

August 19, 2021

The monthly meeting of the Tyre Town Board was held Thursday, August 19, 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; DCO Dallyn Jenkins; Marge Fahrenholz, Karen Thomson, Patsy Amidon, Pat Mahoney; Fire Chief Joe Tavano, Jr., Melissa Sutterby, Aimee Garrett, Jason Garrett, Genie Lambert, Henry Bickel, John Fiorelli, Sandy Schweitz, William Black, Beth Partee, Donna Aceto, Char Verkey, Rod Verkey, Ann Yost, Joe Tavano, Sr., Daniel Paul Dapelito, John Morabito, Jeff Case, Matt Sharp, Matt Ford, Bailey Bliss, Chad Ace, Bill Harper, Laurie Loncosky, Phil Hurst, Dennis Stone, Jeanne Vancleef, J. Lee, Charlie Rypma, Tom Caprilla

Supervisor McGreevy – have had roll call – quorum present – meeting called to order at 6:31 p.m.

Introduction of Attorneys representing the Town of Tyre this evening:

Mr. Charles Shaffer, Attorney

**PUBLIC HEARING:** Motion to Open Public Hearing Considering the Amendment of the Existing Contract for the Furnishing of Fire Protection and Emergency Services within the Tyre Fire Protection District for the Year 2021.

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 open at 6:32 p.m.

Supervisor McGreevy stated comments for those wishing to speak at this public hearing this evening are to be limited to – considering the amendment of the existing contract for the furnishing of fire protection and emergency services within the Tyre Fire Protection District for the Year 2021 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.

Supervisor McGreevy asked if there anyone who would like to address the Board with comments specific to considering the amendment of the existing contract for the furnishing of fire protection and emergency services within the Tyre Fire Protect District for the Year 2021. Supervisor McGreevy asked that comments be limited to five minutes or less. Supervisor McGreevy asked Chief Tavano, Galen-Clyde FD to lead the discussion this evening.

Chief Tavano: Chief Tavano asked residents to remember that this situation wasn't perfect to begin with and that the fire contract has been challenging from the beginning. He stated that a lot has been accomplished in a very short period of time to get set up to service the Town. Chief Tavano asked that if anyone has concerns about response times, to please FOIL a request to 911 for this information. Galen-Clyde FD is open to having Magee FD members join their team. Galen-Clyde FD has an open door policy so if anyone has any questions please come to them for answers. Galen-Clyde FD would like to continue serving Tyre.

Supervisor McGreevy asked if anyone else would like to address the Board?

Henry Bickel: Mr. Bickel stated that he lives on Black Brook Road, Seneca Falls. Mr. Bickel stated that the town residents want a local fire department. He reports that there was always a one year contract with Magee FD and doesn't see why a one year contract won't work for Galen-Clyde FD. Mr. Bickel is in favor of Galen-Clyde FD getting a one year extension and then, if necessary, give them an additional year. Mr. Bickel stated "Let's show support to the Magee FD members".

Laurie Loncosky: Ms. Loncosky stated that she grew up in the Town of Tyre. She wants the Board and residents to know that the misinformation that Chief Tavano spoke of DID NOT come from the Magee FD Board nor any of its Magee FD Volunteers. She would like to thank the Board for the meeting that occurred two weeks ago and is just sorry that this meeting didn't come sooner.

Supervisor McGreevy asked if anyone else would like to address the Board?

Sandy Schweitz: Ms. Schweitz asked that as things move forward with any fire department contract that the Town should not allow such members to be employed by the Town of Tyre. She stated that this is a conflict of interest and should not happen.

Supervisor McGreevy asked for any further people to approach the podium that would like to speak. No one did. Supervisor McGreevy asked Chief Tavano if he would like to close out the Public Hearing with any other comments? Chief Tavano stated that no matter what happens with the contract that his department would be there to help the Town in any way possible.

Chief Tavano: Chief Tavano spoke to Laurie Loncosky and stated that no matter what direction the Town takes that Galen-Clyde FD will continue to assist Magee FD and again welcome any Magee FD members to join Galen-Clyde FD. There are options being looked at and they know the residents feelings and did not wish to step on anyone. It has been difficult for Galen-Clyde FD to not respond to social media blasts regarding false information but they have not responded at all. They know where this misinformation is coming from. Galen-Clyde FD would like to continue moving forward and utilize each others resources in the best possible way.

