

July 2, 2019

The regular meeting of the Varick Town Board was called to order by Supervisor Hayssen at 7:00 p.m. Present at this meeting were Councilmen Ben Freier, Tom Fox, Eric Riegel and Richard Peterson, Town Clerk, Donna Karlsen, Bookkeeper, Angela Testa, Highway Superintendent, Richard McCulloch, Attorneys for the Town, Joe Midiri and Frank Fisher, Planning Board Members, Thomas Bjorkman, Hershey Sensenig, and Richard Olsen. Also, in attendance was Lauren Adornetto of Phillips Lytle LLP on behalf of BQ Energy.

A motion by Ben Freier, seconded by Richard Peterson and so carried unanimously to open the Public Hearing on Local Law No. 1 of 2019 “A Local Law to Amend The Zoning Code Of The Town of Varick”.

Lauren Adornetto of Phillips Lytle, LLC, an attorney representing BQ Energy expressed her concern of the application of 311.21 Solar Farm or Major Solar Collection System, on site in the Small Business Park and Institutional BPI number 308 Use Table which states (1) Generates no more than 110% of the electricity consumed on site over 12 months. She noted that this restriction would not permit the development of a solar farm or major solar collection system in this area. Thomas Bjorkman noted that this change was approved at the June town board meeting as directed by the town board and the boards are aware of the restrictions. He went on to further explain that a Special Use Permit could be applied for and reviewed on an individual basis by the planning board for their approval. The board also reviewed that Mr. Fisher was to provide the planning board his recommendation as to whether the solar regulation should require a letter of credit or a performance bond filed with the clerk and based on council’s recommendation, was approved to be entered wherever applicable in the code as part of Local Law No. 1 of 2019. Further clarification of the approval of these amendments at the June board meeting were discussed and determined by Mr. Fisher to be minor in nature and that the advertised version of Local Law No. 1 of 2019 “A Local Law to Amend The Zoning Code Of The Town of Varick” could be amended by motion of the town board and duly adopted once the county planning board approves it at their July meeting.

A motion by Ben Freier, seconded by Eric Riegel and so carried unanimously to adjourn the public hearing at 7:40 p.m.

Based on the comments of those in attendance and recommendation made by Mr. Fisher, town attorney during the public hearing on Local Law No. 1 of 2019 “A Local Law to Amend The Zoning Code Of The Town of Varick” the following motion was made:

A motion by Eric Riegel, seconded by Ben Freier and so carried unanimously to amend the Local Law No. 1 of 2019 “A Local Law to Amend The Zoning Code Of The Town of Varick” as originally advertised to include substituting “a Performance Bond with the Town Clerk” for the words “a letter of credit with the Planning Board” and to substitute the words “Performance Bond” for the words “letter of credit” wherever they otherwise appear in paragraph 13 of Section 311.22 of the proposed local law and to amend 308. Use Table; Small Business Park and Institutional (BPI) to include “S311.21 Solar Farm or Major Solar Collection System, on site” regulations.

Mr. Fisher will provide the County Planning Board with the amended local law for their review at their July meeting.

Abstract: A motion by Richard Peterson, seconded by Ben Freier and so carried unanimously to approve Abstract No. 7, General, Vouchers A0019-108 to A0019-115 in the amount of \$793.58, Highway, DAO19-041 to DAO19-048 in the amount of \$212,134.90, Seneca Lake Water, Vouchers SWS19-044 to SWS19-048 in the amount of \$81,372.19, Varick Water District No. 4, VW419-026 to VW419-027 in the amount of \$2,153.69, Varick Sewer No. 1, VS119-028 in the amount of \$21.86, Varick Sewer District No. 2, SSS19-017 to SSS19-021 in the amount of \$2,482.72.

Highway: Mr. McCulloch reported that the paving projects have been completed and shoulders installed. He will provide pricing to resurface Townline Road and seek board approval once he has this cost. He did note that this might need to be completed next year due to scheduling issues and the need for good weather in order to complete this project. He reported that Kris Karlsen will be spending time compensating the towns who assisted Varick in these paving projects and will be heading to Lodi with the excavator this week to further assist in clean up from last years flooding in that area.

Judge: No report.

Supervisor's Report: A motion by Richard Peterson, seconded by Ben Freier and so carried unanimously to approve the Supervisor's Report.

