

The November 9th, 2021 Town of Tioga board meeting was brought to order at 7:00pm. Present were Councilman Robert Strong, Councilman Gerald Hyatt, Councilman Drew Griffin, Councilman Robert Klossner by phone with Supervisor Lewis Zorn presiding.

Also present were Highway Superintendent Russell Story, Town Attorney Adam Schumacher, REAP Representative Pat Hanson and Rusty Fuller.

Councilman Strong made the motion to accept the October 12th, 2021 Town Board minutes as presented, seconded by Councilman Hyatt, carried.

Councilman Strong made the motion to accept the October 2021 Planning Board minutes as presented, Councilman Hyatt seconded, carried.

Update from Highway Superintendent Story:

- Obtained two quotes for the old 4,000 gallon fuel tank to be properly decommissioned so it can be taken to Weitsman's for recycling. Liftsafe Fuelsafe, Inc. quoted 3,531.00 and Cortland Pump quoted us \$3,451.00.

Councilman Hyatt made the motion to accept the low bid from Cortland Pump in the amount of \$3,451.00 for decommissioning of the old 4,000 gallon fuel tank, Councilman Griffin seconded, carried.

Roll Vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Klossner – Aye

- The equipment he put up for online auction has ended. Closing bids were the old #94 dump truck with a bid of \$11,800.00, the air compressor with a bid of \$220.00 and the Wainwright ditcher ended with a bid of \$1,325.00.

Councilman Hyatt made the motion to accept the closing bids and sell all three pieces of equipment from the online auction, Councilman Strong seconded, carried.

Roll Vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Klossner – Aye

Councilman Griffin made the motion to accept the reports as presented, Councilman Strong seconded, carried.

Earlier in the month Supervisor Zorn, Code Enforcer Doug Chrzanowski, REAP Rep Pat Hansen and the Town Clerk met with Todd Knobbe, the Clean Energy Communities Coordinator for the Southern Tier, from Cornell Cooperative Extension about the Clean Energy Communities Grant that could help The Town with funding to improve our energy efficiency.

One way to do this is called Benchmarking and requires the Town to pass a resolution that requires the Town to track and record energy use data. The data must be publicly available on an annual basis.

Councilman Hyatt made the motion to adopt Resolution #6-2021, establishing energy benchmarking requirements for certain municipal buildings, Councilman Griffin seconded, carried.

Roll Vote:

Councilman Hyatt – Aye
Councilman Griffin – Aye

Councilman Strong – Aye
Councilman Klossner – Aye

RESOLUTION NO. #6-2021

ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR
CERTAIN MUNICIPAL BUILDINGS

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Tioga is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of Tioga’s Town Board desires to use Building Energy Benchmarking - a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Tioga; and

WHEREAS, the Town of Tioga’s Town Board desires to establish procedure or guideline for Town of Tioga staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

- (A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.
- (B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.
- (C) “Commissioner” shall mean the head of the Department.
- (4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Tioga that is 1,000 square feet or larger in size.
- (5) “Department” shall mean the Town of Tioga Town Board.

(6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) "Energy Use Intensity (EUI)" shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) "Utility" shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) "Weather Normalized Site EUI" shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town of Tioga Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

A second way The Town can qualify for more grant points is to adopt the NYS Unified Solar Permit for our permit application replacing the application currently in use.

Councilman Griffin made the motion to adopt Resolution #7-2021 for replacing The Town's current solar permit with the NYS Unified Solar Permit, Councilman Hyatt seconded, carried.

Roll Vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Klossner – Aye

RESOLUTION NO. #7-2021

ADOPTION OF THE NEW YORK STATE UNIFIED SOLAR PERMIT

WHEREAS, The Town of Tioga Town Board duly adopted the "NYS Fire Prevention and Building Construction" code to provide minimum requirements to safeguard the public safety; and

WHEREAS, The Town Code Enforcement Officer, who administers and enforces all provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and the Town Code; and

WHEREAS, The Town of Tioga requires the issuance of a building permit for the construction, enlargement, alteration, repair, removal or demolition of any building or other structure; and

WHEREAS, The New York State Uniform Fire Prevention and Building Code regulates the design, construction, installation, alteration and repair of equipment and systems using solar systems; and

WHEREAS, The New York State Energy Research and Development Authority has developed a New York State Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes: and

