

Varick Town Board  
July 1, 2008

The regular meeting of the Varick Town Board was called to order by Supervisor Robert Haysssen at 7:00 p.m. Present at this meeting were Council members Jeff Case, John Saeli, Kathy Russo, and Richard Peterson, Town Attorney, John Sipos, Town Clerk, Donna Karlsen, Highway Superintendent, Richard McCulloch, Code Enforcement Officer, Miles Persing, and Planning Board members, Thomas Bjorkman and Kevin Swartley. Also present were Bill Squires, Shelley Pletcher, Dan Pletcher, Bev Nosiglia, Bob McCann, Eric Riegel, Gary Bell, Kristine Somerville, Paulette Likoudis, Shannon Corcoran and Robert Whitley.

Mr. Hayssen opened the public hearing on the Responsible Pet Ownership Ordinance and thanked all those who were involved in putting this ordinance together.

Bev Nosiglia, who runs a kennel in the Town felt the proposed ordinance addressed problem dog issues effectively and felt it was done well. She also questioned if the board would be addressing breeders and kennels.

Thomas Bjorkman, from the Planning Board stated that there is a draft ordinance addressing kennels, but this subject hasn't come up for discussion at a Planning Board meeting as of this date, but will be put on their agenda for future discussion. Mr. Bjorkman provided Mrs. Nosiglia with a copy of a draft of this proposed ordinance and will notify her when the ordinance is to be discussed.

Bob McCann expressed his gratitude and appreciation for all the hard work to those involved in forming the new dog ordinance.

Dan Pletcher suggested the board adopt the dog ordinance.

A motion by Jeff Case, seconded by Richard Peterson and so carried unanimously to close the Public Hearing at 7:10 p.m.

Eric Riegel, Zoning of Appeals member, expressed concern over the proposed state parking and scenic overlook next to Gary Bells house and requested the board to pass a resolution not supporting this proposed state parking and scenic overlook at that location.

Mr. Hayssen spoke to Chris Covert concerning this issue and reported that Mr. Covert was unable to attend tonight's meeting but would like to be put on the agenda for next month to address this issue. He did indicate to Mr. Hayssen that the State is just in the planning stages of this project. This area is owned by the State.

Concerns were expressed regarding the parking, trash accumulation and traffic. It was also noted, however, that this area has been established as a scenic byway.

A motion by Richard Peterson, seconded by Kathy Russo and so carried unanimously to notify the State that the Town of Varick is not in favor of a parking area and scenic overlook located on Route 89 south of mile marker 1174.

John Saeli noted the irony that residents don't want trucks on Route 89, and now they don't want a parking area and scenic overlook.

Shannon Corcoran addressed the Responsible Pet Ownership Ordinance with following questions and concerns.

1. Term guardian vs. owner- takes the rights away that an owner has. Spoke to the issue of ownership and how the tickets are written. She made reference to the definition of guardian and places it could be found in the ordinance.
2. Reviewed the definition of a dangerous dog vs. what Ag & Markets definition is.
3. The ordinance specifies town fines and procedures to be followed in addition to Ag and Market laws.
4. Prohibits more than three dogs to run together in a pack. She expressed her opinion that all dogs have a pack mentality and questioned this ordinance.
5. Civil to misdemeanor; Section 11 (B)
6. Questioned the definition "At Large" and does not specify a leash which indicates the Town of Varick doesn't have a leash law.
7. Section 5 (E) The word "Attack" is not defined.
8. Section 7 (B) questioned the reference to 4(D).

Mr. Whitley felt the ordinance was specifically addressing his property and circumstance.

Shelly Pletcher stated that her understanding was that this law has been reviewed by the Town Board and Planning Board and is a law for the whole town and is not designated to one specific area. She feels it is fair and is in the best interest of the residents. She would urge the board to pass this.

Mr. Whitley made reference to his dog "Blue" who he stated was outside the town hall in his car. Mr. Sipos reviewed the ruling on Blue.

