

TOWN OF SENECA
REGULAR MEETING/PUBLIC HEARING
FEBRUARY 20, 2018

The regular meeting/public hearing of the Seneca Town Board, County of Ontario, State of New York was held on the 20th day of February, 2018 at the Seneca Town Hall, 3675 Flint Road, Stanley, NY 14561 at 7:30pm.

PRESENT:

Andrew Wickham, Supervisor	Howard Keeney, Councilman
Jason Mosher, Councilman	Charles Smith, Councilman
Jim Malyj, Councilman	Kate Silverstrim, Town Clerk
Shana Jo Hilton, Assessor	Jerry Hoover, CEO
Jim Lawson, Highway & Water Superintendent	

Proof of Notice having been furnished, the Public Hearing on Local Law #1 – Opting out of Tax Exemption for Certain Energy Systems was called to order at 7:30pm by Andrew Wickham, Supervisor.

Steve Roe asked what is meant by “certain energy systems.” Supervisor Wickham stated that this would apply to systems eligible for the tax exemption provided under New York State Real Property Tax Laws Section 487.

No one wished to speak in favor or against the proposed Local Law.

All persons desiring to be heard, having been heard, the Hearing was terminated at 7:32pm.

Supervisor Wickham opened the regular meeting at 7:32pm.

Supervisor Wickham led the pledge of allegiance. Roll call was passed over as all in attendance were acquainted.

Approval of Agenda

Supervisor Wickham stated that the agenda has a slightly different look this month as Town Clerk, Kate Silverstrim, has recommended that the town use resolutions to approve matters, such as spending money, rather than motions. Supervisor Wickham then presented the following additions to the agenda:

- Resolution #40-18 Authorize Purchase of Lawn Mower
- Resolution #41-18 Authorize Purchase of Highway Loader
- Resolution #42-18 Hire Public Works Maintenance Assistant

On motion made by Councilman Keeney, seconded by Councilman Malyj, to approve the amended agenda for the February 20, 2018 meeting. Carried.

Privilege of the Floor

Steve Roe addressed the board to ask if it would be possible to hold an e-waste event in the town. Supervisor Wickham stated that he has been working with a county committee that can fund local events

for this year. There may a way to allow disposal of e-waste, and other items like tires, at the transfer station as well. There is typically a cost to dispose of these items. Mr. Roe stated that he would be fine with a small fee to dispose of e-waste. Councilman Smith asked if batteries are considered e-waste, particularly lithium batteries, and if they could be disposed of at one of these events. Supervisor Wickham stated that he believes batteries would be accepted at an e-waste event and directed anyone interested to check out the Ontario County Recycles website. Mr. Roe stated that he had seen the link to the county website on the town's website and that it was helpful.

Supervisor's Report

Supervisor Wickham reported on the town's new EAP (Employees Assistance Program). He is thrilled to be able to offer such a great program to the employees for such a reasonable cost by partnering with Ontario County. This opportunity was a result of the shared services initiative that took place in 2017.

Supervisor Wickham next reported on the new transfer station stickers. He stated that along with the new type of stickers, we will also be requiring a little more information. He also hopes to use this half-page form to gather email addresses for town residents who wish to receive correspondence.

Councilman Keeney asked who is collecting the information.

Supervisor Wickham stated that it is currently being taken at the transfer station. He asked if it should be moved to Town Hall and stated concern that it may not be convenient for residents to get to Town Hall.

Rob Fadden stated that he and Les are happy to help by doing it at the transfer station if that is what the Board and residents want.

Councilman Malyj stated that he had been to the transfer station recently and when he needed to get a new permit, Les grilled him for information to verify his residency within the town.

Rob Fadden asked how many stickers each resident should receive.

Supervisor Wickham stated that residents should get a sticker for each vehicle they use to bring household trash; some households may only need one while others may need three or four depending on how many members, etc.

Councilman Mosher asked if it would be possible to snap a photo of the person's driver's license to verify residency as this may deter those who are not residents from trying to use the transfer station.

Supervisor Wickham stated that if the issuing of permits did move to Town Hall, it would be best to issue them at a time when residents are coming to Town Hall for other business, such as during tax season. He asked Town Clerk, Kate Silverstrim, how many residents pay taxes in person.

Ms. Silverstrim stated that approximately half of the tax bills are paid in person.

Councilman Smith asked where the new types of stickers are located in your car.

Supervisor Wickham stated that they are no longer on your rearview mirror and are now located at the top corner of your windshield and are easy to peel off.

Supervisor Wickham then reported on the search for a Public Works Maintenance Assistant. He thanked Councilman Mosher, Superintendent Lawson, and Mr. Ben Karlsen for their help with the search and interview process. Together they interviewed several extremely well qualified candidates from the pool of very good applicants. We will be happy to welcome Brian Prater, a town resident, aboard.

