

The September 12th, 2023 Town of Tioga board meeting was brought to order at 7:00pm. Present were Councilman Robert Strong, Councilman, Councilman Drew Griffin, Councilman Paul Welch, Councilman Gerald Hyatt with Supervisor Lewis Zorn presiding. Also present was Highway Superintendent Russell Story, Constable Jerry Pierce, Eva Pierce and Jordan Douglas.

Councilman Strong made the motion to approve the August 8th, 2023 board minutes as presented, Councilman Griffin seconded, carried.
Councilman Griffin made the motion to approve the August Planning Board minutes as presented, Councilman Hyatt seconded, carried.

Councilman Griffin made the motion to approve the August reports as given, Councilman Hyatt seconded, carried.

Roll call vote:

Councilman Hyatt – Aye	Councilman Strong – Aye
Councilman Griffin – Aye	Councilman Welch – Aye

Update from Superintendent Story:

- Chip sealing is completed
- We paved Allyn Rd
- Started shoulder work
- Working on cutting and trimming trees
- Received a second quote for a shear for the excavator from Milton CAT in the amount of \$54,000.00. The first quote was received last month from Northeast Implement in the amount of \$21,687.86.

Councilman Griffin stated that Superintendent Story and the Highway Crew did a great job of the paving of Allyn Rd.

Eva Pierce presented The Board with the Hometown Heroes Banner Program. This program prints banners to be mounted with brackets on the electric poles of military, fire and police officers from our town. The banners are made of heavy weight vinyl that will last in the elements for about three years. The price of the 24”x48” banner is \$104.95, and an additional \$69.95 for the mounting bracket, with a minimum purchase of ten banners. Mrs. Pierce is requesting support from The Town for this program.

Councilman Hyatt made the motion to support Eva Pierce with the Hometown Heroes Banner Program, Councilman Griffin seconded, carried.

Roll call vote:

Councilman Hyatt – Aye	Councilman Strong – Aye
Councilman Griffin – Aye	Councilman Welch – Aye

Councilman Strong made the motion to accept the 2022 audited books of Town Justice Bogart and adopts Resolution #7-2023, Councilman Griffin seconded, carried.

Roll call vote:

Councilman Hyatt – Aye
Councilman Griffin – Aye

Councilman Strong – Aye
Councilman Welch – Aye

RESOLUTION #7-2023

AUDIT OF THE TOWN OF TIOGA TOWN JUSTICE COURT RECORDS

WHEREAS, the NY State Unified Court System’s ACTION PLAN FOR THE JUSTICE COURTS included initiatives to improve accountability and controls over Justice Court finances and records; and,

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that justices annually provide their court records and dockets to their respective Town Board and that such records then be examined or audited and that fact be entered into the minutes of the board’s proceedings; and,

WHEREAS, the Town of Tioga Town Board did audit and examine said records and dockets provided by Town Justice Bogart for the fiscal year 01/01/2022 to 12/31/2022 at the monthly board meeting held on September 12, 2023; and

WHEREAS, the Town of Tioga Town Board did approve said records and dockets of Justice Bogart as submitted on August 8, 2023;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Tioga does hereby accept the books of Town Justice Bogart and adopts Resolution #7-2023.

Supervisor Zorn made the motion to schedule a public hearing on proposed Local Law, #2-2023, to allow the Town of Tioga to override the tax levy limit established in General Municipal Law § 3-c for the year commencing January 1, 2024, Councilman Strong seconded, carried.

Roll Vote:

Councilman Strong – Aye
Councilman Hyatt – Aye

Councilman Welch – Aye
Councilman Griffin – Aye

RESOLUTION #8-2023

SCHEDULE PUBLIC HEARING ON LOCAL LAW OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

WHEREAS, the Town of Tioga wishes to enact a local law to allow the Town of Tioga to override the tax levy limit established in General Municipal Law § 3-c for the year commencing January 1, 2024; and

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

RESOLVED, that the Town of Tioga Town Board, County of Tioga, State of New York hereby schedules a public hearing on October 11th at 7:30 p.m. for the proposed Local Law #2-2023 to override the tax levy limit established in General Municipal law §3-c as set forth herein:

(PROPOSED) LOCAL LAW #2-2023

A LOCAL LAW OF THE TOWN OF TIOGA, NEW YORK TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW SECTION 3-c.

Section 1. Legislative Intent.

It is the intent of this local law to allow the Town of Tioga to adopt a budget for the fiscal year commencing January 1, 2024 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override.

