

August 7, 2007

The regular meeting of the Varick Town Board was called to order by Supervisor Joan Teichner at 7:00 p.m. Present at this meeting were Council members Curt Karlsen, Jeff Case, Richard Peterson, and Kathy Russo, Town Clerk, Donna Karlsen, Attorney for the Town, John Sipos, Dog Control Officer, John Vincent, and Planning Board, Kevin Swartley. Also present were Daniel Bucholz, John Saeli, Robert Hayssen, Shannon Corcoran, and Robert Whitley.

Dog Control Officer: Mr. Vincent addressed the topic of dangerous dogs and the proposed draft submitted by the Planning Board for a local law pertaining to vicious dogs. Mr. Vincent suggested further consideration be given to this proposed local law and cited several examples that were redundant with the Agriculture and Market Laws. He also expressed his concern over the town's liability with this proposed law as it is written. Although Mr. Vincent spoke briefly with Mr. Bjorkman concerning this proposed law and Mr. Sipos received emails from him, both felt further consultation needs to be done and changes made before the proposed law is acted on. It was noted that reference should be made to the existing Agriculture & Market law, using the same definitions and wording, rather than trying to rewrite what already exists. Mr. Vincent also stated that he presents dangerous dog forms to those who want to file and won't file the forms himself unless the dogs show aggression to him. Jeff Case reported that Judge Case wanted it clarified as to who should be responsible for prosecuting the vicious dog cases. Ag and Markets law suggest that the town attorney do the prosecuting. Mr. Sipos stated he has never prosecuted a criminal matter and he isn't going to begin now and stated that he had sent the information to the District Attorney's office. The board designated the County District Attorney to prosecute these cases and want this entered into this proposed law. Further review and discussion took place. Mr. Peterson expressed his concern over the wording and Mr. Karlsen suggested tabling this until next month to give Mr. Sipos, Mr. Vincent, Judge Case and the Planning Board time to review and make changes.

Mr. Whitley, who lives on East Lake Road and owns several pit bulls, expressed his feeling that this local law was directed at him and that three of his dogs have been dubbed as dangerous dogs, but noted that there is no record of this on file at the county or at Ag & Markets. He also noted that he had one of his dogs tested at Cornell and it was deemed to be not dangerous and has the paperwork to support this claim. Mr. Whitley reviewed in length, his case with the board and expressed his feeling that he is being harassed by the town and stated that he will address this through the courts. He also requested that Mr. Vincent be removed from his position. Mrs. Teichner asked that he put his concerns in writing.

It was noted that this was the first time the proposed local law pertaining to vicious dogs was brought to this board and the board had never discussed Mr. Whitley or his dogs at any previous meeting.

Supervisor's Report: Mrs. Teichner read her supervisor's report and a copy will be filed with the minutes. Restore NY application for grant funds is due to be submitted by August 20. According to Mrs. Teichner, Peter Brown from Seneca County Economic and Planning Department indicated that the chance of receiving any funding for repair of homes is slim. It was suggested by Kevin Swartley that they apply for funding to bring electricity to Finger Lakes Technology, which will be located on the former depot property. Mrs. Teichner will contact Mr. Swartley to obtain further information.

Bookkeeper's report: Mrs. Teichner reported that Deb needs to get with Harris Computers to do some accounting corrections that she has identified in the Statement of Expenditure, Encumbrances & Appropriations Report presented to the board.

Mrs. Teichner reported that Eileen Peterson, after reviewing the groundwork needed to be done for completing the 2006 AUD report and Audit, declined the position that the board approved to hire her for based on Bonadio's recommendation. Mrs. Teichner further reported that she and Deb met with Vince Sinicropi and Deb felt she could do the work needed to be done. Mrs. Teichner offered the position to Deborah Reed at the same pay rate.

