

TOWN OF SENECA
REGULAR MEETING MINUTES
AUGUST 16TH, 2022

The Regular Meeting of the Seneca Town Board, County of Ontario, State of New York were held at 3675 Flint Road, Stanley, NY 14561 on the 16th day of August 2022 at 7:30 PM.

PRESENT	
Drew Wickham	Supervisor
Jason Mosher	Deputy Supervisor/ Councilman
Howard Keeney	Councilman
Jim Malyj	Councilman
Jesse Orbaker	Councilman
Haley Eagley	Town Clerk/ Tax Collector
Shana Jo Hilton	Town Assessor
Jim Lawson	Highway Superintendent
Kathy Mastellar	Town Historian
Brian Sanders	Manager of Ontario County Landfill
Carla Jordan	Director of Sustainability and Solid Waste Management
Chris DeBolt	Ontario County Administrator

Supervisor Wickham called the regular monthly meeting to order at 7:30 PM. The Supervisor led the pledge of allegiance. Roll call was completed and all in attendance were acquainted. Supervisor Wickham noted that CEO Hoover and Water Superintendent Prater were necessarily absent.

APPROVAL OF AGENDA

Supervisor Wickham looked for a motion to approve the agenda for tonight’s meeting. The approval was motioned by Councilman Mosher and seconded by Councilman Keeney. Motion carried. There were a couple of additions to the agenda under “Supervisor’s Report”. Line D: Special Election, August 23rd, 2022; Line E: Seneca-Gorham Ambulance. Approval of the amended agenda was motioned by Councilman Keeney and Seconded by Councilman Malyj. Motion carried.

PRIVILEGE OF THE FLOOR

Privilege of the floor was offered, and nobody wished to speak at this time.

SUPERVISOR’S REPORT

BUDGET TIMELINE:

Supervisor Wickham stated that the next note of importance regarding the 2023 budget preparation is the Budget Workshop on September 28th. We will officially set that meeting at the regular monthly meeting on September 20th.

LANDFILL MEETING UPDATE:

Supervisor Wickham gave a recap that there were 3 in-person settings for Landfill discussion in July. A meeting was held at each of the three fire-halls in the Town of Seneca. The information sessions were attended by approximately 140 community members and each session went very well. Surveys were fielded from June 27th through July 25th and there was a total of 439 responses. Most of the responses were online with a quarter of them being in person and on paper. The results show that 60% of the responses were in favor of negotiating a new contract with 40% in favor of closing the landfill in 2028. On our surveys there were spots for comments and Supervisor Wickham collected the most common themes for each of the options in his presentation. This presentation along with a letter from the Town Board will be available on the Landfill page of the Town Website for anyone who wishes to view it.

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COUNTY LANDFILL DISCUSSION:

Supervisor Wickham introduced and gave the floor to the Ontario County Director of Sustainability and Solid Waste Management, Carla Jordan. Ms. Jordan explained that the county currently has no position as to whether there should be additional operations at the landfill post 2028. She added that the county will have to go through the same process at the county level that we did to gather input from residents. Nothing moves forward until the Ontario County Board of Supervisors makes a Policy Decision to implement at the county level. Director Jordan shared the County's Strategic Plan. Director Jordan touched on many points pertaining to landfills in New York as well as soil types in different areas of the state that would or wouldn't allow landfill operations.

Director Jordan explained that there are 25 active landfills in New York. 15 of those active landfill sites are in Central and Western New York. The map that she shared was very obviously showing that there are no municipal Solid Waste landfills down-state or in the Long Island area and that is because of the geology. They have very sandy soils that aren't conducive to the DEC's regulated liner system. She noted that there are several incinerators on Long Island.

Director Jordan pointed out the question that they must think about of, "how far is a municipality or transfer trailer willing to drive from Ontario County realistically." They think that municipal and local haulers would be willing to drive an hour. Within an hour of Ontario County, we have 4 landfills that are realistic in terms of export; Bath, Seneca Meadows, High Acres, and Mill Seet landfills. Director Jordan then went into the options that we have regarding the Landfill.

