

June 18, 2020

The monthly meeting of the Tyre Town Board was held Thursday, June 18, 2020 at 6:30 p.m. in the Tyre Municipal Building, 1082 Gravel Road, Seneca Falls, NY 13148, in the Town of Tyre.

This meeting was conducted during the COVID-19 Pandemic and under NYS Governor's Executive Order 202.14 Suspension of law allowing the attendance of meetings telephonically or other similar service: Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

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: Administrative Assistant Karen Birch; Bookkeeper Michael Gross; ZEO Craig Reynolds; Peter Vars, BME Associates

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

Supervisor McGreevy introduced Mr. Charles Shaffer, Esq., representing the Town of Tyre and Mr. Thomas Blair, Attorney – Blair Law Firm (by phone)

Supervisor McGreevy stated that “before we open the Public Hearing I would like to take this opportunity to note, that one year ago, on June 20, 2019, we held our first official Tyre Town Board meeting in this building. As I stated at that time, this was an historic event for the Town of Tyre. For the first time in Tyre's 190 year history we had a municipal building of our own in which day to day business could be conducted. It is now no longer necessary for town officials to work from the kitchens or spare bedrooms of their homes as was done in the past. A lot has happened in our world since June of 2019. I am certain that we will eventually recover from the effects of the Coronavirus Pandemic and I hope that efforts will continue to be made to address the issues of social unrest currently gripping our nation. Let's make an effort to work together, and NOT see tolerance, understanding, patience, and common sense placed on the endangered species list.”

Motion to open the Public Hearing Regarding Proposed Approval of an Amended and Restated Site Plan in Regards to a Proposed del Lago Pylon Sign.

Motion made by Councilman Sutterby and seconded by Councilman Thomson – All in Favor – So Moved. Public Hearing opened at 6:35 p.m.

Supervisor McGreevy introduced Mr. Peter Vars from BME Associates, on behalf of del Lago.

Mr. Vars offered to show the map of the proposed sign location to the board members. He stated that the original sign approval request occurred in 2017 and has since expired. He stated that now it is required that they return to obtain approval. He explained that the original location of the pylon sign plan has been moved 1200 feet further to the west and stated that this location is the optimum spot for the sign. Mr. Vars furthermore stated that they are in possession of the New York State Thruway Authorities permit. He had no further information to provide.

Supervisor McGreevy asked for any comments for this Public Hearing and stated that the board would hear comments only and would also accept written comments on this specific issue only. Supervisor McGreevy also asked if anyone was on the phone call in number published in the Fingerlakes Times for anyone to comment on this proposal. There were no in person or on the phone comments. Supervisor McGreevy asked for a second time for any comments from the public and no comments were made.

A motion was made by Councilman Aceto to close the hearing and Councilman Rogers seconded the motion.

VOTE: Yea – 4; No – 0; Abstain – 0

Supervisor McGreevy thanked Mr. Vars for his attendance and input.

Supervisor McGreevy stated that the Town of Tyre regular Town Board meeting would begin.

Minutes: Approval of May 21, 2020 minutes – Councilman Sutterby moved, seconded by Councilman Thomson, to dispense with reading the minutes of the May 21, 2020 meeting and they be accepted as written.

VOTE: Yea – 5; No – 0; Abstain – 0; Absent – 0

Scheduled Speakers: None

Department Reports:

Town Clerk: Nothing to report

Highway Department: Supervisor McGreevy stated that according to Highway Superintendent Bob Eddington, progress is being made on the Nearpass Road construction and the highway staff have been busy filling potholes. According to Highway Superintendent Eddington, the new truck ordered should arrive soon. Lastly, he indicated that the highway department reports they are working on their projected 2021 budget.

Town Assessor: Grievance Day was held on May 26, 2020 and there was one petitioner. Otherwise, business as usual.

Attorney Charles Shaffer: Nothing to report

Fire Department: Chief Reynolds reported that the department has seen an increase in call volume in the past month. On June 01, 2020, they responded mutual aid to Romulus, N.Y. for a structure fire. On June 06, 2020, they responded mutual aid to Junius, N.Y. for a tractor trailer fire. On June 09, 2020, they responded to Esterbrook Trail for a heroin overdose. A male was unconscious and not breathing. His life was luckily saved with the assistance from Sheriff's Deputy John McNabb and the members of Magee Fire Department.

