

TOWN OF SENECA
REGULAR MEETING/PUBLIC HEARING
April 16, 2019

The regular meeting/public hearing of the Seneca Town Board, County of Ontario, State of New York was held on the 16TH day of April, 2019 at the Seneca Town Hall, 3675 Flint Road, Stanley, NY 14561 at 7:30pm.

PRESENT:

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| 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

Also present was Mark Clinker of Casella.

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.

Supervisor Wickham opened the public hearing at 7:31pm. No one wished to speak in favor or against the proposed local law. The Supervisor closed the public hearing at 7:32pm.

Approval of Agenda

Supervisor Wickham requested to amend the meeting agenda: under Communications, adding h. Letter from DOH regarding Public Water Supply Inspection Report and i. Brochure for 2019 Spring ReLeaf Workshop. Also, under New Business, adding Resolution #80-19: Declare Excavator to be Surplus Equipment and Resolution #81-19: Accept Quote for Gasoline Purchasing.

On motion made by Councilman Keeney, seconded by Councilman Mosher, to amend the agenda for the April 16, 2019 meeting. Carried.

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

Privilege of the Floor

No one wished to speak at this time.

Supervisor's Report

In regard to the Memorial Day Service, Supervisor Wickham stated that he would like to reach out to a young man he is familiar with who will be returning from 4-years of service with the United States Marine Corps in early May. He wanted to run it by the board before reaching out in case anyone had other suggestions. There were no other suggestions. Supervisor Wickham will reach out to see if this young man is available to be our guest speaker.

Supervisor Wickham then reported on the Sweet Acre's Creamery progress. As was detailed in the CEO

report this month, Supervisor Wickham and CEO, Jerry Hoover, met with the owners and engineer for the Creamery. Most of the discussion revolved around how the cost of the sewer extension will be divided. It was agreed upon that the Creamery owners will put the entire sewer extension out to bid, dividing the two sections so that cost can be easily identified. The Town will then compensate the owners by waiving the sewer hook-up fee and purchasing materials. Supervisor Wickham feels this project is moving full steam ahead. Councilman Keeney wondered if the waste created would be a liquid product. Supervisor Wickham confirmed that yes, it will be liquid wash water. Councilman Mosher questioned if the City of Geneva's treatment plant is prepared to take the additional volume. Supervisor Wickham stated that yes, they are aware and the treatment plant will need to sign off on the project, agreeing to take the additional volume. Additionally, we have to work with the Town of Geneva because they can only send a certain amount of wastewater to the city. At this time, the Town of Geneva is well within their allotment and this would not put them over. There is an issue with rain water getting into the system, but the City of Geneva is working to resolve that. Councilman Mosher questioned whether the rate will be higher for this type of product. Superintendent Lawson stated that the rate will be the same for all customers. Supervisor Wickham stated that when the group met, the owners indicated that they do not want milk products going down the drain because then there is less to sell.

As the discussion was already on sewer, Superintendent Lawson reported that he has sent a letter to D'Amico letting them know that there is infiltration to their sewer line and giving them a timeframe to correct it. He spoke with Peter and gave him the names of some contractors. There was discussion among the board of how to identify where the line is being infiltrated. Superintendent Lawson is confident that the issue is on D'Amico's private property. Supervisor Wickham stated that we have brought it to their attention and now the customer can either fix the problem or pay for the additional discharge.

Accept Minutes

On motion made by Councilman Mosher, seconded by Councilman Smith, to accept the minutes from the March 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.

From the Highway Report, Supervisor Wickham noted that Brandon and Brian will attend a one-day seminar in early May called *Making the Transition from Staff to Supervisor*.