Varick Water District No. 1: Nothing to report.

Seneca Lake Water District: Mr. Hayssen reported that the master meter located at the county is still not working and they have gone out to bid to replace it. Mrs. Karlsen reported that the county was sent an estimated water bill for the second quarter based on what the Village billed the district for the second quarter, less what was billed to the districts individual consumers. She then compared 2018 billing to what was billed to the county for 2019 second quarter and it was in alignment with the 2018 billing. Estimated billing will continue to be assessed to the county until an accurate reading can be retrieved from the new master meter once it has been in place for a full quarter.

Varick Water District No. 3: Nothing to report

Varick Water District No. 4: Nothing to report.

Sewer District No. 1: Nothing to report

Sewer District No. 2: Mr. Hayssen reported that he received an email from Sam Priem on June 27th regarding a DEC Notice of Violation addressed to Seneca County Sewer Districts No. 1 and 2. Within this Notice of Violation it places a moratorium on new sewer line connections for not only Seneca County Sewer Districts No. 1 and 2, but also on all contributory lines which would include Varick Sewer District No. 1 and Varick Sewer District No. 2. DEC has requested from

Mr. Priem, as administrator of the county districts, that he certify that no new connections have been made since the Notice of Violations which was issued in February. He is requesting that the Town of Varick provide to him a written certification that no such connections have been made. If one or more connections have been made since February 7, to please provide a copy of the permit as issued by the town no later than July 3, along with any inspection reports, plans or drawings. In addition, the county would like a copy of the sewer use law with certification that a copy was provided to DEC and to Secretary of State's Office. Mr. Hayssen responded to Mr. Priem by informing him he would be turning his emailed request over to the town attorney for a response. Mr. Hayssen reported that he did receive a courtesy copy of the Notice of Violation addressed to the county in February, but did not realize that the county's violation would impact the contributory lines. With regards to this, Mr. Hayssen reported that he expressed his opinion to Mr. Priem that a letter addressed to each district identifying the moratorium and how it would impact the town's provision of municipal sewer should have been done in February not the end of June and questioned if the moratorium affects the Villages of Lodi and Ovid. Mr. Fisher reported that he does not believe the town sewer districts need to be seriously concerned over the potential liability for sanctions based upon any failure to interpret these notices as affecting the Town Districts. He reported that even a thorough reading of the notices would, at most, have resulted in an inquiry to be certain that the moratorium specifically imposed on the County Districts applied to the Town Districts as well. It is not clear and particularly so since the Town Districts have not been notified that they are in any way responsible for any DEC violations. Mr. Fisher reported that he can see no reason not to respond to the County Sewer District's inquiry, informing them that there has been one additional residential hook-up that we believe has taken place since February and that it was done not recognizing that the moratorium imposed on the County District applied to the Town as well and that the town will approve no further hook-ups until that question is clarified or the moratorium lifted. It was reported that the town does have a sewer use law and has previously provided the county with the number of customers. Mr. Fisher will draft a response to Mr. Priem's request for the supervisor's review and signature.

Code Enforcement: It was recommended that a notice be included at this time with zoning permits informing people about the moratorium placed on Seneca County Sewer District No. 1 and 2 and the affect it has on Varick Sewer District No. 1 and 2.

A motion by Eric Riegel, seconded by Ben Freier and so carried unanimously to include the restriction of connections to Varick Sewer District No. 1 and 2 with the town's zoning permits until the town receives clarification of the imposed moratorium on Seneca County Sewer District No 1 and 2 or when the moratorium is lifted.

Town Clerk's Report: A motion by Richard Peterson, seconded by Ben Freier and so carried unanimously to approve the Town Clerk's Report: Supervisor: \$287.50, NYS AG & Markets: \$17, State Department of Health: \$22.50, Total Disbursements: \$327.

Minutes: A motion by Eric Riegel, seconded by Ben Freier and so carried unanimously to approve the minutes of June 4, 2019.

Summer Recreation: Nothing to report.

Assessor: Nothing to report.

Old Business, New Business, Correspondence: Nothing to report.

A motion by Richard Peterson, seconded by Ben Freier and so carried unanimously to adjourn the meeting at 8:15 p.m.

Respectfully submitted:

Donna Karlsen
Varick Town Clerk