Option 1: The Ontario County Landfill closes in 2028. If the landfill closes in 2028 and then the site gets capped, and post-closure monitoring begins. Per the existing agreement with Casella, Casella is responsible for the post-closure monitoring of the site. This is for a minimum of 30 years and makes them responsible for continuing to haul leachate, collecting gas, mow the slopes, making sure that there is no inappropriate settlement, and custodial care. We would also have to discuss hauling waste out of county.

Option 2: Continuation of Landfill Operations with the Town's Support. Ontario County would have to put out a request for proposals based on the scope of the operation. The benefit of this option is that we would basically be able to start from scratch in terms of the contract and what we want to see as landfill operations like the length of contract, tonnage, service area, restrictions on sludge, or non-compliance penalties.

Option 3: Continuation of Landfill Operations without the Town's Support. The proposal process would be the same as option 2, but the difference is that the County would have to decide where any potential expansion could occur.

Director Jordan expanded and made mention that the Finger Lakes Community Preservation Act makes it nearly impossible to have an incinerator in our area of the state. The Finger Lakes Community Preservation Act prevents siting of an incinerator within 5 miles of a public body of water- which is very difficult in this area.

Councilman Orbaker asked Director Jordan if there have been any other local towns in the county that have showed interest in hosting a landfill. Director Jordan explained that a lot of people have brought that up, but that it's just not realistic. The Legislative Climate that she introduced is making it nearly impossible to operate in a currently permitted, active facility. She explained that, according to the DEC, it would take decades to get a green field (new location) permitted to operate a landfill.

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Councilman Mosher asked Director Jordan about Option #3- Continuing without the Town Board's support. Under that option, Ontario County could potentially seek its own location. He asked if Ontario County has done any due diligence and approached any property owners regarding this option. Director Jordan confirmed that they have not contacted anyone regarding anything at this point.

Councilman Orbaker asked Director Jordan if there have been any health studies done on the impacts of this landfill to Town of Seneca residents. Director Jordan explained that this question seems to come up occasionally. She would also defer this question to the Ontario County Director of Public Health, Mary Beer. She explained that the last few times that they've discussed this topic there hasn't been any health impacts in Town of Seneca residents versus other areas of the county. Director Jordan let Councilman Orbaker know that if there were any specific health concerns, she would be happy to direct anybody to Mary Beer.

County Administrator DeBolt touched on the timeline that they must decide. He explained that some residents have approached him with a similar question. He explained that although 2028 seems like it is further away and regardless of which option is selected, there are major operational and permitting issues that have to be worked through by the end of the contract. For example, if the county Board of Supervisors decides that they wish to close the landfill and the county steps up to help with a solution for a transfer station (to be hauled to a different site), it would take 3-5 years for the permitting for a transfer station. Administrator DeBolt said that they must decide at the County Level by middle of next year so that Director Jordan has enough time to implement which ever decision is made.

County Administrator DeBolt reiterated Director Jordan's comment that the county has had no contact with any landowners regarding any possible expansions. He stressed the fact that the County Board of Supervisors absolutely must make a Policy Decision before anything can be done and that he has no authority to purchase land or approach anybody to purchase their land without the go-ahead from the Board of Supervisors. He further explained that the Policy Decision that must be made by the Board of Supervisors is a Public Policy Discission and that there will be nothing done behind any closed doors or behind the public's back.

PRIMARY VOTING ON AUGUST 23RD:

Supervisor Wickham explained that a couple of people have called in to the Town Hall wondering about the post cards that they have received regarding the Special Election on August 23rd. This is a Special Election for the 23rd Congressional District- this is the seat that Tom Reed held that is now open. There are two candidates running. Max Della Pia and Joseph Sempolinski. This special election is just for the continuation of this term which is ending in January and will be up for re-election again. The second thing that is going on is a Republican Primary. There are 3 people seeking the nomination for the 24th district which is the district that we will be in as of January 1. The district maps have all been re-worked and this will take effect on January 1.

