

December 2, 2008

The regular meeting of the Varick Town Board was called to order by Supervisor Robert Hayssen at 7:00 p.m. Present were Council members John Saeli, Richard Peterson, and Kathy Russo, Town Attorney, John Sipos, Town Clerk, Donna Karlsen, Bookkeeper, Carol Sipos and Finger Lakes Time reporter, Paulette Likoudis.

**Privilege of the Floor:** None.

**2006/2007 Audit:** Mr. Hayssen reported that Bonadio was continuing to work on the 2007 audit and hopes to have it done by the end of this year. Mrs. Sipos reported that she emailed the 2007 water and sewer entry adjustments on December 1 and the computer program is unable to provide to Bonadio an accurate 2007 trial balance resulting from the incorrect postings that were done during that year. Carol has agreed to work on the revenue accounts, but Bonadio will be responsible for the expense accounts. She reported that she has worked approximately 31 hours to date on these accounts and there is still a lot of work that needs to be completed.

The board determined that Mrs. Sipos should receive the same rate of pay that Deb Reed received in her effort to rectify the 2006 books, which was determined to be \$15 per hour.

A motion by Richard Peterson, seconded by John Saeli and so carried unanimously to pay Mrs. Sipos \$15 per hour for extra work done in order to complete the 2006/2007 audits.

Mrs. Karlsen reported that the Town has paid Bonadio \$14,500 to date for work done on the 2006/2007 audits. Their contractual agreement with the town quoted figures of \$7,350 and \$8,150 respectfully for these audits; totaling \$15,500. Bonadio has submitted additional billing in the amount of \$4,000 which has not been approved by the board to be paid as of this date.

Mrs. Sipos reported that as the result of the audits not being completed, she is unable to complete the 2006/2007 AUD report and the cost for completing this work is budgeted in the 2008 budget.

A motion by John Saeli, seconded by Richard Peterson and so carried unanimously to have Mrs. Sipos submit a voucher for completion of the 2006/2007 AUD reports prior to the end of 2008 budget year.

**Seneca Lake Water District:** Mr. Sipos provided a copy of a letter he wrote to Terry Brown, PE of O'Brien & Gere regarding engineering work they are performing on the Town of Varick waterline, without the consent of the Town. It also noted that it is unclear to the Town who has retained their firm, whether it might be the Town of Romulus or Seneca County Water District No. 1. and that the actions proposed by their agents could jeopardize the integrity of the town's system and this concern is shared by the Village of Waterloo who is this district's supplier of water. It was determined that it would have

been up to O'Brien & Gere to forward this letter to those agents who they are working for.

Mr. Sipos was first told by O'Brien & Gere that no work was being completed on the line, but when questioned further stated that some work was being done and Gary Cannerelli, the engineer on the project was to contact him. He has heard nothing from Mr. Cannerelli to this date. Mr. Sipos will send a letter to Homeland Security informing them of the potential jeopardy to the integrity of the town's water system and a carbon copy to O'Brien & Gere. Mr. Hayssen also reported that he has had no correspondence with O'Brien & Gere and will continue looking into this matter. Mr. Hayssen also reported that he is still working on the Kennedy Road meter issue.

Mrs. Sipos reported that she, at the direction of the board, sent a letter to the owner of the two out of district parcels whose unit charges for water were delinquent and gave them till November 21<sup>st</sup> to pay. She did not receive payment and asked for further direction from the board.

The board discussed shutting off the water to these two parcels or adding these delinquent amounts to their Town of Romulus 2009 town and county tax bill for collection.

A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to assesses the delinquent unit charges to the Town of Romulus residents 2009 town and county tax bills.

Mrs. Sipos will check with the county to see if this is possible.

Mr. Saeli also suggested that the water truck that isn't currently being used could be sold through a bid process. It was decided to hold on to the truck a little longer until the board is sure John Yells is willing to continue in his position.

**Varick Sewer District No. 2:** Mr. Hayssen is still working on the rate for treatment of sewage for this district and contends that according to the contract signed with Seneca County, the rate should be \$30 per quarter. Further discussion and review of this agreement prompted the board to direct Mr. Hayssen to forward the following resolution to Seneca County Sewer & Water District:

WHEREAS, an Agreement for Sewage Treatment Collection, and Transmission Facility was made the 4<sup>th</sup> day of March 2003 by and between Seneca County Sewer District No. 1 & Seneca County Sewer District No. 2, special purpose districts located in Seneca County, New York and the Town of Varick Sewer District No. 2 located in the Town of Varick, County of Seneca; and

WHEREAS, this Agreement states that the cost per unit to be paid by the Town, within the Town, shall be the same as the other users in Seneca County Sewer District No. 2; be it

RESOLVED, that Varick Sewer District No. 2 must be charged at the same unit rate as other users in Seneca County Sewer District No. 2; and be it

FURTHER RESOLVED, that the Seneca County Sewer District No. 2 shall refund to Varick Sewer District No. 2 all monies over paid resulting from incorrect billings; and be it

FURTHER RESOLVED, that Supervisor Hayssen is to forward this resolution to Seneca County Sewer District No. 2.

Motion: Kathy Russo  
Seconded: Richard Peterson  
So Carried Unanimously  
Dated: December 2, 2008

Mr. Hayssen is also questioning the connections that were made to Varick Sewer District No. 2 transmission line as the result of a request by Aspen Square Management for the former Officer's Club and private residences in that area and who gave them permission to make these connections. He is also questioning as to why, once these connections were made, they weren't assessed and billed a unit charge by Varick Sewer District No. 2 as all other out of district users are. Mr. Hayssen has FOILED for information pertaining to this issue and was informed through an email from Dave Kaiser that his FOIL as well as his email correspondence has been forwarded to Jim Gabriel for a response.

