

Minutes
Varick Town Board
June 5, 2007

The regular meeting of the Varick Town Board was called to order by Supervisor Joan Teichner. Present at this meeting were Council members Kathy Russo, Richard Peterson, Curt Karlsen, and Jeff Case, Town Clerk, Donna Karlsen, Highway Superintendent, Richard McCulloch, Water and Sewer Maintainer, Damon Nicholson, Planning Board, Thomas Bjorkman and Kevin Swartley, Fayette Councilman, Duane Riegel, and Fayette Highway Superintendent, Ross Parks. Also present were Bob Hayssen, Rob Bauman, Peter McDonald, George Stuck, and Bob Lerch.

Petitioners to the Board: Peter McDonald thanked the Board and Thomas Bjorkman for getting the Varick web site up and running and posting the town budget. He noted that he would like to see the minutes posted as well and understands that Mrs. Karlsen and Mr. Bjorkman are working on this.

George Stuck informed the board that he has had a 35' camper set on his property located at 3625 East Lake Road for at least 8 years and at the time he located the camper there, no permits were required. He is now trying to sell the property with the camper on it and wants to make sure this won't be a problem. He stated he never received anything from the board indicating that there was a problem with this camper being located on the property. The town granted his permits to connect to the sewer and water lines and he isn't sure what the problem is and would like it resolved so he can proceed with the sale. He has not spoken to Mr. Foxx directly, however, the potential buyers did contact Mr. Foxx and were directed by him to contact another potential buyer. Mr. Stuck was unsure why Mr. Foxx would direct them to do that. He did indicate that the potential buyer Mr. Foxx directed these people to contact was offered first option to purchase this property, but was unable to and is also the one questioning the placement of the camper on this property after all these years. Mr. Stuck is asking the board to resolve this issue.

Mr. Peterson stated he researched this with Mr. Foxx and Mr. Sipos. He noted that this camper has been located on this property since 1999. Mr. Peterson stated that in 2002 the Zoning Code was changed and Mr. Foxx indicated to him that notices were sent out advising of the change in the zoning. Mr. Stuck did not receive a notice. Mr. Peterson stated that the town allowed him to connect to the sewer and water, and the town was glad to have him pay the bond down in both districts. Jeff Case stated that he thought the spirit of the camper rule was to regulate where if you owned a lot and a cousin came in and placed a camper there. Mr. Bjorkman agreed with Mr. Case's statement. Mr. Peterson indicated that he had spoken to Mr. Sipos regarding this and he indicated that if this was challenged in court the town would be hard pressed to win our case. Mrs. Teichner questioned Mr. Stuck if he had gotten a permit from the clerk to place the camper there in 1999. Mr. Stuck indicated that he did not as he had spoken to the clerk

who directed him to contact the Code Enforcement Officer and at that time no permit was required. Mr. Stuck also cited other property, such as Marguerite Wilson's lot in this same area that up until 2 years ago also had a camper located on it and nothing was done with it.

Mr. Bjorkman reviewed the definition of a travel trailer and stated the intent of this code was for people using recreational vehicles as a year round residence and to eliminate this. He at that time anticipated state regulations would come into effect prohibiting this and the Health Department would enforce it. This has not occurred. Mr. Peterson felt this property should be grandfathered but Mr. Bjorkman stated that code would have to indicate this. It was noted that this lot is not a buildable lot. Jeff Case stated that when his grandfather sold the land on East Lake Road there were trailers on the west side of the road, when they bought lots on the East side of the road, those trailers could stay there until they were moved and questioned why we couldn't treat this the same way. Mr. Peterson stated Mr. Foxx told him Mr. Stuck could apply for a permit, it wouldn't be approved and then it would go to the Variance Board. Mrs. Russo stated that we as the Town of Varick recognized him and accepted his existing life style and living conditions by hooking him up. Mr. Sipos stated that he has been friends of the Stucks for many years and Jim Somerville, Sr. has been a client of his for more than 20 years so whatever he says, he doesn't want to give the impression of impropriety here. Mr. Sipos stated that to the best of his knowledge the town is not contemplating any action to move that trailer after his discussions with Mr. Foxx and various board members. Upon his advise to Mr. Foxx, he doesn't think they will request the camper be moved. Mr. Case stated that if the camper isn't being requested to be moved, there isn't an issue. Mr. Stuck would like some guarantee for the future that this request won't be made. Mrs. Teichner spoke about purchasing a lot across the road which doesn't have anything to do with the property in question.

