

December 17, 2015

The monthly meeting of the Tyre Town Board was held Thursday, December 17, 2015 at 7:30 P.M. at the Magee Fire Department Building, 1807 St. Rt. 318, Seneca Falls, NY 13148, in the Town of Tyre.

Pledge of Allegiance.

Roll Call: Supv. Ronald McGreevy-here, Councilman Reginald Aceto-here, Councilman Joseph DeIPapa-here, Councilman James Rogers-here, Councilman Thomas Thomson-here.

Others present: Assessor Philip Griswold, Planning Board Members - Robert Seem, Lawrence Kesel, Karen Thomson, Henry Bickel.

Have had Roll Call - quorum present - meeting called to order at 7:33 P.M. Supv. McGreevy introduced Adam Cummings, P.E., Barton & Loguidice, PLLC representing the Town of Tyre and Charles Shaffer, Esq. Town of Tyre Attorney.

#### Tyre Water District No. 1, Extension No. 1 - Public Hearing

Councilman Rogers moved a resolution, seconded by Councilman DeIPapa and adopted, to open a Public Hearing at 7:35 P.M. to hear public comment regarding the Establishment of Town of Tyre Water District No. 1, Extension No. 1. Vote: Yea-4, Nay-0, Absent-0. Supv. McGreevy asked if there was anyone who would like to address the board with comments concerning the Establishment of Tyre Water District No. 1, Extension No. 1. Planning Board member Karen Thomson inquired if Water District No. 1, Extension No. 1 was for Pine View Circle. Supv. McGreevy replied it was for Charles VanArsdale on St. Rt. 414. The Supervisor asked if there were any further comments regarding Water District No. 1, Extension No. 1. None were forthcoming.

Councilman DeIPapa moved, seconded by Councilman Aceto and carried, that the public hearing be closed at 7:45 P.M. Vote: Yea-4, Nay-0, Absent-0.

Supv. McGreevy opened the regular meeting at 7:47 P.M.

#### Minutes

Councilman Aceto moved, seconded by Councilman Rogers and carried, to dispense with reading the minutes of October 22, 2015 and they be accepted as written. Vote: Yea-4, Nay-0, Absent-0.

#### Public Comment/Scheduled Speaker

Tyre resident Tina McDonald spoke about Tyre as a Community. Reminded people of an informal public meeting held 2 years ago on December 11, 2013 at the Magee Fire Department Building about the amazing idea of having a casino in Tyre. A small handful of Tyre residents are definitely not community minded. Fortunate to have Magee Fire Department Chief Craig Reynolds. Sue DeIPapa is the unofficial Town Historian. Thanked Town Board member Joseph DeIPapa for all he has done for the town. Appreciate that Kenneth Sutterby will be sitting on the Town Board next year. When 2015 comes to an end, hope 2016 will encourage people to detour off the New York State Thruway at Exit 41.

#### Department Reports

Highway - Highway Supt. Shumway reported he accepted the bid of \$9100.00 for the 1984 Case WC Serial No. 9155816 old loader. Payment has been received. The buyer is picking up the loader sometime Friday, December 18th.

The new loader has a factory defect which will be repaired under warranty. The machine can be used while waiting for the part.

#### Shared Services Agreement

Supt. Shumway discussed the Shared Services Agreement. He has talked to the town highway departments of Seneca Falls, Waterloo, Junius and Fayette and they don't see any problem.

Attorney Shaffer is of the opinion that there is no adverse consequence to the town to join in the Shared Services Agreement. It can only be invoked if there is an emergency. It would be something that would be beneficial to the town if that should ever arise. There is no duty or obligation on the town to do anything other than participate with the state in an emergency. If it benefits the Town of Tyre there is no reason the town would not consider to enter into Shared Services with the state.

Supt. Shumway informed the board that Bill Barry, Salesman, Five Star Equipment, Inc. provided training for all the highway employees on the new loader.

Councilman Rogers inquired of the Highway Supt. if he had further information on the doors. Supt. Shumway replied the door company told him they would install the doors the week of December 21st.

Assessment and Taxation - Assessor Philip Griswold reported he attended a class in Corning on evaluation of wineries and breweries. The assessor received a copy of the continuing education requirements of the State of New York. He has to maintain his certification by obtaining 12 CPU's every year.

