

**Tyre Town Board
Town Board Agenda
February 3, 2022, 6:30 PM**

- I. Call to Order
- II. Pledge of Allegiance & Moment of Silence
- III. Roll Call by Town Clerk
- IV. Petitioners/Presentations
 - None scheduled
- V. Open Privilege of the Floor
- VI. Approval of Meeting Minutes – December 16, 2021, December 30, 2021, January 6, 2022 & January 20, 2022
- VII. Reports of Committees
 - Building Committee
 - a)Well drilling RFP
 - Records and Communication Committee
 - a)Town website updated
 - Band Hall Committee
 - a)Appointment of new committee member
- VIII. Reports of Officers and Departments
 - Highway Superintendent
 - a) Equipment Agreement
 - b) Internet access for Highway Building
 - c) Tree service for overhanging limbs
 - Dog Control Officer
 - Fire Chief
 - a)End of Year Report
 - b) Cumulative hours
 - c)2022 Goals
 - Assessor
 - a)Property tax exemptions
 - Planning Board / ZBA / Training Records
 - a)Report from Planning Board Chairman, Robert Seem
 - Zoning Enforcement Officer
 - a)Love’s postponed their opening to March 3rd
 - Bookkeeper
- IX. Resolutions and Motions
 - Recommended Resolution, that the Tyre Town Board shall allow the Town Supervisor 60 days from January 1, 2022 to file the annual financial report to the Town Clerk with a copy of the report to the Office of the State Comptroller. (The report will be prepared by the Town’s bookkeeper).
 - Recommended Resolution, that the Tyre Town Board appoint Donna Aceto to the Band Hall Committee.
 - Recommended Resolution, that the Tyre Town Board direct the Assessor to grant exemptions pursuant to such section on the 2022 assessment roll to all property owners who received that exemption on the 2021 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons.
- X. Unfinished Business
- XI. New Business

- 3 open town vacancies (Councilman, Planning Board Member, and Planning Board-Alternate Member)
- Proposed Local Law to override the tax levy limit for the 2023 fiscal year established in General Municipal Law §3-c.
- Building keys for Tyre Municipal Building/Cleaning of Town Hall.
- Municipal Membership with the New York Planning Federation.

XII. Supervisor Report/Correspondence

- December 30, 2021 – Email received from NYS Department of Labor, Bureau of Public Work noting that the Town of Tyre has several projects that did not pass a routine compliance check of public work contracts let by the Town of Tyre. Specifically, there is a list of projects that do not have any Notices of Award and/or Notices of Completion associated with them. Supervisor Partee and Highway Superintendent Eric Bush met with the NYS Department of Labor on January 18, 2022 regarding Public Work requirements and Supervisor Partee is completing the necessary Notices of Award and/or Notices of Completion.
- January 4, 2022 – FOIL request received from Tom Caprilla. Re: Requested Magee Fire Department Budget information submitted to the Town of Tyre for 2017 and 2018. Formally acknowledged receipt of FOIL request on January 6, 2022. Responded to FOIL request with requested information on January 18, 2022.
- January 7, 2022 – Correspondence began between the Town and the County Attorney looking for set-up documents for sewer district #1 and sewer district #2. This was resolved on January 21, 2022.
- January 11, 2022 – Introduced and correspondence began between Town Attorney Jeff Graff and special counsel for fire protection services Mark Butler. Re: Background information/history concerning fire protection services in Tyre.
- January 12, 2022 – Seneca County Planning Board requested supervisor approval for the appointment of Karen Thomson to the County Planning Board. I gave my full backing to appoint Karen to the Seneca County Planning Board as I believe Karen will do a great job in this position. Karen asks questions and speaks her mind which I believe can only benefit the County Planning Board. Congratulations to Karen.
- January 13, 2022 – Thanks to Dennis Stone, the lights outside the Tyre Municipal Building are now set to dim from 9:00pm – 6:00am every day.
- January 18, 2022 – Received communication from Mark Butler (special counsel for the Town of Tyre for fire protection services) that the Seneca County Supreme Court issued an Order dissolving the Magee Volunteer Fire Department, Inc. and appointed a Receiver.
- January 18, 2022 – Communication began with Mengel Metzger Barr & Co. LLP (CPA) regarding both Financial and Justice audits that need to be completed for 2019, 2020 and 2021.
- January 21, 2002 – Communication began between Supervisor Partee and First Light Fiber regarding a credit request to our account with them.
- January 22, 2022 – Article in the Finger Lakes Times regarding the dissolution of the Magee Volunteer Fire Department. I would like to correct some erroneous information in that article surrounding the utilization of Magee’s assets. The Town has not engaged in any conversation over the utilization of Magee’s equipment/apparatus. In addition, the court appointed receiver has no authority to direct how the Town uses the assets when the assets are transferred to us. The receiver is responsible for gathering all of the assets and liabilities, paying the debts from the assets, and then transferring the remaining assets to the Town. At that time, the Town will determine how best to utilize them.
- January 26, 2022 – Received a proposal from ISAAC Heating for a ductless mini split heat pump project that was requested several months ago for the Tyre Municipal Building. We are not going to proceed with this project.

XIII. Bills

XIV. Adjournment

Report to Tyre Town Board
January 20, 2022

At our December meeting we reviewed the del Lago pylon sign extension application and recommended the Town Board approve the extension request.

