

October 22, 2015

A Special Meeting of the Tyre Town Board was held Thursday, October 22, 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 was to hear public comment on proposed Local Law No. 6 of 2015, which law would allow the Town of Tyre to override the tax levy limit established in New York State General Municipal Law Section 3-C as it pertains to the Tyre Town Budget for fiscal year commencing January 1, 2016.

Pledge of Allegiance

Roll Call: Supervisor 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 7:35 P.M.

Supv. McGreevy introduced the Attorneys and Engineers present: Virginia Robbins, Esq., Michelle Billington, Esq., Paul Reichel, Esq., Jennifer Ammerman - Stenographer - Bond, Schoeneck & King; Adam Cummings, P.E. - Barton & Loguidice - representing the Town of Tyre. John Mancuso, Esq., Alan Knauf, Esq.; Michael Simon, P.E., James Cretokos, P.E., Peter Vars, P.E.- BME Associates - representing Lago.

Others present: PBM's Karen Thomson, Lawrence Kesel, Henry Bickel; Book-keeper Nancy McGreevy.

Public Hearing - Local Law No. 6 of 2015 - Tax Override

Councilman Thomson moved, seconded by Councilman Rogers and carried, that the Public Hearing for proposed Local Law No. 6 of 2015 entitled "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, 2016" be opened at 7:38 P.M. Vote: Yea-4,Nay-0,Absent-0.

Supv. McGreevy informed those present that the tax cap for 2016 for counties and towns is now restricted to a growth of 0.73 percent as opposed to the 2% figure that has been used in the past.

The Supervisor inquired if there was anyone who would like to address the board with comments specific to proposed Local Law No. 6 of 2015. No comments were submitted. Supv. McGreevy again asked if there were any comments. No comments were submitted.

Councilman DelPapa moved, seconded by Councilman Rogers and carried, that the Public Hearing be closed at 7:40 P.M. Vote: Yea-4,Nay-0,Absent-0.

Proposed Lago Resort and Casino Project

Virginia Robbins, Esq., Bond, Schoeneck & King, noted that the Board discussed the Site Plan and signage package for the project at prior meetings.

Adam Cummings, P.E., Barton & Loguidice, stated he had no further comments about the Site Plan but could answer any questions of the Board. The Board stated they had none.

Virginia Robbins read a proposed resolution regarding the application for Site Plan approval in connection with the application of Lago Resort & Casino, LLC for the creation of a Planned Unit Development District for the proposed Lago Resort and Casino. Supv. McGreevy asked for discussion on the resolution and asked the Board if the July 2015 Site Plan satisfies the requirements in section 2A.204 of the Town Zoning Law. Each Councilman stated that it does satisfy the requirements.

Councilman DelPapa moved to adopt the resolution, checking the line on page 3 which approves the Site Plan.

Councilman Thomson 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.

Paul Reichel, Esq., Bond, Schoeneck & King, stated that before the September 24, 2015 Town Board meeting, Lago submitted a Community Mitigation Plan ("CMP") that described steps they would take to mitigate effects of the project on the local communities. The Board reviewed the CMP during the September 24 meeting. Lago submitted a revised CMP on October 22, 2015 with a few changes on page 14 of the CMP: paragraph C on further assurances was

modified to add a statement that compliance with the CMP will be a condition of any State gaming license that Lago receives: paragraph D was modified to add the date of the prior Host Community Agreement for clarification; and paragraph E was modified to delete the end of the sentence. These changes are included in the CMP attached to the proposed resolution on the CMP.

Mr. Reichel also recommended that if the Board accepts the CMP, it does so subject to certain conditions, which are listed in the proposed resolution: getting a guaranty from Wilmorite; getting a mortgage to secure payments under the CMP; and requiring that any tax agreement between the applicant and the Seneca County Industrial Development Agency must be acceptable to the Town. At the IDA's meeting earlier that day, it tabled consideration of a tax agreement with the applicant, so Exhibit C (the tax agreement) that was previously attached to the proposed resolution was removed and the language of the resolution revised accordingly.

Paul Reichel, Esq. read the proposed resolution accepting the Lago Resort and Casino, LLC Community Mitigation Plan and authorizing certain matters in connection therewith.

Councilman Rogers moved to adopt 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.

Virginia Robbins, Esq. noted that the Town Board received a copy of its prior resolution adopted on June 12, 2014 in support of the application of Whitetail 414, LLC to develop and operate a gaming facility on land located in the Town of Tyre. The Board could make a motion to reconfirm the adoption of this resolution.

Councilman Thomson made a motion to reaffirm the resolution passed on June 12, 2014.

Councilman Rogers 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.

Supv. McGreevy called for a 5 minute recess at 8:35 P.M.

The meeting was called back to order at 8:40 P.M.

Tyre Water District No. 1 Extension 1

Adam Cummings, P.E. - Barton & Loguidice spoke of the one property owner on St. Rt. 414 who has petitioned the board for water service, which would be located in Tyre Water District No. 1, Extension 1. A private contractor would bore under St. Rt. 414 as the water line is located on the opposite side of the road from the resident.

Tyre Sewer District No. 1

Paul Reichel, Esq., - Bond, Schoeneck & King, has contacted two property owners in Tyre Sewer District No. 1 where the sewer line is located on private property.