**Varick Sewer District No. 2:** John Saeli referenced a payment to Mr. Nicholson which was approved in May for two emergency call outs that Yaw Environmental did not respond to. He reviewed his interpretation of Mr. Nicholson's agreement and expressed his opinion that the work performed should have been billed at his contractual rate and would like to mail out postcards adding Mr. Nicholson's name for emergency call outs in addition to Yaws. Mr. Case,

Mr. Sipos and Mr. Hayssen reviewed the history of Mr. Nicholson's agreement and cited specific wording indicating that Mr. Nicholson's agreement does not cover emergency call outs which is why the board established an agreement with Yaw Environmental who is responsible per their agreement for such calls.

Mr. Hayssen expressed his appreciation to Mr. Nicholson for taking those emergency calls in Yaws place and stated that emergency calls are to be addressed by Yaws according to their agreement with the town.

A motion by Mr. Saeli, seconded by Richard Peterson to ask Mr. Nicholson for a rebate back for what was paid over his hourly rate.

Mr. Peterson feels Mr. Saeli is correct in his interpretation of Mr. Nicholson's agreement and feels the town needs to change the wording in Damon's contract to make his duties clearer. He doesn't agree with collecting the money back and is in favor of hiring Damon permanently.

It was noted that Yaws has always been contracted for emergency call outs as indicated in their agreement. Mr. Nicholson, as well as his predecessor, were to perform routine repairs and upkeep. Yaws charges a flat rate to be on call along with an emergency per call rate. Mr. Nicholson's contract does not address this issue as he is not on call to respond to emergency situations. It was noted that Mr. Nicholson was hired to fulfill the prior established position and homeowners should not be contacting Mr. Nicholson in an emergency situation.

It was noted that "on call" was defined by the board when this position was established as completing normal upkeep of the system as needed, which is how Mr. Nicholson and his predecessor were contracted. Yaws has always been contracted for emergency call out.

It was felt that the town may be breaching Yaws agreement if we send a card out telling people to call Mr. Nicholson.

It was clarified again that Mr. Nicholson was not contracted to respond to homeowner's emergency calls which is why Yaws telephone numbers were provided to homeowners for emergency calls as stipulated in their agreement.

Mr. Sipos agrees that the understanding of the wording in Mr. Nicholson's agreement needs to be clarified and adopted by a motion.

Mr. Hayssen spoke highly of Mr. Nicholson's integrity and expressed his appreciation for his response to an emergency call that was Yaws contractual responsibility. Yaws, according to their contract could have billed for the emergency call out, and then paid Mr. Nicholson for fulfilling their contract.

Mr. Case read Mr. Nicholson's contract specifying the part that says "in conjunction with technical support" which would be Yaws. He also reviewed the definition of "call out" versus

“emergency call” as defined when these contracts were originally established. Mr. Case doesn’t feel Mr. Nicholson’s contract covers emergency call out. Yaws is responsible for those calls.

A motion by John Saeli, seconded by Kathy Russo and so carried to call the question.

A motion by Mr. Saeli, seconded by Richard Peterson and so carried to ask Mr. Nicholson for a rebate back for what was paid over his hourly rate.

John Saeli	Yes
Kathy Russo	Yes
Dick Peterson	Yes
Jeff Case	No
Robert Hayssen	No

Mr. Hayssen will write a letter requesting a rebate amount, if any, from Mr. Nicholson. It was pointed out that Yaws can bill the district for these emergency call outs as they were notified of them and are under contract to respond.

Mr. Case expressed his opinion that Mr. Nicholson should have been hired under his proposed contract in January which would have saved the district money and who was the best applicant for the job.

Mr. Hayssen reported that he has negotiated the base sewage treatment amount from \$70 per quarter to approximately half of that rate based on 190 units. A resolution will need to be made to establish the new rate once the rate has been set. This will result in a net savings to those in the district.

**Water:**

**Fayette/Varick Water:** The board has received no updated information from Jeff Trout on this project.

**Route 89 Water:** Mr. Hayssen received from Jason McCormick a feasibility study for this project. After reviewing the report, Mr. Hayssen noted that he used old information supplied by Tim Buel and reduced the original number of units from Tim Buel’s report. By reducing the units, which he isn’t sure why he did this as further development has taken place since Tim Buel’s report, increases the debt per unit. He feels Jason did not do an update on the units when he provided him with this report and he never responds to Mr. Hayssen’s phone calls. Mr. Hayssen indicated that the reduction in units jeopardizes the projects as it increases the debt service per unit and makes the project not affordable. He feels the document he submitted is outdated and should not be submitted report as it is now.

