

Varick Town Board  
May 1, 2012

The regular meeting of the Varick Town Board was called to order by Supervisor Hayssen at 7:00 p.m. Present at this meeting were council members Peter McDonald, John Saeli, Kathy Russo, and Robert Bauman, Town Clerk Donna Karlsen, Bookkeeper Carol Sipos, Town Attorney John Sipos, Zoning Board of Appeals Chairman Jeff Hogue, District Attorney Barry Porsch, Reporter Aneta Glover. Absent: Highway Superintendent Richard McCulloch and Bookkeeper Cheryl Poormon.

**Privilege of the Floor:** No petitioners.

**Highway:** Nothing

**Building:** Mr. Saeli pointed out that there were some missing shingles on the roof over the truck garage. Mr. Hayssen noted that the issue with rain water dripping off of the back of the building over the Town Clerk's door still hasn't been resolved. Mr. Saeli will look into the missing shingles.

**Spring & Fall Clean-Up:** Spring and Fall Clean-Up has been scheduled for Wednesday, May 16 to Saturday, May 19 and October 10 to October 13, weekdays 8:00 to 4:00 and Saturday, 8:00 to 12:00 noon. Post cards have been printed and mailed to the residents.

**Code Enforcement Officer:** The board reviewed and approved CEO Larry Colton's written report.

**Varick Sewer District No. 1:** Mr. McDonald reported that there has been no progress in completing the inspections of the manholes.

**Varick Sewer District No. 2:** Mrs. Karlsen received an email from Jim Somerville inquiring as to whether the district was responsible for installing a grinder pump on request at their East Lake Road property. The board determined that this property to date has been billed a ½ unit on the tax rolls, therefore the property owner is entitled to received from the district a pit, grinder pump, and an electric panel but the installation and connection would be the homeowner's responsibility. Mrs. Karlsen will provide Mr. Somerville with this information and forward him a sewer application, and contact information for Mr. Kolbeck.

The board reviewed a bill submitted by Dig For You which did not indicate what district the work was completed for or give a detailed breakdown of the expenses and work completed. Mrs. Karlsen reported that she was told by the contractor's wife that the work was done for Varick Sewer District No. 2, but was unsure of the location or what work had been completed. Mr. Saeli reported that he was aware of the break and Bill Kolbeck contacted Pete Keefer to do the repair and the break was on the town's side and not the responsibility of the homeowner.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to require detailed bills in the future and to obtain from the contractor the location of this break and to confirm the side the break was on for town records.

**General Water & Sewer District Business:** The board reviewed and made minor changes to the job advertisement and job description for equipment operator to perform periodic installation, maintenance and repair work in the town of Varick water and sewer districts prepared by Mr. Hayssen and Mr. McDonald.

A motion by Peter McDonald, seconded by Robert Bauman and so carried unanimously to accept the job advertisement and job description with changes and to advertise in the Finger Lakes Times and Reveille Between the Lakes.

Mrs. Karlsen will get the information to Thomas Bjorkman to post on the towns web page with county application.

**Water Maintainer:** The board received a letter from Ben Karlsen thanking the board members for employing him for the past eight years to assist in maintaining the Town of Varick's water systems under the direction of John Zugec and John Yells as well as Jim Bromka and Jamie King from the Village of Waterloo, and Butch Carroll from Seneca County Water and Sewer. He listed some of his jobs he has performed over the past eight years and indicated his willingness to attend any schooling and obtain any certifications the board would recommend and would like to continue in this field of work for the Town of Varick as Water Maintainer. The board also received a letter of recommendation from John Yells for Water Maintainer and Mr. McDonald also reported that Jim Bromka recommended Ben for this position as well.

The town of Varick and town of Fayette are currently sharing John Yells services as water maintainer and it was suggested that we might continue sharing a water maintainer between the two towns. It was reported that the town of Fayette will be advertising for this position. Mr. Hayssen pointed out that the Town of Varick already employs Ben to complete water maintenance work so it is just a matter of giving him more responsibility. Mr. McDonald agreed that it is really a promotion based on merit and does not need to be advertised.

