

The May 9th, 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, Code Enforcer Doug Chrzanowski, REAP Rep Pat Hansen and Rhonda Kouterick.

Councilman Strong made the motion to approve the April 11th, 2023 board minutes as presented, Councilman Griffin seconded, carried.

No Planning Board minutes to approve as the May meeting was cancelled due to non-quorum.

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

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Update from Superintendent Story:

- New pickup is in the second stage of production and has a June finish date. We did not take the pickup on the lot.
- Worked on putting gravel on a couple roads.
- We received \$40,000.00 more in CHIP's money than anticipated bringing our budget line for the year to \$540,000.00.

Councilman Strong made the motion to amend the budget \$20,000.00 to match the CHIP's money, Councilman Griffin seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Councilman Hyatt made the motion to hold tire and electronic recycling days on June 2nd and 3rd from 8:00am to noon both days with tires up to 19" costing \$1.00 per tire and tires ranging from 19.5" to 24.5" costing a fee of \$5.00 per tire for recycling, with no tires over 24.5" being accepted, Councilman Welch seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

The CAP response to the Town audit was discussed.

Only one bid was received for the projects Bid #1-2023 and Bid #2-2023 and it was from Marchuska Brothers Construction, LLC for project Bid #2-2023 in the amount of \$68,625.00

Councilman Hyatt made the motion to reject the bid from Marchuska Brothers Construction, LLC for the amount of \$68,625.00, Councilman Griffin seconded, carried.

Roll call vote:

Councilman Hyatt – Aye
Councilman Griffin – Aye

Councilman Strong – Aye
Councilman Welch – Aye

Talk of consolidating buildings within the Town was talked about and potential grants that are available for this project.

Councilman Strong made the motion to contact the Town of Tioga Fire Commissioners to set up a meeting to see the views of the department on potential consolidation of future buildings, Councilman Hyatt seconded, carried.

Roll call vote:

Councilman Hyatt – Aye
Councilman Griffin – Aye

Councilman Strong – Aye
Councilman Welch – Aye

Councilman Hyatt made the motion to adopt Resolution #4-2023 Objection to Governor Hochul's "New York Housing Compact" Proposal, Councilman Griffin seconded, carried.

Roll call vote:

Councilman Hyatt – Aye
Councilman Griffin – Aye

Councilman Strong – Aye
Councilman Welch – Aye

RESOLUTION #4-2023
RESOLUTION IN OBJECTION TO GOVERNOR HOCHUL'S
"NEW YORK HOUSING COMPACT" PROPOSAL

WHEREAS, Governor Hochul's FY 2024 Executive Budget includes the "New York Housing Compact"; and

WHEREAS, the "New York Housing Compact" contains the "New Homes Targets and Fast-Track Approval Act"; and

WHEREAS, the aforementioned bills are Article 7 bills wrongly included in the NYS 2023/2024 budget, which due to their inclusion as such, eliminates proper legislative process that will make for better legislation; and

WHEREAS, the housing issues outlined in the bill are not of statewide concern and are focused on New York City and the surrounding suburbs and do not meet the level allowing the State to overrule Home Rule Law of zoning regulations; and

WHEREAS, the Governor claims that the "New Homes Targets and Fast-Track Approval Act" is necessary in order to forestall restrictive land use practices that inhibit and limit housing development; and

WHEREAS, as proposed, the "New Homes Targets and Fast-Track Approval Act" amends General Municipal Law and will override Town land use regulations as adopted in town zoning codes and potentially disregard town Comprehensive Plans; and

WHEREAS, the "New Homes Targets and Fast-Track Approval Act" requires towns to meet or exceed a Residential Dwelling Growth Target or enact by local law two of five "preferred actions" in order to be considered in "Safe Harbor" status; and

WHEREAS, except for Accessory Apartments/Accessory Dwelling Units, the majority of the "preferred actions" require extreme and substantial amendments to local zoning, including but not limited to, no restrictions on minimum lot size, height limits, setbacks, parking and no environmental review, planning board review and aesthetic review; and