STANLEY, HALL, GORHAM AMBULANCE:

There were a couple of members of the Stanley, Hall, Gorham Ambulance in attendance of the meeting. Supervisor Wickham welcomed them and explained that he met with the group to discuss the possibility of finding home property for them. The Town owns some property over in Stanley and there is a part of it that might suit their needs. Supervisor Wickham's discussion with the group was about the possibility of moving forward with that. The Ambulance Crew is doing diligence on their end as well as the town to see what we might be able to work out. Supervisor Wickham is hopeful that maybe the Stanley, Gorham, Hall ambulance can have their own home sometime soon.

Supervisor Wickham looked for a motion to approve the minutes of the July 19th,2022 regular meeting. The motion was made by Councilman Mosher and seconded by Councilman Keeney. The motion carried.

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COMMUNICATIONS

All communications were reviewed and are available to view at the Town Hall upon Request.

DEPARTMENT REPORTS

The reports were reviewed by the board and are available to view in person, upon request, at the Town Hall.

HIGHWAY:

Councilman Orbaker asked Highway Superintendent Lawson what changed his mind about moving forward and completing the roads that he was going to fall financially short on this year. Jim explained that the state had a new funding source in their budget that wasn't accounted for in the Town's budget in 2022. With some additional state aid and another funding source, they are able to close the gap and get closer to completing the road repairs for this year.

TOWN CLERK:

Supervisor Wickham touched on the point of Clerk Eagley's report about the "theft". We had a family renting our Pavilion for a family reunion on a Sunday. The family contacted us on the next Monday asking if we were able to retrieve camera footage from their party as a purse was missing from a vehicle that day. The purse had been found in the middle of a local road with cash missing and turned over to Ontario County Sheriffs. Clerk Eagley checked the camera footage and found two cars that were not affiliated with the family party, or the basketball court pulled in the driveway of the Town Facilities. For a period of 5 minutes the two cars were moving from parking spot to parking spot and checking cars. Eventually, pulling out of the facility driveway and driving off.

Supervisor Wickham advised all to lock their cars and to not leave valuables in them while they are at the pavilion. At this time, we are looking into some security options that we can improve on.

LANDFILL:

Mr. Sanders said that the recent rain has been much needed and as assisted in grass growth. They have about 53 acres vegetated as of now. He added that they are currently drilling 27 vertical gas wells. He explained that it has been a challenging year for certain materials this year. A town resident asked if he could add a question before Mr. Sanders left the meeting. He asked if any work has been done to increase the capacity of electrical grids. Mr. Sanders clarified that the gas plants are owned by a separate entity and that is also a separate contract with Ontario County.

Another property owner in the Town wanted to follow up with another question. He asked with the new vertical wells they are drilling, does that mean more gas that is over and above what they're trying to handle now. Mr. Sanders explained that is not exactly the case and that it's more about how they can effectively get the gas out of the landfill.

Mr. Sanders explained to the audience that if anybody has any questions outside of this, that he attends every meeting and that he is always at the Landfill if anyone needs to talk to him. He is also available by phone and would gladly talk to anyone who had any questions. Supervisor Wickham stated that Biran has always been great about answering anything at any time.

With that, Supervisor Wickham looked for a motion to approve the Supervisor, Town Clerk, and Code Enforcement Reports. Motion was made by Councilman Mosher and Seconded by Councilman Keeney.

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RESOLUTIONS

RES. NUMBER	TITLE	AYE	NAY	ABSTAIN	MOTION	SECOND
#70-22	Authorization to pay the 2022 Audited Vouchers	5	0	0	Councilman Orbaker	Councilman Keeney
#71-22	Authorize Service Contract for Generator Maintenance	5	0	0	Councilman Malyj	Councilman Orbaker
#72-22	Budget Transfers	5	0	0	Councilman Keeney	Councilman Mosher

OLD BUSINESS

Supervisor Wickham wanted to discuss the Landfill Decision Timeline. He asked if the Board Members had any questions or needed more information to move forward and vote on this. OR- If they wanted to set a date to make a vote. Councilman Mosher spoke up and let Supervisor Wickham know that he would like more time to do a little more digesting and research. Councilman Mosher explained that he has his own desire to conduct some due diligence on this matter. Councilman Mosher is all about openness and feels that the survey was very hastily done, and he would like to dig in further on his own. He explained that the board never even had the chance to see who voted. He would like to go through the responses and possibly speak to some of the respondents before deciding.

