

February 18, 2016

The monthly meeting of the Tyre Town Board was held Thursday, February 18, 2016 at 7:30 P.M. in the Tyre Town Hall, 1695 St. Rt. 318, Waterloo, NY 13165, in the Town of Tyre.

Pledge of Allegiance.

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

Others present: Assessor Philip Griswold, ZCEO-David Page, Planning Board members Chairman Robert Seem, Lawrence Kesel and Henry Bickle. DCO Dallyn Jenkins.

Have had roll call - quorum is present - meeting called to order at 7:30 P.M.

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

Minutes

Councilman Rogers moved, seconded by Councilman Sutterby and carried, to dispense with the reading of the minutes of December 17, 2015 and December 30, 2015 and they be accepted as written. Vote: Yea-Councilman Rogers, Abstain - Councilman Sutterby, Absent-2. No action taken.

Department Reports

Highway - Attorney Shaffer prepared a letter on behalf of the Highway Supt. that can be provided to town residents in the rare event that a mailbox is damaged during the course of snow plowing operations. The Supervisor read the letter and asked if anyone objected to this letter. Councilmen Rogers and Sutterby replied no.

Assessor - Assessor Griswold administered the STAR program, Farmers School Tax Credit and Exemption Administration. Met with staff from ORTPS to discuss the 2016 tentative Equalization Rate survey. Certified abutting property owners of 1441 Mound Road.

Attorney - Attorney Shaffer reviewed the status of the lawsuits brought by the opposition group against the Town of Tyre.

The 1st lawsuit brought by Casino Free Tyre is a result of action taken in 2014 by the town to allow the building of the casino in Tyre and the negative declaration made by the Tyre Town Board in connection with the SEQRA. The lawsuit remains on the Court of Appeals docket on the issues that were brought before the Appellate Division.

The 2nd lawsuit was brought by the opposition group following the Town's 2015 decision to issue a negative declaration allowing the casino to proceed. This 2nd lawsuit is in the process of working its way to the Appellate Division for appeal. The thing that is between the decision of Judge Falvey and the appeal is the outcome of the Motion for Preliminary Injunction which is out there. As long as these cases remain undecided, the casino process is on course with the approvals that have been granted.

The opposition group has filed a lawsuit against the IDA under Article 78 saying that they violated their oath of office in certain respects. The Town of Tyre will be a silent party to both the initial and newest Article 78 lawsuits against the IDA.

Magee Fire Department - In the absence of Fire Chief Craig Reynolds, Magee Fire Department President David Page read the department report. The January 27, 2016 Petro fire was confined to the kitchen area. The fire protection system contained the fire to the room of origin. The department has added a new thermal imaging camera (TIC) at an approximate cost of \$1500.00, made possible because of a generous donation.

Zoning - ZCEO David Page has issued 2 permits.

Planning - Planning Board Chairman Robert Seem reported the Planning Board held a meeting January 28th. The Board completed the review of the Byrne Dairy application including the SEQRA. Byrne Dairy planned on starting construction the week of February 1st, weather permitting. A 2nd application was for the Lawrence agricultural subdivision which combined 3 parcels into 1 parcel. The parcel was to be sold and remain in agricultural production. The review of the application and SEQRA was completed.

The Board will look at the application for the next project - Finger Lakes Chrysler, Dodge, Jeep and Ram Tyre Dealership application at the February meeting.

Website - Chairman Seem stated information has been put on the Website for the Tyre Town Hall - location, hours, telephone, etc.

Training - PBM Lawrence Kesel reported all 7 members of the Planning Board have completed training for 2016. 3 Zoning Board of Appeals members have completed training for 2016, and 1 has completed 2017.

Dog Control Officer - Supv. McGreevy apologized to DCO Dallyn Jenkins for not including her name on the Department Reports. If the DCO has the opportunity to attend the monthly meetings, the Supervisor will add her name to the Department Reports.

The DCO reported on the work she did in January and so far in February. DCO Jenkins also spoke of having been appointed as Constable for the Town of Fayette and Town and Village of Waterloo for the purpose of responding to calls involving animal cruelty cases.

Old Business

Petitioned Properties Routes 5&20, 318 and 89

Adam Cummings, P.E., Barton & Loguidice, D.P.C., discussed an Engineering Services Proposal for proposed Town of Tyre Water District No. 3, Routes 5&20, 318 and 89.

Mr. Cummings explained that Tyre Water District No. 2 is del Lago Resort and Casino.

The Supervisor informed the board that Cynthia Newcombe, Area Specialist for Rural Development in Canandaigua, would like to attend the March Town Board meeting. Programs may be available regarding housing, water and waste.

PB Chairman Seem stated that some of the businesses on the south side of Routes 5&20 in the Town of Tyre, that might have petitioned the town for water, may not be permitted. If that is the case, the town might rectify that issue by encouraging them to apply for a business permit if they don't have one.

