

July 7, 2020

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 Richard Peterson, Tom Fox, Richard McCulloch and Eric Riegel, Town Clerk, Donna Karlsen, Bookkeeper, Angela Testa, Water Operator, Benjamin Karlsen, Planning Board Member, Richard Olsen and Attorneys for the Town, Frank Fisher and Joe Midiri. Also present were Attorney Wendy Marsh from Hancock Estabrook, and Jeanne Pustumucans. Absent: Highway Superintendent: Benjamin Freier.

Petitioners to Address the Board: Supervisor Hayssen introduced Attorney Wendy Marsh from the law firm of Hancock Estabrook, who has expertise in Environmental Law, to speak about the proposed 450-megawatt solar energy facility called the Declaration Energy Center in the towns of Varick and Romulus. Attorney Marsh explained to the board that pursuant to the rules of the New York State Board on Electric Generation Siting and the Environment, applicants proposing to submit an application to construct a major electric generating facility under Article 10 must submit a Public Involvement Program Plan (PIP Plan). Declaration Energy Center, LLC has submitted the PIP Plan, a copy of which is available in the Town Clerk's Office as well as on their website at <https://www.declarationenergycenter.com/publications-and-educational-materials>. The PIP Plan contents include introduction of the company, applicant and project description, public involvement program overview, stakeholders, and public involvement program elements. Attorney Marsh briefly reviewed these steps and indicated that the board would need to decide how actively involved they wanted to be in this process or to let the state board do the work. She reported that this project covers approximately 2,500 acres between both towns of Romulus and Varick and the towns will have the opportunity to nominate 2 representatives to serve on an ad-hock committee if they so choose. These representatives cannot be elected officials. Attorney Marsh reported that intervener funds can be applied for from the developer to cover attorney costs. She also noted that she could represent both the Town of Romulus and Varick jointly if both towns are united in their views. The firm would charge their standard hourly rate if hired and her first step would be to apply for the intervener funds. She stated that once a reply is received on this funding application the town can decide how involved they want her to be in this process. Supervisor Hayssen reported that he invited Romulus Supervisor David Hayes to attend this meeting who indicated he would but was not in attendance. Attorney Marsh explained that the next step is SCOPING which takes place 150 days after the PIP Plan has been submitted. She noted the process is exceedingly long. Joe Midiri reported that their firm does not have the expertise that Wendy Marsh has in Environmental Law and recommended the town hire her firm if they choose to be involved in this project.

A motion by Robert Hayssen, seconded by Richard McCulloch and so carried unanimously to hire Hancock Estabrook to represent the town in relation to the 450-megawatt solar energy facility called the Declaration Energy Center proposed by Declaration Energy Center, LLC at their standard hourly rate.

Attorney Marsh recommended that an attorney/client board meeting be set in the next couple weeks to allow the board to review the PIP Plan. She will seek recommendations for representation on the ad-hock committee at this time and it will allow her time to reach out to the appropriate representative regarding this project and to begin the application for intervener funding. She will also research if Planning Board members can serve on the ad-hock committee.

A motion by Robert Hayssen, seconded by Richard McCulloch and so carried unanimously to hold an attorney/client meeting on Wednesday, July 22nd at 7:00 p.m. at the Varick Town Hall to discuss the PIP Plan and related topics pertaining to the proposed solar energy facility.

Richard Olsen thanked the board for the well-written newsletter and notification of the town's cleanup through the One Call system. Mr. Olsen also expressed his support in the proposed Route 89 sewer project citing the lakes resources, failing septic systems and the cost of maintaining septic systems along Cayuga Lake. Mrs. Pustumucans reported that they have recently built a new home and are currently using a holding tank and inquired as to the status of this proposed project. Supervisor Hayssen reported that a map, plan and report was completed but the proposed project is currently at a standstill. The town of Fayette is included in this project and funding must be available to move forward. Supervisor Hayssen explained such projects take years from start to finish before the system is operational.

Abstract: A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to approve Abstract 7, General, Vouchers A0020-079 to A020-86 in the amount of \$2,659.22, Highway, Vouchers DA020-056 to DA020-013 in the amount of \$441,85, Seneca Lake Water District, SWS20-052 to SWS20-59 in the amount of \$71,135.92, Varick Water District No. 3, Vouchers, VW320-016 to VW320-17 in the amount of \$1,025., Varick Water District No. 4 Vouchers VW420-018 to VW420-21 in the amount of \$5,356.92, Varick Sewer District No. 1, Vouchers VS120-023 to VS120-024 in the amount of \$387.27, Varick Sewer District No. 2, Vouchers SSS20-011 to SSS20-014 in the amount of \$25,366.74.

