

Varick Town Board

March 3, 2009

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 Council members Jeff Case, John Saeli, Kathy Russo and Richard Peterson; Town Attorney John Sipos, Town Clerk Donna Karlsen, Highway Superintendent Richard McCulloch, Bookkeeper Carol Sipos; Seneca County, Peter Brown, FLTG, William Doran, Bonadio, Jerry Archibald and Water District No. 3 Project Attorney, Steve Ricci. Also present were Larry Peterson and Kimberly Brown.

**Privilege of the Floor:** Peter Brown reviewed the Restore NY Funding grant application applying for the rehabilitation of five vacant concrete block buildings in the former Seneca Army Depot's "Q" Area, which combined, total over 53,000 sq. feet. These buildings will be transformed into both the Finger Lakes Technology Group's headquarters and into FLTG's disaster recovery co-location center. Building 800 will serve as the security center, 802 will become the primary office building, 810 offices and co-location and client secure staging areas, building 812 as a secure co-location service center and A0218 as a co-location data center. This grant requires 10% matching funds which Mr. Brown reported has already been invested in the buildings which will cover any matching fund requirements.

He explained that the following needs to be done:

1. Resolution supporting the application
2. Letter of Intent to be signed by Town Supervisor for Restore NY Funding
3. A public hearing advertised with a list of properties published in the official paper and three days consecutively in a daily news paper

The following motion was made:

THE TOWN OF VARICK TO HOLD PUBLIC HEARING FOR APPLICATION TO THE ROUND 3 RESTORE NY PROGRAM

WHEREAS, New York State has released the final round of the "Restore NY" grant program, due on May 4<sup>th</sup>, 2009, in order to rehabilitate vacant buildings to remove community blight and attract new development; and

WHEREAS, Finger Lakes Technology Group proposes an application to rehabilitate the buildings in the "Q" Area of the former Seneca Army Depot, including the grounds and Buildings 800, 802, 807, 809, 810, and 812; and

WHEREAS, the Restore NY program reimburses up to 90% of rehabilitation costs for eligible commercial structures which will improve the commercial health of a community; and,

WHEREAS, the program requires a Municipality to apply on behalf of the property owners; and

WHEREAS, the program requires the Municipality to submit a Letter of Intent by March 6<sup>th</sup>, 2009 outlining the Municipality's proposed project; and,

WHEREAS, buildings proposed to use RestoreNY funds must be made public through a Property Assessment List published in a daily paper for no less than three consecutive days; and,  
WHEREAS, the Municipality must hold a Public Hearing regarding the proposed project and the Property Assessment List to hear public comment prior to application; and

WHEREAS, the Town finds that the proposed project at the "Q" Area of the former Seneca Army Depot will remove a blighting influence on the community and these prepare these sites for future development and use; and

WHEREAS, these projects facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

THEREFORE BE IT RESOLVED that the Town Supervisor is hereby authorized and directed to submit a Letter of Intent to the RestoreNY program for the rehabilitation of "Q" Area Buildings: and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and directed to submit a Public Notice of the project Property Assessment List in the official and local daily Town newspaper; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and directed to submit a Public Notice that Public Hearing will be held at 7:00 p.m. on April 7, 2009.

Motion: Kathy Russo  
Seconded: John Saeli

Roll Call:  
Robert Hayssen Yes  
Kathy Russo Yes  
John Saeli Yes  
Richard Peterson No  
Jeff Case Absent  
So Carried

Mr. Hayssen signed the Intent to Apply for Restore NY Funding form and provided Mr. Brown with the original and a copy to the clerk.

**2006/2007 Audit:** Jerry Archibald presented the draft Basic Financial Statements for the year ending December 31, 2006 together with the Independent Auditor's report. He reviewed their 2006 Financial Analysis report and will draft a response to their report for Mr. Hayssen to review and if found acceptable, to sign and submit. Mr. Archibald will also contact Rural Development in attempt to have them accept this as a final report. The final steps that need to be completed is to submit the town's response to their findings, have Mr. Sipos sign the Legal Representation Letter which he will discuss with Mr. Sipos, and submit the General Representation letter which Mr. Hayssen has already signed. He encouraged the board to read the first 8 pages of the report and footnotes. He also reported that he would provide a breakdown of each fund for the bookkeeper.

A motion by Jeff Case, seconded by Richard Peterson and so carried unanimously to accept the draft 2006 Basic Financial Statements for the year ended December 31, 2006 together with Independent Auditors' Report subject to any modifications or changes.

Mrs. Sipos reported that she has received an extension to submit the Town's past three years AUD reports till May 1, 2009.

Mr. Archibald indicated that their firm might be interested in performing the 2008 audit but wants to review Carol's books prior to submitting a proposal. He suggested that we should seek other proposals, as he feels based on past experience, his proposal may be higher than others submitted. He will provide a firm price at the April meeting.