WHEREAS, Appeals under the Housing Compact by Developers or Builders whose applications for creation of housing are denied by a town, will be brought to a new "State Housing Review Board" usurping the Home Rule authority of local land use boards who better understand the local community; and

WHEREAS, the proposed amendments would require new local zoning to be exempt from SEQRA review which would prohibit the study and evaluation of impacts on traffic and roads, impacts on storm water, impacts due to building on steep slopes, impacts on volunteer emergency services, impacts on police department staffing, impacts of additional school age students and the school's ability to absorb them, increase for the necessity of additional sidewalks and mobility connectivity and all standard evaluation criteria typically provided in a generic environmental impact statement; and

WHEREAS, local zoning laws and land use laws are in place to address matters of public safety and health; which include police, fire protection, public works, density, traffic, school capacities, parks and recreation and more, all of which local officials are intimately familiar and best suited to access and determine; and

WHEREAS, the State historically and consistently fights wrongful interference by the Federal Government in matters which fall under State Rights (Federalism), this State Budget Housing Compact wrongfully interferes in zoning and land use matters which belong to the Local Governments under the NYS Constitution; and

WHEREAS, the proposed amendments to Town law would prohibit Municipalities from adopting reasonable and appropriate development regulations to ensure the development is compatible with the surrounding uses; such as lot coverage, open space, building height, setbacks, floor area ratios or parking requirements; and

WHEREAS, this Board is not opposed to the general goal of creating more affordable or below market rate housing, especially where independent and reliable data establishes such a need, but cannot condone State interference in zoning and land use issues; and

WHEREAS, the residents of this Town have had a voice and participated in land use decisions for decades, from creating and updating of the Town's Comprehensive Plan, participating in public hearings and volunteering on Town Boards and Committees; and

WHEREAS, if the Governor's Housing Compact is passed as is, or with negotiated changes that still infringe on a Town's ability to oversee and enforce its zoning and land use laws, the residents of our Town will be disenfranchised from their local elected officials, local volunteer boards and render all of the residents' input meaningless; and

NOW THEREFORE upon a motion by Councilman, seconded by Councilman and carried; therefore, be it

RESOLVED, that on this day, May 9, 2023, that this Town implores the Legislature to permanently remove the Housing Compact proposal from the FY 2023/2024 Budget, and future budgets, and engage Local Governments in dialogue and address our common goals; and be it

FURTHER RESOLVED, that bills of this type be removed from the budget as an "Article 7" bill and follow the regular legislative process which will produce better legislation; and be it

FURTHER RESOLVED, that NYS Environmental laws, including SEQRA, and a municipality's Home Rule of zoning as defined in the NYS Constitution and General Municipal Law should not be limited by any legislation unless that legislation is truly of Statewide concern; and be it

FURTHER RESOLVED, that this Town oppose the Governor's Housing Compact and urges the State Legislature to preserve and protect Municipal Home Rule and Local Zoning Powers; and be it

FURTHER RESOLVED, this resolution be forwarded to Assemblyman Christopher Friend, Senator Tom O'Mara, and Governor Kathy Hochul.

Town resident Ashley Sosmowy has requested permission to look into options such as fundraising and grants that is available to upgrade the basketball court at Ransom Park.

Councilman Hyatt made the motion to give permission to Ashley Sosmowy to pursue information to present to The Town for funding for the basketball court located at Ransom Park, Councilman Strong, seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Councilman Welch made the motion to adopt the Sexual Harassment Report Form presented, 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 adopt the Sexual Harassment Policy presented, 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 General Fund in the amount of \$71,732.36 Councilman Strong seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Councilman Hyatt made the motion to pay the Highway Fund in the amount of \$18,768.09 Councilman Griffin seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Councilman Hyatt made the motion to adjourn at 8:25pm, Councilman Strong seconded, carried.

Tiffany Middendorf
Tioga Town Clerk