

July 16, 2015

The monthly meeting of the Tyre Town Board was held Thursday, July 16, 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 DeIPapa-absent, Councilman James Rogers-here, Councilman Thomas Thomson-here.

Others present: Town Attorney Charles Shaffer, Adam Cummings - Barton & Loguidice, Virginia Robbins, Michelle Billington - Bond, Schoeneck & King; Michael Simon, Peter Barz - BME Associates; Steve Greenburg - Wilmorite; PBMs Robert Seem, Lawrence Kesel, Henry Bickel; ZBA Dagmar Nearpass; ZCEO David Page, Bookkeeper Nancy McGreevy, Highway Supt. Cassius Shumway.

Supv. McGreevy - have had roll call - quorum present - meeting called to order at 7:45 P.M.

Public Hearing - Establishment of Town of Tyre Sewer District No. 1

Councilman Thomson made a motion to open the Public Hearing at 7:46 P.M. for the purpose of hearing public comment on the establishment of the Town of Tyre Sewer District No. 1.

Councilman Rogers seconded the motion and the motion carried. Vote: Yea-3, Nay-0, Absent-1.

Supervisor McGreevy invited comments from the public on the establishment of Sewer District No. 1 and reminded the public that the process to establish the district started years ago and is not a casino issue. Several members of the public had to stand outside the building due to limited space in the Band Hall Building, so Town of Tyre Attorney Charles Shaffer announced outside that the public hearing on the establishment of the sewer district was open and anyone wishing to make comments about it could come inside to make those comments to the Town Board.

No comments were made.

Councilman Rogers moved, seconded by Councilman Thomson and the motion carried that this public hearing be closed at 7:48 P.M. Vote: Yea-3, Nay-0, Absent-1.

Minutes

Councilman Aceto moved, seconded by Councilman Thomson and carried, to dispense with reading the minutes of June 18, 2015 and June 25, 2015 and they be accepted as written. Vote: Yea-3, Nay-0, Absent-1.

Scheduled Speakers

Mr. Mike Davis, President of the Finger Lakes Building Trades and Resident of the Town of Galen, spoke about the Lago Resort and Casino Project to tell the Town Board of his group's continued support for the project. The community is more than the few who have opposed the project and the community does support the project. Mr. Davis introduced two members of the Finger Lakes Building Trades who spoke about working on the project site and were directly impacted by the decisions concerning the project and its shut down.

Mr. Mark Benjamin, Chairman of the Seneca County Chamber of Commerce, spoke about the Lago Resort and Casino Project to reaffirm the Chamber's support for the project and noting a resolution of support it recently adopted.

Department Reports

Highway - Highway Supt. Cassius Shumway spoke of the need for a front end Loader. State Bid will be discontinued by the end of October.

Supt. Shumway received the following quotes:

Five Star Equipment, Inc. - John Deere 2015 624K - \$143,127.20

Milton Cat - 2015 Caterpillar 938M - \$147,647.00

Monroe Tractor - 2015 Case 821F - \$173,371.00

Attorney Shaffer suggested 3 options: Used equipment, Farm Days Auction, and lease option.

Supv. Shumway stated paperwork could be done in October and not take possession of machine until 1st of 2016.

Magee Fire Department - Magee Fire Department President DavidPage submitted the Magee Fire Department report in the absence of Chief Craig Reynolds.

The Department responded to Fire, EMS and MVA calls in June. They also had the opportunity to make a wish come true for physically disabled Richie Bennett. Richie rode in the fire truck and then took part in a water drill the department conducted.

The St. Rt. 89 bridge at Mays Point is under construction and closed until September 30th. Residents living on the north side of the construction site will be serviced in an emergency under an agreement with the Savannah Fire Department.

The Town Board is invited to stop in at the Fire Department.

ZCEO - ZCEO David Page - reported 2 permits issued.