Mr. Sipos spoke to the buyer's attorney, and noted to him that the town hasn't done anything in so long that he doesn't believe the town would be successful in a lawsuit if the town tried to have the camper removed. Mrs. Russo stated that Mr. Stuck is seeing a board very much in support of Mr. Stuck's situation and felt that in general they would have the same support a few years down the road. Mrs. Russo stated that whether we can make legal promises and whether people in the future can make legal promises and whether you can be grandfathered in or not; there has been unspoken promise that she thought that the parties could be rest assured that they will be protected and the longevity of your home right now will last another 20 years and they will be able to enjoy the property and felt that was all that could be done that night. Mr. Peterson suggested to Mr. Stuck that a copy of this get to the buyer's lawyer. Mr. Sipos felt their attorney understood the dilemma and hopefully the buyers are getting a fair enough deal to reflect the situation and felt that they were. Mr. Peterson felt their attorney and the clients would feel more comfortable after hearing the support of this board.

Mr. Hayssen questioned Mrs. Teichner about the comments she made to the newspaper about the landfill. He questioned her who the supervisor was in the north end of the county who told her that if she spoke out against the landfill they would cut off any future funding to the town. Mr. Hayssen stated he spoke to Peter Same and he said it wasn't him who made that comment. Mrs. Teichner corrected Mr. Hayssen and said that we may have a difficult time getting funding. Mrs. Teichner stated that it wasn't any of Mr. Hayssen's business who said that and it was said as a good will, not a threat. Mr. Hayssen noted that she said this publicly.

Mr. Hayssen also questioned Mrs. Teichner on her position on the Indian Land Claim. He stated that it came out in the paper that Mrs. Teichner said nobody in the Town of Varick seemed to be concerned about the Indian Land Claim. Mrs. Teichner clarified that she would support the settlement if the Town of Varick people want that and she expressed again that no concern over this had been expressed and she supported the settlement proposal. Mr. Hayssen questioned her decision to support the three page document which was handed out to her the same night she made the statement. Mrs. Teichner reported that she had a copy of this three page document for the board and that she had made the comment that she would rather have us come to a compromise in the settlement rather than have something rammed down our throats later by the Bureau of Indian Affairs. Mr. Hayssen questioned Mrs. Teichner if she ever thought as to why the Indians are willing to give the County \$5 million dollars a year if they have nothing to worry about. Mrs. Teichner reported that she didn't have all the answers and there is a meeting Wednesday night that he could attend. He also questioned Mrs. Teichner if the county board had thought about where and who will get that \$5 million if the Indians can come up with it? Mr. Hayssen suggested that she work with Mr. Sipos and form a part county district that could be called Cayuga Indian Land Claim Improvement District. That district should include only the effected acreage of the land claim because that is the only people effected and that is where the money should go and those are the ones who should have any decisions. The money should not go to those who are not effected. Mrs. Teichner reported that Spitzer has the tax money included in his budget and spoke of the Catskills. Mr. Hayssen stated that this land claim was settled by the Supreme Court. There is no reason to give us 5 million dollars unless they are fearful of not getting something approved in Washington. Mrs. Russo agreed with Mr. Hayssen's statement. Mr. Hayssen again reiterated that he hoped Mrs. Teichner would consider the formation of a separate district if this document is approved.

