

June 18, 2015

The monthly meeting of the Tyre Town Board was held Thursday, June 18, 2015 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 DeI Papa-here, Councilman James Rogers-here, Councilman Thomas Thomson-here.

Others present: Representing the Town of Tyre: Mr. Adam Cummings - Engineer, Barton & Loguidice; Attorney Thomas Blair-Cheney & Blair; Attorney Robert Tyson, Attorney Michelle Billington - Bond, Schoeneck & King; Mr. Mike Simon Engineer, BME Associates - representing Lago; Attorney Charles Shaffer - Town of Tyre Attorney.

Supv. McGreevy - have had Roll Call - Quorum present - meeting called to order at 7:35 P.M.

Public Hearing - Amended Proposed Local Law #2 of 2015 - Site Plan Review

Councilman Thomson moved a resolution to reopen the Public Hearing at 7:35 P.M. for the purpose of hearing public comment on Amended Proposed Local Law #2 of 2015 Entitled "Town of Tyre Site Plan Review Regulations" Relating to the Issuance of Certain Land Use Approvals and Zoning Permits in the Town of Tyre and a Public Hearing Regarding State Environmental Quality Review Act ("SEQRA").

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

Supv. McGreevy asked for comments specific to Amended Proposed Local Law #2 and related SEQRA matters.

Desiree Dawley - Waterloo, spoke of Local Law #2 Site Plan Review Regulations being in conflict with the Comprehensive Plan regarding agriculture.

Karen Thomson - Tyre, spoke of the agriculture aspect - J. A. Dawley Manufacturing is located on agriculture land - must have had a variance - felt what is fair for one is fair for another.

Supv. McGreevy asked if there were any further comments.

There were no further comments.

Councilman DeI Papa moved, seconded by Councilman Aceto and carried, that this Public Hearing be closed at 7:43 P.M. Vote: Yea-4, Nay-0, Absent-0.

Public Hearing - Amended Proposed Local Law #3 of 2015 - Subdivision of Land

Councilman Rogers moved a resolution to reopen the Public Hearing at 7:44 P.M. for the purpose of hearing public comment on Amended Proposed Local Law #3 of 2015 Entitled Subdivision of Land and related SEQRA matters.

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

Supv. McGreevy asked for comments specific to Local Law #3 - Subdivision of Land and State Environmental Quality Review Act.

Desiree Dawley inquired of answers to some SEQRA questions.

Supv. McGreevy asked if there were any further comments.

No further comments were forthcoming.

Councilman DeI Papa moved, seconded by Councilman Thomson and carried, that this Public Hearing be closed at 7:46 P.M. Vote: Yea-4, Nay-0, Absent-0.

Public Hearing - Amended Proposed Local Law #4 of 2015 - Town of Tyre Dog Kennel Law

Councilman Aceto moved a resolution to reopen the Public Hearing at 7:47 P.M. for the purpose of hearing public comment on Amended Proposed Town of Tyre Dog Kennel Law and related SEQRA matters.

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

Supv. McGreevy asked for comments specific to Local Law #4 - Town of Tyre Dog Kennel Law and SEQRA matters.

Supv. McGreevy again asked for comments on Local Law #4 and related SEQRA matters.

No comments were forthcoming.

Councilman DeI Papa moved, seconded by Councilman Thomson and carried, that this Public Hearing be closed at 7:48 P.M.

Supv. McGreevy opened the regular monthly meeting of the Tyre Town Board at 7:48 P.M.

Minutes

Councilman Aceto moved, seconded by Councilman Rogers and carried, to dispense with reading the minutes of May 21, 2015 and they be accepted as written. Vote: Yea-4, Nay-0, Absent-0.

Proposed Lago Site Plan Modifications

Mike Simon, Engineer-BME Associates gave a presentation regarding the Proposed Lago Site Plan Modifications.

Proposed Modified Lago Site Plan

Robert Tyson, Esq., Bond, Schoeneck & King, discussed the proposed Modified Lago Site Plan.