In addition to the Water report, Superintendent Lawson reported that the 2010 New Holland Backhoe brought \$5,600 more than the trade-in value at auction, and stayed local. Supervisor Wickham asked about progress with turning valves. Superintendent Lawson reported that the crew has been through almost all of the town now and are finishing up the west side. They'll need to go back through to turn any that have been missed and will use the Topcon GPS unit to pin those locations for future reference. Councilman Mosher asked if there was a plan to paint the fire hydrants. Superintendent Lawson said that he would like to be able to hire someone just for that. Councilman Keeney questioned how many are in the town. Superintendent Lawson approximated 450 hydrants. There was discussion among the board about the current condition of the hydrants, hiring someone for the summer, and what types of paint products are allowed. Supervisor Wickham will talk more about it with Superintendent Lawson.

The CEO report gave an update to the status of the Seneca Castle Park remodel. In Mr. Hoover's absence,

Councilman Malyj, chair of the Seneca Castle School Bell Committee, reported that they have met with Rob Wolfe and discussed designing the park. Mr. Wolfe is willing to do the work for a very reduced price. Supervisor Wickham noted that we would not expect Mr. Wolfe to do the work for free. Councilman Malyj feels that Mr. Wolfe's heart is in the project and would like for him to do this. Councilman Mosher wondered what the total project cost is estimated to be. Supervisor Wickham stated \$30,000 has been estimated for the project, divided over two years. New playground equipment can easily cost \$15,000 and will likely be done in year two. Councilman Mosher questioned if lighting at the park has been included. There was discussion of park hours, and how in the past it closed at dark. Supervisor Wickham will bring the question to Jerry for further consideration.

From the Assessors report, Supervisor Wickham stated that when he first came on to the Town Board, he challenged Shana Jo on her valuation of the large solar projects. At the time she did a fantastic job putting together data and backup documents supporting her stance. Now, New York State has released their guidelines for assessing these projects, and the recommendation is to do it the way Shana has been all along.

From the Town Clerk's report, Supervisor Wickham noted that the email blast has over 40% of highly engaged subscribers. He noted that in his business they strive for 15 to 20%, so this was fantastic. Kate Silverstrim-Jensen added that it speaks loudly about the residents of the Town. They are engaged and paying attention to the decisions we're making here. Supervisor Wickham would like to discuss using the system for even more outreach.

The board applauded Kathy Mastellar on the nice updates to the Historian's display board.

Mark Clinker, General Manager of the Ontario County Landfill for Casella, reported that they have been working hard to reduce odors. Supervisor Wickham asked the board if they felt that there has been improvements. Councilmembers agreed that yes, it is improving. From the Casella report, Supervisor Wickham wondered what the proposed leachate storage tank will be constructed of. Mr. Clinker reported that it will be a covered, metal, above-ground tank. They have plans that will be provided to the CEO prior to construction. Also from the Casella report, Supervisor Wickham questioned where the leachate seeps are located. Mr. Clinker stated that they tend to find them toward the outside of the cells. Liquid naturally moves downward and can gather in other materials, especially soft materials like mattresses and pillows. When these items are placed near the edge of the cell, liquids can collect there very easily. When this happens, he has a crew dig it up and move the soft material inward to prevent that collection. Additionally, they have installed pumps in the new wells to move any liquid inward. Once they get liquids moving inward, then everything can start to pull inward, and that is how the landfill is supposed to work. Mr. Clinker reported that they have turned on all of the pumps now that winter has ended and they're working to keep things dry. He feels it is important to get the gas wells working and also to commit to maintaining the pumps. The board wondered how much liquid is produced daily and Mr. Clinker stated 150-200,000 gallons on average, up to 280-290,000 gallons when all the close treatment plants open. He feels that getting all of the wells traveling inward will give them a lot more control. He would like to meet with CEO, Jerry Hoover, to get the Certificate of Occupancy for the new maintenance building as soon as possible.