One of the owners of a business on the corner of Route 5&20 and 89 has obtained a building permit from ZCEO Page. That person applied for a permit from Seneca County Code Enforcement and subsequently was denied. The reason for denial is an issue the county has dealt with. Currently in Seneca County, if you are delinquent on property taxes, you will not be issued a building permit. The owner on that property owes a significant amount of back taxes. There is no issue at the town level, but he cannot get a building permit from Seneca County.

Mr. Cummings reviewed an Engineering Services Proposal for a Sanitary Sewer Services Expansion.

Mr. Cummings will contact the petitioners regarding the cost of feasibility studies for water and sewer services.

Municipal Water Service - Routes 5&20, 318 and 89

Councilman Rogers moved the following resolution:

RESOLVED, that the agreement for Professional Services with Barton & Loguidice, D.P.C. concerning a Water Feasibility Study, be tabled until the March 17, 2016 meeting. Councilman Sutterby seconded this resolution.

The resolution was duly adopted with the following vote: Yea-3, Absent-2, Abstain-0.

Municipal Sanitary Sewer Service - Routes 5&20, 318 and 89

Councilman Sutterby moved the following resolution:

RESOLVED, that the agreement for Professional Services with Barton & Loguidice, D.P.C. concerning a Sewer Feasibility Study be tabled until the March 17, 2016 meeting. Councilman Rogers seconded this resolution.

The resolution was duly adopted with the following vote: Yea-3, Absent-2, Abstain-0.

Band Hall Building

Councilman Sutterby inquired if the Band Hall Building was available for public use. If someone wishes to use the Band Hall, they should contact Supv. McGreevy or the Town Clerk. There is an application to be completed and approved by the Town Board.

New Business

Financial - Budget Modification

Supv. McGreevy read a proposed resolution pertaining to a Budget Modification for NYS Local Retirement System Premium.

Councilman Sutterby moved a resolution regarding a Budget Modification for the NYS Local Retirement System Premium.

Councilman Rogers seconded this resolution. The resolution was thereby duly adopted by unanimous vote.
Resolution follows.

Finger Lakes Chrysler - Engagement Agreement

Supv. McGreevy read a proposed Resolution Approving an Engagement Agreement from the Engineering Firm of Barton & Loguidice, D.P.C. for Engineering, Planning and Environmental Assistance Related to Review of the Proposed Finger Lakes Chrysler, Dodge, Jeep and Ram Dealership Project.

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

Public Hearing - Proposed Tyre Water District No. 2

RESOLVED, that the Town of Tyre hold a Public Hearing on March 17, 2016 at 7:30 P.M. at the Tyre Town Hall, 1695 St. Rt. 318, Waterloo, NY 13165, in the Town of Tyre, on the creation of Tyre Water District No. 2, the boundaries of which will be the boundaries of the del Lago Resort and Casino property.

Councilman Sutterby moved a motion, seconded by Councilman Rogers. The resolution was duly adopted by unanimous vote.

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Councilman Sutterby moved a motion, seconded by Councilman Rogers. The resolution was duly adopted by unanimous vote.

Inspection Procedure

Supv. McGreevy and Mr. Cummings are in the process of implementing an inspection procedure for all the projects we have under motion at the present time, as well as all future projects in the Town of Tyre. Mr. Shurway and Mr. Page will have a Certificate of Inspection Form that they will be using to observe construction activity at del Lago Resort and Casino, Byrne Dairy, Ithaca Neighborhood Housing Services, Finger Lakes Chrysler, and whoever else may come into the town.

This is in the town's best interest to have this oversight of major projects that we are facing.

The log will contain not only reports done by town personnel, but will contain reports done by County Code Enforcement. It will also contain any entries logged in by any person who has been made aware of anything at any of the projects. All formal reports and all informal information should be centralized in one report.

Mr. Cummings stated that NYS DEC does storm water compliance inspections for del Lago, and other projects, and Mr. Cummings recommends that these inspection reports be added as well. These reports would have to be requested.

Supervisor Correspondence Report

Supv. McGreevy read a letter of February 9, 2016 from Seneca County Department of Health, Division of Environmental Health Services, Thomas Scoles, Principal Sanitarian, regarding a Sanitary Survey of Tyre Water District No. 1. The system was found to be in compliance with current regulations. Mr. Scoles enclosed copies of inspection report and sample results for the town's records.

Financial - Bills

Councilman Rogers made a motion, seconded by Councilman Sutterby and carried, that the following bills be approved for payment. General Fund 102&103,224-247,509; Community Mitigation 3-11; Highway 102&103,223-246,505-515; Water 856-860. Vote: Yea-3,Nay-0,Absent-2.

Adjournment

Councilman Sutterby moved, seconded by Councilman Rogers and carried, that the meeting adjourn at 9:45 P.M. Vote: Yea-3,Nay-0,Absent-2.

Submitted by:

Elizabeth Sutterby
Town Clerk

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

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Respectfully submitted,


Elizabeth Sutterby
Town Clerk