

August 14, 2015

A Special Meeting of the Tyre Town Board, called by Supervisor Ronald McGreevy, was held on Friday, August 14, 2015 at 7:30 P.M. at the Magee Fire Department Building, 1807 St. Rt. 318, Seneca Falls, NY 13148, in the Town of Tyre. The purpose of the meeting is to consider recommendations received by the Town Board in response to the referrals it made to the Town of Tyre Planning Board, the Town of Tyre Zoning Board of Appeals and the Seneca County Planning Board of proposed Local Law No. 5 of 2015, draft dated July 14, 2015, and any other matter properly brought before the Town Board. The Town Board members were notified by mail July 31, 2015 of this Special Meeting by the Supervisor.

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: Michael Simon-BME representing Lago Resort & Casino, John Mancuso-Harris Beach representing Lago; Virginia Robbins, Michelle Billington-Bond, Schoeneck & King representing Town of Tyre, Sharon Lilla - Barton & Loguidice representing Town of Tyre, Charles Shaffer - Town of Tyre Attorney.

PBMs-Robert Seem, Lawrence Kesel, Henry Bickel, Deborah Geary; ZBA-Dagmar Nearpass, ZCEO David Page; Highway Supt. Cassius Shumway.

Supv. McGreevy - Have had roll call - quorum present - meeting called to order at 7:35 P.M.

#### Report About Town Consultants

Supv. McGreevy stated for the record that the engineering firm assisting the Town with reviewing the Lago Resort and Casino project application, Barton & Loguidice, and the law firm assisting in reviewing the project, Bond, Schoeneck & King, both represent the Town of Tyre, not Lago. He stated there have been misrepresentations in the press about who the Town's consultants represent and asked Robert Seem, Chairman of the Tyre Planning Board, to report for the public on how those consultants were selected.

Dr. Seem explained that when the Town learned it might be the site of a potential casino project, it sent out a Request for Qualifications to certain consultants that the Town identified to assist in its review of any applications. The Planning Board received and reviewed the responses to the RFQ and forwarded them to the Town Board, which selected the firms of Barton & Loguidice and Bond, Schoeneck & King, and also selected the Center for Governmental Research to conduct a study to analyze the project. The process was recorded in the Planning Board meeting minutes. Wilmorite knew that it would be required to pay the fees of the Town's consultants, but it had no input in who the Town would use.

Supv. McGreevy stated that it is common practice for an applicant to pay the costs related to a municipality's review of an application. The Town actually passed a law last year requiring it for any zoning and land use application review. A quote by a casino opponent published in an article that day from the Auburn Times says there is no problem with outside casinos paying for their opposition efforts, and a quote in the same article from Seneca County Board of Supervisors Don Earle questions it.

#### Zoning Complaint

Supv. McGreevy reported on the receipt of a second zoning complaint from Dagmar Nearpass, Desiree and James Dawley, and Lynn and Robert Barbuto about alleged violations of the Town's Zoning Law at the Lago site. David Page, Town Code Enforcement Officer, will review the allegations in that letter with the Town's engineer, Adam Cummings.

#### Request for Extension of Public Comment Period for Lago Project Review

Supv. McGreevy reported that the Town received a July 28, 2015 letter by Ian Shavitz of Akin Gump requesting an extension of the public comment period for the Lago project by 17 days to August 27, 2015. Supv. McGreevy recommended that the Town Board extend the public comment period for 10 days, so it would end on August 20, 2015. Councilman Rogers and Councilman DeI Papa stated that they agreed. The initial timeframe set by the Town Board expired on August 10. Supv. McGreevy stated that this would be 31 days of public comments from the initial notice that was published and was a reasonable timeframe. The resolution on this proposal was discussed later in the meeting.

Review of Recommendations Made to Town Board Regarding Proposed Local Law No. 5 of 2015

Attorney Virginia Robbins, Bond, Schoeneck & King, spoke about proposed Local Law No. 5 of 2015, a draft dated July 14, 2015, introduced at the July 16, 2015 Town Board meeting and how the Town Board referred it to the Tyre Planning Board, the Tyre Zoning Board of Appeals, and the Seneca County Planning Board for review and recommendation. The Town Board has received responses from each board.

The Tyre Planning Board met on July 21, 2015 and adopted a resolution that recommended the Town Board approve the adoption of Local Law No 5 of 2015 provided that paragraph five of Local Law No. 5 of 2015 be revised to reflect that the Development Plan is identified as "Wilmot Casino Development Plan, dated March 2014, revised July 16, 2015."

The Tyre ZBA met on July 29, 2015. After the Town Board received the Planning Board's July 21 resolution, Supv. McGreevy sent a letter to the Tyre ZBA and the Seneca County Planning Board about the recommendation of the Tyre Planning Board and sent them a copy of the Planning Board's resolution so they could consider it with the original draft of the local law when they made their own recommendations. The Tyre ZBA adopted a resolution recommending the Town Board approve the local law provided the same change that the Planning Board recommended was made.

The Seneca County Planning Board met on August 13, 2015, and it considered the application for a PUD district, the Development Plan, the Site Plan, and Local Law No. 5 of 2015. This meeting of the Town Board is just dealing with the local law recommendation though. The Seneca County Planning Board passed a resolution recommending the adoption of proposed Local Law No. 5 of 2015 with the change recommended by the Tyre Planning Board.

