

November 17, 2022

The regular monthly meeting of the Tyre Town Board was held Thursday, November 17, 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

Others Present: Bookkeeper Michael Gross; Marge Fahrenholtz; Justin Mahoney; Joe Tavano, Jr.; Dennis Stone; Pat Mahoney; Susan Delpapa; Deb Kluss; Mark Travis; Karen Thomson; Tom Thomson; Dallyn Jenkins; Mike Reese

Supervisor Partee introduced Jeff Graff, Attorney for the Town

PUBLIC HEARING

Motion made by Councilman Sutterby, seconded by Councilman Bennett to open the Public Hearing regarding Proposed Local Law #5 of 2022 “A Local Law Repealing Solar Energy #4 of 2018 and Amending the Zoning Law of the Town of Tyre”

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

Public Hearing opened at 6:30 p.m.

The Town Board passed a resolution authorizing this public hearing on October 27, 2022 and official notice for tonight’s hearing was published in the Finger Lakes Time on November 3, 2022. Copies of the proposed Local Law have been available here at the Municipal Building since October 27, 2022 and are also available on the Town website. Additional copies are available on the desk in the lobby this evening.

For those wishing to speak at the Public Hearing this evening, comments are to be limited to Proposed Local Law #5 of 2022 “A Local Law Repealing Solar Energy Law #4 of 2018 and Amending the Zoning Law of the Town of Tyre” which are the sole topics of this Public Hearing. The Board will hear comments and questions from the community and will consider them in its decision-making process. The Board will also take written comments into consideration and will place those comments into the record.

Is there anyone here who would like to address the Board with comments specific to Proposed Local Law #5 of 2022 “A Local Law Repealing Solar Energy Law #4 of 2018 and Amending the Zoning Law of the Town of Tyre”?

There were no comments.

Supervisor Partee asked again if there was anyone who would like to address the Board with comments specific to Proposed Local Law #5 of 2022 “A Local Law Repealing Solar Energy Law #4 of 2018 and Amending the Zoning Law of the Town of Tyre”?

Comments: Karen Thomson commented that she would like to see the Board require a set back for the solar panels or some kind of hedge row, fencing, or vegetation put in that within a couple of years would help cover the solar panels. She also asked if it could be placed in the contract that every three years an inspection would be conducted and if not complying with the requirement, the panels would need to be removed. Supervisor Partee stated that these issues have been addressed in the law with a 120 foot setback for large scale projects.

Written comments were received by Robert Seem, shared with the Town Board and filed with the Town Clerk.

Supervisor Partee stated as there are no further comments, is there a motion to close the Public Hearing?

Motion made by Councilman Sutterby, seconded by Councilman Bickel to close the Public Hearing regarding Proposed Local Law #5 of 2022 “A Local Law Repealing Solar Energy Law #4 of 2018 and Amending the Zoning Law of the Town of Tyre”.

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

Public Hearing is closed at 6:34 p.m.

PUBLIC HEARING

Motion made by Councilman Sutterby, seconded by Councilman Bennett to open the Public Hearing regarding Proposed Local Law #6 of 2022 “A Local Law Amending the Town of Tyre Site Plan Review Regulations”.

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

Public Hearing opened at 6:34 p.m.

The Town Board passed a resolution authorizing this public hearing on October 27, 2022 and official notice for tonight’s hearing was published in the Finger Lakes Times on November 3, 2022. Copies of the Proposed Local Law have been available here at the Municipal Building since October 27, 2022 and are also available on the Town website. Additional copies are available on the desk in the lobby this evening.

For those wishing to speak at the Public Hearing this evening, comments are to be limited to the Proposed Local Law #6 of 2022 “A Local Law Amending the Town of Tyre Site Plan Review Regulations” which is the sole topic of this Public Hearing. The Board will hear comments and questions from the community and will consider 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 for the record.

Is there anyone here who would like to address the Board with comments specific to Proposed Local Law #6 of 2022 “A Local Law Amending the Town of Tyre Site Plan Review Regulations”?

There were no comments.

Supervisor Partee asked again if there was anyone who would like to address the Board with comments specific to Proposed Local Law #6 of 2022 “A Local Law Amending the Town of Tyre Site Plan Review Regulations”?

No comments

Supervisor Partee stated as there are no comments, is there a motion to close the Public Hearing?

Motion made by Councilman Sutterby, seconded by Councilman Bennett to close the Public Hearing regarding Proposed Local Law #6 of 2022 "A Local Law Amending the Town of Tyre Site Plan Review Regulations".

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

Public Hearing is closed at 6:35 p.m.

Open Privilege of the Floor: Councilman Bickel discussed an article that was published in the Finger Lakes Times regarding the former MVFD. He stated he does not like the statement that was quoted in the paper that had the word "cronies" in it. He would like to see this redacted in the paper.

Supervisor Partee stated that is not what she relayed to Dave Shaw of the Finger Lakes Times. She also stated that she didn't read it as the Board had said this statement but that it was in the Fire Committee Report that was accepted by the Board.

