

January 19, 2023

The regular monthly meeting of the Tyre Town Board was held Thursday, January 19, 2023 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; Dallyn Jenkins; Mike Reese; Dennis Stone; Pat Mahoney; Char Verkey; Rod Verkey; Mark Travis; Charlie Rypma; Justin Mahoney; Cor Forjord

### **PUBLIC HEARING**

Motion made by Councilman Bennett, seconded by Councilman Sutterby to open the Public Hearing regarding Proposed Local Law #1 of 2023 “A Local Law overriding the New York State Property Tax Cap for the 2024 Town Budget”.

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

Public Hearing opened at 6:31 p.m.

The Town Board passed a resolution authorizing this public hearing on January 5, 2023 and official notice for tonight’s hearing was published in the Finger Lakes Times on January 10, 2023. Copies of the proposed Local Law have been available here at the Municipal Building since January 5, 2023.

For those wishing to speak at the Public Hearing this evening, comments are to be limited to Proposed Local Law #1 of 2023 “A Local Law overriding the New York State Property Tax Cap for the 2024 Town Budget” which is the sole topic of this Public Hearing. The Board will hear comments and questions from the

community and will give consideration to them in its decision-making process. The Board will also take written comments into consideration and will place those comments into the record.

Supervisor Partee asked if there was anyone here who would like to address the Board with comments specific to Proposed Local Law #1 of 2023 “A Local Law overriding the New York State Property Tax Cap for the 2024 Town Budget”?

Supervisor Partee asked again if there was anyone who would like to address the Board with comments specific to Proposed Local Law #1 of 2023 “A Local Law overriding the New York State Property Tax Cap for the 2024 Town Budget”?

No comments were received.

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 Bickel to close the Public Hearing regarding Proposed Local Law #1 of 2023 “A Local Law overriding the New York State Property Tax Cap for the 2024 Town Budget”.

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

Public Hearing is closed at 6:32 p.m.

**Open Privilege of the Floor:** Nothing

**Approval of Meeting Minutes:** December 15, 2022 and December 29, 2022 minutes

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

Motion carried.

## **Reports of Officers and Departments:**

Town Clerk: Nothing to report

Highway Superintendent: Nothing to report

Dog Control Officer: DCO Jenkins reported that the shelter has finally passed their state inspection. Adoptions are going well. The spay and neuter clinics are up and running. The shelter is in their 5<sup>th</sup> year of running in the black. She is still dealing with the Gravel Road dog complaints.

Fire Chief: Chief Tavano reported there were 18 calls in the Town of Tyre. Average personnel responding was 5 and average response time from time of call to enroute was 2.19 minutes. Average arrival time from enroute to arrival was 9.31 minutes. There are weekly webinars being conducted at the main station given by ESIP on various topics such as lithium ion battery fires, water/storm emergency responses, electric vehicle fires, mass casualty incidents, and standpipe operations. There will be a confined space class on January 15, 2023 at 10:00a.m. Battalion Drill on the canal trail will be held on April 15, 2023. The annual OSHA refresher will be held on March 19, 2023. Annual physicals will be held on February 25, 2023.

Assessor: Assessor Griswold reported that he is working on monthly deeds, split parcels, bank code and address changes. He also continues to administer the STAR program.

On December 9, 2022 NYS passed a law for volunteer firefighters and ambulance workers to receive a partial tax exemption on their primary residence. Phil is working with the Town Attorney on this.

On December 8, 2022 NYS passed a bill which requires municipalities to notify senior citizens of the tax exemptions that they may be eligible to receive via a second notice, in addition to the notice already mandated that is on the back of their tax bills. The second notification must be sent 30 days prior to filing deadline (March 1<sup>st</sup>). We are meeting the requirements for this second notice by:

- Announcing it as part of today's Town Board meeting and including it in the meeting minutes
- Posting notice on the Town Clerk's bulletin board and on the Town Hall bulletin board
- Posting notice on the Town website
- Posting notice on the Town Facebook page
- Seneca County Department of Real Property Tax Services is posting a notice in the Finger Lakes Times
- Seneca County Department of Real Property Tax Services is posting notice in the Office for the Aging

On January 2, 2023, the Assessor mailed out the renewals for the senior citizen, disability, and agricultural exemptions. All renewals must be returned by March 1, 2023.

