

April 21, 2022

The regular monthly meeting of the Tyre Town Board was held Thursday, April 21, 2022 at 6:30 p.m. in the Tyre Municipal Building, 1082 Gravel Road, Seneca Falls, NY 13148, in the Town of Tyre.

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

### **Pledge of Allegiance**

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

**Guests:** Michael Simon, Town Engineer; Lance Young, General Manager at del Lago; and Assemblyman Jeff Gallahan

**Others Present:** Bookkeeper Michael Gross; Assessor Phil Griswold; Jon Partee; Char Verkey; Rod Verkey; Pat Mahoney; Dennis Stone; Rob Barber; Michelle Barber; Richard Damaske; Tom Caprilla; Mark Travis; Dallyn Jenkins; Mike Reese; Alexis Ocra

**Approval of Meeting Minutes:** March 3, 2022 and March 17, 2022

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

Vote: Aye – 5; Nay – 0; Absent – 0; Abstain – 0

**Open Privilege of the Floor:** None

### **Committee Reports:**

Highway Committee – Discussed supply well RFP for Highway Building. Councilman Aceto has received responses back on RFP's for a well at the Highway Building.

Building Committee – Security System for the Municipal Building is being looked into. This project will be in several phases as the Court is looking into any grants that are available for this project.

Records and Communication Committee – Resident notifications were discussed. Supervisor Partee offered a few suggestions that are an option to notify residents in the Town when something is going on such as: group text messaging, cell phone app gogov.com, robo call system, email. General discussion was held and it was decided that Supervisor Partee will continue researching the Town's options.

Insurance and Finance Committee – Supervisor Partee will be attending cyber threat webinar training offered through the town's insurance company. 2019 final Financial Audit received. Draft of Financial Audit for 2020 is in process.

Fire Department Committee – Work continues relative to the post-dissolution proceedings involving the assets and liabilities of the former Magee Volunteer Fire Department.

A Motion was made by Councilman Sutterby, seconded by Councilman Bickel directing the Supervisor to speak with Attorney Mark Butler in regards to obtaining a litigator for the Town and for this litigator to be present at all court proceedings to act in the Town's best interest.

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

Motion is passed

Band Hall Committee – Pat Mahoney reported that there will be a meeting at the Band Hall 4/25/2022 at 7:00 p.m.

Broadband Committee – The deadline for the NYS Broadband Survey has been extended. The information gathered from this survey will help us secure funding for broadband in our community. ([www.senecacountybroadband.com](http://www.senecacountybroadband.com))

**Reports of Officers and Departments:**

Town Clerk: Nothing to report

Highway Superintendent: Highway Superintendent Bush and Supervisor Partee are working with the Montezuma National Wildlife Refuge to apply for funding through the Federal Lands Access Program. The Federal Lands Access Program supplements State and Local resources for public roads that are located on, or adjacent to, or provide access to Federal Lands for which maintenance responsibility is vested with a township. They are going to be applying for funding for East Road, East Tyre Road, Durling Road, and Woodmarsh Road. Montezuma National Wildlife Refuge is currently working on filling out the bulk of the application and Highway Superintendent Bush is getting quotes for the project. The application is due by July 1, 2022.

Dog Control Officer: Everything is getting back to normal at the shelter. They are now conducting 2 spay/neuter clinics every month.

Fire Chief: Chief Tavano reports that there were 11 calls in the last 30 days. Average call out time is 2.19 minutes. Chief Tavano reports there are lots of trainings that are going on at this time and physicals have been completed. They are going to do a walk thru at Love's Truck Stop on April 26, 2022 at 7:00 p.m.

Assessor: Nothing to report

Planning Board/ZBA/Training Records: The monthly meeting of the Planning Board was held on March 22, 2022. There were no actionable items on the March 2022 agenda but they did review the status of five approved but incomplete projects. The Planning Board will meet again on April 27, 2022.

Zoning Enforcement Officer: One new permit for a pole barn was filed for Strong Road. Love's has opened all of the project except for the Speedco. It is scheduled to open in a month.

Bookkeeper: Bookkeeper Gross submitted abstract of audited vouchers #3; cash receipts summary report; Supervisor's monthly report for January 2022; Supervisor's monthly report for February 2022. Bookkeeper Gross met with auditors to conduct the 2020 audit.

## **Resolutions and Motions:**

**RESOLUTION** acknowledging the examination of the records of the Justice Courts for the year 2021.

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

VOTE: Aye – 5; Nay – 0; Absent – 0; Abstain - 0

The Resolution was duly adopted.

**RESOLUTION** acknowledging and accepting the findings of the 2019 Audit performed by the CPA Firm of Mengel Metzger Barr & Co. LLP

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

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

The Resolution was duly adopted.

**RESOLUTION** consenting to the acquisition of Lago Resort and Casino, LLC (Lago) from PGP Investors, LLC to Churchill Downs Incorporated

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

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

The Resolution was duly adopted.

**RESOLUTION** accepting proposal from Labella Associates for review and modification to Local Law #3 of the year 2002 “water service”

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 – 5; Nay – 0; Absent – 0; Abstain – 0

The Resolution was duly adopted.

**RESOLUTION** accepting the proposal from Bartlett Well Drilling to develop a new supply well for the highway building

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

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

The Resolution was duly adopted.

