

October 7, 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, Highway Superintendent Richard McCulloch, Attorney for the Town Joe Midiri, and Varick Zoning Board Chairman Jeff Hogue. Also present were Richard Olsen, David Crea, Barry Moon, Jim Hagadorn, Erica Wilson, Daniel Butler and Attorney Joe Sapio.

Petitioners to Address the Board: Dan Butler and Erica Wilson own a home on 1.3 acres of land at 929 Deal Road which was thought to be in an agricultural district. They reported that their neighbor's assortment of animals at 913 Deal Road are allowed to roam freely and are encroaching on their property and are a nuisance. Mr. Butler has spoken to them numerous times over the past year requesting they keep their animals off their property with little to no satisfaction. Their attorney Jo Sapio, report that the neighbor put up an open ended snow fence, but located it on his clients property, which in a letter written by David Mashewski Law Office requested be taken down and the fowl be restrained in a manner that ensures they do not cross onto Mr. Butler's property. Mr. Butler reported that it was ineffective due to the height and being open ended which allowed the animals to continue to come on their property. They have contacted Ag & Markets, DEC, law enforcement, Town of Varick Code Enforcement Officer, Town of Varick DCO, Seneca County Health Department, and Nozzolio's office and no one has been able to solve their issue with their neighbor's animals. Both Mr. Butler and Ms. Wilson stated that they have no problem with their neighbor having the animals, and do not wish to harm them, but they want them to stay off their property. Discussion was held regarding whether the town zoning code had a nuisance ordinance that could apply to this circumstance. After further discussion and review the board will have the town attorney write a strongly worded letter to the Madeline Johnson and Cynthia Brown, owner and residents of the property, requesting resolution to Mr. Butler and Ms. Wilson's complaints and invite them to attend the next board meeting to address this issue. In the interim, the zoning code will be reviewed for a nuisance ordinance which could apply and the association of Towns will be contacted for suggestions of laws in place to address such issues.

Mr. Saeli reported that he had received an email from John Thomas who lives at 5370 East Lake Road requesting the board to adopt a resolution against Crestwood's development of a gas distribution and storage hub on Seneca Lake and sited his reasons for his opposition. Mr. Saeli invited Barry Moon from Crestwood to attend the board meeting to address Mr. Thomas' concerns. Barry Mood introduced himself and David Crea from Watkins Glen who then distributed information for the Finger Lakes LPG Storage Project in Schuyler County. They reviewed the informational packet and answered questions presented. . In summation they asked that the board adopt a resolution in support of this project as they have done in other townships. They did report that not all towns acted on their request.

Mr. Saeli presented a letter from Andrew Kozlowski, Associate State Geologist, from New York State Geological Survey written to the NYS Department of Environmental Conservation. In the letter Mr. Kozlowski states that at the time of Finger Lakes LPG Storage, LLC application there does not appear to be any geological reason to deny their request to utilize the geologic formations specified for the storage of liquefied petroleum gas. Their demonstration of both cap rock and cavern integrity is complete, and with a properly developed monitoring program, Finger Lakes' proposed use of the Salt Point caverns is geologically sound. Further, in their review of the application materials, it has been demonstrated that the caverns in this salt formation have a longstanding operational record as a gas storage facility without any geologic evidence of incompatibility for this intended purpose.

Mr. Hogue suggested that if the board were to consider a resolution, they should hear the opposition's concerns as well. No action was taken at this time by the board.

Jim Hagadorn questioned the likelihood of water being extended up Hahnel Road. Supervisor Hayssen stated that due to the limited number of connections, it would be cost prohibitive.

Jeff Hogue questioned how long a building permit is good for. Prior to the new zoning code, building permits were valid for a year from the date they were issued. The permits then could be renewed with no additional cost through the code enforcement officer. It was unclear if that had changed with the new regulations.

Richard Olsen asked reported that the hydro-seeding was completed on his property and it was explained to him that the O/M fee would be charged once connection to the water line was completed. It was also explained that ISO will test the hydrants and issue a determination that will be available to insurance companies to access when computing insurance rates.

The planning board is still working on the zoning for the former depot property and a public hearing will be held prior to any adoption of new zoning regulations.

Highway: Mr. McCulloch reported that the resurfacing of 1.1 miles of Hahnel Road was completed at a cost of \$70,000. The shoulders still need to be completed.

He reported that fall clean up went well and the number of dumpsters used was less than in the past.

Mr. McCulloch also reported that according to Roy Gates at the county there are no bids out for mowers and the estimated cost of a new mower with a sickle bar is \$50,000 and no bids are available for pick up trucks and the estimated cost is \$28,000. He was not sure of the trade in values of the current equipment.

He did check the Ferguson property where the stones had washed out and they are all in the ravine and he cut down the weeds at the corner of

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

Code Enforcement Report: Larry Colton submitted his written reports for August and September.

Varick Water District No. 1: Cindy has to complete the leak detection, but as of this date, no leaks have been detected.

Seneca Lake Water District: No report regarding the bolt replacement.

Varick Water District No. 3: It was reported that easements still need to be obtained from the homeowners in order to move hydrants.

Varick Water District No. 4: Discussion was held as to who will be doing the water billing and when the first bills will be sent. The board is hoping to have the meters read for the last quarter of this year for billing to go out the beginning of January. Options that were presented to complete this billing were the Village of Waterloo, Town of Seneca Falls or the town completes this billing. Mr. Hayssen will look further into this. Flushing of the line continues to be done in order to keep the chlorine levels up.

Discussion was held regarding the master meter and how to read water usage from it. Mr. Hayssen reported that there are three gages on the meter, top one that reads the flow of water passing through the meter heading into water district No. 4, the second meter is water that runs back into the town of Fayette's line when pressure in the line is reduced, and the bottom gauge is the actual amount of water used by Varick Water District No. 4.

Varick Sewer District No. 1: Nothing to report.

Varick Sewer District No. 2: Mr. Sacli reported that he assumes Gould Pumps does not make a replacement grinder pump as he has received no calls back from Hudsons.