

August 17, 2023

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

In Attendance: Marion Kise; Dennis Stone; Jim Larson; Mark Travis; Marge Fahrenholz; Pat Mahoney; Tim Bush; Dallen Jenkins; Mike Reese; Don Garrett; Diane Garrett; Delmar Wise; Justin Mahoney

Public Hearing: Supervisor Partee recused herself from the Public Hearing. Deputy Supervisor asked for a motion to open the public hearing. Motion made by Councilman Aceto to open the public hearing regarding the creation of Proposed Water District #3, seconded by Councilman Bennett. VOTE:

Aye – Councilman Aceto, Councilman Bennett, Councilman Bickel, & Councilman Sutterby

Abstain – Supervisor Partee

Motion carried and public hearing opening at 6:32 p.m.

The Town Board passed a resolution authorizing this public hearing on July 20, 2023; and official notice for tonight's hearing was published in the Finger Lakes Times on August 3, 2023. Copies of the Order Calling Public Hearing, with the District Legal Description from the Engineer's Report have been available here at the Municipal Building since July 20, 2023.

For those wishing to speak at the public hearing this evening, comments are to be limited to the creation of Water District #3 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.

Is there anyone who would like to address the Board with comments specific to the creation of Water District #3? No comments

Again, is there anyone who would like to address the Board with comments specific to the creation of Water District #3?

Mr. James Larson asked to speak and read a statement (see attached). He asked if there is any way that the Water District #3 could be expanded to come down Gravel Road? Mike Simon spoke about the process that the Town has gone thru to get to this point for Water District #3. He stated we are well into the process at this point and it is not economically feasible at this time to add onto the Water District #3. He stated that once this district is formed if residents want to come back to the Board and ask for another water district to be looked into, that would be fine. Supervisor Partee stated to Mr. Larson that if he should check with his neighbors to see who might be interested in public water. Councilman Sutterby stated that at this point the Town is too far into this process to change this particular plan now. Mr. Simon stated that the cost for a district to come down Gravel Road would probably be considerably higher in cost to the residents than the current proposed Water District #3 because there are less residents involved on Gravel Road. Mr. Larson asked our elected officials to make sure the Town residents have safe municipal water in the whole town. He also asked that the Board consider looking into this in the very near future and what it would take to make this happen.

Motion made by Councilman Aceto to close the public hearing; seconded by Councilman Bickel.

Aye – Councilman Aceto, Councilman Bennett, Councilman Bickel, & Councilman Sutterby

Abstain – Supervisor Partee

Public Hearing closed at 6:57 p.m.

Public Hearing: Motion made by Councilman Sutterby to open the Public Hearing regarding Proposed Local Law #5 of 2023 “A Local Law to Amend the Town of Tyre Zoning Law to Provide for a Setback from Solar Energy Systems to Residential Dwellings”; seconded by Councilman Bennett

VOTE: Aye – 5; Nay – 0; Abstain – 0; Absent – 0
Public Hearing opened at 6:58 p.m.

The Town Board passed a resolution authorizing this Public Hearing on July 20, 2023; and official notice for tonight’s hearing was published in the Finger Lakes Times on July 25, 2023. Copies of the Proposed Local Law have been available here at the Municipal Building since July 20, 2023.

For those wishing to speak at the Public Hearing this evening, comments are to be limited to Proposed Local Law #5 of 2023 “A Local Law to Amend the Town of Tyre Zoning Law to Provide for a Setback from Solar Energy Systems to Residential Dwellings” 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.

Is there anyone here who would like to address the Board with comments specific to Proposed Local Law #5 of 2023 “A Local Law to Amend the Town of Tyre Zoning Law to Provide for a Setback from Solar Energy Systems to Residential Dwellings”?

No Comment

Again, is there anyone here who would like to address the Board with comments specific to Proposed Local Law #5 of 2023 “A Local Law to Amend the Town of Tyre Zoning Law to Provide for a Setback from Solar Energy Systems to Residential Dwellings”?

No Comment

As there are no further comments, motion made by Councilman Aceto; seconded by Councilman Bennett to close the Public Hearing.

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

Public Hearing is closed at 6:59 p.m.

Open Privilege of the Floor: Marion Kise (town resident) asked the Board when is the Town going to complete their promise for internet services in the entire Town. Councilman Sutterby stated that part of the Town has had internet for several years and now the Town has signed an agreement with Spectrum to extend internet services to the entire Town. Supervisor Partee stated that Spectrum is waiting on permits from NYSEG so that they can move forward with the project. Supervisor Partee will place a call to Spectrum to see where this stands.

