

Varick Town Board
Regular meeting March 1, 2011

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 Peter McDonald, John Saeli, Kathy Russo and Richard Peterson, Town Clerk, Donna Karlsen, Highway Superintendent, Richard McCulloch, and Sewer Maintainer, William Kolbeck. Also present was Rob Bauman and representatives from South Seneca Ambulance, Barb McCall, Lee Hoaglan and South Seneca Ambulance's attorney, Karen Taddeo. Absent: Town Attorney, John Sipos and Bookkeeper, Carol Sipos

Privilege of the Floor: Barb McCall presented on behalf of the South Seneca Ambulance a copy of their 2011 Projected Expenditures for the board's review. Barb McCall acknowledged that it was understood that any fees that were not covered by residents' insurance were waived or forgiven in prior years agreements with South Seneca Ambulance. According to their attorney Karen Taddeo it is now unlawful for South Seneca Community Ambulance to agree to waive co-pays and deductibles for Town residents as is being required by the Town of Varick as a condition of entering into an ambulance contract and further reported that this is a violation of Medicare statues and NYS Insurance Law that implicates not only South Seneca but also the Town for asking South Seneca to enter into an improper billing arrangement in return for receiving a municipal contract. She went on to say that it was South Seneca Ambulance's understanding that the only time a waiver would not be a violation of state and federal law would be if the Town was actually paying the deductible and co-pays on behalf of the residents in addition to the subsidy that covers operating cost so that South Seneca can remain staffed and available to answer calls. The Town would also have to demonstrate to Medicare on a regular basis that the amount paid covered both the deductible/co-pays and the operating subsidy and disclosure of the arrangement would have to be made to every insurance company that is billed for services under the contract.

Mr. Hayssen, after questioning the number of calls made to Varick residents and the average dollar amount of a resident's co-pay and/or deductible, suggested the town just pay the co-pays and deductibles on behalf of the residents as this would be a lesser amount. Mr. Hoaglan and Barb McCall reported that South Seneca relies upon the subsidy in addition to its billing to meet its expenses so that it might continue to provide services. The amounts of the subsidy do not cover the actual deductibles and co-pays and the refusal of the Town of Varick to enter into a lawful service contract is putting South Seneca in operational jeopardy.

The board reviewed the budget submitted and questioned the cost of Multimed Commission billing service and asked that this service be put out to bid. The board also requested that future budgets be presented in a similar detailed format as what townships have to provide.

Mrs. Karlsen noted that there was no revenue mentioned in the budget to offset the expenditures and questioned where the donations went if submitted with payment of bills.

They were unable to answer this question other than to say that they felt the money went to the Ambulance, but was unsure how it was booked and if Multimed was making commission off of the donations paid. They said they would look into this and have an answer for the board.

Karen Taddeo also reported that they are a Not For Profit entity and it was suggested that this be put on their letterhead. An financial assessment is done of those who do not carry insurance and are unable to pay their bills. If it is determined they are financially unable to pay the outstanding bills, they are waived. The board also suggested agreements be established between the prisons and Hillside for their services to offset cost related to these institutions and made reference to the agreement made between Hillside and Varick Volunteer Fire Department.

After further discussion was held pertaining to the points presented by Karen Teddeo and the opinion Town Attorney John Sipos had presented to the board prior to this meeting the following motion was proposed:

A motion by John Saeli, seconded by Kathy Russo and so carried to require South Seneca Ambulance to provide a detailed budget and to forward the 2011 payment to South Seneca Ambulance.

Discussion: It was noted that payment could not be forwarded to South Seneca Ambulance without a signed agreement and that the last agreement presented by South Seneca for the board's signature was unacceptable to the Varick board.

A motion to table this motion was made by Kathy Russo and seconded by Richard Peterson and so carried unanimously.

Mrs. Karlsen was able to contact Attorney John Sipos by telephone who agreed that the most recent agreement presented by South Seneca Ambulance Corporation was not acceptable due to the wording. It was noted that South Seneca would not sign the original contract with addendum attached as presented to them by the Varick Board. Mr. Sipos questioned the town board members if they felt that the original agreement provided for good and adequate consideration for services rendered to the tax payers. If they did feel that the original contract provided this, then that would be the one he would suggest they consider entering into, and indicated that it was not his decision, but the boards.

