

April 6, 2016

The Special meeting of the Ontario County Board of Supervisors was called to order at 5:03 p.m. at Ontario County Courthouse, 27 North Main Street in the Town of Canandaigua, with Chairman Marren presiding.

The Pledge of Allegiance was led by Supervisor Ingalsbe.

Upon roll call, all Members of the Board were present with Supervisors Helming, Lightfoote, and Singer declared necessarily absent.

Supervisor Russell made the motion to call up Resolution No. 207-2016, entitled, "Authorizing Submission of a Permit Variance Application to Renew the Existing Part 360 Permit for the Ontario County Landfill", which was laid over at the last Board meeting.

**RESOLUTION NO. 207-2016
AUTHORIZING SUBMISSION OF A PERMIT VARIANCE APPLICATION TO
RENEW THE EXISTING PART 360 PERMIT FOR THE ONTARIO COUNTY
LANDFILL**

WHEREAS, The County of Ontario owns a Part 360 Sanitary Landfill located in the Town of Seneca currently permitted by the New York State Department of Environmental Conservation (DEC), including approval for expansion; and

WHEREAS, Resolution No. 464 – 2003 approved a contract with New England Waste Services of N.Y., Inc. (Casella Waste Management Systems, Inc.), hereinafter referred to as "CASELLA" to operate such landfill; and

WHEREAS, Part 360 of the Conservation Law of the State of New York requires a ten foot (10 ft.) vertical separation between the base of the liner and bedrock for the construction of new landfill cells; and

WHEREAS, Reducing the vertical separation between the base of the liner and bedrock to 5 ft. would reduce the amount of bedrock to be excavated on the site of the expansion by 27,651 cubic yards, the amount of soil needing to be excavated by 51,052 cubic yards, and the amount of backfill needed by 78,703 cubic yards thereby reducing the duration of construction and the cost of construction of the landfill expansion by an estimated \$1.8 million; and

WHEREAS, The DEC has issued similar variances and is contemplating a revision to the regulations to allow a 5 ft. vertical separation; and

WHEREAS, Barton and Loguidice, D.P.C. has drafted a variance application request to reduce the vertical separation between base of the liner and bedrock to five (5) feet, a copy of which is on file with the Clerk of this Board; and

WHEREAS, The Environmental Quality Committee has reviewed said landfill permit renewal and recommends submitting said application to DEC; now, therefore, be it

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to sign said landfill permit variance application on file with the Clerk of this Board on behalf of the County of Ontario and submit said variance application to the New York State Department of Environmental Conservation; and further

RESOLVED, That this resolution shall take effect immediately.

Supervisor Russell made the motion, seconded by Supervisor baker, to amend Resolution No. 207-2016, as follows:

The first amendment would be changing the wording in the seventh WHEREAS to variance application from renewal.

The second amendment would be to add an additional RESOLVED. This RESOLVED would read RESOLVED, that the commitment letter from Casella signed by Samuel Nicolai dated April 5, 2016 is hereby accepted upon approve of the variance request by NYS DEC.

The foregoing amendment was approved.

Supervisor Hilton has dealt was the DEC a lot with the farming business. In farming the #1 priority is the environment. With having the environment and future generations in mind Supervisor Hilton doesn't feel secure in allowing 5 feet of fill instead of the 10 feet that is the current regulation.

Supervisor Gallahan agrees with Supervisor Hilton that we can't put this on future generations.

Supervisor Vedora notes that the DEC is looking into changing their regulations but have not yet and there is no guarantee that they will be. We need to keep the 10 feet to help protect the residents of Ontario County.

Supervisor Teed also agrees that we need to think about the future. What if the liner leaks at 5 feet. It will be cheaper over time to do this correctly the first time. We need to keep the 10 feet of soil between the liner and bedrock.

Supervisor Wickham feels that the NYS DEC is the regulating board and we need to have faith in them to make the correct decision. Allowing for the 5 feet will greatly reduce the truck traffic from the soil that won't need to be trucked in, and the bedrock that won't need to be trucked out.

Supervisor Russell feels that we are getting an enhanced substrain between the bedrock and liner with the 5 feet that would not be provided with the 10 feet. This would be an enhanced product that will be monitored and tested more closely with the ability to react. This is due to the type of fill that is required to be use for the 5 feet where the 10 feet has no requirements on the type of fill used. Also as Supervisor Wickham noted the truck traffic will be decreased which will reduce the carbon footprint.

Supervisor Gallahan made the motion, seconded by Supervisor Teed, to put the question.

Chairman Marren called for a roll call vote, which requires a two-thirds majority vote. Said motion was passed unanimously.

Chairman Marren asked for a roll call vote on Resolution No. 207-2016.

A simple majority roll call vote resulted as follows:

Ayes:	1,873	Supervisors Baker, Bendzlowicz, Campbell, Ingalsbe, Marren, Russell, Wickham
Noes:	1,957	Supervisors Evangelista, Gallahan, Green, Hicks, Hilton, Marshall, Teed, VanBortel, Vedora, Venuti, Wille
Absent:	666	Supervisors Helming, Lightfoote, Singer

Resolution No. 207-2016 was defeated as there were not the required 2,249 weighted votes necessary for adoption.

On motion of Supervisor VanBortel, seconded by Supervisor Bendzlowicz, the meeting was adjourned at 5:25 p.m.