

October 5, 2021

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 Councilmen Tom Fox, Richard Peterson, Eric Riegel and Richard McCulloch, Town Clerk, Donna Karlsen, Highway Superintendent, Ben Freier, Water and Sewer Operator, Ben Karlsen, Bookkeeper, Angela Testa, Attorney for the Town, Frank Fisher, Code Enforcement Officer, Tim Doran, and Assessor, Anne Morgan. Also present were Mike Doyle, Luke Allen, and Mike Scarrett.

A motion by Tom Fox, seconded by Eric Riegel and so carried unanimously to enter executive session at 7:00 p.m. to discuss a personnel issue.

A motion by Tom Fox, seconded by Eric Riegel and so carried unanimously to come out of executive session at 7:05 p.m.

**Petitioners to Address the Board:** Mike Scarrott and Luke Allen requested permission from the board to allow the Seneca Sledders Snowmobile Club access to ride through the east side of the Varick Town Dump off Route 129. Mr. Scarrott reviewed the General Obligation Law 9-103 which would exempt the town of any liability if the town gives permission to the Seneca Sledders Snowmobile Club to pursue any activities upon the premises does not thereby (1) extend any assurance that the premises are safe for such purpose, or (2) constitute the person to whom permission is granted an invitee to whom a duty of care is owed, or (3) assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted. He went on to say the town would be insured under the Seneca Sledders Snowmobile Club and the New York State Snowmobile Association's Master Liability Insurance Plan. He presented a Landowner Agreement for the supervisor's signature.

A motion by Eric Riegel, seconded by Richard Peterson and so carried unanimously to direct Supervisor Hayssen to sign the Landowner Agreement granting Seneca Sledders to enter property owned by the Town of Varick located at County Road 129 and Route 414 for the purposes of establishing and maintaining a seasonal snowmobile trail and acknowledging the knowledge of the New York General Obligations Law 9-103 with the understanding that the Town of Varick will be insured under a policy of insurance provided by the Snowmobile Club and the New York State Snowmobile Association's Master Liability Insurance Plan.

**Abstract:** A motion by Richard McCulloch, seconded by Eric Riegel, and so carried unanimously to approve Abstract Number 10, General, Vouchers A0021-138 to A0021-143 in the amount of \$223.13, Highway, Vouchers DA021-066 to DA021069 in the amount of \$2,743.048, Varick Water District No. 1, Vouchers VW!21023 in the amount of \$230, Seneca Lake Water District, Vouchers SWS21-79 to SWS21-082 in the amount of \$12,153.71, Varick Water District No. 3, Vouchers VW321-021 to VW321-022 in the amount of \$230, Varick Water District No. 4, Vouchers VW421-039 to VW421-040 in the amount of \$230, Varick Sewer District No. 1, Vouchers VS121-046 to VS121-048 in the amount of \$2,699.60, South Seneca Ambulance, Voucher SAF21-009 in the amount of \$6,337.17.

**Highway:** Highway Superintendent, Ben Freier reported that the concrete pipe is done but the department will wait to install it in the Spring of 2022. He is consulting with Seneca Stone to see if they will store this pipe at their facility or get a crane to unload it at the town hall for storage.

**Supervisor/Bookkeeper:** A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to approve the Bookkeeper's report.

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to approve the Amendment to the Town of Varick Seneca Lake Water Fund, Resolution No. 21-007.

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to approve the Amendment to the Town of Varick Water District No. 4 Fund, Resolution Number 21-008.

**Code Enforcement Officer:** Tim Doran reported that that he has issued 32 permits. He is receiving multiple calls on vacation rentals and feels the zoning code needs to be updated as soon as possible to address the questions being asked. He is also getting calls regarding the cannabis retail dispensaries and on-site consumption.

**Varick Sewer District No. 1:** Nothing to report

**Varick Sewer District No. 2:** Mr. Karlsen reported that he is having issues with people building to close or over the town's grinder pumps and sewer lines and would recommend the board incorporate regulations in the town's zoning code pertaining to municipal owned equipment.

Supervisor Hayssen reviewed the financial status of this district and recommend that the operation and maintenance fee be increased \$20 effective with the 2021 fourth quarter billing.

