

Varick Town Board

June 1, 2010

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 board members Peter McDonald, John Saeli, Kathy Russo and Richard Peterson, Town Clerk, Donna Karlsen, Town Attorney, John Sipos, Highway Superintendent, Richard McCulloch, Bookkeeper, Carol Sipos, Sewer Maintainer, Bill Kolbeck. Also present were Jim Bromka and Rob Bowman.

**Petitioners to Address the Board:** None

**Highway:** Mr. McCulloch reported that the 2008 F250 Ford sold at auction for \$23,000 and we paid \$2,300 commission. It was determined that it is currently beneficial to the town to turn trucks purchased on state bid over on a yearly basis.

The department has been hauling and stock piling approximately 500 ton of pavement milling given to the town from the state project being completed along Route 96 and will also get some from the Route 414 project. He will be using this on some of the dirt roads. He reported that Spring Clean Up went well even though the department was short handed and 63 tires were dropped off after hours.

He also reported that the department was asked by Nozzolio to take care of a dead deer along State Route 96A as the State DOT refused to do so.

Roloson Electric did some work on the fuse box in order to have enough amperage to run their equipment.

John Vincent also expressed interest in doing the roadside mowing since Leon McCulloch has officially retired.

Mr. McCulloch reported that because of Kris Karlsen knowledge and ability to maintain much of the town's equipment, it results in a cost savings to the town. Mr. Saeli recognized and commended the department.

**Varick Sewer District No. 2:** Mr. Saeli reported that in last months bills Mr. Kolbeck charged the town for two lawn mowings at \$19.50. It was suggested that Dig Safely requests are emailed to Mr. Kolbeck so we don't have to pay him to continually come to the town hall to check for them.

A motion by Peter McDonald, seconded by Kathy Russo and so carried to hire Nelson Scott to do the mowing and trimming at the Seneca Lake Water District building on East Lake Road as needed at a rate of \$10.

Mr. Saeli proposed the board rescind the motion approved at the May board meeting which stated that the Sewer Maintainer would be paid the same hourly rate as the Water Maintainer when performing water maintainer's duties. He would like this retroactive to last months billing from the Sewer Maintainer and wants him paid at his sewer maintainer's rate of \$19.50. Mr.

Hayssen amended his proposal and wants both positions to be paid the same amount or \$19.50 an hour. This proposed motion died for lack of a second.

Bill Kolbeck stated he wants to continue with the use of the Water Truck. It was also explained that Mr. Yells uses his own vehicle to perform Water Maintainer duties; therefore he gets paid mileage for the fuel used as well as wear and tear on his vehicle. These are expenses paid by him and reimbursed back to him and should not be considered as part of his income for this position.

After much discussion it was determined that the Village of Waterloo does not charge extra for performing the Water Maintainer's position and they should be contacted first to do any water maintainer work. Bill Kolbeck should only perform Water Maintainer work if the Village is unable to do so.

A motion by John Saeli, seconded by Peter McDonald and so carried to pay Bill Kolbeck \$19.50 for Water Maintainer work, retroactive to the May billing.

Roll Call:

Robert Hayssen	Yes
Peters McDonald	Yes
John Saeli	Yes
Kathy Russo	Abstained
Richard Peterson	No

So Carried

It was reported that the district still has the Bi-Oxide system if needed. Mr. Hayssen reported that there is an odor at Sampson that may need to be addressed, but it was felt that this is not the town's responsibility.

Robert McCann indicated that his neighbor's pump alarm goes off and the information was provided to Yaws and the pump was reset.

**Varick Sewer District No. 1:** All bill from Seneca County should be sent directly to the Town of Varick. All payments will be sent directly to Seneca County. We will need to contract with Yaws for maintenance.

**Varick Water District No. 1:** Peter McDonald and Bob Hayssen reported that the Town of Romulus is not readily forthcoming with needed information to determine the balance of funds due to this district. They have foiled the information, but have not received all the information requested and the 60 day time frame agreed to at the joint meeting will expire the end of June. It was suggested that the 60 day time frame could be extended based on foiled information not being received yet. After much discussion it was decided to sever all business dealings with the Town of Romulus and have Rob Bowman obtain fund balances for both the Varick Water and Sewer Districts No. 1 from Romulus and do the necessary calculations to determine what is owed to these districts. Mr. Hayssen will submit another FOIL request to have information

provided to Mr. Bowman. Mr. McDonald will contact the Town of Romulus and inform them that they are to cease and desist with any further work for the Town of Varick.

