

July 20, 2023

The regular monthly meeting of the Tyre Town Board was held Thursday, July 20, 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 – absent; Councilman Jeffrey Bennett – here; Councilman Henry Bickel – here; Councilman Kenneth Sutterby – here; Supervisor Beth Partee – here

Others Present: Bookkeeper Michael Gross; Marge Farhenholz; Char Verkey; Rod Verkey; Dennis Stone; Dallyn Jenkins; Kathy Jans Duffy; Bruce Jans; Pat Mahoney; Mark Travis

Public Hearing

Motion to open the public hearing made by Councilman Sutterby, seconded by Councilman Bennet.

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

Motion is carried. Public hearing opened at 6:32 p.m.

The Town Board passed a resolution authorizing this public hearing on June 15, 2023, and official notice for tonight’s hearing was published in the Finger Lakes Times on June 22, 2023. Copies of the Proposed Local Law have been available here at the Municipal Building since June 15, 2023.

For those wishing to speak at the public hearing this evening, comments are to be limited to Proposed Local Law #3 of 2023 “A Local Law to Adopt a New Defense and Indemnification Law” 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 into the record.

Is there anyone here who would like to address the board with comments specific to Proposed Local Law #3 of 2023 “A Local Law to Adopt a New Defense and Indemnification Law”?

No comments

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No comments

Councilman Sutterby motioned, seconded by Councilman Bennett to close the public hearing.

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

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

Public Hearing

Motion to open the public hearing made by Councilman Sutterby, seconded by Councilman Bennet.

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

Motion is carried. Public hearing opened at 6:34 p.m.

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For those wishing to speak at the public hearing this evening, comments are to be limited to Proposed Local Law #4 of 2023 “A Local Law to Amend the Town of Tyre Zoning Law to Provide for Battery Energy Storage System 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 into the record.

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No comments

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No comments

Councilman Sutterby motioned, seconded by Councilman Bennett to close the public hearing.

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

Motion is carried. Public Hearing closed at 6:36 p.m.

Open Privilege of the Floor – No comments

Approval of Meeting Minutes: June 15, 2023

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

Reports of Officers and Departments:

Town Clerk: Nothing to report

Highway Superintendent: Nothing to report

Dog Control Officer: DCO Jenkins reports that the shelter has been over run with dogs but they are getting this situation under control. Lollypop Farm has been helping with the dogs. Parvo in cats is rampant in surrounding counties but nothing in our county so far that she is aware of. Please get your cats vaccinated. The shelter had an Ag & Markets inspection.

Fire Chief: Fire Chief Tavano reported that there were 11 calls in the Town. EMS calls are increasing. There have been several vehicle fires and equipment fires. They have revised their EMS response policy and will now be responding to all EMS calls.

Assessor: Nothing to report

Planning Board/ZBA/Training Records: Nothing to report

Zoning Enforcement Officer: Nothing to report

Bookkeeper: Bookkeeper Gross reported that he has submitted the abstract of audited vouchers #6; along with the cash receipts summary report; supervisor's monthly report; and the financial statements. He is also working on the multi-year financial capital plans.

Supervisor's Report: Supervisor Partee reports that there is a new Deputy County Manager Kyle Lovell that is on staff as the current County Manager Mitch Rowe will be retiring before the end of the year.

The County Board of Supervisors passed a resolution to share excess sales tax revenue with the 10 towns and 4 villages in Seneca County. This will be based on excess sales tax not budgeted and based off equilization rates. Councilman Sutterby asked how much revenue Tyre can expect from this resolution. Supervisor Partee said she would get some example numbers for the board.

Committee Reports:

Building Committee –

Court Clerk Window – They have received two quotes for this project.

Financial Management Committee –

Continuing to work on the multi-year financial and capital plans for the Town. The goal is to have drafts of these plans ready in August and to schedule a workshop to work through them in the beginning of September before the budget workshop in the beginning of October.

Fire Department/EMS Committee – Nothing to report

Band Hall Committee – The Band Hall Committee has been busy starting new uses for the Band Hall as a Community Center. In the recent past few months they have held birthday parties, retirement gatherings, lunch bunch, and games night. There is a new group called the Solar Group and they are scheduled for the last Thursday of the month at 6:30 p.m.