The Town Board of the Town of Tioga, New York, County of Tioga is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2024 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

Section 4. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 7. Effective Date.

This local law shall take effect immediately upon adoption, publication and filing with the Secretary of State.

Julie Wendela, President of the Tioga-Nichols Lions Club is holding the Community Spotlight, which is a series of forum meetings with information for seniors on funeral wishes, technology and support using their cell phones and retirement cash flow management.

These meetings will be held at the Nichols Fire Station's Community Room from 10:00am to noon on Tuesdays in October to all community members who are interested.

Ms. Wendela is requesting a donation to help off set the cost of refreshments for the meetings.

Councilman Hyatt made the motion to reimburse the Tioga-Nichols Lions Club for 50% of the cost of refreshments for the October meetings, Councilman Strong seconded, carried.

Roll Vote:

Councilman Strong – Aye
Councilman Hyatt – Aye

Councilman Welch – Aye
Councilman Griffin – Aye

The Lions Club is also requesting to have the meetings advertised on The Town’s electronic sign.

Councilman Hyatt made the motion to allow the Lions Club to advertise their October meetings on The Town’s electronic sign and to have Ms. Wendela meet with the Town Clerk for ad placement, Councilman Strong seconded, carried.

Roll Vote:

Councilman Strong – Aye
Councilman Hyatt – Aye

Councilman Welch – Aye
Councilman Griffin – Aye

Community oriented, non-profit events that are requested to be placed on the Town’s LED sign will be reviewed on a case by case basis with the Town Board moving forward.

Margo Ayres, representing the Tioga Youth Softball Program is requesting permission for various projects at the softball park located on Locust Lane. The softball program has grown tremendously in the last few years according to Ms. Ayres which is why expansion is being requested. Ms. Ayres stated she is planning on applying for a grant from the Mildred Faulkner Truman Foundation for the cost of the following proposed projects:

1. Two dugouts on the second softball field
2. Increase the size of the concession stand as well as equip the stand with water and electric
3. Pour concrete under the bleachers on the main field
4. Purchase and install playground equipment between the #4 pavilion and the concession stand

BridgeNY Program was discussed for the Diamond Valley bridge. Superintendent Story stated that The Town will need to bond out the total cost of the bridge replacement and that it could take NYS up to two years to reimburse The Town.

Ayres Rd abandonment was discussed.

The NY-Tioga I and NY-Tioga II lawsuit was discussed and The Board has decided to pursue and not settle out of court.

Councilman Hyatt made the motion to refuse fire assessment change and The Board supports The Town’s current assessment rate, Councilman Griffin seconded, carried.

Roll Vote:

Councilman Strong – Aye
Councilman Hyatt – Aye

Councilman Welch – Aye
Councilman Griffin – Aye

Councilman Strong made the motion to pay the General Fund in the amount of \$16,209.58 Councilman Welch seconded, carried.

Councilman Hyatt made the motion to pay the Highway Fund in the amount \$30,057.89, Councilman Griffin seconded, carried.

The Town received a letter stating that Creating Healthy Schools and Communities Grant was awarded to the Town for the amount of \$15,000.00 for eligible purchases. The Tioga County Health Department will be reaching out to The Town to schedule a meeting to discuss allowable costs for this project.

Councilman Griffin made the motion to close the regular meeting at 8:25pm and open an executive session, Councilman Strong seconded, carried.

Councilman Strong made the motion to close the executive session and reopen the regular meeting at 8:38pm, Councilman Hyatt seconded, carried.

Councilman Hyatt made the motion to add zero tolerance policy for drugs and alcohol use at the workplace for all Town employees and will be subject to immediate dismissal if policy is violated, Councilman Strong seconded, carried.

Roll Vote:

Councilman Strong – Aye

Councilman Welch – Aye

Councilman Hyatt – Aye

Councilman Griffin – Aye

Planning Board Chairman Doug Chrzanowski is requesting the Town Board raise the price per megawatt for solar farms from \$7,500.00 to \$10,000.00.

Councilman Strong made the motion to raise The Town's price per megawatt for solar farms from \$7,500.00 to \$10,000.00 per megawatt, Councilman Griffin seconded, carried.

Roll Vote:

Councilman Strong – Aye

Councilman Welch – Aye

Councilman Hyatt – Aye

Councilman Griffin – Aye

Councilman Hyatt made the motion to adjourn at 8:53pm, Councilman Griffin seconded, carried.

Tiffany Middendorf
Tioga Town Clerk