A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously to request from Seneca County Sewer District No. 2 the names and addresses of the properties south of Kennedy Road who are connected to Varick Sewer District No. 2 transmission line and to request the names and addresses from Seneca County Water District No. 1 of the three properties connected to Seneca Lake Water main.

**Varick Water District No. 3 (Fayette/Varick Water District):** Mr. Hayssen presented to the board the Addendum to Feasibility Study and Engineer's Report for the Hamlet of Fayette Water Improvement Project date September 27, 2008 prepared by Jason McCormick, Seneca County Engineering Department. The report indicated that the total project cost would be \$3,172,400 with grant funds amounting to \$1,680,000 leaving a capital cost of \$1,492,400. Mr. McCormick estimated the first year estimated payment would be \$722 per unit. The board reviewed the district boundaries and questioned the exclusion of approximately five properties that should have been added which Mr. Hayssen will address with the Town of Fayette.

Mr. Ricci sent Mr. Sipos an Order to be adopted by the Town Board calling for a public hearing on the establishment of Varick Water District No. 3 with an Affidavit of Posting and Certification provided by Orrick, Herrington & Sutcliffe, LLP.

A motion by John Saeli, seconded by Richard Peterson and so carried unanimously to hold a public hearing in the matter of the establishment of Water District No. 3 in the

Town of Varick, Seneca County, New York on December 15, 2008 at 7:00 p.m. at the Varick Town Hall.

A copy of this order will be filed with these minutes in its entirety.

**Varick Water District No. 4 (Route 89 Water District):** Mr. Hayssen reported that he received an email from Municipal Solution, Inc., Jeff Smith and Mary Chappel informing them of a potential economic stimulus funding initiative. They recommended that the town look at projects that could be ready for construction during the next six to nine months period. Once the list has been developed, they recommended that the town write to our Senators and Assemblymen and let them know that the town has specific projects identified and planned that could be implemented quickly should an economic stimulus package become available this year. They suggested strongly that in this letter the town stress the projects are “shovel ready” and attach a budget for each project to the request. They sent a sample letter the town could use.

It was noted that Seneca County Engineering Department, Jason McCormick, should be doing the work required for this project, however, it was expressed that his duties are widespread, which limits his availability. Mr. Hayssen has spoken to Tim Buhl who is available to complete the needed work on this project at an estimated cost of \$4,000 and suggested the board hire him to do so. Mr. Hayssen also noted that there will be a meeting held December 16th at 10:30 a.m. with Municipal Solutions and all interested parties who wish to attend regarding this district.

A motion by Richard Peterson, seconded by John Saeli and so carried unanimously to hire Tim Buhl as engineer on the Route 89 water project.

A motion by John Saeli, seconded by Richard Peterson and so carried unanimously to hire John Sipos as project attorney on the Route 89 water project.

A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to name the Town of Varick as lead agency on the Route 89 water project.

Mr. Peterson noted that he did not want the Hamlet of Fayette water project to be overlooked and Route 89 get water first as Fayette residents need the water worse. Mr. Hayssen noted that the engineer on the Fayette project also received Municipal Consultants letter and they should also be submitting a letter for stimulus funding.

It was also noted that a County wide water meeting was scheduled for December 4.

**Town Clerk:** A motion by Richard Peterson, seconded by John Saeli and so carried to approve the Town Clerk’s report; Revenue to Supervisor, \$81.02, County Treasurer, \$21.25, State Ag & Markets, \$12.00, State health Dept., \$45.00, Department of Conservation: \$122.83, Total disbursed, \$282.00.

**Supervisor's Report:** A motion by Richard Peterson, seconded by John Saeli and so carried unanimously to accept the written Supervisor's Report.

Mr. Hayssen provided information regarding Heat Smart New York.

A motion by Richard Peterson, seconded by Robert Hayssen and so carried to approve the minutes of November 5, 2008.

Roll Call:

Robert Hayssen	Yes
Richard Peterson	Yes
Kathy Russo	Yes
John Saeli	Abstained
So Carried	

A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously to approve Abstract No. 12, General, Vouchers A008-153 to A008-176 in the amount of \$\$3,094.51, Highway, Vouchers 08-85 to 08-87 in the amount of \$\$455.19, Varick Sewer District No. 2, Voucher SSS08-32 in the amount of \$45.36, Seneca Lake Water District, Vouchers SWS08-14 to SWS08-165 in the amount of \$18,516.94.

**Correspondence:** Mr. Sipos reported that a group was circulating a petition to keep the double no passing lines on East Lake Road and he expressed concern over safety of bicyclists, walkers/runners and slow moving vehicles and farm equipment. It was recommended to contact a State agency as to what procedure should be followed for marking a road and contact the County to do a study.

A motion by John Saeli, seconded by Richard Peterson and so carried unanimously that prior to remarking East Lake Road it is recommended that a safety study be done and the Town Board be informed of future markings prior to the work being completed.

**Old Business:** Mrs. Sipos reported that the Zoning Officer still needs to submit W-4 information and be certified by the County.

**New Business:** A motion by Kathy Russo, seconded by Richard Peterson and so carried to approve the Snowplowing Agreement Between Romulus Central School and Town of Varick.

A motion by Richard Peterson, seconded by John Saeli and so carried unanimously to hold a special year end meeting to approve abstract for 2008 outstanding bills on December 31, 2008 at 10:00 a.m.

A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to send a letter of commendation to those involved in the confiscation of cigarettes from the tribal nations located in Seneca and Cayuga counties.

A motion by Richard Peterson, seconded by Kathy Russo and so carried to adjourn the meeting at 9:00 p.m.

Respectfully Submitted

Donna Karlsen  
Town Clerk