

Varick Town Board
October 6, 2015

The regular meeting of the Varick Town Board was opened 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, Angela Testa, Highway Superintendent, Richard McCulloch, Attorney for the town, Stephen Ricci, Code Enforcement Officer, Larry Colton, Planning Board Members, Linda Mastellar, Thomas Bjorkman, Richard Olsen and Bill Squires, Dog Control Officer, Bryan McCann, reporter for the Finger Lakes Times, David Shaw and reporter for the Ovid Gazette, Aneta Glover. Also present were Eric Riegel and the Attorney Leslie Mauro representing Finger Lakes Technologies.

A motion by John Saeli, seconded by Richard Peterson and so carried unanimously to open the public hearing at 7:03 p.m. to consider the identification of potential project environmental impacts and the evaluation of the magnitude and importance of the project impacts and a determination of the significance upon completion of, and consider the criteria listed in Section 617.11 of SEQR Regulations and the Environmental Assessment Form and narrative in connection with the adoption of the Local Law No. 1 for Year 2015 entitled "A local Law to Amend the Zoning Ordinance and Subdivision Code for the Town of Varick, Seneca County, New York".

Supervisor Hayssen reported that public hearings had been held pertaining to the Full Environmental Assessment Form Part 1 – Project and Setting pertaining to Local Law No. 1, 2015. He then opened the floor for comment with regards to the completion of the SEQR review of the Full Environmental Assessment Form Part 2-Identification of Potential Project Impacts and Part 3-Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance regarding Local Law No. 1, 2015.

There were no comments from the floor and the following motion was made:

A motion by Richard Peterson, seconded by Todd Horton and so carried unanimously to close the public hearing at 7:08 p.m.

Privilege of the Floor: Eric Riegel reported that he felt there was an illegal sub-division permit issued to his neighbor, Keith Perry's, and has asked the board to research this matter. Attorney Stephen Ricci excused himself as attorney for the town with regards to this subdivision matter stating he had a conflict of interest. Mr. Hayssen reported that he had contacted Wendy Marsh of Hancock and Estabrook, who had represented the town in other matters and agreed to represent the town in this matter and Mr. Hayssen was seeking board approval.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to hire Wendy Marsh from Hancock & Estabrook to represent the town in regards to the subdivision in relation to property owned by Keith Perry located at 5391 Route 89.

Mr. Hayssen will contact Wendy Marsh regarding the board's decision.

Mr. Colton reported that Keith Perry had discussed this property with him, and it was his understanding that they were going to do a right-of-way through an easement, and not a subdivision of the property. Mr. Colton stated that he did not grant permission for a subdivision and did not put anything in writing permitting this.

It was reported that there is a possible subdivision issue on East Lake Road as well, but no formal complaint has been brought to the board's attention as of this date. It was noted that any subdivisions should be presented to the code enforcement officer, who then presents it to the planning board and town attorney for review and approval.

Highway: Mr. McCulloch reported paving has been completed and the holes on North Townline Road have been filled. It was also clarified that the purchase of a new pick-up was budgeted for in the 2015 budget and he reviewed a Federal program which is taking place of the prior state bidding processes. He also received approval to purchase a copier for his office.

Mr. McCulloch reported that fall clean-up begins Wednesday, October 7th and reported that the county has informed him that they will not take electronics from fall clean-up as they have done in the past. Supervisor Hayssen stated that he would contact the county in regards to this matter and let Mr. McCulloch know if electronics can be collected.

Code Enforcement Officer: Dianne Colvin expressed concern through an email dated October 6th regarding the sale of cigarettes by the Cayuga Nation on Route 124 in the town of Varick. Larry Colton reported that there is a special use permit required in order to sell cigarettes from this location which needs to be processed through the Zoning Board of Appeals. He has been in contact with the Sheriff's department and has been directed by them to back off from this issue at this time as they are performing a criminal investigation. The board discussed sending a certified letter to them requesting a permit and it was anticipated that the Cayuga Nation would destroy any paper work they may receive. Bryan McCann, who also works for the 911 Center dispatch cautioned the board regarding this matter and recommended they follow the Sheriff's office directive. Mrs. Karlsen expressed concern regarding retribution against the town offices and personnel and recognized safety issues. Taking into consideration the direction by the Sheriff's department and the concern regarding the safety issues pertaining to town employees, the board will take no action at this time regarding the special permit requirement, but will stay in contact with the Sheriff's department regarding this matter.

