

TOWN OF SENECA
PUBLIC HEARING AND REGULAR MEETING MINUTES
September 17th, 2024

Supervisor Wickham led the pledge of Allegiance and opened the Public Hearings for tonight's meeting.

Public Hearing #1- To start the evening off, Supervisor Wickham presented our first Public Hearing of the night which was for amending the Town of Seneca Zoning Map. The floor was opened to anyone who had comments for or against this specific local law. With no comments made, Supervisor Wickham closed the Public Hearing for Local Law #4-2024.

Public Hearing #2- Next, the Supervisor presented our second Public Hearing for amending the Town of Seneca Zoning Law. The floor was open to anyone who had comments for or against this specific law. With no comments made, Supervisor Wickham closed the Public Hearing for Local Law #5-2024.

Public Hearing #3- Supervisor Wickham presented our third and final Public Hearing for the night which was for the amendments to the Comprehensive Plan. The floor was open to anyone who had comments for or against the comprehensive plan updates.

Steve Hullings, Jr. of Redman Rd. wished to speak.

He said that it was his understanding that the Comprehensive Plan changes include the addition of Event Spaces as a Home-Based Business. He would like the Town Board to consider adding that as permitted use within the Ag. District instead of simply as a home-business. He asked out of curiosity what the Committee's concern or reason is for classifying that specifically as a home-based business and if the town has any concerns about that they he could potentially speak to. He explained that he isn't entirely sure why a home business is the only category that this is under as opposed to being a permitted use generally speaking.

Supervisor Wickham explained that we discussed this a couple of meetings ago when we had the workshop session. He explained that a Public Hearing isn't really the format for "back and forth" on a topic and that it was more for people to state their concerns and explain why they would like to see it changed.

Mr. Hullings stated that there are a number of reasons; however, as an event space it is not a business that is hosting events 7 days per week. He feels that it is a little intense [for a business of that degree who only hosts 15-20 events per year], to be required to live there as a primary residence. He is curious to know what the concern is to make a requirement like that.

He explained that he was under the impression that the Public Hearing would be the time for this conversation. Supervisor Wickham clarified that a Public Hearing is for public comment to be made, but not exactly conversation. He appreciated Mr. Hullings input.

Mr. Hullings had a few other things to note, starting off by saying he knows and understands that the Town of Seneca doesn't base every legislation off of what other towns are doing. He said one thing that should be considered is that a number of towns in the area have event spaces in Ag. districts or residential districts that do not require it to be only a home-based business. He understands that the Town of Seneca has the ability to decide how they would like to do things, but he believes that other ideals should be considered when making changes like this.

Amanda Gibeau of Wilson Rd. requested to speak next.

She commented that she didn't see anything in the Comprehensive Plan about AED Machines. She explained that last winter, Governor Hochul put into order that youth sports programs with more than 5 teams needed to have an AED present at their practices and games. She said with the number of youth sports and teams that come and use the Town's facilities and most of the youth teams in our area have not been able to get there yet. She explained she would like to see us mandate that the teams have the appropriate equipment if they rent our facilities. She went on to explain that research shows that over 50% of pediatric cardiac arrests are activity related. She said she would be willing to help us in the process if we needed it.

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With no other comments left, Supervisor Wickham closed the final Public Hearing of the night and officially opened the regular monthly meeting of the Town of Seneca, Ontario County, at 7:40 pm

The Regular Meeting of the Seneca Town Board, County of Ontario, State of New York was held at 3675 Flint Road, Stanley, NY 14561 on the 17th day of September 2024 at 7:40 pm.

PRESENT	
Drew Wickham	Town Supervisor
Jason Mosher	Councilman
Jim Malyj	Councilman
Jesse Orbaker	Councilman
Haley Eagley	Town Clerk/ Tax Collector
Jerry Hoover	Code Enforcement Officer
Jim Lawson	Highway Superintendent
Pat King	MEO
Kathy Mastellar	Town Historian
Randy Coolbaugh	Water Superintendent

Supervisor Wickham dispensed Roll Call as everyone in attendance had already been acquainted. The supervisor noted that Councilman Keeney and Assessor Hilton were necessarily absent for tonight’s meeting. A motion to accept the agenda was made by Councilman Mosher and Seconded by Councilman Orbaker.