Dick Peterson addressed the board as a resident. As a tax payer in the district and the fact that the Sheriff's Department is continually over budget, he resents the fact that there is an officer sitting in on this meeting and last months meeting. He is unsure of his purpose and who asked him to come to last month and this month's meetings. Mr. Peterson questioned Mrs. Teichner as to why the officer was present at last month's meeting. Mr. Peterson noted that he was called for being out of order last month, but there was no need to have the officer there and waste three hours of the deputy's time as

he had no purpose. Mrs. Teichner felt that the previous meeting was bedlam and felt the presence of the officer helped calm things down and stated that the Association of Towns recommended it to her. Mrs. Teichner also noted that the officer was present at this meeting as she expected a petitioner to the board to attend tonight which might have required the presence of an officer. Mr. Peterson stated that he could accept that, but again questioned why we wasted the deputy's time and felt it is a waste of money.

Supervisor's Report: Mrs. Teichner read her report and a copy will be filed with the minutes.

Bookkeepers Report: Mrs. Teichner reported that the court's account is still not correct and the bookkeeper hasn't had the time to do the reversals from January to April, but she did May's entry correctly. Mrs. Teichner will begin work next month on the next years budget. Mr. Peterson questioned Mrs. Teichner on the bookkeeping program. Mrs. Teichner reported that everything was good and Harris is responding timely. Mrs. Karlson noted that the Joint Recreation Program budget line isn't correct either.

A motion by Richard Peterson, seconded by Kathy Russo to approve the Bookkeeper's report.

Planning Board: Thomas Bjorkman is still reviewing the zoning codes, looking for loop holes and wording to make them easily enforceable.

Mrs. Teichner thanked Mr. Bjorkman for getting the web site up and stated she will put the site name in her newsletter.

Kevin Swartley questioned if the town was setting a precedent with regards to Mr. Stuck's case. Mr. Sipos stated that we are not setting a precedent as we are not taking any action. Mr. Sipos stated that each case needs to be looked at as no case is black and white. Mr. Case brought up the trailer on Yale Farm Road that has had nothing done with it. Kevin Swartley stated that if the town isn't going to enforce the laws we have, it is a futile effort to put new laws on the books and indicated that the town needs a code enforcement officer who will enforce what we have. Peter McDonald reviewed his perspective on the stance the board is taking with regards to Mr. Stuck's case and felt the point is that the town is going to limit our ability to move forward in a mature way and may be opening up a can of worms and feels it is unfortunate to pass this on to future generations.

Highway: Mr. McCulloch addressed the trash drop off and agrees that a designated time should be set up for Spring and Fall Clean Up. He would like to see these dates set a little before Memorial Day and after Labor Day. It was suggested the third week in May and the third week in September be consistently used for clean up dates. He also expressed that these dates have to be advertised better, and noted that flyers had been

mailed to the property owners in the past. Mr. McCulloch also noted that the town does not accept televisions or computers as the county sponsors a hazard drop off. We also don't accept tires.

The highway department has been mowing roadsides and patching. He also informed the board that after some research and review of regulations on the use of a gradeall on the roads, he has decided not to pursue one for the town. He would like the board to consider allowing him to purchase a new brush chipper with the funds set aside for the gradeall. He will be looking into the cost of one.

The bid prices were received by the board, Mr. McCulloch, and Ross Parks for the Town Line Road project. It was noted that the bid submitted by Robert Helstrom may not be considered as he didn't have a bond. Jason McCormick will review all bids submitted.

It was reported that the Municipal Agreement for the Town Line Road project was signed Monday, June 4 by Ed Barto and will be mailed from the Town of Fayette's attorney Stephen Ricci to John Sipos.

Seneca Lake Water: Mr. Nicholson reported that he has most of the water turn-ons completed. He has found 5 broken curb stops. He has a customer that wants to "T" into her original tap and have the water run to her home and garage which are currently all one tax map number. The question came up if the property were ever split where the meter would be and how the shut off would be addressed. It was also noted that she would be charged for two units. It was suggested that Mr. Nicholson and Mr. Case look into this and bring a recommendation back to the board.