A motion by Tom Fox, seconded by Eric Riegel and so carried unanimously to hold a public hearing November 3, 2021, at 7:00 p.m. at the Varick Town Hall on raising the operation and maintenance cost in Varick Sewer District Number 2 by \$20 or to \$68 per quarter effective with the 2021 fourth quarter billing.

#### **WATER OPERATOR REPORT: September 2021**

- Marked out Dig Safety's
- Got weekly meter reads
- Did weekly water tests for each district
- Took bac t samples in all 4 districts
- Filled out and submitted monthly water report to health department
- Data logged water usage in each district
- Answered questions dealing with each water district and sewer system
- Called in Dig Tickets for upcoming projects
- Changed meters out on Seneca Lake Water District
- Cleaned shop
- Ordered new parts for upcoming projects
- Changed Grinder Pumps out

- Received updates regarding new meter reading equipment
- Retrieved Final reads as needed for closing on properties
- Wired new circuit board for grinder pumps
- Fixed sewer bread on grinder pit/service line
- Inspected new water hookups on Rt. 89

It was reported that training on the meter reading equipment is scheduled for October 6<sup>th</sup> and if all goes well, the reading of the meters and bills will go out shortly thereafter.

**Varick Water District No. 1:** Mr. Karlson reported that Jim Bromka provided the Towns of Varick and Romulus with proposals for the purchase of a Ayyeka Wavelet 4R SCADA system in the amount of \$2,013.68 and the cost of installation in the amount of \$1,620. According to Jim Bromka, this system costs would be split evenly three ways between Seneca County Water District and the towns of Varick and Romulus and all three entities would have access to the unit and cloud based data. Mr. Karlson indicated this system would be beneficial to the town.

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to split the cost evenly three ways between Seneca County Water District and the towns of Varick and, Romulus for the purchase of Ayyeka Wavelet 4R in the amount not to exceed \$2,013.68 and the cost of installation services for the Ayyeka Waverlet 4R RTU in an amount not to exceed \$1,620; providing Seneca County and the towns of Varick and Romulus unlimited access to the unit and cloud-based data.

**Seneca Lake Water District:** Mr. Karlson reported that he has approximately 18 remaining meters to change in this district and most of them are in rental properties and are difficult to get access to.

**Varick Water District No. 3:** He reported that the chlorine levels coming out of the depot are lower than normal.

**Varick Water District No. 4:** Mr. Karlson reported that it is suspected that a field tile may have been damaged when the water line was installed in the area of 5549 Route 89 and will be repaired at the convenience of the water department with the assistance from the highway department.

Mr. Karlson would like to install a SCADA system in this district. Supervisor Hayssen reported that the cost to do so was included in the 2022 budget.

**Town Clerk's Report:** A motion by Richard Peterson, seconded by Richard McCulloch and so carried unanimously to approve the Town Clerk's Report: Supervisor: \$180, NYS Ag & Markets: \$12, Total Disbursements; \$192.

**Minutes:** A motion by Richard McCulloch, seconded by Richard Peterson and so carried unanimously to approve the minutes of September 7, 2021.

**Assessor:** Supervisor Hayssen asked Anne Morgan to review how property valuations are assessed and how exemptions affect the overall growth of the town's tax base. She reported that

she would like to hire an outside firm to review the overall assessment and spoke to the fact that the town's equalization rate is at 68% currently, but believes the figure is obscured by current sales and feels it should be in the 85% range. The cost of completing this would be approximately \$7,000 which she has in her budget. This proposal will be discussed further with the four town's representatives at a meeting date to be set.

She noted that processing of deed transfers is still behind at the county level and noted she just received deed transfers for the beginning of August.

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

The introduction of local laws granting a partial tax exemption to persons with disabilities and to persons aged sixty-five and older was tabled for further discussion and review.

A motion by Eric Riegel, seconded by Tom Fox and so carried unanimously to reschedule the November regular board meeting to Wednesday, November 3, 2021, at 7:00 p.m. at the Varick Town Hall due to the 2021 general elections.

