

June 17, 2021

The monthly meeting of the Tyre Town Board was held Thursday, June 17, 2021 at 6:30 p.m. in the Tyre Municipal Building, 1082 Gravel Road, Seneca Falls, NY 13148, in the Town of Tyre.

### **Pledge of Allegiance**

**Roll Call:** Supervisor Ronald McGreevy – here; Councilman Reginald Aceto – here; Councilman James Rogers – here; Councilman Kenneth Sutterby – here; Councilman Thomas Thomson – here

**Others Present:** Administrative Assistant Karen Birch; Bookkeeper Michael Gross; ZEO Craig Reynolds; DCO Dallyn Jenkins; Melissa Sutterby; Pat Mahoney; Henry Bickel; Linda Worden, John Warden; Neil Worden; John Fiorelli; Mark Travis; Andrea Lawrence; Stephen Lawrence; Jeff Case; Char Verkey; Rod Verkey; Daryl Thorn; Kevin Lightfoote; Ann Fenton; Tom Caprilla; Bill Hayer; Chief Joe Tavano, Jr.; Joe Tavano, Sr.

Supervisor McGreevy – have had roll call – quorum present – meeting called to order at 6:30 p.m.

Introduction of Attorneys representing the Town of Tyre this evening:

Mr. Mark C. Butler, Attorney  
Mr. Charles Shaffer, Attorney

Supervisor McGreevy would also like to take this opportunity to recognize the Galen-Clyde Fire District Commissioners who are in attendance this evening. Thank you for joining us tonight and thank you for your service to the Town of Tyre. We truly appreciate the hard work you folks have put in to make this challenging endeavor a success. I would also like to recognize Mr. Jeff Care, Seneca County Mutual Aid Coordinator and Mr. Kevin Lightfoot, North Seneca Ambulance Director, who are also joining us this evening.

Motion to Open Public Hearing Regarding Proposed Local Law #3 of 2021 “Local Law Imposing a Twelve Month Moratorium on the Acceptance and Processing of Applications for, and the Issuance of, any Approvals or Permits for Solar Farms and solar Power Plants in the Town of Tyre”

Motion made by Councilman Sutterby to open the Public Hearing and seconded by Councilman Thomson.

**VOTE:** YEA – 5; Nay – 0; Abstain – 0; Absent – 0

Public Hearing is opening at 6:32 p.m.

NOTE: The Seneca County Planning Board Recommendation of June 10, 2021 (Resolution TT 2021-3)

Comments for those wishing to speak at this Public Hearing this evening are limited to Proposed Local Law #3 of 2021 “Local Law Imposing a Twelve Month Moratorium on the Acceptance and Processing of Applications for, and the Issuance of, any Approvals or Permits for Solar Farms and Solar Power Plants in the Town of Tyre” which is the sole topic of this Public Hearing. The Board will hear comments and questions only, and will give consideration to them in its decision making process. The Board will also take written comments for consideration, and will place those comments into the record. All speakers shall come up to the podium and state their name, and where they reside for the record. .

Is there anyone who would like to address the Board with comments specific to Proposed Local Law #3 of 2021 “Local Law Imposing a Twelve Month Moratorium on the Acceptance and Processing of Applications for, and the Issuance of, any Approvals or Permits for Solar Farms and Solar Power Plants in the Town of Tyre”.

Supervisor McGreevy repeated the request for any comments. As there are no further comments Supervisor McGreevy would entertain a motion to close this Public Hearing.

Motion made by Councilman Aceto and seconded by Councilman Rogers.

VOTE: Yea – 5; Nay – 0; Abstain – 0; Absent – 0

Public Hearing is closed at 6:37 p.m.

## **REGULAR MONTHLY TYRE TOWN BOARD MEETING**

**Minutes:** Approval of Minutes of May 20, 2021– Councilman Aceto moved, seconded by Councilman Sutterby, to dispense with reading the minutes of the May 20, 2021 meeting and they be accepted as written.

