

November 1, 2022

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 McCulloch, Tom Fox, and Eric Riegel, Town Clerk, Donna Karlsen, Bookkeeper, Angela Testa, Highway Superintendent, Ben Freier, Water/Sewer Operator, Ben Karlsen, Town Justice, Jeff Hogue, Attorney for the Town, Joe Midiri, Planning Board Members, Linda Mastellar, Tom Bjorkman, and Cindy Lont. Absent: Councilman Richard Peterson

Supervisor Hayssen called for a motion to open the public hearings on the proposed 2023 Preliminary Budget: General Fund Budget, Highway Fund Budget, Water District Budgets, Sewer District Budgets, Special District Fund Budgets, and public hearing to adopt the following fire protection units for 2023: Varick/Romulus, Varick, and Varick/Fayette.

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to open the public hearings at 7:02 on the proposed 2023 Preliminary Budget: General Fund Budget, Highway Fund Budget, Water District Budgets, Sewer District Budgets, Special District Fund Budgets, and the public hearing to adopt the following fire protection units for 2023: Varick/Romulus, Varick, and Varick/Fayette.

There were no comments and Supervisor Hayssen called 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 hearings at 7:04 on the proposed 2023 Preliminary Budget: General Fund Budget, Highway Fund Budget, Water District Budgets, Sewer District Budgets, Special District Fund Budgets, and the public hearing to adopt the following fire protection units for 2023: Varick/Romulus, Varick, and Varick/Fayette.

Supervisor Hayssen called for a motion to open the public hearing on Local Law No. 5 of 2022 “A Local Law to Override the Tax Levy Limit Established in General Law §3-C”.

A motion by Richard Peterson, seconded by Eric Riegel and so carried unanimously to open the public hearing on Local Law No. 5 of 2022, “A Local Law to Override the Tax Levy Limit Established in General Law §3-C”.

There were no comments and Supervisor Hayssen called 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. 5 of 2022, “A Local Law to Override the Tax Levy Limit Established in General Law §3-C”.

Petitioners to Address the Board: Ben Stoltzfus is interested in purchasing the storage depot on 414 and County Road 129, owned by the Town of Varick. The property borders his property and he is interested in using it for hunting land. The town attorney requested that he provide a letter of intent with a proposal for the board and his offices to review.

Abstract: A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to approve Abstract No. 11, vouchers 314 to Vouchers 351 in the amount of \$65,074.70.

Highway: Highway Superintendent Ben Frier reported that paving work was being completed by the Town of Romulus at Seneca Street. Risers were being put in place, but it was noted that the surface was still very rough.

Supervisor's Report: A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to approve the Supervisor's Monthly Report for September 2022.

2023 Budget: Mrs. Testa confirmed the only changes made from the 2023 Tentative Budget to the 2023 Preliminary Budget, as directed, are Appropriations and Fund Balances related to the approved increase in salaries. Fayette Fire Protection district 2023 budget amount was received and was reduced from the 2022 amount of \$102,261 to \$99,312 for 2023.

Mrs. Testa reported that the cost for the cloud-based microfund, water and sewer billing and payroll programs came in higher than originally budgeted for in the total amount of \$7,935. This amount reflects a set up fee for all three programs with two users on the billing and microfund programs. The annual fee will be \$4,360 for support. This results in an approximate \$165 increase for each of the water and sewer districts. This increase can be offset by increasing the use of fund balances.

Supervisor Hayssen noted that the Preliminary Budget exceeds the 2% Tax Levy Limit established in General Municipal Law §3-C and asked for a resolution adopting Local Law No. 5 of 2022, A RESOLUTION TO ENACT LOCAL LAW NO. 5, OF 2022 "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C.

Resolution No.: 22-23

A RESOLUTION TO ENACT LOCAL LAW NO. 5, OF 2022 "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, 2022, 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 1, 2022 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 2022 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, 2023 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, 2023 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: Tom Fox
Passed: Unanimously

Supervisor Hayssen asked for a motion moving the 2023 Preliminary Budget: General Fund Budget, Highway Fund Budget, Water District Budgets, Sewer District Budgets, Special District Fund Budgets to the adopted 2023 Budgets, and to adopt the following fire protection units for 2023: Varick/Romulus, Varick, and Varick/Fayette.