Sewer District No. 1: No report

Sewer District No. 2: No report

Varick Water District No. 1: No report.

Seneca Lake Water District: No Report.

Varick Water District No. 3: Mr. Hayssen reported that he responded in writing to the Town of Fayette's letter prior to the September 30th deadline regarding Willy's Water usage and how the billing was being completed. The number of gallons purchased by Willy's Water will now

be reported to the Village of Waterloo to be added into the number of gallons of water sold to consumers in Water District No. 3.

Varick Water District No. 4: Mr. Hayssen reported that Orrick submitted a revised agreement to complete the financing of Water District No. 4. Mr. Ricci reviewed the revised agreement and felt it was in order.

A motion by Todd Horton, seconded by Kathy Russo and so carried unanimously to direct Supervisor Hayssen to sign the revised contract dated September 2, 2015 in regards to rendering approving opinions in connection with the obligations to be issued pursuant to the Local Finance Law by the Town in order to finance Water District No. 4, \$1,700,000 Serial Bonds –Sale to U.S.D.A.

Dog Control Officer: Bryan McCann thanked the board for the flowers sent to his family for the death of his father. Mr. McCann also reviewed his written report for the months of June through October 1st. He discussed with the board an issue regarding Sheldon Sharp and the Jennings family. He reported that he just received the requested letter from Sheldon Sharp prior to the beginning of this meeting and will be issuing a running at large ticket to the Jennings.

Town Clerk's Report: A motion by Richard Peterson, seconded by Kathy Russo and so carried unanimously to approve the Town Clerk's Report, Supervisor; \$295.00, NYS Ag & Markets; \$20.00, State Health Department; \$45.00, Total Disbursements: \$360.00.

Mrs. Karlsen addressed an email from Mary Anne Kowalski pertaining to a FOIL request. She reported that Mrs. Kowalski has been provided the information she requested from the bookkeeper, who provided her with the General Ledger for all water and sewer districts for the past five years. Mrs. Karlsen reported that in Mrs. Kowalski last email to her she stated she would be contacting her later that week, but never did. Mrs. Karlsen reported that she will continue to work with Ms. Kowalski so that she will hopefully better understand how to read the information she has been given.

Varick/Romulus Summer Recreation: Aneta Glover reported that the director of the Summer Recreation program gave an excellent report to the Town of Romulus pertaining to this year's program.

Assessor: No report

Bookkeeper: A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously to approve the Bookkeeper's report.

Mrs. Testa reported that she contacted the State Comptroller's office with regards to payment of employee's health insurance. They stated that the proper way to reimburse for health benefits would be through payroll and suggested implementing a town policy regarding health insurance. The following policy was submitted and approved:

Health Insurance Policy for Full Time Employee.

Full Time appointed employees in permanent positions of the Town of Varick, who work 40 hours or more per week, at least nine months of the year are eligible to participate in the Town of Varick Employee Health Benefit Plans. The Affordable Care Act (ACA) also allows Employees who have worked an average of 40 hours or more per week during a 12 month period access to employer sponsored health insurance. An Employee must complete the Benefits Enrollment Form during the initial 30-day enrollment period.

As a new employee or ACA eligible employee, your health insurance coverage goes into effect the 1st of the month following the date of hire (*new hires*) or eligibility date (ACA eligible).

The main components of the Town of Varick Employee Benefits Program are as follows:

1. Eligible for full single coverage of Town of Varick selected Health Insurance.
2. 60% of Town of Varick selected Health Insurance for Family, Employee Child(ren), Employee Spouse or Domestic Partner policies.
3. Opt-Out of the Health Plan
Employees who Opt-Out of the Health Plan will receive a 35% reimbursement of Town of Varick selected Health Insurance for Family, Employee Child(ren), Employee Spouse or Domestic Partner policies that coincides with their situation needs

A motion by Todd Horton, seconded by John Saeli and so carried unanimously to adopt the Health Insurance Policy for full time Employee.

