

June 6, 2017

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 Todd Horton, Tom Fox, Richard Peterson and Kathy Russo, Town Clerk Donna Karlsen, Bookkeeper Angel Testa, Highway Superintendent Richard McCulloch, Town Justice David Ettman, and Attorney for the Town Joe Midiri, Fayette Supervisor Cindy Lorenzetti, and Ovid Gazette reporter Aneta Glover. Also present were Eric Riegel, Dr. Fred Riegel, and Ben Freier.

A motion by Tom Fox, seconded by Todd Horton and so carried to open the Public Hearing on the Franchise Agreement between the Town of Varick and Time Warner Cable Northeast LLC locally known as Charter Communications at 7:05 p.m.

Supervisor Hayssen noted that this agreement increases the annual franchise fee in an amount equal to five percent of the annual Gross Revenue. No further comments were presented.

A motion by Kathy Russo, seconded by Richard Peterson and so carried to close the Public Hearing at 7:10.

Petitioners to Address the Board: Dr. Fred Reigel presented pictures of his cottage on Route 89, showing the improvements he has made to the property over the years. He is contesting that his neighbor, Kevin Kepner only has 18' of lake frontage which does not meet the town's ten feet setbacks to allow Kepner to put his dock into the lake. The board reported that a variance application would have to be presented to the Zoning Board of Appeals for review prior to Kepner putting the dock into the water. The town board is not aware of an application being submitted at this time. Supervisor Hayssen and Town Attorney Joe Midiri recommended that Dr. Reigel contact Jeff Hogue, chairman for the Zoning Board of Appeals for further information and the town board would make the Zoning Board aware of Dr. Reigel's concerns. Judge Ettman stated that the Army Core of Engineers regulates a ten foot set back which is what the town's code followed and also suggested that he contact them as well.

Highway: Superintendent Richard McCulloch reported that he would like to purchase a new sickle bar at a cost of \$12,353 and a Flailer at a cost of \$7,121.00 for the tractor they use to mow road sides with. He noted that the tractor, although older, is in good running condition and he doesn't feel it needs to be replaced, but the attachments should be and sought the board's approval for these purchases.

A motion by Richard Peterson, seconded by Todd Horton and so carried unanimously to authorized Highway Superintendent Richard McCulloch to purchase a sickle bar for \$12,353 and flayer for \$7,121.

Mr. McCulloch requested that the next Spring and Fall Clean up notification indicate the town does not take electronics and list TV, Computers, and Screens. Other than the question of electronics, the spring clean up went well.

Mr. McCulloch reported that they will be paving from McGrane Road to 96A and would like to pave the front parking lot of the town hall. It was noted that the town hopes to receive grant funds to add onto the building, so to hold off paving the parking lot until we find out if we get the grant.

Bookkeeper: Mrs. Testa reported that Seneca Lake Water's revenues are low which is affecting the account balance and the district has not received any payments from Seneca County Water District No. 1.

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

Abstract: Mrs. Karlsen reported that the town just received water and sewer billing for Varick Water District No. 1 and Water District No. 3 billing from Seneca County. Supervisor Hayssen recommended that the full sewer amount be paid, and only pay what our consumers used for the water in both districts. These amounts will be reflected on the voucher and added to June's abstract.

A motion by Todd Horton, seconded by Kathy Russo and so carried unanimously to approve Abstract No. 6, General Vouchers A0017-083 to A0017-086 in the amount of \$2,453.29, Highway, Vouchers DA017030 to DA017-039 in the amount of \$2,580.60, Varick Water District No. 1, Vouchers VW117-007 to VW117-008 in the amount of \$6,283.04, Seneca Lake Water District, Vouchers SWS17-024 to SWS17-031 in the amount of \$3,665.57, Varick Water District No. 3, Vouchers VW317-008 to VW3-17-009 in the amount of \$4,703.21, Varick Water District No. 4, Vouchers, VW417-015 to VW417-017 in the amount of \$3,625.64, Varick Sewer District No. 1, Vouchers VS117-019 to VS117023 in the amount of \$4,980, Varick Sewer District No. 2, Vouchers SSS17-013 to SSS17-018 in the amount of \$22,176.99.

