

Town of Varick
Minutes of the Town Board Meeting
September 1, 2015

The regular meeting of the Varick Town Board was call to order at 7:00 p.m. by Supervisor Robert Hayssen. Present at this meeting were Council Members Todd Horton, John Saeli, Kathy Russo, and Richard Peterson, Town Clerk, Donna Karlsen, Bookkeeper, Angel Testa, Attorney for the Town, Steve Ricci, Code Enforcement Officer, Larry Colton, Highway Superintendent, Richard McCulloch, Planning Board members, Thomas Bjorkman and Richard Olsen, and Ovid Gazette reporter, Aneta Glover. Also present were Kathy Swasey, Timothy R. Crtichfield, William Moon, Edith Colton, Ward Crafts, Greg Cool, and Robert Lerch, Jr. and Leslie Mauro an attorney representing Finger Lakes Technologies.

A motion by Richard Peterson, seconded by Kathy Russo and so carried unanimously to open the public hearing to consider adopting Local Law No. 1 for the year 2015 entitled "A Local Law to Amend The Zoning Ordinance and Subdivision Code For the Town of Varick, Seneca County, New York." at 7:05 p.m. as advertised.

Planning board member, Thomas Bjorkman addressed the board and stated that it has been over two years of collaborative work with the Town of Romulus, who has already passed their zoning for the depot property, and is happy to have finally reached a point where the board can consider passing the proposed zoning changes for this area located in the Town of Varick.

Mr. Hayssen stated that this land is currently zoned conservation which restricts how it can be used by farmers and other entities. Originally it was thought that the IDA would be seeking the services of a marketing company to market this land using the guide lines set by the implemented zoning regulations by the towns of Romulus and Varick. Due to the uncertainty of the IDA's intentions as to how they are planning to dispose of this property, Mr. Hayssen suggested that the board delay in moving forward with the adoption of the changes to the zoning code as land zoned conservation is restrictive in how it can be used. He also suggested that by delaying the adoption of the new zoning, it would allow time for the county or towns to seek ownership/control of the road.

Larry Colton reported again that he has been passing a petition pertaining to the subdivision and sale of the former Seneca Army Depot property asking that this land be sold to area citizens as opposed to corporate entities. Included in this petition is the reopening and restoring of the road inside the Army Depot that connects Route 96 to Route 96A. The fear is that the IDA will sell the land, perhaps splitting it into two large parcels, to a large farming entity who has shown interest and will take over the road for private use. Many small farm owners, to include the Amish and Mennonites, have expressed interest in this land and would like a chance to purchase it and local residents would like to see this road open for public use.

Mr. Horton stated that through the zoning code revisions the town will have control over how the land is used and indicated that the IDA has been involved with the proposed changes.

Discussion was held regarding the IDA's potential intent to sell quickly and with the least amount of effort if the opportunity arises. The zoning will provide guidelines as to how the property can be used, but not how it will be sold or to whom. Mr. Hayssen also expressed his opinion that the money from the sale of the property should go back into the depot land for maintenance and development. Mr. Hayssen indicated that by keeping the conservation zoning in place it will prohibit the IDA selling it off without further input from the towns and will put pressure on the IDA to get a definitive plan in place as to their intention, if any at this point, of marketing this property and their thoughts of how they wish to dispose of it.

Tim Critchfield indicated that the bottom line is the tax base and reminded the board that that back in 1941, before the depot took over this land, it was an individual farming community. It is the general consensus that it would be beneficial to the town, as indicated through the proposed zoning changes, that development of small communities and businesses in this area would benefit the tax payers through the increase in tax base. Sale of the property to a corporate farming entity would decrease the tax base through applicable farming exemptions and subsidies.

Mr. Hayssen suggested that the IDA should bid the property off as surplus property divided into 100 to 150 acre parcels. The highest bidder gets first choice of the acres and so on. Varick could take over the road. He also suggested that smaller farmers who are interested in the land, might pool their money and bid as one entity to compete against the larger farmers coming in.

Steve Ricci reviewed some of the steps the town would have to take in order to obtain ownership of the road. He reported that since the road is already a county road, it would make legally more sense if Seneca County would reopen and maintain the road. It is unclear why Seneca County Highway Superintendent Roy Gates is not interested in taking over this road and has made his recommendation as such to the Board of Supervisors. Mr. McCulloch expressed his opinion that the road has a good base and it would be feasible to refurbish the road and reiterated that he would be willing to complete this work with funding. He feels that although Mr. Gates has expressed his opinion, without any supporting details that those in attendance are aware of that he does not want to have the county take over this road, the board of Supervisors needs to listen to what the people want and research the ramifications and costs to reopening this County road under county ownership.

It was suggested that the board and all those interested in this property contact the IDA board members and make their opinions heard and put the pressure on them to do what the people want.