Supervisor Wickham said there were a number of changes to tonight’s agenda. He requested to amend Resolution #76-24 to add 2 fireplaces and 2 overhead doors to excess property. He also wished to add 3 new resolutions, which are:

- Resolution #78-24: Set Public Hearing for SEQR on Zoning Law Changes
- Resolution #79-24: Set Public Hearing for SEQR on Zoning Map Changes
- Resolution #80-24: Set Public Hearing for SEQR on the Comprehensive Plan

Last Supervisor Wickham wished to add an executive session to tonight’s meeting.

Supervisor looked for a motion to amend the agenda as explained and Councilman Mosher made the motion which was seconded by Councilman Malyj.

PRIVILEGE OF THE FLOOR

Privilege of the Floor was offered and, Town Resident, Scott McCaig wished to speak. He started off by thanking Supervisor Wickham and the board for their time and attention. He explained that he submitted a letter to the board regarding an unresolved property issue. He was accompanied by his significant other and said she would read his letter aloud. Once done reading, it was his hope that it would generate some questions from the board, and they could hopefully come to an agreed resolution on this issue.

Supervisor Wickham explained that he would have a chance to read the letter aloud and the conversation and questions would happen under Supervisor’s Report to allow anyone else their turn under privilege of the floor. Mr. McCaig introduced Cynthia King who would read his letter.

In summary [full letter can be viewed upon request], a water line was installed across Mr. McCaig’s lawn that faces Route 245. Mr. McCaig was promised that his lawn would be replaced to the same or better condition; however, it has been four years and the portion that was dug up has still not been returned to the same condition. Mr. McCaig’s letter stated that there was a poor allocation of funding and failure to follow through on a project that had full cooperation from him. The letter went on to explain that an attempt wasn’t made until he reached out almost a year later, and six-more separate attempts were made over the course of two years; however, due to the ineffective and poor execution, the lawn has still not been returned to the same or better condition. Mr. McCaig’s letter stated that the surface broadcasting method that was used was not holding up due to the extensive truck traffic that passes by there and the

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seed was getting blown off the surface. The weeds continued to reestablish themselves where the seed was. The letter stated that Mr. McCaig offered the idea that the seed needed to be embedded in the ground to prevent it from being blown off the surface. He was told that a seed slicer was used while he was out of town, and he suspected that the previous applications of fertilizer may have killed the seed that was applied; the result was the same. Supervisor Wickham explained that the Town of Seneca had made all of the attempts that they were willing to make despite failing to make good on their word that his lawn would be re-established. Mr. McCaig supplied a list of contacts who could effectively fix this issue, yet the same contractor was contracted again for the issue. Budgetary concerns were stated as a need to seize any further expenditure on the project; however, he doesn't think he should be punished for the failure of the town-leaders to provide oversight on delegated tasks. It is Mr. McCaig's intention to see the Town of Seneca make good on its word to reestablish his lawn to its original state as promised back in 2021. The letter thanked the town for their time and stated that Mr. McCaig would answer any questions to help come to a resolution on this matter.

Supervisor Wickham looked for anyone else requesting privilege of the floor. With nothing left to be said, the meeting moved on to the Supervisor's Report to discuss the above-mentioned property issue.

SUPERVISOR'S REPORT

Supervisor Wickham asked the board if there were any thoughts.

Councilman Orbaker spoke and noted that he hasn't been involved in the situation from the start and is just going off Mr. McCaig's notes, but asked Mr. McCaig what he would suggest as a resolution. Mr. McCaig feels that the whole thing was botched. He doesn't understand why there was dirt brought in and paid for when there wasn't any dirt removed to begin with. He explained that they should create a seed bed, get the seed in the ground, and get it packed down. He understands that it is a tough area because of the truck traffic. He explained that putting seed on top of the surface 6 to 7 times and expecting something different to happen is Ludacris. He said the seed needs to be put down in the ground. Mr. McCaig related farming to Councilman Orbaker and his farming background and explained that they don't lay seed on top of the ground, especially in a challenging location such as his.

