

May 18, 2023

The regular monthly meeting of the Tyre Town Board was held Thursday, May 18, 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

Guests: Michael Simon, Town Engineer; Dwight Kanyuck, Attorney

Others Present: Bookkeeper Michael Gross; Assessor Phil Griswold; Jim Larson; Sue Delpapa; Mary True; Craig Bishop; Eileen Franco; Pat Mahoney; Marge Farhenholz; Faith Foulkrod; Joe Tavano, Sr.; Joe Tavano, Jr.

Approval of Meeting Minutes: April 20, 2023 and May 2, 2023

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

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

Open Privilege of the Floor: None

Reports of Officers and Departments:

Town Clerk: Town Clerk Sosnowski reported that she is working on being able to do hunting and fishing licenses.

Highway Superintendent: Highway Superintendent Bush reported that on June 6th Lamb Road and Middle Black Brook Road will begin to be paved.

Dog Control Officer: Nothing

Fire Chief: Fire Chief Tavano reported that there were 19 calls in Tyre. He reports that the annual trainings are complete. There will be a vehicle extrication class; and an airbag and stabilization training. Hazmat trainings have been completed. ISO Audit is done. June 15th there will be training for one million visitors for the 2024 eclipse.

Assessor: Assessor Griswold reported that he is working on monthly deeds, splits parcels, bank code and address changes. He also continues to administer the STAR Program. Grievance Day will be held on Tuesday, May 23, 2023 from 5 – 9 pm at the Tyre Town Hall. A Public Notice was prepared informing taxpayers that he has completed the tentative assessment roll and listed the dates and times he would be sitting with the roll for their inspection. The Town Clerk is in possession of a copy of the Tentative Assessment roll. He has mailed out the increased assessment notices to those affected landowners.

Planning Board/ZBA/Training Records: There was no meeting for the month – the next meeting is scheduled for June 13, 2023 instead of June 27, 2023 for a minor sub-division that needs approval before the property auction that is scheduled on June 20, 2023.

Zoning Enforcement Officer: ZEO Heizmann reported that one new permit was issued for a short term rental; one new complaint received about a shed built on a neighbors property.

Bookkeeper: Bookkeeper Gross reported that he has submitted abstract of audited vouchers #4; cash receipts summary report; supervisor's report and financial report for January and February, 2023. 2022 Financial Audit is almost complete.

Supervisor's Report:

Possible Indemnification Local Law – Supervisor Partee looked into a possible Indemnification Local Law and found that the Town does not have one. Supervisor Partee will look at the local laws for the different towns that the Attorney recommended.

Insurance Coverage – Supervisor Partee reported that the Town has \$1M liability coverage for public officials (\$2500.00 deductible) and has \$3M umbrella coverage (\$10,000.00 deductible).

Proposed Escrow Account – Received an invoice from the attorney for the Town for professional services that are specifically related to the proposed DRS project. As DRS' proposed solar project generated the need for these services, these expenses fall under our Local Law #4 of 2014. Supervisor Partee is going to reach out to DRS to request initial funding for an escrow account to cover the reimbursement of the Town of Tyre's legal and engineering consultant expenses associated with the proposed Gravel Road Solar Project prior to the application being submitted to ORES. Discussion of the Board as to what might be an appropriate amount to initially ask for. Attorney Kanyuck gave his opinion as to what he usually sees as an initial amount to request would be \$20,000 with the initial deposit of \$10,000.

Proposed Gravel Road Solar Project –

Review of Solar Regulations – The Board reviewed solar regulations with Attorney Kanyuck.

Attorney Kanyuck stated that this will be a 94-c project and will undergo a State Citing Board permit and approval process. The developer is supposed to comply with local laws. He suggested that in regards to the State Law our Local Law is better than ORES regulations in terms of setbacks. He feels our numbers are within a reasonable range. He would recommend adding a setback to a residential structure of 250' – 750' (under the current zoning law it would be 150'). 250' is the default of the state. The Town needs to decide what the setback should be to residential structures keeping in mind that it should not be an unreasonable burden. The Town will look at businesses as well and how this footage will affect them. Attorney Kanyuck and Supervisor Partee will work on getting a better map from the County so they can review for this footage decision. It was also discussed if the Town has set hours that construction can occur. The Town Board will follow up and get this information. The developer will have to do a road use agreement with the Town and will need to include driveways. They will

also need to include the emergency response team in discussions to include containment yards.

Proposed Energy Storage (battery) Local Law - General discussion around this and what is considered residential and what is considered commercial. Another question that came up is when does the Town want the Planning Board to be involved? Supervisor Partee indicated that the Planning Board will be sent a copy of the proposed local law for their review and recommendations after the Town Boards introduces the local law at next month's Town Board meeting. The Town currently does not have a local law for energy storage.