Mr. Hayssen reported that Ray Wager may be interested in performing the necessary audit and we have already provided him with some requested information. The draft audit will also be submitted to him for his review.

**Varick Water District No. 3:** Mr. Ricci provided the board with an OSC Application Resolution. This resolution is makes certain determination in relation to an application for State Comptroller approval for the proposed Varick Water District No. 3.

A motion by Richard Peterson, seconded by Kathy Russo and so carried unanimously approving the resolution making certain determination in relation to an application for state Comptroller approval of a proposed water district in the town of Varick, Seneca County, New York, to be known as Water District No. 3 of the Town of Varick, Seneca County, New York.

A copy of this resolution in its entirety will be filed with these minutes.

Mr. Ricci indicated that Jason McCormick will need to provide additional copies of the map, plan and report to be filed with this application.

Municipal Solutions has submitted a proposal to the Town of Fayette to be the financial advisors on this project and will be responsible for submitting any further application. Stuart Brown will continue with the application for funding from Small City's Grant.

**Varick Sewer District No. 2:** Mr. Hayssen reviewed a letter received by Al Lester who is an out-of-district user on this line and is upset over the operation and maintenance charges he is receiving. Mr. Hayssen indicated that the out-of-district users are being assessed the same charges as in-district users but without the benefit of pump repair. It was noted that the out-of-district-users paid the majority of the cost to purchase their grinder pumps and there are 7 out-of-district users currently. Mr. Hayssen feels the district should provide the same routine maintenance coverage as in-district-users receive to these 7 out-of-district users as they are paying the same fees. The issue of a liability statement and easements for these connections were discussed and would need to be in place if the district were to provide further service.

A motion by Jeff Case, seconded by Kathy Russo and so carried unanimously to have Varick Sewer District No. 2 provide the seven out-of-district users located in the Town of Romulus who are paying the current rate of \$33 for O & M the same maintenance on their grinder pumps as what was agreed to for in-district users.

A copy of this resolution will be provided to the Town of Romulus with a copy to Mr. Lester.

Mr. Hayssen reported that Seneca County Sewer District No. 2 charges \$30 to process sewage waste to in-district users and has over charged our district approximately \$80,000 to perform the same service. He has not had any success to date with getting this resolved. He also noted that Varick Sewer District No. 2 receives no compensation for the running of our pumps to push Seneca County's sewage. He asked permission from the board to seek legal council to review the discrepancies over whether our users should be considered in-district or out-of-district users and resolve the billing issues. He is working with Susan Sinclair and the county attorney to try to resolve this. He did contact an attorney in Syracuse, Bill Drexler, to see if he would be interested in representing the district, however, Mr. Drexler indicated that it would be too involved for their firm.

**Seneca Lake Water District:** Mr. Hayssen also reviewed the discrepancies regarding the ownership of our waterline that runs through what was once the Seneca Army Depot. It is felt by Seneca County Water District that when Aspen conveyed the ownership of Depot land from Kennedy Road south to the pump station to them it included the water line too. Mr. Hayssen contends that Aspen never owned the line to begin with so ownership could not be turned over to Seneca County. Since Seneca Lake Water District still owns this line, the out-of-district users like all the other out-of-district users on the water line should be responsible for paying an operation and maintenance and unit fees. These prior fees and future fees should be collected and water usage can be based off of Jack Holly's meter reads. It was also determined that no further connections will be done until the ownership of the line is resolved.

The board did discuss the possibility of negotiating the sale of this portion of the line to Seneca County, however, any sale would be subject to approval from those agencies that provided funding and have liens against the line.

After reviewing the issues concerning both Seneca Lake Water District and Varick Sewer District No. 2 with Seneca County Water and Sewer Districts, Mr. Hayssen asked the board to permit him to seek legal council to review the legal documents pertaining to these issues, give the board a determination, and if need be represent the districts in a lawsuit regarding these issues.

The board further reviewed the issues, noted that the districts could be owed in an excess of over \$80,000 if Mr. Hayssen's interpretation of the contracts and ownership of the lines is correct. Mr. Saeli expressed mixed feelings on proposing a lawsuit against the county, which the rest of the board supported and hopes that once there is an outside entity's interpretation of these issues, they can be resolved without pressing the issues legally.

A motion by Jeff Case, seconded by Kathy Russo and so carried unanimously to have Supervisor Hayssen consult an attorney pertaining to sewer and water issues, negotiate a retainer fee not to exceed \$10,000, and report back to the board.

The board discussed the 2008 audit that needs to be completed.

A motion by Jeff Case, seconded by Kathy Russo and so carried unanimously to seek proposals from Ray Wager and Jerry Archibald accounting firms to complete the 2008 audit.

