

## Varick Town Board

July 6, 2010

The regular meeting of the Varick Town Board was called to order by Supervisor Robert Hayssen at 7:00 p.m. Present were Council Members Peter McDonald, John Saeli, Richard Peterson, and Kathy Russo, Town Clerk, Donna Karlsen, and Town Attorney, John Sipos. Petitioners on the agenda to address the board: Val Dorn, Aaron Stevens, Roxanne Gupta, and Glen Silver. Also present were interested parties regarding the Scepter monofill and the reduction of the speed limit on Route 89.

**Petitioners To Address The Board:** Val Dorn presented to the board a signed petition by homeowners, business owners and visitors along a six mile stretch of Route 89 bordered on the north by Ernsberger Road in the Town of Varick and bordered on the south by County Route 138 in the Town of Romulus requesting a reduction in speed limit along this six mile stretch from 55 miles per hour to 40 miles per hour.

Mr. Hayssen explained that this road is maintained by the state and that this matter needs to be addressed to the New York State Department of Transportation. He explained that the board, if they so chose could pass a resolution supporting the reduction in speed, and suggested that they approach the neighboring townships and the County Board of Supervisors. Although the petition has signatures from people outside of this six mile area, including visitors from out of town, Ms. Dorn feels the majority are signatures belonging to residents from Goose Watch Winery to Townline Road.

Laurie Scarrott received a report from the police department listing the number of accidents that have occurred in that area through January.

A motion by John Saeli, seconded by Peter McDonald to forward the submitted petition requesting a reduction in the speed limit on Route 89 on the north by Ernsberger Road in the Town of Varick and bordered on the south by County Road 138 in the Town of Romulus to the State Department of Transportation

Discussion: A discussion took place regarding the suggested speed limit and Laurie Scarrott explained they felt this area has the same traffic flow as what Cayuga State Park has, and so they mirrored the same speed limit of 40 mph after the area in front of the park.

Mr. Saeli felt that 40 mph was to slow for that area. Whereas the majority of the board was willing to recommend the reduction of the speed to 40 mph in the motion, the original motion died for lack of majority vote and was amended and proposed as follows:

A motion by Richard Peterson, seconded by Kathy Russo and so carried to forward the submitted petition requesting a reduction in the speed limit on Route 89 on the north by Ernsberger Road in the Town of Varick and bordered on the south by County Road 138 in the Town of Romulus to the State Department of Transportation and request the speed limit be reduced to 40 mph within that area.

Roll Call:

Richard Peterson	Yes
John Saeli	No
Peter McDonald	Yes
Kathy Russo	Yes
Robert Hayssen	Yes
So Carried	

**Scepter Monofill:** Aaron Stevens read a prepared speech regarding the proposed monofill by Scepter to be located on the Landis farm in the Town of Varick which will be filed with these minutes in its entirety. He referenced to a 1969 town ordinance which states that no lands within this town shall be used as a dump or dumping ground and requested that the Town Board and Town Planning board uphold this ordinance and not allow Scepter to build their proposed monofill in the town.

Roxanne Gupta a representative of Concerned Citizens of Varick in a prepared speech respectfully requested immediate action be taken to put a halt on the proposed Scepter monofill. She reported that the board received a letter from Scepter dated July 1 and she addressed each item outlined in this letter. A copy of her speech will also be filed with these minutes. Glen Silver, President of Concerned Citizens of Seneca County also spoke against the proposed monofill and asked the board to honor the prior board members by following the 1969 ordinance established and passed by them. A copy of his written speech will also be filed with these minutes.

A petition was also submitted which stated: We the undersigned citizens of the Town of Varick; Seneca County, and other local counties are strongly opposed to the proposed Varick Monofill site. We request the Varick Town Board to enforce the Town Ordinance prohibiting dump sites in the Town of Varick as adopted on March 4<sup>th</sup>, 1969 and zoning code 104.1 of Article 1 Adopted in 2010. We also respectfully request the DEC to protect our environment in the Town of Varick by denying the current permit applications submitted by Scepter, Inc. to your agency.

Kathy Russo read a letter written by Doug and Sue Peterson who were not in favor of the proposed monofills and a letter was received from Michael Bentley and Linda Bentley indicating their opposition to the monofills as well.

Mr. Hayssen opened the floor to those who wished to comment on the proposed monofill and questions and concerns by many in attendance were expressed.

Mr. Sipos read an email he received from Leo Bracci, Department of Conservation which stated that Scepter's solid waste permit application before the department is incomplete and the department's review of the project is in its early stages. No decision has been made nor is one imminent. Environmental impacts associated with the pending application will also be reviewed under the State Environmental Quality Review Act. He

also addressed the authority of the town of Varick to regulate solid waste activities which are subject to the department's jurisdiction under Title 7 Article 27 of the New York State Environmental Conservation Law, and suggested consulting 27-0711 of the ECL and any other relevant authority on this topic for guidance.

Mr. Bracci also noted the department does not have the authority to determine the validity of any local laws or ordinances which regulate activities over which both the department and a town may lawfully exercise jurisdiction. Their permits contain language notifying those seeking permits that they are responsible for obtaining any other permits or approvals required by other governmental entities.

