

January 21, 2016

The monthly meeting of the Tyre Town Board was held Thursday, January 21, 2016 at 7:30 P.M. in the Tyre Town Hall, 1695 St. Rt. 318, Waterloo, NY, in the Town of Tyre.

Supv. McGreevy welcomed everyone to the new facility. The Supervisor especially thanked Judge Larry Mills for his hard work on the renovation to transform the building into a place to hold official business for the Town of Tyre. Supv. McGreevy also thanked Councilman Thomson for his assistance in the road trip to acquire the chairs. The Supervisor also thanked Councilman James Rogers for his work in cleaning and moving furniture, and also for his hard work in removing the old insulation from the crawlspace under the Band Hall Building, reducing the cost of winterizing that building. He thanked the Highway Dept. personnel for their work in expanding the parking lot. Thanks to everyone who put in time and effort to make this building a facility we can be proud of.

Pledge of Allegiance.

Roll Call: Supv. Ronald McGreevy-here, Councilman Reginald Aceto-absent, Councilman James Rogers-here, Councilman Kenneth Sutterby-here, Councilman Thomas Thomson-here.

Others present: Assessor Philip Griswold, Highway Supt. Cassius Shumway, Bookkeeper Starr Wilkinson, DCO Dallyn Jenkins, ZCEO David Page, PBM's Chairman Robert Seem, Lawrence Kesel, Karen Thomson, Board of Assessment Review Mark Travis, and Magee Fire Dept. Chief Craig Reynolds.

Supv. Ronald McGreevy - have had roll call - quorum present - meeting called to order at 7:30 P.M.

The Supervisor introduced Adam Cummings, P.E., Barton & Loguidice, D.P.C. representing the Town of Tyre and Charles Shaffer, Esq., representing the Town of Tyre.

Minutes

Councilman Rogers moved, seconded by Councilman Thomson and carried, to dispense with reading the minutes of November 19, 2015 and they be approved as written. Vote: Yea-3, Nay-0, Abstain-Councilman Sutterby, Absent-1.

Public Comment/Scheduled Speakers

Mr. Bill Martin, owner Montezuma Winery, spoke of the need for more water than what their current source supplies. There is also a lack of space to install more water treatment equipment. They would be able to accommodate more customers if they could obtain municipal water and sewer services.

Department Reports

Highway - Highway Supt. Shumway reported that the overhead doors at the highway building have been installed. Contacted Auction International regarding old loader having been purchased December 17, 2015 and payment has not been received. Have been assured payment will be here in week or so. The warranty work of the valve on the new loader has been completed and the loader works fine.

Assessor - Assessor Griswold has been busy completing the work on exemption renewals on which the deadline is March 1st.

Supv. McGreevy inquired of the Assessor if he had any information regarding checks taxpayers have received from the Department of Taxation and Finance pertaining to Property Tax Freeze Credit. The Assessor replied the checks aren't the result of any of the assessor's work. The tax freeze credit from the State of New York is due to one of Gov. Cuomo's budget proposals which required the town, county and school district to stay within the tax cap.

Attorney - Attorney Charles Shaffer stated that Virginia Robbins, Esq., Bond, Schoeneck & King, LLC, who is representing the town in casino matters, advised him that their office has been informed that the Oneida Nation, Turning Stone and a number of other plaintiffs, including the casino opposition group here in Tyre, have joined together to file a lawsuit against the Gaming Commission. The Town of Tyre is not named as a defendant in that action and at this time the Town of Tyre has no exposure in that action.

Fire Department - Chief Craig Reynolds reviewed the department's 2015 report with the Town Board. Supv. McGreevy thanked the Chief for the thorough and informative report. On behalf of the community, Supv. McGreevy thanked the Chief and his members for the work that they do. The department was given a round of applause.

ZCEO - ZCEO David Page reported the issuance of 1 permit for the month. Planning/Website/Training - Planning Board Chairman Robert Seem reported that at the Organization and Special Meeting of the Planning Board January 12, 2016, Robert Seem was reelected Chairman, Alan Smith - Vice Chairman and Lawrence Kesel - Secretary.

The Board has worked on the Byrne Dairy site plan and a minor subdivision within the town. At the January meeting they hope to finish the Byrne Dairy site plan review and subdivision. Planning Board meeting delayed from January 26 to January 28 due to awaiting a recommendation resulting from the Zoning Board of Appeals meeting of January 26th.