Mr. Nicholson will start recycling all the valves and expressed his concern over the bolts. It was noted that the bolts that Kennedy sent were too long and Kennedy will send the correct ones. A discussion took place as to when these bolts are to be replaced. It was noted that it would be more costly to replace the bolts after they have blown. Mrs. Teichner indicated that Mr. Nicholson is to repair ones that he finds are blown when he is flushing the hydrants along with the one Kennedy found when they used the listening device and then go back and start replacing the rest of the bolts. She also reported she had one of the bolts tested in Syracuse at Material Handling Technology. They reported that they do a lot of business and in 2000-2001 Kennedy switched to stainless steel bolts and they suggested that she contact John Chalk in the marketing department at Kennedy. Mrs. Teichner reported that John Chalk informed her that in the past Kennedy has helped pay for some of the cost of replacing these carbon bolts. Mr. Peterson recommended that the town put a bid out as they need to be replaced anyway and hope that Kennedy will pay for this. Mr. Karlsen said Kennedy needed to be contacted and get a commitment from them. Mr. Nicholson is to contact Kennedy when he is ready to replace the bolts so that they can be there.

A motion by Mr. Peterson seconded by Jeff Case and so carried unanimously to go out for bid for the replacement of bolts on 50 hydrants, with the town supplying the bolts.

Mr. Case will write up the specs and get them to Kathy so she can advertise.

Mr. Nicholson questioned if the contractors who bid this project would need to be a certified water distributor. Mr. Sipos believed that the contractor, if not a certified water distributor, would have to work under someone who is certified and this cost would have to be added to the project.

Varick Sewer District No. 2: Mr. Nicholson has the plug installed for the generator and it is up and running quietly. Mr. Nicholson will now train Curt and Jeff on its operation.

Mr. Nicholson reported that his insurance company has no problem with him marking and performing the digging for Dig Safely, however, they will not cover him if another contractor is doing the digging. Mr. Nicholson also reported that the maps that indicate where the lines are located are not very accurate. It was noted that John Zugec was an employee of the town when he was marking for Dig Safely and he was covered under the town's insurance. It was suggested that Mr. Nicholson be hired to complete the Dig Safely requests at his water rate per hour. There is no additional insurance cost to the town to cover Mr. Nicholson, but as an employee he would be entitled to state retirement and the town would have to pay taxes on him. Mr. McCulloch also suggested that Jack Holley could be called as he already is covered under the Town of Romulus as a back up to Mr. Nicholson.

A motion by Jeff Case, seconded by Curt Karlsen and so carried unanimously to appoint Mr. Nicholson as the Dig Safely Officer and that Mr. Nicholson will be recognized under the town's insurance policy for any liability.

The sewer repair done at the Parker residence has been completed and the lawn seeded.

Mr. Case reported that Bruce Difederico approved the placement of the bioxide system on his property, but wanted to check with his neighbors as well. It was also suggested that the fans run when the pumps are not and a smaller storage tank can be purchased to be placed on Difederico's property if needed. Mr. Karlsen also noted that the Mormons must be required to flush water down their sewer lines.

A motion by Curt Karlsen, seconded by Joan Teichner and so carried to have Nelson Scott mow the lawn at the Seneca Lake Water District building.

Mr. Nicholson was directed by the board to order 6 caps for the sewer district. It was noted that stainless steel bands are also need to do repairs.

Personnel Report: Mrs. Russo reported that Mike Kaufman is the director of the Summer Recreation Program and they have three people to consider for the assistant's position and between 14 to 16 student applications that have been approved by the county to be reviewed by Mike Kaufman and herself. No decision on how many students will be hired until Barb Quinn gets a number to them as to how many children have registered.

Assessor's Report: The town is now at 100% assessment and the Assessment Board of Review heard 22 complaints.

Town Clerk's Report: Total Revenue to the Supervisor is \$260.01, County Treasurer is \$15.27, Department of Conservation, \$4.72 for a total disbursement of \$280.00.

A motion by Richard Peterson, seconded by Kathy Russo and so carried unanimously to approve the Town Clerk's Report.

