the report tomorrow. David Moynihan stated that these are their recommendations and some of them may be cost prohibitive and not be able to implement. This is not going to be a short process as it could take up to two years to address every issue.

Kevin Coursen asked when it should be done again. David Moynihan stated that there should be regular updates. It is up to the Town Board. There are no state requirements; you do not want Comptroller DiNapoli to tell us what we are doing wrong.

The Supervisor's monthly report was submitted and reviewed. The quarterly monthly report was submitted and reviewed.

R-85-13 Made by Dennis, seconded by Herlihy to approve the following transfers:

GENERAL FUND

From:	A1110.4	Justices	Contractual	\$ 205.00
	A1991.4	Contingent	Contractual	<u>\$13,000.00</u>
			TOTAL:	\$13,205.00

To:	A1110.2	Justices	Equipment	\$ 205.00
	A1320.4	Independent Auditor	Contractual	\$ 9,270.00
	A1410.2	Town Clerk	Equipment	\$ 45.00
	A1989.4	Workshops	Contractual	<u>\$ 3,685.00</u>
			TOTAL:	\$13,205.00

SPECIAL DRAINAGE DISTRICT FUND

From:	SD599	Appropriated Surplus	Fund Balance	\$ 600.00
To:	SD8125.4	Hartsfield	Contractual	\$ 600.00

SPECIAL SEWER FUND

From:	SS599	Appropriated Surplus	Fund Balance	\$ 800.00
To:	SS8124.4	Spruce Ridge South	Contractual	\$ 800.00

SPECIAL WATER FUND

From:	SW599	Appropriated Surplus	Fund Balance	\$ 500.00
To:	SW8345.4	Longmeadows	Contractual	\$ 500.00

All in favor. Motion carried.

Bookkeeper Chartrand reported that he had received a request from Hess Electricity about changing electricity suppliers at this time. It was decided not to do anything now.

Highway Superintendent Purcell reported that they have made 116 trips this season. The average is 108 trips. On March 6th he participated in Advocacy Day in Albany to try to get more CHIPS money. They will be getting 8-9% more this year.

Code Enforcement Officer Penhall reported that there are four new houses going up along with a barn. There are a few subdivision applications that have come in. He is following up on multiple dwelling problems. There are a few home occupations occurring without special permits. He isn't sure how to proceed on the Chen property on Oran Delphi Road. The attorney is no longer available and the tax bills have been returned.

Supervisor Marsh informed the Town Board that Tom and Barb Masters who live on Bush Road are having hard times. Several years ago they lost 60 cows and then their barn burned down. They are trying to sell their tenant house and need to do a subdivision. She asked if the Town Board would be willing to waive the Town's fees for this.

R-86-13 Made by Dennis, seconded by Herlihy to waive the Town fees and the deposit fees in connection with the Master's subdivision. All in favor. Motion carried.

Councilor Lafrenz handed out a proposed law to ban hydrofracking in the Town. It is very lengthy. More will be available at the town Hall later this week.

R-87-13 Made by Lafrenz, seconded by Herlihy to send the proposed Local Law to County for review and to have a Public Hearing on May 6, 2013 at 7 p.m. to consider the adoption of the proposed law. 3 yes (Herlihy, LaFrenz, Marsh) 2 abstained (Dennis, Smithgall)

Councilor Smithgall stated that he has been advised by counsel that he should abstain on this motion. He believes it to be an improper law. We have been waiting 4-5 years for New York State to come up with something. He finds it hard to believe that New York State can't come up with the most restrictive law possible. He feels it will be highly protective of everyone's rights and property and aquifer. He feels any property owner in the Town is being deprived the use of a resource to which they should have legitimate claim. He feels it might be a significant amount of money. He will not discuss this anymore. Councilor Dennis also abstained from voting on this.

There was a discussion about a Farmer's Market at the Town Hall during the summer. Councilor LaFrenz stated he feels the idea of a Farmer's Market at the Town Hall would be a good idea. Supervisor Marsh stated that she thought it was a good idea. Councilor Herlihy stated that Town Clerk Christmas had been working on this and had information on the liability insurance. Town Clerk Christmas stated had spoken to our insurance agent, Mike Skeelee, about this idea and he informed her that anyone who participates must have \$1,000,000.00 in general liability insurance and that the Town of Pompey needs to be listed as an additional insured. She also stated that she had spoken to individuals in Cazenovia, Manlius, Tully and Camillus about the Farmer's Markets they hold and the information that was handed out is from the Town of Camillus.

