

TOWN OF SENECA  
REGULAR MEETING  
March 19, 2019

The regular meeting of the Seneca Town Board, County of Ontario, State of New York was held on the 19<sup>TH</sup> day of March, 2019 at the Seneca Town Hall, 3675 Flint Road, Stanley, NY 14561 at 7:30pm.

PRESENT:

Andrew Wickham, Supervisor	Kate Silverstrim-Jensen, Town Clerk
Charles Smith, Councilman	Shana Jo Hilton, Deputy Town Clerk/Assessor
Jason Mosher, Councilman/Deputy Supervisor	Jim Lawson, Highway & Water Superintendent
Howard Keeney, Councilman	Kathy Mastellar, Historian
Jim Malyj, Councilman	

NECESSARILY ABSENT:

Jerry Hoover, CEO

Others present included Mark Clinker of Casella and residents Collin Jensen, Jesse Orbaker, and Nick & Brandy Young.

Supervisor Wickham called the regular meeting to order at 7:30pm and led the pledge of allegiance. Roll call was passed over as all in attendance were acquainted.

**Approval of Agenda**

Supervisor Wickham stated that the Sweet Acre's Creamery meeting has been postponed so there is nothing to report, however, he has updates regarding the water project and therefore requested the following changes/additions to the Agenda: under Supervisor's Report, replace a. Sweet Acres Creamery with Water Capital Project, and under communications, add j. Senior of the Year Award from Office of the Aging.

On motion made by Councilman Smith, seconded by Councilman Malyj, to amend the agenda for the March 19, 2019 meeting. Carried.

On motion made by Councilman Malyj, seconded by Councilman Mosher, to approve the agenda as amended. Carried.

**Privilege of the Floor**

No one wished to speak at this time.

**Supervisor's Report**

Supervisor Wickham reported that the water capital project is moving ahead quickly. There are a few hurdles left to get over, and then things will really move fast. One point of discussion is that due to the grant being awarded to Geneva, all of the finances will have to go through Geneva. He spoke with Supervisor Venuti and they have agreed that for items in the Town of Seneca, we will be able to use HUNT Engineering. They will need to be set up as a sub-contractor under MRB Group, but that is do-able. Also, the bidding process will go through Town of Geneva, but Town of Seneca will have the say for those items in the Town of Seneca. We are moving forward with moving the tank location to Olsen Road as recommended by Superintendent Lawson. We will need to change the submission to the EFC and re-do SEQR, and because the Town of Geneva is bonding some of the funds, they may need to change some of

the specific language in their bonding resolution. There are many moving parts. He hopes the tank will be built by November of this year. Lastly, the agreement with Town of Geneva details how to calculate the sharing of costs for capital expenditures based on usage. Supervisor Venuti and he have agreed to a 66/34 split of cost, with Town of Geneva paying 34%. At this time all is going according to plan and moving along nicely.

Next Supervisor Wickham stated that Memorial Day is coming up and looked to the board for opinions on whether to continue with the traditional ceremony or do something different. Board members were in agreement that the traditional ceremony is very nice and they would like that to continue. Supervisor Wickham asked everyone to think about potential guest speakers for the event.

### **Accept Minutes**

On motion made by Councilman Mosher, seconded by Councilman Smith, to accept the minutes from the February 19, 2019 regular meeting. Carried.

Supervisor Wickham presented the communications.

Written reports were submitted by the Highway & Water Superintendent, Code Enforcement Officer (CEO), Assessor, Town Clerk, Historian and Casella, and are on file in the Town Clerk's office.

In addition to the Water report, Superintendent Lawson reported that there had been a watermain break at the intersections of Route 245 and County Road 5. The cause was unknown because they had not yet gotten into the area to fix it. They are waiting on a particular part to arrive. Supervisor Wickham asked about the cause of an earlier break at Routes 5 & 20 and Savage Road. Superintendent Lawson indicated that break was due to a gasket giving out.

From the Assessors report, Shana Jo highlighted that she is working through a re-val and residents will see an 8 to 10% increase in value this year. Supervisor Wickham pointed out that although there will be an increase in value, the tax levy isn't likely to change, therefore residents should not see a large increase in their tax bills.

From the Historian's report, Supervisor Wickham thanked Kathy for including a tally of volunteer hours in her report.

From the Casella report, Councilman Malyj questioned whether there is light at the end of the tunnel. Mr. Clinker feels that yes, there is and they are working as fast as they can. Supervisor Wickham reported that he attends the county PEQ (Planning and Environmental Quality) committee meetings every three weeks and he sees that the Casella crew is working hard to turn things around, however progress is slow, like turning around a large ship. Mr. Clinker reported that they are making progress with the sludge issue – they are handling the sludge that comes in differently, turning away much of it, and working with the DEC and wastewater treatment plants to ensure it's being handled properly.