Councilman Thomson moved a resolution for the Town of Tyre to refer the Proposed Modified Lago Site Plan to the Seneca County Planning Board for review, and schedule a special meeting of the Town Board on June 25, 2015.

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

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

The resolution was thereupon duly adopted.  
(Resolution follows)

Consideration of Potential Environmental Impacts - Lago Resort and Casino

Attorney Tyson reviewed the following information with the Town Board:

The Town Board acknowledged that in Spring and Summer of 2014 they had considered the potential environmental impacts of the proposed Lago project at numerous meetings, and that they had worked with the Town Engineer to prepare and complete Part 2 of the Full Environmental Assessment Form for the project. The Town Board members each recalled their decision to issue a Negative Declaration for the project on June 12, 2014, and they also recalled receiving the written summary entitled "Reasons Supporting the Determination of Significance in Part 3 of SEQRA Full Environmental Assessment Form" in July 2014. Each member of the Town Board stated that the written summary was accurate and consistent with their analysis of the reasons that they voted to issue a Negative Declaration. Written summary was accurate and consistent:

Councilman Thomson - yes, Councilman Aceto - yes, Councilman Rogers - yes, Councilman DeI Papa - yes, Supervisor McGreevy - yes.

Department Reports

Assessor - Assessor Philip Griswold has prepared the final assessment roll for the county. Two petitions were received prior to Grievance Day May 26, 2015. No action was taken on the requests as there wasn't any supporting data.

Magee Fire Department - President David Page reported on calls made in May. First Aid Training was held.

ZCEO - ZCEO David Page issued 2 permits.

Planning Board - Planning Board Chairman Robert Seem reported good progress made on the Guidelines & Application for Approval of a Site Plan.

The Zoning Board of Appeals determined Pathway Home - Comfort Care were group homes and would be subject to special permit process. The Planning Board needs to define group home and amend the zoning process with Town Board approval.

Bookkeeping - Bookkeeper Nancy McGreevy has submitted the May Supervisor's report to the Town Board.

There is a projected 15.8% Excellus Health Insurance premium increase.

Local Law #2 of 2015 - Site Plan Review

Attorney Thomas Blair and the Town Board reviewed the Short Environmental Assessment Form of Site Plan Review Regulations.

Councilman Aceto moved a resolution, seconded by Councilman Rogers, that based on the information and analysis, and any supporting documentation, regarding the SEQRA, the proposed action will not result in any significant adverse environmental impacts. It is determined to be a Negative Declaration.

The foregoing resolution was duly put to a vote and upon roll call was as follows:

Supervisor Ronald McGreevy	Yea
Councilman James Rogers	Yea
Councilman Joseph DeI Papa	Yea
Councilman Thomas Thomson	Yea
Councilman Reginald Aceto	Yea

The foregoing resolution was thereupon declared duly adopted.

Councilman Aceto offered a proposed resolution, seconded by Councilman DeIPapa, providing information on the action taken in support of the Negative Declaration pertaining to SEQRA.

The foregoing resolution was duly put to a vote and upon roll call was as follows:

Supervisor Ronald McGreevy	Yea
Councilman James Rogers	Yea
Councilman Joseph DeIPapa	Yea
Councilman Thomas Thomson	Yea
Councilman Reginald Aceto	Yea

The foregoing resolution was thereupon declared duly adopted.

Councilman Rogers moved a resolution, seconded by Councilman DeIPapa, that the Town Board adopt the entire SEQRA Resolution as written.

The foregoing resolution was duly put to a vote and upon roll call was as follows:

Supervisor Ronald McGreevy	Yea
Councilman James Rogers	Yea
Councilman Joseph DeIPapa	Yea
Councilman Thomas Thomson	Yea
Councilman Reginald Aceto	Yea

The foregoing resolution was thereupon declared duly adopted.

(Resolution follows)

#### Enacting Local Law #2 of 2015 - Site Plan Review

Councilman Aceto introduced a Resolution Enacting Local Law #2 of 2015, a Local Law which establishes the Town of Tyre's first Site Plan Review Regulations.

Councilman DeIPapa seconded this resolution.

