

February 3, 2022

A special meeting of the Tyre Town Board was held Thursday, February 3, 2022 at 6:30 p.m. in the Tyre Town Building, 1082 Gravel Road, Seneca Falls, NY 13148

Supervisor Partee called the meeting to order at 6:30 p.m.

Pledge of Allegiance and a moment of silence

Roll Call: Councilman Reginald Aceto – here; Councilman Henry Bickel – here; Councilman Kenneth Sutterby – here; Supervisor Beth Partee – here

Others Present: Bookkeeper Michael Gross; Highway Superintendent Eric Bush; Jon Partee; Joe Tavano Jr; Donna Aceto; Jeff Bennett; Tim Bush; Greg Guy; Kathy Jans-Duffy

Petitioners/Presentations: None

Open Privilege of the Floor: Judge Jans-Duffy spoke with the request of security cameras and a panic button being installed throughout the Town building. Supervisor Partee responded that she is already working on this process and will keep everyone posted. Judge Jans-Duffy also requested to change the glass at the receptionist window to bullet proof. She will look into getting a JCAP Grant for this project.

Approval of Meeting Minutes: December 16, 2021; December 30, 2021; January 6, 2022; and January 20, 2022

Motion to dispense with the reading of the minutes and approve them as written made by Councilman Aceto and seconded by Councilman Sutterby.

Vote: Aye – 4; Nay – 0; Absent – 0; Abstain – 0

Committee Reports:

Building Committee: In regards to the water project at the Highway Department/Band Hall- Councilman Aceto reported that he will be discussing an RFP with Councilman Sutterby prior to sending out the request. The Highway Department will assist in clearing the land and digging the trench for this project.

Records and Communication Committee: Supervisor Partee is continually updating the website.

Band Hall Committee: Supervisor Partee reported that the Committee is going to appoint a new member this evening.

Reports of Officers and Departments:

Highway Superintendent: Highway Superintendent Bush reported that he is awaiting BIDS that are due 2/10/22. He is also requesting that the Highway Building needs internet access as the current system they have is not feasible. He also reported that the Highway Department is going to be working with a company to take care of overhanging limbs in the Town. The Highway Department employees along with County employees are going to all work together to make this project happen.

Dog Control Officer: Nothing

Fire Chief: Chief Tavano reported that the total calls for Tyre was 10 with a total of 7 firefighters responding per call. Chief Tavano reports that another Magee Fire Department member has joined and is being accepted January, 2022. There have been several EMS calls at del Lago over the last 30 days; several chimney fires; and several standby responses to Seneca Falls and Waterloo. There was an MVA on the NYS Thruway and this was a haz mat with injuries and approximately 125 gallons of fuel was spilled.

Chief Tavano reports that they are purchasing new pre plan software and discontinuing the current rhodium platform which will have a savings of \$1,000.00. They have applied for a FEMA Grant for more PPE. Starting January 1, 2022 department trainings will be the 4th Tuesday of every month. They are

currently breaking up trainings into four groups (10 per group) due to COVID increase. As of December 9th they are initiating COVID policies when responding to all calls. Technical rescue training is ongoing and an annual OSHA refresher course has been rescheduled to February 20, 2022 at 8:00 a.m. Department physicals will be held on January 22, 2022.

Assessor: Nothing

Planning Board/ZBA/Training Records: At the December, 2021 meeting the del Lago pylon sign extension application was reviewed and it was recommended that the Town Board approve the extension request.

They continue to work on Wilkins RV SEQR, subdivision, and site plan applications for their recreational vehicle sales and service center. Due to the 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, however, there was uncertainty whether Wilkins RV 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 2022, Mr. Wilkins notified us that he would like the project on our January, 2022 agenda, and we plan to complete consideration of the applications then.

Regarding 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 of 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 was 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.

The next Planning Board Meeting will be January 25, 2022 and will be remote once again. Public notices have been posted for the Wilkins RV 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.

Zoning Enforcement Officer: ZEO Heizmann reported that things have been fairly quiet. She received one complaint and that has been resolved. Love's has postponed their opening until March 3, 2022.

Bookkeeper: Bookkeeper Gross has uploaded the Bookkeeper's Report; Abstract of Audited Vouchers #12 and #13; Cash Receipt Summary Report; Supervisor's Monthly Report for 12/21; and is working on closing out the books for 2021.

Resolutions and Motions:

RESOLUTION for the Tyre Town Board to 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 adoption of the foregoing Resolution was moved by Councilman Aceto, seconded by Councilman Sutterby, and duly put to a vote, which resulted as follows:

VOTE: Aye – 4; Nay – 0; Absent – 0; Abstain - 0

The Resolution was duly adopted.