Accept Minutes

On motion made by Councilman Mosher, seconded by Councilman Malyj, to accept the minutes from the January 16, 2018 regular meeting. Carried.

Supervisor Wickham presented the communications.

Written reports were submitted by the Highway & Water Superintendent, CEO, and Assessor and are on file in the Town Clerk's office.

In addition to the Highway Department Report, Superintendent Lawson said that his crew had been out plowing 19 days this month and have used approximately 400 tons of ice control salt and sand. Today an employee from Rex Roth came to help calibrate the sanders so they would distribute the proper amounts of ice control – this should improve usage and may even cut it in half.

Supervisor Wickham asked if that would mean just salt usage or the aggregate of salt and sand.

Superintendent Lawson stated the aggregate.

Councilman Malyj asked Superintendent Lawson to clarify what the issue was with the sanders.

Superintendent Lawson stated that it was the variable rate setting on the sanders. Some were not calibrated and would throw way too much or not enough product. Now they are all fixed.

Supervisor Wickham asked about the request to trade-in the John Deer 644K.

Superintendent Lawson stated that he is requesting to trade-in the town's current machine for a newer version of the same machine.

Councilman Mosher asked how old is the current loader.

Superintendent Lawson stated that it is currently 4 years old.

Councilman Keeney asked how many hours are on the current loader.

Superintendent Lawson stated approximately 1100 hours.

In addition to the Water Department Report, Superintendent Lawson reported that there is a resolution later on to approve purchase of a lawn mower.

Supervisor Wickham stated that the town was offered a great deal by Ferris.

Superintendent Lawson stated that Ferris has a new salesman and new structure of business which brought about these great figures.

Jerry Hoover, CEO, stated that he had no additions to his written report.

Supervisor Wickham stated that there was some activity coming into town.

Mr. Hoover stated that yes; it will be another busy year on 5 & 20.

Councilman Malyj asked if the organic fertilizer project proposed is for a warehouse or manufacturing facility.

Mr. Hoover stated that he understands it to be a bagging facility and that they will not be producing, however he looks to receive more detail from the proposal submission.

Councilman Malyj asked if the milk plant would be bottling milk.

Mr. Hoover stated that this project proposes bottling milk for distribution as well as butter and yogurt. They also hope to have a retail space out front.

Shana Jo Hilton, Assessor, stated that she had no additions to her written report.

Rob Fadden presented a verbal report from Casella. He stated that Casella continues their efforts to reconstruct the netting that was torn during the wind event last month. They are on schedule to add a 5' kicker at the top of the fencing. This will send any litter that rises up back down, so it cannot go over top of the netting. They are also installing a product known as "critter fence." This product has a strength of 800 ft. lbs. and will add supplemental support to the netting during these types of events. The tree climbers are still working to remove litter from around the landfill, however, they are experiencing some difficulty as many trees are Ash and therefore cannot be climbed. Mr. Fadden plans to speak with the DEC about this issue tomorrow when they meet to get some direction. He and colleagues are meeting with DEC Region 8 personnel on a regular schedule. These are informal meetings that allow for open communication. Mr. Fadden stated that he wishes to address the landfill odors as well. Casella has slated \$3 million for infrastructure to contain odors. The odor this morning was caused by a sludge load that sat too long before dumping. They have a strict timeframe for sludge deliveries and today the truck came early so it had to wait. He is exploring better options for managing these situations as it is his goal not to have to discuss odors on a monthly basis. There are many scientific options that can be explored.

Supervisor Wickham asked if cell 8 was completely finished.

Mr. Fadden stated that it was at about 15% and taking only local refuse at this time. 85% of what comes in is being directed to the new cell which is lower and therefore has less wind which makes for easier operation.

Mr. Fadden stated that they hope to begin construction on the newest cell in a few months. Casella is gathering contractor quotes and beginning to gear up for that construction. He has not heard anything new regarding the new containers that have been ordered. He reported that Casella has cleared trees away behind the manor to make room for the new maintenance building and stormwater pond. The plans were just distributed today. He will work with Jerry Hoover and hopes to have that building done this year. He tried to save as many trees as possible, but was only successful at saving about 5. They plan to install ample landscaping around the stormwater pond with the maintenance shop located to the east.

Councilman Keeney asked if Casella was planning to install radiation monitors.

Mr. Fadden stated that New York State has updated their regulations this year and that the operational aspect would go into effect at the time of permit renewal, however, Casella wishes to be proactive and will install a monitor this spring.