Additionally, Mr. Clinker reported that they have hooked up the 6 new gas wells and will begin drilling 6 more starting this Thursday. They continue to manage the odors during the well drilling process. Proximity to surrounding residences has been a challenge, as has the weather, but Mr. Clinker feels he is getting a handle on things. He was happy with the east side of the site going in to winter, but now has some repair work to do since the snow has melted. He continues to use a lot of resources and support. Supervisor Wickham reported that the general feeling at the county level is that Casella is putting the effort forth and we will see improvement soon.

The board asked about repairing the east section of fence that was damaged by the wind. Mr. Clinker reported that the pole will be installed next week. They're working with the engineer to change the depth and spacing of the poles to make them stronger and more resistant to wind. Councilman Malyj pointed out that he has not seen a lot of trash leaving the landfill due to the fence being broken, unlike last time. Mr. Clinker stated that he made the difficult decision to close the landfill on Monday due to the wind, which he believes was a good decision and prevented trash from leaving the site. Councilman Mosher wondered what would prevent the poles from snapping again. Mr. Clinker stated that they were upgrading the poles used to a larger width. They considered metal but there wasn't a large difference in strength. Instead they're spacing the poles closer together and connecting them with metal bracing.

Supervisor Wickham made note of a change to the hotline – there is now a third party, independent company, Towpath, that handles complaints. The change has been well received and they have now implemented an online form for submission of concerns. Mr. Clinker stated that he continues to see these reports instantly. Councilman Keeney wondered, of the 170 people who have called in the last few months, how many are repeat callers versus new callers. Mr. Clinker stated that it is a mix of both, and they do track that information. Supervisor Wickham added that Towpath is responding to odor complaints using a sophisticated sensing system that can detect chemicals in the odor to determine what is causing it. Councilman Keeney stated that he had called the hotline but did not receive any follow up, therefore he is skeptical of the hotline and how well it works. Mr. Clinker believes that Towpath investigates every complaint. Councilman Mosher wondered what system they have in place to address every concern. Mr. Clinker stated that there is a system in place and during business hours the response may be quicker than after business hours. Supervisor Wickham said that the people he has spoken with are getting responses and are happy with the new system in place. Mr. Clinker thought that maybe Councilman Keeney's call came during opening or closing rounds when the crew was already out in that area but Councilman Keeney stated he did not see anyone and was home the whole time. Mr. Clinker said he will look into the data and make sure that it gets addressed.

**Accept Supervisor, Town Clerk, and CEO Monthly Financial Reports**

On motion made by Councilman Mosher, seconded by Councilman Smith, to accept the financial reports of the Supervisor, Town Clerk, and CEO. Carried.

**Warrants**

**RESOLUTION #62-19: AUTHORIZATION TO PAY THE AUDITED VOUCHERS**

**BE IT RESOLVED**, hereby authorizing the Supervisor to pay the following audited vouchers:

General, claim #108-114, 141-173, 176, 177, 183, & 184 in the amount of \$ 47,558.89  
Highway, claim #115-140, 170, 174-178, 181 & 182 in the amount of \$ 39,123.88  
Sewer, claim # 113, 147, & 163 in the amount of \$ 89.17  
Hall Lighting, claim #179 & 180 in the amount of \$ 409.33  
Stanley Lighting, claim #179 & 180 in the amount of \$ 379.44  
Seneca Castle Lighting, claim #179 & 180 in the amount of \$ 319.95  
Water, claim #27-51 in the amount of \$ 110,935.36  
Trust & Agency, claim #17-22 in the amount of \$ 3,246.41

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

ADOPTED        AYES 5  
                      NAYS 0

**RESOLUTION #63-19: APPROVE PURCHASE OF NETWORK GPS SYSTEM AND DATA COLLECTOR**

**WHEREAS**, the Town Board of the Town of Seneca allocated funds in the 2019 Adopted Budget for the purchase of a Network GPS+ System and Data Collector to be utilized by multiple departments including the Highway, Water, and Code Enforcement offices; and

**WHEREAS**, a quote is presented from Admar for the purchase of a Sokkia GCX3 Network GPS+ System and Topcon FC5000 Data Collector priced using NYS OGS Contract #20191 for a total cost of \$11,899.60; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Seneca hereby approves the purchase of the Sokkia GCX3 Network GPS+ System and Topcon FC5000 Data Collector from Admar and authorizes the Code Enforcement Officer to complete the necessary documentation to execute this purchase for a total cost not to exceed \$11,899.60 to be distributed equally among the 2019 adopted budget lines A8010.2 (Zoning Equipment), DA5130.2 (Highway Equipment), and SW1-8340.2 (Water Equipment)