Planning - Planning Board Chairman Robert Seem reported that application forms for Site Plan Review and Subdivision Regulations are being worked on by the Planning Board.

Website - Chairman Seem reported he is working with Fignerlakes 1. Some text runs together - difficult to read.

Planning - Training - Planning Board member Lawrence Kesel reported the training for 2015 has been completed. Some are working on next year's training.

Bookkeeper - Bookkeeper Nancy McGreevy submitted the June Monthly Supervisor report to the board members.

Sewer District - Town of Tyre Sewer District No. 1

Virginia Robbins, Bond, Schoeneck & King, explained that the Town Board had before a proposed Town Board resolution ratifying and approving the establishment of Sewer District No. 1, and a legal notice of adoption. The resolution is subject to permissive referendum, as required by the Town Law. Under the permissive referendum rules, the Town Clerk must post and publish the attached legal notice of adoption within 10 days after the resolution is adopted. Further, the Town must hold a referendum regarding the District approval if, within 30 days after the resolution is adopted (i.e. on or before August 15), the Town receives a petition requesting a referendum, signed by at least 5% of property owners in the District. If no petition is received on or before August 15, the District ratification and approval are final. The Town Board must then adopt a final resolution approving the District, which can be accomplished at the August 20, 2015 Town Board meeting. At the August 20, 2015 meeting, the Town Board can also consider the Intermunicipal Sewer Agreement with Seneca Falls and determine whether to authorize the sewer line transfer from the IDA. However, in the event that 5% of property owners in the District sign a petition asking for a referendum, the Town must hold a referendum for property owners in the District to vote on whether they approve the District. The proposition must be approved by a majority of the property owners in the District.

Resolution - Ratifying and Approving Formation of Town of Tyre Sewer District No. 1

Councilman Thomson moved a resolution of the Town Board for the Town of Tyre ratifying and approving the formation of Town of Tyre Sewer District No. 1.

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

	Yea	Nay	Abstain	Absent
Supervisor Ronald F. McGreevy	X			
Councilman Joseph DePapa				X
Councilman James Rogers	X			
Councilman Reginald Aceto	X			
Councilman Thomas Thomson	X			

Resolution follows.

Tyre Water District No. 1 - Contract

Supv. McGreevy reported that he has not received the Tyre Water District No. 1 Contract complete with the signatures of the Waterloo Mayor and Administrator.

Lago Resort and Casino Support

The Supervisor mentioned that this past Tuesday evening, the Seneca County Board of Supervisors unanimously passed a Continuing Support Resolution with respect to the Lago Resort and Casino Project, reaffirming their support for the development of the Lago Resort and Casino Project, and urging each member of the NYS Legislature, the Governor of the State of New York and the Seneca County Federal Delegation to join the Seneca County Legislature in supporting the awarding of a gaming license to the Lago Resort and Casino.

Supv. McGreevy also went on record, reaffirming the continued support and commitment to this project by the Tyre Town Board, and also reaffirming the overwhelming support of the vast majority of Tyre, Seneca County and Finger Lakes residents who clearly want to see the Lago project succeed.

Appellate Division, Fourth Judicial Department 7/10/2015 Ruling

Virginia Robbins, Bond, Schoeneck & King, reported the Appellate Division, Fourth Judicial Department, issued its ruling on the appeal of the challenge to the SEQRA review conducted for the Lago Resort and Casino project. The Court determined that the SEQRA review was incomplete because the Town Board did not formally adopt by resolution the written summary of the reasons for issuing the negative declaration for the Project. The Court's ruling did not address any other aspect of the environmental review and did not conclude the Town Board failed to take a hard look at the potential environmental impacts of the project.