A motion by Peter McDonald, seconded by Richard Peterson and so carried unanimously to enter into the 2011 South Seneca Ambulance Corp Emergency Medical Services (EMS) Agreement as it provides for good and adequate consideration for services rendered to the tax payers and directed the amount of \$33,302 be sent to South Seneca Ambulance Corp representing full payment of this 2011 agreement.

Mr. Hayssen questioned Barb McCall and Lee Hoaglan about the State grant funds they received for the construction of their new building. They indicated that they were given

\$99,000 from the State and will be taking out a loan for the balance to be paid back from the funds they expensed under Capital Projects/Reserves in their budget they submitted.

Highway: Mr. McCullough reported that the new overhead door priced through Peterman Lumber was approximately \$458 more than at Ferrara Lumber. He indicated that the highway department can install the new door once the weather breaks. Further discussion was held regarding the insulating spray for the walls of the building, but it was felt that the majority of the heat loss was resulting from the overhead door.

He reported that he will be receiving a price from VanBortle Ford off of the State bid pricing and is finding that they are running between \$12,000 to \$13,000 below suggested retail pricing as the result of the State bids.

Varick Sewer District No. 1: Mr. Saeli reported that he is still waiting for a quote from K & S Pumps on repair kits and labor as well as new pump costs.

Mr. McDonald reviewed the options with regards to replacement or rebuilding the current Flight pumps.

A motion by Peter McDonald seconded by Kathy Russo and so carried unanimously to purchase one new Flight pump, and pull one old pump to assess and rebuild if recommended. If this pump is too expensive to rebuild, pull the other pump and assess that one and then make a final decision as to rebuild one of the pumps or replace a used one.

The board agreed to allow John Saeli and Peter McDonald to make the decision as to who they purchase the pump from once all the quotes come in.

The Town of Romulus is willing to split the cost of the pumps.

It was noted that there is an infiltration of water into this system and a contractor needs to be contacted to find and repair.

Sewer District No. 2: Mr. Kolbeck reported that he responded to an emergency call and after discussing the call with John Saeli and Bob Hayssen, contacted Pete Keefer to make the repair. Mr. Kolbeck also reported that he picked up some extra saddles, fittings and bushings for future repairs.

It was also reported that the pit at 5501 East Lake Road continues to have water issues, causing the pump to continually run and sets the alarm off. It has been determined that the problem is the responsibility of the homeowner. Mr. Hayssen wants to meet with Mr. Kolbeck to review the problem and the homeowner needs to be made aware of his responsibility in this matter.

Mr. McDonald reported that Mr. Hayssen presented to the County Public Works Committee a well organized and professional presentation on behalf of Varick Sewer

District No. 2 which resulted in the following proposed resolution to be put before the Varick Town Board and Seneca County Board for their approval:

**BOARD OF SUPERVISORS APPROVES
COMPROMISE OF DISPUTED DEBT**

WHEREAS, The Board of Supervisors has been made aware of a debt owed Seneca County Sewer District No. 2 by Varick Sewer District No. 2, and

WHEREAS, The Public Works Committee has reviewed the debt and determined that the Varick Sewer District appears to have suffered certain overcharges for sewer service provided by the County Sewer District during the period of service 2005-2010, and

WHEREAS, In order to avoid the uncertainty and expense of litigation regarding such alleged debt to the tax payers of the County and the Town, the Public Works Committee has recommended a compromise of the debt owed the County Sewer District by the Varick Sewer District, Now, therefore, be it

RESOLVED, That the Seneca County Board of Supervisors directs that Seneca County Sewer District No. 2 discharge that portion of the debt owed the District by Varick Sewer District No. 2, represented by those payments heretofore withheld by the Varick District during 2009, 2010 and 2011, and be it further

RESOLVED, That Sewer District No. 2 shall, commencing with the payment due from Varick Sewer District No. 2 in April, 2011 charge and accept sewer rents from the Varick Sewer District in the amount of Forty-Five Dollars per unit, per quarterly billing, and be it further

RESOLVED, That Sewer District No. 2 shall, commencing with the payment due from Varick Sewer District No. 2 in April, 2011 charge and accept sewer rents from the Varick Sewer District for One Hundred Ninety units, such number representing the respective Districts' good faith estimate of the total number of units served by the Varick Sewer District, adjusted for seasonal usage, and be it further

RESOLVED, That the Sewer District Administrator commence the process of re-establishing fair and equitable sewer rates throughout Sewer District Nos. 1 and 2 and for out-of-district users and for other municipal sewer districts served by the County Districts and which contract with the Districts for sewer service as provided under Article 5-A, New York State County Law, and be it further

RESOLVED, That the Administrator of Sewer District No. 2 enter into an agreement by means of a Memorandum of Agreement between Seneca County Sewer District No. 2 and the Varick Sewer District modifying the Agreement entered into by and between the respective Districts and dated March 4, 2003, consistent with the terms of this Resolution.

