

August 20, 2020

The monthly meeting of the Tyre Town Board was held Thursday, August 20, 2020 at 6:30 p.m. in the Tyre Municipal Building, 1082 Gravel Road, Seneca Falls, NY 13148, 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: Administrative Assistant Karen Birch; Bookkeeper Michael Gross; ZEO Craig Reynolds; Highway Superintendent Bob Eddington; Residents – Melissa Sutterby, Mark Travis

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. Michael Simon – Engineering Firm of Labella Associates

Motion to Open The Public Hearing Regarding Proposed Local Law #1 of 2020 Amending the Town of Tyre Zoning Law

Motion made by Councilman Sutterby and seconded by Councilman Rogers – all in favor – so moved. Public Hearing is opened at 6:32 p.m.

Supervisor McGreevy asked for comments for those wishing to speak at this Public Hearing this evening are to be limited to – Proposed Local Law #1 of 2020 Amending the Town of Tyre Zoning Law which is the sole topic of this Public Hearing. The Board will hear comments and questions only, and will give consideration to them in its decision making process. The Board will also take written comments for consideration and will place those comments into the record. All speakers shall come up to the podium and state their name, and where they reside for the record. Supervisor McGreevy asked again if there was anyone who would like to address the Board with comments specific to the proposed Local Law #1 of 2020 Amending the Town of Tyre Zoning Law. As there are no further comments, I would entertain a motion to close this Public Hearing.

Motion made by Councilman Sutterby and seconded by Councilman Thomson – all in favor – so moved. Public Hearing closed at 6:33 p.m.

Minutes: Approval of July 16, 2020 minutes – Councilman Aceto moved, seconded by Councilman Rogers, to dispense with reading the minutes of the July 16, 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: Highway Superintendent Eddington reported that the truck is done and he is going on Monday to inspect for final approval. If all goes well, he will take delivery of the truck next week. He reported that he has inspected the bridges in the Town and there have been no major changes to them since last year. He has been talking with Seneca County Soil and Water to see if the bridges can be replaced by a squash pipe. There is a \$200.00 fee for them to come and inspect with their engineers. Striping on Nearpass Road will be done for \$400.00. Asphalt will be put down on Durling Road, East Tyre Road, and East Road around Labor Day. The highway workers are sand blasting and preparing trucks and equipment for the winter. They are working on ditching Pucker Street and will be doing West Tyre Road next. They installed a culvert pipe for Dick Banks. He noted that Nearpass Road was a joint effort with Seneca County Highway Department and it came out very well.

Town Assessor: Nothing to report

Attorney Charles Shaffer: Nothing to report

Fire Department: Chief Reynolds reported that Magee Fire Department responded to the following calls: Fire – 10; EMS – 2; and MVA's – 3

July 7, 2020 – Mutual aid to Junius for a barn fire

July 20, 2020 – Mutual aid to Junius for smoke inside the Junius Travel Plaza – electrical fire.

July 21, 2020 – Serious personal injury motor vehicle crash on the NYS Thruway with entrapment. The driver suffered severe trauma and had to be air lifted to Upstate Medical Center by Lifenet.

August 2, 2020 – Responded to the old Tow Path Trail for the report of a serious ATV accident. A male with a severe head and chest trauma. The subject was airlifted to Upstate Medical Center by Mercy Flight.

Chief Reynolds thanked Hank Bickel and Pat Wood for all of their help at this incident. Without the help of Hank, Pat, and bystanders, this young man would not be alive today.

Zoning Enforcement Officer: ZEO Reynolds reported that there were five permits issued since the last meeting – A two car garage, addition to a pole barn, couple of sheds, addition for the Montezuma Winery. ZEO Reynolds received two complaints – one building without a permit and a neighbor complaining about construction debris being improperly disposed of. ZEO Reynolds has been preparing resolutions and public notices for the ZBA and preparing packets for the Love's project. He has also been preparing packets for the County Planning Board and updating some application formats for swimming pools, fences, etc. ZEO Reynolds also conducted several on-site inspections.