VOTE: Yea – 5; No – 0; Abstain – 0; Absent – 0

### **Scheduled Speakers:**

Tyre resident Ms. Andrea Lawrence spoke regarding concerns over the condition of East Tyre Road. Ms. Lawrence lives on East Tyre Road and approximately 8-10 years ago a portion of the

road was damaged by a snow plow. Bandaid solutions have been done to this section of the road and it is continuing to deteriorate at a rapid rate. She is asking what can be done to permanently fix this section of road.

Supervisor McGreevy reported that this has been brought to the current Highway Superintendent's attention and there is a proposal tonight in front of the Board on a permanent plan to fix this section of road way.

## **Department Reports:**

Town Clerk: Nothing to report

Highway Department: Highway Superintendent Eddington reported that they are very busy fixing holes in roads and fixing entrances on Black Brook Road. He has received two complaints on Middle Black Brook Road and East Tyre Road in regards to the conditions of the roads. Both of these complaints have proposals in front of the Board this evening to address these complaints.

Chip sealing is coming in July on Chase Road, Black Brook North, Durling Road, and School House Road, and East Road at May's Point.

There is concern regarding issues with trees on two road – Middle Black Brook Road and Black Brook Road. There are approximately 25 trees between the two road that are considered hazardous according to regulations. Highway Superintendent Eddington is getting quotes for these trees to be removed from three different companies and will report back to the Board after he receives them for further action.

Councilman Sutterby shared his concerns with Mr. Eddington continuing to ask for more and more money for equipment and then reporting that they can not do a job and have to hire someone to remove these trees. Councilman Sutterby also asked why a company can't drop the trees and the Highway Department haul them away?

Mr. Eddington reported that some of these trees are 3 foot in diameter and his crew are not tree surgeons and it would be dangerous for them to attempt to drop these trees.

Councilman Aceto asked Mr. Eddington if when getting the quotes for the removal of these problem trees if it is a-z or if the Town Highway Department will be assisting in taking care of some of the removal? Mr. Eddington reports that the Town Highway Department will be assisting in the removal. Councilman Aceto also suggested that with the emerald ash borer being in the area that Mr. Eddington include tree removal in next years budget. Councilman

Aceto also asked Mr. Eddington to look into the clean up including stump grinding and not leaving a mess for the landowners.

Mr. Eddington reports that the Highway Department will make sure the Band Hall is open for the June 22, 2021 elections.

Dawson Road and West Brook Road will need attention before winter. The Town needs a plan to do these repairs before winter and we will have to find the money to do this now or it will cost more later on down the road per Mr. Eddington's report.

Town Assessor: Town Assessor Griswold reported there was one person who attended Grievance Day.

Attorney: Nothing to report

Fire Department: Supervisor McGreevy reported that he received two letters of appreciation for Clyde Fire Department and how it is handling business in the Town of Tyre. Fire Chief Tavano, Jr. reported that there are multiple trainings going on between Clyde Fire Department; Waterloo and Seneca Falls as this will help to maximize resources. Hose testing was done on June 12, 2021; pump testing was done on June 22, 2021 and a water relay drill will be set up in the near future. 223 hours shift hours were logged between 3 stations all of which were volunteer. Calls were down a little this month compared to last months calls.

Zoning Enforcement Officer: ZEO Reynolds reported that 3 permits were issued since the last Board Meeting. There are 2 permits that are ready to be picked up. There are a couple of pool applications that are still pending.

There were 3 complaints:        Debris in the road on Route 414  
   A possible illegal dog kennel on Pucker Street  
   A possible illegal structure on East Tyre Road

Love's Project is moving right along:

- Footers for the mail building have been poured
- Footers for the canopy have been poured
- Fuel tanks have been installed
- Electricians are on site
- Still a lot of grading needs to be done
- SWPPP reports are coming in as required
- Sign specs have finally come in
- Had some complaints of debris in the road and they now have a broom
- Tractor on site

Dunkin' Donuts Project:

JFJ Holdings and the Chamber are looking to close on the property this week  
JFJ filed for the LLC with the Secretary of the State on May 21, 2021  
They had mentioned starting construction some time in early summer but  
No exact start date has been announced  
A pre-construction meeting will be scheduled as well

Chamber of Commerce:

With the sale of the other half of their property we hope to see some activity  
There as well

IHOP:

ZEO Reynolds sent an e-mail about a week and a half ago to check on their status and  
To date there has been no word received back from them

Tim Rease:

Storage building is underway on Route 318

Swimming Pools:

There are two swimming pool projects that have not been started yet due to the  
High demands in swimming pools

Planning/Website/Training: The monthly meeting was held remotely on May 27, 2021.

