

Varick Town Board  
December 7, 2010

The regular meeting of the Varick Town Board was called to order by Supervisor Robert Hayssen at 7:00 p.m. Present were Council Members, Peter McDonald, John Saeli, Kathy Russo and Richard Peterson, Town Attorney, John Sipos, Town Clerk, Donna Karlsen, and resident, Barry Somerville.

The public hearing on Local Law No. 1 of the year 2010 Adopting Regulations Regarding the Licensing of Dogs was opened by Supervisor Hayssen at 7:05 p.m. There where no comments.

A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously to close the public hearing on Local Law No. 1 at 7:07 p.m.

The public hearing on Local Law No. 2, of the year 2010 Adopting 2010 Revision to Varick Zoning Code and Local Law No. 3 of the year 2010 Adopting Revisions to Varick Subdivision Regulations was opened by Supervisor Hayssen at 7:10 p.m.

Seneca County Planning Board was to review Local Law No. 2, proposed changes to the Varick Zoning Code and Local Law No. 3, proposed changes to the Subdivision Regulations at their November 9<sup>th</sup> meeting. Mrs. Karlsen received the minutes of there meeting the night of the Varick Town Board meeting and was unable to reach Harriett Haynes as to why no discussion was held regarding these laws. The board decided to adjourn the public hearing so that Mrs. Karlsen could contact Harriett Haynes to find out why the county board did not review these at their November meeting and to get them scheduled again for December.

A motion by John Saeli, seconded by Richard Peterson and so carried to adjourn the public hearing on Local Law No. 2 of 2010 adopting proposed changes to the Varick Zoning Code until December 29, at 10:00 a.m. at the Varick Town Hall.

A motion by Richard Peterson, seconded by Kathy Russo and so carried unanimously to adjourn the public hearing on Local No. 3 of 2010 adopting Revisions to the Varick Subdivision Regulations until December 29, at 10:00 a.m. at the Varick Town Hall.

**Privilege of the Floor:** Barry Somerville wanted to make sure the repair to his blacktop driveway was put on the punch list for Syracuse Constructors to repair. He also questioned if the sidewalk could be altered so there wasn't such an incline in his driveway. He was told by Syracuse Constructors that it wasn't their responsibility to change this and it was noted that if Mr. Somerville alters this, he would be liable in case of an accident. The black topped driveway will be added to the punch list for repair, and no changes will be made to the sidewalk by the town or its agents.

**Highway:** No report.

**Varick Sewer District No. 1:** Mr. McDonald met with Mr. Kaiser and reported that there is approximately \$4,000 in the fund balance that belongs to this district. This balance would pay approximately one year of expenses incurred by this district. The town of Romulus can hold these funds and continue paying bills as they come in, Romulus can turn the funds over to the Town of Varick to pay this district's bills or The Town of Varick can administer both Town of Romulus and Town of Varick districts.

A concern was expressed that the Town of Romulus is not presenting the bills to the Town of Varick board prior to them being paid and how Yaws contract would be distributed in the future.

It was decided that another meeting needs to be held with Supervisor Kaiser, Supervisor Hayssen and Councilman McDonald and a suggested resolution be brought back to this board for final determination as to what action will be taken.

Mr. Hayssen received a letter from Thomas E. Scoles of Seneca County Department of Health pertaining to a sanitary survey of the Town's water district, which serves the Hamlet of Romulus conducted on November 1, 2010. There was one district violation found of Section 5-1.31 of the State Sanitary Code, which request a water supplier to adopt and enforce a cross-connection program to protect its water supply. Mr. Sipos felt that a cross-connection program had been adopted by this district, but was unable to locate the hard copy. It was suggested the board adopt the same cross-connection program as the one for Seneca Lake Water District.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to adopt the same cross-connection program that is currently in place for Seneca Lake Water District town wide.

Mr. Sipos will review the Seneca Lake Water District program; make the necessary reference changes so that applies to Varick Water District No. 1 and forward it to Seneca County Department of Health for their records prior to April 1, 2011 in order for the town to gain compliance with the sanitary code. Mr. Sipos was given a copy of the letter received from the Department of Health for his reference.