Planning/Website/Training: Chairman Bob Seem submitted the following report:

Planning Board Report for July/August 2020

The Planning Board met on July 28, 2020 at the Municipal Building. Two Planning Board members were absent, but our alternate (Doug Jones) was present and filled in for one of the vacancies.

The Public Hearings for the Love's Travel Center SEQRA, subdivision, site plan was continued. No public comment was received. We also opened a new public hearing on the special use permit regarding illuminated signage for the Love's Travel Center and no comments were received. Because no final decisions could be made on any of the Love's Travel Center's applications, all public hearings were continued to the August Planning Board meeting.

Because the Planning Board was not able to decide on any of the Love's applications (based on incomplete information and pending various approvals from other agencies) we used the July meeting to advance discussions on the applications. We had a detailed discussion of the special use permit for illuminated signs, with the major focus on the high-rise sign that will be 125 feet tall. The applicants were questioned about the need for the height and what alternatives might be available. The applicants provided detailed rationale based on lines-of-sight for thruway traffic approaching Exit 41 to allow time for a safe exit. They also explained why there would be no future height increase or additions to the high-rise sign.

The Planning Board also reviewed Part 2 of the SEQRA Full Environmental Assessment Form for the Love's Travel Center. The Parts 2 and 3 will be completed in August, along with final decisions on subdivision, site plan, and special use permit.

The Planning Board also passed a resolution recommending that the Zoning Board of Appeals approve the variance requests submitted for the Love's Travel Center. The ZBA will meet on August 21, 2020 to decide.

Finally, the Planning Board, as an Interested Agency, passed a resolution of agreement that the Tyre Town Board serve as lead agency for the proposed Zoning Law amendment (Local Law #1 of 2020).

The next Planning Board will be on August 23, 2020 in the Tyre Municipal Building.

Supervisor McGreevy read the report from Planning Board Secretary Larry Kesel regarding the training and website operations. The training has been highly active since the last Town Board Meeting by utilizing in-house tutorials. 6 of the original 7 members have completed their training for 2020 on the Planning Board. 1 member has completed 2 hours and still needs 2 hours to complete in 2020. The new alternate member has received 2 tutorial sets and remains open for all 4 hours. The 4 existing members of the Zoning Board of Appeals have completed their training for 2020 and 1 open requisition is still not filled. Mr. Kesel stated there were no changes with the website since the last Town Board Meeting.

Dog Control Officer: Supervisor McGreevy stated we received the Municipal Shelter Report on July 22, 2020, of which was completed on June 12, 2020.

Bookkeeping: Bookkeeper Gross submitted Abstract of Audited Vouchers #7 and the Supervisor's monthly report and combined financial statements reports for July, 2020. In July, 2020 he mailed out the NYSLR letter to part-time employees that need to be filled out and returned to him as soon as possible. Next week he will mail out 2020 – 2021 budget worksheets. Please review them and fill out with requested 2020 – 2021 budget amounts requested and return to Bookkeeper Gross as soon as possible. The upcoming budget process will be challenging due to the pandemic and we will need to work together to get thru the coming year.

Band Hall Committee: Nothing to report

Building Committee: Nothing to report

Highway Committee: Councilman Sutterby reported that they are continuing to look at the bridges and will hopefully have a good option for replacing them down the road.

Old Business:

Spectrum Update – Supervisor McGreevy read an email he received on 08-19-20 from Ms. Lauren Kelly:

“Thank you for your patience as we looked further into the SEQRA review. Good news – our consultants found that, based on the resolution, it appears that the Town did consider SEQRA

and determined that it was a Type II action. Type II actions are by regulation, those actions which never require further SEQRA review which means that we do not need to submit an EAF.

I will be submitting the new franchise internally today to move through our internal approval process. Once I have a countersigned agreement, I will share this with all of you.

Please let me know if you have any further questions, and again, my sincere apologies for this inconvenience.”

