

September 18, 2014

The monthly meeting of the Tyre Town Board was held Thursday, September 18, 2014 at 7:30 P.M. in the Band Hall Building, 616 Lamb Road, Seneca Falls, NY, 13148 in the Town of Tyre.

Pledge of Allegiance.

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

Others present: ZCEO David Page, Assessor Philip Griswold, Town Attorney Charles Shaffer, Bookkeeper Nancy McGreevy, Highway Supt. Nate Shumway, PBMs Robert Seem and Deborah Geary, Concerned Citizens Patricia Mahoney and Marjorie Fahrenholz, Town Resident Lawrence Kesel and Kathleen Bennett - Bond, Schoeneck & King.

Have had Roll Call - quorum present - meeting called to order at 7:30 P.M.

#### Article 78 Lawsuit

Supv. Ronald McGreevy announced that Acting Supreme Court Justice Patrick Falvey handed down a decision in the Article 78 Lawsuit filed against the Town of Tyre. "The petition is dismissed, in its entirety, on the merits. The Town's six resolutions of June 12, 2014 are hereby confirmed."

#### Public Hearing - Proposed Local Law No. 4 of 2014

Supv. McGreevy opened a public hearing at 7:35 P.M. for the purpose of hearing public comments on proposed Local Law No. 4 of 2014 relating to the reimbursement of town costs associated with the review of certain land use and zoning applications.

September 11, 2014 Seneca County Dept. of Planning and Community Development reviewed this proposed local law and recommended that the Town of Tyre adopt proposed Local Law No. 4.

The Town Clerk has inquired of the procedure for disbursement of funds from the escrow account. Councilmen Rogers-agree, Councilman Aceto-either way, Councilman Thomson-agree and Councilman DelPapa-agree that disbursement of funds from the escrow account by the town to pay the invoices of its consultants shall be made by the Town Clerk following review and approval by the Town Supervisor.

Supv. McGreevy asked if there were any more comments. None were submitted.

Councilman Thomson moved, seconded by Councilman DelPapa and carried, that the public hearing be closed at 7:40 P.M. Vote: Yea-4, Nay-0, Abstain-0, Absent-0.

Supv. McGreevy then opened the Regular Monthly Meeting of the Tyre Town Board.

#### Minutes

Councilman Aceto moved, seconded by Councilman Rogers and carried, to dispense with reading the minutes of September 11, 2014 and that they be accepted as written. Vote: Yea-4, Nay-0, Abstain-0, Absent-0.

#### Band Hall Building

Marjorie Fahrenholz, Concerned Citizen and Member of the Band Hall Renovation Committee, spoke of the Band Hall being the only historic building in the Town of Tyre. Senator Michael Nozzolio obtained a \$50,000 grant to renovate the Band Hall Building so the town could have a meeting room and handicap bathroom. The kitchen was not included in this plan.

The Concerned Citizens would like to hold a Chicken Barbeque to raise money to renovate the kitchen, and have submitted an Application for Permission to use the Band Hall Building for the Chicken BBQ on October 25th. An application was also submitted to use the Band Hall Building for their meetings of September, October and November 2014.

#### Department Reports

Highway - Highway Supt. Shumway reported that the NYS DOT was milling St. Rt. 5 & 20 in the Border City area. The Highway Department was able to obtain 18 loads of millings. This same amount of gravel would cost approximately \$2400.00.

#### Highway Building - Window Replacement

South Seneca Vinyl was contacted for an estimate of \$1230.00 to install 3 windows on the west side of the highway building. It could be 12 weeks before the work could be done. Mr. Shumway informed South Seneca Vinyl that if the estimate is accepted by the Town Board, the work would have to be completed before the end of December 2014.

Councilman Thomson was of the opinion the windows should be replaced. Councilman Rogers thought repairs could be made if there is money in the budget.

Councilman DelPapa moved, seconded by Councilman Aceto and carried, directing the Highway Supt. to ask South Seneca Vinyl to install the 3 windows at a cost of \$1230.00. Vote: Yea-4,Nay-0,Abstain-0,Absent-0.

Magee Fire Department

In the absence of Chief Craig Reynolds, President David Page responded to an inquiry if it was known how much the department owed the water district for water they used in filling swimming pools. Mr. Page replied he did not know this information.

