

Minutes
Varick Town Board
May 1, 2007

The regular meeting of the Varick Town Board was called to order by Joan Teichner at 6:59. Councilmen present at roll call were Curt Karlsen, Richard Peterson and Jeff Case. Also present were Attorney for the Town, John Sipos, Town Clerk, Donna Karlsen, Highway Superintendent, Richard McCulloch, Water and Sewer Maintainer, Damon Nicholson, Planning Board, Thomas Bjorkman and Kevin Swartley, Seneca County Health Department, Thomas Scoles, Town of Romulus, Jack Holley, and Town of Fayette Councilman, Don Maybury. Also present were Peter McDonald, Rob Bauman, Dave Stonesifer, Mike Bentley, Jim Hinman, and David Kidd. Council member Kathy Russo arrived at 7:06.

Presenter: Thomas Scoles, from the Health Department reviewed with the board the requirements that must be met to be a certified water maintainer. He noted that Damon Nicholson has met the education requirements, but still needs to have one full year of experience, which he is working on currently. It was noted that Jack Holley is a certified Grade D operator and is willing to oversee Mr. Nicholson or to assign someone else from his department who is certified to help him if necessary. It was also noted that any Grade D or higher operator can be retained to over see Mr. Nicholson if Mr. Holley isn't available. The Village of Waterloo was suggested and Mr. Scoles agreed that Mr. Bromka or anyone of their certified employees would also be qualified to perform this service. Mr. Scoles indicated that Mr. Nicholson can perform day to day business. Any major repairs can also be done by Mr. Nicholson as long as the certified operator can be reached by phone or in person as the certified operator is responsible for any contamination that could occur. Mr. Scoles stated that the town is meeting all requirements and is in compliance.

Mr. Scoles, with the assistance of Mr. Stonesifer did a slide presentation on New York Water & Waste Water System Operators. Mr. Scoles also provided Mrs. Teichner with Asset Management Worksheets.

Petitioners to the Board: Mike Bentley addressed the truck traffic on Route 89 and the use of this road by trucks delivering waste to Seneca Meadows Landfill. He composed a letter with attachments for the board's approval and the Supervisor's signature opposing Seneca Meadows Landfill's application for expansion based on Seneca Meadows prior application where they state that waste delivery traffic will be via the New York State Thruway and this isn't occurring. According to Mr. Bentley's letter this provision is not being fulfilled creating public safety issues, noise pollution, property damage, and the potential for major environmental pollution issues. He is requesting in this letter that the application (DSEIS) and current operating permits of Seneca Meadows Landfill should be

suspended until a time such violations of previous permits of operation are remedied, provisions to prevent reoccurrence are approved and in place.

Mr. Case stated that he was in favor of controlling the truck traffic on Route 89 but he played devils advocate and raised some questions that may arise as the result of this letter. The first question he asked was what the ratio is between the three companies mentioned using this road versus all those that are using the interstate? Mr. Bently stated that DOT can't tell us that information and the information they could provide may not be accurate.

It was noted that if the haulers destination was on the route they are traveling, they could use it. Mr. Case questioned who would be responsible to monitor the haulers and ensure they are using the roads that they are entitled to use? Would this responsibility fall to the Town?

Mr. Case also questioned the fairness of holding Seneca Meadows responsible for the actions of independent haulers not using the designated routes. Mrs. Teichner stated that she has spoken to Seneca Meadows and asked them to remind the haulers to use the designated routes.

It was also questioned as to why a letter should be sent that could possibly hold up Seneca Meadows' permit when they aren't responsible for the independent haulers. Perhaps the town should be addressing this issue to the companies that are not following the established guidelines.

It was noted that the State Police have been called to monitor this situation.

Mr. Case suggested that a letter be sent to Seneca Meadows instead of DEC stating the town's concerns and perhaps providing suggestions on how to remedy this situation. It was suggested that Seneca Meadows could impose safety regulations and monitor the travel routes of the haulers by having them show thruway receipts.

Mr. Sipos wanted it noted that he had no contribution to the discussion or decision made by this board as it would be a conflict of interest on his behalf.

Although questions were posed regarding the letter presented by Mr. Bently, it was decided to send it as it was presented with noted attachments to DEC with a carbon copy to Seneca Meadows.

A motion by Jeff Case, seconded by Kathy Russo and so carried unanimously to send the letter provided by Mr. Bentley with attachments to DEC.

Supervisor's Report: Mrs. Teichner read her written Supervisor's report. A copy of this report will be included with these minutes. She reported that she was busy with meetings and participated as an inmate during the Seneca County Jail open house. She also handed out the Statement of Expenditures, Encumbrances & Appropriations report from the Bookkeeper and stated that the justice's account is not corrected yet.