Supervisor Wickham asked what would happen if the monitor went off.

Mr. Fadden stated that there would be a procedure in place that would likely call for isolation of the load and inspection. In his experience, the material that sets it off is typically something small like residential medical waste from a chemotherapy patient.

RESOLUTION #34-18 – PAY THE AUDITED VOUCHERS

RESOLVED, authorizing the Supervisor to pay the following audited vouchers:

2017 Expenses:

General, claim #694-697 in the amount of \$4,282.80

Water, claim #197-198 in the amount of \$1,591.98

2018 Expenses:

General, claim #698-728 & 738 in the amount of \$35,331.00

Highway, claim #735-737 & 739-760 in the amount of \$44,212.75

Sewer, claim #761-762 in the amount of \$1,522.10
Hall Lighting, claim #733-734 in the amount of \$397.12
Stanley Lighting, claim #731-732 in the amount of \$466.77
Seneca Castle Lighting, claim #729-730 in the amount of \$498.64
Water, claim #199-206 in the amount of \$12,227.72
Trust & Agency, claim #8-19 in the amount of \$375,834.33

On motion made by Councilman Mosher, seconded by Councilman Malyj, this resolution was:

ADOPTED AYES 5
 NAYS 0

RESOLUTION #35-18: AUTHORIZE TOWN CLERK AUDIT

WHEREAS, the Town Board of the Town of Seneca wishes to perform an engagement of the 2017 accounting records and reports of former Town Clerk, Terri Quartaro; and

WHEREAS, the engagement shall be made using the agreed upon procedures, which are based on criteria and procedures contained in "Appendix D – General Recordkeeping Requirements for Town Clerks" contained in the publication entitled *Fiscal Oversight Responsibilities of the Governing Board* published by the Office of the State Comptroller; and

WHEREAS, the engagement shall be performed by Town Financial Consultant, Carol A. Golden, CPA for a cost not to exceed \$2,300.00 plus travel and out-of-pocket costs estimated at \$100.00, to be paid from the 2018 adopted budget line A.1320.4; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby takes responsibility for the sufficiency of the agreed upon procedures for the purpose of meeting the Board's oversight responsibilities as defined in Town Law section 123; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Seneca hereby authorizes Supervisor Wickham to execute the agreement with Carol A. Golden, CPA to perform the above described engagement.

On motion of Councilman Mosher, seconded by Councilman Keeney, this resolution was:

ADOPTED AYES 5
 NAYS 0

RESOLUTION #36-18: AUTHORIZE PURCHASE OF CEO VEHICLE

WHEREAS, Quote #26294 from Van Bortel Ford is presented for consideration; and

WHEREAS, it is the recommendation of the Code Enforcement Officer that the Town of Seneca purchase the 2018 Ford F-150 XLT, the cost of which is calculated using Onondaga County Bid 8771-2018; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby approves the purchase detailed in Quote #26294 and authorizes the Code Enforcement Officer to carry out this purchase.

On motion of Councilman Malyj, seconded by Councilman Smith, this resolution was:

ADOPTED AYES 5
 NAYS 0

RESOLUTION #37-18: AUTHORIZE PURCHASE OF WATER DEPARTMENT VEHICLE

WHEREAS, Quote #26396 from Van Bortel Ford is presented for consideration; and

WHEREAS, it is the recommendation of the Water Superintendent that the Town of Seneca purchase the 2018 Ford F-150 XL, the cost of which is calculated using Onondaga County Bid 8771-2018; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby approves the purchase detailed in Quote #26396 and authorizes the Water Superintendent to carry out this purchase.

On motion of Councilman Malyj, seconded by Councilman Mosher, this resolution was:

ADOPTED AYES 5
 NAYS 0

RESOLUTION #38-18: ADOPTION OF LOCAL LAW NO. 1 OF 2018

WHEREAS, the Town Board of the Town of Seneca is considering the adoption of a Local Law opting out of tax exemption for certain energy systems; and

WHEREAS, the Town Board of the Town of Seneca held a public hearing on the proposed local law on February 20, 2018; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca, after due deliberation, finds it in the best interest of the Town of Seneca and the community to adopt said Local Law; and

BE IT FINALLY RESOLVED, the Town Board of the Town of Seneca hereby adopts Local Law No. 1 of 2018.

Town of Seneca

LOCAL LAW NO. 1 (Intro.) 2018.