Unfinished Business:

2015 Kennel Law/Draft Dog and Cat Breeding Facilities Law – Supervisor Partee passed out both of these documents. Supervisor Partee called for a special town board meeting/workshop on August 3, 2023 at 6:30 PM to review the multiple town dog laws for discussion.

New Business:

SEQR: The Town Board, as lead agency, completed Part 2 and Part 3 of the Full Environmental Assessment Form for Proposed Local Law #4 of the 2023 “A Local Law to Amend the Town of Tyre Zoning Law to Provide for Battery Energy Storage System Regulations”. Attorney Dwight Kanyuck answered each question and the Town Board addressed each question in the SEQR process one-by-one:

1. Impact on Land – Supervisor Partee explained that this question asks the reviewing agency to evaluate the potential impacts of any physical alteration of the land.

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations, is consistent with the Town's Comprehensive Plan, and does not involve any physical alteration of the land.

2. Impact on Geological Features – Supervisor Partee explained that this question asks the reviewing agency to evaluate potential impacts to unique or unusual land forms, and National Natural Landmarks.

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations and is consistent with the Town's Comprehensive Plan. As the proposed action is legislative, the proposed action does not contain nor is it adjacent to any unique geologic features or National Natural Landmarks.

3. Impacts on Surface Water – Supervisor Partee explained that this question asks the reviewing agency to evaluate the potential impacts to any wetland or other surface waterbody including streams, rivers, ponds, and lakes.

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations, is consistent with the Town's Comprehensive Plan, and would not affect any waterbodies that may be present.

4. Impact on Groundwater – Supervisor Partee explained that this question asks the reviewing agency to evaluate potential impacts on the use of, and contamination of, groundwater resources.

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations, is consistent with the Town's Comprehensive Plan, and does not include any of the following:

- Excavation, mining, or dredging during or after construction
 - A new or additional demand for water
 - A public, private, or commercial potable water source that will be added or impacted by the proposed action
 - Generating any liquid waste, including but not limited to wastewater
 - Bulk storage of more than 1,100 gallons of petroleum or chemical products
 - Use of pesticides, herbicides, or insecticides during or after construction of a commercial, industrial, or recreational use
 - Commercial generation, treatment, storage, or disposal of hazardous wastes
5. Impact on Flooding – Supervisor Partee explained that this question asks the reviewing agency to evaluate whether or not the proposed action will result in development on lands subject to flooding.

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations, is consistent with the Town's Comprehensive Plan, and will not result in any development of lands subject to flooding.

6. Impacts on Air – Supervisor Partee explained that this question asks the reviewing agency to determine if the proposed action will include a state regulated air emission source.

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations, is consistent with the Town's Comprehensive Plan, and the information from Part 1 indicates no state regulated air emissions are part of the proposed action.

7. Impact on Plants and Animals – Supervisor Partee explained that this question asks the reviewing agency to evaluate potential impacts to plants and animals.

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations, is consistent with the

Town's Comprehensive Plan, and will not involve any loss of flora and its associated fauna.

8. Impact on Agricultural Resources – Supervisor Partee explained that this question asks the reviewing agency to evaluate potential impacts on agriculture.

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations and is consistent with the Town's Comprehensive Plan.

9. Impact on Aesthetic Resources – Supervisor Partee explained that this question asks the reviewing agency to explore consistency in land use between the proposed action and other land uses that may be seen from or part of a scenic or aesthetic resource.

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations, is consistent with the Town's Comprehensive Plan, and will not result in an obvious change or sharp contrast in land uses.

10. Impact on Historic and Archeological Resources – Supervisor Partee explained that this question asks the reviewing agency to determine whether or not the proposed action may occur in or adjacent to a historic or archeological resource.

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations and is consistent with the Town's Comprehensive Plan. As the proposed action is legislative, the proposed action will not occur in or adjacent to a historic or archeological resource.

11. Impact on Open Space and Recreation – Supervisor Partee explained that this question asks the reviewing agency to determine whether or not the proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations and is consistent with the Town's Comprehensive Plan. As the proposed action is legislative, there are no recreational or open space resources that will be lost as a result of this proposed action.

