

April 6, 2010

The regular meeting of the Varick Town Board was called to order at 6:00 p.m. by Supervisor Robert Hayssen and was held at the Varick Fire House due to the public hearing on the Varick Zoning Code to begin at 7:30 p.m. Present at this meeting were Council Members Kathy Russo, Richard Peterson, John Saeli, and Peter McDonald, Town Clerk, Donna Karlsen, and Town Attorney, John Sipos. Also present were Supervisor Cindy Lorrenzetti and Councilman Jeff Trout from the Town of Fayette, Supervisor Dave Kaiser from the Town of Romulus, Project Attorney Steve Ricci for Varick Water District No. 3, Dave Stonesifer, Edward Maguire, Barry Sommerville and Jim Sommerville.

**Varick Water District No. 3:** Mr. Ricci reported that the opening of sealed proposals for the furnishing of material and labor necessary to construct the improvement in Water District No. 3 was held March 25, 2010. Syracuse Constructors, Inc. was determined to be low bidder. Mr. Ricci reported that their bid bonds were filed in conformity with the Town Law and stated that he researched Syracuse Constructors work experience and found it to be satisfactory and recommended to the board they award Syracuse Constructors, Inc. the bid which would be contingent upon approval by USDA-Rural Development and NYS Office of Community renewal.

A motion by Richard Peterson, seconded by Kathy Russo to accept the resolution as presented by Attorney Ricci as follows:

**RESOLUTION OF THE TOWN OF VARICK DATED APRIL 6, 2010  
A RESOLUTION OF TOWN BOARD ACCEPTING PROPOSAL AND  
AWARDING CONTRACT FOR CONSTRUCTION OF IMPROVEMENT**

**WHEREAS**, a map, plan and report, including an estimate of cost, have been filed in the office of the Town Clerk of the Town of Varick, Seneca County, New York, in relation to the establishment of Water District no. 3; and

**WHEREAS**, the improvements in connection with the establishment of said Water District No. 3, consist of the construction of various segments of 12 inch and 8 inch HDPE water main and appurtenances in the Town of Varick, and including all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, preliminary costs and other improvements and costs incidental thereto, as more fully described in the aforesaid map, plan and report; and

**WHEREAS**, an Order was duly adopted by said Town Board on December 2, 2009, reciting a description of the boundaries of said proposed Water District No. 3, the improvements proposed therefore, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's office for public inspection, and specifying the 15th day of December, 2009 at 7:00 o'clock, Prevailing Time at the Town Hall, in Varick, New York, in said Town, as the time when the place where said Town

Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject therefore concerning the same; and

**WHEREAS**, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law and proof of such publication and posting has been duly presented to said Town Board; and

**WHEREAS**, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which time all persons desiring to be heard were duly hears; and

**WHEREAS**, following said public hearing and based upon the evidence given thereat, said Town Board duly adopted a resolution determining in the affirmative all of the questions set forth in subdivision 1 of Section 209-e of the Town Law and resolution approving the establishment of said Water District No. 3; and

**WHEREAS**, such resolution establishing the District was adopted subject to permissive referendum and the period of time during which a petition could be filed requesting a referendum elapsed without a petition being so filed; and

**WHREEAS**, an application of approval to establish Water District No. 3 to the Office of the sate Comptroller was required based on the \$722.00 annual cost to the typical property is said District and said approval has been received dated July 3, 2009: and

**Whereas**, THE Town Board of the Town of Varick, New York as part of a \$3,172,400 joint project with the Town of Fayette, by public notice duly published according to law, has invited sealed proposals for the furnishing of material and labor necessary to construct the improvement in Water District NO. 3; and

**WHEREAS**, all such proposals received were considered publicly at 1 DiPronio Drive, Waterloo, New York, on the 25<sup>th</sup> day of March 2010, at 2:00 o'clock P.M., the time and place specified in the public notice, and

**WHEREAS**, said Town Board has determined that *Syracuse Constructors, Inc.* is the lowest responsible formal bidder whose bid bond were filed in conformity with Town Law Section 197 and said public notice, for construction of said improvement is accordance with the plans and specifications therefore,

**THEREFORE, NOW BE IT RESOLVED**, that the said proposal of *Syracuse Constructors, Inc.* be the same hereby is accepted contingent upon approval by USDA-Rural Development and NYS Office of Community Renewal, and be it;

**FURTHER RESOLVED**, that this Town Board enter into a contract with said *Syracuse Constructors, Inc.* and in accordance with the plans and specifications for said improvement, said contract to be approved by Stephen R. Ricci, Esq., on behalf of the Town of Varick and to provide for the furnishing of the further security for the performance of said contract specified in the aforesaid public notice.

