

July 15, 2021

The monthly meeting of the Tyre Town Board was held Thursday, July 15, 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: Larry Kesel, Bob Seem (Planning Board), Greg Guy (Tyre Town Justice), Andrea Lawrence (Town Resident), Marge Fahrenholz (Band Hall committee), Mark Travis (Town Resident), Andrew Rude (Council on Alcoholism), Jared Hammer (Innovate Sun), Dan Compitello (Delaware River Solar), Missy Sutterby (Town Resident), Henry Bickel (Planning Board), Char Verkey (ZBA), Rod Verkey (Tyre Resident), Dallyn Jenkins (Dog Control Officer), Unknown name (Same address as Dallyn Jenkins)

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:

Ms. Melody Westfall, Esq., Westfall Law

Mr. Charles Shaffer, Attorney

Minutes: Approval of Minutes of June 17, 2021– Councilman Aceto moved, seconded by Councilman Thomson, to dispense with reading the minutes of the June 17, 2021 meeting and they be accepted as written.

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

Scheduled Speakers:

Supervisor McGreevy introduced Andrew Rude, from the Council on Alcoholism & Addictions to approach the podium to speak as per request to be on the agenda. Mr. Rude stated that he was at this evening’s meeting to discuss the recent NYS marijuana law that was legalized on March 31, 2021. He handed out a bullet point document to the Town Board members for their information. He briefly explained that the towns in NYS need to decide by the end of 2021, if they would choose to “opt out” of this law, allowing for dispensaries and on-site

consumption locations within the Town. He indicated that the county could not make that decision for the towns but it was fully left up to the towns to decide. He stated that October 2021 should be a time frame to focus on because there would need to be scheduling of a referendum and Public Hearing that would need to take place for the Town. Councilman Aceto asked about zoning and Mr. Rude indicated that these locations cannot be within certain feet of either a school or place of worship. He said that certain areas could be zoned as, "an adult use district", like "Show World" in Junius, N.Y. Supervisor McGreevy stated that there is no zoning law in Junius, N.Y. Councilman Aceto asked Mr. Rude if he were available to meet with individually on this matter and Mr. Rude indicated he was and would also offer to come to any potential public hearing to answer questions if the Town decided to opt out. Furthermore, he stated he had a more inclusive power point presentation he could offer to the Town on the matter. Mr. Rude indicated that this legislation does not affect the Native Americans and they would not need to comply with any of the NYS regulations regarding the marijuana law. Councilman Thomson asked if the retailers would need to be licensed by NYS and Mr. Rude indicated that they would and would also need a minimum of \$250,000 to apply for their license. Supervisor McGreevy thanked Mr. Rude for his presentation.

Supervisor McGreevy introduced Jared Hammer and Dan Compitello from Delaware River Solar to approach the podium to speak, as per their request to be on the agenda. Mr. Hammer indicated that they wished to come to the meeting this evening to discuss where they currently stand with their proposed project in the Town of Tyre. He stated that their company created another company that will be involved in the project and that name is "Innovate Sun". He stated that it should be 2 more years before shovels are in the ground. He stated that now that they have changed their business name to "Innovate Sun", and originally their plan was to be for 1600 acres in the Town, they have scaled it back to 1100 acres. He stated it is a 130 megawatt project. He claimed there will be economic benefits to both land-owners and electricity users. He further stated that he wanted to make this a "win-win situation" for the Town and its residents.

Supervisor McGreevy questioned that with the recent lawsuit enacted against the NYS ORES board regarding these types of projects, where did that leave their plans for their projects? Supervisor McGreevy indicated that there were several municipalities and environmental groups that had joined the lawsuit and asked if any of their projects were involved in this current lawsuit. Mr. Hammer indicated that none of their projects are in those areas and he also stated that their legal counsel has told them that the lawsuit should not affect their projects but could only potentially affect some changes to the environmental issues associated with their projects. Councilman Aceto asked about their timeline on their project and asked what the Town could expect from them next. Mr. Hammer stated that they are working on their carbon credits, and by December awards should be issued. He said that at that point, they will get engineers involved and will meet with the Town more frequently to advise the

Town where they are at in the process. Furthermore, he stated that, “this will be a very transparent process with the Town”. Mr. Hammer stated that perhaps a weekly webinar could be set up or they could set up an office nearby to give the Town updates and obtain some feedback from the Town. Mr. Hammer stated he appreciated the letter Supervisor McGreevy sent out to the Town and felt the letter was very, “balanced”. Councilman Sutterby asked if they have secured leases on all 1100 acres and Mr. Hammer stated that they have “exclusivity” of 1100 acres. Supervisor McGreevy asked the Town Board if they had further questions and there being none, he thanked them for their attendance at this evening’s board meeting.

Department Reports:

Town Clerk: Nothing to report

Highway Department: Highway Superintendent Eddington reported that they have been busy with downed trees from all of the storms that have come thru our area. He is getting estimates for taking down the larger trees in the town. One estimate so far is \$6,000.00 for 15 trees to drop them and the Highway Department will dispose of. They have been working on changing out road signs and curb signs. They are waiting for the correct mower to arrive as the original was the wrong one. They are mowing sides of the roads as far back as they can.

Town Assessor: Nothing to report

Attorney: Nothing to report

Fire Department: Chief Tavano reported that there has been one serious EMS call; one haz mat spill at del Lago entrance; multiple alarms at del Lago; several minor accidents on NYS Thruway; pump testing has been completed; in final stage of setting up water relay drill in the Town of Tyre. Chief Tavano also reported that 8 firefighters have completed rescue technician basic training; completed confined space training at village wastewater treatment plant; in process of setting up elevator training with OTIS Elevator Corporation; and AMA that was set up with Savannah and Seneca Falls has worked well.

