

# Varick Town Board Minutes

July 2, 2013

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, Robert Bauman and Kathy Russo, Town Clerk, Donna Karlsen, Engineer, Tim Buhl, Resident Engineer, Ken Harding, Attorney Steve Ricci, Bookkeeper, Angela Testa, Reporter, Anita Glover and Kevin Swartley. Absent: Highway Superintendent, Richard McCulloch.

**Petitioners to Address the Board:** Mr. Hayssen sadly recognized the passing of Town Attorney, John Sipos and the many years of service to this town. He introduced Attorney Steve Ricci to the board and recommended his firm be contracted by the town to perform legal services. Mr. Ricci reminded the board that he represented the town on the Varick Water District No. 3 water project. He at this time also recognized Attorney John Sipos knowledge in municipal law and thanked him for the assistance he provided to him without charging a fee during the water 3 project. He indicated that the firm of Midey, Mirras & Ricci would be willing to serve as council for the town. They currently represent the towns of Fayette, Junius and Lodi and would attempt to make the majority of the Varick town meetings. He stated that he would be the point of contact, but his associates may also attend meetings that Mr. Ricci is unable to. He stated that the firm offers two types of contracts, one a flat rate which is how Fayette and Junius are set up or an hourly rate which is what Lodi preferred. He did indicate that the firm would like to keep these contracts uniform and is offering a rate of \$8,300 annually with no need for an attorney expense line in the town's budget. After reviewing both contractual options, the board chose to contract with the firm based on an annual flat rate.

A motion by Peter McDonald, seconded by Robert Bauman and so carried unanimously to enter into a contract with Midey, Mirras and Ricci, Attorney At Law at an annual flat rate of \$8,300 beginning July 1, 2013 to run until terminated.

Kevin Swartley was interested in any information regarding the turning over of the Depot property. It was reported that the Planning Board is working on zoning of this property.

**Water District No. 4:** Engineer Tim Buhl recommended award to D. E. Tarolli based on the unit price bid received from them in the amount of \$1,398,775 for Water District No. 4 water main construction. Mr. Buhl also reported that Rural Development also agreed that this would be a responsible award. Mr. Buhl checked Tarolli references and reviewed the steps that have occurred to receive approval to submit a Notice of Award to D. E. Tarolli, Inc. and stated that the contractor has 15 days to come back with requested information required for the attorney's final review. Mr. Buhl indicated that Tarolli has this paperwork in line and is waiting for the Notice of Award. The board confirmed with the engineer some of the materials that were specified to the contractor for use such as stainless steel gate valves, PVC pipe, ductile iron and stone size. They also discussed misled/bored lines and metal detection. It was also reported that the state will be doing some ditch work along Route 89 in August.

Mr. Buhl presented a modified Form E reflecting the increase in construction cost and the decrease in contingency. It was also noted that Mr. Buhl has also exceeded his Engineering budget.

Mr. Buhl noted that the town will receive \$75,000 in grant funds. This amount is substantially less than what was originally thought, but was adjusted down due to the lower interest rate received on loaned funds. He also reported that any unused grant funds that haven't been distributed by Rural Development for other completed projects in 2013 will be turned back to them in October and can be applied for.

Mr. Hayssen gave Steve Ricci the completed easement paperwork required for this project, with one property in question, which Mr. Ricci will look into resolving.

Mr. Buhl introduced Ken Harding, resident engineer who he is recommending to be the "Clerk of the Works" on this project. Mr. Harding showed the board examples of the reports he will complete and pictures he has taken on other projects.

Mr. Buhl also reported that he is still working with DOT who is requesting that the main be 10' from the storm sewers and will need to review this request again with other DOT employees.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to authorize Supervisor Robert Hayssen to sign the Notice of Award dated July 2, 2013 to D.E. Tarolli, Inc., 6602 Warner Road, Warners, NY 13164.

A motion by Robert Bauman, seconded by Kathy Russo and so carried unanimously to approve the modified total amount of \$1,398,775 in Construction and \$78,255 in Contingency.

An informational letter should be drafted and mailed to the residents along this line and noted that Mr. Harding will be contacting the homeowners prior to the line going in front of their homes. They are anticipating the project should start the middle of July and it will be left to the contractor as to where the digging will begin.

