

July 1, 2014

The regular meeting of the Varick Town Board was called to order by Supervisor Robert Hayssen at 7:00 p.m. Present at this meeting were Council Members Peter McDonald, John Saeli, Kathy Russo and Richard Peterson, Town Clerk, Donna Karlsen, Bookkeeper, Angela Testa, Attorney for the Town, Steve Ricci, Varick Planning Board members, Todd Horton, Linda Mastellar, Thomas Bjorkman, and Hershey Sensenig, Hancock & Estabrook, Attorney Wendy Marsh, Finger Lakes Technology Group, Paul Griswold and their attorney from Harter Secrest & Emery LLP, Marc Romanowski, IDA, Bob Aronson, Finger Lakes Railway, Bruce Hoabberfield, Stuart Brown Associates, Barbara Johnston, and Reporter Anita Glover. Also in attendance were Rick Conley and Jim Bromka.

A motion by Kathy Russo, seconded by Peter McDonald and so carried unanimously to open the public hearing on the proposed revision to the Town of Varick Zoning Regulations and the Full Environmental Assessment Form (SEQR) at 7:05 p.m.

Barb Johnston from Stuart Brown thanked the planning boards of both the Town of Varick and Town of Romulus who worked on the proposed revisions. She then proceeded to review the proposed revised Zoning Map and summary of changes color coded in the currently adopted Varick Zoning Code Book, a copy of which will be filed with these minutes. Ms. Johnston indicated that some of the revisions in the zoning will include, warehousing, industrial, agricultural and residential uses. She stated that revisions were also made to public and commercial use, which will most often require application of a Special Use Permit. This permit will allow the Town Planning Board consideration in what the land will be used for which was felt to be in the best interest of the town.

Concerns were expressed over the requirement of a Special Use Permit as being a deterrent. It was explained by the planning board members that this permit isn't meant to be prohibitive. It is to provide information and direction for initial formation of this area and not intended to last forever

Mr. Aronson of the IDA reviewed some history pertaining to the depot property. He viewed some of the code changes and thanked the planning board for their work in providing the IDA some direction regarding this property's use.

Paul Griswold from Finger Lakes Technology and their attorney Erick Romanoski from Harter Secrest & Emery reviewed proposed revisions pertaining to their property and warehouses. Attorney Eric Romanoski stated that code definitions are a critical piece to any code and he expressed concern over the warehouse, industrial, transportation, energy district and introduced the topic of grandfathering existing property prior to these proposed changes. The planning board recognized that some of the definitions are broad, which is why they are requiring Special Use Permits in order to better define and provide information for land use. Todd Horton encouraged their input and requested any suggestions or concerns be submitted to them in writing for review and consideration.

Supervisor Hayssen wanted to be sure that landfills were specifically addressed in the zoning code and not permitted. The planning board felt that the definition of Transloading or trucking terminal addressed this, but it was determined that more specific language needed to be added.

Bruce Habberfield of the Fingerlakes Railway asked for clarification on land zoning that bumps up to the railway property. He questioned industry coming in and out on the road through the conservation area. Mr. Horton clarified that the existing road does not go through the designated conservation area.

Mr. Horton summed up the public hearing stating that the proposed revisions try to strike a balance between flexibility and certainty. The Army retained some rights to some of the property and the town's zoning only applies to land the town can control. The town is dependent on their zoning code officers to enforce the zoning and the code is their guide. He encouraged the comments and suggestions made be submitted in writing and sent to the planning board for their review. He asked the town board to give the planning board a month to review these suggestions and comments and make changes if necessary. A public hearing could then be held in September. He thanked Barb Johnston from Stuart Brown for the extensive work they have done so far and asked that the town board allow them to continue using their services at a cost until the zoning code is in its final form.

A motion by Richard Peterson, seconded by Peter McDonald and so carried to close the public hearing on the proposed zoning code revisions and full environmental assessment form (SEQR) at 8:00 p.m.

A motion by Kathy Russo, seconded by Peter McDonald and so carried to enter into executive session to discuss pending litigation at 8:06 p.m.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to come out of executive session at 9:00 p.m.

**Highway:** No report

**Code Enforcement:** Steve Ricci reported that he did review and approve the revised zoning application; however, he is uncertain if the one he reviewed is the one currently being used. He will get a copy of the zoning application currently being used by Larry Colton.

