

March 17, 2016

The monthly meeting of the Tyre Town Board was held Thursday, 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.

Pledge of Allegiance.

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

Others present: Highway Supt. Cassius Shumway, Assessor Philip Griswold, DCO Dallyn Jenkins, ZCEO David Page, Town Justice Larry Mills, Bookkeeper Nancy McGreevy, PB Chairman Robert Seem, PBM's Lawrence Kesel, Henry Bickel, Karen Thomson; Magee Fire Dept. Chief Craig Reynolds, Ryan Colvin - MRB Group, Michael Gross, Cindy Newcomb - USDA, Rural Development, Shawn Griffin, Esq., James McKenna - Vice President of Construction, James Wilmot - del Lago Resort and Casino.

Supv. McGreevy - have had roll call - quorum present - meeting called to order at 7:30 P.M.

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

Public Hearings - Proposed Water District No 2 and Proposed Sewer District No. 2

The two Public Hearings scheduled for March 17, 2016 for Proposed Tyre Water District No 2 and Proposed Sewer District No. 2 for del Lago Resort and Casino were cancelled before publication of the legal notices.

Minutes

Councilman Aceto moved, seconded by Councilman Sutterby and carried, to dispense with reading the minutes of December 17, December 30, 2015, January 6, and January 21, 2016 be approved as written. Vote: Yea-4, Abstain-1, Nay-0.

Scheduled Speakers

James Wilmot, Partner, Wilmot Gaming, LLC, introduced James McKenna, Vice President of Construction, del Lago. Mr. McKenna stated the initial work on the resort and casino was started November 23, 2015. At this time, 90% of the steel has been erected for the gaming building. The roofing was started in February. Anticipate having the building envelope enclosed by May 1st. Work on the hotel will be started next week and the garage in May.

Plans for road changes to St. Rt. 414 and the Thruway overpass have been submitted to NYS DOT and the Thruway Authority.

Supv. McGreevy inquired if Mr. Wilmot had anything further to add to their request that the portion of St. Rt. 414 in the Town of Tyre be renamed "Lago - Gateway to the Finger Lakes." The town board will take this request into consideration and will reply to del Lago.

Cynthia Newcomb, Area Specialist, USDA, Rural Development, Canandaigua Office, wanted to make the Town Board aware of the financial services her agency has to offer - housing, water and sewer.

Adam Cummings, P.E., Barton & Loguidice, informed the board that Mr. Martin, Montezuma Winery, is in the process of contacting the petitioners for water and sewer services regarding the cost of the feasibility studies and determine if they are agreeable with the cost of the studies. He will keep the board informed on the results from Mr. Martin and also the results of the Town of Seneca Falls sewer interest survey.

Ms. Newcomb offered to come back to talk in detail about Rural Development's programs. The smaller the project, less grant money is available; the larger the project a greater amount of money is available.

Bookkeeping

Michael Gross stated he would definitely take the position of Bookkeeper and would be able to start the beginning of April.

Department Reports

Highway - Highway Supt. Shumway reported construction site inspections continue.

Assessor - Assessor Philip Griswold received all Assessment Renewals in the Town of Tyre. Provided tax preparers Farmers School Tax Credit information. Majority of time was spent on Exemption Administration. Attended an Assessors meeting at which the revaluation project in the Towns of Covert and Seneca Falls was discussed.

Magee Fire Department - Fire Chief Craig Reynolds reported the department responded Mutual Aid to Clyde for a fire in the downtown business district, and to 3 reported personal injury motor vehicle accidents on the NYS Thruway. Spoke of the heroin epidemic and the training the department received

to administer the overdose prevention Narcan drug.

ZCEO - ZCEO David Page has issued 1 permit. Continuing construction site inspections.

Planning - Planning Board Chairman Robert Seem reported that aside from what the ZCEO is working on, at this time there are no applications before the Planning Board. The landscape plan the board has been working on with a developer was agreed to. The Planning Board wanted to set a standard for landscaping that was logical and appropriate for our town.

The Planning Board is starting discussions to review the Zoning Code to update and consolidate it and recognize this is not going to be easy and will probably seek assistance from a number of different people including Attorney Tom Blair. The board is also working on Zoning Code Sec. 10.1003

- Permits and Extensions of Permits.

Dog Control Officer - DCO Dallyn Jenkins reported 2 dogs were picked up last month, and one so far this month. Armitage Bridge area seems to be a dumping ground for injured animals. Found an unidentified illegal trap in Fayette near a walkway where people walk dogs. Reported this to DEC.

