

November 3, 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, Bookkeeper, Angela Testa, Attorney for the Town, Frank Fisher, South Seneca Representatives, Tina Epp, Zachary Gibeau and Nathan Miller, North Seneca Ambulance representatives, Ben Pierson, Kevin Lightfoote, Suzanne Redonnet, and Robert Herman.

A motion by Eric Riegel, seconded by Richard Peterson and so carried unanimously to open the Public Hearing on Local Law No. 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” at 7:03 p.m.

There were no comments presented and Supervisor Hayssen asked for a motion to close the public hearing.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried to close the public hearing on Local Law No. 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” at 7:04 p.m.

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to open the public hearing on Local Law No. 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” at 7:05 p.m.

There were no comments presented and Supervisor Hayssen asked for a motion to close the public hearing.

A motion by Richard Peterson, seconded by Eric Riegel and so carried unanimously to close the public hearing on Local Law No. 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” at 7:06 p.m.

A motion by Tom Fox, seconded by Eric Riegel and so carried unanimously to open the public hearing on Local Law No. 5 of 2021 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL, MUNICIPAL LAW §3-C at 7:06 p.m.

There were no comments presented and Supervisor Hayssen asked for a motion to close the public hearing.

A motion by Richard Peterson, seconded by Tom Fox and so carried unanimously to close the public hearing on Local Law No. 5 of 2021 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL, MUNICIPAL LAW §3-C at 7:07 p.m.

A motion by Richard Peterson, seconded by Tom Fox and so carried to open the public hearing on the 2022 Preliminary Budgets: General Fund, Highway, Water District Budgets, Sewer District Budgets, Special District Fund Budgets and to adopt fire protection units: Varick/Romulus, Varick and Varick/Fayette at 7:08 p.m.

There were no comments presented and Supervisor Hayssen asked for a motion to close the public hearing.

A motion by Richard McCulloch, seconded by Richard Peterson and so carried unanimously to close the public hearing on the 2022 Preliminary Budgets: General Fund, Highway, Water District Budgets, Sewer District Budgets, Special District Fund Budgets and to adopt fire protection units: Varick/Romulus, Varick and Varick/Fayette at 7:09 p.m.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to open the public hearing on increasing the Operation and Maintenance quarterly charge in Varick Sewer District No. 2 at 7:10 p.m.

There were no comments presented and Supervisor Hayssen asked for a motion to close the public hearing.

A motion by Eric Riegel, seconded by Richard Peterson and so carried unanimously to close the public hearing on increasing the Operation and Maintenance quarterly charge in Varick Sewer District No. 2 at 7:11 p.m.

**Privilege of the Floor:** Nathan Miller confirmed the board had received a copy of a letter dated November 2, 2021, from South Seneca Volunteer Ambulance Corp sent by Tina L Epp, President, Zachary J. Gibeau, Director of Operations and himself as Business manager and requested said letter be filed with the minutes. Also presented to the board was the 2022 Ambulance Service Agreement detailing services and an amount to be raised by taxes of \$84,639.45. Mr. Miller questioned why there was not equal distribution of the amount to be raised by taxes through the town. Mr. Hayssen explained that a portion of the town is serviced by North Seneca Ambulance unless they are unavailable and under the Certificate of Need another ambulance service will be dispatched. The board raised questions pertaining to the operation and expenses of the ambulance and who is currently doing their billing. Mr. Miller reported that Corner Stone is currently doing their billing and discussed different ways to assess the town residents other than raised by taxes in order to fund their budget.

Supervisor Hayssen reported that he was concerned about the cost for services from South Seneca Ambulance and approached North Seneca Ambulance seeking their interest in providing the same service to the entire town of Varick and asked they attend this meeting to discuss matter. A brief discussion reviewing the district lines and overlapping Certificate of Need was held with Mr. Miller and noted that if North Seneca Ambulance wasn't available, under the overlapping

Certificate of Need South Seneca Ambulance or Finger Lakes Ambulance would be dispatched as is the current case under the South Seneca Ambulance agreement. Supervisor Hayssen stated that he would be asking the board for a motion to enter into executive session to discuss ambulance coverage to be provided by North Seneca Ambulance for the entire town of Varick.