Mrs. Russo questioned whether the board could consider the revisions to the Zoning Code and Subdivision regulations separately. Attorney Ricci stated that as it was presented and advertised under Local Law No. 1 of 2015 together, the board could not do this but could table any action for a reasonable amount of time if they wish,

Representative for Finger Lakes Technologies, Leslie Mauro from Harter Secrest & Emery LLP, confirmed with the board that the only revisions made to the Zoning Code and Subdivision Regulations presented at this public hearing are the ones the board discussed and approved at the public hearing held on July 7th.

A motion by Kathy Russo, seconded by Richard Peterson and so carried to close the public hearing at 7:50 p.m.

Privilege of the Floor: Rich Olsen thanked the board for the removal of weeds and placement of rocks in front of his property at 5404 Route 89 as part of the restoration work being done for Water District No. 4 project. He is still not happy with the size of rocks that have been put in place and questioned if larger rocks would be added. Mr. Hayssen reported that Chris Covert, DOT, reviewed this property and approved the stone that was put in place by DeTorelli for stabilization of the bank. Steve Ricci stated that at this point the town is the middleman and is unable to do anything about his concerns as state DOT have approved what has been put in place. He recommended that he contact Chris Covert with any concerns he may have and keep the board informed of the situation. Mr. Olsen requested that the board not pay DeTorelli any further payments until he has a chance to discuss his concerns with Chris Covert.

Timothy Crichfield presented a letter to the board lodging a formal complaint concerning the town Zoning Code Enforcement Officer, Larry Colton. He feels Mr. Colton's conduct as a zoning code officer is unprofessional and cited two separate incidents. He also reviewed and questioned Mr. Colton's interpretation of the zoning laws. William Moon also addressed an issue regarding Mr. Colton's conduct and his interpretation of the codes pertaining to a vehicle he had for sale in his front yard. Dick Boergers also contacted the town clerk on August 13, 2015 lodging a complaint pertaining to Mr. Colton's conduct and his use of double standards and is upset that he has yet to address the number of unlicensed vehicles on Walt Wolverton's property. Mr. Colton reviewed his actions, noted that he had a state police officer in attendance during some of these actions and felt he did nothing out of order.

Bookkeeper: A motion by Todd Horton, seconded by Kathy Russo and so carried unanimously to approve the bookkeepers report.

Mrs. Testa reported that Kris Karlsen would be able to receive better health benefits through his wife's employer which they will have to pay for. He questioned if he were to switch, would he still receive the amount the board currently contributes to his health insurance to offset the cost of premium under his wife's plan. According to the figures provided, there would be a cost savings to the town and the board agreed to continue to

pay for his health coverage. The bookkeeper will research how this can be done, either through payroll or through an expense check and let the board know at the next meeting.

Highway: Mr. Saeli reported that Kunney Road will be resurfaced.

Varick Sewer District No. 1: No new business.

Varick Sewer District No. 2: No new business.

Varick Water District No. 1: No new business.

Seneca Lake Water District: No new business.

Varick Water District No. 3: John Saeli reported that he was in contact with Fayette Supervisor, Cindy Lorenzetti and they are to meet within the next week to discuss obtaining engineering services to complete the drawings of record.

Varick Water District No. 4: The board has requested a copy of the punch list and the items that have been completed. Mr. Hayssen will try to get this distributed.

Town Clerk's Report: A motion by Todd Horton, seconded by John Saeli and so carried unanimously to accept the Town Clerk's Report: Supervisor: \$305, NYS Ag & Markets: \$22, Total Disbursements: \$327.00

Varick/Romulus Summer Recreation: Mrs. Russo reported that the program received a \$25 donation from the Kiwanis Club of Seneca Falls and \$400 from Seneca Meadows.

Minutes: A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to approve the minutes of August 4, 2015.

Planning Board: Mr. Ricci reported that Part 1 of the SEQR form is complete and the public hearing held with no comments. Mr. Ricci went on to explain the board will now have to complete Part 2, Identification of Potential Project Impacts and Part 3, Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance prior to approving Local Law No. 1 of 2015. The board must also have the revised changes to the regulations 10 days prior to adopting them. Considering the time frame and discussion regarding the benefit of tabling this law the following motion was made.

A motion by Todd Horton, seconded by Richard Peterson and so carried to table the SEQR completion of Part 2 & 3 and further action pertaining to Local Law No. 1 of 2015 until October 6, 2015 board meeting.