Jason McCormick is working through the county on this project and the county will be billing us. Mr. Swartley suggested Mr. Hayssen contact Rural Development to check the funding base per unit.

A motion by Richard Peterson, seconded by Kathy Russo and so carried unanimously to write a letter to Jason McCormick giving him thirty days to update the report and justify numbers and have him attend the next meeting in August.

**Highway:** Mr. McCulloch received some estimates back on road work. He reported that the cost without stone included to do a half mile of road with asphalt is \$38,000. As a result of these costs, he has limited his road work for this year. He reported that he will be concentrating on resealing Yale Farm Road and McGrane Road as he feels he can't afford to loose these roads and can fix them for a minimal amount.

The department will continue mowing and completing small repairs. He reported that crossover pipes on Hahnel and McCulloch Roads need to be replaced. He would like the board to carry over the road money he has left from this year and develop a capital reserve fund for next year in hopes that prices for asphalt will drop, which will allow him to complete required roadwork at a lower cost than this year. Mr. Hayssen will note that request when preparing the 2009 budget.

Mr. McCulloch will work with Mr. Peterson to complete the reports needed in order to apply for reimbursement for the culvert pipe project.

He also reported that the Chesapeake Gas project doesn't affect our town, just the county and reported that the F-250 the truck was delivered.

John Saeli questioned what the one year old vehicles were going for at auction and if we should trade trucks yearly and stated he does now believe in state bid pricing being the lowest available.

Mr. McCulloch did not attend the auction, but Mr. Peterson indicated that the prices on the year old vehicles where substantial and the town should research looking into trading vehicles on a yearly basis.

**Planning Board:** Responsible Pet Ownership Ordinance:

The board reviewed the ordinance and the items that were addressed by Shannon Corcoran.

It was decided to strike under the definition of Guardian the following sentence: The term guardian shall include the "significant other" living with the owner or guardian.

The board discussed Section 5 – Regulation letter E with reference to the word "attack" and the lack of a definition. It was decided to insert Ag and Markets wording and remove what was originally proposed.

Section 7 – Dangerous Dogs should be changed to reference Section 5D not 4D as originally stated.

After reading the purpose of this ordinance it was decided to name the ordinance The Responsible Dog Ownership Ordinance and remove the word pet.

Kristine Somerville spoke to the racist accusation made by Mr. Whitley and states that he is not the only black African American who lives in the Town of Varick, indicating herself, and she said people have been kind and warm to her since moving into the Township.

A motion by Jeff Case seconded by Richard Peterson and so carried unanimously to adopt the Responsible Dog Ownership Ordinance with the following revisions:

1. Strike “ The term guardian shall include the “significant other” living with the owner or guardian”.
2. Insert Ag and Markets wording pertaining to Section 5E-Regulations.
3. Section 7 – Dangerous Dogs should be changed to reference Section 5D not 4D as originally stated.
4. Name the ordinance The Responsible Dog Ownership Ordinance

Mr. Hayssen reviewed the names who previously submitted interest in becoming a member of the Planning Board and recommended Bill Squires as the board will be replacing representation of East Lake residents and Mr. Squires lives on East Lake Road.

A motion by Richard Peterson, seconded by Jeff Case and so carried unanimously to appoint Bill Squires to the Planning Board to fulfill Mr. Kayser’s term.

A motion by Jeff Case, seconded by Richard Peterson and so carried unanimously to hold a Zoning Code workshop with the Planning Board, Town Board , Zoning Board of Appeals, and Code Enforcement Officer at the Varick Fire House on July 15<sup>th</sup> at 7:00p.m.

Mr. Hayssen mailed a copy of the town’s zoning ordinance to Stuart Brown Associates for their suggestions as they helped the Town of Fayette with their proposed zoning ordinance.

