

TOWN OF SENECA  
REGULAR MEETING/PUBLIC HEARING  
APRIL 17, 2018

The regular meeting/public hearing of the Seneca Town Board, County of Ontario, State of New York was held on the 17<sup>th</sup> day of April, 2018 at the Seneca Town Hall, 3675 Flint Road, Stanley, NY 14561 at 7:30pm.

PRESENT:

Andrew Wickham, Supervisor  
Jason Mosher, Councilman  
Kate Silverstrim, Town Clerk  
Jerry Hoover, CEO

Howard Keeney, Councilman  
Jim Malyj, Councilman  
Shana Jo Hilton, Assessor  
Jim Lawson, Highway & Water Superintendent

NECESSARILY ABSENT:

Charles Smith, Councilman

Proof of Notice having been furnished, the Public Hearing on Local Law #2 –Text Code Amendment to Town Zoning Law Article X, Section 92 (Commercial Solar Farms) was called to order at 7:30pm by Andrew Wickham, Supervisor.

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 closed at 7:31pm.

Supervisor Wickham called the regular meeting to order at 7:32pm. The supervisor led the pledge of allegiance. Roll call was performed.

**Approval of Agenda**

Supervisor Wickham presented the following additions to the agenda:

- Addition of e. Resolution #56-18 – Declare Surplus Equipment to New Business
- Addition of f. Resolution #57-18 – Set Special Meeting to New Business

On motion made by Councilman Malyj, seconded by Councilman Mosher, to approve the amended agenda for the April 17, 2018 meeting. Carried.

**Privilege of the Floor**

Robert Meath introduced himself to the Town Board and attendees. He recently moved into a home on County Road 20. Supervisor Wickham welcomed Robert on behalf of the Town of Seneca.

**Supervisor's Report**

Supervisor Wickham reported that he has begun planning the Memorial Day ceremony. It will be similar to past years. The service starts at 8:30am. He asked the Board for ideas of those who could give the address. Typically, this has been a local youth. The ceremony will not be long but will give due respect to this important day.

Supervisor Wickham then reported that when he took over for Supervisor Sheppard, Ontario County was in the process of drafting the Landfill Property Master Plan. The plan got to be about 70% complete, but because it was unsure whether the Landfill would receive the permit to expand, work on the plan stopped. Now that the Landfill has received the permit for expansion, the plan is back on the table. Since the Landfill is in the Town of Seneca, Supervisor Wickham supports the Town having a voice in this process. He is pushing to have a meeting scheduled between the Town of Seneca Town Board and Ontario County Planning to review the plan and ensure each of the Town Board members understands and has an opportunity to comment on the Master Plan separate from a larger meeting. He would like to have several date options to present so that everyone can attend. It will likely be in the next few weeks.

Lastly, Supervisor Wickham reported that the Solid Waste Management Plan committee has submitted a recommendation that will be seen in a later resolution. The committee met last fall and came up with recommendations for how to spend the funds allocated to the Town by Ontario County. If approved, this plan details how those funds will be spent.

### **Accept Minutes**

On motion made by Councilman Mosher, seconded by Councilman Keeney, to accept the minutes from the March 20, 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.

There were no additional questions from the Board on these reports.

Rob Fadden presented a verbal report from Casella. On April 4 the Landfill experienced a severe wind event. Wind gusts were in excess of 50mph on that day. They planned in advance for the weather; the portable fence was installed at the dumping site, extra labor was on site, dumping was directed to the new cell which is at a lower elevation, and drivers were directed not to take tarps off until they were ready to dump. At 11am they shut down tipping operations. At 1pm on April 4 the first panel of netting ripped. At 2:15pm, four additional panels ripped and two poles were leaning. At that time the Landfill ceased all operations and directed any waiting trucks to another site. Clean-up was initiated quickly. There were 20 people on-site initially, that has since been decreased to 10. They are still waiting for the tree climbers to address all areas of clean-up. Casella received a Notice of Violation from the DEC which was expected. The new netting project is coming along. All of the poles have been installed and the net contractor is getting net installed. The new netting has wire built in that makes it stronger. There will also be a kick panel at the bottom to expand coverage. The contractor can install 13 panels in 1 day, so despite the project being behind schedule, he expects it to be completed relatively quickly.