A motion by Peter McDonald, seconded by Robert Hayssen and so carried unanimously to designate Rob Bowman as the town's agent to collect necessary information from the Town of Romulus and complete calculations for review.

Mr. McDonald will contact and/or generate a letter indicating that the Town of Romulus did not act in good faith by providing the information requested, and consequently the Town of Varick cannot honor the 60 day agreement and it is to be extended to allow the Town of Romulus to provide the information requested.

Mr. Hayssen will contact the Village of Waterloo to see if they are interested in doing the billing, what they will need from us, and what it will take to be able to use the Orien meter reader to read this district's meters. Mr. Bromka will get information from Orien on the meters and what is needed. In the mean time, Bill Kolbeck was directed to obtain the water reading and record what type meters residents have in this district at the end of the second quarter or the end of June. Peter McDonald will make up a picture ID for the Water and Sewer Maintainers.

A motion by Kathy Russo, seconded by Peter McDonald and so carried to approve the following plan of action:

1. Assess what brand meters are currently being used in this district and read the meters
2. Propose to the Village of Waterloo they do the billing for the water and sewer district
3. Mr. Hayssen will provide the Village with the prior readings and information as supplied by the Town of Romulus for billing purposes.

It was also decided that the master meter should be read at Romulus once a month.

Mr. Hayssen has also asked Romulus School Board Member, Robert McCann to research the units assessed to the school for the past 25 years.

**Seneca Lake Water District:** Mr. Bromka reviewed the maintenance list of items that needs to be completed to the fire hydrants and recommended the paint, markers and supplies that should be purchased to complete this work.

A motion by Richard Peterson, seconded by Peter McDonald and so carried unanimously to hire Ben Karlsen to perform the necessary maintenance on the water line and hydrants and to purchase the paint, markers and supplies as recommended by Jim Bromka.

**Varick Water District No. 3:** Ground breaking ceremony will be held June 4, at 10:00 a.m. at the Fayette Fire Department.

Municipal Solutions drew up paperwork requesting an additional \$124,853 in funding assistance for this project. Jason McCormick doesn't feel it will be necessary after reviewing the amount budgeted in contingency, so the paperwork and request was withdrawn.

Mr. Hayssen indicated that the line has been shortened three homes on Townline Road and will now be going as far as Dennis Stuck's property.

A motion by Kathy Russo, seconded by Peter McDonald and so carried unanimously to shorten the distance of the water line on Townline Road and have it extend as far as Dennis Stuck's property or parcel number 04-1-04.12.

The unit assessment based on 65 units should be \$379.55 and the water rate is yet to be determined.

**Varick Water District No. 4:** Mr. Hayssen reported that he received a letter from USDA informing the town that they are unable to fund the Town of Varick water project as estimated in the preliminary eligibility determination issued on February 1, 2010. They reported that the project's funding source, the American Recovery and Reinvestment Act (ARRA) has been depleted. He reported that Municipal Solutions is looking into this. Mrs. Sipos reported that approximately \$60,000 has been expended on this district to date. No money will be paid to Tim Buell or future bills until the funding issue is resolved.

**Town Clerk's Report:** Revenue to Supervisor: \$255.16, County Treasurer, \$17.62, State Health Department: \$22.50, DEC:\$4.72, Total Disbursed: \$300.00.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to approve the Town Clerk's report.

**Supervisor's Report:** Mr. Hayssen forwarded the DEC positive declaration determination to the board members regarding the Scepter monofill. DEC will be holding a public hearing regarding the monofill for public comment on June 10 from 4:00 to 7:00 at the Varick Fire Department. It was believed by the board that Scepter should not be the sole source for information regarding the monofill and that the town's people need to be educated and the board needs to show that they are looking out for the people. It was felt that the board needs to be well educated regarding this issue, and needs to go on record representing the opinion of the majority of the town residents. It was suggested that this is not only a concern of the Town of Varick but concerns Seneca County and Seneca County Environmental Committee should investigate the ramifications of the proposed monofill. The board also discussed holding a straw vote if necessary.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously that the Varick Town Board requests Seneca County Environmental Committee investigate the ramifications of the proposed monofill by Scepter, Inc. in Seneca County.

Peter was willing to be added to the Board of Supervisor's agenda for June 8 to address the proposed monofill by Scepter and the board's request to Seneca County Environmental Committee.