Approval of Meeting Minutes: July 20, 2023 and August 3, 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 – 5; Nay – 0; Absent – 0; Abstain – 0

Motion carried

Executive Session: Motion to enter into Executive Session for “discussions regarding proposed, pending or current litigation” pursuant to Public Officers Law 105(1)(d) and 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) and invite all members of the Town Board for both matters and the Town Assessor for the first matter made by Supervisor Partee, seconded by Councilman Sutterby.

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

Motion carried – entered into Executive Session at 7:05 p.m.

Motion to end Executive Session made by Councilman Bennett; seconded by Councilman Sutterby.

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

Motion carried – exited Executive Session at 7:50 p.m.

Reports of Officers and Departments:

Town Clerk: Nothing

Highway Superintendent: Nothing

Dog Control Officer: Things have been fairly quiet in the Town. There were only two calls for the month.

Fire Department: See attached report

Assessor: Seneca County passed a local law providing a real property tax exemption which consists of 10% of assessed value off from property taxes for volunteer firefighters and ambulance workers. The Town would need to pass a law as well, but if our tax rate stays at 0% there wouldn't be any benefit in receiving this deduction. There is a \$200.00 state tax credit on income tax that they are eligible for as well and volunteer firefighters/ambulance workers can only take advantage of one deduction, not both. If you do the math, volunteer firefighters/ambulance workers in the Town of Tyre would be better off taking the \$200 credit from the State. If the Town does decide to pass a local law for this exemption, it would need to be done by 3/1/24 and would take effect 1/1/25.

Planning Board/ZBA/Training Records: Nothing

Zoning Enforcement Officer: See report

Bookkeeper: Abstract of audited vouchers #7 with cash receipts summary report, Supervisor's monthly report, and the financial report. Continuing to work on the multi-year financial and capital plans.

Reports of Committees:

Building Committee:

Court Clerk Window – has been ordered

Band Hall Roof – It was questioned if the Band Hall is on any historical registry and the answer is no it is not. Board was in agreement for this project to be a complete tear off and re-do that way we are certain that the building is structurally sound and can make any repairs that may be necessary. The Board reviewed all 8 quotes that were received and decided to go with Worden Construction. The roof color chosen was Frosted Green.

Motion by Councilman Bickel to do a complete tear off and re-do by Worden Construction; seconded by Councilman Bennett.

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

Motion is carried.

Financial Management Committee:

Multi-Year Financial & Capital Plans Workshop has been scheduled for September 6, 2023 at 6:30 p.m.

Insurance Renewal – The Town is in the process of doing our annual renewal with our insurance agent.

Fire Protection Committee:

Supervisor Partee will send out a postcard mailer to all Town residents to inquire as to the interest in joining the new fire department. This meeting will be held on 9/18/23 at 6:30 p.m.

The Seneca County Fire Coordinator has asked if they can host a Hazmat Training class for a 4 county hazmat team on October 14, 2023 at the fire department building on the corner of 318/414 for this training. The Town Board decided this was acceptable assuming legal counsel agrees. Supervisor Partee will follow up with legal counsel.

Supervisor Partee obtained service quotes to service all of the remaining fire department vehicles – Motion was made to table this discussion for one month by Councilman Bennett; seconded by Councilman Aceto.

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

Motion carried

Band Hall Committee: The “Lunch Bunch” is meeting every other Wednesday; birthday parties are being scheduled; and game night is happening every third Saturday of the month. They would like for the hot water tank to be taken out of the closet so that they may use the closet for storage space. Further discussion to follow on the hot water tank.

Unfinished Business:

Amendment to Proposed Local Law #5 of 2023 “A Local Law to Amend the Town of Tyre Zoning Law to Provide for a Setback from Solar Energy Systems to Residential Dwellings”. Per feedback received from the Town and County Planning Boards, as well as a mistake with the Public Notice for tonight’s Public Hearing, the Proposed Local Law was amended to provide for minimum setbacks from ground-mounted battery energy storage systems in addition to solar energy systems to residential dwellings located on adjacent properties. It was also amended to resolve an inconsistency that was identified in the definition of the term “setbacks” in the zoning law to consistently reference front setbacks from road center lines.

New Business:

Contract with Christina Benjamin for cleaning the Municipal Building expires at the end of this month. A new contract for the upcoming year (September, 2023 – August, 2024) was posted to one drive. There is a \$20.00 increase per month. Are

there any comments or questions with regard to renewing her contract? No comments or concerns.

Resolutions and Motions:

Resolution for the Town Board to accept the resolution authorizing scheduling a public hearing for Proposed Local Law #5 of 2023 as revised.

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; Abstain – 0; Absent – 0

The Resolution was duly adopted.