Planning Board/ZBA/Training Records: The only official business of the Planning Board in December was a correction motion related to a subdivision application that was originally approved at their October meeting. This was related to the Wilkinson subdivision. The applicant's attorney requested this correction.

Zoning Enforcement Officer: ZEO Heizmann reported that there was one new permit for a home addition on West Brook Road. She is working on updating all forms and fixing the inconsistencies in the Zoning Code from the 2021 update.

Bookkeeper: Bookkeeper Gross has uploaded the Abstract of Audited Vouchers #12 and #13; cash receipt summary report; and the Supervisor's monthly report. Payroll has been transferred to Williamson Law Books and he is now doing payroll at the town building.

### **Reports of Committees:**

Highway Committee: Submitted the FLAP Agreement Worksheet to the Eastern Federal Lands Access Program Team. Next step is for the Eastern FLAP Team to use the project information from the worksheet we sent them to draft the detailed programming letter, which will be the project's legal document. We don't have an exact timeline for when that document will be finalized, but it should be over the next several weeks.

Building Committee: Fire inspection was conducted and three things were found and are being resolved. Cleaner for the building is out sick this week and will give us an update for the following week.

Records and Communication Committee: The Town Facebook Page has been created ([facebook.com/TyreNewYork](https://facebook.com/TyreNewYork)). The facebook page is up and running and follows the Town's Social Media Policy.

The Town's Website has been updated and has a new document category – Town Policies. Per the Social Media Policy, the required disclaimer was added to the Town Website and the Town's Facebook page links directly to it.

Later in the meeting there will be a Resolution to approve the Confidentiality Agreement with Spectrum.

Financial Management Committee: Mengal Metzger & Bar Co. will be here to do the 2022 financial and justice audits the week of March 27, 2023.

Supervisor Partee updated the Town Board on the unemployment insurance claim the town received from an elected official that she protested with the NYS DOL back in September 2022. She reminded the board that they received a letter from the DOL on October 7, 2022 agreeing with the protest and which stated that any charges made to the Town's account for this claim will be credited.

The Town has now received a past due invoice with interest from the DOL for this same unemployment insurance claim. The State is apparently backlogged and Supervisor Partee had the issue escalated to a higher priority queue. Supervisor Partee has verbally confirmed multiple times that the protest was confirmed and the Town does not owe anything and will be credited. There was a hold put on The Town's account so that collections will not pursue anything. If necessary Supervisor Partee will contact the State Senator or Assemblyman to get some assistance. Supervisor Partee reached out to the Town Attorney for his advice and he has suggested that every time the Town receives an invoice from DOL that we send it back with their letter attached saying that our protest has been confirmed and that we do not owe anything.

Later in the meeting there will be a Resolution to update the Town's Investment Policy with regard to the amounts authorized for deposit.

Fire Department Committee: There are three Resolutions on the agenda tonight for getting Pumper #903 in service.

Regarding the quotation from First Due Services that the Town Board accepted at the last meeting, First Due Services will not be able to complete the hose and ladder testing until there is a break in the weather. They typically do not perform these services in the winter. If there is a break in the weather, they will come out to perform the testing we need as they understand we want to get this truck in service asap.

Supervisor Partee is gathering all of the Certificates of Origin for the Fire Department Equipment. Per counsel recommendation, once she has all of the original Certificates of Origin, she will go to the DMV to title all of the fire apparatus so that we will not have to rely on the manufacturer's certificate of origin to transfer ownership in the future. If all of the apparatus is titled, then NYS DMV acts as a central "repository" of sorts, whereby if a title is lost, it is easily replaceable.