We continue to work on the Wilkins RV SEQR, subdivision and site plan applications for their recreational vehicle sales and service center on the former Schwartz farm, now owned by Michael Virts. Due to indecision by the county regarding municipal water and sewer availability, Mr. Wilkins asked the consideration of the applications be removed from the December agenda of the Planning Board. We had considered conditional approval of the applications given that our advisors agreed that the plan was acceptable from an engineering perspective. There was uncertainty whether Wilkins would utilize municipal water and sewer or well and septic systems. Both options appeared acceptable for Wilkins, although a well and septic system might be problematic for further development of the Virts property. On January 12, Mr. Wilkins notified us that he would like the project on our January agenda, and we plan to complete consideration of the applications then.

You may recall an announcement in the FL Times that Ithaca Neighborhood Housing Services (INHS) had received funding to move ahead with Pine View Circle Phase II, the 59-unit apartment building adjacent to Pine View Circle Phase I. Unfortunately, the announcement was premature because INHS was also seeking funding from two additional state agencies to make the project feasible. We received a letter from Ms. Lynn Truame, Director of Real Estate Development at INHS, who confirmed that they had received funding from two agencies, but the primary funder, the NYS Division Homes and Community Renewal, had declined. After speaking to the Division, INHS made the decision to abandon the project and had decided no additional development will occur at this time. This decision is unfortunate because no additional affordable apartments will be built, and the planned access road off SR 414 will not move forward, which will likely slow any additional development in the area.

Our next Planning Board meeting on January 25 will be remote once again. Public notices have been posted for the Wilkins public hearing and how to access the meeting remotely. We will also invite persons who have expressed interest in appointment to the board to join the meeting and observe our activities.

Respectfully submitted,
Bob Seem

FEBRUARY 3, 2022

RESOLUTION APPOINTING DONNA ACETO TO THE BAND HALL COMMITTEE

WHEREAS, there currently exists two vacancies on the Band Hall Committee; NOW THEREFORE

BE IT RESOLVED that Donna Aceto is hereby appointed to fill a current vacancy on the Band Hall Committee.

The adoption of the foregoing Resolution was moved by Councilman _____, seconded by Councilman _____, and duly put to a vote, which resulted as follows:

Name	Aye	Nay	Abstain	Absent
Councilman Reginald Aceto				
Councilman Henry Bickel				
Councilman Kenneth Sutterby				
Supervisor Elizabeth Partee				

The Resolution was duly _____.

_____, 2022

FEBRUARY 3, 2022

Tyre Town Board Authorizes Extension of Senior and Individual with Disabilities and Limited Income Exemption

WHEREAS, the state disaster emergency has resulted in limited hours in municipal offices and rendered seniors and individuals with disabilities homebound; and

WHEREAS, many seniors and individuals with disabilities do not have the ability to file their real property tax exemption applications in person due to safety precautions and lack the ability to file such applications online; and

WHEREAS, Governor Hochul has issued Executive Order 11.1, which grants local governments the ability to adopt a resolution extending the exemption status for those seniors and individuals with disabilities entitled to certain real property tax exemptions; NOW THEREFORE

BE IT RESOLVED that the assessor shall extend the 2021 exemption status for those individuals receiving the senior exemption and the persons with disabilities and limited income exemption through 2022 without a renewal application except in the circumstances elucidated below; and

BE IT RESOLVED that the assessor may require a renewal application if he or she believes that an owner that qualified for the 2021 exemption has since changed their primary residence, added another owner to the deed, transferred the property to a new owner, or died.

The adoption of the foregoing Resolution was moved by Councilman _____, seconded by Councilman _____, and duly put to a vote, which resulted as follows:

Name	Aye	Nay	Abstain	Absent
Councilman Reginald Aceto				
Councilman Henry Bickel				
Councilman Kenneth Sutterby				
Supervisor Elizabeth Partee				

The Resolution was duly _____.

_____, 2022

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of Tyre
Village

Local Law No. ____ of the year **2022**

A local law to override the tax levy limit established in General Municipal Law §3-c

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County
City
Town of Tyre as follows:
Village

Section 1: Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Tyre, County of Seneca, pursuant to General Municipal Law §3-c, and to allow the Town of Tyre to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2: Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Tyre, County of Seneca, is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4: Severability

If any clause, sentence, paragraph, section, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part of this local law or in its application to the person, individual, firm or corporation, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. ____ of 2022 of the **Town of Tyre** was duly passed by the Tyre Town Board on _____, 2022, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November ____, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Town Clerk

(Seal)

Date: _____

RESOLUTION INTRODUCING LOCAL LAW AND CALLING A PUBLIC HEARING

WHEREAS, the Town Board of the Town of Tyre, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

WHEREAS, the Town Board of the Town of Tyre has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Tyre to proceed in accordance with the Code of the Town of Tyre and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on _____, 2022, at 6:30 p.m. at the Tyre Town Hall, 1082 Gravel Road, Seneca Falls, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Tyre sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Tyre for its consideration; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

I, Carolyn Sosnowski, Town Clerk of the Town of Tyre, do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Tyre on _____, 2022, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Elizabeth L. Partee	—	—
Kenneth A. Sutterby	—	—
Henry Bickel	—	—
Reginald Aceto	—	—

Dated: _____, 2022

Carolyn Sosnowski, Town Clerk

SEAL