Accept Supervisor, Town Clerk, and CEO Monthly Financial Reports

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

Warrants

RESOLUTION #72-19: AUTHORIZATION TO PAY THE AUDITED VOUCHERS

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

General, claim # 185-187, 189-192, 219-245 in the amount of \$ 43,866.72
Highway, claim # 192-218 & 245 in the amount of \$ 28,323.82
Sewer, claim # 188, 190, & 236 in the amount of \$ 86.15
Solid Waste, claim # N/A in the amount of \$ 0.00
Hall Lighting, claim # 246 & 247 in the amount of \$ 421.86
Stanley Lighting, claim # 246 & 247 in the amount of \$ 391.57
Seneca Castle Lighting, claim # 246 & 247 in the amount of \$ 330.61
Water, claim # 52-73 in the amount of \$ 71,846.72
Trust & Agency, claim # 23-31 in the amount of \$ 1,298.33

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

ADOPTED AYES 5
 NAYS 0

New Business

RESOLUTION #73-19: AUTHORIZE AUDIT OF 2018 CASELLA HOST FEE PAYMENTS

WHEREAS, the Town Board of the Town of Seneca wishes to perform an audit to verify that the quarterly payments made by Casella are in accordance with the Host Agreement for the Ontario County Landfill; and

WHEREAS, Daigler Engineering, PC has submitted a Proposal for Professional Services outlining a three-step Scope of Work to complete this audit for a total cost of \$ 2,000.00; and

WHEREAS, in accordance with General Municipal Law §104-b and the Town of Seneca Procurement Policy, the solicitation of alternative proposals is not required for Professional Services; and

WHEREAS, funds for this service have been allocated in the 2019 Adopted Town Budget line A1989.42 (Landfill Audit); and

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby accepts the proposal from Daigler Engineering and authorizes the Supervisor to execute this agreement for a total cost not to exceed \$ 2,000.00.

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

ADOPTED AYES 5
 NAYS 0

Regarding Resolution #74-19, Councilman Smith questioned whether there are funds available from the county for recreation. Shana Jo Hilton stated that no, the county had provided funds in the past but they were specifically for summer programs. Currently the Town of Seneca has a match with Casella, each entity puts \$10,000 toward recreation each year and any remaining balance is transferred into the Reserve Fund.

RESOLUTION #74-19: AUTHORIZE EXPENDITURE FROM THE MISCELLANEOUS RESERVE FUND FOR RECREATIONAL ACTIVITIES

WHEREAS, the Town of Seneca has previously created a miscellaneous reserve fund for recreational activities and now wishes to expend money from this account for the purpose listed below; and

Seneca Castle Park Remodel \$ 15,000.00

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby authorizes the above expenditure from the miscellaneous reserve fund for recreational activities; and

BE IT FURTHER RESOLVED, said resolution and expenditure be and the same hereby is subject to a permissive referendum, as required by law.

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

ADOPTED AYES 5
 NAYS 0

Regarding Resolution #75-19, Supervisor Wickham highlighted that Mary has been on the Planning Board for over 15 years. He served on the Planning Board with her for a few years and has a lot of respect for the dedication Mary has shown to the Town to serve for that long.

RESOLUTION #75 -19: ACCEPT RESIGNATION OF PLANNING BOARD MEMBER MARY BODINE

WHEREAS, the Town of Seneca has received a resignation from Mary Bodine, Planning Board Member, effective April 5, 2019; and

WHEREAS, Mrs. Bodine has contributed over 15 years of dedicated service to the Planning Board; and

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby accepts the resignation of Mrs. Mary Bodine, extending sincere gratitude for her service to the community and best wishes for her future endeavors.

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

ADOPTED AYES 5
 NAYS 0

Regarding Resolution #76-19, Supervisor Wickham noted that Dave Patrick Jr. has been interested for a while and had discussed joining at the beginning of the year. When this opening became available, he was eager to join and will be a great addition.

RESOLUTION #76 -19: APPOINTMENT TO THE PLANNING BOARD

BE IT RESOLVED, the Town Board of the Town of Seneca hereby appoints David Patrick, Jr. to the Planning Board effective immediately for the term expiring on December 31, 2025.