A motion by Richard McCulloch, seconded by Tom Fox and so carried unanimously to move the 2023 Preliminary Budget: General Fund Budget, Highway Fund Budget, Water District Budgets, Sewer District Budgets, Special District Fund Budgets to the adopted 2023 Budgets, and to adopt the following fire protection units for 2023: Varick/Romulus, Varick, and Varick/Fayette.

Judge: Judge Jeff Hogue answered questions the board had pertaining to contracting with Champion for court security. The board approved contracting with Champion and requested Judge Hogue obtain an updated contract be submitted for Supervisor's Hayssen's signature.

Code Enforcement Officer: The board decided to pay Tim Dorn in addition to his annual salary, \$25 per STR inspections. Based on an estimated amount of 70 STR inspections, an increase of \$1,750 will be expended over this year and the remaining in 2023.

Tim Dorn reported that Mr. Lin has completed a town zoning permit. This information will be turned over Seneca County Code for further processing of a Seneca County permit.

Water and Sewer: Water/Sewer Operator Report for October 2022

- 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
- Data logged water usage in each district
- Answered questions dealing with each water district and sewer system
- Called in Dig Tickets for upcoming projects
- Changed meters out on Seneca Lake Water District
- Cleaned shop
- Changed Grinder Pumps out
- Retrieved Final reads as needed for closing on properties
- Quoted out new water services
- Fixed broken curb stops in Var 1
- Inspected 3 new water hookups
- Ordered parts as needed for upcoming jobs
- Met with contractors to discuss locations of water lines
- Installed 1 new water service on Driftwood Lane

- Re located water service on Rt 89
- Had town truck serviced do to misfire
- Looked at a sewer issue on east lake rd
- Tapped new water service for county
- Changed meters in Var 3
- Inspected a relocation of sewer lateral on driftwood lane
- Returned machine back to Bob Cat

Varick Sewer District No. 1: Mr. Karlsen reported that when Seneca Street in the hamlet of Romulus was paved, they put several more inches of blacktop on the road which will require the risers originally placed to be added to. Mr. Karlsen will fix the risers on the Town of Varick side, and the Town of Romulus will be responsible for fixing risers on Romulus side of the road according to the Town of Romulus staff.

Varick Sewer District No. 2: Mr. Karlsen reported that Mike Canale was having issues with his septic backing up into his house and it was discovered that when they connected to the municipal sewer, he used his existing pipe in his septic tank and put a pump in the existing tank to pump sewage into the municipal system. The pump within his septic tank quit and has now been replaced by Brown Plumbing.

Varick Water District No. 1: Mr. Karlsen reported that they used the mini excavator the districts rented to replace approximately 20 corroded rods and rotted boxes. He was also able to determine which services had lead and galvanized connections.

Seneca Lake Water District: Mr. Karlsen reported that he did a new water connection on an easement on Driftwood Lane outside the water district, but in the town of Varick. The town attorney, Joe Midiri will research if water service connection with easements that are within the district can be billed directly to the consumer instead of the person whose property the service was installed on. Mr. Karlsen reported that all but approximately 7 meters were able to be read electronically in this district for the 3rd quarter.

Varick Water District No. 3: Maintenance to valves and hydrants were performed in this district.

Varick Water District No. 4: He received his water sample reports back from Life Science Labs which showed the THM levels were high resulting in the requirement that quarterly sampling be done. He contacted the Town of Fayette to make sure they provide the town of Varick with adequate chlorine residual.

Town Clerk Report: A motion by Eric Riegel, seconded by Tom Fox and so carried unanimously to approve the Town Clerk's report: Supervisor: \$4,392.50, NYS Ag & Markets: \$5, State Health Department: \$22.50.

Minutes: A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to approve the minutes of October 4, 2022.