Mr. Saeli addressed his fellow council members recognizing the fact that the people in attendance wanted some action taken by the board regarding the proposed monofill and offered the following motion:

**WHEREAS**, the Town of Varick will uphold the Dumping Ordinance of March 4, 1969 which states that no lands within this Town shall be used as a dump or dumping ground; be it;

**RESOLVED** that the Varick Town Board went on record opposing the monofill proposed on the Landis's Farm by Scepter; and be it

**FURTHER RESOLVED**, that the New York State Department of Conservation be notified of the Town of Varick's opposition to the proposed monofill; and be it

**FURTHER RESOLVED**, that the Town of Varick respectfully request Scepter, Incorporated to withdraw their application for permit to the New York State Department of Conservation.

Motion: John Saeli  
Seconded: Richard Peterson

Discussion:

Mr. Peterson stated that he was not in favor of the monofill and feels that the consensus of the people are not as well.

Mr. McDonald noted that Scepter is a green business with a brown problem and feels badly they have been demonized. The county invited Scepter to locate in the area and that Seneca Meadows agreed to accept the salt cake waste. Seneca Meadows stopped taking the waste after about two years forcing Scepter to truck it to a Scepter monofill in Indiana and feels that the county should be involved in solving Scepter's problem.

Mrs. Russo thanked those in attendance for their opinions and didn't agree with Mr. McDonald that Scepter was being made out to be a villain, just the proposed monofills were.

Mr. Hayssen remained neutral on the subject, which encouraged people to express their views to him more openly without him imposing his own viewpoint. He thanked those in attendance for their patience regarding this issue, which allowed interested parties, town board members and planning board members to become better informed about the issue.

Mr. Hayssen directed the clerk to call a roll call vote on the proposed motion:

Roll Call:

Robert Hayssen: Yea

Richard Peterson Yea

John Saeli Yea

Peter McDonald Yea

Kathy Russo Yea

So Carried Unanimously

Bill Squires, Planning Board Chairman, offered their assistance in coming up with the correct wording defining dumps and monofills adding it to the use table in the Zoning Code. Once this has been established by the Planning Board, they will bring it to the Varick Town Board for approval prior to a public hearing.

A motion by Kathy Russo, seconded by Robert Hayssen and so carried unanimously to request the Varick Planning Board to develop specific language regarding landfills/dumps, and present it to the Varick Town Board at their regular meeting in September for review.

Mr. McDonald proposed a resolution to ask the Seneca County Board of Supervisors to develop a task force to include IDA & Scepter with input by the Citizens of Seneca County to address Scepter's needs.

Steve Churchill, a member of the Seneca County Environmental Committee informed him that this is already being looked into.

It was stated that it could be considered hypocritical for the Seneca County residents to reap the benefits of having Scepter here, but to ask someone else to take their unwanted waste and used Seneca Meadow's facility as an example.

**Highway:** No report

**Varick Sewer District No. 1:** No new business, pending items waiting for settlement on water disputes.

**Varick Sewer District No. 2:** Kolbeck cut curb boxes to ground level.

**Seneca Lake Water District:** A motion by John Saeli, seconded by Richard Peterson and so carried unanimously to renew Varick Sewer District No. 2 and Seneca Lake Water District agreement with the Village of Waterloo for services.

The Village of Waterloo sent a list of meters that need repair before next meter reading.

A motion by Peter McDonald, seconded by Richard Peterson and so carried to have Mr. Hayssen contact John Yells to repair or replace transponders on the meters within the next sixty days.

**Varick Water District No. 1:** Mr. McDonald and Rob Bowman reported on their meeting with Mr. Kaiser and one of the Town of Romulus' board members. He presented the letter from our auditor regarding the inaccuracy of the Town of Romulus' bookkeeping to them and indicated that the Town of Varick could request a forensic audit which would make them open all their books for review. They further discussed sufficient discrepancies in bookkeeping and lack of information provided to come up with an exact dollar amount due to Varick Water District No. 1. It is believed that Romulus over charged Varick Water District No. 1 approximately \$10,000. Mr. McDonald indicated that Varick would consider full payment of these funds owed if the Town of Romulus would provide one hydrant and replace and update meters in the hamlet. He will continue to negotiate this with the Town of Romulus. .

Mr. Hayssen reported that Butch Carroll is interested in doing the necessary work regarding the update of meters and will get a price from Orion for the needed components. Butch is willing to repair, change and read the meters in a 30 day period. Mr. Hayssen contacted Bill Kolbeck to hold off on doing any work in this district.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to upgrade meters in Varick Water District No. 1 to enable them to be read by the Village of Waterloo and hire Butch Carroll to do the required installation and to read the meters at \$19.50 an hour.

A motion by Peter McDonald, seconded by Richard Peterson and so carried unanimously to enter into an agreement between the Village of Waterloo and Varick Water District No. 1.