DISCUSSION: Jeff Trout asked for clarification on percentage of costs to be divided between the two towns and how remaining funding, if any, would be dispersed, once the initial work was completed. It was determined that this would need to be explained by Municipal Solutions and Stuart Brown Associates as financial advisors. A discussion was also held regarding the costs of operation and maintenance and purchase of water to be equal between the two towns.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to call the question:

The question of the adoption of the foregoing order was duly put to a vote on a roll call, which resulted as follows:

Robert Hayssen	Yea
Richard Peterson	Yea
John Saeli	Yea
Peter McDonald	Yea
Kathy Russo	Yea
So Carried Unanimously	

A motion by Kathy Russo, seconded by Peter McDonald and so carried unanimously to authorize the Supervisor sign required paperwork pertaining to Varick Water District No. 3.

Town of Fayette Supervisor Cindy Lorenzetti clarified and it was agreed that Richard Peterson will also be a point of contact regarding this project.

**Varick Water District No. 1:** Supervisor Kaiser indicated that in his opinion the current administrative agreement between the Town of Romulus and Town of Varick cannot be terminated without the consent of both towns. Mr. Sipos pointed out that the agreement that Romulus shows as being in effect is not the same agreement which was approved by the Varick Town Board. Mr. Sipos also noted that as the result of information obtained from the Town of Romulus, The Town of Romulus failed to perform the fiduciary duties assigned to them through this agreement resulting in a breach of agreement. As the result of this breach of agreement, the Town of Varick sent a letter of termination to the Town of Romulus in July 2009. As the result of this letter, there currently is no agreement in effect between the two towns as of this date.

Mr. Hayssen reported that the Varick Board had proposed to Romulus to have them read the meters, send the bills, collect the payments and deposit funds received from this billing into a Town of Varick account. The Town of Romulus board was not interested in performing this service. He also has asked the Town of Romulus to provide a unit break down for the Romulus School district and has yet to receive an explanation as to how they have come up with their numbers. Mr. Hayssen expressed to Supervisor Kaiser again his concern over bills that were incorrectly charged to this district and would like

these charges rectified. Mr. Hayssen reported that a letter was sent to the Town of Varick customers on March 29, 2010 advising them that the Town of Romulus will no longer be sending bills or collecting payments for customers in the Hamlet of Romulus, Town of Varick's Water District No. 1 and Sewer District No. 1 and directed Mr. Kaiser not to send any further billing out for this district, which Mr. Kaiser stated they would not.

Mr. Kaiser would like to see the water rates the same in both towns and clarified that Steve Getman is the Town of Romulus' attorney. He also expressed concern that the Town of Varick would not pay incurred bills if the money wasn't deposited in a Romulus account, which Mr. Hayssen refuted using over thirty years of past experience with the Town of Varick. Mr. Kaiser submitted the following statement in written form:

The Town of Romulus has administered these bills and sent statement to the Town of Varick on a regular basis.

The Town Supervisor of Varick is the Chief Fiscal Officer of the Town and responsible for the review and audit of the town's obligations.

The Town of Varick Supervisor never questioned these past statements. Furthermore, the Town of Varick has annually passed a budget that provided for contractual payment to the town.

The Town of Romulus has done its best under my administration to work with Varick to share services for the benefit of the taxpayers.

If Mr. Hayssen thinks the bills were inaccurate then he owes his taxpayers an explanation why he, as Chief Fiscal Officer, didn't questions these charges earlier.

With that being said, the Town Board of Romulus has asked me to reiterate our offer to move forward with Varick and resolve these issues for the best of both towns. We remain open to honest negotiation with Varick.

Mr. McDonald will work with Mr. Kaiser to schedule a joint meeting with both town boards to be held at the Varick Town hall and set an agenda.

Mr. Hayssen reported that Frank Fisher from Seneca County has indicated that the county will not do the reading of the meters or billing until we resolve the issue of the agreement between the Town of Romulus and a billing issue over Seneca County Sewer District No. 1. He reported that Bill Kolbeck was willing to manually read the meters and the Town of Seneca Falls has the same type of meter reader needed to electronically read them.

**Highway:** A motion by Kathy Russo, seconded by Peter McDonald to hold the Spring and Fall Clean Up on the dates designated by the highway department and send post cards.

**Varick Sewer District No. 2:** Mr. Saeli reported that Siewert agreed to not bill for the repair work they did under the direction of Yaws. He also noted that Yaws sent a refund check for repair of a pump that didn't work properly.

**Varick Water District No. 4:** Mr. Hayssen received the map for this district from Tim Buhl and recommended payment of balance due to date to Tim Buhl and the remaining amount due to Lawson Surveying which was approved by the board.

**Town Clerk's Report:** A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to approve the Town Clerk's Report: Revenue to Supervisor: \$186.50, Coujnty Treasurer:\$23.50, State Ag & Markets: \$12.00, Total Disbursements: \$222.00.