Highway: No report.

Supervisor's Report: A motion by Richard McCulloch, seconded by Tom Fox and so carried unanimously to approve the Supervisor's report.

Judge: A monthly report is submitted by the judge for fines that have been received. The bookkeeper will begin providing a report of the fines collected monthly by the town court.

Code: No report.

Water: Dennis Benjamin from the Village of Waterloo contacted Joe Midiri and requested the town submit a signed water agreement back to them. Supervisor Hayssen has corresponded with the village indicating changes he needs done and have not heard anything back from them regarding these changes. Mr. Midiri will follow up with Supervisor Hayssen and the village regarding these changes.

Water Operator's Report: June 2020

- Changed Meters
- 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
- Cleaned shop
- Data logged water usage in each district
- Ordered Parts to fulfill inventory and for upcoming projects

- Turned water on as needed
- Called in Dig safes for upcoming projects
- Exercised and did maintenance on fire hydrants on Seneca Lake
- Helped Highway when needed
- Replaced Grinder pumps for sewer
- Answered sewer questions and concerns for Seneca Lake Sewer Dist.
- Flushed Dead ends to bring chlorine residual up
- Installed new water service on Rt 89
- Weed whacked hydrants, water valves and meter pits
- Repaired Broken Curb Stop in Var 1
- Helped Fayette Rebuild Hit hydrant in Var 3/Fayette 5
- Helped with sewer break at East Lake Rd pump station
- Helped homeowner experiencing water pressure surges on Seneca Lake Water District
- Answered some questions concerning orange colored water in Var3 due to homeowner piping.
- Located Seneca Lake Water district water line along railroad tracks and met with highway to plan a date to clear brush to help expose water line.
- Replaced broken sewer cap hit by lawn mower
- Repaired bent Curb stop
- Had to flush dead end in Var 1 due to orange water at homeowners resulting from a house fire down the street.
- Helped Homeowners on High Banks dealing with bad vibrations in their home. Performed a few techniques to help eliminate some factors that may have caused the vibrations.
- Talked with New Badger Water meter dealer and ordered some new meters and transponders.

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to authorize Supervisor Hayssen to sign the following agreements with the Village of Waterloo which are effective June 1 2020 to May 31, 2021 as follows:

- Seneca Lake Water District and Varick Sewer District No. 2 billing agreement
- Varick Water District No. 1 & Varick Sewer District No. 1 billing agreement
- Varick Water District No. 3 billing agreement
- Varick Water District No. 4 billing agreement
- Varick Water District No. 3, Provision of Water Supply Support Services

Varick Water District No. 1: Mr. Karlson reported that Habitat for Humanity is building a new home in the Hamlet of Romulus and will be required to have a meter pit.

Seneca Lake Water District: Mr. Hayssen reported he received the water billing reports from the Village of Waterloo and his figures are showing an approximate water loss of two million gallons. He will review these figures with Mr. Karlson to determine the accuracy in these figures and loss factor.

Mr. Karlson reported that he was notified by the Village of Waterloo of a possible leak. He discovered that the Mormon Camp had opened an unmetered fire hydrant to flush their lines that service the cabins on their property. It was noted that a letter was previously sent to them requiring them to put a master meter at the road and they have not done so as of this date. Mr. Midiri suggested, and the board agreed to have Attorney Frank Fisher write a letter to them indicating

that they will not receive municipal water next spring unless a master meter was installed at the watermain connection at East Lake Road.

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

Varick Water District No. 4: Mr. Karlsen reported that due to the intense heat the past week, he has had to flush the main line due to declining free chlorine levels at the end of the line.

Varick Sewer District No. 1: Habitat for Humanity will follow the regulations established for Seneca Lake Sewer District along with the application fee for connection to this sewer district.

Supervisor Hayssen reported that Romulus Supervisor Hayes had recently spoken to him about the lift stations in this district and indicated that the town of Romulus was no longer willing to pay the maintenance and utility costs relating to the lift station that services only Varick residents in this district because the bond is now paid off. Supervisor Hayssen reported that the percentage (Romulus 55% and Varick 45%) of all expenses was assessed based on the number of units in each town within the joint project and was not solely assessed to just the bond. He reiterated that he had requested Supervisor Hayes to attend this meeting to discuss this matter with the board. As the result of Supervisor Hayes absence, no action will be taken at this time.

