

May 16, 2019

The monthly meeting of the Tyre Town Board was held Thursday, May 16, 2019 at 6:30 p.m. in the Tyre Municipal Building, 1695 State Route 318, Waterloo, NY 13165, in the Town of Tyre.

Pledge of Allegiance

Roll Call: Supervisor Ronald McGreevy – here; Councilman Reginald Aceto – here; Councilman James Rogers – here; Councilman Kenneth Sutterby – here; Councilman Thomas Thomson – here

Others Present: PBM's Lawrence Kesel, Robert Seem, Henry Bickel; Magee Fire Chief and ZEO Craig Reynolds; Administrative Assistant Missy Jodeit; Assessor Philip Griswold; Bookkeeper Michael Gross; DCO Dallyn Jenkins; Highway Superintendent Bob Eddington; Highway Employees – Ed Lawrence, Chris Chave; Residents – Al Smith, David Draheim; Jim McCormack – del Lago

Supervisor McGreevy – have had roll call – quorum present – meeting called to order at 6:30 p.m.

Supervisor McGreevy introduced Mr. Thomas Blair, Attorney – Blair Law Firm; Mr. Michael Simon – Engineering Firm of Labella Associates; Mr. Charles Shaffer, Attorney – Representing the Town of Tyre

Public Hearing – del Lago Resort and Casino, LLC

Councilman Rogers moved, seconded by Councilman Sutterby that a Public Hearing open at 6:32 p.m. regarding the Amended Site and Development Plan Application of del Lago Resort and Casino, LLC for the Construction of a Smoking Area Expansion to the del Lago Casino. VOTE: Yea – 5; Nay – 0; Abstain – 0

Supervisor McGreevy asked if anyone wished to speak at this Public Hearing regarding this matter. Written comments will also be taken for consideration and placed in our record. Supervisor McGreevy again asked for comment. None were submitted.

Councilman Sutterby, seconded by Councilman Thomson, that the Public Hearing close at 6:33 p.m. VOTE: Yea – 5; Nay – 0; Abstain – 0

Minutes: Approval of the April 18, 2019 and April 24, 2019 minutes – Councilman Aceto moved, seconded by Councilman Rogers, to dispense with the reading of the minutes of the April 18, 2019 and April 24, 2019 meetings and they will be accepted as written.

VOTE: Yea – 5; Nay – 0; Abstain – 0

Scheduled Speakers: None

Department Reports:

Town Clerk: Will be out of the office on 5/23/19

Highway Department: Tyre Highway Superintendent Eddington updated the Board on road repairs. Seneca Stone has been working with the Highway Department on Long Lay Road to deal with some road softness issues. They are going to let it dry up and then it will be blacktopped. 2002 truck broke down and is awaiting repairs. 2012 truck the rear end is leaking and is down to Marro's for repair. Junius Highway Department helped out due to vehicle shortage so that Tyre could get the work done that they needed to. Magee Fire Department helped out with a road cleanup that the Highway Department needed assistance with.

Mr. Simon gave an update on Pucker Street – they are working on Bid specifications and will have it ready to roll at the June, 2019 meeting.

Town Assessor: Mr. Griswold reports that a Board of Assessment Review class will be held on Tuesday, May 21, 2019 at the Magee Fire Hall starting at 6:00 p.m. He has sent reminder letter to the members. Assessor Griswold also reported attending a training session in Batavia on May 26, 2019. Grievance Day will be on Tuesday, May 28, 2019 at the Band Hall on Lamb Road from 5-9 pm. On April 26, 2019 he attended a one day seminar in Batavia "Valuation of vacant land".

Attorney: Nothing to report

Magee Fire Department: Chief Reynolds reported that the Magee Fire Department responded to the following calls during the month of April, 2019 – 10 EMS; 4 fire; 2 MVA's. Chief Reynolds extended a thank you to those who attended the open house at the fire department. There will be a "Touch the Truck" event on 6/8/19 from 9:00 a.m. to 1:00 p.m. at the Outlet Mall. The fire department will be in the Waterloo Memorial Day Parade which is on 5/25/19 at 11:00 a.m.