**Sewer:** No report.

**Varick District No. 1:** A discussion was held regarding the repair work scheduled by the county to the water line which runs along Russell Road. It is questioned what work if any needs to be done and further discussion will be held with Roy Gates, Butch Carroll, and Maryann Kozlowski regarding this matter. Mr. McCulloch had scheduled this road for July resurfacing and found that water repairs were to be done and rescheduled the resurfacing for September/October. He would like confirmation as to when the county

will be done, as he doesn't want resurfacing work completed only to have Seneca County Water come and tear the road up. There was no further report on water loss for this district.

**Seneca Lake Water District:** Rick Conley of Conley & Son submitted a proposal to replace bonnet bolts and guard valves of \$3,405 per unit. He did indicate that a discount may be available once the town determines how many bolts need to be replaced and stated that prevailing wage needs to be paid on this project. Mr. Conley estimated 4 hours per repair. The board indicated that priority of bolt replacement should be along the road, as it was determined through testing that these bolts are deteriorating at a faster rate. Mr. Conley's proposal will be reviewed.

**Varick Water District No. 3:** Three 5' meter pits will be returned to Blair as the Town of Fayette will be returning 5' pits back to this district's inventory. According to the agreement with Fayette, the board will be receiving water pipe and corner horns and it was suggested that these be sold.

A copy of a letter sent to Supervisor Cindy Lorrenzetti from Edith Colton regarding excess air in their water line was carbon copied to the Town of Varick. Mr. Hayssen reported that according to the Coltons, they attended the Town of Fayette board meeting to address this issue and left the meeting very upset with no resolution to their problem. Since that meeting with Fayette, they hope to have resolved this issue by installing an air purger and air vent into their system and Mr. Hayssen agreed to reimburse them the cost of this installation which is estimated to be about \$100. This cost should be split according to percentage with the Town of Fayette.

**Varick Water District No. 4:** Supervisor Hayssen reported that the electric panel was installed on June 28<sup>th</sup> and the homeowner is not happy with the placement of the posts that hold the electrical panel. The contractor is requesting an additional \$1,500 to move the electric.

Other items delaying the project are:

1. The installation of the master meter and its possible recalibration
2. Installation of the 2" bypass
3. The system flushed again and has the water approved by the health department
4. Change orders need to be completed, signed and approved
5. Line inspector hired

Mr. Hayssen reported that discussions are being held as to who is responsible for the water bill to flush the line, the contractor or the district. He also stated that prior to this flushing, Jim Bromka is to take a water sample at Ken Poormon's house to confirm that water supplied by the Town of Fayette meets the health department's approval.

John Saeli reported that he spoke to Larry Colton, who would be willing to complete the line inspections at a rate of \$15.45 an hour. Jim Johnson and Rick Conley also expressed interest in completing these inspections. Mr. Hayssen discussed the rate of pay and

suggested that perhaps the district should pay a flat rate per inspection, as has been done in the past with other districts. No action was taken regarding the rate of pay.

A motion by John Saeli, seconded by Kathy Russo to hire Larry Colton which was rescinded with no action taken.

It was suggested that Kathy Russo advertise the position in the paper.

It was reported by Municipal Solutions that Orick is over budget due to the BAN fees and they have submitted an amendment to their original proposal for these service as follows; "Our Fee for the above services for +/- \$1,700,000 U.S.D.A. bond issue will not exceed \$7,470. Our fee for bond anticipation notes will be on the regular fee schedule and have been in the amount of \$8,350, for aggregate bond counsel fees of \$15,820."

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to approve the amended agreement as submitted by Orrick, Herrington & Sutcliffe.

**Varick Sewer District No. 1:** No report.

**Varick Sewer District No. 2:** It was reported that Gould Pumps sell grinder pumps and should be considered to replace the E-1 pumps currently being used. It has been reported that others are having problems with the E-1 pumps.

**Town Clerk Report:** A motion by Peter McDonald, seconded by John Saeli and so carried unanimously to approve the Town Clerk's Report: Supervisor; \$160.00, Ag & Markets; \$12.00 Total Disbursement;: \$172.00.

**Supervisor's Report:** Mr. Hayssen reported that supplies to be provided to Water District No. 4 for connection by homeowners to this water line was estimated to be at least a 5 week turn-around once the items were ordered. Tim Buhl is currently working with John Helgren at Rural Development in processing the required paperwork to provide funding for the cost of these supplies. So the project was not delayed any further to the homeowners for connection, an initial order for district supplied items approved by the board was placed with Blair and the bookkeeper prepared a board resolution for an interfund transfer from Seneca Lake Water District to Varick Water District No. 4 to pay for these items in the amount of \$20,000 until funding becomes available.

