

October 15, 2015

The monthly meeting of the Tyre Town Board was held Thursday, October 15, 2015 at 7:30 P.M. at the Magee Volunteer Fire Department Building, 1807 St. Rt. 318, Seneca Falls, NY 13148, in the Town of Tyre. Matters properly brought before the board will be discussed, including matters relating to the proposed Lago Resort and Casino.

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.

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

Supv. McGreevy introduced the Attorneys and Engineers present: Michelle Billington, Esq., Kathleen Bennett, Esq., Jennifer Ammerman - Stenographer - Bond, Schoeneck & King. Adam Cummings, P.E. - Barton & Loguidice - representing the Town of Tyre. Michael Simon, P.E. - BME Associates - representing Lago; and Town Attorney Charles Shaffer.

Others present: Highway Supt. Cassius Shumway, ZCEO David Page, Town Justice Kathleen Jans-Duffy, PBM's Lawrence Kesel and Henry Bickel.

Supv. McGreevy announced that this meeting was not a Public Hearing as announced in the Finger Lakes Times of October 9, 2015.

#### Minutes

Councilman Aceto moved, seconded by Councilman Rogers and carried, to dispense with reading the minutes of September 24, 2015 and September 29, 2015 and they be accepted as written. Vote: Yea-4, Nay-0, Absent-0.

#### Town Justice Court - Grant

Town Justice Kathleen Jans-Duffy informed the Town Board that it has been several years since she has applied for a grant for equipment for her court. Town Board members were in favor of the Town Justice applying for a grant.

Councilman Thomson moved the following resolution:

RESOLVED, that the Town Board of the Town of Tyre approves an application of the Tyre Town Court for a Justice Court Assistance Program Grant (JCAP) in the amount of \$2288.16 for purchase of the items listed on the schedule included herewith and directs that Tyre Town Justice, Kathleen Jans-Duffy complete the application for such grant and is authorized to sign the grant application and other documents in connection therewith and submit it to the Justice Court Assistance Department for the Town of Tyre.

Councilman Rogers seconded this resolution. Vote: Yea-4, Nay-0, Absent-0. Schedule follows.

#### Department Reports

Highway - Highway Supt. Shumway reported the department is performing road maintenance, roadside mowing and installing the plows on the trucks.  
Fire Dept. - Fire Dept. President David Page submitted the Magee Volunteer Fire Dept. Expenses for October 2014 - September 2015 for the 2016 contract. The department will be asking for a 2.5% increase from last year - \$105,325 to \$107,958 for the 2016 contract.

President Page reported on the Department October 2015 report on motor vehicle accidents, car fires, etc. Chief Craig Reynolds and Firefighter Paul Sheradin will be attending a class on tractor trailer extrication in Bath - October 23rd - 25th.

Reminder - pull over and stop law: When an emergency vehicle is approaching you in any direction, you are required to pull over and STOP. The law requires the drivers to stop and not just pull over.

ZCEO - ZCEO David Page reported issuing 2 permits for September.

Planning-Training - PBM Lawrence Kesel reported on training.

Bookkeeper - Bookkeeper Nancy McGreevy reported the September Supervisor's report was before the Town Board members.

The Bookkeeper spoke of a \$58.38 General Fund transfer to the ZCEO Expense account.

#### Financial - Transfer

Supv. McGreevy read the following resolution and it was moved by Councilman Thomson:

WHEREAS, the Zoning Code Enforcement Officer has purchased additional necessary office equipment, and

WHEREAS, the unencumbered balance of Zoning Office Expense Account does not fully cover the cost by \$58.38, and

WHEREAS, the unencumbered balance of Contingency Account can be transferred to the Zoning Office Expense Account by Board Resolution,

RESOLVED, that the Supervisor is hereby authorized to order the journal transfer of \$58.38 from General Fund Account Code 1990.4 - Contingency to General Fund Account Code 8010.4 - Zoning Office Expense Account.

Councilman DelPapa seconded this resolution, and the vote was: Yea-4, Nay-0, Absent-0.

Proposed Lago Resort and Casino Project

Adam Cummings, P.E., Barton & Loguidice, reported on the status of the zoning complaint for the Lago site. Code Enforcement Officer David Page and Mr. Cummings submitted a letter report to the Board dated October 14, 2015. Supv. McGreevy noted that he issued only one citation in his 21 years as zoning officer for the Town and it is the Town's practice to work things out with the property owner.