**Varick Sewer District No. 2:** Mr. Hayssen will be meeting with Frank Fisher and Keith Bassett to review bills and hopefully come to a resolution. Mr. Hayssen also sent an email to Susan Sinclair questioning seasonal rates.

**Seneca Lake Water District:**

**Varick Water District No. 1:** Mr. McDonald reported that Cindy Stephen and Butch Carroll performed some leak detection and found one leak in the system, which still did not account for the total amount of water loss being recorded, and further detection needs to be completed weather permitting. Butch ordered the parts to repair the leak that was found, and read the meters and reported that the leaks seem to have disappeared

according to the readings he got. The board felt a reduction of unauthorized use may have resulted in the reduction of water loss.

Butch Carroll still needs to install the transponders that were purchased and change out some of the meters so that the Village of Waterloo can begin reading the meters the end of December. Mr. McDonald indicated that if Butch was unable to complete this task, he new of two people who would be willing to do it and asked the board to give him the authority to resolve this issue.

A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to authorize Peter McDonald to seek resolution to the installation of the transponders and exchange of meters.

**Water District No. 3:** A motion by John Saeli, seconded by Richard Peterson and so carried unanimously to approve the amended Engineering Budget for Water District No. 3 and authorize Supervisor Hayssen to sign it.

A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously to authorize Supervisor Hayssen to sign change orders as needed.

Mr. Hayssen reported that he received a letter from DEC stating that the paperwork filed by Jason McCormick wasn't done correctly, that two applications needed to submitted and noted that he signed the paperwork needed on December 2.

Mr. Hayssen expressed dissatisfaction with the lack of "suitable fill" placed around the curb stops as specified by the engineer and in the specs provided to Syracuse Constructors. Seneca County, as inspectors on this project, are responsible to see that the correct material was used, and should be held liable if anything should happen as the result of specs not being followed. In a meeting with both towns, Jason McCormick indicated that he would approach the County's Public Works Department and have them issue a 20 year bond to cover this work. Mr. McCormick is also negotiating a dollar amount with the Contractor for the material that was not purchased as the result of this error, but was included in the project cost. Mr. Hayssen also questioned, with the delay in completion of the project, who would be responsible for flushing the lines

Jason stated that ISO could test the flows on the hydrants. Mr. Hayssen is also getting a price to put on Orion transponders on the new meters so that they can be read by our current system.

There is also 1200 feet of pipe left over from this project, which the towns' are hoping to sell.

Mr. Hayssen and Mrs. Karlsen were able to assess units to the parcels within the district for budgeting purposes.

There are bills from the Town of Fayette for services provided by Stuart Brown outstanding, and are awaiting a break down of expenses before they can be approved.

**Water District No. 4:** Nothing

**Town Clerk’s Report:** A motion by Kathy Russo, seconded by Richard Peterson and so carried to adopt Local Law No. 1 of the year 2010 Adopting Regulations Regarding the Licensing of Dogs.

A motion by Richard Peterson, seconded by Kathy Russo and so carried unanimously to adopt the following:

**RESOLUTION ADOPTING FEES PERTAINING TO THE LICENSING OF DOGS**

**WHEREAS,** the Town Board of the Town of Varick has adopted a Local Law Adopting Regulations Regarding the Licensing of Dogs; and

**WHEREAS,** this local law requires the Town Board to establish certain fees and surcharges pertaining to the licensing of dogs.

**NOW, THEREFORE, BE IT RESOLVED,** that the Town Board of the Town of Varick hereby establishes the following fees and surcharges:

1. The license fee for a spayed or neutered dog shall be \$5.00
2. The license fee for an unspayed or an unneutered dog shall be \$10.00.
3. The surcharge if the dog to be licensed **is** altered shall be \$1.00.;
4. The surcharge if the dog to be licensed **is not** altered shall be \$3.00.
5. The surcharge for the provision and replacement of any identification tag shall be \$3.00
6. The surcharge for Purebred License fees are \$25.00 for 1-10 dogs, \$50 for 11-25 dogs and \$100 for 26 or more dogs
7. The surcharge for replacement tags is \$5.00