Zoning Enforcement Officer: ZEO Reynolds reported that there were 2 permits issued for April, 2019. Several inspections have been done. Burkholder is still outstanding. Montezuma Winery is still moving forward. Dave Rauscher project is being worked on. Circle K is putting in underground plumbing. Hilton Garden Inn is looking to move forward with their project. Chamber of Commerce is still waiting for additional information.

Planning/Website/Training: Mr. Seem reports that the Pineview Circle access road and its amenities have been discussed. The Planning Department is assisting Mr. Martin to complete the application for Montezuma Winery. Chamber/Visitor Center cannot move forward until plans have been signed off on by SHPO. Supervisor McGreevy asked the Planning Board to please reach out to the Chamber and SHPO to assist these folks with moving this project forward.

Mr. Kesel reports that one member has completed their 2020 training and one member is scheduled to attend the local government workshop tomorrow. Website is up to date. Mr. Sinicropi from Fingerlakes 1 will be asked to attend a Board Meeting in the near future to give an update on W3C standards and other elements of the requested website update.

Dog Control Officer: DCO Dallyn Jenkins picked up 27 dogs during the month of April, 2019. The Shelter has taken in 300 cats over the last year and at current has 380 animals either on site at the shelter or fostered outside the facility. She received 4 calls and seized 1 dog during this time. Reminder that May 30 and May 31st will be the Shelter's garage sale at Rodman Lott Farms in Seneca Falls.

Bookkeeping: Abstract of Audited Vouchers of bills that were paid at 4/18/19 Board Meeting. OSC Audit should be finalized in 30 days. 5/20/19 folks from Raymond F. Wager, CPA, P.C. will start conducting the 2017/2018 audit.

Band Hall Committee: Nothing to report

Building Committee: Tentative move in date for new building is 6/1/19.

Highway Committee: The Highway Department workers have been fighting the rain and trying to get work done. Thank you highway personnel!

Old Business:

Proposed Pine View Circle Phase 2 Update: Planning Board Chairman Bob Seem and Atty. Blair gave a detailed status report of the project including the proposed road plan and associated amenities. Highway Superintendent Eddington voiced some concerns in regard to some potential snowplowing issues.

Spectrum/Charter Communications Update: Mr. Blair reports that there has been no contact from Ms. Kelly of Spectrum/Charter Communications regarding the proposed franchise agreement. At this point Spectrum can only provide internet and phone service – no tv service can be provided until a franchise agreement has been completed.

New Business:

SEQRA Review and Resolution: Regarding Proposed Construction of a Smoking Area Expansion to the del Lago Casino. It was noted that the Seneca County Board of Health provided a letter dated 5/16/19 stating that they have deemed the area to be an outdoor space and thus not subject to the mandates of the Clean Indoor Air Act.

Motion to declare Negative SEQR Declaration was made by Councilman Sutterby and seconded by Councilman Aceto. the Tyre Town Board hereby determines that, based on the environmental record which has been prepared, the Action will not have a significant adverse effect upon the environment and therefore an environmental impact statement will not be prepared. For these reasons a Negative Declaration under SEQR is therefore issued for this action. Motion to declare Negative SEQR Declaration was made by Councilman Sutterby and seconded by Councilman Aceto.

Negative Declaration adopted by roll call vote as follows:

	Yea	Nay	Abstain	Absent
Councilman Reginal Aceto	X			
Councilman James Rogers	X			
Councilman Kenneth Sutterby	X			
Councilman Thomas Thomson	X			
Supervisor Ronald McGreevy	X			

Motion to adopt the Resolution in its entirety was made by Councilman Rogers and seconded by Councilman Sutterby.

Adopted by roll call vote as follows:

	Yea	Nay	Abstain	Absent
Councilman Reginal Aceto	X			
Councilman James Rogers	X			
Councilman Kenneth Sutterby	X			
Councilman Thomas Thomson	X			
Supervisor Ronald McGreevy	X			

Resolution duly adopted. Resolution follows.

Resolution: Regarding Amended Site and Development Plan Application of del Lago Casino for the Construction of a Smoking Area Expansion.