12. Impact on Critical Environment Areas – Supervisor Partee explained that this question asks the reviewing agency to determine whether or not the proposed action may be located within or adjacent to a critical environmental area (CEA).

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations and is consistent with the Town's Comprehensive Plan. As the proposed action is legislative, there are no CEAs associated with this proposed action.

13. Impact on Transportation – Supervisor Partee explained that this question asks the reviewing agency to determine whether the proposed action may result in a change to existing transportation systems.

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations and is consistent with the Town's Comprehensive Plan. The proposed legislative action will not result in a change to existing transportation systems.

14. Impact on Energy – Supervisor Partee explained that this question asks the reviewing agency to determine whether the proposed action may cause an increase in the use of any form of energy.

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations and is consistent with the Town's Comprehensive Plan. As the proposed action is the adoption or amendment of a local law, the proposed action will not have an increase in the use of energy.

15. Impact on Noise, Odor and Light- Supervisor Partee explained that this question explores whether the proposed action will increase noise, air conditions, or lighting levels.

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations and is consistent with the Town's Comprehensive Plan. As the proposed action is legislative, no increase in noise, odor or lighting is expected as a result of the adoption of this local law.

16. Impact on Human Health – Supervisor Partee explained that this question asks the reviewing agency to evaluate the potential impacts from exposure to any solid or hazardous substances and contaminants.

The Town Board decided that there was no impact as the proposed action is the adoption of a local law/zoning regulations and is consistent with the Town's Comprehensive Plan. As the proposed action is legislative, there will be no related impacts.

17. Consistency with Community Plans – Supervisor Partee explained that this question asks the reviewing agency to evaluate whether the proposed action is not consistent with adopted land use plans.

Councilman Aceto stated that this is very consistent with our comprehensive plan and the needs and wants of the Town, and the Town Board agreed that the proposed action IS consistent with the Town's Comprehensive Plan. The Town Board decided that there was no impact.

18. Consistency with Community Character – Supervisor Partee explained that this question asks the reviewing agency to determine whether the proposed project is inconsistent with the existing community character.

The Town Board decided that the proposed legislative action IS consistent with the existing community character and therefore there was no impact.

After completing Part 2 and taking a hard look at the possible negative environmental impacts, there was a Motion by Councilman Sutterby, seconded by Councilman Bennett authorizing Supervisor Partee to fill out the Part 3 Determination of Significance page concluding that the proposed action will not

have a significant adverse environmental impact – a Determination of Non-Significance.

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

Motion is carried.

RESOLUTION for the Town Board to accept the Resolution increasing the appropriation for Account DA5130.2 Machinery – Capital Outlay for the purchase of a new tractor for mowing along town roads.

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.

Resolutions and Motions:

RESOLUTION for the Town Board to accept the resolution authorizing adoption of Local Law #3 of 2023 entitled “A Local Law to Adopt a New Defense and Indemnification Law”

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

The Resolution was duly adopted.

RESOLUTION for the Town Board to accept the Resolution authorizing adoption of Local Law #4 of 2023 entitled “A Local Law to Amend the Town of Tyre Zoning Law to Provide for Battery Energy Storage System 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 – 4; Nay – 0; Absent – 1; Abstain – 0

The Resolution was duly adopted.

RESOLUTION for the Town Board to accept the Resolution acknowledging and accepting the findings of the 2022 audit performed by the CPA Firm of Mengal Metzger & Co. LLP

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 – 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 for the creation of Water District #3 on August 17, 2023 at 6:30 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 appropriating the expenditure of the General Capital Reserve in the Community Mitigation Fund, and to transfer the funds to the Broadband Capital Project Fund

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

The Resolution was duly adopted.

RESOLUTION for the Town Board to accept the Resolution adopting the Town of Tyre Reserve Fund 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 – 4; Nay – 0; Absent – 1; Abstain – 0

The Resolution was duly adopted.