A motion by Jeff Case, seconded by Curt Karlsen and so carried unanimously to approve abstract 5, General, Vouchers 07-62 to 07-07-76 in the amount of \$2,837.27, Highway, Vouchers 07-26 to 07-37 in the amount of \$4,895.96, Seneca Lake Water, Vouchers 07-21 to 07-29 in the amount of \$23,356.73 and Varick Sewer District No. 2, Vouchers 07-16 to 07-18 in the amount of \$515.15.

A motion by Jeff Case, seconded by Curt Karlsen and so carried unanimously to approve payment of the following bills from the Varick Sewer District No. 2 Capital Account:

Siewert Equipment	\$ 257.91
Nicholson Trucking	\$1,995.00
Siewert Equipment	\$ 262.11

A motion by Jeff Case, seconded by Curt Karlsen and so carried to approve the minutes of May 1, 2007 with Mr. Peterson's request that Mrs. Teichner calling him out of order during the May 1 meeting be added.

Roll Call:

Curt Karlsen	Yes
Richard Peterson	Yes
Jeff Case	Yes
Kathy Russo	No
Joan Teichner	No

Mrs. Teichner stated that Jim Bromka was over qualified to oversee any work completed by Mr. Nicholson. It was agreed that Jim Bromka is very qualified and is still capable to oversee Mr. Nicholson. Mr. Karlsen reported that the Village of Waterloo still has an agreement with the Town of Varick to perform such services.

Communications: Mrs. Teichner reported that she received a franchise check from Time Warner and a Mortgage Tax Reserve from the county in the amount of \$14,205 for the period of October 2006 to March 2007. She mentioned the web site for the Canal Corporation of www.nyscanals.gov/tas/. Mr. Karlsen questioned if the town had received their check from the Town of Fayette for their unit charges assessed by Seneca Lake Water District. Mrs. Teichner reported that it has been billed and is coming and she felt they were waiting for the mutual agreement.

Mrs. Teichner presented a resolution from the Tobacco Action Coalition of the Finger Lakes. It is asking that the Town of Varick not accept cash contribution, sponsorships or in-kind donations from any tobacco company, or entity whose purpose is to promote tobacco interests.

Mr. Case questioned if the town was accepting any money from the tobacco companies listed. It was determined that the town is not.

A motion by Richard Peterson, seconded by Jeff Case and so carried to adopt the policy as presented by the Tobacco Action Coalition of the Finger Lakes (TACFL).

A copy of this policy will be filed with these minutes.

Mrs. Teichner asked the board to make a motion to make June 15th World Elder Abuse Awareness Day. The county has endorsed this.

A motion by Jeff Case, seconded by Richard Peterson and so carried to adopt June 15th World Elder Abuse Awareness Day in the Town of Varick.

A motion by Jeff Case, seconded by Curt Karlsen and so carried to hold a special meeting for awarding the bids for the Town Line Road Project and any other business that comes before the board June 12th at 8:45 a.m. at the Varick Town Hall.

New Business: There is an informational meeting on the proposed Cayuga Settlement on Wednesday, June 6. There is also a public hearing regarding Finger Lakes Technologies Group on Friday June 8.

Old Business: Mrs. Teichner handed out a sample of a Code of Ethics from the Association of Towns. She handed out the Town of Varick's Code of Ethics which was designed on March 5, 1991. Mr. Sipos clarified that the Board of Ethics was a 5 member

board, which is a hearing board to listen to reviews and complaints, not to modify the Code of Ethics set by the Town Board. This board would make any recommendations back to the town board pertaining to an individuals code of ethics. This board is appointed by the Supervisor. Mrs. Teichner will ask in her newsletter if anyone would be interested in sitting on the Board of Ethics. The board can also review the current Code of Ethics that are in place. At his request, Peter McDonald received a copy of the Town's adopted Code of Ethics.

A motion by Kathy Russo, seconded by Richard Peterson and so carried to adjourn the meeting at 8:55 p.m.

Respectfully Submitted,

Donna Karlsen
Varick Town Clerk