

December 4, 2018

The regular meeting of the Varick Town Board was called to order by Supervisor Robert Hayssen at 7:00 p.m. Present at the meeting were Councilmen, Ben Freier, Tom Fox, Eric Riegel, and Richard Peterson, Town Clerk, Donna Karlsen, Town Bookkeeper, Angela Testa, and Attorneys for the Town, Ryan Stebbins and Joe Midiri. Also, present were Town of Fayette Supervisor, Cindy Lorenzetti, Richard L. McCulloch and Michelle Herman.

**Residents to address the Board:** Michelle Herman expressed her dissatisfaction that no one stopped at her home to notify her of the work that was going to be done in her yard pertaining to the installation of a vault to house the master meter for the Town of Romulus water project. Mr. Hayssen apologized for this oversight, however, reminded her that this was discussed with her at prior meetings that she had attended. He also noted that the pit was in the highway right-of-way and promised her that the yard would be restored prior to the project's completion.

Cindy Lorenzetti reported that she is a member of the county public works committee and will be a single vote as to whether the negotiated amount of \$122,000 owed from Seneca County Water District No. 1 for water purchased from the defined period of December 31, 2015 through June 30, 2017 will be approved by the committee to be paid to Seneca Lake Water District. She asked that the board make a motion to agree to reduce the water rate 17 ½ % to Seneca County Water District 1 to guarantee her support regarding this payment. She reported that Seneca County Water District No. 1 raised the rates to Varick Water District No. 3 and Fayette Water District No. 5 as the result of the recent rate increase which originated from the Village of Waterloo. Due to this increase in rate from Seneca County, Fayette raised their rates to their consumers. She reported that they have very few customers connected to this water line and contends the cost of the new water rate will prevent further connections.

In response to her request the following points were discussed:

1. Supervisor Hayssen reported the events and actions taken by the previous county manager and the loss of revenue resulting from these actions made it necessary for the town to hire a full-time water operator to assist in monitoring Seneca Lake Water District, Water District No. 3 and Varick Water District No. 1 as they all do business with Seneca County Water and have had issues with the county in all three districts.
2. Ben Freier reported Varick Water District No. 3 has as of November 30th an ending balance of \$453.90 in the account with \$4,010.63 set aside for repairs and equipment. He went on to report that four repairs were completed within the last few months due to lack of supervision on the original project and poor quality of work at the time of the installation of the main and expects more of the same issues in the future. For these reasons, the board had no choice but to increase the water rate to generate revenue and this would have had to have been done with or without the rate increase from the county.
3. The board stated that there is no guarantee that Seneca County Water District No. 1 would decrease their water rate by the 17 ½% to the affected districts if Seneca Lake Water District did agree to her request. Mr. Hayssen also noted that the increase to Seneca County Water District above Seneca Lake Water Districts cost is .79 per

thousand gallons of water, yet the county's increase over their cost to the town's districts is \$3.13 per thousand gallons. Mr. Hayssen reported that the county water district has been mismanaged and not maintained properly resulting in the financial issues they are facing. He also reported that he has suggested that the county apply for grant funds to repair the infrastructure which would reduce their costs, but also noted that once the leaks are repaired, Seneca Lake Water District revenue from water sales will be reduced, which was a consideration when setting the new rate.

4. The board informed Ms. Lorenzetti that at the November board meeting the board agreed to consider the water rate reduction at the annual meeting to be held with Seneca County in the spring of 2019.
5. The board also stated that Seneca Lake Water District is an aging system and has anticipated annual maintenance along with updating of the system to be completed which will greatly reduce the fund balance.

After further consideration the following motion was proposed:

A motion by Robert Hayssen, seconded by Richard Peterson to, upon receipt of the negotiated owed amount of \$122,00 from Seneca County Water District No. 1, agree to reduce Seneca Lake Water District water rate to Seneca County Water District No.1, 17 1/2 percent beginning the first quarter of 2019 contingent on Seneca County Water District reducing their water rates the same percentage to all municipalities they serve to include the towns of Romulus, Fayette and Varick who would then reduce the water rate to their consumers.

**Discussion:** Ben Freier, who reminded the board that he lives in Water District 3 and was affected by the rate increase, is concerned about the financial stability of this district. He indicated that he does not want the town to follow the county's example of poor management and have water breaks occur with no funds to repair them, resulting in further loss in revenue.

In response to Mrs. Lorenzetti's assumption that people in Fayette Water District 5 would be willing to connect to their district with a lower water rate, it was noted that when the water rate was lower, they still did not connect.

Supervisor Lorenzetti stated that she would not be supporting the negotiated owed amount to be paid to Seneca Lake Water District if the board would not agree to lower the water rate to the county. She went on to further state and agreed to go on record that she would vote in favor of making payment to Seneca Lake Water District the negotiated owed amount of \$122,000 if the board passed this resolution. Eric Riegel stated he did not appreciate being threatened and for that reason along with what had been previously discussed would not support her request.