The Assessor is working with Susan Ottenweller, Pineview Circle and Byrne Dairy regarding a requirement of the Planning Board for the assessor to verify adjacent property owners located within 500 ft. of these proposed projects.

The Petro property has been sold for a greater amount of money than what it is assessed for. The Assessor is waiting for confirmation that the Petro lawsuit has been dropped.

ZCEO - ZCEO David Page - No permits were issued.

Magee Fire Department - In the absence of Fire Chief Craig Reynolds, President David Page provided the Department report. There were 15 accidents from the Weedsport exit to the Waterloo exit November 30, Thanksgiving weekend, which were not weather related. The Department wished everyone a Happy and safe Holiday.

Planning, Website and Training - Chairman Seem reported that at the meetings of November 17th and 24th, the Planning Board went thru the process of reviewing the application for the Pine View Circle Development in regards to site plan requirements, subdivision request, special permit request and the SEQRA. The project was approved. It is his opinion and he believes the Planning Board's opinion that it will be a good development for the town. It is by no means a done deal because they have to apply to the state for more funding to build this. It is understood that there is about a 33% acceptance rate.

Sonbyrne Sales, Byrne Dairy project, corner 414 and 318, the Planning Board is in the process of evaluating, and has not accepted the application yet.

The Planning Board has received a minor subdivision request and this will be dealt with under the new subdivision law.

Supv. McGreevy inquired if there has been any concern raised of possible cannibalism from Nice N Easy - Tyre and Seneca Falls, Fast Track - Clyde. The Planning Board has not received any concerns yet. There will be a public hearing and there will be ample notification for that. Mr. Seem stated they assume that their own marketing studies have shown there is ample potential to support an additional convenience store.

Supv. McGreevy inquired of the fee schedule submitted by Adam Cummings, P.E., Barton & Loguidice, for site plan, subdivision and special permit. He assumes the Planning Board will be making a recommendation to the Town Board on those fees.

Regarding the site plan of Byrne Dairy, Councilman Aceto asked if there was a standard of setback of a traffic light for access on 318 & 414. Mr. Cummings stated that DOT has provided comments on the entrances to Byrne Dairy from Routes 318 and 414.

Training - PBM Lawrence Kesel has prepared training information for the Town Clerk for the year. Eleven of twelve people completed the training, 1 has not.

Bookkeeping - Bookkeeper Nancy McGreevy - Town Board has Supervisor's monthly report of November 2015 with handwritten adjustments. Spoke of the changes in the bookkeeping computer program. December 30th will be giving a complete adjusted report.

#### Tyre Water District No. 1, Extension No. 1

Adam Cummings, P.E., Barton & Loguidice, responded to the one question asked during the Public Hearing held previously during this meeting. The Pine View Apartment Complex property location on St. Rt. 318 was included in Tyre Water District No. 1 at the time this district was formed in 2000. One parcel that was not included in that district at that time was Charles VanArsdale, and he would now like to be included in the district.

#### Adopting Tyre Water District No. 1, Extension No. 1

A Resolution Adopting Town of Tyre Water District No. 1, Extension No. 1 was discussed.

In the draft, the last WHEREAS, the Board has discussed the environmental impacts pertaining to the proposed action and the public benefits proposed by the formation of the proposed District Extension in open session; and 'completed a Short Environmental Assessment Form ("SEAF") in connection therewith, a SEAF is annexed as Exhibit A; and'.

The 5th WHEREAS - was modified to read 'no comments were received regarding this matter' from the public at the Public Hearing held on December 17, 2015, and.

Resolution Adopting Town of Tyre Water District No. 1, Extension No. 1, dated December 17, 2015, was introduced by Councilman Thomas Thomson who moved it, seconded by Councilman James Rogers.

Roll Call Vote:

	Yea	Nay	Absent	Abstain
Supervisor Ronald McGreevy	X			
Councilman Thomas Thomson	X			
Councilman Reginald Aceto	X			
Councilman James Rogers	X			
Councilman Joseph DeI Papa	X			

Resolution duly adopted.  
Resolution follows.  
Mr. Cummings will file the necessary papers with the NYS Comptroller Department and the Town Clerk.