Councilman Mosher added maybe that was why they brought the dirt in so they could put the seed under the dirt. Mr. McCaig said that is not what happened. They continued to broadcast seed on top and the last attempt made included a straw mat being laid down. Mr. McCaig called the contractor afterwards to ask if he should roll over the surface of that to try and hold it in place. Based on the response he received- he rolled the area with his tractor. Again, the extensive truck traffic continued to flip the straw mat up and blow the seed away.

Councilman Orbaker asked if we ever actually knifed the seed in because Mr. McCaig's letter stated that he was told we did. Mr. McCaig then corrected and said he thought they did use a slice-seeder, but it turns out they used an over-seeder which broadcasts seed and there are spikes that are supposed to incorporate the seed into the ground, but it didn't do an effective job. Water Superintendent Coolbaugh agreed with Mr. McCaig the seed was still on the surface and not sliced in.

Councilman Malyj confirmed that one of the applications was hydroseed. Water Superintendent Coolbaugh said they did hydroseed. Councilman Malyj added that in his previous professional life, they did hundreds of miles of roadside grass with nothing more than a slight scratch and seed. He explained that hydroseed doesn't go anywhere once applied and it is extremely rare for that to fail. Mr. McCaig added that the seeding had been attempted a few times and then the hydroseeding was just blown on top. He explained that it wasn't tilled prior to the hydroseeding. He said that Water Superintendent Coolbaugh even saw that it did nothing.

Councilman Orbaker asked what more we could do for him and what exactly would make him happy. His answer was to just establish a seeding and make a real attempt. Councilman Orbaker asked how they could do that for him. Mr. McCaig explained that there is a piece of equipment out there that goes behind a utility tractor which has a rototiller that runs in the opposite direction which would allow the stones to be put down, the soil to get tilled, and the seeder then followed behind so that once it was laid in the ground it concurrently got packed down in. He believes that is the solution, to get the seed in the ground and hold it in place.

Councilman Orbaker asked if he knew how much that type of equipment costs. Mr. McCaig said he isn't sure and the gentleman he rented it from years ago has since sold it and he doesn't know where you would find something like that.

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Councilman Mosher asked CEO Hoover if he knew where someone might find a unit like that. CEO Hoover stated that he would check a place like Lakeview Lawn and Landscape and that they would likely have something like that.

Supervisor Wickham added that we have over 100 miles of waterline in this Town and that this is the first time something like this has come up. Mr. McCaig intervened and stated that he wouldn't agree with that, because that whole stretch near him looks pretty ugly and he feels like Supervisor Wickham's response to this was not good.

Councilman Mosher added that from the letter Mr. McCaig wrote, it looked like Supervisor Wickham did try to rectify this situation and tried many times. Mr. McCaig followed up stating that nobody ever initiated any contact with him. Every initial contact was with Mr. McCaig reaching out to the Water Superintendent Coolbaugh and Water Superintendent Coolbaugh would either address it or defer it to Supervisor Wickham. Mr. McCaig stated that neither one came to him one time out of all of the attempts. Adding that there was nothing proactive about this issue being fixed.

Supervisor Wickham stated that we've seeded 100 miles of waterline successfully with these same practices. Councilman Orbaker added that he can understand Mr. McCaig's frustration. We've obviously made many attempts but there is something that we've done that has failed. Councilman Orbaker added that he isn't sure how to resolve the issue and he wants to support Supervisor Wickham, but he can understand the frustration on Mr. McCaig's side.

Mr. McCaig added that, bottom line, he was told this was going to be reestablished and it isn't. He would just like to see the Town do good on their word. Supervisor Wickham stated that he believes that they've heard everyone and between he and Water Superintendent Coolbaugh they will come up with a resolution on this. Mr. McCaig said that there is already a resolution, and it wouldn't break the bank. The board was open to hear what his thoughts were.

Mr. McCaig would like the Town to rent a unit like the one they had discussed earlier in the evening. He said that he has a utility tractor, and he would be willing to use his tractor with the attachment and he feels that the Town should put a little effort into it rather than continuing to do what we do. Supervisor Wickham reiterated that he would come up with a solution with Water Superintendent Coolbaugh and get in touch with Mr. McCaig.

Mr. McCaig thanked everyone for their time.

Supervisor Wickham stated that while they were looking at budgets, specifically the water budget, they were looking at a possible 3% increase in rates. He just wanted to bring it up to let the board know we would talk about that at the budget workshop. Councilman Orbaker said that he would like more discussion on that later.