Councilman Keeney asked Mr. Fadden how the poles are secured to prevent netting from pulling them over like what happened on April 4.

Mr. Fadden stated that the poles that leaned were not properly installed because there had been rocks in the way of the auger and a backhoe was used instead. This created instability rather than

compaction at the base. Those poles have been re-installed correctly, as well as all of the newly installed structures.

Mr. Fadden then discussed clean-up in the area of the new maintenance building and around the site. There will be a contractor performing stump grinding in the next few days.

The Landfill has received the ok to start construction of the new cell. That contractor will start soon. The start date has past, but this contractor has built in a cushion to their schedule and he is confident they will complete the project on time.

Lastly, they have one of the two portable sprayers up and running now. This sprayer is being focused on the County Road 5 area that has experienced an increase in odor due to increased use of the newest open cell.

Supervisor Wickham commended Mr. Fadden for shutting down operations on April 4 and stated that he is thankful the small problem did not become a massive problem.

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

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

**New Business**

**RESOLUTION #51-18 – AUTHORIZATION TO PAY THE AUDITED VOUCHERS**

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

- General, claim # 821-848, 857, & 871 in the amount of \$ 22,524.13
- Highway, claim # 840, & 849-869 in the amount of \$ 10,404.30
- Sewer, claim # 821 in the amount of \$ 85.75
- Hall Lighting, claim # 824 & 870 in the amount of \$ 404.07
- Stanley Lighting, claim # 824 & 870 in the amount of \$ 375.10
- Seneca Castle Lighting, claim # 824 & 870 in the amount of \$ 316.73
- Water, claim # 222-238 in the amount of \$ 61,691.72
- Trust & Agency, claim # 28-38 in the amount of \$ 2,590.33

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

ADOPTED      AYES 4  
                  NAYS 0  
                  ABSENT 1

At this time Supervisor Wickham recused himself from discussion due to a personal interest in the following matter.

Deputy Supervisor Mosher took over direction of the board. Deputy Supervisor Mosher asked Code Enforcement Officer, Jerry Hoover, to summarize his memo to the board regarding the next resolution.

**RESOLUTION #52-18: PICK’N PATCH, LLC APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE NOTICE**

WHEREAS, the Town Clerk received a 30-day Advanced Notice on March 30, 2018 from NYS Liquor Authority on behalf of Pick’n Patch, LLC, located at 2205 Route 5 & 20, regarding a new application to the NYS Liquor Authority to sell wine, beer & cider on-premises; and

WHEREAS, the Town Board of the Town of Seneca does not express any opinion for or against the application; and

NOW THEREFORE BE IT RESOLVED, the Town of Seneca Town Board will take no further action relative to the 30-Day Notice.

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

ADOPTED        AYES 3  
                     NAYS 0  
                     ABSTAINED 1  
                     ABSENT 1

**RESOLUTION #53-18: UPDATE TOWN OF SENECA PROCUREMENT POLICY**

WHEREAS, the Town Board of the Town of Seneca has a Procurement Policy governing purchases of goods and services which are not required by law to be publicly bid; and

WHEREAS, the Town Clerk presents an update to this policy that incorporates recommendations of the State Office of the Comptroller; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby adopts the Town of Seneca Procurement Policy as amended.

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

ADOPTED        AYES 4  
                     NAYS 0  
                     ABSENT 1

**RESOLUTION #54-18: SEQR DETERMINATION OF NON-SIGNIFICANCE AND ADOPTION OF A TEXT CODE AMENDMENT TO TOWN CODE ARTICLE X, SECTION 92 THAT WOULD ADD AND CHANGE LANGUAGE REGULATING COMMERCIAL SOLAR FARMS**

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 execute a text code amendment to Town Code Article X, Section 92 that would add and change language regulating commercial solar farms; and

WHEREAS, the Town Board held a public hearing on the proposed local law on April 17, 2018; and

WHEREAS, the Town Board determines said proposed action is classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in § 617.7(c)(1) of the SEQR Regulations and the information contained in the Short Environmental Assessment Form Part 1; and

WHEREAS, the Town Board has completed Part 2 and Part 3 of the Short Environmental Assessment Form; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby designates itself as lead agency for the described action; and