**RESOLUTION** increasing the appropriation for Account A9050.8 Unemployment Insurance

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 – 5; Nay – 0; Absent – 0; Abstain – 0

The Resolution was duly adopted.

**RESOLUTION** appointing Ken Hauenstein to the Agriculture Farmland Preservation Advisory Committee

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

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

The Resolution was duly adopted.

**Unfinished Business:**

All Notices of Award or Notices of Completion for the outstanding public work contracts let by the Town of Tyre in 2019 (re: Pucker Street rehabilitation and the highway garage roof replacement) have been completed for the NYS Department of Labor.

Planning Board Vacancies – There are two vacancies on the Planning Board that need to be filled. Supervisor Partee asked for any nominations for Planning Board Member?

Councilman Bickel nominates Justin Mahoney; seconded by Councilman Sutterby.

Councilman Bennett nominates Rob Barber; seconded by Councilman Aceto.

Supervisor Partee moves that nominations be closed; seconded by Councilman Aceto

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

Motion carried

All in favor of appointing Justin Mahoney as Planning Board Member for the remainder of Henry Bickel’s term which expires on December 31, 2026.

VOTE: Aye – 2; Nay – 3; Abstain – 0; Absent – 0

All in favor of appointing Rob Barber as Planning Board Member for the remainder of Henry Bickel's term which expires on December 31, 2026.

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

Congratulations to our new Planning Board Member Rob Barber.

Supervisor Partee asked for any nominations for Planning Board Alternate Member?

Councilman Aceto nominates Justin Mahoney; seconded by Councilman Bickel.

Councilman Bennett nominates Gene Lambert; seconded by Councilman Sutterby.

Supervisor Partee moves that nominations be closed; seconded by Councilman Bennett.

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

Motion carried

All in favor of appointing Justin Mahoney as Planning Board Alternate Member

VOTE: Aye – 1; Nay – 4; Abstain – 0; Absent – 0

All in favor of appointing Gene Lambert as Planning Board Alternate Member

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

Congratulations to our new Planning Board Alternate Member Gene Lambert.

Zoning Law Review – is ongoing

**New Business:** Nothing to report

## **Supervisor Report/Correspondence:**

March 23, 2022 – FOIL request received from NYS Open the Books requesting an electronic copy of any and all vendor payee payments for the fiscal year 2021. Formally acknowledged receipt of FOIL request on March 29, 2022. We will respond to FOIL request with requested information by April 26, 2022.

March 24, 2022 – Notice received of a complaint filed with the NYS Department of Taxation and Finance pursuant to New York Real Property Tax Law §610 from Time Warner of Rochester (re: Special Franchise Assessment Appeal). The Town Clerk signed and returned the Statement of Service by Mail and Acknowledgement of Receipt by Mail of Complaint on March 29, 2022.

March 29, 2022 – Tyre was identified as an interested agency under SEQR for the Cayuga County Water Sewer Authority Regional Water Project. Received the Full Environmental Assessment Form Part 1 and other pertinent information that pertains to this matter.

March 31, 2022 – Received copy of letter from Town Attorney Jeff Graff forwarding LL#2 of 2022 to the NYS Department of State, the NYS Energy Research and Development, and the NYS Department of Taxation and Finance for filing.

April 4, 2022 – Letter of support sent by the Supervisor to the Town of Seneca Falls as they are seeking funds from the Congressional directed spending program to assist with the Bayard Street culvert project.

April 5, 2022 – Received notice from the NYS Department of State reflecting their filing of LL #1 of 2022 on March 21, 2022.

April 7, 2022 – Supervisor granted permission to the USDA to place traps in Tyre for an invasive pest, the European Cherry Fruit Fly.

April 7, 2022 – Email notification from Teresa Bennett, Esq, Barclay Damon LLP (Attorney for Community Bank N.A.), regarding a proposed Order on Motions in



response to a hearing before the Seneca County Supreme Court on April 5, 2022 (re: the dissolution of the form Magee Volunteer Fire Department).

April 8, 2022 – Email from Mark Butler, Esq., a recap and evaluation of various documents pertaining to the proceedings before the Court on April 5, 2022 (the Order to Show Cause brought by the Receiver, the Cross Motion brought by Community Bank, and the proposed Order prepared by the Bank’s attorney).

April 12, 2022 – Press Release received from NYSEG & RG&E reminding customers to call 811 before digging during National Safety Digging Month (April).

April 13, 2022 – Notice received from the Office of the State Comptroller, Fiscal Oversight Responsibilities of the Governing Board Webinar on April 27, 2022.

April 15, 2022 & April 18, 2022 – Emails from Mark Butler, Esq., updates to matters pertaining to the dissolved Magee Volunteer Fire Department.

April 19, 2022 – Received notice from the NYS Department of State reflecting their filing of LL #2 of 2022 on April 8, 2022.

**Bills:**

General Fund – Townwide: 107-108; 302-338

Highway Fund : 107-108; 302; 337; 613-617

Water District #1: 808-810

Water District #2: 808

Trust & Agency: 6-7

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

**Adjournment:**

Councilman Sutterby moved, seconded by Councilman Bickel that the meeting be adjourned at 8:02 p.m. VOTE: Aye – 5; Nay – 0; Abstain – 0; Absent – 0

Submitted by,

Carolyn Sosnowski  
Tyre Town Clerk