

The April 11th, 2023 Town of Tioga board meeting was brought to order at 7:00pm.

Present were Councilman Robert Strong, Councilman Gerald Hyatt, Councilman Drew Griffin, Councilman Paul Welch with Supervisor Lewis Zorn presiding.

Also present was Highway Superintendent Russell Story, Marrell Cortright, Kevin Frisbie, REAP Rep Pat Hansen and Rhonda Kouterick.

Councilman Strong made the motion to approve the March 14th, 2023 board minutes as presented, Councilman Griffin seconded, carried.

Councilman Strong made the motion to accept the March 2023 Planning Board minutes as presented, Councilman Hyatt seconded, carried.

Councilman Griffin made the motion to approve the March reports as given, Councilman Strong seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Update from Highway Superintendent Story:

- Equipment we put on Auctions International ended with the roller at \$17,100.00, the 2013 Ford pickup ended at \$7,300.00 and the 2005 Volvo dump truck ended at \$10,500.00.

Councilman Strong made the motion to accept the bids for all the equipment on Auction International, Councilman Hyatt seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

- New pickup ordered was cancelled due to Dodge not producing 8ft boxes only 6.5ft boxes. We can purchase an equivalent truck from the lot for an additional \$5,000.00 to \$6,000.00.

Councilman Griffin made the motion to purchase the Dodge truck from the lot for the additional price, Councilman Hyatt seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

- Started drain tiling and ditching
- Generator agreement was signed and awaiting blueprints

Supervisor Zorn stated that Mike Jura from Soil and Water contacted him that FEMA has agreed to purchase Steve Well's property on Glenmary Dr and that all costs incurred for the project will be covered.

Park caretakers for Ransom Park will stay the same rate as last year.

Councilman Strong made the motion to close the regular meeting at 7:15pm and open the public hearing for proposed law #1-2023 for “Right To Farm Legislation”, Councilman Hyatt seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

No comments or questions were presented.

Councilman Hyatt made the motion to close the public hearing at 7:18pm and open the re-open the regular meeting, Councilman Welch seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Councilman Hyatt made the motion to adopt proposed law #1-2023 “Right To Farm Legislation” with Article V to pertain to The Law, Councilman Griffin seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

TOWN OF TIOGA LOCAL LAW NO. 2023-#1
A LOCAL LAW FOR THE RIGHT TO FARM

Article I

LEGISLATIVE: INTENT & PURPOSE

The Board recognizes that farming in an essential enterprise and an important industry that enhances the economic base, natural environment, and quality of life in the Town of Tioga. Therefore, the Town Board of the Town of Tioga declares that this Town encourages its agriculture and urges understanding of and cooperation with the necessary day-to-day operations involved in farming.

It is general purpose and intent of this law to maintain and preserve the rural traditions and character of the Town to permit the continuation of agricultural practices to protect the existence and operation of farms to encourage the initiation and expansion of farms and agribusinesses and to promote new ways to resolve disputes concerning agricultural practices and farming operations. In order to maintain a viable farming economy in Tioga, it is necessary to limit the circumstances under which farming may be deemed to be as nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

Article II

DEFINITIONS

1. “Farmland” shall mean land used in agricultural production as defined in Section 308 of Article 25AA of the State Agricultural and Markets Law.

2. "Farmer" shall mean including but not limited to any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.
3. "Agricultural Products" shall mean those products as defined in Section 301 (2) of Article 25AA of the State Agriculture and Markets Law, including, but not limited to:
 - a. Field crops, including corn, wheat, rye, barley, hay, potatoes and dry beans.
 - b. Fruits, including apples, peaches, grapes, cherries and berries.
 - c. Vegetable, including tomatoes, snap beans, cabbage, beets and onions.
 - d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
 - e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, farmed deer, farmed buffalo, fur bearing animals, milk, eggs and furs.
 - f. Woodland products, including maple sap, logs, lumber, posts and firewood.
 - g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
 - h. Aquaculture products, including fish, fish products, water plants and shellfish.
 - i. Wood biomasses; which means short rotation woody crops raised for bioenergy, and shall not include farm woodlands.
 - j. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens. For the purpose of this paragraph, "nucs" shall mean small honey bee colonies created from larger colonies including the nuc box, which is a smaller version of a beehive, designed to hold up to five frames from an existing colony.
 - k. Actively manage log-grown woodland mushrooms.
 - l. Industrial hemp as defined in Section 505 of this chapter.
4. "Farm woodland" includes land used for production and sale of woodland products, including, but not limited to logs, lumber, posts and firewood.
5. "Agricultural Practices" shall mean those practices necessary for the on-farm production, preparation and marketing of agricultural commodities. Examples of such practices include, but are not limited to, operation of farm equipment, proper use of agricultural chemicals and other crop protection methods, manure application and construction and use of farm structures and fences.
6. "Farm Operation" shall be defined in Section 301 (11) in the State Agricultural and Markets Law.

