

Varick Town Board
September 6, 2010

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 Richard Peterson, Peter McDonald, John Saeli, Town Clerk, Donna Karlsen, Town Attorney, John Sipos, and Bookkeeper, Carol Sipos. Also present were David Moore, Debby Ditzell and Nelson Lerch.

Privilege of the Floor: Mr. Moore requested the rules and regulations for Water District No. 3. Mr. Hayssen reported that the proposed rules and regulations were discussed with the Town of Fayette and will be presented to the Town of Fayette board for their approval at their September board meeting. These regulations are basically the same as the ones currently being followed by Seneca Lake Water District. It was agreed to let the Town of Fayette board review these prior to the Town of Varick's final adoption as the Town of Fayette wanted to compare these proposed regulations to their water regulations that they are currently using for other water districts in their town. The Town of Varick will put these regulations up for approval at their October meeting. It was also reported that no one will be allowed to connect to the line until pressure testing of the entire line is complete. They did discuss possible inspectors for the project, but no one has been hired for this position as of this date. The contact person for Syracuse Constructors has changed and is now Bob Murphy.

Debby Ditzell questioned the EDU charge for Long Meadow Trailer Park. Mr. Hayssen indicated that it would be one (1) unit for a house and a half (1/2) unit for every add on. It was suggested that a tap in fee of \$75 would be charged and the operation and maintenance fee and cost per gallon of water are still under discussion.

Varick Sewer District No. 1: It was reported that the units for this district was lowered from 85.75 units last year to 80.75 units this year. Mrs. Morgan will be contacted to find out why the units were decreased.

The board also needs to find out how the units are assessed to the school and what figures are being used.

Mr. Hayssen discussed the following rate differences, which Frank Fisher is said to be investigating:

- \$22.50 per house for sewer treatment
- \$30.00 Seneca Meadows for sewer treatment
- \$45 Seneca Lake Sewer Treatment

Varick Sewer District No. 2: Mr. Hayssen requested Frank Fisher to provide the resolution from the Town of Varick allowing hookup and the applications submitted for said hook ups. He has to date not received this information.

Wendy Marsh submitted a FOIL request to Frank Fisher, Seneca County Attorney with a list of items to be made available for inspection and possible copying. Ms. Margaret Li responded with

a letter estimating the cost of complying with Wendy's request for copies as amounting to \$1,204. Wendy Marsh responded to Ms. Li's letter in writing by stating that she specifically asked for the requested documents be made available for "inspection and possible copying" and that she be contacted when the documents had been gathered to "either schedule a time for a document review or to arrange for photocopying of the records." In Wendy Marsh's letter she cited the Public Officers Law indicating where there should be no costs associated with her inspection of the requested documents for potential photocopying and asked that she be contacted to schedule a time when she can review the documents she requested. She hasn't heard back from Ms. Li as of this date.

Mr. Hayssen sent Wendy a copy of an email from Frank Fisher responding to an article which appeared in the Finger Lakes Times on September 2, 2010 regarding the letter sent to the County from Varick Sewer District No. 2 Administrator Tim Buhl. Wendy indicated in her email back to Mr. Hayssen that it was clear that Frank Fisher did not understand that the letter sent by Tim Buhl was the start of an Administrative Proceeding under the Varick Sewer Use Law. She indicated that the next step will be for Buhl to send an administrative order, order to cease & desist, as well as an order to pay a penalty pursuant to the Sewer Use Law. She further outlined the subsequent steps Mr. Buhl should proceed with.

A motion by Peter McDonald, seconded by John Saeli and so carried unanimously to have Wendy Marsh and Tim Buhl proceed with the Administrative proceedings under the Sewer Use Law and to have Wendy Marsh pursue the FOIL request.

Seneca Lake Water District: Jim Bromka dropped off two different pole markers for the fire hydrants along with attachable marking flags. In a written report from Ben Karlsen he indicted that some of the cap bolts on the hydrants are very rusted and/or missing and the hydrants should be renumbered.

A motion by Peter McDonald, seconded by John Saeli and so carried unanimously to purchase pole markers that Varick Fire Department recommend and have Ben Karlsen install the markers, renumber the hydrants and replace the cap bolts where needed.

