

November 16, 2023

The Regularly Scheduled Town Board meeting of the Tyre Town Board was held Thursday, November 16, 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 Jeffrey Bennett – here; Councilman Henry Bickel – here; Councilman Kenneth Sutterby – here; Supervisor Beth Partee – here

Others Present: Dennis Stone, Corey Haig, Steve Skinner, Marge Fahrenholz, Jason Bishop, Nicole Bishop, Dallyn Jenkins, Pat Mahoney, Delmar Wise

PUBLIC HEARING

Motion made by Councilman Bennett, seconded by Councilman Sutterby to open the Public Hearing regarding Proposed Local Law #6 of 2023 “A Local Law Amending Local Law 1 of 2009, Local Law 1 of 2010, Local Law 4 of the year 2015, and the Zoning Law of the Town of Tyre Pertaining to Dogs and Kennels”.

VOTE: Aye - 4; 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 October 19, 2023 and official notice for tonight’s hearing was published in the Finger Lakes Times on October 25, 2023. Copies of the proposed Local Law have been available here at the Municipal Building since October 19, 2023.

For those wishing to speak at the Public Hearing this evening, comments are to be limited to Proposed Local Law #6 of 2023 “A Local Law Amending Local Law 1 of 2009, Local Law 1 of 2010, Local Law 4 of the year 2015, and the Zoning Law of the Town of Tyre Pertaining to Dogs and Kennels” which is the sole topic of this

public hearing. 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 #6 of 2023 “A Local Law Amending Local Law 1 of 2009, Local Law 1 of 2010, Local Law 4 of the year 2015, and the Zoning Law of the Town of Tyre Pertaining to Dogs and Kennels”? No comments

Supervisor Partee asked again if there was anyone who would like to address the Board with comments specific to Proposed Local Law #6 of 2023 “A Local Law Amending Local Law 1 of 2009, Local Law 1 of 2010, Local Law 4 of the year 2015, and the Zoning Law of the Town of Tyre Pertaining to Dogs and Kennels”? No comments

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 Bennett to close the Public Hearing regarding Proposed Local Law #6 of 2023 “A Local Law Amending Local Law 1 of 2009, Local Law 1 of 2010, Local Law 4 of the year 2015, and the Zoning Law of the Town of Tyre Pertaining to Dogs and Kennels”.

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

Public Hearing is closed at 6:33 p.m.

Open Privilege of the Floor: Nothing

Approval of Meeting Minutes: Motion was made by Councilman Sutterby to dispense with the reading of the October 19, 2023 minutes and approve them as written, seconded by Councilman Bennett.

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

Motion is carried.

Reports of Committees:

Highway Committee: Nothing

Building Committee: The boiler is scheduled for inspection on Friday, December 8th, 2023. The roof replacement on the Band Hall should be started the week after Thanksgiving.

Records & Communication Committee: Nothing

Insurance & Finance Committee: Justice Audit – the auditor will be here on Monday, November 20, 2023.

Sewer & Water Committee: Proposed Water District #3 – waiting on more forms that need to be sent to the attorney.

Fire Protection Committee: Supervisor Partee reported that the use of municipal resources is governed by the NYS Constitution. Specifically, the law states, in part, that “no municipality (town) shall give or loan any property to or in aid of any individual, or private corporation or association, or private undertaking”. The Town cannot “give” Fire Department Building #2 back to the original owner who donated it to the former MVFD, but we might be able to make the case that the property is not needed for any Town purpose and we might be able to sell it to the original owner for a small fee (rather than market value) noting that the Town will be relieved of all maintenance and tax requirements, in addition to having the property placed back on the tax rolls.

Supervisor Bennett would like to hold off on making a decision until some other things can be discussed with the Board. He would like to possibly see this building re-constructed and used for storage. This item is tabled at this time.

Band Hall Committee: The Committee has identified a storage shed size that they believe will help with storing items associated with the Band Hall. The “Lunch Bunch” will continue through the winter months. There will be a winter party of “Cocoa and Carol’s” on December 3rd from 2-4 pm.

Broadband Committee: There are four addresses on Chase Road that have been activated and who now can sign up for service with Spectrum (1875, 1891, 1843, and 1782). Note that 1782 was not on their contracted list as it was listed as a non-standard address, but they made this address truly serviceable. Things are moving forward with this project and Spectrum is contacting residents as they are able to get service.