R-88-13 Made by LaFrenz, seconded by Marsh to pursue the concept of a Farmer's Market at the Town Hall. All in favor. Motion carried.

R-89-13 Made by Dennis, seconded by Herlihy to accept the Town Clerk/Tax Collector and Supervisor's reports and bank reconciliations. All in favor. Motion carried.

Councilor Herlihy thanked Testone, Marshall & Discenza for their work and the staff here at the Town Hall. This has been a very lengthy process and nothing in regard to this is every easy, swift or fast. He would like to thank everyone at the town hall for their cooperation and hard work. Moving forward the Town Board can say that they are good and wise stewards of the taxpayer dollar and by doing our due diligence to make sure that everything is accounted for and is in good shape to move community into the future.

Councilor Dennis stated that he applauds Rick Penhall's work on finding out who owns the Pompey Park. He would also like to get quotes on a security system for the school house that Ruth Hotaling talked about previously.

Attorney Brown stated that he will be emailing the Town Board shortly a proposed cable franchise agreement and this can be discussed at the May meeting.

R-90-13 Made by Lafrenz, seconded by Dennis to authorize Judge Cognetti to attend the Spring Sitting on the Bench conference in Albany. It is a week-long conference but he will be only spending one night as he will drive back and forth the other days. The Town will reimburse him for his costs. All in favor. Motion carried.

R-91-13 Made by Marsh, seconded by Herlihy that in order to properly guide the members of the Planning Board sub-committee, which previously existed informally, but was established formally during the last Town Board meeting to review the Town codes, we empower that committee to act on a temporary basis for the next six months to review the Town's zoning code and recommend specific changes to the Planning Board. The Planning Board will review the changes and forward its final recommendations to the Town Board. All in favor. Motion carried.

The members of the Zoning Review Committee are: Mary D'Addario, Helen Bailey, Terry Christmas, Elizabeth Dana, Phil Benedict, Warren Cruse, Herb Schrayshuen, Judy Rees, Steven Corinis, Craig Smithgall, Carl Dennis, Greg Mann, John Shaheen, David Tessier, Jack Lawyer and Richard Penhall.

Supervisor Marsh submitted a request she had received to lower the speed limit on Pompey Center from the Manlius town line to just south of the Pompey Pines Drive from 40 – 30 mph.

R-92-13 Made by Marsh, seconded by Dennis to send the Pompey Center Road speed reduction request to the County for their review. All in favor. Motion carried.

R-93-13 Made by Dennis, seconded by Herlihy to approve the payment of General Fund Abstract Nos. 115-142, totaling \$17,265.46; Highway Fund Abstract Nos. 41-65, totaling \$40,352.61; Special District Abstract Nos. 15-17, totaling \$678.82. All in favor. Motion carried.

Public Comment

Florence Saleh asked that the website calendar be kept up-to-date. She also questioned about the rezoning of Lipe's farm. She heard there was a meeting last week. Supervisor Marsh informed her that a private developer had asked to use the building last week for a private meeting. Attorney Brown stated that this developer had an informal meeting with the Planning Board several months ago. There will be opportunities for the public to be heard if this goes forward.

Jim Colone spoke to the Town Board about his neighbor who was allowed to put up a horse stable. The animal waste is deposited on the property line. The contaminated water runs onto his property, they have flies all over their property and in their houses. Their attorney, Jim Stokes, has reviewed the paperwork and feels that the permit was granted illegally. The neighbor has been cited by the Town but nothing has happened. The property is now up for sale. They want this rectified. Attorney Brown stated that he has been aware of this. They have asked the owner to come before the Zoning Board to request a variance and also to get a manure plan in place. The owner's husband, who was prepared to go forward, died of a heart attack. The wife is not following thru on this. The only option for the Town Board is enforcement. He informed them that we may have a weak position as a permit was issued previously. Councilor Herlihy questioned the procedure that will be involved. There is a specific process that needs to be followed. It starts with notices and the last step is to go into court to enforce our law. Mr. Colone stated that the notices have already been sent out. Mr. Colone and the neighbors do not want the property sold to someone who thinks they can have horses or a dog kennel on the property. Code Enforcement Officer Penhall, Supervisor Marsh and Attorney Brown will meet further to discuss this.