Councilman Rogers motioned to close the Public Hearing, seconded by Councilman Sutterby

VOTE: Yea – 5; Nay – 0; Abstain – 0

Public Hearing closed at 6:45 p.m.

Supervisor McGreevy asked for a motion to move the agenda item of Old Business forward for discussion of Considering the Amendment of the Existing Contract for the Furnishing of Fire Protection and Emergency Services within the Tyre Fire Protection District for the Year 2021.

Councilman Rogers made the motion, seconded by Councilman Sutterby

VOTE: Yea – 5; Nay – 0; Abstain – 0

Supervisor McGreevy discussed the counterproposal contract from Galen-Clyde FD and Councilman Aceto asked if the public should be given a copy of this counterproposal? Attorney Shaffer stated that the Town Board has not had an opportunity to discuss together as a group the counterproposal. He stated that this is an opportunity for discussion as a Town Board and the Board can discuss this counterproposal in an open meeting tonight, could call for an Executive Session, or postpone discussion to another time. Attorney Shaffer stated that in order to offer complete transparency, these are the choices. Attorney Shaffer went on to state that members of the public will just be listening tonight.

Councilman Sutterby stated he would agree to a two year extension but will not do four years. He is disappointed in the deliverables but the judge hasn't made a ruling yet.

Councilman Thomson feels a three year extension would be a more suitable length for getting Tyre residents trained and ready to go. The residents of Tyre need a fire department and it should be residents not people from other towns. Councilman Thomson complimented Galen-Clyde FD on doing a great job keeping things going.

Councilman Rogers stated that he feels a two year contract extension is fine and if the Fire Department wants another year, then it can be extended another year.

Councilman Aceto is not prepared to discuss the counterproposal because he has not seen the proposed extension before tonight. He dislikes surprises and if this was to be discussed tonight it should have been made available to the Board prior to this meeting.

Supervisor McGreevy stated that Attorney Mark Butler had e-mailed the counterproposal contract to Board Members on 8/3/21 and they have had it in their possession for over two weeks. Supervisor McGreevy asked what the Board would like to happen?

Councilman Sutterby feels that this should be passed back to Attorney Butler to offer a two year extension to Galen-Clyde FD.

Attorney Shaffer stated that Attorney Butler only gives advice and it is the Board that needs to decide if they want to postpone until everyone is open and ready for discussion.

Councilman Aceto asked if this document is considered a public document? He has a lot of people he asks for counsel and wants to know if he can share this document?

Attorney Shaffer commented that if this document is going to be discussed in open session at the Special Meeting on September 2, 2021 at 6:30 p.m., that when the agenda goes out it will be part of the packet. Supervisor McGreevy asked for clarification on the September 2, 2021 Special Meeting or if it would be a Public Hearing? Attorney Shaffer clarified that this would be considered a Special Meeting.

Commissioner Joe Tavano, Sr. spoke to the fact that Chief Tavano has put a tremendous amount of time into making this work and that the unknown future puts this contract in an unknown spot for the Galen-Clyde FD. Until a decision on dissolution is made it kind of up in the air. Galen-Clyde FD is willing to negotiate wherever the Board wants to go. It is a negotiation and they are not trying to hide anything – they are here to give protection. He also stated that volunteerism has become very difficult.

Councilman Sutterby asked if there is anything the Board and Galen-Clyde FD could do to move this process along without the back and forth with the lawyers? Councilman Sutterby was initially concerned about the cost but he is not now due to the distance Galen-Clyde FD is having to travel and the costs that they have incurred because of this distance.

Joe Tavano, Sr. stated that he is concerned about where this is going to go and that whatever direction is picked, that they will go in that direction.

Jeff Case, County Fire Coordinator stated that in order to get a fire fighter trained and ready to run in two years is almost impossible and stated that even four years might be difficult. He shared some facts on the large number of hours that it takes for a fire fighter to be trained and also stated that there is a large lack of volunteers across the nation. He stated that training does not occur all of the time and sometimes only occurs twice per year when specific classes take place.