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

ADOPTED      AYES 5  
                    NAYS 0

**RESOLUTION #64-19: DECLARE SURPLUS BACKHOE AND AUTHORIZE SALE BY AUCTION**

**WHEREAS**, Resolution #34-19 authorized the purchase of a new backhoe for the Water Department; and

**WHEREAS**, the previously used backhoe is no longer necessary for operations of the Water Department and it is the recommendation of the Water Superintendent to sell the backhoe by auction; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Seneca hereby declares the 2010 New Holland 4x4 backhoe to be surplus equipment; and

**BE IT FURTHER RESOLVED**, the Code Enforcement Officer is hereby authorized to oversee the sale through Auctions International, ensuring equipment is awarded to the highest responsible bidder.

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

ADOPTED      AYES 5  
                    NAYS 0

**RESOLUTION #65-19: AUTHORIZATION TO SOLICIT BIDS FOR LIFT UPGRADE**

**WHEREAS**, the Town Board of the Town of Seneca wishes to provide the safest possible working environment and therefore recognizes the need to upgrade the outdated lift system in place at the Highway Department; and

**WHEREAS**, upon review it is determined that a purchase contract for the lift upgrade will be subject to competitive bidding pursuant to §103 of the General Municipal Law; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Seneca hereby authorizes the competitive bidding of the lift system upgrade and directs the Town Clerk to advertise this bid as is required under General Municipal Law; and

**BE IT FURTHER RESOLVED**, as directed through Resolution #12(ii)-19, Superintendent Lawson shall open the competitive bids on the advertised date and time; and

**BE IT FINALLY RESOLVED**, a summary shall be provided to the Seneca Town Board at the subsequent public meeting so that the lowest responsible bid may be awarded.

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

ADOPTED      AYES 5  
                    NAYS 0

**RESOLUTION #66-19: DECLARE SURPLUS EQUIPMENT**

**WHEREAS**, there is a bin of accumulated old computer towers, peripherals, small tv's, old cell phones, and old truck radios in the Highway Department cold storage; and

**WHEREAS**, this technology equipment has not been used in several years, has no re-sale value, and is not useful to the Town of Seneca; and

**NOW, THEREFORE BE IT RESOLVED**, the bin of old technology equipment is hereby declared surplus and shall be wiped clean of Town data and recycled appropriately.

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

ADOPTED      AYES 5  
                    NAYS 0

**RESOLUTION #67-19: AUTHORIZATION FOR WATER SUPERINTENDENT TO SOLICIT BIDS**

**WHEREAS**, the 2019 Adopted Town Budget for the Town of Seneca includes monies in the Water Fund for Capital Improvements; and

**WHEREAS**, Resolution #38-19 adopted on January 15, 2019 authorized the expenditure of \$50,000 from the Water Repair Reserve Fund for water hydrant repairs, subject to a permissive referendum, which has now passed without objection; and

**WHEREAS**, the Water Superintendent is requesting to solicit bids for materials that may be needed in 2019 for the purpose of capital improvement and system repair; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Seneca hereby authorizes the competitive bidding of water materials, including but not limited to, water hydrants, watermain materials, and water service materials and directs the Town Clerk to advertise this bid as is required under General Municipal Law.

**On motion made by Councilman Keeney, seconded by Councilman Smith, this resolution was:**

ADOPTED      AYES 5  
                    NAYS 0

**RESOLUTION #68-19: SETTING A PUBLIC HEARING ON A LOCAL LAW TO INCREASE THE GEOGRAPHIC BOUNDARIES OF RESIDENCY FOR DEPUTY HIGHWAY SUPERINTENDENT**

**WHEREAS**, the Town Board of the Town of Seneca (herein after referred to as "Town Board") is considering a Local Law to the would increase the geographic boundaries of residency for Deputy Highway Superintendent; and

**WHEREAS**, the Town Board intends to determine said proposed Local Law is classified as an administrative change that is a Type II action requiring no further review under SEQR; and

**WHEREAS**, the Town Board would like to hear from residents about the proposed Local Law; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Seneca hereby establishes a public hearing for the proposed Local Law to be held on April 16, 2019 at 7:30 PM at the Seneca Town Hall located at 3675 Flint Road Stanley, NY 14561 in the meeting room.