Motion: Peter McDonald
Seconded: Kathy Russo
Unanimously approved

Varick Water District No. 1: It was reported that there still is four meters left to install and will be completed once the weather breaks. Mary Walter's issues have been resolved. Rob Bauman reported that he tested some of the old meters he had removed and found them to be providing low meter reads which is a good indicator that the old meters in Romulus are reading low as well and they need to be replaced.

An agreement still needs to be reached with the Town of Romulus regarding the fire hydrants and meter costs.

Seneca Lake Water District: Mr. Hayssen reported that the new master meter is not yet installed as they are waiting for some more parts to come in.

Mr. Hayssen reported that he received A +B=C water readings from Jim Bromka and will be looking at this more closely for water billing purposes.

Water District No. 3: Mr. Peterson is still requesting some type of written warrantee from Seneca County as their inspection did not follow the specifications established by the County Engineer on the installation of the meter pits.

Bob spoke to DEC and it could take up to 90 days in order to receive the DEC water supply permit, but noted we could receive it as early as March 10.

Jason McCormick still needs to get the line chlorinated again. Mr. Hayssen has provided the ISO paperwork to Charlie McCann to be completed and will check on the status of this.

A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to approve the Town Clerk's Report: Supervisor: \$145.00, Ad & Markets: \$11.00: Total Disbursement: \$156.00

Bookkeepers Report: A motion by Kathy Russo, seconded by John Saeli and so carried unanimously to approve the amendment to Seneca Lake Water District, Resolution No. 1.

A motion by Kathy Russo, seconded by John Saeli and so carried unanimously to approve the written Bookkeeper's Report.

A motion by John Saeli, seconded by Peter McDonald and so carried unanimously to approve the minutes of February 1, 2011.

A motion by John Saeli, seconded by Peter McDonald and so carried unanimously to approve Abstract No. 2, General, Vouchers A0011-028 to A11-034 in the amount of \$2,224.83, Highway, Vouchers DAO11-010 to DAO11-20 in the amount of \$6,295.69,

South Seneca Ambulance: SN011001 in the amount of \$33,303.00, Varick Sewer District No. 2: Vouchers SSS11-003 to SSS11-005 in the amount of \$1,316.80, Seneca Lake Water District: Vouchers SWS11-014 to SWS11-017 in the amount of \$32,294.25, Varick Water District No. 1, Vouchers VS111-005 to VS111-006 in the amount of \$10,711.67, Varick Water District No. 3, Voucher No. VW311-001 in the amount of \$242.90

Motion by John Saeli, seconded by Peter McDonald to pay the following Capital Project bills for Water District No. 3 and Water District No. 4 respectfully:

Water District No.3

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|-----------------------------|-------------|
| Municipal Solutions: | \$ 4,729.84 |
| Reveille Between the Lakes | \$ 35.72 |
| Syracuse Constructors, Inc. | \$27,686.89 |

Water District No. 4:

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| Municipal Solutions: | \$ 5,131.29 |
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New Business, Old Business and Correspondence:

The board tabled the review of the 2008 audit.

Judge David Ettman provided the Town Clerk with the Varick Town Court Cashbook Report for transactions from January 1, 2010 to December 31, 2010.

Mr. Hayssen received a letter from Thomas Scoles, Seneca County Department of Health reporting that he is in receipt of the Town of Varick Water District's Rules & Regulations and reviewed the document and determined it meets the requirements of Section 5-1.31 of the State Sanitary Code concerning cross-connection control as referenced in Section 37 of Varick's code and have closed the violations effective January 7, 2011 and both the Varick Water District and the Seneca Lake Water District are considered back in compliance.

Mr. Hayssen turned over David Bulson's sewer application and application fee to the Town Clerk to hold till this issue can be resolved.

A motion by Kathy Russo, seconded by Peter McDonald and so carried to adjourn the meeting at 9:15 p.m.

Respectfully Submitted:

Donna Karlsen
Varick Town Clerk