Attorney Robbins explained the Town Board should consider the change recommended by the other boards and whether it wants to add that clarifying language to the local law. Supv. McGreevy inquired of the Town Board members and they agreed the Town Board should make the change recommended to paragraph five of the proposed Local Law No. 5. A draft of Local Law No. 5 dated August 14, 2015 was before the Town Board, which showed how the local law would read if the recommendation were incorporated into the local law.

Attorney Robbins read for the record the proposed resolution to revise paragraph five of proposed Local Law No. 5 of 2015 to identify the Development Plan as "Wilmot Casino Development Plan, dated March 2014, revised July 16, 2015," which would be a draft of the local law dated August 14, 2015.

Councilman Thomson moved a resolution for the Town Board to revise paragraph five of proposed Local Law No. 5 of 2015 to identify the Development Plan as "Wilmot Casino Development Plan, dated March 2014, revised July 16, 2015," which would be a draft of the local law dated August 14, 2015.

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

	Yea	Nay	Abstain	Absent
Supervisor Ronald F. 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)

Scheduling Special Meetings and Resolution to Extend Public Comment Period

Special meetings of the Town Board were already scheduled for August 24 and August 27, 2015. Attorney Robbins proposed to cancel the August 24 special meeting and instead to schedule special meetings for September 3, September 9, and September 14, 2015.

Supv. McGreevy requested discussion about the proposed special meeting dates. Councilman Thomson confirmed that if the proposed dates were adopted, the upcoming meetings (regular meetings and special meetings) would then be August 20, August 27, September 3, September 9, and September 17. The Town Board confirmed the locations of all those meetings would be the Magee Volunteer Fire Department.

Town Attorney Charles Shaffer explained to the Town Board that the proposed resolution before them to extend the public comment period for the Lago project review, to rescind the August 24 special meeting date, and to schedule special meetings for September 3, 9, and 14 was not an all or nothing proposal. The Town Board could change the resolution however it wants

and each of the components were independent of each other, and they can be passed or rejected independently. Attorney Shaffer confirmed the Board members understood the nature of the proposed resolution before them.

Supv. McGreevy asked if there was any further discussion about the extension of the public comment period to August 20. Councilman Aceto stated that it was a reasonable time. No discussion on the cancellation of the August 24, 2015 special meeting or on scheduling special meetings on September 3, 9, and 14.

Attorney Robbins read for the record the proposed resolution to extend the public comment period for environmental impact review purposes to August 20, 2015, to rescind the previously scheduled August 24, 2015 special meeting of the Town Board, and to schedule special meetings of the Town Board for September 3, 9, and 14, 2015. Councilman Rogers asked that the record be corrected to reflect that the first full paragraph on page 2 of the proposed resolution should state "aims to involve the public" rather than "attempts to involve the public" as Attorney Robbins read orally. Attorney Robbins confirmed that her prior statement reading the resolution should be corrected so that this paragraph reads "aims to involve the public."

Councilman Aceto moved a resolution for the Town Board extending the public comment period for environmental impact review purposes to August 20, 2015, rescinding the previously scheduled August 24, 2015 special meeting of the Town Board, and scheduling special meetings of the Town Board for September 3, 9, and 14, 2015.

Councilman Rogers seconded this action 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			

The resolution was thereupon duly adopted.

(Resolution follows)

Town Board Receipt of Certain Public Comments on Lago Project

Attorney Robbins stated that the record should reflect that all Town Board members and the Town Clerk received at the August 14, 2015 meeting a hard copy of the August 10, 2015 submission by Akin Gump titled "Comments to the Town Board of the Town of Tyre Regarding the Proposed Lago Resort and Casino," with Exhibits 1 through 21 attached. It is a supplement or in addition to the document the Town Board members have already received dated July 14, 2015 from Akin Gump.

Tyre Water District No. 1 - Agreement

Supv. McGreevy reported that the Agreements for Services and Provision of Water Supply Support Services for the benefit of Tyre Water District No 1, between the Village of Waterloo and the Town of Tyre, was renewed and signed on July 17, 2015. These agreements are effective from July 13, 2015 for a term of two (2) years.

Supervisor Correspondence/Report

Supv. McGreevy received a letter dated August 10, 2015 from Mr. David Berkley, P.E., representing the NYS Thruway Authority and the NYS Canal Corp. regarding an update on the Mays Point Moveable Dam No. 18 Project.

Appreciation for Chief Reynolds and the Magee Volunteer Fire Dept.

Supv. McGreevy thanked Chief Reynolds and all of the members of the Magee Volunteer Fire Dept. for the extensive use of their facility in the upcoming weeks. Their kindness is greatly appreciated.

AND, in light of the recent motor vehicle accident in Tyre, in which a life was lost, the Supervisor especially wanted to thank all of them for the difficult work that they do. This Board cannot thank them enough for their service and devotion.

The Supervisor asked President Page to relay this message to the department members.

Adjournment

Councilman Thomson moved, seconded by Councilman Rogers and carried, that the meeting adjourn at 8:45 P.M. Vote: Yea-4, Nay-0, Absent-0.

Submitted by:

Elizabeth Sutterby  
Town Clerk