

August 21, 2014

The monthly meeting of the Tyre Town Board was held Thursday, August 21, 2014 at 7:30 P.M. in the Band Hall Building, 616 Lamb Road, Tyre, NY

Pledge of Allegiance.

Roll Call: Supv. Ronald McGreevy-here, Councilman Reginald Aceto-here, Councilman Joseph DeI Papa-here, Councilman James Rogers-here, Councilman Thomas Thomson-here.

Also present: Town Attorney Charles Shaffer, PBM Robert Seem, ZCEO David Page, Assessor Philip Griswold, Bookkeeper Nancy McGreevy.

Virginia Robbins, Michelle Billington - Bond, Schoeneck & King; Adam Cummings-Barton & Loguidice; Mike Simon-B M E; Tammy Figler-Freelance Court Reporter, Alliance Court Reporting, Inc.

Minutes

Councilman Aceto moved, seconded by Councilman Thomson and carried, that the reading of the minutes of July 17, 2014 be dispensed with and that they be accepted as written. Vote: Aye-4, Nay-0, Absent-0.

Public Comment

Supv. McGreevy read a letter on behalf of Karen Thomson, who was unable to attend due to the death of her brother. Ms. Thomson had an opportunity to be in 2 of the Better Housing for Tompkins County facilities. She was not acting in favor of or against the project, but to state what she had experienced.

James Dawley read a letter opposing the casino.

Lawrence Kesel, Secretary of the Planning Board, read a letter of resignation from all of his assigned duties in the Town of Tyre, effective immediately.

Department Reports

Assessor

Assessor Philip Griswold reported that according to regulations of the Real Property Tax Service Department, 21 names were removed from the Star Enhanced Exemption Program as the taxpayers did not file an exemption form.

Counsel for Travelcenters of America has filed a Petition and Request for Judicial Intervention for the 2014 Tax Assessment Review Proceeding, Index No. 48531.

Fire Department

In the absence of Fire Chief Craig Reynolds, Fire Department President David Page submitted the department report. The firemen have been involved in structure fires, mutual aid and training. The 10th Annual Gun Raffle is September 27, 2014.

ZCEO

ZCEO David Page has issued one permit.

Planning

Planning Board Chairman Robert Seem reported the Planning Board is working on filling the vacancies on the Planning Board.

Bookkeeper

Bookkeeper Nancy McGreevy submitted the monthly report of Financial Funds to the Town Board members.

Amended Site Plan - Lago Resort and Casino

Supv. McGreevy informed the board that on August 14, 2014, the Seneca County Planning Board recommended that the Tyre Town Board approve the Lago Resort and Casino application for Site Plan Review.

Adam Cummings, P.E., BCEE, of Barton and Loguidice, discussed the Amended Engineer's Report and Site Plan Review for the Lago Resort and Casino in a memorandum dated August 18, 2014, which was provided to the Town Board prior to the August 21, 2014 meeting.

Resolution - Amended Site Plan - Lago Resort and Casino

Councilman Aceto moved a Resolution of the Town Board for the Town of Tyre Regarding Amended Site Plan for the Lago Resort and Casino, Formerly Named the Wilmot Casino and Resort.

NOW, THEREFORE, BE IT RESOLVED, that:

The Town Board has not identified any new or altered potentially significant adverse impacts resulting from the changes proposed in the Amended Site Plan that had not been considered and evaluated during the Town Board's review of the original Site Plan that was approved with conditions by the Town Board on June 12, 2014. The Town Board concluded that the changes do not change the identification and assessment of significant adverse environmental impacts resulting from the Lago Resort and Casino project made by this Town Board

pursuant to the State Environmental Quality Review Act, and the Negative Declaration issued by the Town Board on June 12, 2014 does not require supplementation or amendment and remains in full force and effect. The amended site plan was approved subject to the conditions set forth on page 3 of this resolution.

(Comment - There is a stenographic record of the Town Board's discussion of SEQRA impacts.)

Councilman Rogers seconded this resolution and it was duly put to vote which resulted as follows:

	Yea
Supervisor Ronald McGreevy	- X
Councilman Joseph DelPapa	- X
Councilman James Rogers	- X
Councilman Reginald Aceto	- X
Councilman Thomas Thomson	- X

The resolution was thereupon duly adopted. Resolution follows.

Recess

The Supervisor called for a 10 minute recess at 10:00 P.M.

The Supervisor called the meeting back to order at 10:22 P.M.

Special Legal Counsel

Town Attorney Charles Shaffer presented a Resolution Concerning Retention of Special Legal Counsel in Connection with Adoption of a Moratorium and Local Law Requiring Reimbursement of Expenses.

Councilman Aceto moved a resolution of the Town Board for the Town of Tyre Concerning Retention of Special Legal Counsel to Represent the Town in Connection with the Adoption of a Moratorium on Zoning Permits and Land Use Approvals and with the Adoption of a Local Law Requiring the Reimbursement of Expenses Associated with the Review of Certain Land Use Applications.