A motion by Peter McDonald, seconded by Richard Peterson and so carried unanimously to approve an interfund transfer of \$20,000 from Seneca Lake Water District to Varick Water District No. 4 for initial purchase of board approved supply items for property owner connection to Water District No. 4 main line.

A motion by Kathy Russo, seconded by Richard Peterson, and so carried to approve the Supervisor's Report.

**Personnel:** Kathy Russo reported that everything is in place for the summer recreation Program to begin.

**Assessor:** No report.

**Dog Control Officer:** Bryan McCann submitted a detailed written second quarter report for the board's review. Mrs. Russo commended him on a well written report.

**Minutes:** A motion by John Saeli, seconded by Richard Peterson and so carried unanimously to approve the minutes of June 3, 2014.

**Abstract:** A motion by Peter McDonald, seconded by Richard Peterson and so carried unanimously to approve Abstract 7, General, Vouchers A001-101 to A0014-111 in the amount of \$35,509.76, Highway, Vouchers DAO14-030 to DAO14-042 in the amount of \$2,748.80, Seneca Lake Water District, Voucher SWS14-029 in the amount of \$995.63, Varick Water District No. 3, Voucher VW314-15 in the amount of \$126.74, Varick Sewer District No. 1, Vouchers VS114-020 to VS114-22 in the amount of \$1,139.33, Varick Sewer District No. 2, Voucher SSS14-16 in the amount of \$400.00, Varick Water District No. 4, Voucher No. 1 in the amount of \$17,932.24.

A motion by Peter McDonald, seconded by Richard Peterson and so carried unanimously to approve payment of Water District No. 4 Capital costs as follows:

Municipal Solutions:	Invoice 4884, 4885	4882	\$6,485.41
Timothy Buhl	Invoice 0134		\$9,475.84

**Old Business, New Business and Correspondence:** John Saeli reported that Griffith turned over their furnace business to Interstate.

A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to have John Saeli contact E & V to install a new boiler, a chimney liner and miscellaneous repairs to meet code not to exceed a cost of \$7,619.12 as submitted in their proposal dated May 6, 2014. .

The Village of Waterloo provided written agreements for Water District No. 1, Sewer District No. 1, Seneca Lake Water District and Varick Sewer District No. 2 for services to be rendered by the Village of Waterloo which commenced July of 2013 for a term of three years and may sooner be terminated without cause by either party upon a ninety day written notice of termination. Annual costs per districts are as follows:

1. Varick Water District No. 1:	\$ 800
2. Sewer District No. 1	<u>\$ 200</u>
Total billing for this agreement:	\$1,000

1. Seneca Lake Water District:	\$3,000
2. Varick Sewer District No. 2	<u>\$2,000</u>
Total billing for this agreement:	\$5,000

A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to direct Supervisor Hayssen to sign the Agreements For Services For The Benefit of Varick Water District No. 1 and Varick Sewer District No. 1 in the amount of \$1,000 annually.

A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to direct Supervisor Hayssen to sign the Agreement For Services For The Benefit Of Varick Sewer District No. 2 and Seneca Lake Water District between the Village of Waterloo and the Town of Varick in the amount of \$5,000 annually.

No renewal agreement was supplied by the Village of Waterloo for Varick Water District No. 3 and is assumed to be in order as of this meeting.

Mr. Bromka reported that Ben Karlsen is a Grade D water operator and can oversee Water District No. 4. The board will review its options for billing services once the line is operational.

An email received from Linda Mastellar on behalf of the Varick Planning Board requests that the Varick Town Board start proceedings for the acquisition of the depot property and the reopening of County Road 135. They feel very strongly that this must happen expeditiously as many other groups have expressed interest in the depot property and it is in the best interest of the town they feel to involve legal counsel and move forward immediately.

In response to this request, Steve Ricci expressed that he would need more information regarding this property and feels the IDA needs to come to the town with a written proposal. Mr. Ricci also suggested that a committee be formed with the Town of Romulus to work together on this project. He would want to see a description of the property, the deed and what liability issues exist. There are concerns and questions that need to be reviewed before the town proceeds to acquire the depot property.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to enter into executive session to discuss attorney/client privilege at 10:05 p.m.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to come out of executive session at 10:35 p.m.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to adjourn the meeting at 10:40 p.m.

Respectfully Submitted:  
Donna Karlsen, Town Clerk