

## Varick Town Board

November 4, 2019

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 Richard Peterson, Tom Fox, Ben Freier, and Eric Rigel, Bookkeeper, Angela Testa, Town Clerk, Donna Karlsen, Attorney for the Town, Joe Midiri and residents of the town Howard and Marguerite Relin.

A motion by Ben Freier, seconded Eric Riegel and so carried unanimously to open the public hearing on the 2020 Preliminary budgets.

Supervisor Hayssen reported that the Town of Covert has chosen not to accept ambulance coverage from South Seneca Ambulance and will continue using Trumansburg Ambulance. This has resulted in an increase to be raised by taxes from South Seneca Ambulance from \$58,218 to \$76,046. Mrs. Testa explained that due to the lower volume of calls and the increase in payroll and expenses the cost of running the ambulance exceeds the income resulting in the ambulance being dependent on the support from the towns to continue ambulance service. The board discussed their concern over the continuance of the ambulance service based on the call volume, expenses incurred, and cost to the taxpayers. They further went on to recognize the benefit of ambulance coverage to the town's people.

Mrs. Testa also reported that she received the 2020 budget numbers from the Fayette Fire Company, the assessor and workman's compensation to be added to the adopted 2020 budget.

A motion by Eric Riegel, seconded by Richard Peterson and so carried unanimously to close the public hearing on the 2020 Preliminary budgets.

**Petitioners to Address the Board:** Mrs. Relin addressed the board pertaining to a backup of sewage into their basement on July 8<sup>th</sup> at their property located at 5500 East Lake Road. She reported that they found sewage flowing into their basement at their own pump-up grinder pump and she further reported that her son shut down their pump and began cleaning up the sewage by bucketing it up from the lower level and dumping it into their yard above. Mr. Hayssen reminded the board Relin's had written a letter to the board and provided pictures of work being done by Halco along with a copy of Halco's bill requesting reimbursement which was discussed at the September board meeting. Mr. Kolbeck, Varick Sewer Maintainer, reviewed Relin's pictures at this meeting. He explained to the board, using a diagram of the town's E-One pumps, how the town's grinder system works. Based on the pictures provided from the Relin's, their report of the circumstances surrounding this back-up and their report that the town's grinder pump's alarm never went off, did not believe the problem was due to a malfunction of the town's grinder pump. Mrs. Relin explained at this meeting that they had contacted Mr. Kolbeck and Yaws. They reported that they did speak to Mike at Yaws at that time, but neither Yaws nor Mr. Kolbeck were able to address their concern until the next day, which is why they contacted Halco. Mr. Hayssen explained to them that even if the town's grinder pump had stopped working, the sewage would have continued to fill the pit and flowed out from it, which based on the pictures provided by the Relin's, the pit wasn't full and due to the lack of the alarm going off, indicated that it was still

working. Mrs. Relin did report that Halco did replace their pump as indicated in a written statement provided by the Relin's at this board meeting. Mr. and Mrs. Relin felt that they were due reimbursement for Halco's bill based on the lack of immediate attendance from the town regarding this issue. Mr. Hayssen explained that they did receive a phone call from Yaws and within 24 hours from Mr. Kolbeck. He further explained that based on their own admission that the town's grinder pump's alarm was never activated, pictures provided by them and the report of the work completed by Halco to the town's grinder pump indicates the problem was not due to a failure by the town's equipment. Mr. Hayssen reported that the grinder has continued to work properly to this date. The board questioned if they had submitted this claim to their insurance company, which they responded that they hadn't. Mr. Midiri reported that a Notice of Claim would have needed to be filed by the Relin's within 90 days of the incident. This time frame has since passed with no Notice of Claim being filed. Mr. Relin stated he did not want to file any claims against the town but was hoping the town would be willing to pay Halco's bill based on what they felt was a late response by the town to their issue. Mr. Midiri recommended that further consideration of this matter be discussed in executive session.

A motion by Eric Riegel, seconded by Tom Fox and so carried unanimously to enter executive session at 7:15 to discuss Varick Sewer District No. 2 business that has come before the town board.

A motion by Eric Riegel, seconded by Ben Freier and so carried unanimously to come out of executive session at 8:05 p.m.