Councilman Orbaker asked who was able to vote and who decided that. Supervisor Wickham explained that the respondents had to be a resident or a property owner. Part of the response was listing where the person is from and what property owned.

Councilman Orbaker mentioned that he thought they would have actual numbers at this meeting of what the cost would be if we shut the landfill down. He understands that they wouldn't be exact, but a reference from another town who has been through this.

Councilman Orbaker asked if we could investigate whether there have been any other landfill related deaths in the Town of Seneca- Supervisor Wickham said he would retrieve that information for him.

Councilman Mosher explained that he would feel much better if they had a more refined vision of what they are voting for. He explained that this feels like voting for a blank check and that they don't know who it's written to or for how much. He said that is an uneasy feeling given the non-scientific data that we have collected this far. Supervisor Wickham wanted to clarify that Councilman Mosher was looking for a vision of extending the landfill and what it might look like if we decide to negotiate again.

Supervisor Wickham explained that because of some of the uncertainties out there, it may be hard to get a perfect vision of what that is. As Director Jordan explained earlier, several landfills in our area are nearing capacity. These other landfills would also impact our future as our waste would have to get transported even further if the closer landfills close. Director Jordan expanded and said that the future of any landfill is very market-driven. With today's regulations Ontario County could be closed in 2028 years, Seneca Meadows in 2025, Bath Landfill in 2026. She explained that this is a lot of capacity that leaves the market. Additionally, Director Jordan explained that if the proposed 1,000-foot setback gets passed, that alone will close 8 of the 25 landfills in the state.

***Addendum:** the new proposed 360 regulations (which are not passed yet), prevent any landfill from operating within 1,000 feet of a residence. If these regulations get passed, this will not affect landfills that are currently open, but could come into play if a renewal is submitted in 2025.

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Ontario County Landfill is 1,000,000 tons per year and Seneca Meadows is 2,000,000 tons per year. This is a tremendous amount of waste that would have no place to go. This will ripple across the state and turn into a larger problem effecting the North-East. Director Jordan explained that she has reached out to several engineering firms to try and get a model or an idea of what the Ontario County Landfill would look like in 6 years. The county acknowledges that there already isn't a huge appetite to continue operations, so a scale back is necessary- but to what level? Director Jordan is working diligently to get more information and more forecasts.

Supervisor Wickham stated that his plan would be to retrieve and distribute the information to the board members as soon as he can. He explained that we can discuss more at our September meeting and said that it would be a good idea to hold a special meeting, specifically for this topic. He explained that no matter which way we decide, there is a ton of work that must be done, so the quicker that we can get the information and decide where we stand, the better. Once we make our decision at the Town Level, it will move to the County and then they will move on. Supervisor Wickham respectfully asked the county to allow our Town to go first and decide where we stand since the landfill is in our Town. They have graciously allowed this, but they cannot wait too long for our town to decide. Supervisor Wickham explained that he doesn't want anyone to feel rushed and wanted everyone to feel like they are making an appropriate informed decision. He doesn't want anyone to feel like like they were left hanging wishing they knew one thing or another. He will try his best to get the most information possible but explained that there were going to be some things that we just cannot get the answer to. He said that the Landfill Timeline will be listed under Old Business again at the September meeting and that more will unfold next month. With that, Supervisor Wickham asked if there was anything else that the board wanted to add.

Councilman Mosher wanted to make one comment before moving on. He explained that in retrospect, he as a Deputy Supervisor and Councilman [as well as the other board members] would have liked to have been involved with the parameters that were set for the survey that went out. The board didn't have a say in how it was developed, who could vote, and who couldn't vote. He wanted to make it clear that they would have liked to have been more involved in this entire process in advance of it and not after it was over.

Supervisor Wickham said that he would take the hit on this as he drove the bus on it and that he apologized for moving too quickly.