**Abstract:** A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to approve Abstract No. 11, General Vouchers A0021-150 in the amount of \$394.98, Highway, VouchersDA0-21070 to A021-080 in the amount of \$17,941.26, Varick Water District No. 1, Voucher VW121-024 in the amount of \$25, Seneca Lake Water District, Vouchers SWS21-084 to SWS21-092 in the amount of \$112,798.60, Varick Water District No. 3, VW3-21-024 in the amount of \$25, Varick Water District No. 4, Vouchers VW421-042 to VW421-046 in the amount of \$4,477.06, Varick Sewer District No. 1, Vouchers VS121-049 to VS121-051 in the amount of \$505, Varick Sewer District No. 2, Vouchers SSS21-030 to SSS21-032 in the amount of \$10,170.74, South Seneca Ambulance, Voucher SAF21-010 in the amount of \$6,337.17.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to enter into executive session to discuss ambulance coverage for the town of Varick and invited Frank Fisher, Donna Karlsen, Ben Pierson, Kevin Lightfoote, Suzanne Redonnet, and Robert Herman to attend at 7:45 p.m.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to come out of executive session at 8:25 p.m.

**Highway:** No report.

**Judge:** No report.

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

**Preliminary Budget:** Supervisor Hayssen recommended reducing the budgeted amount in the Preliminary Budget under Appropriations SAF-4540.400 Ambulance Contract from \$71,483 to \$30,437. This figure represents the amount to be raised by 2022 town taxes after applying the \$4,563 remaining balance amount from 2021. The board agreed to expend a total of \$35,000 for ambulance coverage for 2022 and to increase the number of units to be charged accordingly to include servicing the entire town.

A motion by Robert Hayssen, seconded by Richard Peterson and so carried unanimously to approve reducing the appropriation SAF-4540.400 Ambulance Contract from \$71,483 to \$30,437 in the Preliminary Budget and to increase the number of units to be charged accordingly to include servicing the entire town.

A motion by Richard McCulloch, seconded by Richard Peterson and so carried unanimously to move the Preliminary Budgets to the 2022 Adopted budgets: General Fund, Highway Fund, Water District Budgets, Sewer District Budgets, Special District Fund Budgets and to adopt fire protection units: Varick/Romulus, Varick and Varick/Fayette.

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

**Seneca Lake Water District:** Supervisor Hayssen and Water Operator Ben Karlsen will continue to work with the Morman camp for the installation of the 2” meter.

**Varick Water District No. 3:** Nothing to report

**Varick Water District No. 4:** Nothing to report

**Varick Sewer District No. 1:** The town of Romulus has not notified the town if they have purchased the Ayyeka Wavelet 4R RTU as of this date.

**Varick Sewer District No. 2:** A motion by Eric Riegel, seconded by Tom Fox and so carried to increase the operation and maintenance fee \$20 per quarter from \$48 to \$68 effective with the 2022 first quarter billing.

**Assessor:** Mrs. Morgan has just received deed transfers that date back to summer closings. A discussion was held regarding the coding for the Ambulance district and was noted that as determined by the board, everyone in the town of Varick will be assessed a unit for Ambulance coverage on the 2022 Town and County tax bills. Mrs. Morgan indicated that the number of units charged would increase and would be similar to the recycling number. She also reported that Lisa from the Real Property tax office would like her file submitted by the middle of November, which is earlier than in years past.

A discussion was held regarding completing a reval and Mrs. Morgan is waiting to see what the state is going to do with the inflated sales as this is currently throwing off the equalization rates.

**Zoning:** Nothing to report.

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

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

**Resolution: 21-009**  
**A RESOLUTION TO ENACT**  
**LOCAL LAW NO. 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”**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Varick, New York for a Public Hearing to be held by said Town on November 3, 2021, at 7:00 p.m. at the Varick Town Office Building, 4782 Route 96, Romulus, New York, to hear all interested parties on a proposed Local Law entitled “**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**”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town; and

WHEREAS, said public hearing was duly held on November 3, 2021 at 7:00 p.m. at the Town Office Building, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Varick Town Board, after due deliberation, finds it in the best interests of the Town of Varick to adopt said Local Law; now, therefore, be it

RESOLVED, that The Varick Town Board hereby adopts Local Law 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”, to read substantially as follows:

SECTION ONE: Notwithstanding the provisions of Article 4 of the New York State Cannabis Law, the Town of Varick requests that the New York State Cannabis Control Board prohibit the establishment of retail dispensaries of cannabis licenses and issuance of licenses for on-site consumption of cannabis within the Town of Varick, New York.

SECTION TWO: This Local Law is subject to permissive referendum and shall be effective forty-five days after its adoption by the Varick Town Board unless within forty-five days after its adoption there shall be filed with the clerk a petition protesting against such local law, signed and authenticated as required under §24 of the New York State Municipal Home Rule Law whereupon it shall become effective upon an affirmative vote of the majority of the qualified voters of the Town voting thereon at a special election to be held as provided under the Municipal Home Rule Law. and it is further

RESOLVED, that the Town Clerk shall forthwith cause a copy of this Local Law to be published in the official newspaper of the Town together with notice of the date of its enactment by the Board and notice that such enactment is subject to permissive referendum as provided under §24 of the New York State Municipal Home Rule Law. And it is further

RESOLVED, that the Town Clerk shall cause a copy of said Local Law to be filed in the office of the Secretary of State in accordance with New York State Law, upon the date that it becomes effective.