A motion by Tom Fox, seconded by Richard Peterson to approve reimbursement to Howard and Marguerite Relin in the amount of \$510 for a bill paid by them to Halco, setting no precedence of any liability by the town.

Discussion: Mr. Freier and Mr. Riegle do not feel there is any evidence of any malfunction of town equipment in this instance and does not support paying any bills related to this issue. Mr. Fox and Mr. Peterson feel the town needs to consider revising the procedure addressing response time to call outs. Mr. Hayssen reported that they did receive a response by the town within an acceptable time frame and based on the information provided by the Relin's pertaining to the town's grinder pump and the fact that Halco did replace their grinder pump, does not feel the town is liable for any reimbursement for work done by Halco. Supervisor Hayssen called for a roll call vote on the following motion:

A motion by Tom Fox, seconded by Richard Peterson to approve reimbursement to Howard and Marguerite Relin in the amount of \$510 for a bill paid by them to Halco, setting no precedence of any liability by the town.

Roll Call:

Robert Hayssen:	No
Eric Riegel:	No
Ben Freier:	No
Tom Fox:	Yes
Richard Peterson:	Yes

Yes: 2 No: 3  
Motion defeated

The board directed Mr. Midiri to send a letter to the Relin's indicating no action will be taken by the town regarding this matter.

**Abstract:** A motion by Ben Freier, seconded by Eric Riegel and so carried unanimously to approve Abstract No. 11, General A0019-174 to A0019-186 in the amount of \$1,678.40, Highway, DA019-068 to DA019-67 in the amount of \$41,469.44, Varick Water District No. 1, VW119-016 to VW119-019 in the amount of \$7,608.75, Seneca Lake Water District, SWS19-077 to SWS19-087 in the amount of \$37,251.27, Varick Water District No. 3, VW319-018 to VW319-019 in the amount of \$5,923.31, Varick Water District No. 4, VW419-044 to VW419-045 in the amount of \$2,282.94, Varick Sewer District No. 1, VS119-043 to VS119-044 in the amount of \$2,763.60, Varick Sewer District No. 2, SSS19-031 to SSS19-033 in the amount of \$11,321, Capital Outlay Office Addition:, HO119-008 to HO119-009 in the amount of \$483.89.

**Highway:** Supervisor Hayssen reported that Mr. McCulloch has decided to retire as of November 28, 2019. The board can appoint Deputy Highway Superintendent Kris Karlsen to fill out Mr. McCulloch's term of office or appoint the incoming Highway Superintendent prior to his elected term beginning January 1, 2020. The board tabled any decision pertaining to this matter and directed Mr. Midiri to research what proper steps can be taken by the board. A special meeting can be held later in the month if necessary, to address this issue.

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

Mrs. Testa reported that a CD was cashed in by the General fund to pay back Seneca Lake Water District and Highway for their loan of \$71,000 each.

A motion by Ben Freier, seconded by Eric Riegel and so carried unanimously to approve Amendment to the Town of Varick General Fund, Resolution No. 4.

A motion by Ben Freier, seconded by Eric Riegel and so carried unanimously to approve Amendment to the Town of Varick General Fund, Resolution No. 5.

A motion by Ben Freier, seconded by Eric Riegel and so carried unanimously to approve Amendment to the Town of Varick Water 3, Resolution No. 6.

A motion by Ben Freier, seconded by Eric Riegel and so carried unanimously to approve Amendment to the Town of Varick Water District No. 4, Resolution No. 7.

**Code Enforcement Officer:** No report

**Judge:** No Report.

**Varick Sewer District No. 1:** No report

**Varick Sewer District No. 2:** No report other than discussion pertaining to Mr. and Mrs. Relin reported under “Petitioners to address the board”.