PRIVILEGE OF THE FLOOR

Privilege of the floor was offered, and a couple of residents wished to speak. The first was Mr. Lavin who had a question for Director Jordan. He wanted clarification on who was the boss in this process. Earlier in the meeting, Director Jordan mentioned that the County could move forward even without approval from the Town of Seneca and Mr. Lavin wanted some clarification on that. Director Jordan clarified by saying the county certainly cares what the Town thinks. She explained that Supervisor Wickham is very well respected on the Board of Supervisors and that a lot of his peers go to him to get an idea of how the Town of Seneca feels and how the Landfill is doing. So, the question comes down to, "Can the county move forward operating a landfill without the Town's consent?" the answer to that is yes. If the County Board of Supervisors made a Policy Decision. While Director Jordan doesn't know if the county would do that; it is a possibility.

Mr. Lavin had a follow-up question and asked if the borrow-area is exclusively needed to do what they need to do if they decide to stay open. He explained that he read through the agreement which had a restrictive covenant put on the borrow-area in 2016. The restriction states that it prohibits the use of the premises for the disposal of solid waste. Director Jordan explained that the borrow-area is the Town's property, the Town owns it and if the Town wants to look at developing that property as an expansion of existing operations, then the Town would have to lift that restrictive covenant. She said that is a possibility, but the county does not need that property to operate.

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Mr. Petersen mentioned that Director Jordan said that there was 7 years left for permitted capacity. He asked if that meant that the permitted capacity has one more year than the contract. Director Jordan confirmed that the landfill is permitted for a capacity that could go one more year after the contract is up. Director Jordan stated that there is existing property on the site that has not been developed yet but the question of "how much capacity" cannot be answered at this time.

A follow-up question was asked on what the geology has to do with location of a landfill. If the landfill is lined and capped correctly, what does the soil-type matter? Director Jordan explained that the DEC requires a certain permeability in the soil to be able to construct over it. In our area we have more clay which has higher permeability, but downstate is more sand and that doesn't meet the requirements for the DEC.

Mr. Hemminger had a few comments and agreed with Councilman Mosher on feeling that the information sessions and the survey was rushed and it's disappointing when we're talking about the destiny of one of the greatest farming areas in the world. He then commented to Director Jordan about how the Landfill business is very market-driven and that the food industry is also very market-driven, and that instead of talking about trash costs, we should be talking about whether there will be food in the stores. His major concern is that the food and safety board could put a 5- or 10-mile circle around the landfill which would put multiple townships out of the fresh food business. Mr. Petersen explained the food safety is huge and that there are already major hoops that need to be jumped through.

Mrs. Petersen made a couple of comments regarding her disappointment in the results of the survey. She along with others cannot imagine continuing this landfill and how much of the generation in that room would be leaving this to their children and grandchildren. She explained that we finally have a chance to make a change and there's a chance we might not make that change. Along with ruining the very industry that is most important here. She stated that in her opinion, if the Town of Seneca says, "yes", then why would anybody else in the county say, "no". She said that if we decide against negotiating, there is still a chance other towns will say they want to see another negotiation, but if we (as the hosting town) decide to negotiate, other towns would be quicker to have the "if they say yes, then why not?" mentality when they decide.

Supervisor Wickham stated that he appreciated Mr. & Mrs. Petersen's comments as well as Mr. Hemminger's and Mr. Lavin's comments. He said that this process was just to gain input. It wasn't an actual vote; it was just a survey. The result from the survey is not making the decision. It will come down to our 5 Town Board members making an official decision. At this point, we must get more information for our Board Members to look over and contact more of our constituents to see where their thoughts are at. Supervisor Wickham explained that they will be working diligently to make what he hopes is the right decision. He appreciates all the input that he has received this far.

Jake Minns with Minns Farms asked if he could add one point that of that 60% of people who voted to negotiate a new contract, how many of those people were at the in-person meetings? He said that the people right there in that room and the people who attended the info sessions at the fire halls is who this topic matters most to and he wanted the Town Board to keep that in mind while they think about their decision.

Supervisor Wickham appreciated Mr. Minns's comment about that he acknowledged that this is a very important topic to the agricultural community.

ADJOURNMENT

With nothing left to be said, at 9:00 PM Supervisor Wickham looked for a motion to adjourn the August monthly meeting. Councilman Keeney made the motion that was seconded by Councilman Mosher and the meeting was officially adjourned.

Respectfully,

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Haley Eagley
Town Clerk