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

ADOPTED AYES 5
 NAYS 0

RESOLUTION #77-19: DECLARE SURPLUS EQUIPMENT

WHEREAS, the following equipment has exhausted its useful life and is no longer necessary to operations:

- Homemade ground roller
- Mower attachment for excavator
- Concrete decorative flower pots
- Desk from Water Department Office

NOW, THEREFORE BE IT RESOLVED, the abovementioned items are hereby declared surplus equipment and shall be auctioned, donated, recycled or junked as is applicable.

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

ADOPTED AYES 5
 NAYS 0

RESOLUTION #78-19: ADOPTION OF LOCAL LAW NO. 1 OF 2019 – 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 the adoption of a Local Law to the would increase the geographic boundaries of residency for Deputy Highway Superintendent; and; and

WHEREAS, the Town Board held a public hearing on the proposed local law on April 16, 2019; and

WHEREAS, the Town Board determines said proposed action is classified as Type II action listed in §617.5 of the State Environmental Quality Review Act and requires no further review under SEQR; 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

THEREFORE, BE IT FURTHER RESOLVED, the Town Board of the Town of Seneca hereby adopts Local Law No. 1 of the Year 2019; and

BE IT FINALLY RESOLVED, the Town Board of the Town of Seneca hereby directs the Town Clerk to enter Local Law No. 1 of the Year 2019 into the minutes of this meeting, and in the Local Law Book of the Town of Seneca, and to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

Town of SENECA
Local Law No.1 of the year 2019.

A Local Law to Increase the Geographic Boundaries of Residency for Deputy Highway Superintendent.

Be it enacted by the TOWN BOARD of the Town of SENECA as follows:

SECTION 1.

It is the intent of this Local Law to change the requirement that the Deputy Highway Superintendent reside in the Town of Seneca to the requirement that the Deputy Highway Superintendent must live in the Town of Seneca or a surrounding Town.

SECTION 2.

The provisions of Town Law, Section 23 (Eligibility of Town Officers) and Public Officers Law Section 3 (Qualifications for Holding Office) which require, among other things, that every officer of the town be a resident of said town, are hereby amended and superseded pursuant to the authority given to the Town under the Municipal Home Rule Law and local laws to the extent that the Deputy Highway Superintendent must be a resident of the Town of Seneca or any contiguous Town.

SECTION 3.

If any part of this local law shall be deemed to be unconstitutional, illegal or invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly referred to in said adjudication.

SECTION 4.

This local law is enacted pursuant to the authority in Section 10 of the Municipal Home Rule Law and is intended to supersede the residency requirement which applies to the Deputy Highway Superintendent as found in Section 3 of the Public Officers Law and Section 23 of Town Law and any other statute, case law, rule or regulation now or hereafter in effect regarding the contents thereof.

SECTION 5.

This local law shall take effect immediately upon filing with the Secretary of State and shall apply to any Deputy Highway Superintendent serving at said time or appointed thereafter.

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

ADOPTED AYES 5
 NAYS 0

At this time, Supervisor Wickham asked Superintendent Lawson who he wished to appoint to the Deputy Highway Superintendent Position. Superintendent Lawson appointed Brandon Ayers.

RESOLUTION #79 -19: APPOINTMENT OF DEPUTY HIGHWAY SUPERINTENDENT

BE IT RESOLVED, Brandon Ayers is hereby appointed Deputy Highway Superintendent.

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

ADOPTED AYES 5
 NAYS 0

RESOLUTION #80-19: DECLARE EXCAVATOR TO BE SURPLUS EQUIPMENT

WHEREAS, the Town Board of the Town of Seneca authorized the purchase of a new Volvo EW180E Excavator through Resolution #56-19; and

WHEREAS, the old 2014 Volvo EW180E Excavator is no longer necessary to operations of the Highway Department; and

WHEREAS, it is the recommendation of the Highway Superintendent to declare the old excavator to be surplus and to sell the equipment by auction or dealer trade-in, whichever is higher; and

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby declares the 2014 Volvo EW180E Excavator to be surplus equipment; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Seneca hereby authorizes the Highway Superintendent to sell the surplus excavator by auction or dealer trade-in.