Steve Ricci stated that Attorney Sipos has completed the majority of the legal work pertaining to this project and stated that Attorney Sipos is entitled to the full amount of his contractual agreement. He recognized the assistance and knowledge Attorney Sipos provided to him, at no cost, while completing Water District No. 3 and he will not be seeking any compensation for future legal work for the completion of Water District No. 4. The board agreed to honor John Sipos' agreement and pay it in full.

**Highway:** It was reported that Romulus will contact Rick McCulloch to schedule Spring Clean up at the same time as Varick's.

**Code Enforcement:** Larry Colton submitted his May 2013 report for board review.

**Varick Sewer District No. 1:** It was noted that the electric and phone bills are being apportioned and paid by the towns of Romulus and Varick.

**Varick Sewer District No. 2:** Nothing.

**Water District No. 1:** Nothing.

**Seneca Lake Water District:** Mr. Hayssen reviewed the thought of bringing a transmission line up Yale Farm Road from Seneca Lake Water District using funds from Seneca Lake Water District and perhaps a Small City Grant. He would like to get the water up to the Hillside campus and be able to feed Water District No. 3 without having to go through Seneca County Water.

**Water District No. 3:** A motion by Robert Hayssen, seconded by Kathy Russo and so carried unanimously to enter into Executive Session to discuss pending litigation and proposed settlement at 8:10 p.m.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to come out of executive session at 8:45.

**Town Clerk's Report:** A motion by Robert Bauman, seconded by Peter McDonald and so carried to approve the Town Clerk's report: Supervisor: \$344.09, NYS Ag & Markets \$28, NYS Environmental Conservation \$69.91, Total Disbursements \$442.00.

**Supervisor's Report:** Mrs. Testa asked the board to correct the amount in Water District No. 3, Loan Payment Due amount to \$6,500 with a pending ending balance of \$5,442.53.

A motion by Kathy Russo, seconded by Robert Bauman and so carried unanimously to approve the Supervisor's written report.

**Summer Recreation Program:** Mrs. Russo reported that the program will begin July 8<sup>th</sup> and will be held at the Romulus Fire Department with the use of the school's outdoor facilities as well. Water bottles will be provided by the County Youth Bureau.

**Assessor:** No written report.

**Abstract:** A motion by John Saeli, seconded by Robert Bauman and so carried unanimously to approve Abstract No. 7, Varick Water District No. 1, Voucher VW113-010 in the amount of \$15., Seneca Lake Water District, Voucher numbers SWS13-032 to SWS13-034 in the amount of \$19,789.97, Varick Water District No. 3, Vouchers VW313-013 to VW313-014 in the amount of \$1, 765, General, Vouchers A0013-87 to A0013-93 in the amount of \$26,342.73, Highway, Vouchers DA013-40 to DA013-48 in the amount of \$7,767.05, Varick Sewer No. 1, Voucher VS113-018 in the amount of \$148.50, Varick Sewer District No. 2, Vouchers SSS13-011 to SSS13-013 in the amount of \$1,877.75.

A voucher from Witmer's in the amount of \$902 for repair work was pulled for further explanation of services rendered. Mr. Saeli will contact Highway Superintendent Richard McCulloch.

Mrs. Russo clarified that Attorney John Sipos did have a contractual agreement with the town for services rendered for Water District No. 4. Mr. Ricci again stated that Mr. Sipos has completed the majority of the legal work to complete this project and feels he is entitled to the full amount of his approved contract. Mr. Ricci is willing to complete any further legal work required at no extra charge to the project and again reiterated his appreciation to Mr. Sipos for all his assistance in completing Varick Water District No. 3.

**Minutes:** It was clarified that it was the Planning Board working on the rezoning of the depot property and the audit report was to be reviewed at the July meeting.

A motion by Kathy Russo, seconded by John Saeli and so carried unanimously to approve the minutes of June 4, 2013.

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

It was noted that the additional truck traffic on East Lake Road is due to bridge work being completed on Route 96A.

A motion by Kathy Russo, seconded by Peter McDonald and so carried unanimously to postpone the review of the 2011 Audit until the August meeting.

A letter was received regarding a roaming dog complaint on East Lake Road. The dog warden is familiar with this complaint and has addressed it and issued an appearance ticket. This letter will be forwarded onto the Dog Warden for his reference.

A motion by Kathy Russo, seconded by Peter McDonald and so carried to adjourn the meeting at 9:35.

Respectfully submitted,

Donna Karlsen  
Varick Town Clerk