BE IT FURTHER RESOLVED, the Town Board has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure, use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archaeological, architectural or aesthetic resources; natural resources; potential for erosion, flooding or drainage problems; or creation of a hazard to environmental resources or human health; and

BE IT FURTHER RESOLVED, the Town Board determines upon the information and analysis documented, the proposed action will not result in any significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Seneca does hereby make a Determination of Non-Significance on the proposed action; and

BE IT FURTHER RESOLVED, the Code Enforcement Officer is hereby directed to sign the Short Environmental Assessment Form Part 3 and file with the Town Clerk as evidence the Town Board has determined the proposed action will not result in any significant adverse environmental impact; and

BE IT FURTHER 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 FURTHER RESOLVED, the Town Board of the Town of Seneca hereby adopts Local Law No. 2 of the Year 2018; and

BE IT FINALLY RESOLVED, the Town Board of the Town of Seneca hereby directs the Town Clerk to enter Local Law No. 2 of the Year 2018 in 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 State of New York.

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

ADOPTED        AYES 4  
                     NAYS 0  
                     ABSENT 1

**RESOLUTION #55-18: AUTHORIZE SWMP COMMITTEE 2018 PLAN**

WHEREAS, Ontario County has made funds available to municipalities in 2018 to be used to promote the goals of the Solid Waste Management Plan (SWMP); and

WHEREAS, Ontario County has made \$24,353.00 available to the Town of Seneca for this purpose; and

WHEREAS, the Town of Seneca SWMP committee presents a plan for the use of these funds which includes compost collection, improved signage at the Transfer Station, a town-wide mailing, tire recycling, e-waste collection, and a joint project with Town of Gorham and Marcus Whitman Central School District to reduce non-recycled materials in the cafeteria; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby adopts the recommended projects of the SWMP Committee and authorizes the expenditure of funds for this purpose, not to exceed \$24,353.00.

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

ADOPTED        AYES 4  
                     NAYS 0  
                     ABSENT 1

**RESOLUTION #56-18: DECLARE SURPLUS EQUIPMENT**

WHEREAS, the following Highway Department Equipment has reached its useful life and is no longer necessary to operations:

- 708-T Goodall Start All portable jumper
- OTC 1590 10-Ton Air Lift

WHEREAS, it is the recommendation of the Highway Superintendent that this equipment be sold at the 2018 Palmyra Government Surplus Equipment auction; and

NOW, THEREFORE BE IT RESOLVED, the Goodall Start All and OTC 10-Ton Air Lift are hereby declared surplus equipment and shall be sold by auction at the 2018 Palmyra Government Surplus Equipment Auction.

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

ADOPTED        AYES 4  
                     NAYS 0  
                     ABSENT 1

**RESOLUTION #57-18: SET TOWN BOARD SPECIAL MEETING**

BE IT RESOLVED, the Town Board of the Town of Seneca hereby schedules a special meeting on Monday, April 23, 2018 at 5:00 PM

BE IT FURTHER RESOLVED, the Town Clerk is directed to properly advertise the special meeting of the Seneca Town Board.

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

ADOPTED      AYES 4  
                  NAYS 0  
                  ABSENT 1

**Old Business**

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

**Privilege of the Floor**

Larry Townley wished to speak. He asked Mr. Fadden if Casella was paying attention to the issues at High Acres Landfill closer to Rochester in regard to odor. Mr. Townley also expressed his hope that the Town Board will fill the open Public Works Maintenance Assistant position with someone who can step into the Water Superintendent role with ease. This would allow Superintendent Lawson to focus on the Highway Department and the new person could be in charge of the Water Department.

At 8:30pm Supervisor Wickham made a motion to enter into executive session for the purpose of discussing personnel matters and to allow Superintendent Lawson to participate in the executive session. Motion seconded by Councilman Keeney. Carried.

At 8:55pm Supervisor Wickham made a motion to return to regular session. Motion seconded by Councilman Mosher. Carried.

With no further business, the meeting was adjourned at 8:55pm on motion of Councilman Keeney, seconded by Councilman Malyj. Carried.

Kate Silverstrim, Clerk  
Town of Seneca