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

ADOPTED      AYES 5  
                    NAYS 0

**RESOLUTION #69-19: REVISE TOWN FEE SCHEDULE**

**WHEREAS**, the Town Board of the Town of Seneca previously adopted the Town of Seneca Fee Schedule on January 15, 2019 with Resolution #42-19; and

**WHEREAS**, on the Water & Sewer table, the rate for water sold to Town of Benton was listed as \$2.60/thousand gallon, which is an outdated figure that needs to be corrected; and

**WHEREAS**, this rate should also include water sold to the Town of Hopewell; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Seneca hereby makes revision to the Town of Seneca Fee Schedule and directs the Town Clerk to edit the line item which shall now read, "Water sold to the Towns of Benton and Hopewell," and shall list the correct rate of \$2.75/thousand gal.

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

ADOPTED      AYES 5  
                    NAYS 0

**RESOLUTION #70-19: APPROVE INTERMUNICIPAL COOPERATION AGREEMENT WITH ONTARIO COUNTY AND GENEVA CITY SCHOOL DISTRICT TO SHARE IN THE COSTS OF DEFENDING LEGAL CHALLENGES TO REAL PROPERTY TAX ASSESSMENTS**

**WHEREAS**, the Town of Seneca has previously entered into an Intermunicipal Agreement with Ontario County and Geneva City School District to share the cost to defend a certiorari action filed as Index 114235-2016; and

**WHEREAS**, the court recently issued a decision which the attorney representing the town believes is contrary to the provisions of Real Property Tax Law, in that certain improvements were deemed to be personal property, and therefore not taxable; and

**WHEREAS**, the Town of Seneca has initiated an appeal of the Supreme Court decision; and

**WHEREAS**, Ontario County has agreed to participate in the appeal of the Supreme Court decision and to increase the cost share to 50% considering the detrimental effect such a precedence could have on the tax base; and

**WHEREAS**, the Town of Seneca has requested that Geneva City School District also participate at a 25% cost share, up to \$5,000; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Seneca hereby approves the Intermunicipal Cooperation Agreement with Ontario County and Geneva City School District and authorizes the Supervisor to sign this Agreement.

**On motion made by Councilman Keeney, seconded by Councilman Smith, this resolution was:**

ADOPTED      AYES 5  
                    NAYS 0

**RESOLUTION #71-19: AUTHORIZE PURCHASE OF BOOM MOWER**

**WHEREAS**, the Town Board of the Town of Seneca allocated funds in the 2019 Adopted Budget for the purchase of a heavy duty mower (boom mower) for the Highway Department; and

**WHEREAS**, quote 19146147 is presented from LandPro Equipment for the purchase of a 20-Foot Heavy Duty Diamond Mower priced using Sourcewell Contract #052417-DMM for a total cost of \$33,043.00; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Seneca hereby approves the purchase of the 20-Foot Heavy Duty Diamond Mower from LandPro Equipment and authorizes the Highway Superintendent to complete the necessary documentation to execute this purchase for a total cost not to exceed \$33,043.00 to be charged to the 2019 adopted budget line DA5130.2 (Highway Equipment).

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

ADOPTED      AYES 5  
                    NAYS 0

### **Old Business**

There was no business to discuss at this time.

### **Privilege of the Floor**

Residents Brandy & Nick Young addressed the board regarding their concern with maintenance of homes owned by Casella. Brandy stated that when she drives through Stanley, she can point out which homes Casella owns because they are not maintained, and some are even vacant. She stated that Mr. Clinker has been on board with doing some maintenance, but the higher up management is not cooperative, they would rather bulldoze the homes completely. Brandy and Nick have experience maintaining rental properties and they have offered to use this experience to help, but have been denied. Brandy feels that Stanley is a nice place to live and raise kids, but Casella is not doing their part. People want to live in the school district and she knows several people who would be interested in renting these homes. It isn't good for the community when Casella buys up a bunch of houses and doesn't take care of them. Supervisor Wickham stated that he shares the same concerns and has seen the same problem in Flint. The county committee has reached out to upper management regarding this concern and he will ensure it stays on the radar. The board discussed why these homes aren't put back on the market, and how many there are. Mr. Clinker shared that Casella owns 11 homes around the landfill and 3 are currently vacant. Councilman Mosher pointed out that Code Enforcement Officer, Jerry Hoover, hasn't reported a lack of maintenance to the board. Supervisor Wickham stated that basic maintenance is being done, like mowing the lawn. The board thanked Mr. & Mrs. Young for sharing their concerns.

With no further business, the meeting was adjourned at 8:27pm on motion of Councilman Malyj, seconded by Councilman Keeney. Carried

Kate Silverstrim-Jensen, Town Clerk  
Town of Seneca