**AND BE IT FURTHER RESOLVED,** that these fees shall be effective as of January 1, 2011.

I, Donna Karlsen, Town Clerk of the Town of Varick do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Varick on December 7, 2010 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Robert Hayssen	x	—
Richard Peterson	x	—
John Saeli	x	—
Kathy Russo	x	—
Peter McDonald	x	—

A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously to approve the Town Clerk Report: Supervisor: \$280.51, Seneca County Treasurer: \$9.40, Ag. and Markets: \$3.00, DEC: \$84.09

**Supervisors Report:** A motion by Richard Peterson, seconded by Peter McDonald and so carried unanimously to approve the Supervisor's report for October and November.

**Bookkeeper:** Mrs. Sipos would like to appoint and train a deputy for her position so that there was someone else eligible to do the bookkeepers position in the bookkeepers absence if needed. This would also require adding a salary line in the budget. The board agreed that this was wise to have someone else knowledgeable with the bookkeeping program and the work that is required for this position. The board agreed to have Mrs. Sipos recommend a deputy and salary at a following meeting.

**Personnel:** Paul Conroy submitted a written building permit report for 2010. Mrs. Russo reported that the Health Department will go back out to Ernsberger Road to review the situation with the stored cars again.

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

**Minutes:** A motion by John Saeli, seconded by Richard Peterson and so carried unanimously to approve the November 3, 2010 minutes.

A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to approve General, Vouchers A0010-267 to A0010-279 in the amount of \$1,563.83, Varick Sewer District No. 2, Vouchers SSS10-29 to SSS10-31 in the amount of \$1,815.76, Seneca Lake Water District, SWS10-070 to SWS10-075 in the amount of \$30,047.29, Highway, Vouchers DA010-84 to dA010-88 in the amount of \$19,192.60.

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

Stephen R. Ricci	\$6,000.00
John Yells	\$ 37.82

The amount to be refunded to Seneca County Water and Sewer District was less than \$5,000 and Mr. Hayssen will research the correct amount, correct the voucher and submit payment to the County.

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

A motion by Peter McDonald, seconded by Kathy Russo and so carried to appoint John Sensenig to the Assessment Board of Appeals.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to appoint Jeff Stanton to the Zoning Board of Appeals.

A motion by Peter McDonald, seconded by Richard Peterson and so carried unanimously to approve the contract with Seneca Security Service.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to enter into a Snow Plowing Agreement with Romulus Central School.

Mr. Sipos reviewed the South Seneca Ambulance Contract and after reviewing legal opinions and insurance laws suggested the board add the following addendum:

Section number 6 shall be deleted and replaced with the following;

6. The Town hereby authorized the Contractor, pursuant to State Comptroller Opinion 91-20 and the authority contained in General Municipal Law section 122b2 to impose the fees or charges as set by the Town. The fees or charges may be hereafter amended from time to time by the Town upon recommendation of the contractor. Such fees or Charges may be billed directly to the user's insurance carrier, in such instances that the user's insurance contract so provides for direct payment so long as a copy of said bill is also sent to the user. The Contractor shall keep proper records and accounts of all monies so received. Nothing herein shall be constructed fund-raising activities at assist in defraying its operating and capital expense.
  - A. The contractor shall comply with all provisions contained in Section 403C of the NYS Insurance Law.
  - B. The Town herein waves all otherwise applicable co-payments, co-insurance, self-insurance, or deductibles which would be the responsibility of residents.
  - C. The Contractor shall give notice of the Towns waver, set out above, to the Insurer, and all interest parties, as set out and referred to in the Opinion of the NYS Office of General Counsel issued on June 30, 2010, OBC OP. No. 10-06-06.

After further discussion the following motion was made:

A motion by Peter McDonald, seconded by Richard Peterson and so carried to accept the Addendum as presented and send it to South Seneca Ambulance for their approval.

It was determined that if the board received the signed addendum back, they would approve the contract with addendum.

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

Respectfully Submitted:

Donna Karlsen, Town Clerk