Tyre Sewer District No. 1

Charles Shaffer, Esq., informed the board that he was copied in in communication from Paul Reichel, Esq., Bond, Schoeneck & King, PLLC, who is assisting in providing professional legal services to the town in connection with Tyre Sewer District No. 1, at the expense of another party. In other words, the Town of Tyre is not paying Mr. Reichel's assistance in this matter. Mr. Reichel has communicated by letter with the new owners of Petro regarding obtaining from them the necessary easement and Mr. Shaffer has not heard any update from Mr. Reichel. Mr. Reichel, Esq., on behalf of the Town of Tyre, has created a timeline and the duty responsibility assessment form, and everyone is aware of what has to be done and what time it should be done.

Attorney Shaffer stated that it is his position, and has always been his position, that the Town of Tyre should not accept the dedication of this line from the IDA until all matters requested by Mr. Reichel on behalf of the Town of Tyre be resolved, and they include all matters involving the Town of Seneca Falls, be resolved because the Town of Tyre does not want to accept dedication of a line that the Town of Seneca Falls has not also accepted dedication of and has ability to operate and maintain.

Band Hall Building

Supv. McGreevy reported on a proposal from Crescent Logistics for the sum of \$6,756.00 to provide insulation work and other procedures to the Band Hall Building, so it can be used in the winter time. The subject was open for discussion. Councilman Thomson stated that it is not known how deep the water line is that feeds the building, and it could become an issue in the cold weather. The building may not be adequate to provide for offices, including both justices and court facilities. If the board decides to have the work done, the contractor can begin immediately; but there isn't indication when the work would be completed.

Attorney Shaffer was of the opinion that even if the work on the Band Hall can be completed on a timely basis, like within 30 days, would there be enough space for what the town needs. In assessing the lease for the property on St. Rt. 318 it is the only available facility and only known facility available in the Town of Tyre that provides immediacy and adequacy of the needs of the town. It would still be beneficial for the town to proceed to winterize the Band Hall Building for other town uses - civic use - social use, so it is more useful all year.

Planning Board Chairman Seem asked if it is known if the water line to the Band Hall Building is metal or plastic, as there are methods that can remotely detect the depth. Mr. Cummings was of the opinion that it could be costly to obtain that information.

Resolution to Winterize the Band Hall Building

Councilman Rogers moved a resolution, seconded by Councilman DeIPapa to winterize the Band Hall Building.

WHEREAS, the Town Board feels that it is in the Town's best interest to winterize the Band Hall Building located at 616 Lamb Road, in the Town of Tyre, which will result in the building being functional for use by both the town and town residents throughout the entire year and, be it

RESOLVED, that the town accept the proposal from Crescent Logistics, 2933 St. Rt. 318, Seneca Falls, NY to winterize the Band Hall Building at 616 Lamb Road, for the sum of \$6,756.00 to include the work itemized in the proposal as annexed hereto as Exhibit A and, be it further

RESOLVED, that the Town Supervisor be and he hereby is authorized to execute and accept this proposal on behalf of the town, subject to the additional terms that the contractor shall be responsible for obtaining all necessary permits from the Seneca County Code Enforcement Office and that the work shall not be deemed completed until the Seneca County Code Enforcement Office has issued a Certificate of Occupancy to the town.

Vote: Yea-4, Nay-0, Absent-0, Abstain-0.  
the Resolution was duly adopted.

Property - Leased Property - 1695 St. RT. 318, Town of Tyre

A Resolution to Lease Premises at 1695 St. Rt. 318, Town of Tyre, Seneca County, New York was moved by Councilman Thomson, seconded by Councilman Rogers.

Roll Call Vote:

	Yea	Nay	Abstain	Absent
Councilman Thomson	X			
Councilman Rogers	X			
Councilman DelPapa	X			
Councilman Aceto	X			
Supervisor McGreevy			X	

Resolution follows.

Highway Supt. Shumway inquired if the Highway Department would be responsible for plowing the area at this building. Supv. McGreevy replied that he would work with the Highway Supt. on that.

#### Byrne Dairy Project

Wordings in an Agreement between the Town of Tyre and Barton & Loguidice, DPC for Professional Services Related to the Byrne Dairy Project Section 7.01 A was discussed. Adam Cummings, P.E., Barton & Loguidice, DPC, will contact his legal counsel regarding this matter.

A Resolution to Engage Barton & Loguidice, DPC for Professional Services Related to the Proposed Byrne Dairy Project was amended. Supv. McGreevy read the amended resolution.