Lago Resort and Casino Submission

Mike Simon, Engineer - BME Associates, presented to the Town Board updated application materials for the Lago Resort and Casino project to reflect the current status of the project since the Town Board's review of the project in 2014. The submission included a Planned Unit Development (PUD) District application, a new Development Plan, a new Site Plan, a new Part 1 of the Full Environmental Assessment Form (FEAF), the FEAF Part 1 originally submitted to the Town Board for the Project in 2014, and other supporting documents. Copies for each Board member were provided. BME reviewed the requirements under the Town of Tyre Zoning Law for a PUD district and provided the necessary information. The only difference in the new Development Plan from the one originally reviewed by the Town Board in 2014 is that the applicant added a day care center building and a central plant for HVAC and related equipment (the equipment was planned to be located on the roofs of the buildings under the earlier plans). The Site plan now submitted to the Town Board is the one that was under review by the Town Board in June 2015 as a site plan amendment application before the Appellate Division issued its July 10, 2015 decision. The only changes to the Site Plan now submitted to the Town Board from that prior version under review are that the tree line along the NYS Thruway will not be changed and there will no longer be a discharge manhole for tour buses.

Adam Cummings, P.E., Barton & Loguidice, reported that he had reviewed the application materials and concluded the application was complete for review by the Town Board.

Introduction of Draft Local Law No. 5 of 2015 re: Amending the Town of Tyre Zoning Law

Proposed Local Law No. 5 of 2015, draft dated July 14, 2015, was introduced. Virginia Robbins, Bond, Schoeneck & King, discussed proposed Local Law No. 5 of 2015, draft dated July 14, 2015, a local law to amend the Town of Tyre Zoning Law in relation to amending Article II, Section 2.202, amending Article XI, Section 11.1102, and amending the Zoning Map to show the Planned Unit Development district for the Lago Resort and Casino.

Resolution

Councilman Aceto moved a resolution regarding (1) the referral of proposed Local Law No. 5 of 2015 to the Town of Tyre Planning Board, Town of Tyre Zoning Board of Appeals, and the Seneca County Planning Board; (2) the referral of the proposed PUD District Application and the Development Plan to the Tyre Planning Board and the Seneca County Planning Board; (3) the referral of the proposed Site Plan to the Seneca County Planning Board; (4) scheduling public hearings regarding the PUD District Application, the Development Plan, and proposed Local Law No. 5 of 2015 for August 27, 2015; (5) the scheduling of a public comment period for environmental impact review purposes; and (6) the scheduling of special meetings of the Town Board on August 24 and 27, 2015.

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

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

Resolution follows.

Tyre Water District No. 1 - Requests for Municipal Water

Supv. McGreevy has received requests from the following people for municipal water:

Mr. Charles VanArsdale - 1526 NYS Rt. 414 (not in the water district - chose to opt out of the district when it was originally formed).

Mr. David Rauscher - Strong Road. (requesting water be provided to a building located in the Town of Seneca Falls on property which has road frontage and the driveway on Strong Road in the Town of Tyre).

Mr. Ryan May - 2769 NYS Rt. 318 which is east of Gravel Road. (Not in the water district. Mr. May stated that water quality on the property is extremely poor). Note: The 2010 study that was conducted by the MRB Engineering Group for the Town of Tyre, which concluded that providing water services to that area of the Town was not economically feasible at that time.

Councilman Aceto moved a resolution, seconded by Councilman Thomson and carried, that these Tyre Water District No. 1 out of district requests be referred to Adam Cummings, P.E., Barton and Loguidice, for his review to determine if it is applicable for water to be supplied to the petitioners. Vote: Yea-3, Nay-0, Absent-1

Financial - Bills

Councilman Thomson moved, seconded by Councilman Aceto and carried, that General Fund bills 113&114,310-322,553; Highway 113&114,310,550-558; Water 825-827 be approved for payment. Vote: Yea-3, Nay-0, Absent-1.

Adjournment

Councilman moved for adjournment at 9:10 P.M., seconded by Councilman Rogers and carried. Vote: Yea-3, Nay-0, Absent-1.

Submitted by:

Elizabeth Sutterby
Town Clerk