Planning Board: It was noted that the Planning Board members have almost completed the training requirements for this year.

Mr. Bjorkman reported that the land under the lake belongs to the Town of Varick. It is felt that the rules governing docks, mooring, etc. around the lakes should be the same in the surrounding townships. The planning board would like to participate in working with surrounding towns, establishing rules that are easily enforced. It was noted that any structures that are existing prior to new regulations will fall under the existing regulations.

A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously supporting the establishment of lake wide municipal zoning regulations for land use on Cayuga and Seneca Lake.

Highway: A meeting was held at the Fayette Town Hall May 19th regarding the repair of the culvert under Town Line Road. It was noted that this meeting was very productive. Mr. Ricci, attorney for Fayette, produced an intermunicipal agreement between the town of Varick, and the Town of Fayette relative to repair of the culvert under North Town Line Road and provided a copy to Mr. Sipos. Mr. Sipos reviewed the changes that were made by Mr. Ricci from the original proposal submitted by the Town of Varick. He questioned the Scope of Services that Mr. Ricci detailed and hopes that nothing has been left out. He also questioned the part where it stated that the Town of Varick shall be responsible for the completion of the project without contribution from the Town of Fayette, including the resurfacing of the roadway, replacement of the guardrail, seeding of the banks, etc. Mr. McCulloch reviewed the contract and was satisfied with it.

A motion by Richard Peterson, seconded by Jeff Case and so carried unanimously to approve the Intermunicipal Agreement Between The Town of Varick, New York, And the Town Of Fayette, New York, Relative To Repair Of the Culvert Under North Town Line Road.

A motion by Richard Peterson, seconded by Kathy Russo and so carried unanimously to go out for bids.

Mr. McCulloch reported that the department has taken down the existing guard rails and completed some prep work for this project to begin. He also reported that there are some holes that need to be repaired but are waiting for Seneca Stone to get their hot plant up and running.

Mrs. Teichner reported that as of April 10, 2007 the highway has in a CD, \$101,251.12. This amount includes interest earned of \$1,153. Mrs. Teichner determined that the town will not have to seek outside funding for this project as there is enough money to pay the town's portion from the highway funds. She also reported that the Town of Varick will pay all the bills up front and will then in turn bill the Town of Fayette for reimbursement of their share of expenses.

Mr. Karlsen questioned Mr. McCulloch about the resurfacing of the roadway. It was noted that the area will be left open for a time to allow settling. Mr. McCulloch stated it will be up to the Varick Highway Department to determine how and when the road is done to finish grade.

The state will be replacing a culvert at the end of Town Line Road and Mr. McCulloch will meet with Chris Covert on this issue.

Seneca Lake Water: Mr. Case reported that Jeff Trout requested the Town of Varick's definition of a unit which he provided to him.

Mr. Nicholson stated that Mr. Scoles' presentation was very informative, but wished he knew he was coming prior to the meeting. He reported that he is doing water turn ons almost everyday. He expressed a concern over the Mormon's water and the lack of metering if there is a water break between the main line and the meters which are located at the buildings. It was noted that at the time these meters were installed, this same concern was raised and Mr. Bromka, from the Village of Waterloo, stated that his equipment can meter water flow close enough at the main plant that it would indicate a water break if one should occur.

Mrs. Teichner spoke to Kennedy regarding the replacement bolts. Mrs. Teichner also spoke to Ralf Black, from the Town of Brutus, who works in their sewer and water department who also had Kennedy bolts. He indicated to Mrs. Teichner that the bolts were so inferior at the time they were purchased that they wouldn't meet AWW standards. It was also noted that they are not epoxy coated. Mr. Black also suggested when these bolts are being replaced, there is also another bolt on the hydrant that should be checked as well.

Mr. Nicholson reported that the district received ten 6" valves and five 12" valves from Kennedy. Jack Holley reported that he has replaced 4 to date and approximated the cost to do this at \$250 per hydrant. In the conversation with Kennedy, they suggested that we have the hydrants checked for leaks by using a listening device. Kennedy indicated they could do this, but Jack Holley has the equipment and would be able to do it as well. Kennedy suggested to have Jack Holley do the work and they would reimburse the cost with materials equivalent to Jack Holley's cost. Jack Holley was in agreement with this

arrangement, but is waiting for confirmation in writing from Kennedy. It was noted that Mr. Nicholson could be present during this process and Mr. Holley suggested that he be the one to locate the main valves to save Mr. Holley some time. Nothing will be done until we receive something in writing from Kennedy.

Varick Sewer District No. 2: Mr. Nicholson reported that he repaired a sewer break and he will complete the yard restoration once the weather breaks.