Deborah Reed was unable to attend the meeting but provided a letter to the board updating them on her progress. She wrote that to date her work completed has included all the required information that Bonadio wanted through June of 2006 and she believes that she will have the project done by the end of August. It is her belief that if any other individual doing this project would take a lot longer to complete due to the fact that they would not have had easy access to the computer or the programs and would have lacked the knowledge of all the problems that we had to try and be able to solve the discrepancies that caused us to be doing this extra work to complete the 2006 reports. She has been working with Kristin from Bonadio and they will continue to work together to complete everything within the next couple weeks. She also noted that she has kept current with her 2007 work and have completed all reconciliations and check registers to date.

Mr. Peterson, Mr. Case and Mr. Karlsen reviewed concerns expressed by Bonadio and the condition of the town's bookkeeping for 2006. It was noted that the figures needed can't be taken from the computer program as they are not accurate, which is requiring the work to be done manually. The board clarified that Deborah Reed isn't auditing the books, but is essentially recreating a hand set of books. Mr. Peterson reminded the board that he suggested to the bookkeeper when we hired her that the records be done by hand as we knew the information on the computer was not accurate. Mrs. Teichner noted that the 2005 books were done by hand as well. Mr. Karlsen expressed his objection to paying

the bookkeeper an additional \$15 an hour for work, that as bookkeeper, she is responsible for. Mr. Peterson noted that the board did not approve hiring Deborah for this position and Jeff Case questioned why Bonadio suggested hiring someone else if Deborah was capable of doing the work. Mrs. Teichner stated she hired Deborah without board approval as this report needs to be done and she didn't want to wait till next board meeting or call a special meeting. Deborah has submitted a voucher for payment for the work she has completed to date. Mr. Peterson clarified that it is the tax payer's money and he feels we are spending it twice, we hired her to do a job and now she is getting paid to correct it. No action was taken on the position or approval of the voucher at this time.

Mrs. Teichner, with additions and approval from Bonadio, put together a job description for the bookkeeper's position and gave it to Deb.

Planning Board: Mr. Swartley reported that the board is working on clarifying the language for the travel trailer regulation and noted that an owner of the property can reside in the travel trailer, as long as it isn't year round and has to meet set back requirements. The board will also continue to work on the dangerous dog law and refer to Ag and Market Laws and State Laws.

Highway: The culvert project went very well and was basically done in three days. They are waiting on the guardrails to be put in place and there is a question as to if the cost of these would be split between the two towns. Fayette didn't feel they needed to pay for the guardrails. Nozzolio has promised some funding and will instruct Mr. Peterson how to obtain this once he gets all the bills. The clerk has already sent to the Town of Fayette their portion of the bills we have received so far. It was noted that Dendis hadn't been paid as yet, but it was vouchered for approval tonight.

Mr. Karlsen suggested that a letter be sent to Seneca County Highway Superintendent Roy Gates requesting the original markings on East Lake Road, prior to the latest paving, be put back in place within the Town of Varick. When the County remarked this portion of the road they changed the markings to a continuous no passing zone, leaving motorists no place to pass slow moving vehicles safely. Originally, the liability belonged to an outside firm who established the original markings, with the changes made by the county; the liability now becomes the county's.

A motion by Curt Karlsen, seconded by Jeff Case to write a letter to the County Highway Superintendent Roy Gates to change the lines back to its original markings along East Lake Road in the Town of Varick when remarking this road.

Roll Call:

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| Joan Teichner | No |
| Jeff Case: | Yes |

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| Curt Karlsen | Yes |
| Richard Peterson | Yes |
| Kathy Russo | Yes |

Seneca Lake Water: It was noted that Mr. Nicholson keeps a log as to his time and activities. The installation of a new water service was installed with recommendations by the Village of Waterloo with no new tap.

The Town of Fayette submitted to this board a revised agreement from the original one they had submitted and had been approved by both boards. This Agreement added what is now known as number six (6) detailing how the amount due is to be calculated and the time frame it is to be paid to the Town of Varick.

Jeff Case spoke to Jeff Trout and noted that any changes were done without their input.

Mr. Sipos made reference to number 7 regarding the tax issue. He questioned about the taxes we might be asked to pay in relation to property owned in the Town of Fayette with regards to School and County tax. Mrs. Teichner assured him that would not happen.