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

**Minutes:** Approval of Minutes of July 15, 2021– Councilman Aceto moved, seconded by Councilman Rogers, to dispense with reading the minutes of the July 15, 2021 meeting and they be accepted as written.

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

**Scheduled Speakers:** None

### **Department Reports:**

Town Clerk: Nothing to report

Highway Department: Nothing to report

Town Assessor: Nothing to report

Attorney: Nothing to report

Fire Department: Chief Tavano reported there were a total of 13 calls between July 16 – August 17, 2021. They have ordered new radios for E49 as the dual head units are not working. Hose testing and ladder testing confirmed for September 2, 2021 at 8:00 a.m. They have been conducting several trainings: E-PCR training with FLREMS Council, ICS 300 class requested for us to host, Disanto training water flow, Pine Creek training, Elevator training, FAST Training.

Zoning Enforcement Officer: Nothing to report

Planning/Website/Training: The monthly meeting of the Planning Board was held on July 22, 2021. Within the public comment period they heard about development plans for the former Schwartz property on SR 414 North of Thruway Exit 41. Mr. Michael Virts (Upstate New York Property Development LLC) owns the approximately 150 acre property and hopes to develop it for commercial use including an rv dealership, possible hotel, and an event center. Access to the site would be the controlled intersection at the del Lago entrance. The presentation was followed by Brian Wilkins, owner of Wilkins Recreational Vehicles, Inc., with sales and service facilities in Bath, Victor, Churchville, and Brewerton. Wilkins is interested in the Virts site as a new location and a possible replacement for their site-limited facilities in Victor. Discussion with the Board focused on site access and utility needs. The Planning Board was encouraging but cautioned that there were significant issues that must be addressed regarding water and sewer access as well as approvals by DOT.

Under old business we corrected a resolution that was made at our May, 2021 meeting that re-approved the Pine View Circle Phase 2 site plan. In the resolved section of the original resolution it was stated that the site plan was not consistent with the Tyre Comprehensive Plan. Our intent was to state that the site plan was consistent with the Tyre Comprehensive Plan. Attorney Young had recommended that we re-do the resolution to avoid any ambiguity and the resolution was corrected and approved again.

The Planning Board made a recommendation to the Zoning Board of Appeals regarding a Variance Application submitted by Christopher Filoso who wished to place a manufactured home on an existing, non-conforming lot at 317 Route 89, Savannah, NY. This .32 acre lot is well under the required 2 acre minimum in an Agriculture Zone and does not have the required minimum road frontage. The Planning Board recommended there to be an actual benefit to the community if this situation was changed by the new owner even if the non-conforming situation remained. Although the non-conformance of this property is substantial in relative terms, we felt the benefit achieved by granting the variance will benefit the owner and will actually benefit the whole community.

The Planning Board also discussed the opt-out for municipalities for new law that allows adult-use cannabis retail dispensaries or on-site consumption stores within the jurisdictions in New York. Because there are so many unknowns regarding the potential impact of the law on Tyre and the opt-out decision can only be made by December 31, 2021, the Planning Board recommends that the Town select the opt-out. This will allow for more time to determine what is best for Tyre.

The Planning Board discussed the news that the Seneca County IDA announced their plan for the development of a new industrial park at one of three possible sites, including one in Tyre. ZEO Reynolds had tried to get additional information from the IDA to help the Planning Board understand their intent and to learn whether they had considered Tyre's 414 and 318 Corridor Master Plan. The IDA was unwilling to provide any additional information citing confidentiality

of negotiations. We feel they should have been in discussion with the Town well in advance of negotiations.

The Planning Board will meet again in the Municipal Building on August 24, 2021

Dog Control Officer: DCO Jenkins reported that there was only one call in the last month in the Town of Tyre. She also reported that their garage sale was a huge success.

Bookkeeping: Bookkeeper Gross submitted handouts for abstract of audited vouchers #7, along with financial statements and the Supervisor's Report for June, 2021. He has completed July, 2021 books and is officially caught up. Notice to Department Heads that he will be sending out 2022 Budget Worksheets and needs them back by September 10, 2021 for review and filing with the Town Clerk.