Varick Water District No. 1: A bill was sent by Seneca County Water and Sewer District in the amount of \$7,079.35 for water consumption from April 12, 2010 to July 15, 2010. Concern was expressed over the water loss of 1,431,300 gallons which according to the county is being investigated by Water Maintenance Supervisor Butch Carroll. It was determined that this district was responsible for payment of 44.7% or 639,791 gallons of water loss. The board chose to withhold payment on this bill until a meeting can be held with the Town of Romulus and Butch Carroll to see if the water loss issue can be resolved.

A discussion took place regarding how the fire departments unmetered water use may be contributing to the loss factor and how the board should approach this issue. The board also discussed other possible water loss areas in the Romulus and Varick Districts.

It was noted that the Varick lines are aging and future replacement should be considered.

Varick Water District No. 3: It was noted that there was a flow of water on Route 336, under the culvert at Secor Road that should be looked at for a possible leak. It was also reported that the master meter is located at Hillside but there hasn't been any electric connected until recently, so water used prior to this has been estimated.

A discussion took place regarding hiring a water line inspector on this project. It was previously suggested at the workshop with Fayette that a part time employee at the county may be interested and Mr. Peterson suggested hiring Ben Karlsen for this position as well. It was noted that the cost of this inspection would be covered by the proposed \$75 charge. Mr. Peterson would like to see someone hired so that when connections can begin, there is someone in place to do them. The decision on this was tabled until after the Fayette monthly meeting.

Mr. Hayssen signed the paperwork for Syracuse Constructors payment No. 4 and the change order paper work which was approved at the last contractor's meeting.

Varick Water District No. 4: Mr. Hayssen received another bill from Tim Buhl for a few items he completed for this district. This bill will be held until next month.

Mr. Hayssen received a letter from Rural Development which provided figures as to where this project ranks and noted it may be some time before funding is available.

Mr. Hayssen sent a letter to Congressman Arcuri indicating his hope that we would receive funding for the Route 89 water project before he pushed for 50 billion dollars for railroads and runways. Peter Scalise from Congressman Arcuri's office responded that they are still working on this and won't let it die.

Varick/Romulus Summer Recreation Program: A discussion took place regarding the mileage Mrs. Russo instructed the director to submit for driving back and forth to the school. A calendar of Summer Recreation events was also submitted for the board's review. Mrs. Russo is to get the break down of students from Varick who attended in 2010.

Town Clerk's Report: Revenue to Supervisor: 286.34, County Treasurer: \$59.92, State Ag & Markets: \$60.00, Department of Conservation: \$552.74, Total Dispersed: \$959.00

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

Mrs. Karlsen stated that the Department of Agriculture and Markets as of January 1, 2011 will no longer be responsible for mailing and maintaining dog licensing. Municipalities will be required to take over this function. Mr. Sipos reported that Ag & Markets is preparing a model law for the towns/counties to review and revise as needed and then to adopt. This new licensing requirement will be an added expense to the township which will need to be considered for the 2011 budget.

Mrs. Karlsen reported that she will be purchasing an updated Town Clerk's program which was approved by the board and budgeted for this year. This program will also be capable of doing the

new dog licensing if required. The total cost of the BAS program she is looking at is: Clerk Licensing System \$400, Installation, Support & Training: \$280, Annual Software Support & Maintenance Fee: \$300 for a total cost of \$980.

Supervisor' Report: The 2011 Tentative Budget is being prepared and will be presented to the clerk at the end of the month.

A motion by Richard Peterson, seconded by Peter McDonald and so carried unanimously to approve the Supervisor's Report.