Supervisor Wickham looked for a motion to set the Budget Workshop for the Town of Seneca on October 1, 2024, at 5:00 pm. The motion was made by Councilman Mosher and seconded by Councilman Orbaker.

Supervisor Wickham looked for a motion to approve the Court Audit Report that was completed by Allied CPAs. The report is available to view at the Town Hall. A motion was made by Councilman Maljy and seconded by Councilman Orbaker.

Supervisor Wickham looked for a motion to approve the August 20th regular meeting. The motion was made by Councilman Mosher and Seconded by Councilman Orbaker.

The communications were presented, and they are available to view at the Town Hall upon request.

DEPARTMENT REPORTS

SHG AMBULANCE

Amanda Gibeau said they held their Grand Opening on Saturday evening (9/14) and it was a wonderful event. She said they've been there a few days now and things are going great. They currently have their temporary sign up right now and that has given them an idea of what they would like for a permanent one. They know they would like to go bigger. They have talked to CEO Hoover and will be applying for a variance.

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Mrs. Gibeau presented the Town Board with a Stanley Hall Gorham Ambulance Patch for all of the hard work that came from many to help them get to where they are today.

They continue to work on the Mutual Aid Plan with the County. She is hoping that they have it ready around the first of the year to get it pushed through. The Ambulance will be going to Albany on Thursday with 2 members to dedicate an EMS Memorial Dedication Service. They moved the EMS Memorial from New York City to Albany, and they are opening it on Thursday.

Mrs. Gibeau said that one of her goals for 2025 is to discuss and possibly put in place a contract between the Town of Seneca and EMS Services. She said that many municipalities do a zero-fee contract. This would be a contract between the Town of Seneca and Stanley Hall Gorham Ambulance that shows what area they will cover for us and what services they can provide. Supervisor Wickham said they could talk about that in the near future.

Mrs. Gibeau added that there will be Open Houses for the public at the Ambulance Station in the coming months. She said most-likely October/November timeframe.

Mike Moss, Head Commissioner for the Ambulance, wanted to add in that they truly appreciate all of the work and pitching in to get them where they are today. Mr. Moss said that they have pushed and pushed on this topic, and they are finally where they want to be, and he thanks everyone from the very bottom of his heart.

CODE AND ZONING OFFICE

CEO Hoover added that the court project is almost finished, so they should be able to close up the grant paperwork for that. He also added that Gianni Construction is working on the Pavilion now. They're working on taking the center wall and fireplaces out of the pavilion to make it one big room. There will be a new heating system and furnace in there and sometime in October they will be refinishing the floor in the Pavilion. Where the fireplaces were located is bare concrete and needs to be finished. While they do that they're going to grind down and epoxy the whole floor for one continuous surface.

CEO Hoover added that he talked to Court Clerk Campbell about the 2024-2025 JCAP Grant pretty extensively. He explained that they are seeing damage from the air handling unit for the A/C in the attic. He said that there are already drips coming down through the ceiling even with a pan and tubing because it is so hot and humid up in there, everything sweats. For the 2024-2025 JCAP Grant, they would be looking to put that air handler in the basement to eliminate that issue.

Supervisor Wickham added a footnote to the JCAP Grant discussion. He explained that he realizes it may seem mind boggling to keep putting money into that little building over there; however, if we were to try and rebuild the court under the state standards today, it would be an estimated 2-3 million dollar project. He said all of the little towns are in the same boat. He said if anything were to happen, it would likely be something where 2-3 of the surrounding towns went in together on a centralized court that operates on more of a regular schedule. Supervisor Wickham said this wouldn't be in the near future, but somewhere down the road this might be what happens.

Supervisor Wickham looked for a motion to accept the Supervisor, Town Clerk, and CEO Financial Reports. A motion was made by Councilman Malyj and Seconded by Councilman Orbaker.