The generator was delivered and he was trained on its operation. Mr. Nicholson felt that at least one other person should be trained on the operation of this in case of an emergency. Mr. Case and Mr. Karlsen will meet with him to get this training. It was suggested that the generator be run once a month with a load against it. A special plug needs to be ordered and connection of the generator needs to be completed before it is operational. Mr. Nicholson submitted a proposal to complete the installation at a cost of \$1,995. This includes the cost of a special order plug at approximately \$500, wire, other materials and labor.

A motion by Curt Karlsen, seconded by Jeff Case and so carried unanimously to hire Damon Nicholson to complete the installation of the generator and submit an itemized bill once it is completed.

Mr. Karlsen reported that Mr. Nicholson had recently tried to purchase needed supplies at HEP, and was unable to do so as no account had been established for him. Mrs. Teichner stated at the April 3 meeting that she had set up an account for the Water and Sewer department at HEP, but she actually hadn't. Mrs. Teichner indicated that there is one there now and Mr. Nicholson did follow up on this and confirmed to the board that a new account was just established.

Personnel: Mrs. Russo reported that she has only received from the county three applications for the Summer Recreation program and only one of them was for the director position. She has contacted Mrs. Quinn at the school and she will make an announcement to the students that applications are being accepted. Mike Kaufman was the only applicant for the director.

A motion by Jeff Case, seconded by Curt Karlsen and so carried unanimously to appoint Mike Kaufman as director of the Romulus/Varick Summer Recreation Program.

Mrs. Russo indicated that she and Mr. Case met with the Town of Romulus regarding the recreation program last year and will do so again this year.

Mrs. Teichner handed out the report that was requested by the board to be done by Bonadio on the 2005 Summer Recreation Program. Mrs. Teichner directed the board to review the report at a later time.

Dog Control Officer: Mr. Vincent submitted a written report for the board's review.

Clerk's Report: A motion by Jeff Case, seconded by Richard Peterson and so carried unanimously to approve the Town Clerk's report.

Mrs. Teichner appointed Jeff Case and Curt Karlsen to audit the highway bills and Richard Peterson, and Kathy Russo to audit General, Sewer and Water bills.

A motion by Jeff Case, seconded by Curt Karlsen and so carried to approve Abstract No.5 General, vouchers 07-49 to 07-61, Highway, Vouchers 17-19 to 07-25 in the amount of \$1,135.23, Seneca Lake Water, Vouchers 07-18 to 07-20 in the amount of \$25,806.73, and Varick Sewer District No. 2, Vouchers 07-14 to 07-15 in the amount of \$11,275.

A motion by Jeff Case, seconded by Curt Karlsen and so carried unanimously to approve payment to Nicholson Trucking in the amount of \$310 from Varick Sewer District No. 2, Capital Account.

The payment to Mr. Nicholson is for the connection of the Seneca Lake Water District building (firehouse) to the sewer district. Mrs. Karlsen noted that Mr. Nicholson was considerably lower in cost and was a savings to the district as the amount originally quoted by another contractor and funds received from RD for this connection was \$1,250.

It was noted that the minutes should reflect that Bill White was a presenter not a petitioner to the board and Cillian will answer questions concerning the proposed Ethanol Plant. Mrs. Russo presented her thoughts as to what she felt should be included in the minutes. Mr. Case noted that the minutes are to be completed by the Town Clerk at her discretion and if something is incorrect in the minutes she presents, then it should be changed.

A motion by Jeff Case, seconded by Richard Peterson and so carried to approve the April 3, 2007 minutes with Cillian added and Bill White listed as a presenter.

Roll Call:

Jeff Case:	Yes
Curt Karlsen	Yes
Richard Peterson	Yes
Kathy Russo	No
Joan Teichner	No

New Business: Mrs. Teichner gave the board a model code of ethics she received from the Association of Towns. It was noted that the town already has a Code of Ethics in place and Mrs. Karlsen will see if she can locate it. The board is to review the sample for possible updating of our current code.

Mrs. Teichner requested permission from the board to attend an Annual Town Finance & Management School and stated that she would not be attending Wednesday's session, but will attend Thursday and Friday. The cost of the school is \$200 and Mrs. Teichner stated she had the money in her budget.

A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously to approve Mrs. Teichner's attendance at the Annual Town Finance & Management School at a cost of \$200.