Supervisor Hayssen called for a roll call vote for the motion on the floor:

A motion by Robert Hayssen, seconded by Richard Peterson to, upon receipt of the negotiated owed amount of \$122,00 from Seneca County Water District No. 1, agree to reduce Seneca Lake Water District water rate to Seneca County Water District No.1, 17 1/2 percent beginning the first quarter of 2019 contingent on Seneca County Water District reducing their water rates the

same percentage to all municipalities they serve to include the towns of Romulus, Fayette and Varick who would then reduce the water rate to their consumers.

Robert Hayssen: Yes  
Ben Freier: Opposed  
Tom Fox Opposed  
Eric Riegel Opposed  
Richard Peterson: Yes  
2 Yes 3 Opposed  
Motion did not pass

**Abstract:** A motion by Ben Freier, seconded by Tom Fox and so carried unanimously to approve Abstract No. 12, General, Vouchers A0018-201 to A0018-211 in the amount of \$5,493.25, Highway, Vouchers DA018-89 to DA018-91 in the amount of \$94,023.18, Varick Water District No. 1, VW118-028 in the amount of \$25, Seneca Lake Water District, SWS18-089 to SWS18-097 in the amount of \$34,387.15, Varick Water District No. 3, Voucher VW318-037 in the amount of \$25, Varick Water District No. 4, Vouchers VW418-044 to VW4-18-045 in the amount of \$135, Varick Sewer District No. 1, VS118-042 to VS118-045 in the amount of \$2,412.99, Varick Sewer District No. 2, SSS18-043 to SSS18-047 in the amount of \$1,833.52.

It was reported that after review of the Village of Waterloo's Provision of Water Supply Support Service Agreement, the village overcharged per man hour according to this agreement for the three water leaks on October 3, 2018. The rate per hour charged was \$50 and per said agreement it should have been \$40 per hour. An adjustment to this bill along with a copy of the agreement will be forwarded with payment.

**Highway:** Mr. Hayssen reported that he spoke with State Trooper Rick Willower who reported that he observed a man using high powered rifles for target shooting in the town of Varick's former landfill on Route 96A which is clearly posted with no trespassing signs. Trooper Willower reported that he questioned the man who stated he was aware the property was posted and even admitted to Officer Willower that in a prior instance he had been removed from this property. Officer Willower obtained the man's name and personal information, took pictures and escorted him off town property. Officer Willower stated he is willing to file trespassing charges against the man at the direction of the town. Discussion was also held regarding pressing charges and installing a fence along the property facing Hahnel Road.

A motion by Ben Freier, seconded by Richard Peterson and so carried unanimously to direct Attorney Joe Midiri to send a letter to the man caught trespassing notifying him if he is caught trespassing on town property again charges will be pressed and directed Highway Superintendent Richard McCulloch to install fencing along the landfill property facing Hahnel Road and put up additional "no trespassing" signs.

**Judge Report:** Mr. Hayssen received a carbon copy letter from Sherril Spatz from the NY State Unified Court System sent to Honorable Craig J. Doran, Seventh District Administrative Judge, stating that their internal audit services unit has audited the financial records and internal controls of the Varick Town Court related to cash receipts and disbursements for the period January 1, 2010

through May 31, 2017 and provided a written report. A copy of said report will be filed in the Town Clerk's office.

**Supervisor's Report:** A motion by Eric Riegel, seconded by Tom Fox and so carried unanimously to approve the Bookkeeper's Report.

**Code Officer:** No report.

**Varick Sewer District No. 1:** Dan Duddleston contacted Mr. Hayssen notifying him one of the sewer pumps was no longer operable and a new pump would be purchased. The cost of this pump will be split according to the agreement with the Town of Romulus; 45 percent Varick, 55 percent Romulus.

A motion by Tom Fox, seconded by Ben Freier and so carried unanimously to approve the purchase of a new sewer pump.

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

**Water Operator's Report:** November 2018

- Checked Chlorine residuals weekly for each district
- Got daily readings for each district
- Did Monthly Bac T's for all 4 districts
- Did Monthly report and submitted to health department
- Inspected new water hookups
- Flushed dead ends as needed to help bring chlorine levels up
- Changed meters
- Marked out Dig Safes as requested
- Flushed water in Var 4
- Did maintenance on work truck
- Turned off water services to seasonal customers
- Checked on progress of Rt89/Romulus connection
- Sent info and specs for new water truck to Vanbortel Ford
- Installed two meter pits for new customers: Water 4 & Seneca Lake
- Marked out 5 locations to dig up due to broken curb stops
- Spoke with Jim Bromka on the procedures of draining Five Points water tank due to leak inside and steps the town and fire department will need to take. County water is in charge of making sure flow and pressures will stay up during the 1-week long duration.
- Spoke with Jeff Case, Chief of Varick Fire Department/Seneca County Fire Coordinator with the actions to take during this down time in case of a fire.
- Received a letter from Department of Health stating that all 4 water districts were in compliance and all samples were taken on time through the year.

