

June 15, 2023

The regular monthly meeting of the Tyre Town Board was held Thursday, June 15, 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 – absent; Councilman Kenneth Sutterby – here; Supervisor Beth Partee – here

Others Present: Bookkeeper Michael Gross; Marge Farhenholz; Faith Foulkrod; Char Verkey; Rod Verkey; Dennis Stone; Robert Seem; Deb Geary; Cory Forjon; Jay Horning; Justin Mahoney; Dallyn Jenkins

Open Privilege of the Floor – Nothing

Approval of Meeting Minutes: May 18, 2023

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

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

Reports of Officers and Departments:

Town Clerk: Town Clerk Sosnowski reported that she is working on being able to do hunting and fishing licenses. Also asked the Board if the Town could look into having a credit card machine as residents are asking for this more often.

Highway Superintendent: Highway Superintendent Bush reported that black topping is done for now. They will start working on culverts for next year. The thruway bridge on Middle Black Brook Road was damaged by

equipment travelling on the NYS Thruway and is closed. There is no ETA on the bridge being repaired.

Dog Control Officer: DCO Jenkins reports that the past month has been quiet in the town.

Fire Chief: Nothing

Assessor: Assessor Griswold reported that Grievance Day was held on Tuesday, May 23, 2023 from 5 – 9 pm at the Tyre Town Hall. He reported that there was only one application submitted by mail and that no one attended in person.

Planning Board/ZBA/Training Records: There was a meeting held this week regarding a sub-division application that was approved but requires additional work. Anthony Marro resigned from the Board.

Zoning Enforcement Officer: ZEO Heizmann reported that there were no new permits issued. There were no new complaints received at this time.

Bookkeeper: Bookkeeper Gross reported that he has submitted abstract of audited vouchers #5; cash receipts summary report; completed March, 2023 – May, 2023 financial statements. The 2022 Financial Audit is completed.

Supervisor's Report:

Proposed Gravel Road Solar Project – Last month we were asked if the Town has set hours that construction can occur. Per Town of Tyre Design and Construction Standards for Land Development from July 2019, construction activity is restricted to Monday through Friday from 7:00 a.m. – 7:00 p.m. and Saturdays from 7:00 a.m. – 6:00 p.m. No construction activity is allowed on Sundays and holidays.

DRS – No communication of any kind since they attended our Town Board meeting two months ago on April 20, 2023. No response to an e-mail sent to them more than 3 weeks ago requesting initial funding of an escrow account for the proposed Gravel Road Solar Project prior to their application being submitted to ORES.

Charter – PR event celebrating our partnership with Charter to expand broadband in the Town was discussed. Planning to have it be a mixer of sorts at the Band Hall. This will be scheduled the last week of June or mid-late July. Following the permissive referendum period, we will sign the agreement with Charter and they will submit their pole application as they lease space on the poles, they do not own the poles. Unfortunately, their recent experience has shown that it can take up to 6-9 months to get their application approved. We are hoping that since we are a small town and we are only doing approximately 100 passings, that they will get their application approved quicker.

Montezuma Wildlife Refuge – Supervisor Partee met with the Refuge Manager last week and was updated on the construction of their new Visitor Center/Office Building, as well as the water main extension that will be going from the Town of Aurelius, to the Town of Montezuma, and then to the Refuge in the Town of Tyre. Federal funding has just been granted for their project and they are about to begin the design phase which will take about a year and a half. Two questions for the Town Board: 1. Who will be the main point of contact from Tyre for the water main extension project at the refuge? Board discussed and decided ZEO Heizmann; 2. Does the Town want to create a new water district for the portion of the water main that will be in Tyre? There will be no private land crossing for this water main. Board discussed and decided that there is no need.

Supervisor Partee made a motion to enter into Executive Session at 6:49 p.m., seconded by Councilman Sutterby for “matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation” pursuant to Public Officers Law 105(1)(f).

The motion was duly put to a vote, which resulted as follows:

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

Motion carried.

The Board exited Executive Session at 7:24 p.m. with no action being taken.