Mr. Case explained that Ed Barto said there was no Municipal Agreement between the two towns and that the money that he collected from taxes is illegal for him to turn over to us. Mr. Sipos referred to a November 2, 2001 letter he wrote to Mr. Ettman, the Town of Fayette's attorney at that time and expressed his continuing frustration over his dealings with Fayette regarding this agreement. As a result, he suggested to Mrs. Teichner that the Town of Fayette's current attorney prepare an agreement and present it to the Town of Varick. Mrs. Teichner expressed her opinion that there was nothing wrong with this agreement and felt that what was added is not detrimental to the Town of Varick. Mr. Sipos did not agree with Mrs. Teichner's assessment. Mr. Case expressed that the Town of Fayette wanted everything the same as the Town of Varick. Mr. Case also indicated that the Town of Varick will eventually have to add an operation and maintenance charge, which under their agreement will now be assessed to Fayette users, rather than paying the flat \$21,000 as originally agreed upon. Mr. Hayssen questioned whether Mrs. Teichner had run the numbers and the cost to the Town of Varick with the implementation of this agreement. She stated she had not. The agreement only makes reference to the property owners but no unit charge assessed to them. It was understood that Fayette would use our definition of unit charge and assess their properties accordingly. It was noted that this stipulation was not included in the current agreement in front of the board and was suggested that our definition of unit assessment be attached to this Agreement prior to final approval.

A motion by Joan Teichner, seconded by Richard Peterson and so carried to approve the Agreement with the addition of the definition of Varick unit assessment.

Roll Call:

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| Jeff Case: | Yes |
| Curt Karlsen | Yes |
| Richard Peterson | Yes |
| Kathy Russo | Yes |
| Joan Teichner | Yes |

It was noted that Fayette still hasn't paid the \$21,421 that was due to the Town of Varick in February and the district has lost the interest that would have been earned on this money if it had been paid on time. A discussion took place as to what rate of interest the board felt would be fair to charge Fayette from February 1 to August 7. It was decided to charge the Town of Fayette a 5% rate of interest on this money, as this is the rate the town is currently receiving on other funds invested.

A motion by Jeff Case, seconded by Richard Peterson and so carried unanimously to send a bill to the Town of Fayette in the base amount of \$21,421 with interest accrued from February 1, 2007 to August 7, 2007 at the interest rate of 5%.

Roll Call:

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| Joan Teichner | Yes |
| Jeff Case | Yes |
| Curt Karlsen | Yes |
| Richard Peterson | Yes |
| Kathy Russo | Yes |

The board discussed the progression of the contract with the Village of Waterloo and why the billing couldn't be sent on time. The board decided that a letter is to be written by Mrs. Teichner explaining the delay for the water and sewer billing and this letter is to be approved by the board before it is mailed.

Varick Sewer District: Applications from those who have not connected are being processed and easements are being collected.

Personnel: Nothing further has been done on advertising for the repair of the bolts on the hydrants. It is unclear of the qualifications needed by the contractor doing the repair. A discussion also took place regarding what material if any should be added to the soil to prevent further corrosion on other parts. Mr. Case will contact Damon with regards to listening to see if he has found more leaks.

Assessor: Mrs. Teichner read the written Assessor's report and a copy will be filed with these minutes.

A motion by Richard Peterson, seconded by Jeff Case and so carried unanimously to accept the Assessor's Report.

WHEREAS, in accordance with laws contained in the Real Property Tax Law the terms of office of all Assessors are set for a six year period of time, and

WHEREAS, the term of office of all New York State Certified Assessors expires as of September 30, 2007, and

WHEREAS, Anna M. Morgan has performed her duties as the Sole Assessor for the Town of Varick and

WHEREAS, it would be in the best interest of the Town of Varick to reappoint Ms. Morgan to a six-year term as Sole Assessor, now therefor be it

RESOLVED, Anna M. Morgan is hereby appointed to a six-year term as Sole Assessor for the Town of Varick, and be it

FURTHER RESOLVED, that Ms. Morgan's contract as administered by the Town of Ovid for the Joint Assessment Group, shall be reviewed annually by the Joint Assessment Committee, and be it

FURTHER RESOLVED, that said term of office for Ms. Morgan shall be October 1, 2007 to run until September 30, 2013.