PBM Lawrence Kesel reported a ZBA member has been ill and training for this person is not complete. Some members are working on credit for 2017. Supv. McGreevy thanked Mr. Seem and Mr. Kesel for their work.

Bookkeeping - New Bookkeeper Starr Wilkinson reported that personnel who were paid monthly are now paid bi-weekly.

Dog Control Officer - New DCO Dallyn Jenkins reported on the calls about dogs she followed thru on. In December, took 1 dog to the shelter and it is still there.

Tyre Water District No. 1 Ext. No. 1

Adam Cummings, P.E., Barton & Loguidice D.P.C., reported that the 30 day Permissive Referendum Opportunity has expired for Ext. No. 1 of Tyre Water District No. 1 - Charles VanArsdale. The resolution finalizing the district formation was adopted in December. Mr. Cummings has the certification from the Town Clerk. The next step is to submit those documents to the County Clerk by March 1st so that Ext. No. 1 of Tyre Water District No. 1 can be added to the tax roll. The documents will also be filed with the Comptroller's Audit & Control Department so they are aware of it because it is a taxable district change. So, Ext. No. 1 of Tyre Water District No. 1 has been completed. Mr. VanArsdale has operating water and is very satisfied with it.

Tyre Sewer District No. 1

Mr. Cummings provided information that Paul Reichel, Esq., Bond, Schoeneck & King, LLC, has secured the contact information for the correct persons who are now the owners of Petro Travel Center. The owners have the paperwork to provide the easements that are necessary for the sewer line.

Seneca Falls is working on their issues with the sewer. Seneca Meadows has other issues they are working on.

Water District

Supv. McGreevy inquired of Mr. Cummings as to what background work he could do to seek a potential grant to obtain water in the eastern end of the town. Mr. Cummings stated he could assist with that. The project would be eligible for the Consolidated Funding Application which should be available in May or June, and is usually awarded in the fall.

Supv. McGreevy asked for discussion from the board. Councilman Sutterby inquired if any of the feasibility studies have a difference between commercial and residential use. Mr. Cummings stated yes, that is listed during the feasibility when the user estimates are derived. Councilman Sutterby asked if that had to be written in. Mr. Cummings reply was no.

Councilman Aceto arrived at the meeting at 8:05 P.M.

Supv. McGreevy explained for the Councilmen that there was a discussion about potentially authorizing Mr. Cummings' firm to conduct a feasibility study regarding water and sewer in the St. Rts. 5&20,318 and 89 intersection and the possibility of seeking a grant. Mr. Martin spoke this evening of the need for municipal water and sewer in that area for the winery and also other folks who attended the meeting.

Ext. 1 of Tyre Water District No. 1

Attorney Shaffer inquired if all documents had been completed and filed for the Charles VanArsdale project. Mr. Cummings replied the papers would be delivered the next day. Mr. Shaffer asked if Mr. VanArsdale had paid enough money to cover all the expenses. Supv. McGreevy stated everything has been paid to the Town of Tyre. Mr. VanArsdale did call the Supervisor last week and stated he was waiting for Mr. Rauscher's bill for the bore under the road. The fact was clarified that Mr. VanArsdale didn't receive any benefits by not being in the water district from day one.

Engage Legal Services

Supv. McGreevy read a proposed Resolution Authorizing the Town Supervisor to Engage Legal Services.

Councilman Thomson moved this resolution, seconded by Councilman Sutterby. The resolution was thereupon duly adopted by unanimous vote. Resolution follows.

Engagement Letter

Attorney Shaffer explained the engagement letter he has signed, presented to the Supervisor and asked for board approval.

Councilman Thomson moved a resolution, seconded by Councilman Rogers, approving the Engagement Letter. Vote: Yea-4, Nay-0. Engagement Letter was duly adopted.

Engagement Letter follows.

Zoning and Land Use Fees

Resolution Establishing Application Fees for Listed Matters Before the Town Planning Board and the Town Zoning Board of Appeals.

Discussion regarding the Site Plan fee. Resolution was amended as follows: Site Plan \$25.00 per disturbed acre or any portion thereof.

Councilman Rogers moved to adopt the resolution as amended, seconded by Councilman Aceto. Vote: Yea-4, Nay-0. Resolution was thereupon duly adopted by unanimous vote.

Resolution follows.

IESI Seneca Meadows - New York City Trash

Supv. McGreevy read a proposed resolution:

The Town of Tyre Town Board Supports Seneca County Board of Supervisors' Resolution No. 270-15 and Opposes IESI Seneca Meadows - New York City Trash by Rail Proposal and Increased Waste Being Transported into Seneca County.