ZCEO

ZCEO David Page reported 5 permits were issued this month.

Planning/Website/Training

Planning Board Chairman Robert Seem reported on training for Planning Board members.

The Planning Board is working on subdivision and site plan regulations.

Bookkeeping

Bookkeeper Nancy McGreevy reported that the August 2014 Monthly Report of the Supervisor was submitted to the Town Board members.

Proposed Local Law No. 4 of 2014 - Reimbursement of Expenses

Councilman Thomson moved, seconded by Councilman DelPapa and adopted, that the following be added to the Draft Dated September 3, 2014 of Local Law No. 4 - A Local Law Requiring the Reimbursement of Expenses Associated with the Review of Zoning and Land Use Applications:

Section 3. Reimbursement Costs

F. Disbursement of funds from the escrow account by the Town to pay the invoices of its consultants shall be made by the Town Clerk following review and approval by the Town Supervisor. Vote: Yea-4,Nay-0,Abstain-0,Absent-0.

Financial - Budgets

The calendar year 2015 budgets were discussed.

Councilman Thomson moved a resolution, seconded by Councilman Rogers and carried, that the Town of Tyre budget presented to the Town Board be adopted as the 2015 Town of Tyre Tentative Budget. Vote: Yea-4,Nay-0, Abstain-0, Absent-0.

Councilman DelPapa moved a resolution, seconded by Councilman Aceto and carried, that the Tyre Water District #1 budget presented to the Town Board be adopted as the 2015 Tyre Water District #1 Tentative Budget. Vote: Yea-4, Nay-0,Abstain-0,Absent-0.

Travelcenters of America - Letter of Engagement

Travelcenters of America has filed a Petition for Review of Tax Assessments, in which Travelcenters of America seeks a reduction in the assessed value of tax map parcel No. 12-1-49 from \$10,000,000 to \$4,000,000.

Kathleen Bennett has submitted a letter of engagement for Bond, Schoeneck & King to represent the Town of Tyre in relation to the town's defense of this petition.

Councilman Rogers moved a resolution, that the Town of Tyre accept this letter of engagement from Bond, Schoeneck & King to represent the Town's defense of this petition filed by Travelcenters of America, and directed the Supervisor to enter into this engagement.

Councilman DelPapa seconded this resolution, and it was adopted with the following vote:

	Yea	Nay	Abstain	Absent
Supervisor Ronald McGreevy	x			
Councilman Reginald Aceto	x			
Councilman Joseph DelPapa	x			
Councilman James Rogers	x			
Councilman Thomas Thomson	x			

Reimbursement of Expenses, and Moratorium on Zoning Permits & Land Use Approvals - Letter of Engagement

The Town of Tyre has considered adopting Local Law No. 4 of 2014 Requiring Reimbursement of Expenses Associated with the Review of Zoning and Land Use Applications and Local Law No. 5 of 2014 relating to the Establishment of a Moratorium on the Processing of certain Land Use Applications.

The Town Board has selected Bond, Schoeneck & King to assist the Town in connection with the Reimbursement of Expenses Associated with Review of

Zoning and Land Use Applications; and a Moratorium on the Processing of certain Land Use Applications. The Town has received a proposal from Kathleen Bennett in relation to these matters.

Councilman Aceto moved a resolution that the Town of Tyre accept this letter of engagement from Bond, Schoeneck & King to represent the Town of Tyre in relation to the adoption of a law requiring reimbursement of certain expenses associated with the review of Zoning and Land Use Applications; and a Moratorium on Zoning Permits and Land Use Approvals. The Supervisor is directed to execute this engagement.

Councilman Rogers seconded this resolution and the vote resulted as follows:

	Yea	Nay	Abstain	Absent
Supervisor Ronald McGreevy	x			
Councilman Reginald Aceto	x			
Councilman Joseph DelPapa	x			
Councilman James Rogers	x			
Councilman Thomas Thomson	x			

Resolution adopted.

Lago Resort and Casino - Letter of Support

Councilman Thomson moved a resolution that the Town Board of the Town of Tyre sign and authorize Supv. McGreevy to submit a letter to Kevin Law, Chair, Gaming Facility Location Board, in support of the Lago Resort and Casino application for Region 5 Gaming License, Town of Tyre, Seneca County, New York.