Mrs. Testa also reported that the board has received a copy of the Tentative Budget and provided them with a breakdown of what prior years' budgets were and what was expensed out. It was recommended by the Supervisor and Bookkeeper that the board members review the information provided, make notes with regards to budget lines they have questions on so they are prepared for the Budget Workshop. This will expedite the process.

A motion by Todd Horton, seconded by Kathy Russo and so carried unanimously to hold a 2016 budget workshop on Thursday, October 22 at 7:00 p.m. and to address any other business that may come before the board.

A motion by Kathy Russo, seconded by John Saeli and so carried unanimously to move the regular meeting of the Varick Town Board to November 4, 2015 at 7:00 p.m.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Amendment of the town of Varick General Fund, SLF & SLR, Resolution No. 8.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Amendment of the town of Varick Highway Fund, Resolution No. 9.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Amendment of the town of Varick Water District No. 1, Resolution No. 10.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Amendment of the town of Varick, Seneca Lake Water, Resolution No.11.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Amendment of the town of Varick Sewer District No. 1, Resolution No. 12.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Amendment of the town of Varick, Varick Sewer District No. 2, Resolution No. 13.

Planning Board: A discussion was held regarding the Zoning and Subdivision regulations. It was noted that the Planning Board's agenda is to not over regulate the town and to make regulations that are enforceable and address what is in the best interest of the town residents.

With regards to the depot property, Mr. Hayssen reported that it was suggested that an application process be put in place with a non-refundable fee to show interest from those who are interested in this property. The IDA was agreeable to this suggestion and is in the process of drafting an application.

Mr. Hayssen suggested that the Towns of Romulus and Varick hire Stuart Brown as an adviser to help visualize a community and make recommendations on how to divide this land into parcels and submit it to the committee working with the IDA. It was recommended that the Town of Romulus would be interested in securing their services as well.

A motion by Todd Horton, seconded by Kathy Russo and so carried unanimously to seek a proposal and secure the services of Barbara Johnston of Stuart Brown as an advisor for the development of parcels in the former depot.

Mr. Ricci reported that the Right-to-Farm Law does not trump local code laws and is comfortable with however the board chooses to address the zoning of the depot property at this time. He did suggest that the board continue with the SEQR process so everything has been completed regarding Local Law No. 1 if the board should choose to move on the proposed zoning and subdivision revisions.

Minutes: A motion by John Saeli, seconded by Richard Peterson and so carried unanimously to approve the minutes of September 1, 2015.

Abstract: A motion by Richard Peterson, seconded by Todd Horton and so carried unanimously to approve Abstract No. 10, General Fund Vouchers A0015-172 to A0015-187 in the amount of \$5,136.05, Highway, Abstract No. DAO15-070 to DAO15-0276 in the amount of \$54,541.64, Varick Sewer District No. 1, Vouchers VS115-028 to VS115-029 in the amount of \$177.42, Varick Sewer District No. 2, SSS15-043 to SSS15-044 in the amount of \$\$2,696.41, Varick Water District No. 1, VW115-015 to VW115-016 in the amount of \$272.00, Seneca Lake Water District, Voucher SWS15-043 to SWS15-044 in the amount of \$80,904.78, Varick Water District No. 3, VW315-018 to VW315-019 in the amount of \$272.00, Varick Water District No. 4, VW415-024 to VW415-027 in the amount of \$2,155.76. .

A motion by Richard Peterson, seconded by Todd Horton and so carried unanimously to approve Varick Water District No. 4, Capital Project invoice:

Department of Environmental Conservation \$110.00

SEQR Review Part 2 and Part 3 for Local Law No. 1, 2015:

Attorney Stephen Ricci reviewed in detail, line by line Part 2 and Part 3 of the SEQR review with the board. Each pertaining question was completed by the board, taking into consideration the recommendations made by Barbara Johnston, of Stuart Brown & Associates.