A motion by John Saeli, seconded by Peter McDonald and so carried unanimously to accept Ben Karlsen's letter of interest in advancement from Assistant Water Maintainer to Water Maintainer for the town of Varick at his current rate of pay of \$15 per hour.

A motion by Robert Bauman, seconded by Peter McDonald and so carried unanimously to pay for Ben Karlsen to attend classes to obtain his Class D licensing.

Mr. McDonald will notify Supervisor Cindy Lorenzetti that the board has hired Ben to perform the Water Maintainer's position for the town and the town of Fayette can proceed as they wish with filling their vacancy.

It was reported that Mr. Yells is currently still working and is willing to assist with the transition.

**Varick Water District No. 1:** Mr. McDonald reported that there has been no work completed on Russell Road which was scheduled to be done by Seneca County Water & Sewer. This work by the county is at a standstill until some billing issues with them can be negotiated and resolved.

**Seneca Lake Water District No.:** None.

**Varick Water District No. 3:** Mr. Hayssen reported that the town of Fayette feels they can extend their Water District No. 5 as long as they can prove that it is an asset to the district. This district's expenses are tied directly with town of Varick's Water District No. 3 regarding maintenance and funding source. Fayette is contemplating extending a 12" line to Rick Conely's brother's house on Route 414 using pipe that both districts purchased with capital project funding. Mr. Hayssen suggested selling the town's portion of the pipe at 42% cost to the Town of Fayette, and using those funds to reduce the outstanding amount of approximately \$8,000 we currently owe to the Town of Fayette through the capital project. This amount has not been able to be paid to Fayette as we are still awaiting a resolution on billing issues from Seneca County for engineering and Syracuse Constructors in order to balance the Form E's budget lines for this project. Depending on the resolution to these disputed billings, the district may need to borrow funds to pay any outstanding bills. It was reported that Rick Conley has not connected to Fayette 5 water line yet and the cost of flushing the line due to a dead end is assessed to both districts and the cost would increase with the additional length of 12" piping to Mr. Conley's brother's house.

Mr. Hayssen reported that the district has received water billing from Seneca County for the past nine months water use, but the town of Fayette has directed us not to pay it as they are supposed to be negotiating the cost and will let us know what the result is. As of this date we have not heard anything regarding this negotiation.

It was suggested that this board receive minutes from the Town of Fayette pertaining to Fayette Water District No. 5 as this district is directly tied in with Varick Water District No. 3.

The board discussed sending a letter to the Town of Fayette expressing their concerns as discussed, but tabled this action.

Mr. Hayssen reported that he has not received anything from Steve Ricci pertaining to the counter suite to Syracuse Constructors by Town of Fayette and Town of Varick. This counter suite pertains to the punch list of items Syracuse has not rectified to date to include the fire hydrants that have been placed in ditches that need to be moved.

The board received information pertaining to Section 501 Loan & Grant program through Rural Development. These funds can assist in offsetting homeowner's cost of connecting

to water districts. Mr. Hayssen suggested that this information be forwarded with a letter to those who are not connected to Water District No. 3 by the water maintainer in hopes that it would encourage more people to connect.

**Water District No. 4:** The Letter of Conditions has been signed and the corresponding paperwork has been submitted for final funding approval.

Douglas Goodfriend indicated that although the district has been officially formed, the funding has been changed, which will require a public hearing be held. This public hearing is specifically an informational hearing and will not affect the district formation.

A motion by Kathy Russo, seconded by Robert Bauman and so carried unanimously to approve the resolution calling a special public hearing on the establishment of Water District No. 4 of the Town of Varick, Seneca County, New York Pursuant to Article 12-A of the Town Law to be held June 5 at 7:00 p.m. at the Varick Town Hall

The board reviewed outstanding bills from Engineer Tim Buhl submitted for work completed for this district. It was decided to pay the oldest bill for now in the amount of \$8,157.29 and hold the balance of billing due until we receive funding for this district. Municipal Solution also submitted a bill in the amount of \$356.25, which the board approved to be paid at this time as well.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to pay Tim Buhl's invoice number VWD-1003 dated 5/15/10 in the amount of \$8,157.29 and Municipal Solution's invoice number 2572 in the amount of \$356.25 using \$8,500 in funds borrowed from the General account which is to be refunded back to General once funding for this district is received from Rural Development.