Councilman Sutterby stated that the Town Board did not say this and that he doesn't know how to address this as no one can control what Dave Shaw writes in the paper.

Councilman Aceto stated that the statement of "cronies" is in the Fire Committee Report as anyone that the Fire Committee talked with kept repeating that if you were not in the right clique that you were run out of the department. Councilman Aceto acknowledged that this could have been worded differently but won't go back on the fact that this did occur. Councilman Aceto and Councilman Sutterby will discuss and see about re-wording this statement in the Fire Department Committee Report.

Approval of Meeting Minutes: October 20, 2022 and October 27, 2022 minutes

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

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

Motion carried

Committee Reports:

Highway Committee – Thank you to Highway Superintendent Bush and the Highway Department for stepping up and doing a great job.

Building Committee – Councilman Aceto reported that the plan for next year would be to dig up the waterline to the Band Hall and make sure it is at the correct depth so it does not freeze during the winter months. For this winter the Band Hall will be winterized and used as needed.

Records and Communication Committee – Supervisor Partee is working on the Town's Social Media Policy.

Insurance and Finance Committee – Nothing to report

Sewer and Water Committee – Mike Simon, Engineer is still working on the map, plan and report for the new extended water district and should have something ready by our next meeting.

Fire Department Committee – Supervisor Partee reported that the sewer inspection passed and the tank has been pumped out. Councilman Bickel made the comment that the American Flag should be lit up at night. Dennis will work on this. Councilman Aceto reported that people are throwing trash in the dumpster at the fire department. Supervisor Partee will reach out to Casella and have the dumpster removed. Councilman Aceto reported that himself, Councilman Sutterby, and Attorney Butler are starting the planning phase of getting everything organized and that it is a work in progress. They will keep the Board updated as to their progress.

Personnel Committee – Nothing to report

Band Hall Committee – Events are being held at the Band Hall. November 19, 2022 was a game night. On December 4, 2022 2-4 p.m. there will be a holiday sing-a-long with cookies and cocoa. The Band Hall Committee will hold its committee meetings on the 4th Monday of each month.

Broadband Committee – Supervisor Partee has been working on developing a plan to ensure all residents in Tyre have access to high speed internet for many months now. She is currently talking with an Internet Service Provider to see what it would take to finish getting all Tyre residents broadband access.

Supervisor Partee explained that the Town of Tyre has a capital reserve fund that was established and funded by the Community Mitigation Plan payments the Town received from del Lago in January, 2017. Supervisor Partee reached out to Paul Reichel with Bond Schoeneck & King who was the attorney that wrote both the Community Mitigation Plan between the Town and del Lago, and the resolution that established this reserve fund. Mr. Reichel was specifically asked if the money in this reserve fund could be used to construct broadband to fully cover all Tyre residents. After he reviewed the resolution and General Municipal Law 6-c, he determined that yes, the Town can use this reserve fund money to construct broadband provided several different items that he detailed.

Supervisor Partee stated that seeing as it is the end of 2022, almost 2023, and as this reserve fund was funded by Community Mitigation Plan Payments, she sees no better use of supporting our community than by ensuring all residents have access to affordable and reliable high-speed internet.

Councilman Sutterby stated that this should be done and should be afforded to all residents. Councilman Aceto stated that after everyone worked from home the last couple of years, not having access to high-speed internet is no longer an option. It is our obligation to provide this to our residents. Supervisor Partee stated that this is a necessity.

Two residents in attendance voiced their view of the absolute necessity to have broadband access.

Reports of Officers and Departments:

Town Clerk: Nothing to report

Highway Superintendent: Highway Superintendent Bush reported that paving is done for this year and they are ready for snow season.

Dog Control Officer: DCO Jenkins reported that the shelter is overwhelmed.

Fire Chief: Chief Tavano reported that there were 16 calls in the Town of Tyre. Average personnel to respond to a call is five. Average response time from time of call to apparatus in route is 3 minutes and 33 seconds. Average arrival time from time of call to arriving on scene is 10 minutes and 32 seconds. There are weekly webinars being conducted at main station on various topics: lithium ion battery fires, water/storm emergency responses, electric vehicle fires, mass casualty incidents. November 27th there will be a confined space rescue operations training module 1. NYS OFPC BEFO starting January 10, 2023. EMT refresher will be held in January, 2023 in Geneva at FLREMS. They are working on NARCAN program consideration. Parade of lights will be held November 27th.

Assessor: Assessor Griswold reported that he is working on monthly deeds, split parcels, bank code and address changes. He is also continuing to administer the STAR Program. He prepared a file for the County Real Property Tax Office. On November 7, 2022 he participated in a zoom class regarding valuation of rv/auto dealerships.

Planning Board/ZBA/Training Records: The only significant thing that happened at the October meeting was approval of a minor sub-division application by James Wilkinson.

Zoning Enforcement Officer: ZEO Heizmann reported there were two permits issued. One permit for a minor sub-division on Middle Black Brook Road and another for a pole barn for agriculture use on Pucker Road.