The question of the foregoing Resolution was duly put to a vote and upon roll call was as follows:

Supervisor Ronald McGreevy	Yea
Councilman James Rogers	Yea
Councilman Joseph DeIPapa	Yea
Councilman Thomas Thomson	Yea
Councilman Reginald Aceto	Yea

The foregoing resolution was thereupon declared duly adopted.

Vote: Resolution carried by a vote of 5 to 0.

(Resolution and Local Law follow)

Town Board received Local Law #2 4/3/2015  
Public Hearing advertised 5/4/2015 in the Finger Lakes Times  
Public Hearing held 5/21/2015 - adjourned and reopened 6/18/2015  
Enacted 6/18/2015

#### Local Law #3 of 2015 - Subdivision of Land

Attorney Thomas Blair and the Town Board reviewed the Short Environmental Assessment Form of Subdivision of Land.

Councilman Thomson moved a resolution, seconded by Councilman Aceto, that based on the information and analysis, and any supporting documentation, regarding the SEQRA, the proposed action will not result in any significant adverse environmental impacts. It was determined to be a Negative Declaration.

The foregoing resolution was duly put to a vote and upon roll call was as follows:

Supervisor Ronald McGreevy	Yea
Councilman James Rogers	Yea
Councilman Joseph DeIPapa	Yea
Councilman Thomas Thomson	Yea
Councilman Reginald Aceto	Yea

The foregoing resolution was thereupon declared duly adopted.

Councilman Aceto offered a proposed resolution, seconded by Councilman Rogers, providing information on the action taken in support of the Negative Declaration pertaining to SEQRA.

The foregoing resolution was duly put to a vote and upon roll call was as follows:

Supervisor Ronald McGreevy	Yea
Councilman James Rogers	Yea
Councilman Joseph DeIPapa	Yea
Councilman Thomas Thomson	Yea
Councilman Reginald Aceto	Yea

The foregoing resolution was thereupon declared duly adopted.

Councilman Thomson moved a resolution, seconded by Councilman DelPapa, that the Town Board adopt the entire SEQRA Resolution as written.

The foregoing resolution was duly put to a vote and upon roll call was as follows:

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

The foregoing resolution was thereupon declared duly adopted.

(Resolution follows)

Enacting Local Law #3 of 2015 - Subdivision of Land

Councilman Thomson introduced a Resolution Enacting Local Law #3 of 2015, a Local Law which establishes the Town of Tyre's first Subdivision Regulations.

Councilman DelPapa seconded this resolution.

The question of the foregoing Resolution was duly put to a vote and upon roll call was as follows:

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

The foregoing resolution was thereupon declared duly adopted.

Vote: Resolution carried by a vote of 5 to 0.

(Resolution and Local Law follow)

Town Board received Local Law #3 4/3/2015

Public Hearing advertised 5/4/2015 in the Finger Lakes Times

Public Hearing held 5/21/2015 - adjourned and reopened 6/18/2015

Enacted 6/18/2015

Filed by Dept. of State 6/30/2015

Local Law #4 of 2015 Adoption of Dog Kennel Regulations

Supv. Ronald McGreevy and the Town Board reviewed the Short Environmental Assessment Form of Adoption of Dog Kennel Regulations.

Councilman Thomson moved a resolution, seconded by Councilman Rogers, that based on the information and analysis, and any supporting documentation, regarding the SEQRA, the proposed action will not result in any significant adverse environmental impacts. It was determined to be a Negative Declaration.

The following resolution was duly put to a vote and upon roll call was as follows:

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

The foregoing resolution was thereupon declared duly adopted.

Councilman Rogers offered a proposed resolution, seconded by Councilman DelPapa, providing information on the action taken in support of the Negative Declaration pertaining to SEQRA.

The foregoing resolution was duly put to a vote and upon roll call was as follows:

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

The foregoing resolution was thereupon declared duly adopted.

Councilman Thomson moved a resolution, seconded by Councilman Aceto, that the Town Board adopt the entire SEQRA Resolution as written.

The foregoing resolution was duly put to a vote and upon roll call was as follows:

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

The foregoing resolution was thereupon declared duly adopted.