It was suggested that a site be developed with the Finger Lakes Times reporter added for people to retrieve information.

Mr. Hayssen raised the following questions: How does Mickey issue a permit on impervious coverage? What to do in the mean time? Does the applicant have to prove they are under the pervious zoning code? A procedure needs to be in place to address these issues. It was decided to table these questions until the board meets July 15<sup>th</sup>.

Mr. Persing reported that 4 building permits were issued and he will be meeting with people for future permit issuance on East Lake Road. One permit was denied and will go to ZBA.

**Town Clerk's report:** A motion by Jeff Case, seconded by John Saeli and so carried unanimously to approve the Town Clerk's report. Revenue to Supervisor: \$168.73, County Treasurer: \$37.60, State Ag & Markets: \$24.00, DEC: \$22.67, Total Dispersed: \$253.00

**Archive Grant:** Mrs. Karlsen reported that she met with Dianne Basset Nelson and was trained on the FileMaker Pro program and will be inputting the archive information. All bills for this grant need to be submitted by June 30, 2008 and final paperwork submitted to the state by the end of July.

Mrs. Karlsen also reported that the Town was notified that they did not receive the grant applied for indexing minutes and reviewed the denial letter with Dianne who offered her assistance in reapplying next year if the board wished to do so.

**Supervisor's Report:** Bonadio supplied a letter updating the board on the status of the 2006 & 2007 audits. They are hoping that the audit will be completed by August. They submitted a bill for \$5,000 for work complete to this date which the board tabled payment on and requested Bonadio attend the August meeting and provide a verbal report.

Mr. Hayssen reported that he received a Mortgage tax check in the amount of \$17,496.33 and a letter from Seneca County Personnel regarding personnel updated information.

**Romulus Recreation Program:** A bill for the recreation program needs to be sent to the Town of Romulus. Mr. Hayssen stated that Angel from the Town of Romulus questioned if the Summer Recreation Program was going to take place and indicated the Romulus Town Board would like a presentation on this year's program. Mrs. Russo reported that Dave Kaiser was aware of the program as she spoke to him and discussed the amount due to Varick.

Mrs. Russo also reported that 54 children enrolled in the program and 5 student counselors have been hired. Two students from County Work force Development is hoped to be shared with the cafeteria to do breakfast and lunch and provide junior counselor services to the rec. program. The director has developed a program for the summer and it was suggested that she be the one to address the Romulus Town Board. Mr. Russo also noted that the Romulus Faculty Association donated \$250 to the program. She also sent out other letters seeking donations.

A motion by Jeff Case, seconded by Kathy Russo and so carried unanimously to approve Abstract 7, Seneca Lake Water, Vouchers 08-35 to 08-37 in the amount of \$18,758.58, Varick Sewer District No. 2, Vouchers 08-17 to 08-18 in the amount of \$1,574, Highway, Vouchers 08-40 to 08-46 in the amount of \$28,531.74 and General, Vouchers 08-83 to 08-100 in the amount of \$6,991.47

The board reviewed phone charges on Miles Persing's voucher and questioned if they should approve payment. The payment was approved and it was expressed that the work and time to complete this position has increased with the new zoning code.

**Minutes:** A motion by Richard Peterson, seconded by Jeff Case and so carried unanimously to approve June 3, 2008 and June 11, 2008 minutes.

**Old Business, New Business, and Correspondence:**

Empire State Wind Energy information was given to board members for review.

Mr. Hayssen contacted Mr. Rich Hammond at the State of New York and questioned the information provided at the public hearing pertaining to rescinding the new zoning code and reinstating the prior one. Mr. Hammond stated that a public hearing would need to be held to accomplish both, which is how the motion was written and public hearing was held for both. The board was in compliance and zoning would have remained in effect for the town. He also noted that the Planning Board does not need to be included with the process of developing a new revised code but felt it was beneficial to include them in this process.

It was noted that funneling should be addressed in the new ordinance.

A motion by John Saeli, seconded by Richard Peterson and so carried unanimously to adjourn the meeting at 10:05 p.m.

Respectfully Submitted:

Donna Karlsen