A motion by Peter McDonald, seconded y Kathy Russo and so carried unanimously to approve the written Supervisor's Report.

**Bookkeeper's Report:** Mrs. Sipos met with the auditors and reviewed some of their findings with the board.

1. Adequate check & balance
2. Investment policy
3. Whistle Blower Policy
4. Receipt log
5. Maintain list of assets
6. Supervisor's Signature stamp
7. Highway raises need to be approved by the board
8. AUD expense to be included with the bookkeepers pay
9. Employers Verification document

**Personnel Report:** Mrs. Russo reported that they received several applications for Summer Recreation and they have hired some Jr. Counselors, but will fill remaining positions once they have a count on the number of children attending. She has submitted the building use form. Building usage should be at no cost as the school budget was passed.

**Assessor's Report:** A motion by Peter McDonald, seconded by Kathy Russo and so carried to approve the Assessor's written report.

NYS Department of Real Property Services gave notice of tentative State Equalization Rate for the 2010 Assessment roll as 84.00. The town can submit a complaint if they don't feel the rate is accurate to be filed by June 10, 2010. No action was taken on this.

Mr. Hayssen reported that a reassessment is scheduled to be done in 2011 and the Town of Varick and one other town in Seneca County need to approve or disapprove of the reassessment. Concern was expressed over what would happen to the assessments on lake property.

Mrs. Morgan provided the board with a Memorandum of Understanding which is to clarify and outline the roles and responsibilities of all participants in the reassessment process.

A motion by Peter McDonald, seconded by Kathy Russo and so carried to direct Robert Hayssen to sign the Memorandum of Understanding which clarifies and outlines the roles and responsibilities of all participants in the reassessment process.

Roll Call:

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

**Minutes:** It was clarified that the 44% of the sewer bill should be paid to Seneca County based on units.

A motion by Richard Peterson, seconded by Kathy Russo and so carried unanimously to approve the minutes of May 4, 2010

**Abstract:** A motion by John Saeli, seconded by Peter McDonald and so carried unanimously to approve Abstract 6, General Vouchers A00-10-182 to A00-10-191 in the amount of \$3,205.79, Highway, Vouchers DA0-10-35 to DA0-10-47 in the amount of \$2,776.23, Seneca Lake Water District Vouchers SWS-10-26 to SWS-10-27 in the amount of \$19,973.80, Varick Sewer District NO. 2, SSS-10-13 in the amount of \$500.00

A motion by John Saeli, seconded by Peter McDonald and so carried unanimously to approve the payment of bills for Varick Water District No. 3:

Donna Karlsen, Petty Cash, Postage:	\$ 4.48
Stephen Ricci	\$6,000.00
Municipal Solutions:	\$4,305.50
Orrick:	\$3,975.00
Seneca County Treasurer:	\$7,288.51

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

Hancock & Estabrook submitted an Engagement Letter and Agreement which Mr. Hayssen signed at the board's direction. The board agreed to have Wendy Marsh meet with County Board concerning Sewer and Water District ownership and fees. Mr. Sipos also provided a copy of a letter sent from Seneca County to the board and a copy to Wendy Marsh.

Mr. Hayssen also reported that there was a kick off meeting for the Shared Maintenance Facility Feasibility Study on Thursday, May 27 at 10:00

Mr. Saeli presented the following resolution for board approval:

**WHEREAS**, the State Court of Appeals will not allow Seneca and Cayuga Counties to enforce the state tax law at tribal business because the State legislature rewrote the tax law defining qualified reservations by using the definition of Indian Lands in the Indian Gaming Regulatory Act, and

**WHEREAS**, that definition and the present definition of qualified reservations in the State tax law have sections that do not require tribal sovereignty

**BE IT RESOLVED**, we hereby request our State legislators to introduce legislation to make it clear that tribal sovereignty is required to have a qualified reservation in relation to the tax law.

Motion by: John Saeli  
Seconded by: Kathy Russo  
So Carried Unanimously

Bob Whitley contacted Mr. Hayssen and wanted the Dog Ordinance appealed. Mr. Hayssen informed him that if Ag and Markets contacts the town regarding this, the board will review the ordinance. Mr. Sipos mentioned the statute of limitations as well.

A motion by Peter McDonald, seconded by Kathy Russo and so carried to adjourn the meeting at 10:40 p.m.

Respectfully Submitted:

Donna Karlsen  
Varick Town Clerk