(Resolution follows)

Enacting Local Law #4 of 2015 - Dog Kennel Regulations

Councilman Aceto introduced a Resolution Enacting Local Law #4 of 2015, a Local Law which establishes the Town of Tyre's first Dog Kennel Law.

Councilman Rogers seconded this resolution.

The question of the foregoing Resolution was duly put to a vote and upon roll call was as follows:

Supervisor Ronald McGreevy	Yea
Councilman James Rogers	Yea
Councilman Joseph DeI Papa	Yea
Councilman Thomas Thomson	Yea
Councilman Reginald Aceto	Yea

The foregoing resolution was thereupon declared duly adopted.

Vote: Resolution carried by a vote of 5 to 0.

(Resolution and Local Law follow)

Town Board received Local Law #4 4/3/2015

Public Hearing advertised 5/4/2015 in the Finger Lakes Times

Public Hearing held 5/21/15 - adjourned and reopened 6/18/15.

Enacted 6/18/15

Filing with the Dept. of State 7/13/2015.

Local Law #1 of 2015 - Moratorium

Councilman Aceto moved a resolution to consider the status of the Moratorium - Local Law #1 of 2015, at a special meeting to be held June 25, 2015, in light of the action taken by the Town Board to pass Local Laws 2, 3, and 4 of 2015 at its meeting of June 18, 2015.

Councilman Thomson seconded this resolution and it was adopted with the following vote: Yeas-4, Nays-0, Abstain-0, Absent-0.

Tyre Water District #1 - Contract

Supv. McGreevy and the Town Board reviewed the water contract to be renewed with the Village of Waterloo for Tyre Water District #1.

Councilman DeI Papa moved a resolution that the Tyre Water District #1 Water Contract with the Village of Waterloo, which expires July 8, 2015, be renewed for a period of two years.

Part 1 is an agreement for services for the benefit of Tyre Water District #1.

Part 2 is an agreement for provision of water supply support services for Tyre Water District #1.

Councilman Rogers seconded this resolution, and the vote was as follows:

Supervisor Ronald McGreevy	Yea
Councilman James Rogers	Yea
Councilman Joseph DeI Papa	Yea
Councilman Thomas Thomson	Yea
Councilman Reginald Aceto	Yea

Vote: Resolution carried by a vote of 5 to 0.

Supervisor Report/Correspondence

May 29th, Supv. McGreevy received a phone call and emails from Mr. David Berkley, project engineer for the NYS Thruway Authority's Canal Design Bureau in Albany. Mr. Berkley is currently working on NYSTA Construction Contract TAS 15-24C titled "Rehabilitation of the May's Point Moveable Dam No. 18 Adjacent to Lock E-25 on the Erie Canal in Seneca County. The Supervisor has more information for anyone interested.

The Supervisor received a letter dated June 4th from NYS DOT Regional Traffic Engineer Diana L. Graser thanking him for his inquiry regarding the intersection of Gravel Road and NYS Rt. 318 notifying him that a formal investigation will be conducted at the subject location, and he will be notified of the results and their determination.

Oral Arguments were heard in Seneca County Court June 18th regarding a Motion to Dismiss the April lawsuit brought against the Town of Tyre regarding the Lago project. No date for a decision was given.

A decision is expected to be made in the very near future regarding the Article 78 Appeal which was heard on May 29th in Rochester.

June 12th a new lawsuit was filed by Dagmar Nearpass, James and Desiree Dawley and 6 other individuals opposing the Lago Project. This new lawsuit names the Seneca County IDA, the Waterloo Central School District, the Town of Tyre and Seneca County among others.

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Financial - Bills

Councilman Thomson moved, seconded by Councilman Aceto and carried, that General Fund bills 111&112,295-309; Highway 111&112,294,545-549; Water 821-824 be approved for payment. Vote: Yeas-4,Nays-0,Absent-0.

Adjournment

Councilman Thomson moved for adjournment at 10:20 P.M. Seconded by Councilman Aceto and carried. Vote: Yeas-4,Nay-0,Absent-0.

Submitted by:

Elizabeth Sutterby  
Town Clerk