Committee Reports:

Building Committee – Court Clerk Transaction Window – nothing to report

Financial Management Committee –

2022 Financial Audit – Received the final reports on June 14th which was shared with the rest of the Board. Please review the audit reports in the next few weeks. We will present a resolution at next month's meeting acknowledging and accepting the findings in them.

2022 Justice Audit – Not yet complete. The auditor is still trying to nail down a date with the court. They are hoping to meet with the court by the end of this month or early July.

Transferred the 2023 budgeted Gaming Tax Revenue to Building Reserves in the A Fund and the 2023 budgeted Revenue from the Sale of Water to the reserve fund for Water District #2.

Multi-year Financial & Capital Plans. Supervisor Partee stated that developing multi-year financial and capital plans is one of her next top priorities. Mike Gross has already started working on a spreadsheet for a four-year financial plan with the template provided by the Office of the State Comptroller for Fiscal Years 2024 – 2027. After we have a draft financial plan complete, we will schedule a special workshop for the Board when we are ready to review and discuss. After we finalize the multi-year financial plan, we will begin working on the multi-year capital plan. The capital plan will likely take a lot more time to complete and the Highway Superintendent and Building Manager will be heavily involved.

Sewer & Water Committee –

Proposed Water District #3 – A couple days ago we received all of the documents and information necessary for the Town to create Water District #3 from the attorney for the Town. The next step is for the Town Clerk to complete the Certificate of Petition and the Town Assessor to complete the Certificate of Town Assessor relative to the Petition, stating that the requisite number of property owners have signed the petition, in

order for the Board to proceed. The Assessor's Certificate needs to be filed in the Town Clerk's Office and the Town Board needs to have both of these documents available to them at the time we set the public hearing.

Supervisor Partee expects we will have both documents and be ready to schedule the public hearing at our meeting next month.

Fire Department/EMS Committee –

North Seneca Ambulance – nothing to report

Intermunicipal Agreement with Galen-Clyde Fire District – nothing to report

Band Hall Committee –

Marge would like to send out a postcard mailing to Town residents offering a Social gathering during the day that will be held on 7/12/23 at 12 noon.

Resolutions and Motions:

RESOLUTION for the Town Board to accept the resolution decrying lack of transparency and impact analysis in the renewal of the State Gaming Compact with the Seneca Nation.

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 – 1; Abstain - 0

The Resolution was duly adopted.

RESOLUTION for the Town Board to accept the Resolution authorizing scheduling a Public Hearing on July 20, 2023 at 6:30 p.m. for the Proposed Local Law entitled "A Local Law to Adopt a New Defense and Indemnification Law".

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 – 4; Nay – 0; Absent – 1; Abstain – 0

The Resolution was duly adopted.

RESOLUTION for the Town Board to accept the resolution introducing a Proposed Local Law to establish regulations for battery energy storage systems for review, establishing SEQRA lead agency, referring the Proposed Local Law to the Town of Tyre and Seneca County Planning Boards, and scheduling a Public Hearing on July 20, 2023 at 6:35 p.m.

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 – 4; Nay – 0; Absent – 1; Abstain – 0

The Resolution was duly adopted.

RESOLUTION for the Town Board to accept the resolution increasing the appropriation for Account DA5120.2 Maintenance of Bridges – Capital Outlay, and to appropriate the expenditure of funds from the Tyre Bridge Repair Reserve Fund.

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 – 4; Nay – 0; Absent – 1; Abstain – 0

The Resolution was duly adopted.

RESOLUTION for the Town Board to accept the resolution increasing the budget for the improvement of town roads and to create a new account code to track expenditures for the Pave our Potholes Program (POP).

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 – 4; Nay – 0; Absent – 1; Abstain – 0

The Resolution was duly adopted.

RESOLUTION for the Town Board to accept the resolution appointing initial members to the Town of Tyre Board of Ethics.

This Resolution is tabled until next month

RESOLUTION for the Town Board to accept the resolution appointing Pam Atherton to the Band Hall Committee.

