

Ontario County

Board of Supervisors

Canandaigua, New York 14424

Supervisor Sheppard offered the following resolution and moved its adoption:

RESOLUTION NO. 311-2012

RESOLUTION TRANSFERRING OWNERSHIP OF APPROXIMATELY 80 ACRES OF LAND FROM ONTARIO COUNTY TO THE TOWN OF SENECA AS AMENDED

WHEREAS, Ontario County owns approximately 389 acres typically identified as landfill property in the Town of Seneca along Highways 5 & 20, west of Flint; and

WHEREAS, A 2003 Operation, Management and Lease (OML) Agreement obligates the County to allow a 43.5 acre expansion on existing county owned property; and

WHEREAS, Approximately 80 acres west of the landfill's Phase I is of little value to future landfill operations stipulated by Casella Waste Systems representatives; and

WHEREAS, Approximately 40 acres of this property is currently designated wetlands or forest and is serving a beneficial use as the Town of Seneca's recreational walking path; and

WHEREAS, Approximately 40 acres of this property is currently being tilled and considered productive agricultural land; and

WHEREAS, The Landfill Expansion Draft Environmental Impact Study (DEIS) proposes the acquisition of 40 acres south of Phase III with the purpose of excavating approximately 922,000 cubic yards of soil for landfill operations; and

WHEREAS, The Town of Seneca considers the preservation of productive agricultural land paramount in its Comprehensive Plan, zoning law, and historic conduct of the Town Board, Planning Committee and Zoning Board of Appeals; and

WHEREAS, The exchange of tillable acreage for the loss of tillable acreage due to soil borrowing is a viable method of remediation identified in written comments to the Landfill Expansion Draft Environmental Impact Study; and

WHEREAS, The Town of Seneca intends to rent the 40 acres of tillable land west of Phase I at market value to replace the lost tax revenue of the 40 acre borrowing area; and

WHEREAS, The Town of Seneca agrees to fund all property transaction expenses of transferring ownership of the 80 acres west of Phase I; and

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WHEREAS, The Town of Seneca agrees to preserve the existing advantages of municipal ownership of the 80 acres west of Phase I specifically;

1. The Town of Seneca agrees to grant Casella operational access and use of the property for surface water monitoring, subsurface water monitoring, and transitory storage areas until the expiration of the OML.
2. The Town of Seneca agrees to grant appropriate easements to continue historic and anticipated landfill operations unimpeded by contentious viewshed degradations, noise accusations or other environmental concerns identified in the existing DEC Part 360 permit until the expiration of the OML; and

WHEREAS, The Town of Seneca agrees to facilitate the zoning requirements and appropriately permit the excavation of borrowing soil in accordance with the engineered plan submitted with the DEIS contingent on the land transfer, remediation effort addressed above and ownership of the 40 acre borrowing acres south of Phase III; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors hereby agrees to the transfer of approximately 80 acres, west of County Road 49 exclusive of the Phase I landfill, currently owned by the County to the Town of Seneca, contingent on the Town of Seneca accommodating the soil borrowing operation; and further

RESOLVED, That Ontario County acknowledges the acquisition of 40 acres south of Phase III by the Town of Seneca to accommodate the proposed borrowing operation identified in the DEIS; and further

RESOLVED, That Ontario County acknowledges the Town of Seneca will acquire the borrowing acreage after a restrictive deed is in place prohibiting the expansion of the landfill pile into the soil borrowing acreage; and further

RESOLVED, That the County Administrator and County Attorney have the authorization to accomplish any administrative task and authority to transfer the ownership of this property; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of the Board to the Finance Department, County Attorney, Casella Waste Systems, and the Town of Seneca.

STATE OF NEW YORK }
County of Ontario }

I do hereby certify that I have compared the preceding with the original thereof, on file in the Office of the Clerk of the Board of Supervisors at Canandaigua, New York, and that the same is a correct transcript therefrom and of the whole of said original; and that said original was duly adopted at a meeting of the Board of Supervisors of Ontario County held at Canandaigua, New York, on the 21st day of June, 2012 .

Given under my hand and official seal June 22, 2012 .

Karen R. DeMay

Karen R. DeMay, Clerk of the Board of Supervisors of Ontario County, NY