Minutes

Councilman Thomson moved, seconded by Councilman Aceto and carried, to dispense with reading the minutes of October 1, 2015 and they be accepted as written. Vote: Yea-4, Nay-0, Absent-0.

Proposed Local Law No. 6 - Tax Override

Councilman Thomson moved a resolution, seconded by Councilman Rogers, that the Tyre Town Board adopt Local Law No. 6 - a Local Law to Override the Tax Levy established in General Municipal Law Section 3-C as it pertains to the Tyre Town Budget for fiscal year commencing January 1, 2016.

This resolution was put to a Roll Call vote which resulted as follows:

	Yea	Nay	Abstain	Absent
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.

Local Law follows.

The text of Local Law No. 6 was given to Town Board members October 8, 2015. Notice of Public Hearing was published in the FLT October 13, 2015. The Public Hearing was held October 22, 2015.

Financial-Budgets

Councilman Aceto moved a resolution that the 2016 Town of Tyre Tentative Budget be adopted as the 2016 Town of Tyre Preliminary Budget.

Councilman DelPapa seconded this resolution and it was adopted by Roll Call vote as follows:

Yeas: Councilmen Aceto, DelPapa, Rogers, Thomson, Supervisor McGreevy

Noes: 0

Absent: 0

The resolution was thereupon duly adopted.

Councilman Thomson moved a resolution that the 2016 Tyre Water District No. 1 Tentative Budget be adopted as the 2016 Tyre Water District No. 1 Preliminary Budget.

Councilman DelPapa seconded this resolution and it was adopted by Roll Call vote as follows:

Yeas: Councilmen Aceto, DelPapa, Rogers, Thomson, Supervisor McGreevy

Noes: 0

Absent: 0

The resolution was thereupon duly adopted.

Public Hearing - Budgets

Councilman Thomson moved a resolution, seconded by Councilman Rogers, that a Public Hearing be held Thursday, November 5, 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, for the purpose of hearing public comment for or against any item or items in the 2016 Town of Tyre Preliminary Budget and the 2016 Tyre Water District No. 1 Preliminary Budget.

Roll Call vote:

Yeas: Councilmen Aceto, DelPapa, Rogers, Thomson, Supervisor McGreevy

Noes: 0

Absent: 0

The resolution was thereupon duly adopted.

Public Hearing - Fire Protection

At a special meeting of the Tyre Town Board of the Town of Tyre, in Seneca County, New York, held at the Magee Fire Department Building, 1807 St. Rt. 318, Seneca Falls, NY 13148, in said town of Tyre, on the 22nd day of October 2015 at 7:30 o'clock in the P.M. there were:

Present: Councilmen Aceto, DelPapa, Rogers, Thomson, Supv. McGreevy

Absent: 0

Councilman Aceto offered the following resolution and moved its adoption:

WHEREAS, there has been duly established in this Town a fire protection district known as the Tyre Fire Protection District embracing the territory in said town as such territory is more fully described in a resolution establishing such district and duly adopted by this Board, and

WHEREAS, it is necessary pursuant to law for this Town Board to provide for the furnishing of fire protection within said fire protection district, NOW, THEREFORE, be it

RESOLVED: That pursuant to the provision of Section 184 of the Town Law of the State of New York, that a public hearing be had with reference to the furnishing of fire protection for the Tyre Fire Protection District on November 5, 2015 at the Magee Fire Department Building, 1807 St. Rt. 318, Seneca Falls, NY 13148, in the Town of Tyre, at 7:45 P.M. and that notice of such hearing be published in the Figner Lakes Times, a newspaper having a general circulation in said fire protection district once or before November 1st, 2015 and that such notice shall specify in general terms the proposed contract.

Seconded by Councilman Rogers and duly put to a vote which resulted as follows:

Yeas: Councilman Aceto, DelPapa, Rogers, Thomson, Supervisor McGreevy

Noes: 0

Absent: 0

The resolution was thereupon duly adopted.

Dogs

Councilman Aceto suggested that Dallyn Jenkins, Beverly Animal Shelter, Inc., attend a board meeting. At the present time shelter, care and food is provided at a cost of \$13.00 per day for a maximum of 7 days.

Election - Band Hall Building

The Supervisor asked Highway Supt. Shumway and his staff to please prepare the Band Hall Building for the November 3rd Election.

Supervisor Report/Correspondence

Supv. McGreevy read the Town Assessors Report, which the Assessor had submitted to him. The Assessor attended a class in Batavia September 18th on Advanced Data Collection, and a County Assessors' meeting September 14th.

The 15th Annual Seneca County Household Hazardous Waste Drop Off Day is November 7th.

The Supervisor reminded everyone to vote on Tuesday, November 3rd.

Adjournment

Councilman Aceto moved, seconded by Councilman Rogers and carried, that the meeting adjourn. Vote: Yeas-4, Nay-0, Absent-0.

Submitted by:

Elizabeth Sutterby
Town Clerk

**LOCAL LAW NO. 6 OF THE YEAR 2015
TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW SECTION 3-C**

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to allow the Town of Tyre to adopt a budget for the fiscal year commencing January 1, 2016 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-C.

SECTION 2. AUTHORITY

This local law is adopted pursuant to subdivision 5 of the General Municipal Law Section 3-C, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The Town Board of Tyre is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2016 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-C.

SECTION 4. SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision part of this local law or the application thereof to any person, firm or corporation, or circumstances is invalid or unconstitutional, the court's order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.