The public hearings were for Pine View Circle Phase 2 (PVC2) re-approval of their applications for sub-division, site plan; a special use permit application by Bruce Smith for short-stay house rental; a sign waiver request by J.E.L. Lawn & Landscaping in the Commercial West Zone; a site plan application by Montezuma Winery for construction of a new warehouse; and a site plan application by Glenwood Foods for a new warehouse. No public comment was elicited for most of the proposed projects, with the exception of Pine View Circle Phase 2 where two people spoke in favor of the project.

All applications were considered and approved unanimously during the regular meeting. The history of the Pine View Circle Phase 2 was reviewed along with concerns raised by Supervisor McGreevy. Ithaca Neighborhood Housing Service (INHS) pledged to continue discussions with Circle K to construct a foot path between their facility and Magee Corners. INHS is also continuing discussion to secure regular bus service to their facilities. In discussion with Attorney Young, the resolutions for PVC2 were structured as "re-approvals" rather than "extensions of previous approvals" because of multiple extensions that had been approved previously.

One item of old business that was not on the agenda concerned 3S Gateway sign application for the Love's high-rise sign. In the April, 2021 Planning Board Meeting, they had been asked to reconsider some components of their application before we determine if the application is complete. They have yet to provide the additional information.

The Planning Board will continue to meet remotely on June 22, 2021.

Dog Control Officer: DCO Jenkins reported that by the end of August, 2021 the new building will be completed. This new building will be able to house 12 dogs and will have heat and airconditioning as well. After the building is completed they will have an open house.

Bookkeeping: Bookkeeper Gross submitted handouts for abstract of audited vouchers #5. He has started 2021 books and has uploaded January, February, March, 2021 Supervisor's Monthly Reports. Bookkeeper Gross has created a new Cash Receipts Report that is also available on one drive.

Band Hall Committee: Nothing to report

Building Committee: Councilman Aceto reported that he has visited the Town Highway Building and met with Mr. Eddington to discuss options for having water at the Town Highway Building. They are looking at putting in a well or an underground storage tank. They will put out RFP's and consider all costs and benefits before bringing options back to the Board for further review.

Highway Committee: Nothing to report

### **Old Business:**

**NOTE** – After numerous requests to Lauren Kelly for a meeting, on Tuesday, 6/2/21 Councilman Thomson and I met with Ms. Kelly, Charter Communications, Spectrum, for an update on town-wide availability of internet service. She informed us at this meeting that she is hoping to have a map available in the next two weeks to determine which residents are not included in the current service area. She also stated that the approved Cable TV Franchise Agreement also covers internet service.

**Note** - As a follow up to my email request of 6/4/21 to Mr. Rich Winter, CEO Delaware River Solar, he subsequently responded stating that the name of the proposed solar farm project for Tyre has been changed from "Tyre Solar Energy Center" to "Gravel Road Solar". He also stated that the introductory meeting that we had on 4/28/21 "did not begin/meet the requirements to begin the pre-application procedures". In addition, Mr. Winter stated that Jared Hammer, Director, Transactions and Marketing Strategies would be in touch with me next week (which was the week of June 7, 2021) to provide a full update, including the potential that they may

partner with another firm in the permitting process. As of this evening, June 17, 2021, I have not heard from Mr. Hammer.

**New Business:**

**Resolution** regarding Adopting Local Law #3 of 2021 “Local Law Imposing a Twelve Month Moratorium on the Acceptance and Processing Applications for, and the issuance of, any approvals or permits for Solar Farms and Solar Power Plants in the Town of Tyre”

Motion made by Councilman Rogers and seconded by Councilman Sutterby. Adopted by roll call vote as follows:

	YEA	NAY	ABSTAIN	ABSENT
Councilman Thomson	X			
Councilman Rogers	X			
Councilman Aceto	X			
Councilman Sutterby	X			
Supervisor McGreevy	X			

Resolution duly adopted. Resolution follows.