Article III

RIGHT TO FARM DECLARATION

Farmers, as well as those employed, retained or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within this Town at all times and all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place and methodology of such practices, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

1. Reasonable and necessary to the particular farm or farm operation.
2. Conducted in a manner that is not negligent or reckless.
3. Conducted in conformity with generally accepted and sound agricultural practices.
4. Conducted in conformity with all local, state and federal laws and regulations.
5. Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person, and
6. Conducted in a manner that does not unreasonably obstruct the free passage or use of navigable waters or public roadways.

Nothing in this Local Law shall be construed to prohibit an aggrieved party from recovering from damages for bodily injury or wrongful death due to failure to follow sound agricultural practices, as outlined in this section.

Article IV

NOTIFICATION OF REAL ESTATE BUYER & PROSPECTIVE NEIGHBORS

In order to promote harmony between farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with Section 310 of Article 25AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: “It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food and other products and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.”

A copy of this notice shall be included as an addendum to the purchase and sale contract at the time an offer to purchase is made.

Article V

RESOLUTION OF DISPUTES

Should any controversy arise regarding inconveniences occasioned by agricultural operations which cannot be settled by direct negotiation between the parties involved, the controversy should be referred to the Commissioner of Agriculture and Markets for determination about whether the practice in question is sound pursuant to Section 308 of Article 25AA of the State Agriculture and Markets Law.

Article VI

SEVERABILITY

Should any section or portion of this Local Law be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Local Law which shall remain in full force and effect.

Article VII

EFFECTIVE DATE

This Local Law shall be effective immediately upon filing with the New York State Department of State pursuant to Section 27 of Municipal Home Rule Law.

Councilman Hyatt made the motion to approve Resolution #3-2023 for Fuel station and wash facility agreement between the Tioga Central School District and the Town of Tioga effective 7/1/23 through 6/30/24, Councilman Welch seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

RESOLUTION #3-2023

FUEL STATION & WASH FACILITY AGREEMENT BETWEEN THE TIOGA CENTRAL SCHOOL DISTRICT AND THE TOWN OF TIOGA THROUGH JUNE 30, 2024

WHEREAS, The Tioga Central School District has agreed to share their fuel station and wash facility with the Town of Tioga through June 30, 2024 effective July 1st, 2023; and

WHEREAS, The Town agrees to furnish the district with sand and salt as needed in the winter months and to load the sand and salt as needed and to also supply equipment to help with snow removal on the district property as needed in the event of a weather, with Town’s roads being primary concern and the district is secondary; and

WHEREAS, The District in return agrees to allow The Town to use the wash facility as needed for trucks and/or other equipment as needed at the discretion of the authorities of the district’s bus garage (or within hours of operation) and also supply the Town with liquid urea as needed for town vehicles; and

WHEREAS, The Town will provide fuel to the district’s tank as needed and provide the district with the gallons delivered to the district; and

WHEREAS, The District agrees to provide the Town with fuel cards to track the Town’s fuel usage and will supply the Town with a copy of their usage; and

WHEREAS, all differences will be reconciled at the end of this agreement period, and be billed or purchased as appropriate; and

NOW THEREFORE upon a motion by Town Board Member , seconded by Town Board Member and carried; therefore, be it

RESOLVED, that on this day, Tuesday, April 11th, 2023, The Town Board of Tioga accepted the fuel station and wash facility agreement between The Tioga Central School District and The Town of Tioga.

Copy of this agreement is on file at The Town Hall with The Town Clerk.

Councilman Hyatt made the motion to spend up to \$3,500.00 to remodel the break room at the Town Hall, Councilman Griffin seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Councilman Griffin made the motion to renew the flood insurance at ransom park for the bathrooms as presented to The Board for a renewal rate of \$419,.00 for the year, Councilman Hyatt seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

The Board was presented with two quotes for landscaping and maintenance of the flower bed located at Ransom Park for the 2023 season. One quote from Augusta Lawn Care for \$ 1,544.00 for cleanup with as monthly maintenance fee of \$127.50. The second quote was from Scott Kasmarcik from Scott's Lawn & Landscape Care with a quote of \$988.50 for cleanup and monthly maintenance of \$101.25.

Councilman Hyatt made the motion to accept Scott Kasmarcik's quote for landscaping the flower bed at Ransom Park with monthly maintenance, Councilman Griffin seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Talk about potential future projects for The Town were talked discussed.

Councilman Hyatt made the motion to pay the General Fund in the amount of \$23,908.06 Councilman Griffin seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Councilman Welch made the motion to pay the Highway Fund in the amount of \$128,751.29

Councilman Strong seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Councilman Griffin made the motion to take \$109,402.00 from the Equipment Reserve Fund to pay for the 2021 Volvo Roller, Councilman Strong seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Councilman Griffin made the motion to adjourn at 8:05pm, Councilman Hyatt seconded, carried.

Tiffany Middendorf

Tioga Town Clerk