**Varick Water District No. 3:** Waiting for DOT permit which should be coming soon. No homes are to be connected until pressure testing is completed. No construction meeting has been set by Rural Development and engineer as of this date. Mr. Hayssen will look into this.

A motion by John Saeli, seconded by Peters McDonald and so carried unanimously to set specs for all services at  $\frac{3}{4}$ " copper or 1" CT size copper tubing and curb stop rods should be stainless steel.

A change order may be required.

**Varick Water District No. 4:** Mary Chappell went to a meeting run by Rural Development who pledged they would do whatever it takes to get the ARRA projects that received eligibility letters funded if not in 2011, then in 2012 or 2013. The main message was to work with RD to find a workable way to get all the unfunded ARRA projects financed. The RD projects are ranked and scored based on MHI, need, co-funding, population, etc. The unfunded ARRA projects will get extra points added to their score so that they are in the funding line ahead of new projects for grant dollars. RD is not capping the grants for ARRA projects at \$500,000, but is looking to work with other co-funders where possible to lower the amount of grant funds RD would have to put in. This way they can help more communities.

This water district was supposed to get \$534,000 grant & \$1,166,000 loan from RD. Since this project is ready to go and there are not a lot of other funding sources for this project, Mary believe we will get the full grant from RD, the question is when. RD is supposed to be reissuing the pre-eligibility determinations (PED) soon and then we will have a better idea of what RD will give the project.

Diana also indicated that the FONSI (Finding of No Significant Impact) is being completed and once Madeline receives the go a head to issue the statement to the town, we can publish.

A motion by Kathy Russo, seconded by Richard Peterson and so carried to pay Tim Buhl's April invoice in the amount of \$7,427.89.

A motion by Kathy Russo, seconded by Peter McDonald so carried unanimously to pay Municipal Solutions \$332.50.

**Town Clerk's Report:** A motion by Richard Peterson, seconded by Kathy Russo and so carried to approve the Town Clerk's Report: Revenue to Supervisor: \$260.86, County Treasurer: \$70.50, State Ag & Markets: \$33.00, Department of Health: \$22.50, DEC: \$66.14, Total Disbursed: \$453.00.

Mrs. Karlsen reported that the following a standard work day and reporting resolution was required to be passed for New York State Retirement

**STANDARD WORK DAY AND REPORTING RESOLUTION**

BE IT RESOLVED, that the Town of Varick hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York state and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day	Term Begins/End	Participates in Employer's Time Keeping	Days/Month
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		(Hrs/Day)		System	
Supervisor	Robert Hayssen	3	1/1/08-12/31/11	N	20
Town Clerk	Donna Karlsen	4	1/1/08-12/31/11	N	20
Dog Control	John Vincent	3	1/1/09-12/31/12	N	12
Superintendent	Richard McCulloch	4	1/1/08-12/31/11	N	20
Attorney	David Ettman	4	1/1/10-12/31/13	N	20

Motion: Kathy Russo  
 Seconded: Peter McDonald  
 So Carried Unanimously

**Supervisor's report:**

A motion by Peter McDonald, seconded by John Saeli and so carried unanimously to appoint Kate Lynch as Town Historian.

The County Planning Board contacted Mr. Hayssen regarding Varick's representation on their board and noted that Mary Ann Krupsak hasn't been attending meetings. Mr. Hayssen will contact Ms. Krupsak and see if she wishes to continue as the town's representative.

Mr. McCulloch is to look into the payment of Roloson Electric.

Mr. Hayssen contacted Michael Nozzolio regarding the lack of funding for Water District No 4 who then wrote a letter to Dallas Tonsager, Under Secretary at Rural Development in Washington DC.

Mr. Hayssen had Syracuse Constructors quote him a price on running a water line from McGrane Road down to the railroad tracks on Yale Farm Road. The estimated cost was \$316,600. Mr. Sipos doesn't feel funds from Seneca Lake Water District can be used to build this part of the line as it isn't benefiting that district. A line could come up from East Lake Road to the railroad track, however, using those funds. Mr. Hayssen will get a price for this.

Mr. Hayssen also reported that there will be an attorney/client meeting held Thursday, July 15 at 7:00 with Wendy Marsh.

A motion by Kathy Russo, seconded by Richard Peterson, and so carried unanimously to approve the written Supervisor's Report.

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

Kathy Russo proposed a motion to increase Michele Andrews salary \$1,700 with died for lack of a second.

A motion by John Saeli, seconded by Peter McDonald and so carried unanimously to approve Abstract No. 7, Highway: Vouchers DAO10-48 to DAO10-50 in the amount of \$640.62, General, Vouchers A0010-199 to A0010-210 in the amount of \$1,690.46, Seneca Lake Water, Vouchers SWS10-31 to SWS10-33 in the amount of \$7,523.50

A motion by John Saeli, seconded by Richard Peterson and so carried unanimously to approve the minutes of June 1, 2010.

A motion by Robert Hayssen, seconded by Peter McDonald and so carried unanimously to adjourn the meeting at 10:40 p.m.

Respectfully Submitted:

Donna Karlsen, Town Clerk