Varick Water District No. 1: Nothing to report.

Seneca Lake Water District: Supervisor Hayssen estimates Seneca County owes this district approximately \$20,000 for water that has not been billed for due to a malfunctioning meter the county had installed. They will be installing a new meter to replace the "Jack Holley" meter around June 15th. At Attorney Wendy Marsh's recommendation, any further action against the county regarding the money the County owes this district will be stalled until the new meter has been installed and provides a defensible position against the county and can be brought to the Seneca County Board of Supervisors.

Supervisor Hayssen will be meeting with Cindy Stephen Thursday, June 8th to monitor the master meter at the Village of Waterloo and observe and test the meter at Kennedy Road which is malfunctioning.

Water District No. 3: Supervisor Hayssen reported that the Varick/Fayette master meter still hasn't been replaced by the county as of this date and reviewed the history pertaining to this issue. He reported that John Sheppard had met with county engineers MRB who said the original meter installed was not the appropriate meter as it wasn't reading the lowest flow of water going through it. The county took it upon themselves to replace it with a new meter in late summer of 2016, with

no discussion with the Town of Varick regarding this matter. The readings have been inaccurate ever since. Mr. Hayssen reported that this last quarter's water loss was more than the water sold in both Varick Water 3 and Fayette 5 water districts. The county has been working with MRB to look into this problem until just recently when John Sheppard discovered that the districts own this meter and he feels it is now the districts' responsibility to replace it. Supervisor Hayssen and Supervisor Lorenzetti contend that the original meter was specified and approved by the County Engineer originally and if it wasn't the correct meter, the county should be held responsible for replacing it with the correct one. The one the county put in place in 2016 is not working correctly and it needs to be replaced.

Supervisors Hayssen and Lorenzetti had discussed having Cindy Stephen do a leak detection on Varick 3/Fayette 5 and estimated the cost to be approximately \$2,000. Mrs. Lorenzetti suggested that the two districts could just pay the county water usage based on actual consumer water reads and figure in a 10% water loss and not replace the meter. Supervisor Hayssen expressed the importance of having a working meter in place that will help discover any water leaks when they occur. Bob has met with Paul Caffola who has suggested a meter and will be going back out to the site to check dimensions and make sure the meter will fit.

Mr. Peterson proposed that the cost of the new meter be split equally three ways between both towns and the county. It was the consensus of the board after some discussion that it is the responsibility of the county to replace the meter as the original one was purchased and installed as specified by the county engineer and it was deemed by the county that this meter was sufficient.

Supervisor Lorenzetti was concerned that if the town's purchased the new meter, there would be no leverage to get reimbursed by the county, but did suggest that if the towns were to purchase one and the county refused to reimburse the towns for the cost, the towns could reduce their water bill payments to the County until the meter was paid for. Mr. Hayssen again stressed the importance of having a working meter in place and didn't feel continued discussion with John Sheppard would be beneficial at this point.

A motion by Richard Peterson, seconded by Tom Fox and so carried unanimously to purchase a new master meter for Varick Water District No. 3 with its cost to be split 50/50 between Varick Water District No. 3 and Fayette Water District No. 5 contingent on Fayette's agreement to the split in cost and passage of a motion.

Supervisor Lorenzetti will present this motion to Fayette's board at their next board meeting for their agreement in the purchase of master meter and 50/50 split in cost.

Water District No. 4: Mr. Hayssen reported that there was a collapsed drain line at Gable house, and no leaks were found from the water main.

Water Line Extension Yale Farm Road: Supervisor Hayssen provided an Engineers Estimate of Probable Project Cost from Tim Buhl for a water transmission main from East Lake Road, up Yale Farm Road to the Depot's Main Connection on McGrane Road. The estimated amount was \$985,730.

Varick Sewer District No. 1: Nothing to report.

Varick Sewer District No. 2: The county increased the processing rate of sewage from \$35 to \$45. Supervisor Hayssen recommend that the town raise the rate to \$50 to cover any expenses effective with the third quarter billing.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to raise the sewage processing rate from \$35 to \$50 a quarter for Varick Sewer District No. 2

A motion by Kathy Russo, seconded by Todd Horton and so carried unanimously to enter into executive session to discuss personnel issues at 7:45 p.m.