**Varick Water District No 1:** No additional report.

**Seneca Lake Water District:** Terry and Richard Eagan presented a letter dated September 3, 2002 to the town clerk indicating that their parcel number 06-3-36 should have been receiving one and half (1 ½) unit charge on their tax bills due to the removal of a trailer on that parcel but was still being billed for 2 units. The board reviewed the guidelines set forth for establishing unit charges in this district and determined that the guidelines can be unclear when addressing this situation and, in most cases, a full unit would be assessed based on the placement of the curb stop. The board decided, based on the letter provided, that the unit charge for parcel 06-3-36 will be reduced from two units to one and one-half units (1 ½) effective with the 2019 tax billing. As this appears to have been an oversight which was not identified by the town or the Egans until now, and the guidelines are ambiguous when applied to this situation, no restitution to them for prior payments will be provided.

A motion by Richard Peterson, seconded by Ben Freier and so carried unanimously to approve reducing parcel number 06-3-36 unit charge for Seneca Lake Water District based on the letter provided by Mr. and Mrs. Richard Egan, from two units to one and one-half (1 ½) units effective with the 2019 tax billing.

Mrs. Karlsen noted that it is too late to make this change to reflect on their 2019 tax bill, but a voucher will be submitted for board approval for reimbursement to them for the overpayment once their payment is received.

**Varick Water District No. 3:** No additional report

**Varick Water District No. 4:** No additional report

**Town Clerk's Report:** A motion by Eric Riegel, seconded by Richard Peterson and so carried unanimously to approve the Town Clerk's Report: Supervisor: \$70, NYS Ag & Markets: \$4, State Department of Health: \$45, Total Disbursements: \$119.

Mrs. Karlsen reported that the town received a letter from DASNY confirming the town has fulfilled all the criteria necessary to receive the SAM Grant in the amount of \$50,000 for the renovations to the Town Hall. Enclosed with this letter was two original Grant Disbursement Agreements that need to be completed and returned. As part of this agreement an opinion of counsel needs to be returned by the grantee. A template was provided for counsel to use which needs to be put on their letterhead, two copies provided with original signatures and submitted to the Town Clerk, so she can submit it with the Grant Disbursement Agreement. Mr. Stebbins stated he would provide the opinion letter, in duplicate to the town clerk for submission with the Grant Disbursement Agreement.

**Personnel:** Nothing to report.

**Assessor's Report:**

November-December 2018

- Deeds are current to October 15, 2018
- Address changes and escrow codes are current

- A current computer file was delivered to the county to print 2019 Town and County tax bills

Changes to the Enhanced (senior) STAR program have started with the office mailing 750+ forms required by the State of New York. These will be processed starting at this office and then forwarded to Albany for verification and future use.

All exemptions (Enhanced STAR, Senior Citizens and Agricultural) will be mailed the first week of January 2019 to be returned and processed for March 1, 2019.

**Zoning Board:** Nothing to report.

**Planning Board:** Ryan Stebbins reported that he provided the planning board a copy of the Town of Fayette's zoning pertaining to docks and moorings for their review. It was noted their meeting for November was cancelled due to a snowstorm.

**Minutes:** A motion by Ben Freier, seconded by Tom Fox and so carried unanimously to approve the minutes of November 5, 2018.

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

A motion by Ben Freier, seconded by Richard Peterson and so carried unanimously to hold a year end meeting on December 27<sup>th</sup> at 1:00 p.m. to pay end of year bills and to address any new business that comes before the board and to change the January 2019 regular meeting of the Varick Town Board to Wednesday, January 2, 2019 at 7:00 p.m.

Mr. Hayssen questioned Joe Midiri if he had reviewed the proposed Agreement for Water Supply Services on behalf of the Town of Varick from the Village of Waterloo that was provided to them at the November meeting. Mr. Midiri requested another copy of this agreement be sent to him.

Mr. Hayssen questioned the board as to how they wanted to proceed with the request to Senator Pam Helming for a State and Municipal Facilities (SAM) grant to be used to support a water infrastructure project. The board will review their options and report at the next meeting.

Mr. Fox, as chairman of the Republican party, confirmed the salary for the highway superintendent for 2019 and discussed who was eligible to receive health insurance coverage, with a portion paid by the town as stipulated in a resolution by the town board. After reviewing the guidelines, it was determined that employees of the town were only eligible, once meeting the criteria as stipulated, and that currently there is no provision to provide coverage for elected officials, a portion of which would be paid by the town. The board did agree that an elected official could purchase health insurance coverage through the town at full cost to them and the guidelines can be changed by resolution by the board at any time.

A motion by Eric Riegel, seconded by Ben Freier and so carried unanimously to adjourn the meeting at 9:15 p.m.

Respectfully Submitted:  
Donna Karlsen Town Clerk