Kathleen Bennett, Esq., Bond, Schoeneck & King, stated that the Board members each received a copy of the Seneca County Planning Board October 8, 2015 resolution reaffirming its prior recommendations to approve the PUD District Application, Development Plan, Local Law No. 5 of 2015, and the Site Plan for the Lago project. At the last meeting, it was reported to the Board that this resolution was adopted and a copy was given to Supv. McGreevy and now each Board member has received a copy of the resolution for themselves. The Town Board also received a document summarizing the public comments made during the October 8, 2015 public hearings. It was noted that some comments were made that apply to the factors the Board has to consider for development plans under the Town Zoning Law such as comments about consistency with the Comprehensive Plan and community character and comments about the building appearance. Comments were also made about alleged zoning violations by the applicant. Mr. Cummings earlier reported on the status of that matter. A comment was also made about spot zoning, but this rezoning would not be spot zoning because the Town Board found it is consistent with the Comprehensive Plan and it benefits the community at large.

Kathleen Bennett read a proposed resolution regarding the application of Lago Resort and Casino, LLC for an amendment to the Town of Tyre Zoning Law and Map to add a Planned Unit Development District for the proposed Lago Resort and Casino ("Project") and the Development Plan for the Project. Supv. McGreevy asked for discussion by the Board and asked if the Development Plan does or does not satisfy the requirements of the Town Zoning Law. Each Councilman responded that it does satisfy the requirements.

Councilman Rogers moved to adopt this resolution by checking the first alternative on page 3.

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.

Kathleen Bennett, Esq. read a proposed resolution regarding proposed Local Law No. 5 of 2015 to amend the Town of Tyre Zoning Law and Map to add a Planned Unit Development District in connection with the application of Lago Resort & Casino, LLC for the Lago Resort and Casino.

Supv. McGreevy asked for discussion and asked if the adoption of the Local Law is consistent with the goals of the Town's Comprehensive Plan or not. Councilman Aceto stated that he would check the line for the alternative on page 4 of the resolution to adopt the Local Law because the Local Law is consistent with the Plan. The rest of the Councilmen each also stated that the Local Law is consistent.

Councilman Thomson moved to adopt the resolution, checking the line for the resolved statement beginning on page 4 of the resolution.

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.

Kathleen Bennett, Esq. noted that there are nine factors under the Town Zoning Law section 2A.204 that the Board must consider for reviewing site plans. The Board had a one-page document of the list of factors from the Zoning Law for their use during the discussion.

Adam Cummings reviewed the Site Plan, the signage package and the nine factors under the Zoning Law with the Board. The Development Plan and Site Plan are consistent and are images of each other. The Site Plan just has more detail specific to certain design features as required by the Town Zoning Law. The Board discussed consistency with neighborhood character during SEQRA and found it would not have an adverse impact. The Site Plan layout shows the location of the principal and accessory buildings in relation to another, and includes details about the bulk and height. The Site Plan shows the sidewalks for pedestrians and travel circulation through the site. There is 62% open space on the site, with treed areas. The burial ground being preserved is also depicted. Traffic circulation is depicted, with turning lanes, turning arrows, different intersections. The signage package shows the signs on the site and how directions will be provided through the site. There are parking and loading areas depicted. DOT reviewed and approved the plan so it covers the major roads and intersections. On the interior of the site there is a queueing lane for left-hand turns and a directional right turn only lanes in other portions. They help control traffic and are sized for the amount of traffic entering and travelling through the site. Sheets in the Site Plan show the storm, sanitary and solid waste disposal systems and other utilities. The site plan depicts trees on the site. During the initial review it was decided that the applicant had to have native plant species only. The signage package contains directional signs and others. The Site Plan evolves from the Development Plan. The design will be adequately served (water, sewer, etc.) and traffic controlled.

The Board received copies of the September 24, 2015 comment memo by Barton & Loguidice about the Site Plan. BME Associates provided a letter dated October 13, 2015 responding to the comments that adequately clarified and answered the two items Barton & Loguidice raised.

Kathleen Bennett, Esq. noted that the Town Zoning Law requires that the signage plan be submitted to the DOT and the Town Code Enforcement Officer for certain considerations, and so the Town Board also received copies of an email from BME Associates to Adam Cummings showing that DOT reviewed the signage package. DOT stated that the only signs they have authority for are signs visible from state highways and the plans don't include billboards and none are planned. DOT also reviewed the signs proposed at the entrance of the site to determine if they would impact traffic flow to and from Route 414 and DOT said they had no comments. The Board also received copies of an email from Town Code Enforcement Officer David Page stating that he reviewed the sign package and found no problem with it. Those emails were received on June 29 and June 30, 2015, respectively, and Adam Cummings noted that there have been no changes to the signage package since that date.

Break

Supv. McGreevy asked for a 10 minute break at 9:25 P.M.  
Supv. McGreevy called the meeting back to order at 9:35 P.M.