Ex-Temporary Bookkeeper - Nancy McGreevy submitted the February Supervisor's monthly report to the town board along with the Abstract of Audited Vouchers for February. The Unaudited Abstract of Vouchers was submitted to the Town Clerk for the month of March.

Recess

Supv. McGreevy called for a 10 minute recess at 8:35 P.M.

The Supervisor called the meeting back to order at 8:50 P.M.

New Business

Personnel - Registrar

Councilman Thomson moved a resolution, seconded by Councilman Rogers, that Elizabeth Sutterby be reappointed as Registrar retroactive to January 1, 2016 and terminate December 31, 2019. Vote: Yea-3, Nay-0, Abstain- Councilman Sutterby.

Local Law No. 3 of the Year 2002 - Water Service

Jamie King, Village of Waterloo, individual overseeing Tyre Water District No. 1, has recommended some changes in Local Law No. 3 of 2002 "Water Service" relating to the fees charged for water line construction and tapping. Supv. McGreevy suggested board members review the law to determine if there are changes that should be made.

Mr. Cummings agreed with Mr. King's suggestion, the board might want to structure the fees to make more sense with what is being done in the industry right now and make sure all costs involved are recouped. Mr. Cummings is waiting for legal information from a source in his office as to whether USDA would require the fees to be included in the Local Law.

Personnel - Bookkeeper

Councilman Thomson moved the following resolution:

RESOLVED, that Michael Gross be engaged as an individual contractor to provide all bookkeeping services required of the Town of Tyre at a rate of \$17.50 per hour not to exceed 40 hours in any 2 week period with services to be paid after receipt of a voucher, audit and approval by the Town Board and, be it further

RESOLVED, that the Town Supervisor be authorized to increase the allowable hours at his own discretion and, be it further

RESOLVED, that Mr. Gross's engagement commence not later than April 18, 2016 and end, unless sooner terminated, on December 31, 2016 and, be it further

RESOLVED, that any training attended by Mr. Gross not be included as part of his allowable hours and that the town pay the cost of any training with town board's prior approval.

Councilman Rogers seconded this resolution. Vote: Yea-4, Nay-0.

Councilman Aceto moved the following resolution:

RESOLVED, that Nancy McGreevy, who currently provides bookkeeping services to the Town of Tyre, be paid \$13.50 per hour for training Michael Gross, not to exceed the number of hours worked by Michael Gross during the first 4 weeks of his services, and be it further

RESOLVED, that payment be made upon receipt of a voucher audited and approved by the Town Board.

Councilman Sutterby seconded this resolution. Vote: Yea-4, Nay-0.

Supervisor Correspondence/Report

Received a letter dated February 11, 2016 from the NYS Canal Corporation/Parks and Trails regarding the 11th Annual Canal Clean Sweep. The Supervisor has more information if anyone is interested.

Received a letter dated February 19, 2016 from NYS DOT Regional Traffic Engineer Diana L. Graser, P.E. regarding NYS Route 318 at Gravel Road intersection Safety Concerns.

Letter dated March 10, 2016 from the U. S. Department of Interior/National Park Service, Mr. J. Paul Loether, Chief, National Register of Historic Places and National Historic Landmarks Program regarding a NYS Barge Canal Study.

Supv. McGreevy discussed a phone conversation of Tuesday, March 15th with Mr. Matthew Duggan, Attorney from the Law Firm of Lippman O'Connor who is representing the Town in the Brown/Backus vs. Town of Tyre Notice of Claim matter. This claim was filed in regards to the fatal motor vehicle accident which occurred August of 2015 on NYS Route 5&20 near the Montezuma Wildlife Refuge. It appears the investigation into this accident is still ongoing. The Supervisor is awaiting further information from Mr. Gerard O'Connor, the lead Attorney representing Tyre in this case.

Supv. McGreevy has received confirmation that the 5% share of the 50 million dollar license fee (2.5 million dollars) paid by del Lago Resort and Casino has been wired to the town bank account.

Financial - Bills

Councilman Rogers made a motion, seconded by Councilman Aceto and carried, that the following bills be approved for payment: General Fund 104 & 105, 248-263; Community Mitigation 12-16; Highway 104&105, 516-520; Water 861-864. Vote: Yea-4,Nay-0.

Adjournment

Councilman Aceto moved, seconded by Councilman Rogers and carried, that the meeting adjourn at 10:55 P.M. Vote: Yea-4,Nay-0.

Submitted by:

Elizabeth Sutterby
Town Clerk