Roll Call:

Robert Hayssen:	Yes
Todd Horton:	Yes
John Saeli:	Yes
Kathy Russo:	No

the benefit of any Indian or Indian tribe by the Federal Administration controlling the Department of the Interior at the time of the application, all without Congressional oversight at the Secretary's direction; and

WHEREAS, the Bill fails to provide meaningful local input to the land to trust process, permitting the Secretary to disregard local municipal comment and ignore an Indian tribe's failure to obtain cooperative agreements with local municipal governments that might minimize the disruptive impact of trust acquisition or even worse, to determine that a local municipality's failure to agree to tribal demands in connection with such application constitutes a failure to bargain in good faith; and

WHEREAS, empowering the Secretary with such discretion would in effect, create a virtual administrative veto over local objections to tribal trust acquisitions and would permit the Secretary, based upon political or other considerations to authorize Federal, Indian controlled enclaves into heavily populated areas resulting inevitably in administrative disruption and local economic instability; and

WHEREAS, this Resolution has been taken from the floor of the Town of Varick by majority vote of the members present and passed unanimously, Now, Therefore, be it

RESOLVED, that the Town of Varick Board respectfully urges the strongest opposition to this Bill from our Congressional delegation and from the United State Senate as a whole; and be it further

RESOLVED, that the Board further request that our state legislator affirm and convey to our Congressional delegation, their opposition to this Bill; and be it further

RESOLVED, that the Clerk for the Town of Varick Board cause a copy of this Resolution to be transmitted to each member of our Congressional delegation and to each and every member of the United State Senate and to our representative in the New York State Assembly and Senate.

Motion by: John Saeli

Seconded By: Richard Peterson

So Carried Unanimously

Mr. Hayssen presented a resolution asking the board to reaffirm the Town of Varick's support of the Lago Resort and Casino in the Town of Tyre. John Saeli and Kathy Russo are generally opposed to casinos, however feel if Seneca County doesn't get one it will be built and controlled by the Cayuga Indians which they are not in favor of. Richard Peterson is opposed as Lago stated they wouldn't ask for tax breaks, but are receiving them. Todd Horton is morally opposed, but will support the resolution as the financial impacts are beneficial.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF VARICK, NEW
YORK
SUPPORTING THE LAGO RESORT & CASINO IN THE TOWN OF TYRE,
SENECA COUNTY
SEPTEMBER 1, 2015**

WHEREAS, the New York State Legislature passed the Upstate New York Gaming Act in the Fall of 2013 ("2013 Gaming Act") and by statewide voter

referendum on November 5, 2013, the electorate approved a constitutional amendment to permit "class 3", or what is considered fill casino gaming operations by tax paying entities; and

WHEREAS, the 2013 Gaming Act called for establishing "four destination resort casinos in upstate New York" through a competitive process whereby up to four (4) gaming licenses will be awarded in what was identified as Region 1 (Catskill Region - Colombia, Delaware, Dutchess, Greene, Orange, Sullivan and Ulster Counties), Region 2 (Capital Region - Albany, Fulton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie and Washington Counties), and Region 5 (Upstate Region - Broome, Seneca, Tioga, Tompkins Counties and portions of Chemung, Schuylar and Wayne east of State Route 14); and

WHEREAS, the Board has reviewed materials provided by Lago Resort & Casino, LLC, a partnership between Wilmorite, Inc. and Peninsula Pacific (collectively, the "Developer") which indicate the Lago Resort & Casino will be a \$425 million project, featuring a casino, hotel, spa, as well as dining and entertainment with 1,800 construction jobs and 1,800 permanent jobs with a \$50 million annual payroll (the "Lago Casino Project"); and

WHEREAS, the Lago Casino Project was recommended for a license on December 17, 2014 for a Region 5 License by the Facility Location Board and is awaiting formal award by the New York Gaming Commission of a Region 5 Gaming License; and

WHEREAS, the Board has passed a Resolution in support of the Lago Casino Project in the past but desires to renew its showing of support as the Town of Tyre renews its reviews under SEQRA and re-considers the various land use approvals for the Lago Casino Project in an effort to show the solidarity of support in Seneca County for the Lago Casino Project all in an effort to provide job opportunities for residents of the County and to maximize revenue opportunities for the County.

NOW THEREFORE, THE TOWN BOARD HEREBY RESOLVES, AS FOLLOWS:

RESOLVED, that the Town Board supports the proposed development of the Lago Casino Project in the Town of Tyre, Seneca County;

RESOLVED, that the Town Board hereby finds that the Lago Casino Project will be located where infrastructure is readily available on New York state owned and maintained highways at NYS Thruway Exit 41 so that it balances the desire to grow the area tax base while respecting the rural nature of the County of Seneca and as such is consistent with the regional growth goals and the Town of Tyre and County of Seneca Comprehensive Plans.

RESOLVED, that each member of the New York State Legislature, the

Governor of New York and the New York federal delegation are called upon and urged to join this Board in supporting the awarding of a gaming license to the Lago Resort & Casino.

Motion by : John Saeli

Seconded by: Kathy Russo

The question of adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

Roll Call:

Robert Hayssen: Yes

Todd Horton: Yes

John Saeli: Yes

Kathy Russo: Yes

Richard Peterson: No

This resolution shall take effect immediately

A motion by Todd Horton, seconded by Kathy Russo and so carried unanimously to enter into executive session regarding personnel and litigation issues at 8:10 p.m.

A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously to come out of executive session at 9:50 p.m.

A motion by Kathy Russo, seconded by Todd Horton and so carried to adjourn the meeting at 9:50 p.m.

Respectfully submitted

Donna Karlsen, Town Clerk