A motion by Tom Fox, seconded by Robert Hayssen to hold a public hearing before the Varick Town Board on the 3<sup>rd</sup> day of November, 2021 at 7:00 p.m. at the Varick Town Hall, 4782, Route 96, Romulus, New York to consider Local Law Number 3 of 2021 "A Local Law To Request From The New York State Cannabis Control Board, Exemption From Issuance Of Both Retail Dispensary And On-Site Consumption Licenses Under Article 4 Of The New York State Cannabis Law In The Town Of Varick.

Discussion: Mr. McCulloch is pro-business and Mr. Riegel feels this is no different than alcohol consumption and sales and is not in favor of requesting from the New York State Cannabis Control Board, exemption from issuance of both retail and dispensary and on-site consumption licenses under Article 4 of the NYS Cannabis Law.

Supervisor Hayssen called for a roll call vote on the following motion:

A motion by Tom Fox, seconded by Robert Hayssen to hold a public hearing before the Varick Town Board on the 3<sup>rd</sup> day of November 2021 at 7:00 p.m. at the Varick Town Hall, 4782, Route 96, Romulus, New York to consider Local Law Number 3 of 2021 "A Local Law To Request From The New York State Cannabis Control Board, Exemption From Issuance Of Both Retail Dispensary And On-Site Consumption Licenses Under Article 4 Of The New York State Cannabis Law In The Town Of Varick.

Roll Call:

Robert Hayssen:	Yes
Richard Peterson:	Yes
Tom Fox:	Yes
Richard McCulloch:	No
Eric Riegel:	No

Yes: 3 No: 2

So Carried

A motion by Richard McCulloch, seconded by Eric Riegel to hold a public hearing before the Varick Town Board on the 3<sup>rd</sup> day of November 2021 at 7:00 p.m. at the Varick Town Hall, 4782, Route 96, Romulus, New York to consider Local Law Number 4 of 2021 “A Local Law To Opt-Out Of The Provisions Of §487 Of The New York State Real Property Tax Law In The Town Of Varick.

Molly Headley provided a questionnaire pertaining to Cyber Liability Insurance coverage for the town. Supervisor Hayssen will contact her regarding this insurance coverage and report back at the November meeting.

**ARPA American Rescue Plan Act:** Mr. Hayssen discussed using \$37,600 of this funding to purchase grinder pumps for Varick Sewer District No. 2 in 2021 and look at using the same amount in 2022. The board recognized Seneca Lake as an asset to the Varick residents and acknowledged that if the sewer district along this lake was compromised, it would affect the Town of Varick’s businesses and residents. The balance of the grant funding would be spent on road repair in 2021 and 2022.

### **2022 Tentative Budget:**

The board reviewed the 2022 Tentative Budget and approved a 2% pay increase for all departments, approved the use of the ARPA funding to reduce expenditures in Varick Sewer District No. 2 and Highway, and approved the budgeting for water and sewer billing. The board directed the Supervisor to appropriate fund balances in the General and Highway funds to realize an overall tax increase not to exceed a 10 to 15 percent increase over the 2021 adopted budget.

A motion by Tom Fox, seconded by Richard McCulloch and so carried unanimously to move the 2022 Tentative Budget to the 2022 Preliminary Budget and to hold a public hearing before the Varick Town Board on November 3, 2021 at 7:00 p.m. at the Varick Town Hall, 4782, Route 96, Romulus on the proposed General Fund Budget, Highway Fund Budget, Water District Budgets, Sewer District Budgets, Special District Fund Budgets, and be it further advised that a public hearing will be held immediately following to adopt the following fire protection units: Varick/Romulus, Varick, and Varick/Fayette and be it further advised that the Regular Town Board Meeting of the Varick Town Board for the month of November will be held immediately following the public hearing on this date.

A motion by Tom Fox, seconded by Richard McCulloch and so carried unanimously to hold a public hearing on Local Law No. 5 before the Varick Town Board on the 3<sup>rd</sup> day of November 2021 at 7:00 p.m. at the Varick Town Hall, 4782, Route 96, Romulus, New York to consider Local Law Number 5, of 2021 To Override the Tax Levy Limit Established in General, Municipal Law §3-C In The Town of Varick

A motion by Richard Peterson, seconded by Richard McCulloch and so carried unanimously to adjourn the meeting at 9:30 p.m.

Respectfully Submitted:  
Donna Karlsen