Varick Sewer District No. 2: Supervisor Hayssen reported that the pump station needs major repairs. Blue Heron and Yaws have temporarily repaired the system and Brewers have been pumping the station out for it to be operational. The tank and pipes in the pump station need to be replaced and a bypass system used while repairs are being done. He is estimating the cost to be over \$100,000. Supervisor Hayssen requested authorization from the board allowing him to approve costs associated with the emergency repair.

A motion by Eric Riegel, seconded by Richard Peterson and so carried unanimously to authorize Supervisor Hayssen to approve costs associated with the emergency repair of the pump station servicing Varick Sewer District No. 2.

Sewer Maintainer: Mr. Karlsen reported that he has been answering multiple repair calls and replacing grinder pumps. He had a discussion with Mr. Kolbeck who stated that he would be willing to continue repairing the grinder pumps, but due to his time constraints resulting from his full time job, he is unable to address the emergency calls in a timely manner. Mr. Karlsen indicated that he would be willing to take over the position of sewer maintainer and have Yaws assist him when needed in the replacement of grinder pumps. It was noted that we have a contract with Yaws for maintenance of the pump station and a fee of \$75 per hour for emergency callouts. Mr. Fox noted that this would add more hours and responsibilities to Mr. Karlsen's current position as Water Operator and he should be compensated accordingly. It was noted that Mr. Kolbeck currently receives compensation on an hourly basis.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to retain William Kolbeck to repair the grinder pumps as needed and name Benjamin Karlsen as Sewer Maintainer at the established hourly rate effective with the first day of the current pay period.

Sewer Use Law: Attorney Frank Fisher presented to the board a proposed Town of Varick Sewer Districts Sewer Use Law to replace the one currently in affect. It was explained that although DEC approved the town's current Sewer Use Law, in order for new connections to the Seneca County

system to be permitted in the town, the county is requesting that the town's law be at least as restrictive as the county law. Attorney Fisher has been working with the county attorney, David Ettman, and he has approved this proposed law as written. It was noted that the reporting requirements can be removed as it has no bearing to the town's system. Attorney Fisher is recommending a public hearing be held on said proposed law for adoption as Local Law No. 1 of 2020 known as the "Town of Varick Sewer District Sewer Use Law" which resulted in the following resolution.

TOWN OF VARICK INTRODUCES
LOCAL LAW No. 1, OF 2020, "TOWN OF
VARICK SEWER DISTRICTS SEWER USE LAW"

WHEREAS, in order To assure the safe, sanitary and efficient use of the Sewer Districts within the Town, the Town Board of the Town of Varick, New York determines that it is in the interest of the Town to establish rules for the connection to and use of sewer infrastructure within and connected to the Town sewer lines, and

WHEREAS, due deliberation has been had thereon, Now, Therefore, be it

RESOLVED, that Local Law 1, of 2020, "TOWN OF VARICK SEWER DISTRICTS SEWER USE LAW", is introduced hereby before the Varick Town Board, to read substantially as provided in the attached Exhibit consisting of sixty-three pages, and it is further

RESOLVED, that the Town Clerk lay a copy of this local law upon the desk of each of the members of the Town Board no less than ten days before its enactment by the Board, and be it further

RESOLVED, that the Town Clerk give due notice of a public hearing to be held hereon, such hearing to be held at the Town Offices at 4782 Route 96, Romulus, New York 14541, in the Town of Varick on August 4, 2020 at 7:00 P.M.

Moved: Eric Riegel
Seconded: Richard McCulloch
Passed Unanimously

Mr. Fisher will prepare a resolution to adopt the law at the August meeting.

Varick Sewer District No. 1: Hunt Engineering is still working on the I & I study but has not submitted anything in writing to date.

Town Clerk's Report: A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to approve the Town Clerk's Report: Supervisor: \$47.50, Ag & Markets: \$7.00, State Health Department: \$22.50, Total Disbursements: \$77.00

Minutes: A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to approve the minutes of June 2, 2020.

A motion by Richard Peterson, seconded by Tom Fox and so carried unanimously to adjourn the meeting at 9:00 p.m. Respectfully Submitted: Donna Karlsen, Varick Town Clerk