Reports of Officers and Departments:

Town Clerk – Nothing to report

Highway Superintendent – Nothing to report

Dog Control Officer – Things have been very quiet. The backlog of spay and neuter cases is easing up.

Fire Protection – For the Town of Tyre there were 14 calls. EMS calls are increasing.

Assessor – Assessor is working on monthly deeds, split parcels, bank code and address changes. He also continues to administer the STAR Program. He has prepared a file and will submit it to the County Real Property Tax Office tomorrow. The file will be used for County and Town tax bills.

Seneca County passed a local law providing a real property tax exemption for volunteer firefighters and ambulance workers pursuant to Section 466(A) of the real property tax law. General discussion followed with the Board to see if this something they want the Supervisor to look into. The Board was in agreement that the Supervisor will move forward on this request.

A notice of petition was served against the Assessor, the Board of Assessment Review, and the Town of Tyre on July 24, 2023. The petitioner is Love's Travel Stops & County Stores. The Town hired a law firm to represent us and on November 9th the Assessor received a letter from the attorney stating that the matter has been discontinued.

Planning Board/ZBA – 2 new permits were issued for a Cannabis Farmers Market at the corner of Route 89 and 5 & 20. This is a legal allowed use. A permit was also issued for 1270 Gravel Road for a building being built.

There was 1 new complaint at 1270 Gravel Road for a pole barn frame that had been built without a permit. Violation letters were sent out and the county was notified.

The Planning Board met on October 24, 2023 to discuss Section 4 of Proposed Local Law #6. They felt the time period for the 2nd violation was too long to be effective. They felt it should be 36 hours not months. There was also some concern about the number of animals being increased.

Bookkeeper_ - The abstract of audited vouchers #10 was submitted, as well as the cash receipts summary report, financial statement, and the supervisor's monthly report.

Supervisor's Report:

The Aid to Municipality (ATM) disbursement from the County will occur on November 28th before the BOS Committee meetings. For the Town of Tyre, this money will be accepted as revenue for 2023.

Supervisor Partee asked the Board if anyone would be able to switch the town board meeting night from Thursday to Tuesday evening starting in 2024? The Board will let the Supervisor know if they are able to or not. Further discussion on this to happen.

Resolutions and Motions:

Resolution engaging Beverly Animal Shelter, Inc. to Provide Shelter for the Impounding of Dogs for the Year 2024.

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; Abstain – 0; Absent – 0

The Resolution was duly adopted.

Resolution making determination of non-significance (per SEQR Regulations) for Proposed Local Law #6 of 2023 “A Local Law Amending Local Law 1 of 2009, Local Law 1 of 2010, Local Law 4 of the Year 2015 and the Zoning Law of the Town of Tyre Pertaining to Dogs and Kennels”.

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; Abstain – 0; Absent – 0

The Resolution was duly adopted.

Resolution authorizing adoption by the Town Board of the Town of Tyre of Local Law No. 6 of 2023 entitled “A Local Law Amending Local Law 1 of 2009, Local Law 1 of 2010, Local Law 4 of 2015 and the Zoning Law of the Town of Tyre Pertaining to Dogs and Kennels”.

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; Abstain – 0; Absent – 0

The Resolution was duly adopted.

Resolution authorizing purchase of a storage shed for the Band Hall.

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; Abstain – 0; Absent – 0

The Resolution was duly adopted.

Resolution increasing the appropriation for Account A9030.8 Social Security

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

The Resolution was duly adopted.

Resolution increasing the 2023 Budget for Water District #2

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; Abstain – 0; Absent – 0

The Resolution was duly adopted.

Resolution increasing the appropriation for Account A1220.44 Supervisor – Contractual - Bookkeeper

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

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

The Resolution was duly adopted.

Resolution amending the Highway Fund (DA Fund) 2024 Preliminary Budget

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; Abstain – 0; Absent – 0

The Resolution was duly adopted.

Resolution amending the Water District #1 Fund (SW1 Fund) 2024 Preliminary Budget

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

The Resolution was duly adopted.

Resolution amending the Water District #2 (SW2 Fund) 2024 Preliminary Budget

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; Abstain – 0; Absent – 0

The Resolution was duly adopted.

Resolution adopting the Town of Tyre 2024 Preliminary Budget, as amended, as the Town of Tyre 2024 Final Budget

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; Abstain – 0; Absent – 0

The Resolution was duly adopted.