There was no further old business.

New Business:

Resolution regarding the Enacting of Local Law #1 of 2020 Amending the Town of Tyre Zoning Law. Supervisor McGreevy read the resolution and referred to a letter from Planning Board Chairman Bob Seem stating that the Planning Board has no problem with the Town Board acting as lead agency. Supervisor McGreevy referred the board members to parts 1, 2, and 3 of the of the SEAF on their desks and summarized the questions 1-11 and all agreed that there is a no or small impact that will occur.

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.

Resolution regarding Approving Engagement Agreement of Mark C. Butler, Esq. as Legal Counsel

Motion made by Councilman Sutterby 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 Approving Engagement Agreement of Donald A. Young Esq. as Legal Counsel

Motion made by Councilman Rogers and seconded by Councilman Sutterby. 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 Creating the Position of Custodian Part-time

Motion made by Councilman Thomson and seconded by Councilman Sutterby. 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 Appointing Beverly J. Smith to the Town of Tyre Zoning Board of Appeals (ZBA). Supervisor McGreevy read a letter submitted by Chairman Damaske as follows:

“Dear Supervisor McGreevy, the Town of Tyre Zoning Board of Appeals held a meeting on August 11, 2020 and during the meeting a motion, second and all in favor was made to recommend Beverly Smith to fill the ZBA vacancy.”

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 Accepting the Result of the Record of Activities on Forms RS-2417-A and RS-2417-B

Motion made by Councilman Thomson 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 regarding to Declare a Piece of Highway Equipment as Surplus

Motion made by Councilman Sutterby 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.

Supervisor Correspondence/Report:

E-mail dated 7/28/20 from Larry Salerno regarding the del Lago closure and mowing concerns on NYS Route 414.

Supervisor McGreevy read an email he received on 08-18-20 from the Montezuma Town Supervisor, John Malenick.

“The director of the Montezuma refuge has been in contact with me and Ed Ide from the town of Aurelius in regard to the possibility of extending Aurelius’ water and sewer lines through the town of Montezuma into the refuge which lies in the town of Tyre. The refuge manager anticipates building a new complex in the future and would like it to be served by municipal water and sewer. In doing so, the lines would extend from River road into the Town of Montezuma possibly picking up the Circle K and a few more residents. From Montezuma the lines would extend below the Seneca river and end at the refuge. I would like to arrange a meeting between the three towns and the refuge to bring everyone up to speed as to what would be necessary to accomplish this goal. Would you be willing to come to a meeting in the near future to discuss this? Thanks.”

Supervisor McGreevy stated he would attend the meeting and there is current discussion regarding the possible scheduling of a meeting in the near future.

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.

Motion for the Board to go into Executive Session

Motion made by Councilman Rogers and seconded by Councilman Aceto. A roll call vote was called :

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

Supervisor McGreevy X

Councilman Rogers made a motion to enter into Executive Session by stating, "I move that the board enter into Executive Session for the purpose of consultation with legal counsel and that Attorney Charles E. Shaffer and Attorney Mark C. Butler, along with Town Clerk Carolyn Sosnowski attend the Executive Session". This motion was seconded by Councilman Aceto. All in favor. Supervisor McGreevy stated the meeting would reconvene after the Executive Session.

Executive Session entered at 7:10 p.m.

Executive Session ended at 9:03 p.m. and the Town Board Meeting reconvened at 9:04 p.m., noting that no action was taken during the Executive Session.

Financial – Bills:

General Fund – Town Wide – 115-117; 406 - 442

Highway Fund – 115 – 117; 406; 440; 558 - 568

Water District #1 – 820- 823

Water District #2 - 820

Trust and Agency – 13 - 14

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

Adjournment:

Councilman Rogers moved, seconded by Councilman Sutterby that the meeting be adjourned at 9:28 p.m. VOTE: Yea – 5; Nay – 0; Abstain – 0 Absent - 0

Submitted by,

Carolyn Sosnowski
Town Clerk