Financial - Wheel Loader

Councilman Thomson moved the following resolution:

Bond Resolution dated October 15, 2015, of the Town Board of the Town of Tyre, Seneca County, New York, authorizing not to exceed \$145,000.00 aggregate principal amount of General obligation serial bonds to finance the purchase of a 2016 John Deere 624K Wheel Loader and other equipment under NYSOGS Contract #22063 - 40603 Wheel Loader statewide, and authorizing the issuance of Bond Anticipation Notes in contemplation thereof, the expenditure of sums for such purpose and determining other matters in connection therewith.

Councilman DelPapa seconded this motion, it was adopted and the following votes were cast:

	Ayes	Noes	Abstain	Absent
Supv. Ronald McGreevy	X			
Councilman Thomas Thomson	X			
Councilman Reginald Aceto	X			
Councilman James Rogers	X			
Councilman Joseph DelPapa	X			

The resolution was thereupon duly adopted.

Resolution follows.

Fire Protection

Councilman Aceto moved a resolution, seconded by Councilman Rogers, authorizing Attorney Shaffer to review a fire protection contract for the Magee Volunteer Fire Department, Inc. for 2016 in the amount of \$107,958.00.

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

Financial - 2016 Tentative Budget

Councilman Thomson moved, seconded by Councilman DelPapa, that the 2016 Town of Tyre Tentative Budget be amended to read: Current Rental Fees incorporated in Account A1110.4 - Justice Expense be removed and transferred to Account A1620.45 - Buildings Rental/Lease, making all Rental Fees to come out of Account A1620.45. Vote: Aye-5, Noes-0, Absent-0.

Councilman Thomson moved, seconded by Councilman DelPapa, that the Amended 2016 Town of Tyre Tentative Budget be adopted, as presented, as the 2016 Town of Tyre Tentative Budget.

Councilman DelPapa seconded this motion and it was duly adopted as follows:

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

Tyre Sewer District No. 1

Attorney Shaffer informed the board that the sewer line in Tyre Sewer District No. 1 is located on private property in two places. An easement needs to be obtained from these 2 property owners in order that the town would have access to the sewer line in these locations. Proper documentation is required in order for the IDA to dedicate the sewer line.

Tyre Water District No. 1, Extension 1

Adam Cummings, P.E., Barton & Loguidice, spoke of an extension being added to Tyre Water District No. 1, known as Tyre Water District No. 1, Extension No. 1, in order to provide water service to Charles VanArsdale, 1562 NYS Route 414, Seneca Falls, NY 13148.

Financial - Highway Building - Doors

Highway Supt. Shumway contacted door companies for estimates to replace overhead doors in the highway building.

Three proposals were received from Genson Overhead Door, Inc., Locke, NY, consisting of varying packages and prices.

One proposal was received from Overhead Door Company of Auburn/Syracuse, Syracuse, NY.

One proposal was received from Fingerlakes Garage Door Co., Inc., Clyde, NY.

Councilman Rogers moved the following resolution:

The Tyre Town Board accepted the proposal for the Town of Tyre Highway Department dated September 21, 2015 from Fingerlakes Garage Door Co., Inc., to furnish and install 3 steel insulated doors having a size of 14'-10" X 13' and 1 door having a size of 18'-10" X 13' with an R value of 17½, including steel jamb tracks and full weatherization around openings for a sum of \$12,711.00 installed and the purchase of 3 electric openers w/remote at \$900.00 each for a total of \$2700.00 and that the Highway Superintendent is authorized to accept the proposal.

Councilman Aceto seconded this resolution, and it was duly put to vote as follows:

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

The resolution was adopted.

Financial - Transfer

Councilman Thomson moved, seconded by Councilman DelPapa and carried, to transfer \$7000.00 from A1990.4 - Contingency to A1620.4 Building Contractual. Vote: Yea-4, Nay-0, Absent-0.

Highway - Building

Two estimates were submitted for repairing the roof on the Highway Building: Coatingsplus Plainting Company, LLC - \$5,850.00 and Proctor Enterprises - \$2400.00.

Highway Supt. Shumway will contact the salemen from these compies and ask them to attend the Town Board meeting of October 22, 2015.

Supervisor Correspondence Report

On October 12th, Supv. McGreevy discussed the Tyre Dog Control Officer position with Dallyn Jenkins. Ms. Jenkins was interested in the position.

Meeting Date

Supv. McGreevy reminded everyone that the next Tyre Town Board meeting will be held at the Magee Volunteer Fire Dept. Building on Thursday, October 22, 2015 @ 7:30 P.M.

Financial - Bills

Councilman Aceto moved, seconded by Councilman Thomson and carried, that General Fund bills 119&120, 356-370; Highway 119& 120, 574-582; Water 838& 839 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 11:00 P.M. Vote: Yea-4,Nay-0,Absent-0.

Submitted by:

Elizabeth Sutterby  
Town Clerk