Motion by: Jeff Case
Seconded by: Curt Karlsen
So Carried Unanimously

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

A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously approve Abstract Number 8, General, Vouchers 07-86 to 07-94 in the amount of \$580.30, Highway, Vouchers 07-46 to 07-62 in the amount of \$76,487.41, Seneca Lake Water, Vouchers 07-33 to 07-37 in the amount of \$49,257.77, and Varick Sewer District No. 2 in the amount of \$430.60.

A motion by Jeff Case, seconded Curt Karlsen and so carried to approve the minutes of July 3, 2007 as written.

Roll Call:

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

Mr. Peterson questioned Mrs. Russo if she was able to get the breakdown of the number of Varick students who attend the summer recreation program as requested last month. Mrs. Russo reported that she had to get the applications from the director and would have that number for him next month.

Mrs. Teichner expressed her opinion that the minutes should reflect when Mr. Case left the meeting.

In the absence of the Town Clerk at the special meeting held by the board June 12, 2007, Mrs. Russo agreed to prepare and submit the meeting minutes, which were mailed to the board members by the Town Clerk. After some questions were raised regarding these minutes, Mrs. Karlsen listened to the tape of the June 12 meeting and redid the minutes and presented her minutes to the board for their approval. The board reviewed the town clerk's minutes. Mrs. Karlsen reviewed the corrections and additions made from Mrs. Russo's minutes and explained why these changes were necessary. Mrs. Karlsen thanked Mrs. Russo for her efforts and pointed out that doing the minutes is not easy.

A motion by Jeff Case, seconded by Curt Karlsen and so carried unanimously to approve the June 12, 2007 minutes.

Roll Call:

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| Jeff Case | Yes |
| Curt Karlsen | Yes |
| Richard Peterson | Yes |
| Kathy Russo | Yes |
| Joan Teichner | Yes |

Motions: No action was taken regarding the dangerous dog law.

The board further discussed the position that Eileen Peterson declined. Mr. Case reiterated Bonadio's recommendation that the board hire a different individual to do the work necessary to complete the 2006 AUD and audit and noted the board is looking at going against that recommendation. Mr. Peterson agreed with Mr. Case's point, but questioned what alternative they had at this point. The question was raised if Bonadio would accept Deb's work. As indicated in Deb's letter to the board, she will be working with Kristen from Bonadio to complete everything. Mrs. Teichner noted that she has 54 hours invested in this work to date. Mr. Karlsen questioned Mrs. Teichner where the money would come from to pay her. Mrs. Teichner stated that it will come from her expense account and when that was gone it would have to come from contingency.

A motion by Joan Teichner, seconded by Kathy Russo and so carried to pay Deborah Reed \$15 an hour and let her continue to finish what she is doing; it is a lesson we all

learned, it has to done and she is the one most knowledgeable about the books as she was involved.

Roll Call:

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

A motion by Jeff Case, seconded by Curt Karlsen and so carried unanimously to have the inline flow meters rebuilt.

It was reported that the town received the Records Management Grant and the board needed to hire a consultant and clerk to complete the work that falls under this grant funding. Mrs. Karlsen questioned Mrs. Teichner if she had a copy of the grant paperwork that Peter Brown submitted. She stated that she didn't. Mrs. Karlsen had spoken to Mr. Brown and requested a copy for her office but hadn't received it as of this date.

A motion by Curt Karlsen, seconded by Kathy Russo and so carried to hire Diane Basset Nelson for Records Management Consultant at \$250 a day for a maximum of 5 days.

A motion by Joan Teichner, seconded by Kathy Russo and so carried to hire Donna Karlsen as Records Clerk at \$12 an hour for a maximum of 280 hours.

Mr. Sipos requested the board to enter into executive session.

A motion by Richard Peterson, seconded by Jeff Case and so carried to enter into executive session at 9:40.

A motion by Curt Karlsen, seconded by Jeff Case to come out of executive session and adjourn the meeting at 10:05.

Respectfully Submitted:

Donna Karlsen
Town Clerk