For the sake of clarity, Supervisor Partee explained that the Town Board is forming a new corporate entity known as a fire company, and that the Town Board will have authority and control (jurisdiction) over it per Not-For-Profit Corporation Law 14.02. The Town Board will not own a fire department. Once the certificate of incorporation is filed, the fire company board of directors will own the fire department. However, that will not remove the Town Board's authority nor jurisdiction over it as provided to us by law and per the by-laws established by the Town Board. The Town Board will basically be acting like a Board of Fire Commissioners, but the Town Board will not be Fire Commissioners. Our Town currently has and will continue to have a Fire Protection District. We are not establishing a Fire District with a separate Board of Fire Commissioners. A Fire District is a separate municipality.

Seeing as the By-Laws for a new fire company need to be rock solid before proceeding much further, Supervisor Partee called for a special town board meeting/workshop for Tuesday, February 7, 2023 at 6:30 p.m. Town Clerk will

post a public notice in the Finger Lakes Times and will also place notice on the bulletin board in the Town Building.

Band Hall Committee: The Band Hall will re-open in April 2023 and will resume game nights. They have had two inquiries for future use of the Band Hall.

### **Resolutions and Motions:**

**RESOLUTION** Adopting the Town of Tyre Local Law #1 of 2023 A Local Law overriding the New York State Property Tax Cap for the 2024 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 approving overriding the New York State Property Tax Cap for the 2024 Budget for special districts and fire protection districts in the Town of Tyre.

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 Confidentiality Agreement with Spectrum Northeast, LLC and authorize the Town Supervisor to sign the Confidentiality Agreement on behalf of the Town.

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** Adopting a motion for the Town Board to update the amounts authorized for deposit of monies under Article VII of the Town of Tyre’s Investment Policy.

The adoption of the foregoing Resolution was moved by Councilman Sutterby, seconded by Councilmen 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** for the Town Board to accept the quotation from Jerome Fire for MSA SCBA Flow Testing for six (6) SCBA Units.

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** for the Town Board to accept the quotation from Har-Rob for replacing the pump cooler check valve for Pumper #903.

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** for the Town Board to accept the quotation from Har-Rob to remove all “MAGEE” lettering and the Maltese Cross from Pumper #903 and add “TOWN OF TYRE” lettering to the front of the cab.

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** to direct the Town Supervisor get a quote and investigate putting a new maltese cross back on Pumper #903.

The adoption of the foregoing Resolution was moved by Councilman Bennet, 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.

**Unfinished Business:**

Love’s Watermain Dedication – still no update

Kennel Law – no update

Any other unfinished business - none

**New Business:** None

## **Supervisor Report/Correspondence:**

January 6, 2023 – Email received from Graff Law Office, PLLC which included printouts from NYS Department of State’s website reflecting their filing of LL5 and LL6 of 2022 on December 22, 2022.

January 10, 2023 – Letter received from NYS Department of State confirming their filing of LL5 and LL6 of 2022 on December 22, 2022.

January 10, 2023 – FLAP Agreement Worksheet submitted to the Eastern Federal Lands Access Program Team.

January 12, 2023 – Boundary and Annexation Survey (BAS) received via email from the U.S. Census Bureau.

January 17, 2023 – From Association of Towns of the State of New York, monthly digital newsletter received.

Seneca County Housing Survey/Needs Assessment

Supervisor Partee will be on vacation from 2/9 – 2/21/23. In her absence, Councilman Sutterby as Deputy Supervisor is vested with all of the powers and may perform all of the duties of the supervisor including the authority to sign checks.

Next Meeting is February 23, 2023 (4<sup>th</sup> Thursday)

## **Bills:**

General Fund – Townwide: 101-102;200-216; 704-709; 711-713

Highway Fund : 101-102; 200-202; 216; 600-601; 681-685

Fire Protection District: 710

Water District #1: 800; 843-844

Water District #2: 843

Trust & Agency:

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

**Adjournment:**

Councilman Sutterby moved, seconded by Councilman Bennett that the meeting be adjourned at 7:44 p.m. VOTE: Aye – 5; Nay – 0; Abstain – 0; Absent – 0

Submitted by,

Carolyn Sosnowski  
Tyre Town Clerk