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WARRANTS

RES. NUMBER	TITLE	AYE	NAY	ABSENT	MOTION	SECOND	
#71-24	Authorization to pay the 2024 Audited Vouchers	4	0	1	Councilman Orbaker	Councilman Mosher	
				LIGHTING			
General \$21,677.02	Highway \$554,785.84	Water \$12,699.10	Sewer \$86.76	Water Capital \$110,305.13	Hall \$282.25	Stanley \$220.42	Seneca Castle \$232.51

NEW & OLD BUSINESS

RESOLUTION #	TITLE	AYE	NAY	ABSENT	MOTION	SECOND
#72-24	Reappoint Jim Perry to the Board of Assessment Review	4	0	1	Councilman Mosher	Councilman Orbaker
#73-24	2024-2025 Snow Removal Contract	4	0	1	Councilman Malyj	Councilman Orbaker
#74-24	Set Public Hearing for Preliminary Budget	4	0	1	Councilman Mosher	Councilman Orbaker
#75-24	Authorize Court to Apply for 2024-2025 JCAP Grant	4	0	1	Councilman Mosher	Councilman Malyj
#76-24	Deem Excess Property	4	0	1	Councilman Orbaker	Councilman Malyj
#77-24	Authorize Highway to Utilize Reserve Funds	4	0	1	Councilman Malyj	Councilman Orbaker
#78-24	Set Public Hearing for SEQR on Zoning Law Changes	4	0	1	Councilman Malyj	Councilman Orbaker
#79-24	Set Public Hearing for SEQR on Zoning Map Changes	4	0	1	Councilman Mosher	Councilman Malyj
#80-24	Set Public Hearing for SEQR on Comprehensive Plan	4	0	1	Councilman Orbaker	Councilman Mosher

PRIVILEGE OF THE FLOOR

Supervisor Wickham offered privilege of the floor and Councilman Orbaker asked [for Mr. Hullings] when the right time would be to discuss their concerns, if not at the Public Hearing. He just wanted to clarify that for them. Supervisor Wickham stated that Steve Hullings, Sr. was in the workshop that we had and brought up some of the same concerns that Steve Hullings, Jr. brought up tonight. Supervisor Wickham stated that they had a pretty good discussion back and forth. At that point in time there wasn't much of a desire on the Board's part to make any changes to that section. They feel that section is sufficient. Councilman Mosher added that we also discussed it at the last meeting as well, noting that they've discussed it on a couple of

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different occasions. Supervisor Wickham clarified that at a Public Hearing, the constituents are welcome to present concerns and comments, but it isn't really the time for a back-and-forth discussion.

Steve Hullings, Jr. asked if he could add one last thought. He said that when the zoning was written and put together, it was his understanding that the purpose of the home-based business was not meant to be a limitation, but rather a protection. He thinks that by using this as a restriction or a limiter it's not enacting legislation in the manner in which the home-based business was written into the town zoning.

Supervisor Wickham wanted to be clear and confirm that this is the *current law*, and they want us to change the *current law*. Mr. Hullings added that there is no current law. Councilman Mosher added that this is a prohibited business where it is zoned and that they're asking us to change the current law and not make it a home-based business. Supervisor Wickham added that it was approved based on the fact that it was a home-based business or it, otherwise, wouldn't have been allowed there. He added that he's making it clear that we are not changing anything in that zoning.

Mr. Hullings added that the Comprehensive Plan is advocating for a change in the zoning to add an Event Space under the Home-Based Business. Mr. Hullings is asking us to consider making a change, not as a limitation. It is currently only allowed as a home-based business, but he's asking us to make a change to allow an event space as an allowed use that is not limited to a home-based business. Councilman Mosher wanted to clarify that they're asking us to put it as an acceptable use in an Agricultural District. Mr. Hullings agreed and said just as a winery, distillery, or brewery and several other things are permitted. Supervisor Wickham said he understands where Mr. Hullings is coming from, and he thanked him for his comments.

With no other comments left to be given, Supervisor Wickham looked for a motion to enter into executive session to discuss the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation. Supervisor Wickham added that there would be no business after the executive session. The motion was made by Councilman Orbaker and seconded by Councilman Mosher.

ADJOURNMENT

A motion to exit executive session was made by Councilman Mosher and seconded by Councilman Malyj at 9:07 pm and at 9:08 pm a motion was made by Councilman Orbaker and seconded by Councilman Malyj to officially adjourn the September Monthly Meeting.

Respectfully,

Haley Eagley
Town Clerk