Councilman Aceto commented regarding the Solar Meeting that took place last month and wants it mentioned in these minutes that Councilman Rogers and ZEO Reynolds were specifically invited to that meeting and would like this noted in the official record.

**Resolution** regarding approving the purchase of a John Deere Tractor and Mower Deck for the Tyre Highway Dept.

Motion made by Councilman Thomson and seconded by Councilman Sutterby. Adopted by roll call vote as follows:

	YEA	NAY	ABSTAIN	ABSENT
Councilman Thomson	X			
Councilman Rogers	X			
Councilman Aceto	X			
Councilman Sutterby	X			
Supervisor McGreevy	X			

Resolution duly adopted. Resolution follows.

**Resolution** regarding Amending Town of Tyre Employee Handbook to include Juneteenth as a paid holiday

Motion made by Councilman Sutterby and seconded by Councilman Aceto. Adopted by roll call vote as follows:

	YEA	NAY	ABSTAIN	ABSENT
Councilman Thomson	X			
Councilman Rogers		X		
Councilman Aceto	X			
Councilman Sutterby	X			
Supervisor McGreevy	X			

Resolution duly adopted. Resolution follows

### **Supervisor Correspondence/Report:**

**Note** – A FOIL request dated 6/2/21 from Janis Farese, American Transparency, Boca Raton, FL regarding Annual Financial Document Request

**Note** – E-mail received 6/3/21 from Mr. William Kise regarding Magee Fire Department concerns – Councilman Aceto requested that Supervisor McGreevy share a copy of this concern with the Board.

**Note** – FOIL request dated 6/10/21 from Ms. Mindy Wagaman/Liberty Environmental, Reading, PA regarding 1344 Route 414, Waterloo, in the Town of Tyre

### Executive Session:

Motions for the Board to Enter Into and Exit Executive Session

Supervisor McGreevy will entertain a motion to Enter Into an Executive Session for consultation with legal council and the members of the Tyre Town Board; Attorney Mark C. Butler; Attorney Charles E. Shaffer; members of the Galen-Clyde Fire District; Seneca County Mutual Aid Coordinator Jeff Case; and North Seneca Ambulance Director Kevin Lightfoot attend the Executive Session.

Motion made by Councilman Aceto and seconded by Councilman Sutterby. Adopted by roll call vote as follows:

	YEA	NAY	ABSTAIN	ABSENT
Councilman Sutterby	X			
Councilman Rogers	X			
Councilman Thomson	X			

Councilman Aceto		X
Supervisor McGreevy	X	

The motion having carried by a unanimous vote/majority vote, the Board will now Enter Into Executive Session at 7:34 p.m. and will return to Open Session following the conclusion of the Executive Session.

Supervisor McGreevy will entertain a motion to Exit Executive Session and return to Public Session.

Motion made by Councilman Aceto and seconded by Councilman Sutterby. Adopted by roll call vote as follows:

	YEA	NAY	ABSTAIN	ABSENT
Councilman Sutterby	X			
Councilman Rogers	X			
Councilman Thomson	X			
Councilman Aceto	X			
Supervisor McGreevy	X			

The motion having carried by a unanimous/majority vote, the Board Exited Executive Session and returned to Open Session at 9:41 p.m. and noted the Board took NO ACTION in Executive Session.

**Financial – Bills:**

- General Fund – Town Wide – 111-112; 352-383
- Highway Fund – 111-112; 352; 525-529
- Water District #1 – 815-817
- Water District #2 – 816
- Trust & Agency – 9-10

Councilman Sutterby moved, seconded by Councilman Aceto that the bills be approved for payment: VOTE: Yea – 5; Nay – 0; Abstain – 0; Absent – 0

**Adjournment:**

Councilman Rogers moved, seconded by Councilman Thomson that the meeting be adjourned at 9:57 p.m. VOTE: Yea – 5; Nay – 0; Abstain – 0 Absent - 0

Submitted by,

Carolyn Sosnowski  
Town Clerk