Zoning Enforcement Officer: ZEO Reynolds reported he issued three permits this month. ZEO Reynolds reported that Vince Piscitelli is putting up an enclosed porch; Daniel Morrill is adding to his existing porch; and Dan Brand is putting on a small porch. ZEO Reynolds indicated he received an additional application, however, there was information missing in the paperwork. ZEO Reynolds stated that the Burkholder's SEQRA was reviewed and passed by the Planning Board. He explained that the Planning Board will be handling a subdivision next Tuesday, June 23, 2020. Michael Schmucker is subdividing ten acres from his property. A public hearing regarding this will be held at 6:30 p.m. on June 23, 2020. Love's project is moving along. Sessler's are doing some grading to their property, just off of State Route 318, and they indicate they are getting the property ready for future development. ZEO Reynolds went on to state he was providing many on-site inspections.

Planning/Website/Training: Mr. Kesel reports that they had a banner month cleaning up old issues and providing accurate timely certified documents and that behind the scenes activity was outstanding. Quarterly individual training status reports will be issued to members regarding Planning Board & Zoning Board of Appeals Chairs for first half of 2020.

Mr. Seem reports that the Planning Board meeting for May 28, 2020 had to be cancelled because of a scheduling error and we could not live stream. The meeting was rescheduled and conducted on June 8, 2020. A Public Hearing was held to hear any comment on an amended site plan for construction of a distillery warehouse at Montezuma Winery (Hidden Marsh Distillery). The Planning Board had approved the original site plan on March, 26, 2019, but it was later determined that the code requirement for a fire wall, where the planned warehouse would attach to the winery's main building, was too costly and the applicant amended the site plan to move the warehouse 14 feet to the east, which satisfied code. Later in the meeting the amended site plan was approved.

During the Public Comment period, at that meeting, Mr. Mike Ritchie from Costich Engineering, representing 3S-Gateway, informed the board that earthwork was planned for the 3S-Gateway site to improve drainage and would result in some soil storage areas. Upon questioning, there was some confusion about the plan and the drawings provided before the meeting. As Town Engineer Mike Simon was not at the meeting, we requested that he be consulted. On June 11, 2020, Mr. Ritchie submitted revised drawings to Mr. Simon who concurred that work did not represent any action that required Planning Board approval.

The Burkholder (Empty Pockets, LLC) subdivision, site plan and SEQRA was discussed. SEQRA for the project was completed and we declared no negative environmental impact. The Board will continue with the subdivision and site plan in subsequent meetings.

By unanimous motion, the Planning Board recommended the Town Board appoint Mr. Douglas E. Jones of 2163 West Brook Road, Seneca Falls, NY 13148 to the position of Alternate Planning Board Member. The Planning Board was not able to identify a new member for the Zoning Board of Appeals and discussed other potential persons.

The Planning Board reviewed the proposed addition of Footnote #8 to the Bulk Table for Commercial West Zone and by unanimous motion recommended this change to the Tyre Zoning Law of 2018.

A minor subdivision application was received from Richard and Gail Banks (547 Pucker Road, Waterloo, NY 13165) to purchase 10 acres of land from a subdivided parcel of 95.6 acres owned by Michael and Rebecca Schmucker (1819 West Tyre Road, Waterloo, NY 13165). The application was accepted, and a public hearing will be held on June 23, 2020 at the monthly meeting of the Planning Board.

The Planning Board has also noticed a public hearing for June 23, 2020 to start the SEQRA, subdivision and site plan review process for the Love's Travel Center.

Dog Control Officer: Nothing to report

Bookkeeping: Bookkeeper Gross reported that the 2017 and 2018 audits have been completed. The 2019 audit of the Town Books will begin very soon. Bookkeeper Gross also submitted the Abstract of Audited Vouchers Number 6 for payment.