A motion by Todd Horton, seconded by Kathy Russo and so carried unanimously to accept the completed Full Environmental Assessment Form Part 2 – Identification of Potential Project Impacts.

**TOWN OF VARICK
RESOLUTION No. 14
TOWN BOARD RESOLUTION ISSUING THE NEGATIVE DETERMINATION
OF ENVIRONMENTAL SIGNIFICANCE FOR PROPOSED REVISIONS TO THE
VARICK TOWN CODE**

Whereas:

1. The Varick Town Board (hereinafter referred to as town Board) has reviewed the Environmental Assessment Form and narrative for the adoption of amendments to the Varick Town Zoning and Subdivision regulations that include:

- Rezoning portions of the existing Conservation, Recreation and Green Energy Development district to a new Warehouse, Industrial, Transportation, Energy (WITE) district, a new conservation (C) district and to Agricultural Residential, which permits residences and other uses;
- New and modified definitions and special use permit criteria for uses permitted in the new WITE and Conservation zoning district and in the existing zoning districts within the Depot
- A new Environmental Restrictions Overlay District within the proposed Conservation District where land uses are restricted as a condition of completed environmental remediation.
- Revisions to Zoning regulations Overlay District within the proposed Conservation District where land uses are restricted as a condition of completed environmental remediation.
- Revisions to Zoning regulations to specify procedures and criteria for Site Plan Review for multi-family residential and non-residential uses, excluding agricultural uses
- Provisions to accommodate and, in certain instances, require cluster subdivisions on parcels of 10 acres or larger

2. The Town board has considered the Environmental Assessment Form and narrative and the proposed Negative Determination of Environment Significance.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board declares that the actions to adopt amendments to the Varick Town regulations will not have a significant adverse effect on the environment.
2. The Town Board further declares that the reasons supporting this negative declaration include:
 - a. Compared with the criteria listed in Section 617.11 of SEQR regulations, all indications are that the proposed action will not cause a substantial adverse change in community character, aesthetics, design and natural features; and,
 - b. Review of the proposed zoning amendments, as well as the Environmental Assessment Form and negative, has indicated that the proposed zoning amendments will not have a significant adverse impact on the environment of the Town of Varick.
3. The Supervisor is directed to sign Part 3 of the Full environmental assessment Form to indicate that a Negative Determination of Environmental Significance has been issued.
4. The Town Clerk is directed to file a copy of the negative Determination of Environmental Significance and Attachment thereto in the Town Office and with the NYS Department of Environmental Conservation.

The above Resolution was made by Councilman Richard Peterson and seconded by Councilman Todd Horton at a Town Board Meeting held on October 6, 2015, and after discussion was approved by a roll call vote of the Town Board recorded as follows:

ROLL CALL VOTE:

Robert Hayssen:	Yes
Todd Horton:	Yes
John Saeli:	Yes
Kathy Russo:	Yes
Richard Peterson:	Yes

Mr. Ricci indicated that these forms should be submitted in preparation of any action that might be taken with regards to Local Law No. 1, of 2015 in the future. He will assist in the submittal of these forms to the required entity.

The board agreed to take no action at this time on Local Law No. 1 which pertains to the revised zoning and subdivision codes.

New Business, Old Business, Correspondence:

Mr. Hayssen received a letter from the State of New York Unified Court System requesting a copy of the most recent audit or examination of the town's local court's records and a copy of the board's resolution acknowledging that the required examination or audit was conducted. Mr. Ricci explained that the audit can be done by one board member reviewing the judge's court books for 2014 and 2015 with the judge.

A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously to assign Councilman Todd Horton to review the 2014 and 2015 court records in accord with Section 2019-a of the Uniform Justice Court Act and report back to the town board once said records have been examined and/or audited.

A motion by Todd Horton, seconded by Kathy Russo and so carried unanimously to adjourn the meeting at 9:35 p.m.

Respectfully submitted,

Donna Karlsen
Varick Town Clerk