**Supervisor's Report:** A motion by Richard Peterson, seconded by Peter McDonald and so carried unanimously to approve the written Supervisor's Report.

A motion by Robert Hayssen, seconded by Kathy Russo and so carried unanimously approve to borrow \$10,000 from Seneca Lake Water District to be transferred to Varick Water District No. 4 to pay bills.

A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to approve Amendment to the Varick Highway Budget Resolution No. 3.

**Personnel:** Mrs. Russo reported that Michelle Andrews is still willing to run the Summer Recreation program and Mrs. Russo will be putting up flyers advertising junior counselor positions in Romulus, Waterloo and South Seneca School districts and asked permission from the board to advertise in the Finger Lakes Times for this position if we don't get enough applications from the advertisement in the schools. It was suggested that if needed she advertise in the Area Shopper.

A motion by Robert Hayssen, seconded by Peter McDonald and so carried to advertise for junior counselors for the Summer Recreation Program not to exceed \$50 if needed.

Roll Call:	Robert Hayssen	Yes
	Richard Peterson	No
	Peter McDonald	Yes
	Kathy Russo	Yes
	John Saeli	Yes

So Carried

**Assessor's Report:** A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously to approve the written Assessor's Report.

**Code Enforcement Officer's Report:** Mr. Paul Conroy submitted a written building permit report for January, February and March.

**Abstract:** A motion by John Saeli, seconded by Richard Peterson and so carried unanimously to approve Abstract 4, Seneca Lake Water District, Vouchers SWS10-13 to SWS10-18 in the amount of \$42,217.23, General, Vouchers A0010-150 to A0010-168 in the amount of \$10,107.49, Varick Sewer District No. 2, Vouchers SSS10-9 to SSS10-11 in the amount of \$3,387.25, Highway, Vouchers DAO10-17 to DAO10-21 in the amount of \$2,144.86.

A motion by John Saeli, seconded by Richard Peterson and so carried to pay the following bills for Varick Water District No. 4:

Tim Buhl	\$14,580.80
Tim Buhl	1,964.26
Lawson Surveying	1,960.00

**Minutes:** A motion by John Saeli, seconded by Richard Peterson and so carried unanimously to approve the minutes of March 2, 2010.

**Old Business, New Business and Correspondence:**

A motion by John Saeli, seconded by Richard Peterson and so carried unanimously to approve the appointment of Barry Somerville to fulfill Kevin Swartley's term of office.

No action was taken regarding the Town Historian appointment.

Mr. Hayssen received a letter from Dave Bollech informing him that Senator Nozzolio's website is collecting signatures for an online petition to be sent to Gov. Patterson in support of keeping Bonavista Golf Course open and seeking the boards support.

A motion by Kathy Russo, seconded by Robert Hayssen and so carried unanimously to support keeping Bonavista Golf Course open and posting a link to Senator Nozzlio's online petition.

Dave Stonesifer will post the link on the Town's web page.

A motion by Richard Peterson, seconded by Kathy Russo and so carried unanimously to recess the meeting at 7:20 p.m.

A motion by Kathy Russo, seconded by Richard Peterson and so carried to open the public hearing on the proposed minor changes to the Varick Zoning Code at 7:30 p.m.

Those present at the public hearing who chose to sign in were: Dave Stonesifer, Jim Somerville, David Kidd, Rob Bauman, Bev Nosiglia, Richard Nosiglia, Dave Yaw, Mike Scarrott, Willard Bellomo, Larry Rabideau, Ed Maquire, Joanne Squires, August Gillon, Barry Somerville, Bill Larzeler, David Scharett, Carl Messur, Ann Scott, Dick Jensen, Glenda & Gene Reinshagen, Annie Bachman

Chairman Bill Squires introduced the Planning Board members and proceeded reviewing the proposed minor revisions page by page. Those in attendance requested clarification on some of the proposed changes and discussed some of the codes which were not slated to be revised at this public hearing. It was explained that this public hearing was to solely address the proposed changes as outlined by Mr. Squires and any concerns regarding other line items should be addressed to the Planning Board for their review. Mr. Squires completed his review of the proposed changes and asked the Town Board to approve them as they were proposed. He also reported that the next project the Planning Board will be working on is reworking the building permit and zoning compliance permit. The Town Board expressed their gratitude for the hard work the Planning Board did on the Zoning Code.

A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously to close the public hearing at 9:15 p.m.

A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously to reconvene the regular meeting of the Varick Town Board at 9:30 p.m.

A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously to approve the minor changes as proposed by the Planning Board to the Zoning Code.

A motion by Richard Peterson, seconded by Kathy Russo and so carried unanimously to adjourn the meeting at 9:35 p.m.

Respectfully submitted,

Donna Karlsen  
Varick Town Clerk