Motion made by Councilman Aceto and seconded by Councilman Rogers. Adopted by roll call vote as follows:

	Yea	Nay	Abstain	Absent
Councilman Reginal Aceto	X			
Councilman James Rogers	X			
Councilman Kenneth Sutterby	X			
Councilman Thomas Thomson	X			
Supervisor Ronald McGreevy	X			

Resolution duly adopted. Resolution follows.

Resolution: Regarding Enacting Proposed Local Law #1 of 2019 "A Local Law to Amend the Planned Unit Development Regulations Contained in the Town's Zoning Law". Motion made by Councilmen Aceto and seconded by Councilman Thomson.

Adopted by roll call vote as follows:

	Yea	Nay	Abstain	Absent
Councilman Reginal Aceto	X			
Councilman James Rogers	X			
Councilman Kenneth Sutterby	X			
Councilman Thomas Thomson	X			
Supervisor Ronald McGreevy	X			

Resolution duly adopted. Resolution follows.

Resolution: Regarding Highway Law 284 Agreement. Motion made by Councilman Rogers and seconded by Councilman Sutterby. Adopted by roll call vote as follows:

	Yea	Nay	Abstain	Absent
Councilman Reginal Aceto	X			
Councilman James Rogers	X			
Councilman Kenneth Sutterby	X			
Councilman Thomas Thomson	X			
Supervisor Ronald McGreevy	X			

Resolution duly adopted. Resolution follows.

Resolution: Regarding Increasing Appropriation for Account A1450.4 Elections – Contractual. Motion made by Councilman Sutterby and seconded by Councilman Thomson. Adopted by roll call vote as follows:

	Yea	Nay	Abstain	Absent
Councilman Reginal Aceto	X			
Councilman James Rogers	X			
Councilman Kenneth Sutterby	X			
Councilman Thomas Thomson	X			
Supervisor Ronald McGreevy	X			

Resolution duly adopted. Resolution follows.

Inquiry : Towpath Road Inquiry – Initial phone conversation from Ronda Roaring with Tyre, ZEO Craig Reynolds, and subsequent e-mail correspondence. Mr. Shaffer, Attorney stated that his determination that Towpath Road is owned by the Niagara Mohawk/National GRID and this is a private road and is therefore not a Town road. Town Clerk Carol Sosnowski stated that she searched Town records and found no deed of record for this road. Highway Superintendent Bob Eddington indicated that he searched his files and there is no record of the Town ever performing any maintenance of this road.

Supervisor Correspondence/Report:

5/9/19 Receipt of FOIL Request of Ken Williams, Insulators Local 30

5/13/19 Receipt of FOIL Request of John Houck

Resolution: Motion for the Board to go into Executive Session. Motion made by Councilman Rogers and seconded by Councilman Sutterby. A motion for the Board to enter into executive session having been made and seconded, a roll call vote on the motion will be conducted as follows:

	Yea	Nay	Abstain	Absent
Councilman Reginal Aceto	X			
Councilman James Rogers	X			
Councilman Kenneth Sutterby	X			
Councilman Thomas Thomson	X			
Supervisor Ronald McGreevy	X			

The motion having carried by a unanimous/majority vote, this meeting will now adjourn at 8:32 p.m. and will reconvene when the Board returns from executive session.

Meeting had reconvened at 9:24 p.m. with NO action taken in executive session.

Financial - Bills:

General Fund – Town Wide – 109; 110; 311-336
Councilman Aceto declined to approve payment – 320.
Community Mitigation Fund – 61-63
Highway Fund – 109; 110; 312; 534-544
Municipal Building Fund – 336; 1020-1028
Water District #1 Fund – 812-814
Water District #2 Fund – 814

Councilman Rogers moved, seconded by Councilman Aceto that the bills be approved for payment:
VOTE: Yea – 5; Nay – 0; Abstain – 0

Adjournment:

Councilman Aceto moved, seconded by Councilman Sutterby that the meeting adjourn at 9:29 p.m.

Submitted by,

Carolyn Sosnowski
Town Clerk