Councilman Reginald Aceto moved this resolution, seconded by Councilman Kenneth Sutterby. Vote: Yea-4, Nay-0. The resolution was thereupon duly adopted by unanimous vote.

Resolution follows.

Water Service

Councilman Reginald Aceto moved a Resolution Authorizing the Town to Request an Engagement Agreement from the Engineering Firm of Barton & Loguidice, D.P.C. for a Feasibility Study to Provide Municipal Water Service to Petitioned Properties in the Vicinity of Routes 5&20, 318 and 89. Councilman James Rogers seconded this resolution.

The resolution was thereupon duly adopted by unanimous vote. Resolution follows.

Sewer Service

Councilman Thomas Thomson moved a Resolution Authorizing the Town to Request an Engagement Agreement from the Engineering Firm of Barton & Loguidice, D.P.C. for a Feasibility Study to Provide Municipal Sanitary Sewer Service to Petitioned Properties in the Vicinity of Routes 5&20, 318 and 89. Councilman James Rogers seconded this resolution.

The resolution was thereupon duly adopted by unanimous vote. Resolution follows.

Building - 1695 NYS Route 318

Resolution Amending Lease for Premises at 1695 NYS Route 318 in the Town of Tyre.

Attorney Shaffer explained the need to amend such lease to include an "Indemnification and Insurance" paragraph.

Councilman Thomson moved a resolution to amend this lease, seconded by Councilman Rogers. The resolution was thereupon duly adopted by unanimous vote.

Resolution follows.

Financial - Two Week Pay Period

Councilman Reginald Aceto moved a Resolution Establishing a Two Week Pay Period for all Officers, Employees and Appointees of the Town.

Councilman James Rogers seconded this resolution. The resolution was thereupon duly adopted by unanimous vote.

Resolution follows.

Financial - Hours of Work - Bookkeeper/Secretary

Councilman Reginald Aceto moved a Resolution Amending the Maximum Number of Hours of Work for Bookkeeper/Secretary to the Town Supervisor From a One Week to a Two Week Period.

Councilman Kenneth Sutterby seconded this resolution. The resolution was thereupon duly adopted by unanimous vote.

Resolution follows.

Records Access Appeals Officer

Councilman Thomas Thomson moved a Resolution of the Town Board for the Town of Tyre Establishing a Records Access Appeals Officer. Councilman Reginald Aceto seconded this resolution.

The resolution was thereupon duly adopted by unanimous vote. Resolution follows.

Financial - Bookkeeping

Court Clerk/Ex Bookkeeper - Nancy Submitted the Supervisor's December 2015 monthly report to the Board.

Financial - Disability Insurance

Councilman Reginald Aceto moved a Resolution Authorizing the Supervisor to Order a Budget Modification to Cover Payment for the Disability Insurance Premium for 2015 and 2016. Resolution was submitted by Ex/Bookkeeper Nancy. Councilman Kenneth Sutterby seconded this resolution. The resolution was thereupon duly adopted by unanimous vote. Resolution follows.

Byrne Dairy - Lead Agency

Resolution Not Objecting to the Tyre Planning Board Establishing Itself Lead Agency for the Coordinated SEQRA Review of the Byrne Dairy Retail Store and Fueling Station Project.

Councilman James Rogers moved this proposed resolution, seconded by Councilman Thomas Thomson. Vote: Yea-4, Nay-0. The resolution was thereupon duly adopted by unanimous vote. Resolution follows.

Supervisor Correspondence/Report

Supv. McGreevy received a phone call, late this afternoon, from the office of Gerard O'Connor, the attorney from the office of Lippman & O'Connor, who is representing the town in the Brown and Backus matters, the fatal accident on St. Rt. 5 & 20. The town has been named in a Notice of Claim. Supv. McGreevy was informed that the 50H Hearing that was scheduled for next Monday, January 25th, 2016 was adjourned and will most likely be rescheduled for sometime in February.

Financial - Bills

Councilman Thomson made a motion, seconded by Councilman Aceto and carried, that the following bills be approved for payment. General Fund 101,200-222; Highway 101,204,220,501-504; Water 852-855. Vote: Yea-4, Nay-0.

Adjournment

Councilman Rogers moved, seconded by Councilman Thomson and carried, that the meeting adjourn at 9:27 P.M. Vote: Yea-4, Nay-0.

Submitted by:

Elizabeth Sutterby
Town Clerk