Personnel: Mrs. Karlsen reminded the board that Samantha Pundt has reported that she will be resigning as director of the Summer Recreation Program and the board will need to hire her replacement.

Assessor: Anne Morgan provided a written report for September 2022 as follows:

Deeds that have been received have been processed and added to the program. We are current to last week of July 2022. Address changes and bank codes that have been received, have been processed. She has begun the annual exemption work: (agricultural, senior citizens, disabled) printing the latest forms, labeling the forms, and stuffing envelopes. These will be mailed at the end of the year. She is still receiving a significant number of phone calls about the homeowner's tax credit check, this credit/check has nothing to do with the assessor's office and she has been able to track down a phone number to give out. She is continuing field work as weather permits.

Dog Control Officer: Bryan McCann submitted his third quarter report as follows:

July 2022 – Nothing to report

August 03, 2022 – Call about a dog that was left tied up to a tree at an abandoned house on CORD 124 after further investigation it was involving an in progress Indian eviction and protest. Caller was advised there are many people on scene its not in any danger at this time and I would not be responding due to the situation at hand.

August 19, 2022 – Call from the Seneca County 911 center about a dog that has been sitting in the road for the last two days. No one is home at the address and it looks like they are selling the property. Arrived on scene SCSO deputy had the dog tied up, upon further investigation looks like half of the people have moved out of state and the other half is still living in the house however they are not home as they are visiting the other half. Took the dog to Beverly's due to there not being any one home and no food or water outside for the dog.

August 30, 2022 – call from the Seneca County 911 center about a dog that was found on RT 414 South of Swedish Hill Winery. Took control of the dog and owner was located on Willers RD. This is the 2nd time I have located this dog off its property, Warning issued to Owner and dog returned.

September 16, 2022 – call from a female on MacDougal Rd who found a dog running down Route 96 Between Yale Farm Rd and Kuney RD. She thought it was her father's dog but she found it to be a stray dog. I took control of the dog and brought the dog to Beverly's animal shelter. Nothing further to report.

Planning Board: Thomas Bjorkman presented proposed revisions to the Town of Varick Zoning Code for the town board's consideration. These revisions were represented in color with comments so noted in the margins of the document. Barb Johnson of LaBella was instrumental in reviewing the current code and suggesting the proposed revisions. The town board reviewed each page with the planning board members present, discussing the proposed revisions and making suggestions. Joe Midiri will provide a copy of this to Frank Fisher for his review and comment for

the December board meeting. A timeline was determined as follows: A copy of the revised Zoning Code along with a completed full SEQR will need to be sent to the Seneca County Planning Board for their review. An introductory resolution of Local Law No. 1 of 2023, A Local Law adopting the revised Varick Zoning Code will be presented to the board at the December meeting to hold a public hearing on said law at the January regular meeting of the town board.

Correspondence: A letter was received from South Seneca Volunteer Ambulance Corp addressed to Attorney Frank Fisher and the Town Board. Attorney Fisher has responded to said letter on behalf of the town board.

A letter from Joe and Pat Rao was received by the Supervisor pertaining to their STR located at 5142 East Lake Road. They noted that their rental has been “absolutely perfect” and have successfully been able to carefully select their renters and assure that they follow all their rules and guidelines as they live right next door. For these reasons, they are asking that they be exempt from the recent law governing STR’s in the Varick Zoning Code. The town board and planning board agreed this would not be granted and a letter will be sent in response to their request by the Planning Board.

Mr. Hayssen received from Ken Sanford a petition signed by neighbors who are tired of subsidizing people who rent out their home to renters who overuse and abuse the sewer system resulting in increased sewer costs. It was explained to him that the board has implemented a policy where if it is determined that the municipal sewer system has been misused resulting in its failure, the property owner will be responsible for the cost of repair or replacement of equipment. He went on to thank the town board for the new rules and regulations and efforts to encourage visitors but balance it with the needs of the locals. The Planning Board will send a written response to Mr. Sanford’s petition.

A motion by Tom Fox, seconded by Eric Riegel and so carried unanimously to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Donna Karlsen
Varick Town Clerk