Band Hall Committee: Nothing to report

Building Committee: Nothing to report

Highway Committee: Supervisor McGreevy requested that the Highway Committee re-visit options to provide water to the Tyre Highway Building to include options and cost estimates. Councilman Sutterby reported that the Highway Committee would be meeting to discuss the 2021 budget.

Old Business:

Spectrum Update – A Public Hearing was requested to be held at the Tyre Municipal Building located at 1082 Gravel Road, Seneca Falls, NY 13148 on July 16, 2020 at 6:35 p.m. to enter into a cable television franchise with Spectrum Northeast, LLC, and indirect subsidiary of Charter Communications, Inc.

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

	YEA	NAY	ABSTAIN	ABSENT
Councilman Thomson	X			
Councilman Rogers	X			
Councilman Aceto	X			
Councilman Sutterby	X			
Supervisor McGreevy	X			

Resolution duly adopted. Resolution follows.

New Business:

Resolution regarding Amended and Restated del Lago Pylon Sign Site and Development Plan Application.

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

	YEA	NAY	ABSTAIN	ABSENT
Councilman Thomson	X			
Councilman Rogers	X			
Councilman Aceto	X			
Councilman Sutterby	X			
Supervisor McGreevy	X			

Resolution duly adopted. Resolution follows.

Resolution to fill a Vacancy on the Town of Tyre Planning Board (Alternate Member)

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

	YEA	NAY	ABSTAIN	ABSENT
Councilman Thomson	X			
Councilman Rogers		X		
Councilman Aceto	X			
Councilman Sutterby		X		
Supervisor McGreevy	X			

Resolution duly adopted. Resolution follows.

Resolution regarding Acknowledging and Accepting the Findings of the 2017 Audit

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

	YEA	NAY	ABSTAIN	ABSENT
Supervisor McGreevy	X			
Councilman Sutterby	X			
Councilman Rogers	X			
Councilman Aceto	X			
Councilman Thomson	X			

Resolution duly adopted. Resolution follows.

Resolution regarding Acknowledging and Accepting the Findings of the 2018 Audit

Motion made by Councilman Sutterby and seconded by Councilman Thomson. Adopted by roll call vote as follows:

	YEA	NAY	ABSTAIN	ABSENT
Supervisor McGreevy	X			
Councilman Sutterby	X			
Councilman Rogers	X			
Councilman Aceto	X			
Councilman Thomson	X			

Resolution duly adopted. Resolution follows.

Resolution regarding Introducing Proposed LL #1 of 2020 Amending the Town of Tyre Zoning Law and Scheduling a Public Hearing

Motion made by Councilman Sutterby and seconded by Councilman Thomson. Failed by roll call vote as follows:

	YEA	NAY	ABSTAIN	ABSENT
Supervisor McGreevy	X			
Councilman Sutterby		X		
Councilman Rogers	X			
Councilman Aceto		X		
Councilman Thomson		X		

Resolution Failed – Councilman Sutterby raised some concerns about the Planning Board having control to increase regulations and his concerns around this. Councilman Aceto raised concerns that the Town Board wasn't adequately given reasons for passing the LL #1 and very concerned about who should be doing what according to NYS law.

Supervisor Correspondence/Report:

E-mail dated 5/28/20 from Tyre resident Mr. Justin House regarding property maintenance concerns.

Letter dated 5/29/20 from Mr. James Candiloro, P.E., Director, NYS Canal Corporation regarding Earthen Embankment Program.

E-mail dated 6/9/20 from Alice Covert regarding Magee Fire Department concerns

Tyre Community Garage Sale is being held Friday, August 28, 2020 thru Sunday, August 30, 2020. Flyers are available here at the Town Municipal Building and a copy of the flyer has been posted on our website.

Financial – Bills:

General Fund – Town Wide – 111; 112; 349-378

Highway Fund – 111; 112; 351; 537-539; 541-544

Municipal Building - 1062

Water District #1 – 814-816

Water District #2 - 814

Trust and Agency – 9-10

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

Adjournment:

Councilman Sutterby moved, seconded by Councilman Rogers that the meeting be adjourned at 7:48 p.m. VOTE: Yea – 5; Nay – 0; Abstain – 0 Absent - 0

Submitted by,

Carolyn Sosnowski
Town Clerk