Resolution for the Town Board to accept the resolution approving the creation of Water District #3. Supervisor Partee recused herself from this resolution.

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 – Councilman Aceto, Councilman Bennett, Councilman Bickel, &
 Councilman Sutterby
 Abstain – Supervisor Partee

The Resolution was duly adopted.

Resolution for the Town Board to accept the resolution accepting the quotation from Worden Construction in the amount of \$11,278.49 for the roof replacement of the Band Hall.

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

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

The Resolution was duly adopted.

Motion to accept the engagement letter from Ferrara Fiorenza PC for Legal Services.

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

Motion is carried

Motion for up to \$450.00 from the SF Fund for mailers for recruitment purposes.

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

Motion is carried

Supervisor's Report:

Sales Tax Sharing Amount – Supervisor Partee was asked last month about how much Tyre can expect to receive from the County now that the Board of Supervisors agreed to share sales tax with the towns and villages in Seneca County. Using 2023 as an example, it looks like this year's overage might be about \$2M. That means the county would share \$1.25M with the towns and villages (the county will keep the first \$750k for reserves). Tyre would get whatever percentage of the equalized value for the county. Our equalized value is 3.13% of the total in the county, so if the overage is about \$2M, that would be about \$39,125 shared with Tyre. Supervisor Partee emphasized that this is just a hypothetical estimate as sales tax sharing will not start until 2025.

Dog Laws – The proposed dog laws were discussed/reviewed and it was motioned by Councilman Aceto and seconded by Councilman Sutterby that the penalties imposed would be \$100 for first offense; \$300 for second offense; and \$500 for third offense or more in a 3 year period.

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

Motion carried

Traver Cemetery – It has come to the Town’s attention that Traver Cemetery is a privately owned and abandoned cemetery. It is situated on private land and is not owned by the Town. Per legal counsel, the Town has no right to take this cemetery over nor to maintain it. The Highway Superintendent has been directed to stop providing lawn maintenance to Traver Cemetery effective immediately.

Budget Worksheets for 2024 will be sent to department heads by September 1st.

By the end of this month, every employee will receive links to online sexual harassment and workplace violence training that will need to be completed by September 30th.

Upcoming Special Board Meetings/Workshops –

September 6th at 6:30 p.m. – Multi-Year Financial & Capital Plans Workshop

September 18th at 6:30 p.m. – Fire Department Information Session

October 5th at 6:30 p.m. – Budget Workshop

Correspondence:

July 26, 2023 – From Robert C. Seem, resignation from Town of Tyre Planning Board received

July 26, 2023 – From Robert C. Seem, letter and Seneca County Clerk’s Certificate of Search dated February 25, 1913 received (re: Traver Cemetery)

July 26, 2023 – From NYS DEC, via email, Adoption Notice for Rule-makings- 6 NYCRR Part 613, Petroleum Bulk Storage (PBS) Regulations and 6 NYCRR Parts 597/598, Chemical Bulk Storage (CBS) Regulations

July 26, 2023 – From NYS DEC, via email, Notice of Public Comment Period for Proposed Program Policy DER-41 – Financial Assurance Guidance for Sites in the State Superfund Program and Brownfield Cleanup Program

July 28, 2023 – From Jim Larson, via email (re: solar farm fire in Lyme, NY)

July 28, 2023 – From Lucinda Lambert via town website (re: addressing potential hazard due to solar panel or battery energy storage system fires)

July 31, 2023 – From NYS Office of Cannabis Management, Notification to Municipality of adult-use retail dispensary license application

July 31, 2023 – From NYS Agriculture and Markets, received Dog Control Officer Inspection Report completed on July 20, 2023

August 3, 2023 – From Nicole Bishop, via email (re: concerns for Town of Tyre Dog Laws)

August 11, 2023 – From Seneca County Planning Board, received report and resolution regarding Proposed Local Law #5 of 2023

Bills:

General Fund – Townwide: 116-117; 398-420

Highway Fund: 116-117; 652-657

JCAP: 1100

Fire Protection District: None

Water District #1: 820-823

Water District #2: 821

Trust & Agency: 13-14

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

Reminders:

Tyre Community Garage Sale – August 25-27, 2023

Multi-Year Financial & Capital Planning Workshop – September 6, 2023 at
6:30 p.m.

Fire Department Information Session – September 18, 2023 at 6:30 p.m.

Next regular Town Board Meeting – September 21, 2023 at 6:30 p.m.

Adjournment:

Councilman Sutterby moved, seconded by Councilman Bickel that the meeting be
adjourned at 8:52 p.m. VOTE:Aye – 5; Nay – 0; Abstain – 0; Absent – 0

Submitted by,

Carolyn Sosnowski

Tyre Town Clerk