Local Law Opting Out of Tax Exemption

for Certain Energy Systems

Town of Seneca Town Board

SECTION 1: LEGISLATIVE INTENT

By Local Law 5 of 2014, Town of Seneca opted out of the solar and wind energy tax exemption provided under New York State Real Property Tax Law Section 487 ("RPTL Section 487"). Chapter 336 of the New York State Laws of 2017 amended RPTL Section 487 to add a tax exemption for real property which includes a micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment and electric energy

storage system. The Town of Seneca Board hereby enacts this local law, in accordance with New York State Real Property Tax Law Section 487, subsection 8, to opt out of the tax exemption provision added to RPTL Section 487 by Chapter 336 of the New York State Laws of 2017.

SECTION 2: TAX EXEMPTION FOR CERTAIN ENERGY SYSTEMS NOT APPLICABLE IN TOWN OF SENECA

Pursuant to RPTL Section 487(8)(a)(ii), Town of Seneca, by this local law, provides that the tax exemption under RPTL Section 487 shall not be applicable to town taxes with respect to any micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment or electric energy storage system constructed subsequent to the effective date of this local law.

SECTION 3: SEPARABILITY

If any part of or provision of this law, or the application thereof to any person or circumstance shall be adjudged invalid by any court of competent jurisdiction, such judgment shall not impair or invalidate the remainder hereof, but shall be confined in its operation to the part of or provision of, or application directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4: EFFECTIVE DATE

This local law shall take effect immediately upon its filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this local law.

On motion of Councilman Smith, seconded by Councilman Mosher, this resolution was:

ADOPTED AYES 5
 NAYS 0

RESOLUTION #39-18: ACCEPT AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

WHEREAS, the Seneca Town Highway Superintendent presents the 2018 Agreement for the Expenditure of Highway Moneys pursuant to the provisions of Section 284 of the Highway Law; and

WHEREAS, this agreement proposes the expenditure of \$462,470.00 for general and permanent repairs on 75.81 miles of town highways; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby accepts the 2018 Agreement for the Expenditure of Highway Moneys as presented.

On motion of Councilman Malyj, seconded by Councilman Keeney, this resolution was:

ADOPTED AYES 5
 NAYS 0

RESOLUTION #40-18: AUTHORIZE PURCHASE OF LAWN MOWER

WHEREAS, Estimate #206299 from Martin's Outdoor Power Equipment is presented for consideration; and

WHEREAS, it is the recommendation of the Highway Superintendent that the Town of Seneca trade-in the 2015 John Deere 960R mower and purchase one Ferris IS3200Z mower with seat suspension and bar tread tires for a net cost of \$2,885.00; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby approves the trade-in and purchase detailed in Estimate #206299 and authorizes the Highway Superintendent to execute this transaction for a total cost not to exceed \$2,885.00.

On motion of Councilman Mosher, seconded by Councilman Malyj, this resolution was:

ADOPTED AYES 5
 NAYS 0

RESOLUTION #41-18: AUTHORIZE PURCHASE OF HIGHWAY LOADER

WHEREAS, Quote ID: 16518159 from Five Star Equipment is presented for consideration; and

WHEREAS, it is the recommendation of the Highway Superintendent that the Town of Seneca trade-in the 2014 John Deere 644K Loader and purchase one 2018 John Deere 644K Loader for a net cost of \$64,977.00; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby approves the trade-in and purchase detailed in Quote ID: 16518159 and authorizes the Highway Superintendent to execute this transaction for a total cost not to exceed \$64,977.00.

Supervisor Wickham asked Superintendent Lawson if he felt it was best to trade in the loader rather than try to sell it ourselves at auction.

Councilman Keeney stated that we have been down that road.

Supervisor Wickham stated that was correct and it was with the same loader that is currently being discussed.

On motion of Councilman Smith, seconded by Councilman Malyj, this resolution was:

ADOPTED AYES 5
 NAYS 0

RESOLUTION #42-18: HIRE PUBLIC WORKS MAINTENANCE ASSISTANCE

WHEREAS, the Town of Seneca has a job opening for a full-time Public Works Maintenance Assistant; and

WHEREAS, the Town of Seneca has advertised for this position, accepted applications, and interviewed multiple candidates approved by the Ontario County Department of Human Resources; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby approves the hiring of Brian Prater to fill the full-time Public Works Maintenance Assistant position at an hourly rate of \$20.00 to be charged to the budget line SW1-8340.1 (Transmission & Distribution Personal Services) and effective March 5, 2018.

On motion of Councilman Mosher, seconded by Councilman Smith, this resolution was:

ADOPTED AYES 5
 NAYS 0

Old Business

Supervisor Wickham stated that there was nothing new to report regarding the Cornell certiorari.

Privilege of the Floor

No one wished to speak.

With no further business, the meeting was adjourned at 8:15pm on motion of Councilman Keeney, seconded by Councilman Malyj. Carried.

Kate Silverstrim, Clerk
Town of Seneca