Councilman Aceto moved the amended resolution, which was seconded by Councilman DelPapa.

Roll Call Vote:

	Yea	Nay	Abstain	Absent
Councilman Thomson	X			
Councilman DelPapa	X			
Councilman Rogers	X			
Councilman Aceto	X			
Supervisor McGreevy	X			

Resolution was duly adopted.

Resolution follows.

#### Recess

Supv. McGreevy called for a 5 minute recess at 9:25 P.M.

Supv. McGreevy called the meeting back to order at 9:32 P.M.

#### Meeting - Organizational

Councilman Aceto moved, seconded by Councilman Thomson, that the 2016 Organizational Meeting be held Wednesday, January 6, 2016 at 7:30 P.M. at the Magee Fire Department, 1807 St. Rt. 318, Seneca Falls, NY 13148, in the Town of Tyre. Vote: Yea-4, Nay-0, Absent-0.

#### Highway - Shared Services Agreement - Emergency Assistance with NYSDOT

WHEREAS, The Town Highway Superintendent has recommended that the town enter into a Shared Services Agreement with NYSDOT that allows NYSDOT to provide emergency Assistance to the town in the absence of a Governor's Emergency Declaration, and, be it

RESOLVED, that the Town enter into a Shared Services Agreement with NYSDOT on substantially the same terms and conditions as set forth in the Shared Services Agreement annexed hereto as Exhibit A; and be it further

RESOLVED, that the town Highway Superintendent be and he hereby is authorized to execute such Shared Services Agreement on behalf of the town.

Councilman Rogers moved this resolution. Councilman DelPapa seconded this motion and the vote was: Yea-4, Nay-0, Absent-0, Abstain-0.

Resolution was duly adopted.

Agreement - Exhibit A follows.

#### Supervisor Report/Correspondence/Unfinished Business

Supv. McGreevy reported on a November 20th letter from NYS Ag & Markets Animal Health Inspector Kathleen Wright concerning the Dog Control Officer Inspection Report conducted on November 10, 2015. The report indicates all DCO Services were rated "Satisfactory" by the agency.

The Supervisor noted that the Motion for a Preliminary Injunction to halt work at the Lago site was heard on December 8th in Yates County Court and subsequently that Motion was Denied.

We were in court again today on the Article 78 proceeding and the court stated that a decision would be coming forthwith.

#### Town of Tyre Attorney Position for 2016

Mr. Shaffer has served the Town of Tyre as Town Attorney for 33 years. His last 2 year term expired December 31, 2014. The town was involved in the Lago matter and he did not feel it was in the town's best interest for him to retire at that time so he told the town he would continue to serve as Town Attorney until December 31, 2015.

He has since retired from the Office of Town Attorney. The Lago matter is still not resolved. Mr. Shaffer is prepared to serve the town as an attorney for the town. If he continues to serve as attorney for the town, he would request that the Office of Town Attorney become vacant as of January 1, 2016 as his term of office will expire December 31, 2015. He asked that the Office of Town Attorney not be abolished at the Organizational meeting as it could be in the town's best interest that this office be vacated, and the town receive services from an attorney acting as attorney for the town. Mr. Shaffer is willing to serve in that position. He would ask that his future engagement with the Town of Tyre be on an independent contractor basis to provide legal services to the town. He would submit a statement each month for services rendered and the fee earned for those services.

Mr. Shaffer thought the town could enter into an agreement with him. Supv. McGreevy stated that this is information for the board to consider, as it will be addressed at the January meeting.

Meeting Reminder

The Supervisor reminded everyone the next meeting will be at the Magee Fire Dept. Building Wednesday, December 30th for the Year End Meeting.

Financial - Bills

Councilman Thomson made a motion that General Fund bills 124&125,403-425, 602; Highway 124&125,592-599,600-604; Water 846-849 be approved for payment. Councilman Aceto seconded this motion. Vote: Yea-4,Nay-0,Absent-0,Abstain-0.

Adjournment

Councilman Thomson moved that the meeting adjourn at 10:05 P.M. Councilman Aceto seconded this motion. Vote: Yea-4,Nay-0,Absent-0, Abstain-0.

Submitted by:

Elizabeth Sutterby  
Town Clerk