**Zoning Board of Appeals:** Jeff Hogue reported that the public hearing was held at the Varick Fire Department on this date in regards to Verizon's application. Proceedings in this matter will be documented in the ZBA board minutes. He reported that another public hearing will be scheduled for May 16 at 7:00 to make a determination on this issue as well as to address other issues that come before their board. It was felt Verizon would attend this meeting. It was also noted that the "shot clock" may be an issue, but the board will wait to hear from Verizon to see if they require an extension. The Town Board directed the Planning Board to meet immediately and document in their meeting minutes that they approved a use variance subject to the Zoning Board's approval of an area variance if it is not already officially recorded.

A motion by Peter McDonald, seconded by Robert Bauman and so carried unanimously to direct John Sipos to sign the stipulation with Verizon.

**Town Clerk's Report:** A motion by John Saeli, seconded by Peter McDonald and so carried to approve the Town Clerk's report: Supervisor: \$265, Ag and Markets: \$24, total Disbursements: \$289.

**Supervisor's Report:** Mrs. Sipos reported that she had Cheryl Poormon resubmit February and March's reports with corrections and she is submitting April's report.

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

**Summer Recreation:** Mr. Hayssen reported that he received a letter from Seneca County Division of Human Services informing the town that they have received a grant in the amount of \$680 for the health, nutrition and safety program with the American Red Cross and Cornell Cooperative Extension with a grant recipient agreement to be signed by him and returned.

**Minutes:** A motion by John Saeli, seconded by Robert Bauman and so carried unanimously to approve the minutes of April 3, 2012.

**Abstract:** A motion by Peter McDonald, seconded by Robert Bauman and so carried to approve Abstract No. 5, Highway, Vouchers DA012027 to DA012030 in the amount of \$5,473.43, Varick Sewer District No. 2, Vouchers SSS12008 to SSS12013 in the amount of \$9,808.50, Varick Sewer District No. 1, Vouchers VS112014 to VS112017 in the amount of \$466.37, Varick Water District No. 1, Voucher VW112005 in the amount of \$250, Varick Water District No. 3, Vouchers VW312006 to VW312008 in the amount of \$21,643.76, Seneca Lake Water District, Vouchers SWS12026 to SWS12030 in the amount of \$25,405.64, General, A0012068 to A0012080 in the amount of \$8,227.50

We received bills from Municipal Solutions for bookkeeping pertaining to Water District No. 3 Capital Project (Invoice Numbers: 2571-\$202.50, 2570-\$3522.58, 2573-\$305.03) which the board will hold payment on until the district can settle disputed billing and outstanding issues with Seneca County, Fayette and Syracuse Constructors.

The board discussed the agreement we have with Life Care to perform random drug testing of town highway employees required by DOT.

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

A letter from Elizabeth Dougherty regarding her concern over a manhole cover and drainage issues coming from Crowe's property was received. It was determined that this is a civil issue as it is off the highway right-of-way and directed the code enforcement officer to write a letter in response.

Mr. Hayssen reported that he received hydrofracking information from David Dresser.

Mr. McDonald reported that Hancock and Estabrook maintained the original material from the Pustumucans case. The court determined that Pustumucans had to be in compliance with the affirmed Notice of Violation-Order of Remedy by May 20, 2012 or the town may retain any third-party that they deem necessary to bring the Property into compliance and that any expenses incurred by the Town for work shall be borne fully by the

Pusmucans. Jeff Hogue did clarify that the zoning pertaining to the stone structure is not covered in the town's ordinance currently.

There are no new developments with South Seneca Ambulance.

A discussion was held regarding puppy mills and how some use illegal substances to euthanize them. According to Ag and Markets euthanasia needs to be done by a certified veterinarian. Mr. Hayssen reported that there have been no reports of abuse regarding Martin's puppy mill operation.

A motion by Peter McDonald, seconded by Robert Bauman and so carried to adjourn the meeting at 9:05 p.m.

Respectfully submitted

Donna Karlsen  
Varick Town Clerk