RESOLUTION for the Town Board to accept the resolution authorizing the Extension of Senior and Individual with Disabilities and Limited Income Exemption.

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

VOTE: Aye – 4; Nay – 0; Absent – 0; Abstain – 0

The Resolution was duly adopted.

RESOLUTION for the Town Board to accept the resolution appointing Donna Aceto to the Band Hall Committee.

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

VOTE: Aye – 3; Nay – 0; Absent – 0; Abstain – 1

The Resolution was duly adopted.

Unfinished Business: None

New Business: Supervisor Partee announced that there are currently three open town vacancies that the Town Board hopes to fill at the next Town Board Meeting on February 17, 2022 (Councilman, Planning Board Member, and Planning Board-Alternate Member). Thus far, there are two individuals that have expressed a sincere interest in the open board seat, and four individuals that have expressed a sincere interest in joining the Planning Board. The Town Board will continue to collect names from interested parties and a Town Board member will reach out to interested candidates to gather some information. At our meeting on February 17, 2022 we will review the information gathered. The board will choose the most appropriate candidate after thoughtful deliberation. No single board member, including Supervisor Partee, will make this decision unilaterally. In addition, whoever is chosen for the open board seat will have to run for election in November, 2022 if he/she wishes to complete the term which expires on December 31, 2023. That person would then have to run again in November,

2023, if he/she were to run for a new term. If anyone has any questions regarding this process, please reach out to any one of us.

The next piece of new business is the Proposed Local Law #1 to override the tax levy limit for the 2023 fiscal year established in General Municipal Law §3-c. According to our Attorney, overriding the tax levy limit is a prudent and fiscally responsible step for municipalities to take to cover the possibilities that a budget has a mathematical error that actually causes the Town or a special district to exceed the tax cap when the Town thought it was under or that the Comptroller changes its rules for calculating the tax cap and applies such changes years after the budget has already been passed when they are auditing the Town. If the Town does not pass the tax cap override, it could face penalties if either of these scenarios play out.

RESOLUTION Introducing the Proposed Local Law #1 and scheduling a Public Hearing for February 17, 2022 at 6:30 p.m. at the Tyre Town Hall, 1082 Gravel Road, Seneca Falls, NY 13148

VOTE: Aye – 4; Nay – 0; Absent – 0; Abstain – 0
The Resolution was duly adopted.

Building keys for Tyre Municipal Building and cleaning of the Town Hall – It was recently determined that multiple people were in possession of the Grand Master key to this building. After a conversation with Judge Guy and Judge Guy reaching out to State Officials, we discovered that the only person/organization that can have a Grand Master key is the fire department to be used in case of an emergency. Not even myself as the Town Supervisor can have a Grand Master key. Nobody other than the Justices and the Court Clerk are allowed to have a key to the Court Offices due to the highly confidential information contained therein. This issue has been addressed and corrected, but it brings up another one. The cleaning organization we contract with to clean the Town Hall and the offices within, cleans every other week on Sundays. She is unable to switch our cleaning to another day, but this means that she will no longer have access to and cannot clean the Court Offices when she is here. The Court Clerk has offered to clean the Court Offices herself instead. It was discussed that the Court Clerk is allowed to work up to 40 hours a week and as long as she doesn't go over that

number of hours then she would be fine to take care of cleaning the Court Offices.

Municipal Membership with the New York Planning Federation – We received a municipal membership sign-up form with the New York Planning Federation. We are allowed to sign up 15 board members or staff to receive mailings, email blasts, and periodic updates from them. The first choice to sign up will go to the Zoning Enforcement Officer as well as the members of the Planning Board and Zoning Board of Appeals. If any Town Board member wishes to be included in the membership list for the New York Planning Federation, please let Supervisor Partee know as soon as possible. Councilman Aceto responded that he would like to be included.

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 regarding 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 and 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 regarding background information/history concerning fire protection services in Tyre.

January 12, 2022 – Communicated with the Seneca County Planning Board regarding the appointment of Karen Thomson to 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 9:00 p.m. – 6:00 a.m. 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, 2022 – 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 ductless mini split heat pump project that was request several months ago for the Tyre Municipal Building. We are not going to proceed with this project.

Bills: None

Adjournment:

Councilman Sutterby moved, seconded by Councilman Aceto that the meeting be adjourned at 7:04 p.m. VOTE: Aye – 4; Nay – 0; Abstain – 0; Absent – 0

Submitted by,

Carolyn Sosnowski
Tyre Town Clerk