WHEREAS, The Town of Tioga Town Board desires to promote the streamlining of the application process for small-scale photovoltaic system installations by adopting the New York State Unified Solar Permit application form and implementing the new procedures,

NOW THEREFORE, BE IT RESOLVED, the Town of Tioga Town Board hereby adopts the New York State Unified Solar Permit application form and procedures for the installation of small scale photovoltaic systems; and it is further

RESOLVED, The Town Code Enforcement Officer is hereby directed to use said New York State Unified Solar Permit application form and procedures in the issuance of building permits for the installation of small-scale photovoltaic systems; and it is further

RESOLVED, any further actions required of the Town of Tioga to affect the foregoing are hereby authorized and the Town Supervisor/Code Enforcer is hereby authorized to execute and deliver any instruments, documents or the like as required to affect the same.

Councilman Hyatt made the motion to close the regular meeting and open the public hearing #1 for the 2022 Preliminary Budget, Councilman Griffin seconded, carried.

There was no public comments or questions on the 2022 Preliminary Budget.
Councilman Strong made the motion to close public hearing #1 for the 2022 Preliminary Budget, Councilman Hyatt seconded, carried.

Councilman Hyatt made the motion to adopt the 2022 Town of Tioga budget as presented, seconded by Councilman Griffin, carried.

Roll Vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Klossner – Aye

Councilman Hyatt made the motion to pay the Highway Fund in the amount of \$70,066.64, Councilman Griffin seconded, carried.

Councilman Strong made the motion to pay the General Fund in the amount of \$28,602.78, Councilman Griffin seconded, carried.

Councilman Griffin stated that there is a lot of cars and junk at the Swansbrough/Adams residence on Fred Catlin Rd, at Corey Relyea's property on Waverly Rd and the property of Romig & Shipman on 752 Glenmary Dr. and wanted code enforcer Doug Chrzanowski to be aware of these properties.

Supervisor Zorn stated that he had met with Robert H. McKertich from Coughlin & Gerhart, LLP to see if he was interested in being our town attorney for 2022.

Supervisor Zorn stated that Mr. McKertich is the town attorney for the Town of Nichols and already attends their board meeting which are at the same day and time as ours at Tioga but that he could send an associate to take notes at our meeting since he is unable to attend.

The board will discuss this matter more at the December 14th meeting.

Councilman Hyatt made the motion to close the regular meeting and open public hearing #2 for MRTA, Councilman Griffin seconded, carried.

Rusty Fuller, Village of Owego trustee stated that all the surrounding towns in Tioga County have opted out of both laws until at least more information has been established on the matter.

Councilman Strong made the motion to close the public hearing #2 on MRTA and reopen the regular meeting, Councilman Hyatt seconded, carried.

Councilman Strong made the motion to opt out of retail cannabis dispensaries within the Town of Tioga, Councilman Hyatt seconded, carried.

Roll Vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Klossner – Aye

Councilman Griffin stated that he feels the board is making a mistake opting out of retail cannabis dispensaries due to loss of potential sales tax for the Town of Tioga and loss of possible small business opportunities for residents.

Councilman Strong made the motion to opt out of on-site cannabis consumption establishments within the Town of Tioga, Councilman Griffin seconded, carried.

Roll Vote:

Councilman Hyatt – Aye

Councilman Strong – Aye

Councilman Griffin – Aye

Councilman Klossner – Aye

TOWN OF TIOGA LOCAL LAW #1-2021

A LOCAL LAW OPTING OUT OF ADULT USE CANNABIS RETAIL DISPENSARIS AND ON-SITE COMSUMPTION SITES

A local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law article 4.

Be it enacted by The Town of Tioga; County of Tioga as follows:

Section 1 – Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in The Town of Tioga that would otherwise be allowed under Cannabis Law Article 4.

Section 2 – Authority

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section 3 – Local Opt-Out

The Town Board of The Town of Tioga hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town’s jurisdiction.

Section 4 – Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, 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 judgement or order shall be rendered.

Section 5 – Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

Councilman Hyatt wants The Board to think about if The Town should hire someone to help with the mowing and care of the cemeteries next year.

Councilman Griffin made the motion to adjourn the meeting at 8:18pm, Councilman Strong seconded, carried.

Tiffany Middendorf
Tioga Town Clerk