Alex Coursen questioned how the fire inspections are going. Code Enforcement Officer Penhall responded that he has been doing them as he can. He will include the fire departments in them in the summer time. She has concerns about this. She feels the Town is at risk and would be liable if there ever was a fire in a public

meeting place that hasn't been inspected. She also questioned about the building on the corner of Route 20 and Pompey Center Road. She feels that the roof is too large and greater than was allowed and the building as well and that commercial activities are going on that were not approved. Code Enforcement Officer Penhall stated that there is nothing wrong with the size of the building. He did an excellent job with the construction. The owner has been doing wood working there for five years. If the Town Board wants a plan review for something that already exists he will do it even though he doesn't see any reason to do it. It is safer now than it was then as in the terms of dust collection and lighting. Concerning the parking issue there is only the owner and a part-time employee. He was informed that Mr. Fleszar had talked to both the Planning Board and Zoning Board over five years ago. Alexandra Coursen stated that it hasn't been a wood working facility for five years. She said she doesn't feel that the sign does not comply with our planning code. She doesn't feel that it is a safe area because of accidents that have happened at that intersection. She does not feel it is not a commercial property. Supervisor Marsh and several board members stated that it was a commercial property and commercial activity has taken place there. There is a change of use and it should have come before the Planning Board. Kevin Coursen stated that he is Chairman of the Planning Board. The use needed to be addressed at the Planning Board. He stated that complaints have been made by every Planning Board member about what happened there. Councilor Lafrenz would like Code Enforcement Officer to look at this. Attorney Brown stated that the use determination is solely with the Code Enforcement Officer. Everything starts with use determination and then the rest of the Code kicks in.

Velda Ward lives in Delphi Falls and is on the gas steering committee in Fabius. She showed a map of the Town of Fabius where there are 6,155 acres of land for gas leases. This is where most of those in attendance have children who attend school in Fabius. The school is surrounded by leased property. Thirteen people hold these leases where twelve of these people are residents of Fabius. This leased land is closest to where most of the residents live in Fabius. She is very happy that they decided to hold a public hearing on the banning of hydrofracking.

Dolly Brandan feels what happens in Pompey will happen in Pompey. She wants to have a clean and healthy future. She questioned why two people who have gas leases would lead the zoning review committee.

Craig Smithgall stated that under the advice of counsel he can't discuss anything to do with natural gas Exploration as it might cast a negative view on the Town. It still hasn't changed his personal opinions. He feels it is wrong to put a moratorium to block development of a resource that is 7000 feet down. The chances of your groundwater being contaminated is small. There are engineering solutions for each problem that comes out.

Attorney Brown stated that the Zoning Review Committee likely will not be discussing the ban on hydrofracking as that will be voted on before it gets running.

Craig Smithgall abstained from doing any work on the Zoning Review Committee.

Jane Ayers stated that 200 trucks going thru Delphi Falls for gravel. She feels that this has ruined Delphi Falls. She stated that all the residents are on well water which is being pumped into the gravel bed and this is attracting geese. She stated that Kinsella pumps out water every day early in the morning into a milk truck. What is this doing to the well water? This is ruining the village. There was a dust bowl last year blowing across Oran Delphi Road. She said the Town Board allowed the gravel bed to occur. Councilor Smithgall agreed that the mining operation is significantly greater than the hydrofracking. Councilor Dennis stated that the mining permit was granted by NYS, Dept. of Environmental Conservation.

Councilor Dennis stated that he abstained but he his views aren't the same as Councilor Smithgall's. He signed a lease 6 years ago and plans on getting out of it in 9 years which is the first chance he can.

Victor Greene the basis for creating a ban was thru proper zoning. He can't understand why two board members who possibly have a conflict of interest would be on the steering committee for review of the zoning. Attorney Brown explained that there was a draft local law in place for a ban that is months ahead of where the zoning review committee is. The committee is going to look at all of the town laws in general and not to look at the hydrofracking law. A copy of the proposed local law was given to Mr. Greene.

Phil Benedict asked if there has been any decision what is going to happen to the surplus items. He understands that the Sheriff's Department doesn't want it and it will just be destroyed.

R-94-13 Made by Dennis, seconded by Herlihy to adjourn at 8:40 p.m. All in favor. Motion carried.

Respectfully submitted,

Ann Christmas
Pompey Town Clerk