Band Hall Committee: Ms. Fahrenholz reported that the Committee is in the process of setting up the rules and regulations for the use of the Band Hall. She discussed at length suggestions to the format that is currently being used to rent the Band Hall. Councilman Aceto indicated that there has only been one rental of the Band Hall in many years. He stated that they do not advertise this rental opportunity and they have not put it up on the website either. Councilman Aceto expressed an issue he has over the insurance clause and indicated that most people would probably not want to rent the Band Hall with the current process. He stated that Tyre is the only Town that makes their residents get an insurance policy and he would like to find out how much the rider would cost the Town to cover the insurance piece. He said he would work with Ms. Fahrenholz on this particular issue. Ms. Fahrenholz was suggesting amendments to the paperwork and further discussion ensued with Attorney Shaffer over which form was actually used. Ms. Fahrenholz asked the Town Board to revisit the current agreement and make suggestions. Councilman Rogers indicated that at the time this format was adopted the Town did not have any additional funds to cover the insurance in regards to Band Hall rentals. Ms. Fahrenholz reported that the Committee is happy with the changes they have made but they are unsure of what to do with users of the Band Hall having to carry liability insurance. Councilman Aceto asked the Committee to check into seeing what it would take/cost for the Town to carry a liability waiver for the Band Hall.

Due to Attorney Shaffer's recommendation - Councilman Sutterby made a motion to continue the above discussion at the next Board Meeting under Old Business, seconded by Councilman Thomson.

VOTE: Yea – 5; Nay – 0; Abstain - 0

Building Committee: Councilman Aceto reported that he has been in discussion with water delivery haulers for quotes and logistics for them to build a presentation for the Town Board in regards to water options for the band hall/highway department.

Highway Committee: Nothing to report

**Old Business:**

Delaware River Solar Farm Update – Note a phone conversation with Attorney Melody Westfall. It appears that it could potentially be one year before an official application is made to NYS regarding this proposed project. Labella Associates Environmental Analyst Kathy Spencer has also weighed in, agreeing that this project is at a very early stage and did not feel it necessary to consider engaging Labella for any additional consultation at this time.

Recently Enacted Cannabis Law Discussion – Reference “The Marijuana Regulation and Taxation Act (MRTA): A Summary document from NYSAC (NYS Assoc. of Counties) and encourage Board members to thoroughly review this document before any decision is made regarding opt-in or opt-out of this Act as required by December 31, 2021. Note – There would be potential consultant costs associated with opting out, including creation of a Local Law which is also subject to Permissive Referendum.

**New Business:**

Resolution regarding to Increase the Budget for the Improvement of Town Roads.

The adoption of the foregoing Resolution was moved by Councilman Sutterby, and seconded by Councilman Thomson, and duly put to a vote, which resulted 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** – Response completed on 7/29/21 to FOIL Request dated 7/8/21 from Labella Associates – Pete Critchlow regarding Tyre Property Tax ID#: 15-1-07.112

**Note** – Response completed on 7/29/21 to FOIL Request dated 7/8/21 from Labella Associates – Pete Critchlow regarding Tyre Property Tax ID#: 12-1-01.21

**Note** – 7/21/21 and 8/16/21 meetings regarding Proposed Montezuma National Wildlife Refuge Public Water and Sewer Extension which involves the Towns of Montezuma, Aurelius, and Tyre.

**Note** - FOIL Request dated 8/13/21 received on 8/16/21 from Henry Bickel regarding Tyre Financial Information Documents.

**Note** - Tyre Community Yard Sale Friday, August 27<sup>th</sup> thru Sunday, August 29<sup>th</sup> 9:00 a.m. – till ??

### **Financial – Bills:**

General Fund – Town Wide – 115-117; 414-444

Highway Fund – 115-117; 414; 534-541

Water District #1 – 820-823

Water District #2 – 821

Trust & Agency – 13-14

Councilman Thomson moved, seconded by Councilman Aceto 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 8:30 p.m. VOTE: Yea – 5; Nay – 0; Abstain – 0 Absent - 0

Submitted by,

Carolyn Sosnowski  
Town Clerk