The Town Board requests the Gaming Facility Location Board to consider seriously the information in the letter in determining to award a gaming license to the Lago Resort and Casino project proposed by Wilmorite, Inc.

Councilman DelPapa seconded this resolution and it was adopted with an unanimous vote: Yea-4,Nay-0,Abstain-0,Absent-0.

Band Hall Building - Application - Barbecue

Councilman Rogers moved the following resolution:

WHEREAS, the Band Hall Renovation Committee has made application to use the Band Hall Building for the purpose of conducting a fund raiser in the form of a Chicken Bar-B-Q on October 25, 2014; and

WHEREAS, the Band Hall Renovation Committee has provided evidence of insurance in connection with its use of the Band Hall Building; be it

RESOLVED, the Tyre Town Board finds that the use of the Band Hall Building by the applicant promotes the common good and general welfare of the citizens of the Town, and be it

FURTHER RESOLVED, that the applicant be granted permission to use the Band Hall Building for a Chicken Bar-B-Q on October 25, 2014 upon the applicant filing an executed agreement in the form required in paragraph 3 of the Town Board resolution dated July 17, 2014 not less than seven (7) calendar days prior to the scheduled event.

Councilman Aceto seconded this resolution, and it was duly put to vote, Vote: Yea-4, Nay-0,Abstain-0,Absent-0.

Band Hall Building - Application - Meetings

Councilman Aceto moved the following resolution:

WHEREAS, the Band Hall Renovation Committee has made application to use the Band Hall Building for purposes of holding its regular monthly meetings during September, October and November 2014; and

WHEREAS, the Band Hall Renovation Committee has provided evidence of insurance in connection with its use of the Band Hall Building, be it

RESOLVED, the Tyre Town Board finds that the use of the Band Hall Building by applicant promotes the common good and general welfare of the citizens of the town; and be it

FURTHER RESOLVED, that the applicant be granted permission to use the Band Hall Building for purposes of holding its regular monthly meetings during September, October and November 2014 provided that the use of the building does not conflict with the use of the building by the Tyre Town Board or other Town Boards and that there be no use of the building after November 4, 2014 upon the applicant filing an executed agreement in the form as required in paragraph 3 of the Town Board's resolution dated July 17, 2014 not less than seven (7) calendar days prior to conducting its first monthly meeting.

This resolution was seconded by Councilman DelPapa, and duly put to vote: Yea-4,Nay-0,Abstain-0,Absent-0.

Public Hearing - Proposed Local Law No. 6 of 2014

A Local Law to Override the Tax Levy Limit Established in General Municipal Law Sec. 3-C as it Pertains to the Tyre Town Budget for the Fiscal Year commencing January 1, 2015.

Councilman Rogers moved the following resolution:

To hold a Public Hearing by the Town of Tyre Town Board October 18, 2014 at the Band Hall Building, 616 Lamb Road, Seneca Falls, NY 13148, in the Town of Tyre, at 7:45 P.M., or immediately following the public hearing regarding proposed Local Law No. 5, for the purpose of hearing public comments on proposed Local Law No. 6 of 2014, which would allow the Town to override the tax levy limit established in General Municipal Law Sec.3-C as it pertains to the Tyre Town Budget for the fiscal year commencing January 1, 2015.

A regular meeting of the Town of Tyre Town Board will be held at the Band Hall Building, 616 Lamb Road, Seneca Falls, NY 13148, in the Town of Tyre, on October 16, 2014 at 8:00 P.M. or immediately following the public hearings described above. At this meeting, the Town Board may consider all matters that are properly brought before it.

Councilman Aceto seconded this resolution and it was adopted. Vote: Yea-4, Nay-0, Abstain-0, Absent-0.

Financial - Bills

Councilman Aceto moved, seconded by Councilman Thomson and carried, that General Fund bills numbering 117&118,344-359, Highway 117&118,359,552-559; Water 832-835, be approved for payment. Vote: Yea-4, Nay-0, Abstain-0, Absent-0.

Adjournment

Councilman Thomson moved, seconded by Councilman Aceto and carried, that the meeting adjourn at 9:25 P.M. Vote: Yea-4, Nay-0, Abstain-0, Absent-0.

Submitted by:

Elizabeth Sutterby  
Town Clerk