Zoning Enforcement Officer: ZEO Reynolds reported that four permits have been issued since the last meeting:

Bruce Smith – AirBnB
Ed Heffernan – Generator
Bob Eddington – storage building
Jennifer Zink – above ground pool

ZEO Reynolds received one complaint since the last meeting which was a fence complaint on Odell Road. It was discovered that the complaint is actually in the Town of Junius and was turned over to Junius Supervisor Brownell.

ZEO Reynolds has been working with the Chamber of Commerce, the County Clerk; and the Real Property Tax Office on getting a parcel number assigned for the sub-divided portion of their property. Supervisor McGreevy and ZEO Reynolds have met with Brian Wilkins from Wilkins RV and the property owner regarding an RV Dealership across from del Lago. There was also some discussion regarding other potential projects that they are looking at for this same property. Love's Project is moving right along and projected open date is December 9, 2021.

Planning/Website/Training: Mr. Seem reported that June was a very light month. On July 27, 2021 in person public meetings will resume. There is an MOU from Harriet Haynes from Seneca County Planning with some additions that will be made to this document and the Tyre Planning Board will review these additions to the MOU and bring them to the August, 2021 Board Meeting for the Board's review.

Mr. Kesel reports that everyone knows what trainings are available for this year.

Dog Control Officer: Nothing to report

Bookkeeping: Bookkeeper Gross submitted handouts for the abstract of audited vouchers #6 and is working to get caught up with the books. He has closed out April and May, 2021 books. He has received the 2020/2021 property evaluation comparison report from Seneca County.

Band Hall Committee: Marge Fahrenholz stated that they should be meeting soon as a group and they will be working on developing rules and regulations for those people who may wish to rent the Band Hall. Supervisor McGreevy stated that these regulations are already in existence and had been developed years ago. She stated that they would be discussing the water situation at her upcoming meeting and she wishes to have a small budget set up for people who wish to come to the Band Hall and play cards and dominos and she would need to purchase card tables and things of this nature. She stated she would be working on setting up a not for profit corporation and would ask speakers to attend the Band Hall meeting.

Building Committee: Councilman Aceto stated that he has not done much on the water situation for the Band Hall and Highway Department, as he has been on vacation. He stated he had looked at the water situation and did a “walk around” the buildings with Highway Superintendent Bob Eddington. Councilman Aceto stated he hopes to get this water situation finished before winter and he has a lot to learn and must follow all of the regulations regarding bidding and things of this nature. He said he is looking at a drilled well or deliverable water and much will depend on costs associated with those options.

Highway Committee: Councilman Sutterby stated he would reserve his comments until the Resolution regarding the Highway Department.

Old Business:

Supervisor McGreevy asked if there was any Old Business and nothing was brought forth.

New Business:

Resolution regarding Accepting the Calculated Result of the Record of Activities on Form RS-2417-A

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

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

Resolution duly adopted. Resolution follows.

Resolution regarding Authorizing Expenditure of Highway Money for Additional Town Road Renovations and Increase Amount Budgeted to Account DA5110.2 Maintenance of Roads – Capital Outlay

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

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

Resolution duly adopted. Resolution follows.

Resolution regarding To Schedule a Public Hearing for a Proposed Amendment to the Town Fire Protection Contract

Councilman Aceto spoke with concern that this is the first time in his 16 years of service to the Town Board that there is not a completed contract to review before making this vote tonight and it does not make sense to him.

Councilman Aceto furthermore, recommended that the resolution be amended to change the wording from “Public Hearing” to “Workshop” and stated that he was under the impression that a workshop would be scheduled to discuss the proposed contract, not a Public Hearing. He withdrew his motion and then reinstated it.

Attorney Charles Shaffer then stated that Councilman Aceto has brought up a proposed motion on the floor and asked for a request for a second. There was not a second offered from Town Board members.

Councilman Sutterby asked when the terms of this contract will be available for review by the Town Board. Per Supervisor McGreevy the draft of this contract has been sent to the Clyde Fire Department’s Board of Commissioners for review and Chief Tavano stated that they have not met yet to discuss but would next week. Supervisor McGreevy reported that the contract will be available to the Town Board for review no later than August 2, 2021. Attorney Shaffer stated that during a public hearing a vote does not need to be presented as a resolution brought forth and it is simply a Public Hearing to gather information meant for discussion. Councilman Aceto again spoke about his concerns and that this has never happened before.

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 Sutterby	X			
Councilman Aceto		X		
Supervisor McGreevy	X			

Resolution duly adopted. Resolution follows

Supervisor Correspondence/Report:

Letter dated 6/21/21 from James Candiloro, PE – Director, Environment, Health & Safety regarding NYS Canal Corp. Earthen Embankment Integrity Program

FOIL request dated 6/25/21 from Bergmann Associates, PC – Mary K. Legawiec, Environmental Scientist regarding Environmental Site Assessment on numerous Town of Tyre properties – This has been responded to by ZEO Reynolds and Town Clerk Sosnowski

FOIL request dated 7/8/21 from Labella Associates – Pete Critchlow regarding Tyre property at tax id# 15-1-07.112 – This has been responded to by ZEO Reynolds and Town Clerk Sosnowski and is awaiting response from the Town Assessor

Financial – Bills:

General Fund – Town Wide – 113-114; 384-413

Highway Fund – 113-114; 384; 530-533

Water District #1 – 818-819

Water District #2 – 819

Trust & Agency – 11-12

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

Adjournment:

Councilman Sutterby moved, seconded by Councilman Thomson that the meeting be adjourned at 8:05 p.m. VOTE: Yea – 5; Nay – 0; Abstain – 0 Absent - 0

Submitted by,

Carolyn Sosnowski
Town Clerk