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

ADOPTED AYES 5
 NAYS 0

RESOLUTION #81-19: ACCEPT QUOTE FOR GASOLINE PURCHASING

WHEREAS, until this year the Town of Seneca has purchased non-ethanol gasoline using the New York State Contract; and

WHEREAS, New York State updated their fuel contract beginning in March 2019 and it no longer includes non-ethanol fuel; and

WHEREAS, in accordance with the Town of Seneca Procurement Policy, the Highway Superintendent has made a good faith effort to collect written quotes for the supply and delivery of non-ethanol fuel; and

WHEREAS, it is the recommendation of the Highway Superintendent to accept the March 28, 2019 quote from NOCO; and

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby accepts the March 28, 2019 quote from NOCO and authorizes the Highway Superintendent to execute the ongoing purchase of non-ethanol fuel in accordance with the Town of Seneca Procurement Policy.

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

ADOPTED AYES 5
 NAYS 0

Old Business

The Seneca Castle Park update was discussed during the CEO Report. There was nothing more to report.

Supervisor Wickham reported that BEM has completed the first phase of the well project. Councilmembers approved payment of that bill this evening. This is how it will work, with Town of Geneva sending Town of Seneca a bill for our portion of the total. Councilman Mosher wondered how expenses could be aggregated for tracking. Supervisor Wickham stated that all expenses will be charged to one budget line, allowing the board to see total expenses at year end. Councilman Mosher questioned if this would be the same system for reimbursement of grant funds. Supervisor Wickham stated yes, Town of Geneva will receive the grant funds and will distribute to Town of Seneca based upon the 66/34 split. Councilman Mosher expressed concern that the Town of Geneva will be distributing the grant funds when the Town of Seneca is writing the larger check. There was further discussion of how the process will work, what timing can be expected to receive the grant funds, and how the towns will manage expenses in the meantime. Additionally, Supervisor Wickham has reached out to Town Attorney, Mike Roulan, to write an addendum to the agreement with Town of Geneva which will put this arrangement into a legal document. He noted that the Town of Seneca may want to conduct an audit at the end of the project.

Privilege of the Floor

Councilman and town resident, Jim Malyj, spoke of his increasing concern with the regulation of pesticides. Councilman Malyj recently retired as a Certified Crop Advisor and has maintained his certification into retirement. With the changing priorities of our state government, he has noticed increasing pressure to regulate, and even ban, the use of certain pesticides. He is concerned that our current state government may not support strong agricultural values like we do upstate, and asked the board to consider putting their support behind our local farmers. Supervisor Wickham noted that we are fortunate to have a strong Farm Bureau that does a great job advocating for local farmers, and questioned what Councilman Malyj thought the support may look like. There was further discussion of options and Councilman Smith suggested referring this topic to the town's Agricultural Committee. Everyone agreed. Supervisor Wickham will refer this concern to the Agricultural Committee.

Additionally, Mr. Malyj wished to bring attention to the ongoing issue of reckless driving through Seneca Castle. He has a friend who lives in Seneca Castle that has had several incidents with reckless drivers. Supervisor Wickham stated that he, and other Town residents, have spoken with Sheriff Henderson about the problem. The Sheriff has assured Supervisor Wickham that they are keeping an eye out. Additionally, the Sheriff encourages residents reach out to his office directly to report these incidents.

With no further business, the meeting was adjourned at 8:23pm on motion of Councilman Keeney, seconded by Councilman Malyj. Carried

Kate Silverstrim-Jensen, Town Clerk
Town of Seneca