Old Business: A discussion took place regarding the Romulus/Varick Fire Protection District and the new description of boundaries that were added to the original contract. Mr. Sipos reviewed again Article 11 of the Town Law and what needed to be completed before any boundary lines can be restated. Mr. Sipos stated that he recently received a letter from Mrs. Teichner asking him to redraw all the boundary lines which is a job for a surveyor, not a lawyer. He reminded the board that Mike Karlsen stated he would work with a surveyor or act as the surveyor himself. He also noted that the contract includes the Town of Romulus, and it really should be between the Town of Varick and Romulus Fire Department. Mr. Sipos spoke to Pat Jones at the IDA and reviewed what steps should be taken over this boundary issue. He noted that a petition signed by the tax payers in the proposed district needs to be submitted. He also noted that the IDA and the fire departments needed to be involved and expressed his concern over the fire fighters coverage when entering property that isn't within a district. Mrs. Teichner read the letter written by Jim Gabriel supporting Mr. Sipos' determination on this issue. Mrs. Teichner questioned if she could sign the contract and work it out at a later date. Mr. Sipos advised that signing this contract and filing it with the Town clerk could result in her being charged with filing a false instrument. Mr. Case referred to Varick Fire Department's dispute over the Kennedy Road boundary which is also listed in this legal description.

Mr. Hinman from the Romulus Fire Department took responsibility removing the last two pages which is the legal description that is being questioned from the 2007 Romulus/Varick Fire Contract and resubmitted the contract for Varick Board approval.

A motion by Jeff Case, seconded by Curt Karlsen and so carried unanimously to sign the 2007 Romulus/Varick Fire Contract with the removal of the legal description which was attached to the original submittal.

Mrs. Teichner was questioned as to whether she got a hold of Mr. Sipos, signed the contract for the water and sewer billing and got it to the Village of Waterloo prior to the April Village meeting as she was directed. Mr. Sipos stated that although he was available, Mrs. Teichner never contacted him prior to the Village meeting. He received a letter from her on April 16th and noted that any changes to the contract had already been approved by him and the board prior to the April meeting. There were no further changes that would necessitate his review or further Varick Board approval and the contract was to be submitted to the Village for their approval at their April meeting. Mrs. Teichner thought the effective date had been changed on the contract and it needed to be approved by the board. It was explained to Mrs. Teichner that the effective date was not changed and any other dates that were required in the contract had to be completed by the Village upon their approval. Mr. Peterson was made aware by the Village prior to their April meeting that Mrs. Teichner still had not provided them the signed contract as directed by the Varick Board. Mr. Peterson, as deputy, signed the contract and submitted it to the Village prior to their meeting. A copy of the signed contract along with the cover letter that was mailed to the Village was provided to Mrs. Teichner. As the result of Mrs. Teichner not contracting Mr. Sipos as she stated she would, and pulling the signed contract from the Village of Waterloo over her misunderstanding of a date, the Village of Waterloo did nothing with the contract. This has resulted in delaying the start up date with the Village to do our billing and costing the sewer and water district more money. Even though it was determined that a new resolution wasn't required the following one was made:

A motion by Kathy Russo, seconded by Joan Teichner to enter into a contract with the Village of Waterloo to do billing for the Seneca Lake Water District and Varick Sewer District No. 2.

Mrs. Teichner signature will be placed above Mr. Peterson's signature on the original contract previously signed and submitted by Mr. Peterson to the Village of Waterloo. The Town Clerk will be responsible to get this contract to the Village before their May meeting.

Mr. Karlsen reported that he spoke to Mr. Archibold at Bonidio concerning his direction to Mrs. Teichner to not pay Allardices bill. Mr. Arichibold stated to Mr. Karlsen that he at that time had not seen the bill and was lead to believe that the bill was recent and hadn't gone before the board. Mrs. Teichner never told him that the bill she was questioning had been approved to be paid by the board in December 2006 and had already received RD funding in January. If he had been given that information he would never have indicated to Mrs. Teichner that she shouldn't pay the bill. Mr. Karlsen also reported that he contacted the State Comptroller's office and informed him that the supervisor isn't signing checks, is holding checks once they have been signed and sending them out when she wants. The comptroller stated that isn't common practice, that once bills are abstracted and approved they are to be paid. The comptroller indicated that if there is a question on the bill, it is to addressed prior to its approval, not 3 to 4 months

later. In Mrs. Teichner's Supervisor's report she stated she agreed with what Mr. Karlsen report from the Comptroller's Office, however, Mrs. Teichner feels that if she has a question, she has the right to hold checks. Mrs. Teichner reported that she contacted RD after recently finding an error in posting by her bookkeeper and wanted to verify the amount that had been paid to Allardice. Again it was noted that it took her 3 _ months to figure out that the bill from Allardice was indeed correct and should have been paid. It was noted that the town has never done business like this and as the result of her not sending checks and making payments, it is effecting the town's credit. Mrs. Teichner stated that Mr. Peterson was out of order.

Mrs. Teichner tried to adjourn the meeting, but was again informed that it takes a motion and a second and carried from the floor.

A motion by Kathy Russo, seconded by Joan Teichner and so carried to adjourn the meeting at 9:45.

Respectfully submitted,

Donna Karlsen
Varick Town Clerk