Moved: Tom Fox  
Seconded: Richard Peterson

Roll Call:

Robert Hayssen:	Yes
Richard McCulloch	No
Tom Fox	Yes
Eric Riegel:	No
Richard Peterson	Yes
Passed: Yes: 3	No: 2

**Resolution No.: 21-010**  
A RESOLUTION TO ENACT  
LOCAL LAW No. 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”

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Varick, New York for a Public Hearing to be held by said Town on November 3, 2021, at 7:00 p.m. at the Varick Town Office Building, 4782 Route 96, Romulus, New York, to hear all interested parties on a proposed Local Law entitled “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”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town; and

WHEREAS, said public hearing was duly held on November 3, 2021 at 7:00 p.m. at the Town Office Building, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Varick Town Board, after due deliberation, finds it in the best interests of the Town of Varick to adopt said Local Law; now, therefore, be it

RESOLVED, that The Varick Town Board hereby adopts Local Law No. 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”, to read substantially as follows:

SECTION ONE: Notwithstanding the provisions of §487 of the Real Property Tax Law and pursuant to §487(8) RPTL, no exemption under §487 RPTL shall be applicable within the Town of Varick with respect to any solar or wind energy system or farm waste energy system which begins construction subsequent to the effective date of this local law, and no exemption under said section of the RPTL shall be applicable within the Town of Varick with respect to any

micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment or electric energy storage system, or fuel-flexible linear generator electric generating system constructed subsequent to the effective date of this local law.

SECTION TWO: This Local Law shall become effective upon filing with the Secretary of State, the Commissioner of Taxation and Finance and the New York State Energy Research and Development Authority.

and it is further

RESOLVED, that the Town Clerk shall file a duly certified copy of this Local Law with the Secretary of State, the Commissioner of Finance and the New York State Energy Research and Development Authority, and be it further

Moved: Richard Peterson  
Seconded: Richard McCulloch  
Passed: Unanimously

**Resolution No.: 21-011**  
**A RESOLUTION TO ENACT**  
**LOCAL LAW No. 5, OF 2021 “A LOCAL LAW**  
**TO OVERRIDE THE TAX LEVY LIMIT**  
**ESTABLISHED IN GENERAL MUNICIPAL**  
**LAW §3-C”**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Varick, New York for a Public Hearing to be held by said Town on November 3, 2021, at 7:00 p.m. at the Varick Town Office Building, 4782 Route 96, Romulus, New York, to hear all interested parties on a proposed Local Law entitled “A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-C”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town; and

WHEREAS, said public hearing was duly held on November 3, 2021 at 7:00 p.m. at the Town Office Building, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Varick Town Board, after due deliberation, finds it in the best interests of the Town of Varick to adopt said Local Law; now, therefore, be it

RESOLVED, That the Varick Town Board hereby adopts Local Law 5 of 2021 entitled “A Local Law To Override The Tax Levy Limit Established In General Municipal Law §3-C”, to read in substantially the following form:

### **Section 1. Legislative Intent**

It is the intent of this local law to allow the Town of Varick to adopt a budget for the fiscal year commencing January 1, 2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-C.

### **Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of the General Municipal Law §3-C, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

### **Section 3. Tax Levy Limit Override**

The Town Board of Varick is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2022 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-C.

### **Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

### **Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.

And be it Further

RESOLVED, that the Town Clerk is directed to file a duly certified copy of this Local Law with the office of the Secretary of State.

Moved: Eric Riegel

Seconded: Richard McCulloch

Passed: Unanimously

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to reconsider the motion previously passed to adopt the 2022 Preliminary budget based on Attorney Frank Fisher advising Local Law No. 5 of 2021 to override the tax levy limit needed to be passed prior to adopting the 2022 budgets.



A motion by Tom Fox, seconded by Richard Peterson and so carried unanimously to move the Preliminary Budgets to the 2022 Adopted budgets: General Fund, Highway Fund, Water District Budgets, Sewer District Budgets, Special District Fund Budgets and to adopt fire protection units: Varick/Romulus, Varick and Varick/Fayette.

**Cyber Security:** An application needs to be completed prior to obtaining pricing for insurance coverage.

A motion by Tom Fox, seconded by Eric Riegel and so carried unanimously to approve becoming a member of the Cayuga Lake Watershed Intermunicipal Organization with annual dues payable in 2022 in the amount of \$603.

A motion by Richard Peterson, seconded by Richard McCulloch and so carried unanimously to adjourn the meeting at 9:00 p.m.

Respectfully submitted:  
Donna Karlsen