Councilman Thomson seconded this resolution and it was duly put to vote which resulted as follows:

	Yea
Supervisor Ronald McGreevy	- X
Councilman Joseph DelPapa	- X
Councilman James Rogers	- X
Councilman Reginald Aceto	- X
Councilman Thomas Thomson	- X

The resolution was duly adopted. Resolution follows.

Proposed Local Law - Reimbursement Costs

Town Attorney Charles Shaffer introduced a Local Law requiring the Reimbursement of Costs Associated with the Review of Zoning Applications by the Town.

Councilman Aceto moved a resolution that a Public Hearing be held September 18, 2014 at 7:30 P.M. at the Band Hall Building, 616 Lamb Road, Seneca Falls, NY 13148, in the Town of Tyre, for the purpose of hearing public comments on proposed Local Law No. 4 of 2014, which will require the reimbursement of costs the Town incurs that are associated with the review of land use and zoning applications within the Town.

The Town Board authorizes the Town Clerk to publish notice of the hearing five (5) days in advance.

Councilman DelPapa seconded this resolution and it was duly put to vote which resulted as follows:

	Yea
Supervisor Ronald McGreevy	- X
Councilman Joseph DelPapa	- X
Councilman James Rogers	- X
Councilman Reginald Aceto	- X
Councilman Thomas Thomson	- X

The resolution was duly adopted.

Resolution follows.

Proposed Local Law - Moratorium on the Processing of Certain Land Use Applications

Town Attorney Shaffer presented a Proposed Local Law Establishing a Moratorium on the Processing of Certain Land Use Applications.

Councilman Aceto moved a Resolution of the Town Board for the Town of Tyre introducing a Local Law Establishing a Moratorium on the Processing of Certain Land Use Applications and on the Issuance of Certain Land Use Approvals and Zoning Permits Exclusive of PUD Approvals, for Multi-Family Residential, Commercial or Industrial Developments in the Town of Tyre.

The Town Board will consider a second draft of a proposed local law that was introduced at the Town Board's August 21, 2014 meeting, establishing a moratorium on the processing of certain land use applications and on the issuance of certain land use approvals and zoning permits, exclusive of Planned Unit Development District approvals, for multi-family residential, commercial or industrial developments in the Town of Tyre.

Councilman Rogers seconded this resolution and it was duly put to vote which resulted as follows:

Yea
Supervisor Ronald McGreevy - X
Councilman Joseph DelPapa - X
Councilman James Rogers - X
Councilman Reginald Aceto - X
Councilman Thomas Thomson - X

The resolution was duly adopted. Resolution follows.

Records Access Appeals Officer

Supv. McGreevy introduced a resolution establishing a Records Access Appeals Officer.

Councilman Thomson moved a Resolution of the Town Board for the Town of Tyre Establishing a Records Access Appeals Officer.

Councilman DelPapa seconded this resolution and it was duly put to vote which resulted as follows:

Yea
Supervisor Ronald McGreevy - X
Councilman Joseph DelPapa - X
Councilman James Rogers - X
Councilman Reginald Aceto - X
Councilman Thomas Thomson - X

The resolution was thereupon duly adopted.

Resolution follows.

Financial - Budget

Councilman DelPapa moved a resolution, seconded by Councilman Thomson and adopted, that the Tyre Town Board hold a Special Meeting on September 11, 2014 at 7:30 P.M. at the Band Hall Building, 616 Lamb Road, Tyre, NY for the purpose of a Budget Workshop for the Town's calendar year 2015 budget. The Town Board may consider any other matters that may come before the board. Vote: Yea-4, Nay-0, Absent-0.

The Town Clerk is directed to publish notice of this Special Meeting.

Personnel - Resignation

On behalf of the Town Board, Supv. McGreevy thanked Larry Kesel for his years of service and dedication to the Town of Tyre. All without pay. He epitomizes the word "Volunteer". Thank you very much, Larry. We will certainly miss you.

Councilman DelPapa moved, seconded by Councilman Aceto and carried, that Mr. Kesel's resignation be accepted with regret. Vote: Yea-4, Nay-0, Absent-0.

Councilman Thomson moved, seconded by Councilman Rogers and carried, that a vacancy be declared on the Planning Board. Vote: Yea-4, Nay-0, Absent-0.

Correspondence/Report

Supv. McGreevy received a letter from Jim Malyj, District Manager, Seneca County Soil and Water District, stating that his department has acquired grant funding to provide Hydroseeding services free of charge to all municipal highway departments. The previous charge was \$150.00 per load. It is recommended the seeding be completed by September 30th to assure proper seed germination and establishment.

The Supervisor informed the board that the Town has received the final installment of \$37,500.00 of our Band Hall Grant.

Financial - Bills

Councilman Aceto moved, seconded by Councilman Thomson and carried, that General Fund bills 115&116,324-343; Highway 115&116,325,342,500,542-551; Water 827-831 be approved for payment. Vote: Yea-4, Nay-0, Absent-0.

Adjournment

Councilman Rogers moved, seconded by Councilman Aceto and carried, that the meeting adjourn at 11:05 P.M. Vote: Yea-4, Nay-0, Absent-0.

Submitted by:

Elizabeth Sutterby
Town Clerk