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 – 4; Nay – 0; Absent – 1; Abstain – 0

The Resolution was duly adopted.

RESOLUTION for the Town Board to accept the resolution accepting the proposal from the Band Hall Committee for funding to mail a postcard to Tyre residents.

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 – 0; Nay – 4; Absent – 1; Abstain – 0

The Resolution was defeated.

RESOLUTION for the Town Board to accept the proposal from the Band Hall Committee for \$750.00 for 2 postcard mailings.

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 – 4; Nay – 0; Absent – 1; Abstain – 0

The Resolution was duly adopted.

Unfinished Business: Kennel Law – nothing new to report

New Business:

Possibly Zoning Law Amendment regarding solar setbacks to residential structures. General discussion followed. The state requires a minimum 250' setback to residential structures. For comparison's sake, there is an approved large solar project in Waterloo that complied with the Town's 300' residential structure setback. Legal counsel has stated that a 500' setback would likely not survive a waiver attempt if challenged. The Board agreed to further discussion at the next town board meeting.

Townwide Garage Sale – General discussion. Supervisor Partee will check with Sue Delpapa regarding this item.

Supervisor Report/Correspondence:

May 18, 2023 – From NYS Department of Taxation & Finance, Final 2023 State and/or Class equalization rate certificate, impact statement and data reports received via email. The final rate is 83.00.

May 22, 2023 – From NYS Public Service Commission, notice received via email (re: Order Approving Compliance Filings 54, 61, 64, and 67 Subject to Conditions for the application of Trelina Solar Energy Center, LLC for a Certificate of Environmental Compatibility and Public Need pursuant to Article 10 to develop,

construct and operate a solar generating facility with a maximum generating capacity of 80 MW in the Town of Waterloo, Seneca County).

May 23, 2023 – Resignation received from Anthony Marro (Planning Board Chairman).

May 26, 2023 – From NYS Association of Towns, May/June 2023 Digital Newsletter received.

May 31, 2023 – From Robin Compo, via e-mail (re: complaint received regarding mounds of trash located at 2988 Auburn Road).

May 31, 2023 – From Town of Huntington, letter received (re: Town of Huntington Voter's Identification Resolution).

June 1, 2023 – From Jim Larson, received, via e-mail, a copy of the letter he sent to State Senator Thomas O'Mara (58th District), State Assemblyman Jeff Gallahan (131st District), US Senator Charles Schumer, US Senator Kristen Gillibrand, and US Congresswoman Claudia Tenney (US House of Representatives) – re: proposed Gravel Road Solar Project.

June 8, 2023 – FOIL request received from Empire Center for Public Policy (re: Current employment contracts between the Town of Tyre and any of its bargaining units). Formally acknowledged and responded to FOIL request on June 8, 2023.

June 11, 2023 – From Stein Stein, via Town website (re: culverts on State Route 318).

Reminders:

Strawberry Social – Saturday, June 17th 5:00 p.m. at the Tyre United Methodist Church

Community Game Night – Saturday, June 17th at 6:30 p.m. at the Band Hall

Primary Election – Tuesday, June 27th 6am-9pm at the Tyre Municipal Building.
Early voting starts this Saturday, June 17th at the Seneca County Health & Human Services Building in Waterloo

Next Town Board Meeting – Thursday, July 20th at 6:30 p.m.

Bills:

General Fund – Townwide: 111-112; 335-363; 632

Highway Fund : 111-112; 335; 626-639

Fire Protection District:

Water District #1: 814-815

Water District #2: 814

Trust & Agency: 9-10

Councilman Bennett moved, seconded by Councilman Sutterby that the bills be approved for payment: VOTE: Aye – 4; Nay – 0; Abstain – 0; Absent – 1

Adjournment:

Councilman Aceto moved, seconded by Councilman Sutterby that the meeting be adjourned at 7:55 p.m. VOTE: Aye – 4; Nay – 0; Abstain – 0; Absent – 1

Submitted by,

Carolyn Sosnowski
Tyre Town Clerk