**Water Operator’s Report:**

Operator Report for October 2019

- Changed Meters
- Marked out Dig Safety’s
- Got weekly meter reads
- Did weekly water tests for each district
- Took bac t samples in all 4 districts
- Filled out and submitted monthly water report to health department
- Inspected new water connections
- Cleaned up Fire Hydrants
- Helped answer customer concerns associated to each water district
- Did water shut offs as needed
- Helped with sewer situations as needed
- Talked with new salesman on newer style meters
- Delivered parts to contractors

**Varick Water District No. 1:** Nothing further to report.

**Seneca Lake Water District:** Nothing further to report

**Varick Water District No. 3:** Nothing further to report

**Varick Water District No. 4:** Nothing further to report

**Assessor:** No Report.

**Department Reporting:** Mr. Riegel noted that the water operator is the only one currently submitting a report monthly and would like to request reports from the other departments. It was noted that the dog control officer submits a quarterly report as originally requested by the board.

A motion by Eric Riegel, seconded by Richard Peterson and so carried unanimously to request quarterly reports from the dog control officer, code officer and assessor with monthly reports from the highway department, judge, water and sewer departments.

**Town Clerk’s Report:** A motion by Richard Peterson, seconded by Ben Freier and so carried unanimously to approve the Town Clerk’s report: Supervisor: \$187.50, NYS Ag & Markets; \$19, State Health Department, \$22.50; total disbursements, \$229.

**Minutes:** A motion by Tom Fox, seconded by Richard Peterson and so carried unanimously to approve the minutes of October 1, 2019.

**2020 Budget:** Mrs. Testa reported that the town would remain under the 2% tax cap if the board approves the revised submittal of figures by South Seneca Ambulance, Workman’s Compensation and Fayette Fire District.

A motion by Tom Fox seconded by Eric Riegel and so carried unanimously to move the 2020 Town of Varick amended Preliminary Budget, the Special District Fund Budgets and Fire Protection Units which reflects the recently submitted budgets from the Fayette Fire District in the amount of \$89,665, Workman’s Compensation in the amount of \$15,205.32 and South Seneca Ambulance in the amount of 76,046 to be adopted as the 2020 Town of Varick adopted budgets and Fire Protection Units.

**Old Business, New Business, Correspondence:** Mr. Midiri reported he had Frank Fisher of his offices reach out to the Association of Towns regarding ADA compliance. Mr. Fisher reported that they are unaware of any ADA compliance requirements for municipal web pages. Mrs. Karlson reported that she reviewed other townships’ web pages and found the Town of Fayette has a system on their web page and has requested Tom Bjorkman to explore applying this to the town of Varick’s site.

Mr. Riegel will provide the proper wording to amend the zoning code pertaining to the high-water mark and the board will have to hold a public hearing amending this wording with a local law.

Mr. Riegel and Mr. Freier both addressed the bill submitted by Tom Fox regarding the replacement of a tire he reported was damaged as the result of hitting a pothole on Town Line Road in the town of Varick. Both Mr. Riegel and Mr. Freier reported that they both traveled Town Line Road and struck the pothole Mr. Fox reported damaged his tire at a rate of speed higher than what Mr. Fox reported he was going and suffered no damage to any of their tires on their vehicles. Based on this, Mr. Riegel indicated to Mr. Fox that he may have had a defective tire prior to striking the pothole. Mr. Fox did not dispute this theory but stated he would still be seeking reimbursement from the town for the new tire as he feels the town was negligent. He indicated he would bring a civil suit against the town if the board denied reimbursement for this tire.

A motion by Ben Freier, seconded by Eric Riegel and so carried to deny payment to Tom Fox in the amount of \$241.00 for reimbursement of a tire and to direct the town attorney to notify Tom Fox of the board’s decision in writing.

Roll Call:

Robert Hayssen:	Yes
Eric Riegel:	Yes
Ben Freier:	Yes
Richard Peterson:	Yes
Tom Fox:	Abstained

Motion Passed: Yes – 4 Abstention: 1

Mr. Hayssen received a copy of a letter sent to Town of Fayette’s Supervisor Cindy Lorenzetti, from Department of Transportation denying Fayette’s request to reduce the speed limit on East Lake Road from Route 96A to Yale Station Road in the Town of Fayette. The Department of Transportation denied this request.

A motion by Eric Riegel, seconded by Richard Peterson and so carried unanimously to adjourn the meeting at 8:45 p.m.

Respectfully Submitted:

Donna Karlsen  
Varick Town Clerk