Bookkeeper: Bookkeeper Gross has uploaded the Abstract of Audited Vouchers #10; cash receipt summary report; financial statement; and the

Supervisor's monthly report. Next month the payroll will start to be processed thru Williamson Law Books.

Resolutions and Motions:

RESOLUTION Adopting the Town of Tyre 2023 Preliminary Budget as the Town of Tyre 2023 Final Budget.

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 Adopting the Town of Tyre Fire District 2023 Preliminary Budget as the Town of Tyre Fire District 2023 Final Budget.

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 Adopting the Town of Tyre Water District #1 2023 Preliminary Budget as the Town of Tyre Water District #1 2023 Final Budget.

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.

RESOLUTION Adopting the Town of Tyre Water District #2 2023 Preliminary Budget as the Town of Tyre Water District #2 2023 Final Budget.

The adoption of the foregoing Resolution was moved by Councilman Bennett, seconded by Councilmen 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 calculated result of the record of activities on Form RS-2417-A “Standard Work Day and Reporting Resolution for Elected and Appointed Officials” and authorizing the posting of Form RS-2417-A.

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 Increasing the appropriation for Account A1910.4 Insurance.

The adoption of the foregoing Resolution was moved by Councilman Aceto, 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 Increasing the Appropriation for Account A1420.44 Attorney – Contractual.

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.

RESOLUTION Increasing the Appropriation for Account A1620.4 Building – Contractual.

The adoption of the foregoing Resolution was moved by Councilman Bennett, 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 Increasing the Appropriation for Account A1220.44 Supervisor – Contractual – Bookkeeper.

The adoption of the foregoing Resolution was moved by Councilman Bennett, 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 Making the Determination of Non-significance (per SEQR Regulations) for Proposed Local Law #5 of 2022 “A Local Law Repealing Solar Energy Law #4 of 2018 and Amending the Zoning Law of the Town of Tyre.

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.

RESOLUTION Making the Determination of Non-significance (per SEQR Regulations) for Proposed Local Law #6 of 2022 “A Local Law Amending the Town of Tyre Site Plan Review Regulations”.

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:

Love’s Watermain Dedication – still no update

New Business:

Dog and Cat Breeding Facilities Law: Councilman Bennett stated that the Board needs to re-look at this topic. He feels that the agreement that is on the table for discussion doesn’t work the way it was intended. He believes that the Board can come up with a better plan for the Town.

Councilman Aceto stated that we are at this point due to one or two instances of potential large dog kennels in our area not playing by the rules. These people get ticketed and then come to court and the judge is confused as to how the regulations in the Town are worded. This new law on the table doesn’t spell out any better and if the Town tries to prosecute there is no one that is listed to be responsible for monitoring these situations. The Board needs to look at those not following the rules versus those that are following the rules. Councilman Bennett and Councilman Aceto have discussed and would like to re-address this topic and bring this back to the basics. There needs to be enforcement for those who break the law and not the residents who are doing everything they are supposed to be doing. Everyone needs to know what their roles and responsibilities are.

Motion made by Councilman Aceto, seconded by Councilman Bickel that Councilman Aceto and Councilman Bennett will work together over the next two months to gather more information and bring back to the Board for further discussion.

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

Motion carried

Supervisor Report/Correspondence:

- October 22, 2022 – A copy of the Band Hall Committee September 26, 2022 meeting minutes received and filed.
- October 27, 2022 – From Helen Van Arsdale via the Town website (re: Worden Road/Route 414 Road Sign).
- October 30, 2022 – From Cindy Lambert via the Town website (re: Responsible Dog Ownership Law).
- November 9, 2022 – From Justin Mahoney via email (re: livestreaming public meetings).
- November 14, 2022 – From NYSEG via a press release (re: Home Energy Assistance Program – Enrollment has begun and can help eligible New Yorkers heat and cool their homes).

Regarding the communications listed, Supervisor Partee wanted to discuss two of the items listed:

There is a flyer in the lobby from the NYS Department of Public Service with information to help control your energy bills this winter. Seeing as many folks are experiencing higher winter heating bills and significantly higher utility energy bills, please take one of these flyers home.

Livestreaming Town of Tyre Public Meetings was discussed by the Town Board and the main concern is the cost of doing this. Councilman Aceto will get prices and bring back the information to the Board. He will also check with the Court to see if there are any conflicts with having the equipment for the livestream in the same room that the Court uses.

Next meeting is December 15, 2022

Happy Thanksgiving!

Bills:

General Fund – Townwide: 122-123; 527-533; 536-563

Highway Fund : 122-123; 657-661

Fire Protection District: 534-535

Water District #1: 834-837

Water District #2: 835; 838

Trust & Agency: 21-22

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

Adjournment:

Councilman Bennett moved, seconded by Councilman Sutterby that the meeting be adjourned at 8:15 p.m. VOTE: Aye – 5; Nay – 0; Abstain – 0; Absent – 0

Submitted by,

Carolyn Sosnowski
Tyre Town Clerk