WHEREAS, the Town of Varick has formed a water district, namely Varick Water District No 4, and

WHEREAS, there were bills that had been incurred in the process of the preparation work that needed to be paid, and

WHEREAS, the Seneca Lake Water District had funds that could be loaned to the Varick Water District No. 4, and

WHEREAS, once the district receives funding, this money will be paid back to the Seneca Lake Water District, and

WHEREAS, if the water district does not receive funding, the money borrowed will be repaid to the Seneca Lake Water District out of the General Fund excess money, and

WHEREAS, the Town of Varick has been notified that there is not money available for funding for the year 2010,

NOW, THEREFORE, BE IT RESOLVED, that the Seneca Lake Water District loan to Varick Water District No. 4 in the amount of \$60,000.00 be repaid to the Seneca Lake Water District by the General Fund, and

BE IT FURTHER RESOLVED, if Varick Water District No. 4 receives funding to proceed with the project in the future, the money will be paid back to the General Fund with interest at the rate of .15% annually.

Dated: September 7, 2010

Motion by: John Saeli

Seconded by: Richard Peterson

So Carried Unanimously

Mrs. Sipos reported that the Verizon phone bills have been going up and she looked into Time Warner and FLTG. She noted that the cost from Time Warner with taxes and fees would be approximately \$60 per month. It was suggested that the Supervisor contact Time Warner for better pricing as they have their Franchise through the town.

Mrs. Sipos also reported she researched the higher CD interest rate Mr. Saeli gave her last month. She was told by the banks that these rates are to entice new business. They also indicated to her that these rates wouldn't be available to Municipalities because the funds are frequently accessed.

Planning Board: The Planning Board emailed the revisions made to the Zoning Code, however, Mr. Sipos never received his email, and was subsequently given a hard copy which he will

review and report on the changes at the next meeting. He did report that these changes have to be approved by the County Planning Board.

Minutes: Mr. Saeli questioned the name of the road due to have work done on it and the percentage on the assessed evaluation. This information will be researched and corrected as needed. He also clarified the purpose of mentioning the date and time of the Upstate Citizens for Equality meetings was to invite the board members to attend.

A motion by Richard Peterson seconded by John Saeli and so carried unanimously to approve the minutes of August 3, 2010 with corrections.

A motion by John Saeli, seconded by Peter McDonald and so carried to approve Abstract No. 8, General, Vouchers A0010-227 to A0010-234 in the amount of \$933.24, Varick Sewer District No. 2, Vouchers SSS10-19 to SSS10-20 in the amount of \$2,682.81, Seneca Lake Water District, Vouchers SWS10-48 to SWS10-54 in the amount of \$28,196.90, Highway, Vouchers DAO10-59 to DAO10-67 in the amount of \$12,076.60, Varick Sewer District No. 1, Voucher VS110-2 in the amount of \$1,929.38.

A motion by John Saeli, seconded by Peter McDonald and so carried unanimously to approve payment of the following bills for Varick Water District No. 3:

Syracuse Constructors, Payment No. 4 \$336,628.15.

New Business, Old Business & Correspondence:

Mrs. Karlsen will contact the Zoning Board Chair asking him and his board for their recommendation for replacement of Mr. Sherman.

Jeff Case, on behalf of the Varick Fire Department requested use again of the Seneca Lake Water District's generator for the Dog Show at Sampson to be held the end of September. Concern was raised if the board was setting a precedent for other entities to request use of the generator and it was decided to consider each request as it presents itself.

A motion by Richard Peterson, seconded by Peter McDonald and so carried unanimously to approve the use of the generator by Varick Fire Department during the dog show at Sampson State Park.

Mr. Sipos suggested the installation of a walking path along East Lake Road, which would need to be addressed to the County as this is a County road.

Carl F. Ford from the State Department of Transportation responded in writing to the town's and Mr. Nozzolio's letter requesting the lowering of the speed limit and no passing zone on Route 96 in the Hamlet of Romulus. It was felt by the Department that the 35MPH speed limit and the pavement markings through the Hamlet are appropriate at this time.

Mr. Ford also responded to the town's and Senator Nozzolio's request to lower the speed limit on Route 89 between Dean's Cover and Ernsberger Road. The Department felt that the appropriate speed limit is the existing State Speed Limit of 55MPH but was willing to assemble a driveway warning sign for Goose Watch Winery.

No action was taken regarding a fax from the Town of Baker requesting the Town of Varick give consideration to join them in urging the approval of horizontal gas drilling in New York.

A motion by Peter McDonald, seconded by John Saeli, and so carried unanimously to adjourn the meeting at 10:15 p.m.