**Varick Water District No. 4:** An application will be submitted to the state audit and control. The board has received no further information regarding this district from the Town of Romulus and they don't want to move forward by referendum. Ken Reimer may circulate petitions to get public opinion.

Mr. Hayssen reported that Jason McComick indicated that there is more grant funds available and it was suggested we apply for them to extend Seneca Lake Water District up Yale Farm Road or possibly a line up from Route 89. The board noted that they didn't want the request for further funding to interfere with the Route 89 and Hamlet of Fayette projects.

**Highway:** Mr. McCulloch reported that Town Line Road and Willers Road need some repair. He also noted that the culvert pipe on Hahnel Road needs to be replaced and described the current situation to the board. He discussed the cost of asphalt this year and hopes to see the price drop. Mr. McCulloch stated that the new material used last year for paving is very durable, but residents were not very happy as he had to shut the road down for so long in order to allow it to set. The highway department is willing to accept coal ash, but in a controlled manner.

**Assessor:** Mr. Hayssen reported that the towns of Fayette and Seneca Falls pay their assessor more per parcel than we do.

A motion by Jeff Case, seconded by Kathy Russo and so carried unanimously to approve the written Assessor's Report.

**Town Clerk's Report:** A motion by Jeff Case, seconded by Kathy Russo and so carried unanimously to approve the Town Clerk's Report: Revenue to Supervisor: \$142.49, County Treasurer: \$10.57, State Ag & markets: \$3.00, State Health Department: \$22.50, Depart of Conservation: \$9.44, Total Disbursed: \$188.00

**Supervisor's Report:** A motion by Jeff Case, seconded by John Saeli and so carried unanimously to accept the Supervisor's Report.

Mr. Hayssen reported that he directed Hillside to seek the services of Peter Brown at the county to help with a Community Development Block Grant to assist in the cost of repair of their generators. It was thought that they received grant money to do this last year and the town board was not interested in supporting this application.

Mr. Hayssen reported that he resigned from the Seneca County Water District No. 1 and Sewer District No. 1 & 2 boards and the town board can make recommendations to the County Board for his replacement within 30 days of his resignation.

Mr. Saeli suggested Bob Kaiser to fill this vacancy, but he has not been able to reach him. It was suggested that the board, if agreeable, recommend Mr. Kaiser fulfill all the vacancies considering the limited time constraint and continue to try to reach him.

A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to recommend Robert Kaiser to represent the Town of Varick on Seneca County Water District No. 1, Sewer District No. 1 & 2 boards.

**Varick/Romulus Summer Recreation:** Mrs. Russo reported that Michelle Andrews and Patty Earp are interested in continuing their positions as director and assistant director respectively. She also reported that it is too late to apply for Seneca County Youth Bureau Grant funding and it is too early to know what if any workforce people we will get. It was noted that in previous years the director was responsible for hiring her staff and completing necessary paper work and that Michelle Andrews would like to do this herself. A discussion was also held as to what advertising should be done. It was again noted that the guidance councilor at Romulus Central was notified to make an announcement to the students for the junior counselor positions and would hand out the applications to be submitted to the director and/or county for their review and should continue this. It was suggested that this could be done at South Seneca too.

A motion by Richard Peterson, seconded by Jeff Case, and so carried unanimously to approve the minutes of February 3, 2009.

A motion by Kathy Russo, seconded by Jeff Case and so carried unanimously to approve Abstract No. 3, General, Vouchers A0009-25 to A0009-39 in the amount of \$7,894.60, Seneca Lake Water, Vouchers SWS09-09 to SWS09-12 in the amount of \$42,919.99,

Highway, DAO09-15 to DAO09-18 in the amount of \$844.63, and Varick Water District No. 4, A0009-40 to A0009-43 in the amount of \$1,130.14.

**Old Business, New Business and Correspondence:** The building repairs will commence once the weather breaks.

Mr. Hayssen received from DEC information pertaining to an application for a well spacing variance to be done by Chesapeake Appalachia for public inspection and the information will be available for review in the clerk's office. It was noted that drilling of wells has been cut way back.

The Village of Waterloo will be sponsoring a pre-retirement seminar with the NYS & Local Retirement System on Friday May 15, 2009.

Jim Bromka provided information concerning a seminar on the toxicity of fluoride and the arguments against water fluoridation and zero waist management on Wednesday, March 4<sup>th</sup>.

Linda Mastellar, First Investors, will also present a workshop on A Better Way: A Disciplined Approach to Investing, Thursday March 5th.

A motion by Jeff Case seconded by John Saeli and so carried to adjourn the meeting at 9:45 p.m.

Respectfully submitted,

Donna Karlsen  
Varick Town Clerk