Open Privilege of the Floor:

Jim Larson, 1465 Gravel Road, Seneca Falls spoke in regards to the proposed solar project. Mr. Larson stated that his property will be surrounded on all four sides by the proposed solar project. He doesn't care about the National Grid or who will get the profits from this. He stated that this sounds like a done deal and is inevitable. He is a retired caregiver for his 31 year old tbi son. NYS has the authority to issue the permits. Bottom line he stated it doesn't matter we are still going to have 600 acres of solar panels. He asked if there is some kind of local noise ordinance for construction and is asking the Board to look into this as well. He asked why is the Town spending money for a special attorney and engineer if this is a done deal? He asked if we are just trying to mitigate certain parts to make sure the solar company does what it is supposed to do? They have a contract from a landowner already and he wants to know if there is anything that can be done to stop the solar company? He stated he is not going to threaten to sell his home.

Supervisor Partee stated that the Town Board is looking into all concerns.

Councilman Aceto stated and asked Mr. Larson to continue to please research and talk with the Town Board regarding concerns and questions. He also stated that the solar company has not yet applied. He also stated that he does not trust anyone and wants to hire the best and hold everyone accountable to ensure everything is done correctly for the residents.

Councilman Sutterby stated that there is supposed to be money from the State to pay for the attorney and engineers.

Committee Reports:

Building Committee – Councilman Aceto reported that he has received one quote for the court clerk’s transaction window and is waiting for two more. He reported that this project will be paid for with grant money.

Financial Management Committee – Supervisor Partee attended the NYSAC County Finance School. With information gathered from this conference, she negotiated with LNB for the Town and the Town is now getting a 4.75% interest rate on our reserve funds/saving accounts (up from 0.45%). OSC Review of 2022 AUD discussion. 2022 Financial Audit and 2022 Justice Audit discussion.

Sewer & Water Committee – Mike Simon reported that proposed water district #3 is moving forward. SEQR part 1 was completed and sent out. Next step is to complete part II and this was done and complete with nothing moderate to report. There were a few questions that were marked yes in this process and part III has been completed with the narrative for these questions that were marked yes. The next step is for the Town Board to adopt a Resolution issuing a negative declaration of significance and having Supervisor Partee sign part III.

Fire Department/EMS Committee – Supervisor Partee reported that they are still working on the inter-municipal agreement. The Town has also received a letter from North Seneca Ambulance in regards to a contract for 2024 for services for the Town of Tyre.

Band Hall Committee – Games night is scheduled for 5/20/23 at 6:30 p.m.

Resolutions and Motions:

RESOLUTION declaring broadband expansion in the Town of Tyre a Type II Action

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 authorizing expenditure from the General Capital Reserve Fund for broadband expansion in the Town of Tyre

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 accepting the proposal from LaBella Associates for professional engineering services for Delaware River Solar Project

The foregoing Resolution was tabled

RESOLUTION adopting the Town of Tyre Code of Ethics Policy

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 issuing negative declaration of environmental significance for the proposed Route 318 Water District Project

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.

Unfinished Business: Kennel Law – nothing new to report

New Business: Nothing to report

Supervisor Report/Correspondence:

April 18, 2023 – From NYSEG, press release received announcing assistance available and repayment options to help customers with unpaid bills.

April 21, 2023 – From Jim Larson, via e-mail (re: proposed Delaware River Solar Project).

April 21, 2023 – From NYSEG, press release received reminding customers to call before digging for National Safe Digging Month.

April 22, 2023 – From Deborah Geary, via e-mail (re: proposed Delaware River Solar Project).

April 25, 2023 – From Marion Kise, via e-mail (re: high speed internet).

April 28, 2023 – From NYS Department of Agriculture & Markets, response received to the notice on behalf of the Town of Tyre Town Board acting as lead agency for the proposed Route 318 Water District Project.

April 28, 2023 – From MRB Group, via e-mail, the Tyre Town Board was identified as an interested agency under SEQR for the Town of Waterloo Zoning Code Amendments. Received the Full Environmental Assessment Form Part 1 and other pertinent information.

May 8, 2023 – From Chad & Robin Green, via phone (re: Crusoe Cemetery mowing).

May 8, 2023 – From Dave Page, letter received (re: proposed Delaware River Solar Project).

May 18, 2023 – E-mail received from D. Hoffman (re: internet service).

May 18, 2023 – Letter From Mary and Carl Nolt received (re: proposed Delaware River Solar Project).

May 18, 2023 – Email from James and Astrid Nearpass received (re: supporting the broadband expansion agreement with Charter).

Bills:

General Fund – Townwide: 109-110; 309-334

Highway Fund : 109-110; 620-625

Fire Protection District: 902

Water District #1: 811-813

Water District #2: 813

Trust & Agency: 7-8

Councilman Aceto 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 8:32 p.m. VOTE: Aye – 5; Nay – 0; Abstain – 0; Absent – 0

Submitted by,

Carolyn Sosnowski

Tyre Town Clerk