RESOLUTION for the Town Board to accept the Resolution accepting the quotation from Safe Glass Central NY LLC for replacement of the Court’s transaction window with a bullet proof window

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 introducing Local Law #5 of 2023 entitled “A Local Law to Amend the Town of Tyre Zoning Law to Provide for a Setback from Solar Energy Systems to Residential Dwellings” for review, establishing SEQRA lead agency, referring the proposed Local Law to the

Town of Tyre and Seneca County Planning Boards, and setting a public hearing for August 17, 2023 at 6:35 p.m.

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

The Resolution was duly adopted.

RESOLUTION for the Town Board directing Supervisor Partee to get quotations for servicing and maintenance of all fire department equipment.

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 – Councilman Bennett, Councilman Bickel & Councilman Sutterby
 Nay – 0
 Absent – Councilman Aceto
 Abstain – Supervisor Partee

The Resolution was duly adopted.

RESOLUTION for the Town Board directing Supervisor Partee to create a postcard type mailer to be mailed to town residents requesting volunteers interested in helping to rebuild our local fire department.

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

VOTE: Aye – Councilman Bennett, Councilman Bickel & Councilman Sutterby
 Nay – 0
 Absent – Councilman Aceto
 Abstain – Supervisor Partee

The Resolution was duly adopted.

Supervisor Report/Correspondence:

June 14, 2023 – From NYSEG, press release received (Re: Proposed Rate Case Settlement with the NYS Public Service Commission)

June 19, 2023 – From MRB Group, Full Environmental Assessment Form Part 1 and other pertinent information received (Re: Town of Tyre was identified as an interested agency under SEQR for the Town of Seneca Falls Chapter 213 – Peddling, Soliciting, Transient Business, and Mobile Food Vending Zoning Code Amendment)

June 19, 2023 – From MRB Group, Full Environmental Assessment Form Part 1 and other pertinent information received (Re: Town of Tyre was identified as an interested agency under SEQR for the Town of Seneca Falls Chapter 215 – Rental Property: Absentee Landlords and Criminal Activity Zoning Code Amendment)

June 23, 2023 – From NYS Department of Taxation & Finance, via email, Final Certificate of Special Franchise Values or Assessments

June 23, 2023 – From EDR, request received for information regarding existing and proposed land use and zoning within the Town of Tyre. Responded to request on June 23, 2023 with information on the Tyre Zoning Law and proposed local laws #4 and #5 of 2023.

June 26, 2023 – From Design Connect/Cornell University, via email, seeking project partners from municipalities who are in need of design and planning services

June 27, 2023 – From NYS Public Service Commission, received Order Granting Clarification (Re: Proceeding on Motion of the Commission, Pursuant to Section 97(2) of the Public Service Law, to Institute a Proceeding to Investigate and Evaluate Options for Making Additional Central Office Codes Available in the 315 Area Code Region)

July 3, 2023 – From Eileen Franco, via website (Re: Solar Farms)

July 6, 2023 – From Hometown Press, via website (Re: municipal newsletters)

July 11, 2023 – From Tom Caprilla, FOIL request received (Re: Requesting Town budget to actual income and expenses report for 2022. Also inquiring if Love's, Petro, Byrne Dairy or the Pine View Circle Apartments committed funds for fire protection similar to what del Lago does.) Formally acknowledged receipt of FOIL request on

July 18, 2023. Will respond to FOIL request with requested information no later than August 15, 2023.

July 14, 2023 – From NYS Association of Towns, July 2023 Digital Newsletter received

July 17, 2023 – From Seneca County Office of Aging, via email (Re: United Way of Seneca County's Day of Caring 2023 Fill the Bus Campaign – Friday, August 18th 11am-1pm at the Canoga Fire Department)

Bills:

General Fund – Townwide: 113-115; 364-397

Highway Fund: 113-115; 364; 395; 640-641; 643-651

Broadband Expansion Capital Fund: 1000

Fire Protection District:

Water District #1: 816-819

Water District #2: 817

Trust & Agency: 11-12

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

Adjournment:

Councilman Sutterby moved, seconded by Councilman Bennett that the meeting be adjourned at 7:22 p.m. VOTE: Aye – 4; Nay – 0; Abstain – 0; Absent – 1

Submitted by,

Carolyn Sosnowski
Tyre Town Clerk