Resolution adopting the Town of Tyre Fire District 2024 Preliminary Budget as the Town of Tyre Fire District 2024 Final Budget

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; Abstain – 0; Absent – 0

The Resolution was duly adopted.

Resolution adopting the Town of Tyre Water District #1 2024 Preliminary Budget, as amended, as the Town of Tyre Water District #1 2024 Final Budget

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; Abstain – 0; Absent – 0

The Resolution was duly adopted.

Resolution adopting the Town of Tyre Water District #2 2024 Preliminary Budget as amended, as the Town of Tyre Water District #2 2024 Final Budget

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; Abstain – 0; Absent – 0

The Resolution was duly adopted.

Unfinished Business:

Assessor Griswold asked if there had been any changes with the EDU's in the Town? Supervisor Partee checked into this and there have been no changes with the EDU's.

New Business:

Supervisor Partee moved to appoint Steve Skinner as Planning Board member filling Deb Geary's term expiring December 31, 2028, seconded by Councilman Sutterby.

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

Motion is carried

Supervisor Partee moved to appoint Steve Skinner as Planning Board Chair for a term expiring December 31, 2024 (to be subsequently appointed or re-appointed each year at the Organizational Meeting), seconded by Councilman Sutterby.

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

Motion is carried

WELCOME STEVE!

Supervisor Partee stated that the Town Board needs to decide if they want to fill the vacancy on the Town Board caused by the resignation of Reginald Aceto. If the Board chooses to appointment someone to fill this vacancy, this individual will only be appointed until the end of next year (December 31, 2024) and must run in the General Election next November against anyone else interested in the position in order to complete the vacated term (which expires on December 31, 2025).

At this time there are two residents that have contacted Supervisor Partee and expressed an interest in filling this vacancy – Nicole Bishop who resides on Travers Road and Craig Bishop who resides on March Road. Supervisor Partee has been

told that there might be another resident that is interested in this position, but at this time only Nicole and Craig have officially expressed interest.

Correspondence:

October 23, 2023 – From Deb Geary, via email, received resignation letter resigning from the Planning Board

· October 24, 2023 – From NYSERDA, via email, outreach letter received (Re: 2022 Tier 1 awards announced including Gravel Road Solar in the Town of Tyre)

· October 25, 2023 – From Jeffrey Case, Seneca County Fire Coordinator – Thank you letter received from the Seneca County Haz Mat Team and the Finger Lakes Haz Mat Consortium for use of the Public Safety building on the corner of 318/414 for Haz Mat training on October 14, 2023

· October 25, 2023 – From James Larson, via email, link to article from the New York State Business Council (Re: Denial of Funding for Solar Panels & Offshore Wind Project (NY State))

· October 28, 2023 – From James Larson, via email (Re: Proposed Gravel Road Solar Project)

· October 28, 2023 – From James Larson, via email (Re: Solar Panels Q&A)

· October 31, 2023 – From Town Justice Gregory Guy, letter received (Re: Justice Audit)

· November 2, 2023 – From Wake & Bake Farm and Dispensary, Notification to Municipality of an application for licensure with the Office of Cannabis Management to open a microbusiness

· November 3, 2023 – From NYS Association of Towns, via email, November 2023 Digital Newsletter received

· November 13, 2023 – From Seneca County Personnel Office, via email (Re: Recent changes to Section 63 of the Civil Service Law affecting provisional/probationary employees)

November 15, 2023 – from Melvin Nolt, via e-mail (regarding Gravel Road Mega Solar Project)

November 16, 2023 – From Dank Street LLC, Notification to Municipality of adult-use cannabis retail dispensary license application

November 16, 2023 – NYS Ag and Markets, Dog Control Officer Inspection Report completed on 11/3/23 received

November 16, 2023 – from NYS Ag and Markets, Municipal Shelter Inspection Report completed on 11/3/2023 received

Public Hearing – November 30, 2023

Next Regular Town Board Meeting – December 21, 2023

Bills:

General Fund – Townwide: 122-123; 485-517

Highway Fund: 122-123; 488; 676-683

Fire Protection District:

JCAP:

Water District #1: 830-832

Water District #2: 830

Trust & Agency: 19-21

Councilman Sutterby moved, seconded by Councilman Bennett that the bills be approved for payment:

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

Adjournment:

Councilman Sutterby moved, seconded by Supervisor Partee that the meeting be adjourned at 7:27 p.m.

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

Submitted by,

Carolyn Sosnowski

Tyre Town Clerk