A motion by Kathy Russo, seconded by Tom Fox and so carried unanimously to come out of executive session at 8:30 p.m.

Town Clerk's Report: A motion by Kathy Russo, seconded by Todd Horton and so carried unanimously to approve the Town Clerk's Report: Supervisor: \$390, NYS Ag & Markets: \$26, Total Disbursements: \$416.

Personnel: Mr. Russo reported that Summer Recreation will start the beginning of July.

Assessor: It was reported that no residents attended Grievance Day and the board received the Assessor's report of March 2017.

Minutes: A motion by Richard Peterson, seconded by Kathy Russo and so carried unanimously to approve the minutes of May 2, 2017.

New Business, Old Business, Correspondence: Positions: Court Clerk and Code Enforcement Officer

The board held a moment of silence to honor of former Code Enforcement Officer, Sewer Inspector and Board Member John Long who passed away in May.

A brief discussion took place regarding the joining of Varick and Fayette courts. Supervisor Lorenzetti was interested and asked that Judge Ettman attend Fayette's board meeting.

Supervisor Hayssen received letters of resignations from Julie Dougherty as court clerk and Richard L. McCulloch as Code Enforcement Officer.

A motion by Richard Peterson, seconded by Todd Horton and so carried unanimously to accept the resignations of Julie Dougherty as court clerk and Richard L. McCulloch as Code Enforcement Officer and to permit Judge Ettman to hire an interim court clerk.

The board discussed who would be authorized to issue building permits until a new Code Enforcement Officer could be appointed. It was determined that Todd Horton would be permitted to issued building permits and any questions could be directed to the Planning Board during the interim. It was suggested that Supervisor Hayssen contact Tim Dorn and/or Robert McCann to see if they would be interested in the position.

In the Matter of the Renewal of the Cable Television Franchise Held by **TIME WARNER CABLE NORTHEAST LLC**, locally known as Charter **Communications** in the Town of Varick, Seneca County.

An application has been duly made to the Board of the Town of Varick, County of Seneca, New York by **TIME WARNER CABLE, NORTHEAST LLC**, locally known as Charter Communications, a partnership organized under the laws of the State of New York doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, and holder of a cable television franchise in the Town of Varick for the approval of an agreement to renew the cable television franchise for an additional fifteen (15) years. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communication Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Varick on June 6, 2017 at 7:00 P.M. and notice of the hearing was published in the Reveille/Between the Lakes on May 18th and 25th, 2017.

NOW, THEREFORE, the Board of the Town of Varick finds that:

1. Charter Communication has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. The quality of the Charter Communication service, including signal quality, response to customer complaints and billing practices has been in light of community needs; and
3. Charter Communications has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
4. Charter Communications can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Town of Varick hereby renews the cable television franchise in the Town of Varick for fifteen (15) years commencing on the date of approval by the Public Service Commission.

BE IT FURTHER RESOLVED that the Board of the Town of Varick hereby confirms that this Franchise Renewal Agreement replaces the original franchise last amended on 10/08/00.

The foregoing having received 5 yea votes was thereby declared adopted

Dated: June 6, 2017

Roll Call:

Robert Hayssen, Supervisor	Yea
Todd Horton, Councilman	Yea
Tom Fox, Councilman	Yea
Richard Peterson, Councilman	Yea
Kathy Russo, Councilwoman	Yea
So Carried Unanimously	

A motion by Todd Horton, seconded by Kathy Russo and so carried unanimously to authorize Supervisor Robert Hayssen to sign the Franchise Agreement between the Town of Varick and Time Warner Cable Northeast LLC known as Charter Communication.

Mrs. Karlsen reported that she and the Bookkeeper, Angel Testa went to Key Home to look at floor plans for the addition to the Town Hall to house the clerk's office, bookkeeper's office, spare office, storage area and small conference area to equal approximately 1100 square feet. In order to complete the \$50,000 grant application to DASNY the town needs to put in costs as to how this money will be spent. Mrs. Karlsen requested and received permission from the board to get these figures from Key Homes and complete the application.

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

Respectfully Submitted

Donna Karlsen
Town Clerk